

**Committee Report****Date: 26.04.2023**

<b>Item Number</b>	<b>01</b>
<b>Application Number</b>	<b>21/01477/FULMAJ</b>
<b>Proposal</b>	<b>Erection of 13 No. affordable dwellings</b>
<b>Location</b>	<b>Land At Ormerod Street Thornton Cleveleys Lancashire FY5 4HU</b>
<b>Applicant</b>	<b>Baxter Group Ltd</b>
<b>Correspondence Address</b>	<b>c/o Sam Cheshire New Media House 8 Hardhorn Road Poulton-le-Fylde FY6 7SR United Kingdom</b>
<b>Recommendation</b>	<b>Permit</b>

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

Site Notice Date: 28.01.2022

Press Notice Date: 19.01.2022

**1.0 INTRODUCTION**

1.1 This application is before planning committee as similar schemes at this site have previously been considered by Planning Committee in April 2018 and February 2020. A site visit is recommended to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The application site is an elongated parcel of land situated to the north of Ormerod Street and The Stables, Thornton. The site is within the settlement boundary and covers an area of approximately 0.43ha. The site slopes gently from west to east and is bounded by residential properties to the south. The area of land to the west is undeveloped however was approved for new allotments under permission 14/00016/LMAJ (redevelopment of Poolfoot Farm Training Complex). To the north lies the Fleetwood Town FC Training Ground which accommodates various buildings alongside 16 sports pitches, car parking and a groundsman's compound enclosed by green mesh fencing. Part of the site is located within Flood Zone 3 (the highest flood risk).

2.2 The southern boundary of the site is marked by fencing with some shrubs separating the site from dwellings to the south. The neighbouring dwellings are a mix of traditional Victorian terraces and more recently constructed detached two and two and a half storey dwelling houses. The dwellings to the

south on Heys Street have small back yards that are bounded by fences and walls running alongside the access alleyway. A public right of way (PROW) crosses the site.

### **3.0 THE PROPOSAL**

- 3.1 The application seeks full permission for the erection of 13 affordable dwellings to be served by a new access off the access road to the Fleetwood Training Ground. The dwellings would be for affordable rent. The development would comprise semi-detached properties with 8 x 3 bed dwellings and 5 x 2 bed dwellings proposed. A pedestrian access is proposed at the western end of the close to allow access to land to the west.

### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 21/01385/FUL (Poolfoot Farm - Adjacent Land): Erection of two-storey community hub building with associated car parking and landscaping. Permitted.
- 4.2 19/00607/FULMAJ: Erection of 14 affordable dwellings. Pending decision - resolution to approve by Planning Committee (February 2020), section 106 agreement unsigned.
- 4.3 17/00320/FULMAJ: Erection of 17 houses and associated works (Re-submission of 16/00514/FULMAJ). Refused by Planning Committee and Dismissed at Appeal.
- 4.4 16/00514/FULMAJ: Erection of 17 affordable houses (two storey, arranged in pairs and a terrace), formation of new vehicular access taken from football club access road (off Ormerod Street) and associated works. Withdrawn 30.08.2016
- 4.5 14/00016/LMAJ (Poolfoot Farm - Adjacent Land): New community complex and training ground for Fleetwood Town Football Club comprising 15 grass sports pitches, 1 3G pitch with flood lighting, protective netting, vehicular accesses off Butts Road, Ormerod Street and Gamble Road, erection of clubhouse, changing room building, groundsman compound, car parking facilities, 23 allotments, attenuation pond and associated fencing and landscaping. Permitted.

### **5.0 PLANNING POLICY**

- 5.1 ADOPTED WYRE BOROUGH LOCAL PLAN (2011-2031)(INCORPORATING PARTIAL UPDATE OF 2022)
- 5.1.1 The Wyre Local Plan (2011-2031) (incorporating partial update of 2022) (WLPPU31) was adopted on 26 January 2023 and forms the development plan for Wyre. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

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

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP7 - Infrastructure & Developer Contributions
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk & Surface Water Management
- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP6 - Accessibility & Transport
- HP2 - Housing Mix
- HP3 - Affordable Housing
- HP9 - Green Infrastructure

## 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:

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

5.2.3 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 (base dated 31st March 2022) which demonstrates a deliverable housing land supply position of 10.63 years. The council's position therefore is that it is able to demonstrate a deliverable 5 year housing land supply.

## 5.3 OTHER MATERIAL CONSIDERATIONS

### 5.3.1 WYRE SUPPLEMENTARY PLANNING GUIDANCE

The following is 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) (October 2020)
- Guidance for Applicants - Flood Risk Sequential and Exceptions Test advice note

- 5.3.2 THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS (AMENDMENT) (EU Exit) 2019
- 5.3.3 THE WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)
- 5.3.4 NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)
- 5.3.5 NATIONAL DESIGN GUIDE - SEPTEMBER 2019
- 5.3.6 NATIONAL DESIGN GUIDE AND THE NATIONAL MODEL DESIGN CODE

## **6.0 CONSULTATION RESPONSES**

- 6.1 THE ENVIRONMENT AGENCY (EA)
  - 6.1.1 No objections subject to the proposed development proceeding in strict accordance with the submitted Flood Risk Assessment.
- 6.2 GREATER MANCHESTER ECOLOGY UNIT (GMEU)
  - 6.2.1 No objections subject to conditions.
- 6.3 LANCASHIRE COUNTY COUNCIL - LEAD LOCAL FLOOD AUTHORITY (LLFA)
  - 6.4.1 No objections subject to accordance with the FRA and submission of a final SuDs strategy and management details.
- 6.4 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)
  - 6.4.1 No objections subject to conditions.
- 6.5 LANCASHIRE COUNTY COUNCIL (EDUCATION & CULTURE)
  - 6.5.1 No contribution towards education is required.
- 6.6 LCC (RIGHTS OF WAY OFFICER)
  - 6.6.1 No response received.
- 6.7 LANCASHIRE AND SOUTH CUMBRIA INTEGRATED CARE BOARD
  - 6.7.1 Financial contribution requested towards reconfiguration and extension at Thornton medical centre.
- 6.8 UNITED UTILITIES
  - 6.8.1 No objections subject to conditions.
- 6.9 SPORT ENGLAND

- 6.9.1 No objections subject to conditions.
- 6.10 RAMBLERS ASSOCIATION
- 6.10.1 No response received.
- 6.11 RAMBLERS ASSOCIATION (FYLDE)
- 6.11.1 No response received.
- 6.12 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (CONTAMINATION)
- 6.12.1 No objection subject to conditions.
- 6.13 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE)
- 6.13.1 Objects.
- 6.14 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY)
- 6.14.1 No noise objection subject to conditions.
- 6.15 WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (PARKS AND OPEN SPACES OFFICER)
- 6.15.1 Parks & Open Spaces has confirmed the required sum for an off-site financial contribution towards public open space to be provided in lieu of on-site provision.
- 6.16 WYRE BC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (TREE AND WOODLAND OFFICER)
- 6.16.1 Referred to comments on the previous application that remain applicable.

## **7.0 REPRESENTATIONS**

- 7.1 Five public comments have been received raising the following points of objection (summarised):
- The land was proposed for allotments, which has been ignored;
  - This land is used as overflow parking for the football club and the development will worsen the existing parking problems in the area where people cannot park near their own homes and large transporters block the road in association with Webuyanycar (Poolfoot);
  - The existing parking problems, caused by proximity to the school, church and industrial estate, need to be addressed otherwise development will worsen existing parking problems;
  - The fencing between the field and existing housing needs to be addressed;
  - The pedestrian walkway to the fields would present an additional security risk to properties on Chestnut Gardens and will reduce their privacy given open access for pedestrians;

- The loss of trees would have an impact on local amenity as well as impacts on security, privacy, drainage and local wildlife;
- More details of species should be provided in the ecology survey, including how species will be relocated prior to clearance;
- Development would lead to overshadowing of properties on Heys Street;
- Plots 1 & 2 would result in reduced privacy to existing neighbours.

## **8.0 CONTACTS WITH APPLICANT/AGENT**

8.1 Amended plans and updated details have been received during the course of the application to overcome concerns in respect of highway safety, trees and flood risk/drainage.

## **9.0 ISSUES**

- 9.1 The main planning issues are:
- Principle of development and Policy compliance
  - Visual Impact / Design
  - Impact on residential Amenity
  - Highway safety
  - Drainage and Flood Risk
  - Ecology
  - Trees and Landscaping
  - Developer Contributions

### Principle of development and Policy compliance

9.2 The site is an undeveloped parcel of land within the settlement boundary of Thornton and residential development in this area is acceptable in principle in accordance with Local Plan Policies SP1 and SP2 subject to compliance with other development plan policies. It is also acknowledged that the proposal is for 13 affordable houses which would contribute towards meeting the affordable housing need within the borough, however in accordance with Policy HP3 of the Local Plan only 30% affordable housing can be secured in the Section 106 agreement so very little additional weight should be given to this in the overall planning balance. This is set out in more detail within paragraph 9.22 of this report.

### Visual Impact / Design

9.3 The application proposes 13 dwellings which would be arranged around a cul-de-sac layout. They would comprise 5 pairs of semi-detached properties and one row of three terraced properties. Whilst the previous layout generally included dwellings fronting onto the proposed access road, this application proposes an alternative arrangement with properties at the western part of the site now positioned side on to the access road. Whilst this would result in some gardens and side elevations featuring more prominently within the street scene, it is noted that the site constraints and boundaries have impacted the layout. Generally speaking, the plots have parking spaces to the front, however some attempt has been made to break up frontages with soft landscaping features including trees and hedges. Two off street car parking spaces have been proposed for each dwelling and the proposed arrangement ensures that car parking would not dominate the street scene. Soft landscaping is also proposed to the side of Plot 1 to provide a softer appearance within the street scene along Ormerod Street. Whilst there would

still be some rear boundaries within the street scene, namely Plots 1 and 7, this would not result in any significantly harmful visual impact. The boundaries to Ormerod St and the rear garden to Plot 7 would have a part wall, part fence boundary treatment which is more attractive than a full timber panel fence. Furthermore, it is considered that the Plots 1-6 would somewhat reflect the layout of properties along Heys and Ormerod Street, where dwellings front towards the road with gardens to the rear in a grid layout.

- 9.4 The proposed dwellings themselves would have a relatively simple design and appearance, although they would have some architectural details, including contrasting brick courses or upper rendered walls to break up any potential massing. Soldier brick courses are proposed above windows, and there would be porches above the front doors of each property. In respect of materials, a condition would be added to ensure the external materials are appropriate for this location. Overall, the layout and appearance of dwellings would generally accord with existing development in the surrounding area and the scale of the dwellings would also be acceptable. The application is deemed to have an acceptable visual impact in accordance with Policy CDMP3 of the Local Plan.

#### Impact on residential Amenity

- 9.5 Some public concern has been raised about the relationship with Poolfoot Farm, as well as impacts on adjacent properties. The application site would be north of existing properties on The Stables, Heys Street the proposed dwellings would also be in relative proximity to properties on Ormerod Street.
- 9.6 In respect of separation distances, the Council's SPG4 sets out that facing rear elevations (and front elevations) should be set a minimum of 21m apart. The rear elevations of Plots 1-4 would a minimum distance of 18.0m away from the facing rear elevations of the nearest properties along Heys Street. These properties would be set at a slight angle and the minor shortfall in separation distances is not deemed to result in any significant overlooking or overshadowing impacts. Similarly, the intervening distance between the front elevation of Plots 5-6 and properties on The Stables (to the south) would not lead to any unacceptable overlooking. Other proposed plots to the western end of the site would have a side on relationship with properties along The Stables and would exceed the separation distance of 13m required by the Council's SPG. As Plot 13 would be 6m (side to side) with the nearest property along The Stables, No.6, it would not result in any unacceptable overbearing or overshadowing impacts, and the absence of windows in the side would remove any new overlooking impacts. It is considered that rear windows proposed to Plots 12-13 would not lead to any unacceptable overlooking towards Chestnut Gardens given the intervening distance between these properties and indirect outlook. In terms of other impacts, some outlook towards the rear yards of properties on Ormerod Street could be gained, however this would be via an oblique angle and at a distance exceeding 18m. As such, there would be no unacceptable new overlooking impact, and it is noted that facing windows along this part of Ormerod St are already in close proximity given the terrace layout.
- 9.7 In terms of impacts between the proposed properties themselves, these would comply with the separation distances in the Council's SPG, with the exception of Plots 4 and 5. The front elevations of these properties would be 17m apart, however they would be on opposite sides of the access road and

the layout would allow for views either side of the dwellings. As this shortfall relates to a small number of plots, it is not considered sufficiently problematic to warrant refusal of the application, and is not considered to create an unduly enclosed street scene, or lead to any unacceptable overlooking impacts. The properties would have suitably sized private gardens and a good standard of amenity would be provided for future residents in the layout proposed.

- 9.8 Whilst a 2.5m acoustic fence to the boundary with Poolfoot Farm was previously required, the proposed layout has now changed significantly. In the current layout, Plots 9 and 10 would be side on to the playing field and closest to the northern boundary. Plots 5 and 6 would have gardens backing on to the boundary with Poolfoot Farm, although would be set further from the boundary given the 12m gardens and orientation. It is noted that an 8m protective fence along the shared boundary with Poolfoot Farm, and a 1.8m close boarded timber fence would be positioned along the shared boundary to gardens. The applicant has submitted a noise assessment which concludes that, subject to the proposed fencing and installation of appropriate double glazing/trickle ventilation, the proposals would have an acceptable impact in terms of noise. The Council's Environmental Health Officer has reviewed the submitted noise assessment and raises no objections subject to the mitigation measures set out in the report being secured by way of planning condition. A condition would be attached to any permission granted to secure these measures and on this basis, the application is deemed to have no unacceptable impact in terms of noise.
- 9.9 Overall, the development is considered to have an acceptable impact on residential amenity in accordance with Policies CDMP1 and CDMP3 of the Local Plan.

#### Highway Safety

- 9.10 The proposed plans show a 2m wide footpath either side of the access road. A turning head is proposed at the western end of the site and the proposals would represent an acceptable layout in terms of highway safety. The application details have been reviewed by LCC Highways who have confirmed that the scheme would not result in a severe impact on highway capacity or congestion in the immediate vicinity of the site. LCC Highways have noted that the visibility splay onto Ormerod Street does not strictly accord with the Manual for Streets requirements, however they have not raised objections to this given the access road would not serve through traffic and no unacceptable impacts are identified. In accordance with LCC Highway's comments, a Traffic Management Plan would be secured by condition to prevent any unacceptable impacts during construction phase. No highway objections are raised.
- 9.11 It is noted that some public objections were raised in respect of parking issues and congestion along Ormerod Street, where existing residents do not have off street parking. Whilst the application site may currently offer some opportunity for off-street parking in its present state, this is an informal use of an undeveloped area, and only appears to be used during particularly busy times. The proposed dwellings would have two off street parking spaces each which would meet the required provision for off street parking as set out within Appendix B of the WLP31. There are larger car parks within the Poolfoot Training complex for visitors and whilst existing properties along Ormerod St and nearby roads do not benefit from off street parking spaces,



the development itself would not lead to any significant impact on parking in the surrounding area. Furthermore, the creation of 13 dwellings is considered unlikely to result in a significant increase in terms of vehicle movements or additional traffic in the vicinity. It is considered that the development would not lead to any significant impact on the surrounding highway network. Off site highway works are to be conditioned accordingly.

- 9.12 Overall, the application is not considered to have an unacceptable impact on highway safety and the scheme would accord with Policy CDMP6 of the Local Plan.

#### Drainage and Flood Risk

- 9.13 In terms of flood risk, the application site lies within Flood Zone 3 which is the highest risk of flooding, however it is noted that the site is at very low risk from river and sea flooding and only a small part of the eastern extent of the site is currently defined as being at high risk from surface water flooding as shown on the Environment Agency's Flood Risk maps.
- 9.14 The Council's Drainage Engineer has raised concern that the submitted FRA states that surface water would drain to a combined/foul sewer which would not be acceptable. However, it is noted that the submitted drainage plans show surface water draining on a separate surface water network. The Drainage Engineer has also requested a lower run-off rate. A condition would be added to any permission granted for drainage plans to be provided for confirmation of the proposed arrangement and suitable details could be considered under the discharge of conditions process.
- 9.15 The Lead Local Flood Authority (LLFA) has not raised any objections to the proposed development subject to conditions, namely accordance with the submitted Flood Risk Assessment (FRA) and submission of further drainage and management details for consideration. The Environment Agency (EA) has confirmed that the revised FRA, including mitigation measures, demonstrates that the proposed development would be safe without exacerbating flood risk elsewhere. This is on the basis that the proposed flood risk mitigation measures are implemented and these measures would be secured by way of planning condition. Overall, subject to suitably worded conditions, the development would have an acceptable impact in terms of flood risk.
- 9.16 Given the position of the site within Flood Zone 3, a sequential test is required for the proposed new dwellings. The NPPF (Para 161-163) states that a sequential test must be applied with the aim of steering development to areas with the lowest risk of flooding, and where necessary, the Exceptions Test should be applied. Policy CDMP2 of the Local Plan is in accordance with this stating 'where development is proposed in areas at risk of flooding, unless specifically proposed in this Local Plan, it must be demonstrated that the Sequential Test has been applied and there are no reasonable available alternative sites at lower risk, considering the nature of the flooding and vulnerability of the development.'
- 9.17 A sequential test has been submitted (contained within the FRA), covering the Thornton/Cleveleys area only in terms comparator sites, as the scheme is for affordable units to meet a demand within this area. For residential development, in some cases, the Council may wish to apply both site capacity

and site size parameters. It is noted under the previous application (19/00607/FULMAJ) that there were no suitably sized comparator sites within Thornton/Cleveleys the most recent Housing Land Monitoring Report, Strategic Housing Land Allocations Assessment and sites marketed by land agents in a search for comparator sites. It is noted that the development is now reduced by a single unit from 14 dwellings to 13. An updated Sequential Test has been requested from the applicant to confirm that there are no suitable sites available capable of accommodating the proposed development. Based on the additional details, the application passes the sequential test as it is demonstrated that no other sites are available.

- 9.18 In accordance with the NPPF, where the sequential test is passed, the exceptions test applies to more vulnerable development. For the exception test to be passed it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh flood risk and the development must be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere. The submitted exceptions test outlines that the delivery of affordable housing is a benefit and part of the site can be raised to accommodate the proposals with a low risk of flooding. It is accepted that the site is in an accessible location and the benefits outweigh any flood risk harm. The submitted Flood Risk Assessment (FRA) has been deemed by the Environment Agency to demonstrate that the development will be safe without exacerbating flood risk subject to the proposed flood risk mitigation measures. As such the exceptions test is considered to be passed. Overall, subject to further details, the application is considered to have no unacceptable impact on flooding and drainage and would accord with Chapter 14 of NPPF, the National Planning Policy Guidance 'Flood Risk and Coastal Change and Policy CDMP2 of the Wyre Local Plan.

#### Ecology

- 9.19 There is a pond to the east of the site opposite Ormerod Street which is contained within the Poolfoot Farm complex which would not be affected by the proposals. The submitted ecology survey found the site itself to have limited ecological value. Greater Manchester Ecological Unit (GMEU) has been consulted on this application and they have not raised any concerns with the findings of the survey, subject to the recommendations being incorporated into the scheme should permission be granted. This included measure for protection of amphibians, birds, bats and reptiles. Conditions have also been requested in respect of construction management and biodiversity enhancement. Overall, no unacceptable impacts have been identified and subject to suitably worded conditions, the application would have no unacceptable impact in terms of ecology.

#### Trees and Landscaping

- 9.20 Most of the site is grass/scrubland, however there are some trees to the boundary. A plan has been submitted showing the areas of tree cover to be removed. One tree beyond the southern boundary would be retained, and whilst some features would be removed, the Council's Tree Officer has confirmed that the submitted Tree Protection Plan, Landscaping Proposal, schedule and specification are acceptable. The trees/shrubs to be removed have low retention value, and it is noted that several new trees and structured other landscaping features are proposed within the new scheme. This is

considered to represent an improvement overall on the current situation and would mitigate against the loss of existing features. Replacement landscaping features would be secured by way of planning condition to ensure the application has an acceptable impact in respect of the trees and landscaping. On this basis, it is considered that the application would not have any detrimental impact on trees or landscaping features at the site.

#### Developer Contributions

- 9.21 Lancashire County Council Education Authority confirmed that no education contributions area required in respect of the development proposed, based on projected school place availability. An up-to-date assessment will be requested and reported to Planning Committee on the update sheet.
- 9.22 Whilst the supporting documentation sets out the scheme will be providing 100% affordable properties (13 units), Policy HP3 of the WLP31 requires 30% affordable housing on a greenfield site in Thornton. This equates to 4 onsite affordable units which will be secured in the section 106 agreement. As such whilst the applicant may choose to provide more than this, very little additional weight should be given to the provision of additional affordable homes over the 30% in the overall planning balance. Policy HP2 of the Local Plan requires new housing developments to widen the choice of housing types available in Wyre by providing a mix of house types and sizes in line with the latest evidence of need as set out in the Strategic Housing Market Assessment (SHMA) which in this case is the May 2018 Addendum 3 Supplementary Note setting out a need for 38% 1 and 2 beds, 43% 3 beds and 19% 4+ beds. The proposed development would provide 5 (approx. 38%) 2 bed dwellings and 8 (approx. 61%) 3 bed dwellings. Whilst this is not strictly in accordance with Policy HP2, provision of smaller properties, including 2 and 3 bed dwellings, would generally be in accordance with the SHMA evidence.
- 9.23 Lancashire and South Cumbria Integrated Care Board have confirmed that, based on the projected population, that they would have no objections to the development, subject to financial contribution (£7242.00) towards reconfiguration and extension of Thornton Medical Centre. This would be secured by a S106 legal agreement.
- 9.24 Policy HP9 of the Local Plan requires development which results in a net gain of 11 units to make appropriate provision of green infrastructure on site. Where appropriate, the Council will accept a financial contribution towards improving the quality and accessibility of nearby existing green infrastructure. In this instance the submitted plan does not provide any on site provision for Green Infrastructure / open space. Under the previous permission (19/00607/FULMAJ), it was a financial contribution toward maintenance/improvement of King George's Playing Field in Thornton was considered acceptable in lieu of on-site provision given its relative proximity (within 1km). The required contribution, based on the development proposals, has been calculated at £41,667.70 and this would be secured by a S106 legal agreement. It is considered that this would be acceptable in respect of Policy HP9 of the Local Plan.
- 9.25 Part of the application site is identified as Green Infrastructure in the Wyre Local Plan (2011-31) and Policy CDMP4 sets out, amongst other things, that development should demonstrate that it would not result in a loss of function of the Green Infrastructure site, that the impacts can be mitigated against, and

a network of green spaces is maintained or the site is surplus to requirements. The financial contribution towards St George's Playing Field would mitigate against what is essentially a small loss and it is deemed that the Poolfoot Farm Site (the bulk of this Green Infrastructure designation) would not suffer any loss of function. On the basis that a connected area of green spaces would be maintained, it is deemed that the proposals would not result in any conflict with Policy CDMP4. Sport England has been consulted on the application to ensure they are satisfied that the development would not prejudice the functionality of the adjacent sports pitches. They have confirmed that they have no objections subject to the protective/acoustic fencing being provided to mitigate against noise conflict. A boundary treatment plan has been submitted and a condition would be added to any permission granted for these fences to be maintained. The applicant has agreed to the proposed financial contributions set out above which are to be secured by reason of S106 legal agreement.

#### Other Matters

- 9.26 No objections were raised by the Council's Land Contamination Team subject to a condition for a further site investigation to be undertaken in relation to potential land contamination prior to development and any remediation measures undertaken if required. On this basis, the application would have no unacceptable impact in terms of land contamination.
- 9.27 A condition is recommended to secure electric vehicle recharging points in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).
- 9.28 The proposal allows for pedestrian access through the site and would not prevent access to land to the west of the site from being developed as an allotment (as approved under a separate application). The delivery of an allotment is a separate proposal to the current application.
- 9.29 The proposed footpath along the southern boundary would allow access to land to the rear and whilst narrow, enclosed walkways are not necessarily desirable features in new developments it is not considered that this would lead to any significant safety or misuse given its location.

#### **10.0 CONCLUSION**

- 10.1 The principle of development is acceptable and the proposals would not result in unacceptable impacts in respect of visual and residential amenity, highways safety, flooding, and drainage. All other material impacts have been assessed and found to be acceptable and overall, subject to conditions and a legal agreement, the proposed development is considered to be acceptable.

#### **11.0 HUMAN RIGHTS ACT IMPLICATIONS**

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

## 12.0 RECOMMENDATION

- 12.1 That the application be granted subject to the conditions set out below and subject to a section 106 legal agreement to secure onsite affordable housing and to secure an appropriate financial contribution towards green infrastructure and healthcare, and that the Head of Planning Services be authorised to issue planning permission upon satisfactory completion of the S106 agreement.

### **Recommendation: Permit**

#### **Conditions: -**

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 16.12.2021 including the following plans/documents:

- Site Location Plan Drg No.BH/04377/001;
- Affordable 2 bed semi house type Drg No.BH/04377-A-02;
- Affordable 3 bed semi house type Drg No.BH/04377-A-03;
- Affordable 3 bed house type 2 Drg No.BH/04377-A-04;
- Affordable 2 bed Terrace Elevation Drg No.BH/04377-A-05;
- Affordable 3 bed Terrace floor Plan Drg No.BH/04377-A-06;
- Proposed Site Plan Drg No.BH/04377/004 Rev B, received by the LPA 12th July 2022;
- Proposed Site Layout Drg No.BH/04377/005 Rev A, received by the LPA 12th July 2022;
- Proposed Vehicle Tracking BH-04377-011 Rev A, received by the LPA 12th July 2022;
- Hard Landscaping Plan BH-04377-009\_Rev A, received by the LPA 12th July 2022;
- Soft Landscaping Proposal 196-REL-XX-XX-DR-L-301, received by the LPA 12th July 2022;
- Planting Plan 196-REL-XX-XX-DR-L-401, received by the LPA 12th July 2022;
- Landscaping Specifications 196-REL-XX-XX-SP-L-401, received by the LPA 12th July 2022;
- Tree Retention Plan BH/04377/007 Rev A, received by the LPA 12th July 2022;
- Tree Protection Plan BH/04377/008 Rev A, received by the LPA 12th July 2022;
- Protective Fencing BH-04377-012 Rev A, received by the LPA 7th March 2023;
- Boundary Treatment BH-04377-006 Rev C, received by the LPA 7th March 2023;
- Proposed Floor Levels Plan BH-04377-010\_Rev B, received by the LPA 1st September 2022;

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. No development above ground level shall be commenced until details of the materials to be used in the construction of the external surfaces of that dwelling (including the external walls, roof, and windows) have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

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

4. No dwelling hereby approved shall be first occupied until the parking / turning areas shown on the approved Proposed Site Plan Drg No.BH/04377/004 Rev B as relating to that dwelling has been laid out, surfaced and drained. The parking / turning areas shall thereafter be retained and maintained and not used for any purpose other than for the parking and manoeuvring of vehicles without express planning consent from the local planning authority first being obtained.

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

5.
  - (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 / for a distance of 10 metres into the site from the highway 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 the 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).

6. Prior to the commencement of development, including any demolition works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include and specify the provision to be made for the following:
- (a) dust and dirt mitigation measures during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
  - (b) control of noise and vibration emanating from the site during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
  - (c) hours and days of demolition / construction work for the development expected to be 8.00-18.00, Monday to Friday, 08.00-13.00 on Saturday with no working on Sunday and Bank / Public Holidays
  - (d) contractors' compounds and other storage arrangements
  - (e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the demolition / construction period
  - (f) arrangements during the demolition / construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)
  - (g) the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable
  - (h) external lighting of the site during the demolition / construction period
  - (i) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - (j) recycling / disposing of waste resulting from demolition / construction work
  - (k) measures to protect watercourses against spillage incidents and pollution

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

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

7. An electric vehicle recharging (EVCP) scheme shall be submitted for all dwellings with parking provision unless it is demonstrated that such provision of EVCP is not practical 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).

8. Prior to the commencement of development hereby approved, a scheme for the construction of the site access and the off-site works of highway improvement [ namely tactile paving at the training ground access road / junction with Ormerod Street, tactile paving at Ormerod Street / Butts Road junction and tactile paving at Ormerod Street / Heys Street junction], including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The site access and off-site works of highway improvement shall be constructed and completed in accordance with the approved scheme details.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31). The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application.

9. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities
  - b) Identification of "biodiversity protection zones"
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
  - d) The location and timing of sensitive works to avoid harm to biodiversity features
  - e) The times during construction when specialist ecologists need to be present on site to oversee works
  - f) Responsible persons and lines of communication
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
  - h) Use of protective fences, exclusion barriers and warning signs

The approved CEMP Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the development has an acceptable environmental and biodiversity impact in accordance with Policy CDMP4 of the Wyre Local Plan (2011-31).

10. 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 .



11. Prior to commencement of the development hereby approved, a scheme for Biodiversity Enhancement Measures shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall be agreed in writing by the local planning authority prior to first occupation) and shall be retained thereafter.

Reason: To ensure that appropriate biodiversity enhancement measures are incorporated into the proposed development in accordance with the NPPF and Policy CDMP4 of the Wyre Local Plan (2011-31).

12. Prior to first occupation, 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. No development shall be commenced until:
  - (a) A methodology for site investigation has been submitted to and approved in writing by the Local Planning Authority.
  - (b) A site investigation has been undertaken strictly in accordance with the agreed methodology and a risk assessment of the findings submitted for approval by the Local Planning Authority, together (where appropriate) with a detailed remediation strategy.
  - (c) Remediation of the site has been undertaken strictly in accordance with the remediation strategy and a validation report has been submitted for approval in writing, confirming full implementation of the agreed remediation scheme.

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

14. The development shall incorporate suitable gas protection measures, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The measures shall include as a minimum: ventilation of confined spaces within the building, a ground slab of suitable construction, a low permeability gas membrane, minimum (ideally none) penetration of the ground slab by services, and passive ventilation to the underside of the building. The development shall be carried out in accordance with the approved scheme and thereafter be

maintained and retained. Alternatively, prior to the commencement of development, a gas monitoring programme and risk assessment of the results shall be undertaken to demonstrate that the above protection measures are not required. The results shall be submitted to and approved in writing by the Local Planning Authority. Any gas monitoring programme must be carried out over a period of at least three months and include at least three readings where the atmospheric pressure is below 1000mb. Gas flow rates must also be provided.

Reason: Works are therefore required in the interests of public safety and in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

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

The scheme details shall include, as a minimum:

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

For the avoidance of doubt, surface water must drain separate from the foul and unless otherwise agreed in writing by the Local Planning Authority, no

surface water shall discharge to the public sewerage system either directly or indirectly.

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

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health, to prevent an undue increase in surface water run-off to reduce the risk of flooding and in the interests of visual and residential amenity in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31) and the NPPF. 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 taking into consideration land conditions and proximity to existing services.

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

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

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

17. The development hereby permitted shall be carried out in accordance with the mitigation measures set out in Section 12 of the approved Flood Risk Assessment (FRA) by ELLUC Projects Rev F3 dated 28.07.2022. The

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

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

18. Prior to first occupation of the development hereby approved, the noise mitigation measures set out in Chapters 4.7, 4.8, 4.9 of the supporting Acoustic Assessment [Report No.2425-1 dated January 2023] shall be implemented in full. The approved noise mitigation measures shall thereafter be retained and maintained.

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

19. Any lighting installed for the development shall be installed in accordance with the standards for 'Environmental Zone E2' as described within the Institute of Lighting Professionals' Guidance for the Reduction of Obtrusive Light, GN01:2011', namely that the light intrusion into the windows of any nearby sensitive premises shall not exceed 5 Lux before 23.00, and 1 lux after 23.00.

Reason: To safeguard residential amenity and in the interests of public safety in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

20. Prior to the first occupation of any dwelling hereby permitted, the boundary treatments shall be completed fully in accordance with the details shown on Drawings BH-04377-012 Rev A (Protective Fencing) and BH-04377-006 Rev C (Boundary Treatment), as relating to that dwelling, including (acoustic) 1.8m fencing with a density greater than 12kg/m<sup>2</sup> to the rear boundaries of Plots 5-13. The boundary treatments shall be retained in accordance with these approved details thereafter.

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

21. The finished floor levels shall be constructed and completed in accordance with the approved details shown on Proposed Floor Levels Plan BH-04377-010 Rev B.

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

22. The measures contained within the approved Arboricultural Impact Assessment (Bowland-Sept 2021), Tree Retention Plan (BH/04377/007 Rev A) and Tree Protection Plan (BH/04377/008 Rev A) with respect to those trees/hedgerows shown as being retained shall be implemented in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the

development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

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

Reason: In order to protect trees from damage or loss in the interests of the amenity of the area in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981.

23. The hard and soft landscaping works shall be carried out in accordance with the approved details (listed below) prior to first occupation of the dwellings hereby approved or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained:

- Hard Landscaping Plan BH-04377-009\_REVA
- Soft Landscaping Proposal 196-REL-XX-XX-DR-L-301
- Planting Plan 196-REL-XX-XX-DR-L-401
- Landscaping Specifications 196-REL-XX-XX-SP-L-401

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 7 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

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

**Reasons: -**

**Notes: -**

1. All site investigations and assessments shall be carried out by appropriately qualified personnel, in accordance with British Standard 10175:2001 "Investigation of Potentially Contaminated Sites - Code of Practice" and Land Contamination Risk Management (LCRM). The presence of any significant contamination, which becomes evident during the development of the site, shall be brought to the attention of the Local Planning Authority.