

Committee Report**Date: 01.02.2023****Item Number 01****Application Number 21/01152/OULMAJ****Proposal Outline application (all matters reserved excluding access) for the construction of up to 130 new residential dwellings (Use Class C3), structural landscaping and green infrastructure and creation of access comprising eastward extension of the main access road and two points of vehicular access to the residential site and the construction of a cycle/footway.****Location Land Off Fleetwood Road North Thornton-Cleveleys****Applicant Mr Gary Goodman****Correspondence Address c/o Peter Tooher
Eastgate 2 Castle Street Castlefield Manchester M34LZ****Recommendation Permit****REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mr Rob McKillop**

Site Notice Displayed: 01.12.2022

Press Notice: 17.11.2021

1.0 INTRODUCTION AND ASSESSMENT (UPDATED FROM ORIGINAL REPORT FOR 07.12.2022 COMMITTEE)

- 1.1 This application was on the Planning Committee meeting agenda for the 7th December 2022. The application was deferred by the Committee to allow further investigations into the removal of the woodland TPO; social matters including the quantity of affordable housing being provided; and for the case officer to liaise with Lancashire County Council Highways to reconsider the required off-site highway works and to see if the scope of works could be extended to include all of Fleetwood Road North and not just up to the junction of Bourne Way.
- 1.2 An updated position statement has been received from the applicant, and further discussions with LCC Highways have taken place since the Committee meeting. LCC Highways have confirmed that the road safety record for Fleetwood Road North to the north of the development is relatively good, with a solitary accident recorded in the last 5 years at the junction with Jameson Road. On this basis, there is no justification to require the developer to provide any traffic calming in this direction. LCC Highways advised that whilst cycle lanes could be requested to promote sustainable / active travel, this was not considered essential to make the development acceptable.

- 1.3 LCC Highways have previously requested that financial contributions for safety improvements are secured, to be put towards Fleetwood Road North towards Bourne Road and beyond towards Victoria Road East. However, LCC Highways has confirmed that, in view of the viability position, they would not object to the application on highway safety grounds if these contributions are not provided. Other off-site highway works in proximity to the site along Fleetwood Road North, to be secured by planning condition, are still required by LCC Highways to mitigate against the impacts of the proposed development. Overall, subject to conditions, the application would have an acceptable impact on highway safety.
- 1.4 In respect of the Woodland TPO, the applicant has advised that following survey work, most of the trees were found to be under 15 years old and of low retention value. The applicant considers the retention of the trees at the site would be inconsistent with the site capacity identified in the Local Plan and within the approved Hillhouse Masterplan. Site levels would require raising to mitigate against flood risk and there would be a difference in levels with the surrounding land. The retention of some or all of the trees would present practical problems as raising future development plots would likely result in additional water run off to this woodland area and the trees would likely suffer through changes to ground conditions. The applicant has concluded that a reduction in the number of dwellings to allow for full or partial retention of trees would make the scheme less viable and would result in a further reduction in terms of financial contributions or other benefits.
- 1.5 The applicant has advised that the proposed development could deliver approximately 200 new trees within the site. These would be picked to best suit the ground/site conditions and are considered to go some way to mitigating against the loss of the woodland TPO. The application is outline at this stage, and should there be any scope for retention of trees within the site, further consideration could be given to this under any subsequent reserved matters application.
- 1.6 With regard to provision of affordable housing, the applicant has confirmed that given viability issues, a reduced affordable housing provision of 9 units would be provided. This provision, combined with the financial contribution towards healthcare, would represent the maximum number of affordable housing units that the applicant could deliver before the scheme becomes unviable. The applicant's statement sets out that the scheme would still contribute towards the local affordable housing need and this approach is reasonable in view of the site constraints and viability issues encountered.
- 1.7 Accordingly, for the reasons set out above and in the main report below, the application is recommended for approval subject to conditions and a S106 legal agreement to secure on-site affordable housing (7%) and green infrastructure, as well as a financial contribution towards health care. It is recommended that the Head of Planning Services is authorised to issue the decision on the satisfactory completion of the S106 agreement.

ORIGINAL REPORT FOR THE 07.12.2022 COMMITTEE

2.0 INTRODUCTION

- 2.1 This application is before the Planning Committee for consideration as the application site falls primarily within an allocated site in the Wyre Local Plan and is of strategic importance. A site visit is recommended to enable members to understand the site context beyond the plans submitted and site photographs taken by the case officer.

3.0 SITE DESCRIPTION AND LOCATION

- 3.1 The application site lies to the north of the Iron Horse Pub on the western side of Fleetwood Road North in Thornton Cleveleys. The site spans approximately 300m in length towards the rear boundary of dwellings on Hawthorn Drive and is located to the south of the global Renewables recycling centre. The site is currently open undeveloped and unmanaged grassland (approximately 11.4 acres in total) with a pond towards the eastern boundary and watercourse running north to south through the site (Springfield Burn - Classified Main River by the Environment Agency). Vehicular access to the application site is gained from the eastern spur of the Fleetwood Road North roundabout, which currently provides vehicular access into the Global Renewables plant and terminates at a central point north of the site. The application site is located within Flood Zone 3 and a group Tree Preservation Order covers much of the western extent of the site. (TPO No.5 2021).

- 3.2 The application site forms part of the Hillhouse Technology Enterprise Zone which is allocated under SA4 of the Local Plan for the development of at least 13 hectares of employment development, 250 dwellings and other complementary commercial uses including an element of small convenience A1 retail store.

4.0 THE PROPOSAL

- 4.1 This is an outline application for the construction of up to 130 new residential dwellings, structural landscaping and green infrastructure and creation of access comprising eastward extension of the main access road and two points of vehicular access to the residential site and the construction of a cycle/footway. All matters are reserved except for access. Layout, landscaping, scale and appearance would need to be agreed via a future reserved matters application. Two new access points are proposed from the southern side of the extended access road. The indicative layout plan shows the site split roughly into two parts with the watercourse and open space positioned between these two parcels of land.

- 4.2 The following documents have been submitted in support of the application:

- Design & Access Statement
- Ecology and Biodiversity Survey
- Statement of Community Involvement
- Tree Surveys
- Flood Risk Assessment (FRA) & Exception Test
- Financial Viability Appraisal
- Transport Assessment
- Odour Assessment
- Land Contamination Assessment
- Noise Assessment
- Drainage Strategy
- Masterplan compliance statement

5.0 RELEVANT PLANNING HISTORY

- 5.1 12/00220/LMAJ: Erection of retail foodstore (Class A1) and petrol filling station with associated landscaping, water course diversion, ecological mitigation and habitat creation works, new and altered vehicular and pedestrian access, car parking, servicing, pedestrian footbridge and associated temporary works and utilities/services required by the development. Permitted.
- 5.2 09/00971/OUTMAJ:: Outline application for local centre comprising new foodstore (A1), retail units (A1) and financial institutions (A2), community centre (D1 & D2), 2no residential units (C3), leisure unit (D2) and cafes, restaurants, drinking and hot food establishments (Class A3-5), public realm including public square, car parking, highway works and associated plant and service areas, and full planning permission for the associated watercourse diversion and ecological mitigation and habitat creation. Permitted.
- 5.3 The following application is on land to the west of the application site and is currently under consideration by the Local Planning Authority:
- 22/00762/FULMAJ: Erection of 160 dwellings with associated access, parking, landscaping, public open space and infrastructure at Land North Of Bourne Way, Fleetwood Road North

6.0 PLANNING POLICY

6.1 ADOPTED WYRE BOROUGH LOCAL PLAN

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

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

SP1 - Development Strategy
SP2 - Sustainable Development
SP6 - Viability
SP7 - Infrastructure & Developer Contributions
SP8 - Health and Well-being
CDMP1 - Environmental Protection
CDMP2 - Flood risk and Surface water
CDMP3 - Design
CDMP4 - Environmental Assets
CDMP6 - Accessibility and Transport
HP1 - Housing Land Supply
HP2 - Housing Mix
HP3 - Affordable Housing
HP9 - Green Infrastructure
SA4 - Hillhouse Technology Enterprise Zone (Masterplan site allocation)

6.1.3 In accordance with the National Planning Practice Guidance (PPG) and

National Planning Policy Framework (NPPF) Para 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 August 2022) which demonstrates a deliverable housing land supply position of 6.74 years. The council's position therefore is that it is able to demonstrate a deliverable 5 year housing land supply.

6.2 EMERGING LOCAL PLAN PARTIAL UPDATE

6.2.1 A Publication version of the Wyre Local Plan Partial Update underwent a public consultation between 30 November 2021 and 18 January 2022. The Submission draft was approved for submission to the Secretary of State for examination on 15 April 2022 and approved for Development Management purposes. The Inspector appointed to carry out the examination held hearing sessions in September 2022 into the Partial Review. Public consultation on the Main Modifications was held between 15 October and 23 November 2022. The Inspector's final report on the Partial Update was issued on 21 December 2022, it concluded, that subject to the Main Modifications recommended in his report, the Local Plan Partial Update is legally compliant and sound. Although the draft Local Plan as proposed to be modified does not have the full weight of an adopted Local Plan, it has reached an advanced post hearing stage in the local plan process and is supported by a comprehensive and robust evidence base. Development plan policies contained within the draft Partial Update as proposed to be amended in response to the Inspector's Final Report will therefore be given significant weight in determining planning applications.

6.3 OTHER MATERIAL CONSIDERATIONS

6.3.1 The revised National Planning Policy Framework (NPPF) 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.

6.3.2 The following sections / policies set out within the NPPF are relevant to the determination of this application:

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

6.4 OTHER GUIDANCE AND LEGISLATION

6.5 WYRE SUPPLEMENTARY PLANNING GUIDANCE

- 6.5.1 The following Supplementary Planning Guidance is considered to be of relevance to the determination of this application:
- Supplementary Planning Guidance 2 - Development and Trees
 - Supplementary Planning Guidance 4 - Spacing Guidelines for New Housing Layouts
 - Guidance for Applicants - Green Infrastructure in New Residential Developments (Policy HP9)
- 6.5.2 National Planning Practice Guidance (NPPG)
- 6.5.3 The Conservation of Habitats and Species Regulations (amendment) (eu exit) 2019
- 6.5.4 The Wildlife and Countryside Act 1981 (as amended)
- 6.5.5 Hillhouse Technology Enterprise Zone Masterplan
- 6.5.6 The Hillhouse Technology Enterprise Zone Masterplan was approved on 28 November 2018 and represents a significant material planning consideration to this application.

7.0 CONSULTATION RESPONSES

7.1 ENVIRONMENT AGENCY (EA)

- 7.1.1 No objections subject to a condition requiring the development to be carried out in accordance with the submitted FRA and any reserved matters application to include full details of a scheme for the watercourse re profiling

7.2 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

- 7.2.1 No objections subject to conditions.

7.3 LANCASHIRE COUNTY COUNCIL (EDUCATION)

- 7.3.1 No contribution required.

7.4 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

- 7.4.1 No objections subject to conditions and off-site highway works.

7.5 NATURAL ENGLAND (NE)

- 7.5.1 No observations received at the time of compiling this report

7.6 NHS FYLDE & WYRE CLINICAL COMMISSIONING GROUP (CCG)

- 7.6.1 No objections subject to financial contribution towards Thornton Medical Centre & Beechwood Surgery.

7.7 UNITED UTILITIES (UU)

- 7.7.1 No objections subject to conditions.

7.8 LANCASHIRE FIRE AND RESCUE SERVICE

7.8.1 Highlighted the requirements for the proposed access and scheme to satisfy Document B Part B5 of Building Regulations and sets out the guidance on turning facilities for Fire Service Vehicles

7.9 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

7.9.1 No objections.

7.10 NATIONAL HIGHWAYS (NH)

7.10.1 No objections.

7.11 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - LAND CONTAMINATION)

7.11.1 No objections subject to conditions.

7.12 WBC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (TREES)

7.12.1 Objects on the basis of the removal of the woodland TPO.

7.13 WBC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (PARKS DEVELOPMENT TEAM)

7.13.1 No observations received at the time of compiling this report

8.0 REPRESENTATIONS

8.1 A representation has been submitted by Paul Maynard (MP). The following points of objection have been made: -

- Traffic advice from LCC and Highways England is mischaracterising local traffic flows and data from Thornton Action Group indicates traffic would likely use Fleetwood Road North rather than Bourne Way and the A585;
- Any approval should be contingent on a programme of road safety improvements along Fleetwood Road North, including pedestrian crossings and other improvements.

8.2 At the time of compiling this report there has been 7 neighbour representations received all of which object to the proposal. The reasons for opposition are:

- The assumptions in the Transport Assessments are incorrect;
- Other development has cumulatively increased trips along Fleetwood Road North and the wider traffic/safety impacts need to be reassessed;
- Development will increase traffic on Fleetwood Road North, which is used as a rat-run to Amounderness Way, and is congested at peak times, or subject to speeding drivers. Additional traffic should be directed away from Fleetwood Road North;
- Local residents will be subjected to further rises in vehicle numbers with safety implications;

- The removal of trees will have a devastating impact on local wildlife, including barn owls which hunt in the area. A new wildlife pond will not help creatures in the existing pond.
- There are a plethora of Brownfield sites which could host development without need to destroy more of the limited surviving green space and woodland in the area;
- The site would be better suited to provide local services which are required, including a school, dental practice and doctors. A community hub would be better place to support the local community.
- There are already large estates under construction and more houses are not required;
- Development on an area that is flooded with endangered wildlife would not benefit the community.

9.0 CONTACT WITH APPLICANT/AGENT

- 9.1 The applicant's agent has provided additional and updated details during the application and a viability assessment was submitted for external review by Keppie Massie. An extension of time has been agreed until 08.12.2022.

10.0 ISSUES

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

- Principle of development and Policy compliance
- Scale, Design and Impacts upon the Character of the area
- Impact on Amenity of neighbouring properties
- Highway safety and parking
- Impacts arising from flood risk and drainage
- Trees
- Ecology
- Housing mix
- Affordable Housing
- Green Infrastructure
- Health care
- Education
- Viability

Principle of development and Policy compliance

- 10.2 In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of this application is the Development Plan which, in this instance, includes the adopted Wyre Local Plan 2011-31.
- 10.3 The application site is within the Hillhouse Technology Enterprise Zone identified on the proposals map to the Adopted Wyre Local Plan (2011-31). Policy SA4 requires the wider site to be brought forward in line with a masterplan covering the whole area. The Hillhouse Technology Enterprise Zone Masterplan was adopted in 2018 and sets out the principles for future development. The application site falls mostly on land designated to provide between 200-250 dwellings, but the western part is on another parcel of land allocated for either a budget hotel or 24 dwellings. An assessment was submitted setting out research in to the viability of a hotel in this location, however it was concluded that the site is largely unsuitable for this use. The

current application proposes up to 130 dwellings and it is considered that this would not conflict with the approved Masterplan. On this basis, the principle of residential development is considered to be acceptable.

- 10.4 Policy SP2 of the Local Plan sets out that development should contribute positively to the physical, social, environmental and economic character of the area. The physical impacts are discussed in the report below. It is considered that the development's location would allow for future occupiers to access local services via walking, cycling and public transport and would therefore score well in terms of social sustainability, and the construction of the building and future population would support the local economy. In respect of environmental considerations, the development would maintain a "green corridor" along the existing watercourse, with additional tree planting and landscaping to offset the loss of natural habitat and trees. Furthermore, electric vehicle charging points would also be secured by condition to enhance the sustainability credentials of the scheme. Overall, the scheme is considered to accord with the aims of Policy SP2 of the Local Plan.
- 10.5 Overall, the principle of the proposed residential development is considered to be acceptable, subject to other material considerations to be discussed below and compliance with the key development considerations (KDC) set out in Policy SA4.

Scale, Design and Impacts upon the Character of the area

- 10.6 Policy CDMP3, Section 12 of the NPPF and the National Design Guide seek to ensure high quality design including layouts. Details of scale, appearance, layout and landscaping are reserved matters for future consideration, however it is still necessary to consider the indicative details supplied to determine whether the proposals would have an acceptable relationship with the surrounding area. Whilst the indicative layout shows some parts of the site in a relatively cramped arrangement, it is accepted that future proposals could be amended, or the number of units could be reduced, which would potentially allow for a development layout that would meet the council's requirements in respect of open space, design, parking and amenity. Whilst changes would be required, precise details would be agreed through any subsequent reserved matters application and the indicative outline layout submitted would not represent reason to refuse this application. It is also noted that substantial landscaping is shown on the indicative plans which would soften the appearance of development.
- 10.7 It is noted that the development plots would need to be raised significantly across much of the site to ensure that floor levels of any dwellings meet the Environment Agency requirements in respect of finished floor levels and flood mitigation. Whilst this would make the development more visually prominent, the site is generally set on a lower level than the surrounding roads to the north and west which would be the main public vantage points. Given this topography, the raising of the site is not likely to result in any unacceptable visual implications. Layout, scale, appearance and landscaping would be considered under a subsequent reserved matters application to ensure the development has an acceptable visual appearance within the context of the surrounding area.
- 10.8 Overall, no unacceptable harmful impacts have been identified in respect of the character or visual amenity of the surrounding area. The application is

deemed to accord with Policies CDMP3 of the Local Plan and would not conflict with the Key Development Considerations (KDCs) set out in Policy SA4 of the Local Plan.

Impact on Amenity of neighbouring properties

- 10.9 In terms of physical impacts, the development would be opposite existing dwellings to the east along Hawthorn Drive and Beech Drive. The indicative layout shows dwellings would be set back to back with these dwellings. This would be a typical arrangement and subject to adequate separation distances being secured at reserved matters stage, it would not result in any unacceptable overlooking, overbearing or overshadowing impacts. Dwellings are approved in principle on land to the south (off Bourne Road), however the precise layout is not yet known. Whilst the plot levels on the application site would be raised above the existing site level in order to mitigate against flood risk, this is unlikely to result in any significant additional amenity impacts. Further mitigation can be considered under a reserved matters application to ensure residential amenity is protected, including boundaries and landscaping.
- 10.10 The indicative details demonstrate that development could be accommodated on these sites in such a way that would avoid any unacceptable amenity impacts on existing residents or future occupiers. Overall, on the basis of the aforementioned considerations, the application would have an acceptable impact on neighbouring amenity and would accord with Policy CDMP3 of the Local Plan (2011-31).

Highway safety and parking

- 10.11 Policy CDMP6 of WLP31 sets out the necessary criteria to ensure an effective and efficient transport system for movement and people from one place to another can be achieved and that new development is capable of being accessed and serviced safely without compromising safety elsewhere on the network. Concerns have been raised by local residents and the Local MP in respect of increased traffic along Fleetwood Road North and the associated highway safety implications. It is noted that residents have raised concern about the submitted Transport Assessment, and this has been considered under the application and by consultees.
- 10.12 The application site is relatively self-contained and this application is considered to create opportunity for future employment development by way of extending the access road along the site frontage. The application proposes two new access points to the service road, which would be extended along the northern boundary of the site. Appropriate visibility at each new access could be achieved, subject to landscaping design. LCC Highways note that the extended link road is designed to an adoptable standard and would connect to Fleetwood Road North with walking and cycle connectivity to the wider area. An appropriately worded condition is recommended to ensure that the extended link road is provided up to the eastern boundary in accordance with the indicative masterplan.
- 10.13 In respect of LCC's Personal Injury Accident records for the last 5 years, there have been 5 slight and two serious collisions on Fleetwood Road North between the proposed access road and the junction at Bourne Road. LCC Highways have considered the likely impacts and confirmed that they do not

envisage an impact on highway safety as a result of the proposals. LCC's response sets out off-site highway works, including crossing points at the roundabout, improvements to existing highway as necessary and cycle lanes to the Bourne Road junction. These works are considered relevant by LCC to ensure the development has an acceptable impact on highway safety given the potential increase in pedestrians and cyclists. LCC Highways have also requested Travel Plan support, and separate contributions of £50,000 towards signal improvements at the Bourne Way junction, and £100,000 towards safety improvements along an extended stretch of Fleetwood Road North itself. These elements would need to be secured by way of s106 legal agreement should permission be granted.

- 10.14 National Highways have no objections to the proposals. Highway works have already been secured under permission 19/00347/FULMAJ (Bourne Road) including footpath and crossing improvements to Bourne Road and bus shelter provision on Fleetwood Road North. Whilst it is accepted that this current application would generate extra vehicle, pedestrian and cycle movements, it is considered that the proposed development, in combination with other nearby development, would not result in any significant detrimental impacts on highway safety. Other matters, such as parking and the internal layout would be considered as part of a subsequent reserved matters application. Any subsequent scheme would be expected to be designed to an adoptable standard and in line with the Council's current parking standards. On the basis that no objections have been raised by National Highways or LCC Highways, it is considered that this outline application would not result in any unacceptable impact on highways safety and would accord with Policy CDMP6 of the Local Plan and the NPPF.

Flood risk and drainage impacts

- 10.15 The application site is located within Flood Zone 3 which is defined as having a high probability of flooding. The site is mostly at risk from Tidal Flooding, but there is some fluvial flood risk from Springfield Watercourse which is a statutory main river. The application proposes raising the site to ensure finished floor levels would accord with Environment Agency requirements to mitigate against climate change impacts. The application also proposes works to the Springfield Watercourse, namely lowering land levels next to this main river with a set-back embankment to the proposed development platforms.
- 10.16 The Environment Agency (EA) has confirmed the acceptability of the submitted FRA, although has recommended that additional flood resistance and resilience measures are identified to ensure development is sustainable. The EA has recommended that a reserved matters application would need to demonstrate that the design would not increase flood risk off-site. Overall, no objections are raised by the EA, subject to conditions and other advice.
- 10.17 Lancashire Lead Local Flood Authority (LLFA) has recommended that effort is made to maintain the natural process and flow path of the watercourse, however they have reviewed the submitted details and have not raised an objection to the application, subject to conditions. A full drainage strategy and surface water drainage details can be secured by way of condition, as well as drainage management and maintenance details. The council's Drainage Engineer does not raise objections to the scheme and has advised that the submitted FRA and Emergency Plan are satisfactory.

- 10.18 Given the site is allocated for mixed use development including residential under Policy SA4 of the Local Plan, with the masterplan specifically identifying this part of the allocation for residential, the flood risk sequential test and exceptions test are not required. A condition would be added to any permission granted for development to be carried out in accordance with the submitted FRA. Overall, subject to suitably worded conditions, the application is deemed to have an acceptable impact in terms of flooding and drainage in accordance with Chapter 14 of NPPF, the National Planning Policy Guidance 'Flood Risk and Coastal Change, and Policy CDMP2 of the Wyre Local Plan.

Trees

- 10.19 Prior to submission of this application, the Council's Tree Officer recommended that a Woodland Tree Preservation Order (TPO) was created at the site to cover a group of trees (No.5 2021 Land at the north-east of the Iron Horse Public House, Fleetwood Road North, Thornton Cleveleys). This was subsequently confirmed by Planning Committee in November 2021. This removes the possibility of the trees being removed prematurely, and allows for full consideration of their amenity value under any subsequent planning application.
- 10.20 The application proposes removal of the trees that are the subject of the TPO. The Council's Tree Officer strongly opposes the proposals and has recommended that any layout should take the Woodland TPO area into account. The Council's Tree Officer has also advised that the proposed landscaping strategy is formed with a bias towards mitigating against the loss of the woodland rather than for its retention. Some other concerns were raised in respect of the suitability of the natural green space proposed, and the ground conditions for new tree planting.
- 10.21 Whilst the amenity value of these trees and their possible retention has been discussed, the applicant is unable to bring forward a layout that allows for retention of the trees without making the scheme unviable. Partial retention was also unviable for the applicant given site constraints and levels issues. In particular, the raising of levels across the site to meet EA requirements is a significant constraint to development. It is noted that the site is allocated for residential development in the Local Plan, however all constraints cannot be identified at the point of plan formulation.
- 10.22 The indicative layout plan shows the full extent of the northern site boundary with a new tree planting belt, and other trees within the site, including along residential streets and the watercourse, as well as within back gardens and areas of public open space. Whilst the loss of the Woodland TPO weighs strongly against the scheme, the submitted details suggest that there would be approximately 200 new native trees planted at the site and these could be supplemented with additional landscaping and hedgerow delivery, combined with improved management and other soft landscaping. Landscaping would need to be considered in full under any subsequent reserved matters application, but any future developer would be aware of the Council's expectations in this respect. Whilst the proposed replacement landscaping and tree planting is considered positive and carries significant weight in decision making, on balance, this is considered to be outweighed by the harm caused by the removal of the Woodland TPO. On this basis, it is

acknowledged that the proposed development would have a harmful impact on trees in conflict with Policy CDMP4 of the Local Plan.

Ecology

- 10.23 The site lies within 3.5km of the Morecambe Bay SSSI, SPA and SAC, which are designated to reflect the importance of this coastal habitat for ecology and wildlife. A Shadow Habitat Regulations Assessment (HRA) and Wintering Birds Survey were submitted to evaluate the potential impact on migratory birds. Greater Manchester Ecology Unit (GMEU) confirmed agreement with the findings of the Wintering Bird Survey, namely that the site is not functionally linked due to the lack of suitable habitat. It is noted that other land in the surrounding area is used by wintering birds, however the submitted HRA concluded that any potential risks from recreational disturbance and hydrological pathways can be mitigated by condition. It is also noted that Natural England do not have any objections to the proposals, subject to mitigation, namely, a Construction Environmental Management Plan, on site public open space provision, advisory leaflets, and installation of information boards. On the basis that suitable mitigation could be achieved via condition, it is considered that the application would not result in any adverse effect on the integrity and conservation objectives of the Morecambe Bay & Duddon Estuary SPA and Morecambe Bay Ramsar Site.
- 10.24 In respect of other ecological matters, GMEU have advised that a number of trees on site have bat roosting potential and trees should be surveyed closer to the point of removal to ensure no unacceptable impacts on bats would occur. GMEU have also advised that the watercourse should be retained as a dark corridor, unless details of lighting are provided which demonstrate an acceptable impact on bats, and Reasonable Avoidance Measures should be secured to protect amphibians, reptiles and hedgehogs. These details could be secured by way of planning condition should permission be granted. Conditions were also requested by GMEU in respect of tree/hedge works and species survey updates. It is noted that GMEU raised concern regarding the limited details of biodiversity enhancements. The applicant has subsequently provided an Assessment of Biodiversity Net Gain, which sets out measures that would mitigate/compensate for the impacts of development. This includes urban tree planting, landscaping, improvements to the watercourse and corridor, nest boxes, grassland provision, garden habitats, and management of landscaping areas. Overall, it is considered that subject to suitably worded conditions, the application would not have any significant harmful impact on protected species or local ecology.
- 10.25 Overall, the site is not functionally linked to the Morecambe Bay SSSI, SPA and SAC and can be screened out of further assessment under the Habitat Regulations. Subject to suitably worded conditions and mitigation, there would be no unacceptable impact on ecology and protected species. The application is therefore deemed to accord with Policy CDMP4 of the Local Plan, The Wildlife and Countryside Act 1981 (as amended) and section 15 of the NPPF.

Housing Mix

- 10.26 Policy HP2 of the Local Plan requires new housing developments to provide a mix of house types and sizes in line with the latest evidence of need as set out in the Strategic Housing Market Assessment (SHMA). Policy HP2 also

requires 20% of the dwellings to be suitable or adaptable for people with restricted mobility. A condition will be imposed requiring any subsequent reserved matters application to deliver a housing mix in accordance with Policy HP2.

Affordable Housing

- 10.27 A 30% affordable housing contribution would apply to this site, as set out by Policy HP3, to be provided onsite, unless it can be demonstrated that such a provision is not appropriate (and a financial contribution will instead be provided in lieu of an onsite provision).

Green Infrastructure

- 10.28 Key Development Consideration (KDC) 1 of Policy SA4 requires development to be supported by a landscape and green infrastructure framework incorporating structured tree planting and pedestrian and cycle connectivity within and where possible outside the site. Policy HP9 of the Local Plan requires appropriate provision of green infrastructure on site. The indicative layout plan shows open space and landscaping either side of the watercourse, with a public footpath along the eastern side. The indicative plan also shows a tree planting belt to the northern (road) boundary and tree planting along the watercourse and elsewhere within the site.
- 10.29 130 dwellings would generate a requirement for 1.14 hectares of green infrastructure. The indicative layout plan shows green infrastructure covering an area of approximately 1.09ha. Whilst some of the indicative areas included comprise narrow landscaping strips, these could form part of a legitimate landscaping scheme, and the contribution on site (as shown indicatively) is generally in accordance with the aims of Policy HP9. Full details of the provision would be agreed through a subsequent reserved matters application including layout and landscaping. The proposed footpath links allow permeability through the site away from roads and provide a walkway that future residents are likely to use for recreation. On this basis the application would accord with Policy HP9 and KDC 1 as set out in Policy SA4 of the Wyre Local Plan (2011-31).

Health Care

- 10.30 To mitigate the impact of this development on local health care facilities, a financial contribution of £46,855.00 towards the reconfiguration and extension of Thornton medical centre and Beechwood surgery is required.

Education

- 10.31 Lancashire County Council Education has not, at the time of writing this report, provided an updated response in relation to any required contribution towards local education provision. It is noted that their previous response did not request a contribution, however an updated calculation has been requested to ensure the development has an acceptable impact in terms of education and local school places.

Viability

- 10.32 Where a developer seeks to negotiate a reduction in the normal infrastructure requirements, the Council requires a financial appraisal demonstrating costs, financial return and expected profit, as set out in Policy SP6 (Viability) of the Local Plan. This is in accordance with the NPPF which requires viability to be a material consideration in decision making. During the course of the application the applicant has submitted a Viability Appraisal, which requests reduction of the affordable housing and planning obligations. This report has been independently reviewed by property surveyors Keppie Massie on behalf on the Council.
- 10.33 Following consideration of revenue and costs, Keppie Massie has concluded that that the development could support 9 affordable units (equating to 7%, rather than 30%) in combination with payment of the healthcare financial contribution (£46,855.00). It is concluded that any additional financial contributions or affordable housing provision would make the scheme financially unviable. It is noted that LCC Highways requested financial contributions towards Travel Plans and highways improvements along Fleetwood Road North and at the junction with Bourne Road. Given the financial viability situation, the development could not support these contributions. LCC Highways have confirmed that they would not object to the application where a legitimate viability case has been put forward and it is not considered that the development would result in any significant harmful impact on highway safety in the event these contributions are not provided by the applicant, and it is noted that other off-site highway improvements to the site access and new service road would be secured by condition, should permission be granted.
- 10.34 In conclusion, the development would, following viability review, provide 9 affordable dwellings and full financial contribution towards healthcare. It is noted that no education contribution was sought. The proposed planning obligations would be secured by way of a s106 legal agreement should permission be granted. On the basis of the above, and in accordance with Policy SP6 of the Local Plan, the application is considered to be acceptable on the basis of the submitted viability evidence.

Economic and Other Benefits

- 10.35 The applicant has submitted a statement to set out the economic benefits that the scheme carries which they wish to be considered to weigh against any negative impacts, in this case, namely the loss of the existing Woodland TPO at the site. The benefits are listed as
- 130 new homes;
 - £500,000 towards delivery of a new access road to the Technology Park area to the east;
 - £19 million investment in construction;
 - Creation of 60 full time equivalent jobs during construction phase;
 - £1 million in New Homes Bonus over 6 years;
 - £165,000 in annual Council Tax revenue;
 - Over £800,000 of household spend available to the local economy per year;
 - At least 200 street trees of native species;
 - New pond habitat;
 - Creation of a managed river corridor habitat;

- Opportunities for nesting birds and bats.

These benefits are significant and are considered to carry weight in the planning balance, in particular, the delivery of the new access road which is unlikely to be delivered apart from in combination with an application at this site.

Other Matters

- 10.36 Contamination - A Desk Study was submitted and updated during the application. The Council's Environmental Health Team has no objections to the proposals subject to final site investigation proposals being submitted for approval when available and a watching brief to prevent unacceptable contamination risk. Subject to suitably worded conditions it is considered the proposal would be acceptable in terms of ground conditions and would comply with the provisions of the NPPF.
- 10.37 Waste Collection - Details of bin collection/storage areas including location, design and appearance can be secured by condition.
- 10.38 Third Party Representations - In respect of other matters raised by members of the public, applications have not been received for other community uses/services and as the site is allocated for residential use, the requirement for other services locally would not represent reason to refuse this application. The development would contribute towards an established local housing target for the wider borough.

11.0 CONCLUSION

- 11.1 The site is identified for residential development under the approved Hillhouse Masterplan and the proposed development is therefore acceptable in principle. No unacceptable impacts have been identified in respect of design, amenity, highways safety, drainage, flooding and ecology. Planning obligations would be in accordance with Policy SP6 and guidance in the NPPF. The application, by way of the removal of the existing Woodland TPO at the site, would result in a harmful impact on trees, however it is noted that replacement tree planting, landscaping and management would be secured to limit the impacts of this loss. The development would carry significant economic benefits, including the extension of the access road along the site frontage and various social and economic benefits. These benefits are considered to carry significant weight and can be considered against the harm attributed to the removal of trees. It is concluded that in the overall planning balance, the economic benefit is considered to balance the impact on the loss of protected trees in this instance. All other material impacts have been assessed and found to be acceptable and overall, subject to conditions and a Section 106 legal agreement, the proposed development is considered to be acceptable.

12.0 HUMAN RIGHTS ACT IMPLICATIONS

- 12.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.
- 12.2 ARTICLE 1 - of the First Protocol Protection of Property has been considered in coming to this recommendation.

13.0 RECOMMENDATION

- 13.1 Grant outline planning permission subject to conditions and a S106 Legal Agreement to secure on-site Affordable Housing and Green Infrastructure provision and financial contributions towards health care. That the Head of Planning Services be authorised to issue the decision upon the satisfactory completion of the S106 agreement.

Recommendation: Permit

Conditions: -

1. In the case of any reserved matter, namely appearance, landscaping, layout and scale, an application for approval must be made before the expiration of three years beginning with the date of this permission; and that the development hereby permitted shall be begun not later than: the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 28.10.2021 including the following plans/documents:
 - Location Plan Drg No.L(01)02 Rev P1, received by the LPA on 15.09.2021;
 - Swept Path Analysis 11.2m Refuse Vehicle Drg No.77391-CUR-00-XX-DR-TP-05002 Rev P02, received by the LPA on 15.09.2021;
 - Proposed Access Arrangement Drg No.77391-CUR-00-XX-DR-TP-75001 Rev P06, received by the LPA on 15.09.2021;
 - Block Plan With Site Boundary Drg No.L(01)01 Rev P1, received by the LPA on 15.09.2021;
 - Outline Land Use Parameter Plan Drg No.L(04)02 Rev P3, received by the LPA on 28.09.2021.

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. Prior to the submission of the first reserved matters application(s) relating to layout, or simultaneously with that first reserved matters application, a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance with the hierarchy of drainage options outlined in Policy CDMP2 of the Adopted Local Plan 2011-31 or any equivalent policy in an adopted Local Plan that replicates the existing Local Plan.

The scheme details shall include, as a minimum:

- a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change as set out within the Environment Agency's advice on Flood risk assessments: climate change allowances' or any subsequent replacement EA advice note), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) Demonstration that the surface water run-off would not exceed the pre-development greenfield runoff rate;
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

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

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

No part of the development shall be first occupied or brought into first use until the drainage works and levels have been completed in accordance with the approved scheme. Thereafter the agreed scheme shall be retained, managed and maintained in accordance with the approved details.

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health, to prevent an undue increase in surface water run-off to reduce the risk of flooding and in the interests of visual and residential amenity in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework. The condition is required to be approved prior to commencement of development to ensure that full details are provided, to ensure a suitable form of drainage is provided in that specific area taking into consideration land conditions and proximity to existing services and to ensure that any proposed raising of levels can be assessed and that a coherent approach is taken with regard to the design of drainage and housing layout.

4. Prior to the construction of any dwelling, including foundations, details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, this shall include:
- a) The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Residents' Management Company
 - b) Arrangements concerning appropriate funding mechanisms for the on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
 - c) Means of access for maintenance and easements where applicable.

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

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

5. No development shall commence until details of how surface water will be managed during each construction phase have been submitted to and approved in writing by the local planning authority. Those details shall include as a minimum measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate. The development shall be constructed in accordance with the approved details.

Reasons: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere to ensure compliance with policy CDMP2 of the Wyre Local Plan

6. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Hadfield Cawkwell Davidson (Rev 1 - August 2021) including the proposals and mitigation measures detailed therein. The mitigation measures shall be fully implemented prior to first occupation of any dwelling or subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be approved in writing by the Local Planning Authority.

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

7. Prior to the submission of the first reserved matters application, or simultaneously with that first application, a Biodiversity Enhancement Measures Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include, but is not limited to, measures A-J as set out and shown on Figure A of the Assessment of Biodiversity Net Gain by Erap Ecology Consultants Ltd, received by the LPA 11th October 2022, and a timetable for implementation. The approved scheme shall be carried out in accordance with the approved details and shall be retained thereafter.

Reason: Such a scheme was not submitted with the application but is necessary to secure opportunities for the enhancement of the nature conservation value of the site in the interests of ecology and biodiversity in accordance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the NPPF.

8. If a time period of 3 years passes before the development hereby approved commences, then not later than 3 months prior to commencement of development, 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.

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

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

10. Any development, earthworks, vegetation clearance or drawing down of the pond shall be carried out in accordance with Section 5.4 of the Ecological survey and Assessment by Erap ref 2020-321 unless otherwise agreed in writing with the LPA.

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 NPPF.

11. Prior to the installation of any external lighting, a scheme for the provision of external lighting together with an Artificial Lighting Assessment shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall demonstrate that artificial lighting will be designed so that it will not illuminate potential habitat for bats (e.g. trees, watercourse corridor) and/or bird breeding places; and shall demonstrate that light intrusion into the windows of any sensitive premises will not exceed 10 Lux before 23.00, and 2 lux after 23.00 (Environmental Zone E3). The assessment shall demonstrate that the lighting will be installed in accordance with the Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light GN01:2011 and the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009 (or any subsequent replacement guidance).

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

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

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

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

13. Prior to the commencement of development a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to and approved in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the approved scheme implemented prior to the development of the site. Any changes to the approved scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken. On completion of any remediation works deemed necessary, a verification scheme shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: The development is for a sensitive end use and insufficient information has been submitted with the application as to the potential contamination risks of the site. The potential for contamination must therefore be addressed in order to

safeguard the development in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

14. 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).

15. The visibility splays from the proposed new site access points as shown on approved Proposed Access Arrangement Drg No.77391-CUR-00-XX-DR-TP-75001 Rev P06 shall be provided prior to first occupation of any dwelling served by that access point, and shall not at any time thereafter be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

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

16. An electric vehicle recharging (EVCP) scheme shall be submitted for all dwellings unless it is demonstrated that such provision of EVCP is not practical or due to identified site constraints. No dwelling shall be occupied until the electric vehicle recharging point has been provided for the dwelling to which it relates, and such electric vehicle recharging point shall be maintained and retained for that purpose thereafter.

Reason: To ensure the provision of appropriate on-site mitigation to compensate for the impact on air quality caused by the development in the surrounding area in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

17. Prior to the commencement of development, including any demolition works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include and specify the provision to be made for the following:

- (a) dust and dirt mitigation measures during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (b) control of noise and vibration emanating from the site during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (c) hours and days of demolition / construction work for the development expected to be 8.00-18.00, Monday to Friday, 08.00-13.00 on Saturday with no working on Sunday and Bank / Public Holidays
- (d) contractors' compounds and other storage arrangements

- (e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the demolition / construction period
- (f) arrangements during the demolition / construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)
- (g) the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable
- (h) external lighting of the site during the demolition / construction period
- (h) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (j) recycling / disposing of waste resulting from demolition / construction work
- (k) measures to protect watercourses against spillage incidents and pollution

The construction of the development including any demolition works shall be carried out in accordance with the approved CEMP.

Reason: Such details were not submitted with the application and need to be in place throughout the demolition / construction period in the interests of the amenities of surrounding residents, to maintain the operation and safety of the local highway network, to minimise the risk of pollution and to safeguard the character and appearance of the area in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

18. (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 (road base) level up to the entrance of the site compound before any other development takes place and shall be further extended before any development commences fronting the new estate road.
- (b) No dwelling hereby approved shall be first occupied until the new estate road(s) affording access to those dwelling(s) have been constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base (road base) level.

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

19. Prior to the submission of a reserved matters application relating to layout, or simultaneously with that reserved matters application, details of the existing and proposed ground, slab and finished floor levels shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: 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.

20. Prior to the commencement of above ground development a scheme to demonstrate how at least 20% of the dwellings shall be of a design suitable or adaptable for older people and people with restricted mobility shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, retained and maintained thereafter in accordance with the approved details.

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

21. No dwelling in the western part of the site west of Springfield Burn (as show on Outline Land Use Parameter Plan (L(04)02 (S1) REV P3) shall be occupied until the pedestrian link has been constructed in full up to the access point to the western development parcel (as shown in Proposed Access Arrangement Drawing No. 77391-CUR-OO-XX-DR-TP-75001 Rev PO6). No dwelling in the eastern part of the site east of Springfield Burn shall be occupied until the vehicular access road / pedestrian links (as shown in Proposed Access Arrangement Drawing No. 77391-CUR-OO-XX-DR-TP-75001 Rev PO6) has been constructed in full and built up to the eastern boundary of the site. This vehicular access road / pedestrian link shall thereafter be maintained and remain open and unobstructed at all times.

Reasons: To ensure that the development provides appropriate connections and sustainable linkages to neighbouring development and the wider highway network in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

22. As part of any reserved matters application where layout is applied for, the amount, general location and type of green infrastructure shall be provided on site in accordance with the requirements of Policy HP9 of the Wyre Local Plan, the approved Indicative Masterplan Drg No.L(04)03 Rev P12 submitted with this application and any subsequent Masterplan approved by the Local Planning Authority for the site.

Reason: In order to ensure adequate provision of green infrastructure is secured by this planning permission in accordance with the provisions of the NPPF and Policy HP9 of the Wyre Local Plan.

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

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

24. Any subsequent reserved matters application shall include full details of a scheme for the watercourse re-profiling works outlined in section 4 of the approved Flood Risk Assessment (Hadfield Cawkwell Davidson, Revision 1, dated 18 August 2021). The scheme must demonstrate that flood risk will not be increased on or off site in a 1% annual probability fluvial flood plus 35% increase for climate change, while ensuring that access to the watercourses for maintenance and / or repair will be retained. The scheme shall include details of dimensions, volumes, levels, gradients, profiles (including appropriate cross sections), method of construction (in consideration of functioning as a flood water retaining structure), timing/phasing arrangements, and future maintenance and operation arrangements. The scheme shall be fully implemented and subsequently maintained, in accordance with approved details and the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To ensure that flood risk is not increased on or off site and that access to watercourses is not restricted in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

25. Prior to first occupation of any dwelling hereby approved, the off-site works of highway improvements listed below shall be carried out, unless an alternative timetable for implementation is submitted to and approved in writing by the Local Planning Authority:
- Introduction of tactile paving provision at the existing uncontrolled crossing points of the compact roundabout, with modifications to refuge islands where necessary;
 - Review of existing road markings and road signs with replacement/enhancements provided where necessary;
 - Provision of cycle lanes from the compact roundabout to the signalised crossroads of Bourne Road/Way and Fleetwood Road North.

The off-site highway works shall be carried out in accordance with any alternative approved timetable for implementation.

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

Reasons: -

Notes: -

1. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
- on or within 8 metres of a main river (16 metres if tidal);
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal);
 - on or within 16 metres of a sea defence;
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert;
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing:

enquiries@environment-agency.gov.uk . The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity. The following guidance on the rights and responsibilities of riverside ownership is available on GOV.UK: <https://www.gov.uk/guidance/owning-a-watercourse>.

2. The proposals include works to non-main river watercourse, including infilling/culverting and diversion works. Any works to watercourses within or adjacent to the site which are not designated main rivers may require the prior formal consent of the Lead Local Flood Authority (LLFA), which is Lancashire County Council in this case, under Section 23 of the Land Drainage Act 1991. Further information is on the Lancashire County Council website:

<https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/>

The EA are generally opposed to culverting for land gain purposes and/or building over culverts due to the increased risk of localised flooding caused by blockages and/or structural and maintenance failures, and the likelihood that culverts will be removed and the watercourse restored to open channel in the future will be reduced. However, it is for the LLFA to decide whether or not proposals are acceptable. For maximum biodiversity benefit, we advise that site layouts should use watercourses on site as a feature rather than a constraint. Watercourses can be integrated into the layout as a positive feature by locating new built development in positions that overlook watercourses and including them within areas of public open space. Integrating watercourses into a site as a positive feature will not only provide a better environment, but it could also provide social and economic benefits, such as contributing to green infrastructure provision and/or enhancement, contributing to biodiversity net gain, and potentially increasing the economic value of a development. The applicant should also be aware that works to any ordinary watercourses that are also within 8 metres of Springfield Watercourse would require a flood risk activity permit from the Environment Agency. For example, any work located on the main river, or within 8 metres of the top of the bank, in relation to either the current confluence point or the proposed confluence point of an ordinary watercourse.

3. Lancashire LLFA - Informatives

- 1) The LLFA's response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given. The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Failing to do so can result in the LLFA taking enforcement action.

<https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/>

- 2) To prevent pollution, run-off waters containing contaminants (including silt) generated during the construction stage should be prevented from entering the adjacent watercourses. We recommend that the applicant refers to the following pollution prevention guidance which is available on the GOV.UK website at:

<https://www.gov.uk/guidance/pollutionprevention-for-businesses>

- 3) The multifunctional potential of sustainable drainage systems (SuDS) should be exploited to maximise their cost effectiveness, regardless of the size of development site. Early design consideration is advised to build SuDS into

multi-functional spaces and build up a network of SuDS that manage runoff close to its source to avoid the need for large storage areas. Designing green space and public realm with SuDS that work well when both wet and dry can provide valuable community recreational space as well as important blue and green infrastructure. Sports pitches, squares, courtyards, playgrounds, landscapes around buildings, urban parks, green corridors and woodlands are all popular types of open space which can be integrated with SuDS. SuDS can also contribute to development targets for open space where they are designed to be multi-functional.

On smaller development sites, space efficient SuDS can still be incorporated and include, for example, green roofs, bioretention gardens, permeable paving, rills, rainwater harvesting, hardscape storage, micro-wetlands, and bioretention tree pits.

- 4) The proposals indicate that the applicant intends culvert the ordinary watercourse. Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), you need consent from the Lead Local Flood Authority if you want to build a culvert or structure (such as a weir) or carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not. As a minimum, the applicant will be expected to:
- Carry out studies of the existing culvert/watercourse condition and capacity;
 - Undertake an examination of the downstream condition and implications of the development proposal, and;
 - Restrict discharge rates so that the peak runoff rate from the development to the ordinary watercourse for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.

As per Lancashire County Council Consenting and Enforcement Policy, it should be noted that the Lead Local Flood Authority will generally refuse consent applications which seek to culvert an existing ordinary watercourse. This is in line with Environment Agency guidance on protecting watercourses: <http://evidence.environment-agency.gov.uk/FCERM/en/FluvialDesignGuide/Chapter8.aspx?pagenum=6>

You should contact the Flood Risk Management Team at Lancashire County Council to obtain Land Drainage Consent. Information on the application process and relevant forms can be found here: <http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>

For the avoidance of doubt, once planning permission has been obtained it does not mean that land drainage consent will be given.

5. 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.