

Committee Report

Date: 05.07.2023

Item Number 03

Application Number 23/00215/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 (Re-submission of 21/01152/OULMAJ)

Location Land Off Fleetwood Road North Thornton-Cleveleys

Applicant Mr Gary Goodman

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Recommendation Permit

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

Site Notice Displayed: 05.05.2023

Press Notice: 22.03.2023

1.0 INTRODUCTION

1.1 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 recent application of a similar proposed development was also presented and determined by the Planning Committee in February 2023. 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.

2.0 SITE DESCRIPTION AND LOCATION

2.1 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).

- 2.2 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 a small retail store.

3.0 THE PROPOSAL

- 3.1 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.

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

- Design & Access Statement
- Arboricultural Impact Assessment
- Air Quality Assessment
- Desk Study (Contamination)
- Noise Impact Assessment
- Drainage Strategy
- Ecology Survey
- Statement of Community Involvement
- Flood Risk Assessment (FRA) & Exception Test
- Transport Assessment
- Odour Assessment
- Land Contamination Assessment
- Masterplan compliance statement

4.0 RELEVANT PLANNING HISTORY

- 4.1 The site has the following relevant Planning History:

- 4.1 21/01152/OULMAJ: 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.

- 4.1.1 This application was refused by the Planning Committee on the 1st February 2023 for the following reasons:

- 1) The proposed development by way of the level of affordable housing provision is an unacceptable reduction in infrastructure contrary to the provisions of Policies SP6 and HP3 of the Wyre Local Plan 2011-2031
 - 2) The proposed development is contrary to Policy CDMP4 in that the benefits do not outweigh the loss of amenity nature conservation and biodiversity value of the trees
- 4.1.2 An Appeal has been lodged with the Planning Inspectorate and is currently awaiting a start date. An application for costs has also been submitted.
- 4.2 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.
- 4.3 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.

5.0 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
- 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)

- 5.1.3 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.

5.2 OTHER MATERIAL CONSIDERATIONS

- 5.2.1 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.

- 5.2.2 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

5.3 OTHER GUIDANCE AND LEGISLATION

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)

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

5.3.7 HILLHOUSE TECHNOLOGY ENTERPRISE ZONE MASTERPLAN

5.3.8 The HILLHOUSE TECHNOLOGY ENTERPRISE ZONE MASTERPLAN was approved on 28 November 2018 and represents a significant material planning consideration to this application.

6.0 CONSULTATION RESPONSES

6.1 ENVIRONMENT AGENCY (EA)

6.1.1 No objections subject to conditions requested under 21/01152/OULMAJ.

6.2 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.2.1 No objections subject to conditions.

6.3 LANCASHIRE COUNTY COUNCIL (EDUCATION)

6.3.1 No contribution required.

6.4 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

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

6.5 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY)

6.5.1 No objections subject to conditions.

6.6 LANCASHIRE FIRE AND RESCUE SERVICE

6.6.1 No response received.

6.7 NATURAL ENGLAND (NE)

6.7.1 No response received at the time of writing this report

6.8 NHS FYLDE & WYRE CLINICAL COMMISSIONING GROUP (CCG)

6.8.1 No objections subject to financial contribution towards reconfiguration and extensions at Thornton Medical Centre & Beechwood Surgery.

6.9 UNITED UTILITIES (UU)

6.9.1 No objections subject to conditions.

6.10 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.10.1 No objections in principle, subject to further details.

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

6.11.1 No objections subject to conditions.

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

6.12.1 Strongly objects to the proposals.

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

6.13.1 No observations received at the time of writing this report.

7.0 REPRESENTATIONS

7.1 At the time of compiling this report, 6 neighbour objections have been received. The points are summarised below:

- The proposed development, combined with other recent development, was never part of the proposed plans;
- There will be a high number of new residents with cars - this area cannot cope and roads/pavements are not fit for purpose;
- Roads will be busier in the area with more pollution;
- The development is 100% affordable housing - this will worsen existing problems;
- Development will devalue existing homes;
- The area is under policed and home owners will be driven out of the area;
- Doctors and schools are already saturated;
- The application does not meet affordable housing targets;
- Wildlife, trees and the natural habitat will not be protected - including infilling an existing pond;
- There are existing animals (newts, herons, bats, foxes, hedgehogs etc) in these fields which will be pushed away;
- The site should be left open for the existing community to enjoy.

8.0 CONTACT WITH APPLICANT/AGENT

8.1 Discussions have taken place between the LPA and the applicant, and some additional details have been provided during the application.

9.0 ISSUES

9.1 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

- 9.2 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). The previous refusal decision of the Planning Committee is a material consideration for the determination of this application, the details are set out at section 4 of this report. The applicant has sought to address the two reasons for refusal as far as they consider that they are able to do so. Where this is the case it is dealt with in the relevant sections of this report.
- 9.3 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 development 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 a 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 aims of the approved Masterplan. On this basis, the principle of residential development is considered to be acceptable.
- 9.4 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 development would score well in terms of social sustainability. The construction of the buildings and additional future population would support local businesses/employment. 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.
- 9.5 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

- 9.6 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. This 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 to the layout would be required, precise details would be agreed through any subsequent reserved matters application and the indicative outline layout would not represent reason to refuse this application. Substantial landscaping is shown on the indicative plans which would soften the appearance of development.

- 9.7 In order to meet the Environment Agency requirements in respect of finished floor levels and flood mitigation, the development plots would need to be raised significantly across much of the site. 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 the topography, raising site levels 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.
- 9.8 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

- 9.9 In terms of amenity 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 suitable boundaries and landscaping. This would also be relevant to ensure future occupiers adjacent to the northern boundary are not impacted by noise associated with nearby industrial uses.
- 9.10 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

- 9.11 Policy CDMP6 of WLP31 sets out the necessary criteria to ensure an effective and efficient transport system is achieved for new development, which can be

accessed safely without compromising safety elsewhere. Concerns have been raised by local residents in respect of increased traffic along Fleetwood Road North and the associated highway safety implications.

- 9.12 The 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.
- 9.13 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. Matters in relation to financial contributions and viability are set out and discussed in section 9.3 of this report.
- 9.14 National Highways have not responded to this application, although it is noted that no objections were raised to the previous application which proposed an identical scheme, including mitigation. Highway improvement works were secured under permission 19/00347/FULMAJ (Bourne Road) including footpath and crossing improvements to Bourne Road and bus shelter provision on Fleetwood Road North. Contributions towards highway improvements along Fleetwood Road North (at the junctions with Bourne Way/Road and with Victoria Road East) are proposed in association with the development to the Land North of Bourne Way (22/00762/FULMAJ). 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

- 9.15 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.
- 9.16 The Environment Agency (EA) has confirmed the acceptability of the submitted FRA, and refers to the comments provided for application 21/01152/OULMAJ which remain extant. 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.
- 9.17 Lancashire Lead Local Flood Authority (LLFA) has 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.
- 9.18 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

- 9.19 A Woodland Tree Preservation Order (TPO) was confirmed by Planning Committee in November 2021(No.5 2021 Land at the north-east of the Iron Horse Public House). The creation of this TPO prevents the possibility of these trees being removed prematurely, and allows for full consideration of their amenity value under any subsequent planning application.
- 9.20 The application proposes removal of the trees covered by 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.

- 9.21 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 development constraint. 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.
- 9.22 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. The applicant has responded to the concern raised by the Planning Committee about the quality of replacement trees and as remedy to this has agreed that it would be necessary for "heavy standard" trees to be planted in respect of any future scheme to ensure landscaping is provided, as much as possible, on a like for like basis. This approach is reflected in an informative that would be added to a grant of planning permission, and is a matter that would be fully addressed at the Reserved Matters stage. 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

- 9.23 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. Whilst Natural England have not responded during this application, they raised no objections to the proposals under application 21/01152/OULMAJ. This was 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 Morcambe Bay Ramsar Site.

- 9.24 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. Reasonable Avoidance Measures should also be secured to protect amphibians, reptiles and hedgehogs, and resurveys in relation to other species should be provided to prevent harm to any species present at the site. These details could be secured by way of planning condition should permission be granted. Conditions have also been requested in respect of tree/hedge works and species survey updates. Whilst GMEU have raised some concern regarding the lack of environmental enhancement, it is noted that under the previous scheme, the applicant provided an Assessment of Biodiversity Net Gain, setting out measures including urban tree planting, landscaping, improvements to the watercourse and wildlife corridor, nest boxes, grassland provision, garden habitats, and management of landscaping areas. These biodiversity enhancement would also be secured by condition, should permission be granted. On this basis, the application would not have any significant harmful impact on local ecology and wildlife.
- 9.25 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

- 9.26 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

- 9.27 As development is proposed on a greenfield site, a 30% on site affordable housing contribution would usually be required, as set out by Policy HP3. A reduced provision is proposed under this application due to viability. This is discussed in more detail in the Viability section of this report below.

Green Infrastructure

- 9.28 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.

- 9.29 130 dwellings would generate a requirement for 1.14 hectares of green infrastructure. The indicative layout plan shows green infrastructure would cover an area of approximately 1.09ha. Whilst plan are indicative, some narrow landscaping strips are included in this calculation, however these could form part of a legitimate wider 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

- 9.30 To mitigate the impact of this development on local health care facilities, a financial contribution of £78,421.00 towards the reconfiguration and extension of Thornton medical centre and Beechwood surgery is required.

Education

- 9.31 Lancashire County Council Education has confirmed that a contribution towards local education provision is not required. Whilst this is likely to remain unchanged, an up to date calculation will be requested prior to the Committee meeting.

Viability

- 9.32 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. Under application 21/01152/OULMAJ (determined 02.02.2023), a Viability Appraisal was independently reviewed by property surveyors Keppie Massie on behalf on the Council. This report essentially sought a reduction in the affordable housing and planning obligations associated with the development.
- 9.33 Following consideration of revenue and costs under application 21/01152/OULMAJ, Keppie Massie 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. Keppie Massie advised that additional financial contributions or provision of additional affordable housing units would make the scheme financially unviable. As such, financial contributions towards Travel Plans and highways improvements along Fleetwood Road North and at the junction with Bourne Road could not be sought. LCC Highways confirmed, in relation to the previous identical application, that they would not object to that application where a legitimate viability case has been put forward. This advice is considered to remain extant. Other off-site highway improvements to the site access and new service road would be secured by condition, should permission be granted, 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.

9.34 It is noted that the healthcare contribution requested by the NHS (Lancashire and South Cumbria Integrated Care Board) has increased to £78,421.00, compared to the figure sought under the previous application of £46,855.00. However, the applicant has confirmed that they would meet the full amount. This would be put towards improvements at Thornton Medical Centre and Beechwood surgery. Whilst economic conditions have not improved since the previous application, and the viability of the scheme is likely to be even more constrained in terms of the developer's costs and revenues, the development would provide 9 affordable dwellings and the full financial contribution towards healthcare. This is in addition to the on-site Green Infrastructure to be provided. It is noted that no contribution towards education provision was sought for this application. 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.

9.35 In response to one of the previous reasons for refusal, the applicant has sought to increase the provision of affordable housing and whilst the agreed viability position constrains the applicant's ability to do so, they have informed the council that they have reached initial agreement with a Registered Provider of affordable homes. Whilst this is a material consideration at this stage, it has only be afforded limited weight. Accordingly, should a Registered Provider acquire the entire housing site which is otherwise obligated to the delivery of a 100% affordable housing scheme then the policy requirement for 9 units (or 7%) would fall away for the Registered Provider. This approach is considered to strike the balance between viability matters and affordable housing matters. This would be set out in 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

9.36 The applicant has asserted that there are significant economic benefits to the scheme which weigh against any negative impacts, including:

- 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 considered to be significant and carry weight in the planning balance, particularly the delivery of the new access road which is

unlikely to be delivered unless secured under a planning application at this site.

Other Matters

- 9.37 Contamination - A Desk Study was submitted with 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.
- 9.38 Waste Collection - Details of bin collection/storage areas including location, design and appearance can be secured by condition.

10.0 CONCLUSION

- 10.1 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 required in association with this development 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.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

12.0 RECOMMENDATION

- 12.1 Grant 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.

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 02.03.2023 including the following plans/documents:

- Location Plan Drg No.L(01)01 Rev P1;
- Swept Path Analysis 11.2m Refuse Vehicle Drg No.77391-CUR-00-XX-DR-TP-05002 Rev P02;
- Proposed Access Arrangement Drg No.77391-CUR-00-XX-DR-TP-75001 Rev P06;
- Outline Land Use Parameter Plan Drg No.L(04)02 Rev P3;
- Block Plan (Red Line Planning Application Boundary) Drg No.L(01)02 Rev P1.

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 set out within Appendix 5 Figure A of the Ecological Survey and Assessment

(February 2023) by ERAP (Consultant Ecologists) Ltd ref: 2020-321, 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 2 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 (February 2023) 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
- (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).

- 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 shown on Outline Land Use Parameter Plan (L(04)02 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 Indicative Masterplan Drg No.L(04)03 Rev P13 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 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 area 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.

4. 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.
5. Any landscaping scheme at reserved matters stage should include heavy standard trees, particularly to the northern and western site boundaries, and

along the watercourse. This is required to compensate the loss of existing trees from the site.

6. The layout and boundary treatments proposed under any subsequent reserved matters application should take into account the potential for noise conflict from existing industrial processes to the north of the site and future traffic along the proposed access road.