

Committee Report**Date: 06.09.2023**

Item Number	04
Application Number	23/00338/FULMAJ
Proposal	Residential development of 81 new dwellings with associated new estate roads and other supporting ancillary infrastructure and green space.
Location	Thornton International Association Football Club Bourne Road Thornton Cleveleys Lancashire FY5 4QA
Applicant	Breck Homes Limited
Correspondence Address	c/o Mr William Fulster 8 Rassey Close Standish Wigan Greater Manchester WN6 0BT
Recommendation	Permit

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

Site Notice Date: 30.05.2023

Press Notice Date: 26.04.2023

1.0 INTRODUCTION

- 1.1 This application is before the Planning Committee for consideration as the application site falls within an allocated site in the Wyre Local Plan and is of strategic importance. The application has also been requested to go before the planning committee at the request of Councillor Andrea Kay. A site visit is recommended to enable members to understand the site context beyond the plans submitted.

2.0 SITE DESCRIPTION AND LOCATION

- 2.1 The application site comprises of two separate undeveloped parcels of land. The larger of the two is located to the north of Bourne Road situated between the Hawley Gardens and Cherry Lane housing developments. Running along the western boundary of the site is an Environment Agency maintained river (watercourse) with the eastern boundary being formed by the boundaries of the neighbouring properties. To the north is an undeveloped parcel of land. It is served via an existing access off Bourne Road.
- 2.2 The smaller of the two parcels is to the east of Fleetwood road North and immediately to the south of the Iron Horse Public House. Running along its eastern and southern boundaries is an Environment Agency maintained river (watercourse). To the south of this is a neighbouring residential property. To

the east of the watercourse is the Cherry Lane housing development. The site is access off an existing access off Fleetwood Road North which also serves the Iron Horse.

- 2.3 The site is identified on the proposals map to the Adopted Wyre Local Plan (2011-31) as being within the Hillhouse Technology Enterprise Zone (Policy SA4). The site is also designated for residential development on the Hillhouse Technology Enterprise Zone Masterplan, adopted in 2018, which sets out the principles of the future development of this area.

3.0 THE PROPOSAL

- 3.1 The application is a full application for the erection of 81 residential dwellings. The proposed dwellings consist of 14 1 bed maisonettes, 31 x 2 bed houses and 36 x 3 bed houses and comprise of two-storey semi-detached and terraced properties and 2 blocks of two-storey maisonettes. The site access for the larger site is to be taken from Bourne Road to the south and the access for the smaller site is to be taken off an existing access road which serves the Public House to the north (Previously Iron Horse).
- 3.2 Within the larger site the main spine road runs northwards into the site and then spans westwards with small cul-de-sacs and turning heads coming off it. The smaller site is served by a single centrally located spine road which runs north south. There is a turning head at the end of the spine road. The plans demonstrate that a minimum of 2 parking spaces per house have been provided within the curtilages of the dwellings and at least 1 space per maisonette.
- 3.3 The houses are all provided with dedicated rear gardens and the maisonettes are served by communal areas. Landscaping is proposed in both sites with landscaping/green infrastructure proposed to run adjacent the Environment Agency maintained watercourse in the larger site. With regards the smaller site the landscaping/green infrastructure wraps around the development but is predominantly to the east adjacent the Environment Agency maintained watercourse.

4.0 RELEVANT PLANNING HISTORY

- 4.1 19/00347/FUL - Hybrid planning application consisting of full planning permission for the erection of 41 dwellings and outline permission for up to 45 dwellings and 42 apartments (all matters reserved except for access) - Approved
- 4.2 11/00226/OUTMAJ - Outline application proposing the demolition of the existing football club and erection of a residential development comprising up to 54 dwellings with all matters reserved except for means of access and siting - Approved

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 Provision and Developer Contributions
- SP8 - Health and Wellbeing
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk & Surface Water Management
- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP6 - Accessibility & Transport
- HP1 - Housing Land Supply
- HP2 - Housing Mix
- HP3 - Affordable Housing
- HP9 - Green Infrastructure in New Residential Developments
- SA4 - Hillhouse Technology Enterprise Zone (Masterplan site allocation)

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 14 - Meeting the challenge of climate change, flooding and coastal change
- 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.

OTHER MATERIAL CONSIDERATIONS

5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

5.3.1 Supplementary Planning Guidance 2 - Development and Trees

5.3.2 Supplementary Planning Guidance 4 - Spacing Guidelines for New Housing Layouts

5.3.3 Guidance for Applicants - Green Infrastructure in New Residential Developments (Policy HP9)

5.4 OTHER GUIDANCE

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

5.4.2 THE WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

5.4.3 NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

5.4.4 HILLHOUSE TECHNOLOGY ENTERPRISE ZONE MASTERPLAN

6.0 CONSULTATION RESPONSES

6.1 ENVIRONMENT AGENCY (EA)

6.1.1 No objections subject condition requiring implementation of mitigation in FRA.

6.2 NATURAL ENGLAND (NE)

6.2.1 No objections, subject to implementation of mitigation measures.

6.3 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.3.1 No objections however concerns raised over landscaping proposals.

6.4 LANCASHIRE COUNTY COUNCIL (EDUCATION)

6.4.1 Objects- No education contribution required however a holding objection remains on the basis that there is no mechanism for the school land at Lambs Road to be secured and transferred to LCC at nil cost.

6.5 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.5.1 No objections subject to conditions and contributions towards off-site highway works, travel plan and sustainable travel.

6.6 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY)

- 6.6.1 No objections, subject to conditions.
- 6.7 LANCASHIRE COUNTY COUNCIL (ARCHAEOLOGY)
 - 6.7.1 No objections.
- 6.8 LANCASHIRE AND SOUTH CUMBRIA INTEGRATED CARE BOARD (NHS)
 - 6.8.1 No objections subject to financial contribution towards reconfiguration of Thornton Medical Centre.
- 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 Objections raised. Clarity required over surface water discharge rates.
- 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 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - AMENITY)
 - 6.12.1 No comments received at the time of compiling this report
- 6.13 WBC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (TREES)
 - 6.13.1 Observations provided over loss of hedgerow.
- 6.14 WBC HEAD OF PUBLIC REALM AND ENVIRONMENTAL SUSTAINABILITY (PARKS DEVELOPMENT TEAM)
 - 6.14.1 Observations provided over landscaping proposals. Comments provided on areas for improvement on landscaping scheme.

7.0 REPRESENTATIONS

- 7.1 The application has generated 17 letters of objection based on the following (summarised) concerns:
 - Over development of the area
 - Impact to highway safety
 - Current infrastructure no capable of serving the development i.e. road network
 - Lack of amenity for occupiers due to proximity to renewables site
 - Increased pressures on school and medical facilities
 - Impact to wildlife and loss of habitat
 - Developer has already purchased the land
 - Over supply of affordable housing
 - Area has poor drainage
 - Increase in pollution

- Impact to neighbour amenity

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Numerous discussions have taken place during the application process with the applicant's agent to overcome concerns relating to layout, highways matters, public open space and green infrastructure, drainage and flood risk and other relevant matters. In response to these discussions, additional and revised plans/information has been submitted. This information has subsequently been reviewed by the Local Planning Authority and statutory consultees in order to address concerns. Discussions have also taken place in order to agree contents of the s106 legal agreement and the wording of relevant conditions.

9.0 ISSUES

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

- Principle of development
- Visual Impact / Design / Impact on the street scene
- Impact on the residential Amenity
- Impact on Highway / Parking
- Flood Risk / Drainage
- Public Open Space / Green Infrastructure

Principle of Development

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.

9.3 The application site is identified on the proposals map to the Adopted Wyre Local Plan (2011-31) as being within the Hillhouse Technology Enterprise Zone. Policy SA4 of the Local Plan sets out that the wider site is 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 consists of two parcels of land. The Larger parcel falls wholly within Plot D of the masterplan which is designated to provide between 200-250 dwellings. The smaller parcel is within Plot C2 which is designated as providing a 50-80 room C1 (Hotel) use or 24 dwellings. The approval of the previous hybrid application (ref: 19/00347/FULMAJ) has previously established the acceptability of residential development on these two parcels of land and this forms a material consideration. The proposal seeks to erect 22 units in Plot C2 and 59 units in Plot D. Currently 42 units have been erected in Plot D which would bring the total number of units in Plot D (if built out) to 101, well within the up to 250 unit range set out within the masterplan. As such, on this basis, the principle of the proposed residential development of 81 residential units located in the masterplan plots is considered to be acceptable.

Visual Impact / Design / Impact on the street scene

9.4 Policy CDMP3 and Section 12 of the NPPF seek to ensure high quality design including layouts. Following initial consultation responses in respect of the

proposal, the scheme has undergone a series of amendments since the original submission in order to address those matters raised.

- 9.5 In terms of layout it is accepted that the development is constrained by the watercourse, which run adjacent each parcel of the application site, and therefore impacts on the layout and the character of the development. As set out above amendments have been made during the application. It is considered that these changes are acceptable and the scheme would reflect some characteristics of recently constructed housing in the vicinity of the site. In this context, the proposals would not be considered harmful in terms of character to warrant refusal of the scheme overall. Similarly, it is accepted that the applicant has provided landscaping "buffers" between those dwellings adjacent to the watercourses both in terms of necessity and design. Whilst the relationship of some of the dwelling with the open space could be better i.e. facing side and rear boundaries rather than front on it is considered that, subject to suitable landscaping and boundary details, the relationship would not be sufficiently harmful to warrant refusal of the application.
- 9.6 In terms of parking layout it is considered that as proposed this is acceptable. Whilst there are some areas of frontage parking, which should be kept to a minimum, it is not so prevalent that it is harmful to the overall character of the development as there is a good levels of frontage landscaping throughout the site with much parking provision located to the side of dwellings.
- 9.7 With regards to the design of the dwellings it is considered that they are relatively standard in appearance and generic in nature. Although there are no high end design features or elements that offer a sense of individuality their appearance is nevertheless considered acceptable when taking into account the mix of house types (i.e. semi-detached, terrace and flats) along with the acceptable layout and use of materials. The proposal is considered to comply with Policy CDMP3 of the WLP and SPG4.

Impact on the residential Amenity

- 9.8 Policy CDMP3 of the Wyre Local Plan states that proposals for new development must not have an unacceptable adverse impact on the amenity of occupants and users of surrounding or nearby properties and must provide a good standard of amenity for the occupants and users of the development itself. Supplementary Planning Guidance 4 also provides guidance in relation to separation distances between existing and new properties.
- 9.9 As set out above the layout of the scheme is considered to be appropriate in terms of its layout and as such the interface distances are on the whole complied with (both within the site and in relation to neighbouring properties). As such it is considered that the proposed development would not have a significantly detrimental impact on residential amenity with regards to loss of light, overlooking or overbearing impacts to both proposed occupiers and the existing adjacent neighbouring properties. As a whole the proposal is not seen to adversely impact on neighbouring amenity and would comply with the provisions of Policy CDMP3.

Impact on Highway / Parking

- 9.10 The two parcels of land are served by existing access points already established. LCC Highways have confirmed that the proposals would not have an impact on highway safety.
- 9.11 Whilst there are no concerns over highway safety it has been identified that the majority of users of the site would travel south of the Fleetwood Road North and Bourne Way/Road junction. Given the poor safety record of Fleetwood Road North mitigation is required to make this route less attractive, which in turn would make the route via the A585 (Amounderness Way) more attractive. As a result, contributions of £51,265.71 are required to allow for highway safety improvements to be carried out on Fleetwood Road North, from the junction with Bourne Way/Road and its junction with Victoria Road East.
- 9.12 LCC have advised that a Travel Plan is required for the development and that contributions of £6000 is required in order to help support the travel plan. This is considered reasonable.
- 9.13 With regards to sustainable travel whilst existing public transport provision is considered sufficient it has been identified that there is a substandard cycle and pedestrian provision. As such LCC Highways have identified a series of site works required to upgrade/enhance the existing provision. As such, contributions of £25,633.26 are required. This is considered reasonable.
- 9.14 With regards to parking and turning areas the proposal includes an adequate turning head which will allow vehicles to turn within the site. Each dwelling also benefits from sufficient off street parking in line with the guidance set in Appendix B of the local plan.
- 9.15 Overall, and on the basis of the aforementioned considerations, the application would not result in any unacceptable impact on highways safety and would accord with Policy CDMP6 of the Local Plan and the NPPF. A condition will be imposed requiring details of estate road construction / management to be submitted and the financial contributions are to be secured by reason of a Section 106 Legal Agreement to which the applicant is in agreement with.

Flood Risk and Drainage

- 9.16 Both parcels of land are wholly within Flood Zone 3 and therefore at the highest risk of flooding. However as the application site is within an adopted site allocation within the local plan a sequential test is not required. Notwithstanding this a site specific flood risk assessment (FRA) is required.
- 9.17 Following initial objections from the Environment Agency (EA) an acceptable FRA was submitted which outlined several mitigation measures in order to safeguard the development from flood events. These mitigation measures can be secured through the imposition of a condition.
- 9.18 With regards to drainage the Council's Drainage Engineer has currently raised objections to the submitted scheme based on the rate of discharge of the surface water drainage scheme. As a result a revised drainage scheme has been submitted and a further response from the engineer is awaited following re-consultation. This will be reported to via an update sheet prior to the committee meeting.

- 9.19 However, notwithstanding the above the statutory consultee in relation to surface water, the Lead Local Flood Authority (LLFA) have raised no objections subject to the imposition of a condition requiring a final surface water drainage strategy to be agreed. In light of the above it is considered that a condition requiring the surface water strategy to be agreed is appropriate and would also address the concerns of the Council's drainage engineer.
- 9.20 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.

Public Open Space/Green Infrastructure

- 9.21 Key Development Consideration (KDC) 1 of Policy SA4 of the Adopted Local Plan states that the development should 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 development which results in a net gain of 11 units to make appropriate provision of green infrastructure on site. The layout plan shows open space and landscaping adjacent the watercourses.
- 9.22 Based on the proposed housing mix, the amount of green infrastructure (GI) required for the entire development would be 0.62ha. Whilst some of the areas included in the calculation would represent narrow landscaping strips, the overall areas of GI are generally considered in accordance with the aims of Policy HP9. In addition the applicant has set out the functionality of the GI. Part of it provides the required 8m EA 'no build' easement from the top of the bank of the watercourses which cross each parcel but in addition it also provides a wildlife corridor through the site. The G.I. is in the form of amenity green space and also includes natural/semi-natural space in the form of water features (parts of the water courses which run through the areas) providing habitats along with associated vegetation such as reed beds. On the parcel adjacent Fleetwood Road North the GI includes an area away from the watercourse and provides a wildlife planted buffer corridor between Fleetwood Road North and the proposed new dwellings. In line with adjacent sites on Bourne Road the Council consider the nature of GI provision in this case appropriate.
- 9.23 However notwithstanding this the submitted layout plan indicates, as proposed, the green infrastructure would cover 0.44ha over both parcels, resulting in a shortfall of 0.18ha. Due to the nature of the development i.e. 100% affordable housing it has been set out that a 100% onsite provision would make the scheme unviable. As such an off-site contribution is required to compensate for the remaining 0.18ha required to be provided. Using the Councils adopted GI provision methodology the sum required to be provided equates to £90,724 (including the cost of a Locally Equipped Area of Play - LAP). The applicant has confirmed agreement to this contribution and therefore this can be included with the required S106 agreement. 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).

Ecology/Landscaping

- 9.24 Although located within a site allocation the land subject to this application is undeveloped. Following concerns raised by Natural England, an updated Shadow HRA has been provided for consideration. Natural England confirm that the application would not result in any adverse effect on the integrity and conservation objectives of the Morecambe Bay & Duddon Estuary SPA and Morecambe Bay Ramsar Site. A series of mitigation measures are required which are considered reasonable and can be secured by planning condition.
- 9.25 Notwithstanding the above, in terms of localised ecological matters the Council's ecological consultants, GMEU, raised concerns over the lack of an 8m buffer for the watercourses and the removal of the hedgerow to the north (identified as Hedgerow 1 in the ecology survey/shadow HRA) of the site. The removal of the hedgerow was also raised by the Council's Tree Officer who considers it to offer connectivity, sheltering and foraging opportunities for wildlife. With regards to the buffer the revised site layout plan now shows an 8m buffer throughout both parcels, where required. On the matter of the hedgerow the ecology survey recommends its retention but the proposed plan does confirm its removal and so is in conflict with that part of the ecology survey.
- 9.26 The proposed landscaping plans show that a new northern boundary hedge is to be created to compensate for the removal of the existing hedgerow, in addition a series of tree planting and other minor hedgerow creation is to be included within the scheme. Whilst this does offer some mitigation to the loss of the well-established hedgerow to the north as well as offering the scheme visual amenity benefits it is considered that further ecology and landscaping measures could be introduced that would benefit the scheme and address the above concerns more meaningfully. This is considered achievable via an appropriately worded condition seeking a formal bio-diversity and landscaping scheme. As such subject to the imposition of this condition the proposal is considered to comply with Policy CDMP4 of the WLP31.

Contamination

- 9.27 Submitted with the application was a Phase 1 ground investigation. Following review of that document the Council's Environmental Health Officer (EHO) responsible for contaminated land recommended that the Council's standard contaminated land condition be applied due to the requirement of further intrusive investigation and gas monitoring on the site.

Affordable Housing

- 9.28 Policy HP3 of the Local Plan set out the requirement for each area of the Borough. Sites within Thornton on greenfield sites should include a provision of 30% on site affordable housing. However in this case the proposal is for 100% affordable housing. As such the requirement is met. However in terms of securing the affordable housing as Policy HP3 only requires 30% it is this amount that can only be secured through the S106 agreement.
- 9.29 Concerns have been raised over the perceived over supply of affordable housing resulting from the development. Policy only seeks to obtain a minimum amount of affordable housing, in cases where it is required. In this case the requirement is 30%, however policy does not prevent provision over this amount. Where an oversupply of provision is proposed the Council would only seek to retain 30% in perpetuity as set out above. The remaining

dwellings could, should it be needed or desired, be sold on the open market unencumbered from being affordable units.

Housing Mix

- 9.30 The proposed housing Mix is a range of 1bed, 2 bed and 3bed units which is considered to comply with Policy HP2 of the Local Plan. Also within Policy HP2 it sets out that to help meet the needs of an aging population and people with restricted mobility at least 20% of dwellings should be of a design suitable or adaptable for older people and people with restricted mobility. This equates to 16 suitable or adaptable units in this case. No details have been provided showing how this criteria will be satisfied. This can be conditioned to be provided.

Planning Obligations/Financial contributions

- 9.31 Healthcare - The Lancashire and South Cumbria Integrated Care Board (NHS) has been consulted on the application details and, to mitigate against the population increase and demand for additional infrastructure and services, is seeking mitigation in the form of a £51,550 developer contribution to be put towards reconfiguration at Thornton medical centre.
- 9.32 Education Provision - Lancashire County Council (LCC) Education have been consulted on the application. In their response, LCC have objected to the proposal on the basis that the local plan requires the provision of a primary school at the Lambs Road strategic site and that details are yet to be forthcoming. However it is also confirmed that an education contribution is not required at this stage regarding this proposed development. Whilst the issue raised is considered of importance it is nevertheless a matter centred on the Lambs Road strategic site (SA1-2) and has no influence over this separate allocation SA4 of which does not require the provision of a Primary School within its requirements.

Climate Change

- 9.33 Sub-paragraph 6 of Policy SP2 of the WLP31 requires proposals to demonstrate how they have responded to the challenge of climate change. The landscaping scheme and bio-diversity gains required by condition would achieve benefits in terms of tree and hedgerow planting as well as habitat creation. In addition as the proposed electric vehicle charging point scheme would offer a further meaningful contribution towards climate change objectives. Such schemes would address the requirements of Policies SP2 and CDMP6 of the WLP31 which can be secured by condition. It is therefore considered that this element of these policies is met.

Representations

- 9.34 From the representations received concerns were raised over the fact that the developer has already purchased the land prior to any consent being given. A person or company can obtain ownership of land at any point outside the planning process as land ownership is not a determining factor in the assessment of this application.

10.0 CONCLUSION

- 10.1 The application site is allocated for mixed use development in the Local Plan with the approved masterplan specifically identifying the site for residential purposes. The proposed development is therefore acceptable in principle. The application would not result in unacceptable impacts in respect of design, 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 and would comply with the relevant policies of the WLP31 and the provisions set out within the NPPF.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

12.0 RECOMMENDATION

- 12.1 Grant full planning permission for 81 residential dwellings subject to conditions and a S106 legal agreement to secure on-site affordable housing (30%) and green infrastructure and financial contributions towards health care, sustainable transport, travel planning and off site Green Infrastructure. That the Head of Planning and Regeneration be authorised to issue the decision following the satisfactory completion of the S106 agreement.

Recommendation: Permit

Conditions: -

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 31.03.2023 including the following plans/documents:

- Site Location Plan: Drawing No. Bourne Road - P09 Rev B
- Proposed Site Layout: Drawing No. Bourne Road - P01 Rev B
- Materials Distribution Plan: Drawing No. Bourne Road - P03 Rev B
- Boundary Treatments Plan: Drawing No. Bourne Road - P03 Rev B
- Boundary Details: Drawing No. Bourne Road - P04
- Car Charging Plan: Drawing No. Bourne Road - P05 Rev B
- Slab Levels Plan: Drawing No. Bourne Road - P19 Rev C

House Types:

3B5P 82 Terrace of 03 Floor Plans and Elevations: Bourne Road / FRN P15

3B5P 84 Semi-detached Floor Plans and Elevations: Bourne Road / FRN P14

2B4P 68 Terrace of 03 Floor Plans and Elevations: Bourne Road / FRN P12

2B4P 68 Semi-detached Floor Plans and Elevations: Bourne Road / FRN P11
1B2P 46 GF / 53 FFMaisonettes Terrace of 03 Floor Plans and Elevations:
Bourne Road / FRN P10
1B2P 46 GF / 53 FFMaisonettes Terrace of 05 Floor Plans and Elevations:
Bourne Road / FRN P20

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

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

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

Reason: The development is for a sensitive end use 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).

4. Prior to the commencement of development save site soil strip and site preparation, 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 National Planning Policy Framework.

5. Prior to the commencement of development save site soil strip and site preparation 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 National Planning Policy Framework.

6. The Boundary Treatments shall be implemented in full as shown on the following plans:

- Boundary Treatments Plan: Drawing No. Bourne Road - P03 Rev B
- Boundary Details: Drawing No. Bourne Road - P04

The approved boundary treatments shall be completed before the occupation of that dwelling to which they relate and for those boundary treatments outside of residential curtilages shall be completed before the occupation of the last dwelling. The approved details shall thereafter be maintained and retained.

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

7. Prior to the first occupation of the development a Landscape and Habitat Creation and Management Scheme, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall identify the opportunities for biodiversity enhancement on site including (but not limited to):

- Native tree and shrub planting
- Hedgerow planting
- Bird Boxes
- Bat Boxes
- Habitat improvement adjacent the watercourses

The Landscape and Habitat Creation and Management Scheme shall be carried out in accordance with the approved details.

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 National Planning Policy Framework.

8. Prior to the commencement of development save site soil strip and site preparation details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, areas of soft landscaping (including any retained trees, hedgerows and other planting and any replanted or transplanted hedgerows), hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

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

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

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

9. No dwelling hereby approved shall be first occupied until the parking / turning area(s) shown on the approved plan [Bourne Road - P01 REV B] as relating to that dwelling has been laid out, surfaced and drained. The parking / turning area(s) 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).

10. The development shall be carried out strictly using those materials specified on the approved plan [Bourne Road - P02 REV B] unless other minor variations are submitted to and approved in writing by the Local Planning Authority after the date of this permission and before implementation.

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

11. (a) The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound / 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 their road construction (surface materials and depth) and highway infrastructure (footways, street lighting, drainage) shall be submitted to, and approved in writing by, the Local Planning Authority. No dwelling hereby approved shall be first occupied until the new estate road(s) affording access to that dwelling has been constructed in accordance with the approved details.

Reason: To ensure that satisfactory access is provided to the development site, that the road surfaces are visually acceptable, that the private roads are of sufficiently adequate construction to support any loading applied to them to enable effective waste management and emergency services access, and that the necessary infrastructure is provided in the interests of highway safety in accordance with Policies CDMP3 and CDMP6 of the Wyre Local Plan (2011-31).

- 12. (a) Prior to the first occupation of any dwelling, the proposed arrangements for future management and maintenance of the roads/ footways/ cycleways within the development shall be submitted to, and approved in writing by, the Local Planning Authority. These details shall include a plan showing areas of highway proposed for adoption by the Local Highway Authority and any areas proposed for private management.
- (b) Should the plan required by (a) show that any highway within the estate would be privately managed, details of a Road Management Plan to detail how those sections of highway would be maintained in perpetuity, such as a private management and maintenance company to be established if applicable, shall be submitted to and approved in writing by the Local Planning Authority. The highway shall thereafter be maintained in accordance with the approved management and maintenance details or until such time as an agreement has been entered into under section 38 of the Highways Act 1980.
- (c) Should the plan required by (a) show that any highway within the estate would be proposed for adoption by the Local Highway Authority, those roads/ footways/ cycleways shall be made up to, and retained thereafter to, the Local Highway Authority's Adoptable Standards.

Reason: To ensure that all highways, footways and cycleways will be maintained to a sufficient standard by either the Local Highway Authority or by a site management company in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

13. No part of the development hereby approved shall commence until a scheme for the construction of the site access has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

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

14. The development, hereby approved, shall be constructed in full accordance with the following documents throughout the entire construction phase:

- Construction Method Statement [Version 2] (received 10.07.2023)
- Environmental, Dust and Surface Water Management Plan [Version 2] (received 10.07.2023)
- Site Welfare Plan [Bourne Road - P18 Rev C] (received 10.07.2023)

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

Reason: The agreed measures 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).

15. Prior to first occupation, a scheme for the provision of interpretation boards located within the site and 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 interpretation boards and 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. The scheme shall also include a plan identifying the locations of the interpretation boards and a timetable for their implementation 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 interpretation boards shall be retained thereafter and the 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.

16. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA. 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. The agreed details are outlined in the following documents:

- Drainage Design Statement [August 2023 (Revision B)]
- Slab Levels Plan [P19 Rev C (received 26.06.2023)]

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 National Planning Policy Framework.

17. The development hereby approved shall be implemented in full accordance with the Ecological Appraisal (Shadow HRA) submitted with the planning application [ref: 2023-012c] including all the mitigation measures set out in section 4.3 of that report.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the National Planning Policy Framework.

18. Prior to the first occupation of any of the dwellings hereby approved, a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan (and an associated Travel Plan Co-ordinator as specified in the approved Travel Plan) shall be implemented and operational from the point of the first occupation of any of the dwellings hereby approved for a period of not less than five years from the date of full occupancy of the development.

Reason: To promote sustainable development by encouraging sustainable travel modes and reducing dependence on private motor vehicles in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

19. The Electric Vehicle Charging Point scheme as shown on the submitted plan [ref: Car Charging Plan: Drawing No. Bourne Road - P05 Rev B] shall be implemented in full. 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).

20. There shall be no changes to the existing ground level on site as shown on the [M/NPL/17-001] plan unless proposed ground level changes are submitted and approved in writing by the Local Planning Authority prior to such change taking place. The ground levels shall be constructed and completed in accordance with the approved details.

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

21. 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.

22. Notwithstanding the definition of development as set out under section 55 of the Town and Country Planning Act 1990 (as amended) and the provisions of Parts 1 and 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order with or without modification);

- (a) no fences, gates, walls or other means of enclosure shall be erected along the front or side boundaries of the curtilage of any dwellinghouse forward of the main front elevation or side elevation, or along the side or rear boundaries of the curtilage of any dwelling beyond the rear elevation where that elevation directly faces a highway; and
- (b) no areas of soft landscaping to the front of properties shall be removed to make provision for additional car-parking, without prior express planning permission from the local planning authority.

Reason: To safeguard the appearance of open plan development and junction highway visibility in accordance with Policies CDMP3 and CDMP6 of the Adopted Wyre Borough Local Plan.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), the dwelling(s) on plots 01, 54, 59, 60, 65 and 81, shall not be altered or extended, nor shall any building, structure or enclosure be erected within the curtilage of the dwelling(s) without prior express planning permission from the local planning authority from the local planning authority.

Reason: To ensure that the Local Planning Authority have control over any future development of the dwellings in the interests of preserving the required 8m buffer to the Environment Agency watercourse and to protect the adjacent Green Infrastructure in accordance with Policies CDMP2 and HP9 of the Wyre Local Plan (2011-31).

24. 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.

Reasons: -

Notes: -

1. The applicant should be aware that the decision is subject to a separate legal agreement.
2. This grant of planning permission will require an appropriate legal agreement to be entered into with Lancashire County Council as the Local Highway Authority. The Highway Authority reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. Before any works begin Lancashire County Council should be contacted to ascertain the details of such an agreement and the information to be provided by telephoning 0300 123 6780 or writing to Lancashire Highways Services, Cuerden Way, Bamber Bridge, Preston, PR5 6BS quoting the planning application number.