



Planning Committee Agenda

Wyre Borough Council
Date of Publication: 24 September 2019
Please ask for : Emma Keany
Democratic Services Officer
Tel: 01253 887476

**Planning Committee meeting on Wednesday, 2 October 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 04 September 2019 (already circulated by email).

4. **Appeals** (Pages 1 - 30)

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

5. **Planning Applications** (Pages 31 - 126)

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 A:

Application Number: 18/00899/OUTMAJ.

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 B:

Application Number: 18/00660/FULMAJ (Site Visit).

Land East Of Hollins Lane, Forton, Preston, Lancashire. Residential development comprising of 60 dwellings with access from Hollins Lane, open space and associated infrastructure.

Item C:

Application Number: 18/00680/OULMAJ (Site Visit).

Land Off Holts Lane, Poulton-Le-Fylde, Lancashire. Variation of condition 03 (affordable housing) on application 16/01043/OULMAJ

Item D:

Application Number: 19/00367/FUL (Site Visit).

Land At Kepple Lane, Garstang, Lancashire. Amendment to a single unit plot 16 (reserved matters approval ref: 15/00672/RELMAJ) (part retrospective).

6. Tree Protection Order

(Pages 127 -
142)

The Service Director People and Places has submitted a report regarding an objection to the making of Wyre Borough Council Tree Preservation Order No 2 of 2019, at the land to the south of Blackpool Road, Carleton, Poulton-Le-Fylde, Lancashire **(Site Visit)**.

PLEASE NOTE:

Transport for the members will leave the Civic Centre, Poulton-Le-Fylde for the 4 Site Visits at 10:00.

APPEALS LODGED AND DECIDED

Appeals Lodged between –15th August – 15th September 2019

Application Number	Location	Proposal	Com/Del decision	Appeal Type	Date Lodged
19/00477/FUL	20A North Promenade Thornton Cleveleys Lancashire FY5 1DB	Proposed two storey side extension (re-submission of 18/00713/FUL)	Delegated	Written Representations	29 th August 2019
18/00921/LMAJ	Foxfield Nurseries Ox Close Lane Off School Lane Pilling PR3 6HB	Erection of glasshouses, boiler house and four rainwater collection tanks	Delegated	Hearing	2 nd September 2019
18/00918/FUL	Faulkners Fold Cottage Faulkners Lane Forton Preston Lancashire PR3 0AL	Variation of conditions 02 (plans) and 13 (to allow for the retention of Faulkners Fold Cottage for holiday purposes) on application 17/00470/FUL	Delegated	Written Representations	3 rd September 2019
18/00946/OUT	Blueberry Stables Lancaster Road Preesall Poulton-Le- Fylde Lancashire FY6 0HN	Outline application for erection of one detached dwelling (for the occupation of one gypsy traveller family) with access, appearance and scale applied for (all other matters reserved)(resubmission of 18/00835/OUT)	Delegated	Written Representations	4 th September 2019
19/00335/FUL	Johnsons Farm Turkey Street Out Rawcliffe Preston Lancashire PR3 6TA	Erection of 1no. detached building ancillary to existing residential dwelling at Johnsons Farm.	Delegated	Fast track appeal	10 th September 2019

Appeals Decided between – 15th August – 15th September 2019

Application Number	Location	Proposal	Com/Del decision	Decision	Date Decided
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 th August 2019
18/01045/FUL	99 Fleetwood Road Poulton-Le-Fylde Lancashire FY6 7NU	Conversion of rear first floor flat roof to outside children's play area (retrospective)	Delegated	Dismissed	21 st August 2019
17/00743/OULMAJ	Westfield Farm Garstang Road Cloughton-On-Brock Preston Lancashire PR3 0PU	Outline application for the creation of a retirement village that will provide 200 No. one and two bed assisted living residential dwellings with access applied for off A6 Preston Lancaster New Road (all other matters reserved)	Delegated	Dismissed	3 rd September 2019
17/00134/OUT	Island Farm Cartmell Lane Nateby Preston Lancashire PR3 0LU	Outline application for the erection of 5 dwellings following demolition of existing buildings (matters of access and layout to be determined)	Delegated	Dismissed	5 th September 2019
18/00625/OUTMAJ	Land To The West Of Carr Lane South Of The Beeches Hambleton	Outline application for the erection of three buildings for B1 (commercial) use with associated landscaping works (all matters reserved)	Delegated	Dismissed	10 th September 2019
18/01016/OUT	Land At Gezzerts Farm Gezzerts Rise Poulton-Le- Fylde Lancashire FY6 7XE	Outline application for the erection of one detached dwelling with access applied for off Gezzert's Rise (all other matters reserved)	Delegated	Dismissed	12 th September 2019



Appeal Decision

Site visit made on 20 August 2019

by Elizabeth Hill BSc(Hons) BPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 September 2019

Appeal Ref: APP/U2370/W/18/3214908

Island Farm, Cartmell Lane, Nateby, Lancs, PR3 0LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Meanley Estate against the decision of Wyre Borough Council.
 - The application Ref 17/00134/OUT, dated 25 January 2017, was refused by notice dated 27 April 2018.
 - The development proposed is the demolition of existing buildings and construction of 5 no. detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application is in outline form with access and layout to be determined at this stage.
3. Since the determination of the application, a revised version of the National Planning Policy Framework (NPPF) has been published. In addition, a new Local Plan, the Wyre Local Plan 2011-2031 (LP) has been adopted by the Council. I have determined the appeal on the basis of these documents.
4. Footnote 38 of the NPPF states that plans adopted within the timescale that this LP was adopted will be treated as a "recently adopted plan" with regard to housing land supply. This means that the Council has a deliverable 5-year land supply, a position which cannot be challenged until 31 October 2019. This is a change from the position at the time of the determination of the application.

Main Issues

5. In their statement the Council say that an acoustic survey has been submitted and, subject to conditions which would ensure the provision of a 1.8m acoustic fence and double-glazing, they have withdrawn Reason for Refusal 3 on noise. Similarly, a heritage report has now been submitted, which finds that there are better examples of the buildings to be demolished in the wider area and therefore, subject to a condition requiring the recording of the buildings, there would be no objections to their demolition. Therefore, the Council has also withdrawn Reason for Refusal 6. The other reasons for refusal remain in place.
6. Therefore, the main issues in this case are:

- a) Whether the proposal would be in an appropriate location for development, having regard to national and local planning policy which seek to manage the location of new development;
- b) The impact of the development on the character and appearance of the area;
- c) The impact of the proposal on the living conditions of future occupiers, in terms of privacy; and,
- d) The impact of the proposal on ecology.

Reasons

Location

7. The proposed development would be located within a cluster of buildings adjacent to Island Farm. These include a bowling green and clubhouse, a business centre, some other buildings used for commercial purposes and two houses immediately adjacent to the site, one of which was a farmhouse. There are a further two dwellings nearby but these are outside the visual envelope of the site. As there are other buildings around the site it cannot be said to be isolated or on its own but given the very limited number of dwellings around the proposal I do not consider that Island Farm is a settlement in itself. It is one of a number of farmsteads across the countryside in the local area where there is more than one dwelling and where former farm buildings have gradually been used for commercial uses, which can be appropriate in terms of countryside policy and farm diversification. The wider site is unusual in that planning permission was granted in 2003 for a number of new commercial buildings, but these would have been considered under development plan policies other than those which cover residential development.
8. Policy SP1 of the LP sets out the development strategy for the Borough and includes a hierarchy of settlements, beyond which is the countryside. Policy SP4 of the LP sets out policy for development in countryside areas. This policy is part of the newly adopted plan and the Council's view is that it complies with the NPPF. Section 1 of the policy relates to the impact on the character and appearance of the area and is discussed in the second main issue. The other sections of the policy relate to the types of development that will be allowed within the countryside areas and is similar to paragraph 79 of the NPPF. The development is not within any of these categories. Paragraph 78 of the NPPF states that in rural areas housing should be located where it will enhance or maintain the vitality of rural communities but the final sentence makes it clear that this relates to villages or groups of villages. In any event, there is no evidence that further support is needed to the school and chapel in the village of Nateby and Garstang appears to be a thriving small town with a range of facilities. In addition, the proposal would not be for a rural exception site or be bringing forward any affordable housing and therefore would not be supported by paragraph 77 of the NPPF.
9. The site is about 1.2km from the nearest settlement, Nateby, which is a village with only limited facilities, including a primary school and chapel. The nearest centre is Garstang with a range of shops and facilities, including bus services, which is about 3.6km away. Although this is within cyclable distance, the nature of the roads locally, in terms of width, bends, traffic and surfacing would

be likely to deter cycling. There are no dedicated footways or cycling facilities on the route likely to be taken by walkers or cyclists. Therefore, I consider that the site is not accessible by any sustainable transport means and, even having regard to its rural location, the development would necessitate more car journeys in the local area. This would be contrary to Policy SP2 of the LP which, amongst other matters, seeks to ensure accessible places and minimise the need to travel by car.

10. The appellant says that there is a fallback position of using permitted development rights to convert the existing brick buildings to residential use and the sustainability of this type of development is not questioned. However, those buildings already exist and can already be used for development that could generate trips by car. Additionally, the development makes use of an existing resource, the building, and does not relate to new-build residential development. Although I have not been made aware of the full circumstances of the prior approval at Elm Farm, Station Lane, from office to residential, this was in an existing building. There are employment opportunities nearby but it is by no means certain that anyone choosing to live in any new housing would work there and reduce the need to travel by car.
11. Therefore, I conclude that the proposed development would not be in an appropriate location for development, having regard to national and local planning policies which seek to manage the location of new development, namely Policy SP4 of the LP and paragraphs 77-79 of the NPPF.

Character and appearance

12. As already stated above, this rural area is characterised by sporadic farmsteads along the lanes, including Fowler's Farm to the west of the site, some with more than one dwelling and some which have developed other employment uses. Although the Island Farm site has a larger employment component than some of the others locally, apart from the bowling green, the existing development on the site is typical of the range of development locally.
13. The proposal would introduce five detached dwellings in a row at a right angle to the road, partly on the footprint of the existing buildings. In this area, generally dwellings are well spaced and set apart from each other and well back from the road, allowing a more open pattern of development. Whilst views of the site are somewhat contained and the footprint would only be a small increase on the existing one, the urbanising nature of the development together with parking and other activities linked to the residential use of the site would have an adverse effect on the countryside. The employment uses nearby have some parking but that is clearly related to that use. Although appearance and scale are reserved matters, the layout of the proposal is for determination at this stage and would not be in keeping with the character of the area.
14. The proposal would mean the loss of farm buildings, one of which is modern but the other two are older and traditionally built. Whilst there is no objection to the demolition of these buildings, the older ones have some heritage value and the group as a whole are in keeping with the character and appearance of other farmsteads in the surrounding rural area. Although the appellant claims the new development would be an improvement over what is on site currently, the buildings relate to their former agricultural uses and are in keeping with the location in the countryside, whereas the proposal would not do so.

15. Therefore, I conclude that the proposed development would be harmful to the character and appearance of the area, and contrary to Policy SP14 of the LP, which seeks high standards of design and amenity for all types of development.

Living conditions

16. Island Farm is in a slightly elevated position to the site and separated from it by a driveway to a building in employment use beyond. As part of the noise mitigation, the appellant has proposed a 1.8m acoustic fence along the boundary of Plot 1 to the drive, which has been agreed as appropriate in terms of noise by the Council.
17. However, Island Farm has windows at ground and first floor level which would overlook the rear garden to Plot 1. The proposed fence would only protect from views from the ground floor level and the garden would be overlooked at close quarters in views from the first floor windows, which are only about 5m from the boundary, in the Council's estimate. Landscaping, which is a reserved matter, is shown along this boundary but would need to be of some height and density to protect the privacy of the garden. Any landscaping would take some time to mature and during this time there would continue to be an adverse effect on privacy. The landscaping could also have other implications for the private amenity space in terms of shading. Whilst the appellant says that no separation distances are set out for the gardens of new housing in any of the Council's LP policies or planning guidance, Policy SP14 of the LP requires that siting and design of proposals do not prejudice residential amenity.
18. Therefore, I conclude that the proposed development would be harmful to the living conditions of the occupiers of Plot 1 in terms of privacy, which would be contrary to Policy SP14 of the LP.

Ecology

19. Since the refusal of planning permission, a bat survey has been produced which shows that the traditional buildings have bat roosts within them and would require a licence under other legislation from Natural England (NE) to deal with their removal. This is only usually issued once planning permission has been granted.
20. In order for the licence to be granted, NE requires 3 tests for the development to be met: (a) Preserving public health or public safety or other imperative reasons of overriding public interest; (b) There is no satisfactory alternative; and (c) The action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range. As competent authority Regulation 9(3) places a duty on Inspectors to have regard to the requirements of the Habitats Directive in the exercise of their functions. In cases where the proposed development could cause harm to European Protected Species, as is the case here, I must consider whether there is a reasonable prospect of a licence being granted and apply the three tests.
21. In terms of the first test, the proposal would not preserve public health or public safety. Although there would be some benefit in the provision of additional housing, since the Council now has a 5-year housing land supply, this has little weight and could not be considered an imperative reason of overriding public interest. The second test is that there is no satisfactory alternative. The LP process will have brought forward many other housing sites

and I have already found that the location of this site would not be in accordance with policies which seek to guide development to sustainable locations. Therefore, there will be other more suitable locations in which housing development can be built in the District. The final test is an ecological one, which the local ecological unit say would be met. However, all three tests have to be met and therefore there would not be a reasonable prospect that NE would grant a licence for this development.

22. Therefore, the proposal would be contrary to Policy CDMP4 of the LP, which seeks to protect habitats and protected species.

Planning balance

23. The site is a brownfield one which should have priority over greenfield land and the scheme would boost the supply of housing in the area. However, the LP has ensured a 5-year housing land supply and therefore the development of this site in an unsustainable location has little weight. There might be some temporary employment during the course of development but this is a small number of houses to be built over a limited time and would also have little weight. There would be an increase in surveillance and security of the Island Farm area but there are already dwellings on the site which perform this purpose. I have also noted that there is some general support from the local Parish Council.
24. However, none of these matters would outweigh the harm which I have already identified in terms of the proposal's location and to the character and appearance of the area, the living conditions of the future occupiers of Plot 1 in terms of privacy and ecology.

Conclusions

25. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

E A Hill

INSPECTOR

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Appeal Decision

Hearing Held on 13 August 2019

Site visit made on 13 August 2019

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 September 2019

Appeal Ref: APP/U2370/W/18/3215284

Westfield Farm, Garstang Road, Claughton-on-Brock PR3 0PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr P Barnett against the decision of Wyre Borough Council.
 - The application Ref 17/00743/OULMAJ, dated 1 August 2017, was refused by notice dated 15 June 2018.
 - The development proposed is creation of a retirement village that will provide 200 No. one and 2 bed assisted living residential dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is in outline with all matters reserved except access. An indicative proposed site plan has been included for illustrative purposes. I have determined the appeal on that basis.
3. A completed planning obligation by way of a Unilateral Undertaking (UU) under S106 of the Town and Country Planning Act has been provided as part of the appeal process. The obligation covers matters related to open space, affordable housing, travel plan and highways and an operational management plan.
4. Following an initial consultation response from the Highways Authority the appellant had agreed to a 70+ age restriction for the occupants of the development. Following a revised response from the Highways Authority in January 2019 the appellant indicated that occupancy could be lowered to 55+. However, this is to be confirmed through provisions made in the UU. I have determined the appeal on this basis.

Main Issue

5. The main issue is whether the appeal site represents an appropriate location for housing having regard to national and local policies which seek to protect the character and appearance of the countryside, including the setting of Grade II Listed structures Westfield Farm House and a Medieval Cross Base, and whether any adverse impacts would significantly outweigh the benefits of the proposal.

Reasons

6. The appeal site is an irregular shaped parcel of agricultural land associated with Westfield Farm, which includes a Grade II Listed Farmhouse. This along with a small group of other buildings are set back within the site along a narrow track accessed directly off the A6. The site sits behind an established hedgerow.
7. Franklaw waste water treatment plant and a small group of other buildings, including a care home are located to the north west of the site. Much of the rest of the area is open countryside on that side of the road, of which the site makes a positive contribution, even if not subject to a local or national landscape designation. Opposite the site, on the other side of the A6 is more built up and includes a currently under construction housing development with local centre that has a mix of occupied and empty units.
8. Catterall is identified as a tier 3 Rural Service Centre within the Council's settlement hierarchy of the Wyre Local Plan (2011-2031) (Local Plan). At the Hearing the Council confirmed that the status of the settlement in the hierarchy had not changed as a consequence of development taking place in the area.
9. Provisions within Policy SP1 of the Local Plan require new development to be of an appropriate type and scale to the settlement hierarchy and take place within settlement boundaries unless other policies in the Plan make alternative provision. The site is located outside the settlement boundary of Catterall and therefore located within the countryside.
10. Policy SP4 of the Local Plan identifies that development will only be permitted in certain circumstances identified within the Plan and for the purposes identified within the policy. The proposal does not fall within the criteria listed. Whilst the appellant says that there are no sequentially preferable sites within the settlement boundary of Catterall, there is little before me to substantiate this. The appellant has referenced other schemes for similar development which are identified as having a more rural location. However, I do not know the circumstances in which the schemes were granted planning permission and I have insufficient details in which to draw a meaningful comparison with the case before me. In any event, each case is determined on its own merits and my assessment is based on the evidence before me.
11. The indicative site plan for the development shows on site provision of a bowling green, café/ hall and green space and the appellant has provided examples of other schemes which have included similar facilities. Nevertheless, whilst the UU makes provision for the management of any on site facilities, there is nothing in the proposal before me which commits provision of the facilities themselves. I have no details which would secure exactly what facilities there would be, who would operate them and how or who they would serve. This limits the weight I can attach to any reference to the provision. The appellant has identified the potential for the facilities to be open to the wider community. However, this would be insufficient in ensuring social integration and enabling the occupants of the development to integrate with their wider surroundings beyond the confines of the site.
12. Whilst the location of services in the nearest local centre may comply with the walking distance identified in the Manual for Streets, I am of the view that the quality of the route to those services and facilities would be inadequate, even if

- the occupants of the development were using the route outside of peak traffic flow times.
13. The site is located on the edge of Catterall but separated from services and facilities by the A6, a busy high speed commuter road with narrow footpaths. Although there is also a grass verge it is likely to become muddy in bad weather and would not be conducive to ease of movement for those with mobility difficulties. I consider the A6 to present a significant barrier to pedestrian movement. The older people warning sign near to the existing nearby care home, and cycle route referenced by the appellant does not alter this. I have limited details of the roundabouts also referenced by the appellant but I am unconvinced that they would make the pedestrian experience acceptable.
 14. Reference has been made to the availability of walking aids. Nevertheless, whilst this may increase mobility in terms of the distance the occupants of the development would be able to travel, it would do little to make the route feel safer. A pedestrian refuge is proposed as part of the scheme. However, I do not consider this to overcome the wider shortcomings of the route I have identified, even if they are used elsewhere along the highway. The appellant says that other settlements along the A6 corridor are divided by the road. Be that as it may, from my observations on site I am of the view that the location, character and orientation of development elsewhere makes those locations materially different to the case before me.
 15. There is no bus route running past the site. The nearest bus stop is some 550m away on Cock Robin Lane, served by one public service bus route into Garstang. Access to the bus stop involves crossing the A6 and therefore is not easily accessible.
 16. The appellant says a minibus service would operate from the site. Whilst the Council confirmed that provisions associated with the travel plan would secure provision for 5 years, I have no details about the operator, eligibility of use, route, cost or timings. I therefore share the concerns of the Council about the long term availability of the service. Similarly, on the evidence before me I cannot be satisfied that the proposed minibus would provide a meaningful alternative to the car.
 17. Despite the provisions in the travel plan, the constraints associated with the location of the site lead me to conclude that the occupants and visitors to the site are likely to be dependent on the car. Irrespective of any pre-application advice to the contrary that the Council may have given the appellant, I am of the view that the location of the site would not be appropriate for the development proposed.
 18. Although development has been granted planning permission near the site, the majority is located on the opposite side of the road with easier access to services and facilities and therefore is different to the scheme before me. Taking the form of a retirement village, the nature of the development is also different. The proposal would create an isolated enclave with limited opportunities for integration with the wider community.

Character and Appearance

19. There is disagreement between the parties regarding which landscape character area the site is located within. Irrespective of whether the site technically falls within landscape character 15d The Fylde or 15e Forton-Garstang-Catterall, the site is close to both character areas and so elements of both character areas can expect to be featured within the vicinity of the site.
20. The site is currently open agricultural land with only small clusters of development in the immediate vicinity. The A6 provides a separation from more built up development beyond. Whilst the water treatment plant is nearby, it is set back from the main road within an open and rural landscape. Its presence and impact on the landscape does not make further development acceptable and does not weigh in favour of the proposal.
21. The A6 provides a strong barrier to urban development which would be encroached upon by the scheme. It would have an urbanising effect, even if it were possible to retain much of the existing hedgerow and trees on the site. Whilst the existing vegetation and any proposals put forward in a future landscaping scheme may provide some screening, its effects would be limited due to the scale of the development and the associated massing that would be created. This, combined with the visual impact of operational features such as lighting and the activity associated with the comings and goings of people, would create a prominent development that would be at odds with the rural character and appearance of the immediate surroundings. The development would be clearly visible from the A6, even if views were limited. I consequently disagree with the conclusion of the Landscape Visual Assessment that the scheme would only generate a minor adverse effect.
22. Westfield Farmhouse is a Grade II Listed Building, a typical farmstead of late 18th Century/ early 19th Century origin. Irrespective of the final design, the scheme would lead to the loss of agricultural land which forms part of the setting of the Listed Building that contributes to the historic and aesthetic value of the designation, albeit causing less than substantial harm.
23. There is also a Grade II Medieval Cross Base on Cock Robin Lane, some distance from the appeal site and screened from the proposal. The Council has identified no harm to the structure for this reason and I have no reason to disagree.
24. The proposal would harm the character and appearance of the area and would cause harm, albeit less than substantial to the significance of Westfield Farmhouse as a heritage asset. The proposal would therefore conflict with the part of Policy SP4 of the Local Plan which does not support development that would adversely affect the open and rural character of the countryside. It would also conflict with the part of Policy CDMP5 of the Local Plan which requires development with the potential to affect the significance of any designated heritage asset either directly or indirectly, including its setting to sustain or enhance the significance of the asset.
25. Section 16(20) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be had to the desirability of preserving a Listed Building or its setting or any features of special architectural interest which it possesses. Paragraph 193 of the National Planning Policy Framework (NPPF) states that when considering the impact of a proposed development on

the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal.

Planning Balance and Conclusion

26. At the Hearing the appellant acknowledged that the Council is currently able to demonstrate a 5 year housing land supply. Earlier comments in their statement on this matter therefore no longer apply. Irrespective of this, both parties agree that there is a need for accommodation to meet the needs of the older population of the Borough, reflecting an ageing population.
27. Policy HP2 of the Local Plan requires 20% of dwellings on developments of 20 or more properties to be suitable or adaptable for older people and people with restricted mobility. This is to widen the choice of housing within the Borough. It is not, as suggested by the appellant a percentage to apply to the housing target for the plan period. The Council confirmed at the Hearing that a specific level of need for the older population has not been quantified.
28. The appellant identified a projected 34% increase in the older population of the Borough up to 2036. However, this has not been translated into accommodation needs. Whilst I acknowledge that there is a need for older people accommodation, there is insufficient information before me to concur with the appellant that the needs of older people will not be met. A simple comparison of completion, commitments and projected delivery of housing for the older population against total figures in these categories would not achieve this. This is not least because a proportion of the needs of those aged 55+ who are fit and able will be met within the general housing stock.
29. The Planning Practice Guidance identifies that it is critical to meet the needs of older people. The proposal would provide residential accommodation, a proportion of which would be affordable to meet an identified housing need with the potential to free up family accommodation elsewhere. This weighs in favour of the scheme. However, given that a proportion of the older population's needs would be met in general housing, that the Council has identified that some housing site allocations are coming forward exclusively for older people and Policy HP2 of the Local Plan seeks to achieve a better choice in housing stock, I have inadequate information before me that an overriding need alone provides justification for the scheme. Similarly, I limit the weight attached to the appellant's claims of social integration as a consequence of the physical isolation that the scheme would create.
30. The appellant has identified economic gain during the construction and operation of the scheme and has suggested that it would generate more than 50 jobs. However, I have been presented with little information to substantiate this. The identified difficulties that would be encountered in residents accessing services and facilities also limits the weight I attach to this.
31. The appellant has identified a lack of objection, subject to appropriate mitigation, from statutory consultees regarding access, ecology, flood risk, drainage, noise, arboriculture and air quality. This indicates a lack of harm rather than a benefit and so I give this neutral weight. Similarly, the appellant says the layout and design of the scheme would maximise energy efficiency.

However, this is not a matter before me in considering this outline planning application.

32. Against this I have found that the proposal would not be an appropriate location for development and would harm the character and appearance of the area. This would include a failure to preserve the character or appearance of a Grade II Listed Building, causing harm, albeit less than substantial to its significance as a heritage asset. These matters conflict with paragraphs 127 and 184 of the NPPF.
33. In balancing the above, the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. There are no public benefits that would outweigh the harm to the designated heritage asset. There are no other material considerations to indicate that the proposal should be determined otherwise than in accordance with the development plan to which I have identified conflict with the policies referenced. It would not be possible to overcome the harm I have identified through consideration at the reserved matters stage.
34. I therefore conclude that the appeal should be dismissed.

K Ford

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Stephen Harris Emery Planning

Johnathan Berry Tyler Grange

FOR THE LOCAL PLANNING AUTHORITY

Rea Psillidou Planning Policy and Economic Development Manager

Lynsdey Hayes Case Officer

John Hunter Kings Chamber

DOCUMENTS SUBMITTED AT THE HEARING

Unilateral Undertaking

Historic England Westfield Farmhouse Listing

Retirement and other Accommodation for the Elderly, Wyre Borough Council



Appeal Decision

Site visit made on 3 September 2019

by **Katie McDonald MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 September 2019

Appeal Ref: APP/U2370/W/19/3230158

Land to the west of Carr Lane, south of The Beeches, Hambleton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs M Cornthwaite against the decision of Wyre Borough Council.
 - The application Ref 18/00625/OUTMAJ, dated 25 June 2018, was refused by notice dated 11 March 2019.
 - The development proposed is the development of agricultural site to B1 Commercial Use, with construction of 3 buildings and landscaping improvements.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the address given on the appeal form and Council's decision notice as this is more accurate than the planning application form.
3. The appeal is for outline planning permission with all matters reserved. Indicative plans relating to the layout and drainage have been submitted and I have had regard to them so far as relevant to the proposal before me.
4. The appellant has indicated in her statement that the proposal is for Use Class B1(c), and not Use Class B1(a) as detailed on the planning application form. However, the proposal was publicly consulted upon and determined by the Council as Use Class B1(a). The appeal process should not be used to evolve a scheme and it is important that what is considered by me is essentially what was considered by the Council, and on which interested people's views were sought. Therefore, I shall proceed to determine the appeal based upon the buildings being used as Use Class B1(a).

Main Issues

5. The main issues are:
 - i) whether the proposal would be in a suitable location for new industrial development;
 - ii) the effect of the proposal upon the character and appearance of the area; and,
 - iii) the effect of the proposal upon the vitality of the nearby town, district, local and neighbourhood centres.

Reasons

6. Located off Carr Lane around one third of a mile from Hambleton village, the site is an open, flat and undeveloped agricultural field defined as Countryside in the Wyre Local Plan 2011-2031 (February 2019) (LP). To the north of the site are 2 dwellings, along with dwellings and small industrial units opposite. Travelling north from Hambleton village, there are numerous developments located along Carr Lane, interspersed with open fields. As the land form is flat and hedges are relatively low in height, views of the countryside are evident, and the site forms part of a larger open field to the rear and side.
7. The proposal is for 3 industrial buildings, detailed as Use Class B1(a) (an office other than a use within class A2 (financial and professional services)). The appellant indicates that these would be split into small or medium-sized enterprises, and the indicative plan shows them being loosely based around a central parking courtyard, in a 'C' shape, creating 9 separate units.

Location

8. The expansion of businesses in rural areas would be an appropriate development within the countryside, as detailed in Policy SP4 of the LP. However, this must be in accordance with Policy EP8 of the LP. Part 2 of Policy EP8 seeks to support the expansion of existing businesses within countryside areas.
9. The appellant claims that one of the units would accommodate her local farming business, yet I have very little information about what the appellant's local farming business is or does, if this would be an office use, if this would help to diversify the rural economy, or if this is located in the countryside currently. Moreover, only one of the units would be occupied by the appellant. Additionally, of the 4 letters of support from businesses provided by the appellant, only one of these would be an office use and this does not appear to be currently located within a countryside area. Notwithstanding this, even if I were to accept that 2 units were to be occupied by existing businesses within countryside areas; this would still leave a substantial proportion of the site unoccupied.
10. Whilst I have little to doubt that these other units may not become occupied over time, the policy test for this type of new development is the expansion of *existing* [my emphasis] businesses within countryside areas. Based upon the evidence before me, the proposal is ultimately speculative, and given its location on an open and undeveloped field, I find it would be an entirely new development, and not the expansion of existing businesses within the countryside area.
11. Furthermore, as the LP is recently adopted, the assertions from the appellant regarding the inability to deliver employment land or housing land are unsubstantiated. On the contrary, the LP includes site allocations to accommodate the anticipated employment growth across the Wyre area, and sets out a minimum requirement to deliver 43 hectares of employment land over the plan period. Thus, I agree with the Council that there is not an un-met need of employment land; and the LP, in line with the National Planning Policy Framework (the Framework), facilitates the sustainable growth and expansion of all types of business in rural areas, ensuring sites are available in the right

places and at the right time to support sustainable growth, innovation and improved productivity.

12. The site is close to Hambleton, and likely to be within walking distance. It may also offer employment opportunities to residents of the village. However, there is no street lighting outside of the village, which would make walking less favourable in winter months; and added to this, the approximately hourly bus service is relatively infrequent. Furthermore, the site is allocated as countryside and outside the defined development boundaries or any allocated employment sites, such that the application of development plan policies is different, despite the proximity to the village.
13. The site opposite appears to be used for light industrial purposes. However, this site looks to have been in situ for a long period of time and is perhaps of former agricultural use, which may have been subject to a conversion and a different policy test. Furthermore, each proposal stands to be determined upon its own merits.
14. Therefore, having considered all the evidence before me, the location of this proposal in the countryside area would be unsuitable and harmful. This would be contrary to Policies SP1, SP2, SP4 and EP8 of the LP, which together seek to protect the countryside and manage appropriate sustainable development in a way that supports rural communities and the rural economy whilst maintaining its essential attributes. It would also be contrary to the Framework, which seeks to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time.

Character and appearance

15. The proposal is outline with all matters reserved and therefore the effect upon the character and appearance of the area is difficult to determine at this stage. Nevertheless, the development of a 0.97 hectare site with 1,284 square metres¹ of floor space for 3 light industrial buildings would clearly influence the open and rural character and appearance.
16. Whilst there are several developments along Carr Lane, development of the site would create another parcel of development in the countryside. As there would be no policy compliance for its location, and therefore no material reasons for allowing this proposal; the intrinsic character and beauty of the countryside is likely to be harmed by the sizeable development, even accounting for any landscaping. It would fundamentally erode the openness and undeveloped nature of the site and introduce more built development into this rural area.
17. Consequently, the proposal would have a harmful and unacceptable effect upon the character and appearance of the area. This would be contrary to Policies SP1, SP2, SP4, EP8 and CDMP3 of the LP. Together, these policies seek to ensure sustainable development that recognises the open and rural character of the countryside for its intrinsic character and beauty. It would also be contrary to the Framework, which seeks to ensure sustainable development contributes to protecting and enhancing our natural environment.

¹ As indicated on the Planning Application Form

Vitality of the nearby town, district, local and neighbourhood centres

18. The proposal is for Use Class B1(a), which is an office use. This is regarded as a main town centre use within the Framework. As the development is not specifically supported by another policy in the LP, it must be demonstrated that there is no sequentially preferable site available within the defined town, district, local and neighbourhood centres as required by Policy EP5 of the LP. I do not have such a sequential test before me and thus am unable to determine the effect of the proposal upon the defined nearby centres.
19. Moreover, despite my ruling regarding my consideration of Use Class B1(c), the letters included in the appellant's appendices are not indicative of the intention to run small workshops. One letter is from a veterinary practice, one from an accountancy firm looking for office premises and another seeks a storage area. The fourth letter indicates use of a premises for running an online retail shop.
20. Furthermore, whilst the letter from the accountancy firm indicates a lack of suitable offices in Wyre and Fylde, I have little evidence to substantiate this claim. Also, as the LP sets out a minimum requirement to deliver 43 hectares of employment land over the development plan period, it is likely that this need would be remedied without the development of this site.
21. Lastly, the appellant's intentions to run her business from one of the units is of limited weight given I have very little information about what the business is or does.
22. Consequently, without a sequential test, I must conclude that the proposal would have a harmful effect upon the vitality of nearby centres. This would conflict with Policy EP5 of the LP, which seeks to maintain the vitality of all town, district and local centres. I also find conflict with the Framework, which seeks to support the role that town centres play at the heart of local communities.

Other Matters

23. The site lies within Flood Zone 3a and is subject to high flood risk from tidal sources. The Framework seeks to avoid increased vulnerability to the range of impacts arising from climate change and requires the completion of a sequential test. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
24. The appellant has submitted a Flood Risk Sequential Test with the appeal and the Council now accepts that Nicholson's Farm on Ratcliffe Wharf Lane would not be sequentially preferable. The appellant has also submitted a Supplementary Statement² to the Sequential Flood Risk Assessment which considers 4 draft allocated sites. Two of these sites are in Catterall, one at Forton and one at Great Eccleston. I have little information from either party regarding whether these sites were adopted in the LP.
25. The Supplementary Statement discounts these 4 sites for various reasons and the Council provides very little commentary on the evidence. Whilst I have little knowledge of the current status of these sites, the reasons given for them not

² Dated January 2019

being sequentially preferable, in the main, relates to availability. However, if they were allocated in the LP, in order for the development plan to have been found sound, they would have been required to have been reasonably available for development purposes, despite the asserted requirements for masterplans.

26. That said, there are gaps in my knowledge and limited evidence concerning the Supplementary Statement is presented from the Council. Nonetheless, even if I were to accept all the appellant's evidence and conclude that there are no sequentially preferable sites with a lower risk of flooding; this conclusion would come nowhere near to outweighing the harm I have outlined above.

Conclusion

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

Katie McDonald

INSPECTOR

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Appeal Decision

Site visit made on 3 September 2019

by **Katie McDonald MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 September 2019

Appeal Ref: APP/U2370/W/19/3230698

Land at Gezzert's Farm, Gezzert's Rise, Poulton-le-Fylde FY6 7XE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr T Rowe against the decision of Wyre Borough Council.
 - The application Ref 18/01016/OUT, dated 18 October 2018, was refused by notice dated 17 December 2018.
 - The development proposed is outline erection of detached dwelling with access applied for off Gezzert's Rise (all other matters reserved).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal is for outline planning permission with all matters reserved except access. Indicative plans relating to the layout, scale and appearance of the dwelling have been submitted. I have had regard to them so far as relevant to the proposal before me.
3. The Council has recently adopted the Wyre Borough Local Plan (2011- 2031) (February 2019) (LP). Consequently, Policy SP4 of the superseded Wyre Borough Local Plan has been replaced by Policy SP3 of the new LP. Policy SP3 was cited in the reason for refusal, and the appellant has had the opportunity to address this in the evidence.

Main Issues

4. The site is within the Green Belt. Accordingly, the main issues are:
 - i) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - ii) The effect of the proposal upon the openness and purposes of the Green Belt; and
 - iii) If the proposal is inappropriate development; would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal?

Reasons

5. The site is located on the corner of a recently developed small housing estate. It is a vacant undeveloped site, detailed as being former agricultural land. The site, and land to the north west of Blackpool Old Road, is identified as Green Belt in the LP. It forms a narrow parcel of Green Belt separating Poulton-le-Fylde from Blackpool and is linked with a larger parcel of Green Belt to the south east on the other side of Blackpool Old Road. The proposal is for a detached dwelling, accessed from the recently constructed development, Gezzert's Rise, that sits outside the Green Belt.

Whether the proposal would be inappropriate development

6. Policy SP3 of the LP sets out that within the Green Belt, planning permission will not be granted for inappropriate development as defined in national policy except in very special circumstances. The Framework sets out that the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are listed in paragraphs 145 and 146 of the Framework. Of these, the appellant claims that the proposal would be limited infilling in villages.
7. Although limited infilling is not defined in the Framework, in my opinion, infill development is the development of a small gap in an otherwise built up frontage. The site is open to the western side, being land identified as Green Belt, and the proposal would not fill in a limited gap on the Blackpool Old Road frontage.
8. Furthermore, despite the housing development surrounding the north eastern corner of the site; the site is open to the south west and thus the space is not a gap, or a break in continuity of other built up development. Additionally, notwithstanding the appellant's assertion, Blackpool Old Road is open to the rest of the Green Belt land to the south and it does not form a built-up area of development such that it would amount to an enclosure of the site. In short, this site is an edge of settlement development, and not an infill site. Therefore, it is my judgement that the proposal would not constitute 'limited infilling'.
9. The site is located on the edge of Poulton-le-Fylde, a large town in the borough of Wyre. The appellant claims this location is in the village of Little Carleton, presenting details as to the location of a nearby shopping parade and its reference on Google Maps, along with other information such as a Domesday Book reference. However, whilst Little Carleton may have historically been a village, it has over time merged into a large urban conurbation. Indeed, the appellant recognises this in his evidence.
10. Therefore, based upon what I saw on my visit, along with the evidence before me, the site is on the edge of a large town, which includes sub areas, such as Little Carleton. Therefore, it is my judgement that the site is not within a village.
11. Consequently, the proposal would not be limited infilling in villages. There are no other exceptions that would apply and as a result, the proposal would be inappropriate development in the Green Belt. This would be contrary to Policy SP3 of the LP and the Framework.
12. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness and purposes of the Green Belt

13. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness has both a visual and spatial element.
14. Whilst the proposal is outline with several matters reserved, based upon the size of the site and as a result of the proposed development that would take place, there would inevitably be a visual and spatial reduction in openness.
15. Moreover, one of the purposes of the Green Belt is to check the unrestricted sprawl of large built-up areas and to prevent neighbouring towns merging into one another. In this location, the Green Belt allocation is particularly narrow, being around 60m wide along Blackpool Old Road. Despite this narrowness, the absence of development successfully separates the neighbouring towns of Blackpool and Poulton-le-Fylde, such that it achieves the fundamental aim of Green Belt policy.
16. The site takes up around a third of this space between the towns along the Blackpool Old Road frontage, and although it is close to other built structures, of an amorphous shape and shallower depth than the fields to the west; it is essentially undeveloped and open. As a result, the site makes a valuable contribution to openness, the fundamental aim and the purposes of the Green Belt.
17. Owing to the likely scale, size and location of the proposal, along with domestication of the site; the space between the large built-up areas would be noticeably reduced. Regardless of any assertions that this would 'round off' the urban boundary or provide a 'cleaner line', the site is in the Green Belt and the proposal would be unrestricted urban sprawl that would lead to an inadequate break between the neighbouring towns.
18. Consequently, the proposal would have a very harmful effect upon openness, the fundamental aim, and the purposes of, the Green Belt. This would conflict with Policy SP3 of the LP, which sets out that any development permitted in the Green Belt should seek to minimise the impact on the openness of the Green Belt and any conflict with the purposes of including land within it. It would also conflict with the Framework.

Other considerations

19. The appellant claims that the Council has previously allowed 2 other developments¹, with similar circumstances to this appeal. The Hardhorn Road site is located between other dwellings that present a road side frontage. The Bridge House site, whilst involving demolition of the existing dwelling, would create a new dwelling in between the replacement dwelling and other dwellings to the south that also present a road side frontage. The extent of development at the Bridge House site is also contained within the existing residential curtilage and the replacement dwelling is in a similar location to the existing. Consequently, I understand why both other developments were considered to be limited infilling. This is different to the appeal before me.
20. Moreover, the specific circumstances of this appeal, being located in a narrow allocation of Green Belt functioning to separate two large settlements and

¹ 13/00536/OUT (Hardhorn Road) and 16/00292 (Bridge House)

prevent urban sprawl, is very different to the location of both other sites, which are located on road side frontages contained by existing development. The appeal site contributes towards the fundamental aim of the Green Belt and is a very important parcel of open undeveloped land. Therefore, despite the Council's conclusions on the location of the other developments, the circumstances of the other sites are not sufficiently similar to the appeal proposal. Thus, I give them little weight.

21. The proposal would make a very modest contribution to housing supply by the provision of one dwelling and I attach little weight to this matter.
22. Both the Council and appellant detail that the site is in an accessible location, well served by public transport. However, as many Green Belt sites, by their fundamental nature, are located adjacent to developed towns, the location does not add any weight in favour of the proposal.
23. The acceptable effect of the scheme upon the character and appearance the area and the lack of concerns relating to ecology, highway safety, flood risk and neighbouring living conditions are essentially of neutral weight.

Conclusion and Green Belt balancing exercise

24. The other considerations advanced by the appellant would not clearly outweigh the totality of harm arising from inappropriateness, openness, the fundamental aim and the purposes of the Green Belt; all of which attract substantial weight against the development.
25. Consequently, very special circumstances do not exist and the proposal is contrary to Policy SP3 of the LP and the Framework.
26. For the reasons set out above, I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR



Appeal Decision

Site visit made on 1 August 2019

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2019

Appeal Ref: APP/U2370/W/19/3224805

99 Fleetwood Road, Poulton-Le-Fylde, Lancashire FY6 7NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Amy Crook (Little Explorers Nursery) against the decision of Wyre Borough Council.
 - The application Ref 18/01045/FUL, dated 29 October 2018, was refused by notice dated 20 December 2018.
 - The development proposed is conversion of rear first floor flat roof to outside play area for children.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have not included the full description of development from the appellant's planning application form as it makes reference to the proposal being retrospective and that is not in itself development. However, I was able to see on my site visit that the development has been undertaken and therefore I have determined this appeal on the basis that it is a retrospective proposal.
3. Since the Council refused planning permission the Council has adopted the Wyre Local Plan 2019 (LP). The Council has confirmed that as a result, Policy SP14 of the Wyre Borough Local Plan 1999 is no longer in force. Furthermore, the policies of the LP that are referred to in the Council's decision notice, namely CDMP2 and CDMP3, are to be given full weight following the adoption of the plan.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the area and flood risk.

Reasons

Character and appearance

5. The site is located on a main road close to the edge of the built urban form. The surrounding area is predominantly residential in character with a mixture of house types and sizes. The development is situated to the rear of the property and has been constructed directly above a pre-existing ground floor extension. It is faced with uPVC panels whereas the original building is faced with white render.

6. As the development is located to the rear of the property, only limited views of it are available from Fleetwood Road. Whilst I observed that the elevation that is facing 97 Fleetwood Road currently consists mainly of plyboard or a similar material, the plans submitted show that it is intended that this elevation would have the same finish as the other two elevations of the development. Given that views from Fleetwood Road are limited and obliquely taken, I do not consider that a development finished as shown on the submitted plans would cause any significant harm to the character and appearance of Fleetwood Road.
7. However, I consider that the development has caused significant harm to the character and appearance of the host building and the surrounding area when viewed from the rear of the site and from the adjacent properties, all of which are in residential use. In reaching this judgement I have observed the bulky form of the development, the materials used on the development and its design, all of which contrast with the original building in an incongruous manner. These factors combined have resulted in a development that has a poor visual appearance. There is also a public view of the development available from Avery Gardens and, whilst at the time of my visit this was substantially screened by mature trees, this screening would be reduced when the trees are no longer in leaf, meaning that the visual impact of the development would be increased.
8. I note that the appellant has stated an intention to paint the external facing uPVC panels of the development white to match the colour of the original building. The appellant considers that this would lessen the impact of the development, in particular from views taken from Fleetwood Road and Avery Gardens. Whilst this would reduce the colour contrast between the development and the existing building, it would not satisfactorily address the concerns with regard to the bulky form of the development, the materials used or its design.
9. The appellant has referred to a previously approved development (reference 17/00564/FUL) and provided plans. The plans provided however show a development that is much less bulky and much more visually pleasing than that which is subject of this appeal. Whilst the appellant has made reference to the design of the previously approved proposal not being acceptable from a child safeguarding point of view, the plans provided show that the glass screening would have been obscurely glazed and therefore would not have allowed vision through. The appellant also raises concern with regard to the potential reflection and refraction of sunlight that the glass of the previously approved development could have generated. However, there is no substantive evidence that such an impact would occur and in any instance this factor does not justify a harmful development.
10. I conclude therefore that the development forms an incongruous feature and significantly harms the character and appearance of the host property and the surrounding area. This is contrary to the design aims of Policy CDMP3 of the LP which seeks to protect the character and appearance of the area.

Flood risk

11. The National Planning Policy Framework (The Framework) requires that planning applications for development within Flood Zone 2 be accompanied by a Flood Risk Assessment. No Flood Risk Assessment has been submitted and therefore insufficient information has been provided to demonstrate that the

proposal would not increase flood risk. Therefore it fails comply with Policy CDMP2 of the LP, which seeks to ensure that development does not increase the risk of flooding, and The Framework.

12. I note that the appellant considers that a Flood Risk Assessment should have been requested during the course of the determination of the planning application. However, there is no Flood Risk Assessment before me and therefore I must determine the appeal on that basis.

Other matters

13. The appellant has queried the dimensions referred to in the Council's delegated report. I have however made my assessment of the development based upon the plans submitted and the built form that I observed during my site visit.

Conclusion

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

Graham Wraight

INSPECTOR

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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

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.
-

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: 02.10.2019

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 ADDITIONAL INFORMATION FOLLOWING DEFERMENT OF ITEM AT 4 SEPTEMBER 2019 COMMITTEE

1.1 This application was brought before Members of the Planning Committee on 4 September 2019. A site visit was carried out to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer. The application was deferred by the Planning Committee due to the request for clarity on drainage and ownership of the watercourse along the site frontage. The application is now brought back before committee with the additional information presented. Site photos will be displayed to remind Members of the site. The full report and update sheet from September 2019 can be viewed below this update report.

1.2 The Agent has confirmed that the stretch of ditch immediately adjacent to Carr End Lane does fall within the application site. It is envisaged that this length of ditch would be managed by a management company who would manage all amenity space on behalf of residents. This is covered by suggested conditions 6 and 11.

1.3 The Agent has referred to a framework (preliminary) drainage strategy submitted with the application. This document sets out that assuming infiltration would not work on this site then surface water would discharge to the ordinary watercourse on Carr End Lane mimicking the existing situation in respect of discharge rate. Detailed design will confirm the strategy is feasible following a review of layout and levels. Consent and agreement would be required from Lancashire County Council as the Lead Local Flood Authority (LLFA) who would also need to agree discharge rates (these would also be agreed with the Council's Drainage Engineer). Should a direct connection to the watercourse not be viable then the existing land drainage on the northern and southern boundary of the site may be used for a connection as these systems are assumed to outfall into the ordinary watercourse to the

west of the site (subject to further investigation). The ordinary watercourse enters a culvert adjacent to Lynwood Drive, this culverted length is confirmed to be an Ordinary Watercourse.

1.4 This is the same drainage strategy as that supplied with the previous application which was not refused on drainage grounds and which was considered sufficient by the Planning Inspector in allowing the appeal subject to conditions including the submission of full drainage details. It has been assessed and considered by Wyre's Drainage Engineer and LLFA with no objection raised.

1.5 The Agent has also made the following additional comments in respect of accessibility.

1.6 This resubmitted application includes for the provision of a pedestrian crossing on the A588 in the vicinity of the Seven Stars Public House (as confirmed on the update sheet circulated prior to 4 September 2019 committee). The current approval for the site does not make provision for this. A new pedestrian crossing on the A588 would only be delivered as part of this revised scheme.

1.7 In respect of walking distances the site is located within 1,000m of the primary school, well within the 2,000m maximum identified by LCC highways in their consultation response. In respect of the bus stop the application site is 690m away, the National Travel Survey identifies that the 85 percentile of walking distances to bus stops is 800m, a distance which the application site falls well within.

1.8 It is recommended that Members resolve to grant outline permission subject to conditions and a Section 106 Legal Agreement to secure education contributions and provision of affordable housing, and to authorise the Head of Planning Services to issue the planning permission upon satisfactory completion of the S106 agreement.

UPDATE SHEET FOR 4 SEPTEMBER 2019 COMMITTEE

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.

Condition 10 to be updated as follows (additional text in italics):

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.

ORIGINAL REPORT FOR 4 SEPTEMBER 2019 COMMITTEE

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 courts decisions 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/OUTUMAJ 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 65no. 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 (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.

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.

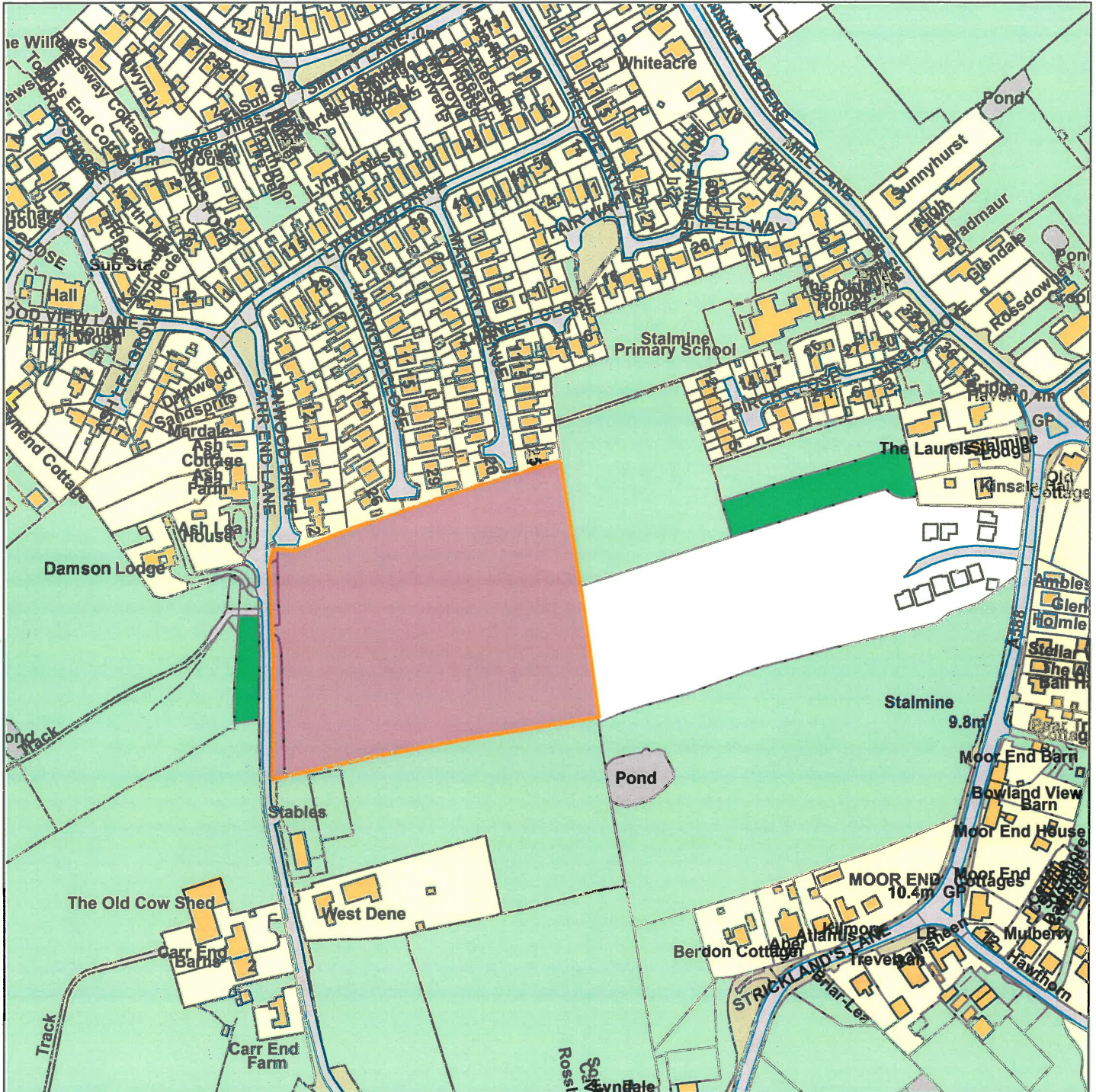
Reason: To ensure adequate provision and delivery of public open space in accordance with Policies SP8 and HP9 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

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-industryguidance/%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	Item1
Date	17 September 2019
SLA Number	100018720

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Committee Report**Date: 02.10.2019**

Item Number	02
Application Number	18/00660/FULMAJ
Proposal	Residential development comprising of 60 dwellings with access from Hollins Lane, open space and associated infrastructure
Location	Land East Of Hollins Lane Forton Preston Lancashire
Applicant	M.C.I. Developments Limited And Helen Jane Williams
Correspondence Address	c/o M.C.I.Developments Limited Mr William Fulster 15 Beecham Court Wigan WN3 6PR
Recommendation	Permit

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

1.1 This application is before the Planning Committee for consideration as the application site forms an allocated site in the Wyre Local Plan and is of strategic importance. 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 2.47 hectares (6.10 acres) of undulating undeveloped agricultural pasture land located on the eastern side of Hollins Lane in the small rural settlement of Hollins Lane. The site is allocated for residential development within the Wyre Local Plan (Site SA1/13). Geographically the allocated site lies to the east of the A6 (Preston Lancaster Road), south east of the village of Forton and approximately 4.5km to the north of Garstang town centre.

2.1.1 The site is grade 3b (moderate quality) agricultural land. Along the northern, southern and western boundaries are mature and well established Hawthorn hedgerows with an existing gated field access centrally located on the western boundary and also within the north eastern corner of the site adjacent to the railway bridge. Along the site frontage and located within the hedge line are four mature trees comprising of 3 Ash Trees and 1 Oak Tree all of which are covered by Tree Preservation Orders (TPO) (Number 003/2016). Topographically the site levels vary significantly with a general decrease in gradient from west and east to the centre of the site. There is a low valley running from north to the south through the centre of the site. The highest point is generally midway along the southern boundary where the level is approximately 42.87m Above Ordnance Datum (AOD) with the lowest level being within the centre of the site falling to a minimum of 35.48m AOD. There is

a small culverted ordinary watercourse that runs through the site and discharges to an open water course adjacent to Laburnum nurseries approximately 300m to the south of the site. There is also an existing foul water drain which crosses the site and runs parallel with Hollins Lane.

2.1.2 The surrounding area is mixed in character. Hollins Lane is generally characterised as ribbon development which has grown over time with small residential cul de sacs leading off the main highway and recently new constructed properties infilling previous green field sites. Immediately to the east the application site is bound by the West Coast Main Railway Line which runs in a deep cutting below the level site and is flanked by vegetation bunds beyond which is further rolling open landscape. To the north of the site the levels step down along Cleveley Bank Lane which crosses the railway and progresses north east into the open countryside. On the opposite side of Cleveley Bank Lane are residential properties of varying designs and character including 10 newly constructed detached dwellings known as Primrose Villas, opposite which are 3 Grade II listed buildings dating back to the early 17th century. To the south of the site access along Hollins Lane are large detached dwellings with rear gardens stepping out and backing onto the south-west corner of the application site. The nearest property is a 2 storey dwelling known as Conder Mount and is bound by existing large trees and mixed vegetation. Also to the south beyond the site boundary is further open agricultural pasture land.

2.1.3 Hollins Lane is classified as the C447 secondary distributor road with 30mph speed limit fronting the site. It is 5.5-6.0m in width with limited pedestrian footpaths. Approximately 400m to the south of the site Hollins Lane connects to the A6 where there are designated bus stops (service 40 and 41) connecting between Morecambe and Preston. Hollins Lane is also located on part of the National Cycle Route (6). The site is located within Flood Zone 1 and is not affected by any other constraints.

3.0 THE PROPOSAL

3.1 The application seeks full planning permission for the erection of 60 residential dwellings with access from Hollins Lane and associated green infrastructure (GI). This is an amendment to the original submission which was for 73 dwellings. 18 of the 60 dwellings are affordable units (9 shared ownership and 9 affordable rent). The overall housing mix comprises of 24 x 2 bed, 22 x 3 bed and 14 x 4 bed units. This includes semi-detached and detached units and the provision of true and dormer bungalows. The dwellings would be constructed of 2 different facing bricks (Claret and Russet Blend mix) as well as some being Ivory colour render. All would have light grey Grampian roof tiles.

3.2 Four vehicular points of access on to Hollins Lane are proposed. The main site access measures approximately 15m in width where it adjoins the highway and narrows to 10m including a 2m wide pedestrian footpath either side. The main access road leads into the site then splits off to the north and south with a number of small shared surface cul de sacs leading off it. The other 3 points of access on to Hollins Lane are driveways to serve plots 2, 58, 59 and 60 and each measure 3m in width. To the site frontage the majority of the existing hedgerow and all of the TPO trees are to remain. The existing access is to be widened which will result in some hedgerow removal along with 3 further sections to accommodate the driveways. As part of the highway works a new 2m wide pedestrian footway is to run along the full frontage of the site from the corner of Cleveley Bank Lane down to the boundary with neighbouring property 'Conder Mount'.

3.3 Towards the northern part of the site is an area shown for Green Infrastructure which includes a new children's and young people's play area. A new 3m wide pedestrian footpath access is to be provided from the corner of Hollins Lane / Cleveley Bank Lane to the children's play area and rest of the site. Boundary treatments will predominately consist of 1.8 metre high close boarding fencing, though certain plots would have 1.5m and 1.8m high boundary walls. A 1.8m high acoustic boundary fence would line the eastern boundary adjacent to the railway embankment along with planted landscaping.

3.4 The application has been submitted with the following supporting documents:

- Ecological Appraisal
- Planning Statement
- Sustainable Drainage Statement
- Transport Statement (TS)
- Tree Survey and Arboricultural Impact Assessment
- Utilities Statement
- Intrusive Site Investigation Report (Contaminated Land)
- Acoustic Noise Assessment
- Design and Access Statement
- Flood Risk Assessment

4.0 RELEVANT PLANNING HISTORY

4.1 The site has the following relevant planning history:

4.2 17/00233/OUTMAJ - Outline application for a residential development comprising up to 43 dwellings with new access from Hollins Lane applied for (all other matters reserved) - Approved 23.1.2018

4.3 15/00968/OUT - Outline application for residential development (up to 8 dwellings) with access applied for (all other matters reserved) - Permitted 09.09.2016

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
- SP7 - Infrastructure Provision and Developer Contributions
- SP8 - Health and Well Being
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk and Surface Water Management

- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP5 - Historic Environment
- CDMP6 - Accessibility and Transport
- HP2- Housing Mix
- HP3 - Affordable Housing
- HP9 - Green Infrastructure in New Residential Developments
- SA1 - Residential Development
- SA1/13 - Land East of Hollins Lane

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 3 - Plan - Making
- Section 4 - Decision Making
- 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 11 - Making effective use of land
- 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 HOLLINS LANE MASTERPLAN

5.4.1 The Hollins Lane Masterplan was approved on 31 July 2019 and represents a significant material planning consideration to this application.

6.0 CONSULTATION RESPONSES

6.1 FORTON PARISH COUNCIL

6.1.1 First Response - Objection for the following primary reasons:

- Excessive urbanisation of Hollins Lane
- Scale and density of the development is excessive
- The POS and amenity provision fails to comply with policy
- Lack of landscaping and no Green Infrastructure framework
- No adopted Masterplan submitted
- No provision for elderly people and people with mobility issues
- Additional vehicular movements will exacerbate impacts at the junctions
- Lack of pedestrian footpaths
- Flooding - existing drains cannot cope with any further development
- Waste Collection issues along with access for emergency vehicles

6.1.2 Second Response - Objection retained for the following reasons:

- Application fails to set out how it meets the Masterplan
- Scale and form of development fails to provide organic extension
- Overly dense
- Loss of privacy on existing residential properties
- Drainage concerns in relation to existing surface water drain on site
- Impacts upon pedestrian safety
- Uncertainty how the POS will be managed and maintained

6.2 LANCASHIRE COUNTY COUNCIL (LOCAL HIGHWAY AUTHORITY)

6.2.1 First Response (19/9/2018) to original scheme of 73 dwellings - No objections, advised that the development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. The site access is acceptable. Some improvements recommended regarding sustainable transport links through the site including 3m wide pedestrian cycle link. Any future development of Hollins Lane will need to prove that the existing junction with the A6 has sufficient geometry and sightlines. Whilst S106 monies are not being requested to improve sustainable travel the 2 existing bus stops along the A6 near to the New Holly PH are to be upgraded and a new footpath for the full frontage of the site shall be provided as section 278 works. Amendments are recommended to improve the parking provisions for plot 72 and 73. The internal highway layout is to an adoptable standard under Section 38. A number of conditions are recommended.

6.2.2 Second Response (10/10/2018) to revised layout of 73 dwellings - The revised plans which now show a 3m wide cycle link is supported however some internal amendments requested have not been provided to prevent the need for parking on Hollins Lane.

6.2.3 Third Response (28/8/2019) to revised scheme of 60 dwellings - No objections to latest revised scheme which includes substantial changes to the internal layout with the noticeable differences being the introduction of shared surfaces, speed reduction features and a 3m wide pedestrian/cycle access through the public open space to Cleveley Bank Lane. This is subject to the delivery of the highway mitigation and improvement measures detailed in previous responses which includes upgrading of two bus stops on the A6 Lancaster Road near its junction with Hollins Lane and the provision of new 2.0m wide footway along Hollins Lane spanning the entire frontage of the site. The footway needs to be continuous, therefore, what appears to be a break in the footway between the site access and Plot 2 (at the location of the single tree) would not be accepted. Previous conditions recommended are still relevant.

6.3 LANCASHIRE COUNTY COUNCIL (LOCAL EDUCATION AUTHORITY)

6.3.1 The latest assessment from LCC (dated 21st August 2019) confirms that the development proposed (60 dwellings) would generate a contribution of 5 secondary school places equating to £120,925.80 with Garstang Community Academy 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 as there is currently capacity at Forton Primary school for this proposal.

6.4 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY)

6.5.1 No objections subject to conditions

6.5 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.5.1 The scheme would benefit from a Landscape Plan which should preferably include a planted buffer between the garden fences and railway embankment which would serve as a noise and pollution barrier as well as a landscape and habitat feature.

6.6 HIGHWAYS ENGLAND

6.6.1 No objections

6.7 HEALTH AND SAFETY EXECUTIVE (HSE)

6.7.1 The application site does not cross any consultation zones or lie within the consultation distance of a major hazard site or major accident hazard pipeline.

6.8 LANCASHIRE FIRE AND RESCUE SERVICE

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

6.9 UNITED UTILITIES

6.9.1 Require conditions relating to the submission of full surface water drainage details and foul drainage to be drained on separate systems. Would prefer infiltration tests to be carried out prior to determination of the application. Disappointed with the reasons given in the sustainable drainage statement to disregard above ground sustainable drainage features. With respect to foul water query whether it would be possible for the applicant to discharge to a different manhole to avoid the need to pump.

6.10 NETWORK RAIL

6.10.1 Network Rail has no objection in principle to the proposal, but set out the requirements which must be met to ensure that the works on site, and as a permanent arrangement, do not impact upon the safe operation and integrity of the railway.

6.11 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.11.1 No objections in principle - Application states that surface water will discharge to local sewer; FRA and surface water plans show discharge to piped watercourse. For clarification no surface water will be permitted to discharge to the local sewer network.

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

6.12.1 No objections, the desk study submitted is considered to be acceptable however a Post Phase 1 condition to cover radon protection and the watching brief condition should be applied.

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

6.13.1 No objections subject to all the acoustic fencing, ventilation and higher spec glazing measures recommended in the noise assessment to be conditioned. A Construction Management Plan should also be conditioned accordingly.

6.14 WBC PARKS AND OPEN SPACES MANAGER (TREES)

6.14.1 Latest plans show retention of TPO trees and roadside hedgerow which is welcomed. Request that the Tree Protection Plan is updated to reflect this. It will also need to consider where boundary treatment fencing passes through the root protection areas of the trees and abuts the hedgerow. Having seen the latest Tree Protection Plan this is appropriate providing that Heras type fencing is used as a barrier. The new planting schedule and specification provided within the landscape plan is appropriate.

6.15 WBC PARKS AND OPEN SPACES MANAGER (PUBLIC OPEN SPACES/GREEN INFRASTRUCTURE)

6.15.1 No objections - The amount and type of GI provided is acceptable. Suggest that differential mowing or wildflower areas could be introduced. The shape of the playground indicated is very angular, perhaps the surrounding fencing could be made into a circle. There is no indication of safer surfacing under the equipment. Entrance details to the site need to be indicated showing how vehicular access will be restricted. Questions what maintenance will be put in place.

7.0 REPRESENTATIONS

7.1 At the time of compiling this report there has been 24 letters of objections received. The primary reasons for opposition are:

- Development is not pragmatic or appropriate to the area
- New bus stops and footpath underestimate the pressures of the volume of new housing
- Infrastructure developments are physically unconnected
- Increase in traffic will have serious safety implications
- Development of the site will fundamentally change the nature of Hollins Lane
- Overdevelopment in the area
- Pedestrian safety concerns in particular with school children
- Pollution concerns from additional traffic
- Flood risk
- Local School are not big enough
- Impacts upon the existing drainage systems
- Site requires a masterplan
- Increase in what the allocation sets out
- Reduction in Open Green Space which fails to comply with policy
- Culvert runs through the site and regularly floods
- Development fails to match the existing ribbon development
- Development is suited to Urban not Rural locations
- Poor Planting Scheme
- Impacts upon TPOs
- Housing Mix fails to comply with the Local plan
- Development will impact upon emergency vehicles travelling along Hollins lane
- Loss of greenfield
- Inaccuracies in the submitted transport report
- Lack of Employment opportunities in the area
- Congestion increase along the A6
- No Design and Access Statement demonstrating how the development complies with the masterplan
- Affordable houses should be spread out throughout the site
- Lack of pedestrian footpaths
- Impacts upon the AONB

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Ongoing correspondence with several meetings and discussions having taken place with the applicant in relation to revisions to the site layout / numbers and progressing the Master Plan. Other matters discussed relates to housing mix, green infrastructure and financial contribution requirements along with revisions to boundary treatments, design and Section 106 progress. The applicant has agreed to an extension of time until 4th October 2019 and to the recommended conditions.

9.0 ISSUES

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

- Principle of Development, Allocation Requirements and Masterplan

- Visual Impact / Impact on the street scene and local landscape and design
- Impact on residential amenity
- Impact on the transport network / highway safety / parking
- Flood risk and drainage
- Ecology, nature conservation and trees
- Other Matters

Principle of Development, Allocation Requirements and Masterplan

9.2 Paragraph 47 (Determining Planning Applications) of the NPPF sets out that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The primary development plan for Wyre is the Wyre Local Plan (adopted in February 2019). A number of housing allocations identified in Policy SA1 will provide the majority of the Local Plan housing requirement. Delivery of these sites are also critical to ensure a 5 year housing land supply is maintained. In this instance the application site is allocated within the Wyre Local Plan for residential development (site allocation SA1/13) with a capacity of 51 dwellings. This capacity figure is based on outline planning consents for the site (listed above in paragraph 4.2). As capacity is expressed as a minimum figure then the provision of additional units on site allocations (in this case 9 additional units are proposed) is acceptable in principle subject to being acceptable against all other relevant planning policy requirements e.g. visual impacts, acceptable spacing and interface distances and highway safety / capacity. Furthermore it would also be in accordance with policy SP1 which seeks to direct new development to within settlement boundaries in line with the settlement hierarchy.

9.3 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. The allocation of this site has deemed it a sustainable location for new development. It is considered to be well related to the existing settlement of Hollins Lane. The proposed children's play area will provide social benefits to the wider community within Hollins Lane and the new pedestrian footpath along the site frontage and nearby bus stop upgrades will also benefit existing residents. This will allow the development to integrate and connect to the existing settlement and existing infrastructure. Therefore the development is considered to satisfy policy SP2.

9.4 The allocation is subject to meeting a number of policy requirements, which include a number of Key Development Considerations (KDC) listed in SA1/13. These are as follows:

1. This site is to be brought forward in line with a masterplan to be produced covering the whole of the site. The masterplan must be agreed by the local planning authority prior to the granting of planning permission for any part of the site.
2. The development should be supported by a landscape and green infrastructure framework incorporating structured tree planting, on-site open space to include formal and informal play and pedestrian and cycle connectivity within and outside the site.
3. The design of the development should provide an 'organic' extension to the village. It should utilise important key vistas into the adjoining open countryside and

provide a rural transition zone between the development and the wider countryside. Particular attention should be given to the nature and quality of boundary treatments.

4. The development should be supported by a drainage strategy for the whole allocation to meet the needs of the development. Residual surface water should drain towards Laburnum nurseries and into Morecambe Bay via the River Cocker.

5. A contribution towards highway improvements along Hollins Lane is likely to be required.

6. The site is not covered by any nature conservation designations. Potential ecological impacts should be considered due to the greenfield nature of the site and important features such as hedgerows and trees. Mitigation measures for habitat loss should be met in the local area.

7. The site lies adjacent to the West Coast Main Line which sits in a cutting forming the eastern boundary of the site. Regard should be had to the asset protection requirements of Network Rail, including the need for a Risk Assessment and Method Statement (RAMS) once any proposal has entered the development and construction phase for all works to be undertaken within 10m of the operational railway.

8. A number of trees are located within the boundary hedgerows are the subject of a Tree Preservation Order (reference 003/2016), these should be taken into account in preparing/submitting a planning application.

Hollins Lane Masterplan

9.5 In terms of compliance with KDC 1 listed above, during the application process the applicant has prepared and submitted a Masterplan which has been through the Council's internal approval process including the Planning Policy Working Group. The Masterplan was formally approved on 31st July 2019. The Masterplan has established a series of parameters and design principles based on analysis of site constraints and opportunities that should inform planning decisions on this site.

9.6 The Masterplan sets out that the site constraints and opportunities include views into and out of the site, existing trees and vegetation, flood risk and drainage, the sites rolling topography, the West coast Main Line, ecology, site access and residential interfaces with existing properties. These matters are addressed later in this assessment under the relevant sub-headings. The approved Masterplan is a significant material planning consideration in the determination of this application.

9.7 KDC 2-8 listed above are also policy requirements which are addressed under the relevant sub headings below.

Visual Impact / Impact on the street scene and local landscape and design

9.8 Policy CDMP3 of the Local Plan requires new development to be of a high standard of design. Innovative design appropriate to the local context will be supported where it is demonstrated an understanding of the wider context and make a positive contribution to the local area. Within the policy a number of criteria are set out this includes Criteria A which states that all development must be designed to respect or enhance the character of the area. Criteria B requires development to create a positive contribution to an attractive and coherent townscape both within the development itself and by reference to its integration with the wider built environment

having regards to the pattern and design of internal roads and footpaths in respect of permeability and connectivity, car parking, open spaces, landscaping and views into and out of the development. Specifically for this site KDC 3 sets out that the design of the development should provide an organic extension to the village and should utilise important key vistas into the adjoining open countryside and provide a rural transition between the development and the countryside. This is dealt with in further detail in the approved Masterplan. Section 12 of the NPPF also requires and highlights the importance of providing high quality design along with the importance of protecting the natural environment (Section 15).

9.9 Introducing residential development (or any other modest forms of development) into an undeveloped greenspace/ landscape will inevitably result in additional visual transformation. As alluded to by local residents the pattern of development along Hollins Lane is generally that of uniform ribbon development with linked sporadic cul-de-sacs along the western side. The sites allocation does wrap around the existing dwellings to the west and drop down, pushing the build form towards the railway to the east. In the wider context whilst this does distort the linear pattern it also creates a small built hub which integrates with the junction of Cleverley Bank Lane and creates a small rural expansion. Originally the application proposal was for 73 dwellings. This resulted in an overly dense layout with limited visual breaks between units as seen from outside the site, lack of landscaping, insufficient areas of Green Infrastructure and unacceptable spacing and interface distances.

9.10 Using the Hollins Lane Masterplan as the starting point for setting out the parameters of the development, the latest revision scheme for 60 units has increased the areas of Green Infrastructure and spacing throughout the site and between properties. Revisions have been made to the housing mix to introduce bungalows and smaller units which also reduces the overall bulk and scale of the development when viewed from outside the site and against the existing built form. In terms of layout the latest revised plans now satisfy the parameters and design principles set out within the Masterplan including the location of access, the area/location and quantity of Green Infrastructure and also allow for views into and out of the site by omitting a Linear form of development running along the rear of the site. Each of the dwellings have rear gardens of 10.5m in depth and 2 parking spaces per dwelling either to the front or side/rear of the properties. Boundary treatments comprise of 1.8m high close boarded timber panel fences to dividing plots and also along each of the site boundaries. On a number of corner plots (namely Plots 1, 58, 6, 7, 19, 20 and 27) a 1.8m high red brick screen wall is proposed. These boundary treatments are considered to be acceptable and provide a variation in the street scene as well as providing sufficient privacy screens where necessary. A 1.8 close boarded timber panel fence is proposed adjacent to the railway along the eastern boundary this will also act as an acoustic barrier adjacent to a new planted buffer in accordance with the mitigation requirements set out In the Acoustic Noise Assessment. To the site frontage the existing hedgerow will largely remain in situ with a new 1m high steel fence finished in black in part. This will allow views into the site and also provide a softer edge to the development.

9.11 At present the levels and gradients throughout the site vary significantly with a general decrease in gradient from west and east to the centre of the site. There is a low valley running from north to the south through the centre of the site. The highest point is generally midway along the southern boundary where the level is approximately 42.87m AOD with the lowest level within the site falling to a minimum of 35.48m AOD and is within the centre of the site. The development of the site will require engineering works to increase and raise levels to accommodate the access road and infrastructure and also to accommodate drainage and to ensure the

children's amenity area is suitable and fit for purpose. The applicant has provided proposed street scenes and sections through the site to demonstrate the changes in levels. Based on the plans submitted it is proposed to increase the levels primarily towards the centre of the site by approx. 2m with the Finished Floor Levels (FFL) along the southern and western areas of the site generally remaining similar to the existing ground levels. The location of the children's play area is to be remodelled and the levels increased to allow for a usable path through to the corner of Cleveley Bank Lane and Hollins Lane and access road and also to make the FFL of the children's play equipment level and accessible (at 40m AOD). A section of the children's play area has been provided to demonstrate the required change in levels. Whilst engineering works (cut and filling of the existing levels) is required it is considered that this will not have an unduly adverse impact upon the character and visual amenity of the area. The level changes in relation to the existing dwellings is assessed later on in the report and how this will relate to existing properties.

9.12 The application has been submitted with full soft landscaping details. It has been shown that the existing mature hedgerow is to be fully retained with the exception of a couple of small sections along Hollins Lane to accommodate the main access widening and the access drives to Plots 2, 58, 59 and 60. The existing TPO trees are also to be retained. A substantial amount of new planting and green areas are shown to be provided throughout the site which does help to provide a semi-rural character and organic expansion and transition into the countryside area. The Council's Tree Officer and Parks and Open Spaces Officer are satisfied with the amount of vegetation being provided and retained as part of the proposal. Full details of hard landscaping is to be conditioned as details of driveways, paths, play area etc. have not been submitted with the application.

9.13 Turning to design, Hollins Lane is currently made up of a mixture of house types and designs of varying scales and materials. This is set out and demonstrated within the Hollins Lane Masterplan. The proposed house types are predominantly 2 storey units of approx. 8m in height along with a number of true and dormer bungalows. The design of the proposed units also varies which provides sufficient variety including subservient ridge heights with set downs above the garages at first floor. This is seen to break up the bulk and massing of the units to an acceptable level. The application has been accompanied by a materials plan which shows an even mix and distribution of materials. The dwellings are to be constructed using 3 different material palettes including red facing bricks and ivory render. The agent was requested to amend the design and materials to the frontage properties along Hollins Lane to provide more character and visual interest. The submitted street scene plan shows these properties are to have a mix of materials including plots 11, 15, 8 and 60 to comprise of red brick at ground floor and render at first floor with decorative band course in-between. These properties are very similar in character and appearance to the recently constructed properties which front Hollins Lane to the north (Primrose Villas). A light grey roof tile is also proposed. The frontage dwellings are also set back from Hollins Lane to allow a continuation of the existing pattern of development. The overall design, scale and character of the house types proposed are considered to be acceptable and in keeping with the current style and appearance of the existing properties within the immediate locality. Having assessed the application against the Masterplan Framework and the Design Drivers and Layout Principles set out within it is considered that the submitted plans are in accordance and would follow the contents of Hollins Lane Masterplan which in turn satisfies the requirements of the KDC in the site allocation set out within the Local Plan. Furthermore the design of the dwellings and the spacing and layouts demonstrated would comply with Policy CDMP3 of the Local Plan and also SPG4.

Impact on Residential Amenity

9.14 The impact upon the existing neighbouring properties and the impact on the amenity of the proposed dwellings within the site has been fully assessed in conjunction and in line with Policy CDMP3 of the Local Plan and also the interface distances stipulated within SPG4. To the east of the site is the railway line beyond which is open countryside. To the south of the site is also agricultural grazing land. The impacts arising from the development in relation to the existing dwellings in particular loss of privacy, overlooking, overbearing impacts and loss of light is set out below for each of the properties which lie adjacent to or in the immediate vicinity of the proposed development.

Conder Mount, Ashdell, The Burrow, Nannaby, Old Broadgate

9.15 The above properties are located to the south/south west of the application site boundary with the rear gardens backing on to the site. Conder Mount also sides on to the site boundary which is made up of mature trees and vegetation. At present the rear boundaries of these properties comprises of a mixture of broken lengths of mature hedgerow and timber/post and wire fencing. In the vicinity of the site where the dwellings back on the land levels vary significantly. At present to the rear of Conder mount at the boundary the levels are approximately 38m AOD this then drops off to the rear of Old Broad Gate to 35m AOD. With the exception of Conder Mount the rear gardens of the other properties are modest in length at approximately 46m. Conder Mount has a rear garden depth of approximately 7m. Following a joint site visit with the applicant plots 44, 45, 46 and 47 have been amended to change the house types from 2 storey dwellings to semi-detached bungalows, this is to overcome the impacts arising from the bulk and massing along with the variation in levels. The FFL of the bungalows will be approx. 37m AOD which will ensure the new units are below the height of Conder Mount and will not be overbearing. In terms of interface distances Plots 44-47 have a rear garden depth of 12m this results in a rear to rear interface distance of 25m from Conder Mount which exceeds the stipulated 21m set out in SPG4. Following the revisions made and given the interface distances involved it is not considered that the plots which side/back on to the above dwellings will have any significant adverse detrimental impacts in terms of overlooking, loss of privacy or overbearing impacts. Conditions will be necessary to ensure the units which side on to the rear gardens have obscure glazing in any first floor windows. The new 1.8m high timber panel fence boundary treatment will provide sufficient screening to the rear gardens and prevent any overlooking at ground floor level.

Dwellings located on the western side of Hollins Lane (Haiglands, Sunny Lea, Mabil, Lynwood, Belvedere and Dunroamin)

9.16 The above units are located along the western side of Hollins Lane opposite the proposed accesses and are set back from the highway by approximately 20m on slightly higher ground to that of the application site. Whilst these dwellings will front the new properties along the western boundary there is a significant interface distance of approximately 50m. These properties will not be adversely impacted upon by the proposed development.

Maycroft

9.17 Maycroft is located opposite the site to the north and occupies a prominent corner position against Cleverley Bank Lane and Hollins Lane. The new dwellings will be sited a substantial distance away from this property as the proposed children's play area and Green infrastructure is to be sited towards the northern boundary. No

unacceptable noise and disturbance would result from the scale and siting of this play area. Furthermore the existing mature hedgerow and the large Oak Tree is to be fully retained along the boundary which provide a high level of screening.

9.18 The Hollins Lane Masterplan sets out how the development would integrate with the settlement and the proximity to neighbouring properties. Based on the above assessment it is concluded that the proposal would satisfy Policy CDMP3 of the Local Plan and the spacing guidance set out within SPG4 both in relation to the existing dwellings but also in relation to each of the new plots and the layout within the application site itself site. The original submission for 73 units did have an unacceptable impact. The revised Layout and reduction in units is seen to be acceptable and would follow the key design drivers set out within the Masterplan.

Impact on the Transport Network / Highway Safety /Parking

9.19 Policy CDMP6 (Accessibility and Transport) of the Local Plan seeks to ensure that development does not have an adverse impact on the existing highway network. KDC 5 of Site Allocation SA1/13 also requires the development of this site to contribute towards highway improvements along Hollins Lane.

9.20 Concerns have been raised by residents and the Parish Council in relation to the proposed impacts the development would have on highway capacity and highways safety in particular in the vicinity of the site but also at the junction with Hollins Lane and the A6 Preston Lancaster Road. Lancashire County Council Highways and Highways England have raised no objection to the proposal to both the original scheme for 73 dwellings and the revised proposal for 60 properties. The Hollins Lane Masterplan sets out how the development of the site would interact with the surrounding network and the constraints involved including speed limits, distances to services and public transport, and pedestrian footpaths. The application itself includes more technical details within the submitted Transport Statement (TS) which has been assessed by LCC Highways. LCC Highways have advised that the proposed development would not have a severe impact on highway capacity in the immediate vicinity of the site and the residual cumulative impacts are not severe. LCC Highways have advised that although the proposal exceeds the minimum capacity set out in the site allocation and the extant outline planning permissions (51 dwellings) and it is acknowledged there would be a significant amount of additional vehicular movements along Hollins Lane, the submitted traffic survey has demonstrated that this increase in traffic on the network would be acceptable from a highway capacity and safety point of view.

9.21 The proposal includes a new 2m wide footpath along the sites frontage which then wraps around towards the north at the corner of Cleverley Bank Lane. It has been confirmed by the applicant and evidenced on site that this footpath can be delivered without impacting upon the existing hedgerow which is to be fully retained in accordance with the plans submitted. The delivery of the pedestrian footpath and other highway improvement works including upgraded bus stops on the A6 near the junction with Hollins Lane is to be conditioned and would satisfy KDC 5 of the site allocation. Internally the proposed layout is considered acceptable, LCC Highways have advised that it would be suitable for adoption and that it provides sufficient parking provision throughout. One amendment that was requested was that an internal 3m wide pedestrian/cycle link is provided from the corner of Hollins Lane / Cleveley Bank Lane into the site. This has now been shown and also provides a pedestrian connection to the children's play area. A number of conditions have been recommended which includes the retention and protection of visibility splays at the site access and the delivery of the off-site highway works which are agreed.

9.22 At least two off road parking spaces would be provided for each property. Whilst the Council's parking standards set out in Appendix B of the Local Plan require 3 spaces for 4+ bedroom units, this can be relaxed in sustainable locations. The parking generally provides one space to the side/rear. In some instance double frontage parking has been proposed although this is not an overly dominant feature in the street scene. An electronic vehicle charging (EVC) point plan has been submitted showing some dwellings provided with provision for EVC sockets. Policy CDMP6 of the Local Plan requires these to be provided for all units unless demonstrated to be impractical. It is unclear why the applicant considers it to be impractical to provide these for those units shown as not having one and so this is to be conditioned accordingly. Subject to conditions it is considered that the proposal satisfies Policy CDMP6 of the Local Plan and SPG4.

Flood Risk and Drainage

9.23 The application site is located within Flood Zone 1 which is defined as having a low probability of flooding. A site specific Flood Risk Assessment (FRA) has been submitted with the application which has been assessed by United Utilities, the Council's Drainage Engineer and the Lead Local Flood Authority (LLFA). There is no statutory requirement to consult the Environment Agency on the proposal and there is no requirement for the applicant to demonstrate compliance with the sequential or exceptions tests. KDC 4 of the sites allocation requires a drainage strategy to be submitted with the application setting out that residual surface water should drain towards Laburnum Nurseries and into Morecambe Bay via the River Cocker. In conjunction with the submitted FRA a Sustainable Drainage Strategy has been submitted. In this instance the submitted plans and drainage details set out within the FRA demonstrate that surface water from the site will be discharged via onsite attenuation and into the existing surface water drain (at a restricted discharge rate) which runs through the site and discharges to the water course at Laburnum nurseries. Foul drainage is proposed to be connected to the existing mains which crosses the site along the western boundary.

9.24 Concerns raised by residents in relation to increased flooding and the impacts upon the existing system has been considered. The LLFA and the Council's Drainage Engineer have raised no objections to the proposal. Whilst United Utilities have raised queries in relation to the sustainable drainage strategy submitted, it is not common practice for infiltration results to be provided up front with an application and in any event it is accepted that this is impractical for a significant extent of the Borough due to ground conditions. On the basis that a technical solution to drainage has been demonstrated and accepted then there is no reason to delay the granting of planning permission subject to conditions requiring the submission of full drainage details which satisfy the SUDS Hierarchy. Concerns have been raised as to the age and quality of the exiting surface water drain which runs through the site. This was investigated as part of the previously consented scheme on the site to ensure that this would be a feasible option including a camera survey. As such and subject to the imposition of the recommended conditions, no unacceptable drainage issues are anticipated and the development is considered to satisfy the policies of the Local Plan, KDC 4 of the site allocation and the drainage considerations in the Master Plan.

Ecology, nature conservation and trees

9.25 The application site is not within a sensitive designation and is not considered as high quality landscape or ecological value. The application has been accompanied by an Ecological Appraisal which has been assessed by Greater

Manchester Ecological Unit. GMEU requested that the landscape buffer previously demonstrated on plan along the eastern boundary adjacent to the railway under application 17/00233/OUTMAJ was reinstated as it was absent on the initial submission. This landscape buffer is shown on the Landscape and Green Infrastructure framework within the approved Master Plan to provide a wildlife corridor and help soften the appearance of the development from views east of the site. It is also now included within the revised scheme and shown on the landscaping plans, comprising of mixed species hedgerows. There are no ecological issues subject to conditions.

9.26 As previously highlighted the application seeks to retain and protect the existing trees and hedgerows along the northern, southern and western boundaries. The Council's Tree Officer has advised that the landscaping proposed is considered to be acceptable subject to amendments showing the proximity of boundary treatments to the frontage hedgerow and also details of tree protection being provided. The existing TPO trees are to be fully retained and the landscaping details submitted and provided are to be conditioned accordingly.

Other Matters

Contamination

9.27 The Council's Environmental Protection Team has assessed the submitted Site investigation report which has accompanied the application. Based on the information submitted it is considered that only basic Radon protection is required and the details of protection that have been submitted is acceptable. A watching brief/verification report should be conditioned to verify that successful installation of the measures set out in the report have been installed. Based on the information submitted no unacceptable impacts on human health or the environment arising from land contamination are anticipated.

Housing Mix & Green Infrastructure (GI)

9.28 Policy HP2 of the Local Plan requires new housing developments to widen the choice of housing types available in Wyre by providing a mix of house types and sizes in line with the latest evidence of need as set out in the Strategic Housing Market Assessment (SHMA) which in this case is the May 2018 Addendum 3 Supplementary Note setting out a need for 38% 1 and 2 beds, 43% 3 beds and 18% 4+ bed units. Out of the 60 units proposed, 24 (40%) are 2 beds, 22 (37%) are 3 beds and 14 (23%) are 4+ beds. This proposed mix is in general accordance with the SHMA and is skewed towards smaller units which is supported by the housing need evidence. Also within Policy HP2 it sets out that to help meet the needs of an aging population and people with restricted mobility at least 20% of dwellings should be of a design suitable or adaptable for older people and people with restricted mobility. In this instance the development of 60 dwellings should provide 12 suitable or adaptable units. Out of the 60 properties, 8 are bungalows which would comply however 4 further units should also be evidenced to comply. As such it is considered that a condition is necessary to require this information be submitted and subsequently provided.

9.29 Policy HP9 of the Local Plan requires development which results in a net gain of 11 units or more to make appropriate provision of green infrastructure (GI) on site. Based on the proposed housing mix this development should provide 0.53ha of GI which is identical to that set out in the Master Plan which includes a Green Infrastructure Plan. The revised plan demonstrates 0.53ha is provided which

comprises of Amenity Greenspace, Natural and Semi-Natural green space and Children's Play Area in the form of a Locally Equipped Play Area (LEAP). The LEAP is to be provided in the north of the site and its siting and provision of a new pedestrian access at the corner of Hollins Lane / Cleverly Bank Lane would make it useable and accessible for existing residents. The Councils Parks and Open Spaces Officer is satisfied with the type and amount of GI being proposed. Concerns had been raised by officers as to the usability of the area where the children's LEAP is to be sited due to the variations in levels. The applicant has provided a section of this area which demonstrates that some cut and fill engineering works will be required to allow for a level surface and area. Visually the level changes are considered to be acceptable. The Parks and Open Spaces Officer has requested details of how the LEAP will be securely enclosed and managed and maintained. Whilst some details and specification has been submitted this is identified as being illustrative only on the plans submitted and as such this can be conditioned accordingly. The future management and maintenance and timing/delivery of the GI as a whole (not just the children's play area) is to be secured within a Section 106 Legal Agreement.

Affordable Housing

9.30 In accordance with Policy HP3 of the Local Plan the proposed development is required to provide 18 on site affordable units (30%). 18 units are proposed in a cluster towards the west of the site. The Council's Affordable Housing Officer has advised that the proposed 50/50 split of rented and shared ownership units is acceptable and the house types would be appropriate. The grouping of the affordable properties was queried and this has also been raised as a concern within the neighbour notification responses. Whilst it would be preferable for them to be more dispersed they do feature within different street scenes and sit opposite market houses and so on balance they are still considered to be sufficiently integrated into the wider development. The affordable housing proposed is considered to comply with Policy HP3 of the Local Plan and would be secured by a section 106 legal agreement.

Education Contributions

9.31 Lancashire County Council Education have been consulted on the application (updated assessment provided 21/8/2019). LCC confirm they will not be seeking a contribution towards Primary School places however they are seeking a financial contribution towards 5 secondary school places at Garstang Community Academy. This is calculated at £120,925.80. LCC also confirm that whilst there are other developments that are making a contribution to this secondary school, the new s106 regulations which came into effect on 01.09.2019 have the effect of removing the maximum of 5 pooling restrictions making it possible for them to name this school. The applicant has agreed to provide this requirement by reason of Section 106 Legal Agreement.

Noise/Railway

9.32 To the east is the West coast railway line which sits in a deep cutting well below ground level of the site. The Noise Assessment submitted concludes that mitigation measures including acoustic glazing and a 1.8m high acoustic timber panel fence shall be provided. This fence is proposed adjacent to the boundary to reduce noise impacts into the rear gardens as shown on the latest boundary treatment plan. The Council's Environmental Protection Officer has confirmed that based on the latest site layout and subject to the mitigation measures being provided prior to first occupation of the dwellings then it is not anticipated there will be a significant or

adverse impacts upon the amenity of the occupants of the development. An appropriately worded noise condition is to be attached.

9.33 Network Rail were consulted due to the close proximity of the site to the main railway line. In order to protect this asset they acknowledge the need for a Risk Assessment and Method Statement together with a Basic Asset Protection Agreement. This is required to be submitted directly to Network Rail and can be added as an informative. Details of drainage in proximity to the railway line can be considered at discharge of condition stage. The development is considered to satisfy KDC 7 of the site allocation policy relating to asset protection on this site.

Heritage

9.34 In terms of the impacts upon Heritage there is a terrace of Grade II listed buildings (8, 9 and 10 Hollins Lane) located approx. 100m to the north of the site. These properties front Hollins Lane at a point where the road gently curves toward the north. Given the presence of intervening properties and the curve of the road, it is considered that there is no visual connection between the site and the listed buildings. As such, the effect of the development is judged to have no change on the setting, character or heritage value of these listed buildings.

10.0 CONCLUSION

10.1 In light of the assessment set out above the revised scheme is considered to comply with the policy requirements / key development considerations of site allocation policy SA1/1) and also satisfies the objectives and parameters demonstrated within the approved Hollins Lane Masterplan. The reduction from 73 dwellings to 60 has significantly improved the sites layout and now provides an appropriate housing mix and Green Infrastructure to enable the development to integrate with the settlement in an organic and sensitive way. The proposed development provides significant benefits including the delivery of a wide choice of affordable and open market housing, a new pedestrian footway, upgraded bus stops and children's play area (LEAP). Subject to conditions and the signing of a Section 106 Legal Agreement the proposal would comply with the policies of the Wyre Local Plan, SPG4, the approved Hollins Lane Master Plan and the National Planning Policy Framework.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

12.0 RECOMMENDATION

12.1 Grant full planning permission subject to conditions and subject to a section 106 legal agreement to secure an appropriate financial contribution towards secondary education provision and the delivery and future management and maintenance of Green Infrastructure and on site Affordable Housing. Authorise the Head of Planning Services to issue planning permission upon satisfactory completion of the S106 agreement.

Recommendation: Permit

Conditions: -

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

Reason: This condition is required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 11/7/2018 including the following plans/documents:

- Proposed site Layout Rev U
- Street Scene Elevations Rev D
- Boundary Treatments Plan Rev F
- Boundary Treatments Rev B
- Site Location Plan
- 2b3p Bungalow 61
- 2b4p House Type 70 Rev A
- 2b4p Aspect House Type 77 Rev A
- 3b4p Aspect House Type 84
- 3b5p Aspect House Type 85 Rev A
- 3b5p Dormer Bungalow 100
- 4b6p Aspect House Type 102
- 4b6p Type E 121 Rev B
- 4b6p Type F 119 Rev D
- Materials Distribution Plan Rev E
- Slab Levels A2 Rev A
- Section Through POS Area Rev A
- MCI.TS.95 Hollins Lane Forton Topo Survey
- Landscaping Proposal 1 of 3 Drawing Number 5896.01 Rev A
- Landscaping Proposal 2 of 3 Drawing Number 5896.02 Rev A
- Landscaping Proposal 3 of 3 Drawing Number 5896.03 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 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.

4. Prior to the commencement of development a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage 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 outlined in Policy CDMP2 of the Wyre Local Plan 2011-31.

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.

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.

5. Prior to the commencement of development a scheme for the construction of the site access and the off-site works of highway improvement [namely, upgrading two bus stops on the northbound and southbound side of the A6 near to the New Holly Hotel to quality bus stop standards and providing a 2m wide footpath fronting Hollins Lane along the site frontage], 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.

6. The visibility splays identified as that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed access from the continuation of the nearer edge of the carriageway of Hollins Lane to a point measured 51m in both directions shall be provided prior to first occupation of any dwelling 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).

7. No development shall be commenced until an estate street phasing and completion plan has been submitted to and approved in writing by the Local Planning Authority. The estate street phasing and completion plan shall set out the development phases and the standards to which estate streets serving each phase of the development will be completed.

Reason: - To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential / highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway, in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

8. No dwelling hereby approved shall be first occupied or brought into use until the parking / turning area(s) which serves that particular dwelling as shown on the approved plan (Proposed site Plan Drawing Number Rev U) have been laid out, surfaced to at least base level and drained. The parking / turning area(s) shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

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

9. 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).

10. 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 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 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).

11. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the garage(s) hereby approved shall be retained solely for the housing of a private motor vehicle, and at no time shall any works be undertaken that would prevent it from being used for that purpose.

Reason: To ensure that the on-site vehicle parking provision is maintained to avoid the standing of traffic on the adjoining highway to the detriment of the safety and free flow of traffic thereon and in the interest of the amenity of the street scene and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework.

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

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

13. A watching brief shall be undertaken during the course of the development works. The watching brief shall be undertaken by a suitably qualified person, who shall be responsible to notify the Local Planning Authority immediately if any significant contamination is discovered. The findings of the watching brief shall be reported in writing and submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

Reason: In order to safeguard human health and the environment against potential contamination and in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

14. The Soft landscaping works shall be carried out in accordance with the approved details [Drawing Numbers 5896.01 Rev A, 5896.02 Rev A, 5896.03 Rev A] prior to first occupation or first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

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

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

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity and ecology in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

15. No development shall take place until full details of hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include, areas of hard surfaced areas and materials (i.e. driveways, paths, structures, furniture, play equipment, benches lighting etc.).

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

Reason: The details are required to be approved prior to commencement of development to ensure landscaping is implemented at an appropriate time during the development and for the purpose of safety and effective use of public areas.

16. The ground, slab and finished floor levels shall be constructed and completed in accordance with the approved details (as shown on plan drawing number Slab Levels A2 Rev A & Hollins Lane Street Scene Elevations Rev D)

Reason: To ensure that the development has a satisfactory visual impact on the streetscene, a satisfactory impact on neighbouring residential amenity in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31).

17. Prior to first occupation of the development hereby approved, the noise mitigation measures set out in the supporting Noise Assessment submitted with the application (by Sound Advice, dated 13/01/17 (ref GAA Hollins Lane) as supplemented by the Echo Acoustics Technical Memorandum dated 5th July 2018 shall be implemented (namely the acoustic boundary fence along the eastern boundary and acoustic window glazing). The approved noise mitigation measures shall thereafter be retained and maintained.

Reason: To ensure there is no adverse effect on the health and quality of life of future occupants and to avoid an unacceptable impact on residential amenity by virtue of noise in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

18. Prior to the commencement of development, including any demolition or tree works, an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan for the retained tree(s) 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 tree protection shall be carried out in accordance with the approved details prior to any development commencing and shall remain in place during construction

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

Reason: In order to protect trees 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.

19. 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 .

20. Notwithstanding the Charging Plan submitted with the application, 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). The Car Charging Plan submitted with the application fails to provide a EVCP for each dwelling or

demonstrate why it is not practical to provide one for those dwellings shown as not having one.

21. The approved boundary treatment (Boundary Treatments Rev B & Materials Layout Drawing Number 18028_02 Revision B and Boundary Treatment details Rev F) that relate to the relevant dwellings shall be completed before those dwelling(s) are first occupied. The approved details shall thereafter be maintained and retained in accordance with the approved details.

Reason: In the interests of the appearance of the locality and the residential amenity of occupants / neighbours and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

22. The development shall be carried out strictly using those materials specified on the approved plan (Materials Distribution Plan Rev E) unless other minor variations are submitted to and approved in writing by the Local Planning Authority after the date of this permission and before implementation.

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

23. 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.

24. Notwithstanding the definition of development as set out under section 55 of the Town and Country Planning Act 1990 (as amended) and the provisions of Parts 1 and 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification);

(a) no fences, gates, walls or other means of enclosure shall be erected along the front or side boundaries of the curtilage of any dwellinghouse forward of the main front elevation or side elevation of that dwellinghouse; and

(b) no areas of soft landscaping to the front of properties shall be removed to make provision for additional car-parking, without planning permission.

Reason: To safeguard the appearance of open plan development and in accordance with Policy CDMP3 of the Adopted Wyre Borough Local Plan.

Notes: -

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

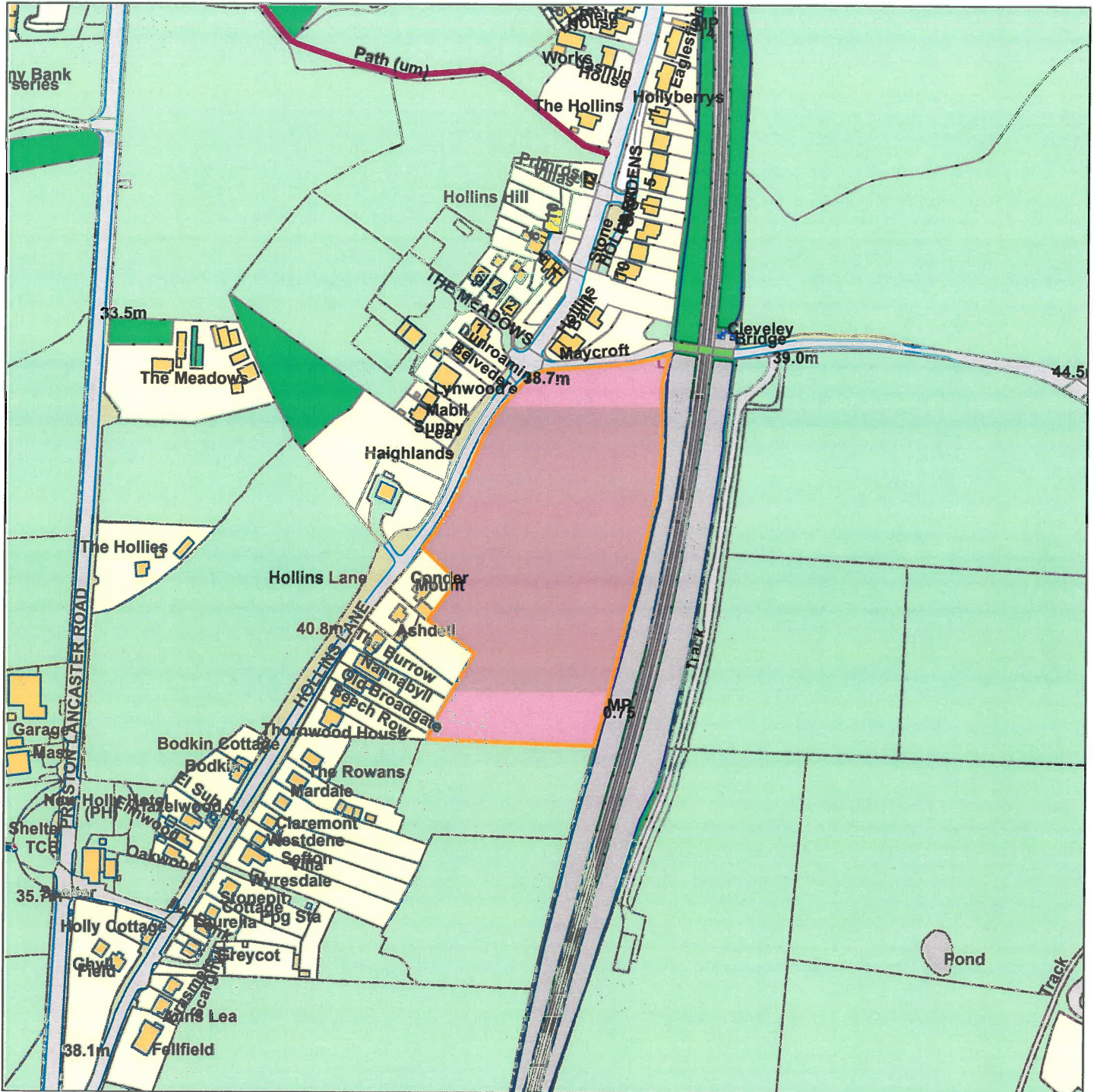
2. This grant of planning permission will require an appropriate legal agreement to be entered into with Lancashire County Council as the Local Highway

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

3. Prior to the commencement of development, a risk assessment and method statement (RAMS) in respect of all works to be undertaken within 10m of the adjacent railway shall be submitted to and agreed in writing with Network Rail to ensure that works on site follow safe methods of working and have taken into consideration any potential impact on Network Rail land and the operational railway. Network Rail Asset Protection should be contacted by email at AssetProtectionLNWNorth@networkrail.co.uk to discuss the RAMS requirements in more detail.

A Party Wall notification (under the Party Wall Act of 1996) should be submitted to Network Rail's Asset Protection team for any works 3 metres or less from the Network Rail boundary (not the railway tracks) and structures. Embankments and cuttings are considered structures by Network Rail. Plans and sections showing the location and depth of the proposed excavations and foundations and the location of the proposed third party building or structure should be included with the notice.

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Organisation	Wyre Council
Department	Planning Department
Comments	Item2
Date	17 September 2019
SLA Number	100018720

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Committee Report**Date: 02.10.2019**

Item Number	03
Application Number	18/00680/OULMAJ
Proposal	Variation of condition 03 (affordable housing) on application 16/01043/OULMAJ
Location	Land Off Holts Lane Poulton-Le-Fylde Lancashire
Applicant	Hollins Strategic Land LLP & Tim Claxton Property Ltd
Correspondence Address	C/o Matthew Symons Hollins Strategic Lane Suite 4, 1 King Street Manchester M2 6AW
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Mr Rob McKillop****1.0 INTRODUCTION**

1.1 The application is before the Planning Committee for determination at the request of Councillor Roger Berry. A site visit is recommended to enable Members to understand the site context.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is allocated for residential development in the Council's adopted Local Plan in conjunction with neighbouring sites to the west. It comprises an area of predominantly open green field land with a small element of previously developed land. The site is on the southern edge of Poulton-le-Fylde with open agricultural fields to the south. Poulton Industrial Estate lies beyond the railway line which marks the eastern site boundary.

3.0 THE PROPOSAL

3.1 Outline planning permission for the erection of up to 130 dwellings following demolition of existing buildings with means of access off Holts Lane was approved under reference 16/01043/OULMAJ subject to a section 106 agreement and a number of conditions. This current application seeks to vary condition 3 to allow for a reduced provision of affordable housing. The applicant has made a case that the scheme would be unviable with the standard 30% policy requirement for affordable housing. Details of viability have been submitted to support this assertion for assessment by the Council. All other matters of layout, landscaping, scale and appearance are reserved for later consideration.

4.0 RELEVANT PLANNING HISTORY

4.1 16/01043/OULMAJ: Outline application for the erection of up to 130 dwellings with means of access off Holts Lane (layout, landscaping, scale and appearance reserved), following demolition of existing buildings (re-submission of 16/00233/OULMAJ). Permitted.

4.2 (West of the application site) - A reserved matters application for the erection of 108 dwellings following outline permission is currently under considered on the adjacent site to the west (Ref:18/01125/REM - Land off Brockholes Crescent).

5.0 PLANNING POLICY

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
- SP6 - Viability
- SP7 - Infrastructure Provision and Developer Contributions
- HP2 - Housing Mix
- HP3 - Affordable Housing
- SA1/4 - South East Poulton - Allocated Housing Development

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 OTHER MATERIAL CONSIDERATIONS

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 relevant to the determination of this application:

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision-making
- Chapter 5 - Delivering a sufficient supply of homes
- Chapter 6 - Building a strong, competitive economy
- Chapter 8 - Promoting healthy and safe communities
- Chapter 9 - Promoting sustainable transport
- Chapter 12 - Achieving well-designed places
- Chapter 15 - Conserving and enhancing the natural environment

5.3 OTHER GUIDANCE

- National Planning Practice Guidance (NPPG)

6.0 CONSULTATION RESPONSES

6.1 None received / not applicable.

7.0 REPRESENTATIONS

7.1 One letter has been received from Lancashire County Councillor Alf Clempson with the points of objections summarised as follows:

- This situation demonstrates the fact that the land is unsuitable for development;
- The application makes a mockery of the planning system and it should benefit the community, not developers;
- The highway infrastructure cannot cope with development and will lead to danger for road users;
- The application should be withdrawn;
- Housing is required elsewhere.

7.2 13 public representations have been received with the objections summarised as follows:

- The applicant is seeking to make the most profit without concern for the local areas;
- Affordable housing is required and if developers can't provide it they shouldn't be allowed to build;
- The site is boggy land with peat - does this not demonstrate its unsuitability for development;
- The works to improve the land would be significant and could cause damage to existing houses as well as resident's health and amenity;
- The removal of smaller affordable units would result in larger properties that are out of keeping with nearby bungalows;
- The development will no longer meet the needs of the community and poor families who require housing - this reduces the justification for the loss of this important greenfield site;
- The original permission should be reviewed given the unsuitability of the site and the community shouldn't be punished for their lack of diligence;
- The applicant was aware of the facts when they purchased the land;
- A reduced affordable housing provision should be proposed rather than removal completely;

- The figures supplied in support the applicant's viability case seem to be too convenient;
- The site can no longer be considered sustainable, particularly as removal of peat and ground disturbance may result in flooding and other problems;
- The Council should not be in coercion with the developer;
- There would be a harmful impact on wildlife present at the site;
- The scheme will put additional pressure on local services and infrastructure;

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 There have been discussions with the applicant during the application process and also between Keppie Massie who have been instructed by the Council to review the submitted viability appraisal and the applicant.

9.0 ASSESSMENT

9.1 The main issues in this application are as follows:

- Procedural Matters
- Principle of Development
- Affordable Housing
- Other Planning Matters

Procedural Matters

9.2 This application has been submitted under Section 73 of the Town and Country Planning Act 1990 which allows for the variation or removal of conditions attached to previous permissions. In this instance the proposed variation relates to condition 3 attached to outline permission 16/01043/OULMAJ which requires the submission and approval by the local planning authority of a scheme for the provision of affordable housing including the numbers, type, tenure and location on the site of the affordable housing to consist of not less than 30% of housing units/bed spaces, in order to ensure the adequate provision and delivery of affordable housing.

9.3 In determining a section 73 application, the local planning authority must only consider the condition/s that is/are the subject of the application and that it is not a complete reconsideration of the application although it must still be determined according to the current development plan and other material conditions. If the local authority are minded to approve the section 73 application then they can impose new conditions in relation to the subject matter they are considering.

PRINCIPLE OF DEVELOPMENT

9.4 The principle of a residential development of up to 130 dwellings has been established at this site through the granting of outline permission 16/01043/OULMAJ. The application site also forms part of a housing allocation to the south of Poulton, Policy SA1/4 of the Local Plan relates. The proposed development therefore remains acceptable in principle. Policy SA1/4 requires the submission of a masterplan for approval by the Council for the entire allocation before any part of the site should be granted planning permission. This site benefits from an extant outline planning permission which can be implemented and this application seeks a new outline permission with a variation to the affordable housing provision. There is no requirement for a masterplan to be prepared in these circumstances as the

development would have a similar impact to the scheme previously assessed, which could be implemented without preparation of a masterplan.

AFFORDABLE HOUSING

9.5 Policy HP3 of the Local Plan states that 30% affordable housing should be provided on greenfield sites in Poulton, except when it has been demonstrated it is not appropriate, and that the size, type, mix and tenure of affordable dwellings provided shall be negotiated on a case by case basis having regard to the most up-to-date Strategic Housing Market Assessment (SHMA). Based on the maximum number of units that could be delivered by the outline scheme (130 dwellings) this would equate to 39 affordable units. The applicant contends that in order to meet the relevant policy requirements the site would not be able to deliver 130 units and is more likely to deliver in the region of 102 units. Applying the 30% policy requirement to this figure would result in 31 affordable units. The viability appraisal concludes that any more than 4 no. affordable units on the site would make the scheme unviable.

9.6 The applicant has provided an indicative site layout and housing mix which forms the basis of the viability assessment. As indicated above the proposed number of units is 102 and this would comprise 12 no. 1-2 bed units, 66 no. 3 bed units and 24no. 4 bed units. The development values of this indicative scheme have been used in the viability appraisal.

9.7 The viability appraisal sets out that the primary reason for why a greater number of affordable units on site cannot be provided is because of the costs involved in dealing with the impacts of peat identified on the site and other associated abnormal cost items. Keppie Massie are the Council's retained specialist viability advisors and have reviewed the viability appraisal submitted by the applicant. Some of the original cost assumptions were challenged by Keppie Massie and have been subsequently revised. This includes the benchmark land value which should take into account the applicant's total abnormal costs. They concur that a developer profit of 18.37% (which falls within the 15-20% profit range deemed to be accepted) would render the development able to provide 30% affordable housing provision, however allowance also need to be made for the developer contributions required in the section 106 agreement which equate to £56,000 highways contributions and £563,000 education contributions. Inclusive of these contributions Keppie Massie advise that this leaves a provision of 3.9% affordable housing as being viable for this particular scheme, which equates to 4 units rounded.

9.8 Whilst this would not accord with the requirements set out in Policy HP3 of the Local Plan, following assessment of the submitted viability appraisal, it is considered that the scheme would be unviable where there is a greater affordable housing provision. At present, condition 3 states that a scheme for the provision and retention of affordable housing shall be submitted including "the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces". The applicant proposes that condition 3 is varied to read "the type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 4 housing units."

9.9 Both national policy and guidance prescribe that viability should be a material consideration in planning decisions. Policy SP6 of the Wyre Local Plan (2011-31) states the Council's overarching objective is to ensure that development is viable and that where a developer seeks to negotiate a reduction in standards or

infrastructure requirements that would normally apply to a development the Council will consider whether this would be acceptable and require evidence on financial viability. Keppie Massie have considered the viability appraisal and consider that this development with the requisite highway and education contributions and affordable housing provision would not be viable. Clearly as this is a housing allocation site the Council is dependent on this site coming forward to meet its housing requirement. The harm resulting from the reduced affordable housing provision needs to be balanced against the benefits of making this a deliverable scheme. Other benefits are discussed in detail below.

OTHER PLANNING MATTERS

9.10 When the outline permission was granted, because it pre-dated the new Wyre Local Plan, there was no condition imposed on housing mix needing to satisfy policy HP2 and align with the latest evidence of need set out in the Strategic Housing Market Assessment (SHMA). Under the original permission the Council therefore has no control over housing mix at reserved matters stage and so a high proportion of larger properties could come forward. The layout scheme / housing mix to which the viability appraisal is based on is 12% 1 + 2 beds, 65% 3 beds and 23% 4 bed units. Although a lower percentage of 1+2 bed units are proposed compared to the SHMA evidence of need, it is noted that the scheme would provide a greater number of 3 bed units meaning that only a relatively low number of 4+ properties would be provided. This shift towards smaller scale properties suitable for families is considered to be a benefit from the development and this proposal would go some way to helping the Council meet the housing needs within the housing market area.

9.11 Given the viability assessment has been based on the development values generated by this precise housing mix, it would be reasonable to impose a new planning condition which requires this mix to form the parameters of a reserved matters application. This will protect the Council from the risk of a different housing mix coming forward at reserved matters stage which would not provide this benefit and indeed could result in a different viability outcome.

9.12 The outline permission does include a condition requiring the reserved matters layout to make provision for green infrastructure (GI) in line with the new policy requirement (HP9). This effectively requires more land take-up of GI than the old policy in the (now superseded) 1999 Local Plan. That is one reason why the applicant contends that it is not possible for the development to provide more than 102 units on site. There is also the need to consider the provision of sustainable drainage systems which may require an above ground attenuation solution. These elements would reduce the density of development and would allow for it to be easier designed as an organic extension to Poulton providing a transition from urban edge to countryside beyond. The visual benefit likely to occur as a result of only providing 102 units is considered to be a benefit, and again, because the viability assessment has been based on this number of units then it would be reasonable to impose a condition which restricts the reserved matters submission to 102 units.

9.13 Should the applicant wish to submit a reserved matters application for a different number of units or a different housing mix then an updated viability appraisal would be required for further assessment to identify whether or not this affects the scheme viability.

9.14 Developer contributions towards highway improvements and education are secured via an existing s106 Agreement and would not be altered by this application. If Members are minded to approve this application then as the viability appraisal is

based on assumptions around current s106 highway and education contributions in the unlikely event these amounts happened to change it would be reasonable for a new s106 agreement that accompanies this s73 permission to include a clause that means any surplus monies would instead be paid as off-site affordable housing contributions.

9.15 Other than stipulated above, the proposal would not result in any changes to the conclusions contained within the previous assessment in terms of visual and amenity impacts, highway safety, flooding, railway infrastructure, public rights of way, ecology and trees. This application is not re-visiting these elements which have already been assessed and conditioned where necessary. It is considered that subject to conditions the proposal fully complies with the policies contained within the newly adopted Local Plan in relation to all other planning matters.

9.16 Section 73 of the Town and Country Planning Act (Variation of conditions application) allows applications to be made for permission to develop land without complying with conditions previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions. Conditions imposed on the original outline permission should be updated and re-imposed as necessary along with the new condition(s) identified above as being reasonable and necessary.

9.17 In terms of the public objections received, as mentioned earlier in this report, the proposal already benefits from outline permission and the principle of development is therefore already established. As such, in the circumstances of this case, matters relating to the physical impacts, highway impacts and suitability of the site for development cannot be revisited. These matters have been previously considered and conditions would be reattached to ensure the development has an acceptable impact in terms of land contamination, ecology/trees, flooding, highway safety etc. Whilst the Council acknowledges the importance of affordable housing to meet the needs of the community, the applicant has demonstrated that the scheme would be unviable with the 30% affordable housing contribution as previously secured by planning condition. Subject to a suitably designed reserved matters scheme, the proposed development could be accommodated within the site without any detrimental impact in terms of character and amenity.

10.0 CONCLUSION

10.1 The proposed variation to condition 3 to allow for a reduced amount of affordable housing would fail to provide the requisite affordable housing provision but this has to be balanced against the viability evidence submitted demonstrating that a scheme for any more than 4 affordable housing units when taking into account other s106 contributions would make the proposed development scheme unviable. Viability is a material planning consideration and approval of the application would enable the delivery of residential development on a site allocation which the Council is reliant on to meet its Local Plan housing requirement. It would also help the development to be policy compliant in all other aspects. The viability appraisal is considered to represent a robust assessment and, subject to suitably worded conditions and a new section 106 agreement, it is therefore recommended that the application is permitted.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

12.0 RECOMMENDATION

12.1 That members resolve to grant outline planning permission subject to conditions and a deed of variation to the original s106 legal agreement to secure appropriate financial contributions towards local education, sustainable travel and highway improvement works, as well as off-site affordable housing contributions in the event of any change in circumstances meaning monies are not required for the above, and that the Head of Planning Services be authorised to issue the decision upon the satisfactory completion of the deed of variation to the s106.

Recommendation: Permit

Conditions: -

1. a) In the case of any reserved matter, namely appearance, landscaping, layout and scale of the buildings, an application for approval must be made not later than the expiration of three years beginning 12.04.2017;

(b) the development to which the permission relates must 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 matter to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plan: - 1409/01B Proposed site access arrangements.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to commencement of development hereby approved, a scheme for the provision and retention of affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided and thereafter retained in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

a) the location on the site of the affordable housing provision to be made which shall consist of not less than 4 housing units;

b) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

c) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing];

d) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;

e) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure the adequate provision and delivery of affordable housing in accordance with the National Planning Policy Framework (March 2012)

4. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) February 2016, Ref: HYD055_HOLTS.LANE_FRA&SDA by Betts Hydro Consulting Engineers and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the development to greenfield runoff rate so that it will not increase the risk of flooding off-site.
2. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
3. Finished floor levels are set no lower than 150mm following any re-grade above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to first occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

Reason: In accordance with Local Plan Policy CDMP2 and the National Planning Policy Framework (March 2012) and to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided; to ensure safe access and egress from and to the site, and to reduce the risk of flooding to the proposed development and future occupants.

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 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.

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 hereby approved, including any vegetation clearance or ground works, and notwithstanding any information submitted with the application, a Comprehensive Great Crested Newt Reasonable Avoidance Measures Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall give full details of how any possible harm to great crested newts is to be avoided during the course of the development. The development shall be carried out in accordance with the approved Method Statement.

Reason: In order to ensure that legally protected species are not unacceptably affected in accordance with the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 (as amended).

9. Prior to the commencement of development hereby approved, including any vegetation clearance or ground works, a Barn Owl Mitigation Method Statement, in line with section 5.5 of the submitted Ecological Survey And Assessment reference (ERAP Ltd ref: 2015_069 and amended April 2016) shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall give full details of the type, location, management and maintenance of the barn owl tower. The development shall be carried out in accordance with the approved Method Statement.

Reason: In order to ensure that legally protected species are not unacceptably affected in accordance with the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 (as amended).

10. Prior to the commencement of development hereby approved, including any vegetation clearance or ground works, a Landscape and Ecology Management Plan (LECoMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall identify the opportunities for biodiversity enhancement on site including (but not limited to):

- a) Species rich hedgerow planting
- b) Bolstering of hedgerows
- c) Creation of ponds
- d) Bat bricks and/or tubes within the new development
- e) Bat boxes
- f) Bird boxes
- g) Native tree and shrub planting

The approved scheme shall be implemented in accordance with the approved scheme details.

Reason: To secure opportunities for the enhancement of the nature conservation value of the site in accordance with the National Planning Policy Framework (March 2012)

11. Prior to commencement of development hereby approved, a scheme which provides for the assessment, retention and protection of trees, shrubs and hedges within (or overhanging) the site, which may be affected by the construction process (apart from those whose removal is approved through the reserved matters application(s)), shall be submitted to and approved in writing by the Local Planning Authority in the form of a Tree Protection Plan and Arboricultural Impact Assessment. The agreed tree protection measures shall remain until all development is completed and no work, including any form of drainage or storage of materials, earth or topsoil shall take place within the perimeter of such protective fencing.

Reason: To safeguard the amenity, appearance and character of the area in accordance with saved Local Plan Policy CDMP4 of the Wyre Local Plan (2011-31).

12. Prior to the commencement of the development hereby approved, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority to include details of the measures proposed during construction to manage and mitigate the main environmental effects. The following matters shall be addressed:

- a) the times of construction activities on site
- b) the parking of vehicles of site operatives and visitors
- c) loading and unloading of plant and materials

- d) storage of plant and materials used in constructing the development
- e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- f) wheel washing facilities
- g) measures to control the emission of dust and dirt during construction
- h) a scheme for recycling/disposing of waste resulting from demolition and construction works
- i) measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity
- j) measures to prevent the pollution of watercourses
- k) measures to avoid light pollution
- l) routes to be used by vehicles carrying plant and materials to and from the site and measures to be taken to ensure that drivers use these routes as far as is practicable
- m) management of silt and run-off during the build out of the development

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

Reason: To safeguard the amenity of the area in accordance with Policies CDMP3, CDMP4 and CDMP6 of the Wyre Local Plan (2011-31).

13. 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).

14. (a) The residential development hereby permitted shall be designed so that cumulative noise (from industrial, commercial and transportation sources) does not exceed:

- 50dB LAeq 16 hours (07.00 to 23.00) in gardens and outside living areas, daytime

- 35dB LAeq 16 hours (07.00 to 23.00) - indoors, daytime
- 30dB LAeq 8 hours (23.00-07.00) - indoors, night-time
- 45dB LAFmax (23.00-07.00) - indoors, night-time
- 60 dB LAFmax 8 hours-(23.00-07.00) façade level night time
- 60 dB LAFmax 4 hours-(19.00-23.00) façade level night time

(b) Any mechanical ventilation system shall meet or exceed the specifications set out in clause 6, schedule 1 of the Noise Insulation Regulations 1975 with regard to acoustic performance and airflow rates.

(c) Where noise mitigation measures are required to ensure compliance with the agreed noise levels e.g. acoustic glazing, noise barrier fencing and ventilation, such mitigation details shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development demonstrating how they would mitigate noise to the approved levels together with a timetable for implementation. The approved noise mitigation measures shall be implemented in accordance with the approved timescale and shall thereafter be maintained and retained.

Reason: Such details were not submitted with the application and will not be apparent until layout is being considered at Reserved Matters stage. They are necessary to minimise the risk of noise pollution that may cause nuisance and harm the amenity and/or health of future occupiers of the proposed dwellings, in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

15. Prior to the commencement of the development hereby approve, an assessment and a scheme for the mitigation of intrusive lighting effects from the railway shall be submitted to and approved in writing by the Local Planning Authority. The assessment and the mitigation measures shall demonstrate that the lighting will be in accordance with the institution of Lighting Professionals.' "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" and shall be oriented and screened to mitigate light spillage from the railway onto the development.

The light intrusion into the windows of any residential premises shall not exceed 10 Lux before 23.00, and 2 lux after 23.00 (Environmental Zone E3).

The mitigation measures shall be installed prior to the first occupation of any of the dwellings or the completion of the development whichever is the earliest and shall be maintained thereafter.

Reason: In order to protect the amenity of neighbouring residential properties in accordance with the provisions of Policy CDMP3 of the Wyre Local Plan (2011-31).

16. 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 saved Policy HP9 of the Wyre Local Plan (2011-31). Prior to the first occupation of any dwelling on the site, any such area or areas of open space shall be provided and made 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.

Reason: To ensure that public open space areas are adequately provided and effectively managed and maintained in accordance with the provisions of Policy HP9 of the Wyre Local Plan (2011-31) and the NPPF.

17. No development shall take place until a programme of archaeological work and investigation (which shall include the timetable for the investigation) has been submitted to and approved in writing by the Local Planning Authority.

The approved programme of archaeological work and investigation shall be carried out as approved.

Reason: Such a programme of archaeological work and investigation is necessary prior to the commencement of development to ensure that any archaeological remains at the site are recorded and to ensure that there is an understanding of the significance of the heritage asset before it is lost, in accordance with policy CDMP5 of the Wyre Local Plan (2011-31) and Section 16 of the NPPF. The condition is required to be approved prior to commencement of development to ensure full details are provided, that have not been forthcoming with the application, providing a true and accurate record which would not be possible after development.

18. The land indicated on drawing SAF(001) submitted with the planning application shall be safeguarded for use in connection with the construction of a railway footbridge and ramped access required by Network Rail in connection with the electrification of the Blackpool-Preston-Manchester line, unless written confirmation is provided by Network Rail to the Local Planning Authority that this safeguarded land is no longer required for such purpose. Prior to construction work on the railway footbridge and ramped access, the land shall be used in connection with no other development hereby approved other than in accordance with landscaping details to be approved at the reserved matters stage.

Reason: In the interests of maintaining and improving accessibility to encourage travel by sustainable modes in accordance with the objectives of the NPPF and to safeguard the planned infrastructure improvements of the railway line in accordance with saved Policy CDMP6 of the Wyre Local Plan (2011-31).

19. No part of the development hereby approved shall commence until a timescale for the construction of the site accesses and the agreed scheme of off-site works of highway improvement has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The highway improvements shall thereafter be constructed in accordance with the agreed timescale. The agreed scheme of highway improvements/works are as shown on drawings 1409/01/ B, 1409/05/B, 1409/07, 1409/08/A and 1409/09/A and include:

- Resurfacing of footway on both sides of Site Access 1 including dropped kerbs and tactile paving.
- Resurfacing of footway on both sides of Site Access 2 including dropped kerbs and tactile paving.
- Resurfacing of footway the south side of Holts Lane between Site Access 1 and Brockholes Crescent.
- Repatch and repair existing footway on east side of Holts Lane between Brockholes Crescent and proposed pedestrian refuge on Garstang Road East.
- Introduce tactile paving at the junction of Holts Lane with Brockholes Crescent.
- Introduce tactile paving at the junction of Edenfield Avenue with Holts Lane.
- Introduce dropped kerbs and tactile paving at the junction of Broadfield Avenue with Holts Lane.

- Revise layout of Main Drive/Brockholes Crescent junction to reduce bell mouth and introduce dropped kerbs and tactile paving to provide a safer environment for pedestrians.
- Introduce tactile paving and junction treatment at the junction of Holts Lane with Garstang Road East.
- Introduce tactile paving and junction treatment at the junction of Argyle Road with Garstang Road East.
- Introduce pedestrian/cycle refuge on Garstang Road East in the vicinity of the junction with Holts Lane. Pedestrian/cycle refuge to be sited on the desire line of residents of the proposed development undertaking trips to Tesco, Hodgson Academy and Poulton town centre.
- Widen footway on the north side of Garstang Road East between Lower Green to a point beyond Argyle Road. With surface treatment at the Tesco access and egress.
- Introduce tactile paving and junction treatment at the junction of Carr Head Lane with Garstang Road East.
- Revise existing pelican crossing facilities at Garstang Road East/Lower Green junction to 'Toucan' type.
- Revise existing pelican crossing facilities at Garstang Road East/Garstang Road West/Hardhorn Road junction to 'Puffin' type.
- Introduce 3.0m wide shared footway/cycleway along the north side of Garstang Road East between Lower Green and Argyle Road (distance of circa 200m), with pedestrian/cycle refuge on Garstang Road East in the vicinity of the junction with Holts Lane.
- Introduce 'Toucan' format crossing facilities at Lower Green/Garstang Road East junction.
- Upgrade 2no bus stops (with shelters) on Garstang Road East. These are located at
 - (iii) Westbound services: 90m east of Holts Lane;
 - (iv) Eastbound services: 120m west of Holts Lane.
- Introduce a new stop on Carr Head Lane. Details to be agreed.
- Garstang Road East / Holts Lane junction - introduce right turn lane waiting areas on Garstang Road East to cater for movements into Holts Lane and Argyle Road (Drg No 1409/09/A).
- Garstang Road East / Carr Head Lane junction - increase width of right turn lane on Garstang Road East to assist right turn movements out of Carr Head Lane (Drg No 1409/07).
- Hardhorn Road / Highcross Road / Beech Drive junction - introduce 'KEEP CLEAR' markings on Hardhorn Road at the Beech Drive and Highcross Road junctions with supporting surface treatment (Drg No 1409/08/A).

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

20. The approved Travel Plan (Ashley Helme, November 2016, Report Reference 1409/3/C) must be implemented in full in accordance with the timetable contained within it unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used/for a minimum period of at least 5 years.

Reason: To ensure that the development provides sustainable transport options.

21. Any reserved matters application where layout is applied for shall include details of a footpath link or links to be provided from the application site to the land to the west. The footpath link(s) shall be constructed in accordance with the approved details prior to first occupation of the dwellings hereby approved. The approved footpath link(s) shall only be provided in the event that development on the land to the west is permitted.

Reason: To ensure a proper planned approach is adhered to maximising site access/connectivity in accordance with Policies CDMP6 and SA1/4 of the Wyre Local Plan (2011-31).

22. 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).

23. The development hereby permitted is for 102 units only which shall comprise of the following housing mix schedule:

- 4 x 1 bed units
- 8 x 2 bed units
- 66 x 3 bed units
- 24 x 4 bed units

Reason: This number of units and housing mix is what has been used to justify a reduced level of affordable housing provision in the financial viability evidence and a deviation from this scheme would need to be re-considered for its impact on viability. The benefits in providing this housing mix 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 has also been given weight in the determination of this application.

Notes: -

1. NETWORK RAIL: - The developer will provide, at their own expense, a minimum 1.8m high trespass proof fence to prevent any unauthorized access to the existing operational railway, as a result of the change of use of the land, including increased numbers of people (and minors) utilizing the public open space. Any unauthorized access to the operational railway is a criminal offence. The trespass proof fence will need to be erected wholly within the applicant's land ownership footprint including any foundations. Network Rail's existing boundary treatments must not be impacted, altered or removed by the proposed works on site.

- Given the site bounds an existing watercourse to the south, Network Rail would want all surface water to be directed either into this or to the United Utilities surface water sewer network. No drainage outfalls from this development are to be directed onto the railway.

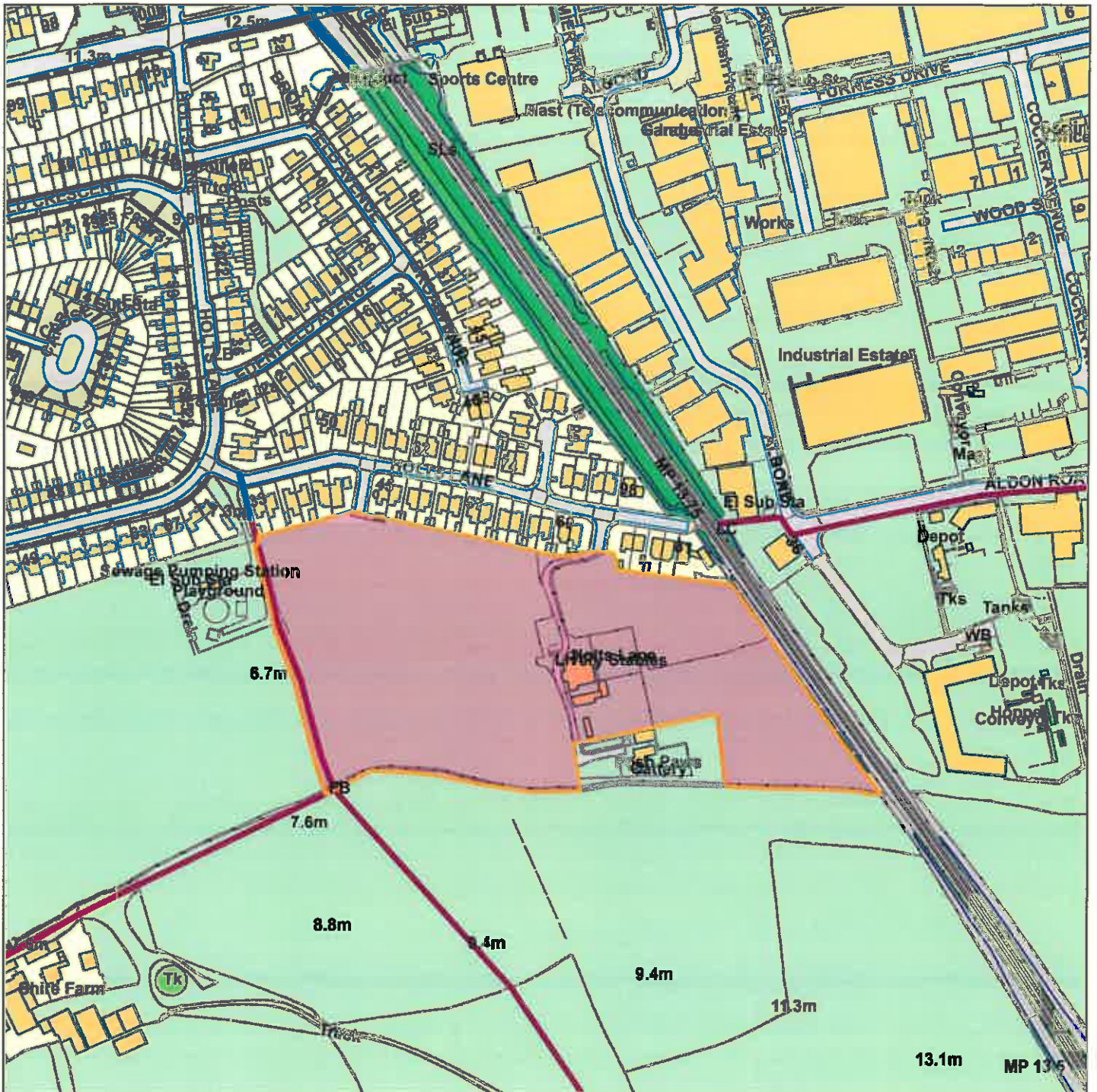
- Network Rail will require details of what mitigation measures are in place to ensure that surface water from the attenuation basin drains away for the railway. Network Rail will not accept liability for water from the proposal area draining towards the railway.

2. LANCASHIRE COUNTY COUNCIL - LEAD LOCAL FLOOD AUTHORITY: Sustainable Drainage Systems: Advice & Further Information Further information and advice on SuDS can be found in:

- CIRIA C687 - Planning for SuDS - Making it Happen
- CIRIA C753 - The SuDS manual
- CIRIA C635 - Designing for exceedance in urban drainage: good practice
- CIRIA C698 - Site handbook for the construction of SUDS
- HR Wallingford SR 666 - Use of SuDS in high density developments
- National Planning Policy Framework and Planning Practice Guidance

Water Quality: Water Framework Directive: Under the Water Framework Directive (WFD), all water bodies should reach 'good ecological status' by 2015. No activities or works, including the proposed development, should deteriorate the status of any nearby watercourse as the main objectives for the WFD is to prevent deterioration in 'status' for all waterbodies.

3. ENVIRONMENT AGENCY: The Oldfield Carr Lane watercourse adjacent to the site is designated a Main River and the developer may need an Environmental Permit. They should check at <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> and contact Flood Risk Officer on 020 302 51397 to discuss our requirements if a permit or advice is required. In particular, no trees or shrubs may be planted, nor fences, buildings, pipelines or any other structure erected within 8 metres of the top of any bank/retaining wall of the watercourse without the prior written consent of the Environment Agency.



Scale : 1:3453

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Organisation	Wyre Council
Department	Planning Department
Comments	Item3
Date	17 September 2019
SLA Number	100018720

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Committee Report**Date: 02.10.19**

Item Number	04
Application Number	19/00367/FUL
Proposal	Amendment to a single unit plot 16 (reserved matters approval ref: 15/00672/RELMAJ) (part retrospective)
Location	Land At Kepple Lane Garstang Lancashire
Applicant	BDW Trading Operating As Barratt Homes.
Correspondence Address	FAO Mrs Aleksandra Drinkwater 4 Brindley Road City Park Manchester M16 9HQ
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Miss Lucy Lowcock****1.0 INTRODUCTION**

1.1 This application is brought to Planning Committee at the request of Councillor Collinson. 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 wider site is a 7.2ha parcel of land in Garstang that is bound by the River Wyre to the south-east; land fronting the A6 to the south-west; the A6 to the west; Kepple Lane and properties and the medical centre fronting Kepple Lane to the north, and open countryside to the north-east. The site is being developed for housing and previously consisted of three fields divided by hedgerows used for agricultural grazing. A public footpath runs across the south of the wider site from east to west. The land slopes downwards from its western and northern boundaries towards the river Wyre. The wider site benefits from outline planning permission for the erection of up to 130 dwellings with access off the A6, along with reserved matters approval.

2.2 The application site relates to a single plot (plot 16) on the housing development. This plot is situated at the front of the development close to the main site access. This is in Flood Zone 1. A detached garage has been erected in the eastern part of the plot with a drive leading up to this. At present it is fenced off from the rest of the plot with a 2m high fence. The rest of the plot is used as a visitors parking area.

3.0 THE PROPOSAL

3.1 It is proposed to amend the positioning of the dwelling from what was approved under the reserved matters application no. 15/00672/RELMAJ. The approved dwelling was sited to the east of the plot with garage to the west. This would effectively be switched around. The dwelling now proposed would be sited 1m off the western boundary with a detached garage (this element is retrospective) between the dwelling and the neighbour to the eastern side (Plot 17). This garage is shown to be 1m off the eastern boundary. The parking layout and landscaping have been amended from the original planning permission to provide a drive to the garage and a path up to the house.

4.0 RELEVANT PLANNING HISTORY

4.1 App: No: 15/00672/RELMAJ
Reserved matters application for the erection of 130 dwellings with access off Preston Lancaster New Road (A6) following outline permission 14/00266/OUTMAJ
Approved
Details accepted for conditions 03 and 12

4.2 App. No: 14/00266/OUTMAJ
Outline application for the erection of up to 130 dwellings with access off Preston Lancaster New Road (A6)
Approved
Details accepted for conditions 02, 03, 04, 07, 10, 12, 14, 15, 16, 17, 18, 19

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN

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

5.1.2 The following policies contained within the WLP 2031 are of most relevance:
SP2 Sustainable Development

- CDMP1 Environmental Protection
- CDMP2 Flood risk and Surface Water Management
- CDMP3 Design
- CDMP4 Environmental Assets
- CDMP6 Accessibility and Transport
- HP1 Housing Land Supply
- 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 9. Promoting sustainable transport
- Section 12. Achieving well-designed places
- Section 14. Meeting the challenge of climate change, flooding and coastal change

OTHER MATERIAL CONSIDERATIONS

5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

5.3.1 SPG4 Spacing Guidance for new housing layouts

6.0 CONSULTATION RESPONSES

6.1 GARSTANG TOWN COUNCIL– no objections

6.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS) – no objections

6.3 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE) – no objection

6.4 WBC HEAD OF ENVIRONMENTAL PROTECTION AND COMMUNITY SAFETY (AMENITY) – No objections

6.5 WBC HEAD OF ENVIRONMENTAL PROTECTION AND COMMUNITY SAFETY (CONTAMINATION) – no comments received

6.6 WBC PARKS AND OPEN SPACES MANAGER – no comments received

6.7 WBC STREET SCENE MANAGER (WASTE) – no comments received

7.0 REPRESENTATIONS

7.1 3 letters of objection, points raised can be summarised as follows:

- visual impact of car parking in relation to the open plan layout of the development
- out of character
- loss of green landscaping and shaping got the spinal road character
- massing and scale
- road safety
- non-compliance with national and local planning policies
- safety of car going over boundary wall
- air pollution to plot 17
- loss of privacy to plot 17
- The fencing does not comply with condition 5 of the Reserved Matters Approval 15/00672 /RELMAJ but would be necessary for safety reasons if approval is given to this planning submission.
- the Streetscape Section drawing 455/P/PSS01 does not correctly represent the levels as the as build garage and surrounding ground show. The existing ground levels are substantially greater than those shown on drawing 455/ED/07 and is more likely the ground level for Plot 16 would be completed markedly higher than those shown.
- The two featureless gable ends of plot 16 are now highly visible which is contrary to national planning guidelines, Safer Places and good design practice e.g. CABE.

8.0 CONTACTS WITH APPLICANT/AGENT

- 8.1 Revised plans for accuracy 18/9/19
- 8.2 Submitted landscape plan 12/9/19
- 8.3 Submitted supporting documents and revised street-scene plan 2/9/19

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of development
- Visual impact
- Impact on residential amenity
- Impact on highways/parking
- Flood risk and drainage

Principle of development

9.2 A dwelling was granted planning permission on the plot under application nos. 14/00266/OUTMAJ and 15/00672/RELMAJ. As the wider development has commenced this dwelling could be built at any time. The proposed development is therefore acceptable in principle.

9.3 The original outline planning permission had a condition for the provision of a scheme for affordable housing. The latest affordable housing scheme was agreed under Application No. 14/00266/DIS7. This condition would still apply to the rest of the housing development, and therefore this current application would not preclude the provision of the affordable housing required under the original outline planning permission. The outline planning permission also has a Section 106 Agreement for

contributions towards education and transport works. The issuing of a new stand-alone permission on Plot 16 would not affect the contribution triggers set out in the S106 for the rest of the development.

Visual Impact / Design / Impact on the street scene –

9.4 This application relates to plot 16, which is part of a modern housing development currently under construction and with some dwellings occupied. The layout of the plot is proposed to be amended with the detached garage and dwelling switching position on the plot.

9.5 SPG4 states 'on roads with footpaths the minimum distance from the front building line to the boundary should be 5m, unless the form of housing layout justifies a reduction'. In this case, the layout of the approved dwellings along this side of the estate spine road come closer to the boundary than 5m, for example plot 17 is within 3m of the footpath. The proposal would not be closer to the road than the adjacent houses, therefore, it is not considered that the proposal would appear as obtrusive. Due to the curvature of the spine road it would not project forwards of a clear existing building line. It would be forwards of plot No. 15, to the north-west of the application site, and the side of the proposed dwelling would be visible from this part of the street which comprises a private drive serving a handful of properties. Although a view of a side elevation is not of the greatest visual interest or design quality, in this location on the site, balanced with the relationship with other properties, it is not considered that it would be visually obtrusive. The proposed garage would be marginally forwards of the front elevation of the proposed dwelling, yet behind the front elevation of No. 17, therefore it is not considered that it would stand out as obtrusive. The garage is already in place and it is not considered that it stands out as an uncharacteristic or obtrusive feature in the street-scene. The dwelling would be set away from the side boundary with plot 15 by 1m. The garage would be set away from the side boundary with plot No. 17 by 1m with a 2.5m gap between the garage and the neighbouring property. This spacing would comply with SPG4, providing sufficient gap between the dwellings to be visually acceptable. Car parking would be forwards of the front building line. This is no different to the approved layout. With this serving the individual dwelling and being well spaced from other parking, it is not considered that it would stand out as obtrusive or overly dominant in the street-scene.

9.6 The dwelling is of a style and design that is in keeping with the other properties in the estate. The materials proposed are to match the neighbouring properties at either side, which are brick (Ibstock Mercia Antique), detail brick (Ibstock red smooth) and roof tiles (Russell Lothian-slate grey). These materials could be conditioned. The garage is suitably designed with a pitched roof. The dwelling would be two-storey and this would be in keeping with the other two-storey properties that are either side of the site. A street-scene elevation plan provided shows that the proposed dwelling would be higher than Plot No. 17, but would be lower than Plot No. 15. Overall, it is not considered that the height of the dwelling proposed would be out of keeping. The proposed land levels have been provided. The site would slope down from west to east, so that the plot would be lower than Plot No. 15 but higher than Plot No. 17. This would follow the existing slope of the road and it is considered to be visually acceptable.

9.7 Landscaping was conditioned under the outline and reserved matters planning permissions on the wider development. There was to be a drive at the front of plot 16 with a grassed lawn, hedge to the front boundary and a tree in the front boundary. A hard landscaping plan has been provided showing a tarmac drive, which would be appropriate. Grey paving would be used for the proposed paths, which

would be acceptable. In terms of soft landscaping, there would remain a grassed area to the front of the dwelling, hedge and trees. These would be acceptable. The landscaping could be conditioned to be provided as shown. Bins could be stored to the rear or side of the house, which would be visually appropriate in the street-scene. The Council's waste department have been consulted on the application, and whilst they have not commented there is no reason to consider that the issue of waste storage / collection presents an issue.

9.8 A condition could be added, as was on the original reserved matters planning permission, that;(a) no fences, gates or walls shall be erected along the front or side boundaries of the curtilage of the dwellinghouse forward of the main front elevation or side elevation of that dwellinghouse; and (b) no areas of soft landscaping to the front of properties shall be removed to make provision for additional car-parking.

The reason being the wider estate has been developed on an open plan layout and a variety of individual walls/fences would seriously detract from the overall appearance of the development. The loss of front landscaping areas would also seriously detract from the overall streetscene which would become dominated by car parking. It is considered to be appropriate to carry these conditions forward onto this new permission. The boundary treatments to the plot would be 1.8m timber fencing to the rear boundaries, which would match the rest of the estate. A black 1.2m high estate railing is proposed between the plot and the neighbour at Plot No. 17. This is already in place. It is open in nature, and therefore it is not considered to stand out as obtrusive or overly enclose the frontage of the houses. The boundary treatments could be conditioned to be provided as shown.

Impact on the residential amenity –

9.9 Overlooking – windows are proposed in the front of the house. These would be at least 30m from any property opposite, which would be adequate spacing and compliant with SPG4. No windows are proposed in the side elevations of the dwelling or side of the garage, therefore there would be no overlooking to the sides. The rear windows would face the garden. There would be at least 10.5m separation from any direct view of neighbouring gardens and over 21m separation between main windows. This would be adequate spacing to prevent unacceptable overlooking from the dwelling. There are no windows in the side of plot 15 to be overlooked.

9.10 Light – the separation from the neighbours to the front and rear would be adequate and compliant with SPG4. The dwelling would be side on to plot 17, with 1m projection beyond the rear elevation of this neighbour. With the 2.5m gap between this neighbouring property and the proposed garage and even further distance from the proposed dwelling, this would not have an unacceptable impact on the light to this neighbour or result in an overbearing impact. The dwelling would project beyond the front elevation of plot 15 by 4.5m, with a 2m gap from the front of this neighbour. The dwelling would be to the south-east of this neighbouring property. As the frontage of plot 15 would be open to all other sides and has an open outlook to the front, it is not considered that it would be presented with a sense of enclosure. The proposal would result in some reduction in morning sunlight to the front of this neighbouring property, but it is not considered that this would be at a level to cause unacceptable harm to its amenity.

9.11 Noise/disturbance - A construction phase dust action plan was required through condition under the original outline planning permission. Also, construction hours and deliveries were conditioned to specific hours. Noise mitigation measures

were conditioned. Although this application only relates to one plot, as it is part of an ongoing wider housing development, it is considered to be appropriate to carry these conditions through. As no acoustic fencing is proposed for this plot and environmental protection have not requested any, there is no need for the condition on acoustic fencing. Environmental Health have not raised any objections, including on the matter of air quality. A neighbour has raised concerns about air pollution from the drive in relation to their windows, however, as the drive would serve one dwelling and the short timeframe that a car is likely to have its engine running on the drive, alongside that environmental protection have not objected, this layout is not considered to be unacceptable in relation to amenity.

Impact on Highway / Parking –

9.12 Lancashire County Council Highways have been consulted on the application and have no objections. It is therefore considered on the basis of this professional advice, that the proposal would have a safe access and would not be harmful to highway safety. The property proposed would have 3 bedrooms. The garage proposed would provide one parking space. This could be conditioned to be retained as a garage. There would also be a parking space on the drive. This would be adequate parking provision for the size of dwelling proposed and is in accordance with the Parking Standards set out in Appendix B to the Wyre Local Plan (2011-31). As the parking is already in place it is available to serve the proposed dwelling, this could be conditioned to be retained. On the original outline planning permission, wheel washing facilities were required during the construction. As this dwelling is part of a larger construction project, this condition could be carried onto this application. There is no requirement for the estate road or highway works conditions as these have already been put in place for the rest of the development. The maintenance of the highway for the estate as a whole would be ensured through a condition on 15/00672/RELMAJ, therefore there is no need to repeat this condition. The travel plan agreed on the original outline planning permission would not have to be conditioned on this current application as it would be implemented through the original permission.

Flood Risk and drainage

9.13 This plot is in flood zone 1. The council's drainage engineer has been consulted on the application and has no objections. A drainage plan has been submitted and this would require conditioning. The original outline planning permission conditioned the implementation of a Flood Risk Assessment, however, this would not be relevant to this plot in Flood Zone 1. Sequential/exception tests are not required in Flood Zone 1. The approved drainage scheme of the wider site would be implemented through the outline permission.

Ecology

9.14 There are no ecology concerns with this proposal. As a precaution, a condition can be added about avoiding vegetation clearance during the bird breeding season. There is no requirement for the approved biodiversity measures to be conditioned on this application as they don't relate to this plot and will be implemented on the rest of the estate through the previous permission. Any invasive species on the wider site would be dealt with in accordance with the agreed details on the outline permission.

Contamination

9.15 A condition requiring a desk study on contamination along with any gas remediation measures which may be necessary was imposed on the original outline planning permission. The details of this have been approved, and these same details have been submitted on this application and are therefore acceptable. These can be conditioned.

Other Issues

9.16 The original outline planning permission conditioned a scheme for a programme of archaeological work to be implemented, and this was subsequently agreed. There is no requirement for another condition on this matter.

9.17 No trees would be impacted on at this plot, and therefore there is no requirement for arboricultural conditions.

9.18 Wider improvements to the Public Right of Way and provision of benches etc. would be provided under application no. 15/00672/RELMAJ and therefore there is no requirement to repeat conditions on these matters on this application.

9.19 There is no requirement for the standard time condition as the works have already commenced with the erection of the garage.

9.20 It is not considered reasonable to add a condition about providing an electric vehicle charging point, which is a new policy requirement, as the proposal would not increase car parking over what was previously approved.

10.0 CONCLUSION

10.1 A previously approved dwelling as part of a larger housing development would be amended in its layout. This has been assessed to be visually acceptable and would not be unacceptably harmful to neighbouring amenity. Lancashire County Council Highways have been consulted on the application and have no objections. The proposal is therefore considered to be acceptable in relation to highway safety. All other relevant material planning considerations have been assessed to be acceptable. The proposal is considered to comply with the NPPF and the above mentioned Adopted Local Plan Policies.

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 full planning permission subject to conditions.

Recommendation: Permit

Conditions: -

1. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received

by the Local Planning Authority on 2 July 2019 including the following plans/documents (NB: the approved detail is in respect of development falling within this application site boundary only):

- planning layout Drawing Number 455/P/PL01
- single detached garage 2010/DET/A/159
- plot 16 storey heights layout Drawing Number 455/P/SHL01
- 2010 Range The Faringdon 2 ref Drawing Number 2010/FAR2/C/10
- plot 16 proposed streetscene drawing Number 455/P/PSS01 REV B
- hard landscaping layout 455/P/HLL01
- location plan Drawing Number 455/P/SL01
- refuse strategy layout Drawing Number 455/P/RSL01
- materials layout Drawing Number 455/P/ML01
- plot drainage Drawing Number 455/ED/13 Rev D
- boundary treatment detail Drawing Number 455/P/BTD/01 Rev D
- typical window details DB-SD07-004
- Detailed landscape proposals Drawing No. c-1327-02 Revision D
- Boundary treatment layout Drawing number 455/P/BTL01 Rev K
- External Levels Sheet 1 of 2 Drawing Number 455/ED/07 Rev F

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

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

2. The landscaping works shall be carried out in accordance with the approved details [Detailed landscape proposals Drawing No. c-1327-02 Revision D] prior to first occupation or first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

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

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity in accordance with Policy CDMP4 of the Wyre Local Plan (2011-31).

3. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the garage(s) hereby approved shall be retained solely for the housing of a private motor vehicle, and at no time shall any works be undertaken that would prevent it from being used for that purpose.

Reason: To ensure that the on-site vehicle parking provision is maintained to avoid the standing of traffic on the adjoining highway to the detriment of the safety and free flow of traffic thereon and in the interest of the amenity of the street scene in accordance with Policies CDMP3 and CDMP6 of the Wyre Local Plan (2011-31).

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification);

(a) no fences, gates, walls or other means of enclosure shall be erected along the front or side boundaries of the curtilage of any dwellinghouse forward of the main front elevation or side elevation of that dwellinghouse; and

(b) no areas of soft landscaping to the front of properties shall be removed to make provision for additional car-parking, without planning permission.

Reason: To safeguard the appearance of open plan development and in accordance with Policy CDMP3 of the Adopted Wyre Borough Local Plan.

5. The approved boundary treatments shall be completed before the dwelling(s) is first occupied. The approved details shall thereafter be maintained and retained.

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

6. The development hereby approved shall not be first occupied or brought into use until the parking shown on the approved plan [planning layout Drawing Number 455/P/PL01] has been laid out, surfaced and drained. The parking area(s) shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

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

7. The development shall be carried out strictly using those materials specified on the approved plan(s) unless other minor variations are submitted to and approved in writing by the Local Planning Authority after the date of this permission and before implementation.

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

8. The approved scheme / remedial measures for decontamination of the site, as set out within supporting documents 'Hollins Strategic Land Desk Study Report produced by Betts Associates ref. 13HSL001/DS' received by the Local Planning Authority 26th March 2018; Hollins Strategic Land Ground Investigation Report for Land off Kepple Lane, Garstang, Lancashire February 2015 (Revised), received by the Local Planning Authority 26th March 2018; and Email from Marc Fawcett - BETTS GEO, received by the Local Planning Authority 25th May 2018, shall be implemented prior to the development of the site or in accordance with the agreed timescales contained within those documents. Any changes to the approved scheme must be submitted to and approved in writing by the Local Planning Authority prior to any such works being undertaken.

Reason: The development is for a sensitive end use, the potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

9. The dwelling hereby approved shall not be first occupied until the drainage works and levels have been completed in accordance with the approved scheme details, namely plan reference 'Plot drainage Drawing Number 455/ED/13 Rev D'. 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.

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

Reason: To protect and prevent unnecessary disturbance of nesting birds in accordance with the provisions of the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework .

11. The construction of the development shall be carried out in accordance with the approved Construction Environmental Management Plan (REC REFERENCE: 100814EC1R0) and Site compound layout drawing ref. 2010/DET/SC01B. Should any equipment used to control dust fail, all handling of materials shall cease immediately until the dust control equipment has been repaired or replaced.

Reason: To maintain the operation and safety of the local highway network, to minimise the risk of pollution that may cause nuisance and harm the amenity and/or health of occupiers of nearby buildings and to safeguard the character and appearance of the area in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

12. During demolition and construction, no works shall take place and no deliveries or other vehicles shall visit the site on Sundays and Bank Holidays, or outside the hours of 08.00 - 18.00 Monday to Friday, and 08.00 - 13.00 on Saturdays, unless prior agreed in writing with the local Planning Authority.

Reason: To protect the amenity of occupiers of nearby buildings, in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

13. The approved noise mitigation measures as stated in the REC noise report (90309r2) shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of occupiers of nearby buildings, in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

14. Throughout the construction period, facilities by which means the wheels of vehicles may be cleaned before leaving the development site shall be provided and shall be retained.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials which could create a potential hazard to road users in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

15. The ground, slab and finished floor levels shall be constructed and completed in accordance with the approved details as shown on approved plan ref 'plot drainage Drawing Number 455/ED/13 Rev D'.

Reason: To ensure that the development has a satisfactory visual impact on the streetscene and a satisfactory impact on neighbouring residential amenity in accordance with Policy CDMP3 of the Adopted Wyre Local Plan.

Planning Committee

19/00367/FUL - Land at Kepple Lane Garstang



Scale : 1:1726

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Organisation	Wyre Council
Department	Planning Department
Comments	Item 4
Date	17 September 2019
SLA Number	100018720

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Report of:	Meeting	Date	Item No.
Mark Billington Service Director People and Places	Planning Committee	2 October 2019	5

Wyre Borough Council Tree Preservation Order No 2 of 2019 – Land to the south of Blackpool Road, Carleton.

1. Purpose of report

- 1.1 To consider the objection to the making of Wyre Borough Council Tree Preservation Order No 2 of 2019 – Land to the south of Blackpool Road, Carleton.

2. Outcomes

- 2.1 To determine whether or not to confirm the Wyre Borough Council Tree Preservation Order No 2 of 2019 – Land to the south of Blackpool Road, Carleton.

An effective tree preservation order makes it an offence to do any works to the protected trees without first gaining consent from the Local Planning Authority unless such works are covered by an exemption within the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

3. Recommendation

- 3.1 That the Wyre Borough Council Tree Preservation Order No 2 of 2019- Land to the south of Blackpool Road, Carleton (“the TPO”) is confirmed subject to modification of the TPO schedule to contain the description of the tree species occurring within Woodland one (“W1”), namely “ Mixed hardwoods mainly sycamore, hawthorn, white willow, alder, elder”.

4. Legislative background to the TPO

- 4.1 Section 198 of The Town and Country Planning Act 1990 (as amended) empowers Local Planning Authorities to protect trees or woodlands in their area in the interest of amenity by making tree preservation orders. Following the introduction of **The Town and Country Planning (Tree Preservation) (England) Regulations 2012**, The Local Planning Authority

is required to confirm a tree preservation order within six months of the issue date if it is to continue to have effect after that period. When an objection is received, a decision on confirmation is usually referred to the Planning Committee.

- 4.2** Tree preservation orders are usually made because it is considered expedient in the interests of amenity to protect the trees from felling or pruning. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make an order as a precaution.
- 4.3** Amenity is not defined in law but the government's advice is that authorities need to exercise judgement when deciding whether it is within their powers to make an Order. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future (GOV.UK, 2014).

Therefore the following criteria should be taken into account when assessing the amenity value of trees:

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

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

- 4.4** The Regulation 5 notice, which is a legal notice that is served with the tree preservation order documents on the owner and occupier of the land affected by a tree preservation order and also the owner and occupier of the adjoining land, states the reason why the trees have been protected and invites objections or representations to be made to the Local Planning Authority within a 28-day period. The Regulation 5 Notice issued in respect of the land affected by the TPO gave the reason for making the TPO as *“it is expedient in the interest of amenity”*.
- 4.5** Once made, a tree preservation order takes effect provisionally for six months, but must be confirmed by the Local Planning Authority within that period. If it is not confirmed the tree preservation order ceases to have effect and the trees are unprotected. When objections or representations are received the Council must consider those before any decision is made whether or not to confirm the order. In these cases, referral to Planning Committee is usually appropriate.

5. Background to making the TPO

- 5.1** On 7 June 2019 the Council received an application for planning permission (ref:19/00551/FULMAJ) Land To the South of Blackpool Road Poulton-Le-Fylde – a hybrid planning application (part outline and part full) seeking full planning permission for the development of 187 dwellings and outline planning permission for a primary school.

On 27 June 2019 the Tree Officer visited this land to consider the potential impact of development on trees. During this visit on this day the Tree Officer also undertook an appropriate tree evaluation method for preservation orders (“TEMPO”) in respect of all trees at the site which guided the subsequent decision to make a tree preservation order. The TPO applies to individual trees and to a woodland identified as W1.

A copy of the completed 27 June 2019 TEMPO survey data sheet relating to W1 of the TPO along with associated public visibility images of W1 (V1,V2 and V3) and potential future public visibility (V4) are appended to this report at Appendix 2. Copies of the TEMPOs undertaken in respect of the individual trees are appended to this report at Appendix 4.

- 5.2** On 7 August 2019 Wyre Borough Council made the TPO. The Council served correspondence on the owners and occupiers of the land affected by the TPO and on those adjoining, notifying them of the making of the TPO in accordance with Regulation 5 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

The period for any objections and representations to be made to the Council in respect of the TPO ended on 4 September 2019.

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

- 5.3** Wyre Council received a formal objection to the TPO dated 22 August 2019 via e-mail dated 27 August from an arboricultural consultant as instructed by their client.

A copy of the objection is appended to this report at Appendix 3. The objection relates to the woodland W1 designation.

6. Summary of Objections

- 6.1**
- (i) W1 does not follow the form of the Model Order due to an absence within the TPO Schedule of a description of the tree species included within W1. The Order is therefore contrary to Government Guidance and could lead to problems in the future relating to identification of the woodland.
 - (ii) No justification is provided that relates to the public benefit of W1: Visibility of W1 from a public place (Blackpool Road and Moorfield Ave) is limited through the spaces between houses and buildings. The authority should indicate the basis on which it considers there is a reasonable degree of public benefit. The Order as it stands does not provide any such justification as to how these trees provide 'a reasonable degree of public benefit'.
 - (iii) The reasons for making the Order have not been properly explained: In serving the Order, the Council states that 'we made this order because it is expedient in the interest of amenity'. However, the Council does not state what it means by 'in the interests of 'amenity'', nor does it explain how it has assessed the amenity of the trees in a 'structured and consistent' way (Ref: Planning Practice Guidance issued by Dept. of Communities & Local Government). To comply fully with the guidance underpinning the Regulations, details of any amenity assessment procedure should accompany the Order in the interests of clarity and transparency. The Council should also confirm whether any system used is accredited and accepted in landscape terms and what the term 'amenity' actually relates to in the context of the Order and the decision to create it.

7. Response to Objections

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

- 7.1
- (i) The Woodland is clearly defined in the TPO by the continuous black line on the TPO map. It is clear that the trees that lie within the entire continuous black line are protected by the Woodland designation. Government guidance provides:

“Orders covering a woodland protect the trees and saplings of whatever size within the identified area, including those planted or growing naturally after the Order was made. This is because the purpose of the Order is to safeguard the woodland as a whole, which depends on regeneration or new planting”

- (ii) The public benefit of W1 has been fully assessed. The Tree Officer considers that W1 comprises medium trees that are currently fully visible to the public. Furthermore, likely change of land use will lead to additional future potential public visibility, Appendix 2.
- (iii) The Tree Officer exercised judgement having regard to government guidance when deciding to make the TPO. An onsite Tree Evaluation Method for Tree Preservation Orders was undertaken on 27 June 2019, (TEMPO) in respect of all the trees on the site. The woodland TEMPO comprises an amenity assessment in relation to the condition and suitability of W1 and individual trees along with consideration of tree species life expectancy, public visibility, other factors and expediency. It was concluded that the TPO should be made because ‘it is expedient in the interest of amenity’ and due to a perceived threat to the trees. Photographs in Appendix 2 shows the contribution of the trees in W1 from various locations.
- For completeness, the TEMPOs in Appendix 4 undertaken in relation to the individual trees show the amenity and expediency assessments for those aspects of the TPO.

Advice pertaining to Planning Committee and its procedures along with a copy of this report relating to the TPO have been forwarded to the consultant in reasonable advance of the meeting of Planning Committee on 2 October 2019.

Concluding remarks

It is considered that the TPO has been properly made in the interests of securing the contribution and benefit of the trees to which the TPO applies to the public amenity in the area. The TPO protects important element of the local landscape and contributes to the local environment. All the trees presently protected by the TPO were assessed in a structured and consistent way using an approved method.

It is considered that the procedural requirements of the legislation have been followed in the creation of Wyre Council TPOs and determinations made using a widely accepted method which includes an expediency assessment as has occurred in this case. Having regard to the legislation

and the Government Guidance, it is considered that the TPO is fully justified in all respects and should be confirmed subject to the TPO schedule containing the description of the tree species contained within W1 as set out in the woodland TEMPO. The woodland designation applies to all trees within the identified area, in this case, W1, and so a modification of this nature would not add any tree or trees to the TPO.

Financial and Legal Implications	
Finance	None.
Legal	Before confirming a Tree Preservation Order, the Local Planning Authority must consider any objections/representations made within the 28-day objection period. If, having considered any objections/representations received, the Local Planning Authority is satisfied that the tree merits a TPO; it may confirm the Order under the Town and Country Planning Act 1990 and supporting Regulations. The LPA may also confirm an Order in modified form, revoke it, or allow it to lapse. However it cannot add to the Schedule references to a tree to which the Order did not previously apply. There is no right of appeal to the Secretary of State, but a challenge may be made to the High Court on a point of law.

Other risks/implications: checklist

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

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

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

report author	telephone no.	email	date
Ryan Arrell BSc (Hons), HND,	01253 887614	Ryan.Arrell@wyre.gov.uk	10 September 2019

LANTRA qualified professional tree inspector.			
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List of background papers:		
name of document	date	where available for inspection
Wyre Council TPO 2 of 2019	7 August 2019	Room 134 or by email to Tree Officer.

List of Appendices

Appendices:

- 1** – Wyre Council Tree Preservation Order No 2 of 2019- Land south of Blackpool Road, Carleton TPO map.
- 2** – 27 June 2019 completed TEMPO W1 survey data sheet and also public visibility Images of W1 (V1, V2 and V3). V4 image of future potential public visibility.
- 3** - Copy of objection made on 22 August 2019 received via e-mail on 27 August 2019.
- 4** - 27 June 2019 completed TEMPO survey data sheets for T1, T2, T3, T4 and T5.

References List

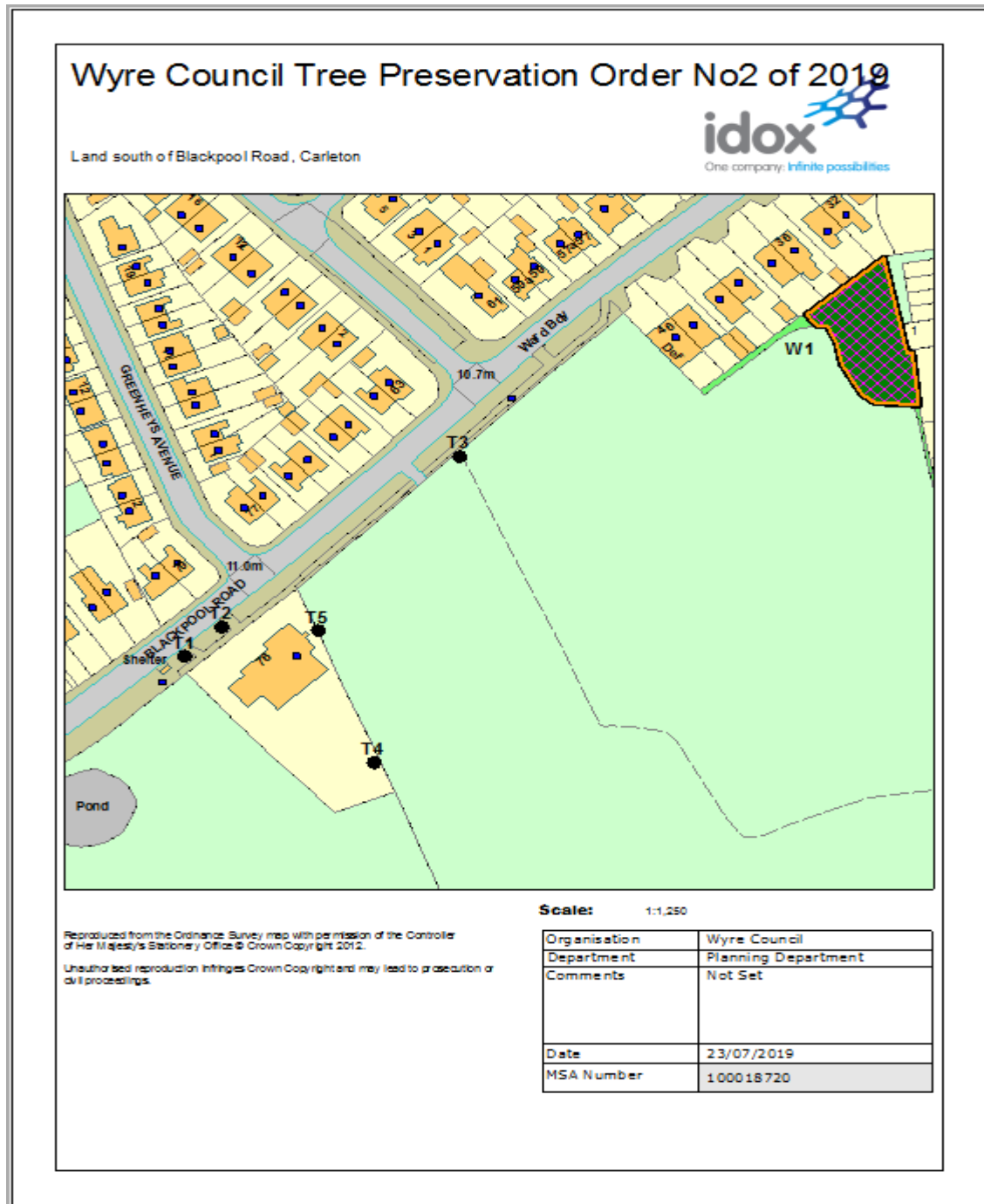
Google 2019 *Google maps – image capture Apr (2019)* Accessed 09/09/19 via <https://www.google.com/maps/@53.8512689,-3.0098877,3a,26.5y,66.47h,88.81t/data=!3m6!1e1!3m4!1sFdHrZtBBZVbo2I2FETg60w!2e0!7i13312!8i6656?hl=en>

Tree Preservation Orders and trees in Conservation Areas. GOV.UK, (2014) Accessed 14/05/18 via <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

(TEMPO) Tree Evaluation Method for Preservation Orders
<http://www.flac.uk.com/wp-content/uploads/2014/12/TEMPO-GN.pdf>

Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Appendix 1



Appendix 2

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 27/6/19 Surveyor: Ryan Atzell

Tree details
 TPO Ref (if applicable): Tree/Group No: W1 Species: ^{comprises} sycamore, hawthorn
 Owner (if known): Location: white willow, alder, elder

Land South of Blackpool Road, Carleton.

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

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

Score & Notes
3

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

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

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

Score & Notes
2

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

Score & Notes
4

d) Other factors

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

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

Score & Notes
1

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

Score & Notes
2

Part 3: Decision guide

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

Add Scores for Total:
12

Decision:
Create TPO.



V1 image above: W1 visible from Carleton Memorial Hall, Moorfield Avenue, Carleton.



V2 image above: W1 clearly visible from between 30-32 Blackpool Road, Carleton.



V3 image above: W1 clearly visible when looking north east from Blackpool Road, Carleton (Google 2019).



V4 image above: Looking north east towards W1, potential future development of the site may result in enhanced public visibility.

Appendix 3

22nd August 2019

Your Ref:

Our Ref: P.1114.18

Mr Ryan Arrell

Tree and Woodlands Officer

Leisure Services

Wyre Council

Civic Centre

Breck Road

Poulton-le-Fylde

FY6 7PU By Email: ryan.arrell@wyre.gov.uk

Attention: Ryan Arrell

Dear Mr Arrell,

TOWN & COUNTRY PLANNING ACT 1990

THE TOWN & COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012

Wyre Council Tree Preservation Order No 2 of 2019 – Land to the south of Blackpool Road, Carleton

We refer to the above Tree Preservation Order, (the Order) and by way of this letter we object to the Order on behalf of our client Applethwaite Limited and respectfully request that the Order is not confirmed. This objection is in accordance with Regulation 6 of the Town & Country Planning (Tree Preservation)(England) Regulations 2012.

We object to the Order on the grounds that **(i)** Woodland W1 does not follow the form of the Model Order; **(ii)** No justification is provided that relates to the public benefit of W1 **(iii)** the reasons for making the Order have not been properly explained.

(i) Woodland W1 does not follow the form of the Model Order:

The format of the Schedule in accordance with the Model Order provides a brief description of the species contained within a woodland i.e. *[mixed hardwoods (mainly oak, ash and alder)]*, but this particular Tree Preservation Order contains no such description for W1. The Order is therefore contrary to Government Guidance and could lead to problems in the future relating to identification of the woodland. Doc. No.: 039 / Issue No.: 002 / December 2015 S:\All Jobs\1114.18 Blackpool Road, Carleton, FY6 7QA\P.1114.18 TPO Objection Blackpool Road, Carleton, FY6 7QA real.doc

(ii) No justification is provided that relates to the public benefit of W1:

Visibility of W1 from a public place (Blackpool Road and Moorfield Ave) is limited through the spaces between houses and buildings, and only in a few specific areas can the tops of canopies of a small number of trees be seen. The majority of the woodland cannot be seen from a public place. In line with Government Guidance, where trees cannot be seen from a public place, the authority should indicate the basis on which it considers there is a reasonable degree of public benefit. The Order as it stands does not provide any such justification as to how these trees provide 'a reasonable degree of public benefit'.

(iii) The reasons for making the Order have not been properly explained:

In serving the Order, the Council states that the '*we made this order because it is expedient in the interest of amenity*'. However, the Council does not state what it means by 'in the interests of amenity', nor does it explain how it has assessed the amenity of the trees in a 'structured and consistent' way (Ref: Planning Practice Guidance issued by Dept. of Communities & Local Government). To comply fully with the guidance underpinning the Regulations, details of any amenity assessment procedure should accompany the Order in the interests of clarity and transparency. The Council should also confirm whether any system used is accredited and accepted in landscape terms and what the term 'amenity' actually relates to in the context of the Order and the decision to create it.

On the basis of the above points, we consider that the Order contains sufficient ambiguities and lack of justification that it could be considered invalid. On this basis we recommend that it is not confirmed in its current form.

Please acknowledge receipt of this objection and address the acknowledgement and any other correspondence in the matter of the objection and this order, to this office.

Yours sincerely



BSc (Hons) MArborA
Ascerta

Appendix 4

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 27/6/19 Surveyor: RYAN ARRELL

Tree details
 TPO Ref (if applicable): Tree/Group No: T1, T2 Species: *Fagus sylvatica* (Beech)
 Owner (if known): Location: Land South of Blackpool Road, Carleton.

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

Score & Notes	T1	T2
	3	3

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

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

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

Score & Notes	T1	T2
	2	2

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

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

Score & Notes	T1	T2
	4	4

d) Other factors

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

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

Score & Notes	T1	T2
	1	1

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

Score & Notes	T1	T2
	2	2

Part 3: Decision guide

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

Add Scores for Total:	T1	T2
	12	12

Decision:	T1	T2
	Create TPO	Create TPO

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 27/6/19 Surveyor: Ryan Kroll

Tree details
 TPO Ref (if applicable): Tree/Group No: T3, T4 Species: Fagus sylvatica (Beech)
 Owner (if known): Location: Last Satin of Blackpool Rd, Colyton.

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

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

Score & Notes	T3	T4
	3	3

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

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

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

Score & Notes	T3	T4
	2	2

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

Score & Notes	T3	T4
	4	4

d) Other factors

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

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

Score & Notes	T3	T4
	1	1

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

Score & Notes	T3	T4
	2	2

Part 3: Decision guide

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

Add Scores for Total:	T3	T4
	12	12

Decision:	T3	T4
	Create TPO	Create TPO

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 27/6/19 Surveyor: Ryan Arnold

Tree details
 TPO Ref (if applicable): _____ Tree/Group No: T5 Species: Sycamore
 Owner (if known): _____ Location: _____

land south of Blackpool Rd, Carleton

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

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

Score & Notes 3

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

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

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

Score & Notes 2

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

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

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

Score & Notes 4

d) Other factors

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

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

Score & Notes 1

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

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

Score & Notes 2

Part 3: Decision guide

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

Add Scores for Total:
12

Decision:
Create TPO

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