



# Planning Committee Agenda

Wyre Borough Council  
Date of Publication: 27 August 2019  
Please ask for : Carole Leary  
Democratic Services Officer  
Tel: 01253 887608

**Planning Committee meeting on Wednesday, 4 September 2019 at 2.00 pm in the Council Chamber, Civic Centre, Poulton-le-Fylde**

1. **Apologies for Absence**
2. **Declarations of Interest**

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

3. **Confirmation of Minutes**

To confirm as a correct record the minutes of the meeting of the Planning Committee held on 7 August 2019 (already circulated by email).

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

Schedule of Appeals lodged and decided between 15 July 2019 – 15 August 2019, attached.

5. **Planning Applications** (Pages 7 - 62)

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 Number: 18/00899/OUTMAJ- (site visit)**

Land East Of Carr End Lane, Stalmine, Poulton-le-Fylde, Lancashire  
Outline application for the erection of up to 65 dwellings with new access applied for off Carr End Lane (all other matters reserved) (re-submission of 18/00075/OUTMAJ)

**Item 2, Application Number: 19/00253/OUTMAJ- (site visit)**

Springfield Cottage Farm, Cart Gate, Preesall, Poulton-le-Fylde, Lancashire, FY6 0NP  
Outline application for up to 10 new residential dwellings with access applied for off Cart Gate (all other matters reserved) (resubmission of 17/00933/OUTMAJ)

**PLEASE NOTE:**

**Transport for the members will leave the Civic Centre, Poulton-Le-Fylde for the two Site Visits at 10:45.**

## APPEALS LODGED AND DECIDED

### Appeals Lodged between – 15<sup>th</sup> July – 15<sup>th</sup> August 2019

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
19/00259/FUL	22 Troon Avenue Thornton Cleveleys Lancashire FY5 5AJ	Erection of a front dormer, and creation of a pitched roof above ground floor bay window	Delegated	Fast Track appeal	18th July 2019

### Appeals Decided between – 19<sup>th</sup> July – 19<sup>th</sup> August 2019

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
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	Dismissed	31 <sup>st</sup> July 2019
19/00007/FULMAJ	Former Garstang Business And Community Centre High Street Garstang Preston Lancashire PR3 1FU	Variation of condition 2 (approved Plans) on application 16/00550/FULMAJ to allow for full demolition of existing building and the erection of a three storey building to provide approx. 1400sqm (gross) of retail floor space (Class A1) and 18 residential apartments with new and re-configured car parking.	Committee	Withdrawn	31 <sup>st</sup> July 2019
19/00259/FUL	22 Troon Avenue Thornton Cleveleys Lancashire FY5 5AJ	Erection of a front dormer, and creation of a pitched roof above ground floor bay window	Delegated	Dismissed	19 <sup>th</sup> August 2019

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## Appeal Decision

Site visit made on 4 June 2019

by **Sarah Manchester BSc MSc PhD MEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 31<sup>st</sup> July 2019

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**Appeal Ref: APP/U2370/W/19/3224547**

**Agricultural Building at The Willows (formerly Fairwinds), Clay Gap Lane, Out Rawcliffe, Preston, Lancashire PR3 6SU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
  - The appeal is made by Mr Patten against the decision of Wyre Borough Council.
  - The application Ref 18/01237/COUQ, dated 14 December 2018, was refused by notice dated 28 January 2019.
  - The development proposed is change of use of agricultural building to a dwelling house under Class Q of the GDPO.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application form describes the development as 'creation of 1No new dwelling'. However, in the banner heading above I have adopted the description of the proposal on the Council's decision notice as this more accurately reflects the permitted development for which prior approval is sought under the terms of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO).

### Main Issue

3. The main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q of the GPDO.

### Reasons

4. The appeal relates to a building constructed of blockwork and sheeting with a dual pitched roof. It is within a parcel of land that also includes a holiday let and private stables, together with equestrian paddocks.
5. The GPDO permits development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the schedule to the Use Classes Order<sup>1</sup> and any building operations reasonably necessary to convert the building.

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<sup>1</sup> The Town and Country Planning (Use Classes) Order 1987 as amended.

6. Paragraph Q.1 states exceptions to this, including Q.1(a)(i) that development is not permitted by Class Q if the site was not used solely for an agricultural use as part of an established agricultural unit on 20th March 2013.
7. Although the meaning of "agriculture" is not defined in the GPDO, it is generally understood to include the keeping of livestock for the production of commodities or for the purposes of farming the land. In this respect, case law<sup>2</sup> has established that the keeping of horses which involves activities other than putting them out to graze would not be an agricultural use.
8. Planning permission was granted in 1995 (ref 95/0364) for the appeal building, as a storage building for equipment and hay in connection with the adjoining stables. The application form states that the existing use of the site was as private stables – paddock and grazing, and the agent certified that none of the land to which that application related was, or was part of, an agricultural holding. Subsequent planning applications relating to the nearby stable building<sup>3</sup> refer to the appeal building as either a portal food store or an existing storage building to house applicant's own horse and tack/feed.
9. No evidence has been provided which demonstrates that the appeal building was part of an agricultural unit or that there was an agricultural business at this site. Therefore, while the building may have been used to store equipment for the purposes of managing the land, the evidence suggests that this was in connection with the equestrian use of the site. Moreover, notwithstanding that horses might be put out of graze the adjacent fields, the presence of the stables, the feed and tack store, and the sand exercise paddock all indicate that horses are not kept at this site solely for the purposes of farming the land.
10. I therefore conclude that it has not been demonstrated that the appeal building meets criteria Q.1(a)(i) relating to Class Q of the development permitted under Part 3 of the GPDO 2015 because the site was not used solely for an agricultural use as part of an established agricultural unit on 20<sup>th</sup> March 2013.

### **Conclusion**

11. For this reason, the appeal should be dismissed.

*Sarah Manchester*

INSPECTOR

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<sup>2</sup> Belmont Farm Ltd v MHLG [1962] 13 P&CR 417

<sup>3</sup> Council refs 13/00095/FUL, 14/00157/FUL and 15/00916/FUL



## Appeal Decision

Site visit made on 30 July 2019

**by C Coyne BA (Hons) DipTP MRTPI**

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

**Decision date: 19 August 2019**

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**Appeal Ref: APP/U2370/D/19/3232903**

**22 Troon Avenue, Thornton-Cleveleys, Lancashire FY5 5AJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Jason Musgrove against the decision of Wyre Borough Council.
  - The application Ref 19/00259/FUL, dated 17 March 2019, was refused by notice dated 29 May 2019.
  - The development proposed is erection of a front dormer, and the creation of a pitched roof above ground floor bay window.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. I have used the description of the proposal from the Local Planning Authority's decision notice. It adequately and simply describes the proposed development instead of the slightly longer description given on the application form.

### Main Issue

3. The main issue raised by this appeal is the effect of the proposal on the character and appearance of the local area.

### Reasons

4. The appeal site is located on a street comprising detached and semi-detached single-storey dwellings giving it a suburban residential character. A number of these have dormer extensions which are brown, black or white in colour reflecting similar dormers to be found within the wider vicinity. Several properties on the street also have bay windows with lean-to roofs similar to the existing one on the appeal property.
5. The proposal would be clad in material of a grey/green colour. Whilst I acknowledge that several properties on the street have doors painted a similar colour the proposal would be a more prominent feature on the street scene than they are. Further, given the fact that all the other dormers on the street (and in the vicinity) are either brown, black or white in colour I consider that the proposal would be at odds with the established street scene.

6. I therefore conclude that the proposal would unacceptably harm the character and appearance of the local area. This would be contrary to the objectives of Policy CDMP 3 of the Local Plan as supported by the 'Extending Your Home' Supplementary Planning Document. These both aim to promote design that respects or enhances local character.

**Conclusion**

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

*C Coyne*

INSPECTOR



**Committee Report****Date: 04.09.2019****Item Number 01****Application Number 18/00899/OUTMAJ****Proposal Outline application for the erection of up to 65 dwellings with new access applied for off Carr End Lane (all other matters reserved) (re-submission of 18/00075/OUTMAJ)****Location Land East Of Carr End Lane Stalmine Poulton-le-Fylde Lancashire****Applicant Wainhomes North West****Correspondence Address c/o De Pol Associates  
Mr Chris Betteridge Farington House Stanifield Business Park  
Stanifield Lane Leyland PR25 4UA****Recommendation Permit****REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Miss Lucy Embery****1.0 INTRODUCTION**

1.1 This application is before the Planning Committee for consideration at the request of Councillor Robinson. Furthermore the development of this site, which forms part of an allocated site in the Wyre Local Plan, is of strategic importance. Members will have the benefit of a site visit in advance of the public meeting because the nature of the area cannot be adequately conveyed through photographs.

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The application site is an existing field approximately 2.73 hectares in size located adjacent to the main rural settlement of Stalmine. The existing built up area of Stalmine adjoins the northern boundary of the site. Immediately to the north is a well-established residential area of mid-20th century houses, bungalows and dormer bungalows fronting onto the three cul-de-sacs of Harwood Close, Malvern Avenue, and Lynwood Drive. To the east is land where planning permission has been approved for residential development for up to 81 dwellings which are under construction, and to the west is Carr End Lane and open fields beyond. There are stables and a paddock to the south of the application site. Further south of this, is an existing detached dwelling known as West Dene.

2.2 The site is part of a wider site allocated for housing within the Adopted Wyre Borough Local Plan 2011-2031 and is the western parcel of land in allocated site SA1/7. The allocation is made up of three parcels of land and these are referred to as Phases 1, 2 and 3 in this report. The application site is considered as Phase 2. The approved development under construction to the east is Phase 1.

2.3 The application site is located in Flood Zone 1. It is bound by hedging with intermittent tree planting on all sides, including the northern boundary with the existing residential area. There is an oak tree protected by a Tree Preservation Order (TPO) along with western site boundary with Carr End Lane. The site is generally rectangular in shape and has a slight gradient from east to west with a change in levels across the site of approximately two metres.

### **3.0 THE PROPOSAL**

3.1 This application seeks outline planning permission for the erection of up to 65 dwellings with new access applied for off Carr End Lane (all other matters reserved). It has been submitted as a re-submission to application 18/00075/OUTMAJ, to twin track with that application which went to appeal, in the event that matters could be favourably resolved before the appeal Inquiry was held in March 2019. The proposed scheme in this re-submission application was identical to the appeal application 18/00075/OUTMAJ when it was first submitted, and provided a vehicle and pedestrian link between this site and the existing development to the east under construction by the applicant Wainhomes.

3.2 Pending the planning appeal and a subsequent claim being lodged to the High Court of Justice by Wyre BC to challenge the decision made by the Planning Inspectorate, the re-submission application was held in abeyance. Following the appeal decision and the court's decision on the application for permission to challenge the appeal decision, the applicant now wishes to amend the application and seek outline planning permission for a development with no vehicle or pedestrian link between this site and the approved development to the east. Amended plans have been received to remove this link. Instead, the spine road would terminate within the site leaving the development to be served by a single new access point from Carr End Lane in approximately the same location as the existing agricultural access point on the western boundary of the site.

### **4.0 RELEVANT PLANNING HISTORY**

Application Site:

4.1 18/00075/OUTMAJ - 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). Application refused. Appeal allowed.

Adjacent land to the east:

4.2 17/00995/FULMAJ - Erection of nine dwellings (plots 43-47, 62, 72- 74) as an amendment/plot substitution to plots 43, 45, 60-61 and part of the public open space approved under permissions 14/00226/OUTMAJ and 17/00026/REMMAJ resulting in a net gain of five dwellings. Application permitted subject a S106 Legal Agreement.

4.3. 17/00026/REMMAJ - Reserved matters application (appearance, landscaping, layout and scale) for residential development following outline approval 14/00226/OUTMAJ. Application permitted.

4.4 16/00363/REMMAJ - Formation of a new vehicular and pedestrian access from Stricklands Lane and erection of 89 dwellings with associated car parking and creation of a footpath link to Stalmine Primary School. Application refused.

4.5 14/00226/OUTMAJ - Outline application for erection of up to 77 dwellings, associated parking and footpath link for Stalmine Primary School. Application permitted.

## **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:

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP8 - Health and Wellbeing
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk and Surface Water Management
- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP6 -Accessibility and Transport
- HP2 - Housing Mix
- HP3 - Affordable Housing
- HP9 - Green Infrastructure in New Residential Developments
- SA1/7 - South Stalmine allocation

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.

## **OTHER MATERIAL CONSIDERATIONS**

### **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 (and The Presumption in favour of Sustainable Development)
- Section 3: Plan - Making, paragraph 20
- Section 4: Decision-making, paragraphs 47-50, and 54-55
- Section 6: Building a Strong, Competitive Economy
- Section 8: Promote healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment

### 5.3 NATIONAL PLANNING POLICY GUIDANCE (NPPG):

5.3.1 The NPPG provides advice on the application of Government policy. Within the NPPG, the following sections are of most relevance:

- Air Quality
- Climate Change
- Design
- Flood risk and coastal change
- Healthy and Safe Communities
- Housing for older and disabled people
- Housing supply and delivery
- Natural environment
- Noise
- Open space, sports and recreation facilities, public rights of way and local green space
- Planning Obligations
- Travel plans, transport assessments and statements
- Use of planning conditions
- Waste
- Water supply, wastewater and water quality

### 5.4 WYRE BOROUGH COUNCIL SUPPLEMENTARY GUIDANCE NOTES (SPG's)

- Supplementary Planning Guidance Note 2: Trees and Development
- Supplementary Planning Guidance Note 4: Spacing Guidance for New Housing Layouts
- Supplementary Planning Guidance Note 9: Designing Out Crime

## 6.0 CONSULTATION RESPONSES

### 6.1 STALMINE PARISH COUNCIL:

6.1.1 First response - The Parish Council objects on the following grounds:

Flooding and Drainage - Carr End Lane already floods on a regular basis. The water has entered properties on this road. The existing drainage cannot cope with rainfall.

Wardleys Pool which takes some surface water is at capacity and results in water backing up impacting upon properties along the drainage route. Development on this site will force water downhill in a westerly direction towards the road, thereby increasing the existing problems.

Development contrary to policies ENV13 and ENV15 and section 100 of the NPPF which seeks to direct development away from areas at highest risk.

Sewage disposal which has long been a problem in the area. Before any further development takes place, there is a need for a complete overhaul of the means by which sewerage is disposed of. Policies ENV16 and ENV17 are relevant.

Highways - Carr End Lane is a narrow rural lane mostly without pavements. Given that there will be at least an additional 65 vehicles entering and leaving this development the impact to the lane will be significant, providing a hazard to pedestrians and other road users. The lane itself also provides access to the extremely dangerous A588 (Stricklands) Lane. There have already been numerous accidents on this road and at this junction.

Detrimental Impact - The development as proposed detrimentally impacts the area to such an extent that quality of life for existing residents would be severely and irreparably damaged if the development were to proceed. The benefits of the scheme are not seen to demonstrably and significantly outweigh the adverse impacts of the scheme as required by NPPF para 14.

#### 6.1.2 Second response following re-consultation (new points raised are as follows)

Flood risk and Drainage - Development would conflict with local plan policies SP8 (having an unacceptable impact on the health of the Borough's population) and CDMP1 (pollution and nuisance that would lead to significant adverse effects on health, amenity, safety and the operation of surrounding uses for occupants or users of the development and existing neighbours).

Highways - Carr End Lane, when flooded, will also prevent residents from exiting and entering the development and if it floods to the same extent as 2017 would impede access by emergency services. Development would conflict with policy CDMP6 1b, c, e, f and 3 and 4 in terms of neighbouring properties' access rights and traffic from the development having an adverse effect on the local highway network generally. The development relies on vehicular access and fails to reduce car reliance.

Loss of amenity - The revised plan shows that the area allocated as open space for public amenity has been reduced by over 1,000 sqm and would dispute that the area reserved for such use is insufficient for what is proposed to be a large housing development.

Sustainable Development - The proposal fails SP2 in that it does not contribute positively to the overall physical, environmental and economic character of the area and has the potential to adversely affect the physical and environmental character of both neighbouring properties and others along the dyke/ditch structure.

#### 6.2 LANCASHIRE COUNTY COUNCIL (LCC) HIGHWAYS:

First response received -

6.2.1 No objections and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate

vicinity of the site, subject to the necessary conditions and contributions being sought as set out below

6.2.2 The site will be accessed by providing a new access onto Carr End Lane and also join up with the approved access road for planning application 14/00226/OUTMAJ, this will allow direct access onto the A588 without using Carr End Lane. The linking of the sites will aid with sustainable transport links to access the local school and the bus stops on the A588. Planning application 14/00226/OUTMAJ and this site are being provided by the same developer and as such rights of way through the site should not be an issue.

6.2.3 The site will be accessed via a new priority access on to Carr End Lane. Carr End Lane is classified as the C402 road and is categorised as a secondary distributor road with a speed limit of 20mph fronting the site access.

6.2.4 Highway Capacity - The TRICS report within the TS has been checked and is considered acceptable for this site. The site will generate an estimated peak flow of 40 two-way vehicle movements between 8am and 9pm and 39 two-way vehicle movements between 5pm and 6pm. (LCC) Highways are of the opinion that the proposed 65 dwellings will not have a severe impact on highway capacity.

6.2.5 Highway Impact - As part of the emerging Local Plan process, Highways England raised concerns regarding the impact of new developments on the traffic signals at Shard Road / Shard Bridge (A588). Highways England were of the opinion that any significant development within Hambleton, Knott End, Stalmine and Preesall plus one third of Pilling will worsen to an unacceptable level on Shard Road / Shard Bridge (A588) and they recommended a maximum level on 250 dwellings for Hambleton, Knott End, Stalmine and Preesall plus one third of Pilling. It is understood that this development will bring the total number of committed development to the 250 recommended maximum.

6.2.6 There have not been any reported incidents near the access to the new development on Carr End Lane. There have been 16 reported incidents along the A588 from Hambleton to the site access approved by planning application 14/00226. The existing highway network is therefore considered to have a poor accident record and indicates there is an underlying issue regarding highway safety which the proposed development would exacerbate. The A588 was identified by the Road Safety Foundation as one of England's 50 roads with the highest risk of fatal and serious collisions as such LCC have recently made a bid to the Department for Transport to fund road safety improvements along its length from Lancaster to Skippool.

6.2.7 (LCC) Highways recommends a section 106 contribution of £100,000 to support the A588 Road safety Bid and to contribute towards the highway improvement scheme and public transport facilities between the junction with Moss Side Lane, Stalmine, to the junction with Sandy Lane, Hambleton. Section 106 contributions have been secured as part of planning application 14/00226/OUTMAJ to enhance the existing bus services through the village and as such additional contributions are not being sought for this application to improve bus services.

6.2.8 (LCC) Highways are of the opinion that the shown sight lines of 2.4x49m in both directions onto Carr End Lane are to the recommendations within Manual for Streets. The sight lines are fully achievable over land within the applicants control and the existing adopted highway. With this said the sight line splays will require the hedge within the sight line, to be either removed or to have a maximum height of 1m

above the height at the centre line of the adjacent carriageway. The sight line requirement to the north of the site will be protected with the provision of the proposed 2m wide footway. The sight line requirement to the south of the new access will require works to the existing hedge to provide the shown sight lines and long term future maintenance to keep the sight lines clear.

6.2.9 Drawing A105751-P001 rev C Proposed Site Access and Highway improvements now indicates the recommended new street lighting system from lighting column F2 near the access to Ash Lea House and to continue to the change in speed limit at the southern boundary of the site.

6.2.10 (LCC) highways supports the proposed 2m footpath from the proposed site access to the path leading to Lynwood Drive. The shown carriageway narrowing at this point will also work as a traffic calming feature, reducing speeds of vehicles entering the village and passing the proposed new site access. (LCC) Highways are of the opinion that the development will not have a severe impact on highway safety in the immediate vicinity of the site and a safe site access has been provided for all highway users. The new site access, and associated off-site works for carriageway widening, new footpath, street lighting etc. will need to be constructed under a Section 278 Agreement.

6.2.11 (LCC) Highways are of the opinion that where a section 106 contribution of £100,000 is secured to support the A588 Road safety schemes a safe route can be provided along the A588 to access the site. (LCC) Highways are also of the opinion that a safe and sustainable travel provision is being proposed and as such the proposed development meets the requirements of the National Planning Policy Framework.

6.2.12 A number of conditions are suggested including the requirement of a construction management plan, visibility splays and Section 278 scheme details.

Second response received from LCC:

6.2.13 The submitted Transport Statement indicates 40 (11 in and 29 out) vehicle movements will occur in the AM peak and 39 (28 in and 11 out) in the PM peak. LCC do not consider this level of impact to be unacceptable nor create a road safety issue providing the access and off-site highway works (minor widening of Carr End Lane and footway between the site access and Lynwood Drive) are provided.

6.2.14 The majority of vehicle movements to and from the site, under these circumstances (no access via the consented development), are expected to be from / to the A588 along Carr End Lane (east of the site). This section of Carr End Lane is relatively lightly trafficked in both vehicle and pedestrian terms.

6.2.15 Pedestrian Movements - Without the access through the consented development pedestrian movements from the site are unlikely to occur along the same section of Carr End Lane that development traffic would take. Therefore, there would be minimal conflict between pedestrians and vehicles and as such no pedestrian improvements are considered necessary along this section. However, walking distances to the nearest bus stop and primary would increase. There would not be any increase in walking distance to other local amenities (village shop, pub, village hall and the sports club).

6.2.16 From the centre of the site through the consented development walking distance to the nearest bus stop (A588 / Moss Side Lane) is approximately 450m and

the primary school 600m (potentially reducing to 350 if the school open a new access to the consented development).

From the centre of the site without connection through the consented development the nearest bus stop (A588 o/s Seven Stars PH) the walking distance increases to approximately 690m and the distance to the primary school increases to approximately 950m. The walking route to the bus stop at the Seven Stars from the site access would be along the new footway between the site access and Lynwood Drive (end of cul-de-sac), Lynwood Drive, Hillside Drive and Smithy Lane to the A588.

6.2.17 To put this in to context the Institution (now Chartered) of Highways and Transportation (IHT) guidelines suggest that walking distances to bus stops be 300m with a preferred maximum of 400m and for primary schools 1000m with a preferred maximum of 2000m. It should be noted that distance is only one of a number of factors that make walking a realistic option from development others include the quality of the route (and standard of bus stops).

6.2.18 In the absence of a connection between the two sites then LCC would ask that a condition be imposed requiring the developer to upgrade the bus stops nearest the Seven Stars Public House prior to first occupation (similar to the condition on the consented site for the bus stops nearest to Moss Side Lane). This is necessary to show that the developer meets NPPF para 102 c (opportunities to promote walking, cycling and public transport use are identified and pursued) and 110 a (give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use).

6.2.19 S106 Contribution - LCC requested (in their first response) that the developer make a financial contribution secured through a s106 agreement when initially consulted on this application. The potential changes to the access arrangement do not alter LCC's views on this.

### 6.3 LANCASHIRE COUNTY COUNCIL (LCC) LEAD LOCAL FLOOD AUTHORITY (LLFA)

6.3.1 No objection to the proposed development subject to the inclusion of the following conditions

- Surface water drainage scheme including storm period design, discharge rates, access for maintenance, delay and control of surface water, and preventing flooding and pollution to ground water or surface waters be provided and agreed prior to commencement of any development
- Submission of a Management and maintenance plan for the sustainable drainage system and ordinary watercourses for the lifetime of the development (including details of arrangements for adoption by an appropriate public body or statutory undertaker, and funding mechanisms for its on-going maintenance, to be agreed prior to any commencement of development

### 6.4 UNITED UTILITIES

6.4.1 Comments provided that in accordance with the National Planning Policy Framework and National Planning Practice Guidance the site should be drained on a separate system with foul water draining to the public sewer and surface water



draining in the most sustainable way. A condition is recommended requiring that foul and surface water be drained on separate systems.

6.4.2 Following review of the Flood Risk Assessment the proposals are acceptable in principle to United Utilities subject to a condition that the development is carried out in accordance with the submitted Flood Risk Assessment.

## 6.5 LANCASHIRE COUNTY COUNCIL (LCC) EDUCATION

6.5.1 There is an expected yield of 25 primary school places, and a contribution of £393,832.75 would be sought from the developer towards these primary school places. There is an expected yield of 10 secondary school places from this development and a contribution of £237,372.80 would be sought from the developer towards these secondary school places.

## 6.6 WBC's HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.6.1 No objection in principle subject to conditions requiring full surface water drainage plans, based on sustainable principles, to be submitted for approval prior to commencement of any works, and that surface water discharge be restricted to greenfield rates.

## 6.7 WBC'S HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (CONTAMINATION)

6.7.1 Comments that the submitted desk study is considered sufficient for the site, and no further desk study information is required.

6.7.2 The risk assessment concludes that there are no potential sources of contamination that may affect the site, other than naturally occurring contamination. The report also concludes that there is a low risk to buildings and services, landscaping, groundwater and a very low risk to end users of the site from vapour ingress. This seems reasonable based on the information provided.

6.7.3 However, the report also concludes that there is a moderate/low risk to end users of the site from contaminated soils and an equivalent risk to surface waters. As such, the report recommends that soil sampling and intrusive investigation is undertaken to determine the suitability of the soil for retention in the development.

6.7.4 Given the lack of potential sources identified, the proposals for site investigation in relation to contamination appear precautionary. Nevertheless, the report concludes that chemical analysis should be undertaken, and a condition is recommended to ensure this is carried out.

## 6.8 WBC'S HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY)

6.8.1 No objections to the proposal subject to a condition requiring the submission and agreement of a Construction Environmental Management Plan (CEMP) prior to commencement of the development.

## 6.9 WBC'S PARKS AND OPEN SPACES MANAGER (TREES)

6.9.1 First response - Having previously visited the site and considered the quality of trees and hedgerows and indicative layout, concur with the details provided within

the Arboriculture report, method statement and informative. No objection to the principle of the layout plan providing that going forward the methods of protecting trees and hedges currently identified for retention are followed.

6.9.2 Second response - There is potential for impact on an oak tree which is afforded protection by TPO/179 (Land east of Carr End Lane, Stalmine) 2007 due to the widening of the carriageway and 2m footpath width required that would bring the western section of the footpath within the root protection area of the tree. Details of how the oak tree is to be protected will be necessary for consideration.

## 6.10 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.10.1 Advises that their response to application 18/00075/OUTMAJ is still relevant to this application but would add that the resubmission relies on the same ecological survey which was regarded as becoming out of date.

6.10.2 GMEU commented on application 18/00075/OUTMAJ that the ecology surveys have been carried out by a suitably qualified consultant. While the application site is within 2km of the Morecambe Bay and Duddon Estuary Special Protection Area (SPA) and the Wyre Estuary Site of Special Scientific Interest (SSSI) it is not considered that the site is of significant value for over-wintering wetland and waterfowl birds because it is relatively small and enclosed by hedgerows, and, it is close to roads and existing residential developments. The site is therefore very unlikely to act as land that is 'functionally-linked' to the designated sites.

6.10.3 GMEU commented on application 18/00075/OUTMAJ that the development is unlikely to cause harm to great crested newts. But there are ponds nearby and the site does offer suitable terrestrial foraging habitats for amphibians. It is recommended that if permission is granted then a Method Statement should be required (by condition) giving details of reasonable measures to be taken to avoid any potential harm to amphibians during the course of any groundworks or construction. Once agreed these Reasonable Avoidance Measures should be implemented in full.

6.10.4 GMEU would add to the comments above that the nearest great crested newt pond is 500m away. As the amphibian data is now over three years old as a minimum a review of the previous great crested newts' assessments would be expected prior to determination to assess whether new surveys are required.

6.10.5 The most important habitats on the application site are the boundary hedgerows, ditches and trees. These features should be retained and protected as part of any approved development, or compensatory habitats required to be provided if any of these features are lost. The open grassland of the site will be lost and a degree of open landscape connectivity will be lost. An area of open greenspace (public open space) is shown on the outline masterplan as part of the development, but given the cumulative impacts of this application and the approved application to the east, this area of open space is rather small and it would be preferable for more greenspace to be provided.

6.10.6 GMEU would add that the revised (indicative) site layout has a reduced amount of open space which presumably reduces the potential for on-site mitigation. However it is recommended mitigation be incorporated into the development through suitable landscaping and provision of bird and bat boxes. Therefore the impact of this revision would be to simply increase the amount of such features on the site.

## 6.11 NATIONAL AIR TRAFFIC SERVICES (NATS) SAFEGUARDING

6.11.1 No safeguarding objection to the proposal.

## 6.12 LANCASHIRE FIRE AND RESCUE SERVICES

6.12.1 Comments provided that it should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 Access and facilities for the fire service, and that the proposal is provided with suitable provision of Fire Fighting water.

## 7.0 REPRESENTATIONS

7.1 The application has been advertised by press notice, site notices and neighbour notification letters, and re-consultation has also taken place. As the original notifications were issued in 2018 some of the responses refer to the policy position at that time, which may have changed since (full details of such changes will be set out in section 9 below). At the time of compiling this report there have been 12 objections received from members of the public. The concerns raised can be summarised as follows:

### Site Location –

- The site is beyond the current village/settlement boundary of Stalmine. No building should be permitted.
- The land was not in the area to be developed in the draft local plan.

### Infrastructure and amenities –

- There is not the infrastructure required to support another large housing development.
- The previous application was refused on the grounds of no supporting infrastructure and nothing has changed.
- There will be no increase in amenities, schools, doctors, banks, shops, limited evening bus service, and no work done on drainage. These facilities and the emergency services are already stretched and oversubscribed.
- Stalmine has very few facilities to offer prospective buyers of houses

### Highway safety, road and footpath alterations –

- The additional of 65 properties off Carr End Lane will prevent residents using the quiet countryside lane as it will no longer be a safe environment.
- Carr End Lane has no lighting or pavements and is too narrow and unsuitable to cope with extra traffic.
- The use of Carr End Lane will not reduce the impact of traffic on the A588 as traffic will have to join the A588 which is already one of the most dangerous roads in the country.
- Roads in the rest of Stalmine are poor and the increase in traffic from the proposal will add to existing problems.
- If Carr End Lane is to be widened the wide grass verge running parallel with and in between Carr End Lane and Lynwood Drive is not public property that is available for adoption. Residents would not wish this verge to be minimised and turned into a larger busier road for more traffic.

- The footpath from the end of Lynwood Drive, through the trees to Carr End Lane, is marked as to be upgraded but is privately owned and there would not be agreement for it to be altered.
- The road network, particularly Shard Bridge, will be unable to cope with the intended increase in housing, as there are already problems with the amount of traffic.
- Residents (of the development) will be reliant on the private car as bus services have been reduced and the Fleetwood Ferry link is under threat.
- The footpath shown to Malvern Avenue will have no useful purpose and would be dangerous if there was a connection to the hammerhead. Permission would not be given to remove the privately owned hedge to provide this footpath.

#### Housing need –

- There is an over-supply of new housing in the borough.
- There are already several large housing developments being built in Hambleton, Garstang and Poulton closer to transport links and services.
- All of the developments mainly offer executive style housing with only a small proportion of affordable housing, and this application is just the same.
- The local environment and rural villages should be protected from becoming a sprawling housing estate.
- The development along with existing development in the area will result in over 200 new homes.
- There are empty properties in the village which should be occupied or sold before new houses are introduced.
- There are already many existing houses in the village which are for sale at varying prices including for first time buyers.
- The proposal is having a negative effect on sales of existing properties.
- Affordable houses should be elsewhere as potential residents would be isolated from facilities.
- Stalmine cannot cope with more development.

#### Character and appearance –

- The development will have no character and will blight the village.
- The proposal shows tall dwellings which would tower above the existing bungalows around the site.

#### Flooding –

- Carr End Lane regularly floods up to the corner just before the A588. The most recent occurrence in 2017 flooded the ground floor of properties on the lane. (Photographs have been provided).
- If the application is permitted this will increase the flooding risk to properties either side of Carr End Lane as the land falls from the east towards Carr End Lane.
- More buildings, concrete and hard surfaces will reduce natural soak-away and increase run-off to an overburdened and inadequate drainage system.
- There are problems with the existing surface water drainage system which will need significant improvements as without this the situation will deteriorate. The diameter of the drainage pipework between Carr End Lane and Lynwood Drive will need to be increased.
- There should be a detailed study undertaken to identify what drainage improvements are required before the application is decided.

- No authority or agency is taking responsibility for existing drainage problems.
- United Utilities have not taken responsibility for surface water and have not upgraded their system to accommodate the increase in volume.
- The existing sewage system is unable to cope.
- Widening Carr End Lane could result in further drainage problems.
- There are existing drains which cross the application site which should not be stopped up as they help the land subject to this application.

#### Impact upon amenity of residents –

- The development will detrimentally affect existing residents by reducing daylight, due to the height and size of the houses that would be built next to them.
- The proposed dwellings will impact upon the privacy of homes bordering the site by overlooking their gardens and possibly looking straight into windows on the elevations facing the site.
- The proposal would impact upon the outlook of existing properties.

#### Pollution –

- The proposal could lead to cross-contamination between sewerage and rainwater run-off which could be a potential risk to residents and wildlife.
- There would be noise and air pollution caused by heavy plant vehicles during construction, and by all the extra vehicles of occupiers of the development.
- The proposal would impact upon the health of residents who have chosen to live in Stalmine rather than an urban area with higher levels of pollution.
- The proposal would result in light pollution from the properties.

#### Trees and hedges –

- There is a Tree Preservation Order at the start of the verge and adjacent to the site and widening the road and taking away grass verge could affect it.
- The existing hedges cannot be removed.

#### Ecology –

- The proposal would harm existing wildlife (including bats, deer, hares, hedgehogs, migrating geese, woodpeckers, jays, owls and birds of prey) and their habitats

#### Crime –

- The village will become a conurbation with increased levels of crime, anti-social behaviour, noise and pollution.

#### Electricity supply –

- Existing residents of Stalmine already experience power cuts and black outs without this development.

#### Employment and lack of benefit to local populations -

- There is no evidence the proposal would create jobs for the local population as other developments such as in Hambleton have outside contractors.

Matters that have been raised which are not material planning considerations:

- Increase in insurance premiums
- Increase in Council Tax

7.2 A letter of objection has also been received from MP Ben Wallace. This does not raise any further objections to those mentioned above, and states that;

- The site is not allocated in the Emerging Local Plan.
- The Road Safety Foundation assessment the A588 as the third most dangerous road in Britain.
- The development on top of 216 new dwellings which the Local Plan proposes in Stalmine would impact upon road safety.
- The proposal will place pressure on local infrastructure and would extend the settlement boundary.
- In refusing the previous application Wyre Council noted the site location was not sustainable, and that any benefit the proposed development would bring in providing housing would be outweighed by the resultant social harm that would arise from this development together with environmental harm caused by the intrusion into the countryside.

7.3 Two letters have also been received from Stalmine with Staynall Residents Association strongly objecting to this application. These letters raise many of the same concerns as those mentioned above, however additional matters of concern have also been raised. The points raised are listed and summarised below:

- Access to local services from this site is not easy, especially on foot.
- There are few services in the village. All other services are outside the village.
- Local primary schools are full and the nearest available is in Thornton some 6.7 miles away.
- Taking children to this school from here would increase traffic on the school run thus contributing to local congestion on the A588.
- Road Safety England considers the A588 to be the most dangerous A road in Lancashire.
- Building commuter homes in this area will do nothing to reduce the high dependency on the motor car in this area.
- Local bus services are poor and not likely to improve.
- The proposed site is outside the recognised settlement area of the village and building here would cause social and environmental harm and loss of amenity.
- Without a pedestrian right of way from this development through the adjacent development to the east residents could be marooned when Carr End Lane is flooded.
- There is no provision to improve the drainage on Carr End Lane. It is unreasonable to expect old people or young mothers with prams to negotiate a flooded lane if they want to access buses, shops, school church or pub.
- It would be far more sensible to promote pedestrian access to Stricklands Lane where there is a made footpath and promised improved bus shelters.
- To expect pedestrians to leave the site via Carr End Lane and then walk up Smithy Lane or Lynwood Drive to the school or shop, church, or Post Office is unrealistic.
- Existing footpaths are so uneven they are not suitable for mobility scooters.

- Stalmine-with-Staynall Residents' Association is opposed to any proposal to change the bus stops in this area if in doing so the provision of a pedestrian crossing would be jeopardised.

## **8.0 CONTACT WITH APPLICANT/AGENT**

8.1 The applicant has been updated on the progress of this application and the consultation responses received.

8.2 The application has also been advised that re-consultation needed to take place following the submission of an amended plan removing any road and pedestrian link through to the site under construction to the east, and a pedestrian link to Malvern Avenue. It was established at the Appeal for application 18/00075/OUTMAJ that a link could not be provided to Malvern Avenue through unregistered land.

## **9.0 ISSUES**

9.1 The main issues are:

- Principle of development
- Location of the development and Sustainability
- Loss of Agricultural Land
- Impact on Highway Network and Highway Safety
- Flood Risk
- Education Provision
- Affordable Housing Provision
- Housing Mix
- Visual Impact / Design / Impact on the streetscene
- Green Infrastructure Provision
- Impact on residential amenity
- Ecology/Trees
- Contamination

Principle of development

9.2 The proposal seeks outline consent for up to 65 dwellings with access applied for and all other matters reserved. In July 2018 a similar application on the site (reference 18/00075/OUTMAJ) for the erection of 65 dwellings with access applied for was refused by the Authority under delegated powers on the basis that there was no opportunity for children from this development to be able to easily access local primary schools in addition to an environmental harm caused by the intrusion into the countryside from this built development on a greenfield site outside of the settlement boundary.

9.3 This decision was appealed by the applicant. As the appeal progressed the first reason regarding school provision was resolved following further discussions and agreements with LCC Education. In addition the second reason regarding encroachment into the countryside fell away as the Inspector appointed to examine the Wyre Local Plan asked for this site to be included within the Stalmine housing allocation (SA1/7) and the Local Plan was adopted with this main modification. When the appeal Inquiry was held the site was no longer designated countryside.

9.4 With the site being included within allocation policy SA1/7, the development has to satisfy a number of 'Key Development Considerations' (KDCs) which are an integral part of the policy. The first KDC in policy SA1/7 is the requirement for a masterplan covering the whole allocation which should be approved prior to the Council granting planning permission for any part of it. The sole focus of the appeal Inquiry was the matter of whether this Masterplan requirement had been satisfied.

9.5 The Appeal was allowed and the appeal decision letter stated that:

'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 Masterplans acknowledges that in some instances a masterplan may not be necessary, a masterplan was nonetheless submitted at the application stage'.

'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. 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'.

9.6 It is unclear based on this wording whether the 'masterplan' the Inspector refers to as being submitted for the appeal constitutes an approved masterplan to which future development on the remaining allocation should be in accordance with. This was one of the grounds on which the Council sought permission to challenge the appeal decision. However permission on this ground was refused. The 'masterplan' shows a vehicle and pedestrian link between this site (phase 2) and the approved development to the east under construction (phase 1). As this link has been omitted from the revised scheme, the development is not in accordance with this 'masterplan'. However, on the basis that the Inspector ruled that was not possible for the Appellant to comply with Policy SA1/7 because of planning permission having already been granted on the first phase of development officers are of the view that the Inspector did not intend for this to be the 'approved masterplan' dictating future development on the site. The fact that this scheme deviates from that 'masterplan' is not considered to make it unacceptable in principle.

Location of the development and Sustainability

9.7 Policy SP1 (Development Strategy) of the Wyre Local Plan seeks to deliver and direct new development in line with the settlement hierarchy. Stalmine is listed as one of the Main Rural Settlements within the hierarchy where 14.9% of housing growth is expected during the plan period 2011 to 2031. Therefore in terms of location the proposed development would be compliant and in accordance with the development strategy set out within Policy SP1.

9.8 Policy SP2 of the Adopted Local Plan sets out that new development should be sustainable and contribute to the continuation or creation of sustainable communities in terms of location and accessibility. Sustainability is also a material consideration requirement of the NPPF.



9.9 As this application site is part of a housing allocation and is located immediately adjacent to existing housing to the north, it is considered to be well related to the existing settlement of Stalmine. The Appeal Inspector considered that providing a vehicular link between the application site and approved development to the east was a significant benefit of the previous scheme. This would increase the permeability and linkages between the two developments and reduce the walking distances to the primary school and bus stops along the A588 for residents of this proposed development. In overall design terms it is considered to be a better scheme. However the highways response to this current application confirms that without a link between the two sites there would be no highway objections provided a footpath is shown along the western site frontage from the site access on Carr End Lane heading north to link to an existing footpath at Lynwood Drive, and upgrades were provided to existing bus stops at Seven Stars. This is on the basis that the development would still be within reasonable distance of local and community services in Stalmine including a public house, post office, shop, church and village hall, as well as the existing school. On this basis, the scheme is not considered to be so detached from the existing settlement and the limited access and permeability is not considered unacceptable in design terms to justify a refusal of the application.

#### Loss of Agricultural Land

9.10 Paragraph 170 of the NPPF states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. This is a matter that was considered during the drafting of the Local Plan, prior to allocating the site. The application site is Grade 3 agricultural land which is only of moderate quality and therefore the proposal would not lead to the loss of high value agricultural land. The proposal would not conflict with Paragraph 170 of the NPPF.

#### Impact on Highway Network and Highway Safety

9.11 (LCC) Highways has considered the submitted transport and TRICS data and their response is outlined in section 6.2 of this report. In summary (LCC) Highways concludes that whilst there would be some net increase in overall traffic this would not result in a severe residual cumulative impact on the capacity of the local highway network.

9.12 (LCC) Highways also considers that the existing highway network has a poor accident record and that there is an underlying highway safety issue, as demonstrated by the assessment of this road by the Road Safety Foundation which reinforces (LCC) Highways concerns. It is stated that the proposed development would exacerbate the issue, and that regardless of the bid made to Department for Transport to fund road safety improvements on the A588, this does not provide any assurances that funding will be made available, and mitigation is therefore required in the form of a contribution of £100,000 to support the bid and to contribute towards the highway improvement scheme and public transport facilities between the junction with Moss Side Lane, Stalmine, to the junction with Sandy Lane, Hambleton to make the provision of this new development acceptable.

9.13 Notwithstanding the Highway Authority's request for a £100,000 contribution, it is considered that this contribution cannot be requested in this instance as the Inspector in dealing with the appeal for application 18/00075/OUTMAJ for essentially a very similar development on the site ruled that this contribution did not meet the statutory tests as no substantive details were before him and it was unclear exactly

what measures the money would be spent on, how the amount and/or trigger point had been calculated or how it is necessary to make the development acceptable. Without clear and detailed information on these matters the Inspector concluded the contribution does not meet the statutory tests'. There is no new evidence or information that has been forthcoming by the highways authority to address the Inspector's concerns.

9.14 In terms of the proposed site access off Carr End Lane, (LCC) Highways consider that the proposed access is acceptable in terms of design and safety, and that sufficient sightlines of 2.4x49m would be achievable in both directions onto Carr End Lane, provided the hedge within the sightlines is reduced to 1m in height or removed. (LCC) Highways is also satisfied with the proposed new street lighting scheme and continuation of the change in speed limit at the southern boundary of the site, and fully supports the proposed 2m footpath from the proposed site access to the path leading to Lynwood Drive to the north of the site, the shown carriageway narrowing and long term future maintenance to keep the sight lines clear. These works and the street lighting would need to be secured through a S278 Agreement.

9.15 The Highway Authority in their second response have raised no objection to the proposal being served by a single access point onto Carr End Lane, subject to conditions ensuring a footpath is shown along the site frontage from the entrance heading north to link to an existing footpath at Lynwood Drive, and that upgrades are provided to existing bus stops at Seven Stars prior to any occupation of the development. These requirements are proposed and shown on the proposed plans and therefore subject to conditions requiring the works to be carried out as part of a S278 agreement with LCC Highways it is considered the proposal would be acceptable in terms of highway capacity and safety on Carr End Lane.

#### Flood Risk

9.16 The site is located within Flood Zone 1 on the Environment Agency's Mapping Service and therefore has the lowest probability of fluvial flooding. As the site exceeds 1 hectare in area, a Flood Risk Assessment (FRA) has been submitted. There is no requirement for the applicant to demonstrate accordance with the sequential or exceptions tests with regard to flood risk. United Utilities considers the submitted Flood Risk Assessment to be acceptable and has suggested that the development be carried out in accordance with this statement. Lancashire County Council (acting as the Lead Local Flood Authority), and the Council's Drainage Engineer have no objections in principle subject to the application of standard conditions requiring the submission of a surface water drainage scheme, including future management, and lifetime drainage.

9.17 Notwithstanding the concerns raised by objectors about flooding, given this professional advice it is considered that surface water run-off could be adequately drained from the site without increasing flood risk elsewhere. It is recommended that if permission is granted, to ensure appropriate drainage of the site, conditions requiring a scheme of surface water drainage which follows the SuDS hierarchy in policy CDMP2 to be submitted prior to commencement, and requiring an appropriate management and maintenance plan for drainage to be submitted and completed, should be attached to any permission. Subject to these conditions it is considered the proposal would comply with Policy CDMP2 of the Adopted Local Plan.

#### Education Provision

9.18 Detailed discussions with LCC Education to inform the Council's position at the appeal confirmed that no land within site allocation SA1/7 is required to be reserved for a new primary school, as they are comfortable that existing schools in the area can be extended to accommodate the level of planned development.

9.19 The contribution requirements are for 25 primary school places, currently calculated at £393,832.75, and for 10 secondary school places, currently calculated at £237,372.80. The named primary school infrastructure project is Hambleton Community Academy (with Stalmine Primary School named as the backstop project) and the named secondary school infrastructure project is Cardinal Allen High School, Fleetwood. These contributions will need to be secured by a section 106 agreement.

#### Affordable Housing Provision

9.20 Policy HP3 requires this development to include 30% affordable housing provision on site. The application proposes up to 65 dwellings which would equate to a requirement for 20 affordable units (as rounded). This provision of 30% affordable housing on the site, and the type and tenure of the affordable units will need to be secured by a section 106 agreement.

#### Housing Mix

9.21 Policy HP2 of the Wyre Local Plan requires that developments provide an appropriate mix in terms of size, type and tenure of housing to meet the identified need in the borough and local market demand to accord with the most recent SHMA. The Policy also requires that developments exceeding 20 no. dwellings should make provision for at least 20% of dwellings on site to be designed to be adaptable to meet the needs of older people and people with limited mobility. It is considered that these requirements can be secured by condition.

#### Visual Impact / Design / Impact on the streetscene

9.22 From views from the south looking north along the lane the site is read as an agricultural field with a backdrop of existing residential development. Heading in the opposite direction out of Stalmine, the site is viewed as adjacent to other agricultural fields to the south, east and west, although the field to the east will become urban in character following completion of the approved housing site there. In the summer months the site is visible from Carr End Lane and has a modest contribution to visual amenity along the lane as the boundary hedgerows are so established that their height makes it difficult to get wide views of the site, particularly from a pedestrian level. However in the winter months when hedgerows and tree boundary growth has died back the site would be widely visible from Carr End Lane, and the site would have a higher contribution to visual amenity from the lane. It is considered however that the site makes a modest contribution to visual amenity overall as although it would be widely visible from Carr End Lane immediately to the west of the site, it is not widely visible from the south or east screened being screened in part by existing individual housing development, and being viewed at a distance behind existing soft boundary features including trees, whether more or less established.

9.23 The illustrative plans demonstrate that a development of up to 65 units is physically achievable on this site. Whilst landscaping, scale, layout and appearance are reserved matters details, these will be important considerations to enable the development to sit comfortably in the surrounding landscape, and sufficient open space would still need to be provided on the site. In the event of approval of this outline planning application, any reserved matters application should ensure that the

scale of any proposed dwellings and their plot sizes should respect the immediate context of built development and additional landscaping and open space provision would help to reduce the impact. As a length of approximately 65m of hedgerow would need to be removed to facilitate the site access, 2m wide pedestrian footpath and required sightlines, it is also considered that any reserved matters application should ensure mitigation planting be provided to help reduce the impact of the development in the long term.

#### Green Infrastructure Provision

9.24 Policy HP9 of the Adopted Local Plan requires an appropriate quantity of green infrastructure (open space) to be provided on developments of 11 dwellings or more. It also states that the most appropriate types of open space provision need to be determined, and the policy seeks to create meaningful green infrastructure as open space makes an important contributing to the health and wellbeing of communities. Therefore the aims of Policies SP8 and CDMP4 are also relevant.

9.25 Notwithstanding the amount of green infrastructure shown on the indicative plan, the exact amount of green infrastructure required is dependent upon the number of people the development would serve based on the proposed mix of housing. This cannot be determined until the housing mix detail is applied for but there is no reason to conclude at this stage that the required level of green infrastructure cannot be provided on site. Whilst the Inspector in allowing the appeal for application 18/00075/OUTMAJ did not attach a condition suggested by the Council to secure the amount of open space, ruling this was to be considered as part of any reserved matters submission, this would be a new permission. Therefore it is considered that the standard condition imposed on all applications for developments of 11 net units or more requiring provision of open space to comply with Policy HP9 of the Local Plan should be imposed should this application be approved.

#### Impact on residential amenity

9.26 The proposal has been submitted in outline with only the matter of access applied for. Therefore issues relating to impacts on privacy, overlooking, loss of light and overshadowing cannot be properly assessed at this stage, but would be considered by way of a reserved matters application. However, in considering the illustrative plans there is no reason to believe at this stage that the development would not be able to comply with the interface distances set out in the Council's adopted 'Spacing Guidance for New Housing Layouts' SPG and so impact on residential amenity is not a cause for concern. The relationship between the proposed dwellings along the northern boundary, and the scale of the dwellings can be given particular attention at the reserved matters stage should outline permission be granted. The proposed access would be away from existing dwellings and therefore it is considered the siting of the access would not result in unacceptable adverse impact by noise and disturbance from vehicles entering and leaving the development. However Environmental Health has advised that whilst they have no objections to the proposal in terms of impact upon amenity a condition should be attached requiring a Construction Environmental Management Plan (CEMP) to be submitted and agreed prior to commencement of development to protect existing residents during any construction period. It is considered this condition should be attached should the application be approved.

#### Ecology/Trees

9.27 The application site is not within an area of ecological designation. The applicant has submitted an ecology report which is the same report submitted with application 18/00075/OUTMAJ. GMEU has been consulted and has stated that the resubmission relies on the same ecological survey which was regarded as becoming out of date. Notwithstanding this, the survey found that the site is predominantly species poor grassland and GMEU considers that the site is not of significant value for over-wintering wetland and waterfowl birds because it is relatively small and enclosed by hedgerows. GMEU have advised there will be no adverse impact on the nearby SSSI and RAMSAR site designations.

9.28 GMEU also considers that the most important habitats on the application site are the boundary hedgerows, ditches and trees and that these should be retained and protected, or compensatory habitats, such as further open space, should be provided if any of these features are lost. GMEU considers that to protect nesting birds a condition is suggested to ensure no hedgerow or tree removal should occur between March - August inclusive. Such a condition could be attached should permission be granted. GMEU also considers that in terms of loss of trees and impact upon bats, a Horse Chestnut Tree (Tree 1 as identified in the ecology survey report), has been assessed as having potential value to support bats but should be able to be retained. It is recommended however that if it is found necessary to remove the tree it should be further inspected for bats. This, and the provision of biodiversity enhancement measures within the development, could be controlled by condition.

9.29 In their response to the previous application 18/00075/OUTMAJ GMEU considered the development is unlikely to cause harm to great crested newts, but as there are ponds nearby and the site offers suitable terrestrial foraging habitats for amphibians a condition should be attached that no development takes place until a Reasonable Avoidance Method Statement (RAMS) for amphibians on the site has been submitted, should the application be approved. GMEU advises that this response is still relevant but that the amphibian data is now over three years old. As a minimum a review of the previous great crested newts assessments would be expected prior to determination to assess whether new surveys are required. However, the Inspector dealing with the appeal for application 18/00075/OUTMAJ discussed the ecological survey during the conditions session of the Inquiry and did not raise any concerns about the age of the submitted ecological surveys. He also stated that because there was no evidence of Great Crested Newts being present in the surveys that the condition for Reasonable Avoidance Method Statement (RAMS) for amphibians as suggested by GMEU was not necessary. In light of this decision, which is less than 6 months ago, it would not be reasonable to request any further ecology work or to impose the RAMS condition.

9.30 Subject to a condition to ensure that no hedgerow or tree removal should occur between March - August inclusive, a condition requiring a scheme of ecological enhancement, and an informative relating to the presence of Montbretia on the site, it is considered the proposal would be acceptable in terms of impact upon protected species and comply with Policy CDMP4 of the Wyre Local Plan, and the NPPF.

9.31 The Council's Tree Officer has provided comments raising no objection to the principle of the layout plan providing that the methods of protecting trees and hedges currently identified for retention are followed. The removal of the hedgerow along the site frontage has been considered earlier in this report. A landscape scheme would need to secure the replacement of this hedgerow. The matter of landscaping (including hard and soft landscaping) is reserved and details would be

required as part of any reserved matters application. A condition could be attached to ensure that any trees to be retained would be protected during construction.

9.32 An objector made reference to a Tree Preservation Order adjacent to the existing footway leading to Lynwood Drive. The Council's Tree Officer has been asked to clarify whether this is the case as the Council's mapping system does not show a protected tree in this area, and no such objection or issue of a Tree Preservation Order was raised to the previous application 18/00075/OUTMAJ. Following liaison with the Legal Department the Tree Officer has confirmed that there is in fact a Tree Preservation Order on one tree adjacent to the existing footway leading to Lynwood Drive and within the hedgerow of the site boundary. The tree is separated from Carr End Lane by an existing drainage ditch.

9.33 The Tree Officer has provided a further response that there is now potential for impact on an oak tree which is afforded protection by TPO/179 (Land east of Carr End Lane, Stalmine) 2007 from the widening of the carriageway and 2m footpath width. Although there is a ditch separating the tree from the carriageway the proposal would bring the footpath within the root protection area of the tree. The Tree Officer suggests that details should be submitted as to how the tree would be protected during any works. These details can be required by a condition.

#### Contamination

9.34 The NPPF states that where a site is affected by contamination, responsibility for securing a safe development rests with the developer/ landowner. The National Planning Policy Guidance (NPPG) also states that local authorities should use conditions to secure the adequate remediation of contaminated land. Adequate information should be submitted by the applicant to show that the site is suitable for its new use.

9.35 Environmental Health have no objections to the application subject to the council's standard contamination condition being attached. The standard condition would require the developer to submit a desk study, detailed site investigation, and detail any remediation measures if necessary prior to commencement of development. Subject to this condition it is considered the proposal would be acceptable in terms of ground conditions and would comply with the provisions of the NPPF.

#### Other Issues

##### Waste Management

9.36 The National Planning Policy for Waste seeks to ensure that new development makes sufficient provision for waste management and promotes good design to secure the integration of waste management facilities, for example by ensuring there is discrete provision for bins to facilitate a high quality, comprehensive and frequent collection service.

9.37 No information has been submitted as part of this application in relation to the management of waste as it is an outline submission. Therefore, a condition could require full details of waste storage and collection for the development to be submitted with any reserved matters application. Subject to this condition it is considered the proposal would fulfil the requirements of the provisions of the National Planning Policy for Waste.

## Air Quality

9.38 Policy CDMP6 of the Wyre Local Plan requires all new developments that includes new parking to make appropriate provision for electric vehicle charging points. The proposal seeks outline permission for a development of up to 65 no. dwellings and parking provision would be required for the properties. Therefore it is considered that if the application is approved a condition should be required to ensure that the properties would be provided with electric vehicle charging points in accordance with Policy CDMP6.

## Fire and Rescue

9.39 The Lancashire Fire and Rescue Service has provided a consultation response advising that any potential development on the site should comply with Building Regulations in terms of facilities for the fire service (such as appropriate turning heads for vehicles), and that the proposal is provided with suitable provision of Fire Fighting water. Building Regulations stands outside of planning considerations.

## 10.0 CONCLUSION

10.1 The principle of developing the site for housing is supported by Policy SP1 of the Wyre Local Plan as the site is allocated for such purpose in the Adopted Local Plan and is well-related to the existing settlement of Stalmine. Whilst the specific site allocation Policy SA1/7 allocates the site for housing subject to the production of a masterplan, the Appeal Inspector for application 18/00075/OUTMAJ considered that it was not possible for the Appellant to comply with this element of the policy as Phase 1 of the site allocation was a fixed element and prevented comprehensive development of the allocation. Therefore, officers consider that the fact this application no longer proposes a link between this site and an approved development to the east as shown on a “masterplan” document considered by the Inspector does not make it contrary to policy SA1/7. Furthermore, the removal of this link is not considered to make the scheme unacceptable in design and accessibility terms contrary to SP2 or CDMP3.

10.2 The Local Highway Authority has raised no objections based on sustainability, highway capacity or safety. They consider the proposal will exacerbate existing issues on the A588 and that mitigation is required in the form of a £100,000 financial contribution towards the Road Safety Bid. However as the Inspector for the appeal scheme ruled that this contribution did not meet the statutory tests for financial contributions, and no new information has been forthcoming from the highways authority, it is considered that this contribution cannot be required. The Local Highway Authority has raised no objection to the site being accessed off Carr End Lane provided a 2m wide footpath is provided, Carr End Lane is widened, and bus stops at the Seven Stars upgraded.

10.3 It is considered that the applicant has demonstrated that the site could accommodate up to 65 no. dwellings. Subject to the conditions requested by the relevant consultees it is considered the development can be designed to ensure there is no risk to flooding on or off site, and to ensure there are no contamination risks, harm to ecology or impact upon trees, or harm to neighbouring residential amenity. It is also considered that subject to a financial contribution the impacts of the development upon education provision could be adequately mitigated, and that subject to conditions and an appropriate legal agreement to secure affordable

housing provision the proposal would comply with the relevant housing policies of the Adopted Local Plan.

## **11.0 HUMAN RIGHTS ACT IMPLICATIONS**

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

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

## **12.0 RECOMMENDATION**

Grant outline permission subject to conditions and a Section 106 Legal Agreement to secure education contributions and provision of affordable housing. Authorise the Head of Planning Services to issue planning permission upon satisfactory completion of the S106 agreement.

### **Recommendation: Permit**

#### **Conditions: -**

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

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 12.09.2018 including the following plans/documents:

- OS-001 Rev B - Location Plan
- A105751-P001 Rev C

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. As part of any reserved matters application where layout is applied for, the mix of residential units shall be provided on site in accordance with the requirements of Policy HP2 of the Wyre Local Plan 2011-2031 and the Fylde Coast Strategic Housing Market Assessment - Wyre Addendum 3 Supplementary Note (May 2018) or any subsequent replacement Local Plan policy or evidence base document concerned with size and type of housing needed in Wyre.



Reason: In order to ensure that an appropriate mix of house types is provided to meet identified local needs in accordance with Policy HP2 of the Wyre Local Plan (2011-31) and the provisions of section 5 of the NPPF.

4. Prior to the commencement of above ground development 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 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, retained and maintained thereafter in accordance with the approved details.

Reason: To meet the needs of the ageing population and people with restricted mobility in the borough in accordance with Policy HP2 of the Wyre Local Plan (2011-31) and the provisions of section 5 of the NPPF.

5. Prior to the submission of the first reserved matters application(s) relating to layout, or simultaneously with that first reserved matters application, 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 scheme shall be in accordance with the hierarchy of drainage options outlined in the National Planning Practice Guidance, the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015), or any subsequent replacement national guidance/standards and the drainage principles outlined in the Flood Risk Assessment submitted with the application (ref: HYD287\_CARR.END.LANE\_FRA&DMS Rev 1.0 Dated 16/01/2018 prepared by Betts Hydro).

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.

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.

Each reserved matter relating to layout should demonstrate compliance with the agreed drainage scheme

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, 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 and CDMP3 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.

6. Prior to the commencement of development 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 Policy CDMP2 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

7. 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 .

8. Prior to the commencement of development, a scheme of ecological enhancement shall be submitted to and agreed in writing by the Local Planning Authority along with a timetable for implementation and the development shall then proceed in full accordance with these agreed details. For the purpose of this condition, the scheme shall include details of the retention of hedgerows on site and the provision of compensatory features where their retention is not practicable, and details of provision of Native tree and shrub planting, bird boxes and bat boxes.

Reason: In order to safeguard and enhance biodiversity and in the interests of the appearance of the site in accordance with section 15 of the NPPF and Policies CDMP3 and CDMP4 of the Wyre Local Plan 2011-2031. The condition is required prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application.

9. No part of the development shall be commenced until visibility splays measuring 2.4 metres by 49 metres in both directions, measured along the centre line of the proposed new access from the continuation of the nearer edge of the existing carriageway of Carr End Lane are provided. The land within these splays shall be adopted as part of the adopted highway and constructed as footway prior to first occupation of the development.

Reason: To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with the provisions of paragraph 102 of the NPPF and Policies SP7, CDMP3 and CDMP6 of the Wyre Local Plan 2011-2031.

10. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved in writing by the Local Planning Authority. The off-site highway works should include:-

a) A new street lighting system from lighting column F2 near the access to Ash Lea House and to continue to the change in speed limit at the southern boundary of the site

b) The carriageway widening of Carr End Lane as shown on drawing A105751-P001 rev C Proposed Site Access and Highway Improvements

- c) The 2m footpath from the proposed site access to the path leading to Lynwood Drive, with isolated road narrowing.
- d) Upgrading of the existing bus stop on the A588 at Seven Stars

The site access and off-site 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 and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users in accordance with Policies SP7, CDMP3 and 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.

11. Prior to the commencement of development, a management and maintenance plan for the green infrastructure and all communal areas within the site shall be submitted to and agreed in writing by the Local Planning Authority. This plan shall cover features such as ponds, detention basins, hedgerows and grassland. The plan shall also detail how long-term management of the green Infrastructure will be resourced. The management and maintenance plan shall be implemented in accordance with the agreed details.

Reason: In order to ensure that communal areas of planting are managed in such a way as to safeguard their ecological benefits in the interests of biodiversity and the appearance of the site in accordance with the provisions of paragraphs 17 and 118 of the NPPF and Policies CDMP3, CDMP4 and HP9 of the Wyre Local Plan 2011-2031. 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.

12. 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 shall include and specify the provision to be made for the following:

- (a) dust and dirt mitigation measures during the 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 construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (c) hours and days of 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 construction period

- (f) arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)
- (g) the routing 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 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 construction work
- (k) measures to protect watercourses against spillage incidents and pollution

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

Reason: This information is required prior to commencement of development to safeguard residential amenity in accordance with and Policies CDMP1 and CDMP4 of the Wyre Local Plan 2011-2031 and the National Planning Policy Framework.

13. All the dwellings shall be provided with an electric vehicle recharging point and 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 Policies CDMP3 and CDMP6 of the Wyre Local Plan 2011-2031 and the National Planning Policy Framework.

14. Prior to the commencement of development a Tree Protection Plan for TPO/179 (oak tree on Land East of Carr End Lane) and the extent of hedgerow to remain adjacent to the tree, shall be submitted to and approved in writing by the Local Planning Authority. This shall indicate the methods and positioning of tree protection measures such as ground protection (where necessary), Heras protective fencing and details of any specialist demolition or construction methods if appropriate.

The measures contained within the Tree Protection Plan shall be implemented in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

Reason: In order to protect the Tree Preservation Order and adjacent hedgerow from damage or loss in the interests of the amenity of the area 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. The details are required to be approved prior to commencement of development to ensure timely tree protection measures are in place.

15. As part of any reserved matters application where layout is applied for, public open space shall be provided on site in accordance with the requirements of Policy HP9 of the Wyre Local Plan, or any subsequent replacement Local Plan policy for the provision of public open space, and such area or areas of open space shall be provided and available for use, and shall thereafter be retained and maintained for use by the public in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwelling on the site.

Reason: To ensure adequate provision and delivery of public open space in accordance with Policies SP8 and HP9 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

**Notes: -**

1. Lancashire Fire and Rescue Informative:

Access:

It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.

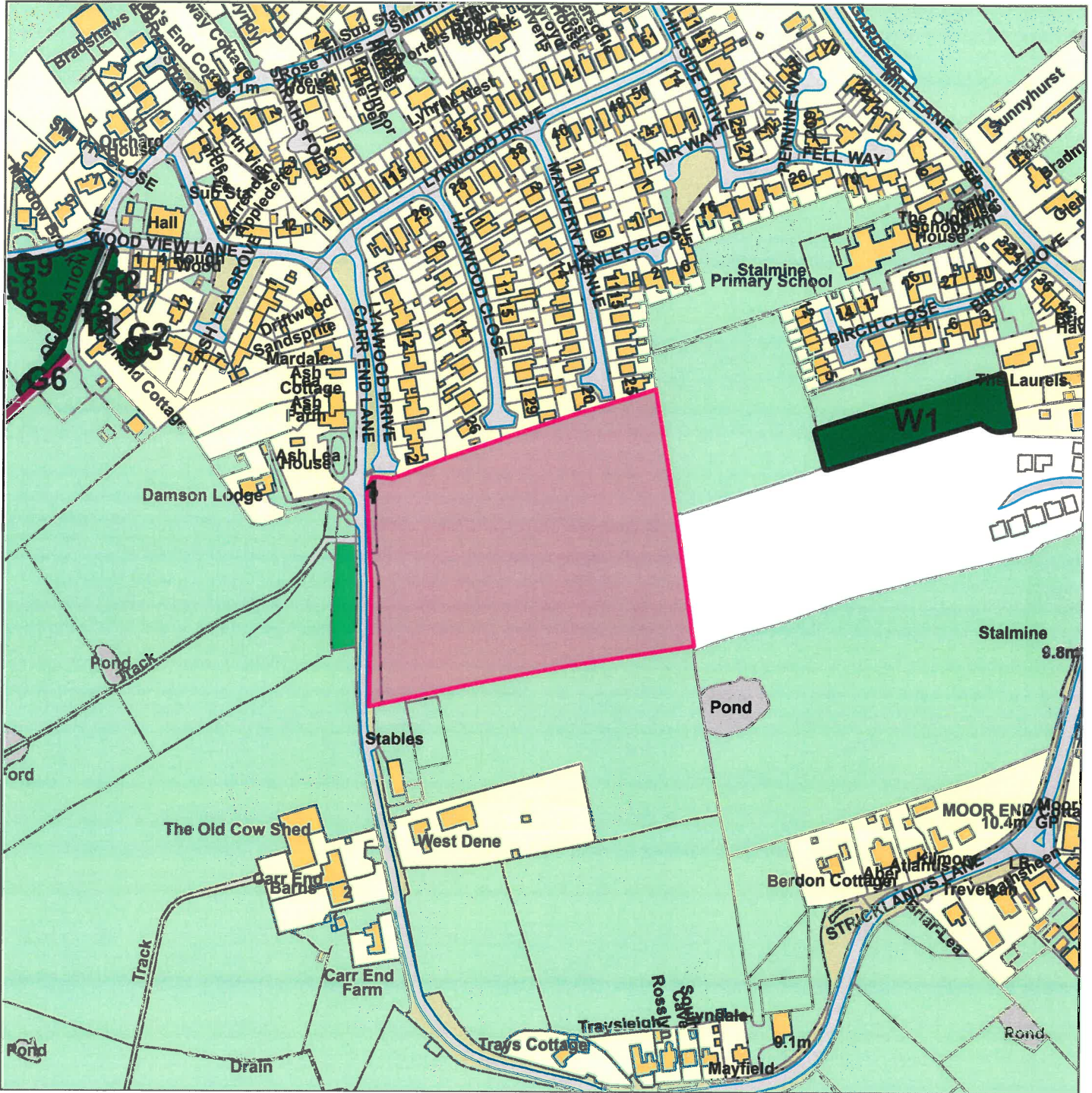
Water Provision:

It should be ensured that the proposal is provided with suitable provision of Fire Fighting water. Any provisions should comply with National Guidance, details of which can be found: <http://www.water.org.uk/publications/water-industry-guidance/%E2%80%A8nationalguidance-document-provision-water-fire-fighting-3rd>

2. Ecology Informative: -

The application is reminded of the presence of the potentially invasive species of Montbretia on the site which may require specialist treatment.





Scale : 1:3453

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

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# **PLANNING COMMITTEE UPDATE SHEET**

**COMMITTEE DATE: 4 September 2019**

<b>APPLICATION NO.</b>	<b>TEAM LEADER</b>	<b>ITEM NO.</b>	<b>PAGE NOS.</b>
18/00899/OUTMAJ	LYNDSEY HAYES	1	7-37

## **CONSULTATION RESPONSE**

An additional response from Lancashire County Council (LCC) Highways has been received to clarify the proposed A588 off-site highway works required to make the development acceptable. These are as follows:

- Upgrade the bus stop on the A588 (north-bound, on the island opposite the Seven Stars PH) to bus stop quality standard with provision of raised boarding area and tactile paving at the dropped kerbs; and
- Provision of a pedestrian crossing in the vicinity of the Seven Stars PH. As a final design for the crossing has not been agreed there is a possibility that there may be a need to adjust the position of the bus stop outside the Seven Stars PH (southbound A588); if this is the case then the repositioned bus stop will need to be provided to quality bus stop standards. If this bus stop is not affected by the crossing then no further improvements are necessary as it has already been upgraded.

This pedestrian crossing is considered necessary given that the removal of the internal link between the two sites means that these bus stops will be the closest to the development and it will enable a safer crossing to the southbound bus stop. A drawing has been produced by the developer but requires Safety Auditing, and therefore it is necessary to secure the details by condition.

## **CONDITIONS**

Condition 10 to be updated as follows (addition text underlined>:

No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved in writing by the Local Planning Authority. The off-site highway works should include:-

- a) A new street lighting system from lighting column F2 near the access to Ash Lea House and to continue to the change in speed limit at the southern boundary of the site

b) The carriageway widening of Carr End Lane as shown on drawing A105751-P001 rev C Proposed Site Access and Highway Improvements

c) The 2m footpath from the proposed site access to the path leading to Lynwood Drive, with isolated road narrowing.

d) Upgrading of the existing bus stop on the A588 at Seven Stars (north-bound, on the island opposite the Seven Stars) to bus stop quality standard with provision of raised boarding area and tactile paving at the dropped kerbs

e) Provision of a pedestrian crossing on the A588 in the vicinity of the Seven Stars, along with repositioned bus stop outside the Seven Stars (south-bound on the A588) provided to quality bus stop standards in the event the current bus stop is affected by the crossing.

The site access and off-site 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 and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users in accordance with Policies SP7, CDMP3 and 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.

**Committee Report****Date: 04.09.2019**

<b>Item Number</b>	<b>02</b>
<b>Application Number</b>	<b>19/00253/OUTMAJ</b>
<b>Proposal</b>	<b>Outline application for up to 10 new residential dwellings with access applied for off Cart Gate (all other matters reserved) (resubmission of 17/00933/OUTMAJ)</b>
<b>Location</b>	<b>Springfield Cottage Farm Cart Gate Preesall Poulton-le-Fylde Lancashire FY6 0NP</b>
<b>Applicant</b>	<b>Mr &amp; Mrs Halliwell</b>
<b>Correspondence Address</b>	<b>c/o Lee Fenton Planning Services Carrfield Ingol Lane HAMBLETON FY6 9BJ</b>
<b>Recommendation</b>	<b>Permit</b>

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

1.1 This application is before Members at the request of Councillor Orme. Members also considered the original application at this site in April 2018. A site visit is recommended to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The site which forms the subject of this application relates to land currently associated with No. 1 Springfield Cottages (also known as Springfield Cottage Farm) and is located on the northern side of Cart Gate directly opposite the sports/recreational field of St Aidans C of E Technology College, south east of the village of Preesall. The subject property is a semi-detached dwelling which has been extended to the side and rear and has a small enclosed rear yard with a dark green storage container against the eastern boundary. Adjacent to and to the north is a derelict block of stables constructed of rendered brick under a shallow sloping roof. To the west of the dwelling house is an area of hardstanding with a number of structures located within it, comprising of a detached pitched roof garage and a timber clad building which appears to be a modified static caravan and is highly prominent along the street frontage. To the rear there is a number of storage containers and an open area of hardstanding (former paddock) with a number of boats and a touring caravans located within. The total site area is approximately 2100sqm and the topography and site levels are generally flat. Against the western most part of the site there is an over grown sloping embankment which drops off from approximately 11.4m AOD to where the site levels out at approximately 6.4m AOD.

Along the frontage is a stepped high level painted boundary wall with two separate gated access points leading in to the site.

2.2 The surrounding area is mixed in character, to the north and west is undulating agricultural land with overgrown vegetation and an area of disused land workings (former sand quarry). The land levels increase substantially to the west progressing up the hill along Cartgate where it levels off at the junction with Park Lane (B5377). Immediately to the east of the site in addition to the subject property is the residential garden of No. 2 Springfield Cottage beyond which is a clustering of residential dwellings which predominantly front on to the highway. To the south on the opposite side of the Cartgate is the sports field of St Aidans Technology College and the car park of the Former Swimming baths.

2.3 The application site is unallocated (white land) and is contained within the Preesall Hill settlement boundary as set out within the Wyre Local Plan 2011-31 proposals map and is partially located within a Minerals Safeguarding Area. Beyond the western boundary is a Public Right of Way (PROW FP 33) and part of the eastern area of the site is located within Flood Zone 2.

### **3.0 THE PROPOSAL**

3.1 The application seeks outline planning consent for the erection of up to 10 residential dwellings with associated access (Layout, appearance, landscaping and scale are all matters reserved). The existing eastern access into the site is proposed to be modified and improved to provide a new access junction on to Cart Gate measuring a minimum width of 5.5m with 2m wide footways either side. This new access road is shown on the indicative plan to progress against the western boundary with a turning head and parking provision to the north of the site. The existing western access is not required although 2 additional site accesses are proposed in this area to directly serve the driveways of 2 of the dwellings.

3.2 To demonstrate how 10 dwellings could be accommodated on the site an indicative layout plan has been submitted which shows semi-detached and terraced properties within the site. Indicative elevational plans have also been submitted which show the dwellings to be 2 storey and of a cottage style design. The applicants have confirmed that all of the existing structures are to be removed and demolished including the existing dilapidated stables.

### **4.0 RELEVANT PLANNING HISTORY**

4.1 The site has the following relevant planning history:

4.2 17/00933/OUTMAJ - Outline application for up to 11 new residential dwellings with access applied for off Cart Gate (all other matters reserved) - Refused 04.04.2018 - Dismissed at appeal

4.3 85/01668 - Erection of dwelling with integral double garage - Permitted

### **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:

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP8 - Health and Well Being
- CDMP1 - Environmental Protection
- CDMP2 Flood Risk and Surface Water Management
- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP6 - Accessibility and Transport
- HP2- Housing Mix
- HP3 - Affordable Housing

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 5 - Delivering a sufficient supply of homes
- Section 6- Building a strong, competitive economy
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable transport
- Section 12 - Achieving well designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment

## OTHER MATERIAL CONSIDERATIONS

### 5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

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

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

### 5.4 JOINT LANCASHIRE MINERALS AND WASTE LOCAL PLAN

5.4.1 The Following policy is considered relevant:

M2 - Safeguarding Mineral Sites

## 6.0 CONSULTATION RESPONSES

### 6.1 PREESALL TOWN COUNCIL

First Response - Objects on the following grounds:

6.1.1 Flooding - Contrary to SP8 as the development will be compromised by an increased flood risk. The area for development is towards the base of Preesall Hill where there is a history of flooding with flood mitigation measures already being introduced at Sunnyside Terrace in an attempt to improve the quality of life of those residents. The potential for a significant number of households to be affected by flooding from positioning properties higher up the hill than those already impacted by flooding, and the additional water burden placed on the dyke system, cannot be underestimated. Any attenuation will overflow into the existing dyke system which already cannot cope. Flood risk management proposals with this application are not believed to be sufficiently detailed to address the specific problems associated with this plot of land. CDMP2 gives three pointers that specifically prevent development in relation to flood risk. It is believed that the development:

- a) would cause flooding or exacerbate flooding in other areas - the displaced water would find a natural level and this would be in the gardens and properties of those dwellings at a lower AOD and
- b) would adversely impact the integrity of tidal and fluvial defences that are already stretched to the limit at times of heavy rainfall. The fact that the adjacent properties are lower than the proposed development land levels is a recipe for disaster.

6.1.2 Sewerage disposal - This has long been a problem in the whole of this area with the sewers struggling to cope and is compounded by the propensity for flooding. CDMP1 is relevant here as there is potential for cross contamination of both surface and ground water should the sewers fail, encompassing pollution and nuisance that would lead to significant adverse effects on health, amenity, safety and the operation of surrounding uses for occupants or users of the development and existing neighbours. The council is of the belief that additional infrastructure would need to be provided on Cartgate to accommodate the increase in capacity.

6.1.3 Access - Existing access to Cartgate is problematic at school times when the road becomes virtually impassable to two-way traffic. The access to the

development is directly off Cartgate and opposite the over-spill area for the school where buses often overhang the area. The impact of additional vehicles and any additional vehicles/visitors will be forced to park on Cartgate. It is believed that CDMP6 1b, c, e, f and 3 and 4 are particularly relevant as the development should not prejudice neighbouring properties' access rights, nor should the traffic from the development have an adverse effect on the local highway network generally. The development relies on vehicular access and fails to reduce car reliance.

6.1.4 Countryside Areas - SP4 It is believed that the harm caused by this development to the open and rural aspect outweighs any public benefits.

6.1.5 Ecology - The council acknowledges that the proposed development is smaller in scale than the one previously proposed for the site, however, it is felt that more needs to be done within the plan to protect birds, amphibians and other wildlife. CDMP4 specifically covers damage to habitats, species, soils, water quality, trees and hedgerows. The proximity of the development to the habitat has the potential to damage the biodiversity of this area. In addition, flooding from the site and the potential for both water and land contamination from sewage at time of flood could adversely affect the abundance of wildlife.

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

6.1.7 Sustainable Development - The proposal fails to comply with Policy SP2 as it does not positively contribute to the overall physical, environmental and economic character of the area and has the potential to adversely affect the character of neighbouring properties. The development will add for the need to travel by car, increase flood risk and will fail to enhance biodiversity and adversely affect the health and well-being of local residents.

6.1.8 Detrimental Impacts - Proposal would be contrary to the Human Rights Act

Second Response 13/08/2019

6.1.9 Reiterates the above and adds additional point 9 highlighting the disappointment that a number of documents are contradictory and based on out of date information

## 6.2 UNITED UTILITIES

6.2.1 Require conditions relating to the submission of full surface water drainage details and foul drainage to be drained on separate systems.

## 6.3 LANCASHIRE COUNTY COUNCIL (LOCAL HIGHWAY AUTHORITY)

6.3.1 No Objections - LCC Highways have advised that the proposed development will not have a significant impact upon highway safety, capacity or amenity in the immediate vicinity of the site. The Transport Statement (TS) which has been submitted in support of the application has been assessed. St Aidans C of E Technology College main site entrance is located 150m west of the site. While

parking on road is an issue at the start and finish of the school day the new development is not expected to have a severe impact on the adjacent highway during these periods, providing the level of off road car parking for the new dwellings are in line with the recommendations in the Wyre Local Plan Appendix B. The widened site access and the provision of the new direct parking off Cart Gate would also allow a passing place fronting the access and drives. The NPPF states in paragraph 109 "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. LCC Highways are of the opinion that the proposed 10 dwellings will not have a severe impact on highway capacity in the immediate vicinity of the site.

6.3.2 Off-site works recommended are that the applicant finances the investigation and implementation of changing the speed limit to 20mph to the front of the site, along with widening of the existing footpath fronting the site to 2m wide and removal of the existing western access. These works shall be carried out under Section 278 works. Highways will not be seeking any Section 106 contributions as part of this development. A number of conditions have been proposed.

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

6.4.1 The latest assessment from LCC (dated 5th August 2019) confirms that the development proposed (10 dwellings) would generate a contribution of 2 secondary school places (currently equating to £48,370.32) with Cardinal Allen, Fleetwood identified as the school closest to the development that has space to accommodate an expansion. There is no requirement for a contribution towards primary school provision.

#### 6.5 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY)

6.5.1 No objections subject to conditions

#### 6.6 LANCASHIRE COUNTY COUNCIL (PUBLIC RIGHTS OF WAY OFFICER)

6.6.1 No observations received at the time of compiling this report

#### 6.7 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.7.1 No objections- The submitted Ecology survey has been assessed. Whilst this report is now nearly 2 years old, the reduced footprint of the development restricts the development to negligible to low value habitats. Issues relating to bats, nesting birds, amphibians and landscaping can be mitigated through condition and informative. The buildings on site were assessed in 2017 for bat roosting potential. No evidence of bats was found and all buildings were assessed as having no bat roosting potential. Whilst such surveys are generally only valid for 1 - 2 years and therefore when and if the development is approved the survey is out of date, GMEU are satisfied given the nature of the buildings to be demolished that the risk to bats will be low. It is considered that given the reduced foot print of the development the impacts upon Great Crested Newts are low. Informatives are recommended in relation to Bats, GCN and Nesting Birds

#### 6.8 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.8.1 No objections in principle- Surface water discharge from the site must not exceed 5l/s and full surface water plans, based on sustainable drainage principles should be conditioned. Notes that Springfield Terrace and the bottom of Cart Gate



have a long history of flooding including internal flooding of properties. Surface Water discharge from the site must not exacerbate local conditions.

#### 6.9 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - LAND CONTAMINATION)

6.9.1 The standard condition requiring the submission of a desk study should be attached to any permission granted.

#### 6.10 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - AMENITY CONSIDERATIONS)

6.10.1 No objections subject to a Dust Management Plan being conditioned along with hours of construction condition being attached.

#### 6.11 WBC PARKS AND OPEN SPACES MANAGER (TREES)

6.11.1 No objections subject to opportunities for new tree planting

#### 6.12 LANCASHIRE FIRE AND RESCUE

6.12.1 Highlight the relevant building regulations and the need to provide adequate turning facilities for fire service vehicles.

### 7.0 REPRESENTATIONS

7.1 At the time of compiling this report there has been 1 letter of objection (by Preesall FLAG) and one letter that neither objects nor supports the proposed development. The primary reasons for objection are:

- The existing drainage and infrastructure barley copes with the surface water. The addition of more housing and hardstanding will add more run off water down Cartgate.

7.2 The letter received which does not object or support the proposal seeks clarification as to whether or not the proposal would feed in to the existing dykes

### 8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Contact was made with the applicant to advise on the amount of financial contributions required on the original scheme for 11 units and also a query of the red edge shown on the submitted plans. During the course of the application a full set of revised plans has been received reducing the number of units to 10 and also a revised Design and Access Statement has been submitted. An extension of time has also been agreed until the 30/09/2019 and agreement to the planning obligations and pre commencement conditions have been secured.

### 9.0 ISSUES

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

- Principle of Development and Policy Compliance
- Design and Impact on the Character and Appearance of the Surrounding Area

- Impact on upon Residential Amenity
- Impact on Highway / Parking
- Flood Risk and Drainage
- Ecological Matters
- Impact upon Trees
- Contamination

#### Principle of Development and policy compliance

9.2 The proposed development seeks outline consent for up to 10 dwellings with access applied for and all other matters reserved. In April 2018 a similar application (application number 17/00933/OUTMAJ) for the erection of 11 dwellings was refused by Members of the Planning committee on this site and adjoining land for the following reason:

“The application site is located in a prominent rural position within an area of designated countryside where the land levels to the west of the site significantly increase. By reason of the projection in to the embankment the proposed dwellings and the rear gardens will be highly prominent when seen from the street scene. As a result the proposed 11 dwellings would have a visual intrusion on the character and appearance of the area and as a consequence be contrary to saved Policies SP13 and SP14 of the Adopted Wyre Borough Local Plan (July 1999) which requires development to be compatible with other land uses and acceptable within the local landscape and also the provision of the National Planning Policy Framework in particular the Core Principles and Section 11”.

9.3 This decision was appealed by the applicant and dismissed by the Planning Inspector on the sole ground that the appellant had failed to secure the necessary affordable housing contribution. Since the previous application and the subsequent appeal the planning policy context has changed and the site area has been reduced. At the time of the previous application the Wyre Local Plan 2011-31 was in preparation and as such only moderate weight was attributed to the policies contained within it. The 1999 Adopted Local Plan Policies (namely SP13 and SP14) were the starting point for decision making and the Council did not have a 5yr housing land supply so it was necessary to apply the tilted balance set out within the NPPF. The Wyre Local Plan 2011-31 has now been adopted and full weight is to be afforded to the relevant policies in relation to the application proposal (this replaces the 1999 Wyre Borough Local Plan). The application site previously encroached into the elevated embankment to the west of the site which was (and still remains) designated as Countryside Area on the Local Plan proposals map. Members were concerned as to the visual impacts arising from engineering into this embankment as well as concerns about destabilisation. This area of land has been omitted from the proposal and the red edge forming this application is now fully contained within the Preesall Hill settlement boundary and no longer encroaches into the designated Countryside.

9.4 In terms of compliance with national and local Policy, Policy SP1 (Development Strategy) of the Wyre Local Plan seeks to deliver new development in line with the settlement hierarchy, with Preesall Hill listed as one of the Main Rural Settlements within the hierarchy where 14.9% of housing growth is expected during the plan period 2011 to 2031. The proposed development of up to 10 new dwellings would be compliant and in accordance with the development strategy set out within Policy SP1.

9.5 Policy SP2 of the Local Plan sets out that new development should be sustainable and contribute to the continuation or creation of sustainable communities in terms of location and accessibility. Sustainability is also a material consideration requirement of the National Planning Policy Framework. In this turn the application site occupies a prominent roadside location adjacent to existing residential properties at the eastern end of Cart Gate. Directly to the south of the site is St Aidans C of E High school with pedestrian footpaths along the full length of the southern side of the highway all the way to the junction with Park Lane where there is a public bus stop on either side of the highway providing public transport to Preesall and Knott End and south towards Stalmine, Hambleton and the wider settlements within Wyre. Other community services and facilities within Preesall Hill include a public house (Black Bull), Fleetwood's Charity Primary School, hot food takeaway and community bowling green. It is considered that the site is suitably sited to ensure the occupiers of the site can safely and readily access the local community facilities and public transport links in the immediate locality which in turn would assist in creating a sustainable community whilst supporting the existing rural economy. Whilst concerns have been raised by the Town Council in relation to the associated flood risks of this site (discussed later on in the report in paragraph 9.13) the proposed development of this site in this location would not compromise the Borough's ability to improve the health and well-being of local residents. As the site is fully contained within the settlement boundary, would positively contribute to the overall physical, social, environmental and economic character of the area and would see the re development of an untidy and generally run down predominantly brownfield site, it is considered the proposal would comply with the provisions set out within Policy SP2 of the Local Plan and also section 2 of the NPPF.

9.6 Whilst the principle is considered to be acceptable other material considerations are to be attributed weight in the overall planning balance, this includes 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, each application is to be assessed on its own planning merits against the relevant planning policies in place at the time. In this case the proposal is a re submission of application 17/00933/OUTMAJ and the applicant has sought to address the primary concerns of Members by reducing the site's red edge to no longer include the embankment and reduce the amount of dwellings being proposed.

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

9.7 The application has been submitted with all matters reserved with the exception of access, as such the full impacts arising from the development upon the character of the area and landscape along with the design and appearance of the dwellings can only be fully assessed at the reserved matters stage (should Members be mindful to approve). However the application has been accompanied by an indicative site layout plan (and elevational plans) which demonstrates how the site could accommodate the 10 dwellings whilst complying with the spacing and separation distances set out in SPG4.

9.8 Initially the application proposed up to 11 units which was later revised to up to 10 by the applicant for financial and viability reasons. The existing site due to its current use and presence of outbuildings, hardstanding and other bulky paraphernalia is predominantly developed in character. The site also has a close relationship with the row of existing dwellings to the east and is fully screened by the increasing embankment to the west which provides full visual containment. Policy

CDMP3 of the Local Plan requires all development to be of a high standard of design and appropriate to the end use. The Policy lists set criteria which development in particular will be assessed against. This includes (Criteria a) all development must be designed to respect or enhance the character of the area including density, siting, layout, scale, massing, landscaping and use of materials. Whilst the scheme is in outline form and the indicative layout plan submitted carries no weight, it does demonstrate that it is possible to construct dwellings on the site which would not look out of kilter with the adjacent development pattern and would, subject to appropriate details being presented at Reserved Matters stage, provide a visual enhancement to the immediate setting. It is suggested that should this outline application be approved and Reserved Matters be submitted, a number of revisions could be made to improve the site layout. This could include breaking up the northern dwellings to provide more visual gaps, landscaping to provide a softer development edge and reducing the amount of parking to the front of dwellings toward the north of the site which at present would be visually car dominant.

9.9 The applicant has submitted indicative elevational plans showing a cottage style design of a sympathetic scale and proportion to that of the neighbouring properties. On this basis it is considered that it would be possible at reserved matters stage to provide a scheme that would avoid harm to the character of the area and would comply with Policy CDMP3 of the Local Plan. Whilst each application is assessed on its own merits It is worth highlighting that on the previous scheme which was for 11 dwellings (17/00933/OUTMAJ) and included the development within the sloping embankment the Planning Inspector confirmed in her report that she believed the development of the site would not result in undue harm upon the character of the area. This proposal is for 1 less unit and has lesser visual harm to that of the previous scheme. The proposed pair of semi-detached dwellings shown along the site frontage would be fixed due to their requirement for access onto Cart gate as access is a matter being applied for as part of this application.

#### Impact on upon Residential Amenity

9.10 The illustrative layout plan provided does demonstrate where the properties could be situated within the site. In this instance the only real potential impacts would be on the existing dwelling number 1 and the adjacent dwelling number 2 Springfield Cottage. In assessing the impacts the illustrative plans have been assessed against the spacing and interface guidance set out within SPG4. In this instance the nearest dwelling to the north of number 1 Springfield Cottage would be in excess of 15m which exceeds the interface distance of 13m where a 2 storey side elevation faces a rear elevation of an existing dwelling. Furthermore the dwellings sited towards the northern boundary would be approximately 40m away from number 2 Springfield Cottage and again would have no impacts upon the residential amenity of this property. Whilst the impacts upon neighbouring amenity are accepted based on the indicative site layout plan, the full impacts can only be fully assessed at reserved matters stage when layout, scale and appearance, including the location of windows etc., are known.

#### Impact on Highways / Parking

9.11 The application has been submitted with a supporting Transport Statement (TS) which sets out the proposed impacts of the development including a Traffic Impact Assessment and the new access arrangements for the development. The submitted plans (within the TS) demonstrate that the existing access will be modified to a central access on to Cart Gate providing visibility splays of 2.4m x 49m to the west and 2.4m x 51m to the east. Lancashire County Highways have been consulted

and have advised that the highway network surrounding the site is considered to have a good accident record and indicates there are no underlying issue which the proposed development would exacerbate. The Town Council have raised a number of concerns regarding the existing issues experienced in the vicinity of the site during peak school hours including difficulties of vehicular passing when the school busses are parked up. All of the concerns relating to highway safety and capacity issues have been fully acknowledged and discussed with the Highways Officer. LCC Highways have advised that whilst parking on road is an issue at the start and finish of the school day the new development is not expected to have a severe impact upon the highway during these periods, providing the level of off road parking within the site for the new dwellings is sufficient and would not conflict with the provisions of Paragraph 109 of the NPPF. LCC Highways are satisfied that the development would be acceptable subject to the new footpaths being provided into the site in conjunction with improvements to the existing footpath along the site frontage to 2m which would be secured via condition and subsequent Section 278 Works.

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

#### Flood Risk and Drainage

9.13 The application has been accompanied by a Flood Risk and Drainage Assessment. The site lies within flood zone 1 and partially within flood zone 2 towards the north east of the site. The illustrative site layout plan highlights the location of flood zone 2 and how the dwellings themselves are sited outside of this area with only sections of rear gardens located within Flood Zone 2. This could be ensured by a condition. On this basis there is no requirement for the applicant to demonstrate accordance with the sequential or exceptions tests with regard to flood risk. Concerns have been raised by the Town Council about the existing issues surrounding flooding in this area and how the proposed development would lead to an increased impact on the existing systems and existing properties in the area. Policy CDMP2 of the Local Plan relates to flood risk and surface water management and seeks to ensure that development will not be at an unacceptable risk of flooding and new proposals should seek to implement Sustainable Drainage Systems (SUDS) and existing natural watercourses. The comments by the Town council in relation to both foul and surface water have been acknowledged. The application has been submitted with a flood risk and drainage strategy. The proposed surface water drainage scheme seeks to dispose of surface water through infiltration or to discharge to the adjacent watercourse to the north east of the site at a green field run off rate of 5 ltrs per second in conjunction with an underground on site attenuation tank which is shown to be located beneath the internal access road. The Lead Local Flood Authority, United Utilities and the Council's Drainage Engineer have not objected to the proposal subject to conditions to secure an appropriate drainage scheme. On this basis there is no reason to conclude at this stage that the development of this site will significantly increase the impacts of flooding within the site or within the immediate vicinity. Despite local objections to the contrary, it is reasonable to deal with the drainage matters by planning condition requiring a more

detailed drainage strategy including detailed plans to be submitted and agreed (based on sustainable drainage principles) before the commencement of development.

#### Ecological Matters

9.14 An ecological appraisal has been submitted in support of the application. Greater Manchester Ecology Unit (GMEU) have assessed this and advised that the information was considered previously as part of application 17/00933/OUTMAJ. GMEU have advised that whilst the report submitted is nearly 2 years old the reduced footprint of the development restricts the proposals to negligible to low value habitats and any issues relating to bats, nesting birds, amphibians and landscaping can be mitigated through condition and informatives. The buildings on site were assessed for bat roosting potential and no evidence was found whilst the surveys are generally only valid for 1-2 years GMEU are satisfied that the risk to bats will be low. As the footprint for this development has been reduced GMEU are satisfied that there are low risks to Great Crested newts however an informative is recommended along with one relating to nesting and breeding birds.

#### Impact upon Trees

9.15 On the whole the proposal seeks to retain and protect the majority of trees and hedgerows within the site however a limited number of low grade trees would need to be removed. The Council's Tree Officer has raised no objections to this and advised that there are opportunities for new tree planting within the site. This can be secured as part of the landscaping scheme to be secured at Reserved Matters.

#### Contamination

9.16 NPPF paragraph 170 states that planning decisions should contribute and enhance the natural environment by (f) remediating and mitigating despoiled, degraded, contaminated and unstable land where appropriate. Notwithstanding the Town Council's concerns the Council's Environmental Protection officer raises no objections to the proposed residential use of the site subject to a condition requiring the submission of a Contaminated Land Phase One Desk Study.

#### Other Matters

##### Affordable Housing

9.17 In accordance with Policy HP3 of the Local Plan the proposed development is required to provide 1 No. on site dwelling unit which would contribute to meeting the identified need for affordable housing (Equivalent of 10%). As this is a predominantly brownfield site policy HP3 requires 10% provision in Preesall. In this instance the Council's Affordable Housing officer has advised that due to limit Registered Provider financial capacity and the management issues that a Registered Provider would experience with 1 Affordable Dwelling on this site an off-site contribution would be acceptable. This equates to £45,858 and the applicant has agreed to pay this contribution which is to be secured via a Section 106 Legal Agreement.

##### Green Infrastructure

9.18 Policy HP9 requires Developments resulting in a net gain of 11 dwellings or more to make appropriate provision of sufficient high quality Green Infrastructure

(GI). As this application seeks consent for up to 10 units there is no requirement to provide GI in accordance with Policy HP9.

#### Education Contributions

9.19 To ensure the proposal secures the necessary infrastructure to mitigate the impacts of the development Lancashire County Council Education have been consulted. Based on the 2019 School census and resulting projections and taking into account all the approved applications LCC will be seeking contributions towards 2 Secondary School Places at Cardinal Allen, Fleetwood, which is identified as the school closest to the site with the space to expand. Based on current calculations this contribution equates to £48,370.32. There is no requirement for any contributions towards primary school provision. LCC Education have confirmed that the contribution would comply and be in line with Community Infrastructure Levy regulations (CIL) and confirmed that there are 4 secured S106 pooled against Cardinal Allen. This contribution has been agreed by the applicant which would be secured via a Section 106 legal agreement.

#### Minerals Safeguarding

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

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

#### Public Right of Way (PROW)

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

### **10.0 CONCLUSION**

10.1 The principle of residential development on this site which is identified in the Wyre Local Plan as being in the Preesall Hill settlement boundary is supported by

Policy SP1 where development is well-related to the existing built form. It is considered that the re-submitted scheme for up to 10 dwellings would be located in a sustainable location close to existing infrastructure and community facilities. The development would make use of an existing site and subject to appropriate details at reserved matters stage is not considered to be disproportionate or out of keeping with the immediate surroundings. The development would not adversely affect the safe and efficient operation of the highway and would be served by an acceptable access arrangement, provided that off-site highway works are secured by condition. The applicant has demonstrated that the site can sufficiently accommodate up to 10 dwellings without causing significant adverse effects on neighbouring residential amenity and that the development can be designed to ensure there is no risk to flooding on or off site. The applicant also agrees to the provision of education and affordable housing contributions to mitigate the impacts of the development on such infrastructure. Overall the proposed development is considered compliant with the National Planning Policy and the relevant policies of the Wyre Local Plan.

## **11.0 HUMAN RIGHTS ACT IMPLICATIONS**

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

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

## **12.0 RECOMMENDATION**

12.1 Grant Outline planning permission subject to conditions and subject to a section 106 legal agreement to secure appropriate financial contributions towards Affordable Housing and Education provisions. Authorise the Head of Planning Services to issue planning permission upon satisfactory completion of the S106 agreement.

**Recommendation: Permit**

**Conditions: -**

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

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 12/4/2019 including the following plans/documents:



- Proposed Site Plan Drawing Number LF/AH/3401a Rev A (Illustrative layout is not approved)
- Location Plan 1:1250
- Revised Topographical Plan Ref 051/200/03 Rev B
- Detailed Access Plan ref A103206-P001 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. Prior to the submission of the first reserved matters application(s) relating to layout, or simultaneously with that first reserved matters application, 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.

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.

Each reserved matter relating to layout should demonstrate compliance with the agreed drainage scheme

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, 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 and CDMP3 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.

4. Prior to the commencement of development 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 policy CDMP2 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

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

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

6. 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 and pollution

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).

7. Prior to the commencement of development a scheme for the construction of the site access and the off-site works of highway improvement [namely, site access works, 2m wide footpath to the full frontage of the site, relocation of 20/30mph speed order following investigation works undertaken by the developer and closure of the existing western site access], 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.

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

Reason: The development is for a sensitive end use and insufficient information has been submitted with the application as to the potential contamination risks of the site. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

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

The ground, slab and finished floor levels shall be constructed and completed in accordance with the approved details.

Reason: To ensure that the development has a satisfactory visual impact on the streetscene, a satisfactory impact on neighbouring residential amenity and has a minimum risk of flooding in accordance with Policies CDMP2 and CDMP3 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.

10. 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).

11. 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 .

12. As part of the submission of any application for Reserved Matters relating to layout, no part of the dwelling(s) footprint shall be within the site's flood zone 2 and 3 designation as shown on the illustrative layout plan.

Reason: To ensure that the development satisfies the National Planning Policy Framework and Policy CDMP2 of the Wyre Local Plan (2011-31) by directing development away from areas at risk of flooding and in order to satisfy the Sequential Test and Exceptions Test requirement.

13. Before the access is first used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be surfaced in tarmacadam, concrete, block pavements, or other permanent hard surfaced material.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users and in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

14. The visibility splays (on private drives to Cart Gate) identified as that land in front of a line drawn from a point 2m measured along the centre line of the proposed accesses from the continuation of the nearer edge of the carriageway of Cart Gate to a point measured 43m in each direction along the nearer edge of the carriageway of Cart Gate from the centre line of the proposed access shall be provided prior to first occupation of the development and shall not at any time thereafter be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

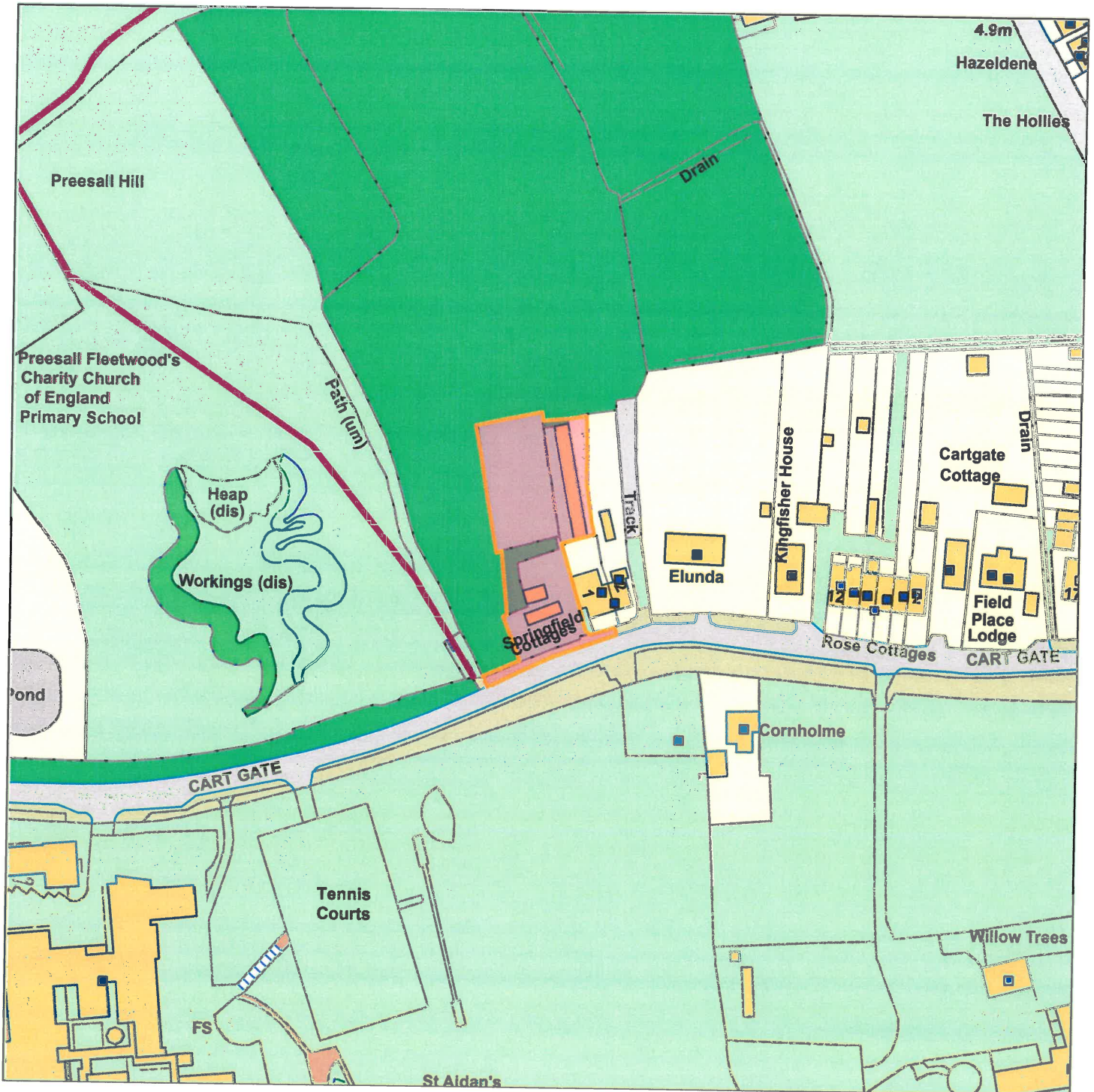
Reason: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

**Notes: -**

1. This grant of planning permission will require an appropriate legal agreement to be entered into with Lancashire County Council as the Local Highway Authority. The Highway Authority reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works

includes design, procurement of the work by contract and supervision of the works. Before any works begin Lancashire County Council should be contacted to ascertain the details of such an agreement and the information to be provided by telephoning 0300 123 6780 or writing to Lancashire Highways Services, Cuerden Way, Bamber Bridge, Preston, PR5 6BS quoting the planning application number.

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



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<b>Organisation</b>	Wyre Council
<b>Department</b>	Planning Department
<b>Comments</b>	Item 2
<b>Date</b>	20 August 2019
<b>SLA Number</b>	100018720

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