



Planning Committee Agenda

Wyre Borough Council
Date of Publication: 28 May 2019
Please ask for : Carole Leary
Democratic Services Officer
Tel: 01253 887444

**Planning Committee meeting on Wednesday, 5 June 2019 at 2.00 pm
in the Council Chamber, Civic Centre, Poulton-le-Fylde**

1. **Election of Chairman**
2. **Election of Vice-Chairman**
3. **Apologies for Absence**
4. **Declarations of Interest**

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

5. **Confirmation of Minutes**

To confirm as a correct record the minutes of the meeting of the Planning Committee held on 3 April 2019 (already circulated by email).

6. **Appeals** (Pages 1 - 54)

Schedule of Appeals lodged and decided between 15 March 2019 – 20 May 2019, attached.

7. **Planning Applications** (Pages 55 - 92)

Background Papers:

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

1. The Wyre Borough Local Plan (2011-2031)
2. Draft Revised Joint Lancashire Minerals and Waste Local Plan
3. Joint Lancashire Minerals and Waste Local Plan
4. Statements of Government Policy/guidance (NPPF, NPPG, Ministerial Statements etc.)
5. Supplementary Planning Guidance and evidence base documents specifically referred to in the reports

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

Reports of the Head of Planning Services on planning applications to be determined at this meeting:-

**Item 1, Application No: 19/00156/FULMAJ –
Land South of Rosslyn Avenue, Preesall – (Site Visit)**
Erection of 39 affordable residential dwellings with associated infrastructure including new pedestrian and vehicular access off Rosslyn Avenue (resubmission of 18/00734/FULMAJ).

**Item 2, Application No: 19/00349/FUL –
Land at Arthurs Lane, Hambleton, FY6 9AT - (Site Visit)**
Proposed erection of Substation in most southern corner of approved development.

PLEASE NOTE:

Transport for the members will leave the Civic Centre, Poulton-le-Fylde for the two Site Visits at 10.45am.

APPEALS LODGED AND DECIDED

Appeals Lodged between –15th March – 20th May 2019

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
18/01237/COUQ	The Willows Clay Gap Lane Out Rawcliffe Preston Lancashire PR3 6SU	Prior approval for proposed change of use of agricultural building to a dwellinghouse under Class Q of the GDPO	Delegated	Written representation	10 April 2019
18/00008/FUL	Morrisons Supermarket Car Park Amounderness Way Thornton Cleveleys Lancashire FY5 3TS	Erection of two-storey restaurant with associated drive thru (Class A3/A5), car parking, landscaping and associated works, installation of outdoor seating area and two customer order displays. 3m high acoustic fence to boundaries. 6 CCTV cameras on building.	Committee	Written Representations	20 May 2019

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Appeals Decided between – 15th March – 20th May 2019

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
18/00337/FULMAJ	Land Off Garstang Road/New Link Road Claughton-on-Brock Lancashire	Residential development for the erection of 40 dwellings with associated access and landscaping	Non determination	Allow and costs awarded	4 April 2019
17/00709/OUT	Land Adjacent Foxfields Hall Gate Lane Stalmine Lancashire FY6 0QR	Outline application for the erection of up to 4 No dwellings	Delegated	Dismissed	15 April 2019
17/01092/OUT	Land West Of Heywood House Smallwood Hey Road Pilling Lancashire PR3 6HE	Outline application for the erection of one detached dwelling (all matters reserved)	Delegated	Dismissed	23 April 2019

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18/00861/FUL	2 Newton Place Normoss Blackpool Lancashire FY3 7PT	Part two storey and part single storey rear extension (resubmission of 17/00937/FUL)	Delegated	Dismissed	21 March 2019
17/00669/OUT	Land At Fouldrey Avenue Poulton-Le-Fylde Lancashire	Outline application for the erection of six detached dwellings (all matters reserved)(resubmission of 16/00254/OUT)	Delegated	Dismissed	16 April 2019
18/00650/FUL	Land On The South Side Of Oaklands Underbank Road Thornton Cleveleys Lancashire FY5 5LN	Erection of 2 bedroom dwelling (Re-submission of planning application 17/00774/FUL)	Delegated	Dismissed	16 April 2019
18/00767/FUL	White House Farm White House Lane Great Eccleston Preston Lancashire PR3 0XB	Erection of one detached dwelling	Delegated	Dismissed	16 April 2019
18/00075/OUTMAJ	Land East Of Carr End Lane Stalmine Poulton-le-Fylde Lancashire	Outline application for the erection of up to 65 dwellings with link to adjacent land to east and new access applied for off Carr End Lane (all other matters reserved)	Delegated	Allow	16 April 2019



Appeal Decision

Hearing held on 5 and 6 February 2019

Site visit made on 6 February 2019

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th April 2019

Appeal Ref: APP/U2370/W/18/3208981

Land off Garstang Road/new link road, Claughton-on-Brock PR3 0PZ

- 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 Andrew Garnett (Beecham Developments Ltd) against Wyre Borough Council.
 - The application Ref 18/00337/FULMAJ, is dated 28 March 2018.
 - The development proposed is the erection of 40 no. two, three, and four bedroom dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 40 no. two, three and four bedroom dwellings at Land off Garstang Road/new link road, Claughton-on-Brock PR3 0PZ in accordance with the terms of the application, Ref 18/00337/FULMAJ, dated 28 March 2018, subject to the conditions set out in Annex A.

Application for costs

2. At the Hearing an application for costs was made by Mr Andrew Garnett (Beecham Development Ltd) against Wyre Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Council adopted the *Wyre Local Plan 2011-2031* (WLP) on the 28 February 2019 after the close of the hearing. In the light of the advanced stage of its preparation, policies from the plan were discussed at the hearing alongside the then adopted Local Plan which has since been superseded by the WLP. There was therefore no need to revert to the parties when the WLP was adopted. I have determined the appeal based on the national and local policies as adopted at the present time.
4. The appeal was submitted due to the failure of the Council to give notice, within the prescribed period, of a decision on the application, and it is on this basis that the appeal has been determined. However, the Council produced an officer's report assessing the proposal and outlining what their decision would have been if an appeal against non-determination had not been submitted. The putative reasons for refusal in this included one relating to highway capacity and another relating to the on-site provision of green infrastructure.

Before the hearing was held, the Council indicated that in the light of recent evidence they would no longer be pursuing the matter of highway capacity. In addition, it was agreed that a contribution towards off-site provision of green infrastructure would be acceptable. Subject to a section 106 agreement to this end, the Council also indicated they no longer wished to pursue this matter. I have determined the appeal on this basis.

Main Issues

5. The main issues in the appeal are:

- The effect of the proposed development on the supply of employment land;
- Whether or not the proposed development would have a safe and suitable access;
- Whether or not the proposed development would provide an adequate housing mix; and
- Whether or not the proposed development would provide acceptable living conditions for future occupiers with particular regard to noise.

Reasons

Supply of employment land

6. The appeal site is currently an agricultural field that forms part of a wider site that was granted outline planning permission¹ in 2015 for a mixed-use development consisting of up to 200 dwellings, up to 42 1 bed independent living retirement apartments, employment development, a local centre and a family public house. The site lies immediately to the south of a new link road that has been constructed between Garstang Road and the A6. To the north of this link road, on the wider site, the new local centre is now open and houses are currently under construction. The surrounding area contains a mix of residential and employment uses.
7. The site forms part of a mixed-use allocation in the WLP (Policy SA3/2) for housing and employment. The policy requires the development of the new local centre and the provision of the link road, and that a masterplan for the whole site should be agreed before the granting of planning permission for any part of the site. Whilst a phasing plan was agreed as part of the 2015 outline permission, there is no agreed masterplan, despite various planning permissions having been granted on the wider site. The phasing plan indicates that the appeal site would be utilised for employment development and a public house.
8. However, although both the policy, and the outline permission, control the maximum level of housing and employment to be provided, neither sets any minimum requirement for either use. To date permission has been granted for 200 houses and the new local centre. Therefore, to accord with Policy SA3/2, the remainder of the site, which includes the appeal site and a parcel of land adjacent to the local centre, should provide up to 42 houses and up to 9,500 sqm of employment land. As a consequence, in proposing that the site would provide 40 houses the development would not be contrary to the policy.

¹ Application reference 15/00248/OULMAJ

9. Nevertheless, the Council are concerned that the loss of the site for employment purposes would be detrimental to the supply of employment land in the borough, and in particular, in the A6 corridor submarket. They consider that the development of the appeal site for housing would prevent any employment land coming forward within the allocation, and highlighted the need for employment land to balance the housing development taking place both on this site and in the wider area, and to help create sustainable development in the locality.
10. However, the appellant has argued that around 0.4 ha of land would remain available on the wider site, even if the appeal site was developed for housing and so the appeal scheme does not preclude employment development still coming forward on some of the wider site. To this end, at the hearing, the appellant put forward two potential layouts showing how office or small-scale industrial units could be accommodated on the remaining plot.
11. The WLP indicates that the objectively assessed need for employment land over the plan period is 43ha. In order to ensure flexibility and a diverse portfolio of sites, the overall employment land supply is 47.7ha, which comprises 32.89ha of allocations and 12.61ha of commitments.
12. Within the A6 corridor submarket Policy EP1 identifies 10.05ha of employment land, and the Council considers there to be a requirement of around 5.5ha until 2029 in this submarket. However, as part of this supply (Policy SA2/2) is expected to be used for the expansion of an existing firm, and if an alternative scheme to the one that already has planning permission on a site in Garstang (Policy SA3/5) came forward, this would reduce the supply in the corridor to 4.55ha. Thus, it was argued by the Council that whilst at a boroughwide level there would still be sufficient land, should no employment land come forward on the appeal site, the supply over the plan period within the sub-market would be inadequate and would lack flexibility.
13. The appellant has highlighted that as well as the allocations the WLP identifies over 32ha of land adjacent to the nearby Brockholes Industrial Estate as a development opportunity. Whilst acknowledging that there are a number of constraints affecting the site, it is argued that as some parts of it are not constrained, these could come forward over the plan period and so contribute to employment needs in the area.
14. On balance, given that the proposal would still leave some land on the site undeveloped and so potentially available for employment development, I consider that the amount of land that would be lost to the employment land supply would be a small area in relation to the overall quantum of allocated land.
15. The appellant's evidence shows that the appeal site, as part of the wider site has been marketed for employment purposes since 2017, both in the form of advertising boards on the site, and sales particulars that were sent to local employment agents and developers. This generated only one offer, which the appellant stated was barely more than the agricultural value of the site and so was rejected.
16. From the Council's evidence it is clear that the majority of the demand for employment land in the area comes from existing businesses that are seeking to expand, rather than from inward investment, and that many of the inquiries

- to the Council's database are for smaller units. This could partially explain the lack of interest generated by the appellant's marketing.
17. The Council raised concerns regarding the marketing exercise, including the fact that the particulars relate to the entire site rather than being specifically for the employment use, the lack of visibility of the potential employment use on the site boards, the limited number of firms the particulars were sent to, and the lack of any evidence of marketing in the press or after late 2017. They also found that web-based searches they carried out only found details of the retail opportunities in the new local centre. Overall, I agree with the Council that the marketing evidence provided falls short of what Policy SP6 of the WLP indicates it should demonstrate.
 18. The appellant considers that the biggest constraint to the site coming forward for employment purposes is the fact that it is not viable for either office or industrial development. Whilst it is agreed by the Council that office and speculative industrial development on the site is unviable, they consider that developer led, or owner-occupied, industrial development could be viable. Moreover, they highlight that at the time the outline application was made, the accompanying planning statement said that the employment development would be cross-subsidised by the housing development.
 19. Whilst I accept that the Council's figures show a small excess over the benchmark land value for an owner-occupied industrial scheme, I agree with the appellant that this would be eradicated by costs such as drainage and the provision of other utilities that are not accounted for elsewhere in the appraisal. In addition, although there may be less risk with a design and build pre-let development, I am not persuaded that a developer would be prepared to accept a profit level as low as 5-6%. As such, I consider that these forms of development would not be viable.
 20. Consequently, I am satisfied that the site would not be viable for employment development. I note the Council's suggestion that the profit from the sale of the land for housing development would be sufficient to cross-subsidise the employment development as well as the provision of the new link road. However, as the majority of the site is already being developed the opportunity for the housing development to cross-subsidise the employment has been lost. Furthermore, unlike the provision of the link road which was a requirement of the outline planning permission and Policy SA3/2, the provision of some employment is not a requirement.
 21. I note that despite the appellant's evidence to the examination of the WLP, seeking the removal of the employment element of the allocation, the Inspector did not require any amendments to Policy SA3/2. However, the Inspector's Report on the WLP makes no specific comments with regard to this issue and there is no information on what evidence was before the Inspector and so went into his consideration of this matter.
 22. The outline planning permission originally proposed that 42 retirement apartments would be provided on the remaining parcel of land on the wider site. However, the appellant has indicated that there has been no interest in the site from any of the specialist providers of such accommodation and given the rural location they do not consider that the site would be suitable for other high-density forms of accommodation. As such, the appellant has argued that

without housing on the appeal site, the overall site would not achieve the level of housing expected within the housing land supply.

23. Nevertheless, it is agreed that the Council can currently demonstrate a 5-year housing land supply. The Council have indicated that only 184 houses from the site contribute to the current 5-year housing land supply and so a shortfall in the overall amount of housing on the land would not have an impact on the current housing land supply. Thus, whilst the development would contribute to the supply of both market and affordable housing, it is not needed for the current 5-year housing land supply.
24. Bringing these points together, the development proposed would not be contrary to the allocation within the WLP, as this allows up to 242 dwellings on the entire site, and nor would it preclude the provision of employment development on the remaining parcel of land. Given that some employment could still be provided, the proposal would only result in a small loss to the employment land supply in both the sub-market and the wider borough. Moreover, whilst there may have been some inadequacies in the marketing of the site, I consider that the evidence shows that the site would not be viable for employment development.
25. In the light of this, I consider that the proposal would not have a detrimental impact on the supply of employment land. Therefore, it would not be contrary to Policies SP1, SP2 and SA3 of the WLP which seek to ensure that development and growth in the borough is sustainable.

Safe and suitable access

26. The access to the site from the new link road has already been created. As there was the potential for the site to be used for employment purposes the access has a 10m radius. Whilst I accept that a 6m radius is more typical for residential developments of this size, the appellant highlighted that it is not uncommon for residential developments to be served by radii ranging from 6-10m.
27. Although a smaller radius would reduce the speed of traffic entering the site, having observed the junction, I agree with the appellant that the reduction in speed is likely to be quite small. The Council also argued that the wider radius creates a longer distance for pedestrians to cross. However, the difference in the distance is limited, and I note that drop crossings have been provided for pedestrians to use where the road narrows, which if used reduces the distance across this junction. Given that the junction was considered safe for pedestrians to use if the site was in employment use, and the type and number of people crossing this bell mouth is unlikely to change significantly because housing is on the site rather than employment, I consider the junction would not be detrimental to pedestrian safety.
28. All in all, I consider that the existing access to the site would not be detrimental to highway or pedestrian safety. Therefore, I am satisfied that the proposed development would be provided with a safe and suitable access. Accordingly, there would be no conflict with Policy CDMP6 of the WLP that requires that developments do not prejudice road safety and provide safe and adequate access.

Housing Mix

29. Policy HP2 of the WLP requires that developments provide an appropriate mix in terms of the size, type and tenure of housing to meet the identified housing need in the most up to date Strategic Housing Market Assessment (SHMA). The Council has identified that this is the *Fylde Coast SHMA – Wyre Addendum 3 (May 2018)*. This says that, in terms of size, developments should provide 7% 1-bed, 31% 2-bed, 43% 3-bed and 18% 4-bed dwellings.
30. The proposed development would consist of 5 x 2-bedroom (13%), 23 x 3-bedroom (57%) and 12 x 4-bedroom (30%) dwellings, in the form of a mix of detached, semi-detached and terraced houses, of which 12 would be affordable houses. As such, it would not accord with the identified mix within the SHMA as it provides a greater number of 3 and 4 bed and less smaller dwellings. However, the appellant has highlighted that the SHMA states that it provides an overall indication of the broad mix of housing required and recommends that policies are not overly prescriptive in directly basing requirements on this illustrative mix.
31. The Council highlighted that the WLP Inspector's report shows that the policy's requirement to provide an appropriate mix taking into account the SHMA is consistent with the *National Planning Policy Framework* (the Framework). Nevertheless, given the comments in the SHMA itself highlighted above, and that the policy requires "an appropriate mix", in my mind there needs to be some degree of flexibility on a site by site basis.
32. In this case the site is in a semi-rural location where houses as opposed to flats are more typically found. Whilst the proposed mix predominantly consists of 3-bedroom dwellings, these take the form of semi-detached, link detached and detached houses. As such, there is a mix of house types within this size of dwelling. Given that some of the 3-bedroomed houses are not significantly larger than the 2-bedroomed houses, they are likely to be attractive and suitable for younger couples, which the Council indicated are those they are seeking to be able to retain in the area through the provision of smaller properties. To this end I note, that the appellant highlighted that many young people prefer the flexibility that comes with a 3-bedroom house, at little additional cost.
33. Policy HP2 also requires that at least 20% of dwellings are of a design suitable or adaptable for older people or those with restricted mobility. The appellant has highlighted that the housing proposed is capable of being adaptable, and the Council accepted that this can be dealt with by a condition.
34. Overall, in the light of these specific characteristics of the site and the proposed houses, I consider that the appeal scheme would provide an appropriate mix of housing. Therefore, it would accord with Policy HP2 of the WLP outlined above.

Living Conditions

35. The outline planning permission was accompanied by a noise assessment that was carried out in 2014. As this is now 5 years old the Council stated that a new assessment is needed. To make sure that adequate mitigation can be provided they consider this should not be left to a condition.
36. The 2014 assessment identified that the dominant noise source in the area is traffic on the A6 which concurs with what I observed on my site visit. Given

that the housing development already under construction on the wider site has houses located closer to the A6, it is clear that adequate mitigation can be provided for residential development and that this does not require significant acoustic treatments around the site.

37. Although the appeal scheme would result in houses located close to Garstang Road, and Brockholes Industrial Estate, neither of these were previously identified as significant noise sources, and I have not been made aware of any changes in the intervening period that would result in a substantially different finding in this regard. Whilst the new local centre has now been constructed, I understand that conditions control the delivery and operating times of these units. As a result, this should not create unacceptable levels of noise.
38. Therefore, in the absence of any persuasive evidence to indicate that the noise climate has significantly changed since 2014, I consider the existing noise assessment provides an acceptable basis for the consideration of this proposal. Moreover, I am satisfied that adequate mitigation measures would be able to be provided for the appeal scheme, and that this is unlikely to affect the layout of the proposal. Given this, I consider that these matters can be adequately addressed by condition.
39. Consequently, I consider that the proposed development would provide acceptable living conditions for future occupiers with particular regard to noise. Thus, it would not conflict with Policies CDMP1 and CDMP3 of the WLP which require that developments have a high quality of design, and do not lead to significant adverse impacts for occupiers and users of the development.

Section 106 Agreement

40. The appellant submitted a Section 106 agreement prior to the hearing, and in the light of discussions at the hearing, subsequently submitted a deed of variation. The obligation makes a contribution for off-site green infrastructure and secures the provision of affordable housing on the site. I have considered these in the light of the statutory tests contained in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 56 of the Framework.
41. Policy SP7 of the WLP indicates that where new or improved infrastructure is required to meet the needs arising from the development, or to mitigate any adverse impacts of a development on existing infrastructure, the development should make a financial contribution through a planning obligation. It states that these may include affordable housing and green infrastructure, which are the two matters covered in the submitted obligation.
42. *Affordable Housing.* The obligation makes provision for 12 affordable houses on the site which equates to 30% of the houses. This is supported by Policy HP3 of the WLP. The affordable housing would consist of 3 x 2-bed houses for affordable renting, and 9 x 3-bed houses for shared ownership. The obligation sets out the arrangements for the transfer and management of these units. As such, I am satisfied that the agreement would ensure the development contributes to affordable housing needs within the borough, and I consider the obligation passes the statutory tests in this respect.
43. *Green Infrastructure.* Policy HP9 of the WLP seeks to secure new Green Infrastructure as part of housing developments, and on the basis of this policy

the Council have calculated that the development should provide 0.39ha of open space. However, it has been agreed that rather than on-site provision an off-site contribution is acceptable in this case. This would be utilised for improvements to the playing fields adjacent to the Village Hall in Catterall, which is identified within the local action plan of the *Wyre Planning Pitch Strategy (2015)* as being in need of improvement. The obligation makes provision for a contribution towards these works and the Council have confirmed that not more than 5 commuted sums have been utilised for this project. Whilst I have been provided with details of how the contribution has been calculated, there is no policy justification for the costings. In the absence of this I cannot determine whether the payments are fairly related in scale, and so this part of the obligation does not meet the statutory tests and I have given it no weight.

Conclusion and Conditions

44. For the reasons set out above, I conclude the appeal should be allowed.
45. To provide certainty it is necessary to define the plans with which the scheme should accord. In the interests of the character and appearance of the area a condition is required to control the external appearance of the dwellings. For the same reason, and also in the interests of nature conservation, conditions are required to control the boundary treatments and landscaping of the development, and to ensure the protection of the trees that are to be retained. For ecological reasons, a condition is required to ensure adequate protection is provided for protected species.
46. To ensure acceptable living conditions for future residents, a condition to ensure adequate acoustic mitigation is necessary, whilst to protect the living conditions of nearby residents a condition requiring a Construction Environmental Management Plan is needed. The latter needs to be a pre-commencement condition as it mitigates the effects of the construction phase.
47. Due to the sensitive nature of the end use, I consider it would be appropriate to have a condition to assess the potential for contamination and to outline measures of how any contamination would be dealt with. To prevent an increased risk of flooding and to ensure the satisfactory drainage of the site it is necessary to control details of the drainage systems. Both of these need to be pre-commencement conditions as they relate to works that need to be undertaken before the construction phase.
48. For reasons of highway safety, a condition to ensure the provision and maintenance of the visibility splays at the junction with the link road is needed. In the interests of sustainable development, conditions requiring the provision of electric vehicle charging points and the adaptability of some of the houses is required.
49. In accordance with Section 100ZA of the Town and Country Planning Act 1990, the wording of the pre-commencement conditions was agreed by the appellant in the signed Statement of Common Ground.

Alison Partington

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

John Hunter	Kings Chambers
Paul Williams	Mosaic Town Planning
Andrew Garnett	Beecham Developments Ltd
Phil Wooliscroft	Croft Transport Planning and Design
Tony Straw	Rees Straw

FOR THE LOCAL PLANNING AUTHORITY:

Karl Glover	Senior Planning Officer, Wyre Borough Council
Fiona Riley	Planning Officer, Wyre Borough Council
Rea Psillidou	Planning Policy and Economic Development Manager, Wyre Borough Council
Jonathan Easton	Counsel for Wyre Borough Council
Neil Stevens	Lancashire County Council
Ged Massie	Keppie Massie
Jenny Adie	Keppie Massie
Len Harris	Senior Planning Officer, Wyre Borough Council

DOCUMENTS SUBMITTED AT THE HEARING

1. Set of documents referred to in the appellant's cost claim submitted by the appellant.
2. Viability Schedule showing areas agreed or disagreed submitted by both parties.
3. Information regarding the marketing of the site to date submitted by the appellant.
4. Copy of the Unilateral Undertaking with the complete A3 plan submitted by the appellant.
5. Photographs of the marketing boards on the site submitted by the local planning authority.
6. Planning Statement from the outline planning permission for the site (15/00248/OULMAJ) submitted by the local planning authority.
7. Decision notice for the outline planning application for the site (15/00248/OULMAJ) submitted by the local planning authority.
8. Response to the appellant's costs application submitted by the local planning authority.
9. Fylde Coast SHMA – Wyre Addendum 3 Supplementary Note – Size and Type of Housing Need in Wyre May 2018 submitted by the local planning authority.
10. Copy of an email to Mr K Glover from Environmental Health submitted by the local planning authority.
11. Note setting out the calculation of the Green Infrastructure Commuted Sum submitted by the local planning authority.
12. Extract from the Wyre Playing Pitch Strategy submitted by the local planning authority.
13. Statement of Common Ground for the appeal at Copp Lane, Great Eccleston (appeal reference APP/U2370/W/17/3179744) submitted by the local planning authority.

Annex A

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Drawing No. MCI/GRC/LP/01; Street Scene and Site Section Drawing No. MCI/GRC/SS/01; House Type AA Detached (corner) Plans and Elevations Drawing No. MCI/GRC/HT/01; House Type AA Detached (mid) Plans and Elevations Drawing No. MCI/GRC/HT/02; House Type BB Detached Plans and Elevations Drawing No. MCI/GRC/HT/03; House Type C/C Semi Detached Plans and Elevations Drawing No. MCI/GRC/HT/04; House Type E1 Detached Plans and Elevations Drawing No. MCI/GRC/HT/05; House Type E1 Crescent Plans and Elevations Drawing No. MCI/GRC/HT/06; House Type EE Semi Detached Plans and Elevations Drawing No. MCI/GRC/HT/07; House Type F Detached Plans and Elevations Drawing No. MCI/GRC/HT/08; House Type F/A2/A2/A2 Mews Plans and Elevations Drawing No. MCI/GRC/HT/09; House Type F/A2/A2/A2 Mews Plans and Elevations Drawing No. MCI/GRC/HT/10; House Type F/C Semi Detached Plans and Elevations Drawing No. MCI/GRC/HT/11; House Type F/E Semi Detached Plans and Elevations Drawing No. MCI/GRC/HT/12; House Type K Detached Plans and Elevations Drawing No. MCI/GRC/HT/13; House Type P Detached Plans and Elevations Drawing No. MCI/GRC/HT/14; Detailed Site Layout Drawing No. MCI/GRC/DSL/01; Boundary Treatment Plan Drawing No. MCI/GRC/BTP/01 Rev C; Materials Plan Drawing No. MCI/GRC/MP/01 Rev C; Storey Heights Plan Drawing No. MCI/GRC/SHP/01 – Rev C; Waste Management Plan Drawing No. MCI/GRC/WMP/01 – Rev C; Tree Protection Plan Drawing No. 4663.04; Double Garage Plans and Elevations Drawing No. MCI/GRC/GAR/02; Single Garage Plans and Elevations Drawing No. MCI/GRC/GAR/01; House Type R Detached Elevations Drawing No. MCI/GRC/HT/17 Rev A; and House Type R Detached Plans Drawing No. MCI/GRC/HT/15 Rev A.
- 3) The development shall be carried out using those materials specified on the approved plan Drawing No. MCI/GRC/MP/01 Rev C.
- 4) 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 in writing by, the local planning authority 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.
- 5) The residential development hereby permitted shall be designed so that following acoustic monitoring noise levels at each and every dwelling do not exceed the following levels as assessed in accordance with British

Standard 8233 (2014) and WHO guidelines (or any subsequent replacement national standards / guidance):

L_{Aeq} 55 dB 16 hours - gardens and outside living areas, daytime (07.00-23.00)

L_{Aeq} 35 dB 16 hours - indoors, daytime (07.00-23.00)

L_{Aeq} 30 dB 8 hours - indoors, night-time (23.00-07.00)

L_{AFmax} 45 dB 8 hours - indoors night-time (23.00-07.00)

L_{AFmax} 45 dB 4 hours - indoors evening (19.00-23.00)*

Alternative levels and monitoring locations may be used subject to the prior written approval of the Local Planning Authority.

*The evening standard L_{AFmax} will only apply were the evening L_{AFmax} significantly exceeds the L_{Aeq} and the maximum levels reached are regular in occurrence, for example several times per hour.

Where noise mitigation measures are required to ensure compliance with the noise levels specified above e.g. acoustic glazing, noise barrier fencing and ventilation, such mitigation details shall be submitted prior to construction of each and any given dwelling, demonstrating how they would mitigate noise to the approved levels together with a timetable for implementation. The approved noise mitigation measures shall be implemented in accordance with the approved timescale and shall thereafter be maintained and retained.

- 6) Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the local planning authority. The CEMP (to include demolition work) shall include and specify the provision to be made for the following:
- i) dust and dirt mitigation measures during the construction period; complaint management and arrangements for liaison with the Council's Environmental Protection team;
 - ii) control of noise and vibration emanating from the site during the construction period; complaint management and arrangements for liaison with the Council's Environmental Protection team;
 - iii) hours and days of construction work for the development, expected to be 08:00 – 18:00 Monday to Friday, 08:00 – 13:00 Saturday with no working on Sunday and Bank/Public Holidays;
 - iv) contractor's compounds and other storage arrangements;
 - v) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period;
 - vi) arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities);
 - vii) the routing of construction traffic and measures to ensure that drivers use these routes as far as practicable;
 - viii) external lighting of the site during the construction period;
 - ix) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- x) recycling/disposing of waste resulting from construction work; and
- xi) measures to protect watercourses against spillage incidents and pollution.

The construction of the development shall be carried out in accordance with the approved CEMP.

- 7) No development above ground level shall commence until a phasing plan for the construction of the boundary treatments (in accordance with Boundary Treatment Plan Drawing No. MCI/GRC/BTP/01 Rev C) has been submitted to, and approved in writing by, the local planning authority. The development shall be completed in accordance with the approved plan and the boundary treatments retained as such thereafter.
- 8) No development above ground level shall take place until details of both hard and soft landscape works have been submitted to, and approved in writing by, the local planning authority. These details shall include: areas of soft landscaping (including any retained trees, hedgerows and other planting and any replanted or transplanted hedgerows); hard surfaced areas and materials; planting plans and schedules (including plant size, species and number/densities); existing landscaping to be retained; details to show how account has been taken of any underground services; and an implementation programme, [including phasing of work where relevant].

The landscaping works shall be carried out in accordance with the agreed implementation programme.

Any trees or shrubs planted in accordance with this condition which within a period of 5 years from planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 9) Prior to the commencement of development, a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage system and any flood risk mitigation deemed necessary, 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 Guidance for Sustainable Drainage Systems (March 2015), or any subsequent replacement national guidance/standards. The scheme details shall include, as a minimum:
 - a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change as set out in the Environment Agency's advice on Flood risk assessments: climate changes allowances' or any subsequent replacement EA advice note), 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 the floor levels in AOD;

- b) Demonstration that the surface water run-off would not exceed the pre-development greenfield run-off rate;
- c) Any works required 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);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates; and
- g) Details of water quality controls, where applicable.

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 drainage shall discharge to the public sewerage system either directly or indirectly. No part of the development shall be first occupied or brought into use until the drainage works and levels 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.

- 10) No part of the development shall be occupied or brought into use until visibility splays measuring 2.4 metres x 43 metres are provided on each side of the junction of the link road and site access to the satisfaction of the local planning authority. No walls, fences, trees, hedges, shrubs, ground or other structures within these splays shall exceed 1 metre in height above the centre line of the adjacent carriageway for the lifetime of the development.
- 11) No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner other than in accordance with the approved Tree Protection Plan Drawing No. 4663.04. Any topping or lopping approved shall be in accordance with British Standard 3998 (Tree Work). If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified, in writing, by the local planning authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved Tree Protection Plan Drawing No. 4663.04.

- 12) No tree felling, tree works or works to hedgerows shall take place during the optimum period for bird nesting (1 March – 31 August inclusive) unless a report, undertaken by a suitably qualified person, immediately prior to any clearance demonstrating that nesting/breeding birds have been shown to be absent, has been submitted to, and approved in writing by, the local planning authority.
- 13) No development above ground level shall take place until a scheme for electric vehicles charging points (EVR) has been submitted to, and approved in writing by, the local planning authority. This should detail the type of charging point and the location of such point, and shall be incorporated into each dwelling hereby permitted. No dwelling shall be

occupied until the charging point(s) for that dwelling has been made available for use, and all such charging points shall be retained at all times thereafter.

- 14) No development above ground level shall take place until a scheme to demonstrate how at least 20% of the dwellings shall be of a design suitable or adaptable for older people and people with restricted mobility has been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details.



Costs Decision

Hearing held on 5 and 6 February 2019

Site visit made on 6 February 2019

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th April 2019

Costs application in relation to Appeal Ref: APP/U2370/W/18/3208981 Land off Garstang Road/new link road, Claughton-on-Brock PR3 0PZ

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Andrew Garnett (Beecham Developments Ltd) for a partial award of costs against Wyre Borough Council.
 - The hearing was in connection with an appeal against the refusal of planning permission for the erection of 40 no. two, three and four bedroom dwellings.
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Decision

1. The application for a partial award of costs is allowed in part in the terms set out below.

Reasons

2. The *Planning Practice Guide* (PPG) advises that parties will normally be expected to meet their own costs in relation to appeals, and that costs may only be awarded against a party who has acted unreasonably, and thereby caused the party applying for costs to incur unnecessary, or wasted, expense in the appeal process.
3. The application for a partial award of costs is made on three separate substantive grounds.

Highways

4. There were two putative reasons for refusal on highway matters. The first of these related to highway capacity. This was not a matter discussed at the hearing as, in the light of new evidence, the Council had confirmed they no longer proposed to pursue this reason for refusal.
5. The appellant has not suggested that the late withdrawal of this reason for refusal represents unreasonable behaviour but alleges that the Council acted unreasonably in not providing any evidence to substantiate the putative reason for refusal originally, and in particular the allegation that the proposal would have a severe impact.
6. I note the on-going concerns regarding transport capacity in the A6 Corridor and at Junction 1 of the M55. In the light of this the planning application was accompanied by a Transport Impact Note which indicated that the proposal would not have a detrimental impact on traffic generation as it would create fewer overall trips.

7. Whilst the Council does not agree with the appellant's conclusion in this matter, their own figures, utilising higher trip rates, only indicate 3 additional movements at the M55 Junction 1 at peak time. This could not reasonably support an objection on highway capacity grounds. However, their main concern in relation to capacity relates to the fact that they consider the reduction in employment provision on the site, that would result from the proposal, would increase the traffic generation from the housing development on the wider site. As such, they consider that if this site does not provide employment the opportunity for residents living elsewhere on the site to work locally would be reduced. Consequently, the amount of traffic movements at the motorway junction would be increased as a result of this as well.
8. Until the change in the Council's position, highway capacity was seen as a significant reason for refusing the proposal. However, the highways evidence was very limited, with no specific highways statement having been produced. No baseline data was provided regarding the capacity of the corridor/junction 1 and no evidence was provided to support the assertion that the reduction in employment on the site would result in a significant increase in traffic movements from the wider site.
9. No evidence was provided to explain how the scheme would impact on capacity, especially as the proposal would fall within the maximum amount of housing allowed by the outline application on the site, and this permission did not require any specific amount of employment land to be provided. Given this there could be no guarantee that any employment opportunities for local residents would actually be created on the site.
10. In failing to provide any detailed highway evidence to substantiate the putative reason for refusal regarding highway capacity, before this objection was withdrawn, I consider that the Council have acted unreasonably. This has resulted in unnecessary expense for the appellant in having to provide additional highways evidence at the appeal stage.
11. The second putative reason for refusal related to the access radii. The appellant alleges that the Council have provided no evidence to support their claim that the existing access with a 10m radius would encourage high speeds or require pedestrians to walk materially further. Furthermore, even if it was considered necessary to reduce the access to one with a 6m radius, this was a matter that could have been dealt with by condition.
12. Neither the Council nor the County Council made any response to the cost claim in this regard. As detailed in my decision letter I consider that the junction, as laid out, would be suitable for proposed development and would not be detrimental to highway or pedestrian safety. However, even it was considered necessary to reduce the size of the radii, this was a matter that could have been dealt with by a condition, and so the putative reason for refusal could have been avoided.
13. Whilst such a condition was not contained within the conditions agreed in the Statement of Common Ground, in subsequent discussions such a condition was provided by the Council. This indicates that they consider a condition that meets the tests set out within the *National Planning Policy Framework* (the Framework) would be capable of dealing with this matter.

14. Therefore, I consider this matter could easily have been avoided, and the Council acted unreasonably in making it a putative reason for refusal. Although it is clear that this formed a minor part of the appellant's submission, nonetheless the appellant incurred unnecessary costs in having to address this matter in the appeal process.
15. In conclusion, with regard to highways matters I consider that the Council acted unreasonably in not providing adequate evidence to support the putative reason for refusal, and in having a putative reason for refusal on a matter that could have been dealt with by condition. I therefore find that unreasonable behaviour resulting in unnecessary and wasted expense, as described in the PPG, has been demonstrated, and thus a partial award of costs on highway matters is justified.
16. The Council have suggested that in relation to highways matters the cost claim should be directed at Lancashire County Council who are a statutory consultee, and deal with highways matters on behalf of the borough council. Whilst I accept that costs awards can be made against statutory consultees, it is the responsibility of the local planning authority to consider the advice they receive from their consultees and determine whether the advice is valid and capable of being robustly defended. As such, there is no requirement for them to follow the advice they receive. To this end I note that they did in fact challenge the original response they received on highways matters – questioning whether it was consistent with the evidence given to the Local Plan examination. Thus, as they were ultimately responsible for the putative reasons for refusal, I consider that it is appropriate that they are responsible for this element of the costs claim.
17. My conclusion in this regard is supported by the fact that, although the County Council appeared at the hearing, they did so as part of the Council's team of witnesses. Moreover, there was no separate highways statement provided, other than a rebuttal to the costs application.

Policy SP13

18. Matters relating to Policy SP13 of the Wyre Borough Local Plan (adopted 1999) and the "tilted balance" argument did not form part of my consideration in the decision letter, as by the time the appeal was determined the Council had adopted the new Local Plan.
19. However, the appellant has argued that the Council's position was unreasonable not only because the settlement boundaries were out of date, but also because it is inconsistent with the approach taken in a recent appeal¹ where the Council conceded the boundaries were out of date. In any case, given the fact that the site already had outline permission for development, and was allocated for development in the then emerging Local Plan, it was unreasonable for the Council to state, in the first reason for refusal, that the development would result in an unacceptable encroachment into the countryside.
20. Given that until very late in the appeal process the previous Local Plan formed the development plan for the area, it was clearly appropriate for the Council to consider the proposal against this plan, and this policy in particular. In

¹ Appeal reference APP/U2370/W/17/3179744

addition, the Council stated that whilst previous appeals are capable of being a material consideration, in their view, the circumstances in the appeal mentioned by the appellant were significantly different to those which apply in this case.

21. Although the new Local Plan has now been adopted, this was not the case until after the hearing had taken place. Given this, as the appeal scheme was outside the settlement boundary and not for a use that is in principle acceptable under Policy SP13, it would have been necessary to discuss this policy, and the weight that should be given to it, at the hearing. Therefore, even if I were to have concluded that the Council had acted unreasonably in any of these regards, I consider that appellant's work in producing evidence on this matter does not represent a wasted expense. Thus, a partial award of costs in respect of this matter is not justified.

Green Infrastructure/ Housing Mix/ Noise

22. The putative reasons for refusal include some relating to the provision of green infrastructure, housing mix and the potential impact of noise on the living conditions of future occupiers. The reasons for refusal also indicate the policies in the development plan to which the Council consider the scheme would be contrary. These issues are proper planning considerations.
23. I note the contents of the email between the case officer and the appellant's agent dated the 9 August 2018, shortly before the appeal against non-determination was submitted. This email indicates that the case officer considered that, having worked with the appellant, the matters of concern had been narrowed down to the principle of the development and highways, dependent on the outcome of the revised highways consultation from the County Council on the latter. However, the views expressed in the email represent the informal views of an Officer, and this was not binding on the Council.
24. Given that these three additional issues represent proper planning concerns that needed to be addressed in determining the application, I do not consider the Council acted unreasonably in deciding that these represented additional grounds for opposing the appeal.
25. The appellant has highlighted that although the Council stated that the Officer's report was written and published in September, they were not made aware of it until the Council submitted their appeal statement in December. Nevertheless, given the appellant had not expected these to be reasons for refusal and so had not addressed these matters in the appeal statement, he was permitted to submit additional evidence on these matters, which were discussed fully at the hearing.
26. Although, the Council have stated that the Officer's report was published in September, I am unclear how or where it was published. However, it would appear they did not specifically make the appellant aware of its publication. This is unfortunate, and possibly unreasonable behaviour by the Council. Nevertheless, given I have considered that the Council did not act unreasonably in making these putative reasons for refusing the scheme, whilst the appellant's work in producing evidence on these matters had to be done later than would have been the case if they had known about the Officer's

report in September, this work would still have had to be done at some point in the appeal process.

27. Consequently, even if it were concluded that the Council had acted unreasonably in not informing the appellant of the Officer's report and the putative reasons for refusal, I consider that this has not given rise to extra expense by the appellant in dealing with the appeal. Therefore, I consider a partial award of costs in respect of this matter is not justified.

Costs Order

28. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Wyre Borough Council shall pay to Mr Andrew Garnett (Beecham Developments Ltd), the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in dealing with matters relating to highways; such costs to be assessed in the Senior Courts Costs Office if not agreed.
29. The applicant is now invited to submit to Wyre Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

Alison Partington

INSPECTOR

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Appeal Decision

Site visit made on 25 March 2019

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th April 2019

Appeal Ref: APP/U2370/W/18/3210872

Fox Fields, Stalmine-with-Staynall FY6 0QR

- 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 Clegg against the decision of Wyre Borough Council.
 - The application Ref 17/00709/OUT, dated 28 July 2017, was refused by notice dated 31 August 2018.
 - The development proposed is the erection of up to 4No dwellings.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The application is in outline form with only access to be determined at this stage. The illustrative plans show 4 detached 2-storey dwellings each with an access off the adjacent private lane, which is called Fox Fields. I have taken these plans into account only insofar as they are relevant to my consideration of the principle of residential development on the site and access to it.
3. On 28 February 2019, the Council adopted the Wyre Local Plan (2011-2031) (LP), which replaced the saved policies of the Wyre Borough Plan 1999, to which the Council's reason for refusal and the evidence refers. The main parties have had the opportunity to submit comments in relation to the LP although none have been received.
4. On 19 February 2019, the Government published its Housing Delivery Test (HDT) results alongside an updated revised National Planning Policy Framework (the Framework). The HDT outcome for the Council indicates that the delivery has been above the requirement over the last 3 years. The matter of the Council's 5-year supply of deliverable housing sites appears not to be an issue between the main parties following the adoption of the LP. There is no change to the housing position as a result.
5. The revisions to the Framework do not otherwise materially alter the national policy approach in respect of the issues raised in this appeal and therefore the main parties have not been prejudiced by the updates to this document.
6. On 28 January 2019, The Planning Inspectorate confirmed that the proposal would not be of a scale and nature likely to result in a significant environmental impact and so an Environmental Impact Assessment was not required.

Main issue

7. The main issue is the effect of the proposed development on the character and appearance of the local area.

Reasons

8. The site is part of a larger open field beyond the defined settlement limits of Stalmine and within the countryside as defined in the LP. Paragraph 170 of the Framework states that planning decisions should recognise the intrinsic character and beauty of the countryside. LP Policy SP4 echoes this approach. It also lists the types of development that would be acceptable in the countryside areas, none of which would apply in this case. The appeal scheme is, therefore, contrary to LP Policy SP4.
9. Although the site is close to existing housing to one side, which is referred to as 1-4 Fox Fields, and there is a static caravan park on the opposite side of the adjacent private road, the appellant's opinion that the new development would be a logical extension of the main built up area is overstated. In views from the adjacent private road on the immediate approach to the site, buildings are evident. However, there are more open views across the site and the nearby caravan park has a relatively low profile and is largely screened by vegetation. Although existing buildings are clearly legible as built form, their presence is modest in the context of the site and the surrounding views of it. Despite the hedgerow along the highway frontage of the site, and trees mainly around its perimeter, there is a very strong degree of visual inter-connectivity between the site and the open rural landscape further to the northwest and northeast.
10. In that context, the proposed development would obtrude into this open field, palpably extending the built form of the settlement into the open land. It would transform its character from a pleasant area of open undeveloped green space to one occupied by new built form where people would live and visit. The obtrusion would be most felt in views from the adjacent private road. From this vantage point, the sense of urbanisation would be evident because the landscape setting of the settlement would be eroded by the proposal. The expansive view across the fields from the private road would also be curtailed even with existing housing visible to one side. Although the roadside hedgerow, which is to be replanted or replaced, would provide some screening there would be at least one break within it for access that would allow views into and across the site. For these reasons, I am unable to share the appellant's view that the visual impact of the proposal would be next to none.
11. It is also very likely that the proposal would be apparent from the property notated as 1 Fox Fields on the plans. In these views, the appeal scheme would draw the eye because it would introduce new built form into an open field that, at present, adds to the spacious feel and semi-rural character of the local area. With its open grassed area and hedgerows, the site currently blends almost seamlessly into the rural landscape beyond. These aspects of the site partly encompass the characteristics of the local area as it is experienced and appreciated from 1 Fox Fields. From this direction, the proposal would appear as a visually disruptive and unwelcome addition to the local area.
12. For all of these reasons, the subtle balance of this interface between settlement and landscape would be lost, to the significant and material detriment of the scenic qualities and the intrinsic character of the local area. The appearance,

scale, layout and landscaping of the proposal could, to some extent, mitigate the visual impact of the development. These are matters reserved for subsequent approval. However, it is very likely that the new built form would still be clearly visible from the adjacent private road notwithstanding its detailed design.

13. On the main issue, I therefore conclude that the proposed development would materially harm the character and appearance of the local area, in conflict with LP Policies SP1, SP2 and SP4. These policies broadly aim to ensure that development protects the countryside and respects the character of the area. It would also be at odds with the Framework, which notes that planning decisions should contribute to and enhance the natural environment.
14. I acknowledge that Stalmine is identified as a main rural settlement in the LP and is a recipient of some growth. The strategy of the LP is, however, to direct new development primarily to land within the settlement boundary. I accept that there is a range of local services and facilities in Stalmine, some of which are within walking or cycling distance of the site. There are also bus stops within convenient reach of the site for walkers and cyclists. Consequently, future occupiers would be reasonably well connected to local facilities and bus services without undue reliance on the private car. It does not necessarily follow, however, that the site is therefore a sustainable location as the appellant suggests since the economic, social and environmental consequences of development should also be taken into account.
15. The development would contribute to the local economy in the construction phase through the sale of local goods and by creating or safeguarding jobs. Future residents would pay tax, use local services and spend money in the local economy that in turn would sustain the vitality of the settlement. The appeal scheme would also add to the choice and number of houses, which is a social benefit. All of these considerations weigh in support of the proposal. I note that the Highway Authority and the Council both find the access arrangements to serve the proposal acceptable, with which I have no reason to disagree. However, sustainability also has an environmental objective and the Framework is to be read as a whole. Given my findings on the main issue, the balance of national policy does not support the appellant's case. To my mind, the public benefits of the proposed development are limited and do not outweigh the significant harm that I have identified.
16. Reference is made to recent appeal decisions in the Borough all of which predate the adoption of the LP. Consequently, the policy context differs to the proposal before me, as does their scale and location. Therefore I attach limited weight to these decisions in support of the appeal.
17. Interested parties raise several additional objections to the proposal including wildlife, privacy, highway safety, trees, hedgerows, a heritage asset, a public right of way, air pollution, precedent, light, noise and potential disturbance especially during construction. These are all important matters and I have taken into account all of the submitted evidence, which includes a petition against the scheme. However, given my findings in relation to the main issue, these are not matters on which my decision has turned.
18. The appellant is critical of the Council's handling of the application and the delay in reaching a decision. During the time taken to consider and determine the application, planning policy at both the national and local levels was revised

and updated. However, my remit is solely to decide this appeal, which takes into account the planning policies that apply at that time.

Conclusion

19. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR

Appeal Decision

Site visit made on 1 April 2019

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2019

Appeal Ref: APP/U2370/W/18/3214184

Land West of Heywood House, Smallwood Hey Road, Pilling PR3 6HE

- 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 John Maddison against the decision of Wyre Council.
 - The application Ref 17/01092/OUT, dated 23 November 2017, was refused by notice dated 24 August 2018.
 - The development proposed is the erection of 1 no. detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters reserved for subsequent consideration.
3. Since the Council determined the application, the Wyre Local Plan 2011-2031 (LP) has been formally adopted. My decision reflects this.

Main Issue

4. The main issue in this case is whether the proposal meets the tests imposed by the National Planning Policy Framework (the Framework) and the LP relating to residential development in a Flood Zone 3 area.

Reasons

5. The appeal site is a small parcel of land which sits between existing dwellings within the settlement of Smallwood Hey as defined by the LP. There is no dispute that a dwelling could be designed in a manner which would sit comfortably alongside existing built development in this location without adversely affecting nearby residents and I agree. However, the site lies within a Flood Zone 3 Area.
 6. Paragraph 155 of the Framework explains that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. This paragraph goes on to say that where development is necessary in such areas, it should be made safe for its lifetime without increasing flood risk elsewhere.
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7. Paragraph 157 of the Framework explains that all plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change so as to avoid, where possible, flood risk to people and property. It explains that plans should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test; b) safeguarding land from development that is required, or likely to be required, for current or future flood management; c) using opportunities provided by new development to reduce the causes and impacts of flooding; and d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.
8. Paragraph 158 of the Framework explains that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. It states that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding and the strategic flood risk assessment will provide the basis for applying this test. It directs that the sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
9. Paragraph 159 of the Framework states that if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. Paragraph 160 explains that the application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. It advises that for the exception test to be passed, it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. Paragraph 161 directs that both elements of the exception test should be satisfied for development to be allocated or permitted.
10. Policy CDMP2 of the LP is consistent with the approach outlined by the Framework.
11. The appellant has submitted a Sequential Test (ST) which examines sites capable of accommodating a single dwelling within the Borough. The ST has drawn on the draft Local Plan (as was), the Fleetwood Area Action Plan, the 2017 SHLAA and the Housing Land Monitoring Reports (2017 and 2018) to evidence comparable sites. In producing the ST, the appellant also consulted three local estate agents to establish the availability of single plots for sale.
12. The Council asserts that the appellant's approach to the ST has several flaws. Firstly, the Council argues that the approach taken has compared sites on the basis of site size only, instead of site capacity. The Framework does not define what is a '*reasonably available site appropriate for the proposed development*'. However, the Council has produced an Advice Note which sets out a methodology for assessing whether any sequentially preferable sites are available to accommodate a similar development. The Advice Note explains that comparables for residential sites can be made on the basis of site area or

capacity and that for lower density developments, for instance large detached houses, the site capacity should normally be used.

13. The Council argues that in this case for the erection of a single dwelling, it would be most appropriate to compare other sites that can also accommodate a single dwelling as clearly, it may be possible to build a single dwelling on a larger or smaller site than the appeal site, depending on a range of physical and development management related factors. This seems a reasonable and logical approach to me, particularly bearing in mind the overall guiding principle of directing residential development away from the highest areas of flood risk.
14. The Council points to the fact that (at the time of submissions) one of the plots referred to by the Estate Agents remains for sale (Nicksons Lane, Preesall (17/00236/FUL) whilst other plots for a single dwelling are available on property websites including 255 Park Lane, Preesall (18/00419/REM), Occupation Lane, Stalmine (17/00980/OUT) and Butts Lane, Great Eccleston (18/00221/OUT). In addition, the Council asserts that a further 12 potential sites are contained within the Monitoring Report (Refs. 2785, 2783, 2778, 2739, 2698, 2802, 2845, 2839, 2668, 2852, 2764 and 2854) which have not been referred to by the appellant and suggests that these are comparable and are in locations with a lower risk of flooding. The appellant has not provided any compelling reasons why these sites should be outside the scope of the sequential test.
15. In light of the above and based on the information available to me, I cannot be satisfied that no other sites are reasonably available within the Borough for the erection of a dwelling with a lower risk of flooding than the appeal site. Whilst neither the Council nor the Environment Agency raises any particular issues with the submitted Exception Test, this only applies once the Sequential Test is passed. To this end, I conclude that the proposal does not meet the tests of the Framework and policy CDMP2 of the LP as outlined above.
16. In light of the above factors, and having considered all other matters raised, the appeal does not succeed.

David Fitzsimon

INSPECTOR

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Appeal Decision

Site visit made on 12 March 2019

by W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2019

Appeal Ref: APP/U2370/D/18/3219546

2 Newton Place, Normoss, Blackpool, Lancashire FY3 7PT

- 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 Peter Brooks against the decision of Wyre Borough Council.
 - The application Ref 18/00861/FUL, dated 27 August 2018, was refused by notice dated 23 November 2018.
 - The development is described on the application form as a 'first floor rear double and single storey rear extension'.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Government published the revised National Planning Policy Framework (the Framework) on 19 February 2019, which forms a material consideration in the determination of the appeal. The principle changes to the Framework relate to the Housing Delivery Test. Matters relating to housing delivery are not at issue in this appeal. I do not consider, therefore, that it is necessary to seek additional comments from the parties in respect of the revised Framework or that there would be injustice caused to any party by my taking the revised Framework into account in determining the appeal.
3. Since the Council made its decision on the planning application which is subject of this appeal, on 23 November 2018 the Wyre Local Plan (LP) was adopted on 28 February 2019. Consequently, the policies contained within the Wyre Borough Local Plan 1999 have been superseded. I am required to determine this appeal on the basis of the development plan which is in force at the time of my decision. The Council have confirmed in correspondence received that they now rely upon Policy CDMP3 of the LP. As this policy was referenced on the Council's decision notice and has been adopted without modification, the appellant has had an opportunity to provide their views on this new policy during the course of the appeal. This appeal has therefore been determined in relation to the policy contained within the LP.
4. For clarity, the address of the development in the banner heading above is taken from the Council's decision notice, since this is complete and more precise.

Main Issues

5. I consider that the main issues are:
 - The effect of the proposal on the living conditions of the adjoining occupiers of 1 & 3 Newton Place; and,

- The effect of the proposal on the character and appearance of the appeal site and the surrounding area.

Reasons

Living conditions

6. The appeal property is a mid-terraced house in a modern mews style development. There is a stagger in the building line in the terrace that results in the host dwelling being set back further to the rear than the adjoining dwellings. Currently located off the rear elevation of the host dwelling is a conservatory, which projects from the original wall by approximately 4 metres.
7. The proposal seeks to replace the existing conservatory with a part 2-storey/ part single storey rear extension. The single storey element would project approximately 4 metres from the original rear wall of the host dwelling, whilst the 2-storey element would project approximately 1.5 metres from the original rear wall. The scheme would have full height glazing panels installed on both side elevations of the proposal at a depth of 3 metres to make up the remaining depth of the single storey element.
8. LP Policy CDMP3 requires development not to have an unacceptably adverse impact on the amenity of occupants and users of surrounding or nearby properties. The Supplementary Planning Document – Extending Your Home 2007 (SPD) Design Note 1B ii) requires proposals not to result in a built form that is overly dominant and is out of scale with its immediate context or fails to be visually subordinate to the host building.
9. Additionally, SPD Design Note 5 i) requires first floor rear extensions on the boundary should not project more than 1.5 metres from the main rear first floor level wall of the adjoining neighbouring property/properties; and, SPD Design Note 5 ii) requires first floor extensions set off the boundary shall not project by more than half the set off distance plus 1.5 metres from the first floor rear wall of the adjoining neighbouring property.
10. I noted during my site visit the existing conservatories present on the rear elevations on the host dwelling and No 1 and consider these to form a material consideration in the determination of this appeal. With regards to No 1, and due to the presence of its conservatory, I find that there will be no harm to its ground floor rear windows. With regards to the habitable room windows at first floor I noted a bedroom window close to the boundary with the host dwelling. However, I find that although the projection of the 2-storey rear extension would be in excess of the guidance contained in the SPD, the increase would be marginal due to the minimal set back of its rear elevation with No 1. Additionally, due to No 1 forming the end of the terrace, it benefits from a more open location, which would provide further mitigation for its occupiers.
11. However, I have concerns with regards to the occupiers of No 3 through the resultant effect from the proposal that would occur. The host dwelling has a greater set back on its rear elevation with No 3 than that experienced with No 1. Additionally, No 3 does not have any structures on its rear elevation like there is in the form of the conservatories present at No 1 and the host dwelling.
12. I have particular concern with regards to the 2-storey element of the proposal, as this would be located in close proximity to habitable room windows at both

ground and first floor. This would result in an overbearing effect on the occupiers of No 3 due to the height of the 2-storey rear extension which would sit very close to the shared boundary with No 3. I consider that in this case the combined height, depth and proximity of the proposed 2-storey rear extension to the habitable ground and first floor windows at No 3 would have an adverse effect on the living conditions of its occupants in terms of a loss of outlook and sense of enclosure. Whilst the rear elevation of No 3 generally faces in a northerly direction, it will receive sun light later in the day, which would be lost if the scheme was to proceed.

13. In respect of the single storey element of the proposal, I do not find that this would cause harm to the living conditions of the occupiers of No 3, due to its design, in particular having a flat roof and full-length glazed panels installed on its side elevations at its furthest projection. I have taken into account Design Note 4 of the SPD that supports a 3-metre projection along the boundary, but whilst I note that the proposal does not fully comply with this guidance I am mindful of the resultant effect of the proposal when compared to the existing conservatory, which I find comparable.
14. For all of these reasons, I therefore conclude that the development would cause significant harm to the living conditions of the occupiers of No 3. This would conflict with the relevant provisions of LP Policy CDMP3. It also fails to accord with the guidance set out in the SPD. Furthermore, the proposal is not consistent with paragraph 127 of the Framework that requires a high standard of amenity for existing and future users.

Character and appearance

15. During my visit I noted that the scheme would not be clearly visible within the street scene due to its location on the rear elevation of the host dwelling. From the vantage points within the street where the proposal would be seen, especially on Normoss Avenue, only limited views of the 2-storey element would be possible.
16. Therefore, I do not consider that the proposal would be particularly visually intrusive in the street scene to have any meaningful effect on the character and appearance of the surrounding area. In any event, I find the proposal would not amount to an excessive addition to the dwelling, and that it would have complementary features to the host dwelling, such as the dual pitched roof on the 2-storey element.
17. For all of these reasons, I therefore conclude that the development would not cause significant harm to the character and appearance of the appeal site and the surrounding area. This would comply with LP Policy CDMP3, which requires all development to be designed to respect or enhance the character of the area, amongst other things. Furthermore, the proposal is consistent with paragraph 127 of the Framework that requires development to be visually attractive as a result of good architecture, and are sympathetic to local character

Other Matters

18. The owner of 40 Normoss Avenue has also expressed a range of concerns on the application including, but not limited to the following: the distance between the dwellings and the appearance of the site. However, I note that these

matters were considered where relevant by the Council at the application stage and did not form part of the reason for refusal, which I have dealt with in the assessment above. Whilst I can understand these concerns, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters. I have considered this appeal proposal on its own particular merits and concluded that it would cause harm for the reasons set out above.

Conclusion

19. For the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

W Johnson

INSPECTOR



Appeal Decision

Site visit made on 25 March 2019

by **Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th April 2019

Appeal Ref: APP/U2370/W/18/3211572

Land South of Fouldrey Avenue, Poulton-le-Fylde FY6 7HE

- 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 Ms Claire Wareing against the decision of Wyre Borough Council.
 - The application Ref 17/00669/OUT, dated 16 July 2017, was refused by notice dated 15 March 2018.
 - The development proposed is the erection of bungalows, 5-meters to ridge on land to the south of Fouldrey Avenue, Breck Road, Poulton-le-Fylde with all matters reserved.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The application is in outline form with all matters reserved for subsequent approval. The illustrative plans and accompanying details indicate that the development comprises 6 detached bungalows with garages in a cul-de-sac arrangement served by a single access off Fouldrey Avenue. I have taken these plans and details into account only insofar as they are relevant to my consideration of the principle of residential development on the site.
3. On 28 February 2019, the Council adopted the Wyre Local Plan (2011-2031) (LP), which has replaced the saved policies of the Wyre Borough Plan 1999, to which the Council's reason for refusal and the evidence refers. The main parties have had the opportunity to submit comments in relation to the LP, which I have taken into account.
4. On 19 February 2019, the Government published its Housing Delivery Test (HDT) results alongside an updated revised National Planning Policy Framework (the Framework). The HDT outcome for the Council indicates that the delivery has been above the requirement over the last 3 years. The matter of the Council's 5-year supply of deliverable housing sites appears not to be an issue between the main parties. There is no change to the housing position as a result.
5. The revisions to the Framework do not otherwise materially alter the national policy approach in respect of the issues raised in this appeal and therefore the main parties have not been prejudiced by the updates to this document.

Main issue

6. The main issue is whether the proposed development would comply with national planning policy, which seeks to steer new development away from areas at the highest risk of flooding.

Reasons

7. The appeal site lies within Flood Zone 3, which has a high probability of flooding. The Framework and the Planning Practice Guidance (PPG) set out strict tests to protect people and property from flooding. The PPG classifies the proposed type of residential use as 'more vulnerable' and so the proposal should be considered against the Sequential Test and, if necessary, the Exception Test before planning permission may be granted.
8. The aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding. Paragraph 158 of the Framework makes clear that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. LP Policy CDMP2 echoes this requirement. It states that unless proposed in the LP, it must be demonstrated that the Sequential Test has been applied and that there are no reasonable available alternative sites at a lower risk, given the nature of flooding and the vulnerability of the development.
9. A Sequential Test supported the application, which assessed a number of potential alternative sites, all of which were discounted as not being reasonably available or appropriate for the proposal. The Council has, however, identified 2 locations that it considers are sequentially preferable: Lea Farm, Carr End Lane, Stalmine ('Site No 1') and at Bloomfield Garage, Cockerham Road, Forton ('Site No 2'). According to the Council, both sites are located within Flood Zone 1, which is a lower risk of flooding than the proposal.
10. The PPG indicates that the area to which the Sequential Test should be applied will be defined by local circumstances. In this instance, the Council states that it should be produced for the entire Borough, which accords with the advice within its Flood Risk Sequential Test: Advice for Applicants. To my mind, this is a reasonable approach as defined by local circumstances. Consequently, while Sites Nos 1 and 2 may be situated in areas with different characteristics to those of the appeal site, that in itself does not disqualify either of them as a comparator site.
11. Site No 1 is smaller than the appeal site. However, the Council states that it has outline planning permission for up to 6 dwellings and that it is considering an application for 6 dwellings. The scale of development on Site No 1 is therefore the same as the proposal as it is shown on the indicative plans. Site No 2 is similar in size to the appeal site although its planning history indicates that it may accommodate fewer dwellings than the proposal. Specifically, there appear to be 2 planning permissions in place, one for 4 dwellings and another for 3 dwellings, each with the residential conversion of a barn. While this capacity is less than the appeal scheme before me, the plans are illustrative and thus could change if planning permission were to be granted. In those circumstances, at least some flexibility needs to be applied in considering the total number of units that might come forward on the appeal site. Taken together, it seems to me that Site No 2 is a comparator site in the Sequential Test in terms of its size and likely capacity.

12. The appellant states that Site No 1 is no longer listed for sale and that feedback from the owners of both sites indicates that a sale to a developer was expected very shortly. However, no further update has been provided and so I cannot be certain of the status of this or any other transaction. On that basis, I am unable to conclude that Site No 1 or Site No 2 is no longer available for residential development.
13. Since the appellant's Sequential Test, the Council has produced a housing land supply position as at 31 March 2018 as part of the local plan process. It contains a lengthy list of sites with planning permission for housing that it considers will come forward for residential development. I cannot rule out the possibility that within this list are additional sites that should be assessed under the Sequential Test given that their size or capacity is similar to the proposal and they could be in areas with a lower risk of flooding.
14. I note that the appellant is a long time owner of the site and has not known it to flood. However, an interested party reports that part of the site and nearby land regularly floods.
15. The Environment Agency (EA) has accepted the appellant's site specific Flood Risk Assessment (FRA), which primarily relates to criterion b of the Exception Test as set out in paragraph 160 of the Framework. The EA is satisfied that the proposal would be safe and that it would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere, provided the scheme proceeds in line with the recommendations of the FRA. I note that the floor levels of the development would be above the predicted 200-year flood level and that the dormer design would provide a safe refuge for residents if required. However, the EA also states that it is for the local planning authority to determine if the Sequential Test has been met. If it is not, the EA makes clear that it would not support the application because it would be contrary to the Framework.
16. For the reasons given above, I am not satisfied that there are no alternative, reasonably available sites that are appropriate for the proposed residential development in areas at a lower probability of flooding. The Sequential Test has not therefore been met. In those circumstances, the Framework clearly states that development should not be permitted. The proposal also conflicts with LP Policy CDMP2.

Other matters

17. The site is available for development and it is not within the Green Belt. The proposal would add to the amount and choice of new housing and would contribute towards meeting the Council's land provision requirement. It would also contribute to the local economy during the construction phase through the sale of materials and following completion, as future residents would be likely to use local services and facilities. Reference is also made to the benefits of providing a turning point for vehicles and a footway that would allow school children to be safely dropped off and picked up. The appellant states that the site would be properly drained and that rainwater harvesting for later use would be provided. Although a matter for later approval, landscaping would provide an opportunity to improve the site's appearance to which an interested party refers.

18. However, the Sequential Test is not met and so it is unnecessary to progress to the Exception Test and the other matters set out in paragraph 160 of the Framework, which include the wider sustainability benefits to the community.

Conclusion

19. Because the proposal does not meet the specific tests within the Framework and LP relating to flood risk it is not an acceptable form of development. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR



Appeal Decision

Site visit made on 25 March 2019

by **Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th April 2019

Appeal Ref: APP/U2370/W/18/3216999

Oaklands, Underbank Road, Thornton Cleveleys FY5 5LN

- 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 Mrs Delyse Cartmell against the decision of Wyre Borough Council.
 - The application Ref 18/00650/FUL, dated 3 July 2018, was refused by notice dated 28 August 2018.
 - The development proposed is the erection of a new 2-bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. On 28 February 2019, the Council adopted the Wyre Local Plan (2011-2031) (LP), which has replaced the saved policies of the Wyre Borough Plan 1999, to which the Council's reason for refusal and the evidence refer. The main parties have had the opportunity to submit comments in relation to the LP, although none has been received.
3. On 19 February 2019, the Government published its Housing Delivery Test (HDT) results alongside an updated revised National Planning Policy Framework (the Framework). The HDT outcome for the Council indicates that the delivery has been above the requirement over the last 3 years. The matter of the Council's 5-year supply of deliverable housing sites is not an issue between the main parties. There is no change to the housing position as a result.
4. The revisions to the Framework do not otherwise materially alter the national policy approach in respect of the issues raised in this appeal and therefore the main parties have not been prejudiced by the updates to this document.

Main issues

5. The main issues are firstly, whether the site would be a suitable location for housing, having particular regard to its location and accessibility to services and facilities; and secondly, the effect of the proposed development on the character and appearance of the local area.

Reasons

6. The proposal is to erect a detached dwelling on land adjacent to Oaklands, which is a detached residential property that stands among a small group of buildings along Underbank Road within the countryside, as defined in the LP.

Paragraph 170 of the Framework states that planning decisions should recognise the intrinsic character and beauty of the countryside. LP Policy SP4 echoes this approach. It also lists the types of development that would be acceptable in countryside areas, none of which would apply in this case. The appeal scheme is, therefore, contrary to LP Policy SP4.

7. To promote sustainable communities, LP Policy SP2 states that development should be located where it, amongst other things, minimises the need to travel by car. In this instance, a good range of shops and local services can be found in Thornton, which is some distance from the site. While I saw some facilities such as shops and a church along roads nearer to the site, very few would prompt a lengthy walk or cycle from the site especially given that the initial route would involve a narrow and unlit road with no dedicated footway. No details have been provided of public transport services in the local area.
8. On that basis, it cannot be reasonably assumed that future occupiers would regularly walk the considerable distance to most services and facilities, or would wish to carry shopping or other items over the distance involved, or would walk it in inclement weather or after dark. It is very likely that car borne trips to and from the new dwelling would predominate. Consequently, the proposal would be at odds with LP Policy SP2.
9. With its largely grassed area and established vegetation, I share the Council's view that the site adds to the spacious semi-rural character and appearance of the local area. By introducing a substantial new built form, the proposal would erode that sense of openness and verdant character. The site would be transformed from a pleasant area of undeveloped green space to one occupied by a dwelling where people would live and visit. Despite the partial screening provided by the existing vegetation around the site, which would be retained, the new addition would be conspicuous in views from Underbank Road. From this highway, the proposal would reduce the spacious undeveloped qualities of the site and unacceptably harm the intrinsic character and appearance of the countryside notwithstanding the presence of other buildings nearby.
10. On the main issues, I therefore conclude that the site would not be a suitable location for housing and that the proposed development would cause significant harm to the character and appearance of the local area. Of the policies cited by the Council that are most relevant to the proposal, it conflicts with LP Policies SP1, SP2 and SP4. These policies aim to ensure that development protects the countryside, respects the character of the area and minimises the need to travel by car.
11. The scale, design and appearance of the new dwelling would be appropriate and in keeping with nearby properties. Access would be from Underbank Road, to which the Highway Authority raises no objection. I have no reason to disagree with that finding. The site is available for development and the proposal would add to the amount and choice of new housing. It would also contribute to the local economy during the construction phase through the sale of materials and future occupiers would support the vitality of the local community. These considerations are either neutral or weigh in support of the appellant's case.
12. However, the new dwelling would not be in an accessible location and future occupiers would be heavily reliant on the use of the private car for most journeys. As such, the proposal would be contrary to the aims of the LP and

the Framework to minimise the need to travel and to support the transition to a low carbon future. This, and the harm to the character and appearance of the local area mean that the environmental objective of sustainable development would not be achieved. To my mind, the public benefits of the scheme would be limited and would not outweigh the harm that I have identified. As such, the overall planning balance is tipped firmly against the appeal scheme.

13. An interested party raises additional concerns with regard to drainage and traffic. These are important matters and I have taken into account all of the submitted evidence. However, given my findings on the main issues, these are not matters on which my decision has turned.

Conclusion

14. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR

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Appeal Decision

Site visit made on 25 March 2019

by **Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th April 2019

Appeal Ref: APP/U2370/W/18/3219263

White House Farm, White House Lane, Great Eccleston PR3 0XB

- 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 and Mrs Rowe against the decision of Wyre Borough Council.
 - The application Ref 18/00767/FUL, dated 31 July 2018, was refused by notice dated 3 October 2018.
 - The development proposed is the erection of a single dwelling.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. On 28 February 2019, the Council adopted the Wyre Local Plan (2011-2031) (LP), which has replaced the saved policies of the Wyre Borough Plan 1999, to which the Council's reasons for refusal and the evidence refer. The main parties have had the opportunity to submit comments in relation to the LP, although the appellant decided not to do so and none were received from the Council.
3. On 19 February 2019, the Government published its Housing Delivery Test (HDT) results alongside an updated revised National Planning Policy Framework (the Framework). The HDT outcome for the Council indicates that the delivery has been above the requirement over the last 3 years. The matter of the Council's 5-year supply of deliverable housing sites appears not to be an issue between the main parties at the appeal stage. There is no change to the housing position as a result.
4. The revisions to the Framework do not otherwise materially alter the national policy approach in respect of the issues raised in this appeal and therefore the main parties have not been prejudiced by the updates to this document.

Main issues

5. The main issues are:
 - whether the site would be a suitable location for housing, having particular regard to its location and accessibility to services and facilities; and
 - the effect of the proposed development on the character and appearance of the local area.

Reasons

Suitability for housing

6. The proposal is to erect a detached dwelling on land adjacent to White House Farm, which is a detached 2-storey house that stands among a cluster of buildings within the countryside, as defined in the LP. Paragraph 170 of the Framework states that planning decisions should recognise the intrinsic character and beauty of the countryside. LP Policy SP4 echoes this approach. It also lists the types of development that would be acceptable in countryside areas, none of which would apply in this case. The appeal scheme is, therefore, contrary to LP Policy SP4.
7. To promote sustainable communities, LP Policy SP2 states that development should be located where it, amongst other things, minimises the need to travel by car. In this instance, a reasonable range of shops and local services can be found in Great Eccleston, which is some distance from the site. From what I saw, other villages in the local area such as Elswick and St Michael's include few, if any, destinations that would prompt the lengthy walk or cycle from the site. While there are bus stops on the A586, from which the appellant states there are services to Garstang, Preston and Blackpool, few details have been provided. In any event, the initial part of the route to the bus stops would involve an unlit road with no footways, which would deter many walkers and cyclists.
8. Taking into account all of these points, it cannot be reasonably assumed that future occupiers would regularly walk the considerable distance to most of these destinations, or would wish to carry shopping or other items over this distance, or would walk it in inclement weather or after dark. Although there are some opportunities to use local bus services, it is very likely that car borne trips to and from the new dwelling would predominate. This would be at odds with LP Policy SP2.

Character and appearance

9. With its largely open grassed area, the site positively contributes to the spacious semi-rural character and appearance of the local area. By introducing a substantial and permanent new built form, the proposal would erode that sense of openness. The site's character would be transformed from a pleasant area of largely undeveloped green space to one occupied by a sizeable building where people would live and visit. Despite the partial screening provided by the frontage hedgerow and new boundary fences and planting, the new addition would be prominent in views from White House Lane. From this highway, the proposal would reduce the spacious undeveloped qualities of the site and unacceptably harm the intrinsic character and appearance of the countryside notwithstanding the presence of existing buildings on each side.
10. I accept that the landscape to which the site belongs is not designated as being of special value. However, as LP Policy SP4 and the Framework make clear, the countryside should be recognised for its intrinsic character and beauty. The removal of the existing caravan on the site would enhance the site's appearance. However, there is nothing before me to indicate that this improvement could only be achieved by introducing a new dwelling, as proposed.

Conclusion on the main issues

11. On the main issues, I conclude that the site would not be a suitable location for housing and that the proposed development would cause significant harm to the character and appearance of the local area. Accordingly, it conflicts with LP Policies SP1, SP2, SP4 and CDMP3. These policies broadly aim to ensure that development protects the countryside, and respects the character of the area and minimises the need to travel by car.

Planning balance

12. Once complete, the new dwelling would provide a property for the appellants to move into from the farmhouse that would suit their future needs and enable them to stay in the local area. In those circumstances, the main house would become available to others. While I am sympathetic to this desire, personal circumstances rarely outweigh more general planning considerations such as the protection of the countryside.

13. Reference is made to other planning decisions at both the application and appeal stages although few details have been provided and so I cannot be certain that their circumstances are the same as or very to similar to those of the proposal. In any event, I have assessed the proposal on its own merits.

14. The scale and design of the new dwelling and its external materials would be in keeping with some nearby properties. Others raise no objection. The site is available for development and the proposal would add to the amount and choice of new housing. It would contribute to the local economy during the construction phase through the sale of materials and future occupiers would support the vitality of the local community. These considerations are either neutral or weigh in support of the appellant's case. That the Council can demonstrate a 5-year supply of housing sites does not in itself preclude other land from coming forward for housing including within the rural area.

15. However, the new dwelling would not be in an accessible location and future occupiers would be heavily reliant on the use of the private car for most journeys. As such, the proposal would be at odds with the aims of the LP and the Framework to minimise the need to travel and to support the transition to a low carbon future. This, and the harm to the character and appearance of the local area mean that the environmental objective of sustainable development would not be achieved. To my mind, the public benefits of the scheme would be limited and would not outweigh the harm that I have identified. As such, the overall planning balance is tipped firmly against the appeal scheme.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR

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Appeal Decision

Inquiry Held between 12-13 March 2019

Site visit made on 13 March 2019

by D. M. Young BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 16th April 2019

Appeal Ref: APP/U2370/W/18/3211691

Land east of Carr End Lane, Stalmine, Poulton-le-Fylde, Lancashire

- 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 Iain Fowler (Wainhomes North West) against the decision of Wyre Borough Council.
 - The application Ref 18/00075/OUTMAJ, dated 16 January 2018, was refused by notice dated 18 July 2018.
 - The development proposed is the erection of up to 65 dwellings with link to adjacent land to east and new access off Carr End Lane.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 65 dwellings with link to adjacent land to east and new access off Carr End Lane at land east of Carr End Lane, Stalmine, Poulton-le-Fylde, Lancashire in accordance with the terms of the application, Ref 18/00075/OUTMAJ, dated 16 January 2018, subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. Since the Council's determination of the application, the "*Wyre Local Plan 2011-2031*" (the LP) was adopted on the 28 February 2019. This replaces the "*Wyre Borough Local Plan 1991-2006*" and the policies therein cited in the reason for refusal.
3. In addition, the revised "*National Planning Policy Framework*" (the Framework) was published in July 2018. The main parties have had an opportunity to comment on the significance of the changes as part of the appeal process and therefore I have had full regard to the revised Framework in determining this appeal.
4. Although the application was submitted in outline with only access to be determined, to comply with the requirements of LP Policy SA1/7¹, an indicative site layout and wider Masterplan were submitted. Whilst these are illustrative in nature it was agreed that they show how the site would probably be developed. I have had regard to the plans in that context.
5. Moreover, the application was accompanied by a raft of supporting technical documentation in relation to highways, ecology, trees and drainage. This

¹ Renumbered from SA1/9 in the submission draft plan.

material is broadly accepted by technical consultees and demonstrates that a number of matters are capable of being satisfactorily dealt with either by condition or planning obligation.

6. To provide greater clarity, I have made some minor changes to the description of development.
7. The full extent of the appeal site can be readily viewed from the public domain in Carr End Lane, Stricklands Lane and the residential cul-de-sacs abutting the northern boundary. On this basis and with the agreement of the main parties, an accompanied site visit was not deemed necessary.
8. A signed Statement of Common Ground (SOCG) dated 6 March 2019 was submitted shortly before the start of the Inquiry and I have had regard to this in reaching my decision.
9. Following discussion of an agreed final draft at the Inquiry, a signed and dated Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 was submitted following the close of the Inquiry. Amongst other things this contains obligations in respect of affordable housing and financial contributions towards education and road safety measures. These obligations need to be assessed against the statutory tests set out in the Community Infrastructure Levy (CIL) Regulations 2010, a matter I will return to later in my decision.
10. On the second day of the Inquiry the Council indicated that it no longer sought to oppose the development and accepted that with; 1) suitable conditions and, 2) planning obligations securing the matters agreed in the SOCG, the development would be in compliance with the development plan. However, Stalmine with Staynall Residents Association (SSRA) sought to substantiate their concerns and I must determine the application having regard to these views.

Main Issues and Background

11. In light of the above, I consider the main issue to be whether the appeal site is in an appropriate location for housing having regard to the policies of the development plan.

Reasons

12. When the Council determined the application the appeal site was not allocated for housing in emerging LP. Therefore, in planning terms it was in the countryside and the Council sought to resist the proposal on the basis that the site would not be located sustainably with particular emphasis on the distance children would need to travel to school.
13. Following the Inspector's Main Modifications, the site was included in allocation LP Policy SA1/7 (South Stalmine) at the expense of a parcel of land to the south. This gave rise to a policy requirement for a Masterplan something which had not been necessary when the application was determined. The inclusion of the appeal site within housing allocation SA1/7 is significant because it means that the principle of housing on site is considered acceptable and consequently the locational concerns contained in the Council's reason for refusal fall away.

14. The SOCG confirms that at the outset of the Inquiry the only outstanding matter between the main parties is whether the information supplied with the application satisfies the Key Development Considerations (KDCs) set out in LP Policies SA1/7 and SA1 with particular regard to masterplanning. However, as I have already mentioned the Council decided not to pursue that objection.
15. LP Policy SA1/7 allocates the site for housing along with three other parcels of land held under separate ownership. At the Inquiry these were helpfully referred to as phase 1 (the Wainhomes site to the east), phase 2 (the appeal site), and phase 3 (the land to the south of phase 1). As a matter of fact, there is not a common boundary between phases 2 and 3. Consequently the only way a physical connection could be provided between the two is through phase 1 which does share a common boundary with phases 2 and 3. However as the Council accepted at the Inquiry, following a grant of planning permission for 81 dwellings² phase 1 is fixed. It is germane that the aforementioned planning permission does not provide for any vehicular or pedestrian links to the other phases.
16. To ensure the creation of high-quality development which integrates with Stalmine, KDC1 requires a masterplan to be agreed by the Council prior to granting of planning permission for any part of the site. However, as planning permission has already been granted on phase 1, it is not possible for the appellant to comply with the wording of this part of the policy. Although the Council's own guidance on Masterplans³ acknowledges that in some instances a masterplan may not be necessary, a masterplan was nonetheless submitted at the application stage.
17. When read alongside other documents such as the Design and Access Statement, I am satisfied that the level of information provided is proportionate and commensurate to the circumstances of this case and demonstrates that the appeal scheme would not prejudice the development of the allocation as a whole. On the contrary, the ability of the appellant (also being the developer of phase 1), to deliver the desired linkages is a benefit of significant weight.
18. There is no suggestion that a masterplan is necessary in relation to the other 7 KDCs most of which are standard requirements applicable to all housing allocations. Issues of layout and design are matters that could be addressed at the reserved matters stage.
19. The appeal scheme would make an important contribution towards the Council's supply of housing. 30% of the dwellings would be affordable for which there is an accepted need in Stalmine. The importance attached to the delivery of housing in the LP and the Framework requires me to attach significant weight to these benefits irrespective of whether the Council is able to demonstrate a 5-year supply of housing.
20. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 explain that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The site is allocated for housing in the LP. I am satisfied that the development would accord with the

² Refs:14/00226/OUTMAJ, 17/00026/REMMAJ & 17/00995/FULMAJ.

³ Guidance on the Preparation of Masterplans

relevant KDC's. On that basis, the development would accord with Policies SA1 and SA17 and would be an appropriate location for housing.

Obligations

21. Regulation 122 of the CIL states that obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Although the obligations are not in dispute, the UU provides that if my decision letter concludes that any provision of the UU is incompatible with any one of the tests then the relevant obligation shall cease to have effect.
22. The education contributions of £393,832.75 and £237,372.80 would be used to create additional capacity at the Hambleton Community Academy and Cardinal Allen High School respectively. The contribution is supported by a detailed response from the Education Authority which identifies a potential future deficit at these schools. The contribution is calculated via a standard formula and would be fairly and reasonably related to the development proposed. Consequently, I am satisfied that it would meet the statutory tests.
23. The affordable housing and phase 1 access provisions are agreed between the main parties and I am satisfied that these meet the statutory tests.
24. I am less satisfied with the £100,000 highway contribution for which no substantive details are before me. Whilst the intention of the contribution may well be laudable, the Highway Authority were not present at the Inquiry and therefore I have no way of knowing exactly what measures the money would be spent on, how the amount and/or trigger point has been calculated or how it is necessary to make the development acceptable. Without clear and detailed information on these matters the contribution does not meet the statutory tests.

Other Matters

25. SSRA raised a number of concerns at the Inquiry including but not limited to the location of the development, flood risk, air pollution and highway safety. At the Inquiry Mr Swarbrick confirmed that SSRA's concerns would apply to any development on this scale and are not specific to this proposal. With regards to highway safety, I note that there is no objection from the Highway Authority and that the amount of peak hour traffic generated by the development would not create to capacity problems on the local road network. Whilst I appreciate the A588 has a poor safety record, that is an existing issue and therefore not the developer's responsibility to resolve. I note that the Highway Authority believes the development would exacerbate road safety, however, no evidence has been adduced to support that argument. The site access would be constructed to the requisite standard with improvements works to mitigate the impact of additional traffic on Carr End Lane.
26. Whilst air quality is an important issue, I am not aware that the appeal site lies within or close to an Air Quality Management Area. Moreover, I do not have any evidence to suggest that air quality in Stalmine is currently below recommended levels or that the development would have an unacceptable effect in this regard.

27. It is evident from the Committee Report that the issue of flood risk was carefully considered by the Council at the application stage. Whilst I understand the concerns of local residents, no objections have been received from the specialist consultees and I have no substantive evidence which would lead me to a different conclusion. I am therefore satisfied that flood risk concerns can be addressed by planning conditions which I have imposed.

Conditions

28. The Council has suggested a number of planning conditions which I have considered against the advice in the "*Planning Practice Guidance*" (the PPG) and the Framework. In some instances, I have amended the conditions provided by the Council in the interests of brevity.
29. Conditions 1, 2 and 3 are standard conditions for outline planning permissions. Condition 4 relates to the identification of the approved plans which the PPG advises is good practice. Conditions 5 (housing mix), 6 (adaptable dwellings) and 14 (electric charging points) are necessary to comply with Development Plan objectives in these areas. Condition 7 (drainage) is necessary in the interests of flood prevention. Conditions 8 (trees) and 9 (ecology) are required to safeguard local biodiversity. Condition 10 (highway works) is necessary in the interest of highway safety and to mitigate the impact of development on the local road network. Condition 11 (green infrastructure) is necessary to ensure the appropriate maintenance and management of the open spaces within the development in the interests of visual amenity. Condition 12 (Construction Method Statement) is necessary to protect the living conditions of local residents. Finally, condition 13 (land contamination) is necessary to ensure the land is suitable for a residential use.
30. Conditions 5, 7, 9, 10, 12 and 13 are 'pre-commencement' form conditions and require certain actions before the commencement of development. In all cases the conditions were included in the SOCG and address matters that are of an importance or effect and need to be resolved before construction begins.
31. I am not persuaded that a condition specifying the number of dwellings is necessary given that this is already set in the application description and UU. There is no evidence of Great Crested newts being present on the site and therefore a method statement is unnecessary. I am satisfied that the Council can control the amount and location of green infrastructure at the Reserved Matters stage, the suggested condition is thus unnecessary.

Conclusion

31. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

D. M. Young

Inspector

APPEARANCES

For the Local Planning Authority:

Mr Jonathan Easton Kings Chambers

He called

Ms Rea A Psillidou Wyre Borough Council

BA(Hons) MTP MRTPI

Ms Lucy Embery Wyre Borough Council

For the appellant:

Mr Vincent Fraser QC Kings Chambers

Interested person

Mr Peter Swarbrick Stalmine with Staynall Residents Association

Documents submitted at the Inquiry

1. Statement from Mr Peter Swarbrick on behalf of Stalmine with Staynall Residents Association.
2. Appellant's Opening Statement.
3. Council's Position Statement withdrawing objection.
4. Appellant's Closing Statement.
5. Agreed draft Unilateral Undertaking.
6. Email correspondence from Highway Authority r.e. highway contribution.

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) 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.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans numbers: 17-084-OS-001 Rev A, A105751-P001 Rev C and A105751-P001 Rev A.
- 5) No development shall commence until details of the mix of residential units to be provided on site have been submitted to and agreed in writing with the Local Planning Authority. The details shall be in general accordance with the requirements of LP Policy HP2 and the Fylde Coast Strategic Housing Market Assessment – Wyre Addendum 3 Supplementary Note 2018. The development shall be constructed in accordance with the approved mix.
- 6) Prior to any development above slab level, a scheme to demonstrate how at least 20% of the dwellings shall be of a design suitable or adaptable for elderly people shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out, retained and maintained thereafter in accordance with the approved details.
- 7) No development shall take place until schemes for the proposed method of surface water and sewage disposal have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of finished floor levels and the timetable for provision and future management and maintenance. The approved sewage disposal and surface water drainage facilities shall be constructed in accordance with the approved details before the development is first occupied and shall be retained and maintained thereafter in accordance with the scheme as approved.
- 8) No tree or hedge felling shall take place during the period March-August unless a report has been submitted to and approved in writing by the Local Planning Authority demonstrating that bird nesting has been shown to be absent.
- 9) Prior to commencement of development a scheme of ecological enhancements including details of the management of hedgerows shall be submitted to and agreed in writing by the Local Planning Authority along with a timetable for implementation. The enhancements shall be provided in accordance with the approved details and thereafter retained.
- 10) No development shall take place until a scheme for the timing of the on and off-site highway works has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of the

site access, pedestrian connections, off-site improvement works shown on plan A105751-P001 Rev C, the provision and maintenance of visibility splays onto Carr End Lane and the provision of the vehicular access through Phase 1. The works shall be provided in accordance with the approved details and thereafter retained.

- 11) Prior to the commencement of development, a management and maintenance plan for the green infrastructure shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall cover such features as ponds, detention basins and grassland.
- 12) The development shall not commence until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The statement shall include:
 - i) The proposed hours and days of working;
 - ii) Routing of construction traffic;
 - iii) Waste management measures;
 - iv) On site provision for construction worker and contractor vehicle parking
 - v) Details of site compounds, offices and areas to be used for the storage of materials;
 - vi) Methods and details of the suppression of dust and noise during construction;
 - vii) Details of a wheel washing facility; and
 - viii) External lighting

The development shall be carried out in accordance with the statement so approved.

- 13) No development shall take place until the investigation measures set out in the REFA Phase 1 Geo-Environmental Desk Study Report October 2017 have been carried out. Should any unacceptable risks be found, a remedial scheme and verification plan shall be submitted to and approved in writing by the local planning authority. The remedial scheme shall be implemented as approved before development begins. If, during the course of development, any contamination is found which has not previously been identified, additional measures to address it shall be submitted to and approved in writing by the local planning authority and the additional measures shall be carried out as approved.
- 14) The dwellings hereby approved shall be provided with an electric vehicle charging point. Once provided the charging points shall be retained thereafter.

Committee Report

Date: 05.06.2019

Item Number 01

Application Number 19/00156/FULMAJ

Proposal Erection of 39 affordable residential dwellings with associated infrastructure including new pedestrian and vehicular access off Rosslyn Avenue (resubmission of 18/00734/FULMAJ)

Location Land South Of Rosslyn Avenue Preesall

Applicant Mr William Fulster

Correspondence Address c/o Mosaic Town Planning
FAO Mr Andrew Jalali 10th Floor Chancery Place 50 Brown Street
Manchester M2 2JG United Kingdom

Recommendation Permit

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Mr Karl Glover

1.0 INTRODUCTION

1.1 This application is before Members of the Planning Committee at the request of Councillor Orme. 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 application site is a rectangular parcel of undeveloped pasture land (approx 1.31ha) located at the southern end of Rosslyn Avenue in Preesall. The site is relatively flat (approx. 5.3m AOD) and is bound by mature vegetation/hedgerows with an established gated access at the head of Rosslyn Avenue. The surrounding area is mixed in character. To the north backing on to the site is a row of bungalows which make up Rosslyn Crescent East and Rosslyn Crescent. To the west static caravans from Willow Grove Caravan Park line the boundary. To the east is open agricultural land. To the south is a large fishing lake with a central island of trees and timber lodges to the north and west. To the south west and separated by an adjoining agricultural field is Willow Farm which is also accessed from Little Tongues Lane. Also against the eastern boundary there is a network of field drains which connect and discharge to the Wheel Foot Watercourse.

2.2 The application site is designated as 'Countryside Area' within the Wyre Local Plan 2031. The site is located within Flood Zone 3 and there is a Public Right of Way (PROW) along the northern boundary (FP19) which links to Beechfield Avenue to the north. The majority of the site is classified as Grade 2 Agricultural Land (land defined as being very good quality).

3.0 THE PROPOSAL

3.1 This application is a resubmission of application 18/00734/FULMAJ and seeks full planning consent for the erection of 39 affordable residential dwellings with associated infrastructure including new pedestrian and vehicular access off Rosslyn Avenue. The proposed dwellings consist of 15 x 2 bedroom bungalows, 11 x 2 bedroom houses and 13 x 3 bedroom houses and all of the dwellings are proposed to be affordable rented units. The dwellings are to be externally finished in red brick (Ibstock Moroeth Blend and Calderstone Claret) under a grey concrete roof tile (Russell Grampian) with dark grey UPVC windows and doors.

3.2 Access to the site is to be gained via a continuation of Rosslyn Avenue with the new access road measuring approximately 10m in width including 2m pedestrian footpaths either side. The access road runs into the site creating an internal T shaped internal road layout with a turning head to the western end with shared drives either side. A gated field access is to be provided to allow access for agricultural purpose. Each of the dwellings are shown to be set back from the internal highway and have a minimum of 2 off street parking spaces either to the front or side of the dwellings and rear gardens in excess of 10m in depth.

3.3 In conjunction with the submitted plans the application is accompanied by a range of supporting documents as follows:

- Planning and Affordable Housing Statement
- Design and Access Statement
- Preliminary Ecological Appraisal
- Flood Risk and Sustainable Drainage Statement
- Flood Risk Sequential and Exceptions Test
- Transport Statement
- Utilities Statement
- Boundary Treatment Plan
- Topographical Survey
- Bat and Bird Survey and Habitats Assessment

4.0 RELEVANT PLANNING HISTORY

4.1 The site has the following relevant planning history:

4.2 18/00734/FULMAJ - Erection of 39 affordable residential dwellings with associated infrastructure including new pedestrian and vehicular access off Rosslyn Avenue - Refused by Members of the Planning Committee on the 6th February 2019 for the following reason:

"Saved Policy H13 of the Adopted Wyre Borough Local Plan and Policies SP2, SP7, SP8, EP10 and CDMP6 of the Emerging Wyre Local Plan, which carries significant weight at this stage, require proposals for this scale of residential development to make a financial contribution towards measures to improve or increase nearby green infrastructure, education and sustainable travel provision where such a need is identified and justified. The development is unable to make the requisite contributions towards any of these pieces of infrastructure. This is considered to adversely impact on the health and wellbeing of residents and will increase reliance on the private motor vehicle and will fail to promote social balance and sustainable mixed communities. The social benefit of providing affordable housing to help meet an identified need in the borough is significantly outweighed by the resultant social harm

that would arise together with the environmental harm caused by the loss of an undeveloped greenfield site in the countryside and lack of green infrastructure/public open space provision from the introduction of residential development on this site. Therefore the development conflicts with Paragraph 11 and Sections 8, 9 and 12 of the National Planning Policy Framework together with Saved Policy SP13 of the Wyre Borough Local Plan and emerging Policy SP2, EP10, CDMP6, SP7 and SP8 of the Wyre Borough Submission Draft Local Plan".

(i) An appeal has been lodged with the Planning Inspectorate in relation to this refusal however at the time of compiling this committee report there has been no appeal start date issued.

4.3 16/00978/OUTMAJ - Outline application for the erection of up to 70 No dwellings, with associated access (all other matters reserved) - Refused and dismissed at appeal

4.4 The following planning history is also of relevance given its proximity to the site:

4.5 16/00100/OUT - Land at 4 Rosslyn Avenue - Outline application for residential development of up to 9 dwellings, with the demolition of existing house to form new access road (all other matters reserved) - Refused - Allowed on appeal

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN (2011-2031)

5.1.1 The Wyre Local Plan 2011-2031 (WLP31) was adopted on 28 February 2019 and forms the development plan for Wyre. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

5.1.2 The following policies contained within the WLP 2031 are of most relevance:

- Policy SP1 Development Strategy
- Policy SP2 Sustainable Development
- Policy SP4 Countryside Areas
- Policy SP6 Viability
- Policy SP7 Infrastructure Provision and Developer Contributions
- Policy SP8 Health and Wellbeing
- Policy CDMP1 Environmental Protection
- Policy CDMP2 Flood Risk and Surface Water Management
- Policy CDMP3 Design
- Policy CDMP4 Environmental Assets
- Policy CDMP6 Accessibility and Transport
- Policy HP1 Housing Land Supply
- Policy HP2 Housing Mix
- Policy HP3 Affordable Housing
- Policy HP4 Rural Exceptions
- Policy HP9 Green Infrastructure
- Policy EP8 Rural Economy

5.1.3 The WLP31 identifies a Local Plan housing requirement of 9,200 dwellings or 460 dwellings per annum. Against this figure, the 5 year land supply including 20% buffer, is calculated as 5.19 years. This reflects the most up-to date housing supply position based on the 31 March 2018 figures. Paragraphs 73(b) and 74 of the NPPF and footnote 38 make it clear that where a local authority has a 'recently adopted plan', it is able to demonstrate a 5 year Housing Land Supply (HLS) for the purposes of the NPPF. Footnote 38 would operate in the present case to maintain the WLP31 status as a 'recently adopted plan' until 31st October 2019. The Inspector's Report into the WLP31 confirms that on adoption the Council will be able to demonstrate a deliverable supply of housing land. This finding is predicated upon the application of a 20% buffer. The effect of the above is that during the period to 31st October 2019 the Council is deemed to be able to demonstrate a deliverable HLS.

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2019

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on the 19th February 2019. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2019 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.2.2 The following sections / policies set out within the NPPF are of most relevance:

- Section 2 - Achieving sustainable development
- Section 9 - Promoting sustainable transport
- Section 5 - Delivering a sufficient supply of homes
- Section 6 - Building a strong, competitive economy
- Section 7 - Ensuring vitality of town Centres
- Section 8 - Promoting healthy and safe communities
- Section 12 - Achieving well - designed places
- Section 15 - Conserving and enhancing the natural environment

5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

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

6.0 CONSULTATION RESPONSES

6.1 PREESALL TOWN COUNCIL

6.1.1 Strongly object to the application. The primary concerns raised relate to the following points:

- Development outside the settlement boundary contrary to Policy HP4 of the LP as this plot of land is totally unsuitable for any form of development
- Sustainable Development - the proposal is contrary to Policy SP2 and SP5 of the LP
- Site is within the Countryside area and is therefore contrary to SP4 of the LP

- Flood risk and health and wellbeing - Contrary to Policy SP8 and CDMP2 of the LP
- Drainage and sewage disposal
- Access
- Impact upon wildlife habitats
- Overall detrimental impacts of the development

6.2 ENVIRONMENT AGENCY

6.2.1 No objections subject to a contaminated land condition. Satisfied that the proposed mitigation measures will ensure the development will be safe for its lifetime. The development must proceed in strict accordance with the submitted FRA. Advice and guidance has also been set out in relation to flood warnings, Flood risk Sequential test and contaminated land.

6.3 UNITED UTILITIES

6.3.1 The FRA submitted with the application is acceptable and that the drainage strategy as proposed should be conditioned accordingly. In particular no surface water will be permitted to drain directly or indirectly into the public sewer. A condition relating to the management and maintenance of sustainable drainage systems should also be attached if approved.

6.4 GREATER MANCHESTER ECOLOGICAL UNIT (GMEU)

6.4.1 No objections, GMEU response remains as per the comments submitted under application 18/00734/FULMAJ. A full Habitats Regulations Assessment has been carried out as reported in paragraph 9.7. The ecology report submitted with the application has been fully assessed. GMEU are of the opinion that the current application site is unsuitable to be used by important bird species most associated with Morecambe Bay a European protected site. As the watercourse is drained in to the Morecambe Bay Special Protection Area (SPA) and Special Area of Conservation (SAC) there is a risk of pollutants entering the system both during and post construction. Conditions are recommended to address this. Other conditions have been requested in relation to the protection of nesting birds and enhancing the Natural Environment.

6.5 NATURAL ENGLAND

6.5.1 Advised that as a competent Authority a Habitats Regulations Assessment (HRA) should be undertaken to assess the impacts upon the Lune Estuary / Morecambe Bay SSSI/SPA/SAC and Ramsar Sites. Concur with the HRA conclusions providing all mitigation measures are appropriately secured. Construction Environmental Management Plan condition suggested to protect watercourses linked to the Lune Estuary.

6.6 HIGHWAYS ENGLAND

6.6.1 No objections - Advised that the proposal would not be expected to result in there being a severe traffic impact upon the operation of the strategic road network for which Highways England is responsible.

6.7 RAMBLERS ASSOCIATION

6.7.1 No observations received at the time of compiling this report

6.8 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.8.1 No objections subject to the delivery of highway and sustainable transport improvements secured through planning condition and Section 106 Legal Agreement. LCC Highways are of the opinion that the proposed development will not have a severe impact upon highway capacity or congestion in the immediate vicinity of the site subject to a £5,000 financial contribution to reduce the speed limit along Rosslyn Avenue from 30mph to 20mph to improve highway and pedestrian safety. Improvements to the existing PROW to the north of the site are required and are to be secured via Section 278 agreement via an appropriately worded planning condition. To ensure that sustainable travel is a viable option for occupiers of the site it is considered necessary for the developer to contribute towards sustainable transport initiatives namely to enhance the existing bus services, providing extended evening services Monday - Saturday and introducing an hourly Sunday service. For the scale of this development the level of contribution being sought is £90,000 which would be phased.

6.9 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY)

6.9.1 No observations received at the time of compiling this report.

6.10 LANCASHIRE COUNTY COUNCIL (EDUCATION AUTHORITY)

6.10.1 A contribution towards education provision is required towards secondary education (2 school places) at St Aidans C of E High School. This is currently calculated at £48,370.32. There is no requirement for any primary education contributions. This response is based on a reassessment at the time of compiling the committee report (29/4/2019).

6.11 LANCASHIRE COUNTY COUNCIL (PUBLIC RIGHTS OF WAY)

6.11.1 No observations received at the time of compiling this report

6.12 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (CONTAMINATED LAND)

6.12.1 No objections however there are concerns in relation to a nearby former infill which may present risk of ground gas. Further information is required in this respect. If approved gas protection measures should be conditioned or the standard desk top survey

6.13 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (DUST AND NOISE)

6.13.1 No objections subject to a condition for a Construction Environmental Management Plan (CEMP) to be submitted to prevent impacts arising from noise, dust and light pollution.

6.14 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.14.1 No objections in principle. Confirmation of drainage details including SuDS to be provided. Flood Risk Assessment proposes that ground levels are increased to allow surface water and foul drainage to achieve a gravity connection. Ground levels

adjacent to existing properties must not be raised to ensure that they are unaffected by surface water runoff. Full construction details, including proposed land levels to be submitted for approval.

6.15 WBC PARKS AND OPEN SPACES MANAGER (TREES)

6.15.1 No objections - The proposed planting as shown on the submitted drawings is considered acceptable and would provide an attractive street scene. The proposed site layout and boundary treatment plan state that the existing trees and hedges will be retained behind the proposed fence line however this is questioned from a practicality point of view and may potentially create an enclosed area for the PROW.

6.16 WBC PARKS AND OPEN SPACES MANAGER (OPENSOURCE/GREEN OF INFRASTRUCTURE)

6.16.1 No objections subject to a financial contribution towards off site Green Infrastructure of £45,149. The site is within close proximity of Preesall Playing Fields which is being developed as a park and has in recent years had a range of sports and play equipment installed. There is a masterplan for Preesall Playing fields and the off-site contribution would go towards further delivery of the scheme to create a park there including a perimeter pathway, outdoor exercise equipment and skate half pipe.

7.0 REPRESENTATIONS

7.1 At the time of compiling this report there have been 23 letters of objection received including supporting photographic evidence. The primary planning related concerns raised are:

- Flood Risk
- Insufficient Infrastructure
- Unsustainable
- No school or medical provisions to accommodate development
- Highway infrastructure and capacity insufficient
- Ecology Impacts (Pink Footed Geese) and nesting birds
- Rosslyn not suitable for heavy traffic as it already has sink holes
- Vehicles double park along Rosslyn
- Loss of trees
- Site is Flood Zone 3
- Collapsing drains along Rosslyn
- Lack of employment in the area
- No need for new dwellings
- Pedestrian safety including children going to school will be compromised
- Structure of Rosslyn avenue road needs to be looked at as sink holes regularly occur
- Insufficient public transport
- Reducing the speed limit from 30 to 20 will make no difference
- Loss of Greenfield
- Visual harm
- Wheel foot Watercourse blocked up
- Inaccuracies in the Transport Statement and Cycle Assessment
- Loss of Privacy and overlooking
- Impacts upon Cyclists

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Discussions have taken place with the applicant in relation to required financial contributions and the provisions of the Section 106 legal agreement. A Revised site plan (Rev H) has been submitted to show an agricultural access to the field to the eastern boundary. Agreement of pre commencement conditions has also been provided along with an extension of time until the 5th June 2019.

9.0 ISSUES

9.1 The key considerations in the assessment of this application are:

- Principle of development and policy compliance
- Visual Impact / Impact on the street scene and local landscape
- Impact on residential amenity
- Impact on the transport network / highway safety / parking
- Flood risk and drainage
- Ecology, nature conservation and trees
- Contamination
- Planning obligations and viability

Principle of development and policy compliance

9.2 This application is a re-submission of application 18/00734/FULMAJ which was refused by Members of the Planning Committee on the 06.02.2019 with the sole reason for refusal being that the social benefits of providing affordable housing to help meeting an identified need in the borough was significantly outweighed by the resultant social harm that would arise by failing to provide the necessary education, green infrastructure and sustainable transport infrastructure together with the environmental harm caused by the loss of an undeveloped greenfield site in the countryside and lack of green infrastructure/public open space provision. This social and environmental harm was deemed to make the development unsustainable.

9.3 Since the refusal the applicant has submitted an appeal to the Planning Inspectorate, however to date no official start date has been set. The applicant has also re submitted this application in an attempt to overcome the reason for refusal and address the concerns of Members by setting out within the supporting documentation that the necessary financial obligations towards Highways, Green Infrastructure and Education contributions to mitigate against the development can now be provided. The applicant has advised that should this application be supported the intention would be to withdraw the appeal which has been lodged.

9.4 Following the Planning Committee in February 2019 when the previous application was refused the Wyre Local Plan 2031 has now been adopted and the policies contained within now carry full weight. Very little has changed in terms of the necessary weighting of the appropriate policies as at the time of assessing the previous application the Local Plan had reached such an advanced stage of the adoption process that the same relevant policies were attributed almost full weight in the assessment of the development at that time. The only significant material planning consideration which has changed since the previous application was determined relates to the financial obligations discussed above and set out in further detail later on in this report. Whilst this application has been assessed on its own merits including all of the responses received by statutory and non-statutory

consultees including the observations received within the neighbour notifications, the principle of the development and compliance with local and national planning policy remains largely unchanged.

9.5 In terms of the principle of the development and compliance with planning policy this planning application seeks full planning consent for the erection of 39 affordable residential dwellings with associated access and landscaping. The application site is an undeveloped rectangular parcel of green field land located immediately adjacent to the identified settlement boundary for Preesall and Knott End as shown on the Local Plan Proposals Map and is designated as Countryside Area within the Wyre Local Plan (2031). As the site is outside the settlement boundary, and the Council can demonstrate an up-to-date five year housing land supply (as set out in para 5.1.3), new residential development for open market sale/occupation would be resisted as Policy SP4 of the Wyre Local Plan would be applied. Policy SP4 seeks to resist new development in the countryside which would adversely impact on the open and rural character and landscape unless specifically identified as an appropriate form of development.

9.6 However, in this instance the application has been submitted with supporting documentation setting out the proposal should be considered as a rural exceptions site. The National Planning Policy Framework (NPPF) defines a rural exception site as:

"Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection".

9.7 Rural exception sites are supported in the Local Plan and the NPPF (paragraph 77), which are both to be given significant weight. Paragraph 77 of the NPPF sets out that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local Planning Authorities should support opportunities to bring forwards rural exception sites that will provide affordable housing to meet identified local needs. Policy SP4 lists rural exception sites as an appropriate form of development in the countryside in accordance with Policy HP4 (rural exceptions policy). Policy HP4 sets out that where a local need for affordable housing development exists for which land is not available within the settlement boundaries, either because suitable land does not exist or because it is not available for sale, it may be appropriate to permit development outside the settlement boundary to meet that need, and in the first instance such development should be located on land immediately adjoining the existing boundary of a village.

9.8 A number of concerns have been raised from the public consultations and Preesall Town Council as to the principle of the development, the lack of need for any additional affordable housing in the locality and this being an unsuitable site for development. In addressing the concerns regarding need (and compliance with criteria 1a of Policy HP4) The Rural Affordable Housing Needs Survey 2015-20 (January 2016) lists the annual affordable housing requirement for rural Wyre as being 125 dwellings per annum, of which 10 dwellings per annum are needed in Preesall. In addition, the Strategic Housing Market Assessment (SHMA) Addendum 3 (OAN Update) was published in September 2017 and that indicates the net annual affordable housing need for the whole of Wyre over the next five years is 134 dwellings per annum. This delivery is dependent upon a significant uplift in the recent level of affordable housing delivery in Wyre. Beyond this initial five year period (post

2022) an estimated 189 affordable homes will be needed annually. Both assessments of need factor in affordable housing supply. Housing monitoring records show that there has not been any on site affordable housing provision in Preesall since 2010/11 when 27 units were built on Pinewood Avenue. There are no current extant planning approvals for on-site affordable housing in Preesall. Outline planning consent 16/00010/OUTMAJ on land at Rosemount Avenue is to make a financial affordable housing contribution (which would not necessarily be restricted to a scheme in this Ward). As such, this development would meet the identified need for new affordable housing both in the local ward and the Borough. This is confirmed by the Council's Community Housing Development Officer who advises the Borough has an identified unmet need for affordable housing and in particular housing for rent. In this turn the proposed development would comply with Criteria 1.a) of Policy HP4.

9.9 The applicant was requested to provide further information to demonstrate there was not any suitable land available to accommodate the development within the settlement boundary and in any other nearby settlement boundaries. Officers identified one site which would potentially be suitable within the Knott End and Preesall settlement boundary which is a site to the west off Rosemount Avenue and benefits from an extant permission (16/00010/OUTMAJ). There is also an application pending determination for that site (18/00414/FULMAJ) for the erection of 46 residential dwellings. Clarification and confirmation has been submitted by the agent to demonstrate that the site is not available for this development, and that no other sites are available after searching through the list of sites within the Strategic Housing Land Availability Assessment (SHLAA). Based on the supplementary evidence submitted officers are satisfied that the applicant had satisfactorily demonstrated that suitable land is not available within the settlement boundary or the adjacent settlement boundary of Stalmine which could accommodate this development. In this turn the proposed development would comply with Criteria 1.b) of Policy HP4.

9.10 Within the description of development and the supporting documentation submitted it is clear that all the dwellings proposed are to be affordable units let on an affordable rent basis with a local connection criteria as set out within the supporting information. The applicant has provided evidence that there is an identified Registered Provider (RP) secured to manage the proposed development. If approved the proposal would be subject to a Section 106 legal agreement ensuring the dwellings would be made available as affordable housing for those in need with a local connection in perpetuity. In this turn the proposed development would comply with Criteria 1.c)-e) of Policy HP4.

9.11 Part 2 of Policy HP4 seeks to ensure rural exception sites are sustainably located and are not isolated. This is in accordance with the general aim of Policy SP2 of the Local Plan which sets out in detail how new development should promote sustainable development and contribute to the continuation or creation of sustainable communities in terms of its location and accessibility. In addition paragraph 78 of the NPPF states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of the rural community. Geographically, the application site is located within a predominantly residential area adjacent to the settlement boundary and residential dwellings south of Rosslyn Avenue, Rosslyn Crescent and Rosslyn Crescent East. Also immediately to the south and west of the site are residential caravan and holiday parks. There is a designated Public Right of Way (PROW) (FP19) along the northern boundary of the site which connects through to Beechfield Avenue and provides pedestrian connectivity to the surrounding residential area. In terms of accessibility and connectivity to community services and infrastructure the site is in close proximity to an array of provisions.

Within 800m of the site is a Pre School/Nursery, 1.2km away is the Over Wyre Medical Centre adjacent to which is the Parish Church of St Oswalds, Carters Charity School is located 1.6km from the site and St Aidans C of E High School is 2.8km away. Also within walking distance from the site are a number of public houses, convenience stores and recreational facilities including at Preesall Park where there is also a youth centre and sports centre available for public use. All of these facilities can be safely accessed via illuminated pedestrian footpaths, by bicycle or public and private transport. It is clear from the neighbour representations that there are concerns that there is not enough infrastructure to accommodate the additional dwellings. These concerns are acknowledged, however, as set out above the site is considered to be located in a sustainable location with a good level of connectivity to community facilities and services. In this respect the proposed development would comply with Criteria 2 of Policy HP4. For the reasons set out above and based on the satisfactory submission of supporting information in conjunction with the advice from the Council's Community Housing Development Officer, officers are satisfied that the proposed development would comply with the provisions of Policy HP4 of the Local Plan and the NPPF and can be considered to be a Rural Exception site which in principle is acceptable.

9.12 The proposed development would provide economic and social benefits to the community and would assist in supporting local businesses, whilst now providing the necessary financial planning obligations to mitigate against the provision of the new units. Turning to the environmental objective of sustainable development the application site is characterised as a parcel of undeveloped agricultural grazing land. The Agricultural Land Classification (ALC) is a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system. The ALC system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. NPPF paragraph 170 (b) indicates that "Local planning authorities should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic benefits of the best and most versatile agricultural land." Best and most versatile land is defined in Annex 2 of the NPPF as grades 1, 2 and 3a. The majority of the application site in this instance is classified as Grade 2 (very good quality Land). The loss of 1.31 hectares of agricultural land in this instance is not considered to constitute 'significant development'. However the loss of a greenfield site in the countryside clearly weighs against the proposal.

9.13 Whilst the principle is considered to be acceptable other material considerations are to be attributed weight in the overall planning balance, this includes the location of the site with Flood Zone 3, Highway safety, visual and residential impacts along with ecological and other environmental matters. An assessment of all the planning merits of this application are set out below. Whilst it is acknowledged that the site has previously had residential development refused, an observation which has been highlighted in the neighbour representations, each application is to be assessed on its own planning merits against the relevant planning policies in place at that time. In this case the proposal is a re submission of application 18/00734/FULMAJ and the applicant has sought to address the primary concerns of Members by providing the necessary financial contributions to support the development.

Visual Impact / Impact on the street scene and local landscape

9.14 The previous application which was refused by Members (application 18/00734/FULMAJ) was assessed against both the current and previously adopted Local Plan policies which included the application of Saved Policy SP14. As

highlighted above, since the previous refusal the Wyre Local Plan has since been adopted and as such the policies contained within the previous Local Plan are no longer relevant. With the exception of this change in development plan policy, there are no material changes in the design and visual impact of the development apart from the provision of a field access gate on the eastern boundary to enable access to adjoining agricultural land. Policy SP4 of the Wyre Local Plan (2031) seeks to ensure that development must not adversely impact on the open and rural character of the countryside and policy CDMP3 emphasises the need for development to be of a high standard of design and make a positive contribution to the townscape/landscape. The fundamental principles of both of these policies reflect the requirement of the NPPF which places significant weight on achieving good design and on protecting the intrinsic character of the countryside. This re-submitted application has again, been submitted as a full application with detailed plans which set out the proposed materials, house types, layout, access details and landscaping. Whilst each case is assessed on its own merits it is important to highlight that within the appeal decision for application 16/00978/OUTMAJ the Planning Inspector sets out (paragraph 12) that "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 it is not considered 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". This application site relates to that northern field which the Inspector identified as being capable of development without a detrimental impact on the area.

9.15 In assessing the appropriateness of the layout and scale of the development it is important to take into consideration the context of the immediate surroundings and any existing patterns of built form / development. In this circumstance the site is enclosed, with the exception of the adjacent agricultural field to the east, by a form of residential development. To the north Rosslyn Crescent and Rosslyn Crescent East are built up by semi-detached bungalows in a uniform pattern, set back from the highway and have rear gardens of approximately 10m in depth. To the west and south are pitched roof residential static caravans which make up Willow Grove Park, which are evenly spaced out with gable ends facing and overlooking at the application site. The layout proposed is considered to be consistent with the design and spacing of the immediate surrounding. There is an acceptable interface distance with the dwellings to the north. Plots 12 and 13, 1 and 39 have side to rear and side to side elevation relationships with the existing properties which exceed the requirements of Supplementary Planning Guidance 4. Plots 13 to 20 are all semi-detached bungalows which back on to the rear elevations of the existing static caravans on Willow Grove Park and all have (approximately) 21m separation distances. To the south Plots 25 to 34 are 2 storey semi-detached units and are set back in excess of 21m from the Lakeside Caravans within Willow Grove Park. In terms of spacing and relationship with surrounding properties, the layout submitted is considered to be acceptable, fully compliant with the spacing guidance set out within SPG4 and also is seen to have minimal impacts upon the landscape. The spacing between units still allows important views through and breaks up and reduces the bulk and massing and visual impacts of the development.

9.16 Any visual impacts arising from raising the land levels have been assessed. To comply with the submitted Flood Risk Assessment (FRA) there will be a requirement to lift the slab levels. Slab levels are shown to vary between 6m AOD and 6.5m AOD as shown in the FRA. The adjacent existing ground levels range from around 5.25-5.75m AOD and 5.27-5.41m AOD respectively. This increase in level is not seen to be so significant that when built out the dwellings would appear out of keeping with the adjacent properties or have an unacceptable visual impact upon the landscape. In terms of the design, both the bungalows and the two-storey units are considered to be acceptable and in keeping with the character of the area. Whilst simplistic in appearance the bungalows and the semi-detached units do have features which provide additional character including stone/contrasting brick heads and cills, dark grey UPVC windows and doors, canopy's over doorways along with central decorative band coursing. Two separate material palletes are proposed (two varying blend of red brick) which will offer a variation and visual interest throughout the site. This is demonstrated on the submitted plans along with cross section/street scene elevations. Each of the dwellings have rear gardens of 10.5m in depth and 2 parking spaces per dwelling either to the front or rear of the properties. Boundary treatments comprise of 1.8m high close boarded timber panel fences to dividing plots and also along each of the site boundaries. At the site entrance a 1.5m high post and panel fence with mesh and planting is proposed and set back adjacent to the highway on a number of corner plots (namely Plots 9,4,24 and 38) a 1.8m high red brick screen wall is proposed. These boundary treatments are considered to be acceptable and provide a variation to the street scene as well as providing sufficient privacy screens where necessary. For the reasons set out above the proposed development is not considered to have any significant visual impacts upon the character of the area and the layout, design and materials proposed are all considered to be acceptable. In turn the proposal would satisfy and comply with the provisions of policies CDMP3 and SP4 of the Wyre Local plan and the spacing guidance set out within SPG4.

9.17 Around the majority of the boundaries there are unmanaged mature and overgrown Hawthorn hedgerows which are also overgrown with mixed vegetation and scrub. Initially on the previous application (18/00734/FULMAJ) the submitted landscape plan showed all of the boundary hedges to be removed (with an exception of the trees towards the north western corner of the site). Despite the site being predominantly enclosed and well screened from wider views these hedgerows do provide visual character to the site and positively contribute to the rural nature of the countryside, whilst at the same time providing valuable habitats for wildlife (a view reiterated and highlighted in the neighbour notification letters). Following consultation with the Council's Tree Protection Officer it was requested that an amended landscaping plan be submitted to show the retention of the northern and southern hedgerows. Due to the overgrown and un-managed condition of the hedges it has been accepted that these would be layed and gapped up where necessary with woody species as appropriate. Whilst these will take a short time to be re-established the retention is seen to be a positive amendment and along with the additional planting and landscaping proposed, as shown on the submitted landscape plan, it will provide a soft edge to the development to help it to integrate with the adjacent countryside area.

Impact on residential amenity

9.18 The application site forms a natural extension and rounding off at the head of Rosslyn Avenue. As set out above (paragraph 9.3.1) the interface distances in relation to neighbouring residential properties are all in compliance with the spacing guidance set out within SPG4. Given the separation distances involved there are not

considered to be any adverse impacts upon neighbouring amenity in terms of loss of privacy or over bearing impacts. Concerns have been raised about the loss of views across the open field however "loss of a view" from a property is not a planning matter for consideration. With the interface distances achieved each of the neighbouring properties will still benefit from adequate levels of outlook and there will not be any loss of light or overshadowing. All of the dwellings which are closest to the neighbouring properties are bungalows with ridge heights of approximately 6.5m, and notwithstanding the proposed increase in slab levels the overall bulk and massing of the bungalows will not result in any significant adverse overbearing impacts upon residential amenity.

9.19 Concerns have been raised in relation to potential increase in noise during construction however this can be managed by an appropriately worded condition. The Environmental Health Officer has not raised any objections to the proposal in relation to noise impacts. In assessing the layout the proposed relationship between units within the site is also acceptable. It is considered that the proposal would comply with Policy CDMP3 of the Wyre Local Plan as it would not result in any adverse impacts upon neighbouring amenity. Furthermore 20% of the dwellings are capable of being adaptable for the aging population and people with restricted mobility and electronic vehicular charging points (EVR) are also to be provided for each unit, in this turn the proposal would further comply with Policies HP2 and CDMP6 of the Local plan.

Impact on highway safety / transport network / parking

9.20 The application has been accompanied by a Transport Assessment (TA) to assess the potential impacts upon the existing highway network along with any potential highway safety issues. Lancashire County Council Highways previously requested an amended TA to reflect the potential impacts upon highway capacity and the existing network for Over Wyre as a result of the proposed development. As the application site is not an allocation within the Local Plan the applicant had been requested to demonstrate that as well as the 250 dwellings identified as being able to be accommodated in Over Wyre (based the highways evidence for the Local Plan) an additional 39 dwellings would not have an adverse impact upon the highway network. Concerns have been raised by residents and the Town Council as to the potential impacts arising from vehicular movements as a result of the additional dwellings. LCC Highways have advised that the trip rate calculations (TRICS) predict the development to generate an estimated 162 two way vehicular movements a day with an estimated am and pm peak flow of 19 two way movements. Paragraph 109 of the NPPF states that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". Based on the TA submitted LCC Highways have advised that they are of the opinion that the proposed 39 dwellings will not have a severe impact on highway capacity or congestion in the immediate vicinity of the site. Their position is informed by the Highways England response to this application which advises they have no objections to the development after assessing the impacts on the traffic signals at Shard Road/Shard Bridge (A588).

9.21 Other observations from the Town Council and neighbouring residents in relation to highway and pedestrian safety have been taken into consideration, this includes concerns about the condition of Rosslyn Avenue and the current issues experienced by vehicles double parking making it difficult for vehicles to pass one another along with concerns raised in relation to pedestrian safety in particular for school children. Lancashire County Council Highways have advised that whilst their

Personal Injury Accident Records shows there has been three collisions at the junction with Pilling Lane the highway network in the immediate vicinity of the site is considered to have a good accident record and indicates that there are no underlying issues. Notwithstanding this, LCC Highways are of the opinion that to mitigate the development the current 30mph speed limit along Rosslyn Avenue should be changed to 20mph to reduce vehicle speeds. By reducing the speed limit to 20mph this would make the road safer for pedestrians to cross the road and for vehicles exiting drives. The developer has agreed to fund this £5,000 highway improvement. Further mitigation requested by LCC Highways relates to improvements to the Public Right Of Way to the north of the site (FP19) as there would be a demand for this route to be used by the new residents to allow them quicker access to local facilities and services. As such the developer has agreed to a condition to secure the upgrade and improve this PROW via s278 works. Off-site highway works and improvements would be secured by condition and legal agreement if Members are minded to approve the application.

9.22 The distance to public transport facilities is only one factor that influences whether or not public transport is an attractive alternative to the private car. Others include the route to bus stop and the frequency of the service available. A number of developments along the A588 corridor have been requested to provide financial contributions towards the reinstatement and continuation of bus services. To ensure that sustainable travel is a viable option for occupiers of the site it is considered necessary for this development to contribute towards sustainable transport initiatives. This would be in the form of enhancing existing services along the current route, providing extended evening services Monday to Saturday and introducing an Hourly Sunday Service. LCC Highways have advised that the cost to introduce an hourly Sunday service and extend the evening service (Mon to Sat) currently the 2C service, would be in the region of £40,000 per annum for 5 years. Given the scale of this development and taking into considerations the level of contributions sought from other developments in the area LCC have requested a public transport contribution of £90,000 which is to be phased. The developer has agreed to provide this requested contribution in full.

9.23 In terms of the site access and internal layouts as the proposal is a continuation of Rosslyn Avenue then there is no requirement for visibility splays at a site access junction and LCC Highways have confirmed that the internal road layout and parking provision would comply with current guidelines and recommendations in Manual for Streets as well as being suitable for adoption under Section 38 of the Highways Act. Furthermore, the parking provisions demonstrated on the submitted plan would comply with the parking guidance set out within SPG4 and in the parking standards set out within the Local plan. Subject to the proposed highway improvement works (and financial contributions towards sustainable transport and the reduction of the speed limit along Rosslyn Avenue) then the development of 39 dwellings as proposed in this application is not considered to have any significant or severe highway impacts and is considered to be acceptable in terms of highway capacity and safety impacts.

Flood risk and drainage

9.24 The application site is located within Flood Zone 3 which is defined as having a high probability of flooding and the proposed dwellings are defined as more vulnerable development within in the National Planning Practice Guidance (NPPG). A site specific Flood Risk Assessment (FRA) has been submitted with the application which has been assessed by the Environment Agency, United Utilities and the Council's Drainage Engineer. The Environment Agency has advised that after having

reviewed all of the information set out within the Flood Risk Assessment they are satisfied that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. However, the proposed development must proceed in strict accordance with the submitted FRA and the mitigation measures identified. This could be secured by condition.

9.25 Given the location of the proposed scheme within Flood Zone 3, a Sequential Test is required to assess whether more appropriate locations for the proposed development exist in areas at lower risk of flooding. The need and importance of the Sequential Test is set out in NPPF Paragraph 157, which states that "The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development with a lower probability of flooding". The NPPG is clear in Paragraph 33 that for individual planning applications where there has been no previous sequential testing via the local development plan that a Sequential Test will be required.

9.26 As the proposal is for the provision of local needs affordable housing, it is appropriate for the area of search for the sequential test to be limited to the ward in which the site is situated (Preesall and Knott End have been accepted by officers). The site area is 1.31ha and 39 dwellings are proposed. As such and in line with the Council's published guidance, the sequential test should consider sites ranging from between 35 and 44 dwellings (i.e. +/- 10%) and/or be of a size of between 1.18 ha - 1.44 ha (+/- 10%) to be comparable to the scale of development proposed. Alternative sites set out in the 2017 Strategic Land Availability Assessment (SHLAA) have been considered along with the 2018 Housing Land Monitoring Report, the Wyre Borough Local Plan proposed allocations and also a search of sites which benefit from planning permission at the time of determination as well as approaching local agents and undertaking online land/property searches. The documents submitted by the applicant highlight a number of sites, however these fall outside of the specific search area of Preesall and Knott End or are also located within Flood Zone 3 and as such can be discounted. Based on the information provided it is considered to be a robust assessment which demonstrates there are no reasonably available sites appropriate for the proposed development in areas within the ward boundary with a lower probability of flooding and therefore the application is considered to pass the Sequential Test.

9.27 Once the Sequential Test is passed, the Exception Test is then applied. For this to be passed, it must be demonstrated that: the development provides wider sustainability benefits to the community that outweigh flood risk; and that it will be safe for its lifetime taking account of the vulnerability of its users, without increasing use elsewhere, and, where possible, will reduce flood risk overall. The Exception Test submitted outlines the benefits to the community of providing 100% affordable housing to the locality along with benefits to help support the vitality and viability of the rural community at Preesall including rural services such as shops and employment benefits such as jobs created through construction. These benefits are considered to outweigh any flood risk harm subject to a satisfactory site-specific Flood Risk Assessment (FRA) being provided. It is the role of the Environment Agency to consider whether or not the proposals satisfy the requirements of part 2 of the Exception Test and paragraph 157 of the NPPF. As set out above the EA have advised that based on the FRA submitted the applicant has demonstrated 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, will reduce the flood risk overall. This is subject to a number of recommendations e.g. minimum finished floor levels set at 600m AOD. The Environment Agency (EA) is satisfied with this FRA and

conditions will be required to secure implementation of the recommendations if Members are minded to approve this application.

9.28 The application has been accompanied by a Drainage Strategy which sets out the proposed drainage of the site for both Surface and Foul waters. Within the strategy it sets out that surface water will be discharged to the existing water course/field drain to the southern boundary with a green field discharge rate of 5ltr per second and that foul waters will be connected to the existing foul drainage system within Rosslyn Avenue. Concerns raised by residents in relation to increased flooding and the impacts upon the existing sewage system which is believed to be regularly collapsing have been considered. Whilst at the time of compiling the report Lancashire County Council Lead Local Flood Authority have not provided comments on the scheme, neither United Utilities nor The Council's Drainage Engineer have raised any objections to the technical information submitted. Based on the surface water drainage scheme proposed it is not considered that neighbouring dwellings, including the existing dwellings which back onto the site, will be at risk of increased flooding from this development. The Drainage Engineer has confirmed he has no issue with the levels proposed. A new culverted drain around the northern and western perimeter is proposed which will carry surface water to the existing field drain to the south of the site and prevent run off into the rear gardens. United Utilities have also raised no objections to connecting to the existing sewers. Whilst it is not disputed that there are issues with the current sewage drains within Rosslyn Avenue, United Utilities would have to address any damages or failures should they occur at that moment in time. In practice it cannot be assumed that this proposal would result in damage to the current system.

9.29 In accordance with the NPPF and the NPPG it is stated that the site should be drained on a separate system. Foul water draining to a public sewer and surface water draining in the most sustainable way. The NPPG outlines that the hierarchy to be investigated by the developer when considering a surface water drainage strategy. Developers are required to consider the following drainage options in the following order of priority:

- into the ground (Infiltration)
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system and then as a last option;
- to a combined sewer.

9.30 As set out above in this instance within the ownership of the applicant against the southern boundary is an existing field drain for which the surface water from the site will be discharged into. This drain discharges further east into the Wheel Foot Watercourse. Several on site cellular storage tanks are also proposed within the site (mainly in rear and side gardens of the proposed dwellings). The proposed drainage of the site is considered to represent the most sustainable method of site drainage for surface water in accordance with the above hierarchy as set out within the NPPF and NPPG. Concerns have been raised by neighbouring residents about the poor condition of this watercourse, especially at the point of discharge in to Wheelfoot Watercourse. This is acknowledged by the Council's Drainage Engineer and should the development come forward it will require downstream watercourses to be investigated/maintained to ensure the system operates effectively. Officers are satisfied that a condition could adequately cover the drainage of the site and that a technical solution is achievable should permission be granted.

Ecology, nature conservation and trees

9.31 The NPPF incorporates measures to conserve and enhance the natural and local environment, including biodiversity and geological conservation. Paragraph 175 of the NPPF requires that in determining planning applications the following principles are applied to conserve and enhance biodiversity:

- Significant harm resulting from a development should be avoided, adequately mitigated or, as a last resort, compensated for;
- Opportunities to incorporate biodiversity in and around developments should be encouraged.

9.32 The application has been accompanied by a Preliminary Ecological Appraisal. This appraisal has been assessed by Greater Manchester Ecological Unit (GMEU) who has advised that the contents of the report are not disputed. The key points identified by GMEU relate to the impacts upon Wintering Birds associated with Morecambe Bay and Duddon Estuary Special Protection Area/Special Area of Conservation (SPA/SPC), other impacts on the SPA/SAC, protected species and the protection of nesting birds along with the enhancement of the natural Environment. To assess the potential impacts upon the SPA/SPC and in accordance with EU Habitats Regulations a full Habitats Regulations Assessment has been undertaken. This is in line with the advice of Natural England. This addresses and assesses the potential impacts upon Pink Footed Geese which has been a concern raised by neighbouring residents. GMEU have advised that in their opinion the application site is unsuitable for regular use by the important species most associated with the Bay, in particular Pink-footed geese for the following reasons:

- The site is relatively small (1.3ha). Pink footed geese avoid feeding in fields less than 6ha in size
- It is surrounded on three sides and overlooked by existing residential development (including mobile home parks)
- It is bounded by hedgerows, giving it an enclosed character. The width of an area without hindrances in more than one direction generally needs to exceed 500m in order to be acceptable to medium to large flocks of pink-footed geese. This site is only 100m long/50m wide.

9.33 Pink footed geese are very susceptible to disturbance and prefer very open, large, flat landscapes away from human habitation and disturbance. GMEU are of the opinion that the current application site does not fit these criteria and therefore has low potential to support over wintering birds. In assessing other potential impacts upon the SPA/SAC it is noted that a drain that runs through the site discharges to a watercourse (Wheel foot) that directly discharges to Morecambe Bay. There is therefore a risk during and post construction of negative impacts on the water quality. These impacts can be mitigated through a Construction and Environmental Management Plan condition and by ensuring they are considered in the drainage scheme to be approved. No evidence indicating that the site had importance for any other protective species was found and set out within the Ecology Survey, as such no further surveys are required.

9.34 Initially the submitted Landscaping Plan in the previous application identified the majority of the boundary hedgerows to be removed. This was considered to be unacceptable as not only would it have ecological implications for nesting and feeding birds it also had a negative visual impact. As such the applicant revised the scheme showing the hedgerow to the northern and southern boundary to be layed

and the western boundary hedging to be removed. Additional tree planting and enhancements are also proposed within the landscaping scheme which will mitigate for the loss of hedgerow. GMEU and the Tree Officer are satisfied with the proposal subject to conditions preventing works to be carried out to trees and hedgerows during the bird breeding season (1st March - 31st August) and implementation of the landscape plan submitted.

Contamination

9.35 The application has been accompanied by a Contaminated Land Desk Study which has been assessed by the Council's Environmental Protection Officer. Whilst no objections have been raised there are concerns in relation to a nearby former infill which may present risk of ground gas. Further information has been requested and subsequently provided by the applicant to address this issue, however the Council's Environmental Protection Officer has advised that despite the additional information provided which states that no gas protection measures are required, it remains the position of the LPA that the site requires the very basic minimum gas protection as required for CS2. This is mainly due to the anomalies in gas monitoring data which lacked reading during falling atmospheric pressure. The Council's gas protection condition should be attached should Members be mindful to approve the application.

Planning obligations

9.36 Application 18/00734/FULMAJ was refused consent by Members of the Planning Committee as the development was unable to provide the required and necessary financial contributions towards Education provisions, Green Infrastructure and sustainable transport. Members considered that despite a contribution of £20,000 towards the upgrade of the PROW and speed reduction measures proposed, in the absence of the full financial contributions being secured, the benefits of the scheme were outweighed by the harm of failing to fully mitigate against the development. In response to the previous reason for refusal the applicant, the Registered Provider and the Landowner have now agreed to share the costs to ensure that all of the necessary financial contributions (towards Green Infrastructure, Education and Sustainable Transport) required to ensure the development is sustainably delivered is provided in full. A breakdown of the contributions is set out below.

9.37 Lancashire County Council Education have been consulted. Based on the 2019 school census resulting projections and taking into account all the approved applications LCC will not be seeking a contribution towards Primary School places however they are seeking a financial contribution towards 2 secondary school places at St Aidan's C of E secondary school. This is calculated at £48,370.32. The applicant has agreed to provide this requirement.

9.38 Policy HP9 of the Local Plan requires development which results in a net gain of 11 units to make appropriate provision of green infrastructure on site. Where appropriate the Council will accept a financial contribution towards improving the quality and accessibility of nearby existing green infrastructure. In this instance the submitted plan does not provide any on site provisions for Green Infrastructure / open space. The Council's Parks and Open Spaces Officer has advised that as the site is in close proximity to Preesall Playing fields which has defined projects identified in a Master Plan then it would be preferable in this case for an off-site financial contribution to be provided to the sum of £45,149 (based on 26 x 2 beds and 13 x 3 beds) which would go towards Preesall Playing field Masterplan and

improvements to the existing facilities. The applicant has agreed to provide this requirement.

9.39 As set out in section 9.5.1 and 9.5.2 of this report Lancashire County Council Highways have requested a financial contribution towards sustainable transport by reason of enhancing and extending evening bus services Monday to Saturday (2C Service) and introducing an Hourly Sunday Service. LCC Highways have advised that given the scale of this development and taking into considerations the level of contributions sought from other developments in the area a contribution of £90,000 would be required. Furthermore a £5,000 financial contribution towards the reduction in speed limit from 30mph to 20mph along Rosslyn Avenue is required. The developer has agreed to provide both highway contributions.

9.40 Members are advised that the above planning obligations can be successfully secured by a Section 106 Legal Agreement in conjunction with planning conditions to secure the required highway improvement works. This is seen to be a significant improvement to the previous scheme presented to Members and is considered to overcome the previous reason for refusal under application 18/00734/FULMAJ. The above obligations are considered to satisfy the tests set out within the NPPF and the CIL Regulations.

10.0 CONCLUSION

10.1 Whilst the application site lies within the open countryside outside of the settlement boundary the application would comply with Policy SP2 and HP4 of the Wyre Local Plan and the NPPF as it is considered to be a suitable rural exception site. The proposed development would help to meet an identified local affordable housing need with the site being sustainably located immediately adjacent to the settlement boundary in close proximity to an array of services and facilities. The proposed development would provide some economic benefits during construction and in supporting local services. The benefits of the proposal are seen to outweigh the loss of this greenfield site given no significant visual impact concerns are identified.

10.2 As set out in this report the full impacts of the development have been considered and assessed including the impacts upon the highway network, character and appearance of the surrounding countryside and landscape, trees and ecology along with flood risk and drainage impacts. It is considered that in this instance there are no significant planning issues which cannot be addressed/mitigated by reason of appropriately worded planning conditions. Furthermore the development is making full contributions towards education provision, green infrastructure and improvements to sustainable transport / traffic. It is considered that in this instance the proposal is seen to represent a sustainable form of development that would comply with the identified policies in the Wyre Local Plan and the provisions of the National Planning Policy Framework. Subject to conditions and a section 106 agreement the application is recommended for approval.

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 and subject to a section 106 legal agreement to secure appropriate financial contributions towards sustainable transport improvements, green infrastructure and education provisions. Authorise the Head of Planning Services to issue planning permission upon satisfactory completion of the S106 agreement.

Recommendation: Permit

Conditions: -

1. The development must be begun before the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed pursuant to Section 91 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 22/02/2019 including the following plans/documents:

- Proposed Site Layout Plan Rev H
- Site Location Plan Rev A
- Materials Distribution Plan Rev B
- Street Scene Elevations Rev B
- Rosslyn Ave / Boundary Treatments Plan REV E & Elevations details Rev A
- 2B3P Detached Dormer Bungalow 77 Floor Plans & Elevations Drawing Number - Rosslyn Ave/2b3pDet Bung 77 REV A
- 2B3P Dormer Bungalow 77 sq.m Floor Plans & Elevations Drawing Number- Rosslyn Ave/2b3pBung 77 REV A
- 2B4P Aspect House Type 77 sq.m Floor Plans & Elevations Drawing Number - Rosslyn Ave/2b4p Aspect House 77 REV A
- 2B4P House Type 70 sq.m Floor Plans & Elevations Drawing Number- Rosslyn Ave/2b4p House 70 REV A
- 3B4P Aspect House Type 77 Sq.m Floor Plans & Elevations Drawing Number- Rosslyn Ave/3b4p Aspect House REV A
- 3B5P House Type 85 sq.m Floor Plans & Elevations Drawing Number- Rosslyn Ave/3b5p House 85 REV A
- Timber Post and Farm Access Gates
- Landscape Plan Rev A

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. The development shall be carried out using those materials specified on the approved plan(s) ref: Materials Distribution Plan Rev B.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

4. Prior to the first occupation of any dwelling hereby approved 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 and shall be further extended before any development commences fronting the new access road. The road with all supporting infrastructure (drainage, footways, lighting and traffic calming measures) shall be completed prior to that phase of development being substantially constructed.

Reason: To ensure that satisfactory access is provided to support each phase of site construction hereby permitted in the interests of highway safety in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

5. Prior to the commencement of development, including any demolition works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include and specify the provision to be made for the following:

- (a) dust and dirt mitigation measures during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (b) control of noise and vibration emanating from the site during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (c) hours and days of demolition / construction work for the development expected to be 8.00-18.00, Monday to Friday, 08.00-13.00 on Saturday with no working on Sunday and Bank / Public Holidays
- (d) contractors' compounds and other storage arrangements
- (e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the demolition / construction period
- (f) arrangements during the demolition / construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)
- (g) the routeing of construction traffic and measures to ensure that drivers use these routes as far as is practicable
- (h) external lighting of the site during the demolition / construction period
- (i) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (j) recycling / disposing of waste resulting from demolition / construction work
- (k) measures to protect watercourses against spillage incidents, pollution and dust and debris, which shall include the unnamed ditch along the southern site boundary, Wheel Foot Watercourse and Morecambe Bay.

The construction of the development including any demolition works shall be carried out in accordance with the approved CEMP.

Reason: Such details were not submitted with the application and need to be in place throughout the demolition / construction period in the interests of the amenities of surrounding residents, to maintain the operation and safety of the local highway network, to minimise the risk of pollution and to safeguard the character and appearance of the area in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

6. No development shall commence above ground until details of the proposed arrangements for future management and maintenance of the proposed streets and other non-highway related combined footways/ cycleway within the development, including details of a private management and Maintenance Company to be established if applicable, have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980.

Reason: To ensure that all highways will be delivered to adoptable standards, to ensure that highways safety is not compromised and to ensure that all highways footways and cycleways will be maintained by either LCC as Local Highway Authority or by a site management company in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

7. The development hereby approved shall not be first occupied or brought into use until the parking / turning area(s) shown on the approved plan (ref: Proposed Site Layout Rev H) has been laid out, surfaced and drained. The parking / turning area(s) shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

Reason: To ensure that adequate off road parking is provided to serve the development in the interests of highway safety and in accordance with the provisions of Policy CDMP6 of the Wyre Local Plan (2011-31).

8. Prior to any above ground works a scheme for the construction of the site access and the off-site works of highway improvement [namely reduction in speed limit along Rosslyn Avenue and improvements and upgrades to the PROW FP19), 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 CDMP6 of the Wyre Local Plan (2011-31). 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.

9. Prior to first occupation of any dwelling hereby approved, a "home owners information pack" (as outlined in the Habitats Regulations Assessment completed for this application) for distribution amongst future occupants of the development hereby approved should be submitted to and approved in writing by the local planning authority, together with details of how this document will be made available for future homeowners. The pack shall include giving details of the nature conservation

importance of the Wyre Estuary / Morecambe Bay and highlight alternative recreational opportunities in the vicinity, away from the more sensitive areas. The approved pack shall then be made available for future homeowners in accordance with the approved details.

Reasons: To help reduce any increase in recreational disturbance on the Morecambe Bay SPA/Ramsar Site in the form of appropriate mitigation and to satisfy the Habitat Regulations Assessment.

10. No tree felling, tree works or works to hedgerows shall take place during the optimum period for bird nesting (March to August 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 15 of the National Planning Policy Framework .

11. The landscaping works shall be carried out in accordance with the approved details (Drawing Number 5948.01 Rev A) prior to first occupation or first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

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 Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

12. An electric vehicle recharging (EVCP) scheme shall be submitted for all dwellings with parking provision unless it is demonstrated that such provision of EVCP is not practical in communal parking areas or due to other identified site constraints. No dwelling shall be occupied until the electric vehicle recharging point has been provided for the dwelling to which it relates, and such electric vehicle recharging point shall be maintained and retained for that purpose thereafter.

Reason: To ensure the provision of appropriate on-site mitigation to compensate for the impact on air quality caused by the development in the surrounding area in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

13. (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of 1 year from the date of the occupation of any part of the development for its permitted use.

Reason: In the interests of visual amenity and to ensure that trees are not felled unnecessarily in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981.

14. The approved boundary treatments (Boundary Treatments Plan Rev E & Elevation and section details shown on Rev A) shall be completed before the dwelling(s) are first occupied. The approved details shall thereafter be maintained and retained in accordance with the approved details.

Reason: In the interests of the appearance of the locality and the residential amenity of occupants / neighbours in accordance with policy CDMP3 of the Wyre Local Plan (2011-31).

15. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Ironside Farrar Ltd Ref 30324/SRG) and the mitigation measures detailed within Section 7 of the report.

The mitigation measures shall be fully implemented prior to first occupation of the development or subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be approved in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CDMP2 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

16. Prior to the commencement of development (other than site preparation works) a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary, 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.

The scheme details shall include, as a minimum:

a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change as set out within the Environment Agency's advice on Flood risk assessments: climate change allowances' or any subsequent replacement EA advice note), 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 floor levels in AOD;

- b) Demonstration that the surface water run-off would not exceed the pre-development greenfield runoff rate;
- c) 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);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable, to include measures to ensure the watercourse which leads into Morecambe Bay is protected from contaminants.

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 first occupied or brought into first use until the drainage works and levels 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 or the nearby Morecambe Bay SPA/SAC, to prevent an undue increase in surface water run-off to reduce the risk of flooding and in the interests of visual and residential amenity in accordance with Policies CDMP2, CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) 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 and to ensure that any proposed raising of levels can be assessed and that a coherent approach is taken with regard to the design of drainage and housing layout.

17. Prior to the commencement of development (other than site preparation works) 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. As a minimum, this shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Residents' Management Company

b) Arrangements concerning appropriate funding mechanisms for the on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

i. on-going inspections relating to performance and asset condition assessments

ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

c) Means of access for maintenance and easements where applicable.

The development shall subsequently be completed, maintained and managed in accordance with the approved sustainable drainage management and maintenance plan.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development; to reduce the flood risk to the development as a result of inadequate maintenance; and to identify the responsible organisation/ body/ company/ undertaker for the sustainable drainage system in accordance with the National Planning Policy Framework.

18. The development shall incorporate suitable gas protection measures, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The measures shall include as a minimum: ventilation of confined spaces within the building, a ground slab of suitable construction, a low permeability gas membrane, minimum (ideally none) penetration of the ground slab by services, and passive ventilation to the underside of the building. The development shall be carried out in accordance with the approved scheme and thereafter be maintained and retained. Alternatively, prior to the commencement of development, a gas monitoring programme and risk assessment of the results shall be undertaken to demonstrate that the above protection measures are not required. The results shall be submitted to and approved in writing by the Local Planning Authority. 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 also be provided.

Reason: The footprint of the proposed development is within the immediate vicinity of an area of infilled ground. The nature of the fill is unknown. Works are therefore required in the interests of public safety and in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

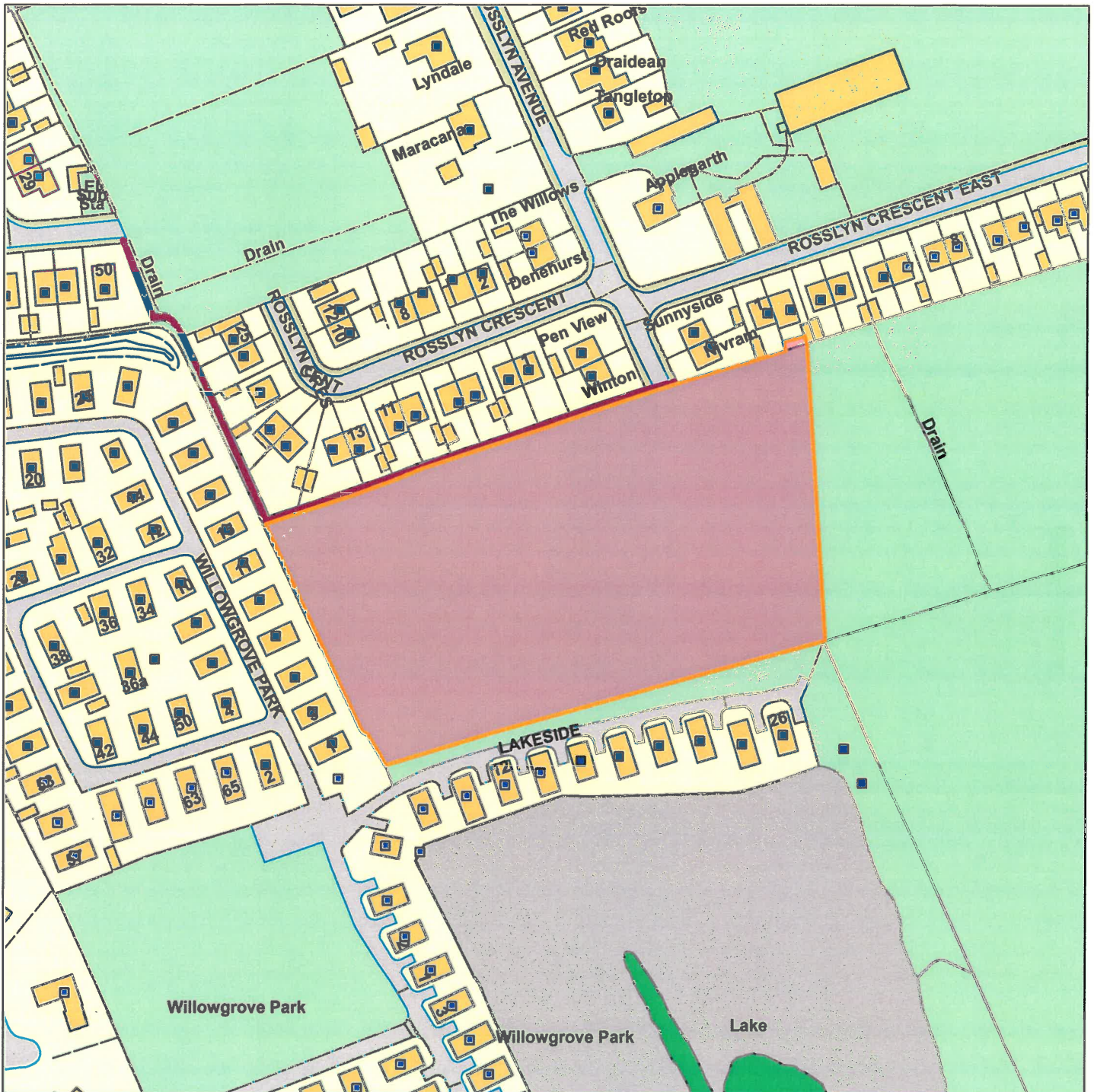
19. Prior to first occupation of any dwelling hereby approved the new pedestrian footpath link (shown on Site Layout plan Rev H) connecting to Foot path 19 to the northern boundary shall be fully constructed and available for use.

Reason: To ensure satisfactory pedestrian access is provided and available for the occupants of the dwellings

20. Prior to any of the dwellings hereby approved being first occupied, details of the appearance of any refuse storage facilities associated with that dwelling shall be submitted to and agreed in writing by the Local Planning Authority. The development

shall then proceed in full accordance with these approved details. The refuse storage provision agreed through this condition shall be provided before the associated dwelling(s) are first occupied and shall thereafter be retained.

Reason: In order to ensure that waste is properly managed within the site in the interests of visual and residential amenity in accordance with the provisions of paragraph 127 of the NPPF and Policy CDMP3 of the Wyre Local plan



Scale : 1:1726

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 1
Date	22 May 2019
SLA Number	100018720

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Committee Report**Date:05.06.2019**

Item Number	02
Application Number	19/00349/FUL
Proposal	Proposed erection of Substation in most southern corner of approved development (Application: 16/00217/OULMAJ)
Location	Land At Arthurs Lane Hambleton FY6 9AT
Applicant	Mr Guy Houghton
Correspondence Address	c/o MCK Associated Ltd FAO Mr Elliott Clegg Burnaby Villa 48 Watling Street Road Fulwood Preston PR2 8BP United Kingdom
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Mr Robert Clewes****1.0 INTRODUCTION**

1.1 This application is before Members of the Planning Committee at the request of Councillor Robinson. 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 application site is a small piece of land forming part of a much larger site that is a housing allocation designated in the adopted Wyre Local Plan (2011-2031) on the eastern side of Arthurs Lane on the edge of the rural settlement of Hambleton. The site currently forms part of an agricultural field and is immediately adjacent the northern boundary of Hambleton Primary School and directly fronts Arthurs Lane. The front boundary of the site is marked by a well-established hedgerow and there are trees and hedges along the boundary with the school. Facing the site on the opposite side of Arthurs Lane are residential properties.

3.0 THE PROPOSAL

3.1 The proposal is for the erection of an electricity sub-station in connection with the approved residential development for 165 dwellings. The proposed structure has a footprint of 3.85m by 3.1m and has a height (to the underside of the roof) of 2.44m. The elevations are to be constructed of brick. It is located at the southwestern corner of the development site of 16/00217/OULMAJ, immediately next to the northern boundary of the adjacent primary school.

4.0 RELEVANT PLANNING HISTORY

4.1 16/00217/OULMAJ - Outline application with all matters other than access reserved for a residential development of up to 165 dwellings with access taken from Arthurs Lane. Approved.

4.2 18/00395/RELMAJ - Reserved matters application (for matters relating to appearance, landscaping, layout and scale) for the erection of 165 dwellings, landscaping and associated works following outline planning permission 16/00217/OULMAJ. Approved.

4.3 18/01200/REM - Reserved matters application (for matters relating to appearance, landscaping, layout and scale) for the erection of 4 dwellings (plots 152, 153, 164 and 165) and associated works following outline planning permission 16/00217/OULMAJ. Approved.

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN

5.1.1 The Wyre Local Plan 2011-2031 (WLP31) was adopted on 28 February 2019 and forms the development plan for Wyre. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

5.1.2 The following policies contained within the WLP 2031 are of most relevance:

- SP2 - Sustainable Development
- CDMP3 - Design
- CDMP6 - Accessibility and Transport
- SA1/10 - Land at Arthurs Lane, Hambleton

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2019

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on the 19th February 2019. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2019 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.2.2 The following sections / policies set out within the NPPF are of most relevance:

Section 4 - Decision-making

Section 12 - Achieving well-designed places

6.0 CONSULTATION RESPONSES

6.1 HAMBLETON PARISH COUNCIL - No comments received

6.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS) - No objection

7.0 REPRESENTATIONS

7.1 4 representations received raising the following issues:

- Proposal would be in breach of condition 26 of the outline application
- There should be no encroachment into the approved public open space
- Unacceptable impact on visual amenity as no landscaping proposed and insufficient detail on materials
- Concern about health and safety risks generated by the substation close to a school
- Insufficient detail about access

8.0 CONTACT WITH APPLICANT/AGENT

8.1 Agent contacted seeking further detail on the proposed brick to be used and the inclusion of a landscaping scheme along the rear and side boundaries of the development.

9.0 ISSUES

Principle of development and Policy compliance

9.1 The application site is located within the boundary of a housing allocation which was granted outline planning approval under ref: 16/00217/OULMAJ. Subsequent reserved matters applications ref: 18/00395/RELMAJ and 18/01200/REM have agreed the scale, layout, appearance and landscaping of the development. The proposed sub-station is situated at the southwest corner of the site fronting Arthurs Lane within the area of land designated as Public Open Space on a Development Framework / Parameters Plan submitted with outline application 16/00217/OULMAJ. Condition 26 of that outline permission requires that no development shall be located within this area. The intent of this condition is to provide a green buffer between the development and Arthurs Lane and the approved layout in the reserved matters applications have been in general accordance with this. New residential developments of this scale often require a new electricity substation and so this is considered to be a necessary piece of infrastructure required to support the development. It is logical that the utility operator requires this to be sited somewhere allowing ease of access. It is considered that its siting in the very southwest corner fronting Arthurs Lane is appropriate and due to its modest size will not undermine the overall green buffer being provided. Sufficient Public Open Space provision for the development will be retained even with the slight loss in this corner of the site as it is acknowledged that an oversupply of provision was made against Local Plan policy in place at the time the outline permission and reserved matters applications were determined. It is therefore considered that the proposed development is acceptable in principle.

Visual Impact / Design / Impact on the streetscene

9.2 The proposal fronts onto Arthurs Lane and would require a section of hedgerow to be removed approx. 5m in length. The section required to be removed would be small meaning that the sub-station would still be screened from view unless standing directly in front of it. Notwithstanding this, the area in which the development is located, is within the designated Public Open Space which is subject to a landscaping condition on the outline permission requiring a landscape scheme to be

agreed and implemented. This condition is yet to be discharged. As a result it is not yet certain that the hedgerow fronting Arthurs Lane will be retained although this will be something that the condition will look to retain where practical. It is therefore considered that a simple landscaping scheme along the rear and side boundaries of the substation would benefit the development and this would help screen the substation from views from the north and from within the new housing development. This can be secured by an appropriately worded condition. The existing well-established trees within the school grounds adjacent the site would act as a suitable screen when approaching from the south. The design of the substation is functional and a condition can secure an appropriate brick material.

Impact on residential Amenity

9.3 The proposal would be approximately 18m from the nearest residential property. In terms of overbearing and loss of light the modest size of the sub-station and the as stated separation distance would ensure that there would be no detrimental impact. As the proposal is a structure that only houses equipment and apparatus there would be no loss of privacy. With regards to the loss of view from an individual property, this is not a material planning consideration, however it is considered that whilst it is situated opposite residential properties there will be no detrimental loss of openness due to the modest size of the development.

Impact on Highway / Parking

9.4 The sub-station would be accessed directly off Arthurs Lane however it is not considered that it would create any detrimental impact to highway safety and Lancashire County Council have not raised any objections in this respect. The sub-station would not materially change the number of vehicular movements along Arthurs Lane as it is of a nature that it would not require frequent visits except for maintenance and / or repair.

Ecology

9.5 The application site is located within a SSSI Impact Risk Zone (IRZ) as such consideration needs to be given to any potential impact to protected species. The site is located immediately adjacent existing built development, to the east and west, and is not close to any potentially sensitive areas such as ponds, Biological Heritage Sites (BHS) or the nearest SSSI itself. As such it is considered that there will be limited issues with regards to ecology. The site does contain some hedges and trees which could potentially provide some habitat for wildlife and it is indicated that some of these are to be removed to accommodate the development. As such these removals could have impacts upon nesting birds and as such a restrictive condition should be attached to any consent to prevent any removal or works between the months of March and August.

Other matters

9.6 Flood Risk - The site is located wholly within Flood Zone 1 and is therefore at the lowest risk of flooding. As such there is no requirement for the submission of a flood risk assessment nor sequential test.

9.7 Trees - It is considered that the development will not impact on any trees. Although there are trees adjacent the site to the south the development is not of a nature that would result in unacceptable harm.

10.0 CONCLUSION

10.1 The proposed development is considered to be acceptable in principle as it is within the site allocation for the Arthurs Lane residential development. Although within the area of Public Open Space (POS) fronting Arthurs Lane the proposal is not considered to impact on the required POS provision or undermine the overall requirement for a green buffer and is therefore appropriately located. There is sufficient spacing between the sub-station and neighbouring residential properties to ensure that there is no impact to residential amenity. Conditions can be imposed to ensure an acceptable impact on visual amenity. Taking the above into account it is considered that the proposal is acceptable and in compliance with Policies SP2, CDMP3, CDMP6 and SA1/10 of the adopted Wyre Local Plan (2011-2031) and the NPPF.

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 must be begun before the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed pursuant to Section 91 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 deemed valid by the Local Planning Authority on 10.04.2019 including the following plans/documents:

- Site Location Plan - LP01
- Site Plan - SP01
- Elevations, Plans and Sections - ENDSS0021H

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. No development above ground level shall be commenced until details of the materials to be used in the construction of the external surfaces of that development

have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

4. No development shall take place until full details of soft landscaping works, along the side and rear boundaries of the site, have been submitted to and approved in writing by the Local Planning Authority. These details shall include any existing landscaping to be retained and any new, replanted or transplanted hedgerows, planting plans specifications and schedules (including plant size, species and number/ densities), and shall show how account has been taken of any underground services.

The landscaping works shall be carried out in accordance with the approved details prior to first use of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

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 Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework. The details are required to be approved prior to commencement of development to ensure landscaping is implemented at an appropriate time during the development.

Planning Committee

19/00349/FUL - Land at Arthurs Lane Hambleton



Scale : 1:1036

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 2
Date	22 May 2019
SLA Number	100018720

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