

Committee Report**Date: 03.03.2021**

Item Number	02
Application Number	20/00405/LMAJ
Proposal	Erection of 210 residential dwellings with vehicular access from Bourne Road and associated public open space and infrastructure.
Location	Land At Bourne Road Thornton Cleveleys FY5 4QA
Applicant	Mr Andrew Garnett
Correspondence Address	c/o Mr Philip Rothwell 4 Myrtle Street BOLTON BL1 3AH United Kingdom
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Mr Karl Glover****1.0 INTRODUCTION AND ASSESSMENT (UPDATED FROM ORIGINAL REPORT FOR 6 JANUARY 2021 COMMITTEE)**

1.1 This application had a resolution to grant full planning permission by Members of the Planning Committee on the 6 January 2021 subject to conditions and the satisfactory completion of a Section 106 agreement and following confirmation from the Health and Safety Executive (HSE) or Secretary of State (SOS) that the application is not to be called in for his determination.

1.2 Following the Committee meeting the HSE was re consulted to consider if they would be inviting the SOS to call-in the application. A written response was received on the 21 January 2021 which confirmed that whilst they were not going to request a call-in by the SOS, the HSE's position of 'Advise Against' the development was to be maintained. Further correspondence with the HSE found that the reason for them advising against the development was due to there being in excess of 30 dwellings within the HSE middle consultation zone. Specifically, the approved layout would result in 23 dwellings within the middle zone but also one of the apartment blocks containing 21 units straddled the boundary line resulting in HSE counting all the units in the block as being within the zone and therefore advising this amounted to 44 dwellings overall within the middle zone.

1.3 The applicant has been informed and invited to amend the layout to overcome the HSE 'advise against' response by moving the apartment block in question i.e. the northern apartment block closest to the railway line out of the middle zone, leaving 23 dwellings within the middle zone (i.e. less than 30 which is the HSE trigger for an 'advise against' response).

1.4 A revised layout, elevation and floor plan has been received in relation to this apartment block and its associated car park. It is now on a rectangular footprint and angled towards the spine road and the car park now sits to the rear rather than the side. The revised siting and footprint is not considered to result in an adverse impact to the overall design and layout of the development and the scheme is still considered to satisfy the provisions of Policy CDMP3 of the WLP31. Furthermore the internal layout and relationship to the other properties is not compromised and would not result in any unacceptable residential amenity impacts on future occupiers.

1.5 Upon receipt of the amended plans a consultation with the HSE and Cadent Gas has been undertaken. The HSE response has been changed to 'Do not advise against' the development. Cadent Gas who are predominantly assessing the development in terms of any impacts upon their infrastructure and assets, do not object subject to no works interfering within or over the easement of the gas pipeline.

1.6 Members are reminded that the principle of the development and other planning matters have already been accepted by the Committee and the change relates to the revised layout to overcome the HSE issue. The removal of their objection is a welcome planning gain. Members are advised that relevant conditions referring to approval of plan numbers will be updated to reflect the latest plans received showing the layout changes.

1.7 Accordingly, for the reason set out above and in the main report below, the application is recommended for approval subject to conditions and a S106 legal agreement to secure on-site affordable housing (10%) and green infrastructure and financial contributions towards off-site green infrastructure, travel plan support, health care and contamination monitoring. That the Head of Planning Services be authorised to issue the decision on the satisfactory completion of the S106 agreement.

ORIGINAL REPORT FOR THE 6 JANUARY 2021 COMMITTEE

1.0 INTRODUCTION

1.1 This application is before Members of the Planning Committee at the request of Councillor Emma Ellison. 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 extends to 5.09 hectares (12.57 Acres) and is located on the northern side of Bourne Road to the west of Hillhouse International Business Park. To the north and west of the site are the newly constructed residential dwellings off Willow Road and Birch Lane. To the south on the opposite side of Bourne Road is Butts Road, the former Burn Naze public house, children's play area and a large area of woodland. The site is bound to the east by the disused Thornton-Fleetwood railway line which is also a designated Biological Heritage Site (BHS).

2.2 The site was formerly occupied by Thornton Power Station which was constructed in 1953 by I.C.I and was used to power the adjacent Hillhouse plant. The power station was decommissioned in 1999 and subsequently demolished in September 2009. It is currently free from any buildings and is characterised as a brownfield site that is overgrown by self-seeded vegetation with areas of

hardstanding remaining from the sites former use. There is an existing access point off Bourne Road along with high level railings along the southern boundary of the site. Along the north eastern and western boundaries are mature and semi mature trees.

2.3 In terms of topography the site is predominantly flat and lies approximately 5.8m Above Ordnance Datum (AOD). It is located within Flood Zone 3 and there is a culverted watercourse close to the northern boundary. A mains high pressure gas pipe runs through the site to the southern boundary and passes beyond the railway to the east. The site falls within a Health and Safety Executive (HSE) consultation zone. It is undesignated within the Wyre Local Plan (2011-2031) (WLP31).

3.0 THE PROPOSAL

3.1 The application seeks full planning permission for the erection of 210 residential dwellings with vehicular access from Bourne Road and associated landscaping and green infrastructure (GI). The proposed dwellings consist of 85 x 1 bed units, 53 x 2 bed units, 66 x 3 bed units and 6 x 4 bed units and comprise of apartments, bungalows, semi-detached and terraced properties. 21 units (10% of all dwellings proposed) on site would be secured as affordable rent. The site is to be accessed from a new access off Bourne Road and the site plan demonstrates visibility splays measuring 2.4m x 59m in both directions along with a secondary emergency access with demountable bollards located to the south western corner of the site. A new 2m wide footpath is also proposed along the site frontage and a footpath link is proposed on the northern boundary to allow access to the site adjacent.

3.2 The site layout is arranged in blocks separated by the main internal estate road which measures 5.5m in width. Along the length of the eastern boundary a 1.5m high acoustic earth bund is proposed with a 1.5m high close boarded timber fence on top. This bund is also proposed to provide ecological enhancements as well as noise mitigation. Within the site to the north and southern areas a total of 0.95ha of Green Infrastructure (GI) is to be provided by way of natural and semi natural amenity green space. The submitted Drainage Strategy proposes to discharge surface water into the existing culverted water course and foul water into the existing mains drains within Bourne Road. Boundary treatments comprise of a mixture of 1.5m and 1.8m high fencing along with brick pillars around the perimeter boundary to the north and west.

3.3 The planning application has been accompanied by the following supporting documents:

- Design and Access Statement
- Tree Survey
- Ecological Assessment including reptile survey
- Transport Statement
- Noise Assessment
- Flood Risk and Drainage Strategy including Flood Risk Sequential Test
- Contamination Report - Remediation Strategy
- SuDS Statement (Revised)
- Green Infrastructure Statement (Revised)
- Sustainability Statement
- Supporting Planning Statement
- Affordable Housing Statement

4.0 RELEVANT PLANNING HISTORY

4.1 The application site has the following relevant planning history:

4.2 07/00824/FULMAJ - Demolition of former ICI power station and associated infrastructure, and erection of 558 dwellings with access, car parking, public realm, open space and landscaping - Permitted

4.3 12/00074/LMAJ - Residential development consisting of 186 dwellings - Permitted. Following the discharge of conditions a technical start was made on this permission such that the permission remains 'live' and can be continued at any time.

4.4 12/00074/DIS - Discharge of conditions 8, 10, 11, 13, 16 relating to planning application 12/00074/FULMAJ - Spilt decision (further information required in relation to contamination)

4.5 Within the immediate vicinity of the site the following planning history is of relevance:

4.6 10/00215/FULMAJ - Erection of 267 dwellings with associated access, parking, public open space and landscaping - Permitted

4.7 11/00560/FULMAJ - Change of house types to 111 dwellings and erection of 2 additional dwellings - with associated access, parking and landscaping. Variation to planning permission 10/00215/FULMAJ- Permitted

5.0 PLANNING POLICY

5.1 WYRE BOROUGH LOCAL PLAN 2011-2031

5.1.1 The Wyre Local Plan 2011-2031 (WLP31) was adopted on 28 February 2019 and forms the development plan for Wyre alongside the Joint Lancashire Minerals and Waste Local Plan. 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 to this application:

- 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 - Heritage Assets
- CDMP6 - Accessibility and Transport
- HP1 - Housing Land Supply
- HP2 - Housing Mix
- HP3 - Affordable Housing

- HP9 - Green Infrastructure in New Residential Developments
- LPR1 - Local Plan Review

5.1.3 In accordance with the National Planning Practice Guidance (PPG) and National Planning Policy Framework (NPPF) §73, the council must be able to demonstrate a 5 year housing land supply position (with a 5% buffer) when dealing with applications and appeals. The latest available evidence on housing delivery is that set out in the council's APS submission for 2020 which demonstrates a deliverable housing land supply position of 5.9 years. The council's 5 years housing land supply position has recently been considered by an Inspector and even if the Inspector's conclusions were accepted in full there would be a housing land supply position of a minimum 5.2 years (including a 5% buffer). There is therefore full confidence that the council is able to demonstrate a deliverable 5 year housing land supply.

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2019

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
- Guidance for Applicants - Green Infrastructure in New Residential Developments (Policy HP9)
- Guidance for Applicants - Flood Risk Sequential and Exceptions Test advice note

5.4 FURTHER RELEVANT PLANNING POLICIES/LEGISLATION/GUIDANCE

5.5 National Planning Practice Guidance (NPPG)

5.6 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

5.7 The Conservation of Habitats and Species Regulations 2017 (as amended)

5.8 The Wildlife and Countryside Act 1981 (as amended)

6.0 CONSULTATION RESPONSES

6.1 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.1.1 No objections subject to conditions and a £6,000 contribution towards travel plan support. Off-site highway works required include a 2m wide footpath to the site frontage and two new bus shelters on Fleetwood Road North at the existing bus stops near "The Iron Horse" PH. The revised sightlines are now considered to be acceptable and the internal spine road is considered to be to an adoptable standard. Management and maintenance of the private roads will be required as they would not be suitable for adoption.

6.2 LANCASHIRE COUNTY COUNCIL (EDUCATION)

6.2.1 Based on the latest assessment (2/11/2020) an education contribution is not required.

6.3 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY)

6.3.1 No observations received at the time of compiling this report

6.4 ENVIRONMENT AGENCY

6.4.1 Initially objected on the basis that the Flood Risk Assessment (FRA) was insufficient. Following the submission of revised information and a subsequent FRA the objection has been removed subject to a condition requiring the development to be undertaken in accordance with the mitigation measures set out within the FRA.

6.5 HEALTH AND SAFETY EXECUTIVE (HSE)

6.5.1 Advise Against - HSE believe there are sufficient reasons on safety grounds to advise against the granting of planning permission. Should the application be approved then a further 21 days should be provided to allow HSE to consider whether or not they will request the Secretary of State to call in the planning application for determination.

6.5.2 Officer note: Although HSE state that they believe there are sufficient reasons on safety grounds to advise against the granting of planning permission, they have not, despite officer requests, provided those reasons.

6.6 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.6.1 Initial response requested further information to be submitted in relation to reptiles and advised the proposed development would not cause harm to the special nature conservation importance of Morecambe Bay and Duddon Estuary European designated sites (SPA, SAC and Ramsar) or the Wyre Estuary SSSI. However as requested by Natural England a Habitats Regulation Assessment (HRA) has been undertaken, and to mitigate against the development it is suggested that a condition requiring new residents to have homeowner information packs describing the recreational disturbance of birds be attached along with conditions relating to lighting

and the submission of a Construction Management Plan. Revised response states the additional reptile survey information confirms that the site supports a good population of common lizards, a specially protected species, and that a strategy has been put forward for mitigating potential harm to lizards and compensating for habitat losses. GMEU require a condition requiring this strategy to be implemented. Acknowledge the bund would support suitable habitats however recommend that more provision is made for greenspace either on or off site to compensate for habitat losses and that a detailed landscape scheme is required to include opportunities for biodiversity net gain.

6.7 UNITED UTILITIES

6.7.1 The proposals are acceptable in principle subject to conditions.

6.8 HIGHWAYS ENGLAND (HE)

6.8.1 No objections - It is noted that the site is already subject to planning consent for 186 units that is said to have commenced and as such can be classed as committed development. Therefore the additional dwellings would not be likely to make any material difference to the operation of the A585/Bourne Way junction. Also acknowledge significant upgrades that have been made to this junction.

6.9 NATURAL ENGLAND (NE)

6.9.1 Following the submission of the Habitats Regulations Assessment (HRA) NE raise no objection subject to appropriate mitigation being secured.

6.10 NHS FYLDE AND WYRE CLINICAL COMMISSIONING GROUP (CCG)

6.10.1 To mitigate against the development an appropriate financial contribution towards the refurbishment and/or reconfiguration of Thornton medical centre is necessary, this equates to £49,496.

6.11 NETWORK RAIL

6.11.1 Response sets 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.

6.12 LANCASHIRE FIRE AND RESCUE SERVICE

6.12.1 No observations received at the time of compiling this report

6.13 CADENT GAS

6.13.1 As long as no works interfere within the easement or permitted build distance of the High Pressure pipeline Cadent would return a not affected comment. All works should still follow the relevant safety guidelines.

6.14 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.14.1 Objects on the basis that the proposal involves the culverting of a main river watercourse and also an ordinary watercourse. There are no objections to the proposed levels. Future management and maintenance of the culverting must be provided to prevent flooding up stream.

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

6.15.1 The submitted remediation strategy is considered to be generally acceptable, however it does recommend an additional site investigation and risk assessment is carried out into areas of the site not yet investigated. The additional site investigation should focus on areas of hardstanding and the southern extent of the site. The additional investigation and risk assessment should be carried out prior to the finalisation of the remediation strategy. This information should be subject to regulatory review prior to the discharge of the associated site investigation and remediation planning conditions. It is critical that each stage of additional investigation, risk assessment and preliminary remediation is reported and subject to regulatory review prior to the onset of the following stage. All investigation and risk assessment should be completed prior to the onset of the onset of remediation and prior to any construction activities taking place. Upon completion of the remediation works, a verification report should be produced detailing the nature of the remediation and mitigation. In order for further investigation of the site and remediation/validation works to be fully assessed by expert consultants and to ensure the site is safe and suitable for use it is considered reasonable and necessary to secure a financial contribution of £10,000 towards ongoing monitoring in relation to the site contamination.

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

6.16.1 The revised noise assessment has been considered. A number of properties are noted to be affected however subject to a condition requiring the noise mitigation measures set out in the report being undertaken then there is no objection.

**6.17 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY
SAFETY (AIR QUALITY)**

6.17.1 No issues identified in relation to air quality

**6.18 WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL
SUSTAINABILITY (TREE AND WOODLAND OFFICER)**

6.18.1 Initially raised concerns at the lack of information provided and the amount of trees being removed. Following a further site visit it has been confirmed that the site mostly comprises of low retention grade C trees and that there will be a loss of a number of moderate retention (grade B) trees and the majority of low retention trees. Acknowledges the moderate trees alongside Bourne Road to the south east end of the site are to be retained and a tree protection plan submitted is sufficient. The proposed Landscaping plan that has been submitted is acceptable and the design puts forward a quality scheme with thought given to include native species to assist with biodiversity enhancement. The inclusion of reptile hibernacula is also welcomed.

**6.19 WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL
SUSTAINABILITY (PARKS DEVELOPMENT TEAM)**

6.19.1 As the onsite provision is deficient then the remaining amount of Green Infrastructure (GI) should be provided by way of an off site financial contribution. This equates to £209,184.90 and the recreational fields at the junction of Bourne

Way/Fleetwood Road is the identified project for the monies to be used. This facility will cater for younger and older children.

7.0 REPRESENTATIONS

7.1 At the time of compiling this report there have been 32 letters of objection received. The primary planning reasons for objection are set out below:

Principle

- 100% Affordable Homes will have a huge impact upon house prices in the locality
- Insufficient infrastructure in the area - Impacts upon schools and health services
- No need for new houses to be built

Residential Amenity

- Loss of privacy
- Noise impacts

Highway Impacts

- Increase in Traffic on Bourne Road
- Impacts upon Beech Drive and Hawley Gardens - Junction already dangerous
- Cumulative impacts of the proposal and Thornton Football Club
- Severe improvements to footpaths is required along Bourne Road
- Bourne Road cannot support additional traffic
- Bourne Road is a private un adopted highway
- Bourne Road Heavily used by HGVs
- Impacts upon emergency vehicles

Other

- Loss of trees and habitats
- Impacts upon local wildlife
- Impacts upon Hedgehogs, foxes, breeding birds, Bats, Deer's, hares
- Lack of consultation
- Vast amount of Hog weed on the site
- Existing estates should be finished off before any new sites
- Flooding
- Increase in risk of anti-social behaviour
- Hawley Gardens residents should have been consulted on the proposal
- Railway is not properly fenced off causing increase in crime

7.2 Following the publication of the committee report 3 additional neighbour objection letters were received and reported on the update sheet. This includes a response from Thornton Action Group (TAG) and Thornton Flood Action Group. The primary reasons for opposition are:

- Lack of green space in the local area and within the site
- Highway Safety
- Schools already at capacity
- Highway Improvements as part of application 10/00215/FULMAJ (Barratts site adjacent) have not been completed
- Use of culverts should not be allowed

- Culverting the watercourse on this site could have adverse impacts upon the development at Hawley Gardens
- Riparian drainage systems are not being maintained in the locality

In respect of these additional representations the update sheet stated that the observations are acknowledged and the points raised are addressed within the relevant sections of the committee report. In addition officers would add that the alleged failure of riparian owners to not maintain drainage systems in the locality does not make the drainage scheme proposal for this development unacceptable.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 During the course of the application a number of site visits have been undertaken. This included a site walk over with the applicant. Meetings have been held to discuss concerns with regards to the proposed layout and other matters relating to consultation responses including highways and green infrastructure provision, there have also been discussions in relation to financial contributions and planning obligations, agreement of conditions and extension of time until 6th January 2021.

9.0 ISSUES

9.1 The main issues to be considered in the determination of this application are:

- Principle of Development
- Housing Mix and Affordable Housing
- Green Infrastructure
- Visual Impacts, Design and Layout
- Highway Matters
- Impacts upon Residential Amenity
- Flood Risk and Drainage
- Ecological Matters and Trees

Principle of Development

9.2 Planning law (Section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Policy SP1 of the Local Plan (WLP31) outlines the development strategy for Wyre. It establishes a settlement hierarchy and directs the majority of growth and development to within settlement boundaries. The application site is undesignated land which lies within the settlement boundary of Thornton. Thornton is identified as an 'urban town' at the top of the settlement hierarchy, where 48.6% of housing growth is expected during the plan period.

9.3 The principle of residential development on this site has already been established through the approval of planning application 12/00074/FULMAJ for 186 dwellings. This permission is considered to be extant as a technical commencement of development was undertaken in July 2015. Furthermore all pre commencement conditions had been agreed with the exception of further investigation works being carried out in relation to contamination/remediation. Although this proposal seeks permission for 24 additional units to that previously approved, in land use planning

terms the development of this brownfield site within the settlement boundary is considered to be acceptable and an appropriate form of development.

9.4 Although the previous scheme was approved at the time of the former Wyre Local Plan (1999-2011) was in force the site has no special policy status in the more recently adopted WLP31 (it is 'undesigned land') and it is not safeguarded land that is protected from development for the current Plan period. Policy SP1 (criterion 4) states 'development within settlement boundaries will be granted planning permission where it complies with the other policies of this Local Plan'. This denotes an acceptance in principle of residential development within settlement boundaries, and as previously set out, Thornton is one of the principle settlements in the Borough to which a significant proportion of the Plan period development is directed.

9.5 Policy SP2 of the WLP31 sets out that new development should contribute to the continuation or creation of sustainable communities in terms of location and accessibility along with the requirement to respond to the challenge of climate change through appropriate design. Sustainability is also a material consideration requirement of the NPPF. In this turn the application site is geographically located within a reasonably accessible location to many services and community facilities available in Thornton. Approximately 0.5m to the south is the sports and recreational facilities at Poolfoot Farm, towards the west north of the junction with Bourne Road and Fleetwood Road North is the Iron horse Public House and restaurant and south of the junction is the recently established Co-op convenience store. Fleetwood Road North (which is located approximately 600m to the west of the site entrance) forms a key public transport corridor and provides good access to regular bus services as well as pedestrian and cycle networks. As part of this application a new pedestrian footpath running the length of the site frontage is proposed which is anticipated to link into the footpath to be provided for the Barratts Housing site to the west and eventually provide a continued pedestrian footpath to Fleetwood Road North. Given the close proximity to local shops and services, as well as employment, the site is considered to be in a sustainable location in principle for residential development.

9.6 Policy SP2 (Criterion 6) requires development proposals to demonstrate how it would respond to the challenge of climate change through appropriate design and by making best use of resources and assets, including the incorporation of water and energy efficiency measures through construction phases and the reuse and recycling in construction both in the selection of materials and management of residual waste. The applicant has provided a supporting statement outlining how the proposal would satisfy this policy. This includes meeting the Standard Assessment Procedure (SAP) for building regulations which considers various parameters to calculate the energy performance of a dwelling. Other measures include energy efficiency measures, use of building fabric, lighting appliances and usage and the reuse and efficiency of water within the site. Along with the use of Sustainable drainage measures other Water saving devices include:

- Provision of water saving baths
- Provision of water butts to all houses
- Flow restrictors on heating and cold water system to throttle the supply of water to the house
- Deep flow rainwater gutters to slow the passage of water into the drainage system

9.7 To satisfy Policy SP1 new development must comply with other relevant policies of the WLP31. These are discussed in turn below.

Housing Mix and Affordable Housing

9.8 Policy HP2 of the WLP31 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 210 units proposed, 40% would be 1 bed, 25% 2 bed, 31% 3 bed and 4% 4bed. The mix proposed is not strictly in accordance with the SHMA as it comprises a higher proportion of smaller units compared to the 3 or 4 beds. However the provision of smaller properties is in line with the overall SHMA objective and is therefore acceptable. 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. This equates to 42 suitable or adaptable units in this case. The supporting statement states that 20% of the dwellings will be adaptable for older persons and they will be located in the most accessible location for services and facilities. This can be secured by reason of condition and in accordance with the details submitted by the applicant.

9.9 Whilst the supporting documentation sets out the scheme will be providing 100% affordable properties, Policy HP3 of the WLP31 requires 10% affordable housing on brownfield site in Thornton and this amount will be secured in the section 106 agreement. As such whilst the applicant may choose to provide more than this, very little additional weight should be given to the provision of additional affordable homes over the 10% in the overall planning balance. The Council's Affordable Housing Officer has advised that the proposed affordable rent tenure is acceptable and the house types would be appropriate. The applicant has identified the location of the 21 affordable units (10%) to be secured in the section 106 agreement. As they are sporadically located and are not grouped together in one location their siting is considered to be acceptable. The scheme would comply with Policy HP3 of the WLP31.

Green Infrastructure (GI)

9.10 Policy HP9 of the WLP31 requires developments resulting in a net gain of 11 dwellings or more to make appropriate provision of green infrastructure (GI) on site. Where appropriate, however, the Council can alternatively seek a financial contribution towards improving the quality and accessibility of nearby green infrastructure in lieu of on site provision. In this instance based on the housing mix proposed for 210 dwellings, a total of 1.49ha of GI is required to be provided. The application would provide 0.95ha of GI on site comprising of amenity/natural green space and ecological enhancements located to the northern and southern boundaries along with the landscape bund making up the eastern boundary. Given the sites location and the density proposed it has been accepted that the deficit of GI provision can be provided by reason of an offsite financial contribution equating to £209,184.90. This would go towards the cost of improving public open space at the Junction of Bourne Way and Fleetwood Road which is within a reasonable walking distance of the site, and should be secured within the section 106 legal agreement. Furthermore along the northern boundary a pedestrian connection to the adjoining site has been demonstrated this will allow pedestrian connectivity to the future play area and equipment. Whilst it has not been delivered on site to date the play area does benefit from planning permission and is a requirement of the terms of approval of planning application 11/00560/FULMAJ.

Visual Impacts, Design and Layout

9.11 Policy CDMP3 of the WLP31 requires new development to be of a high standard of design. Innovative design appropriate to the local context will be supported where it demonstrates an understanding of the wider context and makes a positive contribution to the local area. Within the policy a number of criteria are set out. Criterion (A) states that all development must be designed to respect or enhance the character of the area. Criterion (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.

9.12 In terms of ensuring the development is integrated into the wider built environment the development of this brownfield site would form a continuation and natural expansion to the residential properties to the north-west. The layout as proposed follows a similar block structure to that development and would have a similar visual impact. It is also considered that the proposal would assist in visually enhancing what is considered to be a run down and overgrown brownfield site. Whilst this application proposes more units than that of the extant permission on the site, it is considered to provide a more attractive layout with improved spacing and visual breaks between dwellings.

9.13 The original layout submitted was for a higher density of 225 units which failed to comply with the spacing guidance set out in SPG4 and offered a poor layout. Officers have since worked with the applicant to achieve an improved scheme. This has resulted in the reduction of units to 210 dwellings. The amendments include the setting back of the dwellings immediately adjacent to Bourne Road and the re location of the 3 Apartment blocks into the site so when entering they appear more as a gateway feature than dominant structures at the site access as originally proposed. Spacing between units has been improved with more parking provision to the side of dwellings to prevent dominant frontage parking and make more attractive street scenes. The breaking up of car parking spaces and introduction of landscaping throughout has also been provided. The revised layout now satisfies SPG4 with 21m being achieved between the front/rear of dwellings and 13m being achieved where the side elevations face front/rear elevations. Rear gardens are also generally 10-10.5m in depth. Bin storage has been amended to remove them from the frontages where possible. Based on the final revised layout the scheme is now considered to be acceptable. The applicant has also provided street scene sectional drawings which demonstrate that the visual breaks, separations and variation in ridge heights including on the apartment blocks would not have any detrimental impacts upon the character of the area. To accommodate the site remediation requirements and to overcome the objections from the Environment Agency the ground levels across the site are proposed to be raised by approximately 0.40m Above Ordnance Datum (AOD) with the dwellings shown to have FFL of approximately 6.60m AOD. Having reviewed the overall heights of the dwellings including the 3 storey apartments taking into consideration the raising of the levels, it is still considered that the heights would not result in any adverse visual impacts. Having reviewed the application adjacent to the north-west, the proposal would sit at a similar level. Full details of levels should be conditioned accordingly.

9.14 Whilst the developer is intending the scheme to be 100% affordable housing the design and appearance of the house types including the apartments is not seen

to be compromised. The house types are made up of detached, semi-detached, terraced dwellings, apartments and bungalows which provides for a wide variety of styles. The submitted materials schedule identifies that they will be externally constructed using three contrasting red bricks Ibstock Alderley Russet blend, Calderstone Claret and Ravenhead smooth along with white k rend to be used for first floor. Based on the materials distribution plan provided it is considered that the different external finish of the red bricks will provide an acceptable contrast and will offer visual interest throughout the site. Each of the house types will have decorative brick heads and cills to the front elevations including above doorways along with centralised band courses, again with a variation in brickwork. These features will provide some character to the properties and will be similar in design and appearance to other new dwellings already built to the west of the site. The materials schedule submitted including the roof materials, windows and doors and rainwater goods are all seen to be acceptable and would comply with the design requirements set out in CDMP3 of the WLP31.

9.15 The application has been accompanied by a boundary treatment plan. The boundary treatment plan submitted demonstrates that the proposed boundary treatments will comprise of a mixture of 1.8m high close boarded fencing with brick pillars in-between and for party boundaries a 1.5m high close boarded fence is proposed. All site frontages are proposed to remain open plan, this too should be conditioned. A landscaping plan has also been submitted which demonstrates new areas of planting and green spaces and includes biodiversity improvements. In particular the areas surrounding the apartments and the areas between the site frontages soften the visual impacts of the proposal. The Council's Tree Officer has advised that the planting specifications are adequate. Along the eastern boundary a 1.5m high earth bund with a 1.5m high timber panel fence on top (3m in total) is proposed to provide an acoustic barrier from the activities associated with the Hillhouse Enterprise Zone and also provide a wildlife corridor. Visually the bund will provide sufficient screening from distant views from the east and when landscaped with wildflowers as proposed would provide a visual enhancement.

9.16 Following further amendments the site layout is now considered to provide sufficient parking provision to satisfy the requirements of Appendix B of the WLP31 and also bin storage and cycle storage is demonstrated. An electrical substation is shown towards the south western corner of the site and the elevation plans confirm this would be 2.5m high and coloured green which is visually acceptable. Overall the layout and design of the development including materials are considered to be acceptable and would sit well within the context of the surrounding area. In turn the proposal is seen to satisfy Policy CDMP3 of the WLP31 and design guidance set out within SPG4.

Highway Matters

9.17 Bourne Road is currently an un-adopted private road with a recommended speed limit of 20mph. Along the site frontage there is a 1.2m wide verge and on the opposite side of the highway there is a 1.35m wide footway with a 2.8m wide verge to the rear. Bourne Road benefits from (un-adopted) street lighting and measures approximately 8m in width. A Transport Statement (TS) has been submitted in support of the application which provides information on the existing site and the extant developments and also the traffic impacts and an analysis of road safety in relation to this application proposal. Lancashire County Highways have advised that they agree with the submitted TS and confirm that there has not been any reported incidents along Bourne Road and that the highway network along Bourne Road is considered to have a good accident record which indicates there are no underlying

issues which this proposed development would exacerbate, providing a safe access to the site can be achieved for all users.

9.18 In terms of highway capacity LCC Highways and Highways England have raised no concerns and both consultees acknowledge that permission has previously been granted on this site for 186 dwellings and as such the additional 24 units proposed would not result in any capacity issues on the highway networks. The site access is to be taken from Bourne Road and the site plan submitted demonstrates visibility splays of 2.4m x 59m in each direction which the Highways Officer has confirmed is acceptable for a 20mph speed restriction and that based on the submitted plans the proposed geometry to the site access is to prescribed design standards for this size of development for all highway users.

9.19 The submitted site plan demonstrates that a new 2m wide pedestrian footpath for the majority of the site frontage is to be provided. LCC Highways have raised concerns about the lack of a continuous footpath along the northern side of Bourne Road, however it is acknowledged that as part of the Legal agreement attached to the adjacent Barratt's development (application 10/00215/FULMAJ) a footpath was required to be installed which would provide a continuous link from the application site towards the junction of Bourne Road and Fleetwood Road. Whilst this footpath has not been delivered to date there is an enforceable planning mechanism to pursue and to ensure it is provided to ensure a continuous length is achieved. Planning permission has also been granted under 19/00347/FULMAJ for residential development on the site of the former Thornton Football Club. That application also requires a footpath to be provided along its site frontage. Implementation of these applications would provide a continuous pedestrian connection along the northern side of Bourne Road. As part of the offsite highway works LCC have requested that two bus shelters are provided at the existing bus stops near the Iron Horse public house on Fleetwood Road North, this can be conditioned accordingly and will be undertaken as part of the Section 278 works. As monies were secured for the dwellings constructed to the north-west towards sustainable transport there is no request for this application to also provide a financial contribution.

9.20 Internally the main site spine road is considered to be acceptable and would be to an adoptable standards. The feeder roads would not be acceptable for adoption and so full details of their management and maintenance should be conditioned. Numerous revisions have been made to ensure that sufficient parking provision is provided for each dwelling. At least two off road parking spaces would be provided for each property and one per one bed apartment. This would comply with the Council's parking standards set out in Appendix B of the WLP31. The parking generally provides one space to the side/rear or to the front of the dwellings. In some instance double frontage parking has been proposed although this is not an overly dominant feature in the street scene. LCC Highways have raised concern about the parking along the private roads for plots 73 to 86, 101 to 111, 113 to 129 as visibility is required across the adjacent properties land. The removal of permitted development rights for all fences and walls to the front of the houses to protect the visual amenity of the area would also overcome this highway concern.

9.21 An electronic vehicle charging point (EVCP) plan has been submitted showing all of the dwellings provided with EVCP sockets with the exception of the apartment blocks. Policy CDMP6 of the WLP31 requires these to be provided for all units unless demonstrated to be impractical. The agent has advised that it is not practical to supply EVCP for the apartments as the driveways and parking spaces are detached from the dwellings and there would be ongoing dispute over who would fund them along with management concerns from the Registered Provider managing

the site. This is considered to be a reasonable and acceptable justification. The ECVP identified will be conditioned accordingly. Subject to conditions it is considered that the proposal satisfies Policy CDMP6 of the WLP31 and SPG4.

Impacts upon Residential Amenity

9.22 Policy CDMP3 of the WLP31 sets out that new development must not have an adverse impact on the amenity of occupants and users of nearby properties and must provide a good standard of amenity for the occupants of the development itself. Located towards the north and western boundaries of the site are the residential dwellings constructed under application 10/00215/FULMAJ. The dwellings with potential impacts are the ones which back on to the site from the cul-de-sac of Willow Road to the west and Birch Lane to the north. An assessment of the impacts is set out below.

9.23 No 1 Willow Road is a 2 storey end terraced property with a side elevation facing onto the rear garden of plot 106. There is also approximately 21m from its side elevation to the rear elevation of plot 123. Given the interface distance it is not anticipated there will be any adverse impacts upon the amenity of this dwelling by reason of overlooking or loss of privacy. The existing tree cover to the east will be removed however the 1.8m high boundary treatment will provide adequate screening along with new landscaping.

9.24 Nos 15-19 Willow Road back on to the proposed private turning head and drives to the east as such they will not be affected by the new dwellings. No 19 will side face on to the rear elevation/garden of Plot 85 however there will be an interface distance of 16m which exceeds the 13m set out in SPG4 between a 2 storey side and rear elevation. Nos 25 and 34 Willow Road will also be unaffected. No 25 is a flat over a pair of garages and No 34 will side on to a private road so will not be overlooked. Subject to conditioning the boundary treatment and where required any side facing first floor windows to be obscure glazed it is not anticipated that any of the properties on Willow Road will have any significant impacts upon amenity as a result of the new development.

9.25 The dwellings which back onto the north western corner of the site are separated by the area of proposed Green Infrastructure and as such the interface distances are such that there will be no overbearing adverse impacts or overlooking and loss of privacy. On this basis the proposed development is not considered to result in any harmful adverse impacts upon existing neighbouring residential amenity.

9.26 There are no other residential units that would be impacted upon as a result of the proposal. Turning to impacts upon occupants of the proposed dwellings, initial concerns were raised during the application process in relation to the overall density which resulted in an unacceptable relationship between dwellings. Following a number of revisions the proposed layout now provides a policy compliant layout where interface distances along with boundary treatments would meet the guidance set out within SPG4.

9.27 Given the site's location adjacent to the commercial Hillhouse Enterprise Zone to the east and elevated levels of traffic noise to the south a Noise Assessment (NA) has been submitted to assess the impact on the residential dwellings. The Council's Environmental Health Officer has advised that the report submitted is acceptable and subject to implementing the recommended mitigation measures the impact from road noise and noise from the industrial site will not be unacceptable and will ensure the development can meet the relevant industry guidelines. It is noted the

properties closest to Bourne Road along the site frontage have been amended to be set back to reduce potential impacts arising from noise. Planning conditions should be applied to ensure the mitigation measures proposed within the NA are implemented. This includes the provision of the 3m high combined bunding and fence along the eastern boundary along the railway line, solid 1.8m high timber panel fencing for those gardens exposed to noise from Bourne Road and uprated glazing combined with through-window trickle ventilation units for windows with facades closest to Bourne Road.

Flood Risk and Drainage

9.28 The application site is located within Flood Zone 3 as identified on the Environment Agency Mapping system which is defined as having a high probability of flooding in the NPPG, and the proposed development is classified as a more vulnerable use. The application has been accompanied by a drainage layout plan, a Sustainable Drainage Strategy and a site specific Flood Risk Assessment. The plans submitted show that the proposed surface water for the site will be discharged via the existing culverted main river watercourse to the northern boundary at a controlled discharged rate of 62.4l/s through a hydro brake. An onsite attenuation basin is proposed to the south and spread out within the site 4 underground cellular attenuation tanks are also proposed. Cut off surface water drains along the northern and western boundary are also shown to prevent run off on to the adjacent properties. Centrally located towards the western side of the site an existing ordinary watercourse is planned to be relocated and culverted running adjacent to the site boundary. Whilst the Lead Local Flood Authority have not provided any response to the application, the Council's Drainage Engineer has raised an objection to this watercourse being culverted due to potential management and maintenance issues which could arise which may ultimately result in flooding up stream. These comments are acknowledged and whilst it is not common practice for officers to go against the professional advice from the Drainage Engineer in this instance a reasonable and pragmatic approach is to be applied as part of the overall planning balance. As set out within this report the site benefits from an extant permission which could be implemented in accordance with the approved details. Upon reviewing the previously approved drainage plan the same watercourse is also proposed to be culverted to accommodate surface water in this location. Furthermore when viewed on site, what shows as a watercourse on plans does appear as a blocked and overgrown depression currently providing little benefits. Outside of the planning process the applicant would be required to apply to Lancashire County Council for consent to undertake this culvert. Overall on balance, whilst it would be preferable to see the open watercourse remain in situ taking into consideration the factors highlighted above officers are of the view that subject to full technical details being submitted the proposed surface water scheme would be acceptable. The applicant has also satisfactorily demonstrated that they have investigated that the hierarchy set out in the NPPF and NPPG has been considered and that the site is not suitable for infiltration techniques. Foul waters are proposed to be connected to the existing mains foul drain located within Bourne Road. Whilst drainage details have been submitted a condition requiring full details of management and maintenance and full technical drainage plans including run off discharge rates is to be attached.

9.29 In terms of Flood Risk the Environment Agency (EA) initially raised an objection to the submitted FRA, as a result the applicant provided further details including existing culvert plans and proposed drainage layouts along with an addendum. This has allowed the EA to remove their objection and based on the information submitted they are satisfied that the development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere subject to mitigation

measures set out within the FRA being conditioned accordingly. These include the Finished Floor Levels (FFL) being set at no lower than 6.6m AOD and the implementation of all flood resilience measures proposed. With regards to the FFL these will be similar to those of the development already constructed to the north-west of the site, and the Council's Drainage Engineer advises that whilst these are relatively high, as they are similar to the land adjacent there is no objection.

9.30 Given the site is within Flood Zone 3, the NPPF (Para 157-159) states that a sequential test must be applied with the aim of steering development to areas with the lowest risk of flooding, and where necessary, the Exceptions Test should be applied. This is supported by policy CDMP2 of the WLP31.

9.31 A sequential test has been submitted by the applicant, covering the whole Wyre borough area for comparator sites. The submitted sequential test has included consideration of comparator sites that are +/-10% of the application site area which would accord with the Council's guidance. This equates to a comparator threshold of 4.56ha - 5.57ha. Sites with a capacity of 189-231 units have also been considered. The submitted sequential test has considered the most recent Housing Land Monitoring Report, Strategic Housing Land Allocations Assessment and sites marketed by land agents in a search for comparator sites including internet based searches.

9.32 Whilst 23 comparator sites are identified within the Sequential Test, a majority of these are at similar or greater risk of flooding and have been screened out, and the remaining have either already commenced on site or been completed, had discharge of conditions or reserved matters applications submitted or have no planning permission in place and are on sites outside the settlement boundary or with other policy constraints. On this basis, the application is considered to pass the sequential test and demonstrate that there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

9.33 In accordance with the NPPF, where the sequential test has been passed, the exceptions test applies to more vulnerable development which includes this scheme. For the exception test to be passed it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh flood risk and the development must be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere. The submitted exception test outlines social and economic sustainability benefits of the development including positive contributions to Thornton Cleveleys by the redevelopment of a brownfield site in close proximity to nearby services and facilities. Whilst some of the benefits listed carry minimal weight overall the applicant has demonstrated wider sustainability benefits to outweigh flood risk harm. The second part of the test requires an acceptable Flood Risk Assessment (FRA). The (revised) FRA submitted has been deemed by the Environment Agency to demonstrate that the development will be safe without exacerbating flood risk subject to mitigation measures. As such the exceptions test is passed. Overall, the application is considered to have no unacceptable impact on flooding and drainage and would accord with Chapter 14 of the NPPF, NPPG on 'Flood Risk and Coastal Change' and Policy CDMP2 of the WLP31.

Ecological Matters and Trees

9.34 The application has been accompanied by an Ecological Assessment and additional reptile survey. Greater Manchester Ecological Unit (GMEU) have

confirmed that the survey is acceptable and has been undertaken by an appropriately qualified specialist. As the application site is located within 500m of the Morecambe Bay and Duddon Estuary European designated site and the Wyre Estuary SSSI both GMEU and Natural England have advised there is a requirement for a Habitats Regulations Assessment (HRA) to be undertaken. This has been provided and GMEU have analysed why impacts from the development are considered unlikely including that the site does not support habitats generally suitable for bird species associated with the Bay or Estuary. To mitigate against the development a condition requiring new residents to be issued homeowner information packs describing the significance of the area and the risk of recreational disturbance to birds is recommended along with conditions relating to lighting and the submission of an Environmental Construction Management Plan (ECMP). Natural England have confirmed that they agree with the HRA findings and conditions proposed by GMEU. Therefore the proposal is unlikely to cause any harm to the special nature conservation importance of the Morecambe Bay and Duddon Estuary European designated sites (SPA, SAC and Ramsar) or the Wyre Estuary SSSI.

9.35 Immediately adjacent to the eastern boundary is the Fleetwood Railway Branch Line Biological Heritage Site (BHS) which is designated because it supports linear botanically rich habitats. GMEU raised concerns about the proposed acoustic bunding which is proposed to be engineered adjacent along the entire boundary. Following further details of its construction and height and confirmation that the bund is to provide habitat enhancements with the planting of wildflowers GMEU agree that this provides an acceptable form of mitigation.

9.36 A number of concerns have been highlighted in the neighbour representations with regards to wildlife and protected species. These observations are acknowledged. GMEU requested further information to assess the potential impacts upon habitats including the impacts upon reptiles and nesting birds. Following the submission of the additional surveys GMEU have advised that the submitted landscaping plan is considered to be acceptable and whilst they consider there to be a lack of greenspace what is being provided is considered to be appropriate as it incorporates a number of biodiversity enhancements including installation of bird and bat boxes and hedgehog highways into the scheme. The submitted reptile survey has confirmed that the site supports a good population of common lizards which is a specially protected species. The submitted strategy for mitigating the potential harm to lizards and for compensating habitat losses should be conditioned to be implemented in full.

9.37 In terms of tree and vegetation the site comprises predominantly of bare ground with developing young woodland and scrub. The Council's Tree Officer has reviewed the submitted Tree Survey and visited the site and has advised that the site mostly comprises of low retention Grade C trees. To accommodate the development and the sites remediation it is noted that the survey requires the removal of a number of Grade B (moderate retention) trees along with the majority of Grade C trees. However the Grade B trees alongside Bourne Road at the South Eastern end of the site are to be retained and the submitted tree protection plan is sufficient to be followed to achieve suitable tree protection subject to temporary fencing being installed. The Tree Officer has confirmed that the submitted Landscaping Scheme provides sufficient detail in terms of specifications and schedules relating to new soft landscaping. This landscaping scheme can be conditioned accordingly. The proposal accords with paragraphs 174 - 177 of the NPPF and Policy CDMP4 of the WLP31.

Other matters

Gas Pipeline

9.38 The proposed development site lies within the Health and Safety Executive (HSE) consultation zone of National Grid Pipe line (6805_1082) Brock/Thornton. The high pressure gas main runs close to the boundary at the southernmost part of the site for approximate 15m before leaving the site to the east under the disused railway and into the Hillhouse Enterprise before running north. The submitted plans denote a non-build area and easement to protect the gas pipeline. Cadent Gas has responded and advised that they are of the view that as long as no works interfere within the easement of the high pressure pipeline then they would provide a "not affected" consultation response. Whilst the layout plans do not indicate that it would be, ultimately the applicant is responsible for ensuring this easement isn't breached.

9.39 As the site falls within the HSE consultation zone an assessment of the development using the HSE web application has been undertaken. This response provided an 'Advise against' response and as such further consultation with HSE was required. HSE remain of the view that there are sufficient reasons on safety grounds for advising against the granting of planning permission due to the potential for harm to people at the proposed development site. Having reviewed the extant permission where residential units are approved to be sited closer to the pipeline and taking into consideration that Cadent Gas do not advise against the proposal subject to works being carried out in accordance with their guidance, officers are of the opinion that on balance the HSE 'Advise Against' response would not be a sole reason for refusing this application. In accordance with Section 9 paragraph 72 of the Planning Policy Guidance on Hazardous Substances if the Council is minded to approve the development against the HSE advice they should allow an additional 21 days from notice to HSE to consider whether to request that the Secretary Of State call in the application for their own determination. Therefore should Members be minded to approve the application then the HSE would be re consulted for a decision on whether or not to request the application is called in.

Contamination

9.40 Policy CDMP1(B) of the WLP31 sets out that in the case of previously developed or other potentially contaminated land a remediation scheme should be secured which will ensure that the land is remediated to a standard which provides a safe environment for occupants and users and does not displace contamination. Given the nature of the previous uses on this site there has previously been extensive historic investigation undertaken in consultation with the Council's Environmental Health Officers and the Environment Agency. As set out in paragraph 4.4 previous reports including a remediation strategy have been agreed as part of the previous application (12/00074/DIS) however since then further assessments have needed to be undertaken. As part of this application a remediation report has been submitted and assessed by the Environmental Health Officer who advises that further investigatory and risk assessment works are required prior to commencing remediation on site. This can be addressed via conditions. In addition it is recommended that Permitted Development rights for extensions and additions is removed as it is highly likely that they would need to incorporate gas and vapour protection measures like the approved development, and this can be controlled through the consideration of future planning applications. This is considered to meet the tests of reasonable and necessary. In order for further investigation of the site and remediation/validation works to be fully assessed by expert consultants and to ensure the site is safe and suitable for use it is considered reasonable and necessary

to secure a financial contribution of £10,000 towards ongoing monitoring in relation to the sites contamination.

Education Infrastructure

9.41 Lancashire County Council Education have advised in their latest assessment (dated 2/11/2020) that an education contribution is not required for either primary or secondary school places to mitigate against the proposed development.

Health Provisions

9.42 The Clinical Commissioning Group (CCG) has advised that to mitigate the impacts of this development on local health care facilities, a financial contribution of £49,496 towards the refurbishment and/or reconfiguration of Thornton medical centre is required. The applicant has agreed to pay this sum which will be secured within the section 106 agreement.

10.0 CONCLUSION

10.1 On balance the scheme is considered to satisfy relevant policies of the WLP31 and relevant national policy and local guidance. In particular the proposal represents sustainable development which satisfies Policies SP1 and SP2 of the WLP31. Occupants of the dwellings would benefit from a good access to community and local services within the Thornton Area. The design and layout of the dwellings is considered to be acceptable and would not result in any unacceptable adverse impacts visually or upon residential amenity subject to mitigation as indicated. The applicant has demonstrated that the development has passed the flood risk sequential and exceptions test and that the development will be safe for its lifetime and would not increase the risk of flooding elsewhere. Natural England and GMEU are satisfied that the development would not have any adverse impacts upon ecology subject to conditions.

10.2 The concerns of the Drainage Engineer and Health and Safety Executive (HSE) are acknowledged however the redevelopment of a vacant and overgrown brownfield site with a scheme which is considered to be an improvement on the previous extant permission is considered to provide a number of benefits including the delivery of some on site green infrastructure and a considerable off-site financial contribution towards the future delivery of children and young people's play at the junction of Bourne Road and Fleetwood Road. Members are advised that the application can be supported subject to no call-in request being received from the Secretary of State following a further 21 day re consultation with the HSE along with conditions and a Section 106 legal agreement.

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 the application not being called in for consideration by the Secretary of State and subject to conditions and a S106 legal

agreement to secure on-site affordable housing (10%) and green infrastructure and financial contributions towards off-site green infrastructure, travel plan support, health care and contamination monitoring. That the Head of Planning Services be authorised to issue the decision following confirmation from the HSE or Secretary of State that the application is not to be called in for his determination and on the 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 15.05.2020 including the following plans/documents:

- P01 - Bourne Road - Proposed Site Layout - Rev H
- P02 - Bourne Road - Boundary Treatments Plan - Rev F
- P03 - Bourne Road - Boundary Treatments Rev A
- P04 - Bourne Road - Materials Distribution Plan - Rev D
- P05 - Bourne Road - Car Charging Plan - Rev D
- P08 - Bourne Road - Site Location Plan
- P10 - 2b4p House type 68
- P11 - 2b4p 68 Terr 3
- P12 - 2b4p 68 Terr 4
- P13 - 3b5p 82
- P14 - 3b4p 82 2b4p 68
- P15 - 3b5p 82 3b4p Asp 80
- P16 - 3b4&5p 80-82 Terr 3
- P17 - 4b6p 95
- P18 - 1b2p Bungalow 50
- P19 - 2b3p Bungalow 60
- P20 - 1b2p Apartments
- P21 - Bourne Road - Street Scenes - Rev A
- P22 - Bin & Cycle Stores
- P24 - Bourne Road - 3b4p 80 Aspect House Type
- P25 - Bourne Road - 3b5p 82 Detached House Type
- P25 - Bourne Road - 1b2p Apartments 43
- P27 - Bourne Road - Tree Retention Plan
- P28 - Bourne Road - 10% Affordable Housing Plan Rev A
- P29 - Bourne Road - Site Section Rev A
- P31 - Bourne Road - GI Layout - Rev A
- P32 - Bourne Road - Tree Retention Plan
- BOURNERD-CULVERTPLAN
- 30431_200A_Autotrack Analysis Refuse Vehicle
- BOURNE ROAD - P36 - Proposed Sub station plan

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

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

3. The development shall be carried out strictly using those materials specified on the approved plan(s) (Materials Distribution Plan ref Bourne Road - PO4 Rev D) 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 (2011-3)

4. The ground, slab and finished floor levels shall be constructed and completed in accordance with the approved details (as shown on plan drawings Proposed Development and Drainage Layout ref 30431/100 Rev B and Bourne Road Site Section Plan ref Bourne Road - P29 Rev A) 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 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).

5. The approved boundary treatments (approved plans "Boundary Treatment Plan ref Bourne Road - PO2 REV F" and "Bourne Road P03 Rev A") 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 in accordance with policy CDMP3 of the Wyre Local Plan (2011-31).

6. The landscaping works and ecological enhancements shall be carried out in accordance with the approved details [ref: Landscape Structure Plan Drawing Number 6293.03A] prior to first occupation of any dwelling 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 7 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

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

7. (a) 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 other development takes place within the site.

(b) No dwelling hereby approved shall be first occupied until the new estate road(s) affording access to those dwelling(s) has been constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level.

(c) In the event that the new estate road is not proposed for adoption by the Local Highway Authority then details of their road construction (surface materials and depth) and highway infrastructure (footways, street lighting, drainage) shall be submitted to, and approved in writing by, the Local Planning Authority. No dwelling hereby approved shall be first occupied until the new estate road(s) affording access to that dwelling has been constructed in accordance with the approved details.

Reason: To ensure that satisfactory access is provided to the development site, that the road surfaces are visually acceptable, that the private roads are of sufficiently adequate construction to support any loading applied to them to enable effective waste management and emergency services access, and that the necessary infrastructure is provided in the interests of highway safety in accordance with Policies CDMP3 and CDMP6 of the Wyre Local Plan (2011-31).

8. 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.

9. Prior to first occupation, a scheme for the provision of home-owner information packs (as outlined in the Habitats Regulations Assessment completed for this application) highlighting the sensitivity of Morecambe Bay (a European protected nature conservation site) to recreational disturbance shall be submitted to and agreed in writing by the Local Planning Authority. The scheme details shall include the content of the home-owner information packs which must explain the conservation value of Morecambe Bay, the potential impacts that can arise from residential development and explain the responsible behaviours in the vicinity of the housing development along with what would be required from residents to avoid undue ecological impact, as well as a methodology for the distribution of the homeowner packs to future home owners including upon resale of the dwellings as far as is reasonably practicable. The approved information packs shall subsequently be made available to future home owners in line with the approved methodology.

Reason: In order to safeguard biodiversity from the recreational disturbance effects of residential development in close proximity to Morecambe Bay, in accordance with the provisions of Policy CDMP4 of the Wyre Local Plan 2011-31.

10. The development hereby approved shall be implemented in full accordance with section 4.3 of the EUS Reptile Presence/Absence Survey July 2020 submitted with the planning application including the strategy put forwards for mitigating for potential harm to lizards and compensating for habitat losses.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the National Planning Policy Framework.

11. Prior to the installation of any external lighting within the development a scheme for the provision of external lighting together with an Artificial Lighting Assessment shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall demonstrate that artificial lighting will be designed so that it is not intrusive to visual amenity or illuminate potential habitat for bats (e.g. hedgerow, trees) and or/ bird breeding places. The assessment shall demonstrate that the lighting will be installed in accordance with the Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light GN01:2011 and the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009 (or any subsequent replacement guidance).

The lighting shall be installed and operated in accordance with the approved scheme details, which shall be maintained and retained thereafter.

Reason: In order to safeguard visual amenity and biodiversity and residential amenity and in the interests of public safety in accordance with Policies CDMP1, CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework.

12. No development above ground level shall be commenced until full details of the construction (to include elevation details, cross-sections and landscape scheme) of the acoustic/wildlife enhancement bund along the eastern boundary of the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include how the adjacent Biological Heritage Site will be protected during its construction and how any protective measures that are required shall be fully installed and retained / maintained at all times thereafter. The bund shall then be provided in accordance with the approved details prior to first occupation of any dwelling unless an alternative timeframe is first submitted to and approved in writing by the Local Planning Authority, in which case the bund shall then be provided in accordance with the agreed timeframe.

Reason: To ensure the bund is satisfactorily constructed and landscaped in a timely manner in the interests of visual amenity and ecology and residential amenity (noise mitigation) in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31)

13. The measures contained within the approved Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (P32 - Bourne Road - Tree Retention Plan and P27 - Bourne Road - Tree Retention Plan) with respect to those trees shown as being retained 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.

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.

14. 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 and the adjacent Biological heritage Site (BHS) against spillage incidents, pollution and sediments during the construction phase.

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).

15. The visibility splays shown along Bourne Road on approved plan reference Bourne Road- P01 Rev G shall be provided prior to first occupation of any dwelling hereby approved 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).

16. a) Prior to the first occupation of any dwelling, the proposed arrangements for future management and maintenance of the roads/ footways/ cycleways within the development shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include a plan showing areas of highway proposed for adoption by the Local Highway Authority and any areas proposed for private management.

(b) Should the plan required by (a) show that any highway within the estate would be privately managed, details of a Road Management Plan to detail how those sections of highway would be maintained in perpetuity, such as a private management and maintenance company to be established if applicable, shall be submitted to and approved in writing by the Local Planning Authority. The highway shall thereafter be maintained in accordance with the approved management and maintenance details or until such time as an agreement has been entered into under section 38 of the Highways Act 1980.

(c) Should the plan required by (a) show that any highway within the estate would be proposed for adoption by the Local Highway Authority, those roads/ footways/ cycleways shall be made up to, and retained thereafter to, the Local Highway Authority's Adoptable Standards.

Reason: To ensure that all highways, footways and cycleways will be maintained to a sufficient standard by either the Local Highway Authority or by a site management company in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

17. No dwelling hereby approved shall be first occupied unless and until the site access and off-site works of highway improvement [namely, provision of a 2m wide footpath on the northern side of Bourne Road along the entire site frontage and provision of two new bus shelters on Fleetwood Road North at the existing bus stops near "The Iron Horse" public house] have been carried out, unless an alternative timetable for implementation is submitted to and approved in writing by the Local Planning Authority. The off-site highway works shall be carried out in accordance with any alternative approved timetable for implementation.

Reason: In order to ensure the timely delivery of the necessary off-site highway works in the interests of highway safety / to encourage sustainable traveling in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

18. Prior to the commencement of development save site soil strip and site preparation, 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 Policy CDMP2 of the Adopted Local

Plan 2011-31 or any equivalent policy in an adopted Local Plan that replicates the existing Local Plan.

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.

19. Prior to the commencement of development save site soil strip and site preparation 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.

20. The scheme of noise insulation measures set out in the supporting Noise Assessment submitted with the application [report by Echo Acoustics dated 21st October 2020] shall be implemented for those plots identified on Figures 9 and 10 as requiring solid fencing or up rated glazing prior to first occupation of the respective dwellings. The approved noise insulation measures shall thereafter be retained.

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).

21. No dwelling shall be occupied until the electric vehicle recharging points (as set out on approved plan P05 - Bourne Road - Car Charging Plan - Rev D) 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).

22. 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, or along the side or rear boundaries of the curtilage of any dwelling beyond the rear elevation where that elevation directly faces a highway; and

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

Reason: To safeguard the appearance of open plan development and junction highway visibility in accordance with Policies CDMP3 and CDMP6 of the Adopted Wyre Borough Local Plan.

23. Notwithstanding the provisions 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 dwelling(s) shall not be altered or extended, nor shall any building, structure or enclosure be erected within the curtilage of the dwelling(s) without planning permission.

Reason: To ensure that the Local Planning Authority have control over any future development of the dwelling(s) in the interests of preserving the character and amenity of the area, the residential amenity of occupants / neighbours and to ensure that appropriate remediation is incorporated as required in light of the historical use of the site in accordance with Policies CDMP1 and CDMP3 of the Wyre Local Plan (2011-31).

24. The development hereby approved shall be carried out in full accordance with the supporting adaptable dwellings statement (dated 7/12/20) and the 51 house types 2B4P(68) shall be retained and maintained at all times thereafter as adaptable for older people and people with restricted mobility.

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.

25. a) Prior to the commencement of development, further investigation and risk assessment of the development site shall be undertaken in accordance with the proposals detailed in the submitted Remediation Strategy - Reference 345.05.20.RS (dated 21st April 2020), and the subsequent RPS Consultation Response - Reference JER8741 (dated 3rd July 2020), allowing for a revised Remediation Scheme to be submitted by the applicant, and approved in writing by the Local Planning Authority. The Remediation Scheme shall include all works to be undertaken; proposed remediation objectives and remediation criteria; a timetable of works; site management procedures; and, detail of any necessary long term maintenance and monitoring programme. The Scheme must ensure that the site will not qualify as 'contaminated land' under Part2A of the Environmental Protection Act 1990, or any subsequent version, in relation to the intended use of the land after remediation. Any changes to the agreed Scheme shall require the express consent of the Local Planning Authority.

b) Prior to the first occupation of any dwelling, all work as identified in a) above, shall be undertaken and completed in strict accordance with the approved Remediation Scheme, and a Validation Report submitted by the applicant, and approved in writing by the Local Planning Authority, confirming strict compliance with all aspects of the agreed remediation scheme. Where relevant the Validation Report shall also include a long term monitoring and maintenance plan, which shall be implemented as approved, with all monitoring reported to the Local Planning Authority at agreed intervals. Any changes to the agreed plan shall require the express consent of the Local Planning Authority.

Should any significant unexpected contamination not previously identified, be discovered during the works detailed above in a) and b), all works should cease, and the Local Planning Authority should be immediately informed in writing. If unacceptable risks are identified, a remedial options appraisal and revised Remediation Scheme shall be submitted by the applicant and agreed in writing by the Local Planning Authority.

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).

26. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated April 2020 (ref. 30431/SRG and addendum letter (ref:30431/SRG; dated 1 December 2020), prepared by Ironside Farrar Limited and the following mitigation measures detailed within the FRA:

- Finished floor levels shall be set no lower than 6.6 metres above Ordnance Datum (mAOD), as stated in the addendum letter (ref:30431/SRG; dated 1 December 2020).
- Implementation of all flood resilience measures, as stated on page 13 of the FRA and in the addendum letter.

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

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

27. No development above ground level shall be commenced until a phasing programme for the whole of the application site to include the approved dwellings, green infrastructure, emergency access / pedestrian link to Bourne Road and pedestrian link on the northern site boundary (as shown on Plan Bourne Road P01 Rev H) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing programme unless an alternative programme has otherwise been submitted to and approved in writing by the Local Planning Authority. The pedestrian links shall be constructed up to the site boundary and shall thereafter be maintained and remain open and unobstructed at all times.

Reason: To define the permission and in the interests of the proper development of the site, to ensure the timely delivery of supporting infrastructure and to ensure the development provides appropriate connections and sustainable linkages to neighbouring development and the wider highway network in accordance with policies SP7, CDMP3, EP1 and SA3/4 of the Wyre Local Plan (2011-31)

28. Prior to the first occupation of any of the dwellings hereby approved, a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan (and an associated Travel Plan Co-ordinator as specified in the approved Travel Plan) shall be implemented and operational from the point of the first occupation of any of the dwellings hereby approved for a period of not less than five years from the date of full occupancy of the development.

Reason: To promote sustainable development by encouraging sustainable travel modes and reducing dependence on private motor vehicles in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

29. Prior to the first occupation of any of the apartments the cycle and bin stores (as shown on Plan Drawing Number Bourne Road - P01 Rev G and P22 - Bin & Cycle Stores) shall be fully constructed for the apartments to which they relate and shall thereafter be retained and maintained at all times.

Reason: In the interests of the appearance of the site and locality, in accordance with policy CDMP3 of the Wyre Local Plan (2011-31). The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application.

30. No dwelling hereby approved shall be first occupied until the parking / turning area(s) shown on the approved plan (Bourne Road P01 - Rev G) as relating to that dwelling has been laid out, surfaced and drained. The parking / turning area(s) shall thereafter be retained and maintained and not used for any purpose other than for the parking and manoeuvring of vehicles without express planning consent from the local planning authority first being obtained.

Reason: To ensure that adequate off road parking is provided and retained 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).

Notes: -

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

2. 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.

3. 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.

4. Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588