



## **Planning Committee Agenda**

**Wyre Borough Council**  
**Date of Publication: 23 March 2018**  
**Please ask for : Carole Leary**  
**Democratic Services Officer**  
**Tel: 01253 887444**

**Planning Committee meeting on Wednesday, 4 April 2018 at 2.00 pm  
in the Council Chamber, Civic Centre, Poulton-le-Fylde**

**1. Apologies for Absence**

**2. Declarations of Interest**

Members will disclose any pecuniary and any other significant interests they may have in relation to the matters under consideration.

**3. Confirmation of Minutes**

To confirm as a correct record the minutes of the meeting of the Planning Committee held on Wednesday 7 March 2018 (already circulated by email).

**4. Appeals**

(Pages 1 - 62)

Schedule of Appeals lodged and decided between 15 February 2018 – 15 March 2018.

**5. Planning Applications**

(Pages 63 -  
126)

Background Papers:

In preparing the following reports on this agenda the following documents have been used:

1. The Wyre Borough Local Plan (1999)
2. Wyre Borough Core Strategy Preferred Options document (March 2012)
3. Wyre Local Plan Issues and Options (June 2015)
4. Submission draft – emerging Wyre Borough Local Plan 2011-2031
5. Joint Lancashire Minerals and Waste Local Plan
6. Statements of Government Policy/advice (NPPF, NPPG, Circulars etc.)
7. Supplementary Planning Documents and evidence base documents specifically referred to in the reports

8. The application file (as per the number at the head of each report)
9. The forms, plans, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports
10. Any additional information specifically referred to in each report.

These Background Documents are available either on line, or for inspection by request at Planning Services, Civic Centre, Breck Road, Poulton-le-Fylde, FY6 7PU

- (a) Schedule of applications to be considered
- (b) Reports of the Head of Planning Services:-

- Item 01, Outline application for up to 11 new residential dwellings with access applied for off Cart Gate (all other matters reserved) - Springfield Cottage Farm, Cart Gate, Preesall, Poulton-le-Fylde, Lancashire, FY6 0NP - 17/00933/OUTMAJ
- Item 02, Retrospective change of use of agricultural land to sports field/rugby pitch (Use Class D2) (between 1st September to 30th April) - Garstang Show Field, Wyre Lane, Garstang, Lancashire - 18/00088/FUL
- Item 03, Land Off Ormerod Street, Thornton Cleveleys, Lancashire, FY5 4HU - Erection of 17 houses and associated works (Re-sub 16/00514/FULMAJ)

6. **Wyre Borough Council Tree Preservation Order No 3 of 2018 - Land to the North East of the Woodlands, Manor Mews, Poulton le Fylde, Lancashire**

(Pages 127 - 154)

Report of the Service Director People and Places

**PLEASE NOTE:**

**Transport for the members will leave the Civic Centre for the Four Site Visits at 10am.**

## APPEALS LODGED AND DECIDED

### Appeals Lodged between – 15 February – 15 March 2018

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
17/00091/FUL	St Thomas Church Hall Church Street Garstang Lancashire PR3 1PA	Erection of one additional dwelling following demolition of existing outbuilding to former church hall and proposed alterations to car parking layout	Delegated	Written Representations	12 March 2018
17/00396/OUT	Land Rear Of Chequers And Wyresdale Smallwood Hey Road Pilling Preston Lancashire PR3 6HJ	Outline application for the erection of one detached dwelling (all matters reserved)	Delegated	Written Representations	12 March 2018

### Appeals Decided between –15 February – 15 March 2018

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
16/00650/OUTMAJ	Land East Of Copp Lane Great Eccleston	Outline application for the erection of up to 93 dwellings and up to 850sq m of D1 use (non-residential institution) with associated car parking, open space and landscaping (all matters reserved)	Committee	Allow	01 March 2018
17/00120/FUL	115 Carr Head Lane Poulton-Le-Fylde Lancashire FY6 8EG	Proposal for 2 no. additional plots - plot numbers 102 & 103 including change of alignment and position of the turning head at the end of the adoptable highway	Non determination	Allow	20 February 2018

14/00607/DIS2	Land Off Carr Head Lane Poulton-Le-Fylde Lancashire FY6 8EG	Discharge of conditions 5 (Crime report), Condition 6 (Affordable Housing Layout), Condition 8 (Drainage Layout), Condition 9 (Drainage Layout), Condition 13 (Tree Protection Plan), Condition 16 (Desk Study), Condition 17 (Construction Environment Management Plan), Condition 19 (Site access), Condition 21 (Landscape Management Plan), Condition 22 (Traffic Management) on planning application 14/00607/OUTMAJ.	Delegated	Allow	20 February 2018
16/01093/FUL	Bowses Hill Stud Neds Lane Stalmine-With-Staynall Lancashire	Retrospective application for the change of use of land for the siting of one residential caravan (for the occupation of one gypsy traveller family) and two touring caravans for leisure/cultural use	Delegated	Allow	20 February 2018
16/00978/OUTMAJ	Land South Of Rosslyn Ave Preesall Lancashire FY6 0HE	Outline application for the erection of up to 70 No dwellings, with associated access (all other matters reserved).	Delegated	Dismissed	26 February 2018
17/00807/FUL	7 Knowsley Gate Fleetwood Lancashire FY7 8AN	Proposed first floor side extension	Delegated	Dismissed	27 February 2018



---

## Appeal Decision

Inquiry Held on 12, 13 and 14 December 2017

Site visit made on 15 December 2017

**by Karen L Ridge LLB (Hons) MTPL Solicitor**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 1 March 2018**

---

**Appeal Ref: APP/U2370/W/17/3179744**

**Land east of Copp Lane, Great Ecclestone, Lancashire PR3**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Metacre Limited against the decision of Wyre Borough Council.
  - The application Reference: 16/00650/OUTMAJ, dated 19 July 2016, was refused by notice dated 4 May 2017.
  - The development proposed is a residential development of up to 93 dwelling-houses and an area of land reserved for D1 uses, comprising the erection of a single storey building of between 750-850 square metres of D1 floorspace, with associated car parking, open space and landscaping.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a residential development of up to 93 dwelling-houses and an area of land reserved for D1 uses, comprising the erection of a single storey building of up to 850 square metres of D1 floorspace, with associated car parking, open space and landscaping on land east of Copp Lane, Great Ecclestone in accordance with the terms of the application, Reference: 16/00650/OUTMAJ, dated 19 July 2016, and the plans submitted with it, subject to the conditions in the annex at the end at this decision.

### Procedural Matters

2. The planning application which led to this appeal was made in outline form with all matters reserved for future consideration. The submission contained a proposed illustrative site layout plan and a parameters plan<sup>1</sup>. These plans were indicative only, with the parameters plan setting upper limits for the proposed development.
3. The description of development in the banner heading is taken from the application form. As agreed with the parties I have amended it in my decision paragraph to refer to '*up to 850 square metres of D1 floorspace*' rather than between 750 and 850 square metres of such floorspace. This change restricts the upper limits of development whilst retaining flexibility with no lower limit. I am satisfied that such an amendment would not prejudice the interests of any interested party. It was fully discussed and agreed upon at the Inquiry.

---

<sup>1</sup> Illustrative site layout 14.1032P(00)211 and proposed parameters plan 14.1032P(00)210 Revision A.

4. A local resident's group, the Great Eccleston Action Group (GEAG), applied for and was granted Rule 6<sup>2</sup> party status in the Inquiry.
5. The Council refused planning permission citing two reasons for refusal on its Decision Notice. The first reason related to the location of the development outside the settlement boundary and its visual impact upon the open countryside. The second reason related to highway safety concerns. The first reason for refusal was withdrawn early in the appeal proceedings when the Council served its Statement of Case. Later on in these proceedings the Council decided not to defend its second reason for refusal and the position was recorded in the Statement of Common Ground. As such, other than to make a short opening statement and to engage in the conditions and section 106 sessions, the Council did not play an active role in the Inquiry.
6. An executed unilateral undertaking (UU) made under section 106 of the Town and Country Planning Act 1990 (as amended) was submitted to the Inquiry. It secures financial contributions in relation to public transport, a travel plan and secondary education, as well as securing the provision of 30% of the dwellings as affordable housing. The Appellant contested the need for the public transport contribution. I shall return to this matter later.
7. At the Inquiry a query was raised about the method of execution of the undertaking by one of the parties acting under a power of attorney. Specifically the attestation clause did not reflect the position. In the circumstances I gave the Appellant an extension of time after the close of the Inquiry to submit an amended UU. This has been received, together with a certified copy of the Power of Attorney and confirmation that the Power of Attorney has not been revoked. I am satisfied that the UU has been duly and properly executed.
8. The Council and Appellant have submitted a Statement of Common Ground (SCG) indicating all areas of agreement between them and containing a schedule of recommended conditions.

### **Main Issues**

9. Having regard to the Council's position and the withdrawal of its opposition, the two principal issues remaining in dispute between the GEAG and Appellant are the effects of the proposed development upon highway safety and its effects upon the character and appearance of the landscape and on the settlement pattern. There are also objections from others, in particular drainage matters, which I shall examine.
10. In addition there are a series of other material considerations to be taken into account. The National Planning Policy Framework (the Framework) is a material consideration of significant weight. It seeks to boost significantly the supply of housing and requires local authorities to identify, and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of housing (the 5YHLS). Paragraph 49 confirms that housing applications should be considered in the context of the presumption in favour of sustainable development. In this appeal it is agreed that the Council do not have a 5YHLS for reasons which I shall come to.

---

<sup>2</sup> Rule 6(6) The Town and Country Planning (Inquiries Procedure)(England) Rules 2000.

## Reasons

### *The development plan*

11. Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with proposals for planning permission, regard must be had to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that, if regard is to be had to the development plan for any determination, then that determination must be made in accordance with the plan, unless material considerations indicate otherwise.
12. For the purposes of this appeal the most relevant development plan policies are those contained within the Wyre Borough Local Plan (LP) which was adopted in 1999. This set out housing requirements for the period 1991 to 2006 in accordance with the former Lancashire Structure Plan. On this basis the Council accepts that the relevant housing policies are out of date. Previous LP policies dealing with housing were not saved and therefore the development is silent as to the need to meet the district's full objectively assessed needs.
13. Relevant saved LP policies include Sp13 which provides that development in the countryside will generally not be permitted unless it falls within certain listed exceptions. The proposal does not fall within any of the exceptions and as such it is contrary to this policy. The objective behind policy Sp13 is to protect the countryside from unrestrained development which accords with national policy objectives in the Framework to protect the intrinsic character of the countryside.
14. Both the Council and Appellant are agreed that the settlement and countryside boundaries were adopted over 18 years ago and the LP was intended to cater for needs arising up to 2006. In addition the evidence base for the emerging development plan acknowledges that there are insufficient opportunities within existing settlement boundaries to cater for the housing needs of the borough. Taking all of the above into account the weight to be given to any conflict with policy Sp13 is substantially reduced.
15. Whilst the Council's refusal notice refers to policy Sp9 of the LP, this policy relates to the development of parcels of land within the small rural settlements and this is not the case here.
16. In addition the production of a replacement Wyre Local Plan (eLP) to cover the period 2011 to 2031 has commenced, with a publication draft open to consultation until 3 November 2017. Due to its early stage only limited weight can be attached to any policies. Policy SP1 of this emerging plan identified Great Eccleston as a Rural Service Centre where a sustainable extension to the settlement is proposed to deliver housing requirements. Allocation SA3/3 comprises around 33 hectares of land to the west of the village earmarked for up to 590 dwellings, with a link road from Copp Lane to the A586. The appeal site forms part of this allocation. I am informed that there have been a significant number of objections to the allocation. Given the very early stage and the objections I place very limited weight upon the site's allocation in the eLP.

***Effect upon the settlement pattern and the character and appearance of the landscape***

17. The Appellant's Landscape and Visual Impact Assessment (LVIA) confirms that the site falls within National Character Area 32: *Lancashire and Amounderness Plain* which is characterised by a rich patchwork of fields and watercourses in a flat or gently undulating landscape. At county level the site is within the Lancashire Landscape Character Assessment Area 15d: *Coastal Plain: The Fylde* which is characterised by gently undulating farmland.
18. The appeal site comprises some 5.4 hectares of open, agricultural land located on the east side of Copp Lane when travelling north into the village of Great Eccleston. This site itself consists of two fields of unremarkable grassland, separated by a hedge which runs parallel to the main road. A pond sits in the middle of the site. The fields are generally open, with views from Copp Lane across the site. However within the wider landscape, its lower lying topography means that it is not part of any sweeping or longer distance views. It is typical of the two landscape character types set out above and as such it makes a positive contribution to each.
19. To the immediate north of the site is another field which lies adjacent to existing development on the edge of the village. This site has been granted planning permission<sup>3</sup> for up to 90 dwellings and is currently under development by Rowland Homes. As such I agree that it is appropriate to take it into account as part of any baseline assessment and I shall have regard to it as part of the immediate context of the appeal site.
20. Development of the appeal site would result in the loss of the green fields and a significant visual change to the appearance of the land. The LVIA assessed the effect on landscape character as moderate, with a minor to insignificant effect upon the landscape character types as a whole. Due to its location, its lower lying topography which limits longer distance views and its size relative to the whole character area I agree with that assessment. I now turn to consider the visual effects of the proposal.
21. The outline proposal is for up to 93 dwellings, together with up to 850 square metres of D1 use (non-residential institution) on a parcel of land depicted on the road frontage in the south-western corner of the appeal site. At the Inquiry I raised the question of the height of the D1 building with the parties. Given that the description of development specifically refers to a single storey building and this was the development consulted upon I took the view that the form of development under consideration was restricted to single storey. The parties agreed. I shall assess the proposal on this basis.
22. Views into, and of, the appeal site are relatively localised. The development would predominantly be seen from public vantage points along the highway on Copp Lane and from residential properties opposite and to the south of the site. Residents of some of the properties on the opposite side of the road, further into the village would have some glimpsed views but these would be in the context of the Rowland Homes site in the foreground. Some partial views would be obtained from a short length of the public right of way to the east where again the development would be visible in conjunction with the housing

---

<sup>3</sup> Reference 15/00576/OUTMAJ and 16/00973/REMMAJ



- on the Rowland Homes scheme. Other views from further distances would be partial and glimpsed and would be in the context of the existing development.
23. I appreciate that for some of the immediate residential occupiers there would be a significant change to the views out from their properties. In the case of the occupiers at Thorne Bank I note that the illustrated scheme depicts development set back from the common boundary, with planting along this boundary to supplement the existing and somewhat intermittent hedgerows. This would be acceptable in terms of visual impacts. I shall deal with other concerns in terms of overlooking and loss of privacy later in my decision.
24. With landscaping in place, the scheme would start to soften around the edges as boundary planting became established. The development would be viewed as part of the continuation of development along Copp Lane on the edge of the settlement and in the context of sporadic roadside development along this length of Copp Lane. Housing on the site would be assimilated reasonably well with the existing development, including the new houses on the adjacent site, and would represent a respectful addition to the character of the settlement. In other words it would not appear unduly incongruous or out of kilter. I conclude that there would be limited harm to the character and appearance of the area upon maturity of an appropriate planting scheme.

### **Highway considerations**

#### *Background and policy*

25. As part of the evidence base for the eLP, the Council worked with the County Council and Highways England to assess the capacity of the strategic road network to accommodate new housing<sup>4</sup>. The County Council recommended a maximum of 500 additional homes in Great Eccleston and promoted a new vehicular route connecting Copp Lane and the A586. Planning permission has now been granted for some 130 additional units on the sites identified in that document. However all statutory consultees and the Council are agreed that this appeal proposal does not trigger the need for the route to be in place.<sup>5</sup>
26. LP policy Sp14 criterion E requires traffic associated with developments not to have an adverse impact upon the local highway network. A Transport Statement was submitted with the application and the Highways Authority and Highways England have agreed the trip generation figures and the distribution of additional trips across the local highway network and the wider strategic road network. The concerns of GEAG fall broadly into three categories, namely: issues about the methodology and trip rates; concerns about pedestrian safety and the local highway network; and finally concerns about the cumulative impact upon the wider strategic network.
27. Whilst access is a reserved matter I need to be convinced that, as a matter of principle, a satisfactory access from the site onto Copp Lane could be achieved. The frontage of the appeal site onto the lane is some 300 metres long and for this type of road visibility splays of 2.4 metres by 102 metres are generally required. The road is generally straight along the length of the frontage and the illustrative plan provides one indication of how a satisfactory access, incorporating the required visibility splays, could be achieved. I conclude that,

---

<sup>4</sup> Document CD8 'Implications for housing developments within the proposed Wyre Local Plan'

<sup>5</sup> SCG §7.12

in principle, a satisfactory access from the site onto the main road could be achieved.

*Methodology*

28. The Appellant's Transport Statement (TS) used the TRICS database to estimate the number of trips which would be generated per dwelling<sup>6</sup> in the AM and PM peak hours. Use of the database requires the selection of various filters and Mr Wallbank confirmed that the sample included 18 sites comprising 'suburban: out of centre sites' and 'edge of town' sites with an average of 99 dwellings. The trip generation figures were accepted by the Council, Lancashire County Council and Highways England and were the same figures as those assumed in the traffic assessment for the neighbouring site.
29. GEAG challenged the trip generation figures because the full TRICS outputs were not available and other information was lacking which made auditing difficult. The TS and the first proof of Mr Wallbank did not contain the usual printouts of TRICS data for the residential element of the proposal. The TS essentially adopted the generation rates which had already been accepted for the neighbouring site and inputted these into the assessment. TRICS data for the D1 element was included in the TS based upon an interrogation of the TRICS database for GP surgeries.
30. The GEAG produced a paper on vehicle trip generation by Dr O'Conneide and R Grealy of University College, Cork. This was a study aimed at testing the TRICS rate predictions of development by comparing the data with observed trip rates. However the study mainly measured trip rates in Cork City and County Cork and acknowledges that the most common types of dwellings in Ireland are single family, isolated dwellings in rural areas. The study further acknowledges that there is lower public transport use in Ireland than in the United Kingdom. The paper sounds a note of caution about traffic impact assessments potentially underestimating trip generation because of assumptions made about developments<sup>7</sup>. However the situation in Ireland, and nature of residential development there, is different to the situation in England for the reasons above. I conclude therefore that the contents of this paper do not render any material assistance in my assessment as to the robustness of the figures in this case.
31. Mr Wallbank then provided the TRICS output figures in his rebuttal statement and they were the subject of scrutiny at the Inquiry. Having regard to the selection parameters, I am satisfied that they broadly correlate with the scale and nature of the current proposal and the context in which it would be located.

*Adequacy of bus services and trip rates*

32. Mr McCarthy has provided evidence of the current level of bus services to and from Great Eccleston<sup>8</sup>. He estimates that there are some 50 buses<sup>9</sup> daily from Great Eccleston to Blackpool, Lancaster, Preston, Fleetwood and Myerscough. This is a significant level of provision and would afford opportunities for travel by public transport to other larger centres. I appreciate that opportunities to

---

<sup>6</sup> 0.551 trips per dwelling

<sup>7</sup> Ibid §7 Conclusions

<sup>8</sup> Inquiry document 4, page 16.

<sup>9</sup> In total in both directions, see table.

travel by bus to work places may not be practicable for all workers given that the majority of the services run during the daytime hours and journey times are generally longer than by the private motor car.

33. The GEAG submitted the transport statements supporting two other, unconnected residential schemes. Whilst the DPTC Assessment applied a trips rate of 0.8 vehicles, the author of that document has confirmed that a very robust estimate was applied because the site had a fallback position and that such an approach was not usual. I accept therefore that this is not representative.
34. The second assessment was prepared for Redrow Homes in relation to a site on the edge of the Maghull built-up area. The trip rate applied in that scenario was 0.549 which is not dissimilar to the rates assumed here. Mr McCarthy has calculated the availability of public transport and compared it with the situation in Great Eccleston. He estimates that there are 182 buses per day to and from Maghull and a train station within 25 minutes' walk of the Redrow site. In addition he highlights that the buses to Maghull start earlier in the day and run later at night. Notwithstanding this I accept that the level of bus service in Great Eccleston is good for a rural village as reflected in the Council's Settlement Study confirming that Great Eccleston has a high degree of bus connectivity. I am satisfied that the trip rates assumed have been adequately justified.
35. The final methodological criticism related to the lack of a scatterplot as referred to in the TRICS Good Practice Guide. Mr Wallbank confirmed that it was unusual to provide scatterplots but in his rebuttal he provided a 'cross test' which essentially compares the mean trip rate with the median trip rate. I accept that the variation of 7.2% indicates that the data set has not been unduly influenced by data at one site (an outlier).

*Pedestrian safety and the local highway network*

36. For the reasons already set out I have accepted that the development on the adjacent site should form part of the baseline assessment. This development was subject to a condition requiring a scheme of improvement works including the provision of new/improved bus stops in the vicinity of Copp Lane, an upgrade of two bus stops on the High Street in the village, the provision of a footway link and improvements between the existing bus stops and the local schools and village centre and traffic calming measures on Copp Lane<sup>10</sup>. This scheme has now been approved and I have seen a plan of the works to the public highway<sup>11</sup> which includes a narrowing of the junction of South Street with Copp Lane/Leckonby Street and relocation of the existing 20 miles per hour speed limit on Copp Lane to a point further south-west. I shall take all of these matters into my account in my assessment.
37. The historic village of Great Eccleston is centred upon the High Street and a series of charming squares and narrow roads with limited footways. The northern end of Copp Lane connects into Leckonby Street<sup>12</sup>, accessed via a sharp bend, at the 3-way junction with South Street. The narrow width of the carriageway, the acute bend and the lack of forward visibility, combined with

---

<sup>10</sup> §2.4 SCG

<sup>11</sup> Appendix 1 Mr Wallbank, drawing 16039/19/1.

<sup>12</sup> Also referred to as Leckonby Bank.

- an absence of footways around the corner, all ensure that drivers must proceed with caution.
38. One of the GEAG concerns with regard to the local highway network relates to the nature of the pedestrian routes from the appeal site, along Copp Lane into the village. In particular Mr McCarthy gave evidence about the blind bend into Leckonby Street from Copp Lane where there is a private drive on the western side of the bend opposite the South Street junction. The roads are narrow and without pavements and bounded by stone walls in some instances, which means that pedestrians walking into and out of the village along this route must walk on the highway edge.
  39. Traffic surveys undertaken as part of the Rowland Homes application counted two-way traffic flows on Copp Lane in the order of 2000 each weekday<sup>13</sup>. Mr Wallbank therefore applies a rate of 220 vehicles per hour for the peak hourly flow rate. The Rowland Homes application data predicted 45 additional trips from Copp Lane to South Street in the peak hour and this must be added onto the surveyed levels. The TS predicted that the appeal proposal would generate an additional 60 trips in the peak hour along this stretch of road. GEAG estimates that the traffic for each development has been underestimated to the tune of 30 vehicles which would add another 60 vehicles to the post-development scenario. This would take the post-development traffic levels from 295 (pre-development) to 385 (post-development).
  40. Mr Wallbank has assessed the capacity of Copp Lane and the surrounding roads having regard to advice in Design Manual for Roads and Bridges which confirms that a single carriageway road of this type, with frontage access, side roads, bus stops and pedestrian crossings, would be 900 vehicles per hour in each direction or 1,500 2-way capacity. Mr Wallbank adjusts this capacity downwards to 1250 in the case of the route between Leckonby Street to South Street to The Square and the routes along South Street and Chesham Street. This is to make an allowance for the narrower carriageways and higher levels of on-street parking.
  41. The situation in Great Eccleston is heavily constrained for all of the reasons previously set out. I consider that the adjustment made by Mr Wallbank to maximum urban road capacity is on the conservative side. In other words, given the constrained nature of the local highway network as one travels through the village, I would estimate that 2-way capacity is likely to be lower than 1250. Notwithstanding this and even with a lower capacity, I am satisfied that even on the higher GEAG predicted figures, the position post-development would be acceptable and that the local highway network would be able to amply cope with the additional traffic generated.
  42. The Appellant's evidence also contains data relating to pedestrian activity along Copp Lane and from Copp Lane into the village. There have been no recorded personal injury accidents in Leckonby Street, South Street or Chesham Street in the last 5 years. Improvements to the public highway as part of the Rowland Homes scheme will entail extending the footway provision and reconfiguring the South Street junction by revised road markings. I note that Leckonby Street is subject to 20 miles per hour speed restriction and has street lighting. The footway provision is intermittent which means that pedestrians rounding the corner must walk in the highway.

---

<sup>13</sup> § 4.0.31 Mr Wallbank's proof. Westbound 1002 vehicles per day and eastbound 1070 vehicles per day.

43. The Appellant's pedestrian count recorded 11 pedestrian movements in the peak hour in the section of road south of South Street. Higher numbers of pedestrians were recorded at this time between Chesham Street and The Square. I have walked these routes during peak hours and from my own observations it was evident that drivers were exercising caution as they entered the village from the south. Given the constrained layout, shared surfaces and sharp bends I conclude that it is likely that the 20 mph speed limit is being adhered to by the vast majority of motorists.
44. The County Council and Highways Authority removed their objections to the proposal subject to, amongst other things, the provision of a footway improvement scheme along the site frontage and a traffic calming scheme and gateway feature. The traffic calming scheme is intended to extend the 20 mph limit to the southwest corner of the appeal site and the introduction of a 'gateway feature' would signal to drivers that they were entering the village and that speeds needed to be adjusted downwards.
45. Having regard to the above I draw two conclusions. Firstly that the local highway network is operating satisfactorily. There is nothing to persuade me that there is a particular safety problem along the routes into the village for either drivers or pedestrians. My second conclusion is that, given the existing levels of traffic and pedestrians, the appeal development would result in a noticeable but acceptable increase in the levels of cars at peak hours. In addition there would be a modest increase in the level of pedestrians walking between the site and the village. There is nothing to suggest that this could not be accommodated on the local highway network or that it would result in unacceptable harm to highway or pedestrian safety.
46. Another concern of the GEAG relates to the distribution of additional trips from the D1 use on the local highway network. The Appellant had anticipated that the D1 use may come forward as a result of the relocation of the medical centre currently located in the village. There is some doubt about that. Leaving that matter aside, traffic generated as a result of the D1 use was assumed to affect only the local highway network rather than the wider strategic network. This is a reasonable assumption. Mr McCarthy points out that patients travelling in from Inskip, Little Eccleston, Over Wayre and St Michaels would all have to travel via South Street/Leckonby Street and Copp Lane to the centre. This would result in additional trips along these roads.
47. The Appellant's trip generation figures for a GP surgery of 850 square metres shows that a total of 56 2-way movements would be made in the AM peak. Not all of these would be travelling by car from the village south along Copp Lane. If a medical centre were redeveloped on the site, I would anticipate that it would serve many of the residents of the appeal site and the Rowland Homes site, most of whom would be likely to walk to the centre. In addition patients travelling in from the south would not have to travel into the village centre. For the remainder, the relocation of the medical centre would result in an additional journey along Leckonby Street, South Street and Copp Lane. Taking into account the trip generation figures I am satisfied that, adding these to the post-development scenario above would not cause such an increase in local traffic so as to cause any concerns in relation to capacity or highway safety issues for the reasons given above.



*The wider strategic highway network*

48. The A586, Garstang Road, is located to the north of the village and provides a link to the M55 motorway which runs to the south of the appeal site. This route would take traffic from the site along the A586 to the signal controlled junction at Windy Harbour and either west to Poulton-le-Fylde and Blackpool or south, down the A585 direct to the motorway network. An alternative route would take traffic south on Copp Lane and cross country to connect onto the A585 via the Thistleton junction.
49. Highways England (HE) and Lancashire County Council jointly requested further investigative work on the cumulative impact of the proposed development and committed developments upon the operation of the wider strategic highway network. Their requirements and the additional work undertaken are explained in a series of four Technical Notes submitted by the Appellant. The works look at the operation of the wider highway network taking into account committed development.
50. The requirements arose because HE confirmed that there are 'known issues' with the Thistleton junction, with congestion arising due to vehicles (especially right turning vehicles) finding it difficult to enter onto the A585 main road or to cross over it, at peak times. This has resulted in concerns about road safety given that drivers may attempt to enter the mainline traffic flow in small, inappropriate gaps. HE acknowledges, in its December response, that an increased number of vehicles using this junction would be likely to exacerbate these issues.
51. Manual traffic surveys were undertaken at two key junctions: the Thistleton Crossroads<sup>14</sup> and the Windy Harbour junction<sup>15</sup>. These surveys established baseline traffic flows which were then factored forward using standard methodology to provide forecast baseline traffic flows for 2021 which is the forecast opening year of the development. An agreed list of committed developments was then taken into account and their predicted traffic generation rates calculated. These rates were then added to the baseline flows to provide a without development flow as at 2021 with all commitments in place.
52. Councillor Heyhurst and others raised concerns about any increase in the use of the Thistleton junction and in particular gave evidence about a planning application by Cuadrilla which would result in an increase in the number of trucks going through the junction. I have set out above the methodology used in the assessment; it was designed to take account of the increase in traffic from all committed development. Any future or current applications under consideration will stand to be determined on their own merits having regard to the circumstances at the date of assessment.
53. I have already looked at the trip generation figures for the housing element of the proposal. The TS had estimated how these trips would be distributed upon the wider strategic network. It was forecast that the largest proportion of trips (42%) would be via Copp Lane SW to the Thistleton junction, adding some 21 cars per hour to the peak hour traffic through this junction. Some 27% of trips generated would go through the Windy Harbour junction adding 14 cars to the

---

<sup>14</sup> B5269/A585 junction

<sup>15</sup> A585/A586 signal controlled junction.

- peak hour trips. However these existing junctions already carry large volumes of traffic and the proposal would add only 0.4% to the Windy Harbour junction and 0.8% to the Thistleton junction over and above the predicted baseline traffic.
54. The conclusions set out above were recorded in the Appellant's second Technical Note. They were provided to HE and a high level review conducted. HE were not satisfied with the information for a number of reasons. Additional traffic flows forecast to 2026 (10 years post application) were required and a directional distribution assessment was required. This second requirement was to test the number of right turning movements at both junctions which had identified issues with heavy flows and congestion with limited gaps for such manoeuvres.
55. The above work was carried out and the results recorded in Technical Note 4 which also records the accident records for a 5 year period for the Thistleton junction. Some 11 personal injury accidents were recorded, 4 of which related to driver error and 5 accidents involved right turning vehicles. At the Inquiry Mr Tattington gave evidence that he had personally witnessed a serious accident involving 4 vehicles at the Thistleton junction in the few days before the start of the Inquiry. Two other objectors gave evidence of accidents at the crossroads, including a fatal accident some 7 or 8 years ago.
56. The HE consultation response records that there has '*clearly been a marked increase in the number of accidents in 2016*' but that '*it cannot be ascertained.....whether this represents a statistical anomaly or the start of a trend*'. If the 2016 accidents are included in the data, the estimated accident rate at the junction is not considered to be above average for a staggered crossroads on a single carriageway road.
57. The final response of HE<sup>16</sup> is dated 23 December 2016 and runs to 19 pages. It represents a comprehensive analysis of the TS and all of the technical data. A recent review of the junction by HE Managing Agents has concluded that the junction is acceptable in terms of layout, visibility and markings. In any event, I note that the traffic travelling through the Thistleton junction, from the appeal site, is unlikely to involve any right turning movements out of Thistleton Road and only one right turning movement out of Mile Road in each of the peak hours.
58. Mr McCarthy raised a concern about different trip distribution rates used by the Appellant in two parts of its evidence. The original TS analysis estimated some 42% of AM trips would be down Copp Lane SW and travel thereafter through the Thistleton junction. When further work was requested through the series of technical notes the Appellant sought to align their assumed trip distribution rates with another development analysis. The Croft analysis for a development in Elswich has assumed that of the 42% trips down Copp Lane SW, only 20% would go on to travel through the Thistleton junction. This explains the adjustment of trips rates in Mr Wallbank's table 4 specifying a trip distribution of 20% through Thistleton junction, with the trip generation of 27% of Windy Harbour remaining the same.
59. Mr McCarthy is concerned that the figures at either Thistleton junction or the Windy Harbour junction have been underestimated. If the Appellant's adjusted

---

<sup>16</sup> CD B5

distribution is incorrect and all of the 42% of trips travelling down Copp Lane SW materialise at the Thistleton junction, then this would result in an additional 11 vehicles travelling through the junction in the AM peak. The original TS had assumed a higher trip rate of 21 vehicles (42%) but concluded it was not material given that it would represent an overall 0.8% increase in the traffic through that junction. On the other hand, if as Mr McCarthy advocates, the 20% traffic generation through the Windy Harbour junction should be increased to assume the 22% (or 10 cars) removed from the Thistleton junction figures<sup>17</sup>, this would only take the Windy Harbour trip rates from 13 to 23. It would represent an increase of only around 0.8% in the volume of traffic going through that junction.

60. In terms of the local network I am satisfied that these additional 10 vehicles travelling through the village would not materially affect the operation of the local highway network if added to the local trip generation figures considered earlier and combined with the D1 trip figures.
61. HE formally recommends that it has no objection to the proposals on the basis that a robust travel plan is implemented for the site but it goes on to express concerns that *'the incremental development is cumulatively and significantly increasing the number of turning movements at this junction with a corresponding significant increase in risk to safety'*. It sets out that, in the absence of a valid local plan, developments have to be considered on a case by case approach. On its own, the appeal proposal is too small to have any significant/severe impact so as to justify a recommendation for refusal.
62. It is evident that there are continuing issues with the Thistleton junction. However I must assess the effect of the current proposal on the operation of the junction having regard to all of the development which has already been sanctioned. The National Planning Policy Framework confirms that development should only be prevented on transport grounds when there residual cumulative impacts, after improvements, are severe.
63. Having regard to the above I conclude that the effects of the development on the wider strategic highway network have been fully tested. The findings are robust and they indicate that there would be no materially unacceptable effects upon the operational safety of either of the two junctions such as to justify withholding planning permission.

#### *Car parking issues*

64. Some local residents pointed to parking issues and congestion in the village. Given the location of the appeal site I would anticipate that many of the trips to the village would be on foot. In addition I note that the Rowland Homes site will provide a 26 space car park to help to alleviate parking congestion in the square at busy times. As requested I walked and drove around the village during lunchtimes and at other peak times including the end of the school day. At lunchtime and after school closing the square and adjoining streets were busy with limited parking spaces available. The above is indicative of a vibrant and bustling village centre at key times and is not unusual. I conclude that the proposal would not place any material additional demand on car parking so as to be detrimental.

---

<sup>17</sup> As was done in table 3 and 4.



### **Other objections**

#### *Surface water run-off*

65. The GEAG, local Councillors and others all raised concerns about the effect of additional houses on drainage both locally and in the wider area. The River Wyre runs through the borough some 1.2 km to the north of the site with Thistleton Brook a short distance to the east and Raikes Brook to the west of the site. I was informed that two flood storage basins at Catterall and Garstang are not to be renewed at the end of their working lives. The appeal site lies in flood zone 1 which means it is assessed as having the lowest probability of flooding. The Environment Agency Surface Water Flood Map indicates a high risk of surface water flooding around the pond area and a medium risk along the northern boundary of the site.
66. Mr Thistlethwaite, the chairman of the local cricket club, gave evidence about drainage issues. He, and others, confirmed that flooding occurred in the village on the 23 November 2017. The cricket ground shares part of a boundary with the appeal site at its north-eastern corner. The land levels fall from the appeal site, down through the cricket ground to Hall Lane which results in surface water run-off travelling through the cricket ground site. A main drain is located just beyond the rear boundary of the club and the club have made extensive efforts to clear the dyke which connects into the drain and keep it unblocked so as to maintain drainage.
67. The application was accompanied by a Flood Risk Assessment and Surface Water Drainage Strategy<sup>18</sup>. The strategy essentially seeks to protect both the site itself from surface water flooding and to prevent an increase in flood risk to adjacent land and downstream of the site. In order to do this it is proposed to restrict the surface water discharge from the site (post development) to the equivalent greenfield run-off rate from the site. This would mean that, in the case of more extreme storm events, there would be a lower discharge rate from the developed site than there would otherwise be from the undeveloped site.
68. The proposal is in outline only so an outline drainage strategy has been prepared which demonstrates that it is possible to deliver a sustainable urban drainage system. Such a system would ensure that proposed surface water flows from the development would be attenuated, by for example interception and storage, to ensure that the run-off rates are the same or less than current run-off rates. Having carefully considered the strategy I am satisfied that it is robust and could be delivered. In making their calculations the Appellant's drainage experts have not included ground filtration rates, rainwater harvesting measures or storage within swales. Each of these techniques would further reduce surface-water run-off if utilised.
69. Mr Wallbank confirms<sup>19</sup> that the attenuated surface water from the development would drain into Raikes Brook to the east before finding its way to the River Wyre at a point just north of the village. The connection into the river is downstream of St Michael's and I accept that surface water from the development would not exacerbate any existing problems experienced in St Michael's.

---

<sup>18</sup> CD A.14

<sup>19</sup> Proof of evidence page 62.

*Foul drainage*

70. I also heard evidence about problems in St Michaels Road with the sewage pumping station being overrun. Mr Burke expressed concerns that the sewage from Great Eccleston is directed to the pumping station in St Michaels which cannot cope and that the development would just serve to increase the load on the St Michaels' station.
71. Again the application was made in outline form and as such I must be satisfied that there is a technical solution to dealing with foul drainage without causing problems elsewhere. Currently the proposal intends to secure a connection directly into the public sewer and this would be subject to a detailed design process and consultation with United Utilities. If such a connection is not possible then the proposal anticipates that the development could be drained via a modern sewage treatment plant with outfall into the local watercourses.
72. In normal operating conditions the intention is that foul water would be pumped, along with the existing flows from the village, to the treatment works at Churchtown. During periods of heavy rain the pumping station inflow at Great Eccleston is increased by increased surface water. During such periods the pump would continue to pump water at maximum capacity and any excess water over and above that capacity would be discharged into the River Wyre. With the development in place the surface water would not be directing water to St Michaels at any greater rate than it does currently so it is only the additional foul water which would proportionately increase the volume of water overflowing into the river.
73. Having carefully considered the objections and examined the drainage strategy I am satisfied that an appropriate method of dealing with foul drainage could be devised and secured by conditions.

*The pond and biodiversity considerations*

74. The proposal includes retention of most of the existing hedgerows and the existing pond which would be incorporated within public open space and an ecological mitigation area. The application was supported by an Extended Phase 1 Habitat Survey<sup>20</sup>. A series of ecological surveys, desktop surveys and an ecological impact assessment have been carried out. The report concludes that, with the exception of hedge sparrow and song thrush, there were no signs of any other protected or otherwise important species. The mitigation proposals would include protection measures for the hedge sparrow and song thrush.
75. Whilst Mr Goodwill gave evidence about migrating geese using the site as a stopover, he conceded that sometimes this is only for one night. There is no substantive evidence before me to suggest that the pond is of significance in terms of migrating birds.

*Living conditions of existing residents*

76. The occupiers of Thorne Bank, raised concerns about the impact on living conditions. The scheme is in outline form so I need to be satisfied that the quantum of development proposed could be accommodated on the site without harming the living conditions of existing residents. The illustrative layout is

---

<sup>20</sup> CD A16.

just one example of how the development could be configured. It demonstrates to me that an adequate setback could be achieved from the southern boundary of the site so as to maintain separation distances sufficient to protect the privacy and outlook of existing residents.

77. Whilst there would clearly be views of the development from this adjoining property, the houses would not be positioned so close as to be overbearing or harmful to the living conditions of these existing occupiers. The D1 building would be single storey with a car park which would be situated along the site frontage. It could satisfactorily be accommodated on the parcel of land indicated without any material harm to the living conditions of existing residents. Appropriate signage would ensure that drivers did not mistake the private driveways for the car park entrance. Whilst concerns were raised about the play area shown on the illustrative plan but this is indicative only. In any event it is not unusual to have play areas in residential areas close to existing housing.

#### *Air Quality*

78. Mr McCarthy raised a concern about carbon dioxide and nitrogen dioxide levels being increased as a result of vehicle emissions. The Appellant's Air Quality Assessment<sup>21</sup> looked at both the construction phase and operational phase and the effects on sensitive receptors, namely residential occupiers close to the site and on the main local highway routes. The assessment confirms that provided good practice dust control measures are implemented during the construction phase, residual air quality impacts from dust generated are predicted to be not significant. During the operational phase modelling demonstrated that air quality impacts from road traffic exhaust emissions were predicted to be negligible.

#### *Need*

79. Some objectors took the view that there was no proven need for the development. However the Council is required to gather evidence to identify the housing need for their area and then identify a five year supply of sites sufficient to meet that demand. The current LP is out of date in terms of such policies and the Council accepts that it does not have a five year supply of housing sites. The Fylde Coast Strategic Housing Market Assessment (SHMA) 2013 provided evidence as to how many dwellings may be needed in the borough for the next 15 years. This evidence base has been updated by three further addendums and represents the Council's most up-to-date in terms of the level of objectively assessed need for housing. The Council's evidence base for the eLP accepts that, to satisfy demand, the Council will have to look outside existing settlement boundaries in order to identify enough sites.

#### *Other matters*

80. Mr Clueit expressed concerns about the way in which the Council have dealt with the application and disappointment regarding the withdrawal of its objections. The Council are obliged to reconsider appeals as they progress and as new information comes to light. I must consider the appeal independently of any such assessments made by the Council and come to my own judgment about the acceptability of the proposal.

---

<sup>21</sup> CD A17.

81. The appeal site comprises 5.44 hectares of agricultural land and the Appellant's agricultural land report confirms that it comprises sub-grade 3b which is land of moderate quality. The parties are agreed that within the borough there are substantial tracts of grade 2 land along with large areas of grade 3 land and the loss of agricultural land is not a significant consideration in the overall balance.

***Other material considerations in support of the development***

82. The Council and Appellant are agreed that the site is in an accessible location close to shops, schools, employment sources, public transport and other community facilities<sup>22</sup>. The proposal would make a substantial contribution to housing requirements in a borough which does not have a five year housing land supply and where there is a shortfall in delivery. Importantly 30% of the dwellings would be affordable housing which would make a significant contribution to the annual affordable homes target of 134 dwellings per annum in circumstances where there has been under-provision for a number of years. The contribution to housing attracts substantial weight in favour of development and the affordable housing contribution also adds substantial weight in support.

83. The proposal would reserve land for a D1 use in the form of a medical centre. There has been some doubt cast upon the intentions of the existing medical centre to relocate but this does not mean that another centre would not come forward. I attribute limited weight to this matter. There would be limited benefits in terms of biodiversity enhancement following retention of the pond and hedgerows and supplementary planting. The proposal would also create construction jobs and other work and whilst I appreciate that workers might not come from Great Eccleston, it is likely that they would be drawn from the workforce in the borough thus providing local employment.

***Unilateral undertaking and CIL compliance***

84. The executed unilateral undertaking (UU)<sup>23</sup> made in accordance with section 106 of the Town and Country Planning Act 1990 secures the payment of financial sums in relation to bus services, a travel plan and secondary education. It also secures the provision of 30% affordable housing on the site. Inquiry Documents 19 and 22 and a series of emails sent before and during the Inquiry set out the Borough and County Councils' justification for each of the contributions sought in accordance with the policy tests set out in the Framework and the statutory test in regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. The Appellant accepts the contributions are properly sought in relation to all matters except that in the case of the financial contribution towards bus services. It has produced two written responses to the CIL comments of the County Council.

*The bus service contribution*

85. The County Council requested a financial contribution of £200,000 towards the enhancement of bus services serving the development. This would include bus service number 80 which is a subsidised service to Preston which has suffered cut backs from a one hourly service to two hourly. The projected cost of

---

<sup>22</sup> §7.3 SCG

<sup>23</sup> Inquiry document 28.

- restoring an hourly service is in the region of £100,000 per annum<sup>24</sup>. The sum of £200,000 was requested in January 2017 on the basis that it equates to a contribution of £40,000 per annum over five years to enable the service to be established.
86. Matters have moved on since the initial contribution request in that Lancashire County Council's cabinet has passed a spending programme of additional funding for rural bus services which, the Council confirms, will enable service 80 to be reinstated as an hourly service.
87. The National Planning Policy Guidance confirms that planning obligations should only be sought to mitigate the effects of unacceptable development thereby making it acceptable. The Appellant contends that this is not the case here given that the site is accepted to be in a sustainable location close to services. I have already made reference to the quantum of bus services serving the village. There are bus stops on Copp Lane which are served by regular services to St Annes, Blackpool, Poulton-le-Fylde and Preston. The funding is now in place to further enhance local bus service provision and it would appear that the original rationale for requesting the funding has now been overtaken by events.
88. I have had regard to the County Council's response<sup>25</sup> to the Appellant's points. I note that transport contributions were not ultimately pursued in relation the Rowland Homes site and that the stress on public transport increases as houses come forward. I further note that the number 80 service is subsidised and that the hourly service is reinstated. However in applying the policy tests I must ask whether or not this contribution is necessary to make the development acceptable, such that without it, the proposal would have to be denied permission. The clear answer to that has to be no, given that the funding is committed and in place and the bus services are reasonably sufficient for a site which is in a sustainable location on the edge of a rural settlement.
89. In coming to the above conclusion I have had regard to the two recent appeal decisions on sites in Elswick where the same Inspector found in both cases that the request for bus contributions was justified. The Appellant in this appeal has provided the consultation response in each of the other appeals. The evidence before the Inspector in those cases stated that the operator of one of three services to Elswick was withdrawing the service. Two things are apparent: firstly the level of service in Elswick is materially different from that in Great Eccleston and secondly there was clear evidence of viability issues leading to a withdrawal of one of the three services.
90. In the current appeal there has been a review and committed funding to the reinstatement of service 80 and I have not seen any evidence to suggest that the viability of this service is in jeopardy. I conclude that the first test has not been met and I shall not take the contribution into account. I need not consider the other tests.
91. The GEAG raised a query about the calculations in relation to the education contribution. The contribution was calculated by Lancashire County Council according to an approved formula to determine pupil yield and the financial cost per pupil place. Such financial contributions can only be requested when

---

<sup>24</sup> Lancashire County Council letter 24 January 2017.

<sup>25</sup> Email dated 13 December 2017.

they are needed to make the development acceptable and are fairly and reasonably related to what has been proposed. In this case the contribution is needed to meet the additional demands of development upon the Cardinal Allen Catholic High School. The contribution is to provide additional secondary places needed as a result of the development and I am satisfied that the contribution is reasonable and necessary and complies with the tests set out in regulation 122. The County Council has confirmed that it has not received any other pooled contributions towards these measures so the requirements of regulation 123 of the CIL Regulations are satisfied.

92. Mr Adkins questioned the need for affordable housing in the form of flats. The Wyre SHMA Addendum III identified a need for 134 affordable dwellings per annum over the next 5 year period, rising to a requirement for 189 affordable dwellings per annum. The proposed 30% affordable housing contribution contained within the UU is in accordance with current LP policy requirements.
93. Finally I am satisfied that the financial contribution towards the travel plan is proportionate and necessary to make the development acceptable and directly related to the operation of a travel plan on this site. I shall take it into account.

### **Overall Conclusions**

#### *Paragraph 14 of the Framework*

94. The duty in section 38(6) of The Planning and Compulsory Purchase Act 2004 enshrines in statute the primacy of the development plan. As an essential component of the 'plan-led' system, it is also reiterated in the Framework<sup>26</sup> which is of course a material consideration to which substantial weight should be attached.
95. The Framework sets out the three dimensions of sustainable development: economic, social and environmental. These have all been considered within my reasoning. Paragraph 14 recites the presumption in favour of sustainable development and sets out what it means for decision-taking. Paragraph 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development but that relevant policies for the supply of housing should not be considered up-to-date if the Council cannot demonstrate a 5 YHLS.
96. Paragraph 14 contains two alternative limbs in relation to decision-taking. The first limb requires a balance to be undertaken whereby permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. The second limb indicates that the presumption should not be applied if specific policies indicate development should be restricted. That is not the case here so I shall go back to apply the 'tilted balance'.
97. The proposal is contrary to LP policy Sp13 because it is outside a settlement boundary. However I have substantially reduced the weight to be given to this policy conflict for the reasons set out in paragraph 14 of this decision letter onwards. I have found that there would be limited harm to the character and appearance of the area with minor to insignificant harm to the landscape types as a whole. I have concluded that there are no highway reasons which would

---

<sup>26</sup> §§11, 12, 196



justify withholding planning permission. I am satisfied that there are no other substantive matters which weigh against the proposal.

98. In the context of the lack of a 5 year housing land supply and a need for affordable housing I have afforded the provision of housing substantial weight and the provision of affordable housing further weight. I am wholly satisfied that the adverse impacts of allowing development do not significantly and demonstrably outweigh the benefits and as such the development proposal should be granted planning permission. I shall allow the appeal.

### **Conditions**

99. The Council and Appellant agreed a set of conditions<sup>27</sup> which were discussed at the Inquiry. I also put forward some additional conditions for consideration by the main parties. I have considered all of the conditions in light of the advice within the National Planning Policy Guidance and I have revised some of them either as discussed at the Inquiry or in the interests of clarity and enforceability. The numbers in brackets relate to the parties agreed conditions contained within the SCG.
100. In the interests of good planning it is necessary to impose conditions setting out time limits for development and submission of reserved matters (1) but I have split the condition into three in the interests of clarity. I have not imposed the condition on affordable housing (2) since this matter is dealt with in the UU. I have imposed additional conditions to restrict the number of dwellings to 93 and to ensure that the D1 building is single storey with a restriction on floorspace as discussed at the Inquiry. I have also imposed a condition requiring the provision of public open space (3) and one reserving an area of land for the D1 use (4). I have required details of the mix of house types as part of the reserved matters application (5).
101. I have imposed the parties suggested conditions (6), (7), (8) and (9) to ensure a satisfactory system of surface water and foul water drainage for the reasons given earlier. It is necessary to impose a condition requiring a travel plan to ensure sustainable development (10). I have imposed conditions (11), (12) and (13) to ensure the protection of existing trees, to protect nesting birds and to protect and enhance biodiversity interests. A closed landfill site is situated close to the development and condition (14) is necessary to protect the development from gas.
102. It is necessary to safeguard the development from possible contaminated land and I have imposed the replacement condition discussed at the Inquiry instead of suggested condition (15). In the interests of residential amenity it is necessary to seek details of noise readings and attenuation measures in relation to the D1 use. I have simplified condition (16) to require details as part of the reserved matters submission. The site is adjacent to the cricket club on part of one of its boundaries and a scheme to protect the development from cricket balls is required (17).
103. I have replaced condition (18) with a simplified version requiring details of outside lighting in relation to the D1 use. It is necessary to include a condition requiring a construction management plan and I have amended condition (19) as discussed at the Inquiry. I have also imposed my additional suggested

---

<sup>27</sup> SCG

condition restricting the hours of construction. Inquiry document 26 is a revised condition in substitution for SCG condition (20) and secures off-site highway works. I have required the off-site highway works suggested by the parties. Whilst the GEAG wanted to see a paved walkway from the site to the village square, this is not practicable given the nature of the route between the site and the village and land ownership issues.

104. I have imposed the three additional conditions which I suggested (Inspector's conditions 3, 4 and 5) to require vehicular accesses to be provided and to require details of boundary treatments and surfacing and lighting of all footpaths and cycle-ways.

*Karen L Ridge*

INSPECTOR



## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY

Mr Killian Garvey

### FOR THE GREAT ECCLESTON ACTION GROUP:

Mr Dave Adkin                      Local Resident

Mr Reg McCarthy                  Local Resident

### FOR THE APPELLANT:

Ms Sarah Reid                      Of Counsel

She called

Mr Gary Holliday                  Director, FPCR Environment and Design Ltd  
BA(Hons) MPhil CMLI

Mr David Wallbank                Director, PSA Design Ltd, Consulting Engineers  
BEng(Hons) MICE

Mr Alexis de Pol                    Managing Director, De Pol Associates Ltd  
BA(Hons) DipTP MRTPI

### INTERESTED PERSONS:

Mr Paul Hayhurst	County Councillor for Fylde West
Mr Andrew Tattington	Local resident
Mr Alf Clempson	County Councillor for Poulton-le-Fylde
Mr Ian Senior	Local resident
Miss Catherine Robinson	Local resident
Mr Edward Thistlethwaite	Chairman of Great Eccleston Cricket Club
Mr John Clueit	Local resident
Mr Colin Burke	Local resident
Mr John Rowe	Great Eccleston Parish Council
Mr Goodwill	Local resident

## DOCUMENTS SUBMITTED DURING THE INQUIRY

- 1 List of Appearances submitted on behalf of the Appellant.
- 2 Council's letter of notification of the Inquiry and list of those notified.
- 3 List of post proof submissions to the Planning Inspectorate, prepared by the Appellant.
- 4 Mr McCarthy statement and presentation notes, submitted by the GEAG.
- 5 GEAG presentation on planning matters.
- 6 Leaflet of bus timetables for services 75, 76, 77 and 77A, submitted by the Appellant.
- 7 Opening submissions on behalf of Wyre Borough Council.
- 8 Opening submissions on behalf of the Appellant.
- 9 Councillor Alf Clempson letter dated 12 December 2017
- 10 Email from Mr Adkin to the Appellant's representative dated 6 December 2017, submitted by the Appellant.
- 11 Notes of Mr John Clueit.
- 12 Mr Rowe speaking notes.
- 13 Mr Ian Senior speaking notes.
- 14 Ms Catherine Robinson speaking notes.
- 15 Letter from Great Eccleston Cricket Club dated 28 November 2017.
- 16 Rowland Affordable Housing Statement, submitted by the Appellant.
- 17 List of Original Application Submission Documents
- 18 Office copy entries of the land registry title plan, submitted by the Appellant.
- 19 CIL regulations compliance statement, submitted by the Council.
- 20 Email Lancashire County Council Highway Authority dated 13 December 2017, submitted by the Council.
- 21 Email between Appellant and Practice Manager dated 19 April 2016, submitted by the Appellant.
- 22 Further response to Lancashire County Council's CIL Comments, submitted by the Appellant.
- 23 Appellant's response to CPRE statement.
- 24 Closing submissions on behalf of the Appellant.
- 25 Closing statement from Great Eccleston Action Group.
- 26 Amendments to suggested conditions in Statement of Common Ground, submitted by the Council and Appellant.
- 27 Inspector's suggested conditions.
- 28 Executed unilateral undertaking dated 18 December 2017.

## PLANS SUBMITTED DURING THE INQUIRY

- A Annotated plan of St Michael's on Wyre submitted by Mr Burke
- B Annotated 2017 SHLAA sites plan submitted by the Great Eccleston Action Group.

## ANNEX: SCHEDULE OF CONDITIONS

- 1) The development hereby permitted is for up to 93 dwellings only.
- 2) The development hereby permitted relates to the site edged red on the location plan dated 9 March 2016. The reserved matters submission shall be in general accordance with Illustrative Site Layout 14.1032 P (00) 211 and Parameters Plan 14.1032 P (00)210 revision A.
- 3) The D1 building hereby permitted shall be single storey in height with a floorspace of no more than 850 square metres.

### *Reserved Matters*

- 4) Details of the appearance, landscaping, access, layout and scale (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development commences and the development shall be carried out as approved.
- 5) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
- 6) The development shall begin not later than whichever is the later of the following dates: the expiration of two years from the date of final approval of the reserved matters OR, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
- 7) The reserved matters submission in relation to appearance shall include details of all boundary treatments to be carried out on the perimeter boundaries of the site and details of any boundary enclosures to be erected or grown within the site. The perimeter boundary treatments shall be carried out in accordance with the approved details and completed prior to any dwelling being first occupied and the boundary treatments in relation to individual plots shall be carried out and completed on each respective plot prior to its first occupation.
- 8) As part of any reserved matters application in relation to layout, public open space shall be provided on site in accordance with the adopted local plan policy requirements for the provision of public open space and such area or areas of public open space shall be provided and available for use in accordance with a scheme which has been submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of any dwelling on the site. The scheme shall include details of the future maintenance of the public open space which shall be retained permanently thereafter and maintained in accordance with the approved details.
- 9) As part of any reserved matters application in relation to layout, an area of land as shown cross hatched blue on the submitted Parameters Plan reference 14.132P(00)210 Revision A shall be reserved for the future provision of a medical centre for use within class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification. For the purpose of this condition a medical centre is taken to mean the provision

of health and/or dental services, offered by a public sector provider, and any ancillary pharmacy use.

- 10) As part of any reserved matters application in relation to layout, a scheme for the provision of a mix of house types shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved mix of house types.
- 11) As part of any reserved matters scheme in relation to layout of the D1 building details of noise readings for cumulative noise from all noise sources and any noise attenuation measures required as a result shall be submitted to and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved measures.

*Before commencement of development*

- 12) Development shall not begin until details, including surfacing and lighting, of all footpaths and cycleways within the site and their connection with the existing highway network, have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall have been fully implemented in accordance with a timetable and programme of works submitted to and approved in writing by the Local Planning Authority before any of the dwellings are occupied.
- 13) Prior to the commencement of development of the housing or class D1 building hereby permitted, a scheme for the drainage of foul water for that element shall be submitted to, and approved in writing by the Local Planning Authority. The drainage scheme for each element shall be installed in accordance with the approved details before that element is first occupied or brought into first use. The approved drainage scheme shall be in accordance with a drainage strategy that shall be submitted to and approved in writing by the Local Planning Authority prior to, or simultaneously with the submission of a reserved matters application in respect of layout.
- 14) Prior to the commencement of development of the housing or class D1 building hereby permitted, a scheme for the drainage of surface water for that element shall be submitted to, and approved in writing by the Local Planning Authority. The surface water drainage scheme for each element shall be installed in accordance with the approved details before that element is first occupied or brought into first use. The approved drainage scheme shall be in accordance with a surface water drainage strategy that shall be submitted to and approved in writing by the Local Planning Authority prior to, or simultaneously with the submission of a reserved matters application in respect of layout. The surface water drainage scheme shall include the following details:
  - Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year +allowance for climate change) discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or

surface waters, including watercourses, and details of flood levels in AOD;

- The drainage scheme should demonstrate that the surface water run-off (post development) will not exceed the existing greenfield rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied;
- Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- Flood water exceedance routes, both on and offsite;
- A timetable for implementation, including phasing where applicable;
- Site investigation and test results to confirm infiltration rates;
- Details of water quality controls, where applicable.

The approved scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements approved, or within any other period as may be subsequently approved by the Local Planning Authority.

- 15) Prior to the commencement of the development hereby approved, details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall, as a minimum, include:

- The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company;
- Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable urban drainage system (including mechanical components);
- Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the dwellings hereby permitted or completion of the D1 development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

- 16) The development hereby permitted shall be carried out in accordance with the recommended measures in the Arboricultural Report produced by Urban Green in April 2016.
- 17) No development shall commence until a Habitat and Landscape Conservation and Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved protection measures shall be implemented in full prior to commencement of construction works and the approved biodiversity measures shall be

implemented in full in accordance with an approved timetable. The measures shall include:

- Details of hedgerows and trees to be retained together with measures for their protection during construction;
  - Provision for the retention of the existing pond and surrounding habitats and details of protection measures during construction;
  - Provision for the retention of the boundary ditch and associated habitats and details of protection measures during construction;
  - A method statements detailing measures to avoid harm to amphibians during the course of groundworks and construction;
  - Details of biodiversity enhancement measures to include suitable planting schemes and provisions of features for wildlife such as bird nesting and bat roosting boxes.
- 18) No trees shall be felled or vegetation cleared during the main bird nesting season (March to July inclusive) unless a report undertaken by a suitably qualified and experienced ecologist demonstrating the absence of nesting birds has first been submitted to, and approved in writing by, the Local Planning Authority.
- 19) Prior to the commencement of development a gas monitoring programme and risk assessment of the results shall be undertaken to confirm whether or not gas protection measures are required. Any gas monitoring programme must be carried out over a period of at least three months and include at least three readings where the atmospheric pressure is below 1000mb. Gas flow rates must be provided and the results shall be submitted to, and approved in writing by, the Local Planning Authority.
- If the monitoring programme indicates it, or in the absence of monitoring taking place, the development shall incorporate suitable gas protection measures, details of which have been submitted to, and approved in writing by, the Local Planning Authority. The measures shall include as a minimum: ventilation of confined spaces within the buildings; a ground slab of suitable construction; a low permeability gas membrane; minimum penetration of the ground slab by services; and passive ventilation to the underside of all buildings.
- 20) (i) No development shall take place until a site investigation of the nature and extent of any contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins.

(ii) Any Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and shall be completed prior to first occupation of the development permitted as evidenced by a completion certificate submitted to the Local Planning Authority.

- 21) Prior to the commencement of development a scheme detailing measures to prevent cricket balls from the adjoining cricket club from causing damage to property on the site shall be submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be installed prior to first occupation of the dwellings on the boundary adjacent to the cricket club and retained permanently thereafter. The scheme shall include details of the position, height and specification of the protective netting.
- 22) Prior to the commencement of development a scheme of off-site highway improvement works shall be submitted to, and approved in writing by, the Local Planning Authority. These works shall include a footway improvement scheme to deliver a 2 metres wide footway along the site frontage; the provision of new/improved bus stops to Quality Bus Stops standard in the vicinity of the site at locations to be approved; and a traffic calming scheme and speed limit review- to extend the 20mph speed limit to the southwest corner of the site and the introduction of a gateway feature and traffic calming measures. Further details shall be in accordance with plan D2238/HW1- Off-site Highway Works or as approved in writing by the Local Planning Authority. No dwellings hereby permitted shall be first occupied unless the approved off-site highway improvement scheme has been implemented in full.
- 23) No development, including any preparatory works, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement must demonstrate the adoption and use of best practicable means of reducing the effects of noise, vibration, dust and site lighting during the construction period. The approved Statement shall be adhered to throughout the construction period and shall provide for:
  - Procedures for complaint management and a point of contact for the public as well as liaison with the Council's Environmental Protection Team;
  - The parking of vehicles for site operatives and visitors;
  - The loading and unloading of plant and materials;



- The storage of plant and materials used in constructing the development and compound locations;
- The routing of construction vehicles
- The erection and maintenance of security hoarding including decorative displays;
- Wheel washing facilities;
- Measures to control noise and vibration and the emission of dust and dirt during construction as well as site lighting;
- A scheme for recycling/disposing of waste resulting from demolition and construction works.

*Before first occupation*

- 24) Prior to first occupation of any of the dwellings hereby permitted, a full travel plan shall be implemented in accordance with details which have been submitted to, and approved in writing by, the Local Planning Authority. The approved Travel Plan and Travel Plan Co-ordinator shall be in place and be operational prior to first occupation of any of the dwellings hereby permitted and thereafter for a period of not less than five years.
- 25) No dwelling shall be occupied until the vehicular accesses serving the domestic plots, driveways, car and cycle parking spaces, turning areas and parking courts that serve that dwelling have been constructed, laid out, surfaced, lit and drained in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.

*Other conditions*

- 26) No demolition, ground works or construction works shall take place outside the following hours: 0800 to 1800 hours on Mondays to Fridays and 0900 to 1300 hours on Saturdays. There shall be no such work on Sundays or Public or Bank Holidays.
- 27) Foul and surface water shall be drained on separate systems.
- 28) No external lighting shall be installed on the land reserved for the D1 use unless details of it have first been submitted to, and approved in writing by, the Local Planning Authority.

END OF CONDITIONS





## Appeal Decisions

Hearing Held on 30 January 2018

Site visit made on 30 January 2018

**by Helen Hockenhull BA(Hons) B.PI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 February 2018**

---

### Appeal A

**Appeal Ref: APP/U2370/W/17/3182594**

**Land at Carr Head Lane, Poulton le Fylde FY6 8EG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Gary Fox, Redrow Homes Lancashire against Wyre Borough Council.
  - The application Ref 17/00120/FUL is dated 18 January 2017.
  - The development proposed is 2 No. additional plots - plots 102 and 103 including change of alignment and position of the turning head at the end of the adoptable highway.
- 

### Appeal B

**Appeal Ref: APP/U2370/W/17/3183195**

**Land at Carr Head Lane, Poulton le Fylde FY6 8EG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
  - The appeal is made by Mr Gary Fox, Redrow Homes Lancashire against Wyre Borough Council.
  - The application Ref 14/00607/DIS2, dated 19 August 2016, sought approval of details pursuant to conditions Nos 5, 6, 8, 9, 13, 16, 17, 19, 21 and 22 of planning permission Ref 14/00607/OUTMAJ, granted on appeal on 20 January 2016.
  - The application was part approved (Condition 6 –affordable housing layout, Condition 13 –tree protection plan, Condition 17 -construction environment management plan, Condition 19 -site access, Condition 21 –landscape management plan and Condition 22-traffic management) and part refused (Condition 5 -crime report, Condition 8 -surface water drainage layout, Condition 9 -foul water drainage layout and Condition 16 -gas monitoring) by notice dated 1 June 2017.
  - The development proposed is the erection of up to 100 dwellings.
  - The details for which approval is sought are: surface water drainage layout (Condition 8) and foul water drainage layout (Condition 9).
- 

### Decision

#### Appeal A

1. The appeal is allowed and planning permission is granted for 2 No. additional plots - plots 102 and 103 on land at Carr Head Lane, Poulton le Fylde FY6 8EG in accordance with the terms of the application, Ref 17/00120/FUL, dated

18 January 2017, subject to the Conditions in the attached schedule.

## Appeal B

2. The appeal is allowed and I approve the details submitted pursuant to Conditions 8 and 9, attached to planning permission ref 14/00607/OUTMAJ granted on appeal on 20 January 2016, in accordance with the application ref 14/00607/DIS2 dated 19 August 2016.

## Procedural Matters

3. Appeal B relates to an application seeking approval of a number of details required by Conditions on the original planning permission for the development. This appeal concerns Conditions 8 and 9 only, which relate to the surface water and foul drainage scheme for the site.
4. An addendum to the Statement of Common Ground dated 20 December 2017 was submitted by the parties on 25 January 2018 before the hearing commenced. This indicated that a duplicate application<sup>1</sup> to discharge the conditions the subject of Appeal B, had been approved by the Council on 22 December 2017. Turning to Appeal A, the two additional plots, the main area of dispute also concerned the lack of an agreed surface water drainage scheme. I was advised that with the discharge of Conditions 8 and 9, the differences between the parties with regard to this proposal had also been resolved.
5. In addition the Addendum advised that the requirement to seek contributions towards primary and secondary education, originally requested by Lancashire County Council, the Education Authority, had been withdrawn. So too had the Council's requirement for a further contribution towards affordable housing. Accordingly there were no remaining areas of dispute between the parties. The Council confirmed that accordingly, they would not be presenting any evidence at the hearing. The hearing proceeded on this basis.
6. In relation to the submitted plans, the drainage layout submitted in Appeal A had the reference Drawing No. 4212/ENG001-1 Rev A. In respect of Appeal B the plan was referenced Rev C. It was confirmed at the hearing that the most up to date plan was Rev C and it was this plan that should be considered with regard to both appeals. In light of the very minor differences between the plans and in the interests of consistency, I consider that the substitution of the Drainage Layout plan in Appeal A would not materially prejudice the interests of third parties. I have therefore had regard to this later revision of the plan in both appeals.
7. The description of development in Appeal A included a change to the alignment and position of the turning head at the end of the adoptable highway. It was confirmed by the appellant that this is no longer proposed, the scheme reverting back to the turning head as originally approved. I have considered the appeal proposal on this basis and I have omitted reference to the turning head in my decision above.

## Main Issue

8. The main issue common to both appeals is whether appropriate provision has been made for surface water drainage having regard to sustainable principles.

---

<sup>1</sup> Planning application ref 14/00607/DIS2

## Reasons

9. Outline planning permission, reference 14/00607/OUTMAJ, for the development of up to 100 dwellings on the site was granted on appeal on 20 January 2016. A reserved matters application was then approved by the Council on 2 November 2016. Conditions 8 and 9 of the outline approval required the submission of the details of both surface and foul water drainage schemes respectively. It is these details that are the subject of Appeal B.
10. The proposed surface water drainage strategy involved water draining to an attenuation pond and then being discharged to an existing 750 mm surface water sewer. The Council considered that this proposal was not sufficiently based on sustainable principles and was therefore unacceptable. In light of possible consequential changes to the foul water drainage scheme, Condition 9 was also not approved.
11. Following the grant of the original planning permission, the appellant applied for permission for 2 additional plots on the site, no's 102 and 103 (application reference 17/00120/FUL). The Council failed to determine this application due to the outstanding issue of surface water drainage for the wider site.
12. The outline planning application for the housing development was accompanied by a Flood Risk Assessment (FRA). This recommended that surface water should drain to an existing watercourse located on the southern boundary of the site. However a subsequent detailed topographical survey undertaken by the appellant illustrated a fall across the site from around 7.6 metres on the southern boundary to approximately 6.7 metres on the northern boundary. In order to achieve a gravity led surface water drainage system, the appellant advised that it would be necessary to raise land levels by around 4 metres on the northern boundary and 2.5 metres on the southern boundary. I agree with the parties that this original option would not be acceptable due to the amenity issues it would raise, in particular the significant number of vehicle movements importing fill material.
13. I was advised at the hearing that a number of alternative drainage proposals had been considered by the appellant and discounted for a range of reasons. In considering these I have had regard to the hierarchy of drainage options outlined in Planning Practice Guidance<sup>2</sup>. These include infiltration, drainage to a surface water body, drainage to a surface water sewer, highway drain or another drainage system and finally drainage to a combined sewer.
14. I am satisfied that an infiltration system would not be feasible on this site due to adverse ground conditions. In order to achieve drainage to the nearby watercourse as originally proposed in the FRA, a pumped solution was considered by the appellant. As a result of site levels, this would require a number of small micro pumps. I accept that this option would create longer term maintenance issues and increased overall cost.
15. At the hearing the possibility of a hybrid system was discussed with the northern part of the site being drained to the surface water sewer and the southern area draining to the watercourse. I was informed that this would only be feasible for a small number of properties on the southern boundary again due to level differences. Furthermore this option would raise maintenance

---

<sup>2</sup> Paragraph: 080 Reference ID: 7\_080-20150323

issues as only the public sewer system would be managed by a public body, in this case United Utilities. The remaining system would need to be privately maintained with additional management costs borne by future residents. I agree that this option would be unlikely to be workable.

16. Turning to the submitted scheme, I acknowledge that whilst surface water would drain to a surface water sewer, it would be held on site in an attenuation pond and released at greenfield run off rate. The scheme would therefore have a sustainable element, reducing the potential for flooding and providing benefits for wildlife and recreation. However I am not satisfied from the evidence before me, that further sustainable measures, for example swales or other open water channels running through the proposed open space area, have been appropriately considered.
17. That being said, the Council's approval of the resubmitted application to discharge Conditions 8 and 9 forms a material consideration. It was confirmed at the hearing that this scheme is the same as that proposed in Appeal B and it has already been substantially implemented on the site.
18. Taking account of all the relevant factors in this case, whilst I consider that a scheme with additional sustainable drainage elements would have been desirable, I find that overall, the surface water drainage scheme the subject of Appeal B, would form an acceptable solution having regard to the hierarchy of drainage options.
19. It has been brought to my attention by the Council that there are plans to develop adjoining land to the east of the appeal site. The surface water strategy for this neighbouring development proposes discharge to the watercourse not to main sewer. I have been provided with few details of this scheme for example the ground conditions, levels etc in order to assess whether comparison can be made with the appeal scheme. I understand the Council's concern that approval of the drainage scheme submitted in this appeal could encourage developers to ignore a sustainable drainage hierarchy in favour of discharge to mains sewer. However such a scheme has already been approved by the Council in the resubmitted discharge of condition application, albeit with an attenuation pond. In any event each scheme must be considered on its individual merits having regard to the particular site circumstances.
20. The details of foul drainage submitted pursuant to Condition 9 propose foul water should be pumped to an existing combined sewer. The Council has raised no specific issues with regard to this strategy. In light of my finding with regard to the surface water drainage scheme for the site, I find no reason why the foul drainage details should not be approved.
21. In so far as being relevant to a proposal to discharge details pursuant to a planning condition, the drainage details for the site would be supported by Saved Policy ENV 15 of the Wyre Borough Local Plan. This aims to reduce the risk of flooding from uncontrolled surface water runoff.
22. Turning to Appeal A, the two additional house plots, I note that the Council raises no concern with respect to any other matters such as highways, residential amenity or design. Furthermore as I stated earlier in this decision, it has been confirmed that there is no longer a requirement for the proposal to contribute towards education provision or to affordable housing. In light of my

finding above with regard the outstanding issue of surface water drainage, there are no unresolved matters. I therefore consider the proposed 2 additional plots would be acceptable. The proposal would comply with Saved Policy SP2 which concerns the strategic location for development in the borough and Saved Policy SP14 which aims to achieve a high standard of design and amenity.

### **Other matters**

23. At the hearing residents living on the boundary of the site raised the issue of flooding to their rear gardens. These properties lie next to the area of public open space. Whilst the submitted drainage plans do not illustrate the drainage to this area, it was confirmed by the appellant that a land drain had been installed on this boundary and that the existing levels had not been changed. I consider that these measures are adequate to deal with surface water runoff in this part of the site.
24. The possibility of the proposed attenuation pond overflowing was also raised. The appellant stated that the pond had been designed to accommodate a 1 in 100 year flood with an allowance of 30% for climate change. He also advised that the modelling exercise supporting the surface water drainage strategy had been considered by United Utilities and a section 104 application under the Water Industry Act 1991 had been approved, confirming the adoption of the system. Accordingly I have no evidence to suggest that the scheme would be inadequate to serve the site, particularly in a flood event.

### **Conditions**

25. In respect of Appeal A, the two additional house plots, the Council and the appellant provided a revised list of agreed conditions at the hearing. I have considered these in light of the guidance in the Framework and Planning Practice Guidance. I have amended the wording of the conditions where necessary in the interest of clarity and precision.
26. In addition to the standard timeframe condition, I consider a condition specifying the approved plans to be necessary to define the planning permission and for the avoidance of doubt. In order to protect the character and appearance of the area, conditions regarding materials, landscaping and boundary treatments are also required. I consider that conditions requiring compliance with the approved levels and the surface and foul water drainage schemes on the wider site are necessary in order to achieve coordination and ensure the development is appropriately drained. The Council has suggested a condition removing permitted development rights in respect of the proposed garages to ensure that they remain available for the parking of vehicles. I consider this to be necessary in order to ensure the provision of adequate off road car parking.

### **Conclusion**

27. For the reasons given above, and having regard to all other matters raised, I conclude that that both Appeal A and Appeal B should be allowed.

*Helen Hockenfull*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Graham Trehella MCD MRTPI

Cass Associates

Victoria Hunter MRTPI

Redrow Homes Lancashire

### FOR THE LOCAL PLANNING AUTHORITY:

Karl Glover

Senior Planning Officer  
Wyre Borough Council

### INTERESTED PERSONS:

Roy Scott

Resident

Sylvia Southern

Resident

Shaun Smythe

Resident

Michael Bates

Resident

### DOCUMENTS SUBMITTED AT THE HEARING

1. Addendum to Statement of Common Ground – signed and dated 30 January 2018.
2. Revised suggested conditions in respect to Appeal A.
3. Photograph of flooding of adjoining residential garden.
4. Delegated report for application Ref 14/00607/DIS4, resubmitted application for discharge of conditions 8 and 9 on planning permission Ref 14/00607/OUTMAJ.

## SCHEDULE OF CONDITIONS - APPEAL A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. 4212-LOC-01 Rev A – Location Plan, Drawing No. 4212-DSL-102/103 Rev A – Detailed Site Layout, The Canterbury Heritage Collection '2017 Edition' EF Series Brick (B1)(January 2017) – Elevations, The Canterbury Heritage Collection '2017 Edition' EF Series (January 2107) – Floorplans, The Welwyn Heritage Collection '2016 Edition' EF Series Brick (B1) (March 2016) – Elevations, The Welwyn Heritage Collection '2016 Edition' EF Series ( March 2016) - Floorplans
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The development shall be carried out using the approved materials.
- 4) The development hereby approved shall be carried out in accordance with the site levels agreed on a site wide basis under planning application Reference 16/00444/DIS3 dated 30 November 2017 and with reference to the following plans:
  - Drawing number 4212/ENG010-7 Rev B – External Works Layout Sheet 7 – Levels amended to north western boundary to tally up with as built survey undertaken on 12 November 2017.
  - Drawing number 4212-AB-01 – As Built Survey dated 13 November 2017.
  - Drawing number SS-01 – Site Sections/Street Scenes.
- 5) The development hereby approved shall be carried out in accordance with the approved approach to surface water drainage and foul water drainage under application Ref 14/00607/DIS4 granted on 22 December 2017 and with reference to the following information:
  - Drawing number 4212/ENG001-1 Rev C – Drainage Layout
  - Technical Note: Surface Water Drainage.
- 6) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The approved details for hard landscape and boundary treatment shall be carried out in accordance with the approved details before any part of the development is first occupied. The approved details of soft landscaping shall be carried out as follows:
  - a) within the first planting and seeding seasons following the completion of the development hereby approved or in accordance with an alternative phasing programme to be agreed in writing with the local planning authority prior to the commencement of development.
  - b) any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season



with others of similar size and species, unless the local planning authority gives its written consent to any variation.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the garages hereby approved shall be retained solely for the housing of private motor vehicles and shall not be used for any other purpose nor any works be undertaken which preclude their use for the parking of private motor vehicles.





---

## Appeal Decisions

Hearing Held on 30 January 2018

Site visit made on 30 January 2018

**by Helen Hockenhull BA(Hons) B.PI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 February 2018**

---

### Appeal A

**Appeal Ref: APP/U2370/W/17/3182594**

**Land at Carr Head Lane, Poulton le Fylde FY6 8EG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Gary Fox, Redrow Homes Lancashire against Wyre Borough Council.
  - The application Ref 17/00120/FUL is dated 18 January 2017.
  - The development proposed is 2 No. additional plots - plots 102 and 103 including change of alignment and position of the turning head at the end of the adoptable highway.
- 

### Appeal B

**Appeal Ref: APP/U2370/W/17/3183195**

**Land at Carr Head Lane, Poulton le Fylde FY6 8EG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
  - The appeal is made by Mr Gary Fox, Redrow Homes Lancashire against Wyre Borough Council.
  - The application Ref 14/00607/DIS2, dated 19 August 2016, sought approval of details pursuant to conditions Nos 5, 6, 8, 9, 13, 16, 17, 19, 21 and 22 of planning permission Ref 14/00607/OUTMAJ, granted on appeal on 20 January 2016.
  - The application was part approved (Condition 6 –affordable housing layout, Condition 13 –tree protection plan, Condition 17 -construction environment management plan, Condition 19 -site access, Condition 21 –landscape management plan and Condition 22-traffic management) and part refused (Condition 5 -crime report, Condition 8 -surface water drainage layout, Condition 9 -foul water drainage layout and Condition 16 -gas monitoring) by notice dated 1 June 2017.
  - The development proposed is the erection of up to 100 dwellings.
  - The details for which approval is sought are: surface water drainage layout (Condition 8) and foul water drainage layout (Condition 9).
- 

### Decision

#### Appeal A

1. The appeal is allowed and planning permission is granted for 2 No. additional plots - plots 102 and 103 on land at Carr Head Lane, Poulton le Fylde FY6 8EG in accordance with the terms of the application, Ref 17/00120/FUL, dated

18 January 2017, subject to the Conditions in the attached schedule.

#### Appeal B

2. The appeal is allowed and I approve the details submitted pursuant to Conditions 8 and 9, attached to planning permission ref 14/00607/OUTMAJ granted on appeal on 20 January 2016, in accordance with the application ref 14/00607/DIS2 dated 19 August 2016.

#### Procedural Matters

3. Appeal B relates to an application seeking approval of a number of details required by Conditions on the original planning permission for the development. This appeal concerns Conditions 8 and 9 only, which relate to the surface water and foul drainage scheme for the site.
4. An addendum to the Statement of Common Ground dated 20 December 2017 was submitted by the parties on 25 January 2018 before the hearing commenced. This indicated that a duplicate application<sup>1</sup> to discharge the conditions the subject of Appeal B, had been approved by the Council on 22 December 2017. Turning to Appeal A, the two additional plots, the main area of dispute also concerned the lack of an agreed surface water drainage scheme. I was advised that with the discharge of Conditions 8 and 9, the differences between the parties with regard to this proposal had also been resolved.
5. In addition the Addendum advised that the requirement to seek contributions towards primary and secondary education, originally requested by Lancashire County Council, the Education Authority, had been withdrawn. So too had the Council's requirement for a further contribution towards affordable housing. Accordingly there were no remaining areas of dispute between the parties. The Council confirmed that accordingly, they would not be presenting any evidence at the hearing. The hearing proceeded on this basis.
6. In relation to the submitted plans, the drainage layout submitted in Appeal A had the reference Drawing No. 4212/ENG001-1 Rev A. In respect of Appeal B the plan was referenced Rev C. It was confirmed at the hearing that the most up to date plan was Rev C and it was this plan that should be considered with regard to both appeals. In light of the very minor differences between the plans and in the interests of consistency, I consider that the substitution of the Drainage Layout plan in Appeal A would not materially prejudice the interests of third parties. I have therefore had regard to this later revision of the plan in both appeals.
7. The description of development in Appeal A included a change to the alignment and position of the turning head at the end of the adoptable highway. It was confirmed by the appellant that this is no longer proposed, the scheme reverting back to the turning head as originally approved. I have considered the appeal proposal on this basis and I have omitted reference to the turning head in my decision above.

#### Main Issue

8. The main issue common to both appeals is whether appropriate provision has been made for surface water drainage having regard to sustainable principles.

---

<sup>1</sup> Planning application ref 14/00607/DIS2

## Reasons

9. Outline planning permission, reference 14/00607/OUTMAJ, for the development of up to 100 dwellings on the site was granted on appeal on 20 January 2016. A reserved matters application was then approved by the Council on 2 November 2016. Conditions 8 and 9 of the outline approval required the submission of the details of both surface and foul water drainage schemes respectively. It is these details that are the subject of Appeal B.
10. The proposed surface water drainage strategy involved water draining to an attenuation pond and then being discharged to an existing 750 mm surface water sewer. The Council considered that this proposal was not sufficiently based on sustainable principles and was therefore unacceptable. In light of possible consequential changes to the foul water drainage scheme, Condition 9 was also not approved.
11. Following the grant of the original planning permission, the appellant applied for permission for 2 additional plots on the site, no's 102 and 103 (application reference 17/00120/FUL). The Council failed to determine this application due to the outstanding issue of surface water drainage for the wider site.
12. The outline planning application for the housing development was accompanied by a Flood Risk Assessment (FRA). This recommended that surface water should drain to an existing watercourse located on the southern boundary of the site. However a subsequent detailed topographical survey undertaken by the appellant illustrated a fall across the site from around 7.6 metres on the southern boundary to approximately 6.7 metres on the northern boundary. In order to achieve a gravity led surface water drainage system, the appellant advised that it would be necessary to raise land levels by around 4 metres on the northern boundary and 2.5 metres on the southern boundary. I agree with the parties that this original option would not be acceptable due to the amenity issues it would raise, in particular the significant number of vehicle movements importing fill material.
13. I was advised at the hearing that a number of alternative drainage proposals had been considered by the appellant and discounted for a range of reasons. In considering these I have had regard to the hierarchy of drainage options outlined in Planning Practice Guidance<sup>2</sup>. These include infiltration, drainage to a surface water body, drainage to a surface water sewer, highway drain or another drainage system and finally drainage to a combined sewer.
14. I am satisfied that an infiltration system would not be feasible on this site due to adverse ground conditions. In order to achieve drainage to the nearby watercourse as originally proposed in the FRA, a pumped solution was considered by the appellant. As a result of site levels, this would require a number of small micro pumps. I accept that this option would create longer term maintenance issues and increased overall cost.
15. At the hearing the possibility of a hybrid system was discussed with the northern part of the site being drained to the surface water sewer and the southern area draining to the watercourse. I was informed that this would only be feasible for a small number of properties on the southern boundary again due to level differences. Furthermore this option would raise maintenance

---

<sup>2</sup> Paragraph: 080 Reference ID: 7\_080-20150323

issues as only the public sewer system would be managed by a public body, in this case United Utilities. The remaining system would need to be privately maintained with additional management costs borne by future residents. I agree that this option would be unlikely to be workable.

16. Turning to the submitted scheme, I acknowledge that whilst surface water would drain to a surface water sewer, it would be held on site in an attenuation pond and released at greenfield run off rate. The scheme would therefore have a sustainable element, reducing the potential for flooding and providing benefits for wildlife and recreation. However I am not satisfied from the evidence before me, that further sustainable measures, for example swales or other open water channels running through the proposed open space area, have been appropriately considered.
17. That being said, the Council's approval of the resubmitted application to discharge Conditions 8 and 9 forms a material consideration. It was confirmed at the hearing that this scheme is the same as that proposed in Appeal B and it has already been substantially implemented on the site.
18. Taking account of all the relevant factors in this case, whilst I consider that a scheme with additional sustainable drainage elements would have been desirable, I find that overall, the surface water drainage scheme the subject of Appeal B, would form an acceptable solution having regard to the hierarchy of drainage options.
19. It has been brought to my attention by the Council that there are plans to develop adjoining land to the east of the appeal site. The surface water strategy for this neighbouring development proposes discharge to the watercourse not to main sewer. I have been provided with few details of this scheme for example the ground conditions, levels etc in order to assess whether comparison can be made with the appeal scheme. I understand the Council's concern that approval of the drainage scheme submitted in this appeal could encourage developers to ignore a sustainable drainage hierarchy in favour of discharge to mains sewer. However such a scheme has already been approved by the Council in the resubmitted discharge of condition application, albeit with an attenuation pond. In any event each scheme must be considered on its individual merits having regard to the particular site circumstances.
20. The details of foul drainage submitted pursuant to Condition 9 propose foul water should be pumped to an existing combined sewer. The Council has raised no specific issues with regard to this strategy. In light of my finding with regard to the surface water drainage scheme for the site, I find no reason why the foul drainage details should not be approved.
21. In so far as being relevant to a proposal to discharge details pursuant to a planning condition, the drainage details for the site would be supported by Saved Policy ENV 15 of the Wyre Borough Local Plan. This aims to reduce the risk of flooding from uncontrolled surface water runoff.
22. Turning to Appeal A, the two additional house plots, I note that the Council raises no concern with respect to any other matters such as highways, residential amenity or design. Furthermore as I stated earlier in this decision, it has been confirmed that there is no longer a requirement for the proposal to contribute towards education provision or to affordable housing. In light of my

finding above with regard the outstanding issue of surface water drainage, there are no unresolved matters. I therefore consider the proposed 2 additional plots would be acceptable. The proposal would comply with Saved Policy SP2 which concerns the strategic location for development in the borough and Saved Policy SP14 which aims to achieve a high standard of design and amenity.

### **Other matters**

23. At the hearing residents living on the boundary of the site raised the issue of flooding to their rear gardens. These properties lie next to the area of public open space. Whilst the submitted drainage plans do not illustrate the drainage to this area, it was confirmed by the appellant that a land drain had been installed on this boundary and that the existing levels had not been changed. I consider that these measures are adequate to deal with surface water runoff in this part of the site.
24. The possibility of the proposed attenuation pond overflowing was also raised. The appellant stated that the pond had been designed to accommodate a 1 in 100 year flood with an allowance of 30% for climate change. He also advised that the modelling exercise supporting the surface water drainage strategy had been considered by United Utilities and a section 104 application under the Water Industry Act 1991 had been approved, confirming the adoption of the system. Accordingly I have no evidence to suggest that the scheme would be inadequate to serve the site, particularly in a flood event.

### **Conditions**

25. In respect of Appeal A, the two additional house plots, the Council and the appellant provided a revised list of agreed conditions at the hearing. I have considered these in light of the guidance in the Framework and Planning Practice Guidance. I have amended the wording of the conditions where necessary in the interest of clarity and precision.
26. In addition to the standard timeframe condition, I consider a condition specifying the approved plans to be necessary to define the planning permission and for the avoidance of doubt. In order to protect the character and appearance of the area, conditions regarding materials, landscaping and boundary treatments are also required. I consider that conditions requiring compliance with the approved levels and the surface and foul water drainage schemes on the wider site are necessary in order to achieve coordination and ensure the development is appropriately drained. The Council has suggested a condition removing permitted development rights in respect of the proposed garages to ensure that they remain available for the parking of vehicles. I consider this to be necessary in order to ensure the provision of adequate off road car parking.

### **Conclusion**

27. For the reasons given above, and having regard to all other matters raised, I conclude that that both Appeal A and Appeal B should be allowed.

*Helen Hockenfull*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Graham Trehella MCD MRTPI

Cass Associates

Victoria Hunter MRTPI

Redrow Homes Lancashire

### FOR THE LOCAL PLANNING AUTHORITY:

Karl Glover

Senior Planning Officer  
Wyre Borough Council

### INTERESTED PERSONS:

Roy Scott

Resident

Sylvia Southern

Resident

Shaun Smythe

Resident

Michael Bates

Resident

### DOCUMENTS SUBMITTED AT THE HEARING

1. Addendum to Statement of Common Ground – signed and dated 30 January 2018.
2. Revised suggested conditions in respect to Appeal A.
3. Photograph of flooding of adjoining residential garden.
4. Delegated report for application Ref 14/00607/DIS4, resubmitted application for discharge of conditions 8 and 9 on planning permission Ref 14/00607/OUTMAJ.

## SCHEDULE OF CONDITIONS - APPEAL A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. 4212-LOC-01 Rev A – Location Plan, Drawing No. 4212-DSL-102/103 Rev A – Detailed Site Layout, The Canterbury Heritage Collection '2017 Edition' EF Series Brick (B1)(January 2017) – Elevations, The Canterbury Heritage Collection '2017 Edition' EF Series (January 2107) – Floorplans, The Welwyn Heritage Collection '2016 Edition' EF Series Brick (B1) (March 2016) – Elevations, The Welwyn Heritage Collection '2016 Edition' EF Series ( March 2016) - Floorplans
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The development shall be carried out using the approved materials.
- 4) The development hereby approved shall be carried out in accordance with the site levels agreed on a site wide basis under planning application Reference 16/00444/DIS3 dated 30 November 2017 and with reference to the following plans:
  - Drawing number 4212/ENG010-7 Rev B – External Works Layout Sheet 7 – Levels amended to north western boundary to tally up with as built survey undertaken on 12 November 2017.
  - Drawing number 4212-AB-01 – As Built Survey dated 13 November 2017.
  - Drawing number SS-01 – Site Sections/Street Scenes.
- 5) The development hereby approved shall be carried out in accordance with the approved approach to surface water drainage and foul water drainage under application Ref 14/00607/DIS4 granted on 22 December 2017 and with reference to the following information:
  - Drawing number 4212/ENG001-1 Rev C – Drainage Layout
  - Technical Note: Surface Water Drainage.
- 6) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The approved details for hard landscape and boundary treatment shall be carried out in accordance with the approved details before any part of the development is first occupied. The approved details of soft landscaping shall be carried out as follows:
  - a) within the first planting and seeding seasons following the completion of the development hereby approved or in accordance with an alternative phasing programme to be agreed in writing with the local planning authority prior to the commencement of development.
  - b) any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season



with others of similar size and species, unless the local planning authority gives its written consent to any variation.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the garages hereby approved shall be retained solely for the housing of private motor vehicles and shall not be used for any other purpose nor any works be undertaken which preclude their use for the parking of private motor vehicles.



---

## Appeal Decision

Hearing held on 7 February 2018

Site visit made on 7 February 2018

**by Kay Sheffield BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 February 2018**

---

**Appeal Ref: APP/U2370/W/17/3183460**

**Bowes Hill Stud, Neds Lane, Stalmine-with-Staynall, FY6 0LW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Jason Stephenson against the decision of Wyre Borough Council.
  - The application Ref 16/01093/FUL, dated 09/12/2016, was refused by notice dated 19/05/2017.
  - The development proposed is the change of use of land for the siting of one residential caravan (for the occupation of one gypsy traveller family) and two touring caravans for leisure/cultural use.
- 

### Preliminary and procedural matters

1. The development subject of the appeal has been carried out. The gypsy status of the Appellant and his family is not disputed and there are no concerns regarding the business the Appellant runs from the site which is the breeding and training of horses specifically for the gypsy market. In order to clarify the purpose of the development the description was amended during the course of the application. I have adopted the amended description.
2. Although neither party made an application for costs, the Appellant asked that I consider applying my powers to instigate an award. I have considered the request. However, in this instance the available evidence does not lead me to pursue exercising my powers in this regard.

### Decision

3. The appeal is allowed and planning permission is granted for the change of use of land for the siting of one residential caravan (for the occupation of one gypsy traveller family) and two touring caravans for leisure/cultural use at Bowes Hill Stud, Neds Lane, Stalmine-with-Staynall, FY6 0LW in accordance with the terms of the application, Ref 16/01093/FUL, dated 09/12/2016, subject to the conditions set out in the schedule attached to the decision.

### Main Issues

4. The main issues are:
  - i) Whether the development would be appropriate in this location having regard to national and local planning policy;
  - ii) Whether the need for and provision of accommodation for gypsies and travellers within the area and the accommodation needs and personal circumstances of the Appellant and his family would outweigh any harm; and

iii) Whether the proposal would amount to sustainable development.

### Reasons

5. The appeal site lies within open countryside to the east of the A588, the main road through Stalmine. Access to the site from the A588 is via Back Lane and Neds Lane followed by an unadopted track which also serves several other properties.
6. The Appellant confirmed that the appeal site and other adjoining land in his ownership amounts to approximately 6 acres. The static caravan is sited between two existing buildings, each providing stabling for 7 horses. The brick building also has a separate storage area and the stable block has a tack room. The static caravan replaced one which had previously been granted planning permission<sup>1</sup> for use as a rest room and canteen facilities in association with the use of the site as livery stables. The touring caravans are sited close to the static van. On land directly adjoining the appeal site there is an all-weather riding arena which was granted planning permission<sup>2</sup> in 1994 at the same time as the stable block.

### Location

7. The National Planning Policy Framework (the Framework) advises that its content should be read in conjunction with Government's Planning Policy for Traveller Sites (PPTS). Policy H of the PPTS, in turn, requires applications for gypsy sites to be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in both the Framework and the PPTS.
8. The Framework identifies one of the core principles of the planning system as recognising the intrinsic character and beauty of the countryside. In this regard Policy H of the PPTS advises at paragraph 25 that new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan should be strictly limited. However, PPTS does not preclude the development of gypsy sites in the countryside as a matter of principle.
9. The Wyre Borough Local Plan 1991–2006, adopted in 1999 (the LP), offers no policies specifically relating to gypsy and traveller development and is therefore silent in this regard. In refusing planning permission the Council cited saved Policy Sp13 of the LP which relates to development in the countryside. I find the aims of the policy to be broadly consistent with the expectations of the Framework and the parties were agreed that substantial weight can be attributed to it.
10. Policy Sp13 sets out the circumstances under which development would be permitted in areas designated as countryside and included in criterion A is development for "*the essential requirements of agriculture or forestry, suitable forms of tourism and related activities, or other uses appropriate to the rural area*". In the light of the PPTS the proposal could be considered an appropriate use under Policy Sp13.

---

<sup>1</sup> Application Ref: 10/00901/FUL

<sup>2</sup> Application Ref: 94/00068

11. The draft Wyre Local Plan (draft LP) has been submitted for Examination. Whilst Policy HP8 of the draft LP does not identify a need for pitches for gypsies and travellers, it sets out the criteria to be met in assessing any applications submitted in respect of new sites. The Council was of the opinion that the development would contravene criterion 2c) of the policy which states that *"If the proposal involves the development of land identified in this Local Plan for another purpose, the loss of such land is outweighed by the benefit of meeting an identified need for additional gypsy and traveller or travelling showpeople accommodation, and represents the appropriate planning balance in the circumstances"*.
12. The Council contended that the site was identified as open countryside and its loss would not be outweighed by the benefit of meeting an identified need for gypsy accommodation. This interpretation was disputed by the Appellant since the status of the land as open countryside was due to it not being identified for another purpose. Be that as it may, the location of the site in open countryside has to be weighed in the balance.
13. The Council's Gypsy and Traveller Accommodation Assessment, 2014 (GTAA) identified a need for 17 additional gypsy and traveller pitches whereas the update in 2016 identified no need. Whilst the assessment is disputed by the Appellant, the level of identified need and how it will be met is a matter to be addressed as part of the examination of the draft LP and is not for me as part of the appeal. Notwithstanding this, the proposal is evidence of the Appellant's need for appropriate accommodation. There is therefore support for the appeal from Policy HP8. Whilst the submission of the draft LP would suggest it could be accorded appreciable weight, I was advised that there are representations against the policy and this limits the weight which can be afforded to it.
14. In summary I find no overriding objection to the development in this location in either the Framework or the PPTS. The adopted LP is silent with regard to specific policies for gypsy and traveller development and given that the principle of gypsy sites in the countryside is not precluded by the PPTS I consider the acceptance in Policy Sp13 of other uses appropriate to the rural area lends support to the appeal. Policy HP8 of the draft LP also adds some weight. I further conclude, in accordance with the advice in the Framework, that greater weight should be attached to more recent national policy contained in the PPTS which makes specific policy provision in relation to the location of gypsy and traveller sites.

*Accommodation needs and personal circumstances*

15. The Council has no existing provision of gypsy and traveller pitches and according to the update in 2016 of the GTAA there is no identified need. However, the gypsy status of the Appellant is accepted and the appeal is evidence of his need for appropriate accommodation.
16. The Appellant and his family lived in bricks and mortar accommodation for five years immediately prior to moving onto the appeal site. Whilst the experience may not have profoundly affected the health of the family, it became clear at the Hearing that the Appellant and his family are better suited to the traditional gypsy life they are used to and their general well-being has improved from living on the site.

17. The Appellant's children are all in full time education. The youngest attends the school in Stalmine, his place having been secured on appeal to the local education authority. The older children attend secondary school in Poulton where they have an established set of friends made prior to moving to the appeal site. It was indicated that the older children plan to continue into further education. I have borne in mind that the best interests of the children is a primary consideration in this appeal.
18. Neither party was able to identify any realistic alternative to the appeal site which would be suitable, available, affordable and acceptable. The Council indicated that should the appeal be dismissed it would take enforcement action, although the time period for compliance would be likely to be lengthy. The Appellant considered that due to the need to care for his horses and manage his business as well as allowing his children to continue their education, his only alternative would be to move onto a highway verge in the local area.
19. Whilst no financial records were submitted the evidence points to the Appellant having a successful business which he has built up over many years. It was obvious from his verbal evidence and the site visit that the horses are an essential and important element of not only the business but his life and that of his family, his wife and children taking an active role in tending the horses. The site provides an ideal base on which to build on his successes in horse breeding. Moreover the horses represent a significant investment and their health and security are of paramount importance to the success of the business.
20. The Appellant has not sought to justify the development on the grounds of an essential need to live on the site and it is accepted that limited evidence in this respect was submitted to the Council as part of the planning application. However, it became clear from the evidence given verbally to the Hearing that as well as tending to the horses during the day, the Appellant has to check them at regular intervals during the night. The Council stated that, from the specifics outlined in verbal evidence given by the Appellant, it could see that there was a need to be on the site. I consider that the circumstances specific to the business indicate an element of need rather than a preference for the Appellant to live on the site.
21. On balance I consider that the accommodation needs and personal circumstances of the Appellant and his family carry significant weight in support of the appeal.

*Whether the proposal would amount to sustainable development*

22. As set out in the Framework the three dimensions to sustainable development give rise to the need for the planning system to perform economic, social and environmental roles. As set out in paragraph 8 these roles should not be undertaken in isolation, because they are mutually dependent.
23. In refusing planning permission the Council considered that the development would be sited in an unsustainable, detached and isolated location due to the lack of immediate, direct and safe access to key community services and infrastructure which realistically can only be accessible by using a private car.
24. It was agreed between the parties that the appeal site lies approximately 1.3km by road from the edge of the settlement boundary as defined in the LP.

- However, this boundary does not represent the edge of the built development of Stalmine and it is proposed to amend the settlement boundary in the draft LP. By road the site would be approximately 700m from the revised boundary. Furthermore there are various properties scattered across the local landscape outside of the settlement, including a mobile home park.
25. The route taken from the site to Stalmine is via Neds Lane, Back Lane and onto the A588. The track serving the appeal site and neighbouring properties is not lit and only has a tarmac surface on part of its length. Neds Lane and Back Lane are devoid of footways and have limited street lighting. However, there are footways and lighting on the A588 and bus stops at its junctions with both Neds Lane and Back Lane. The bus service between Blackpool and Knott End runs every 30 minutes from early morning to late evening Mondays to Saturdays, with a reduced service on Sundays.
  26. Although the site is within an acceptable walking distance from Stalmine and the bus stops on the A588, the lack of street lights and footways along part of the route may not be conducive to walking. However, these conditions apply to all in the local area, not just the appeal site. I noted several walkers during my pre-Hearing site visit and the Appellant indicated that his youngest child walks to school. Whilst by preference the older children are taken to school by car, it is possible for them to go by bus.
  27. On balance, I do not consider that the distance or the road conditions are prohibitive to people using other forms of transport than the private car. Furthermore the residence of the Appellant on the site from which his business is operated would avoid his and his wife's need to travel to the site not only on a daily basis but also during the night.
  28. The Framework identifies as part of the economic role of sustainable development a need to ensure sufficient land of the right type is available for development in the right places. I have already concluded that the development would be in a sustainable location. Furthermore the proposal would allow the Appellant a settled base from which he can continue to foster his business. In terms of the social role, the children would be able to continue in regular education in schools where they are settled. It is also noted that the Appellant takes an active part in the local community and gives charitable support to local causes. I am generally satisfied by the evidence that the proposal would broadly accord with the expectations of sustainable development set out in the Framework.

### **Conditions**

29. I have considered the conditions suggested by the Council in the light of the discussion at the Hearing. I have also had regard to the advice set out in the Planning Practice Guidance and the Framework in terms of both the need for individual conditions and of appropriate wording.
30. As the scheme is only acceptable on the basis of the particular details submitted the scope of the permission is defined by conditions which confirm the approved drawing, limit the number and type of caravans and restrict their occupation. In the interests of visual amenity the Council is given control over any external lighting additional to what is already present on the site.

31. Whilst I find a full permission to be acceptable, the material considerations which weighed in the balance in respect of the business are unique to the Appellant. I therefore consider that a personal permission is necessary to give control over any future occupation of the site. It is also necessary to impose a condition setting out the requirements for the removal of the development should the Appellant cease occupation of the site. In the light of my decision to grant a personal permission the suggested condition restricting occupation to gypsies and travellers only is not necessary.
32. The Council suggested a condition requiring the submission and approval of details of foul and surface water drainage. However, the static caravan is using the same drainage systems as the previous caravan and in the absence of any identified problems in respect of drainage I consider it unnecessary to require the submission of details in this respect.

### **Conclusion**

33. With regard to the development of gypsy and traveller sites the LP is silent and the emerging LP together with PPTS does not preclude such development in the open countryside. The Council has no existing provision of gypsy and traveller pitches, the need for accommodation has been demonstrated and the personal circumstances of the Appellant and his family add significant weight in favour of the appeal. It has also been concluded that the development would be sustainable. In accordance with the presumption in favour of sustainable development, planning permission should therefore be granted in the terms described.
34. For the reasons given above, and having had regard to all other matters raised, the appeal is allowed.

*Kay Sheffield*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; and Drawing No. ML/JS/5509 dated 09/12/2016.
- 2) There shall be no more than one pitch on the site comprising two touring caravans and one static van, all as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended.
- 3) The occupation of the site hereby permitted shall be carried on only by Mr Jason Stephenson and his resident dependants.
- 4) When the land ceases to be occupied by Mr Jason Stephenson and his resident dependants the residential use hereby permitted shall cease and the static caravan and two touring caravans brought on to the land in connection with the residential use shall be removed from the site.
- 5) Details of any external lighting in addition to that already on the buildings, the light column in the yard and to the all-weather riding arena shall be submitted to and approved in writing by the local planning authority prior to its installation. The lights shall be installed in accordance with the approved details.



## **APPEARANCES**

### FOR THE APPELLANT:

Mrs Alison Heine BSc MSc MRTPI	Heine Planning Consultancy
Mr Jason Stephenson	Appellant

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Mark Lynch BSc DipTP CMS MRTPI	Interim Planning Manager
Mr Karl Glover Assoc RTPI	Senior Planning Officer
Mr Len Harris BA(Hons) DipUPI MRTPI	Senior Planning Officer

## DOCUMENTS

### Documents submitted to the Hearing

- 1 Response of the Council to the draft Statement of Common Ground
- 2 Decision letter in respect of Appeal Ref: APP/U2370/W/17/3177796 submitted by the Appellant
- 3 Plan showing the settlement boundary of Stalmine as designated in the Wyre Local Plan and proposed in the draft Wyre Local Plan, submitted by the Council
- 4 Relevant policies of the Submission Draft Wyre Local Plan, January 2018 submitted by the Council
- 5 Extract from the Policies Map of the Publication Draft Wyre Local Plan, September 2017 submitted by the Council
- 6 Blackpool Transport bus timetable submitted by the Council
- 7 Decision notice in respect of Application Number 10/00901/FUL relating to the site.

### Document submitted after the Hearing

- 8 Suggested form of wording of additional conditions agreed between the parties.



---

## Appeal Decision

Site visit made on 23 January 2018

**by Beverley Wilders BA (Hons) PgDurb MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26 February 2018**

---

**Appeal Ref: APP/U2370/W/17/3184602**

**Land South of Rosslyn Avenue, Preesall, Poulton Le Fylde FY6 0HE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Gregson against the decision of Wyre Borough Council.
  - The application Ref 16/00978/OUTMAJ, dated 24 October 2016, was refused by notice dated 7 June 2017.
  - The development proposed is outline application for the erection of up to 70no. dwellings with associated parking, gardens and amenity space (access applied for).
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The proposal is for outline planning permission with all matters reserved except for access. An indicative site layout plan was submitted with the application and I have had regard to it in reaching my decision.
3. The Council is in the process of producing a new Local Plan (NLP). However the NLP has not been adopted and from the evidence it appears that it has yet to be examined. Consequently in reaching my decision I have afforded limited weight to policies within the NLP.

### Main Issues

4. The main issues are:
  - whether the proposal is acceptable in principle having regard to the location of the appeal site in an area with a high probability of flooding;
  - the effect of the proposal on the character and appearance of the area.

### Reasons

#### *Flooding*

5. The appeal site is located in an area with a high probability of flooding (Flood Zone 3). A Flood Risk Assessment (FRA) was submitted with the application and the Environment Agency (EA) was consulted on the proposal prior to its determination by the Council. In addition information was submitted with the application regarding the Sequential and Exception Tests and at the time of determining the application the Council was satisfied that the proposal met

- both these tests with the EA being satisfied that the FRA demonstrated that the development would be safe for its lifetime without increasing flood risk elsewhere.
6. However subsequent to the application being determined by the Council it published an updated Strategic Housing Land Availability Assessment in July 2017 (SHLAA) and a number of sites have been granted planning permission for housing.
  7. In its statement the Council identified three sites that it considers to be sequentially more preferable than the appeal site being in areas of low probability of flooding (Flood Zone 1). These are Land off Holts Lane, Poulton (Ref 16/01043/OUTMAJ, Land off Brockholes Crescent (Ref 16/00742/OUTMAJ) and Land to rear and Redline Garage, Garstang. However the appellant considers that these sites should be discounted as they are not reasonably available due to two having developers on board and one containing an operational business.
  8. Paragraph 100 of the National Planning Policy Framework (the Framework) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Paragraph 101 states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
  9. As stated, the Council initially accepted that there were no sequentially preferable sites available but subsequently identified three alternative sites during the appeal. These have been discounted by the appellant. The EA and the Council are satisfied that, subject to appropriate conditions, the proposal would be safe without increasing flood risk elsewhere and I have no reason to disagree with their findings in relation to this issue. However the evidence submitted by the appellant in relation to the alternative sites suggested by the Council is somewhat limited and I am not therefore satisfied that the Sequential Test required by the Framework has been met and that there are not reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Consequently the proposal is contrary to paragraphs 100 & 101 of the Framework and is unacceptable in principle having regard to the location of the appeal site in an area with a high probability of flooding.

#### *Character and appearance*

10. The appeal site comprises two relatively flat, undeveloped fields of rough pasture. The northern field lies immediately to the south of and takes access from Rosslyn Avenue and is south of residential bungalows on Rosslyn Crescent. The other field partly overlaps the northern field and is to the south of it. The immediate surrounding area has a mixed character and mainly comprises single storey buildings including bungalows, mobile/park homes and lodges. Open fields with low boundary hedges lie to the west of the appeal site and there are public rights of way nearby allowing some public views of the site.
11. Vehicular access to the proposed housing development would be taken from the existing access point off Rosslyn Avenue and internal access roads would

be provided within the site. The indicative layout shows housing within both fields with a higher density layout in the northern field and a larger amount of open amenity space and tree planting and landscaping within the southern field.

12. Whilst the appeal site is currently undeveloped, the northern field is closely related to existing built development of a reasonably high density to the north, east and south, albeit some of which comprises mobile/park homes and lodges. Nevertheless it means that the character and appearance of the area surrounding this part of the appeal site is less open and rural in character than the more open agricultural land to the east. Consequently I do not consider that, subject to appropriate siting, scale and appearance, the development of the northern field for housing would be out of character with surrounding development. Whilst development on the site would be visible from surrounding properties and from public footpaths, it would be viewed against a backdrop of existing built development and not against an open rural landscape.
13. By contrast the southern field has a more open and rural character and is generally detached from nearby residential development. I therefore consider that the development of this field for housing in a manner similar to that shown on the indicative site layout plan would be out of keeping with the area and would have a harmful suburbanising impact on the open, rural character of this part of the site and the surrounding area.
14. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the character and appearance of the area. It is therefore contrary to Policy SP14 of the Wyre Borough Local Plan 1991-2006 (LP) and to relevant paragraphs within sections 7 and 11 of the Framework. These policies seek, amongst other things, to ensure that development is well designed and is acceptable in the local landscape in terms of its scale and siting. Whilst I note the appellant's view that the LP is significantly out of date, having regard to paragraph 215 of the Framework, I am satisfied that the relevant parts of Policy SP14 are consistent with the policies in the Framework and in reaching my decision I have therefore had regard to the requirements of Policy SP14.

### **Other Matters and Planning Balance**

15. The appeal site is located outside of the settlement boundary of Knott End/Preesall and is designated as countryside area within the LP. LP Policy SP13 restricts the type of development that can be permitted in the countryside and does not allow for housing development unless it is for local housing need in accordance with housing policies H14 and H15 of the LP or the development of a single infill plot. Whilst the proposal would make provision for affordable housing, there is no evidence that it would fulfil a local housing need and consequently it is contrary to Policy SP13. Though the LP was adopted some time ago and pre-dates the Framework, the justification for and overriding intention of Policy SP13 appears to be to protect the inherent qualities and rural characteristics of the countryside. The policy is therefore consistent with the Framework and I have had regard to it in reaching my decision.
16. Both main parties agree that the Council cannot currently demonstrate a five year supply of deliverable housing sites. The appellant states that the latest

figures from the Council indicate that it has a four year supply and this figure has not been disputed by the Council.

17. Paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
18. Paragraph 14 of the Framework states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
19. The proposal would provide up to 70 dwellings in a reasonably accessible location, 30% of which would be required to be affordable and would contribute significantly to the current under supply of housing in the Borough, supporting the Governments ambition to boost the supply of housing. Given the scale of the proposal it would also bring some moderate economic benefits both during the construction phase and afterwards resulting in additional spend in the locality.
20. Weighed against these benefits of the proposal would be the significant harm to the character and appearance of the area and the fact that the proposal has not met the exceptions test and would result in development in an area at risk of flooding. Having regard to my findings on the issue of flooding and to footnote 9 of the Framework, I find that the final bullet point of paragraph 14 of the Framework is engaged, as specific policies in the Framework indicate that development should be restricted. Therefore, the proposal would not represent sustainable development and any benefits arising from it would not outweigh the harm that I have identified.
21. The harm that would be caused to the character and appearance of the area and to flood risk also leads me to conclude that the proposal would conflict with the development plan. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, and as set out in paragraph 12 of the Framework, development that conflicts with the development plan should be refused unless material considerations indicate otherwise. In this case there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

### **Planning Obligation**

22. A Planning Obligation dated 30 January 2018 was submitted with the appeal. However as I am dismissing the appeal based on my findings on the main issues, there is no need for me to consider the obligation further as my findings on it would not affect the outcome of the appeal.

**Conclusion**

23. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

*Beverley Wilders*

INSPECTOR



---

## Appeal Decision

Site visit made on 13 February 2018

by **Helen Hockenhull BA(Hons) B.PI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 February 2018

---

### Appeal Ref: **APP/U2370/D/18/3194097** **7 Knowsley Gate, Fleetwood FY7 8AN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr R Wright against the decision of Wyre Borough Council.
  - The application Ref 17/00807/FUL, dated 22 August 2017, was refused by notice dated 27 October 2017.
  - The development proposed is a first floor side extension.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this case are
  - the effect of the development on the character and appearance of the host dwelling and the surrounding area;
  - the effect of the development on the living conditions of the occupants of neighbouring dwellings with particular regard to loss of daylight and outlook; and
  - the effect of the development on highway safety with particular regard to on street car parking.

### Reasons

#### *Character and appearance*

3. The appeal property forms a two storey semi-detached house with a hipped roof located on the western side of Knowsley Gate. The property has an existing flat roof single storey extension to the side. The area is characterised in the main by two storey semi-detached dwellings with hipped roofs and projecting front bay windows. There are also some bungalows in the area.
4. The appeal proposes a first floor extension above the existing single storey side extension. It would have a flat roof extending up to the eaves of the host dwelling and be set back approximately a metre from the front elevation. It would be constructed in matching materials.
5. Saved Policy SP14 of the Wyre Borough Local Plan 1999 amongst other things seeks to achieve high standards of design for all types of development.



Saved Policy H4 considers alterations and extensions to residential properties and aims to achieve the same design objective. Further guidance is provided in the Council's Extending Your Home Supplementary Planning Document 2007 (SPD) which advises that proposals should complement and be subordinate to the original dwelling. Design Note 3 of the SPD requires that first floor side extensions should be set back a minimum of one metre from the front main wall and that the form and design should incorporate roofs which complement the original property.

6. In the appeal case, the proposed extension would be set back approximately a metre from the front elevation of the house. In this regard it would be viewed as subservient to the property and compliant with the SPD. However the proposed flat roof would not be in keeping with the hipped roof of the existing dwelling. It would provide a poor roof design which would detract from the character and appearance of the existing property and form an incongruous addition adversely affecting the street scene of the area.
7. I note the appellant's comment that the existing single storey extension has a flat roof which is not incongruous in the street scene. The proposed first floor extension proposes to replicate this roof design. In the absence of any planning history for the property, I am unsure when the existing single storey extension was constructed. It could possibly have been built before the Council's SPD was adopted. This document advises that all extensions, both single storey and two storey should incorporate roofs which complement the original property. The existing extension would not be in line with the Council's guidance.
8. Accordingly, as a result of the unacceptable flat roof design, I consider that the appeal proposal would cause harm to the character and appearance of the host property and the surrounding area. It would fail to comply with Saved Policies SP14 and H4 of the Local Plan and the guidance in the Council's Extending Your Home SPD. Whilst these policies pre date the National Planning Policy Framework (the Framework), I consider that they are consistent with it, in particular paragraph 17 which seeks to secure high quality design.

#### *Living conditions*

9. The proposed extension would be sited close to the rear boundary of neighbouring bungalows at 9 Knowsley Gate and 1A Lancaster Gate. Both properties have habitable room windows facing the appeal proposal, in this case a kitchen and a bedroom, at a separation distance of around 7 metres.
10. The Council require a separation distance between a blank gable end and the rear elevation of neighbouring properties of 13 metres. Clearly the appeal scheme fails to achieve this. I consider that as a result of the height and proximity of the proposal, it would have an enclosing and overbearing effect on the rear garden areas of the neighbouring bungalows, in particular No. 9 Knowsley Gate. It would also impact negatively on the outlook from the windows to the rear of the neighbouring properties.
11. With regard to daylight, I acknowledge that the existing single storey extension would take light from the gardens of the neighbouring bungalows.

However the increased height of the appeal proposal would lead to further loss of daylight to the garden area and rear windows of No. 9 Knowsley Gate and to a lesser extent No 1A Lancaster Gate.

12. Accordingly I consider that the appeal proposal would cause harm to the living conditions of the occupants of the neighbouring bungalows in terms of loss of daylight and outlook. It would fail to comply with Saved Policies H4 and SP14 of the Local Plan and the guidance in the Council's SPD which seek to achieve high standards of amenity. It would also conflict with one of the core planning principles of the Framework, to secure a good standard of amenity for all existing and future occupiers of land and buildings.

#### *Highway safety*

13. The proposal would add a further bedroom to the appeal property, creating a four bed property. The Council has raised concern that there would be inadequate off road car parking to serve a house of this size. The Council's SPD advises that three parking spaces should be provided for a property in excess of three bedrooms. The document goes on to state that relaxation of this standard may be accepted in highly accessible locations.
14. Currently the property has one parking space on the driveway in front of the existing single storey extension. At the time of my site visit, mid-morning, there was on street parking space available. It is my experience that such parking would be likely to be in greater demand in the evening and at weekends. However I have no evidence before me, for example a car parking survey, to indicate the level of parking stress in the area. I noted on my site visit that most neighbouring properties had side driveways and many had rear garages providing off road parking for at least two vehicles. This would assist to relieve the demand for on street car parking in the area. The appellant has advised that the appeal property is well served by public transport, both trams and buses. Accordingly it appears to me that the site can be described as being in a highly accessible location. In line with the SPD, it would be appropriate to relax the on-site car parking standard in this case.
15. I therefore consider that the appeal property would have adequate car parking provision and the proposal would cause no material harm to highway safety. The development would in this regard comply with Saved Policies SP14 and H4 of the Local Plan and the Council's Extending Your Home SPD. These policies amongst other things aim to ensure that development has no adverse impact on the local highway network.

#### **Conclusion**

16. Whilst I have found that the proposal would be acceptable in terms of highway safety, I consider it would cause harm to the character and appearance of the host property and the surrounding area and also to the living conditions of the occupants of neighbouring properties.
17. Accordingly for the reasons given above and having had regard to all other matters raised, I dismiss this appeal.

*Helen Hockenhu*

INSPECTOR

This page is intentionally left blank

Planning Committee

4 April 2018

Item No	Site/ Video/ Photos	Application Number	Location	Proposal	Rec.	Decision
1	S	17/00933/OUTMAJ	Springfield Cottage Farm Cart Gate Preesall Poulton-le-Fylde Lancashire FY6 0NP	Outline application for up to 11 new residential dwellings with access applied for off Cart Gate (all other matters reserved)	PER	
2	S	18/00088/FUL	Garstang Show Field Wyre Lane Garstang Lancashire	Retrospective change of use of agricultural land to sports field/rugby pitch (Use Class D2) (between 1st September to 30th April)	PER	
Page 63	S	17/00320/FULMAJ	Land Off Ormerod Street Thornton Cleveleys Lancashire FY5 4HU	Erection of 17 houses and associated works (Re-sub 16/00514/FULMAJ)	PER	

62

arm/rg/pla/cr/18/0404nc8

Agenda Item 5

**Committee Report****Date: 04.04.2018**

<b>Item Number</b>	<b>01</b>
<b>Application Number</b>	<b>17/00933/OUTMAJ</b>
<b>Proposal</b>	<b>Outline application for up to 11 new residential dwellings with access applied for off Cart Gate (all other matters reserved)</b>
<b>Location</b>	<b>Springfield Cottage Farm Cart Gate Preesall Poulton-le-Fylde Lancashire FY6 0NP</b>
<b>Applicant</b>	<b>Mr &amp; Mrs Halliwell</b>
<b>Correspondence Address</b>	<b>c/o RMP Architect Ltd Mr Robert Pattison 48 High Street Weaverham Northwich CW8 3HB</b>
<b>Recommendation</b>	<b>Permit</b>

**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mr Karl Glover****1.0 INTRODUCTION**

1.1 This application is before Members at the request of Councillor Orme. A site visit is recommended to enable Members to understand the proposal and its setting beyond the plans submitted and the photos taken by the Case Officer.

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The site which forms the subject of this application relates to number 1 Springfield Cottages and is located on the northern side of Cart Gate directly opposite the sports/recreational field of St Aidans C of E Technology College, south east of the village of Preesall. The subject property is a semi-detached dwelling which has been extended to the side and rear and has a small enclosed rear yard with a dark green storage container against the eastern boundary. Adjacent to and to the north is a derelict block of stables constructed of rendered brick under a shallow sloping roof. To the west of the dwelling house is an area of hardstanding with a number of structures located within it, comprising of a detached pitched roof garage and a timber clad building which appears to be a modified static caravan and is highly prominent along the street frontage. To the rear there is a number of storage containers and an open area of hardstanding (former paddock) with a number of boats and a touring caravans located within. The total site area is approximately 3300sqm and the topography and site levels vary. The western most part of the site comprises of an over grown sloping embankment which drops off from approximately 11.4m AOD to where the site levels out at approximately 6.4m AOD. Along the frontage is a stepped high level painted boundary wall with two separate gated access points leading in to the site.

2.2 The surrounding area is mixed in character, to the north and west is undulating agricultural land with overgrown vegetation and an area of disused land workings (former sand quarry). The land levels increase substantially to the west progressing up the hill along Cartgate where it levels off at the junction with Park Lane (B5377). Immediately to the east of the site is the residential garden of number 2 Springfield Cottage beyond which is a clustering of residential dwellings which predominantly front on to the highway. To the south on the opposite side of the Cartgate is the sports field of St Aidans Technology College and the car park of the Former Swimming baths.

2.3 The application site is allocated within the Local Plan proposals map as 'Countryside Area' and is partially located within a Minerals Safeguarding Area. Along the western boundary is a Public Right of Way (PROW FP 33) and the whole site is located within Flood Zone 1. There are no other constraints or allocations which affect the site.

### **3.0 THE PROPOSAL**

3.1 The application seeks outline planning consent for the erection of 11 residential dwellings with associated access (Layout, appearance, landscaping and scale are all matters reserved). The existing access into the site is proposed to be modified and improved to provide a new access junction on to Cart Gate measuring a minimum width of 5.5m with 2m wide footways either side. The visibility splays are shown to measure approximately 2.4m x 49m to the west and 2.4m x 51m to the east. The new access road is shown to progress against the eastern boundary with a turning head measuring 19m x 5.5m against the northern boundary.

3.2 For the purposes of clarification an indicative layout plan has been submitted which shows 3 blocks of terraced properties within the site, including a row of three units fronting on to Cart Gate and the remaining 2 blocks of 4 dwellings sited towards the western boundary with parking provisions to the front. The indicative layout plan also annotates that a new surface water attenuation tank is to be located under the access road and new planting and landscaping is also proposed throughout the site. The applicants have confirmed that all of the existing structures are to be removed and demolished including the existing dilapidated stables. To demonstrate how the dwellings and gardens will be engineered in to the embankment to the west an indicative sectional plan and site layout plan has been submitted which illustrates that the rear gardens will be engineered and stepped in to the landscape.

3.3 The application is accompanied by a range of supporting documents as follows:

- Design and Access Statement
- Transport Statement
- Ecological Survey / Assessment (including Great Crested Newt and Bat Surveys)
- Flood Risk (and Drainage) Assessment
- Tree Survey

### **4.0 RELEVANT PLANNING HISTORY**

4.1 The application site has the following relevant planning history:  
- 85/01668 - Erection of dwelling with integral double garage - Permitted

## 5.0 PLANNING POLICY

### 5.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

#### 5.1.1 Section 1 - Delivering sustainable development

The NPPF was published by the Department of Communities and Local Government on the 27th March 2012. It sets out the Government's planning policies for England and how these are expected to be applied in the determination of planning applications and the preparation of development plans. The ministerial forward to the NPPF states that "Development that is sustainable should go ahead without delay - a presumption in favour of sustainable development that is the basis for every plan and every decision".

#### 5.1.2 There are three dimensions to sustainable development, including (paragraph 7):

- an economic role - contributing to building a strong responsive and competitive economy by ensuring that sufficient land of the right type is available at the right time and in the right places to support growth
- a social role - supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, by creating a high quality built environment with accessible local services
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment and as part of this helping to improve bio-diversity.
- To achieve sustainable development, economic, social and environmental gains should be sought jointly.

#### 5.1.3 Section 6 - Delivering a wide choice of high quality homes

Boost significantly the supply of housing. Provide five years' worth of housing with an additional 5%. Housing applications should be considered in the context of the presumption in favour of sustainable development. Deliver a wide choice of high quality homes and plan for a mixed housing base. In rural areas housing should be located where it will enhance or maintain the vitality of rural communities. In the countryside isolated dwellings should be avoided unless there are special circumstances.

Paragraph 55 aims to promote sustainable development in rural areas, by locating housing where it will enhance or maintain the vitality of rural communities. It goes on to say that local authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- Essential need for a rural worker
- Viable use of a heritage asset
- Reuse of redundant or disused buildings and leading to an enhancement of the immediate setting
- Exceptional quality or innovative nature of design.

#### 5.1.4 Section 7 - Requiring Good Design

Paragraph 56 states the Government attaches great importance to the design of the built environment and stresses that good design is a key aspect of sustainable development and is indivisible from good planning. To emphasise the importance of this statement paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 60 states planning decisions should not stifle innovation, originality or initiative through



unsubstantiated requirements to conform to certain development forms or styles. Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality design and inclusive design goes beyond aesthetic considerations. Planning should address the connections between people and places and the integration of new development into the natural, built and historic environment.

#### 5.1.5 Section 10 - Meeting the challenges of climate change, flooding and coastal change

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without flood risk elsewhere. Sequential and exception tests should be used.

#### 5.1.6 Section 11 - Conserving and enhancing the natural environment

This requires the planning system to contribute to and enhance the natural and local environment. In particular, valued landscapes should be protected and enhanced and the impacts on biodiversity minimised. Paragraph 118 sets out a number of principles which should aim to preserve and enhance biodiversity. The guidance set out in paragraph 118 indicates that where development causes significant harm, with no adequate mitigation or compensation proposed and accepted as commensurate to the harm, that the development should be refused.

### 5.2 ADOPTED WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)

5.2.1 The Wyre Borough Local Plan was adopted on the 5th July 1999. The saved Local Plan forms part of the development plan for the district. The following policies are considered to be of relevance to the determination of this application. The weight to be afforded to these policies is discussed within subsequent sections of this report:

- SP8 - Definition of small rural settlements
- SP13 - Development in the countryside
- SP14 - Standards of design and amenity
- ENV7 - Trees on development sites
- ENV13 - Development and flood risk
- ENV15 - Surface water run-off
- CIS6 - Securing adequate servicing and infrastructure
- TREC12 - Public rights of way

### 5.3 WYRE SUPPLEMENTARY PLANNING DOCUMENTS / GUIDANCE

5.3.1 The following Supplementary Planning Guidance is considered to be of relevance to the determination of this application:-

- Supplementary Planning Guidance 2 - Development and Trees
- Supplementary Planning Guidance 4 - Spacing Guidelines for New Housing Layouts

## 5.4 EMERGING LOCAL PLAN

5.4.1 The Council is in the process of preparing a new Wyre Local Plan. Following public consultation on the 'Publication' draft Wyre Local Plan (2011 -2031), the Council submitted the draft Local Plan with minor amendments to the Government for examination on the 23rd January 2018. The minor amendments deal with clarification matters or errors raised at the public consultation and they do not alter the substance of the 'Publication' draft Wyre Local Plan. The 'Submission' stage is an advanced stage in the local plan process. It confirms the Council's position with regard to how development needs will be accommodated and how they must be delivered. This position is supported by a comprehensive and robust evidence base. This stage is a further advancement in the local plan process. Although the draft Local Plan does not have the full weight of an adopted Local Plan it has been approved as a material consideration in the determination of planning applications from the date of publication, replacing the Core Strategy Preferred Options document' As the draft Local Plan has now advanced to 'submission' the weight to be given in the planning balance has increased depending on the particular circumstances of the case.

5.4.2 The following policies contained within the draft Local Plan are of most relevance:

- SP1 - Development Strategy
- SP2 -Sustainable Development
- SP4 - Countryside Areas
- CDMP1 - Environmental Protection
- CDMP2 Flood Risk and Surface Water Management
- CDMP3 - Design
- CDMP4 Environmental Assets
- CDMP6 Accessibility and Transport
- HP3 Affordable Housing

5.4.3 The draft Local Plan is prepared on the basis of the completed housing evidence. This includes the Strategic Housing Market Assessment (including the 2017 Addendum 3) which confirms that the figure of 479 dwellings remains a robust and appropriate objectively assessed need (OAN) figure. However the local plan sets an annual housing requirement of 411 dwellings for the period 2011 to 2031. The evidence supporting the Local Plan shows that the full OAN cannot be delivered. The 'Publication' draft Wyre Local Plan indicates that Wyre can only deliver 8,224 dwellings due to various constraints. It is considered that the identified annual housing requirement represents a robust and sound figure for the local plan within the context of constraints in the borough.

## 5.5 Joint Lancashire Minerals and Waste Local Plan

### 5.5.1 M2 - Safeguarding Mineral Sites

## 6.0 CONSULTATION RESPONSES

### 6.1 PREESALL TOWN COUNCIL - Objects on the following grounds:

#### 1. Flooding

The area for development is towards the base of Preesall Hill where there is a history of flooding. It is acknowledged that attenuation systems are planned, however, these will overflow into the existing dyke system which already cannot cope. Flood prevention measures have been discussed and planned for Sunnyside Terrace for a

number of months and this area is directly below the planned development. It is also admitted that the properties will be built on solid plinths which will force water downhill with a potential exacerbation of the flooding problem. Policy ENV13 specifically prevents development where it would cause flooding or exacerbate flooding in other areas. In terms of overcoming this restriction Part B is not satisfied given existing residents' flood problems and Part C cannot be invoked as the current surface water/dyke drainage system cannot cope with existing levels of water when it rains heavily. This also means ENV15 is relevant and prevents development where it would have an adverse impact such as 'an increased risk of flooding'. The NPPF Section 10 para 100 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere' is also appropriate here.

2. Sewerage disposal

This has long been a problem in the whole of this area with the sewers struggling to cope and is compounded by the propensity for flooding. Both Policies ENV16 and ENV17 are relevant here as there is a potential for cross-contamination of both surface and ground water should the sewers fail. The Town Council is of the belief that additional infrastructure would need to be provided on Cart Gate to accommodate the increase in capacity.

3. Access

Existing access to Cart Gate is problematic at school times when the road becomes virtually impassable to two-way traffic. The access to the development is directly off Cart Gate and opposite the over-spill area for the school where buses often overhang the area. At a minimum there will be 16 additional vehicles (this number is what has been allocated on the plan); any additional vehicles/visitors will be forced to park on Cart Gate. It is believed that Policy SP14 sections D and E are particularly relevant as the development should not prejudice neighbouring properties' access rights, nor should the traffic from the development have an adverse effect on the local highway network generally.

4. Affordable housing

The number of proposed houses exceeds the limit at which the provision of affordable homes should have been considered. The application makes no mention of this either on or off site.

5. Ecology

Concerns raised that the ecology survey does not make sufficient provision for the protection of wildlife as a result of the loss of habitat. More needs to be done to protect nesting bird's amphibians and other wildlife, contrary to Policy ENV15

6. Potential land contamination

No reference has been made to possible land contamination from an area of infill. The back of the adjacent hill was previously a quarry which was back-filled with contaminated waste. This may necessitate preventative action and is also a factor to be considered as part of ENV17 in respect of the disturbance of the land, resulting in surface water contamination from the leakage of polluted matter. Also, as the hillside has been dug away in the past there is the possibility of de-stabilisation in the area.

## 7. Impacts upon Amenity

Concerns have been raised that the proposal would impact neighbouring access and have detrimental impacts upon wildlife and flooding. The benefits of the scheme are not seen to demonstrably and significantly outweigh the adverse impacts of the scheme as required by NPPF paragraph 14.

### 6.2 UNITED UTILITIES

6.2.1 No objections raised - United Utilities have no objections subject to conditions including the development to be carried out in accordance with the Submitted Flood Risk Assessment and a Management and Maintenance of the suds system. UU have confirmed that the drainage scheme proposed follows the SUDS drainage hierarchy.

### 6.3 LANCASHIRE COUNTY COUNCIL (LOCAL HIGHWAY AUTHORITY)

6.3.1 No Objections - LCC Highways have advised that the proposed development will not have a significant impact upon highway safety, capacity or amenity in the immediate vicinity of the site. St Aidans C of E Technology College main site entrance is located 150m west of the site. While parking on road is an issue at the start and finish of the school day the new development is not expected to have a severe impact on the adjacent highway during these periods, providing the level of off road car parking for the new dwellings are in line with the recommendations in the Joint Lancashire Structure Plan. The widened site access and the provision of the new direct parking off Cart Gate would also allow a passing place for vehicles and a crossing place for pedestrians. The National Planning Policy Framework states in paragraph 32 "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. LCC Highways are of the opinion that the proposed 11 dwellings will not have a severe impact on highway capacity in the immediate vicinity of the site.

6.3.2 As part of an off-site works the applicant should finance and investigate the implementation of speed limit to a 20mph to the front of the site. The proposed footpath as shown on the submitted plan would not be acceptable for highway safety and the section 278 works, this footpath should be 2m in width on both sides of the access. Highways will not be seeking any Section 106 contributions as part of this development. A number of conditions have been proposed.

### 6.4 LANCASHIRE COUNTY COUNCIL (LOCAL EDUCATION AUTHORITY)

6.4.1 The latest assessment from LCC (dated 30/01/2018) confirms that the development proposed (11 dwellings) would not generate a contribution to either primary or secondary school places. However as there are a number of applications that are pending decision that could impact on this development should they be approved prior to a decision being made on this application the claim for primary school provision could increase up to maximum of 1 place. This contribution would be £14,217.31.

6.5 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY) - No objections subject to conditions

6.6 LANCASHIRE COUNTY COUNCIL (PUBLIC RIGHTS OF WAY OFFICER) - No observations received

## 6.7 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.7.1 No objections- The submitted Ecology survey has been assessed. It has been advised that the buildings on site were assessed for bats however no evidence was found and as such no further measures are required. Great Crested Newts have also been assessed including a rapid risk assessment on the surrounding ponds and the landscape and the potential impact on GCN is considered to be low. A condition relating to a reasonable avoidance method statement should be attached (RAMS). A condition relating to the protection of nesting birds during the bird breeding season has also been requested along with a landscape management plan and an enhancement of the natural environment condition.

6.8 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE) - No objections- Surface water discharge from the site must not exceed 5l/s and full surface water plans, based on sustainable drainage principles should be conditioned along with details of the maintenance of the attenuation tank.

6.9 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - LAND CONTAMINATION) - the standard condition requiring the submission of a desk study should be attached to any permission granted.

6.10 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - AMENITY CONSIDERATIONS) - No objections subject to a Dust Management Plan being conditioned along with hours of construction condition being attached.

6.11 WBC PARKS AND OPEN SPACES MANAGER (TREES) - No objections - The findings of the submitted tree report are agreed. A limited number of low grade trees and hedgerows would need to be removed however this could be mitigated by new tree planting which can be conditioned accordingly.

## 7.0 REPRESENTATIONS

7.1 At the time of compiling this report there have been 26 letters of objection received including supporting photographic evidence. The primary planning related concerns raised are:

- Drainage cannot accommodate any more capacity
- The gardens of neighbouring properties regularly flood
- Flooding in general will be increased
- Damp issues on existing dwellings
- Highway Capacity concerns
- Congestion during school drop off and pick ups
- Serious concerns over highway safety
- Parking on street causes chaos
- 1 parking space is not enough and would compound the existing issues
- Pollution from fires and waste
- Lack of employment opportunities
- No demand for housing in this area
- Landownership concerns/Certificate B was not correctly filled out
- Inaccurate plans
- Proximity of dwellings will have direct effect on the health and wellbeing of neighbouring residents

- Overlooking/loss of privacy
- Noise impacts
- Site is allocated as agricultural land
- Development will be out of keeping with the character of the area
- Increased vehicular movements would create additional potholes
- Medical Centre is already at capacity
- Impacts upon Protected species (Barn owls, Sparrow Hawks, Kestrel and Kingfishers)
- Development is backfilling not road side frontage as per the existing properties in Cart Gate
- Pedestrian safety and child safety
- Conflict with vehicular movements from the St Aidans overflow carpark
- Inaccurate accident figures set out in the transport statement
- Impacts upon Wildlife
- Sewage flooding in the area has occurred
- Electricity cable crosses the site
- Site is at the bottom of the hill causing surface water run off

## **8.0 CONTACTS WITH APPLICANT/AGENT**

8.1 Contact has been made with the agent during the course of the application. Initial concerns were raised regarding the density and scale of the proposal and the potential impacts this would have on the landscape and also the amenity on the neighbouring residents in particular number 2 Springfield Cottage. The applicant was requested to provide further clarification on how the development could be undertaken given the varying levels of the site and in particular how the rear gardens and dwellings would be incorporated in to the western embankment. Amended plans have since been received and discussed further with the applicant. An extension of time has also been agreed with the applicant until 5th April 2018.

## **9.0 ISSUES**

9.1 The main key issues in the determination of this application are as follows:

- Principle of Development
- Design and Impact on the Character and Appearance of the Surrounding Area
- Impact on upon Residential Amenity
- Impact on Highway / Parking
- Flood Risk and Drainage
- Ecological Matters
- Impact upon Trees
- Contamination

Principle of Development

9.2 The application site comprises of an existing residential property and an array of existing dilapidated structures located within the site and against the boundaries, as such the site can primarily be considered as previously developed land which is allocated within the existing Local Plan proposals map as 'Countryside Area'. In turn the provisions of Saved Policy SP13 applies. Saved Policy SP13 sets out that unless otherwise justified by the policies within the local plan, development in

areas designated as countryside on the proposals map will not be permitted subject to the following exceptions:

- A) The essential requirements of agriculture or forestry, suitable forms of tourism and related activities
- B) Fulfilling a local housing need
- C) The re-use or refurbishment of listed buildings or institutional buildings
- D) The conversion of rural buildings
- E) The development of a single infill plot within an established frontage of not less than five dwellings

9.3 In this instance the provision of 11 dwellings as proposed within this application fails to satisfy any of the criteria above nor is it justified by other policies within the development plan. Whilst Policy SP13 is a saved policy and was adopted some time ago recent appeal decisions have stated that it is considered to be broadly consistent with, and reflects the objective of Paragraph 55 of The National Planning Policy Framework which seeks to avoid new isolated homes in the countryside unless the development is deemed to be sustainable development or accords with a number of identified special circumstances. The Council acknowledges that it cannot demonstrate a five-year supply of deliverable housing sites and as such, in accordance with paragraph 49 of the National Planning Policy Framework in the event that such a supply cannot be demonstrated, relevant policies for the supply of housing should not be considered to be up-to-date and housing applications should therefore be considered in the context of the presumption in favour of sustainable development and paragraph 14 of the NPPF. The three dimensions to sustainable development are as set out paragraph 7 of the NPPF and seek to achieve economic, social, and environmental gains and positive improvements to the quality of the built and natural environment. These are not to be undertaken in isolation because they are mutually dependant. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

9.4 Paragraph 55 of the NPPF promotes sustainable development in rural areas, stating that housing should be located where it will enhance or maintain the vitality of rural communities or, where there are groups of smaller settlements, that development in one village may support services in a village nearby. The application site is located approximately 250m south east of the Preesall Hill area as defined by Policy SP8 of the existing Local Plan. Preesall itself does benefit from a variety of public services and conveniences including churches, primary and secondary schools, shops, public houses and recreational facilities. The application site lies within a well-defined grouping of residential properties located at the bottom of Cart Gate where there is a high level of pedestrian connectivity (street lighting & footpaths) to the wider areas of the settlement and indeed the services available in the adjoining villages. The observations received by local residents (set out above in para 7.1 above) raise concerns that there is a lack of employment opportunities in the area, however it is considered that the additional 11 dwellings would provide modest benefits to the village's existing economy and support the local businesses within the area. Furthermore the site is in close proximity to schools, public transport links and recreational facilities, resulting in valuable social gains for any potential future occupiers of the properties. When viewed from Cart Gate the site in its current form does appear as run down and is clearly visually unmaintained with the western



embankment fully overgrown with vegetation. It is considered that the new dwellings and associated groundwork will utilise an existing site which would substantially enhance the appearance of the area by reason of its redevelopment. Whilst layout, landscaping and appearance is to be determined at reserved matters, should Members be minded to approve the application, a landscaping scheme could also provide valuable enhancements both visually and also ecologically.

9.5 Whilst limited weight can be attributed to the policies set out in the Submission Draft Local Plan it has now been submitted for examination to The Planning Inspectorate, which means that some 'increased' weight should be taken into consideration in the assessment of the application. In this instance on the proposed Local Plan extract plans the application site is shown to be contained within the Preesall Hill Settlement boundary and is classified as being within the 'Main Rural Settlement' where there is a suggested 19.5% housing growth within the plan period of 2011 to 2031. The provision of 11 new open market dwellings in this location would provide a valuable contribution to the short fall of housing land supply across the borough and would constitute sustainable development providing economic, social and environmental benefits which all weigh in favour of the proposal. Whilst the principle is considered to be acceptable for the reasons set out above, this has to be balanced against other material planning considerations which make up the overall planning balance. This includes highway safety, flood risk, visual impacts and other matters contained and set out below within this report.

#### Design and Impact on the Character and Appearance of the Surrounding Area

9.6 The application has been submitted with all matters reserved with the exception of access, as such the full impacts arising from the development upon the character of the area and landscape along with the design and appearance of the dwellings can only be fully assessed at the reserved matters stage (should Members be mindful to approve). However the application has been accompanied by an indicative site layout plan and sectional plan which demonstrates how the site could accommodate the 11 dwellings whilst complying with the spacing and separation distances set out in SPG4.

9.7 Initially the application proposed 16 dwellings with an enlarged red edge which wrapped around the rear garden of number 2 Springfield Cottages. The agent was advised that the density proposed and the projection of the site boundary into the adjoining neighbouring garden was not considered to be acceptable and would have resulted in potential impacts upon residential amenity in terms of overlooking and loss of privacy. Furthermore Saved policy SP14 of the Local Plan sets out that new development proposals should be compatible with adjacent existing uses and acceptable in the local landscape in terms of scale mass and siting. It was considered that the initial submission for 16 dwellings would have been at odds with the existing pattern of development within the cluster of properties at the bottom of Cart Gate resulting in a disjointed form of back land development and the grouping as a whole, contrary to the criteria set out in policy SP14. A number of responses from neighbouring residents and Preesall Town Council raise concerns that the proposal is still resulting in back land development. This point has been acknowledged and has not been underestimated in the assessment of the application. However on balance, it is considered that the illustrative layout does demonstrate that 3 properties would front on to Cart Gate and the remaining units would be screened and sited to the rear, this is not seen to have any significant visual harm upon the character of the area or the quality of the landscape and would visually integrate with the wider street scene when viewed from Cart Gate. Nor could it be considered to be 'backland' development. Whilst the revised illustrative layout

plan does demonstrate that 11 dwellings could be accommodated within the site, layout is not for determination at this stage and it is considered that an improved scheme providing more suitable spacing and better use of space could be submitted and agreed at reserved matters, this includes enhanced parking provision and spacing between units providing more visual breaks through the site.

9.8 As demonstrated on the illustrative sectional plan and the revised site and Topographical plans the levels across the site vary considerably to the west. One concern raised by Officers related to the visual impacts of the development arising from the increased levels. The agent has submitted an indicative layout plan which shows how the rear gardens could be stepped and engineered into the embankment with low level retaining walls. Surrounding the dwellings the remaining embankment is proposed to comprise of enhanced landscaping and planting. Whilst the rear gardens will be elevated and stepped into the landscape and some reduction in levels will be required to accommodate the dwellings it is considered that this will not result in any significant harm upon the character of the area or the intrinsic quality of the countryside area. The development will make use of the existing overgrown embankment and visually the site will not be overly prominent from the wider landscape. Whilst there is a PROW along the ridge of the western boundary this is set in away from the site and views down and across the site are restricted by the existing tree cover and intervening over growth.

9.9 The site sits within the embankment and at the bottom of the landscape where levels significantly increase to the west. By reason of this topography and variation in levels the site would be well screened from views across the landscape. The submitted Flood Risk Assessment (FRA) sets out that to mitigate the development against the potential risk of flooding and to accommodate climate change the finished floor levels of the dwellings would be set at approximately 600mm above the existing ground levels. This increase in height is not seen to result in any visual harm or result in the development having any visual impacts upon the character of the area. Full details of existing and proposed levels could be conditioned accordingly. Officers are satisfied that based on the supporting information submitted with the application the site could accommodate the proposed development without any substantial harm upon the character and amenity of the area and would comply with the provisions set out within Saved Policy SP14 of the Local Plan.

#### Impacts up on Residential Amenity

9.10 Wider concerns have been received by neighbouring residents as a result of the development in terms of flooding and highway impacts, these are all addressed later on in the report. The main neighbouring property which could be affected by the development is number 2 Springfield Cottage. A site visit has been undertaken from within the rear garden of this property and it was determined that the initial scheme would have resulted in substantial impacts upon the amenity of the occupiers, predominantly arising from overlooking and loss of privacy. It is also noted that the initial scheme included the development of part of the rear garden of number 2 Springfield Cottage, which has raised a number of concerns by residents. The applicant had submitted the correct Ownership certificate (Certificate B) with the application demonstrating that notice had been correctly served. From a planning point of view the correct procedures had been undertaken, any land ownership issues would be a private matter which falls outside the realms of the planning process. Notwithstanding this issue, following discussions with the applicant a revised scheme has now been submitted and as a result would resolve any such issues as the red edge no longer includes the land within the neighbour's ownership.

Following this revision there is also now a modest separation and interface distance from number 2 Springfield Cottage of approximately 30m which has overcome the initial concerns of overlooking and loss of privacy and would comply and exceed the interface spacing standards set out within SPG4. Whilst the impacts upon neighbouring amenity are accepted based on the indicative site layout plan, the full impacts can only be fully assessed at reserved matters stage when layout and appearance, including the location of windows etc. are fully established.

#### Impact on Highway / Parking

9.11 The application has been submitted with a supporting Transport Statement (TS) which sets out the proposed impacts of the development including a Traffic Impact Assessment and the new access arrangements for the development. The submitted plans demonstrate that the existing access will be modified to a central access on to Cart Gate providing visibility splays of 2.4m x 49m to the west and 2.4m x 51m to the east. Lancashire County Highways have been consulted as part of the development and have advised that the highway network surrounding the site is considered to have a good (low) accident record which indicates there are no underlying issues which the proposed development would exacerbate. This has been questioned by neighbouring residents and the Town Council have also raised a number of concerns regarding the existing issues experienced in the vicinity of the site during peak school hours including difficulties of vehicular passing when the school busses are parked up. All of the concerns relating to highway safety and capacity issues have been fully acknowledged and discussed with the Highways Officer. LCC Highways have advised that whilst parking on road is an issue at the start and finish of the school day the new development is not expected to have a severe impact upon the highway during these periods, providing the level of off road parking within the site for the new dwellings is sufficient and would not conflict with the provisions of Paragraph 32 of the NPPF. LCC Highways are satisfied that the development would be acceptable subject to the new footpaths being provided in conjunction with improvements to the existing footpath to the site frontage which would be secured via condition and subsequent Section 278 Works.

9.12 The indicative site layout plan demonstrates some off street parking, nevertheless as previously highlighted this layout is for illustrative purpose only and the level of parking will also be dependent on the agreed layout, and design and as to whether or not they incorporate integral or detached garages or parking to the side/rear of the dwellings. At this stage based on the indicative layout it is considered the parking provisions demonstrated would fall short of the requirements set out within SPG4, this would need to be addressed and taken forwards to any potential submission at Reserved Matters.

#### Flood Risk and Drainage

9.13 The application has been accompanied by a Flood Risk and Drainage Assessment. The site lies within flood zone 1 which is identified as land at the lowest risk of flooding. Development within flood zone 1 accords with the sequential approach to locating development in the areas of lowest risk of flooding. It has been documented (by reason of photographic evidence) by local residents that flooding has occurred recently in the immediate vicinity of the site. However the proposed surface water drainage scheme seeks to dispose of surface water through infiltration or to discharge to the adjacent watercourse to the north east of the site at a green field run off rate of 5 ltrs per second in conjunction with an underground on site attenuation tank which is shown to be located beneath the internal access road. It is not considered that the development of this site will significantly increase the impacts

of flooding within the site or within the immediate vicinity. Despite local objections to the contrary, it is reasonable to deal with the drainage matters by planning condition requiring a more detailed drainage strategy including detailed plans (based on sustainable drainage principles) before the commencement of development. The Lead Local Flood Authority, United Utilities and the Council's Drainage Engineer have not objected to the proposal subject to conditions.

## Ecological Matters

9.14 An ecological appraisal has been submitted in support of the application. Greater Manchester Ecology Unit (GMEU) have assessed this and advised that the potential ecological issues include nesting birds, amphibians and ecological mitigation. The buildings on site have been assessed for bat roosting potential, including the existing dwelling that does not form part of this application. No evidence of bats was found and all buildings included within the development have been assessed as having no bat roosting potential. A desk top record was submitted for great crested newts on the site, however there was no suitable breeding habitat identified within the site. A rapid risk assessment was carried out based on ponds in the surrounding landscape and it was concluded that even if great crested newts were present in one or more of these ponds the distance from the site and scale of development would make any risk low and resolvable through a reasonable avoidance method statement. GMEU have advised that two other ponds were not included within this assessment, one around 115m to the east and another 210m to the NW both closer than the ponds included in the consultants assessment. GMEU have undertaken a separate rapid risk assessment for these ponds and concluded that risk level is still regarded as low. As such a Reasonable Avoidance Method Statement (RAMS) conditions would be appropriate. A condition requiring no works to shrubs or trees between the main bird breeding seasons (1st March to 31st August) has also been requested along with full details of landscaping and ecological enhancements to be provided within the site.

## Impact upon Trees

9.15 A Tree Survey has been submitted with the application. On the whole the proposal seeks to retain and protect the majority of trees and hedgerows within the site however a limited number of low grade trees and sections of hedgerow would need to be removed. The Council's Tree Officer has raised no objections to this and advised that mitigation tree planting within an appropriately worded landscaping condition and a tree protection scheme would be acceptable for any trees proposed to be retained.

## Contamination

9.16 The application site lies approximately 30m east of a former sandpit/quarry located on the hill. Observations have been received by local residents and the Town Council that the quarry was once used as a former sandpit where sand extraction was undertaken. It is then suggested that the quarry was backfilled with some form of waste. The Council's Environmental Protection team has requested that a desk study be secured through condition in respect of land contamination. Should this study reveal any likely contamination, a scheme of investigation must then be agreed along with any mitigation measures required. Subject to the imposition of this condition, no unacceptable impacts on human health or the environment arising from land contamination are anticipated.

## Other Matters

### Affordable Housing

9.17 There are no saved policies relating to affordable housing in new housing developments in the adopted Local Plan. Whilst at present the Submission Draft Local Plan carries limited weight, for the purpose of assessing Affordable Housing provision Policy HP3 is considered to be appropriate to use as the calculations set out within are founded upon the latest evidence based Viability Study. Policy HP3 sets out that residential development of 10 or more units will be required to contribute towards meeting the identified need for affordable housing. The policy sets out that on a brownfield site in Preesall Hill 10% affordable housing would be required. This 10% provision would equate to 1 affordable housing unit.

9.18 Whilst normal practice for the Council is to require an onsite provision, in this instance due to limited Registered Provider financial capacity and the management issues that a Registered Provider would experience with 1 affordable dwelling on the development site, it would be more reasonable and appropriate to seek an off-site equivalent commuted sum amount based on a 2 bed dwelling which in this case would total £60,390 This financial contribution is to be secured via a Section 106 Legal Agreement.

### Education Contributions

9.19 To ensure the proposal secures the necessary infrastructure to mitigate the impacts of the development Lancashire County Council Education have been consulted. Based on the 2017 School census and resulting projections and taking into account all the approved applications LCC will not be seeking a contribution for primary school places or secondary school places. However as there are a number of applications pending decision that could impact on this development should they be approved prior to decision being made on this application, the claim for primary school provision could increase up to a maximum of 1 place, resulting in a required contribution of £14,217.31. Prior to the Planning Committee meeting a reassessment will be requested from LCC and the results will be provided by way of a Committee update. It has been agreed by the applicant that the potential contribution is acceptable and it is agreed that this would be secured via a Section 106 agreement.

### Minerals Safeguarding

9.20 A section of the site towards the south west (and surrounding land to the west) is located within a Mineral Safeguarding Area under Lancashire's Waste and Minerals Local Plan. Policy M2 of the Waste and Minerals Plan states that planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals. The policy sets out circumstances where the Local Planning Authority may accept incompatible development, for example where there is an overriding need for the incompatible development that outweighs the need to avoid mineral sterilisation. It requires proposals for development other than non-mineral extraction, to demonstrate that they will not sterilise the resource or that consideration has been given to prior extraction, on site constraints and the need for the proposed development. The NPPF states that local planning authorities should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes.

9.21 The application has given no consideration of Minerals Extraction or the implications of developing the site with a mineral safeguarding area. However, Officers have had regard to policy M2 and the relevant guidance and conclude that given the topography of the site; the small portion of the site directly affected; its position in relation to surrounding land and the proximity of the site to residential property that the application site is highly unlikely to attract significant commercial interest in the small section of land identified for mineral extraction. This designation is not considered a constraint to the development of the site.

#### Land Destabilisation

9.22 One of the concerns raised by the Town Council relates to the potential for the destabilisation of the land given that the site incorporates the embankment at the bottom of the hill to the west. These comments are understood however any such matter would be down to the responsibility of the applicants/developer as the landowners to ensure that the correct structural undertakings are carried out. Full details of existing and proposed levels are to be conditioned accordingly and more detailed plans would be provided at Reserved Matters stage. The illustrative sectional plans suggests that minimal engineering will actually be required to be carried out to the embankment with the exception of a low level boundary wall/steps.

#### Public Right of Way (PROW)

9.23 Towards the western boundary there is a PROW (FP 33) which falls outside of the application site and progresses north through the adjacent land. The proposed development will not affect this footpath, nor would it adversely affect the enjoyment of it by the public using it. It would not require any diversion or stopping up.

### **10.0 CONCLUSION**

10.1 The NPPF places significant weight on the delivery of housing (paragraph 14, 47 and 49). The principle of residential on this site as identified in the Submission Local Plan as being in the Preesall Hill area is supported by Policy SP1 where development is well-related to the existing built form. It is considered that the revised scheme for 11 dwellings would be located in a sustainable location close to existing infrastructure and community facilities. The development will make use of an existing site and (following the revisions made) will not be disproportionate to the immediate surroundings. The development will not adversely affect safe and efficient operation of the highway and is to be served by an acceptable access arrangement, provided off-site highway works are secured by condition. The applicant has demonstrated that the site can sufficiently accommodate up to 11 dwellings without causing significant adverse effects on neighbouring residential amenity and that the development can be designed to ensure there is no risk to flooding on or off site. The scheme also provides opportunities for biodiversity enhancement through the proposed landscaping proposals and other species-specific mitigation which would be secured by condition. The applicant also agrees to the provision of education and affordable housing contributions to mitigate the impacts of the development on such infrastructure. In addition the proposal will make a positive contribution to the supply of market and affordable housing at a time when the borough currently has an undersupply. Overall and on balance, the proposal development is considered compliant with the National Planning Policy and whilst of limited weight the provisions set out within the Submission draft Local Plan.

## **11.0 HUMAN RIGHTS ACT IMPLICATIONS**

11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.

11.2 ARTICLE 1 - of the First Protocol Protection of Property has been considered in coming to this recommendation.

## **12.0 RECOMMENDATION**

12.1 That the outline application be approved subject to conditions and a S106 legal agreement to secure appropriate financial contributions towards local education (if requested at the time of re assessment) and Affordable Housing. That the Head of Planning Services be authorised to issue the decision on the satisfactory completion of the s106 agreement.

**Recommendation: Permit**

**Conditions: -**

1. In the case of any reserved matter, namely, appearance, landscaping, layout and scale of the buildings, application for approval must be made before the expiration of three years beginning with the date of this permission; and that the development hereby permitted shall be begun not later than:

- the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This condition is required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 10/10/2017 including the following plans/documents:

- Revised Site Plan Ref 051-200-10B
- Revised Location Plan Ref 051-200-01B
- Topographical survey Ref 051-200-03A

The development shall be retained hereafter in accordance with this detail.

Reason: For the avoidance of doubt and so that the Local Planning Authority shall be satisfied as to the details.

3. Prior to the commencement of development, a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance with the hierarchy of drainage options outlined in the National Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015), or any subsequent replacement national guidance / standards, with evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations



rates to be submitted. For the avoidance of doubt, surface water must drain separate from the foul and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

No part of the development shall be occupied or brought into first use until the drainage works have been completed in accordance with the approved scheme. Thereafter the agreed scheme shall be retained, managed and maintained in accordance with the approved details.

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health and to prevent an undue increase in surface water run-off to reduce the risk of flooding in accordance with Policy ENV15 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework. The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application, to ensure a suitable form of drainage is provided in that specific area taking into consideration land conditions and proximity to existing services.

4. The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

5. Prior to the commencement of development a Traffic Management Plan (TMA) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The TMA shall include and specify the provisions to be made for the following:-

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials used in the construction of the development;
- Storage of such plant and materials;
- Wheel washing facilities;
- Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- Routes to be used by vehicles carrying plant and materials to and from the site;
- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

Reasons: to protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network.

6. Prior to the commencement of development a scheme for the construction of the site access and the off-site works of highway improvement including a timetable

for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The site access and off-site works of highway improvement shall be constructed and completed in accordance with the approved scheme details.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999). The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application.

7. The development hereby approved shall be implemented in full accordance with the Ecological Appraisal submitted with the planning application including all the mitigation measures set out in that report (Simply Ecology dated September 2017). Prior to any development a Reasonable Avoidance Measures method statement for amphibians shall be supplied to and agreed in writing by the Local Planning Authority.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 and section 11 of the National Planning Policy Framework (March 2012).

8. No tree felling, tree works or works to hedgerows shall take place during the optimum period for bird nesting (March to July inclusive) unless a report, undertaken by a suitably qualified person immediately prior to any clearance, has been submitted to and approved in writing by the Local Planning Authority, demonstrating that nesting / breeding birds have been shown to be absent.

Reason: To protect and prevent unnecessary disturbance of nesting birds in accordance with the provisions of the Wildlife and Countryside Act 1981 and section 11 of the National Planning Policy Framework (March 2012).

9. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include, areas of soft landscaping (including tree protection measures any retained trees, hedgerows and other planting and any replanted or transplanted hedgerows), hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities and mitigation for nesting bird habitat), existing landscaping to be retained, and shall show how account has been taken of any underground services.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity and ecology in accordance with the provisions of Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 11 of the National Planning Policy Framework.

10. Prior to the commencement of development a desk study to investigate and produce an assessment of the risk of the potential for on-site contamination shall be undertaken and submitted to and approved in writing by the Local Planning Authority.

If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to and approved in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the approved scheme implemented prior to the development of the site. Any changes to the approved scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.

Reason: The development is for a sensitive end use. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

11. Prior to the commencement of development a Dust Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Dust Management Plan shall identify all areas of the site and site operations where dust may be generated and further identify control methods to ensure that dust does not travel beyond the site boundary. The identified measures shall be implemented and maintained at all times. Should any equipment used to control dust fail, all handling of materials shall cease immediately until the dust control equipment has been repaired or replaced.

Reason: Such details were not submitted with the application and are necessary to minimise the risk of pollution that may cause nuisance and harm the amenity and/or health of occupiers of nearby buildings, in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

12. a) No development approved by this permission shall be commenced until details of the existing and proposed ground, slab and finished floor levels have been submitted to and approved in writing by the Local Planning Authority.

b) The scheme shall be constructed and completed in accordance with the approved details.

Reason: To ensure that the development has a satisfactory visual impact on the streetscene, a satisfactory impact on neighbouring residential amenity and has a minimum risk of flooding in accordance with Policies SP14 and ENV15 of the Adopted Wyre Borough Local Plan (July 1999).

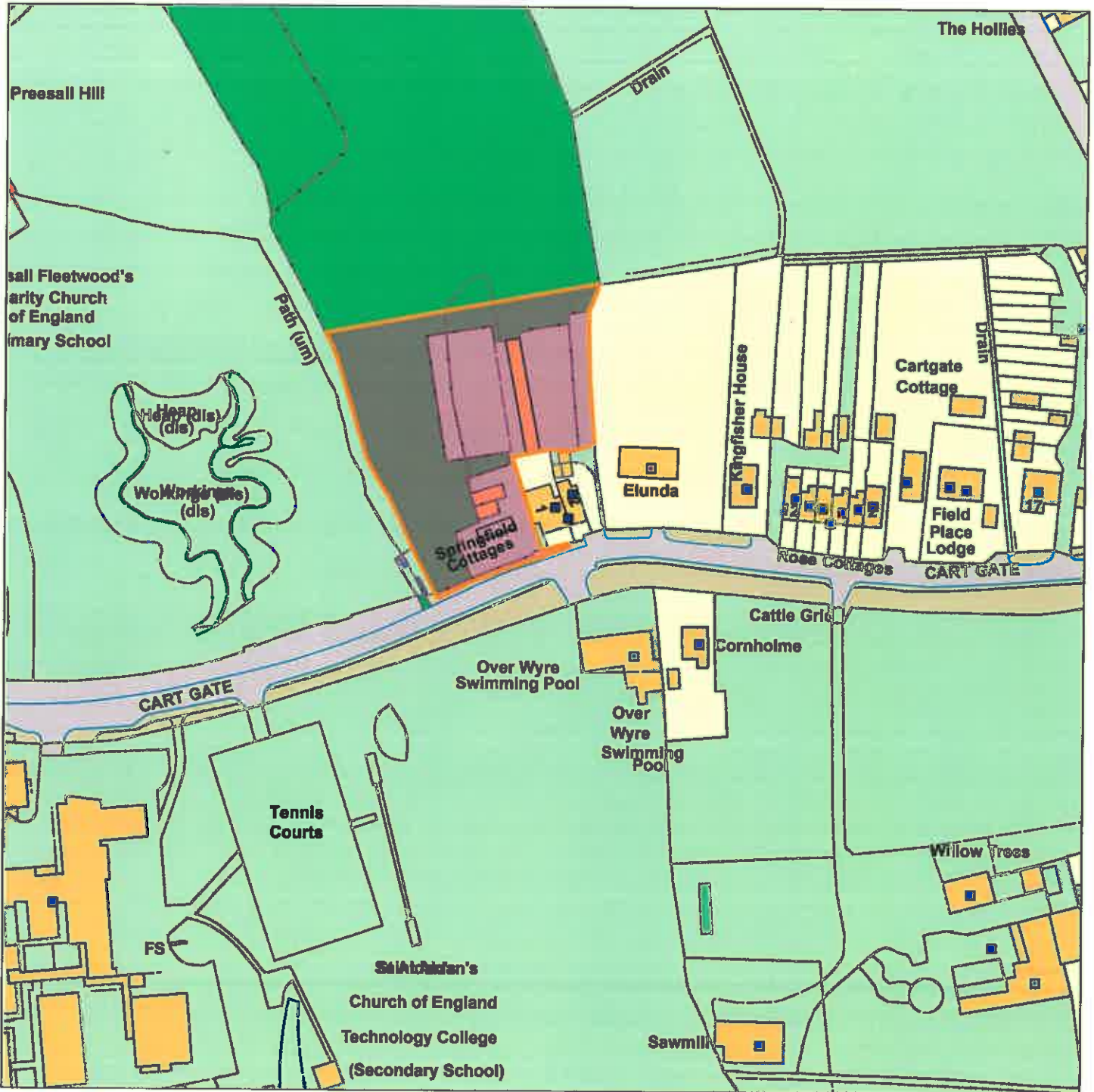
**Notes: -**

1. The applicant should be aware that the decision is subject to a separate legal agreement.

2. This grant of planning permission will require an appropriate legal agreement to be entered into with Lancashire County Council as the Local Highway Authority. The Highway Authority reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. Before any works begin Lancashire County Council should be contacted to ascertain the details of such an agreement and the information to be provided by telephoning 0300 123 6780 or writing to Lancashire Highways Services, Cuerden Way, Bamber Bridge, Preston, PR5 6BS quoting the planning application number.

arm/rg/pla/cr/18/0404nc9

Springfield Cottage, Cart Gate, Preesall



Scale : 1:1726

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

<b>Organisation</b>	Wyre Council
<b>Department</b>	Planning Deoartment
<b>Comments</b>	Item 1
<b>Date</b>	19 March 2018
<b>SLA Number</b>	100001824

**Committee Report****Date: 04.04.2018**

<b>Item Number</b>	<b>02</b>
<b>Application Number</b>	<b>18/00088/FUL</b>
<b>Proposal</b>	<b>Retrospective change of use of agricultural land to sports field/rugby pitch (Use Class D2) (between 1st September to 30th April)</b>
<b>Location</b>	<b>Garstang Show Field Wyre Lane Garstang Lancashire</b>
<b>Applicant</b>	<b>Mr David Bosson</b>
<b>Correspondence Address</b>	<b>Garstang RUFC Ltd 2 Chestnut Close Garstang PR3 1HZ</b>
<b>Recommendation</b>	<b>Permit</b>

**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mr Karl Glover****1.0 INTRODUCTION**

1.1 This application is before Members at the request of Councillor Lady Atkins. A site visit is recommended to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The site which forms the subject of this application relates to the Garstang Show Field which is located and accessed off Wyre Lane opposite the junction with Peacock Drive in Garstang. The site lies towards the north east of Garstang and is bound by the River Wyre to the east and residential housing which backs on to the site from Yewlands Drive to the west. The site area is approximately 5.5 hectares and is sited on a lower level to the surrounding properties and has two existing accesses from the northern side of Wyre Lane. Within the site is a timber building and centrally located within the field are two rugby posts along with an established access track running parallel with the western boundary. The site is currently used for grazing and hosting Garstang Agricultural Show.

2.2 Within the current adopted Local Plan and the submission Draft Local Plan proposals maps the site is allocated as 'Countryside Area' and is also within Flood Zone 3(b) which is a functional floodplain as defined within the Strategic Flood Risk Assessment (SFRA)

### **3.0 THE PROPOSAL**

3.1 This application seeks retrospective planning consent for the change of use of agricultural land to a sports field/rugby pitch (Use Class D2). Whilst the application refers to the use to be between the periods of 1st September to the 30th April it may be used at all times of the year unless a condition restricting its use is justified. The pitch is proposed to be used by Garstang Rugby Club to facilitate the junior and ladies teams following expansion of the existing club and is proposed to be used every Tuesday and Thursday between the hours of 18:00 - 20:00 and Saturdays and Sundays (including bank holidays) from 09:00 - 15:00 for Rugby matches and training sessions. Again, unless it can be justified on the basis of any adverse impact, the actual hours of use cannot be restricted.

3.2 To accommodate the use a new area of hardstanding is proposed for the parking of 31 vehicles towards the south eastern corner of the site adjacent to the secondary point of access opposite the Millennium Green. The changing and toilet facilities will be utilised at Garstang Sports and Social Club which is approximately 0.5m away from the site and there are no proposals for the provision of floodlighting as training and games will be carried out during day light hours.

### **4.0 RELEVANT PLANNING HISTORY**

4.1 No relevant Planning History has been identified

### **5.0 PLANNING POLICY**

#### **5.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

##### **5.1.1 Section 1 - Delivering sustainable development**

The NPPF was published by the Department of Communities and Local Government on the 27th March 2012. It sets out the Government's planning policies for England and how these are expected to be applied in the determination of planning applications and the preparation of development plans. The ministerial forward to the NPPF states that "Development that is sustainable should go ahead without delay - a presumption in favour of sustainable development that is the basis for every plan and every decision".

5.1.2 There are three dimensions to sustainable development, including (paragraph 7):

- an economic role - contributing to building a strong responsive and competitive economy by ensuring that sufficient land of the right type is available at the right time and in the right places to support growth
- a social role - supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, by creating a high quality built environment with accessible local services
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment and as part of this helping to improve bio-diversity.

To achieve sustainable development, economic, social and environmental gains should be sought jointly.

5.1.3 Section 8 - Promoting Healthy Communities, paragraph 70 sets out that to deliver social, recreational and cultural facilities and services the community needs, planning policies should plan positively for the provision and use of shared spaces, community facilities (sports venues) and other local services to enhance the sustainability of communities and residential environments.. Paragraph 73 goes on to state that access to high quality open spaces and opportunities for sports and recreation can make an important contribution to the health and well-being of communities.

5.1.4 Section 10 - Meeting the challenges of climate change, flooding and coastal change

Inappropriate development in areas at risk of flooding should be avoided by directing development away for areas at highest risk, but where development is necessary, making it safe without flood risk elsewhere. Sequential and exception tests should be used.

5.1.5 Section 11 - Conserving and enhancing the natural environment

This requires the planning system to contribute to and enhance the natural and local environment. In particular, valued landscapes should be protected and enhanced and the impacts on biodiversity minimised. Paragraph 118 sets out a number of principles which should aim to preserve and enhance biodiversity. The guidance set out in paragraph 118 indicates that where development causes significant harm, with no adequate mitigation or compensation proposed and accepted as commensurate to the harm, that the development should be refused.

## 5.2 ADOPTED WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)

The Wyre Borough Local Plan was adopted on the 5th July 1999. The saved Local Plan forms part of the development plan for the district. The following policies are considered to be of relevance to the determination of this application. The weight to be afforded to these policies is discussed within subsequent sections of this report:

- SP13 - Development in the countryside
- SP14 - Standards of design and amenity
- ENV13 - Development and flood risk
- ENV15 - Surface water run-off
- TREC8 - Existing and Additional or Improved Sports and Recreational Facilities
- TREC10- Golf Courses and Other Outdoor Recreational Facilities

## 5.3 EMERGING LOCAL PLAN

5.3.1 The Council is in the process of preparing a new Wyre Local Plan. Following public consultation on the 'Publication' draft Wyre Local Plan (2011 -2031), the Council submitted the draft Local Plan with minor amendments to the Government for examination on the 23rd January 2018. The minor amendments deal with clarification matters or errors raised at the public consultation and they do not alter the substance of the 'Publication' draft Wyre Local Plan. The 'Submission' stage is an advanced stage in the local plan process. It confirms the Council's position with regard to how development needs will be accommodated and how they must be delivered. This position is supported by a comprehensive and robust evidence base. This stage is a further advancement in the local plan process. Although the draft Local Plan does not have the full weight of an adopted Local Plan it has been approved as a material consideration in the determination of planning applications from the date of publication, replacing the Core Strategy Preferred Options document' As the draft

Local Plan has now advanced to 'submission' the weight to be given in the planning balance has increased depending on the particular circumstances of the case.

5.3.2 The following policies contained within the draft Local Plan are of most relevance:

- SP2 - Sustainable Development
- SP4 - Countryside Areas
- SP8 - Health and Well Being
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk and Surface Water Management
- CDMP4 - Environmental Assets
- CDMP6 - Accessibility and Transport

#### 5.4 EVIDENCE BASE DOCUMENTS

5.4.1 Wyre Playing Pitch Strategy 2015

### 6.0 CONSULTATION RESPONSES

6.1 GARSTANG TOWN COUNCIL, No objections in principle however concerns have been raised in relation to traffic generation, access and parking provisions. Concerns about noise and toilet and changing facilities along with any lighting requirements have also been highlighted.

6.2 LANCASHIRE COUNTY COUNCIL (LOCAL HIGHWAY AUTHORITY), No objections and are of the opinion that the proposed change of use will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. The new proposed car park will discourage parking on Wyre Lane which is narrow and has soft grass verges. A condition requiring tarmac surfacing for the first 5m in to the site along with vehicular turning provisions has also been recommended.

6.3 SPORT ENGLAND - No objections, the proposal is supported by the Council's recent playing pitch strategy and has the support of the RFU. The pitch is suitable for use without any changes being made and as such is considered to be of suitable design.

6.4 ENVIRONMENT AGENCY - No objections, the site lies within Flood Zone 3b which is defined as having a high probability of flooding. The proposed application is for a water compatible development as defined in the Planning Practice Guidance (PPG) and is therefore compatible with flood zone 3b. The Flood Risk Assessment submitted is considered to be acceptable. A condition relating to ground levels remaining unchanged has been recommended.

6.5 CANAL AND RIVERS TRUST - No observations to make in relation to the proposal

6.6 WBC HEAD OF ENVIRONMENTAL PROTECTION AND COMMUNITY SAFETY - No objections subject to a condition relating to maximum Lux Levels of any lighting. Confirmation has been provided that the use of the site for a sports field would not result in any adverse impacts upon residential amenity arising from noise.

6.7 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE) - No objections



## 7.0 REPRESENTATIONS

7.1 At the time of compiling this report there has been 20 letters of support for the proposal, 4 letters of objection and 3 letters which neither support nor object to the application.

7.1.1 The primary reasons for support of the proposal are:

- Additional pitch will enhance facilities provided by Garstang RUFC
- Greater capacity to cope with the demand
- Greater facilities for younger generation and will prevent anti-social behaviour
- Sport builds friendships and community spirit and prevents obesity and strain on the NHS
- Existing site at Hudson Park cannot handle the numbers attending training and using the facilities
- No requirements for floodlighting
- Toilet and changing facilities are at the existing site not far away
- Club is actively promoting healthy lifestyles and values of discipline
- No public funding required
- The site would be a great asset to the club with very little disruption to the residents around the area
- Volunteers run both the showground and the club and benefit the community
- Car parking will be resolved with the new proposed parking area
- Huge benefit to the younger members of the community and will encourage teamwork, sportsmanship and respect
- With all the new housing developments in the area there is more pressure on clubs
- Councils Strategy paper states there is insufficient provision for the Rugby club
- Current Club doesn't have any littering issues
- The health and welfare of children and the requirement for green space for sporting and leisure
- activities has been highlighted by previous government white papers
- Excellent location for such facilities
- 3rd Pitch will mean less cancelled games
- Existing pitches are in a Flood Plain

7.1.2 The primary reasons for opposition are:

- Wyre Lane is unsuitable for the increase of traffic
- Parking overspill will occur on Yewlands Drive and Wyre Lane
- Lack of Toilet and changing facilities
- Midweek training will require flood lights
- Impact on neighbouring amenity
- Other School fields could be used
- Field is often water logged
- Site is a flood basin
- Rugby pitch would not be compatible with showground
- Potential noise and foul language
- Emergency services (ambulances) could struggle to gain access in the event of injury
- Litter and waste concerns
- Not compatible with the tranquillity of the area

## **8.0 CONTACTS WITH APPLICANT/AGENT**

8.1 Ongoing contact has been made with the applicant to discuss some of the points raised by the Town Council and residents and also to request revised plans to address the points raised by the Highways Officer. An extension of time has been agreed until the 5th April 2018.

## **9.0 ISSUES**

9.1 The key issues in the determination of this application are as follows:

- Principle of the proposed use and Policy Compliance
- Visual impacts upon the character of the area and the countryside area
- Impact on upon Residential Amenity
- Impact on Highway / Parking
- Flood Risk and Drainage

### Principle of the Proposed Use and Policy Compliance

9.2 In assessing the principle of this proposal Saved Policy TREC8 of the Adopted Wyre Borough Local Plan is of key relevance. Policy TREC8 states that initiatives to provide additional and improved sports and recreational facilities will be supported where any associated buildings or structures are in keeping with the character of the surroundings so as to not to undermine the character, quality or visual amenities of the locality and where there is adequate and safe access to the site together with parking facilities. Proposals should also not have any adverse impacts upon residential amenity. In this turn the full visual impacts are set out in more detail below (within Paragraph 9.1.5) along with the considerations relating to access and highway impacts (para 9.1.8). However, with the exception of the rugby goal posts there are no additional permanent/semi-permanent structures proposed and the access is already established with enhanced parking provisions also being proposed. In principle the proposal is seen to satisfy the relevant criteria set out with Saved Policy TREC8.

9.3 The National Planning Policy Framework (NPPF) places significant emphasis on open space, sport and recreational facilities as key contributors to health and well-being and specifically states: "access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sport and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area". To support the relevant policies set out within the Emerging Local Plan (namely Policy SP8) a Green Infrastructure Study has been undertaken which includes the Wyre Playing Pitch Strategy 2015 (PPS). Within Section 9 (Page 61 G17) of the PPS it provides an overview of the two existing Rugby Union Pitches for Garstang Rugby Club. The study identifies that the two existing pitches are used for eight match equivalent per week, meaning that both pitches are being overplayed, this is echoed and set out within the supporting documents submitted by the applicant and also within the majority of letters submitted in support of the proposal including members of the public some of which currently use the existing facilities.

9.4 In this instance there is a strong justification and need for the additional playing pitch in Garstang. Officers are satisfied that this has been adequately demonstrated by the applicant and is also reinforced by the evidence set out in the PPS 2015. During specific times in the year Garstang Show Field is used as an agricultural show field and has been for many years. The site is considered to be sustainably located with high levels of safe pedestrian connectivity to and from the site with the existing and established changing and toilet facilities available at Garstang Rugby club (approximately 0.5m south of the site). As part of this application Sport England have been consulted who have liaised and sought the advice from the Rugby Football Union (RFU). In brief the RFU have stated that Garstang RUFC has increased its playing Membership in recent seasons which has put increased pressure on their existing playing facilities. The creation of a new pitch will help alleviate overuse of the existing pitches and also provide an additional pitch during times when the existing pitches are unavailable. The creation of an existing pitch is very much welcomed by the RFU. The land and pitch design is of a suitable quality to create a new pitch without further works being undertaken and is maintained by an experienced groundsman.

9.5 The continued use of the pitch (between the 1st September and 30th April each year) is considered to be acceptable. The proposal is supported by both the existing Saved Policies within the Adopted Local Plan and the Submission Draft Local Plan as well as the provisions of the National Planning Policy Framework. The proposal has strong support from both the local community who have expressed the substantial benefits involved in supporting the additional facility and also from Sport England. Whilst the application seeks consent primarily for a Rugby Pitch, it is a sports field that would be able to be used if required for any other sports which fall within the Use Class D2, so an approval of consent would not solely restrict permission for the use as a rugby pitch and as such an assessment of the impacts has been made for all the other potential uses which fall within Use Class D2, as set out below.

#### Visual Impacts upon the Character of the Area and the Countryside Area

9.6 The application site is defined as 'Countryside Area' within the existing Local Plan proposals map in which case Saved Policy SP13 applies. SP13 states that development in areas of designated Countryside Area will not be permitted with the exception of (Criteria A) the essential requirements of agriculture or forestry, suitable forms of tourism and related activities or other uses appropriate to the rural area. In this instance the temporary use of the field as a rugby pitch for approximately 8 months of the year is seen to be a use which would be compatible with the countryside area. Sports fields and recreational grounds are common features within the landscape and are generally located on the periphery of the settlements or in close proximity to the built environment. The site sits visually against the back drop of the residential properties to the west (Yewland Drive) and to the south (Peacock Drive) and no new structures are proposed. The applicant has confirmed and responded to the issue raised within the letters of objection in that there are no such requirements for floodlighting. The proposed area of hardstanding to accommodate the new parking is to be located in the south eastern corner of the site where there is mature hedging along the southern boundary providing sufficient screening. The car parking and goal posts are not seen to have any detrimental impacts or harm upon the quality of the landscape or the countryside area and the proposal is seen to satisfy Saved Policies SP13, SP14 and TREC8 of the Local Plan.

## Impacts on upon Residential Amenity

9.7 The Rugby Pitch is approximately 90m west of the properties which back on to the site from Yewland Drive and is sited on a lower level. Approximately 120m to the South of the pitch is a Water Pumping Station and detached dwellings fronting on to Wyre Lane. Directly opposite the main access point towards the south eastern corner of the site is the Millennium Green. To the north and east is open agricultural land. The observations received by the neighbouring residents raise a number of concerns including the impacts upon residential amenity arising from both noise and light pollution. As part of the application the Council's Environmental Health Officer has been consulted. In terms of noise impacts the pitch is a modest distance away from the surrounding residential properties. Whilst boundary treatments vary along the western boundary with a mixture of fencing and vegetation enclosing the rear gardens the proposed use as a rugby pitch is not considered to result in such high acoustic noise levels, or noise over an extended time period, which would result in significant adverse impacts upon neighbouring residential amenity, both internally or externally. The hours of use of the pitch is proposed by the applicant to be restricted at the latest to 20:00rs which is not considered to be unreasonable. The Environmental Health Officer has raised no concerns in relation to noise and has not requested any hours of use to be restricted but has responded in relation to potential requirements for floodlighting.

9.8 The comments and objections received from some local residents in relation to light pollution is acknowledged, however the application does not propose any floodlighting. The applicant has confirmed that the winter training sessions will be held at Myerscough College where there are floodlit facilities and that the pitch will only be used during daylight hours. The Environmental Health Officer has suggested conditions in relation to floodlighting however these are not considered to be necessary or reasonable as any floodlights would require planning consent in their own right, at which point any impacts would need to be fully assessed including the levels of lux. A condition restricting the time period from the 1st September to the 30th April is recommended to be attached. It is not considered necessary or reasonable to restrict the hours of use to the pitch given that there is no concerns relating to noise impacts, or indeed any other impacts upon residential amenity from the Environmental Health Officer, not just for the use of a rugby pitch but also any other sporting uses. On balance the proposal is not considered to result in any adverse impacts upon neighbouring residential amenity and would comply with the provisions of Saved policy SP14 of the Local Plan.

## Impact on Highway / Parking

9.9 The existing and proposed access into the site is identified as Access Point 2 on the submitted site plan and is located opposite the Millennium Green towards the south eastern corner of the site. 31 parking spaces are proposed to be located on a new area of hard core immediately adjacent to this access along with a new tarmac surface from Wyre Lane leading into the site for a distance of 5m. The existing access identified as Access Point 1 is to be used solely by ambulances and the emergency services. Following the submission of the additional parking plan Lancashire County Highways have raised no objections and have advised that the proposed change of use will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. The Highways Officer has also stated that the additional parking on site will discourage parking on Wyre Lane which is narrow and has been raised as a concern from local residents.

## Flood Risk and Drainage

9.10 The application site is located immediately to the west of the River Wyre and lies within Flood Zone 3b as defined within the Level 2 Strategic Flood Risk Assessment (SFRA). Flood Zone 3b is classified as a functional floodplain and has a high probability of flooding. The use as a rugby pitch/Recreational field is classified as 'water compatible' development within the National Planning policy Guidance (PPG) and is therefore compatible with Flood Zone 3b.

9.11 The application has been submitted with a site specific Flood Risk Assessment (FRA) which identifies that the club will register with the Environment Agency's Early Flood Warning system which will allow the club to cancel any matches or training if required. The Environment Agency has raised no objections to the proposal and stated that they are satisfied that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere, subject to the inclusion of a condition which ensures that there is no changes to the levels. As the proposal is for a change of use of land there is no requirement for the sequential and exceptions tests to be applied as set out within Paragraph 104 of the NPPF.

## Other Issues

### Ecological Impacts

9.12 The site is not within a sensitive designation such as a Site of Special Scientific Interest or a Biological Heritage Site. The proposal is for the change of use of the land and will not have any adverse impacts upon protected species or result in ecological impacts. As highlighted above there is no requirement for any artificial lighting or any requirement for the removal of hedgerows or trees.

## **10.0 CONCLUSION**

10.1 Within Section 8 of the NPPF there is a concise and clear emphasis that the planning process has an important role in facilitating social interaction and creating healthy, inclusive communities. Within Paragraph 69 it is highlighted that planning decisions should aim to achieve places which promote opportunities for meeting members of the community who might not otherwise come into contact with each other, including through mixed use developments and by providing safe and accessible environments. The supporting documentation sets out that the additional pitch will provide a valuable facility for both the youth and ladies teams allowing the growth and expansion of Garstang Rugby club. For the reasons set out within this report the proposal is considered to be acceptable in principle and is supported by the evidence set out within the PPS which identifies the need for additional rugby union pitches in Garstang. On balance the proposed use of the pitch for a period of 8 months per year is not considered to result in any adverse or detrimental impacts upon neighbouring residential amenity or result in any associated highway impacts, as such the proposal complies with Saved Policies TREC8 and SP13 of the Local Plan as well as the provisions set out within the National Planning Policy Framework.

## **11.0 HUMAN RIGHTS ACT IMPLICATIONS**

11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.

11.2 ARTICLE 1 - of the First Protocol Protection of Property has been considered in coming to this recommendation.

## **12.0 RECOMMENDATION**

12.1 Grant planning permission subject to conditions

### **Recommendation: Permit**

#### **Conditions: -**

1. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 29/01/2018 including the following plans/documents:

- Site Plan GA-GRUG-01 & Site plan (Location of Pitch) Ref DF Garstang Showfield
- Access and parking Layout Plan Scale 1:500

The development shall be retained hereafter in accordance with this detail.

Reason: For the avoidance of doubt and so that the Local Planning Authority shall be satisfied as to the details.

2. The Rugby Pitch/Sports Field hereby approved shall not be used outside the period of 1st September to the 30th April per calendar year.

Reason: To safeguard the amenities of the occupiers of nearby residential accommodation in accordance with Saved Policy SP14 of the Wyre Borough Local Plan

3. Within the red edge boundary, as delineated on the proposed site plan (Ref: GA-GRUG-01; dated January 2015), the existing ground levels must remain unchanged, and no structures should be erected without the prior written approval of the local planning authority.

Reason: To reduce the risk of flooding and to ensure flood storage is not reduced.

4. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site (As shown as Access Point 2 on the approved site plan) shall be appropriately paved in tarmacadam, concrete, block paviours, or other approved materials.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

5. Within two months of the date of this approval the car parking and turning areas shown on the approved Parking and Access plan shall be provided in full and shall be available for use. The car parking areas shall thereafter be kept available for the parking of cars at all times.

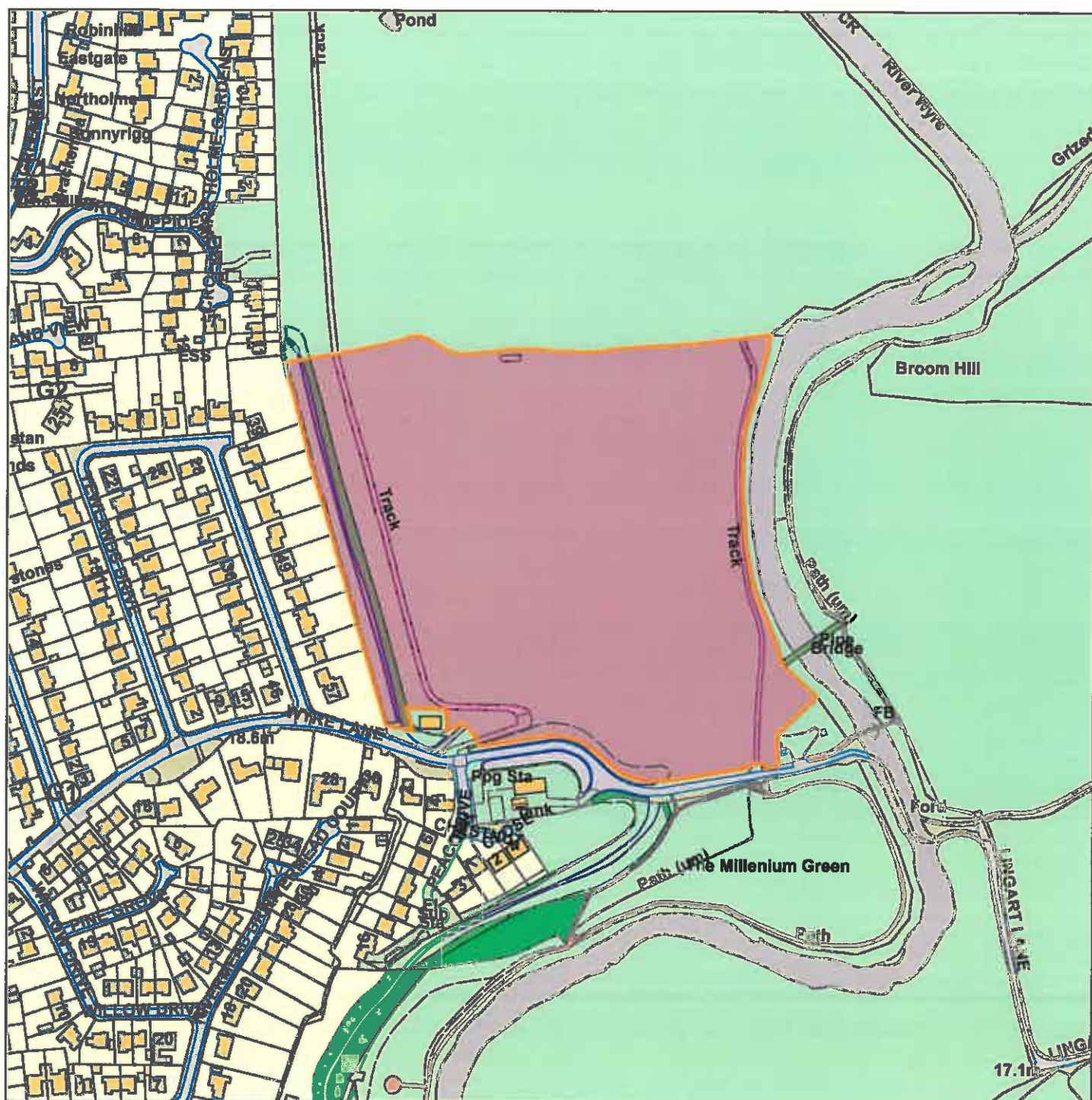
Reason: To ensure the provision of adequate car parking on site and in the interests of highway safety.

**Notes: -**

1. The new vehicular access, within the adopted highway fronting the site will need to be constructed under a section 184 agreement of the 1980 Highways Act (Vehicle crossings over footways and verges), The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Community Services before works begin on site. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for vehicle crossings and then fill in the information at "Get a vehicle crossing quotation".

arm/rg/pla/cr/18/0404nc10

Garstang Show Field, Wyre Lane, Garstang



Scale : 1:3453

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Wyre Council
Department	Planning Deoartment
Comments	Item 2
Date	19 March 2018
SLA Number	100001824



**Committee Report****Date: 04.04.2018**

<b>Item Number</b>	<b>03</b>
<b>Application Number</b>	<b>17/00320/FULMAJ</b>
<b>Proposal</b>	<b>Erection of 17 houses and associated works (Re-sub 16/00514/FULMAJ)</b>
<b>Location</b>	<b>Land Off Ormerod Street Thornton Cleveleys Lancashire FY5 4HU</b>
<b>Applicant</b>	<b>Baxter Homes Ltd</b>
<b>Correspondence Address</b>	<b>c/o Croft Goode Partnership FAO: Mrs C Mears 4 The Crossroads Freckleton Street Kirkham Lancashire PR4 2SH</b>
<b>Recommendation</b>	<b>Permit</b>

**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mr Mark Lynch****1.0 INTRODUCTION**

Call-in request 20/04/2017 - Cllr Andrea Kay - via email

Site Notice Date: 13/04/2017

Press Notice Date: 26/04/2017

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The application site is an irregular shaped but elongated parcel of land situated to the north of Ormerod Street and The Stables, Fleetwood. It covers an area of approximately 0.43ha. The site is located on slightly sloping land that falls from 9.1m in the west to 4.5m in the east. It is bounded by residential properties to the south and west. To the north lies the Pool Foot Farm site occupied by Fleetwood Town FC Training Ground. This is an extensive site that accommodates 16 pitches, car parking and access areas with an area of allotments to the west accessed through part of the current application site. Two of the pitches are floodlit. East of the site lies the football club groundsman's compound and access to the pitches. A pond lies to the south of the groundsman's storage building and the compound site is enclosed by palisade-style fencing.

2.2 The southern boundary of the site is marked by a mix of fencing and hedgerow that runs along the alley separating the site from the terraced dwellings on Heys Street and the site. Further to the west the edges of the football pitches are marked by 3-4m high protective fencing designed to prevent footballs being kicked over the site boundaries towards neighbouring dwellings.

2.3 The neighbouring dwellings are a mix of traditional Victorian terraces and more recently constructed detached two and two and a half storey dwelling houses. The dwellings to the south on Heys Street have shallow back yards that are bounded by fences and walls running alongside the access alleyway.

### **3.0 THE PROPOSAL**

3.1 This is a full planning application and the proposed development comprises 17 affordable dwellings to be erected on this parcel of land, which lies within the defined settlement boundary for the town of Fleetwood. The proposal is to develop the site by creating an access road from Ormerod Street at the eastern end of the site joining the access into the Football Club facility with a row of 10 semi-detached and 3 terraced two storey dwellings arranged along the northern edge of the site in front of the new access road and a group of four semi-detached dwelling houses located to the south of the site entrance.

3.2 The access road will terminate in a turning head at the western end of the site where access will continue into the existing allotment gardens. Off-street car parking for each dwelling will be provided (two spaces per unit) together with six visitor's spaces.

3.3 In terms of design, the dwellings share a simple architectural form and materials palette incorporating red brick elevations, buff brick soldier courses and cills and a grey tile gabled roof. Each dwelling will have either two or three bedrooms (11 and 4 respectively) and several dwellings at the end of each row will incorporate a feature two storey side projection to add some visual interest.

3.4 Part of the site is located within Flood Zone 3 (the highest flood risk).

### **4.0 RELEVANT PLANNING HISTORY**

4.1 16/00514/FULMAJ - Erection of 17 affordable houses (two storey, arranged in pairs and a terrace), formation of new vehicular access taken from football club access road (off Ormerod Street) and associated works. Withdrawn 30.08.2016

### **5.0 PLANNING POLICY**

#### **5.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The Framework promotes sustainable development, reaffirms the importance of good quality design and that new development should respond to local character and history, and reflect the identity of local surroundings and materials. New housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework supports the delivery of a wide range of high quality homes. It specifically states that local planning authorities should normally approve planning applications for new development in sustainable locations that accord with the development plan or, where the development plan policies are absent, silent or out of date, with the policies contained in the Framework; unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicate development should be restricted.

The following sections are considered to be relevant:

- Paragraph 7 - definition of sustainable development
- Paragraph 14 - presumption in favour of sustainable development
- Paragraph 17 - core principles
- Paragraph 19 - supporting economic growth

- Paragraph 34 - sustainable transport
- Paragraph 49 - States that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- Paragraph 56 - Great importance is attached to the design of the built environment. Good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people.
- Paragraph 61 - Although visual appearance and the architecture of individual buildings are very important factors, securing high quality design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- o Paragraph 216 - Decision takers may give weight to relevant policies in emerging plans according to: the stage of preparation (the more advanced they are the more weight may be attributed); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections the greater weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the degree of consistency the greater the weight that may be given).

## 5.2 ADOPTED WYRE BOROUGH LOCAL PLAN 1999 (SAVED POLICIES)

The following policies are considered to be relevant:

- SP2 - Strategic Location for Development
- SP14- Standards of Design and Amenity
- ENV7 - Trees on Development Sites
- ENV13 - Development and Flood Risk
- ENV15 - Surface Water Run-Off
- H13 - Open Space in new Housing Developments
- TREC14 - Protection of Recreational Open Space

## 5.3 EMERGING LOCAL PLAN

The Council has recently submitted its new Publication Draft Local Plan 2011-2031 to the Secretary of State for consideration. Examination of the Plan is scheduled to commence in Spring 2018. This consists of a Written Statement, setting out a spatial vision for the borough, objectives to meet that vision, and the policies (including site allocations) that will be used to manage future development across the borough. The Draft Plan also includes a Policies Map, which identifies site allocations and local designations such as Green Belt and countryside.

Relevant policies in the emerging Local Plan include:

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP8 - Health and Well-Being
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk and Surface Water Treatment
- CDMP3 - Design
- CDMP6 - Accessibility and Transport
- HP2 - Housing Mix
- HP3 - Affordable Housing

Supplementary Planning Documents:

SPG4 - Spacing guidance for new housing layouts - this document specifies the minimum separation distances considered to be acceptable to safeguard residential amenity and avoid physical dominance. In general for two storey developments, 21m should separate front and rear elevations, 13m should separate front/rear and side elevations, and 2m should separate side elevations. Rear garden depths should be 10.5m.

Adopted Thornton and Fleetwood Area Action Plan - Policy 8 seeks to retain Poolfoot Farm as an area of recreational open space and urban green space.

## **6.0 CONSULTATION RESPONSES**

6.1 WBC Drainage Engineer: Recommends refusal:

- FRA (at 9.2.3) states that surface water will discharge to existing 225mm sewer on Ormerod Street - it is understood that, as part of the recent footpath pitch development, an additional 300mm surface water pipe was installed (FRA 9.2.4 refers), with a separate connection to this site planned to be installed. (Drawing no 101 rev P2 refers). Surface water should discharge through this connection in preference to the 225mm sewer - adoption of the surface water drainage system by UU should not override connecting to the private drainage provided for this development as part of the football pitch development.
- Land levels (as FRA 6.2.4) must not be raised (to protect neighbouring properties from surface water flooding).
- The local surface water drainage system discharges to Royles Brook watercourse. During periods of heavy rainfall the watercourse is likely to surcharge preventing discharge of surface water into it. It is recommended that sufficient attenuation is provided on site to accommodate surface water volumes during such events.
- The Environment Agency defines the site as being within Flood Zone 3 (High Risk) as set out in the National Planning Policy Guidance. The site is assessed as having a 1 in 100 or greater annual probability of river flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year. These flood zones refer to the probability of river and sea flooding, ignoring the presence of defences.

6.2 United Utilities:

No objections subject to the imposition of appropriate drainage conditions.

6.3 Environment Agency:

Initially objected. Following receipt of an amended Flood Risk Assessment this objection has been withdrawn subject to imposition of appropriate drainage conditions and the following requirements.

We have reviewed the revised FRA and we are now satisfied that it demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. The proposed development must proceed in strict accordance with this FRA (Ref: P5838/16/01 Issue 04, dated 2 November 2017) and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA as part of an amended planning application.

It should be noted that the proposed finished floor levels (FFLs) stated on the Site Layout Plan (Ref: 15-2096-PN001, Rev D), included in Appendix A, do not correspond with the FFLs stated in Table 2, section 5.1.1.

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Planning Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your Emergency Planners and the Emergency Services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance.

Sequential test –

In accordance with the NPPF paragraph 101, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF.

If the LPA determines that the Sequential Test has not been met then the Environment Agency would not support this application. The Sequential Test is applied to ensure that development is firstly placed in areas at lowest risk of flooding. If the Test is not met then the application will not be in compliance with the NPPF.

#### 6.4 LCC Highways:

No objections in principle to the proposed 17 new dwellings, providing the applicant can address the issues regarding sight lines, access alterations and sustainable transport provision.

The proposed development for 17 dwellings should have a negligible impact on highway capacity in the immediate vicinity of the site.

The highway network surrounding the site is therefore considered to have a good accident record and indicates there are no underlying issue which the proposed development would exacerbate.

There has not been any speed surveys carried out on the football access road off Ormerod Street. From observations on site, (LCC) Highways are of the opinion that 85th percentile speeds is 16mph fronting the site access.

(LCC) Highways are of the opinion that the shown sight lines on drawing 15-2096-PN010 "Proposed Site Layout and Sight Lines" by Croft Goode shows the sight lines are obstructed by garden walls, tree canopies and off road parked cars. The applicant should provide accurate details of the required sight line requirement, before determining the application and ensuring there are no obstructions higher than 1m high and a minimum clearance to the underside of the tree canopy of 2.4m.

(LCC) Highways are of the opinion that the proposed location of the site access is acceptable providing the sight lines are provided as recommended above. Where acceptable sight lines at the junction in both directions are not provide the (LCC) Highways would raise an objection to the development in the interest of highway safety.

To promote sustainable forms of transport, aid with social inclusion and improve highway safety for the exiting pedestrians and the new residents, it is recommended that the applicant should provide a 2m wide footpath for the full frontage of the site with the football access road off Ormerod Street.

A turning head is required to allow refuse vehicle and emergency vehicles to turn within the site for the following reasons: -

- The maximum distance a refuse vehicle should reverse is 12m, from Manual for streets and BS5930: 2005.
- Fire and rescue Services Section should not have to reverse more than 20m from the end of an access road. From Manual for streets and diagram 24 of Approved Document B (Fire Safety).

A set of appropriate highways conditions is suggested.

#### 6.5 WBC Environmental Protection (Noise):

Concerns raised:

I have reviewed the additional noise information (by MES, September 2017) provided by the applicant. I have concerns regarding the information provided in section 1.5 (see below) of the report in that there could be no guarantee in future that the nearest pitch to the proposed houses used during the evening hours of 7pm to 10pm would always be the 4G pitch. I don't see how the applicant could know this with any certainty when they have no control over the activities of the Poolfoot Farm sports complex which has the right to use any pitch during the evening hours.

I am also concerned that the suggested noise level for shouting of 85dB (A) at 1m would breach the 60dB (A) maximum instantaneous level (LAFmax) allowable within the garden amenity areas of the proposed dwellings at any time.

Therefore, I would ask that further information is provided by the applicant to take into account the maximum noise levels the proposed houses would receive both internally and externally should the pitches closest to the houses be used, and any additional noise mitigation measures resulting from this new data.

Verbally recommends refusal in view of the fact the community use agreement required under condition 12 of 14/00016/LMAJ) that will control the use of the pitches and other facilities has not been submitted and the condition has not, therefore, been discharged. Without this, there is no control over the times that any of the pitches can be used. Those at the rear of the application site are very close to the rear of the proposed dwellings and there will undoubtedly be a serious noise impact on residential amenity as a result.

Updated comments:

An updated Acoustic Report has been provided, following discussions with the Environmental Protection team. This has more accurately assessed the potential impact of exposure to noise by residents arising from the neighbouring sports pitches and recommends a higher

specification glazing for rear windows facing the sports facilities and a 2.5m high acoustic fence located along the shared rear boundary.

Members will be updated at the committee meeting once formal comments have been received from the Environmental Protection Officer.

#### 6.6 Lead Local Flood Authority:

The LLFA recognises that this site lies within an area benefiting from tidal defences with an associated residual flood risk. Therefore the LLFA would recommend that the Environment Agency is consulted. The comments below relate to surface water flood risk only.

Following a previous objection from the LLFA a revised Flood Risk Assessment and Drainage Strategy have been submitted which have been reviewed by the LLFA prior to making these comments.

In the absence of adequate information to assess the principle of surface water drainage associated with the proposed development, we object to this application and recommend refusal of planning permission until further information has been submitted to the local planning authority.

Reason:

The lack of information in relation to surface water drainage means the LLFA cannot assess whether the development proposal meets the requirements of Paragraph 103 of the NPPF or Paragraph 80 of Section 10 of the PPG in principle.

The submission of basic information on how surface water is intended to be managed is vital if the local planning authority is to make informed planning decisions. In the absence of any information at all regarding surface water management, the flood risks resulting from the proposed development are unknown and this is therefore sufficient reason in itself for a refusal of planning permission.

You can overcome our objection by submitting information which demonstrates how surface water will be managed on site, satisfying the principles of Paragraph 103 of the NPPF and Paragraph 80 of Section 10 of the PPG. The LLFA would expect to see details on:

- Full surface water plans to be provided for approval, including details of discharge rates and attenuation. The maximum discharge to be restricted to 5 l/s.
- Design to demonstrate that land levels will not be raised in order to protect neighbouring properties.

The drainage strategy submitted shows a flow control structure in S4 restricting the pass forward flow to 5l/s. However this is upstream of plots 1-4 and therefore it is unclear how the discharge rate from the site will be restricted to 5l/s.

If this cannot be achieved we will consider whether there is a need to maintain our objection to the application. Production of this information will not in itself result in the removal of an objection.

Latest Position:

Concerns are raised regarding the levels differences between the site and surrounding land, which has potential to facilitate surface water drainage running into the site from neighbouring land. Additional information has been submitted showing elevated finished floor levels.

Members will be updated at the committee meeting once formal comments have been received from the LLFA.

6.7 WBC affordable Housing Officer: Supports the application.

The 2014 Strategic Housing Market Assessment (SHMA) details an annual requirement of 52 no. affordable dwellings in Thornton. Therefore I support the proposed development at Ormerod Street which will provide 17no. houses for affordable rent which will be delivered by a Registered Partner.

There have been a number of recent developments in Thornton which have delivered primarily shared ownership housing so the proposal to build 17no. affordable rented properties will help to re-balance the housing offer for local residents in the area.

6.8 WBC Tree Officer: No objections

I have revisited site and considered the current site layout Rev C. I also note well the details of the Arboriculture Implications Assessment (AIA).

Previously I have indicated that a hedge along the southern boundary should be retained and enhanced if possible & if not mitigation tree planting should form part of a detailed landscape plan.

The detailed landscape plan is not yet available to comment on. The ecological appraisal refers to retaining the hedge if possible.

The AIA categorises the hedge as a group (G2), nevertheless, what I consider to be a hedge should be retained, in so much as the access road can be implemented, and enhanced as part of the landscape buffer zone shown on the current site layout plan.

It will be necessary to attach a tree protection condition to cover the submitting for discharging of a tree protection plan and accompanying method statement.

6.9 WBC environmental Protection (Contamination): No objections

Desk Study.

The desk study appears to have been based, in the main, on a commercial search. This Section would always encourage as wide a consultation as possible when compiling the desk study, as per BS10175:2011 (as amended). The wider search at this site, namely reviewing the information from reports focussed on adjacent sites, is welcomed. Generally, the wider the consultation, the more confidence can be placed in the risk assessment.

Preliminary Conceptual Site Model (CSM).

Made ground and the contractors' compound are the only potential sources identified in the CSM. This has been identified as a moderate to low or very low risk in the CSM, dependent on potential pathway and receptor. The report goes on to recommend some site investigation in order to determine whether made ground is present on site, or some pre-emptive remediation. The final proposed works should be presented for approval.



## 6.10 Education Authority: No contribution required.

This consultation response seeks to draw the Council's attention to impacts associated with the above development and propose mitigation for these impacts through a developer contribution.

The education contribution is directly linked to the development and would be used in order to provide education places within a reasonable distance of the development (within 3 miles) for the children expected to live on the development. Failure to secure the contributions sought would mean that the County Council cannot guarantee that children living on this development would be able to access a school place within a reasonable distance from their homes.

An education contribution is not required at this stage in regards to this development. However a recalculation would be required at the point at which the application is considered for decision. It is therefore the responsibility of the planning authority to inform LCC at this stage and request a recalculation in order to obtain a definitive figure.

This response is based on the latest information available at the time of writing. Circumstances may change over time as other applications come forward. Consequently this response may require re-evaluation.

## 7.0 REPRESENTATIONS

7.1 The LPA has received 17 objections to the proposed development. The main points raised are as follows:

### Traffic and Highways

- Parking is sometimes a no go and if you build 17 more houses then it will make situation even worse.
- Cars drive at speed down the road already and there have been a number of near misses with local children.
- The development will not have adequate car parking for future occupiers.
- Heys Street is narrow and subject to double parking and this development will add to that.
- Football fans do not use the designated car parks preferring to park on local streets blocking pavements. This development will exacerbate this practice.
  
- Principle
- This is meant to be open space land so how can planning permission be passed?
- This is I believe the same Baxter's that were meant to buy the land where Thornton Cleveleys FC are situated. Surely that would be the better option.
- Understand that the land is classed as recreational open space in the council local plan and cannot be built upon. The land should be available for the local community to use or alternatively the vegetation which was removed c18 months ago should be allowed to grow back.
- Acres of recreational open space next to this site have been replaced by Fuse (Fleetwood Football Training Ground). Whilst the club arranges many local community initiatives which is very positive, the whole site is still fenced off and free access is not permitted unless paying for an activity. Even the duck pond on Ormerod Street is fenced off with no access! The local community should have some open space were the children can play out, play football, throw a Frisbee or have a picnic!

- This site formed part of the original access to the Allotments and with planting of trees and vegetation planned. It has not materialised as part of the original planning permission for Fuse.
- Is it not enough that we have houses and football fields and all that this entails already? Could you not leave us at least one small piece of green?

#### Flooding and Drainage

- The lane at the rear of Heys Street and Ormerod Street is collapsing as the Victorian sewers beneath disintegrate leading to frequent flooding.
- Visual Impact
- They want to remove the majority of the existing trees on the boundary to the existing houses and replace with small vegetation. Why remove the existing trees which are up to 4 meters in height as these help to provide some natural shielding to the existing houses?
- The existing trees should be retained in full and further trees should be planted.
- Impact on Residential Amenity
- My home will be unduly overlooked by this new development.
- The site is raised ground when compared to the surrounding houses and as a result the local houses will be overlooked.
- Noise pollution / disturbance from the football pitches is still a significant issue for the local residents. I was informed by the local council that around 10 complaints have been received and that the council have been negotiating with the football club to build a new acoustic fence to reduce the impact of the noise. Acoustic fencing has been built around other local housing on the perimeter of Fuse and this formed part of the original planning permission. Around 6 months have passed and nothing has happened?
- The Acoustic assessment is not sufficient. It was completed when the pitches closest to this site in question were not in use (9th June to 13th June 2016). How do I know this? Because I live here and the grass pitches next to the site had not been seeded and / or the seeds had not been established to be used. These near pitches have started to become more in use and the noise has increased.
- Local residents have had to endure construction works for over 6 years and enough is enough.
- Ecology and Biodiversity
- A full survey of the site should be undertaken to assess its ecological importance.
- Local open spaces provide habitat for protected species such as bats. Their loss will be very regrettable.
- Other Matters
- When will the Allotments be built which formed part of the planning permission for Fuse? The football pitches have been operational for c18 months and it looks like the whole site has been completed apart from the Allotments?
- Locally important historic buildings have suffered damage as a result of recent developments.
- Litter has increased since the football pitches were developed.
- It is likely to add to local instances of anti-social behaviour.

## 8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Numerous meetings and discussions have been held to identify and address various issues that have affected the proposed development, resulting in a series of amendments to the scheme.

## 9.0 ISSUES

### 9.1 Background

This application follows the withdrawal of an earlier scheme for a very similar development (16/00514/FULMAJ). Pre-application advice was sought beforehand and the advice proffered set out the following constraints to development of the site:

- Flood Risk and the requirement for a full Flood Risk Assessment and application of the Sequential Test.
- Poolfoot Farm has recently been developed as a community football facility and allotments. The application site provides a valuable area of informal and unmanaged urban greenspace and any application needs to justify the loss of this area.
- The adopted Area Action Plan requires contributions to highways and flood zone improvements.
- The proposals are likely to conflict with other approved schemes. The proposals would prevent the community football scheme complying with the conditions attached to it affecting the development site its ability to deliver a satisfactory development. The lane to access the allotments on the approved plan for the adjacent site runs through the dwellings proposed on the current application plans. The application proposes moving the access lane closer to the houses to the south (The Stables) and would reduce the substantial 10-15m deep buffer down to 50cm in places. Previously, the applicant was asked to demonstrate that the proposed scheme would allow for the sports facilities development to be implemented in accordance with its conditions, allowing access to the allotments and implementation of a visual/noise landscape buffer, the application could not be supported.
- Noise, contaminated land, tree and lighting reports were all considered necessary to inform the application process.
- Details of existing and proposed land levels were required, due to the varying levels across the site and the proximity to existing residential development.
- Details of how the existing PROW that crosses the site would be safeguarded during development phase were required.
- Issues over rights of access affecting third party land were required to be resolved.
- Overdevelopment issues - the previous scheme was considered to be overly-intensive and would have resulted in the site being cramped and dominated by hard surfaces.

The main planning issues in this application are as follows:

- Principle of development
- Sustainable Development Considerations
- Visual Impact / Design / Impact on the street scene
- Impact on residential Amenity
- Impact on Highway / Parking
- Flood Risk
- Drainage
- Trees

### 9.2 Principle of development:

9.2.1 In March 2012, the National Planning Policy Framework replaced all previous PPG's and PPS's and confirmed the Government's commitment to a presumption in favour of sustainable growth and development. In terms of decision making, this means approving developments that accord with the development plan 'without delay' and, where the development plan contains either no relevant policies or where those policies are out of date, granting planning permission unless 'any adverse impacts of doing so would significantly and

demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted'.

9.2.2 The Framework does not change the status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date development plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.

9.2.3 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Council's 1999 Local Plan, the National Planning Policy Framework has been published and is a material consideration that needs to be given weight. Paragraph 12 of the Framework states that 'Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations."

9.2.4 The Development Plan consists of the adopted Wyre Borough Local Plan (1999). Due to its age, and the fact that it is unable to demonstrate a five year housing land supply, the Development Plan is not up to date and is therefore not entirely consistent with the Framework. There is, therefore, a presumption in favour of new housing development, as set out in paragraphs 14 and 49 of the Framework.

9.2.5 The application site lies within the defined settlement boundary for Fleetwood where new development is appropriate in principle. The site lies on the southern edge of a recently completed community development of sports pitches and ancillary facilities at the former Poolfoot Farm by Fleetwood Town FC, where an access leading to the allotments to the west was shown on the approved layout plan. This larger site was included in the Fleetwood-Thornton Area Action Plan (2009), which forms part of the Council's Local Development Framework. Its main purpose is to deliver "a comprehensive vision and spatial planning framework for the Fleetwood-Thornton area, addressing the key issues facing the area, and in particular, focusing on delivering significant growth and development to secure the sustainable regeneration of this strategically important site" up to the year 2021.

9.2.6 Policy 8 of the Action Plan seeks to enhance recreation and leisure facilities locally and it states that "retention of Poolfoot Farm as a recreational open space/urban greenspace" is a priority. It also expects new residential development to "ensuring that where appropriate, development within the Area, particularly housing development, contributes towards new and improved facilities for formal recreation, including public open space and allotments".

9.2.7 Whilst this formal facility has been achieved, the supporting text to the policy also makes it clear that informal areas of green infrastructure, comprising varied areas of private and public open space, linked by natural corridors and footpath and cycle networks, will be preserved, improved and developed for the benefit of the local community, as well as visitors.

9.2.8 The application site remained as a vestige of the sports facilities, containing the access road to the allotments and an area of informal green space. It is the loss of the green space that needs to be reconciled with Policy 8 of the Area Action Plan.

9.2.9 In addition, the proposed development is expected to make a contribution towards new and improved facilities for formal recreation, which may include public open space or allotments.

9.2.10 The applicant has provided additional information in relation to this issue:  
"The application site sits on the southern end of land allocated for recreation and leisure use. Whilst the proposal is, technically, contrary to policy the current proposal recognises the adjoining development to the north of the application site provides ample scope for sports related development, recreation and leisure. This existing, adjacent use clearly complies with the policy in question. The use of this relatively small area of land for the provision of 17no affordable houses (a 100% affordable scheme) is considered to be a material planning consideration in the determination of the application. The benefits that would occur to the local community in respect of the provision of a 100% affordable housing scheme are considered to outweigh the dis-benefits of this small area of land being removed from recreation and leisure use. The site has a scrubby and unkempt appearance that is visually detrimental effect on the locality. The provision of well-designed, 100% affordable housing scheme at the site of the design applied for would improve the appearance and quality of environment of the area. We feel the provisions of Policy 8 of the AAP have not been ignored, as the majority of the land so allocated on the proposals map has been developed for sporting use, recreation and leisure. As such the aims and objectives of the policy are considered to have been met. As the provision of a 100% affordable housing scheme is considered to be a material planning consideration of considerable weight we would ask that regard be given to the provisions of paragraph 14 of the NPPF, and also that the Council consider the following;

- 1) The Fleetwood-Thornton AAP dates from 2009.
- 2) The Council cannot provide for sufficient affordable housing throughout the Borough to meet the locally identified need (be that as a % of market housing schemes, or, as 100% affordable housing schemes such as proposed here)
- 3) Paragraph 14 of the NPPF states, "For decision making, this means, where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole". The AAP is nearing 9 years old. The Council has not been able to achieve satisfactory affordable housing provision for identified needs within the Borough and the main recreation and leisure needs (of Policy 8) have been achieved on the greater lands within the area. The application site area is a small area and the main lands have been put to leisure and recreation use in line with the policy. The benefits of granting approval to this 100% affordable housing scheme far outweigh the dis-benefits.
- 4) As the Council cannot currently demonstrate a five-year supply of deliverable housing sites, we ask that the application should be considered in the context of the presumption in favour of sustainable development and boosting the supply of housing sites (paragraphs 47 and 49 NPPF). Policies that seek to restrict the supply of housing (in the absence of a five-year supply) have little weight. It then falls to consider the "tilted balance" in favour of the development as per paragraph 14 of the NPPF.
- 5) As stated above, the aims of Policy 8 of the AAP have been met on the whole by the provision of recreation and leisure development at the site as a whole. There are significant benefits to the provision of a 100% affordable housing scheme (discussed above) and, as the Council does not have a five-year supply of deliverable housing sites (market and affordable), paragraph 14 of the NPPF falls to be considered."  
These points are assessed later in this report.

### 9.3 Whether the Proposals Constitute Sustainable Development

9.3.1 Paragraph 14 of the Framework states that the presumption in favour of sustainable development should be seen as the 'golden thread' running through both plan-making and decision-taking. For decision-taking the Framework states that this means that unless material considerations indicate otherwise development proposals that accord with the development plan should be approved. In this case the proposal is only partially consistent with the allocation contained in the Development Plan. It is for the decision maker to decide whether there are material considerations and/or additional benefits to the proposed development that would override this conflict with the adopted Local Plan.

9.3.2 The Framework defines sustainable development as having three core elements, namely: economic, social and environmental. In more detail, these embody the following:

- an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

9.3.3 The Framework advises that these three roles are mutually dependant and should not be undertaken in isolation. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

9.3.4 It is necessary, therefore, to consider the ways in which this proposal meets each of these three roles in order to reach a conclusion on its sustainability credentials.

9.3.5 In respect of the three dimensions to sustainable development contained in the Framework, it is considered that the delivery of housing is a contributor to economic growth. The proposals will fulfil a social role by delivering a mix of affordable and open market housing to meet current and future needs with a range of tenures. There are environmental issues that are affected by the proposals, however, which weigh against the sustainability credentials of the scheme, although some mitigation is proposed that may redress the balance. These are considered in detail below.

#### (1) The Economic Role

9.3.6 The applicant states that the proposed development will lead to economic benefits for the community of the proposal would create jobs in the various trades within the construction industry during the build period and assist and encourage growth in other sectors aligned with the building trades such as building supplies, architectural and surveying services, and associated legal services. In addition, the development and future occupiers will also contribute to new homes bonus payments, increased council tax revenues and expenditure that would support existing and future local businesses.

## (2) The Social Role

9.3.7 Paragraph 69 of the Framework states that the planning system can play an important role in facilitating social interaction and creating healthy inclusive communities.

9.3.8 The applicants state that the proposed development will deliver a number of social benefits, including an additional 17 affordable dwellings, support for local schools (additional pupils) and for local shops, services and other facilities.

9.3.9 The proposals will deliver 100% affordable housing on the development. This over-provision of affordable housing is a significant factor in favour of the application, as it contributes to the social dimension and role of the development. There is a clear need for affordable housing, as demonstrated through the Strategic Housing Market Assessment (SHMA) (2014), and the Framework guidance is that housing needs, both market housing and affordable housing, should be met in full (para. 47). The need identified within Wyre Borough stands at c.300 units per annum over five years (2015-2020). The application site provides an opportunity to deliver affordable housing at a maximum level, which has not always been possible on 'regeneration' sites in Wyre. If the Council is to meet its needs for housing, the current site is liable to be an important element in that delivery. This should be given significant weight in the planning balance.

9.3.10 There will be a loss of a vestigial element of green space associated with the adjacent sports facilities, which is a dis-benefit and which needs to be weighed in the planning balance.

9.3.11 The social benefits likely to flow from the development carry a degree of weight, mainly in relation to the increased level of affordable housing which is above the minimum requirement set out in the development plan.

## (3) The Environmental Role

9.3.12 The environmental effects of the proposed development may be broken down into a number of component parts to aid a comprehensive and holistic assessment. Of particular relevance to this case is the consideration of whether or not the proposals contribute to protecting and enhancing the natural, built and historic environment and its impact upon local residential and visual amenity.

9.3.13 It is the view of the applicants that the proposed development will be consistent with Paragraph 7 of the Framework which summarises the environmental role of sustainable development. The following sections of the report consider these components.

### 9.4 Visual Impact / Design / Impact on the street scene

9.4.1 Section 7 of the Framework is about 'Requiring good design' and this is a key aspect of sustainable development. Paragraph 58 of the Framework on Good Design advocates optimising the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks. The Framework seeks to improve and enhance places where people live.

9.4.2 Policy SP25 of the adopted Local Plan explains that the high standards of design and amenity will be expected in all forms of new development. Specifically, new development should respect its context and surroundings, be appropriate in terms of scale, mass, siting and materials. It should be capable of accommodating adequate car parking to meet its requirements and avoid causing adverse impacts upon the local highway network.

9.4.3 Emerging policies in the new Local Plan build on this. Policy CDMP1 expects new development to make a positive contribution to its context and should not lead to an adverse impact upon health, amenity, safety and the operation of surrounding uses. Policy CDMP3 is concerned with design and expects new development to be designed to be respectful of its surroundings. In the case of new residential development, it should avoid adversely affecting the amenities of existing and future residents having regard to density, scale, massing, layout, height and use of materials.

9.4.4 In respect of design and visual appearance, the proposals have been refined over the course of the application lifetime to take account of existing constraints. These include the shape of the site, the relationship with neighbouring development and the density of development proposed. The site is currently open and is on the edge of the existing residential development that extends along Heys Street, the Stables and Chestnut Gardens along the southern side of the site. The western part of this land is to be used as allotment gardens and the remainder forms the current application site.

9.4.5 Due to the elongated form of the site, the layout of the development is laid out in a linear pattern extending east to west with a single access road that runs along the southern site edge terminating in a turning head and access into the allotments. Thirteen of the seventeen dwellings are located to the north of the access road with the remaining four sited on a plot of land to the south east of the access point into the development. The dwellings are of modest size and are arranged predominantly in groups of twos (semi-detached) with a single group of three dwellings close to the access point. The two pairs of semi-detached dwellings south east of the access have been moved further away from the existing properties on Heys Street to enable separation distances to be optimised in line with adopted standards.

9.4.6 Each dwelling is served by at least one car parking space with six additional visitor spaces provided within the site. Rear gardens on several of the dwellings are not as deep as SPG4 advises, being as low as 7m in some instances. However, the prevailing rear garden depths of many of the dwellings on Hays Street and in several of the newer dwellings on the Stables development are as low as 3m in places. Therefore, the principle of a lower standard of rear garden depth has already been accepted in the local area.

9.4.7 The prevailing character of development locally is of predominantly high density terraced residential properties on Ormerod Street and Heys Street. The newer developments on the Stables and Chestnut Gardens contain a high density mix of three storey town houses, two storey detached and two storey semi-detached dwellings. It is considered, therefore, that the proposed mix of mainly two storey semi-detached and terraced dwellings would not appear out of character within the immediate area. The proposed development is considered to be in general accordance with Policies CDMP1 and CDMP3 of the emerging Local Plan.

## 9.5 Impact on residential Amenity

9.5.1 Policies SP14 of the adopted Local Plan and CDMP3 of the emerging Local Plan are also concerned with ensuring new development respects the amenities of both existing and future residents and their properties. In this instance, there are dwellings located to the south of the application site and there is potential for the new development to adversely affect amenity. The nearest neighbours are located on Heys Street and on the northern edge of the Stables. The application has been amended through the course of its life so that the dwellings on plots 01, 02, 03 and 04 have been resited away from the neighbouring dwellings on Heys Street to meet the Council's standards for separation; especially in relation to the two storey outriggers on the back of no's 9, 10 and 11 Heys Street. Previously, the separation distances were below the normal required 21m separation distance set out in the SPG, but the applicant has sought to address this deficit.



9.5.2 The principle rear elevations on the Heys Street properties are set in excess of the 21m guideline. However, as these dwellings also include short projecting two storey rear outriggers some 2.50 deep containing a ground floor kitchen window, the 21m gap should normally be respected to protect the residential amenities of those habitable rooms.

9.5.3 The 21m separation distance set out in the SPG4 is a recognised standard used across the UK. It is considered to be the minimum required to prevent uncomfortable perceptions of being overlooked by neighbouring development arising from first floor windows. It does not take account of differences in relative ground levels and or the degree of deflection and stagger between the two elevations. Generally, where there is a difference in ground levels, the distances may need to increase to compensate. Where there is a deflection or stagger, then distances could be reduced.

9.5.4 Amended drawings have been submitted that now show the two dwellings on Plots 01 and 02 resited a further 2m away from the Heys Street dwellings and are just at the 21m distance when measured from the outer face of the outriggers. The dwellings on Plots 02 and 03 have been moved a further 1.7m away and the degree of separation is 20.50m.

9.5.5 The corresponding elevations are parallel with each other and the ground levels on which the new houses will be sited is to be raised by 500mm. In these circumstances, the 21m dimension should be increased by the same amount to provide adequate protection for existing and future occupiers. It is the effect on the kitchen windows on the Heys Street properties that is mainly of concern. In order to be completely certain that these windows will not be affected a further setback of the proposed dwellings on Plots 03 and 04 of approximately 3m should be secured. Without this, the impact on residential amenity is considered to be materially harmful and the development would not comply with Policies SP14 and CDMP01. This is not possible with the current density and number of dwellings proposed. The applicant has been requested to reduce the number of units or to substitute a pair of single storey dwellings in place of the four semi-detached units shown on Plots 01-04 inclusive. In response, the applicant has explained that the development would not be viable and that what is proposed is the minimum that is feasible.

9.5.6 That being the case, there are examples in the locality where back to back distances are less than 21m. To the east of the site are the terraced two storey properties on Ormerod Street and Heys Street, which back onto each other. The degree of separation between both rows of dwellings is approximately 17m. South west of the site lie the recently completed developments on The Stables and Chestnut Gardens where there are three storey town houses with a back to back distance of just under 21m. Other pinch points exist between new development on the Stables and dwellings on Heys Street where normal standards of separation have been lowered. A reduced separation distance is, therefore, not unusual in the immediate vicinity. In the case of Plots 01, 02, 03 and 04 and no's 9, 10, 11, 12, 13 and 14 Heys Street, the main rear elevations of the properties are not affected and lie beyond the minimum separation distance. The kitchen windows of the Heys Street properties lie within (taking into account the raising of the proposed slab levels of the four new houses) but the degree of separation is not unusual within the local area. It is considered that subject to satisfactory rear boundary treatments to Plots 01- 04 (screen fencing combined with a suitable landscaping scheme) the proposals would, on balance, be acceptable.

9.5.7 The majority of the proposed development backs onto the recently developed Fleetwood FC facilities to the immediate north. There are pitches located close to the northern site boundary which, combined with the short garden depths, has potential to adversely affect residential amenity through noise disturbance. The sports facilities were granted planning permission subject to a condition requiring submission of a community use agreement intended to manage and control the use of the pitches. This has not yet been resolved and there is currently no planning mechanism in effect that prevents use of the pitches nearest to

the proposed dwellings. In response, the amended scheme introduces a 2.5m high acoustic fence along the rear shared boundary. This issue is considered in detail below.

#### Noise Impacts

9.5.8 The proposed development lies to the immediate south of the recently developed football pitches associated with Fleetwood FC on the former Poolfoot Farm. Two of the pitches lie on the other side of the northern boundary of the development and there is a potential noise nuisance issue that may affect the amenities of future occupiers of the dwellings on Plots 06-17, in particular. The rear garden depths of these dwellings range between 7 and 11 metres and the pitches are within 5m of the rear fence lines of Plots 11-17.

9.5.9 The football pitches cover an extensive area and extend well beyond the limits of the application site boundaries. Other pitches are within 14m of the front elevations of dwellings to the east on Ormerod Street but across the public highway. To the west, on the Stables and Chestnut Gardens, several property boundaries back onto the football club site and are approximately 15-16m away from the site boundary and a minimum of 25m from the edge of the pitch. The current proposals are located substantially closer to the pitches and on the private side.

9.5.10 The Environmental Protection Officer has considered the proposals and is concerned that the proximity of the pitches to the proposed dwellings has potential to cause loss of amenity arising from noise on the pitch and from supporters. In response, the applicant has advised that the pitches closest to the site are restricted in how they may be used. He has explained that the "nearest football pitches to the proposed dwellings are not used in the evening and the nearest pitch used during the evening hours mentioned is the 4G pitch, the nearest corner of which is located 85m away, with players typically further away than this within the centre of the pitch."

9.5.11 Planning permission 14/0016/LMAJ was granted for a "new community complex and training ground for Fleetwood Town Football Club comprising 15 grass sports pitches, 1x3G pitch with flood lighting, protective netting, vehicular accesses off Butts Road, Ormerod Street and Gamble Road, erection of clubhouse, changing room building, groundsman compound, car parking facilities, 23 allotments, attenuation pond and associated fencing and landscaping" in November 2014. One of the conditions imposed related to a management plan for the use of the development. It stated:

"No part of the development shall be occupied or brought into use until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to natural and artificial turf pitches, and changing accommodation and include details of pricing policy, hours of use, user matrix for the pitches, access by non-football club members, management responsibilities and a mechanism for review. The development shall not be used at any time other than in strict compliance with the approved agreement."

9.5.12 However, this condition has not been complied with. No application has been submitted to discharge this condition and there is, at the present time, no means of controlling how these pitches are used short of issuing enforcement proceedings against the developer, which carries with it a right of appeal.

9.5.13 In the absence of such controls, the concerns of the Environmental Protection Officer carry weight, especially as there have been reports of noise nuisance arising from the use of the facilities. Whilst the main 4G pitches are used at present, as explained above, until and unless an application to discharge condition 12 of planning permission 14/00016/LMAJ has

been submitted and approved there can be no assurance that the 3G pitches closest to the application site boundary cannot be used at sensitive times of the day.

9.5.14 The applicant has been requested to provide further information to address the Environmental Protection Officer's concerns about the suggested 85dB(A) at 1m noise level for shouting which would breach the 60dB(A) maximum instantaneous level (LAFmax) allowable within the rear gardens of the affected dwellings. Additional information taking into account maximum noise levels and any mitigation measures proposed have been requested.

9.5.15 In response, the applicant's Noise Consultant has submitted an updated Acoustic Report has been provided and has been considered by the Environmental Protection Officer. This recommends that uprated glazing be fitted to the rear-facing bedroom windows to reduce internal noise exposure levels to 45dB LAmax, and 30dB LAeq, and the addition of a 2.5m high acoustic fence along the northern boundary of the site. The fence will reduce noise exposure levels in the rear gardens to below the lower criteria value of 50dB (A).

9.5.16 The Environmental Protection Officer has verbally confirmed that such mitigation would assuage her concerns and has recommended that this be made subject of an appropriate planning condition. On that basis, and subject to confirmation in writing, it is possible that the impact of noise on future occupiers is capable of being addressed, as explained above.

9.5.17 In doing so, the introduction of the 2.5m acoustic fence creates a potential adverse visual impact that requires mitigation of its own. This could be achieved through appropriate colour and use of materials rather than through landscaping which is not feasible due to the limited amount of space available. There are other acoustic fences that have been erected elsewhere around the perimeter of the sports facilities within the immediate area and it is not considered to be an unusual feature within the area. It is recommended that suitable conditions relating to materials and finished colour be added to any grant of planning permission.

## 9.6 Impact on Highway / Parking

9.6.1 Policy SP14 of the adopted Wyre Borough Local Plan states that new development should enjoy satisfactory access, parking and servicing facilities without prejudicing neighbouring properties. Any traffic associated with the development should not have any adverse impact on the local highway network. Policy CDMP6 "Accessibility and Transport" of the emerging Local Plan seeks to ensure that new development provides safe and adequate access to and from the site with adequate car parking provided within the development to meet the needs of future occupiers/residents.

9.6.2 Paragraph 32 of the Framework states that decisions should ensure safe and suitable access to the site can be achieved, opportunities for sustainable transport modes have been taken up and improvement can be made within the transport network that cost effectively limits the significant impacts of the development. The Framework clarifies that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe'.

9.6.3 The proposed development will have a single point of access catering for both pedestrian and vehicular traffic. A pedestrian footpath is to be provided linking the development to Ormerod Street where it connects with an existing path. Car parking will be provided on the basis of one space for each two bedroom dwelling and two spaces for three of the four three bedroom dwellings with the fourth having a single parking space. An additional six spaces will be provided for visitors.

9.6.4 The proposals have been assessed by the Highway Authority and there are no objections to the proposals in principle, which are considered likely to have a negligible impact on highway capacity in the immediate vicinity of the site. A number of matters have been identified relating to visibility splays at the access point and sustainable transport.

9.6.5 There is an issue relating to the sight lines at the site entrance being potentially obstructed by garden walls, tree canopies and off road parked cars. The applicant has been requested to provide accurate details of the required sight line requirement before determining the application and ensuring there are no obstructions higher than 1m high and a minimum clearance to the underside of any tree canopy of 2.4m.

9.6.6 The proposed location of the site access is acceptable providing the sight lines are provided as recommended above. The applicant has provided an amended plan that shows the correct sight lines. Highways comments are still awaited at the time of compiling this report and Members will be updated at the Committee meeting should further comments be received.

9.6.7 To promote sustainable forms of transport, aid with social inclusion and improve highway safety for the exiting pedestrians and the new residents, the applicant has shown a 2m wide footpath for the full frontage of the site with the footpath access road off Ormerod Street.

9.6.8 A suitable turning head is also shown on the amended plan to allow refuse vehicles and emergency vehicles to turn within the site, as recommended by Highways. The level of car parking is also considered to be adequate to meet the needs of the development, especially given the relatively sustainable location of the proposed dwellings, close to local shops, services and facilities. To secure the recommended highway improvements and parking provision, a set of appropriate highways conditions is included, as suggested.

9.6.9 Subject to these requirements, there is no objection to the proposed development from a highway safety perspective.

## 9.7 Drainage and Flood Risk

9.7.1 The majority of the application site lies within Flood Zone 1, which is at the lowest risk of flooding. There is an area in the south east part of the site affecting plots 01-04 that lies within Flood Zone 3, which is at the highest risk.

9.7.2 Policy ENV13 of the adopted Wyre Borough Local Plan 1999 stipulates that development in areas at direct risk of flooding will only be permitted where:

- It would not cause or exacerbate flooding in other areas; and
- A satisfactory standard of flood protection already exists; or
- Mitigation measures will be included in a scheme.

9.7.3 Policy CDMP2 of the emerging Local Plan requires new development proposals to have regard to the most up to date Wyre Strategic Flood Risk Assessment and development will be expected to demonstrate that it is not at risk of flooding, would not lead to an increased risk of flooding elsewhere and would not adversely affect the integrity of flood defences. In areas that are at risk of flooding, the Sequential Test must be applied and evidence provided that no alternative sites at lower risk of flooding are reasonably available. Should the Sequential and Exceptions Test (if applicable) be passed, then new development will only be permitted where appropriate mitigation measures are put in place.

9.7.4 The Framework makes it clear that the purpose of the Sequential Test is to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible for the development to be located in zones with lower probability of flooding, the Exception Test should be applied. In order to be passed, it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment. It must also be demonstrated through a site-specific Flood Risk Assessment (FRA) that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, reducing overall flood risk. Both of these elements have to be passed for development to be permitted.

9.7.5 The application is accompanied by a site-specific flood risk assessment that includes application of both the Sequential and Exceptions Tests. The applicant has assessed the availability of other sites within the locality using the Council's own evidence base in the form of the Housing Land Monitoring Reports and there is nothing that is either reasonably available or within an area that is less susceptible to flood risk.

9.7.6 The Environment Agency, who had earlier objected to the proposed development, has since withdrawn that objection. The revised FRA has been assessed by the Agency who are now satisfied that it demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. They recommend that the proposed development must proceed in strict accordance with this revised FRA (Ref: P5838/16/01 Issue 04, dated 2 November 2017) and the mitigation measures identified within it. Other recommendations include incorporation of flood protection measures within the development and agreement on the finished floor levels, all of which may be secured through suitable conditions.

9.7.7 The Lead Local Flood Authority (LLFA) has specific responsibility for managing flood risk at the local level and has previously objected to the proposed development of this site on the basis that surface water could potentially run-off adjoining land onto the site placing future occupiers at risk.

9.7.8 It has previously recommended refusal of planning permission until robust evidence has been submitted to the local planning authority that the development proposal will not result in a flood risk within or outside the development in line with Policy 103 of the National Planning Policy Framework and Standards S7, S8 and S9 of the Non-Statutory Technical Standards for Sustainable Drainage Systems.

9.7.9 In those previous comments, it was explained that the applicant had not demonstrated the following:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.
- The drainage system must be designed so that, unless an area is designated to hold and/or convey water as part of the design, flooding does not occur on any part of the site for a 1 in 30 year rainfall event.
- The drainage system must be designed so that, unless an area is designated to hold and/or convey water as part of the design, flooding does not occur during a 1 in 100 year rainfall event in any part of: a building (including a basement); or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

- The design of the site must ensure that, so far as is reasonably practicable, flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that minimise the risks to people and property.

9.7.10 In addition, in relation to flood risk outside of the development area, Paragraph 103 of the National Planning Policy Framework and Standards S7, S8 and S9 of the Non-Statutory Technical Standards for Sustainable Drainage Systems requires applicants to demonstrate that the design of any proposed drainage system must mitigate any negative impact of surface water runoff from the development on the flood risk outside the development boundary. The submitted flood risk assessment fails to demonstrate how off-site flood risk posed by the proposed development will be mitigated through drainage design. This is sufficient reason in itself for a refusal of planning permission.

9.7.11 Further details have been submitted to the LLFA for assessment and comment, but at the time of writing, those assessments have not been completed. As matters stand, the objection and recommendation that planning permission be refused on flood risk grounds remains in place.

9.7.12 The slab levels of the proposed dwellings were required to be set above the flood risk level and a set of amended plans have been submitted to address this issue. The LLFA is currently reviewing these plans and, provided they are satisfied that the previous objections have been overcome, then it should be possible to develop the site so that any risk of flooding may be mitigated. Should that be the case, a set of appropriate planning conditions should be added to any grant of planning permission.

9.7.13 The Council's Drainage Engineer has objected to the proposed development because it proposes to discharge surface water into an existing 225mm diameter pipe rather than his preferred 300mm pipe. He believes the latter was provided as part of the playing pitches development, but the applicant has explained that no such pipe was ever provided. The only pipe available to accept the drainage is the existing 225mm pipe. United Utilities, the statutory drainage undertaker for the area, has accepted that the 225mm pipe will be adequate to take the surface water drainage from the development and has no objections. It recommends that this be linked to a SuDS scheme for the development that keeps both surface water and foul drainage separate from each other and which restricts the rate of any surface water draining into the public surface water sewer to a maximum pass forward flow of 5 l/s, in line with the submitted FRA. On that basis, it is considered that the site can be effectively drained into the existing surface water infrastructure and a condition is recommended to that effect. Details of separate foul drainage for the site should also be secured by condition.

## 9.8 Ecology

9.8.1 The application is accompanied by an Ecological Report which lists as its objectives the following:

- The completion of a Phase 1 Habitat Survey including the preparation of a vegetation and habitat map of the site and the immediate surrounding area.
- The survey and assessment of all habitats for statutorily protected species.
- An evaluation of the ecological significance of the site.
- The identification of any potential development constraints and the specification of the scope of mitigation and enhancement required in accordance with wildlife legislation, planning policy and other relevant guidance, and;
- The identification of any further surveys or precautionary assessments that may be required prior to the commencement of any development activities.

9.8.2 No evidence of any protected species were found on the site and the GMEU Ecologist has previously advised that the area with which this application is concerned is not, and was not, of substantive nature conservation value.

9.8.3 The Ecological Appraisal recommends enhancing the site to improve its biodiversity qualities through an appropriate landscaping scheme. It suggests that the landscaping scheme should utilise plants which are native and wildlife friendly. In particular night flowering species would be beneficial to bats. Wildflower seed could be used to plant verges to enhance the ecological value of the site and continuity between the site and the wider area.

9.8.4 The hedgerow along the southern site edge should be retained or improved where possible. Any lengths of intact hedgerow to be removed to facilitate development should be transplanted and or replanted in order that there is no net negative impact on this BAP habitat due to development. The roots of hedgerow plants/trees should be adequately protected during development from compaction/ground disturbance.

9.8.5 It is recommended that a comprehensive landscaping scheme be submitted and implemented prior to first occupation of the dwellings and a suitable condition is appended to this report.

## 9.9 Trees

9.9.1 The application has been accompanied by an Arboriculture Implications Assessment (AIA). This has considered the existing trees around the edges of the site; most of which are immature willow arranged along the southern boundary edge. It is proposed that these trees, which form an incomplete hedge, be removed in order to facilitate the development of the site, although it is also proposed that the site should also be subject to additional landscaping. The Council's Landscape Team has raised no objections to the proposals.

9.9.2 The Council's Tree Officer has advised that his preference is to retain the hedge along the southern edge of the site with additional tree planting within the development as part of a comprehensive landscaping scheme. However, given the position of the service road and the narrow width of the site, it is not feasible to retain this hedge, which is of low amenity value when viewed in its context. It would be more effective to remove them and design a specific landscaping scheme for the site instead.

## 9.10 Contamination

9.10.1 The site has some potential to be contaminated and the Environmental Protection Team has commented that appropriate planning conditions should be appended to any planning permission requiring further information to be provided in relation to:

- A desk study to investigate and produce an assessment of the risk of the potential for on-site contamination and any potential contamination identified shall lead to a detailed site investigation to be carried out in accordance with a written methodology, which shall first have been submitted to and approved in writing by the Local Planning Authority.
- If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the approved scheme implemented prior to the development of the site.

9.10.2 Subject to these requirements there is no objection to the proposals from a land contamination point of view.

## 9.11 Affordable Housing

9.11.1 The proposed development for 17 dwellings is intended to be transferred over to a registered provider to be retained and maintained as affordable housing. The site lies within the defined settlement boundary for Thornton Cleveleys and is not an exception to normal development management policies. Given this fact, a normal open market-led housing development on this site would be acceptable in principle, subject to the requirement to provide a percentage of affordable housing units under Policy HP3 of the emerging Local Plan. The application is, however, for a 100% affordable housing scheme. The applicant has explained that a reduction in numbers/density in order to address some of the issues discussed above would place at risk the viability of delivering such a scheme.

9.11.2 It has already been identified elsewhere in this report that compromises in respect of layout, separation distances, curtilage depths and relationship with the sports facilities to the north have been factored into the development and its assessment. Whilst it would not be right to endorse a substandard development on the basis of tenure, it is a fact that economic viability affects delivery of different types of residential development and in this case the delivery of 17 additional affordable dwellings within the Borough carries significant weight and would justify a slight relaxation of normal planning standards. The corollary of this is a requirement to ensure that the dwellings are retained in perpetuity as affordable dwellings and it is considered that this is most effectively achieved through a S106 planning obligation.

## 10.0 CONCLUSION

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

10.2 The relevant local plan policies are set below and the proposed scheme has been assessed against them. Other material planning considerations have also been considered in the assessment of the merits of the case. The proposed development lies within the built-up edge of Fleetwood where new development is acceptable, in principle. In addition, the assessment of planning merits requires consideration of other material factors that may, in certain circumstances, tip the planning balance either in favour or against the proposals. In order to be considered favourably, the proposals must deliver significant benefits across the three elements of sustainable development.

10.3 The new development would also make a contribution towards meeting the Council's housing aspirations for Fleetwood and would assist in meeting the Government's ambition of boosting the supply of housing.

10.4 The issue of flood risk remains unresolved. There is a clear objection from the LLFA and a recommendation that planning permission be refused. Unless this issue is resolved then, in line with Government guidance and the strategy of the Local Plan to direct vulnerable forms of new development away from areas at high flood risk, planning permission should not be granted. However, if the LLFA respond by withdrawing their objection then that would clear the way for a positive recommendation.

10.5 Notwithstanding this, there are clear compromises that have had to be made concerning this development in reaching this point. The proposed development does not meet all of the adopted spacing standards set out in policy and planning guidance. The acoustic fence is of a scale and probable design that gives rise to aesthetic issues, especially as it will run along the edge of what remain short rear gardens. The site contains little space to provide effective landscaping and the level of car parking is lower than would normally be sought.



10.6 Balanced against this is the fact that the Borough will gain from an additional 17 affordable houses, which is considered to be a significant benefit given the high demand for such housing. It will be necessary to secure the affordable housing in perpetuity through a S106 planning obligation in order to fully justify relaxing normal planning standards in these ways. This is a very finely balanced matter and it is considered that the benefits just outweigh the adverse effects of the development (providing the flood issue can be resolved).

10.7 Due to the outstanding flood issue, it is recommended that Members delegate authority to the Head of Planning to issue a conditional planning permission, subject to a S106, on the proviso that the flood issue is resolved. In the event that this is not achievable then the application would be brought back before Members for further consideration.

## **11.0 HUMAN RIGHTS ACT IMPLICATIONS**

11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.

11.2 ARTICLE 1 - of the First Protocol Protection of Property has been considered in coming to this recommendation.

## **12.0 RECOMMENDATION**

That the Head of Planning Services be authorised to issue a conditional planning permission, subject to a S106 planning Obligation that secures all 17 dwellings for affordable purposes in perpetuity, provided the issue concerning flood risk management is successfully resolved.

### **Recommendation: Permit**

#### **Conditions: -**

1. The development hereby permitted shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

2. The hereby approved development shall be carried out in accordance with the following plans and drawings:

- 15-2096-PN001 REV H -proposed layout
- 15-2096-PN005 - site location plan
- 15 2096 -PN102 - floor plans and elevations House Type A1
- 15 2096 -PN111 - floor plans and elevations House Types A1 and A2
- 15 2096 -PN131 - floor plans and elevations House Type B1
- 15 2096 -PN141 - elevations and floor plans House Types B1 and B2
- 15 2096 -PN101- floor plans and elevations House Type A1
- 15 2096 -PN221 - floor plans and elevations House Types A1 and A3

Reason: To define the permission for the avoidance of doubt and in the interests of visual amenity.

3. No development shall commence samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan 1999 (Saved Policies)

4. The hereby approved development shall comply with the recommendations set out within the Thomas Consulting Flood Risk Assessment Ref: P5838/16/01 Issue 04, dated 02 November 2017 and the mitigation measures identified within it.

Reason: To prevent the increased risk of flooding, having regard to Policies ENV13 and ENV15 of the Adopted Wyre Borough Local Plan 1999 (Saved Policies) and the requirements of paragraphs 100-104 of the National Planning Policy Framework 2012.

5. Prior to the commencement of development a desk study to investigate and produce an assessment of the risk of the potential for on-site contamination shall be undertaken and submitted to and approved in writing by the Local Planning Authority. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to and approved in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the approved scheme implemented prior to the development of the site. Any changes to the approved scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.

Reason: The development is for a sensitive end use. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan July 1999 (Saved Policies).

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 5 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 5, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 5.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to Policies ENV16 and ENV17 of the Adopted Wyre Borough Local Plan July 1999 (Saved Policies).

7. The building envelope of plot no[s]. 05-17 inclusive shall be constructed so as to provide sound attenuation against external noise, not less than 70dB L<sub>Amax</sub> and 56.5 L<sub>Aeq</sub> at the façade of the building and 45dB L<sub>Amax</sub>, and 30dB L<sub>Aeq</sub> internally with windows shut and other means of ventilation provided, all in accordance with the submitted addendum to the Martin Environmental Solutions Noise Report dated February 2018.

Reason: To protect residential amenity, having regard to Policies SP14 Adopted Wyre Borough Local Plan July 1999 (Saved Policies).

8. Notwithstanding what is shown on the approved site layout plan, no development shall commence before details of all walls, fences, gates or other means of enclosure to be erected in or around the development, including the proposed acoustic fence, have been submitted to, and approved in writing by, the Local Planning Authority. Prior to first occupation or use of the development, the walls, fences, gates or other means of enclosure shall be erected as approved and shall thereafter be permanently retained and maintained.

Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area, in accordance with Policy SP14 of the adopted Wyre Borough Local Plan 1999 (Saved Policies).

9. No development shall take place before a scheme, which shall include details of both hard and soft landscape works and earthworks, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of each development phase. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

Reason: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area in accordance with Policy SP14 of the adopted Wyre Borough Local Plan 1999 (Saved Policies).

10. No development approved by this permission shall be commenced until full details of the proposed means of foul drainage disposal have been submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be completed prior to the completion or occupation of any dwelling on site, whichever is the sooner.

Reason: In order to secure a satisfactory standard of development, having regard to Policies ENV16 and ENV17 of the adopted Wyre Borough Local Plan 1999 (Saved Policies).

11. No development shall take place until details of surface water drainage, which shall follow the principles of sustainable drainage as far as practicable, have been submitted to and approved by the Local Planning Authority. The drainage shall be provided in accordance with the approved details before first occupation of the related dwelling.

Reason: In order to secure a satisfactory standard of development, having regard to Policy ENV15 of the adopted Wyre Borough Local Plan 1999 (Saved Policies).

12. No part of the development shall be commenced until the visibility splays measuring 2.4 metres by 25 metres in both directions shown on the approved site layout plan (Reference 15-2096-PN001 Rev H) have been provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of the football access road off Ormerod Street. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

Reason: To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Policy SP14 of the adopted Wyre Borough Local Plan 1999 (Saved Policies).

13. No dwelling shall be occupied until space has been laid out within the site in accordance with Drawing No. 15-2096-PN001 Rev H for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason: To ensure an adequate and satisfactory standard of parking provision, having regard to Policy SP14 of the adopted Wyre Borough Local Plan 1999 (Saved Policies).

14. No development shall commence before a method statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel cleaning facilities during the demolition, excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

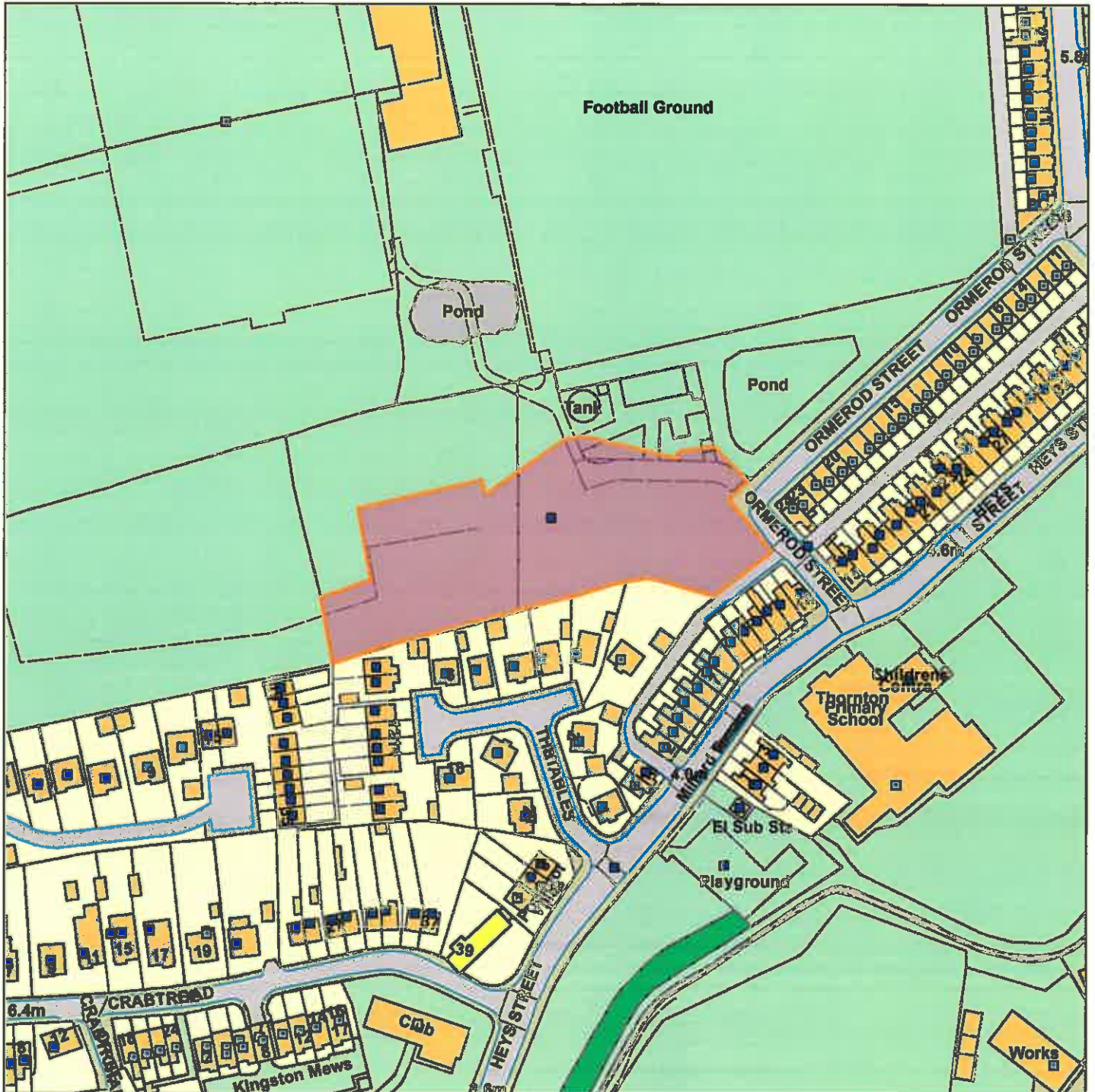
Reason: In the interests of highway safety and residential amenity having regard to Policy SP14 of the adopted Wyre Borough Local Plan 1999 (Saved Policies).

15. The new estate road shall be constructed to a standard approved by the Local Planning Authority with a view to subsequent adoption as a maintainable highway and the works phased with the progress of building construction to the approval of the Local Planning Authority.

Reason: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road, having regard to Policy SP14 of the adopted Wyre Borough Local Plan 1999 (Saved Policies).

arm/rg/pla/cr/18/0404nc1

Land off Ormerod Street, Thronton Cleveleys



Scale : 1:1726

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2012.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

<b>Organisation</b>	Wyre Council
<b>Department</b>	Planning Department
<b>Comments</b>	Item 3
<b>Date</b>	22 March 2018
<b>SLA Number</b>	100018720

This page is intentionally left blank



Report of:	Meeting	Date	Item No.
Mark Billington Service Director People and Places	Planning Committee	4 April 2018	6

**Wyre Borough Council Tree Preservation Order No 3 of 2018 - Land to the North East of the Woodlands, Manor Mews, Poulton le Fylde, Lancashire.**

**1. Purpose of report**

- 1.1 To consider objections and determine whether to confirm the making of Wyre Borough Council Tree Preservation Order No 3 of 2018 - Land to the North East of the Woodlands, Manor Mews, Poulton le Fylde, Lancashire.

**2. Outcomes**

- 2.1 To determine whether to confirm the Wyre Borough Council Tree Preservation Order No3 of 2018 - Land to the North East of the Woodlands, Manor Mews, Poulton le Fylde, Lancashire. Once a TPO is made it is an offence to do any works to the protected trees without first gaining consent from the Local Planning Authority unless such works are covered by an exemption within the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

**3. Recommendation**

- 3.1 That the Wyre Borough Council Tree Preservation Order No3 of 2018- Land to the North East of the Woodlands, Manor Mews, Poulton le Fylde, Lancashire(" the TPO") is confirmed.

**4. Legislative background to the TPO**

- 4.1 Section 198 of The Town and Country Planning Act 1990 (as amended) empowers Local Planning Authorities to protect trees in the interest of amenity by making tree preservation orders. Following the introduction of **The Town and Country Planning (Tree Preservation) (England) Regulations 2012**, The Local Planning Authority is required to confirm a tree preservation order within six months of the issue date. When an objection is received, a decision on confirmation is usually referred to the Planning Committee.

4.2 Tree preservation orders are usually made because it is considered expedient in the interests of amenity to protect the trees from felling or pruning. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make an order as a precaution.

4.3 Amenity is not defined in law but the government's advice is that the following criteria should be taken into account when assessing the amenity value of trees:

- **visibility:** *the extent to which the trees or woodlands can be seen by the general public will inform the LPA's assessment of whether its impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.*
- **Individual, collective and wider impact:** *public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to it of their characteristics including:*
  - *Size and form;*
  - *Future potential as amenity;*
  - *Rarity or historic value;*
  - *Contribution to, and relationship with, the landscape; and*
  - *Contribution to the character or appearance of a conservation area.*
- **Other factors:** *where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change.*

*(Source: Tree Preservation Orders and trees in Conservation Areas/Planning Practice Guidance March 2014).*

4.4 The Regulation 5 notice, which is a legal notice that is served with the tree preservation order documents on the owner and occupier of the land affected by a tree preservation order and also the owner and occupier of the adjoining land, states the reason why the trees have been protected and invites objections or representations to be made to the Local Planning Authority within a 28-day period. The Regulation 5 Notice issued in respect of the land affected by the TPO gave the reason for making the TPO as "*it is expedient in the interest of amenity continuity*".



- 4.5** Once made, a tree preservation order takes effect provisionally for six months, but must be confirmed by the Local Planning Authority within that period. If it is not confirmed the tree preservation order ceases to have effect and the trees are unprotected. When objections or representations are received the Council must consider those before any decision is made to confirm the order. In these cases, referral to Planning Committee is usually appropriate.

## **5. Background to making the Woodland TPO**

- 5.1** A Woodland designation covers each and every tree irrespective of whether it was growing at the time the TPO was made. The Woodland designation covers future trees. The Woodland designation can make allowance for some degree of woodland management taking place in order to sustain the woodland.

In January 2018 the Tree Officer received information from a member of the public stating that woodland located at Land to the North East of the Woodlands, Manor Mews, Poulton-le-Fylde, Lancashire, was under threat. The Tree Officer visited site on the 25 January 2018 to investigate and undertook a tree evaluation method for preservation orders survey data sheet which guided the decision to make a tree preservation order.

Copies of the completed 25 January 2018 TEMPO Survey data sheet and public visibility images of 'W1' Woodland of Wyre Borough Council Tree Preservation Order No3 of 2018- Land to the North East of the Woodlands, Manor Mews, Poulton le Fylde, Lancashire, are appended to this report at Appendix 2.

- 5.2** On 31 January 2018 Wyre Borough Council made the TPO. The Council served correspondence on the owners and occupiers of the land affected by the TPO, notifying them of the making of the TPO in accordance with Regulation 5 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

After the allowing of a requested extension, the period for any objections and representations to be made to the Council in respect of the TPO ended on 16 March 2018 (5pm).

A copy of the TPO plan is appended to this report at Appendix 1.

- 5.3** Wyre Council received a formal objection to the TPO dated 26 February 2018 from Ralli solicitors as instructed by the owners of the land lying to the north east of Moorland Avenue, Poulton-le-Fylde.

A formal objection was also received on 16 March 2018 from a co-owner of the land lying to the north east of Moorland Avenue, Poulton-le-Fylde.

A copy of each objection is appended to this report at Appendix 3.

## 6. Summary of objections

- 6.1
- No trees are specified by reference to the affected area.
  - The Order will deny access to and from the affected land via the Wain homes development including via the road at the north-west boundary of the affected land.
  - The registered proprietors of the affected land are seeking to develop the affected land having been advised that it is suitable for housing.
  - Development of the affected land for housing is consistent with development of the said adjoining land and is consistent with the local planning authority's policy of providing affordable housing in the area.
  - The Order would materially adversely affect the prospective development of the affected area.
  - Provided Tree Condition Report.

## 7. Response to Objections

The Tree Officer's response to the objections are as follows:

- 7.1 The following extract from the TPO Schedule evidently provides the specified woodland information which relates to the TPO plan;

**Woodland.**

{Shown within a solid black line on map}

W1	Shown as W1 and located within the continuous black line on the tree preservation order plan. Tree species comprising Spruce, Fir, Poplar, Cherry, Chestnut, Pine, Birch, Crab Apple, Hawthorn, Rowan, Alder, and Cypress.	centred on grid ref:	(E) 335456	(N) 439982
----	--	----------------------	------------	------------

The Tree Officer completed a Tree Evaluation Method for Tree Preservation Orders (TEMPO) data sheet on 25 January 2018.

This comprised an assessment in relation to the condition and suitability of the trees along with remaining tree life expectancy, public visibility, other factors and expediency. It was concluded that the TPO should be made on a precautionary basis.

Consideration of access to and from the affected land via the Wain homes development is unrelated to assessing the justification for creation of the TPO. Also, on completion and occupying of the Wain Homes development further amenity provided by the TPO to the wider public will accrue.

The site has not been considered for development allocation within the Local Plan. Opportunities to make representations, respond to requests for sites relating to the Local Plan has expired. The completed consultation process complied fully with the Town and Country Planning (Local Plan) (Eng) 2012 Regulations (SI number 767).

No request for pre-application advice has been sought from the Planning Department in relation to the site.

The tree condition report covers a subgroup within the Order and identifies 9 trees recommended to be removed due to a poor or undesirable condition. Additionally, correspondence dated 15<sup>th</sup> March from a co-owner of the site indicates a number of trees identified as dead or dying.

Time constraints presented by the forwarded cut-off date for placing the item on Aprils Planning Committee Agenda prevented the Tree Officer from revisiting the site. However the following advise can be provided;

The Tree Officer is in approval of visiting site at a later date to consider future request for maintenance works to the Woodland TPO trees as part of the process of application for tree works to protected trees. Tree works covered by an exemption within the Town and Country Planning (Tree Preservation) (England) Regulations 2012 include works to trees in a dead, dying or dangerous condition.

**Concluding remarks**

It is considered that the Woodland TPO is fully justified and should be confirmed.

<b>Financial and legal implications</b>	
Finance	None.
Legal	Before confirming a Tree Preservation Order, the Local Planning Authority must consider any objections/representations made within the 28-day objection period. If, having considered any objections/representations received, the Local Planning Authority is satisfied that the tree merits a TPO; it may confirm the Order under the Town and Country Planning Act 1990 and supporting Regulations. The LPA may also confirm an Order in modified form, revoke it, or allow it to lapse. There is no right of appeal to the Secretary of State, but a challenge may be made to the High Court on a point of law.

### Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with an x.

implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	✓
data protection	x

report author	telephone no.	email	date
Ryan Arrell	01253 887614	Ryan.Arrell@wyre.gov.uk	21/03/2018

List of background papers:		
name of document	date	where available for inspection
Wyre Council TPO 3 of 2018	21 March 2018	Room 134 or by email to Tree Officer.

### List of appendices

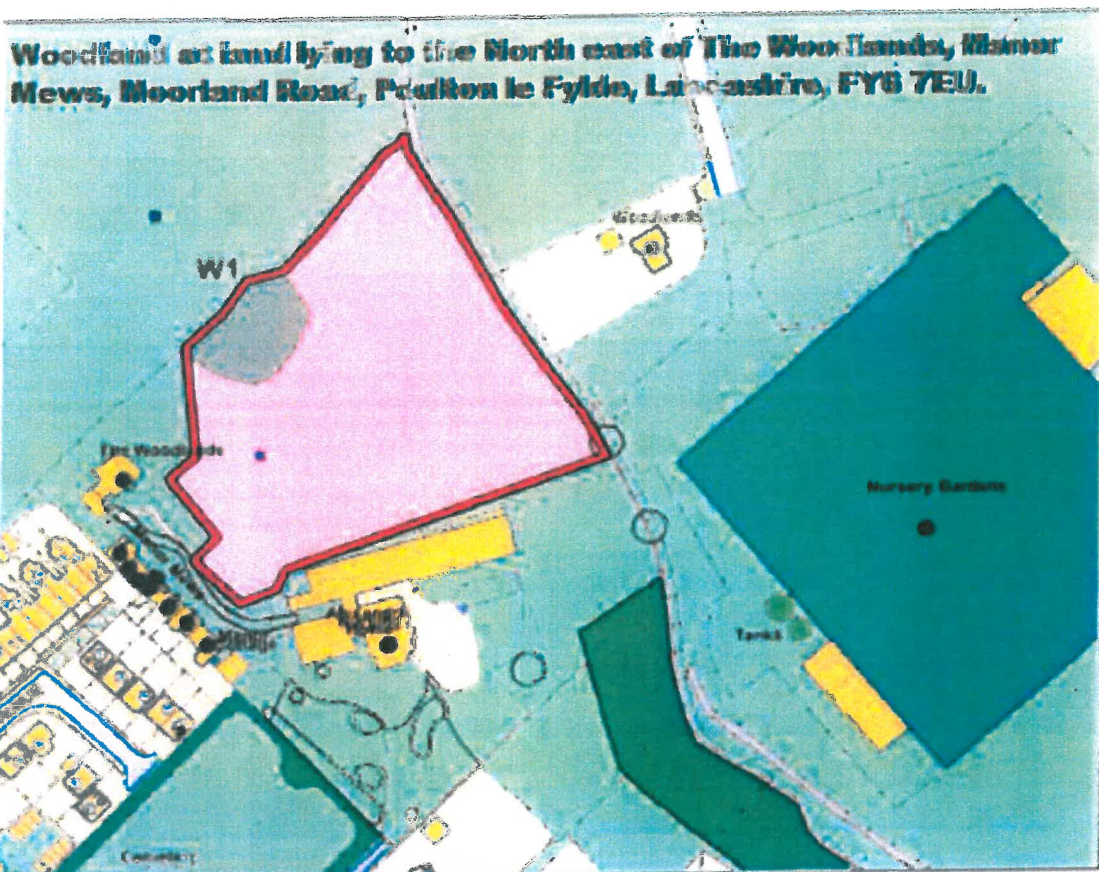
**Appendix 1** – Wyre Council Tree Preservation Order No3 of 2018- Wyre Borough Council Tree Preservation Order No3 of 2018 - Land to the North East of the Woodlands, Manor Mews, Poulton le Fylde, Lancashire, plan.

**Appendix 2** –25 January 2018 completed TEMPO Survey data sheet and also Public visibility Images of Woodland 'W1'.

**Appendix 3** - Copy of objections made.

arm/rg/pla/cr/18/0404ra1

Wyre Council Tree Preservation Order No.3 of 2011



Legend

8164  
Mary Gardner



This plan was prepared from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright, 2002.

Unauthorized reproduction of this document is prohibited. For more information, please contact the Planning Department.

Organization	Wyre Council
Department	Planning Department
Comments	Not Set
Date	11 January 2018
SLA Number	140010120

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 25/01/18	Surveyor: RYAN ARRELL	
Tree details	Woodland 1	
TPO Ref (if applicable):	Tree/Group No: W1	Species: mixed deciduous and coniferous
Owner (if known):	Location:	

Visit undertaken without entering the land  
REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Merit assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous\* Unsuitable

\* Relates to existing context and is intended to apply to severe irreparable defects only

Score & Notes
3

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10\* Unsuitable

\* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes
2

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes
4

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes
4

Part 2: Expediency assessments

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes
1

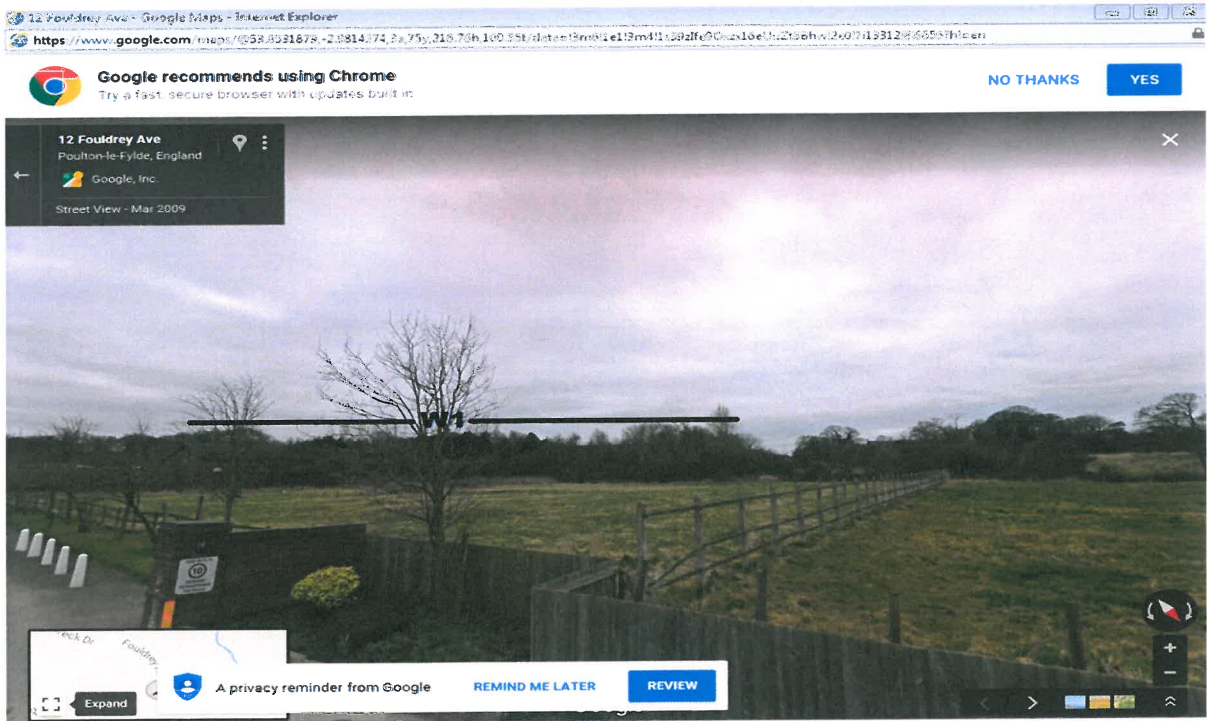
Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total:
14

Decision: Make TPO TPO defensible
--------------------------------------





Our Ref AEA/ES/M1494-0006  
Your Ref PLG/8/  
Date 26 February 2018



The Tree Officer  
Wyre Council  
Leisure Services  
Wyre Civic Centre  
Breck Road  
Poulton-Le-Fylde  
FY6 7PU  
By Post and Email: [ryan.arrell@wyre.gov.uk](mailto:ryan.arrell@wyre.gov.uk)

t: 0161 615 0682  
f: 0161 615 0742  
[ewen.sharpe@ralli.co.uk](mailto:ewen.sharpe@ralli.co.uk)

Dear Sirs

**Wyre Council Tree Preservation Order No.3 of 2018**

We act on behalf of Janet Mellor, Stuart Metcalfe and Adrian Anderson, owners of land lying to the north east of Moorland Avenue, Poulton-Le-Fylde. Please note our interest.

Wyre Council have recently made the above mentioned Tree Preservation Order on this land, please find enclosed our clients' initial objections to this Order.

We look forward to hearing from you on this matter.

Yours sincerely

**Ralli Solicitors LLP**

Enc



Ralli Solicitors LLP Registered in England and Wales with number OC 354873.  
Registered Office: Brook House, 64-72 Spring Gardens, Manchester M2 2BQ.  
Authorised and Regulated by the Solicitors Regulation Authority with number 539811. A list of members is available for inspection at the registered office.  
Reference to a 'partner' means a member of the LLP or an employee or consultant of equivalent standing and qualification. Service by email is not accepted except by prior agreement.



Brook House  
64-72 Spring Gardens  
Manchester  
M2 2BQ

t: 0161 832 6151  
f: 0161 615 0741  
[www.ralli.co.uk](http://www.ralli.co.uk)  
DX 14069 Manchester 1

Act by appointment at:  
10 Gough Square  
London  
EC4A 3DF



## OBJECTION

### to Wyre Council Tree Preservation Order No.3 of 2018

Tree Preservation Order: 003/2018/TPO ("the Order")  
Location: Land to the North East of the Woodlands, Manor Mews,  
Moorland Road, Poulton Le Fyde, FY6 7EU

#### Background

The Order, once confirmed, will not allow anyone to cut down, top or lop without permission any of the trees described in the First Schedule of the Order. The Order states that these trees are located within the continual black line on the plan attached to the Order. The Order relates to tree species comprising Spruce, Fir, Poplar, Cherry, Chestnut, Pine, Birch, Crab Apple, Hawthorn, Rowan, Alder and Cypress.

The land shown as W1 on the plan attached to the Order delineated in red is part of land owned by:

- (1) Janet Mellor [REDACTED]
- (2) Stuart Metcalf [REDACTED]
- (3) Paul Mellor [REDACTED]
- (4) Adrian Ernest Anderson Solicitor of Ralli Solicitors LLP, Brook House, 64-72 Spring Gardens, Manchester, M2 2BQ

Registered with title number LA868792 and shown edged with a red line on the plan and known as land lying to the north east of Moorland Avenue, Poulton-Le-Fyde ("the Affected Land"). Please see Plan 1 attached.

[REDACTED] has a beneficial interest in the land. [REDACTED] own the land as trustees of the estate of the late Ronald Mellor.

#### Objections

The Objections to the Order are:

- (1) No trees are specified by reference to the Affected Area.
- (2) The Order will deny access to and from the Affected Land via the adjoining land shown hatched red on the plan attached (marked "Plan 1") which is being developed by Wain Homes, the extent of which is more accurately detailed on the plan attached marked "Plan 2". The Wain Homes development as proposed is shown on Plan 2. The proposed Tree Preservation Order over the Affected Land will deny access to the Affected Land via the Wain Homes' development including via the road shown on Plan 2 at the north-western boundary of the Affected Land.
- (3) The Registered Proprietors of the Affected Land are considering seeking to develop the Affected Land for housing having been advised that it is suitable for housing.

- (4) Development of the Affected Land for housing is consistent with development of the said adjoining land hatched red on Plan 1 and is consistent with the local planning authority's policy of providing affordable housing in the area
- (5) The Order would materially adversely affect the prospective development of the Affected Land

Signed by Raili Solicitors LLP as agents  
with the authority of and on behalf of

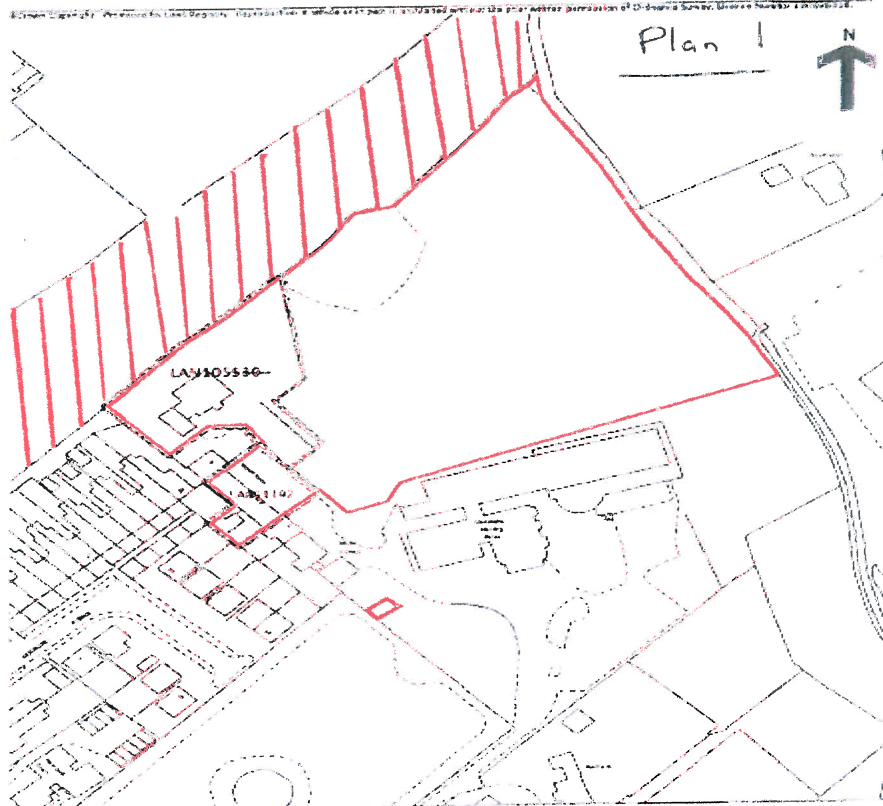
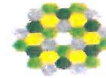
**Janet Mellor, Stuart Metcalf & Adrian Ernest Anderson**

Signed by

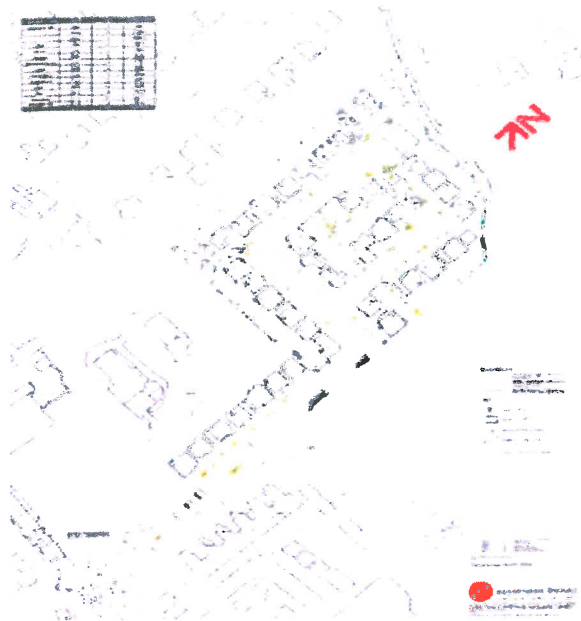
**Paul Mellor**

Land Registry  
Official copy of  
title plan

Title number **LA868792**  
Ordnance Survey map reference **SD3539NW**  
Scale **1:1250**  
Administrative area **Lancashire : Wyre**

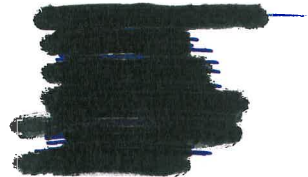


Plan 2



March 15<sup>th</sup> 2018

Ryan Arnell  
Tree and Woodlands Officer  
Wyre Civic Centre  
Poulton-le-Fyde  
FY8 7PU



Dear Sir

Tree Preservation Order : 003/2018/T.P.O North East of Woodland

Further to my original objection, I have looked at some other trees on the arboretum and identified some dead or dying trees, (marked on the plan) which I object to being TPOd. This should be taken into consideration together with the survey from Andrew McLoughlin submitted on my behalf.

Sam Whittle of Helmrig has offered to go round the site at a mutual day and time with yourself. His telephone number is 07815 464 245.

Yours faithfully



Enc.



**HELMRIG Ltd**

New Inn Farm, Dawson Lane, Leyland, Lancashire, PR25 5DB

Telephone 01772 621013

**Tree Condition Report with a  
Recommended Works Schedule**

**Site**

Woodland/  
Nr. Alexandra <sup>Drive Home</sup>  
Poulton-le-Fylde <sup>Drive</sup>  
FY6 7EU

**Author**

Andrew McLoughlin  
Treestyle Consultancy

**Instructed By**

Mrs Mellor

## **Contents**

---

### Contents

### Executive Summary

### 1.0 Introduction

### 2.0 Terms of Reference

### 3.0 Personnel Involved

### 4.0 Caveats and Limitations

### 5.0 Site Details

### 6.0 Survey Details

### 7.0 Species Composition

### 8.0 Discussion

### 9.0 Other Works and Future Considerations

### Appendix A – Tree Mapping

### Appendix B - Tree Schedule

### Appendix C – Glossary

### Appendix D – Tree Categorisation Chart

## Executive Summary

---

Treestyle Consultancy was commissioned to complete a tree condition appraisal on a group of recently Tree Preservation Order (TPO) trees that are located at the far end of Woodlands, Alexandra, Poulton-le-Fyde. The trees are located in a property that is at the end of a road and is behind Alexandra Nursing Home. The group of trees in question are located on the far side of the garden opposite a development site. Only this small area of trees that have been TPO'd have been assessed.

The area of TPO'd trees are various in size, quality and value. They are predominately pioneer species of trees that have been planted for quick establishment. The highest quality and value of all the trees assessed are the row of Poplars that line the border. These hybridised Poplars would have been planted for quick screening. However, with a potential height of 35m, a brittle nature, limited longevity and producing clouds of flowers in spring are probably not a favourable species of tree next to residential housing. One of the Poplar trees has mechanical weakness, with multiple "V" unions and bark inclusion. Other similar pioneer species such as Alder, Birch and Willow vary greatly in quality, as some are suppressed and have poor form or are dead. Growing along the border is a row of overgrown Hawthorn hedge that is relatively large, leaning and unmanageable.

It was noted an area of trees are dead, dying and in decline, it is suspected that Phytophthora disease maybe present and moving its way through the wood. The fruiting body of the disease was not observed, only an area of dead and dying trees were present.

The overall quality of this group of trees would be categorised in accordance with BS5837 – 2012 as B medium quality and value with 20 years longevity. This is because of the type of tree species is fast growing, however, short lived. When the area was designed there should have been other varieties of trees planted such as Oak, Beech and Hornbeam, this would have provided longevity to the wooded area. The young Arboretum to the south has much greater longevity due to their species type.

It is important that the caveats and limitations of this report are known, these can be read on section 4.0 of this report.

## 1.0 Introductions

---

- 1.1 This report describes the inspection, condition and the recommendations of an area of trees that have been recently TPO'd by Wyre Borough Council. It is these that have been specified for surveying within the grounds of Woodlands, Alexandra.
- 1.2 Mrs Mellor contacted Helmrig Ltd and made the request for a tree survey. Then a meeting was held with myself where she kindly showed me the area of trees in question. However, Mrs Mellor did not know the precise location and number of the trees under the TPO. Failure to contact the Council made the exact trees to assess difficult.

## 2.0 Terms of Reference

---

- 2.1 The report was commissioned by Mrs Mellor and Helmrig Ltd in the month of February 2018, the survey was carried out on the 22<sup>nd</sup> February 2018.
- 2.2 Only the trees that fall under the TPO were assessed and have been highlighted in Appendix B – Tree Schedule. It must be noted that Treestyle Consultancy has no association with any of the tree work that is recommended in this report.
- 2.3 Objectives and scope of the report are:
- Assess the condition of the trees identified for surveying within the grounds
  - Categorise both individual trees and as a group for their quality and value

## 3.0 Personnel Involved

---

### Andrew McLoughlin

- 3.1 I have a National Certificate in Arboriculture and a Higher National Diploma in Arboriculture. Qualified Arboriculturalist since 1998. I am also a qualified teacher and a LANTRA instructor and assessor. Founder and Managing Director of Treestyle Consultancy since 2001. ISA Tree Risk Assessment Qualification, Quantified Tree Risk Assessor. Recently an Ancient and Veteran Tree Expert.

Up to date Curriculum Vitae (which include records of up to date Continued Professional Development - CPD) can be provided upon request.

#### 4.0 Caveats and Limitations

---

- 4.1 This survey was carried out from ground level. No aerial inspection was undertaken and, as such, this report can only identify defects clearly visible from the ground. A VTA (Visual Tree Assessment) is a level two arboricultural tree survey. This normally involves a full 360 degree visual of the buttress, stem and crown of the tree. While every attempt has been made to provide a realistic and accurate assessment of the trees' condition at the time of inspection, it may have not been appropriate, or possible, to view all parts or all sides of every tree to fulfil the assessment criteria of a risk assessment.
- 4.2 No tree is entirely safe given the possibility that exceptionally strong winds could damage or uproot even a mechanically 'perfect' specimen. It is therefore usually accepted that hazards are only recognisable from distinct defects or from other failure-prone characteristics of the tree or the site.
- 4.3 Underground services were not confirmed around any of the trees surveyed. The potential influences of trees upon building or other structures resulting from the effects of trees upon shrinkable load-bearing soils or the effect of incremental root growth are specifically excluded from this report.
- 4.4 The report reflects the tree stock as found on the day surveyed. Change of ground levels, soil conditions, surrounding tree cover or land use, or any ground works within the root zone of any tree may invalidate the content of this report. No root zone excavation was undertaken.
- 4.5 Change of circumstance as a result of unusual weather conditions may invalidate the content of this report. It is recommended that trees should be reassessed after strong gale, 39 – 46 mph wind Beaufort scale 8.
- 4.6 The content of this report is valid for 12 months from the cover date. Any works recommended for beyond this time period are based on expectations rather than in response to currently identified defects. Trees should have their condition re-inspected by a qualified arboricultural consultant within three years of this report being written.



## 5.0 Site Details

---

- 5.1 The property can be found at the end of Alexandra in Poulton-le-Fykde. There is residential housing surrounding most of the grounds with a large nursing home to the east. The grounds could be considered as being located near the town centre although there are plenty of fields nearby.
- 5.2 The property has a large area of land with a variety of trees and shrubs that are predominantly in early maturity. This green area is located behind the nursing home and borders a development site to the north. For a site plan of the locations of all trees surveyed for work please refer to **Appendix A**.

## 6.0 Survey Details

---

- 6.1 The survey was carried out on the 22<sup>nd</sup> February 2018 and was undertaken by Andrew McLoughlin of Treestyle Consultancy.
- 6.2 The weather was cold and clear with no visibility constraints.
- 6.3 This is a level two (basic assessment) Arboricultural survey that has been devised by the ISA (International Society of Arboriculture) and involves a full 360 of the stem, crown and rooting area of each individual tree. In some cases a level one (limited visual assessment) could only be achieved due to the trees being covered in Ivy or in neighbouring gardens. In circumstances a level two survey can be raised to a level three (Advanced assessment) which may involve either climbing the tree or using advanced decay detection equipment.
- 6.4 The tree survey takes into account health and safety issues that stem from the biological and mechanical issues, tree aesthetics, time and cost practicability. This allows management time to carryout recommended tree work within 12 months. In addition it allows the environment to adapt to the tree removal. **Appendix D** is the tree categorisation chart taken from BS 5837, Trees in relation to design, demolition and construction – Recommendation 2012, this lists the trees quality and value.

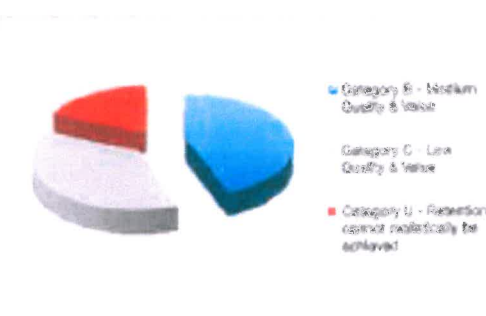
## 7.0 Species Composition

---

- 7.1 The tree species as a group have been categorised as medium quality and value. The reasoning behind this is because they are predominately pioneer species with limited longevity and most are generally short lived. These will have been originally planted for quick growing screening.
- 7.2 The area of trees that surrounds the trees to the south are of much higher quality and value with greater longevity.

## 8.0 Discussion

- 8.1 The grounds of the Woodland residence have a wonderful green infrastructure that as a whole are good quality and value. However, the area of trees surveyed that has been recently TPO'd by Wyre Borough Council has been categorised as medium quality and value. This is because they would have been originally planted as screen trees to protect the ones within. These quick growing pioneer tree species have limited longevity because of their growth pattern and are mostly brittle in nature. The original planting scheme for the TPO's trees was a poor choice of species with only pioneer tree species and no longer lived varieties. The area should have also been planted with Oaks, Beech, Scot Pine etc. This would have given rise to better species diversity and longevity. This has now left many quick growing, brittle natured species all fighting for dominance resulting in many dead, dying and suppressed trees. The dominant species are the Hybridised Poplars that can grow to a height of 35m in a relatively short period of time.
- 8.2 It was noted that there is an area of trees that are either dead, dying and suffering from stress. It is suspected that there is a fungal infection within the soil profile that may have been transported by the stream that passes the end of the garden. The disease could not be identified at the time of inspection but its possibly *Phytophthora* spp which has resulted in a gap in the overall canopy of these trees. Additionally, the recommended removal of T16 Poplar further opens the canopies of these brittle natured trees to the elements that are potentially overhanging a new residential development.
- 8.3 This entire area has seen little or no management. An example of this can be seen were the Hawthorn hedge lines the northern border, this overgrown hedge is now tall and leaning in the direction of the garden. Normally these species could be re established as a hedge, unfortunately due to its size and lean it may now not be possible.
- 8.4 To summarise, because of the species type, the potential size of these trees, the potential presence of *Phytophthora* disease and the potential target area. It would be advisable that these trees be removed and replaced with a more suitable species that has tolerance to *Phytophthora* spp.
- 8.5 Tree categorisation pie chart show the approximate percentages of tree quality.

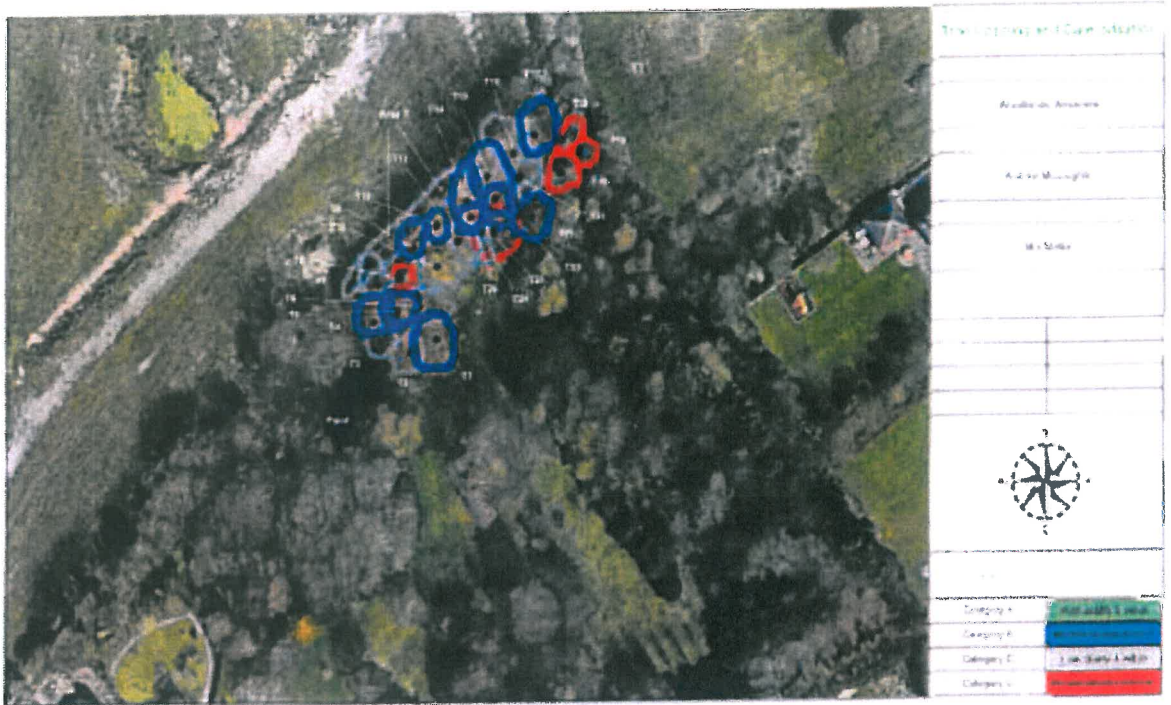


## 9.0 Other Works and Future Considerations

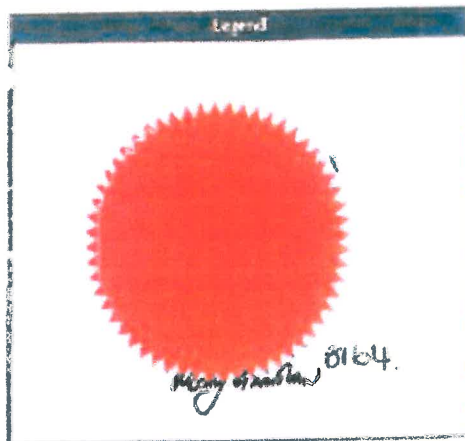
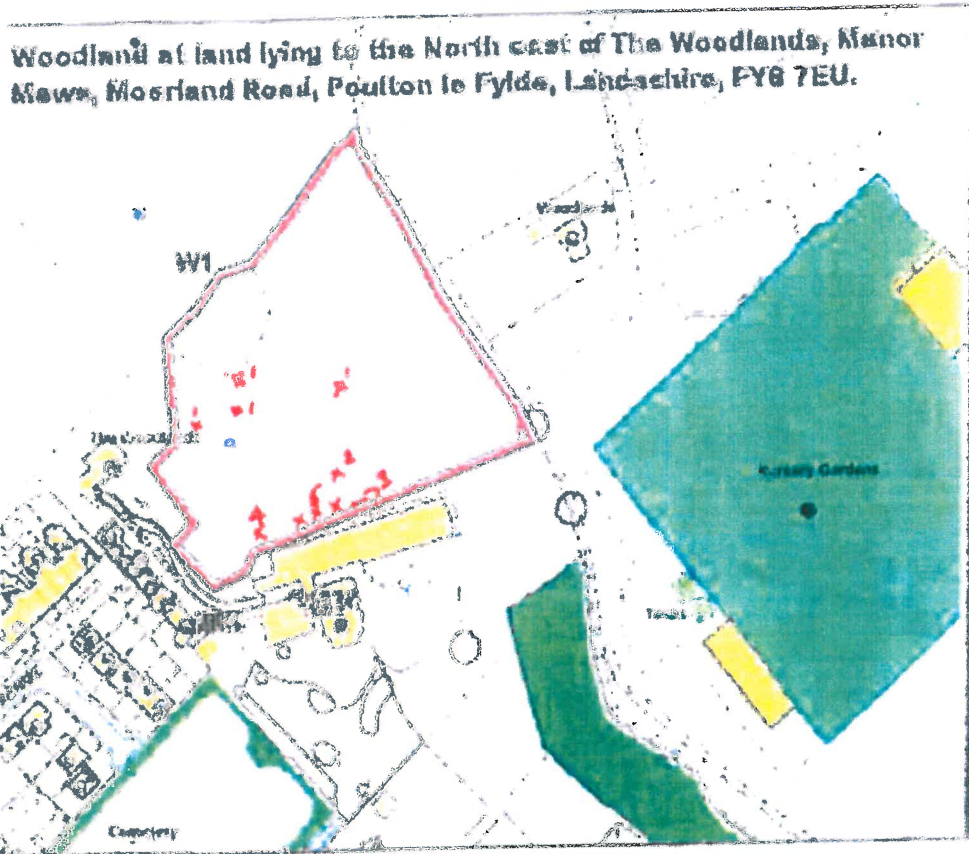
---

- 9.1 It is recommended that all trees included in this survey be re-inspected on a fifteen month cycle. This will allow the inspector to view the tree over different sections of its annual cycle (dormancy in winter, bud burst in spring, full leaf in summer, leaf drop & fungal activity in autumn).
- 9.2 All tree work carried out should be carried out in accordance with BS 3998:2010 *Recommendations for tree work* by a competent, qualified arborist. They must also hold sufficient public/employees liability insurance.

Appendix A - Tree Mapping and Categorization



Wyre Council Tree Preservation Order No.3 of 2018



Map of the Poulton le Fylde ward, Wyre Council, Lancashire, UK. The map is a reproduction of the Ordnance Survey map of the area, which is a Crown Copyright. The map is reproduced by permission of the Ordnance Survey. The map is a reproduction of the Ordnance Survey map of the area, which is a Crown Copyright. The map is reproduced by permission of the Ordnance Survey.

Organization	Wyre Council
Department	Planning Department
Comments	See Map
Date	14 January 2018
SLA Number	024611-25

- 1 Dead.
- 2 tree leaning at dangerous 30°
- 3 leylandi screen blocks all light to Nursing home windows
- 4 dying/diseased
- 5 leylandi falling over



Appendix B - Tree Schedule

Tree number	Basic information			B55437 note				Height	Condition	Basic Management Recommendations	Comments	B55837 data			
	Tree species	Age	DBH (cm)	Dir N	Dir E	Dir S	Dir W					RPA m's	Life span	Canopy	Sub str
1	Alder ( <i>Alnus glutinosa</i> )	Mature	300	4	3	3	5	12	Good	None	None	3.8	30	B	2
2	Willow ( <i>Salix</i> spp)	Mature	35	0	0	0	0	12	Average	Overhead	Low value	0.43	5	C	2
3	Alder ( <i>Alnus glutinosa</i> )	Mature	150	2	2	3	3	10	Good	None	None	1.8	10	C	2
4	Alder ( <i>Alnus glutinosa</i> )	Mature	300	3	3	3	3	12	Good	None	None	3.5	30	B	2
5	Alder ( <i>Alnus glutinosa</i> )	Mature	500	3	4	3	3	12	Good	Overhead	None	3.9	30	B	2
6	Willow ( <i>Salix</i> spp)	Mature	55	2	3	0	3	12	Poor	Remove	Low value, poor form	4.2	5	C	2
7	Alder ( <i>Alnus glutinosa</i> )	Mature	200	5	0	0	2	10	Average	None	Suppressed	2.4	10	C	2
8	?	Dead	300	1	2	1	2	4	Poor	Harms	Top snapped out	3	0	U	2
9	Beech ( <i>Fagus</i> spp)	Early maturity	200	3	3	1	1	11	Good	None	None	3	30	B	2
10	Willow ( <i>Salix</i> spp)	Mature	400	3	0	4	1	12	Average	Overhead	Low retention on suppressed, poor form, stem damage	3.4	10	C	2
11	Hawthorn ( <i>Crataegus monogyna</i> )	Mature	100	0	1	2	1	8	Poor	None	Overgrown hedge	10.2	5	C	2
12	Black Italian Poplar ( <i>Populus nigra Italica</i> )	Early maturity	200	1	1	3	1	30	Good	None	None	6	20	B	2
13	Willow ( <i>Salix</i> spp)	Early maturity	200	2	0	4	2	6	Average	None	Suppressed	2.4	5	C	2
14	Poplar ( <i>Populus x canadensis 'Robusta'</i> )	Mature	300	4	2	4	2	30	Good	None	None	4.2	30	B	2
15	Poplar ( <i>Populus x canadensis 'Robusta'</i> )	Mature	350	5	5	2	4	30	Good	None	None	4.2	20	B	3
16	Poplar ( <i>Populus x canadensis 'Robusta'</i> )	Mature	400	7	4	5	3	30	Poor	Remove	Poor unions throughout	4.0	10	C	2
17	Poplar ( <i>Populus x canadensis 'Robusta'</i> )	Mature	400	6	3	2	2	30	Good	None	None	4.0	20	B	2
18	Alder ( <i>Alnus glutinosa</i> )	Mature	300	4	4	3	0	10	Poor	Remove	Suppressed	3.5	5	U	2
19	Alder ( <i>Alnus glutinosa</i> )	Mature	200	3	3	2	0	10	Poor	Remove	Suppressed and stressed crown	2.4	5	U	2
20	Alder ( <i>Alnus glutinosa</i> )	Mature	200	4	2	4	4	15	Poor	Remove	Poor crown density	4.2	5	U	2

Appendix B - Tree Schedule

Tree number	Basic Information			BSEB37 data				Height	Condition	Management recommendation	Comments	BSEB37 data			
	Tree species	Age	DBH (cm)	Shade N	rich E	For S	seed W					RPA (%)	Life span	Category	Dist cat
21	Spruce ( <i>Picea abies</i> )	Mature	503	2	2	3	3	12	Good	None	None	0.5	20	B	2
22	Scots Pine ( <i>Pinus sylvestris</i> )	Early maturity	100	2	2	3	1	10	Poor	Remove	Suppressed with extensive crown	1.5	5	C	2
23	?	Dead	600	2	4	5	3	10	Dead	Remove	Dead	4.5	0	U	2
24	Willow ( <i>Salix</i> spp)	Early maturity	156	0	2	2	2	6	Poor	Remove	Suppressed	1.5	0	C	2
25	Poplar ( <i>Populus s canadensis</i> 'Robusta')	Mature	200	0	2	4	2	20	Average	None	None	2.4	20	B	2
26	Poplar ( <i>Populus s canadensis</i> 'Robusta')	Mature	200	1	1	1	1	20	Good	None	None	2.4	20	B	2
27	Poplar ( <i>Populus s canadensis</i> 'Robusta')	Mature	230	1	1	1	1	20	Good	None	None	2.4	20	B	2

## Appendix C - Glossary

Abbreviation	Term	Explanation
DBH	Diameter at Breast Height	The diameter of the tree trunk in question. 'breast height' is taken to be 1.3 metres above ground level. Multi-stem trees have their stems measured separately and indicated as so in the tree schedule. Trees with abnormal growths, branch unions or other obstructions at 1.3 m will have their measurements taken immediately below said obstructions.
TZ	Target Zone	A target zone is an area in which the tree or tree part is likely to fall when it falls.
TC	Target	Targets are people, property or activities that could be injured, damaged or disrupted by a tree failure. Others may be vehicles, structures, highways, telephone lines, walls and other trees.
RPA	Root Protection Area	Circular area surrounding tree with a radius based on the DBH of the tree, as calculated in BS 5817:2012. RPA Radius = 12 x DBH
-	Scaffold Branches	Significant (relative to the canopy in question) 1st & 2nd order branches which support the tree's canopy.
VTA	Visual Tree Assessment	A system of tree inspection devised by Chris Mattock using visual signs to read the body language of trees & aid with the diagnosis of potential defects.
-	Occupancy rate	This amount of time one or more targets are within the target zone, its occupancy rate is a primary component of assessing the likelihood of a target being impacted.
-	Occasional "V" unions and bark inclusion	Up to 42% mechanically weaker attachment, either with twin or multiple stems or branch attached to the stem.
-	Inspection Period	12 - 18 months for sites with high consequences and/or a possible likelihood of failure. 3 - 5 years where low consequences and/or the likelihood of failure.
-	Likelihood	Likelihood is the chance of an event occurring. In the context of a tree or tree part failure, the chance of that tree or tree part failing, the chance of that tree or part tree impacting a specific target and the combined likelihood of a tree failing and the likelihood of impacting and specific target.
-	Consequences	Consequences are the effects or outcome of an event. In tree risk assessment, consequences include person injury, property damage, or disruption of activities due to the event.
Y	Young	Tree which has not yet established a significant rooting structure in the ground & has not developed a significant branching structure - its form is largely 'whip' like in nature & it could normally be easily transplanted or replaced.
SM	Semi Mature	Tree which has established a significant rooting structure & could not easily be transplanted. The tree's structure will have begun to develop an internal scaffold structure but its structural form does not yet match that of a mature version of its specimen. Trees in this age class will still be developing significantly in height & spread.
EM	Early Mature	Tree which has established a significant rooting structure & has developed a noticeable internal scaffold structure, it differs from a mature version of its species only in size but not in relative proportions of its structure. Trees in this age class will still be developing significantly in height & spread.
M	Mature	Tree which has established a significant root-plate & which is over 50% of the way through its usual life expectancy. Trees in this age class will still be developing significantly in spread but less significantly in height.
OM	Over Mature	Tree which has fully established & will no longer be able to continue increasing in size due to its age, it may be showing signs of decline such as localised dieback but does not need to do so by definition. However it should be expected that signs of structural deterioration will soon become apparent.
V	Veteran	Tree which is showing veteran tree characteristics such as very significant crown retrenchment, extensive internal cavitation & possess significant cultural, ecological &/or historical value. Size is a common indicator of these characteristics but is not an essential requirement, for example, ancient coppices may possess veteran tree characteristics but may have a stunted form. Age is a stronger indicator but again not essential as veteran characteristics can be encouraged in younger trees.
-	Retrenchment	Progressive reduction in the size of the crown of an old tree, by means of dieback or breakage of twigs and small branches, accompanied by the enhanced development of the lower or inner parts of the crown.
-	Veteranise	Tree work by which tissues are injured in order to accelerate the development of wood decay habitats in standing trees, this is usually done only where essential and sustainable.



Appendix D: BS 5837:2012 Cascade Chart for Tree Quality Assessment

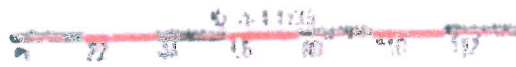
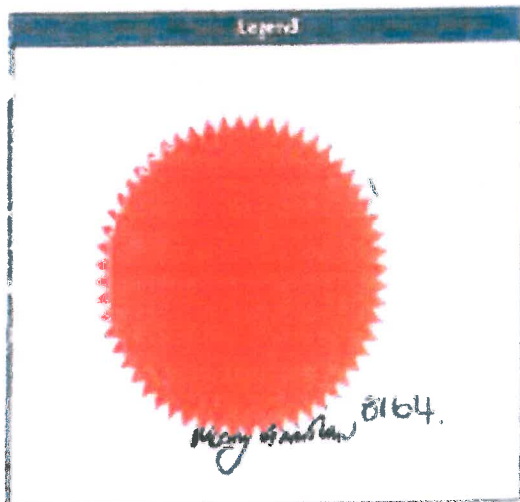
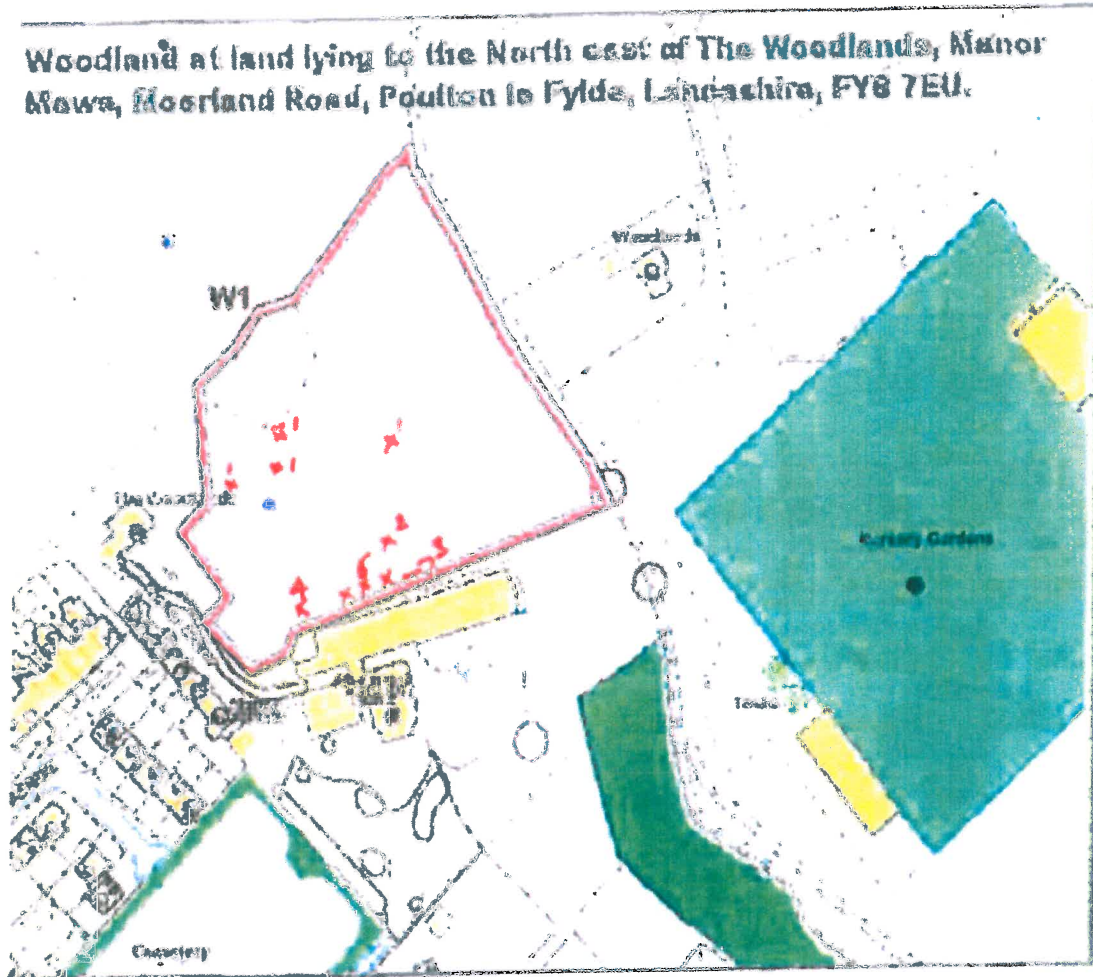
Table 1 Cascade chart for tree quality assessment

Category and definition	Criteria (including subcategories where appropriate)			
<b>Trees unsuitable for retention (see Note)</b>				
<b>Category U</b>	<ul style="list-style-type: none"> <li>Trees that have a serious, irreparable, structural defect, such that their early loss is expected due to collapse, incline unstable after removal of other U category trees i.e. where, for whatever reasons, the loss of competition stabilises them</li> <li>Trees that are dead or are showing signs of significant, irreversible overall decline</li> <li>Trees infected with pathogens or significant to health and/or safety of other trees nearby (e.g. Dutch elm disease, or adjacent trees of better quality)</li> </ul>			
<p>Trees in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years.</p> <p><b>NOTE</b> Category U trees can have existing or potential conservation value which it might be desirable to preserve, see 4.1</p>				
		<b>1</b> Mainly arboricultural values	<b>2</b> Mainly landscape values	<b>3</b> Mainly cultural
<b>Trees to be considered for retention</b>				
<b>Category A</b>	Trees that are particularly good examples of their species, especially if rare or unusual, or those that are essential components of groups, or of formal or semi-formal arboricultural schemes (e.g. the dominant and/or principal trees within an avenue)		Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features	Trees, groups conservation value (e.g. vet
<p>Those of a high quality with an estimated remaining life expectancy of at least 40 years</p>				
<b>Category B</b>	Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including inappropriate past management and stem damage), such that they are unlikely to be suitable for retention for beyond 40 years; or trees lacking the special quality necessary to mark the category A designation		Trees present in woodlands, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality	Trees with no value
<p>Those of moderate quality with an estimated remaining life expectancy of at least 20 years</p>				
<b>Category C</b>	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories		Trees present in groups or woodlands, but without the conferring to them significantly greater landscape value, and/or trees offering low or only temporary/transient landscape benefits	Trees with no cultural value
<p>Those of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm</p>				

# Wyre Council Tree Preservation Order No.3 of 2018



Woodland at land lying to the North east of The Woodlands, Manor Mawa, Moorland Road, Poulton le Fylde, Lancashire, FY8 7EU.



Prepared for the Council on 21st May 2018 by the Planning Department of Wyre Council. Order No. 3 of 2018.

This document is the property of Wyre Council. It is not to be reproduced or disseminated without the Council's permission.

Organisation	Wyre Council
Department	Planning Department
Comments	Not Set
Date	18 January 2018
SLA Number	10001120

- 1 Dead.
- 2 Tree leaning at dangerous 30°
- 3 Leylandi: screen blocks all light to Nursing Home windows
- 4 dying / diseased
- 5 Leylandi: Falls over