

**Committee Report****Date: 06.06.2018**

<b>Item Number</b>	<b>8b</b>
<b>Application Number</b>	<b>17/00267/OUTMAJ</b>
<b>Proposal</b>	<b>Outline application for the erection of 10 dwellings with access from Little Tongues Lane / Bourbles Lane and layout applied for (all other matters reserved)</b>
<b>Location</b>	<b>Selbys Pig Farm Little Tongues Lane Preesall Poulton-Le-Fylde Lancashire FY6 0PD</b>
<b>Applicant</b>	<b>Messrs Gornall &amp; Dewhurst</b>
<b>Correspondence Address</b>	<b>c/o M L Planning Ltd 5 Bobbin Mill Cottages Stubbins Lane Claughton On Brock Preston PR3 0PL</b>
<b>Recommendation</b>	<b>Permit</b>

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

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

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The site which forms the subject of this application relates to a former agricultural enterprise known as Selbys Pig farm which is located on the eastern side of Little Tongues Lane in Preesall. The site comprises of an array of rundown dilapidated and overgrown agricultural structures including former pig pens and shelters. Currently one of the buildings is used for an indoor archery range (permitted in 2014). The surrounding area is mixed in character, to the north, west and south are residential dwellings and to the east beyond the site is open countryside area. Mature trees are sporadically located along the northern and eastern boundary and there is pond located immediately to the north east. The site benefits from an established access onto Little Tongues Lane. The site is allocated within the Local Plan proposals map as being within the Countryside Area just outside of the settlement boundary of Preesall and is also located within Flood Zone 3. Little Tongues Lane is also a designated PROW and Bridle Way (FP20 and BW21).

**3.0 THE PROPOSAL**

3.1 The application seeks outline planning permission for the erection of 10 residential dwellings with access from Little Tongues Lane/Bourbles Lane and layout

applied for (appearance, scale, and landscaping are matters reserved) following the demolition of existing agricultural structures. The existing access from Little Tongues Lane is proposed to be utilised to serve one detached dwelling which will sit on a similar building line to the adjacent property 'The Bungalow'. A new access is also to be taken from the corner of Little Tongues Lane and Bourbles Lane into the site to the north where the remaining 9 units are laid out in a court yard arrangement around a central island.

3.2 The layout proposed demonstrates that to the north and east a terrace row of 3 units are proposed, to the south is a pair of semi-detached houses and a detached dwelling is proposed to the west (along with the detached unit accessed from Little Tongues Lane). Each of the dwellings are shown to have rear gardens and off street parking by way of detached garages and driveways. The proposed access junction on the corner of Bourbles Lane and Little Tongues Lane is shown to measure 20m narrowing to 5m for the access road which leads into the site.

3.3 The application has been submitted with indicative elevation and floor plans. The design of the dwellings are (2 storey) rural and traditional in character comprising of a mixture of stone and red brick, decorative stone quoins and openings which reflect that of barn conversions with stone heads and cills with small pitched roof porches and wall/gable dormers. The dwellings are shown to measure approximately 7m in height. The plans also show illustrative garage designs (single and double).

3.4 The application is accompanied by the following supporting documents

- o Design and Access Statement
- o Ecological Survey / Assessment (Revised)
- o Flood Risk (and Sequential Test) Assessment

#### 4.0 RELEVANT PLANNING HISTORY

4.1 The site has the following relevant planning history:

4.2 11/00315/LAWE - Lawful Development Certificate for existing dwelling occupied by person not employed in agriculture - Application Withdrawn (The Bungalow)

4.3 11/00476/LAWE - Lawful Development Certificate for existing dwelling occupied by person not employed in agriculture (resub. 11/00315/LAWE) - Lawful (The Bungalow)

4.4 11/00708/FUL - Creation of fishing lake - Application Permitted

4.5 11/00708/DIS - Discharge of condition 3 of planning permission  
11/00708/FUL

4.6 11/00724/FUL - Replacement dwelling - Application Permitted

4.7 13/00903/FUL - Erection of detached dwelling - Application Refused

4.8 14/00538/FUL - Change of use from an agricultural building to an indoor archery range - Permitted

4.9 17/00202/FUL - Erection of an indoor archery range with associated parking (Use Class D2) - Permitted

## 5.0 PLANNING POLICY

### 5.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.1.1 Section 1 - Delivering sustainable development The NPPF was published by the Department of Communities and Local Government on the 27th March 2012. It sets out the Government's planning policies for England and how these are expected to be applied in the determination of planning applications and the preparation of development plans. The ministerial forward to the NPPF states that "Development that is sustainable should go ahead without delay - a presumption in favour of sustainable development that is the basis for every plan and every decision". The following sections are relevant to this application:

#### 5.1.2 Section 4 - Promoting Sustainable Transport

Encouragement should be given to solutions which support reductions in greenhouse gasses and reduce congestion. Support should be given to facilitate the use of sustainable modes of development. Plans and decisions should take account of whether safe and suitable access to the site can be achieved and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

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

#### 5.1.4 Section 7 - Requiring Good Design

Good design is a key aspect of sustainable development. High quality and inclusive design for all development is needed. Development away from areas at highest risk, but where development is necessary, making it safe without flood risk elsewhere. Sequential and exception tests should be used.

#### 5.1.5 Section 10 - Meeting the challenges of Climate Change and Enhancing the Natural Environment

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

#### 5.1.6 Section 11 - Conserving and Enhancing the Natural Environment

The planning system should contribute to and enhance the natural and local environment. There is encouragement for the effective use of land by re-using land that has previously been developed (Brownfield land) provided it is not of high environmental value.

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

5.2.1 The Wyre Borough Local Plan was adopted on the 5th July 1999. The saved Local Plan forms part of the development plan for the district. The following policies

are considered to be of relevance to the determination of this application. The weight to be afforded to these policies is discussed within subsequent sections of this report:

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

### 5.3 WYRE SUPPLEMENTARY PLANNING DOCUMENTS / GUIDANCE

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

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

### 5.4 EMERGING LOCAL PLAN

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

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

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

5.4.3 The draft Local Plan is prepared on the basis of the completed housing evidence. This includes the Strategic Housing Market Assessment (including the 2017 Addendum 3) which confirms that the figure of 479 dwellings remains a robust and appropriate objectively assessed need (OAN) figure. However the local plan sets an annual housing requirement of 411 dwellings for the period 2011 to 2031. The evidence supporting the Local Plan shows that the full OAN cannot be delivered.

The 'Publication' draft Wyre Local Plan indicates that Wyre can only deliver 8,224 dwellings due to various constraints. It is considered that the identified annual housing requirement represents a robust and sound figure for the local plan within the context of constraints in the borough.

## 6.0 CONSULTATION RESPONSES

### 6.1 PREESALL TOWN COUNCIL

6.1.1 Object on the grounds that the development is an incursion into the countryside as it is outside of the settlement boundary. The access is poor with no footpaths, un-adopted roads and is generally unsustainable.

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

6.2.1 No objections in principle subject to the delivery of the required sight lines and pedestrian footway. LCC Highways are of the opinion that the impact of the proposed 10 dwellings should have a negligible impact on highway capacity and highway safety in the immediate vicinity of the site.

### 6.3 LANCASHIRE COUNTY COUNCIL (EDUCATION)

6.3.1 A contribution towards Education provision is required by reason of £47,474.56 towards secondary education (x 2 Places). St Aidans C of E High School is the named school. There is no requirement for the provision of primary education contributions. This is based upon a reassessment at the time of compiling the report (27th April 2018).

### 6.4 LANCASHIRE COUNTY COUNCIL (PUBLIC RIGHTS OF WAY)

6.4.1 No objections subject to the full widths of the Public Rights of Way being available for safe use by the public at all times. The short length between the site entrance and Little Tongues Lane is not maintained at the public expense as a vehicular right of way. LCC do not accept responsibility for the repair and upkeep of this section of the bridle way as a vehicular access. This responsibility should rest with the landowner or those with private vehicular access rights and the surface must be suitable for equestrians.

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

6.5.1 Objection due to an inadequate Flood Risk Assessment being submitted. Following re consultation on 30th April 2018 there has been no response received at the time of compiling this report. Any response received will be reported on a committee update sheet.

### 6.6 ENVIRONMENT AGENCY

6.6.1 Initially objected as the submitted FRA was not considered to be acceptable. Following the submission of the revised FRA the objection was withdrawn subject to a condition requiring the development to be undertaken in accordance with the revised FRA and the mitigation measures set out within. The EA are satisfied that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere.

## 6.7 UNITED UTILITIES

6.7.1 No objections subject to conditions requiring drainage details to be submitted

## 6.8 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.8.1 No objections, however a revised Bat survey was requested due to the age of the assessment submitted with the application. Following the submission of the revised survey it has been confirmed that there are no objections subject to a condition relating to the protection of nesting birds and biodiversity enhancements.

## 6.9 WBC HEAD OF ENGINEERS (DRAINAGE)

6.9.1 No objections subject to full detailed drainage plans to be submitted

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

6.10.1 No objections subject to a condition relating to a contaminated land desk study to be submitted

## 6.11 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE)

6.11.1 No objections - It is not anticipated that there will be any adverse environmental impact from noise on the proposed development and I do not anticipate that the proposed development will have an adverse noise impact on the surrounding countryside.

## 6.12 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ODOUR)

6.12.1 No objections

## 6.13 WBC PARKS AND OPEN SPACES MANAGER (TREE OFFICER)

6.13.1 No objections - Note that the design would require the removal of approx. 11 Nos of over-mature poplar trees. Close inspection of the said trees indicated an overall low retention value. (Numerous large broken limbs noted, soil level raise considerably adjacent to the trees stems). No objections as the said trees are not desirable to retain however it would be necessary to secure a detailed landscape plan incorporating a schedule and specifications relating to new tree planting on the site to compliment new build.

## 7.0 REPRESENTATIONS

7.1 At the time of compiling this report there have been 4 letters of objection received and 1 letter of support for the proposal. The primary reasons for objections are:

- o Highways concerns
- o Danger to pedestrians, horse riders and lawful vehicles
- o Bourbles Lane is private and should not be used for construction traffic
- o The proposed entrance is directly at a spot where water supply is connected
- o The positioning of the entrance is dangerous
- o Issues regarding Ownership and legal rights of access

- 7.2 The reasons set out in support of the development are:
- o The development would greatly improve and enhance the site and the surrounding area.

## 8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Ongoing discussions have been had with the agent with regards to objections and observations received from consultees including a number of amended Flood Risk Assessments and revisions/clarification to the Flood Risk Sequential Test. A revised existing site plan, levels plan and Finished Floor Levels plan has also been requested. An extension of time has also been received until the 7/6/2018.

## 9.0 ISSUES

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

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

### Principle of Development and compliance with Planning Policy

9.2 The application site is allocated within the existing Local Plan proposals map as 'Countryside Area'. In turn the provisions of Saved Policy SP13 applies. Saved Policy SP13 sets out that unless otherwise justified by the policies within the local plan, development in areas designated as countryside on the proposals map will not be permitted subject to the following exceptions:

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

9.3 In this instance the provision of 10 dwellings as proposed within this application fails to satisfy any of the criteria above nor is it justified by other policies within the development plan. Whilst Policy SP13 is a saved policy and was adopted some time ago recent appeal decisions have determined that it is considered to be broadly consistent with, and reflects the objective of Paragraph 55 of The National Planning Policy Framework which seeks to avoid new isolated homes in the countryside unless the development is deemed to be sustainable development or accords with a number of identified special circumstances (none of which apply here).

9.4 As set out in 5.4.1 the new Wyre Local Plan is at an advanced stage in the local plan process. Whilst it may be justifiable to refuse planning permission on grounds of prematurity where a development plan is being prepared, the NPPG sets out that arguments that an application is premature are unlikely to justify a refusal

other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Such circumstances are likely to be limited to situations where both the development proposal is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about scale, location or phasing of new development that are central to an emerging Local Plan; and the emerging plan is at an advanced stage. However the development of 10 units in this instance is not seen to be a substantial development and therefore it is not considered that a refusal on the grounds of prematurity can be justified here. Notwithstanding this, appropriate weight is to be attributed to the relevant policies of the new Wyre Local Plan. In this instance SP1, SP2 and SP4 seek to support sustainable development whilst limiting any impacts upon the Countryside Area. Within the development hierarchy (set out in Policy SP1) Preesall is identified as a Rural Service Centre with a predicted housing growth of 19% for the plan period of 2011 to 2031.

9.5 As set out within the new Wyre Local Plan, whilst the Objectively Assessed Need (OAN) figure for Wyre is 479 dwellings per annum, due to the boroughs environmental constraints (highways capacity and flood risk) an annual figure of 411 dwellings is considered realistic to deliver. The new Wyre Local Plan is at an advanced stage however it is not formally part of the development plan for the area and until there is an indication that the 411 figure is a robust figure, the OAN figure of 479 per annum is to be used to determine the Council's five year land supply position. The Council acknowledges that against the OAN figure of 479 dwellings per annum it cannot currently demonstrate a five-year supply. In accordance with paragraph 49 of the NPPF in the event that such a supply cannot be demonstrated, relevant policies for the supply of housing should not be considered to be up-to-date and housing applications should therefore be considered in the context of the presumption in favour of sustainable development and paragraph 14 of the NPPF. The three dimensions to sustainable development are as set out paragraph 7 of the NPPF and seek to achieve economic, social, and environmental gains and positive improvements to the quality of the built and natural environment. These are not to be undertaken in isolation because they are mutually dependant. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

9.6 Paragraph 55 of the NPPF promotes sustainable development in rural areas, stating that housing should be located where it will enhance or maintain the vitality of rural communities or, where there are groups of smaller settlements, that development in one village may support services in a village nearby. The application site is located approximately 1 mile north of St Aidan's C of E High school and the lane itself is a designated Public Right of Way and there is a bus stop at the junction with Little Tongues Lane and Sandy Lane. Within Preesall there are a variety of public services and conveniences including churches, primary and secondary schools, shops, public houses and recreational facilities. Although on the periphery (approx. 300 metres) of the settlement boundary the application site lies within a well-defined grouping of residential properties located along Little Tongues Lane with a reasonable level of pedestrian connectivity (street lighting although no defined footpaths) to the wider areas of the settlement and indeed the services available in the adjoining villages. It therefore cannot be said to be an isolated site. It is considered that the additional 10 dwellings would provide modest benefits to the village's existing economy and support the local businesses within the area. Furthermore the site is in close proximity to schools, public transport links and recreational facilities, resulting in valuable social gains for any potential future occupiers of the properties. The application site comprises of an array of former

rundown and dilapidated agricultural structures, including one which is used for an indoor archery range, as such the site can primarily be considered as previously developed land. When viewed from Little Tongues Lane, Bourbles Lane and even across the landscape from Tongues Lane to the east the site in its current form does appear as run down and is clearly visually unmaintained with the Landscape. It is considered that the new dwellings and associated landscaping will utilise an existing site which would enhance the appearance of the area by reason of its redevelopment.

9.7 The provision of 10 new open market dwellings in this location would provide a contribution to the shortfall of housing land supply across the borough and would constitute sustainable development providing economic, social and environmental benefits which all weigh in favour of the proposal. Whilst the principle is considered to be acceptable for the reasons set out above, this has to be balanced against other material planning considerations which make up the overall planning balance. This includes highway safety, flood risk, visual impacts and other matters contained and set out below within this report.

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

9.8 In assessing the impacts arising from the proposal, taking into consideration the existing built environment as described above it is necessary to apply the provisions set out within Saved Policies SP13 and SP14 of the Local Plan. Policy SP14 seeks to ensure that development proposals are compatible with adjacent existing land uses and acceptable in the local landscape in terms of its scale, mass, style, siting and use of materials. Amongst other criteria the policy goes on to state that any development proposals should respect and accommodate existing important features of the site such as preserved trees, biological and heritage features. As part of this application layout is a matter applied for to enable a more detailed assessment of the visual impacts and any harm which may arise. In the location of the dwellings 2 significantly large buildings are to be demolished along with the ruins of the former piggeries. The agent has confirmed that all of the existing agricultural structures (including the indoor archery building) are to be removed and demolished as part of this application, although some buildings fall outside the confines of the red edge as shown on the submitted location and site plans. Whilst consent has been approved for a new indoor archery range to the east of the application site under application 17/00202/FUL, this proposal would not compromise that development from being delivered and nor would the archery development result in any impacts upon this proposed housing scheme.

9.9 In terms of visual impacts, there will be a change in nature of the built form from agricultural structures to residential dwellings giving the site a more domestic and urbanised character. However, whilst views of the dwellings will be experienced from most of the surrounding public vantage points the layout has been designed in a way which reflects that of a barn conversion/court yard complex with the dwellings designed around a central island and access road (with the exception of the 1 unit which is to be accessed directly from Little Tongues Lane to the west). This design approach will reduce the visual impacts and allow it to sit and integrate with the rural character of the area similar to other barn conversions within close proximity, most notably to the east (Tongues Farm Barns). The pattern of development along Little Tongues Lane does vary. Along the western side the dwellings are equally spaced in a uniform pattern with limited rear gardens, however on the eastern side the siting of properties and structures is very much more sporadic with tandem development and extensive rear gardens with large outbuildings projecting into the landscape. In this instance the proposed dwelling to the east/front of the site will share a similar building

line as the adjacent dwellings, New Rochelle and The Bungalow whilst the remaining development will be contained within the extent of the existing built development within the site and will project not too much further into the landscape than that of the neighbouring properties. It is considered that the redevelopment of the site with residential dwellings in the layout provided will not appear as an incongruous addition to the landscape or have any significant harm upon the character of the area.

9.10 It is acknowledged that at this stage only access and layout has been applied for so the appearance and scale of the dwellings as shown on the plans is for illustrative purpose only. However these plans do assist in assessing the impacts of the development and can be used as an indicative guideline in assessing the bulk and massing in comparison to the existing structures on site. Overall each of the dwellings are not shown to exceed 7.3m in height, the applicant has provided plans which also annotate the Finished Floor Levels required to accommodate the mitigation measures set out within the Flood Risk Assessment. The site at present is relatively flat at approximately 5.84m AOD. To accommodate the required increase in level as part of the mitigation measures set out within the Flood Risk Assessment a 0.6m high increase across the site is required. Notwithstanding this increase in level the overall scale of the development will not have a significant impact upon the character of the area or result in excessively tall structures. In comparison, the buildings which are currently on site are of a similar scale and although they are slightly lower to the ridge than the proposed dwellings, cumulatively they are much wider and as a group dominate the majority of the site and landscape. There will be more visual breaks and gaps in the development as part of this proposal. Landscaping (to be dealt with as a Reserved Matter) can be introduced within the site and along the boundaries to provide screening and soften the proposed development. A number of large mature Poplar Trees which are located along the northern boundary are to be removed to accommodate the proposal, these trees can be mitigated against by appropriate landscaping and tree planting.

9.11 In terms of design and layout the proposal has been assessed in accordance with the spacing guidance set out within SPG4. The interface distances stipulated and set out within the guidance is generally complied with across the site and there is adequate off street parking for at least 2 vehicles per dwelling. Internally each of the dwellings are seen to provide good levels of accommodation and the detached garages meet the internal requirements (6m x 3m for single and 6m x 6m for double). Externally the dwellings are shown to be constructed from a mixture of materials including stone and red brick, however all materials are to be assessed and secured at the Reserved Matters stage when appearance has been applied for. Overall the proposed scheme is seen to comply with Saved Policies SP13, SP14 and SPG4

#### Impact on upon Residential Amenity

9.12 Residential amenity can only be assessed in full once appearance has been applied for at reserved matters stage, however as layout is a matter for determination it is still possible to make an initial assessment. To the north west of the application site is a property known as the Bungalow which was associated with the former farming enterprise. Originally this property was once an agricultural workers dwelling but has since been granted a lawful development certificate under application (11/00315/LAWE) to enable it to be occupied by a person not employed in agriculture. This dwelling will not be affected by the proposed development. The nearest unit which is accessed from Little Tongues Lane is approximately 13m away to the south with a front to side relationship. This distance is sufficient to ensure that the dwelling could be designed so there will be no overlooking, loss of privacy or overbearing impacts and would comply with the guidance set out within SPG4.

9.13 Along the northern boundary the dwellings will back on to an area of land associated with Springfield which has a large outbuilding adjacent to and set off the southern boundary. The 3 dwellings along the northern boundary will be set off by approximately 7.5m. Whilst design guidance seeks rear gardens of 10.5m in this instance as the land is not domestic and there is a domestic outbuilding immediately adjacent, this boundary off set is considered to be acceptable and would not result in any adverse impacts upon the amenity of the occupants of Springfield.

9.14 To the south and west of the proposed development is a detached bungalow known as New Rochelle which fronts on to Little Tongues Lane. It is considered that there will be no adverse impacts upon this dwelling in terms of overlooking or loss of privacy as the interface distances also comply with the guidance set out in SPG4. It is also considered that the removal of the existing farm buildings and the derelict structures would be a planning gain as these buildings albeit run down could be occupied and used in the future for agricultural purpose where impacts arising from odour and noise could have some adverse impacts upon this dwelling. Whilst the impacts upon neighbouring amenity are accepted based on the site layout plan, the full impacts can only be fully assessed at reserved matters stage when appearance, including the location of windows etc are fully established. Whilst the new archery range has been permitted the activities are fully contained within a new building and there will be approximately 70m separation from the new dwellings which is seen to be sufficient as to not have any impacts arising from noise or disturbance on the occupiers of the new dwellings.

#### Impact on Highway / Parking

9.15 Concerns have been raised by both neighbours and the Town Council as to the impacts upon highway safety. Little Tongues Lane is partly adopted to the south but then progresses in to a private lane with no adoption and is characterised as a relatively narrow track of 5m in width. It is also a public right of way (PROW FP 2-3-20) and at the point of joining Bourbles Lane it is also a designated bridal way (BW 2-3-BW21). Observations have been received from residents regarding the ownership and rights of access along the lane, however this would be a private and legal matter which falls outside the realms of the planning system. Lancashire County Highways have advised that the proposed 10 dwellings would have a negligible impact on highway capacity in the immediate vicinity of the site. The Highways Officer requested an additional plan demonstrating that visibility splays of 2.4 x 25m in each direction can be achieved from the main access point onto Little Tongues Lane and Bourbles Lane. This has been provided and is demonstrated on the site and within land which is fully within the applicant's ownership. Lancashire County Highways have advised that the proposed 10 dwellings would have a negligible impact on highway capacity in the immediate vicinity of the site and would therefore have no impact on the highways evidence submitted in support of the Local Plan which identifies a finite housing capacity figure for Over Wyre based on highway constraints. For this reason the development would not require a reduction in housing numbers from any of the allocated sites identified for Over Wyre.

9.16 To mitigate against the development and additional pedestrian footfalls the dwellings will create a new 2m wide pedestrian footpath is to be provided to the south of the proposed new access along the western side of Little Tongues Lane (from the northern boundary of number 9 Little Tongues Lane to the southern boundary of Ivy Dean) as part of highway improvements. This can be secured and conditioned accordingly along with other reasonable conditions recommended by the Highways Officer. As set out within Paragraph 9.9 the parking provisions provided are

considered to be acceptable. Whilst concerns raised by residents and the Parish Council are acknowledged, the NPPF states that developments can only be refused where highway impacts are considered to be severe. With no objection from Lancashire County Highways to the proposal subject to conditions and S278 works there is no reason to conclude that the development would be unacceptable on highway grounds.

## Flood Risk and Drainage

9.17 The majority of the application site is located within Flood Zone 3 which is defined as having a high probability of flooding in the National Planning Practice Guidance (NPPG). Given the location of the proposed scheme, a Sequential Test is required to assess whether more appropriate locations for the proposed development exist which are in areas which are at lower risk of flooding. The need and importance of the Sequential Test is set out in NPPF Paragraph 101, which states that "The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development with a lower probability of flooding". The NPPG is clear in Paragraph 33 that for individual planning applications where there has been no previous sequential testing via the local development plan that a Sequential Test will be required. If it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test should then be applied. For this to be passed, it must be demonstrated that: the development provides wider sustainability benefits to the community that outweigh flood risk and that it will be safe for its lifetime taking account of the vulnerability of its users, without increasing use elsewhere, and, where possible, will reduce flood risk overall.

9.18 It is for the Local Planning Authority to determine whether or not the proposals satisfy the Sequential Test as defined in paragraph 101 of the NPPF and, where necessary, the requirements of the Exception Test as set out in paragraph 102. As part of this application and accompanying the submitted FRA the applicant has provided a detailed Sequential and Exceptions Test. The methodology used in the Sequential Test is in general accordance with the Council's 2015 Flood Risk Sequential Test: Advice for Applicants guidance. The geographical search area is borough-wide; the range of alternative sites considered include those within the +/- 5 dwellings or 10% threshold based on both no. of units (10 dwellings) and site area (0.40 to 0.49ha) (+/-10%); and the sources investigated include sites allocated in the current Local Plan and Fleetwood-Thornton AAP, and those identified in the latest Housing and Employment Land Monitoring Reports and 2017 Strategic Housing Land Availability Assessment (SHLAA), as well as approaching local agents and undertaking online land/property searches. A number of potentially alternative sites are discounted because they do not fall in a lower flood risk area, or because they are not considered "reasonably available" using the criteria outlined in the Council's guidance. In assessing the ST Officers requested more information and more justification on a number of the sites including sites granted consent since the application was submitted. Also a more robust Exceptions test (Part 1) was requested and a response from an additional agent to confirm there was no site available. This additional information was provided and following its assessment it was concluded to represent a robust assessment which demonstrates there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding and therefore the application is considered to pass the Sequential Test.

9.19 The Exception Test submitted (Section 5 of ST) outlines the sustainability benefits to the community including the emphasis placed by the NPPF as to the economic, social and environmental benefits of meeting housing needs across a Borough which should be afforded significant weight in any planning decision. Local level benefits to help support the vitality and viability of the rural community at Preesall and rural services such as bus routes and local schools along with short-term construction jobs, are also outlined (although it is considered only limited weight should be given to the latter) along with the redevelopment of a rundown and visual eyesore of a site. These benefits are considered to outweigh any flood risk harm subject to a satisfactory site-specific Flood Risk Assessment (FRA) being provided. It is the role of the Environment Agency to consider whether or not the proposals satisfy the requirements of this part of the Exception Test and paragraph 101 of the NPPF. They have advised that based on the submitted (Revised) FRA that the applicant has demonstrated that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce the flood risk overall. This is subject to a number of recommendations e.g. finished floor levels being set no lower 6.44m AOD and are no lower than 600mm above the external ground level. The Environment Agency (EA) is satisfied with this FRA and conditions will be required to secure implementation of the recommendations.

9.20 The submitted FRA also sets out an indicative surface water drainage plan and an identified strategy for discharging of foul waters. Surface water discharge is shown to be discharged to the existing watercourse via a ditch located along the southern boundary and connects to the Wheel Foot Water course approximately 400m to the north of the site. The surface water will be connected to the system via an attenuation system located under the central island and connected at a restricted run off rate. Foul water is to be connected to a piped system via an onsite pumping station and discharged in to the combined public sewer within Sandy Lane. The Council's Drainage Engineer has raised no objections to the proposal in principle subject to full details being submitted. The proposed drainage of surface water is seen to comply with the principles of Sustainable Urban Drainage Systems (SUDS) and would satisfy the provisions set out within the NPPF and the NPPG. The connection of the foul waters to the existing system raises no concerns and an appropriate drainage scheme can be secured via condition.

#### Ecological Matters

9.21 Within the site there are a number of dilapidated and run down structures. The application has been submitted with an ecological appraisal which has been assessed by Greater Manchester Ecological Unit to determine any possible harm the development may have on protected species or ecological impacts within the locality. Given the age of the submitted survey a revised bat survey was requested. The Ecologist has advised that the proposed development is unlikely to have any significant ecological impacts however conditions relating to the protection of nesting birds and biodiversity enhancements has been recommended.

#### Impact upon Trees

9.22 To accommodate the proposal 11 large over-mature poplar trees have been identified for removal along the northern boundary. The Tree Officer has advised that upon close inspection these trees are considered to be of low retention value as they have a number of large broken limbs and soil levels have been raised considerably adjacent to the trees. New tree planting secured by way of condition as part of the

biodiversity enhancements requested by GMEU / at reserved matters stage could mitigate against the loss of these trees to an acceptable standard.

#### Contamination

9.23 The application site is a former agricultural enterprise where there is potential for onsite and ground contamination as a result of this use. The Council's Environmental Protection team has requested that a desk study be secured through condition in respect of land contamination. Should this study reveal any likely contamination, a scheme of investigation must then be agreed along with any mitigation measures required. Subject to the imposition of this condition, no unacceptable impacts on human health or the environment arising from land contamination are anticipated.

#### Other Matters

##### Public Right of Way/Bridal Way

9.24 To the west of the site Little Tongues Lane is a designated Public Right of Way (FP20) and to the south Bourbles Lane is also a Bridal Way (BW21). As part of the application the PROW Officer at Lancashire County Council has been consulted and has raised no objection to the proposal subject to the prow and bridal way being available for safe use by the public at all times. As part of this application there is no proposed works which would require a stopping up or diversion of either the prow or bridal way with the only impacts being the additional vehicular movements at the junction to the south of the site. It is not considered that the development will have any material impacts in this respect above and beyond that which could or would have arisen by agricultural vehicles associated with the farm. An advice note is recommended to be attached to bring it to the attention of the applicant that no materials or stopping up of the PROW shall take place without the consent from the PROW Officer.

#### Obligations/ Contributions

##### Affordable Housing

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

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

##### Education Contributions

9.27 To ensure the proposal secures the necessary infrastructure to mitigate the impacts of the development Lancashire County Council Education have been consulted. Based on the 2017 School census and resulting projections and taking into account all the approved applications LCC will not be seeking a contribution for primary school places however 2 secondary school places (towards increased provision at St Aidans C of E High school) equating to a financial contribution of £47,474.56 is to be provided. It has been agreed by the applicant that the contribution is acceptable and it is agreed that this would be secured via a Section 106 agreement.

## 10.0 CONCLUSION

10.1 The NPPF places significant weight on the delivery of housing (paragraph 14, 47 and 49). The principle of residential development on this site has been fully considered and balanced against the lack of five year housing land supply and whether or not the development would constitute sustainable development. Despite the site being located approximately 300m from the settlement boundary it is located within a grouping of dwellings in close proximity to the existing infrastructure and community facilities within Preesall where there is a reasonable level of pedestrian connectivity and so the site cannot be said to be isolated. In this turn the proposal will assist in supporting the local economy and provide social benefits to any future occupants. The redevelopment of the site and the removal of the existing rundown and dilapidated structures will provide visual and environmental gains to the character of the locality albeit it will make the site more domestic and urbanised in character with the introduction of 10 dwellings. The development would not have a severe impact on the safe and efficient operation of the highway/PROW and would be served by an acceptable access arrangement, provided off-site highway works are secured by condition.

10.2 The proposal does demonstrate that the site can sufficiently accommodate 10 dwellings without causing significant adverse effects on neighbouring residential amenity and that the development can be designed to ensure there is no risk to flooding on or off site. The scheme also provides opportunities for biodiversity enhancement through the proposed landscaping proposals which would be secured by condition. The applicant also agrees to the provision of education and affordable housing contributions to mitigate the impacts of the development on such infrastructure. In addition the proposal will make a positive contribution to the supply of market and affordable housing at a time when the borough currently has an undersupply. Overall and on balance, the proposed development is considered to represent a sustainable development compliant with the National Planning Policy and the saved Policies of the Wyre Borough Local Plan.

## 11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

## 12.0 RECOMMENDATION

12.1 That the outline application be approved subject to conditions and a S106 legal agreement to secure appropriate financial contributions towards local education

and affordable housing provision. That the Head of Planning Services be authorised to issue the decision on the satisfactory completion of the s106 agreement.

**Recommendation: Permit**

**Conditions: -**

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

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 30/03/2017 including the following plans/documents:

Revised Site Layout Plan (Showing Levels) (streetscene elevation) Drawing Number LF/SG/3301

Revised Site Layout Plan Drawing Number LF/SG/3201 Rev A

Site Location Plan

In respect to Layout Floor Plans (Elevations and scale remain illustrative):

Garage Layout Drawing Number LF/SG/3203

Dwelling Floor Plans Drawing number LF/SG/3202

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

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

3. Prior to the commencement of development, a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters, [together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary] shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance with the hierarchy of drainage options outlined in the National Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015), or any subsequent replacement national guidance / standards, with evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates to be submitted. For the avoidance of doubt, surface water must drain separate from the foul and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

No part of the development shall be occupied or brought into first use until the drainage works 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 and to prevent an undue increase in surface water run-off to reduce the risk of flooding in accordance with Policy ENV15 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework. The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application, to ensure a suitable form of drainage is provided in that specific area taking into consideration land conditions and proximity to existing services and to ensure that any proposed raising of levels can be assessed.

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

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

5. No development shall take place until full details of biodiversity enhancements within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include, but not be exclusive to, areas of soft landscaping (including any retained trees, hedgerows and other planting and any replanted or transplanted hedgerows), and schedules of any new trees and landscape planting (including plant size, species and number/ densities and mitigation for nesting bird habitat).

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

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

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

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

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

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

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

8. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref: 2016-C-154 Preesall; received by Wyre Borough Council on 8 March 2018) prepared by CTC Infrastructure and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 6.44 metres above Ordnance Datum (mAOD)

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

Reason: To reduce the risk of flooding to the proposed development and future occupants.

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

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

10. The visibility splays shown on plan reference LF/SG/3201/A identified as that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed access from the continuation of the nearer edge of the carriageway of Little Tongues Lane and Bourbles Lane to a point measured 25m along the nearer edge of the carriageway of Little Tongues Lane and Bourbles Lane from the centre line of the proposed access shall be provided prior to first occupation of the development and shall not at any time thereafter be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

Reason: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

11. Prior to the commencement of development a scheme for the construction of the site access and the off-site works of highway improvement [namely, the new 2m wide pedestrian foot path on the western side of Little Tongues Lane from the northern boundary of No. 9 Little Tongues Lane to the southern boundary of Ivy Dean], including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The site access and off-site works of highway improvement shall be constructed and completed in accordance with the approved scheme details.

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

12. The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extended before any development commences fronting the new access road. The road with all supporting infrastructure (drainage, footways, lighting and traffic calming measures) shall be completed prior to that phase of development being substantially constructed.

Reason: To ensure that satisfactory access is provided to support each phase of site construction hereby permitted in the interests of highway safety in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

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

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

The development shall be carried out in accordance with the approved TMA

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

14. The development hereby approved shall not be first occupied or brought into use until the parking / turning area(s) shown on the approved plan LF/SG/32011A has been laid out, surfaced and drained. The parking / turning area(s) shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

Reason: To ensure that adequate off road parking is provided to serve the development in the interests of highway safety and in accordance with the provisions of Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

**Notes: -**

1. The applicant should be aware that the decision is subject to a separate legal agreement.
2. This grant of planning permission will require an appropriate legal agreement to be entered into with Lancashire County Council as the Local Highway Authority. The Highway Authority reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. Before any works begin Lancashire County Council should be contacted to ascertain the details of such an agreement and the information to be provided by telephoning 0300 123 6780 or writing to Lancashire Highways Services, Cuerden Way, Bamber Bridge, Preston, PR5 6BS quoting the planning application number.
3. The grant of planning permission does not authorise any closure, obstruction or diversion of a public right of way. Any proposed stopping-up or diversion of a public right of way should be the subject of an Order under the appropriate Act and Lancashire County Council should be contacted for advice in the first instance.