

## **Committee Report**

**Date: 5<sup>th</sup> January 2022**

**Item Number        01**

**Application  
Number                20/00907/FULMAJ**

**Proposal              Erection of 39 no. dwellings with car parking, landscaping  
and all other associated works**

**Location              Land West Of Garstang Road Barton Preston**

**Applicant             MCI Developments Ltd**

**Correspondence    c/o Katie Delaney  
Address               Beehive Lofts Beehive Mill Jersey Street Manchester  
M4 6JG UK**

**Recommendation   Permit**

## **REPORT OF THE HEAD OF PLANNING SERVICES**

**CASE OFFICER - Miss Lucy Embery**

### **1.0 INTRODUCTION AND ASSESSMENT (UPDATED FROM ORIGINAL REPORT FOR 1ST DECEMBER 2021 COMMITTEE)**

1.1 This application is before the Committee for a second time. It was initially presented to Members on 1st December 2021. The Committee deferred the application for officers to go back to the applicant and negotiate an on-site play area.

1.2 Following the committee meeting, the applicant was approached to provide an on-site play area. The applicant responded to confirm they would provide the play area on the site to be privately managed by the Registered Provider and revised plans were provided to include a Local Area of Play (LAP) on the larger area of amenity greenspace to the north of plots 31-33. However, the applicant has confirmed that due to viability constraints they cannot commit to both an on-site LAP and the off-site contribution of £34,986 towards a new multi-use games area (MUGA) at Bilsborrow. Officers do not dispute the viability claim given the submission of a viability report early on in the application process and are also of the view that the development can only provide one or the other. However the applicant has been advised that officers cannot support the revised planning application with a LAP provision but without the contribution. Therefore the applicant has asked for the application to be taken back to committee with this revised plan withdrawn and the previous scheme presented. The rationale behind the view of officers is explained below.

1.3 Policy HP9 (green infrastructure in new developments) in the Wyre Local Plan and the Council's guidance on Policy HP9 requires a development which is not meeting its total green infrastructure (GI) requirement on-site to make up the balance in the form of a commuted sum. In this case, as was presented in the main report, there is a shortfall of on-site GI as such the applicant is required to make the £34,986 contribution towards off-site provision. The Parks Team have confirmed this commuted sum is still needed to deliver the MUGA project at Bilsborrow. Policy HP9 does not specify which developments should provide formal play provision, this is for negotiation. The Council's guidance on Policy HP9 suggests developments with a threshold of 25-99 could provide a LAP however this is a benchmark guide and that each site will be considered according to its local circumstance. Indeed previous applications that have been considered by Members above this 25 unit threshold (Preston Road, Inskip – 30 units; Prospect Farm, Garstang – 70 units; Bourne Road, Thornton – 210 units) have not been required to provide any formal play provision on-site, with the rationale being that there are existing formal play facilities nearby which residents can easily access and this is preferable to encourage community cohesion rather than each development providing its own small formal play area.

1.4 In the case here, the nearest existing formal play area is on Station Road, Barton, 1600m (1 mile) away and a 15-20mins walk. In addition, the Anwyl Homes development of 72 units to the south of the site is required to provide a formal play area (LAP) on-site which is 950m away and a 10mins walk. Both are on the same side of the A6 as the application site therefore there would be no need for residents to cross the A6. Whilst slightly further away to play provision than the approved developments at Preston Road, Inskip (600m); Prospect Farm, Garstang (100m but across the A6) and Bourne Road, Thornton (750m), they are still considered accessible to future residents.

1.5 For these reasons, officers are of the view that notwithstanding the offer by the applicant of an on-site LAP instead of a financial contribution, the original proposal whereby a contribution would be received (but no LAP would be provided on site) is more in line with the policy requirement and would better meet the needs of the community. As such the previous recommendation put to Committee remains and is set out at 1.8 of this update report below.

1.6 A new representation has been received from Cllr Webster to the application which is summarised as follows:

- Concerns regarding the parking available which will result with lots of street parking.
- The density is too high and should have fewer dwellings.
- Concerns regarding school places. Nearby St Mary & St Andrew's Primary school is in a problematic area on Station Lane with limited parking, a narrow pavement and traffic issues. Struggle to see how this school will be able to cope with the increase in numbers.
- Disagree that a new school at Cockerham Road would provide the required school places for this development.

- Concerns regarding the capacity of the A6 and the sheer volume of traffic.
- The Public Open space should include formal play equipment on site.
- Concerns regarding the entry road and the narrowness of this road which may results in safety issues accessing this road.

1.7 In response to Cllr Webster's representation, the original report addresses matters of parking, housing density, highway capacity and site access and why these are considered acceptable. Both the original and update reports address the public open space issue. The original report explains that Lancashire County Council (LCC) Education have identified the new school at Cockerham Road and/or St John's School at Bilsborrow as the nearest projects appropriate to receive the education contribution. This does not mean that pupils from the development can only go to these schools, but in line with LCC's methodology they could accommodate an identified need for more school places in the local area. As St Mary & St Andrew's Primary school is not identified by LCC then it must be assumed there are no current plans to expand the school and so any traffic / parking issues would not be worsened from this development.

#### **1.8 The Recommendation being put to Members is as follows:**

**Grant full planning permission subject to conditions and a section 106 agreement to secure financial contributions towards health care, education, sustainable transport, green infrastructure, and on-site affordable housing (30%). That the Head of Planning Services be authorised to issue the decision following the satisfactory completion of the S106 agreement.**

#### **1.0 UPDATE SHEET FOR 1ST DECEMBER 2021 COMMITTEE**

Additional Consultation Response:

1.1 Since the publication of the main committee report United Utilities have written to the Council to clarify their objections as follows:

- Reiterated content of their previous letter dated 30th September that once finalised the modelling exercise will be provided to the developer direct for its consideration; and that the current network model for the site predicts a level of flooding at this site from the existing public combined sewer, which is a significant flood volume.
- The site suffers from flooding from the combined sewer which crosses the site.
- Whilst the current proposals are for a foul only connection, as it is a combined sewer, the impact of surface water is a significant factor in the existing flood risk
- The NPPF is clear that development should take account of all forms of flood risk including from overwhelmed sewers and drainage systems, and that development should be directed away from areas of highest risk and not increase flood risk elsewhere.
- The proposed sewer diversion increases flood risk.

- At the current time UU would refuse the developer's application for the sewer diversion as a result of the increase in flood risk, and therefore consider the proposed layout would not be deliverable
- There is a residual flood risk and a high risk that parts of the development site, including the new properties would flood, and that flood risk would increase elsewhere.

1.2 Based on these matters, UU consider it is premature to take the application to Planning Committee on 1st December 2021 with a recommendation for approval. The development proposals would be at risk of flooding and lead to increased flood risk elsewhere. The development would not be in accordance with the NPPF.

1.3 Officer's Response: In light of the UU response confirming their concerns relate to foul and surface water flooding, officers have reconsidered the Barratt Homes Ltd v Welsh Water high court case which is referred to at paragraph 9.28 of the main committee report.

1.4 The Judge in this case concluded that the absolute right to connect to a public system by an individual or developer at a connection point of their choosing is allowed by the Water Industry Act 1991. Accordingly the burden of dealing with the consequences of additional discharge fall on the undertaker (in this case UU) to address by way of making necessary investments in the infrastructure.

1.5 Notwithstanding the Local Plan and NPPF requirement to consider flood risk issues, this case law highlights that a developer should not be prejudiced per se from developing their site if the issue relates to overcapacity of an existing public drainage system. Therefore members are advised that officers consider that there are no grounds to refuse the application on this basis. Whilst it is acknowledged that UU have yet to complete their site modelling, they have already told officers the current network model predicts a level of flooding. Even if this modelling were to show severe flooding would occur, as there are no grounds to refuse the application on the basis, there is nothing in any submission by UU to date that would provide a reason to defer the application until the modelling work is completed.

1.6 This case law suggests that a reasonable planning intervention may be the imposition of a Grampian condition preventing the development from coming forward until such investment has been made. For a Grampian condition to meet the relevant tests, there has to be "some prospect" of the works being carried out within a sufficient timescale. No evidence or information has been provided from UU as to when they anticipate making such investment. Furthermore the judgement contains a view that where the undertaker has had warning of a development and ought reasonably to have foreseen a likely connection to the public system (for example, if it is included in the local plan), but fails to act, then a deferment of connection is unlikely to be defensible. This is an allocated site which UU were aware of through the Local Plan process (and raised no capacity issue at that point). In the circumstances of this case it is not considered that this issue meets the requisite tests to impose a Grampian condition.

1.7 Finally, UU have a right to refuse any developer's request for a sewer diversion. If that were to be the case meaning the applicant is left with a planning permission they cannot implement, then a new planning application would be needed. However, as this decision by UU is controlled by other legislation / procedures outside of the planning system, this is not a reason to refuse to grant planning permission.

1.8 In summary, the recommendation to grant planning permission remains, as does the recommended list of drainage conditions.

Additional / Amended Plans received:

1.9 Since the publication of the Committee agenda, a topographical survey has been received, and comparison with the proposed levels shows that the finished floor levels would be set 35cm higher on average than the surrounding land levels. Furthermore, amended plans have been received to correctly label the plot numbers on the floor and elevation plans for the maisonettes; update the precise location of boundary treatments to tally with previously revised plot locations and show mammal void sizes correctly; and update plans for the cycle stores for the maisonettes to include paving material details. A plan of the maisonette bin store has also been received.

1.10 Officer's Response: The proposed levels and finished floor levels are considered to be visually acceptable. As the other amendments are minor there is no need to update the assessment in the committee report. Conditions will need updating accordingly.

Update to Recommendation:

1.11 Following publication of the committee report the recommendation needs to be updated to include green infrastructure which had been omitted from the original recommendation.

The recommendation now reads as follows:

12.1 Grant full planning permission subject to conditions and a section 106 agreement to secure financial contributions towards health care, education, sustainable transport, green infrastructure, and on-site affordable housing (30%). That the Head of Planning Services be authorised to issue the decision following the satisfactory completion of the S106 agreement.

## **ORIGINAL REPORT FOR 3 DECEMBER 2021 COMMITTEE**

Site Notice Date: 20/10/2020

Press Notice Date: 07/10/2020

### **1.0 INTRODUCTION**

1.1 This application is before the Planning Committee for consideration at the request of Councillor Webster. A site visit will take place to enable Members to understand the proposal beyond the plans submitted.

## **2.0 SITE DESCRIPTION AND LOCATION**

2.1 The application site is currently an area of grassed land of 1.1 hectares in size. The land is reasonably level but with a slight dip in the centre, and undulation to the north east corner where the land rises slightly and then falls away closer to the A6. There is a small existing disused BT repeater station building in the south east corner. To the north is an existing cheese making dairy (Rostock), to the south and also to the east across the A6 are residential properties, and to the west is the main West Coast Railway Line. There is also an existing commercial building running alongside part of the eastern boundary of the site.

2.2 The application site is located in Flood Zone 1. There is an existing drainage ditch along the southern boundary of the site, a short section of ditch in the mid-east side of the site, and a sewer line running from the north west corner traversing diagonally across the site southwards. Existing site boundaries on the east and south are hedgerows, with some trees within them. The northern boundary is currently stock fencing. There is some very sparse and limited hedgerow and tree treatment on the western boundary.

## **3.0 THE PROPOSAL**

3.1 The application seeks full planning permission for the erection of 39 no. dwellings, all buildings at 2 storey height, with car parking, landscaping and all other associated works. The former BT repeater station would be demolished. It is presented as a 100% affordable housing scheme. Three apartment blocks are proposed, and the remainder of the dwellings would be terraced or semi-detached. The submitted plans detail a layout with an access road leading off the A6 in the south eastern area of the site. It would lead westwards into the site and then head north. The majority of the dwellings would be sited to face this internal access road. Those on the eastern side of the site would have elevations also fronting the A6.

3.2 Pedestrian access would be alongside the vehicular access route and then via paving adjacent to each of the buildings leading to their entrances. There would also be a separate pedestrian access further north within the site connecting to the A6.

3.3 The design of the dwellings is described as 'Mews' type properties. The materials would be red brick to the walls of the properties, with the east of the site in one type of red brick, and the west of the site in another type. Roofing would be grey roof tiles, and all windows would be framed in white UPVC. Doors would be black.

3.4 There would be three parking courts within the site providing one parking space each for of the proposed one bedroom apartments. All other properties would have their own driveway.

3.5 Boundary treatment would comprise of 1.5m high post and rail fencing either side of the site entrance, and also further north adjacent to the A6 behind the apartment block. To the western boundary, and majority of the southern boundary, and the side of the garden of plots 1, 4, 23 and 24 would be 2.4m high acoustic timber fencing. That on the western boundary would contain 2.5 by 5 inch wide voids in the fencing to allow passage for small mammals. Alongside the main areas of public open space and for the first section of fencing between the rear gardens of properties would be 1.8m high featheredge fencing. The remainder of the garden fencing being 1.5m height. Boundary walls would be to part of the gardens of plots 22, 23, 33, and 31.

3.6 Areas of green infrastructure are proposed within the site, with a main area of public open space in the centre of the site, and a series of smaller areas in the southern and eastern parts of the site.

#### **4.0 RELEVANT PLANNING HISTORY**

4.1 The relevant planning history for the site includes:

- 16/00090/FULMAJ - Residential development of 26 dwellings with associated access, parking and landscaping. Application withdrawn.
- 07/00638/FUL - New vehicular access and access road. Application permitted.

#### **5.0 PLANNING POLICY**

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN (WLP31)

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

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP6 - Viability
- SP7 - Infrastructure Provision and Developer Contributions
- SP8 - Health and Wellbeing
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk and Surface Water Management
- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP6 - Accessibility and Transport
- HP1 - Housing Land Supply
- HP2 - Housing Mix
- HP3 - Affordable Housing

- HP9 - Green Infrastructure in New Residential Developments
- SA1 - Residential Development
- SA1/25 - Land Rear of 867 Garstang Road, Barton

## 5.2 NATIONAL PLANNING POLICY FRAMEWORK 2021

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on 20th July 2021. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2021 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

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

- Section 2: Achieving sustainable development (and The Presumption in favour of Sustainable Development)
- Section 3: Plan - Making, paragraph 20
- Section 4: Decision-making, paragraphs 47-50, and 54-55
- Section 6: Building a Strong, Competitive Economy
- Section 8: Promote healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment

5.2.3 In accordance with the National Planning Practice Guidance (PPG) and National Planning Policy Framework (NPPF) §74, 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 Housing Implementation Strategy (published 30 September 2021) which demonstrates a deliverable housing land supply position of 6.4 years. The council's position therefore is that it is able to demonstrate a deliverable 5 year housing land supply.

## OTHER MATERIAL CONSIDERATIONS

### 5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

5.3.1 The following Supplementary Planning Guidance (SPG) is considered to be of relevance:-

- SPG2 - Trees and Development
- SPG4 - Spacing Guidance for New Housing Layouts
- SPG9 - Designing out Crime



#### 5.4 GUIDANCE ON POLICY HP9 - ADVICE FOR APPLICANTS

5.5 EMERGING BARTON VILLAGE NEIGHBOURHOOD AREA PLAN - At this stage this is not a material planning consideration, and carries very little weight in the consideration of planning applications. Whilst the Barton Village Neighbourhood Area which the community intend to produce a plan for has been formally approved and an initial draft plan has undergone consultation in 2020 (Regulation 14 stage), the outcome of the public consultation and the level of support and/or objections to the Plan is yet to be established. A Submission Plan has not yet been submitted to the Local Planning Authority and yet to undergo further public consultation prior to independent examination. If the examination is successful and a referendum supports the plan, then the plan can be considered for adoption by the council meaning it would form part of the authority's development plan, and become a material consideration in determining plan applications. Currently however there is no adopted plan in place.

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

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

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

#### 5.7 THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS (AMENDMENT) (EU Exit) 2019

#### 5.8 THE WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

### 6.0 CONSULTATION RESPONSES

#### 6.1 BARTON PARISH COUNCIL

6.1.1 Comments relate mainly to site layout and highway matters as follows:

- The site allocation relates to a recommended development of up to 26 dwellings, whereas this application presents a much more dense development with 39 dwellings proposed.
- Concern about the quality of life for residents and resultant parking issues created by the increase in density.
- Welcome any contribution from the developer to LCC highways being spent on improved cycle provision.
- Requests a higher contribution than £109,200 for highways improvements to support the development, to reflect the number of housing developments currently being constructed on the Wyre side of Barton which will not provide CIL funding to support infrastructure and would enable delivery of key projects within the neighbourhood plan and the A6 strategy.
- Welcome upgrades to adjacent bus stops to the site.
- Note the need for pedestrian refuges. Would appreciate local residents to the site being consulted on the impact of these refuges, and in LCC ensuring the refuges are in the widest part of road.
- No formal play is offered at this site. The allocation states the site should be supported by a landscape and green infrastructure framework, with open space including formal or informal play.
- The closest play areas to this site are at Forest Grove and Station Lane. These are Management Company and local authority /Parish Council maintained. The area identified by the developer as recreation ground opposite the site behind the village hall is in private ownership.
- Any contributions made to Wyre for open space offsite in exchange for play facilities being provided onsite would not benefit Barton residents.
- Planting to the edges of the public areas of open space could be improved with tree planting.
- Welcome the additional garden space afforded to a number of properties in the amended plans, but still encourage the planting of mature trees and hedging at the outside to mitigate the impact if the development.
- The design could be more bespoke and a different style of property to standard red brick.
- Disagree with LCC Education that a new school at Cockerham Road would provide the required school places. Hope that the two village schools and Bilsborrow primary school would accommodate children from this site.
- Query whether each property would have its own car charging point.
- Solar panels should be provided
- Welcome inclusion of cycle stores for all units and two parking spaces for the 2+ bed units.
- Request provision of discount market housing through the scheme

## 6.2 MYERSCOUGH PARISH COUNCIL

### 6.2.1 Objects for the following reasons:

- This is a proposed estate with narrow access road and no pedestrian footway. All vehicles would access via one entrance which if blocked by a large vehicle attempting to exit onto an already extremely busy A6 could have dangerous consequences.

- There is no parking provision for visitors' cars, or space for delivery vehicles to deliver/collect without blocking the road.
- The Parish Council objects to the density of the proposed development because it dictates the paucity (insufficiency/narrowness) of access. Fewer homes with better outside space and wider road with footway would be a vital improvement.

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

6.3.1 Originally raised concerns and requested a contribution of £109,200 towards the A6 Barton to Garstang Sustainable Transport Strategy. Following submission of further information do not have any objections and are of the opinion the development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. Following a review of the contribution amount, the contribution towards the A6 strategy has reduced to £70,000. Comments summarised as follows:

- While the Highway TRICS calculation and the WTG calculation differ Highways are of the opinion that the results are insignificant, to make any difference to the overall impact on the highway near the site.
- The Personal Injury Accident (PIA) indicates there has not been any reported incidents near the access to the new development.
- The sight lines from the new site access need to be a minimum of 2.4 x 124m in both directions, and these can be fully provided over the applicant's land and the existing adopted highway.
- The proposed sight access is acceptable in principle providing an agreed pedestrian traffic island is provided to the north of the site access. The suitable location for the pedestrian refuse island can be agreed as part of the section 278 off site works.
- The proposed geometry of the site access is to prescribed design standards and suitable for all highway users.
- The existing cycling and footpaths leading to the site are suitable providing the agreed pedestrian refuse is provided to the north of the new site access.
- The proposal has provided an acceptable level of suitable sustainable transport links within the site and no improvements are required
- Bus stop improvements are not required as part of this application.
- A section 106 contribution of £70,000 is required towards the recommended highway improvements in the A6 Barton to Garstang Sustainable Transport Strategy.
- The internal layout and parking conforms to current guidelines
- The site is within a 17 tonne weigh restriction (except for access) zone. Confirm this weight restriction order does not affect the A6 Garstang Road fronting the site.

A list of recommended conditions has been provided.

### 6.4 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY - LLFA)

6.4.1 Objects to the proposal on the basis that the applicant has not provided information on the condition of the culverted watercourse, and that the LLFA is unclear whether the discharge rate is now 5.2 l/s. Electric Vehicle Charging Points: Originally objected stating charging points needed to be Mode 3. No objections following submission of further information.

#### 6.5 LANCASHIRE COUNTY COUNCIL (EDUCATION AUTHORITY)

6.5.1 A financial contribution of £59,678.28 is required towards 3 no. primary school places at the new primary school West of A6 (to 1FE) and/or Bilsborrow John Cross CE. Should the places be provided through school expansion rather than new build the cost per place would need to be revised. A financial contribution of £23,061.75 is required towards 1 no. secondary school place intended to go towards Broughton High School or Corpus Christi High School.

#### 6.6 UNITED UTILITIES (UU)

6.6.1 Objects to the application on the grounds that the proposal which includes diversion of the existing public sewer would result in an increase in flood risk from foul drainage both to the proposed development and nearby community. UU's current network model for the site predicts a level of flooding at this site from the existing public sewer.

#### 6.7 NHS FYLDE AND WYRE CLINICAL COMMISSIONING GROUP (CCG)

6.7.1 This proposal will generate approximately 77 new patient registrations. The proposed development falls within the catchment area of Garstang Medical Centre. This need, with other new developments in the area, can only be met through the refurbishment and reconfiguration of the existing premises in order to ensure sustainable general practice. A financial contribution of £8,842 is required from this development towards refurbishment and/or reconfiguration of Garstang medical centre.

#### 6.8 BLACKPOOL TEACHING HOSPITALS NHS FOUNDATION TRUST

6.8.1 Requests a contribution from this development of £68,728.00

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

6.9.1 Originally requested further information in the form of an emergence survey for bats, updated reptile survey and information on the developments contribution to the natural environment. Following submission of further information GMEU raise no objections to the proposals as the surveys confirm trees have negligible bat roosting potential and found no evidence of bats roosting in the existing building. It is very low risk for bats and no further surveys required.

Agree with the conclusions of reptile survey and are satisfied given the low number of reptiles present that the reasonable avoidance measures during development and compensation measures proposed are adequate. A condition is

required to ensure the proposal takes place in accordance with the reptile survey. Satisfied there is the potential for landscaping to achieve an enhancement of habitats given the currently low ecological value of the grassland. Informative and conditions suggested that if demolition does not commence by 30th April 2022 the building should be reassessed for bats. No objection to the revised landscaping layout and bat and bird box scheme.

#### 6.10 NETWORK RAIL

6.10.1 Holding objection received. The applicant is to agree works with Network Rail before progressing with this proposal. A list of measures the applicant needs to be consider have been provided as well as recommendations on tree planting species.

#### 6.11 LANCASHIRE FIRE AND RESCUE

6.11.1 Recommends that the development should meet all the requirements of Building Regulations in relation to access and water provision.

#### 6.12 WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (TREES)

6.12.1 Concurs with the submitted Tree Survey. The revised landscape proposals are fully appropriate. However a tree protection plan is required showing type and position of heras fencing, and details of how trees along site boundaries will be safely retained.

#### 6.13 WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (WASTE MANAGEMENT)

6.13.1 Comments that the site plan appears to highlight a footpath running across the carriageway between 13 and 33. Confirmation required that the crossing will support a 26tonne refuse collection vehicle (RCV). Access does not appear to be an issue. Guidance provided on which locations properties would have to present their bins within the site.

#### 6.14 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (CONTAMINATION)

6.14.1 Comments provided that desk study and site investigation submitted have been considered. Recommends a watching brief condition should be attached to any permission, as well as a Materials Validation condition (assuming soils are to be imported on to the site during the redevelopment).

#### 6.15 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY)

6.15.1 Recommends the mitigation outlined in section 8 of the noise report, specifically covering glazing specifications for the various building types, powered

ventilation systems and the erection of acoustic barriers, is required by planning condition.

#### 6.16 WBC's HEAD OF ENGINEERING SERVICES (DRAINAGE):

6.16.1 Originally objected. Following provision of revised plans has no objections as the revised discharge rate is 5.2 l/s. Comments that a management regime will be required for management of SuDS features, including existing culverted ordinary watercourse.

### 7.0 REPRESENTATIONS

7.1 The application has been advertised by means of press notices, site notices and neighbour letters. Five letters of objection have been received. The issues raised are summarised as follows:

- Too many houses crowded in a small space.
- Significant impact on the open countryside.
- The proposal will harm the rural nature and character of Barton.
- Concern about proximity to the industrial cheese plant and cheese smoke affecting habitation of northerly dwellings
- Concern about groundwater flooding, and flood risk, to adjacent properties through raising of ground levels to accommodate building over the north/south sewerage pipe
- Lack of infrastructure in Barton such as shops, post office, pubs, school places and Doctor's surgeries
- There has been nonstop build in Barton. It has already seen its fair share of housing development.
- The A6 cannot cope with current traffic levels, and from houses built, especially if M6 is closed for maintenance.
- There will be reliance on privately owned vehicles which will contribute to the busy A6 and exacerbate severe traffic disruption.
- Unsustainable proposal as it will put pressure on A6 and local services.
- Query whether people would want to live in the houses so close to the mainland train line.
- Sewage concerns for residents as United Utilities have pumped out sewage from the site and re-align the sewer.
- Barton doesn't need this development.

7.2 One letter of support has been received. This states that the proposal is a much better scheme and house type than previously.

### 8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Various. Requests for amended layout plans. Update on drainage responses. Discussions and contact in relation to viability and financial contribution requests. Clarification requested in relation to land ownership and certificates signed. The applicant has responded they are content they have

signed the correct certificates. Agreement by applicant to pay financial contributions, and extension of time agreed.

## **9.0 ISSUES**

9.1 The main issues in this application are as follows:

- Principle of development
- Infrastructure Provision
- Impact upon the highway network, safety, access, and parking
- Flood risk and drainage
- Visual Impact / Design / Impact on the street scene
- Impact upon neighbouring residential amenity
- Ecology and trees/hedgerows

### Principle of Development

9.2 The site is within the settlement boundary of the Barton, a Main Rural Settlement as defined by the Policies Map of the WLP31. The site is allocated for housing (site SA1/25). Policy SP1 of WLP31 directs new development to within settlement boundaries and states 'development within settlement boundaries will be granted planning permission where it complies with the other policies of this Local Plan'. Policy SP1 also aims to direct 14.9% of housing growth in the borough over the Plan period into Main Rural Settlements. In terms of location the proposed development would satisfy the development strategy set out within Policy SP1 and the principle of developing the site for housing has been established by WLP31. The site capacity is identified as 26 dwellings. The proposal seeks permission for 39no. dwellings. Whilst this exceeds the site capacity figure for this allocation, as set out in the introductory text of the WLP31 any housing figures within the plan are expressed as a minimum figure, and therefore the site capacity for allocations are also treated as minimum figures which can be exceeded subject to all other policy requirements being met. Therefore the housing proposal would not be contrary to the Policy HP1 or site allocation Policy SA1/25 in principle.

9.3 The proposal needs to comply with a number of Key Development Considerations (KDC's) in SA1/25 which are policy requirements. Compliance with these KDC's is considered throughout this report. There is no requirement for a masterplan in this case.

9.4 Policy SP2 of WLP31 sets out that new development should be sustainable and contribute to the continuation or creation of sustainable communities in terms of location and accessibility. Sustainability is also a material consideration requirement of the NPPF. Matters of sustainability have been considered when allocating the site as part of the Local Plan process and it was found to be sustainable. The relevant matters of sustainability are considered throughout this report. As this application site is a housing allocation and is located immediately adjacent to existing housing to the south, and properties across the A6 to the east, it is considered to be well related to the existing settlement of Barton. The development would be within reasonable distance of local and community services in Barton such as Barton Village Hall

and Bowling Green opposite, existing churches and schools, hotels and social club facilities, and hairdressers, and is also located on the main Preston to Lancaster bus route. The A6 also caters for school bus routes.

9.5 Paragraph 170 of the NPPF states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. This is a matter that was considered during the drafting of the Local Plan, prior to allocating the site. The application site is defined as Grade 3 agricultural land, which is defined as moderate quality and therefore the proposal would not lead to the loss of high value agricultural land. The proposal would not conflict with Paragraph 170 of the NPPF given there would be no loss of high quality agricultural land.

#### Infrastructure Provision

9.6 Policy SP7 of WLP31 requires contributions towards infrastructure and in some cases new infrastructure on site. This includes affordable housing, green infrastructure, education, highway improvements and health care provision. Policy SP6 of the WLP31 states that where a developer seeks to negotiate a reduction in standards or infrastructure requirements that would normally apply to a development on the grounds of viability, the Council will require the developer to supply evidence as to the financial viability of the development. The applicant has submitted a Viability Assessment as part of this application, and the Council instructed independent consultants to review this. Whilst the applicant's assessment presented the case that the site is not viable to make the necessary contributions requested because it is a 100% affordable housing scheme, the council's consultants, having considered the applicants submission and appraised the scheme, disagree and consider that the site is viable with all of the financial contributions. The applicant has now agreed to pay all of the financial contributions requested (as detailed below and in the highways section).

9.7 Policy HP3 of WLP31 sets out a 30% requirement for affordable housing in Barton. This application proposes that all of the 39 dwellings would be affordable units (i.e. a 100% affordable housing site). The submitted Design and Access Statement details the tenure of the housing would be for shared ownership and affordable rent. In this case the proposal would exceed the policy requirement. Whilst the applicant is proposing 100% affordable housing on the site, whether the council considers it necessary to secure 100% affordable housing instead of the 30% requirement is dependent upon whether or not there are any shortfalls in other policy requirements, and therefore the additional affordable units are needed to tip the overall planning balance in favour of this being a sustainable development. In this case the assessment goes onto conclude that all relevant policies are considered to be met and the applicant has agreed to pay all of the required contributions. Members are therefore advised that notwithstanding this being proposed as 100% affordable housing scheme, only 30% affordable housing on the site should be secured through a S106 Legal Agreement in accordance with policy requirements.

9.8 The NHS Fylde and Wyre CCG have a policy, which includes a methodology on assessing need directly from a development. The CCG have



stated that the proposed development falls within the catchment area of Garstang Medical Centre and will generate approximately 77 new patient registrations. A financial contribution of £8,842 is requested towards extension and reconfiguration of the existing premises at Garstang Medical Centre as a result of this development. The council supports their request, and this financial contribution would need to be secured by means of a S106 Legal Agreement should Members resolve to approve this application. The applicant has agreed to make this payment.

9.9 Blackpool Teaching Hospitals Trust have also responded requesting a contribution of £68,728.00 towards Blackpool Victoria Hospital. However, unlike the CCG, the Trust have no Adopted Policy document in place that evidences a direct need arising from developments, and their request is not considered to be compliant with the CIL Regulations, and therefore Members are advised this request would not be in accordance with policy SP7 and should not be upheld. This has been communicated to the applicant, and will not be sought.

9.10 The Local Education Authority (LEA) has advised that a primary education contribution of £59,678.28 is required towards 3 no. primary school places (either at the proposed new primary school site on the Cockerham Road site allocation West of A6 (to 1FE), and/or by expansion of existing school at Bilsborrow John Cross CE), and a financial contribution of £23,061.75 is required towards 1 no. secondary school place (at either Broughton High School or Corpus Christi High School). The applicant has agreed to pay these contributions which would need to be secured by means of a S106 agreement should Members resolve to approve the application. In addition, the LEA have also indicated that if the primary contribution would go towards the new school they may request contributions towards purchase of school site land. However, members are advised that Wyre Council does not consider that the LEA methodology provides a CIL compliant mechanism to seek contributions towards land purchase. Therefore this land purchase contribution request is not supported, and should not be upheld.

9.11 KDC1 of Policy SA1/25 states that the development should be supported by a landscape and green infrastructure framework incorporating structured tree planting, on-site open space, formal and informal play and pedestrian and cycle connectivity within and where possible outside the site. Policy HP9 of WP31 requires an appropriate quantity of green infrastructure to be provided on developments of 11 dwellings or more. It also states that the most appropriate types of open space provision need to be determined, and the policy seeks to create meaningful green infrastructure as open space makes an important contribution to the health and wellbeing of communities. The policy allows for an off-site contribution in lieu of on-site provision where appropriate.

9.12 Based on the housing number and mix proposed 0.26 hectares of GI is required on this site. Based on what is considered meaningful, useable, accessible open space, the proposal provides for 0.17ha of GI on site. Therefore an off-site contribution of £34,986 is required to make up the shortfall and the applicant has agreed to pay these monies which would need to be secured by means of a S106 agreement should Members resolve to approve the application.

9.13 The applicant was advised during the application that the children's play typology does need to be provided for in this case. The council has recently adopted GI guidance on applying HP9. This particular development proposes a number of one bedroom properties which under the council's guidance note do not generate a need for children's play. However the other units proposed do generate a play requirement, but not to the extent equating to the provision of an on-site play area. However as this typology is still required, this is an appropriate typology for off-site contributions to be sought for.

9.14 Officer discussions have taken place with the Parks and Landscape Team and it has been accepted that the approach to this site can be a combination of on-site and off-site green infrastructure provision / enhancement. There are no play areas within Barton which the contribution could be put towards improving, due to ownership, management or cross-boundary issues. Therefore the nearest public play facility any off-site contribution can go towards is Bilsborrow, with a new multi-use games area (MUGA) project having been identified by the Parks Team. Whilst this is a greater walking distance from the application site, being for older children this increased walking distance is justified and it is understood from the Parks team that this project has a funding shortfall. It is also noted that the approved site further south of this proposal currently being built by Anwyl Homes includes provision for a play area. Therefore in time once this is constructed there will also be play provision (likely for younger children) close to this application site within walking distance.

9.15 Whilst KDC1 of Policy SA1/25 stipulates on-site open space, in light of the overarching policy HP9 allowing for an off-site contribution in lieu of on-site provision where appropriate, and given that a hybrid approach is accepted in this instance, the proposal is not considered to be in conflict with the Local Plan. A landscape plan has been submitted to include the areas of green infrastructure which is considered to satisfy the requirement for a landscape and green infrastructure framework in this case.

#### Housing mix and adaptable housing

9.16 Policy HP2 of WLP31 requires an appropriate mix in terms of size, type and tenure of housing to meet an identified need in the borough as outlined in the most recent Strategic Housing Market Assessment (SHMA) (Addendum 3). The Policy also requires that developments exceeding 20 no. dwellings should make provision for at least 20% of dwellings on site to be designed to be adaptable to meet the needs of older people and people with limited mobility.

9.17 The application proposes a housing mix with 18no. 1 bedroom properties, 9no. 2 bedroom properties, and 12no. 3 bedroom properties. The site would therefore provide for smaller properties. Whilst no larger properties (4 and 5 beds) would be provided, the provision of smaller properties is considered to be acceptable and in accordance with the overarching housing strategy as the need identified for the borough is predominantly provision of smaller properties. Essentially this is to encourage younger people to stay in or move to the area,

and provide smaller properties for older residents. The housing mix therefore does not raise any concerns and is considered acceptable.

9.18 In terms of adaptable housing a revised layout plan has been received detailing the 9no. 1 bedroom apartments, 1no. 2 bedroom property (plot 31) and 3no. 3 bedroom properties (plots 11, 14 and 23) would be the adaptable plots with 3m wide parking spaces. This would equate to 33% of the dwellings therefore exceeding the 20% Policy requirement. This provision can be secured by condition.

Impact upon the highway network, safety, access and parking

9.19 LCC Highways have been consulted and have considered the submitted transport and TRICS data. Following submission of further information they do not have any objections and are of the opinion the development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. Highways note that their TRICS calculation and the applicant's highway consultants calculations differ but are of the opinion that this is insignificant to make any difference to the overall impact on the highway near the site. The proposal is not considered to result in any highway capacity concerns.

9.20 LCC Highways originally raised concerns to the proposal considering that to provide safe access to the site and adequately promote safe and sustainable travel by modes other than car the scheme would need to be modified. Specifically highways stated that a pedestrian refuge needed to be provided as part of the right turn lane for this site both for safety and to provide safe and desirable sustainability of the site. Highways also considered that a financial contribution was needed towards the A6 Barton to Garstang Sustainable Transport Strategy, and without such contribution the scheme would not be supported. The also requested upgrades to two existing bus stops, and that the existing footpath at the north of the site be widened to 3m.

9.21 The applicant's highway consultant has since provided further information and also requested information from LCC Highways on whether the measures requested are needed as a result of the development. LCC Highways have provided a series of responses to which the case officer has been included, and a final response which removes their concerns and removes the need for bus stop upgrades and the widening of the footpath at the north of the site. The bus stop upgrades are not considered by Highways to be required as a result of this development, and it is understood that the footpath widening is not considered necessary as it is so close to the site access that widening it is not considered to be of any benefit. No sustainable transport improvements are required. It has also been confirmed that that geometry of the site access is acceptable, the sight access splays can be provided in both directions, and the site access is acceptable in principle provided the pedestrian refuge and off-site highways works are provided by means of a S278 Agreement. Overall LCC Highways consider the proposal acceptable in terms of site access and safety. A number of conditions have been suggested by LCC Highways should members resolve to approve the application.

9.22 The final response from LCC Highways also confirms that the financial contribution required towards the A6 Barton to Garstang Sustainable Transport Strategy is £70,000, (£109,200 was originally requested). The applicant has agreed to pay the financial contribution of £70,000, and should members resolve to approve this application this would need to be secured by means of a S106 Legal Agreement.

9.23 In terms of parking provision LCC Highways consider the internal layout and parking levels conform to current guidelines. Appendix B of WLP31 sets out maximum parking requirements for specific types of development. Each of the one-bedroom apartments would be provided with one parking space, and each two and three bedroom property would be provided with two external parking spaces. The apartments would also be provided with communal cycle stores, and all other properties would be provided with individual cycle stores in their rear or side gardens dependent upon the location of the plot. This is compliant with the parking requirements of Appendix B and therefore it is considered there would be sufficient parking and cycle provision on the site. Should Members resolve to approve the application, conditions would be required to secure the parking and cycle provision.

9.24 The requirement of Policy CDMP6 for proposals to provide electric vehicle charging points (EVCP) is relevant. The council's engineer originally objected to the proposals as the EVCP proposed were not of a sufficient level for domestic properties. The applicant has submitted an updated Car Charging Plan to provide a faster mode charging point. This plan now shows that each property would be provided with its own external Mode 3 (Fast) Car Charging Point. This is considered to be acceptable. Should members resolve to approve the application, this provision can be secured by condition.

#### Flood Risk and Drainage

9.25 The site is located within Flood Zone 1 and therefore has the lowest probability of fluvial flooding. As the site exceeds 1 hectare in area, a Flood Risk Assessment (FRA) has been submitted. There is no requirement for the applicant to satisfy the sequential or exceptions tests with regard to flood risk. The relevant drainage bodies have been consulted, as well as the council's drainage engineer.

9.26 The council's drainage engineer originally objected, considering the surface water discharge rate from the site to be too high, and also as the easements required for connection to the watercourse were too close to proposed properties. The applicant has submitted revised plans and the surface water drainage is now proposed to discharge at a maximum rate of 5.2 l/s. The drainage plan details that the surface water and foul would be drained separately with separate drainage pipes under the roads within the site. Surface water would discharge to an existing culvert which runs east to west through the site with its outfall to the west. Cellular attenuation is also proposed for surface water under the area of open space to the side of Plot 4, and in the southern part of the larger area of green space in the site near plots 31-33. The application proposes to divert the existing combined sewer that runs north west of the site to the south of the site, so that it diverts back to the existing combined sewer to the east of the

site. The drainage engineer has no objections to the revised drainage proposals. The surface water discharge rate has been lowered and the position of the surface water easement will sit between proposed properties at the appropriate width of easement.

9.27 United Utilities (UU) have objected to the application on the basis that they consider the proposal which includes the diversion of the sewer line would result in flood risk. It is understood that there is an existing manhole on the site in the south east corner that sits at a lower land level and currently floods. UU's concern is that the development could exacerbate existing problems. One of the responses received refers to sewer flooding, and states that the existing sewer is a combined sewer with twin pipes within it, whereas the applicant is proposing a single pipe and UU require full understanding as to how this would work.

9.28 As the existing sewer is a combined sewer UU have been contacted by officers to try to discern whether UU's concerns are solely foul drainage related or also in relation to surface water. UU's responses states that foul and surface water should be drained on separate systems, and the applicants proposed plans detail that surface water from the development would be drained separately to the foul. UU have now confirmed that their concerns relate to foul drainage only, but no further details have been provided. The Council has therefore considered Case Law judgements by the courts (Barratt Homes Limited v Welsh Water [2009] UKSC 13, in December 2009). Members are advised that Case Law is clear that if the issue is foul drainage then UU as the statutory undertaker is required to take foul drainage connections for developments and provide the necessary improvements required. In this instance, the application proposes that foul would connect to the existing sewer network albeit the sewer would be diverted within the site, and that surface water would drain separately to the foul. Whether or not the foul drainage would be adopted and the specific details of pipelines within the sewer is considered to be a matter for UU as the statutory undertaker. In terms of surface water, land levels are proposed to change on the site in the location of the proposed internal access road, however the Council's Drainage Engineer has considered the proposals and is satisfied that the surface water drainage proposals for the site are acceptable with outfall to the west of the site.

9.29 The LLFA have objected to the proposal as they are unclear as to the proposed surface water discharge rate. This has been clarified on the latest plans that the proposal seeks the lower discharge rate of 5.2 l/s. Therefore this reason given for the LLFA's objection cannot be upheld. The other reason for the LLFA objecting is that the applicant has not clarified or demonstrated the condition of the existing culverts and whether they are free-flowing. The council's drainage engineer has been asked for his comments on this matter, and has replied that if the developer wishes for the culverts to be adopted by UU as part of the drainage system they will need to be in good condition. Otherwise, they would be privately managed and maintained usually through a maintenance company, and the council has powers to require riparian owners to keep the culverts in good working order.

9.30 Overall there is a drainage solution for this site. As UU have not fully substantiated their concerns, the council's drainage engineer is content with the surface water proposals, the condition of any culvert is a matter for adoption, and any foul connection and pipework associated with that is the responsibility of the statutory undertaker to both take and upgrade such connections, it is considered that there is no grounds for the Council to uphold a reason for refusal of the application on drainage matters. Should members resolve to approve this application pre-commencement conditions would be required to ensure full details of surface water and foul drainage are provided, and that there is appropriate management and maintenance of the SUDS features including the existing culverted ordinary watercourse.

#### Visual impact /design/ impact on the street scene

9.31 The site is sandwiched between the West Coast main railway line to the west, and the A6 to the east. There is existing built development to the north of the site in the form of an existing Cheese factory, to the south of the site are some existing larger detached dwellings with housing also further south, and to the east across the A6 is existing housing development. To the west are agricultural fields beyond the railway line. The periphery of the site currently comprises larger trees to the southern boundary, and a mixture of boundary treatments with intermittent hedgerow, tree and shrubbery planting, stock fencing, and a section of timber fencing on the east boundary. The north boundary is stock fencing, and the western boundary is mainly open within some very sparse existing hedgerow.

9.32 The site would not be widely viewed from the north and south, only from immediate views when passing the site due to adjacent development. This is also the case for the site frontage which would be viewed along the immediate length of the A6 passing the site. Countryside is to the west beyond the railway line, however the site is constrained by the presence of the railway line and therefore the proposal would not result in a projection into the countryside area. Furthermore from views from the west, the site would be viewed alongside existing development. The proposed semi-detached and terraced dwellings would be two storey height designed as mews style properties, and the apartments buildings would also be two storey buildings. Existing dwellings in the nearby area, and also along the length of the railway line, are also predominantly two storey buildings. The proposed development is not considered to result in unacceptable visual harm to the area. Land levels are proposed to remain the same on the majority of the site, but would be increased along the length of the internal access road by between 0.5m and 0.97m depending upon the precise location of the roads within the site. Existing land levels within the site vary between 32.10 and 34.45 as there is a slight rise to the northern extent of the site. The finished floor levels of the plots would be between 33.60 (on the western boundary), and 34.00 (northern boundary). The proposed levels are considered to be visually acceptable, and overall the proposed development is not considered to result in unacceptable visual harm to the area.

9.33 The site frontage would comprise of a dual aspect plot (plot 1), and plots 25-30 and 34-39 which are designed to face the A6. Areas of green open space

would be between the front building line of these southern plots and the road. These dwellings would clearly be visible from the A6. It is considered that this site frontage with two storey properties facing the A6 is acceptable as the layout and orientation of existing dwellings in the nearby area are also predominantly two storey buildings with their front elevations facing the A6 with some degree of set back from the road. It is considered the site would therefore be in keeping with the character and context of the existing street scene along the A6.

9.34 Behind the site frontage properties, the internal layout of the site would have an L shaped access road leading eventually to the north of the site, and the dwellings would be sited to front this internal access road. This layout would mean that the majority of the properties would have an outlook towards areas of green infrastructure. There would be a row of properties with their rear elevations towards the railway line. Again this is considered to be in keeping with other developments in the area including those that have been granted permission and are under construction further south. This layout has been accepted in the wider area partly for acoustic reasons so that appropriate measures can be installed within the nearest properties to the railway, and so that sound does not travel through the site. Overall the scale and visual impact of the proposed dwellings is considered to be acceptable.

9.35 In terms of design the properties are proposed as mews style dwellings. Whilst this is not typical of the immediate surrounding area, there is no one particular style of residential property in the area surrounding the site. Existing properties are a mix of traditional and relatively modern designs. The principle of mews style properties is therefore considered acceptable.

9.36 The dwellings would be all constructed in brick. Those on the eastern side of the site, and the northern plots are proposed in Ibstock Alderley Russet Blend facing brick (red with a light texture), and Ibstock Ravenhead smooth red brick detailing. Those of the western side of the site are proposed in Ibstock Calderstone Claret facing brick (a multi-textured red brick) and Ibstock Ravenhead Smooth Red. As red brick is a dominant material in the area, along with some partially rendered properties, and as the site would have some variety of brick materials, the brick materials proposed are considered acceptable. All of the dwellings are proposed to have Russell Grampian or similar grey roof tiles, white UPVC window frames, black front door and rainwater goods. These materials are considered appropriate.

9.37 Boundary treatment plans have been provided, and are proposed as stock fencing to parts of the east of the site, timber fencing to divide gardens, garden walls to key plots, and acoustic fencing to the west, majority of the south, and part of the north boundaries. The proposed acoustic fencing would be inside the line of the existing hedgerow and trees to remain on adjacent land to the south. The landscaping plan indicates that on the western boundary the acoustic fencing would be on the edge of the site adjacent the railway, with a new hedge to be planted on the inside of this fencing for the length of the whole boundary. The proposed boundary treatments are considered to be appropriate and visually acceptable. Should members resolve to approve this application conditions would be required to ensure the development would take place in accordance with the

proposed materials, and boundary treatments, and to secure full details of boundary planting.

#### Impact upon Residential Amenity

9.38 There are existing residential properties to the east across the A6. All such properties are a minimum of 32m away from the application site frontage. Therefore there would be no significant impacts in terms of overlooking, overbearing or loss of light upon these properties. Other existing properties on the opposite side of the A6 are further north and south of the site and therefore at a greater distance from the proposal and therefore the location of the proposed dwellings would not result in an unacceptable impact upon the amenity of these properties.

9.39 There is an existing residential property to the south of the application site. This is currently south of the existing sub-station to be demolished and the existing south site boundary of hedgerows and trees. The side elevation of this existing property would be more than 13m away from the rear elevation of the proposed properties, therefore complying with the requirements of the SPG in terms of separation distances. Due to this, and as there is existing boundary screening to be retained, it is considered that there would not be an unacceptable impact upon the amenity of this property through overlooking, overbearing, loss of light, or privacy.

9.40 Running alongside part of the eastern boundary of the site there is an existing building at 867 Garstang Road which is a commercial property (industrial use and storage). To the north of the application site is an existing dairy (known as Rostock Dairy). Neither of these are primarily residential properties, being commercial ventures, and therefore it is considered the proposed dwellings would not result in unacceptable impact upon these properties.

9.41 The development would comply with the separation distance requirements set out within SPG4, except for the 2m separation distance usually required between side elevations. There would be a 1m separation distance between plots 2 and 3, 12 and 13, and 16 and 17. This is not considered a significant issue in this case or an issue that would result in a recommendation for refusal of the application alone, as access can still be gained between these plots, and it is not prevalent across the site, being limited to a handful of plots. It is noted that there is less than 21m between the front elevation of plot 18 and the west elevation of plot 33, however plot 33 is a dual aspect property and has a main elevation that would face northwards towards the public open space. Plot 18 is also orientated on a slight angle from plot 33 and therefore it is considered there would be no unacceptable harm to the outlook from this property.

#### Noise and Odour

9.42 The application site is located between the west coast main railway line and the A6. The applicant has submitted a Noise Assessment as part of the application, and this recommends noise mitigation measures in the form of ventilation and extraction systems for the windows of the properties, and acoustic



barriers to be erected around the site at 2.4m height to the western boundary and part of the north and south boundaries, and at 2m height to the eastern boundary and part of the north and south boundaries. The Environmental Health Officer has been consulted, and has raised no objections subject to a condition that the mitigation outlined in the noise report, specifically covering glazing specifications for the various building types, powered ventilation systems and the erection of acoustic barriers, is required by planning condition.

9.43 Some concern has been raised through letters received over the potential amenity impact of the surrounding commercial uses on the dwellings proposed, particularly with regard to the cheese production unit to the north and the recent planning permission granted on the land to the east. In respect of the unit to the north, Members are advised that permission of the cheese production unit (ref: 12/00611/FUL) included a condition requiring an odour scheme for that site. The management of odour is therefore a matter for the adjacent premises and if the condition were not complied with or there were any future problems from this premises, there is separate legislation aside from the planning process for Environment Health to consider to prevent any such odour nuisance aside of the planning process. In terms of noise the Environmental Health Officer has not raised any concerns in relation to noise upon the proposed dwellings from either of the existing adjacent commercial buildings. Acoustic fencing is also proposed as mentioned above. Therefore it is considered the proposed dwellings would not be unduly affected by noise and odour from these adjacent properties.

#### Ecology and Trees/Hedgerows

9.44 GMEU has been consulted and requested additional bat and reptile surveys, in the form of an emergence survey for bats, and confirming the presence/ absence of slow worms. Information was also requested on how the development will contribute to the natural environment. GMEU considered matters relating to nesting birds, amphibians (including Great Crested Newts which have reasonably been discounted as being present) and ecological mitigation.

9.45 The applicant has submitted further information in the form of a Bat Tree Assessment (including emergence survey), and a Reptile Survey. Following re-consultation GMEU have no objection and agree with the findings of the submitted reports. In relation to bats GMEU agree that the trees have negligible bat roosting potential, that there was no evidence of bats roosting in the existing building and therefore no further surveys are required. With regard to reptiles GMEU agree the site is sub-optimal and that the railway provides the core habitat, and are satisfied given the low number of reptiles present (one slow worm on railway boundary) that the reasonable avoidance measures during development and compensation measures proposed are adequate. One such measure requires fence gaps on the western boundary of the site. The detail of the type of fencing proposed is including in the submitted boundary treatment plans. Details of location of bat and bird boxes throughout the site have also been provided. Should members resolve to approve this application conditions would be required to ensure the proposal would take place in accordance with the reptile survey, the boundary treatment plans, and bat and bird boxes plan. A

condition is also needed stating that if the demolition of the existing small building does not commence before 30th April 2022 then this will need to be reassessed for bat roosting potential. An informative is also recommended to advise the applicant of regulations in relation to protected species.

9.46 GMEU also provided comments in relation to landscaping. Whilst content that a moderate amount of green infrastructure is to be provided on site, and there is potential to achieve enhancement of habitats given the currently low ecological value of the grassland, they considered the enhancement is considered to be borderline. GMEU therefore whilst not objecting, recommended the value of landscaping should be maximized with the inclusion of certain planting species included in their response. The NPPF activity encourages the provision of net gains for biodiversity, and therefore this recommendation for GMEU is considered to be reasonable and necessary to achieve better biodiversity enhancement. The applicant has submitted an updated landscaping plan which includes some of the species suggested by GMEU. This has been received and GMEU have advised the revised landscaping plan is acceptable along with the bird bat box details provided.

9.47 The application site does not contain any protected trees. There are however existing trees and hedgerows along the site boundaries. The applicant has submitted a Tree Survey detailing the location of the existing trees and hedgerows and their retention category value. The survey details that the existing hedge along the north east corner of the site and the sporadic sections of hedgerow near the site access is of Category A value (highest value). The hedgerows along the southern boundary, and in part along the eastern boundary with the A6 are Category B value (moderate). Individual trees within the site boundaries and the limited planting on the western boundary are considered to be of lower value. The Council's Tree Officer has been consulted and has raised no objections to the proposals stating that he concurs with the submitted Tree Survey. He states that a tree protection plan should be provided showing the type and position of heras fencing, and details of how trees along site boundaries will be safely retained. This can be secured by condition

9.48 The proposal would remove a very short section of category A hedgerow to form the site access, the very southern tip of a section of existing hedgerow to the north of the site entrance, and the southern tip of hedgerow H3 to provide a pedestrian link from the site to the A6. The Tree Officer has not raised any objection to the removal of these short sections of hedgerow, nor has he raised any objection to the felling of T1, T2, T6 and T7 which are individual category U and C trees already suffering from die back or of very limited value within the hedgerows of the eastern boundary site. It is considered the removal of such short sections of hedgerow is acceptable, as there would be new and additional hedgerow planting within the site, especially along the extent of the western boundary.

#### OTHER MATTERS:

Contamination

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

9.50 The applicant has submitted a desk study and a site investigation report for the site. Having considered these Environmental Health have no objections to the application subject to the council's standard watching brief condition, as well as a Materials Validation condition (assuming soils are to be imported on to the site during the redevelopment) be attached. Should members resolve to approve this application, subject to a watching brief condition it is considered the proposal would be acceptable in terms of ground conditions and would comply with the provisions of the NPPF. It is considered the Materials Validation condition is not considered reasonably necessary, as land levels remain the same around the proposed dwellings, with only the finished floor levels, paths ways and road raised, with limited need for import of soils.

#### Climate change

9.51 Policy SP2 part 6 requires proposals to demonstrate how they 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 efficient measures and the reuse and recycling in construction. Additional landscaping can also be including in the design of proposals to achieve this.

9.52 As mentioned earlier in this report the applicant has submitted a car charging plan. The development would also provide for additional tree planting and hedgerow planting on the site, and this is also considered a measures that would help to meet the challenge of climate change. The application site is also within Flood Zone 1, with the lowest risk of fluvial flooding. Overall it is considered therefore that the matter of climate change has been adequately considered and that the proposal would comply with Policy SP2 (6) of the Adopted Local Plan. With regards to an objection raising concern that solar panels have not been provided, there is no specific policy requiring this.

#### Waste management

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

9.54 The applicant has submitted a Proposed Site Layout which shows the location of bin storage for each property. The proposed maisonettes would have a shared communal bin store located to the side of each block, whereas the remainder of the properties would each have their own private bin stores located within the rear of side garden of each property dependent on the particular plot. It

is considered appropriate waste storage will be provided on the site and its provision can be ensured by condition should members resolve to approve the application.

9.55 The Council's Head of Waste Management has been consulted and has stated that access does not appear to be an issue, and has provided guidance on where particular plots would need to present their bins. If waste is to be collected by the Council then bins will need to be presented on the adopted highway. There are therefore no general concerns regarding waste storage and collection for the site.

## Network Rail

9.56 Network Rail have provided a list of measures they wish the applicant to consider, and recommendations on tree planting species. Network Rail request a series of conditions including requiring a suitable trespass proof fence adjacent the line of the railway, details of scaffolding work within 10m of the railway, planting, and a Risk Assessment and Method Statement to be submitted to Network Rail for all works to be undertaken within 10m of the railway, and a vibro-impact risk assessment and method statement. They also request details of ground levels and earthworks/excavation, and of surface water and foul drainage. In terms of drainage the Council's standard pre-commencement condition can be attached, and Network Rail would be consulted on any potential subsequent discharge of conditions applications. Details of ground levels are shown on the submitted drainage plans and clearly show no level changes close to the railway line. The condition suggested requiring documents to be submitted to Network Rail, and a vibro-impact risk assessment is not considered reasonable or necessary as although the applicant has submitted a Vibration Assessment it is separate to planning requirements and the planning process. The conditions requiring details of trespass proof fencing and scaffolding works are also not considered reasonable and necessary as the plans clearly show where fencing would be provided and their design, and that any landscaping proposed would be contained within the site. The applicant would be responsible for securing any separate consents needed from Network Rail.

## **10.0 CONCLUSION**

10.1 The principle of developing the site for housing is supported by Policies SP1 and SA1/25 of the Wyre Local Plan as the site is allocated for such purpose in the Adopted Local Plan and is well-related to the existing settlement of Barton.

10.2 The Local Highway Authority has raised no objections to the development on the grounds of sustainability, highway capacity or safety subject to conditions. The council's drainage engineer has raised no objections to the drainage proposals, and notwithstanding United Utilities and the Lead Local Flood Authorities' objections there is a drainage solution for the site and full details of drainage can be required and resolved through the imposition of appropriate conditions. Foul drainage connection is a matter for the statutory undertaker. GMEU raise no objections to the ecology impacts subject to

conditions. Trees, hedgerow, landscaping impacts including mitigation can be controlled by condition.

10.3 The proposal is considered to be acceptable in terms of design and visual impact and also in terms of impact upon neighbouring residential amenity. The housing mix and provision of adaptable and accessible homes and green infrastructure provision is also considered to be appropriate.

10.4 Subject to financial contributions the impacts of the developments upon the highway network, education and health care provision can be adequately mitigated. These can be secured by legal agreement along with 30% affordable housing provision.

## **11.0 HUMAN RIGHTS ACT IMPLICATIONS**

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

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

## **12.0 RECOMMENDATION**

12.1 Grant full planning permission subject to conditions and a section 106 agreement to secure financial contributions towards health care, education, sustainable transport and on-site affordable housing (30%). That the Head of Planning Services be authorised to issue the decision following 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 28.09.2020 including the following plans/documents:

- Drawing No. A6 Garstang Rd / Proposed Site Layout Rev L received 15th November 2021
- Drawing No. A6 Garstang Rd / Plots 03&04 received 29th March 2021

- Drawing No. A6 Garstang Rd / Plots 01&02 received 29th March 2021
- Drawing No. A6 Garstang Rd / 3B5P HT, 3 BEDROOM 5 PERSON HOUSE TYPE FLOOR PLANS & ELEVATIONS received 29.09.2020
- Drawing No. A6 Garstang Rd / Plots 05-10 Rev A, PLOTS 05-10 FLOOR PLANS & ELEVATIONS received 29th November 2021
- Drawing No. A6 Garstang Rd / Plots 20-21, PLOTS 20-21 FLOOR PLANS & ELEVATIONS received 29.09.2020
- Drawing No. A6 Garstang Rd / Plots 25-30, PLOTS 25 - 30 FLOOR PLANS & ELEVATIONS received 29th November 2021
- Drawing No. A6 Garstang Rd / Plots 34-39, PLOTS 34 - 39 FLOOR PLANS & ELEVATIONS received 29.09.2020
- Drawing No. A6 Garstang Rd / Maisonette Cycle Store Rev A, MAISONETTE CYCLE STORES PLAN & ELEVATIONS received 29th November 2021
- Drawing No. A6 Garstang Rd / Boundary Treatments Plan Rev J received 29th November 2021
- Drawing No. A6 Garstang Rd / Boundary Treatments Rev B received 29th November 2021
- Drawing No. A6 A6 Garstang Rd / Street Scene Elevations Rev C received 29th March 2021
- Drawing No. Garstang Rd / Maisonette Bin Store received 29th November 2021

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 Drawing No. A6 Garstang Rd / Materials Distribution Plan Rev E, unless other minor variations are submitted to and approved in writing by the Local Planning Authority after the date of this permission and before implementation.

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

4. The development shall take place in accordance with the submitted Drawing No.s A6 Garstang Rd / Boundary Treatments Plan Rev J and Drawing No. A6 Garstang Rd / Boundary Treatments Rev B received 29th November 2021.

The approved boundary treatment to all individual dwellings and apartment blocks shall be completed before the associated dwelling is first occupied; the boundary treatments to either side of the site entrance alongside the area identified as Green Infrastructure (GI), and the boundary treatments to

the areas identified as Public Open Space (POS) shall be installed prior to their first use. The approved details shall thereafter be maintained and retained.

Reason: In the interests of the appearance of the locality and the residential amenity of occupants / neighbours in accordance with Policy CDMP3 of the Adopted Wyre Borough Local Plan (WLP31).

5. Prior to the commencement of development a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters (with a surface water discharge rate of 5.2 l/s), together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance with the hierarchy of drainage options outlined in the National Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015), or any subsequent replacement national guidance / standards.

The scheme details shall include, as a minimum:

a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change as set out within the Environment Agency's advice on Flood risk assessments: climate change allowances' or any subsequent replacement EA advice note), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;

b) Demonstration that the surface water run-off would not exceed the pre-development greenfield runoff rate;

c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

d) Flood water exceedance routes, both on and off site;

e) A timetable for implementation, including phasing as applicable;

f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;

g) Details of water quality controls, where applicable.

For the avoidance of doubt, surface water must drain separate from the foul and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

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 Policy CDMP2 of the Adopted Wyre Borough Local Plan (WLP31) 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.

6. Prior to the commencement of development, details of an appropriate management and maintenance plan for the sustainable drainage system including the existing culverted ordinary watercourse, for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, this shall include:

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

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

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

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

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

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

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development; to reduce the flood risk to the development as a result of inadequate maintenance; and to identify the responsible organisation/ body/ company/ undertaker for the sustainable drainage system in accordance with policy CDMP2 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.



7. The development shall take place in strict accordance with the finished floor levels, road levels and ground levels as shown on drawing No. 30448/100 Revision E (Preliminary Drainage Layout), unless alternative ground and finished floor levels are submitted and approved in writing by the Local Planning Authority prior to such change taking place. The ground levels shall be constructed and completed in accordance with the approved details.

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

8. Prior to first occupation of any dwelling hereby approved the following off-site works of highway improvement shall be carried out, unless an alternative timetable for implementation is submitted to and approved in writing by the Local Planning Authority, in which case the off-site highway works shall be carried out in accordance with any alternative approved timetable for implementation: -

- Site access works including assessment of the street lighting and provision of tactile paving within the A6;
- Right turn lane to serve the site and provision of pedestrian refuge island to the north of the site access within the A6 together with associated modifications to the existing on road cycle lanes to accommodate the refuse and right turn lane
- Assessment of the street lighting for the pedestrian refuse
- Removal of the two accesses to the south of the new site access and one access to the north of the site access, to be reinstated as footway with the kerbs raised

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

9. 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 and/or power wash/ road sweepers and how, when and where to be used)

(g) the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable

(h) external lighting of the site during the demolition / construction period

(i) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

(j) recycling / disposing of waste resulting from demolition / construction work

(k) measures to protect watercourses against spillage incidents and pollution

l) Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

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).

10. Prior to commencement of development the visibility splays shall be provided measuring 2.4 metres by 124 metres in both directions to the site access, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of A6 Garstang Road. Thereafter the visibility splays 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: The splays are required prior to commencement of the development to ensure the safe, efficient and convenient movement of all highway users including all construction traffic, and for the free flow of traffic, in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

11. (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).

12. (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).

13. No dwelling hereby permitted shall be first occupied until the parking / turning area(s) shown on the approved Drawing No. A6 Garstang Rd / Proposed Site Layout Rev L, has been laid out, surfaced and drained. The parking / turning area(s) shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

Reason: To ensure that adequate off road parking is provided to serve the development in the interests of highway safety and in accordance with the provisions of Policy CDMP6 of the Adopted Wyre Borough Local Plan (WLP31).

14. Prior to first occupation of any part of the development hereby approved the secure cycle storage provision and waste storage areas shown on the approved plans No. A6 Garstang Rd / Proposed Site Layout Rev L, and Drawing No. A6 Garstang Rd / Maisonette Cycle Store Rev A, MAISONETTE CYCLE STORES PLAN & ELEVATIONS and Drawing No. Garstang Rd / Maisonette Bin Store received 29th November 2021, shall be provided and thereafter maintained and retained.

Reason: To enable access to and from the property by sustainable transport mode, in accordance with policy CDMP6 of the Wyre Local Plan (2011-31).

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

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

16. No development shall take place until full details of hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include the hard surfaced areas and materials (type, colour and finish, bound or porous), and shall show how account has been taken of any underground services.

The soft landscaping works for the development shall be carried out in full accordance with the approved soft landscaping details drawing 6335.01 Rev B, prior to first occupation or first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 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, and that there is sufficient provision for ecological enhancement in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework. The details are

required to be approved prior to commencement of development to ensure landscaping is implemented at an appropriate time during the development, and as full details of hard landscaping have not been submitted with the application.

17. No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a suitably qualified ecologist has undertaken a detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority before any vegetation is cleared.

Reason: In order to ensure that nesting birds are not unacceptably affected, in accordance with the National Planning Policy Framework, and Policy CDMP4 of the Adopted Wyre Local Plan 2011-2031.

18. Prior to the commencement of development, including any demolition or tree works, a Tree Protection Plan for the retained tree(s) and hedgerows shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter these measures shall be implemented in accordance with the approved details before any equipment, machinery or materials are brought on to the site for the purposes of the development including any demolition, 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" and "retained hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and the submitted Tree Survey by Iain Tavendale Arboricultural Consultant.

Reason: In order to protect trees from damage or loss in the interests of the amenity of the area in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981. The details are required to be approved prior to commencement of development to ensure timely tree protection measures are in place.

19. The development hereby approved shall be implemented in full accordance with the following submitted plans/ documents:

- Reptile Presence / Absence Survey by United Environmental Services Ltd, received 26th February 2021, including all the mitigation measures set out in that report.
- Drawing No. A6 Garstang Rd / Bird & Bat Box Plan Revision B received 29th November 2021

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.

20. If demolition of the existing building on site hereby approved does not commence before 30th April 2022, the building shall be reassessed for bat roosting potential and a report which establishes the presence or otherwise of European protected species (defined in the Conservation of Habitats and Species Regulations 2010 or in any statutory instrument revoking and re-enacting those regulations with or without modification) shall be submitted to and approved in writing by the Local Planning Authority. If a European protected species is confirmed to be present the report shall include mitigation measures, including timescales, to avoid and / or mitigate any possible harm to the European protected species. Those approved mitigation measures shall then be implemented.

Reason: To prevent possible harm to ecology if the development were commenced without the necessary mitigation measures in accordance 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.

21. An Open Space Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all areas of open space, other than privately owned domestic gardens, as shown on Drawing No. A6 Garstang Rd / Proposed Site Layout Rev L, shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any dwelling whichever is the sooner for its permitted use. The Management Plan shall be implemented in accordance with the approved details during the lifetime of the development.

Reason: To ensure the long term management and maintenance of open space within the site in the interests of visual amenity and the health and wellbeing of occupants in accordance with Policies SP8 and HP9 of the Wyre Local Plan (2011-31).

22. The areas identified as GI (Green Infrastructure) and POS (Public Open Space) on the approved site layout plan (Drawing No. A6 Garstang Rd / Proposed Site Layout Rev L) shall be landscaped and available for use prior to first occupation of the 26th dwelling hereby approved, unless an alternative timetable is first agreed in writing with the Local Planning Authority.

Reason: To ensure delivery of on-site green infrastructure in a timely manner in accordance with Policy HP9 of the Adopted Local Plan 2011-312 (WLP31).

23. The following noise mitigation measures as set out in the submitted Road and Rail Noise Assessment (version Revised 17th March 2021) by Martec Environmental Consultants Ltd shall be implemented prior to first occupation of the respective dwelling to which they relate:

- The glazing standard and vents to meet or better such acoustic performance specifications as set out in Tables 12, 13, 14 and 15 of the submitted assessment.
- Boundary treatments shall be to installed in accordance with the submitted acoustic fencing shown on Drawing Nos. A6 Garstang Rd / Boundary Treatments Plan Rev J, and A6 Garstang Rd / Boundary Treatments Rev B received 29th November 2021

These approved noise mitigation measures shall thereafter be retained and maintained.

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

24. Electric Vehicle Charging Points (EVCP) shall be provided in accordance with Drawing No. A6 Garstang Rd / Car Charging Plan Revision G, prior to first occupation of any dwelling to which they relate, and retained and maintained at all times thereafter.

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. The development hereby approved shall be carried out in full accordance with Drawing No. A6 Garstang Rd / Proposed Site Layout Rev L with all of the adaptable plots as the ground floor maisonettes of apartment block 5-10, Plot 11, Plot 14, Plot 23, ground floor maisonettes of apartment block 25-30, Plot 31, and ground floor maisonettes of apartment block 34-39 with wider parking for those plots. These plots shall be provided to M4(2) standard of the Building Regulations, and retained and maintained at all times thereafter as accessible and adaptable lifetime homes.

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.

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order):

(a) no fences, gates or walls other than those shown on approved Drawings No.s A6 Garstang Rd / Proposed Site Layout Rev L, No. A6 Garstang Rd / Boundary Treatments Plan Rev J, and No. A6 Garstang Rd / Boundary Treatment Rev B received 29th November 2021, shall be erected along the front or side boundaries of any dwellinghouse forward of the main front elevation or side elevation of that dwellinghouse; and

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

Reason: The estate is proposed with an open plan layout and a variety of individual walls/fences would seriously detract from the overall appearance of the development. The loss of front landscaping areas would also seriously detract from the overall streetscene which would become dominated by car parking. This would be contrary to Policy CDMP3 of the Wyre Borough Local Plan (WLP31) and the provisions section 12 of the NPPF.

27. Notwithstanding the provisions of Schedule 2 Part 1 Classes A-D of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification), the dwellings on plots 31-33 hereby approved shall not be altered or extended, without express planning permission.

Reason: To ensure that the Local Planning Authority have control over any future development of the dwellings in the interests of preserving the character and amenity of the area and the residential amenity of occupants / neighbours of these particular plots in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

**Notes: -**

1. It is an offence to disturb, harm or kill any species specifically protected under the Wildlife and Countryside Act 1981. In the event of any such species being unexpectedly encountered before and during site clearance or development work, then work shall stop immediately until specialist advice has been sought from a suitably qualified Ecologist regarding the need for additional survey(s), a license from Natural England and/or the implementation of necessary mitigation measures.