

Planning Committee

4 April 2018

Item No	Site/ Video/ Photos	Application Number	Location	Proposal	Rec.	Decision
1	S	17/00933/OUTMAJ	Springfield Cottage Farm Cart Gate Preesall Poulton-le-Fylde Lancashire FY6 0NP	Outline application for up to 11 new residential dwellings with access applied for off Cart Gate (all other matters reserved)	PER	
2	S	18/00088/FUL	Garstang Show Field Wyre Lane Garstang Lancashire	Retrospective change of use of agricultural land to sports field/rugby pitch (Use Class D2) (between 1st September to 30th April)	PER	
3	S	17/00320/FULMAJ	Land Off Ormerod Street Thornton Cleveleys Lancashire FY5 4HU	Erection of 17 houses and associated works (Re-sub 16/00514/FULMAJ)	PER	

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arm/rg/pla/cr/18/0404nc8

**Committee Report****Date: 04.04.2018**

<b>Item Number</b>	<b>01</b>
<b>Application Number</b>	<b>17/00933/OUTMAJ</b>
<b>Proposal</b>	<b>Outline application for up to 11 new residential dwellings with access applied for off Cart Gate (all other matters reserved)</b>
<b>Location</b>	<b>Springfield Cottage Farm Cart Gate Preesall Poulton-le-Fylde Lancashire FY6 0NP</b>
<b>Applicant</b>	<b>Mr &amp; Mrs Halliwell</b>
<b>Correspondence Address</b>	<b>c/o RMP Architect Ltd Mr Robert Pattison 48 High Street Weaverham Northwich CW8 3HB</b>
<b>Recommendation</b>	<b>Permit</b>

**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mr Karl Glover****1.0 INTRODUCTION**

1.1 This application is before Members at the request of Councillor Orme. A site visit is recommended to enable Members to understand the proposal and its setting beyond the plans submitted and the photos taken by the Case Officer.

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The site which forms the subject of this application relates to number 1 Springfield Cottages and is located on the northern side of Cart Gate directly opposite the sports/recreational field of St Aidans C of E Technology College, south east of the village of Preesall. The subject property is a semi-detached dwelling which has been extended to the side and rear and has a small enclosed rear yard with a dark green storage container against the eastern boundary. Adjacent to and to the north is a derelict block of stables constructed of rendered brick under a shallow sloping roof. To the west of the dwelling house is an area of hardstanding with a number of structures located within it, comprising of a detached pitched roof garage and a timber clad building which appears to be a modified static caravan and is highly prominent along the street frontage. To the rear there is a number of storage containers and an open area of hardstanding (former paddock) with a number of boats and a touring caravans located within. The total site area is approximately 3300sqm and the topography and site levels vary. The western most part of the site comprises of an over grown sloping embankment which drops off from approximately 11.4m AOD to where the site levels out at approximately 6.4m AOD. Along the frontage is a stepped high level painted boundary wall with two separate gated access points leading in to the site.

2.2 The surrounding area is mixed in character, to the north and west is undulating agricultural land with overgrown vegetation and an area of disused land workings (former sand quarry). The land levels increase substantially to the west progressing up the hill along Cartgate where it levels off at the junction with Park Lane (B5377). Immediately to the east of the site is the residential garden of number 2 Springfield Cottage beyond which is a clustering of residential dwellings which predominantly front on to the highway. To the south on the opposite side of the Cartgate is the sports field of St Aidans Technology College and the car park of the Former Swimming baths.

2.3 The application site is allocated within the Local Plan proposals map as 'Countryside Area' and is partially located within a Minerals Safeguarding Area. Along the western boundary is a Public Right of Way (PROW FP 33) and the whole site is located within Flood Zone 1. There are no other constraints or allocations which affect the site.

### **3.0 THE PROPOSAL**

3.1 The application seeks outline planning consent for the erection of 11 residential dwellings with associated access (Layout, appearance, landscaping and scale are all matters reserved). The existing access into the site is proposed to be modified and improved to provide a new access junction on to Cart Gate measuring a minimum width of 5.5m with 2m wide footways either side. The visibility splays are shown to measure approximately 2.4m x 49m to the west and 2.4m x 51m to the east. The new access road is shown to progress against the eastern boundary with a turning head measuring 19m x 5.5m against the northern boundary.

3.2 For the purposes of clarification an indicative layout plan has been submitted which shows 3 blocks of terraced properties within the site, including a row of three units fronting on to Cart Gate and the remaining 2 blocks of 4 dwellings sited towards the western boundary with parking provisions to the front. The indicative layout plan also annotates that a new surface water attenuation tank is to be located under the access road and new planting and landscaping is also proposed throughout the site. The applicants have confirmed that all of the existing structures are to be removed and demolished including the existing dilapidated stables. To demonstrate how the dwellings and gardens will be engineered in to the embankment to the west an indicative sectional plan and site layout plan has been submitted which illustrates that the rear gardens will be engineered and stepped in to the landscape.

3.3 The application is accompanied by a range of supporting documents as follows:

- Design and Access Statement
- Transport Statement
- Ecological Survey / Assessment (including Great Crested Newt and Bat Surveys)
- Flood Risk (and Drainage) Assessment
- Tree Survey

### **4.0 RELEVANT PLANNING HISTORY**

4.1 The application site has the following relevant planning history:  
- 85/01668 - Erection of dwelling with integral double garage - Permitted

## 5.0 PLANNING POLICY

### 5.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

#### 5.1.1 Section 1 - Delivering sustainable development

The NPPF was published by the Department of Communities and Local Government on the 27th March 2012. It sets out the Government's planning policies for England and how these are expected to be applied in the determination of planning applications and the preparation of development plans. The ministerial forward to the NPPF states that "Development that is sustainable should go ahead without delay - a presumption in favour of sustainable development that is the basis for every plan and every decision".

#### 5.1.2 There are three dimensions to sustainable development, including (paragraph 7):

- an economic role - contributing to building a strong responsive and competitive economy by ensuring that sufficient land of the right type is available at the right time and in the right places to support growth
- a social role - supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, by creating a high quality built environment with accessible local services
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment and as part of this helping to improve bio-diversity.
- To achieve sustainable development, economic, social and environmental gains should be sought jointly.

#### 5.1.3 Section 6 - Delivering a wide choice of high quality homes

Boost significantly the supply of housing. Provide five years' worth of housing with an additional 5%. Housing applications should be considered in the context of the presumption in favour of sustainable development. Deliver a wide choice of high quality homes and plan for a mixed housing base. In rural areas housing should be located where it will enhance or maintain the vitality of rural communities. In the countryside isolated dwellings should be avoided unless there are special circumstances.

Paragraph 55 aims to promote sustainable development in rural areas, by locating housing where it will enhance or maintain the vitality of rural communities. It goes on to say that local authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- Essential need for a rural worker
- Viable use of a heritage asset
- Reuse of redundant or disused buildings and leading to an enhancement of the immediate setting
- Exceptional quality or innovative nature of design.

#### 5.1.4 Section 7 - Requiring Good Design

Paragraph 56 states the Government attaches great importance to the design of the built environment and stresses that good design is a key aspect of sustainable development and is indivisible from good planning. To emphasise the importance of this statement paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 60 states planning decisions should not stifle innovation, originality or initiative through

unsubstantiated requirements to conform to certain development forms or styles. Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality design and inclusive design goes beyond aesthetic considerations. Planning should address the connections between people and places and the integration of new development into the natural, built and historic environment.

#### 5.1.5 Section 10 - Meeting the challenges of climate change, flooding and coastal change

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without flood risk elsewhere. Sequential and exception tests should be used.

#### 5.1.6 Section 11 - Conserving and enhancing the natural environment

This requires the planning system to contribute to and enhance the natural and local environment. In particular, valued landscapes should be protected and enhanced and the impacts on biodiversity minimised. Paragraph 118 sets out a number of principles which should aim to preserve and enhance biodiversity. The guidance set out in paragraph 118 indicates that where development causes significant harm, with no adequate mitigation or compensation proposed and accepted as commensurate to the harm, that the development should be refused.

### 5.2 ADOPTED WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)

5.2.1 The Wyre Borough Local Plan was adopted on the 5th July 1999. The saved Local Plan forms part of the development plan for the district. The following policies are considered to be of relevance to the determination of this application. The weight to be afforded to these policies is discussed within subsequent sections of this report:

- SP8 - Definition of small rural settlements
- SP13 - Development in the countryside
- SP14 - Standards of design and amenity
- ENV7 - Trees on development sites
- ENV13 - Development and flood risk
- ENV15 - Surface water run-off
- CIS6 - Securing adequate servicing and infrastructure
- TREC12 - Public rights of way

### 5.3 WYRE SUPPLEMENTARY PLANNING DOCUMENTS / GUIDANCE

5.3.1 The following Supplementary Planning Guidance is considered to be of relevance to the determination of this application:-

- Supplementary Planning Guidance 2 - Development and Trees
- Supplementary Planning Guidance 4 - Spacing Guidelines for New Housing Layouts

## 5.4 EMERGING LOCAL PLAN

5.4.1 The Council is in the process of preparing a new Wyre Local Plan. Following public consultation on the 'Publication' draft Wyre Local Plan (2011 -2031), the Council submitted the draft Local Plan with minor amendments to the Government for examination on the 23rd January 2018. The minor amendments deal with clarification matters or errors raised at the public consultation and they do not alter the substance of the 'Publication' draft Wyre Local Plan. The 'Submission' stage is an advanced stage in the local plan process. It confirms the Council's position with regard to how development needs will be accommodated and how they must be delivered. This position is supported by a comprehensive and robust evidence base. This stage is a further advancement in the local plan process. Although the draft Local Plan does not have the full weight of an adopted Local Plan it has been approved as a material consideration in the determination of planning applications from the date of publication, replacing the Core Strategy Preferred Options document' As the draft Local Plan has now advanced to 'submission' the weight to be given in the planning balance has increased depending on the particular circumstances of the case.

5.4.2 The following policies contained within the draft Local Plan are of most relevance:

- SP1 - Development Strategy
- SP2 -Sustainable Development
- SP4 - Countryside Areas
- CDMP1 - Environmental Protection
- CDMP2 Flood Risk and Surface Water Management
- CDMP3 - Design
- CDMP4 Environmental Assets
- CDMP6 Accessibility and Transport
- HP3 Affordable Housing

5.4.3 The draft Local Plan is prepared on the basis of the completed housing evidence. This includes the Strategic Housing Market Assessment (including the 2017 Addendum 3) which confirms that the figure of 479 dwellings remains a robust and appropriate objectively assessed need (OAN) figure. However the local plan sets an annual housing requirement of 411 dwellings for the period 2011 to 2031. The evidence supporting the Local Plan shows that the full OAN cannot be delivered. The 'Publication' draft Wyre Local Plan indicates that Wyre can only deliver 8,224 dwellings due to various constraints. It is considered that the identified annual housing requirement represents a robust and sound figure for the local plan within the context of constraints in the borough.

## 5.5 Joint Lancashire Minerals and Waste Local Plan

### 5.5.1 M2 - Safeguarding Mineral Sites

## 6.0 CONSULTATION RESPONSES

### 6.1 PREESALL TOWN COUNCIL - Objects on the following grounds:

#### 1. Flooding

The area for development is towards the base of Preesall Hill where there is a history of flooding. It is acknowledged that attenuation systems are planned, however, these will overflow into the existing dyke system which already cannot cope. Flood prevention measures have been discussed and planned for Sunnyside Terrace for a

number of months and this area is directly below the planned development. It is also admitted that the properties will be built on solid plinths which will force water downhill with a potential exacerbation of the flooding problem. Policy ENV13 specifically prevents development where it would cause flooding or exacerbate flooding in other areas. In terms of overcoming this restriction Part B is not satisfied given existing residents' flood problems and Part C cannot be invoked as the current surface water/dyke drainage system cannot cope with existing levels of water when it rains heavily. This also means ENV15 is relevant and prevents development where it would have an adverse impact such as 'an increased risk of flooding'. The NPPF Section 10 para 100 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere' is also appropriate here.

## 2. Sewerage disposal

This has long been a problem in the whole of this area with the sewers struggling to cope and is compounded by the propensity for flooding. Both Policies ENV16 and ENV17 are relevant here as there is a potential for cross-contamination of both surface and ground water should the sewers fail. The Town Council is of the belief that additional infrastructure would need to be provided on Cart Gate to accommodate the increase in capacity.

## 3. Access

Existing access to Cart Gate is problematic at school times when the road becomes virtually impassable to two-way traffic. The access to the development is directly off Cart Gate and opposite the over-spill area for the school where buses often overhang the area. At a minimum there will be 16 additional vehicles (this number is what has been allocated on the plan); any additional vehicles/visitors will be forced to park on Cart Gate. It is believed that Policy SP14 sections D and E are particularly relevant as the development should not prejudice neighbouring properties' access rights, nor should the traffic from the development have an adverse effect on the local highway network generally.

## 4. Affordable housing

The number of proposed houses exceeds the limit at which the provision of affordable homes should have been considered. The application makes no mention of this either on or off site.

## 5. Ecology

Concerns raised that the ecology survey does not make sufficient provision for the protection of wildlife as a result of the loss of habitat. More needs to be done to protect nesting bird's amphibians and other wildlife, contrary to Policy ENV15

## 6. Potential land contamination

No reference has been made to possible land contamination from an area of infill. The back of the adjacent hill was previously a quarry which was back-filled with contaminated waste. This may necessitate preventative action and is also a factor to be considered as part of ENV17 in respect of the disturbance of the land, resulting in surface water contamination from the leakage of polluted matter. Also, as the hillside has been dug away in the past there is the possibility of de-stabilisation in the area.

## 7. Impacts upon Amenity

Concerns have been raised that the proposal would impact neighbouring access and have detrimental impacts upon wildlife and flooding. The benefits of the scheme are not seen to demonstrably and significantly outweigh the adverse impacts of the scheme as required by NPPF paragraph 14.

## 6.2 UNITED UTILITIES

6.2.1 No objections raised - United Utilities have no objections subject to conditions including the development to be carried out in accordance with the Submitted Flood Risk Assessment and a Management and Maintenance of the suds system. UU have confirmed that the drainage scheme proposed follows the SUDS drainage hierarchy.

## 6.3 LANCASHIRE COUNTY COUNCIL (LOCAL HIGHWAY AUTHORITY)

6.3.1 No Objections - LCC Highways have advised that the proposed development will not have a significant impact upon highway safety, capacity or amenity in the immediate vicinity of the site. St Aidans C of E Technology College main site entrance is located 150m west of the site. While parking on road is an issue at the start and finish of the school day the new development is not expected to have a severe impact on the adjacent highway during these periods, providing the level of off road car parking for the new dwellings are in line with the recommendations in the Joint Lancashire Structure Plan. The widened site access and the provision of the new direct parking off Cart Gate would also allow a passing place for vehicles and a crossing place for pedestrians. The National Planning Policy Framework states in paragraph 32 "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. LCC Highways are of the opinion that the proposed 11 dwellings will not have a severe impact on highway capacity in the immediate vicinity of the site.

6.3.2 As part of an off-site works the applicant should finance and investigate the implementation of speed limit to a 20mph to the front of the site. The proposed footpath as shown on the submitted plan would not be acceptable for highway safety and the section 278 works, this footpath should be 2m in width on both sides of the access. Highways will not be seeking any Section 106 contributions as part of this development. A number of conditions have been proposed.

## 6.4 LANCASHIRE COUNTY COUNCIL (LOCAL EDUCATION AUTHORITY)

6.4.1 The latest assessment from LCC (dated 30/01/2018) confirms that the development proposed (11 dwellings) would not generate a contribution to either primary or secondary school places. However as there are a number of applications that are pending decision that could impact on this development should they be approved prior to a decision being made on this application the claim for primary school provision could increase up to maximum of 1 place. This contribution would be £14,217.31.

6.5 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY) -  
No objections subject to conditions

6.6 LANCASHIRE COUNTY COUNCIL (PUBLIC RIGHTS OF WAY OFFICER) -  
No observations received



## 6.7 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.7.1 No objections- The submitted Ecology survey has been assessed. It has been advised that the buildings on site were assessed for bats however no evidence was found and as such no further measures are required. Great Crested Newts have also been assessed including a rapid risk assessment on the surrounding ponds and the landscape and the potential impact on GCN is considered to be low. A condition relating to a reasonable avoidance method statement should be attached (RAMS). A condition relating to the protection of nesting birds during the bird breeding season has also been requested along with a landscape management plan and an enhancement of the natural environment condition.

6.8 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE) - No objections- Surface water discharge from the site must not exceed 5l/s and full surface water plans, based on sustainable drainage principles should be conditioned along with details of the maintenance of the attenuation tank.

6.9 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - LAND CONTAMINATION) - the standard condition requiring the submission of a desk study should be attached to any permission granted.

6.10 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - AMENITY CONSIDERATIONS) - No objections subject to a Dust Management Plan being conditioned along with hours of construction condition being attached.

6.11 WBC PARKS AND OPEN SPACES MANAGER (TREES) - No objections - The findings of the submitted tree report are agreed. A limited number of low grade trees and hedgerows would need to be removed however this could be mitigated by new tree planting which can be conditioned accordingly.

## 7.0 REPRESENTATIONS

7.1 At the time of compiling this report there have been 26 letters of objection received including supporting photographic evidence. The primary planning related concerns raised are:

- Drainage cannot accommodate any more capacity
- The gardens of neighbouring properties regularly flood
- Flooding in general will be increased
- Damp issues on existing dwellings
- Highway Capacity concerns
- Congestion during school drop off and pick ups
- Serious concerns over highway safety
- Parking on street causes chaos
- 1 parking space is not enough and would compound the existing issues
- Pollution from fires and waste
- Lack of employment opportunities
- No demand for housing in this area
- Landownership concerns/Certificate B was not correctly filled out
- Inaccurate plans
- Proximity of dwellings will have direct effect on the health and wellbeing of neighbouring residents

- Overlooking/loss of privacy
- Noise impacts
- Site is allocated as agricultural land
- Development will be out of keeping with the character of the area
- Increased vehicular movements would create additional potholes
- Medical Centre is already at capacity
- Impacts upon Protected species (Barn owls, Sparrow Hawks, Kestrel and Kingfishers)
- Development is backfilling not road side frontage as per the existing properties in Cart Gate
- Pedestrian safety and child safety
- Conflict with vehicular movements from the St Aidans overflow carpark
- Inaccurate accident figures set out in the transport statement
- Impacts upon Wildlife
- Sewage flooding in the area has occurred
- Electricity cable crosses the site
- Site is at the bottom of the hill causing surface water run off

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

8.1 Contact has been made with the agent during the course of the application. Initial concerns were raised regarding the density and scale of the proposal and the potential impacts this would have on the landscape and also the amenity on the neighbouring residents in particular number 2 Springfield Cottage. The applicant was requested to provide further clarification on how the development could be undertaken given the varying levels of the site and in particular how the rear gardens and dwellings would be incorporated in to the western embankment. Amended plans have since been received and discussed further with the applicant. An extension of time has also been agreed with the applicant until 5th April 2018.

## **9.0 ISSUES**

9.1 The main key issues in the determination of this application are as follows:

- Principle of Development
- Design and Impact on the Character and Appearance of the Surrounding Area
- Impact on upon Residential Amenity
- Impact on Highway / Parking
- Flood Risk and Drainage
- Ecological Matters
- Impact upon Trees
- Contamination

Principle of Development

9.2 The application site comprises of an existing residential property and an array of existing dilapidated structures located within the site and against the boundaries, as such the site can primarily be considered as previously developed land which is allocated within the existing Local Plan proposals map as 'Countryside Area'. In turn the provisions of Saved Policy SP13 applies. Saved Policy SP13 sets out that unless otherwise justified by the policies within the local plan, development in

areas designated as countryside on the proposals map will not be permitted subject to the following exceptions:

- A) The essential requirements of agriculture or forestry, suitable forms of tourism and related activities
- B) Fulfilling a local housing need
- C) The re-use or refurbishment of listed buildings or institutional buildings
- D) The conversion of rural buildings
- E) The development of a single infill plot within an established frontage of not less than five dwellings

9.3 In this instance the provision of 11 dwellings as proposed within this application fails to satisfy any of the criteria above nor is it justified by other policies within the development plan. Whilst Policy SP13 is a saved policy and was adopted some time ago recent appeal decisions have stated that it is considered to be broadly consistent with, and reflects the objective of Paragraph 55 of The National Planning Policy Framework which seeks to avoid new isolated homes in the countryside unless the development is deemed to be sustainable development or accords with a number of identified special circumstances. The Council acknowledges that it cannot demonstrate a five-year supply of deliverable housing sites and as such, in accordance with paragraph 49 of the National Planning Policy Framework in the event that such a supply cannot be demonstrated, relevant policies for the supply of housing should not be considered to be up-to-date and housing applications should therefore be considered in the context of the presumption in favour of sustainable development and paragraph 14 of the NPPF. The three dimensions to sustainable development are as set out paragraph 7 of the NPPF and seek to achieve economic, social, and environmental gains and positive improvements to the quality of the built and natural environment. These are not to be undertaken in isolation because they are mutually dependant. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

9.4 Paragraph 55 of the NPPF promotes sustainable development in rural areas, stating that housing should be located where it will enhance or maintain the vitality of rural communities or, where there are groups of smaller settlements, that development in one village may support services in a village nearby. The application site is located approximately 250m south east of the Preesall Hill area as defined by Policy SP8 of the existing Local Plan. Preesall itself does benefit from a variety of public services and conveniences including churches, primary and secondary schools, shops, public houses and recreational facilities. The application site lies within a well-defined grouping of residential properties located at the bottom of Cart Gate where there is a high level of pedestrian connectivity (street lighting & footpaths) to the wider areas of the settlement and indeed the services available in the adjoining villages. The observations received by local residents (set out above in para 7.1 above) raise concerns that there is a lack of employment opportunities in the area, however it is considered that the additional 11 dwellings would provide modest benefits to the village's existing economy and support the local businesses within the area. Furthermore the site is in close proximity to schools, public transport links and recreational facilities, resulting in valuable social gains for any potential future occupiers of the properties. When viewed from Cart Gate the site in its current form does appear as run down and is clearly visually unmaintained with the western

embankment fully overgrown with vegetation. It is considered that the new dwellings and associated groundwork will utilise an existing site which would substantially enhance the appearance of the area by reason of its redevelopment. Whilst layout, landscaping and appearance is to be determined at reserved matters, should Members be minded to approve the application, a landscaping scheme could also provide valuable enhancements both visually and also ecologically.

9.5 Whilst limited weight can be attributed to the policies set out in the Submission Draft Local Plan it has now been submitted for examination to The Planning Inspectorate, which means that some 'increased' weight should be taken into consideration in the assessment of the application. In this instance on the proposed Local Plan extract plans the application site is shown to be contained within the Preesall Hill Settlement boundary and is classified as being within the 'Main Rural Settlement' where there is a suggested 19.5% housing growth within the plan period of 2011 to 2031. The provision of 11 new open market dwellings in this location would provide a valuable contribution to the short fall of housing land supply across the borough and would constitute sustainable development providing economic, social and environmental benefits which all weigh in favour of the proposal. Whilst the principle is considered to be acceptable for the reasons set out above, this has to be balanced against other material planning considerations which make up the overall planning balance. This includes highway safety, flood risk, visual impacts and other matters contained and set out below within this report.

#### Design and Impact on the Character and Appearance of the Surrounding Area

9.6 The application has been submitted with all matters reserved with the exception of access, as such the full impacts arising from the development upon the character of the area and landscape along with the design and appearance of the dwellings can only be fully assessed at the reserved matters stage (should Members be mindful to approve). However the application has been accompanied by an indicative site layout plan and sectional plan which demonstrates how the site could accommodate the 11 dwellings whilst complying with the spacing and separation distances set out in SPG4.

9.7 Initially the application proposed 16 dwellings with an enlarged red edge which wrapped around the rear garden of number 2 Springfield Cottages. The agent was advised that the density proposed and the projection of the site boundary into the adjoining neighbouring garden was not considered to be acceptable and would have resulted in potential impacts upon residential amenity in terms of overlooking and loss of privacy. Furthermore Saved policy SP14 of the Local Plan sets out that new development proposals should be compatible with adjacent existing uses and acceptable in the local landscape in terms of scale mass and siting. It was considered that the initial submission for 16 dwellings would have been at odds with the existing pattern of development within the cluster of properties at the bottom of Cart Gate resulting in a disjointed form of back land development and the grouping as a whole, contrary to the criteria set out in policy SP14. A number of responses from neighbouring residents and Preesall Town Council raise concerns that the proposal is still resulting in back land development. This point has been acknowledged and has not been underestimated in the assessment of the application. However on balance, it is considered that the illustrative layout does demonstrate that 3 properties would front on to Cart Gate and the remaining units would be screened and sited to the rear, this is not seen to have any significant visual harm upon the character of the area or the quality of the landscape and would visually integrate with the wider street scene when viewed from Cart Gate. Nor could it be considered to be 'backland' development. Whilst the revised illustrative layout

plan does demonstrate that 11 dwellings could be accommodated within the site, layout is not for determination at this stage and it is considered that an improved scheme providing more suitable spacing and better use of space could be submitted and agreed at reserved matters, this includes enhanced parking provision and spacing between units providing more visual breaks through the site.

9.8 As demonstrated on the illustrative sectional plan and the revised site and Topographical plans the levels across the site vary considerably to the west. One concern raised by Officers related to the visual impacts of the development arising from the increased levels. The agent has submitted an indicative layout plan which shows how the rear gardens could be stepped and engineered into the embankment with low level retaining walls. Surrounding the dwellings the remaining embankment is proposed to comprise of enhanced landscaping and planting. Whilst the rear gardens will be elevated and stepped into the landscape and some reduction in levels will be required to accommodate the dwellings it is considered that this will not result in any significant harm upon the character of the area or the intrinsic quality of the countryside area. The development will make use of the existing overgrown embankment and visually the site will not be overly prominent from the wider landscape. Whilst there is a PROW along the ridge of the western boundary this is set in away from the site and views down and across the site are restricted by the existing tree cover and intervening over growth.

9.9 The site sits within the embankment and at the bottom of the landscape where levels significantly increase to the west. By reason of this topography and variation in levels the site would be well screened from views across the landscape. The submitted Flood Risk Assessment (FRA) sets out that to mitigate the development against the potential risk of flooding and to accommodate climate change the finished floor levels of the dwellings would be set at approximately 600mm above the existing ground levels. This increase in height is not seen to result in any visual harm or result in the development having any visual impacts upon the character of the area. Full details of existing and proposed levels could be conditioned accordingly. Officers are satisfied that based on the supporting information submitted with the application the site could accommodate the proposed development without any substantial harm upon the character and amenity of the area and would comply with the provisions set out within Saved Policy SP14 of the Local Plan.

#### Impacts up on Residential Amenity

9.10 Wider concerns have been received by neighbouring residents as a result of the development in terms of flooding and highway impacts, these are all addressed later on in the report. The main neighbouring property which could be affected by the development is number 2 Springfield Cottage. A site visit has been undertaken from within the rear garden of this property and it was determined that the initial scheme would have resulted in substantial impacts upon the amenity of the occupiers, predominantly arising from overlooking and loss of privacy. It is also noted that the initial scheme included the development of part of the rear garden of number 2 Springfield Cottage, which has raised a number of concerns by residents. The applicant had submitted the correct Ownership certificate (Certificate B) with the application demonstrating that notice had been correctly served. From a planning point of view the correct procedures had been undertaken, any land ownership issues would be a private matter which falls outside the realms of the planning process. Notwithstanding this issue, following discussions with the applicant a revised scheme has now been submitted and as a result would resolve any such issues as the red edge no longer includes the land within the neighbour's ownership.

Following this revision there is also now a modest separation and interface distance from number 2 Springfield Cottage of approximately 30m which has overcome the initial concerns of overlooking and loss of privacy and would comply and exceed the interface spacing standards set out within SPG4. Whilst the impacts upon neighbouring amenity are accepted based on the indicative site layout plan, the full impacts can only be fully assessed at reserved matters stage when layout and appearance, including the location of windows etc. are fully established.

#### Impact on Highway / Parking

9.11 The application has been submitted with a supporting Transport Statement (TS) which sets out the proposed impacts of the development including a Traffic Impact Assessment and the new access arrangements for the development. The submitted plans demonstrate that the existing access will be modified to a central access on to Cart Gate providing visibility splays of 2.4m x 49m to the west and 2.4m x 51m to the east. Lancashire County Highways have been consulted as part of the development and have advised that the highway network surrounding the site is considered to have a good (low) accident record which indicates there are no underlying issues which the proposed development would exacerbate. This has been questioned by neighbouring residents and the Town Council have also raised a number of concerns regarding the existing issues experienced in the vicinity of the site during peak school hours including difficulties of vehicular passing when the school busses are parked up. All of the concerns relating to highway safety and capacity issues have been fully acknowledged and discussed with the Highways Officer. LCC Highways have advised that whilst parking on road is an issue at the start and finish of the school day the new development is not expected to have a severe impact upon the highway during these periods, providing the level of off road parking within the site for the new dwellings is sufficient and would not conflict with the provisions of Paragraph 32 of the NPPF. LCC Highways are satisfied that the development would be acceptable subject to the new footpaths being provided in conjunction with improvements to the existing footpath to the site frontage which would be secured via condition and subsequent Section 278 Works.

9.12 The indicative site layout plan demonstrates some off street parking, nevertheless as previously highlighted this layout is for illustrative purpose only and the level of parking will also be dependent on the agreed layout, and design and as to whether or not they incorporate integral or detached garages or parking to the side/rear of the dwellings. At this stage based on the indicative layout it is considered the parking provisions demonstrated would fall short of the requirements set out within SPG4, this would need to be addressed and taken forwards to any potential submission at Reserved Matters.

#### Flood Risk and Drainage

9.13 The application has been accompanied by a Flood Risk and Drainage Assessment. The site lies within flood zone 1 which is identified as land at the lowest risk of flooding. Development within flood zone 1 accords with the sequential approach to locating development in the areas of lowest risk of flooding. It has been documented (by reason of photographic evidence) by local residents that flooding has occurred recently in the immediate vicinity of the site. However the proposed surface water drainage scheme seeks to dispose of surface water through infiltration or to discharge to the adjacent watercourse to the north east of the site at a green field run off rate of 5 ltrs per second in conjunction with an underground on site attenuation tank which is shown to be located beneath the internal access road. It is not considered that the development of this site will significantly increase the impacts

of flooding within the site or within the immediate vicinity. Despite local objections to the contrary, it is reasonable to deal with the drainage matters by planning condition requiring a more detailed drainage strategy including detailed plans (based on sustainable drainage principles) before the commencement of development. The Lead Local Flood Authority, United Utilities and the Council's Drainage Engineer have not objected to the proposal subject to conditions.

## Ecological Matters

9.14 An ecological appraisal has been submitted in support of the application. Greater Manchester Ecology Unit (GMEU) have assessed this and advised that the potential ecological issues include nesting birds, amphibians and ecological mitigation. The buildings on site have been assessed for bat roosting potential, including the existing dwelling that does not form part of this application. No evidence of bats was found and all buildings included within the development have been assessed as having no bat roosting potential. A desk top record was submitted for great crested newts on the site, however there was no suitable breeding habitat identified within the site. A rapid risk assessment was carried out based on ponds in the surrounding landscape and it was concluded that even if great crested newts were present in one or more of these ponds the distance from the site and scale of development would make any risk low and resolvable through a reasonable avoidance method statement. GMEU have advised that two other ponds were not included within this assessment, one around 115m to the east and another 210m to the NW both closer than the ponds included in the consultants assessment. GMEU have undertaken a separate rapid risk assessment for these ponds and concluded that risk level is still regarded as low. As such a Reasonable Avoidance Method Statement (RAMS) conditions would be appropriate. A condition requiring no works to shrubs or trees between the main bird breeding seasons (1st March to 31st August) has also been requested along with full details of landscaping and ecological enhancements to be provided within the site.

## Impact upon Trees

9.15 A Tree Survey has been submitted with the application. On the whole the proposal seeks to retain and protect the majority of trees and hedgerows within the site however a limited number of low grade trees and sections of hedgerow would need to be removed. The Council's Tree Officer has raised no objections to this and advised that mitigation tree planting within an appropriately worded landscaping condition and a tree protection scheme would be acceptable for any trees proposed to be retained.

## Contamination

9.16 The application site lies approximately 30m east of a former sandpit/quarry located on the hill. Observations have been received by local residents and the Town Council that the quarry was once used as a former sandpit where sand extraction was undertaken. It is then suggested that the quarry was backfilled with some form of waste. The Council's Environmental Protection team has requested that a desk study be secured through condition in respect of land contamination. Should this study reveal any likely contamination, a scheme of investigation must then be agreed along with any mitigation measures required. Subject to the imposition of this condition, no unacceptable impacts on human health or the environment arising from land contamination are anticipated.

## Other Matters

### Affordable Housing

9.17 There are no saved policies relating to affordable housing in new housing developments in the adopted Local Plan. Whilst at present the Submission Draft Local Plan carries limited weight, for the purpose of assessing Affordable Housing provision Policy HP3 is considered to be appropriate to use as the calculations set out within are founded upon the latest evidence based Viability Study. Policy HP3 sets out that residential development of 10 or more units will be required to contribute towards meeting the identified need for affordable housing. The policy sets out that on a brownfield site in Preesall Hill 10% affordable housing would be required. This 10% provision would equate to 1 affordable housing unit.

9.18 Whilst normal practice for the Council is to require an onsite provision, in this instance due to limited Registered Provider financial capacity and the management issues that a Registered Provider would experience with 1 affordable dwelling on the development site, it would be more reasonable and appropriate to seek an off-site equivalent commuted sum amount based on a 2 bed dwelling which in this case would total £60,390 This financial contribution is to be secured via a Section 106 Legal Agreement.

### Education Contributions

9.19 To ensure the proposal secures the necessary infrastructure to mitigate the impacts of the development Lancashire County Council Education have been consulted. Based on the 2017 School census and resulting projections and taking into account all the approved applications LCC will not be seeking a contribution for primary school places or secondary school places. However as there are a number of applications pending decision that could impact on this development should they be approved prior to decision being made on this application, the claim for primary school provision could increase up to a maximum of 1 place, resulting in a required contribution of £14,217.31. Prior to the Planning Committee meeting a reassessment will be requested from LCC and the results will be provided by way of a Committee update. It has been agreed by the applicant that the potential contribution is acceptable and it is agreed that this would be secured via a Section 106 agreement.

### Minerals Safeguarding

9.20 A section of the site towards the south west (and surrounding land to the west) is located within a Mineral Safeguarding Area under Lancashire's Waste and Minerals Local Plan. Policy M2 of the Waste and Minerals Plan states that planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals. The policy sets out circumstances where the Local Planning Authority may accept incompatible development, for example where there is an overriding need for the incompatible development that outweighs the need to avoid mineral sterilisation. It requires proposals for development other than non-mineral extraction, to demonstrate that they will not sterilise the resource or that consideration has been given to prior extraction, on site constraints and the need for the proposed development. The NPPF states that local planning authorities should not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes.



9.21 The application has given no consideration of Minerals Extraction or the implications of developing the site with a mineral safeguarding area. However, Officers have had regard to policy M2 and the relevant guidance and conclude that given the topography of the site; the small portion of the site directly affected; its position in relation to surrounding land and the proximity of the site to residential property that the application site is highly unlikely to attract significant commercial interest in the small section of land identified for mineral extraction. This designation is not considered a constraint to the development of the site.

#### Land Destabilisation

9.22 One of the concerns raised by the Town Council relates to the potential for the destabilisation of the land given that the site incorporates the embankment at the bottom of the hill to the west. These comments are understood however any such matter would be down to the responsibility of the applicants/developer as the landowners to ensure that the correct structural undertakings are carried out. Full details of existing and proposed levels are to be conditioned accordingly and more detailed plans would be provided at Reserved Matters stage. The illustrative sectional plans suggests that minimal engineering will actually be required to be carried out to the embankment with the exception of a low level boundary wall/steps.

#### Public Right of Way (PROW)

9.23 Towards the western boundary there is a PROW (FP 33) which falls outside of the application site and progresses north through the adjacent land. The proposed development will not affect this footpath, nor would it adversely affect the enjoyment of it by the public using it. It would not require any diversion or stopping up.

### **10.0 CONCLUSION**

10.1 The NPPF places significant weight on the delivery of housing (paragraph 14, 47 and 49). The principle of residential on this site as identified in the Submission Local Plan as being in the Preesall Hill area is supported by Policy SP1 where development is well-related to the existing built form. It is considered that the revised scheme for 11 dwellings would be located in a sustainable location close to existing infrastructure and community facilities. The development will make use of an existing site and (following the revisions made) will not be disproportionate to the immediate surroundings. The development will not adversely affect safe and efficient operation of the highway and is to be served by an acceptable access arrangement, provided off-site highway works are secured by condition. The applicant has demonstrated that the site can sufficiently accommodate up to 11 dwellings without causing significant adverse effects on neighbouring residential amenity and that the development can be designed to ensure there is no risk to flooding on or off site. The scheme also provides opportunities for biodiversity enhancement through the proposed landscaping proposals and other species-specific mitigation which would be secured by condition. The applicant also agrees to the provision of education and affordable housing contributions to mitigate the impacts of the development on such infrastructure. In addition the proposal will make a positive contribution to the supply of market and affordable housing at a time when the borough currently has an undersupply. Overall and on balance, the proposal development is considered compliant with the National Planning Policy and whilst of limited weight the provisions set out within the Submission draft Local Plan.

## **11.0 HUMAN RIGHTS ACT IMPLICATIONS**

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

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

## **12.0 RECOMMENDATION**

12.1 That the outline application be approved subject to conditions and a S106 legal agreement to secure appropriate financial contributions towards local education (if requested at the time of re assessment) and Affordable Housing. That the Head of Planning Services be authorised to issue the decision on the satisfactory completion of the s106 agreement.

**Recommendation: Permit**

**Conditions: -**

1. In the case of any reserved matter, namely, appearance, landscaping, layout and scale of the buildings, 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 10/10/2017 including the following plans/documents:

- Revised Site Plan Ref 051-200-10B
- Revised Location Plan Ref 051-200-01B
- Topographical survey Ref 051-200-03A

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 drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance with the hierarchy of drainage options outlined in the National Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015), or any subsequent replacement national guidance / standards, with evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations

rates to be submitted. 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 occupied or brought into first use until the drainage works 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 and to prevent an undue increase in surface water run-off to reduce the risk of flooding in accordance with Policy ENV15 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework. The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application, to ensure a suitable form of drainage is provided in that specific area taking into consideration land conditions and proximity to existing services.

4. The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

5. Prior to the commencement of development a Traffic Management Plan (TMA) shall be submitted to and approved in writing by the Local Planning Authority (in conjunction with the highway authority). The TMA shall include and specify the provisions to be made for the following:-

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials used in the construction of the development;
- Storage of such plant and materials;
- Wheel washing facilities;
- Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- Routes to be used by vehicles carrying plant and materials to and from the site;
- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

Reasons: to protect existing road users and to maintain the operation and safety of the local highway network and to minimise the impact of the construction works on the local highway network.

6. Prior to the commencement of development a scheme for the construction of the site access and the off-site works of highway improvement including a timetable

for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The site access and off-site works of highway improvement shall be constructed and completed in accordance with the approved scheme details.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999). 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.

7. The development hereby approved shall be implemented in full accordance with the Ecological Appraisal submitted with the planning application including all the mitigation measures set out in that report (Simply Ecology dated September 2017). Prior to any development a Reasonable Avoidance Measures method statement for amphibians shall be supplied to and agreed in writing by the Local Planning Authority.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981 and section 11 of the National Planning Policy Framework (March 2012).

8. No tree felling, tree works or works to hedgerows shall take place during the optimum period for bird nesting (March to July 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 11 of the National Planning Policy Framework (March 2012).

9. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include, areas of soft landscaping (including tree protection measures 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 and mitigation for nesting bird habitat), existing landscaping to be retained, and shall show how account has been taken of any underground services.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 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 the provisions of Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 11 of the National Planning Policy Framework.

10. 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. 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. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

11. Prior to the commencement of development a Dust Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Dust Management Plan shall identify all areas of the site and site operations where dust may be generated and further identify control methods to ensure that dust does not travel beyond the site boundary. The identified measures shall be implemented and maintained at all times. Should any equipment used to control dust fail, all handling of materials shall cease immediately until the dust control equipment has been repaired or replaced.

Reason: Such details were not submitted with the application and are necessary to minimise the risk of pollution that may cause nuisance and harm the amenity and/or health of occupiers of nearby buildings, in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

12. a) No development approved by this permission shall be commenced until details of the existing and proposed ground, slab and finished floor levels have been submitted to and approved in writing by the Local Planning Authority.

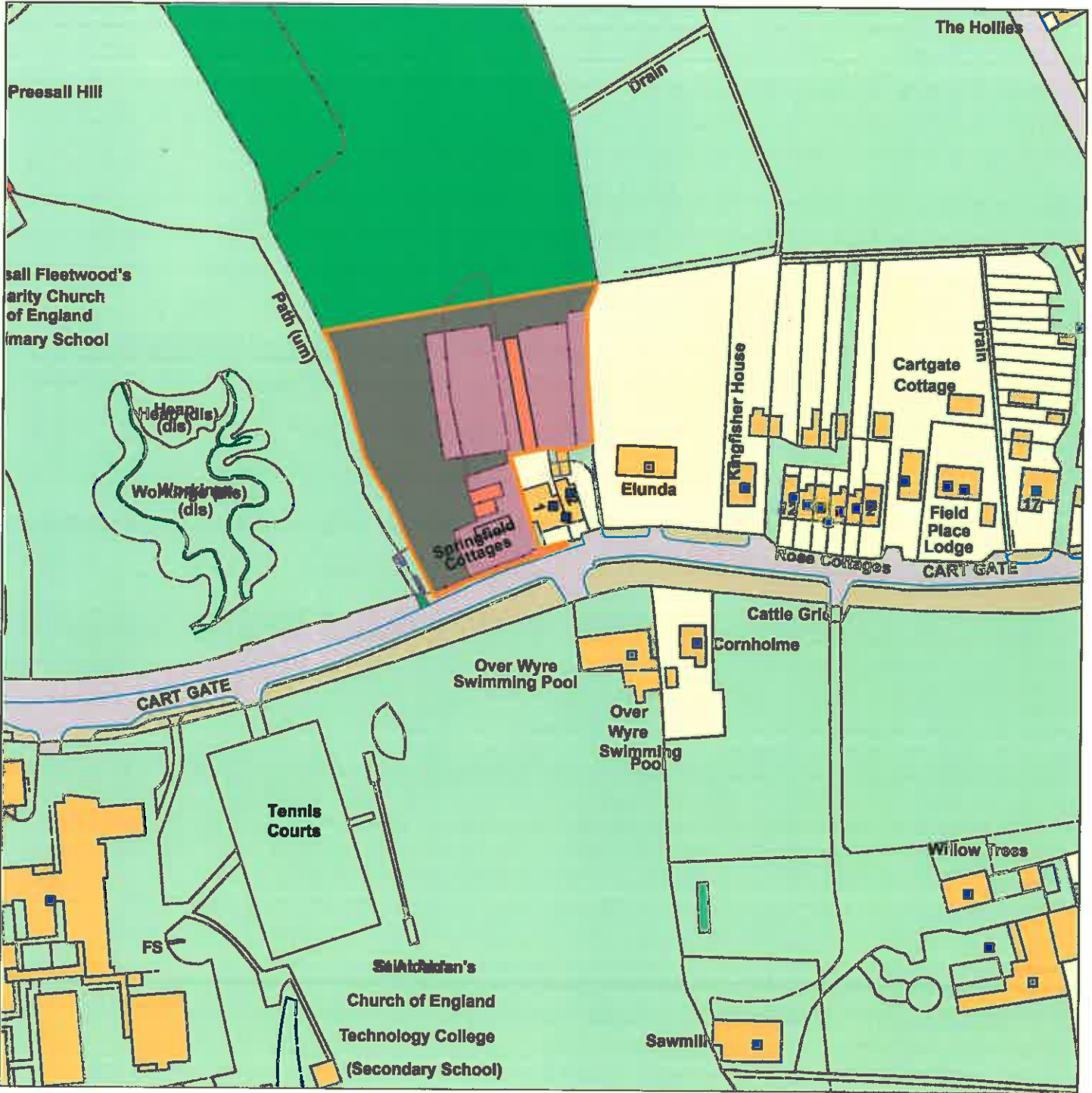
b) The scheme shall be constructed and completed in accordance with the approved details.

Reason: To ensure that the development has a satisfactory visual impact on the streetscene, a satisfactory impact on neighbouring residential amenity and has a minimum risk of flooding in accordance with Policies SP14 and ENV15 of the Adopted Wyre Borough Local Plan (July 1999).

**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.



Scale : 1:1726

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<b>Organisation</b>	Wyre Council
<b>Department</b>	Planning Deoartment
<b>Comments</b>	Item 1
<b>Date</b>	19 March 2018
<b>SLA Number</b>	100001824

**Committee Report****Date: 04.04.2018**

<b>Item Number</b>	<b>02</b>
<b>Application Number</b>	<b>18/00088/FUL</b>
<b>Proposal</b>	<b>Retrospective change of use of agricultural land to sports field/rugby pitch (Use Class D2) (between 1st September to 30th April)</b>
<b>Location</b>	<b>Garstang Show Field Wyre Lane Garstang Lancashire</b>
<b>Applicant</b>	<b>Mr David Bosson</b>
<b>Correspondence Address</b>	<b>Garstang RUFC Ltd 2 Chestnut Close Garstang PR3 1HZ</b>
<b>Recommendation</b>	<b>Permit</b>

**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mr Karl Glover****1.0 INTRODUCTION**

1.1 This application is before Members at the request of Councillor Lady Atkins. A site visit is recommended to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The site which forms the subject of this application relates to the Garstang Show Field which is located and accessed off Wyre Lane opposite the junction with Peacock Drive in Garstang. The site lies towards the north east of Garstang and is bound by the River Wyre to the east and residential housing which backs on to the site from Yewlands Drive to the west. The site area is approximately 5.5 hectares and is sited on a lower level to the surrounding properties and has two existing accesses from the northern side of Wyre Lane. Within the site is a timber building and centrally located within the field are two rugby posts along with an established access track running parallel with the western boundary. The site is currently used for grazing and hosting Garstang Agricultural Show.

2.2 Within the current adopted Local Plan and the submission Draft Local Plan proposals maps the site is allocated as 'Countryside Area' and is also within Flood Zone 3(b) which is a functional floodplain as defined within the Strategic Flood Risk Assessment (SFRA)

### **3.0 THE PROPOSAL**

3.1 This application seeks retrospective planning consent for the change of use of agricultural land to a sports field/rugby pitch (Use Class D2). Whilst the application refers to the use to be between the periods of 1st September to the 30th April it may be used at all times of the year unless a condition restricting its use is justified. The pitch is proposed to be used by Garstang Rugby Club to facilitate the junior and ladies teams following expansion of the existing club and is proposed to be used every Tuesday and Thursday between the hours of 18:00 - 20:00 and Saturdays and Sundays (including bank holidays) from 09:00 - 15:00 for Rugby matches and training sessions. Again, unless it can be justified on the basis of any adverse impact, the actual hours of use cannot be restricted.

3.2 To accommodate the use a new area of hardstanding is proposed for the parking of 31 vehicles towards the south eastern corner of the site adjacent to the secondary point of access opposite the Millennium Green. The changing and toilet facilities will be utilised at Garstang Sports and Social Club which is approximately 0.5m away from the site and there are no proposals for the provision of floodlighting as training and games will be carried out during day light hours.

### **4.0 RELEVANT PLANNING HISTORY**

4.1 No relevant Planning History has been identified

### **5.0 PLANNING POLICY**

#### **5.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

##### **5.1.1 Section 1 - Delivering sustainable development**

The NPPF was published by the Department of Communities and Local Government on the 27th March 2012. It sets out the Government's planning policies for England and how these are expected to be applied in the determination of planning applications and the preparation of development plans. The ministerial forward to the NPPF states that "Development that is sustainable should go ahead without delay - a presumption in favour of sustainable development that is the basis for every plan and every decision".

5.1.2 There are three dimensions to sustainable development, including (paragraph 7):

- an economic role - contributing to building a strong responsive and competitive economy by ensuring that sufficient land of the right type is available at the right time and in the right places to support growth
- a social role - supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, by creating a high quality built environment with accessible local services
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment and as part of this helping to improve bio-diversity.

To achieve sustainable development, economic, social and environmental gains should be sought jointly.



5.1.3 Section 8 - Promoting Healthy Communities, paragraph 70 sets out that to deliver social, recreational and cultural facilities and services the community needs, planning policies should plan positively for the provision and use of shared spaces, community facilities (sports venues) and other local services to enhance the sustainability of communities and residential environments.. Paragraph 73 goes on to state that access to high quality open spaces and opportunities for sports and recreation can make an important contribution to the health and well-being of communities.

5.1.4 Section 10 - Meeting the challenges of climate change, flooding and coastal change

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without flood risk elsewhere. Sequential and exception tests should be used.

5.1.5 Section 11 - Conserving and enhancing the natural environment

This requires the planning system to contribute to and enhance the natural and local environment. In particular, valued landscapes should be protected and enhanced and the impacts on biodiversity minimised. Paragraph 118 sets out a number of principles which should aim to preserve and enhance biodiversity. The guidance set out in paragraph 118 indicates that where development causes significant harm, with no adequate mitigation or compensation proposed and accepted as commensurate to the harm, that the development should be refused.

## 5.2 ADOPTED WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)

The Wyre Borough Local Plan was adopted on the 5th July 1999. The saved Local Plan forms part of the development plan for the district. The following policies are considered to be of relevance to the determination of this application. The weight to be afforded to these policies is discussed within subsequent sections of this report:

- SP13 - Development in the countryside
- SP14 - Standards of design and amenity
- ENV13 - Development and flood risk
- ENV15 - Surface water run-off
- TREC8 - Existing and Additional or Improved Sports and Recreational Facilities
- TREC10- Golf Courses and Other Outdoor Recreational Facilities

## 5.3 EMERGING LOCAL PLAN

5.3.1 The Council is in the process of preparing a new Wyre Local Plan. Following public consultation on the 'Publication' draft Wyre Local Plan (2011 -2031), the Council submitted the draft Local Plan with minor amendments to the Government for examination on the 23rd January 2018. The minor amendments deal with clarification matters or errors raised at the public consultation and they do not alter the substance of the 'Publication' draft Wyre Local Plan. The 'Submission' stage is an advanced stage in the local plan process. It confirms the Council's position with regard to how development needs will be accommodated and how they must be delivered. This position is supported by a comprehensive and robust evidence base. This stage is a further advancement in the local plan process. Although the draft Local Plan does not have the full weight of an adopted Local Plan it has been approved as a material consideration in the determination of planning applications from the date of publication, replacing the Core Strategy Preferred Options document' As the draft

Local Plan has now advanced to 'submission' the weight to be given in the planning balance has increased depending on the particular circumstances of the case.

5.3.2 The following policies contained within the draft Local Plan are of most relevance:

- SP2 - Sustainable Development
- SP4 - Countryside Areas
- SP8 - Health and Well Being
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk and Surface Water Management
- CDMP4 - Environmental Assets
- CDMP6 - Accessibility and Transport

#### 5.4 EVIDENCE BASE DOCUMENTS

5.4.1 Wyre Playing Pitch Strategy 2015

### 6.0 CONSULTATION RESPONSES

6.1 GARSTANG TOWN COUNCIL, No objections in principle however concerns have been raised in relation to traffic generation, access and parking provisions. Concerns about noise and toilet and changing facilities along with any lighting requirements have also been highlighted.

6.2 LANCASHIRE COUNTY COUNCIL (LOCAL HIGHWAY AUTHORITY), No objections and are of the opinion that the proposed change of use will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. The new proposed car park will discourage parking on Wyre Lane which is narrow and has soft grass verges. A condition requiring tarmac surfacing for the first 5m in to the site along with vehicular turning provisions has also been recommended.

6.3 SPORT ENGLAND - No objections, the proposal is supported by the Council's recent playing pitch strategy and has the support of the RFU. The pitch is suitable for use without any changes being made and as such is considered to be of suitable design.

6.4 ENVIRONMENT AGENCY - No objections, the site lies within Flood Zone 3b which is defined as having a high probability of flooding. The proposed application is for a water compatible development as defined in the Planning Practice Guidance (PPG) and is therefore compatible with flood zone 3b. The Flood Risk Assessment submitted is considered to be acceptable. A condition relating to ground levels remaining unchanged has been recommended.

6.5 CANAL AND RIVERS TRUST - No observations to make in relation to the proposal

6.6 WBC HEAD OF ENVIRONMENTAL PROTECTION AND COMMUNITY SAFETY - No objections subject to a condition relating to maximum Lux Levels of any lighting. Confirmation has been provided that the use of the site for a sports field would not result in any adverse impacts upon residential amenity arising from noise.

6.7 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE) - No objections

## 7.0 REPRESENTATIONS

7.1 At the time of compiling this report there has been 20 letters of support for the proposal, 4 letters of objection and 3 letters which neither support nor object to the application.

7.1.1 The primary reasons for support of the proposal are:

- Additional pitch will enhance facilities provided by Garstang RUFC
- Greater capacity to cope with the demand
- Greater facilities for younger generation and will prevent anti-social behaviour
- Sport builds friendships and community spirit and prevents obesity and strain on the NHS
- Existing site at Hudson Park cannot handle the numbers attending training and using the facilities
- No requirements for floodlighting
- Toilet and changing facilities are at the existing site not far away
- Club is actively promoting healthy lifestyles and values of discipline
- No public funding required
- The site would be a great asset to the club with very little disruption to the residents around the area
- Volunteers run both the showground and the club and benefit the community
- Car parking will be resolved with the new proposed parking area
- Huge benefit to the younger members of the community and will encourage teamwork, sportsmanship and respect
- With all the new housing developments in the area there is more pressure on clubs
- Councils Strategy paper states there is insufficient provision for the Rugby club
- Current Club doesn't have any littering issues
- The health and welfare of children and the requirement for green space for sporting and leisure
- activities has been highlighted by previous government white papers
- Excellent location for such facilities
- 3rd Pitch will mean less cancelled games
- Existing pitches are in a Flood Plain

7.1.2 The primary reasons for opposition are:

- Wyre Lane is unsuitable for the increase of traffic
- Parking overspill will occur on Yewlands Drive and Wyre Lane
- Lack of Toilet and changing facilities
- Midweek training will require flood lights
- Impact on neighbouring amenity
- Other School fields could be used
- Field is often water logged
- Site is a flood basin
- Rugby pitch would not be compatible with showground
- Potential noise and foul language
- Emergency services (ambulances) could struggle to gain access in the event of injury
- Litter and waste concerns
- Not compatible with the tranquillity of the area

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

8.1 Ongoing contact has been made with the applicant to discuss some of the points raised by the Town Council and residents and also to request revised plans to address the points raised by the Highways Officer. An extension of time has been agreed until the 5th April 2018.

## **9.0 ISSUES**

9.1 The key issues in the determination of this application are as follows:

- Principle of the proposed use and Policy Compliance
- Visual impacts upon the character of the area and the countryside area
- Impact on upon Residential Amenity
- Impact on Highway / Parking
- Flood Risk and Drainage

### Principle of the Proposed Use and Policy Compliance

9.2 In assessing the principle of this proposal Saved Policy TREC8 of the Adopted Wyre Borough Local Plan is of key relevance. Policy TREC8 states that initiatives to provide additional and improved sports and recreational facilities will be supported where any associated buildings or structures are in keeping with the character of the surroundings so as to not to undermine the character, quality or visual amenities of the locality and where there is adequate and safe access to the site together with parking facilities. Proposals should also not have any adverse impacts upon residential amenity. In this turn the full visual impacts are set out in more detail below (within Paragraph 9.1.5) along with the considerations relating to access and highway impacts (para 9.1.8). However, with the exception of the rugby goal posts there are no additional permanent/semi-permanent structures proposed and the access is already established with enhanced parking provisions also being proposed. In principle the proposal is seen to satisfy the relevant criteria set out with Saved Policy TREC8.

9.3 The National Planning Policy Framework (NPPF) places significant emphasis on open space, sport and recreational facilities as key contributors to health and well-being and specifically states: "access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sport and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area". To support the relevant policies set out within the Emerging Local Plan (namely Policy SP8) a Green Infrastructure Study has been undertaken which includes the Wyre Playing Pitch Strategy 2015 (PPS). Within Section 9 (Page 61 G17) of the PPS it provides an overview of the two existing Rugby Union Pitches for Garstang Rugby Club. The study identifies that the two existing pitches are used for eight match equivalent per week, meaning that both pitches are being overplayed, this is echoed and set out within the supporting documents submitted by the applicant and also within the majority of letters submitted in support of the proposal including members of the public some of which currently use the existing facilities.

9.4 In this instance there is a strong justification and need for the additional playing pitch in Garstang. Officers are satisfied that this has been adequately demonstrated by the applicant and is also reinforced by the evidence set out in the PPS 2015. During specific times in the year Garstang Show Field is used as an agricultural show field and has been for many years. The site is considered to be sustainably located with high levels of safe pedestrian connectivity to and from the site with the existing and established changing and toilet facilities available at Garstang Rugby club (approximately 0.5m south of the site). As part of this application Sport England have been consulted who have liaised and sought the advice from the Rugby Football Union (RFU). In brief the RFU have stated that Garstang RUFC has increased its playing Membership in recent seasons which has put increased pressure on their existing playing facilities. The creation of a new pitch will help alleviate overuse of the existing pitches and also provide an additional pitch during times when the existing pitches are unavailable. The creation of an existing pitch is very much welcomed by the RFU. The land and pitch design is of a suitable quality to create a new pitch without further works being undertaken and is maintained by an experienced groundsman.

9.5 The continued use of the pitch (between the 1st September and 30th April each year) is considered to be acceptable. The proposal is supported by both the existing Saved Policies within the Adopted Local Plan and the Submission Draft Local Plan as well as the provisions of the National Planning Policy Framework. The proposal has strong support from both the local community who have expressed the substantial benefits involved in supporting the additional facility and also from Sport England. Whilst the application seeks consent primarily for a Rugby Pitch, it is a sports field that would be able to be used if required for any other sports which fall within the Use Class D2, so an approval of consent would not solely restrict permission for the use as a rugby pitch and as such an assessment of the impacts has been made for all the other potential uses which fall within Use Class D2, as set out below.

#### Visual Impacts upon the Character of the Area and the Countryside Area

9.6 The application site is defined as 'Countryside Area' within the existing Local Plan proposals map in which case Saved Policy SP13 applies. SP13 states that development in areas of designated Countryside Area will not be permitted with the exception of (Criteria A) the essential requirements of agriculture or forestry, suitable forms of tourism and related activities or other uses appropriate to the rural area. In this instance the temporary use of the field as a rugby pitch for approximately 8 months of the year is seen to be a use which would be compatible with the countryside area. Sports fields and recreational grounds are common features within the landscape and are generally located on the periphery of the settlements or in close proximity to the built environment. The site sits visually against the back drop of the residential properties to the west (Yewland Drive) and to the south (Peacock Drive) and no new structures are proposed. The applicant has confirmed and responded to the issue raised within the letters of objection in that there are no such requirements for floodlighting. The proposed area of hardstanding to accommodate the new parking is to be located in the south eastern corner of the site where there is mature hedging along the southern boundary providing sufficient screening. The car parking and goal posts are not seen to have any detrimental impacts or harm upon the quality of the landscape or the countryside area and the proposal is seen to satisfy Saved Policies SP13, SP14 and TREC8 of the Local Plan.

## Impacts on upon Residential Amenity

9.7 The Rugby Pitch is approximately 90m west of the properties which back on to the site from Yewland Drive and is sited on a lower level. Approximately 120m to the South of the pitch is a Water Pumping Station and detached dwellings fronting on to Wyre Lane. Directly opposite the main access point towards the south eastern corner of the site is the Millennium Green. To the north and east is open agricultural land. The observations received by the neighbouring residents raise a number of concerns including the impacts upon residential amenity arising from both noise and light pollution. As part of the application the Council's Environmental Health Officer has been consulted. In terms of noise impacts the pitch is a modest distance away from the surrounding residential properties. Whilst boundary treatments vary along the western boundary with a mixture of fencing and vegetation enclosing the rear gardens the proposed use as a rugby pitch is not considered to result in such high acoustic noise levels, or noise over an extended time period, which would result in significant adverse impacts upon neighbouring residential amenity, both internally or externally. The hours of use of the pitch is proposed by the applicant to be restricted at the latest to 20:00rs which is not considered to be unreasonable. The Environmental Health Officer has raised no concerns in relation to noise and has not requested any hours of use to be restricted but has responded in relation to potential requirements for floodlighting.

9.8 The comments and objections received from some local residents in relation to light pollution is acknowledged, however the application does not propose any floodlighting. The applicant has confirmed that the winter training sessions will be held at Myerscough College where there are floodlit facilities and that the pitch will only be used during daylight hours. The Environmental Health Officer has suggested conditions in relation to floodlighting however these are not considered to be necessary or reasonable as any floodlights would require planning consent in their own right, at which point any impacts would need to be fully assessed including the levels of lux. A condition restricting the time period from the 1st September to the 30th April is recommended to be attached. It is not considered necessary or reasonable to restrict the hours of use to the pitch given that there is no concerns relating to noise impacts, or indeed any other impacts upon residential amenity from the Environmental Health Officer, not just for the use of a rugby pitch but also any other sporting uses. On balance the proposal is not considered to result in any adverse impacts upon neighbouring residential amenity and would comply with the provisions of Saved policy SP14 of the Local Plan.

## Impact on Highway / Parking

9.9 The existing and proposed access into the site is identified as Access Point 2 on the submitted site plan and is located opposite the Millennium Green towards the south eastern corner of the site. 31 parking spaces are proposed to be located on a new area of hard core immediately adjacent to this access along with a new tarmac surface from Wyre Lane leading into the site for a distance of 5m. The existing access identified as Access Point 1 is to be used solely by ambulances and the emergency services. Following the submission of the additional parking plan Lancashire County Highways have raised no objections and have advised that the proposed change of use will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. The Highways Officer has also stated that the additional parking on site will discourage parking on Wyre Lane which is narrow and has been raised as a concern from local residents.

## Flood Risk and Drainage

9.10 The application site is located immediately to the west of the River Wyre and lies within Flood Zone 3b as defined within the Level 2 Strategic Flood Risk Assessment (SFRA). Flood Zone 3b is classified as a functional floodplain and has a high probability of flooding. The use as a rugby pitch/Recreational field is classified as 'water compatible' development within the National Planning policy Guidance (PPG) and is therefore compatible with Flood Zone 3b.

9.11 The application has been submitted with a site specific Flood Risk Assessment (FRA) which identifies that the club will register with the Environment Agency's Early Flood Warning system which will allow the club to cancel any matches or training if required. The Environment Agency has raised no objections to the proposal and stated that they are satisfied that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere, subject to the inclusion of a condition which ensures that there is no changes to the levels. As the proposal is for a change of use of land there is no requirement for the sequential and exceptions tests to be applied as set out within Paragraph 104 of the NPPF.

## Other Issues

### Ecological Impacts

9.12 The site is not within a sensitive designation such as a Site of Special Scientific Interest or a Biological Heritage Site. The proposal is for the change of use of the land and will not have any adverse impacts upon protected species or result in ecological impacts. As highlighted above there is no requirement for any artificial lighting or any requirement for the removal of hedgerows or trees.

## **10.0 CONCLUSION**

10.1 Within Section 8 of the NPPF there is a concise and clear emphasis that the planning process has an important role in facilitating social interaction and creating healthy, inclusive communities. Within Paragraph 69 it is highlighted that planning decisions should aim to achieve places which promote opportunities for meeting members of the community who might not otherwise come into contact with each other, including through mixed use developments and by providing safe and accessible environments. The supporting documentation sets out that the additional pitch will provide a valuable facility for both the youth and ladies teams allowing the growth and expansion of Garstang Rugby club. For the reasons set out within this report the proposal is considered to be acceptable in principle and is supported by the evidence set out within the PPS which identifies the need for additional rugby union pitches in Garstang. On balance the proposed use of the pitch for a period of 8 months per year is not considered to result in any adverse or detrimental impacts upon neighbouring residential amenity or result in any associated highway impacts, as such the proposal complies with Saved Policies TREC8 and SP13 of the Local Plan as well as the provisions set out within the National Planning Policy Framework.

## **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 planning permission subject to conditions

### **Recommendation: Permit**

#### **Conditions: -**

1. 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 29/01/2018 including the following plans/documents:

- Site Plan GA-GRUG-01 & Site plan (Location of Pitch) Ref DF Garstang Showfield
- Access and parking Layout Plan Scale 1:500

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.

2. The Rugby Pitch/Sports Field hereby approved shall not be used outside the period of 1st September to the 30th April per calendar year.

Reason: To safeguard the amenities of the occupiers of nearby residential accommodation in accordance with Saved Policy SP14 of the Wyre Borough Local Plan

3. Within the red edge boundary, as delineated on the proposed site plan (Ref: GA-GRUG-01; dated January 2015), the existing ground levels must remain unchanged, and no structures should be erected without the prior written approval of the local planning authority.

Reason: To reduce the risk of flooding and to ensure flood storage is not reduced.

4. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site (As shown as Access Point 2 on the approved site plan) shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

5. Within two months of the date of this approval the car parking and turning areas shown on the approved Parking and Access plan shall be provided in full and shall be available for use. The car parking areas shall thereafter be kept available for the parking of cars at all times.

Reason: To ensure the provision of adequate car parking on site and in the interests of highway safety.

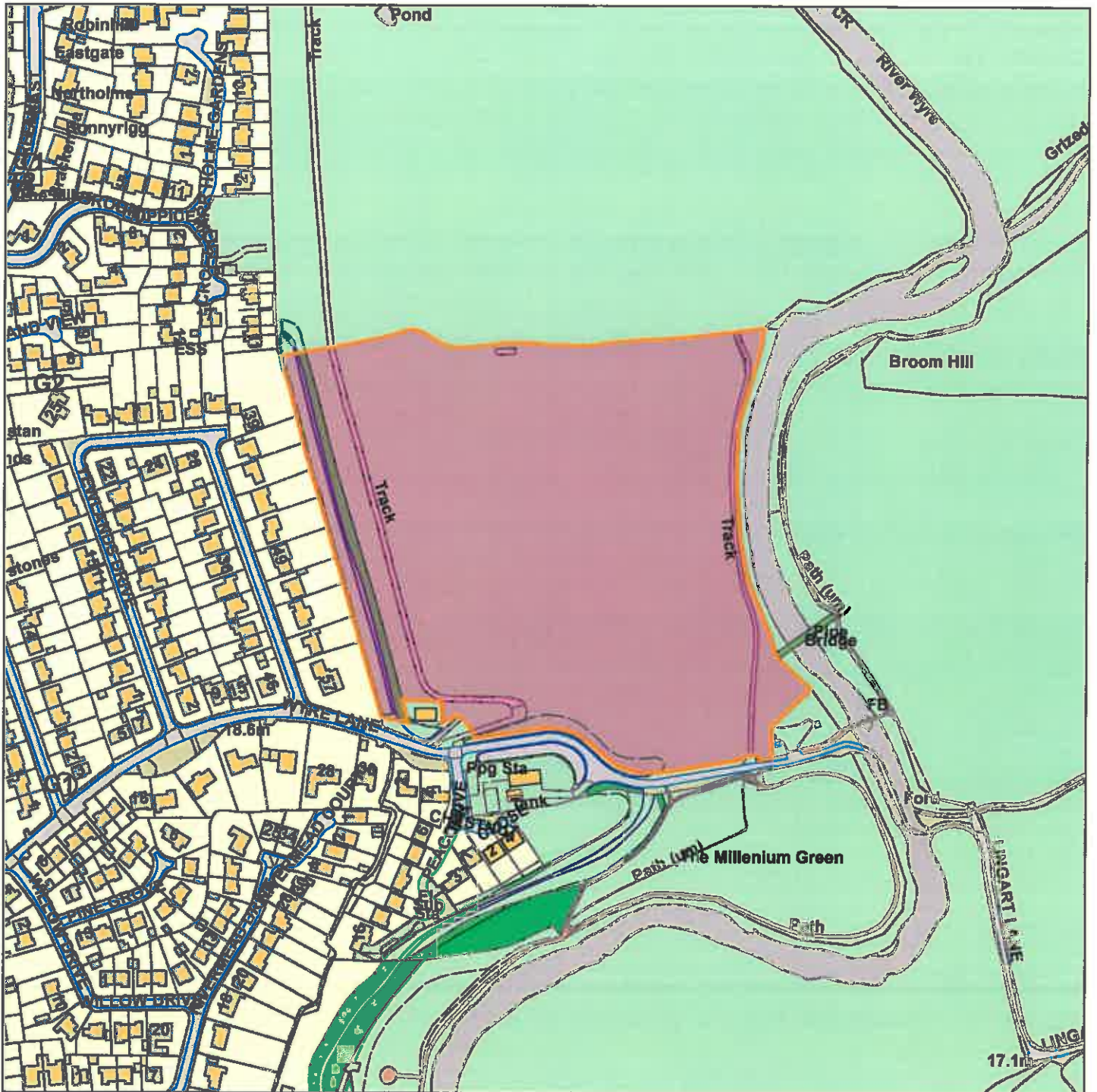


**Notes: -**

1. The new vehicular access, within the adopted highway fronting the site will need to be constructed under a section 184 agreement of the 1980 Highways Act (Vehicle crossings over footways and verges), The Highway Authority hereby 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. The applicant is advised to contact the Community Services before works begin on site. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for vehicle crossings and then fill in the information at "Get a vehicle crossing quotation".

arm/rg/pla/cr/18/0404nc10

Garstang Show Field, Wyre Lane, Garstang



Scale : 1:3453

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<b>Organisation</b>	Wyre Council
<b>Department</b>	Planning Deoartment
<b>Comments</b>	Item 2
<b>Date</b>	19 March 2018
<b>SLA Number</b>	100001824

**Committee Report****Date: 04.04.2018**

<b>Item Number</b>	<b>03</b>
<b>Application Number</b>	<b>17/00320/FULMAJ</b>
<b>Proposal</b>	<b>Erection of 17 houses and associated works (Re-sub 16/00514/FULMAJ)</b>
<b>Location</b>	<b>Land Off Ormerod Street Thornton Cleveleys Lancashire FY5 4HU</b>
<b>Applicant</b>	<b>Baxter Homes Ltd</b>
<b>Correspondence Address</b>	<b>c/o Croft Goode Partnership FAO: Mrs C Mears 4 The Crossroads Freckleton Street Kirkham Lancashire PR4 2SH</b>
<b>Recommendation</b>	<b>Permit</b>

**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mr Mark Lynch****1.0 INTRODUCTION**

Call-in request 20/04/2017 - Cllr Andrea Kay - via email

Site Notice Date: 13/04/2017

Press Notice Date: 26/04/2017

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The application site is an irregular shaped but elongated parcel of land situated to the north of Ormerod Street and The Stables, Fleetwood. It covers an area of approximately 0.43ha. The site is located on slightly sloping land that falls from 9.1m in the west to 4.5m in the east. It is bounded by residential properties to the south and west. To the north lies the Pool Foot Farm site occupied by Fleetwood Town FC Training Ground. This is an extensive site that accommodates 16 pitches, car parking and access areas with an area of allotments to the west accessed through part of the current application site. Two of the pitches are floodlit. East of the site lies the football club groundsman's compound and access to the pitches. A pond lies to the south of the groundsman's storage building and the compound site is enclosed by palisade-style fencing.

2.2 The southern boundary of the site is marked by a mix of fencing and hedgerow that runs along the alley separating the site from the terraced dwellings on Heys Street and the site. Further to the west the edges of the football pitches are marked by 3-4m high protective fencing designed to prevent footballs being kicked over the site boundaries towards neighbouring dwellings.

2.3 The neighbouring dwellings are a mix of traditional Victorian terraces and more recently constructed detached two and two and a half storey dwelling houses. The dwellings to the south on Heys Street have shallow back yards that are bounded by fences and walls running alongside the access alleyway.

### **3.0 THE PROPOSAL**

3.1 This is a full planning application and the proposed development comprises 17 affordable dwellings to be erected on this parcel of land, which lies within the defined settlement boundary for the town of Fleetwood. The proposal is to develop the site by creating an access road from Ormerod Street at the eastern end of the site joining the access into the Football Club facility with a row of 10 semi-detached and 3 terraced two storey dwellings arranged along the northern edge of the site in front of the new access road and a group of four semi-detached dwelling houses located to the south of the site entrance.

3.2 The access road will terminate in a turning head at the western end of the site where access will continue into the existing allotment gardens. Off-street car parking for each dwelling will be provided (two spaces per unit) together with six visitor's spaces.

3.3 In terms of design, the dwellings share a simple architectural form and materials palette incorporating red brick elevations, buff brick soldier courses and cills and a grey tile gabled roof. Each dwelling will have either two or three bedrooms (11 and 4 respectively) and several dwellings at the end of each row will incorporate a feature two storey side projection to add some visual interest.

3.4 Part of the site is located within Flood Zone 3 (the highest flood risk).

### **4.0 RELEVANT PLANNING HISTORY**

4.1 16/00514/FULMAJ - Erection of 17 affordable houses (two storey, arranged in pairs and a terrace), formation of new vehicular access taken from football club access road (off Ormerod Street) and associated works. Withdrawn 30.08.2016

### **5.0 PLANNING POLICY**

#### **5.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

The Framework promotes sustainable development, reaffirms the importance of good quality design and that new development should respond to local character and history, and reflect the identity of local surroundings and materials. New housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework supports the delivery of a wide range of high quality homes. It specifically states that local planning authorities should normally approve planning applications for new development in sustainable locations that accord with the development plan or, where the development plan policies are absent, silent or out of date, with the policies contained in the Framework; unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicate development should be restricted.

The following sections are considered to be relevant:

- Paragraph 7 - definition of sustainable development
- Paragraph 14 - presumption in favour of sustainable development
- Paragraph 17 - core principles
- Paragraph 19 - supporting economic growth

- Paragraph 34 - sustainable transport
- Paragraph 49 - States that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- Paragraph 56 - Great importance is attached to the design of the built environment. Good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people.
- Paragraph 61 - Although visual appearance and the architecture of individual buildings are very important factors, securing high quality design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- o Paragraph 216 - Decision takers may give weight to relevant policies in emerging plans according to: the stage of preparation (the more advanced they are the more weight may be attributed); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections the greater weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the degree of consistency the greater the weight that may be given).

## 5.2 ADOPTED WYRE BOROUGH LOCAL PLAN 1999 (SAVED POLICIES)

The following policies are considered to be relevant:

- SP2 - Strategic Location for Development
- SP14- Standards of Design and Amenity
- ENV7 - Trees on Development Sites
- ENV13 - Development and Flood Risk
- ENV15 - Surface Water Run-Off
- H13 - Open Space in new Housing Developments
- TREC14 - Protection of Recreational Open Space

## 5.3 EMERGING LOCAL PLAN

The Council has recently submitted its new Publication Draft Local Plan 2011-2031 to the Secretary of State for consideration. Examination of the Plan is scheduled to commence in Spring 2018. This consists of a Written Statement, setting out a spatial vision for the borough, objectives to meet that vision, and the policies (including site allocations) that will be used to manage future development across the borough. The Draft Plan also includes a Policies Map, which identifies site allocations and local designations such as Green Belt and countryside.

Relevant policies in the emerging Local Plan include:

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP8 - Health and Well-Being
- CDMP1 - Environmental Protection
- CDMP2 - Flood Risk and Surface Water Treatment
- CDMP3 - Design
- CDMP6 - Accessibility and Transport
- HP2 - Housing Mix
- HP3 - Affordable Housing

Supplementary Planning Documents:

SPG4 - Spacing guidance for new housing layouts - this document specifies the minimum separation distances considered to be acceptable to safeguard residential amenity and avoid physical dominance. In general for two storey developments, 21m should separate front and rear elevations, 13m should separate front/rear and side elevations, and 2m should separate side elevations. Rear garden depths should be 10.5m.

Adopted Thornton and Fleetwood Area Action Plan - Policy 8 seeks to retain Poolfoot Farm as an area of recreational open space and urban green space.

## **6.0 CONSULTATION RESPONSES**

6.1 WBC Drainage Engineer: Recommends refusal:

- FRA (at 9.2.3) states that surface water will discharge to existing 225mm sewer on Ormerod Street - it is understood that, as part of the recent footpath pitch development, an additional 300mm surface water pipe was installed (FRA 9.2.4 refers), with a separate connection to this site planned to be installed. (Drawing no 101 rev P2 refers). Surface water should discharge through this connection in preference to the 225mm sewer - adoption of the surface water drainage system by UU should not override connecting to the private drainage provided for this development as part of the football pitch development.
- Land levels (as FRA 6.2.4) must not be raised (to protect neighbouring properties from surface water flooding).
- The local surface water drainage system discharges to Royles Brook watercourse. During periods of heavy rainfall the watercourse is likely to surcharge preventing discharge of surface water into it. It is recommended that sufficient attenuation is provided on site to accommodate surface water volumes during such events.
- The Environment Agency defines the site as being within Flood Zone 3 (High Risk) as set out in the National Planning Policy Guidance. The site is assessed as having a 1 in 100 or greater annual probability of river flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year. These flood zones refer to the probability of river and sea flooding, ignoring the presence of defences.

6.2 United Utilities:

No objections subject to the imposition of appropriate drainage conditions.

6.3 Environment Agency:

Initially objected. Following receipt of an amended Flood Risk Assessment this objection has been withdrawn subject to imposition of appropriate drainage conditions and the following requirements.

We have reviewed the revised FRA and we are now satisfied that it demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. The proposed development must proceed in strict accordance with this FRA (Ref: P5838/16/01 Issue 04, dated 2 November 2017) and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA as part of an amended planning application.

It should be noted that the proposed finished floor levels (FFLs) stated on the Site Layout Plan (Ref: 15-2096-PN001, Rev D), included in Appendix A, do not correspond with the FFLs stated in Table 2, section 5.1.1.

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Planning Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your Emergency Planners and the Emergency Services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance.

Sequential test –

In accordance with the NPPF paragraph 101, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF.

If the LPA determines that the Sequential Test has not been met then the Environment Agency would not support this application. The Sequential Test is applied to ensure that development is firstly placed in areas at lowest risk of flooding. If the Test is not met then the application will not be in compliance with the NPPF.

#### 6.4 LCC Highways:

No objections in principle to the proposed 17 new dwellings, providing the applicant can address the issues regarding sight lines, access alterations and sustainable transport provision.

The proposed development for 17 dwellings should have a negligible impact on highway capacity in the immediate vicinity of the site.

The highway network surrounding the site is therefore considered to have a good accident record and indicates there are no underlying issue which the proposed development would exacerbate.

There has not been any speed surveys carried out on the football access road off Ormerod Street. From observations on site, (LCC) Highways are of the opinion that 85th percentile speeds is 16mph fronting the site access.

(LCC) Highways are of the opinion that the shown sight lines on drawing 15-2096-PN010 "Proposed Site Layout and Sight Lines" by Croft Goode shows the sight lines are obstructed by garden walls, tree canopies and off road parked cars. The applicant should provide accurate details of the required sight line requirement, before determining the application and ensuring there are no obstructions higher than 1m high and a minimum clearance to the underside of the tree canopy of 2.4m.

(LCC) Highways are of the opinion that the proposed location of the site access is acceptable providing the sight lines are provided as recommended above. Where acceptable sight lines at the junction in both directions are not provided the (LCC) Highways would raise an objection to the development in the interest of highway safety.

To promote sustainable forms of transport, aid with social inclusion and improve highway safety for the exiting pedestrians and the new residents, it is recommended that the applicant should provide a 2m wide footpath for the full frontage of the site with the footpath access road off Ormerod Street.

A turning head is required to allow refuse vehicle and emergency vehicles to turn within the site for the following reasons: -

- The maximum distance a refuse vehicle should reverse is 12m, from Manual for streets and BS5930: 2005.
- Fire and rescue Services Section should not have to reverse more than 20m from the end of an access road. From Manual for streets and diagram 24 of Approved Document B (Fire Safety).

A set of appropriate highways conditions is suggested.

#### 6.5 WBC Environmental Protection (Noise):

Concerns raised:

I have reviewed the additional noise information (by MES, September 2017) provided by the applicant. I have concerns regarding the information provided in section 1.5 (see below) of the report in that there could be no guarantee in future that the nearest pitch to the proposed houses used during the evening hours of 7pm to 10pm would always be the 4G pitch. I don't see how the applicant could know this with any certainty when they have no control over the activities of the Poolfoot Farm sports complex which has the right to use any pitch during the evening hours.

I am also concerned that the suggested noise level for shouting of 85dB (A) at 1m would breach the 60dB (A) maximum instantaneous level (LAFmax) allowable within the garden amenity areas of the proposed dwellings at any time.

Therefore, I would ask that further information is provided by the applicant to take into account the maximum noise levels the proposed houses would receive both internally and externally should the pitches closest to the houses be used, and any additional noise mitigation measures resulting from this new data.

Verbally recommends refusal in view of the fact the community use agreement required under condition 12 of 14/00016/LMAJ) that will control the use of the pitches and other facilities has not been submitted and the condition has not, therefore, been discharged. Without this, there is no control over the times that any of the pitches can be used. Those at the rear of the application site are very close to the rear of the proposed dwellings and there will undoubtedly be a serious noise impact on residential amenity as a result.

Updated comments:

An updated Acoustic Report has been provided, following discussions with the Environmental Protection team. This has more accurately assessed the potential impact of exposure to noise by residents arising from the neighbouring sports pitches and recommends a higher



specification glazing for rear windows facing the sports facilities and a 2.5m high acoustic fence located along the shared rear boundary.

Members will be updated at the committee meeting once formal comments have been received from the Environmental Protection Officer.

#### 6.6 Lead Local Flood Authority:

The LLFA recognises that this site lies within an area benefiting from tidal defences with an associated residual flood risk. Therefore the LLFA would recommend that the Environment Agency is consulted. The comments below relate to surface water flood risk only.

Following a previous objection from the LLFA a revised Flood Risk Assessment and Drainage Strategy have been submitted which have been reviewed by the LLFA prior to making these comments.

In the absence of adequate information to assess the principle of surface water drainage associated with the proposed development, we object to this application and recommend refusal of planning permission until further information has been submitted to the local planning authority.

Reason:

The lack of information in relation to surface water drainage means the LLFA cannot assess whether the development proposal meets the requirements of Paragraph 103 of the NPPF or Paragraph 80 of Section 10 of the PPG in principle.

The submission of basic information on how surface water is intended to be managed is vital if the local planning authority is to make informed planning decisions. In the absence of any information at all regarding surface water management, the flood risks resulting from the proposed development are unknown and this is therefore sufficient reason in itself for a refusal of planning permission.

You can overcome our objection by submitting information which demonstrates how surface water will be managed on site, satisfying the principles of Paragraph 103 of the NPPF and Paragraph 80 of Section 10 of the PPG. The LLFA would expect to see details on:

- Full surface water plans to be provided for approval, including details of discharge rates and attenuation. The maximum discharge to be restricted to 5 l/s.
- Design to demonstrate that land levels will not be raised in order to protect neighbouring properties.

The drainage strategy submitted shows a flow control structure in S4 restricting the pass forward flow to 5l/s. However this is upstream of plots 1-4 and therefore it is unclear how the discharge rate from the site will be restricted to 5l/s.

If this cannot be achieved we will consider whether there is a need to maintain our objection to the application. Production of this information will not in itself result in the removal of an objection.

Latest Position:

Concerns are raised regarding the levels differences between the site and surrounding land, which has potential to facilitate surface water drainage running into the site from neighbouring land. Additional information has been submitted showing elevated finished floor levels.

Members will be updated at the committee meeting once formal comments have been received from the LLFA.

6.7 WBC affordable Housing Officer: Supports the application.

The 2014 Strategic Housing Market Assessment (SHMA) details an annual requirement of 52 no. affordable dwellings in Thornton. Therefore I support the proposed development at Ormerod Street which will provide 17no. houses for affordable rent which will be delivered by a Registered Partner.

There have been a number of recent developments in Thornton which have delivered primarily shared ownership housing so the proposal to build 17no. affordable rented properties will help to re-balance the housing offer for local residents in the area.

6.8 WBC Tree Officer: No objections

I have revisited site and considered the current site layout Rev C. I also note well the details of the Arboriculture Implications Assessment (AIA).

Previously I have indicated that a hedge along the southern boundary should be retained and enhanced if possible & if not mitigation tree planting should form part of a detailed landscape plan.

The detailed landscape plan is not yet available to comment on. The ecological appraisal refers to retaining the hedge if possible.

The AIA categorises the hedge as a group (G2), nevertheless, what I consider to be a hedge should be retained, in so much as the access road can be implemented, and enhanced as part of the landscape buffer zone shown on the current site layout plan.

It will be necessary to attach a tree protection condition to cover the submitting for discharging of a tree protection plan and accompanying method statement.

6.9 WBC environmental Protection (Contamination): No objections

Desk Study.

The desk study appears to have been based, in the main, on a commercial search. This Section would always encourage as wide a consultation as possible when compiling the desk study, as per BS10175:2011 (as amended). The wider search at this site, namely reviewing the information from reports focussed on adjacent sites, is welcomed. Generally, the wider the consultation, the more confidence can be placed in the risk assessment.

Preliminary Conceptual Site Model (CSM).

Made ground and the contractors' compound are the only potential sources identified in the CSM. This has been identified as a moderate to low or very low risk in the CSM, dependent on potential pathway and receptor. The report goes on to recommend some site investigation in order to determine whether made ground is present on site, or some pre-emptive remediation. The final proposed works should be presented for approval.

## 6.10 Education Authority: No contribution required.

This consultation response seeks to draw the Council's attention to impacts associated with the above development and propose mitigation for these impacts through a developer contribution.

The education contribution is directly linked to the development and would be used in order to provide education places within a reasonable distance of the development (within 3 miles) for the children expected to live on the development. Failure to secure the contributions sought would mean that the County Council cannot guarantee that children living on this development would be able to access a school place within a reasonable distance from their homes.

An education contribution is not required at this stage in regards to this development. However a recalculation would be required at the point at which the application is considered for decision. It is therefore the responsibility of the planning authority to inform LCC at this stage and request a recalculation in order to obtain a definitive figure.

This response is based on the latest information available at the time of writing. Circumstances may change over time as other applications come forward. Consequently this response may require re-evaluation.

## 7.0 REPRESENTATIONS

7.1 The LPA has received 17 objections to the proposed development. The main points raised are as follows:

### Traffic and Highways

- Parking is sometimes a no go and if you build 17 more houses then it will make situation even worse.
- Cars drive at speed down the road already and there have been a number of near misses with local children.
- The development will not have adequate car parking for future occupiers.
- Heys Street is narrow and subject to double parking and this development will add to that.
- Football fans do not use the designated car parks preferring to park on local streets blocking pavements. This development will exacerbate this practice.
  
- Principle
- This is meant to be open space land so how can planning permission be passed?
- This is I believe the same Baxter's that were meant to buy the land where Thornton Cleveleys FC are situated. Surely that would be the better option.
- Understand that the land is classed as recreational open space in the council local plan and cannot be built upon. The land should be available for the local community to use or alternatively the vegetation which was removed c18 months ago should be allowed to grow back.
- Acres of recreational open space next to this site have been replaced by Fuse (Fleetwood Football Training Ground). Whilst the club arranges many local community initiatives which is very positive, the whole site is still fenced off and free access is not permitted unless paying for an activity. Even the duck pond on Ormerod Street is fenced off with no access! The local community should have some open space were the children can play out, play football, throw a Frisbee or have a picnic!

- This site formed part of the original access to the Allotments and with planting of trees and vegetation planned. It has not materialised as part of the original planning permission for Fuse.
- Is it not enough that we have houses and football fields and all that this entails already? Could you not leave us at least one small piece of green?

#### Flooding and Drainage

- The lane at the rear of Heys Street and Ormerod Street is collapsing as the Victorian sewers beneath disintegrate leading to frequent flooding.
- Visual Impact
- They want to remove the majority of the existing trees on the boundary to the existing houses and replace with small vegetation. Why remove the existing trees which are up to 4 meters in height as these help to provide some natural shielding to the existing houses?
- The existing trees should be retained in full and further trees should be planted.
- Impact on Residential Amenity
- My home will be unduly overlooked by this new development.
- The site is raised ground when compared to the surrounding houses and as a result the local houses will be overlooked.
- Noise pollution / disturbance from the football pitches is still a significant issue for the local residents. I was informed by the local council that around 10 complaints have been received and that the council have been negotiating with the football club to build a new acoustic fence to reduce the impact of the noise. Acoustic fencing has been built around other local housing on the perimeter of Fuse and this formed part of the original planning permission. Around 6 months have passed and nothing has happened?
- The Acoustic assessment is not sufficient. It was completed when the pitches closest to this site in question were not in use (9th June to 13th June 2016). How do I know this? Because I live here and the grass pitches next to the site had not been seeded and / or the seeds had not been established to be used. These near pitches have started to become more in use and the noise has increased.
- Local residents have had to endure construction works for over 6 years and enough is enough.
- Ecology and Biodiversity
- A full survey of the site should be undertaken to assess its ecological importance.
- Local open spaces provide habitat for protected species such as bats. Their loss will be very regrettable.
- Other Matters
- When will the Allotments be built which formed part of the planning permission for Fuse? The football pitches have been operational for c18 months and it looks like the whole site has been completed apart from the Allotments?
- Locally important historic buildings have suffered damage as a result of recent developments.
- Litter has increased since the football pitches were developed.
- It is likely to add to local instances of anti-social behaviour.

## 8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Numerous meetings and discussions have been held to identify and address various issues that have affected the proposed development, resulting in a series of amendments to the scheme.

## 9.0 ISSUES

### 9.1 Background

This application follows the withdrawal of an earlier scheme for a very similar development (16/00514/FULMAJ). Pre-application advice was sought beforehand and the advice proffered set out the following constraints to development of the site:

- Flood Risk and the requirement for a full Flood Risk Assessment and application of the Sequential Test.
- Poolfoot Farm has recently been developed as a community football facility and allotments. The application site provides a valuable area of informal and unmanaged urban greenspace and any application needs to justify the loss of this area.
- The adopted Area Action Plan requires contributions to highways and flood zone improvements.
- The proposals are likely to conflict with other approved schemes. The proposals would prevent the community football scheme complying with the conditions attached to it affecting the development site its ability to deliver a satisfactory development. The lane to access the allotments on the approved plan for the adjacent site runs through the dwellings proposed on the current application plans. The application proposes moving the access lane closer to the houses to the south (The Stables) and would reduce the substantial 10-15m deep buffer down to 50cm in places. Previously, the applicant was asked to demonstrate that the proposed scheme would allow for the sports facilities development to be implemented in accordance with its conditions, allowing access to the allotments and implementation of a visual/noise landscape buffer, the application could not be supported.
- Noise, contaminated land, tree and lighting reports were all considered necessary to inform the application process.
- Details of existing and proposed land levels were required, due to the varying levels across the site and the proximity to existing residential development.
- Details of how the existing PROW that crosses the site would be safeguarded during development phase were required.
- Issues over rights of access affecting third party land were required to be resolved.
- Overdevelopment issues - the previous scheme was considered to be overly-intensive and would have resulted in the site being cramped and dominated by hard surfaces.

The main planning issues in this application are as follows:

- Principle of development
- Sustainable Development Considerations
- Visual Impact / Design / Impact on the street scene
- Impact on residential Amenity
- Impact on Highway / Parking
- Flood Risk
- Drainage
- Trees

### 9.2 Principle of development:

9.2.1 In March 2012, the National Planning Policy Framework replaced all previous PPG's and PPS's and confirmed the Government's commitment to a presumption in favour of sustainable growth and development. In terms of decision making, this means approving developments that accord with the development plan 'without delay' and, where the development plan contains either no relevant policies or where those policies are out of date, granting planning permission unless 'any adverse impacts of doing so would significantly and

demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted'.

9.2.2 The Framework does not change the status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date development plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.

9.2.3 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Council's 1999 Local Plan, the National Planning Policy Framework has been published and is a material consideration that needs to be given weight. Paragraph 12 of the Framework states that 'Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations."

9.2.4 The Development Plan consists of the adopted Wyre Borough Local Plan (1999). Due to its age, and the fact that it is unable to demonstrate a five year housing land supply, the Development Plan is not up to date and is therefore not entirely consistent with the Framework. There is, therefore, a presumption in favour of new housing development, as set out in paragraphs 14 and 49 of the Framework.

9.2.5 The application site lies within the defined settlement boundary for Fleetwood where new development is appropriate in principle. The site lies on the southern edge of a recently completed community development of sports pitches and ancillary facilities at the former Poolfoot Farm by Fleetwood Town FC, where an access leading to the allotments to the west was shown on the approved layout plan. This larger site was included in the Fleetwood-Thornton Area Action Plan (2009), which forms part of the Council's Local Development Framework. Its main purpose is to deliver "a comprehensive vision and spatial planning framework for the Fleetwood-Thornton area, addressing the key issues facing the area, and in particular, focusing on delivering significant growth and development to secure the sustainable regeneration of this strategically important site" up to the year 2021.

9.2.6 Policy 8 of the Action Plan seeks to enhance recreation and leisure facilities locally and it states that "retention of Poolfoot Farm as a recreational open space/urban greenspace" is a priority. It also expects new residential development to "ensuring that where appropriate, development within the Area, particularly housing development, contributes towards new and improved facilities for formal recreation, including public open space and allotments".

9.2.7 Whilst this formal facility has been achieved, the supporting text to the policy also makes it clear that informal areas of green infrastructure, comprising varied areas of private and public open space, linked by natural corridors and footpath and cycle networks, will be preserved, improved and developed for the benefit of the local community, as well as visitors.

9.2.8 The application site remained as a vestige of the sports facilities, containing the access road to the allotments and an area of informal green space. It is the loss of the green space that needs to be reconciled with Policy 8 of the Area Action Plan.

9.2.9 In addition, the proposed development is expected to make a contribution towards new and improved facilities for formal recreation, which may include public open space or allotments.

9.2.10 The applicant has provided additional information in relation to this issue:  
"The application site sits on the southern end of land allocated for recreation and leisure use. Whilst the proposal is, technically, contrary to policy the current proposal recognises the adjoining development to the north of the application site provides ample scope for sports related development, recreation and leisure. This existing, adjacent use clearly complies with the policy in question. The use of this relatively small area of land for the provision of 17no affordable houses (a 100% affordable scheme) is considered to be a material planning consideration in the determination of the application. The benefits that would occur to the local community in respect of the provision of a 100% affordable housing scheme are considered to outweigh the dis-benefits of this small area of land being removed from recreation and leisure use. The site has a scrubby and unkempt appearance that is visually detrimental effect on the locality. The provision of well-designed, 100% affordable housing scheme at the site of the design applied for would improve the appearance and quality of environment of the area. We feel the provisions of Policy 8 of the AAP have not been ignored, as the majority of the land so allocated on the proposals map has been developed for sporting use, recreation and leisure. As such the aims and objectives of the policy are considered to have been met. As the provision of a 100% affordable housing scheme is considered to be a material planning consideration of considerable weight we would ask that regard be given to the provisions of paragraph 14 of the NPPF, and also that the Council consider the following;

- 1) The Fleetwood-Thornton AAP dates from 2009.
- 2) The Council cannot provide for sufficient affordable housing throughout the Borough to meet the locally identified need (be that as a % of market housing schemes, or, as 100% affordable housing schemes such as proposed here)
- 3) Paragraph 14 of the NPPF states, "For decision making, this means, where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole". The AAP is nearing 9 years old. The Council has not been able to achieve satisfactory affordable housing provision for identified needs within the Borough and the main recreation and leisure needs (of Policy 8) have been achieved on the greater lands within the area. The application site area is a small area and the main lands have been put to leisure and recreation use in line with the policy. The benefits of granting approval to this 100% affordable housing scheme far outweigh the dis-benefits.
- 4) As the Council cannot currently demonstrate a five-year supply of deliverable housing sites, we ask that the application should be considered in the context of the presumption in favour of sustainable development and boosting the supply of housing sites (paragraphs 47 and 49 NPPF). Policies that seek to restrict the supply of housing (in the absence of a five-year supply) have little weight. It then falls to consider the "tilted balance" in favour of the development as per paragraph 14 of the NPPF.
- 5) As stated above, the aims of Policy 8 of the AAP have been met on the whole by the provision of recreation and leisure development at the site as a whole. There are significant benefits to the provision of a 100% affordable housing scheme (discussed above) and, as the Council does not have a five-year supply of deliverable housing sites (market and affordable), paragraph 14 of the NPPF falls to be considered."  
These points are assessed later in this report.

### 9.3 Whether the Proposals Constitute Sustainable Development

9.3.1 Paragraph 14 of the Framework states that the presumption in favour of sustainable development should be seen as the 'golden thread' running through both plan-making and decision-taking. For decision-taking the Framework states that this means that unless material considerations indicate otherwise development proposals that accord with the development plan should be approved. In this case the proposal is only partially consistent with the allocation contained in the Development Plan. It is for the decision maker to decide whether there are material considerations and/or additional benefits to the proposed development that would override this conflict with the adopted Local Plan.

9.3.2 The Framework defines sustainable development as having three core elements, namely: economic, social and environmental. In more detail, these embody the following:

- an economic role - contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

9.3.3 The Framework advises that these three roles are mutually dependant and should not be undertaken in isolation. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

9.3.4 It is necessary, therefore, to consider the ways in which this proposal meets each of these three roles in order to reach a conclusion on its sustainability credentials.

9.3.5 In respect of the three dimensions to sustainable development contained in the Framework, it is considered that the delivery of housing is a contributor to economic growth. The proposals will fulfil a social role by delivering a mix of affordable and open market housing to meet current and future needs with a range of tenures. There are environmental issues that are affected by the proposals, however, which weigh against the sustainability credentials of the scheme, although some mitigation is proposed that may redress the balance. These are considered in detail below.

#### (1) The Economic Role

9.3.6 The applicant states that the proposed development will lead to economic benefits for the community of the proposal would create jobs in the various trades within the construction industry during the build period and assist and encourage growth in other sectors aligned with the building trades such as building supplies, architectural and surveying services, and associated legal services. In addition, the development and future occupiers will also contribute to new homes bonus payments, increased council tax revenues and expenditure that would support existing and future local businesses.



## (2) The Social Role

9.3.7 Paragraph 69 of the Framework states that the planning system can play an important role in facilitating social interaction and creating healthy inclusive communities.

9.3.8 The applicants state that the proposed development will deliver a number of social benefits, including an additional 17 affordable dwellings, support for local schools (additional pupils) and for local shops, services and other facilities.

9.3.9 The proposals will deliver 100% affordable housing on the development. This over-provision of affordable housing is a significant factor in favour of the application, as it contributes to the social dimension and role of the development. There is a clear need for affordable housing, as demonstrated through the Strategic Housing Market Assessment (SHMA) (2014), and the Framework guidance is that housing needs, both market housing and affordable housing, should be met in full (para. 47). The need identified within Wyre Borough stands at c.300 units per annum over five years (2015-2020). The application site provides an opportunity to deliver affordable housing at a maximum level, which has not always been possible on 'regeneration' sites in Wyre. If the Council is to meet its needs for housing, the current site is liable to be an important element in that delivery. This should be given significant weight in the planning balance.

9.3.10 There will be a loss of a vestigial element of green space associated with the adjacent sports facilities, which is a dis-benefit and which needs to be weighed in the planning balance.

9.3.11 The social benefits likely to flow from the development carry a degree of weight, mainly in relation to the increased level of affordable housing which is above the minimum requirement set out in the development plan.

## (3) The Environmental Role

9.3.12 The environmental effects of the proposed development may be broken down into a number of component parts to aid a comprehensive and holistic assessment. Of particular relevance to this case is the consideration of whether or not the proposals contribute to protecting and enhancing the natural, built and historic environment and its impact upon local residential and visual amenity.

9.3.13 It is the view of the applicants that the proposed development will be consistent with Paragraph 7 of the Framework which summarises the environmental role of sustainable development. The following sections of the report consider these components.

### 9.4 Visual Impact / Design / Impact on the street scene

9.4.1 Section 7 of the Framework is about 'Requiring good design' and this is a key aspect of sustainable development. Paragraph 58 of the Framework on Good Design advocates optimising the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks. The Framework seeks to improve and enhance places where people live.

9.4.2 Policy SP25 of the adopted Local Plan explains that the high standards of design and amenity will be expected in all forms of new development. Specifically, new development should respect its context and surroundings, be appropriate in terms of scale, mass, siting and materials. It should be capable of accommodating adequate car parking to meet its requirements and avoid causing adverse impacts upon the local highway network.

9.4.3 Emerging policies in the new Local Plan build on this. Policy CDMP1 expects new development to make a positive contribution to its context and should not lead to an adverse impact upon health, amenity, safety and the operation of surrounding uses. Policy CDMP3 is concerned with design and expects new development to be designed to be respectful of its surroundings. In the case of new residential development, it should avoid adversely affecting the amenities of existing and future residents having regard to density, scale, massing, layout, height and use of materials.

9.4.4 In respect of design and visual appearance, the proposals have been refined over the course of the application lifetime to take account of existing constraints. These include the shape of the site, the relationship with neighbouring development and the density of development proposed. The site is currently open and is on the edge of the existing residential development that extends along Heys Street, the Stables and Chestnut Gardens along the southern side of the site. The western part of this land is to be used as allotment gardens and the remainder forms the current application site.

9.4.5 Due to the elongated form of the site, the layout of the development is laid out in a linear pattern extending east to west with a single access road that runs along the southern site edge terminating in a turning head and access into the allotments. Thirteen of the seventeen dwellings are located to the north of the access road with the remaining four sited on a plot of land to the south east of the access point into the development. The dwellings are of modest size and are arranged predominantly in groups of twos (semi-detached) with a single group of three dwellings close to the access point. The two pairs of semi-detached dwellings south east of the access have been moved further away from the existing properties on Heys Street to enable separation distances to be optimised in line with adopted standards.

9.4.6 Each dwelling is served by at least one car parking space with six additional visitor spaces provided within the site. Rear gardens on several of the dwellings are not as deep as SPG4 advises, being as low as 7m in some instances. However, the prevailing rear garden depths of many of the dwellings on Hays Street and in several of the newer dwellings on the Stables development are as low as 3m in places. Therefore, the principle of a lower standard of rear garden depth has already been accepted in the local area.

9.4.7 The prevailing character of development locally is of predominantly high density terraced residential properties on Ormerod Street and Heys Street. The newer developments on the Stables and Chestnut Gardens contain a high density mix of three storey town houses, two storey detached and two storey semi-detached dwellings. It is considered, therefore, that the proposed mix of mainly two storey semi-detached and terraced dwellings would not appear out of character within the immediate area. The proposed development is considered to be in general accordance with Policies CDMP1 and CDMP3 of the emerging Local Plan.

## 9.5 Impact on residential Amenity

9.5.1 Policies SP14 of the adopted Local Plan and CDMP3 of the emerging Local Plan are also concerned with ensuring new development respects the amenities of both existing and future residents and their properties. In this instance, there are dwellings located to the south of the application site and there is potential for the new development to adversely affect amenity. The nearest neighbours are located on Heys Street and on the northern edge of the Stables. The application has been amended through the course of its life so that the dwellings on plots 01, 02, 03 and 04 have been resited away from the neighbouring dwellings on Heys Street to meet the Council's standards for separation; especially in relation to the two storey outriggers on the back of no's 9, 10 and 11 Heys Street. Previously, the separation distances were below the normal required 21m separation distance set out in the SPG, but the applicant has sought to address this deficit.

9.5.2 The principle rear elevations on the Heys Street properties are set in excess of the 21m guideline. However, as these dwellings also include short projecting two storey rear outriggers some 2.50 deep containing a ground floor kitchen window, the 21m gap should normally be respected to protect the residential amenities of those habitable rooms.

9.5.3 The 21m separation distance set out in the SPG4 is a recognised standard used across the UK. It is considered to be the minimum required to prevent uncomfortable perceptions of being overlooked by neighbouring development arising from first floor windows. It does not take account of differences in relative ground levels and or the degree of deflection and stagger between the two elevations. Generally, where there is a difference in ground levels, the distances may need to increase to compensate. Where there is a deflection or stagger, then distances could be reduced.

9.5.4 Amended drawings have been submitted that now show the two dwellings on Plots 01 and 02 resited a further 2m away from the Heys Street dwellings and are just at the 21m distance when measured from the outer face of the outriggers. The dwellings on Plots 02 and 03 have been moved a further 1.7m away and the degree of separation is 20.50m.

9.5.5 The corresponding elevations are parallel with each other and the ground levels on which the new houses will be sited is to be raised by 500mm. In these circumstances, the 21m dimension should be increased by the same amount to provide adequate protection for existing and future occupiers. It is the effect on the kitchen windows on the Heys Street properties that is mainly of concern. In order to be completely certain that these windows will not be affected a further setback of the proposed dwellings on Plots 03 and 04 of approximately 3m should be secured. Without this, the impact on residential amenity is considered to be materially harmful and the development would not comply with Policies SP14 and CDMP01. This is not possible with the current density and number of dwellings proposed. The applicant has been requested to reduce the number of units or to substitute a pair of single storey dwellings in place of the four semi-detached units shown on Plots 01-04 inclusive. In response, the applicant has explained that the development would not be viable and that what is proposed is the minimum that is feasible.

9.5.6 That being the case, there are examples in the locality where back to back distances are less than 21m. To the east of the site are the terraced two storey properties on Ormerod Street and Heys Street, which back onto each other. The degree of separation between both rows of dwellings is approximately 17m. South west of the site lie the recently completed developments on The Stables and Chestnut Gardens where there are three storey town houses with a back to back distance of just under 21m. Other pinch points exist between new development on the Stables and dwellings on Heys Street where normal standards of separation have been lowered. A reduced separation distance is, therefore, not unusual in the immediate vicinity. In the case of Plots 01, 02, 03 and 04 and no's 9, 10, 11, 12, 13 and 14 Heys Street, the main rear elevations of the properties are not affected and lie beyond the minimum separation distance. The kitchen windows of the Heys Street properties lie within (taking into account the raising of the proposed slab levels of the four new houses) but the degree of separation is not unusual within the local area. It is considered that subject to satisfactory rear boundary treatments to Plots 01- 04 (screen fencing combined with a suitable landscaping scheme) the proposals would, on balance, be acceptable.

9.5.7 The majority of the proposed development backs onto the recently developed Fleetwood FC facilities to the immediate north. There are pitches located close to the northern site boundary which, combined with the short garden depths, has potential to adversely affect residential amenity through noise disturbance. The sports facilities were granted planning permission subject to a condition requiring submission of a community use agreement intended to manage and control the use of the pitches. This has not yet been resolved and there is currently no planning mechanism in effect that prevents use of the pitches nearest to

the proposed dwellings. In response, the amended scheme introduces a 2.5m high acoustic fence along the rear shared boundary. This issue is considered in detail below.

#### Noise Impacts

9.5.8 The proposed development lies to the immediate south of the recently developed football pitches associated with Fleetwood FC on the former Poolfoot Farm. Two of the pitches lie on the other side of the northern boundary of the development and there is a potential noise nuisance issue that may affect the amenities of future occupiers of the dwellings on Plots 06-17, in particular. The rear garden depths of these dwellings range between 7 and 11 metres and the pitches are within 5m of the rear fence lines of Plots 11-17.

9.5.9 The football pitches cover an extensive area and extend well beyond the limits of the application site boundaries. Other pitches are within 14m of the front elevations of dwellings to the east on Ormerod Street but across the public highway. To the west, on the Stables and Chestnut Gardens, several property boundaries back onto the football club site and are approximately 15-16m away from the site boundary and a minimum of 25m from the edge of the pitch. The current proposals are located substantially closer to the pitches and on the private side.

9.5.10 The Environmental Protection Officer has considered the proposals and is concerned that the proximity of the pitches to the proposed dwellings has potential to cause loss of amenity arising from noise on the pitch and from supporters. In response, the applicant has advised that the pitches closest to the site are restricted in how they may be used. He has explained that the "nearest football pitches to the proposed dwellings are not used in the evening and the nearest pitch used during the evening hours mentioned is the 4G pitch, the nearest corner of which is located 85m away, with players typically further away than this within the centre of the pitch."

9.5.11 Planning permission 14/0016/LMAJ was granted for a "new community complex and training ground for Fleetwood Town Football Club comprising 15 grass sports pitches, 1x3G pitch with flood lighting, protective netting, vehicular accesses off Butts Road, Ormerod Street and Gamble Road, erection of clubhouse, changing room building, groundsman compound, car parking facilities, 23 allotments, attenuation pond and associated fencing and landscaping" in November 2014. One of the conditions imposed related to a management plan for the use of the development. It stated:

"No part of the development shall be occupied or brought into use until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to natural and artificial turf pitches, and changing accommodation and include details of pricing policy, hours of use, user matrix for the pitches, access by non-football club members, management responsibilities and a mechanism for review. The development shall not be used at any time other than in strict compliance with the approved agreement."

9.5.12 However, this condition has not been complied with. No application has been submitted to discharge this condition and there is, at the present time, no means of controlling how these pitches are used short of issuing enforcement proceedings against the developer, which carries with it a right of appeal.

9.5.13 In the absence of such controls, the concerns of the Environmental Protection Officer carry weight, especially as there have been reports of noise nuisance arising from the use of the facilities. Whilst the main 4G pitches are used at present, as explained above, until and unless an application to discharge condition 12 of planning permission 14/00016/LMAJ has

been submitted and approved there can be no assurance that the 3G pitches closest to the application site boundary cannot be used at sensitive times of the day.

9.5.14 The applicant has been requested to provide further information to address the Environmental Protection Officer's concerns about the suggested 85dB(A) at 1m noise level for shouting which would breach the 60dB(A) maximum instantaneous level (LAFmax) allowable within the rear gardens of the affected dwellings. Additional information taking into account maximum noise levels and any mitigation measures proposed have been requested.

9.5.15 In response, the applicant's Noise Consultant has submitted an updated Acoustic Report has been provided and has been considered by the Environmental Protection Officer. This recommends that uprated glazing be fitted to the rear-facing bedroom windows to reduce internal noise exposure levels to 45dB LAmax, and 30dB LAeq, and the addition of a 2.5m high acoustic fence along the northern boundary of the site. The fence will reduce noise exposure levels in the rear gardens to below the lower criteria value of 50dB (A).

9.5.16 The Environmental Protection Officer has verbally confirmed that such mitigation would assuage her concerns and has recommended that this be made subject of an appropriate planning condition. On that basis, and subject to confirmation in writing, it is possible that the impact of noise on future occupiers is capable of being addressed, as explained above.

9.5.17 In doing so, the introduction of the 2.5m acoustic fence creates a potential adverse visual impact that requires mitigation of its own. This could be achieved through appropriate colour and use of materials rather than through landscaping which is not feasible due to the limited amount of space available. There are other acoustic fences that have been erected elsewhere around the perimeter of the sports facilities within the immediate area and it is not considered to be an unusual feature within the area. It is recommended that suitable conditions relating to materials and finished colour be added to any grant of planning permission.

## 9.6 Impact on Highway / Parking

9.6.1 Policy SP14 of the adopted Wyre Borough Local Plan states that new development should enjoy satisfactory access, parking and servicing facilities without prejudicing neighbouring properties. Any traffic associated with the development should not have any adverse impact on the local highway network. Policy CDMP6 "Accessibility and Transport" of the emerging Local Plan seeks to ensure that new development provides safe and adequate access to and from the site with adequate car parking provided within the development to meet the needs of future occupiers/residents.

9.6.2 Paragraph 32 of the Framework states that decisions should ensure safe and suitable access to the site can be achieved, opportunities for sustainable transport modes have been taken up and improvement can be made within the transport network that cost effectively limits the significant impacts of the development. The Framework clarifies that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe'.

9.6.3 The proposed development will have a single point of access catering for both pedestrian and vehicular traffic. A pedestrian footpath is to be provided linking the development to Ormerod Street where it connects with an existing path. Car parking will be provided on the basis of one space for each two bedroom dwelling and two spaces for three of the four three bedroom dwellings with the fourth having a single parking space. An additional six spaces will be provided for visitors.

9.6.4 The proposals have been assessed by the Highway Authority and there are no objections to the proposals in principle, which are considered likely to have a negligible impact on highway capacity in the immediate vicinity of the site. A number of matters have been identified relating to visibility splays at the access point and sustainable transport.

9.6.5 There is an issue relating to the sight lines at the site entrance being potentially obstructed by garden walls, tree canopies and off road parked cars. The applicant has been requested to provide accurate details of the required sight line requirement before determining the application and ensuring there are no obstructions higher than 1m high and a minimum clearance to the underside of any tree canopy of 2.4m.

9.6.6 The proposed location of the site access is acceptable providing the sight lines are provided as recommended above. The applicant has provided an amended plan that shows the correct sight lines. Highways comments are still awaited at the time of compiling this report and Members will be updated at the Committee meeting should further comments be received.

9.6.7 To promote sustainable forms of transport, aid with social inclusion and improve highway safety for the exiting pedestrians and the new residents, the applicant has shown a 2m wide footpath for the full frontage of the site with the footpath access road off Ormerod Street.

9.6.8 A suitable turning head is also shown on the amended plan to allow refuse vehicles and emergency vehicles to turn within the site, as recommended by Highways. The level of car parking is also considered to be adequate to meet the needs of the development, especially given the relatively sustainable location of the proposed dwellings, close to local shops, services and facilities. To secure the recommended highway improvements and parking provision, a set of appropriate highways conditions is included, as suggested.

9.6.9 Subject to these requirements, there is no objection to the proposed development from a highway safety perspective.

## 9.7 Drainage and Flood Risk

9.7.1 The majority of the application site lies within Flood Zone 1, which is at the lowest risk of flooding. There is an area in the south east part of the site affecting plots 01-04 that lies within Flood Zone 3, which is at the highest risk.

9.7.2 Policy ENV13 of the adopted Wyre Borough Local Plan 1999 stipulates that development in areas at direct risk of flooding will only be permitted where:

- It would not cause or exacerbate flooding in other areas; and
- A satisfactory standard of flood protection already exists; or
- Mitigation measures will be included in a scheme.

9.7.3 Policy CDMP2 of the emerging Local Plan requires new development proposals to have regard to the most up to date Wyre Strategic Flood Risk Assessment and development will be expected to demonstrate that it is not at risk of flooding, would not lead to an increased risk of flooding elsewhere and would not adversely affect the integrity of flood defences. In areas that are at risk of flooding, the Sequential Test must be applied and evidence provided that no alternative sites at lower risk of flooding are reasonably available. Should the Sequential and Exceptions Test (if applicable) be passed, then new development will only be permitted where appropriate mitigation measures are put in place.

9.7.4 The Framework makes it clear that the purpose of the Sequential Test is to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible for the development to be located in zones with lower probability of flooding, the Exception Test should be applied. In order to be passed, it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment. It must also be demonstrated through a site-specific Flood Risk Assessment (FRA) that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, reducing overall flood risk. Both of these elements have to be passed for development to be permitted.

9.7.5 The application is accompanied by a site-specific flood risk assessment that includes application of both the Sequential and Exceptions Tests. The applicant has assessed the availability of other sites within the locality using the Council's own evidence base in the form of the Housing Land Monitoring Reports and there is nothing that is either reasonably available or within an area that is less susceptible to flood risk.

9.7.6 The Environment Agency, who had earlier objected to the proposed development, has since withdrawn that objection. The revised FRA has been assessed by the Agency who are now satisfied that it demonstrates that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. They recommend that the proposed development must proceed in strict accordance with this revised FRA (Ref: P5838/16/01 Issue 04, dated 2 November 2017) and the mitigation measures identified within it. Other recommendations include incorporation of flood protection measures within the development and agreement on the finished floor levels, all of which may be secured through suitable conditions.

9.7.7 The Lead Local Flood Authority (LLFA) has specific responsibility for managing flood risk at the local level and has previously objected to the proposed development of this site on the basis that surface water could potentially run-off adjoining land onto the site placing future occupiers at risk.

9.7.8 It has previously recommended refusal of planning permission until robust evidence has been submitted to the local planning authority that the development proposal will not result in a flood risk within or outside the development in line with Policy 103 of the National Planning Policy Framework and Standards S7, S8 and S9 of the Non-Statutory Technical Standards for Sustainable Drainage Systems.

9.7.9 In those previous comments, it was explained that the applicant had not demonstrated the following:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- Development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.
- The drainage system must be designed so that, unless an area is designated to hold and/or convey water as part of the design, flooding does not occur on any part of the site for a 1 in 30 year rainfall event.
- The drainage system must be designed so that, unless an area is designated to hold and/or convey water as part of the design, flooding does not occur during a 1 in 100 year rainfall event in any part of: a building (including a basement); or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development.

- The design of the site must ensure that, so far as is reasonably practicable, flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that minimise the risks to people and property.

9.7.10 In addition, in relation to flood risk outside of the development area, Paragraph 103 of the National Planning Policy Framework and Standards S7, S8 and S9 of the Non-Statutory Technical Standards for Sustainable Drainage Systems requires applicants to demonstrate that the design of any proposed drainage system must mitigate any negative impact of surface water runoff from the development on the flood risk outside the development boundary. The submitted flood risk assessment fails to demonstrate how off-site flood risk posed by the proposed development will be mitigated through drainage design. This is sufficient reason in itself for a refusal of planning permission.

9.7.11 Further details have been submitted to the LLFA for assessment and comment, but at the time of writing, those assessments have not been completed. As matters stand, the objection and recommendation that planning permission be refused on flood risk grounds remains in place.

9.7.12 The slab levels of the proposed dwellings were required to be set above the flood risk level and a set of amended plans have been submitted to address this issue. The LLFA is currently reviewing these plans and, provided they are satisfied that the previous objections have been overcome, then it should be possible to develop the site so that any risk of flooding may be mitigated. Should that be the case, a set of appropriate planning conditions should be added to any grant of planning permission.

9.7.13 The Council's Drainage Engineer has objected to the proposed development because it proposes to discharge surface water into an existing 225mm diameter pipe rather than his preferred 300mm pipe. He believes the latter was provided as part of the playing pitches development, but the applicant has explained that no such pipe was ever provided. The only pipe available to accept the drainage is the existing 225mm pipe. United Utilities, the statutory drainage undertaker for the area, has accepted that the 225mm pipe will be adequate to take the surface water drainage from the development and has no objections. It recommends that this be linked to a SuDS scheme for the development that keeps both surface water and foul drainage separate from each other and which restricts the rate of any surface water draining into the public surface water sewer to a maximum pass forward flow of 5 l/s, in line with the submitted FRA. On that basis, it is considered that the site can be effectively drained into the existing surface water infrastructure and a condition is recommended to that effect. Details of separate foul drainage for the site should also be secured by condition.

## 9.8 Ecology

9.8.1 The application is accompanied by an Ecological Report which lists as its objectives the following:

- The completion of a Phase 1 Habitat Survey including the preparation of a vegetation and habitat map of the site and the immediate surrounding area.
- The survey and assessment of all habitats for statutorily protected species.
- An evaluation of the ecological significance of the site.
- The identification of any potential development constraints and the specification of the scope of mitigation and enhancement required in accordance with wildlife legislation, planning policy and other relevant guidance, and;
- The identification of any further surveys or precautionary assessments that may be required prior to the commencement of any development activities.



9.8.2 No evidence of any protected species were found on the site and the GMEU Ecologist has previously advised that the area with which this application is concerned is not, and was not, of substantive nature conservation value.

9.8.3 The Ecological Appraisal recommends enhancing the site to improve its biodiversity qualities through an appropriate landscaping scheme. It suggests that the landscaping scheme should utilise plants which are native and wildlife friendly. In particular night flowering species would be beneficial to bats. Wildflower seed could be used to plant verges to enhance the ecological value of the site and continuity between the site and the wider area.

9.8.4 The hedgerow along the southern site edge should be retained or improved where possible. Any lengths of intact hedgerow to be removed to facilitate development should be transplanted and or replanted in order that there is no net negative impact on this BAP habitat due to development. The roots of hedgerow plants/trees should be adequately protected during development from compaction/ground disturbance.

9.8.5 It is recommended that a comprehensive landscaping scheme be submitted and implemented prior to first occupation of the dwellings and a suitable condition is appended to this report.

## 9.9 Trees

9.9.1 The application has been accompanied by an Arboriculture Implications Assessment (AIA). This has considered the existing trees around the edges of the site; most of which are immature willow arranged along the southern boundary edge. It is proposed that these trees, which form an incomplete hedge, be removed in order to facilitate the development of the site, although it is also proposed that the site should also be subject to additional landscaping. The Council's Landscape Team has raised no objections to the proposals.

9.9.2 The Council's Tree Officer has advised that his preference is to retain the hedge along the southern edge of the site with additional tree planting within the development as part of a comprehensive landscaping scheme. However, given the position of the service road and the narrow width of the site, it is not feasible to retain this hedge, which is of low amenity value when viewed in its context. It would be more effective to remove them and design a specific landscaping scheme for the site instead.

## 9.10 Contamination

9.10.1 The site has some potential to be contaminated and the Environmental Protection Team has commented that appropriate planning conditions should be appended to any planning permission requiring further information to be provided in relation to:

- A desk study to investigate and produce an assessment of the risk of the potential for on-site contamination and any potential contamination identified shall lead to a detailed site investigation to 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.

9.10.2 Subject to these requirements there is no objection to the proposals from a land contamination point of view.

## 9.11 Affordable Housing

9.11.1 The proposed development for 17 dwellings is intended to be transferred over to a registered provider to be retained and maintained as affordable housing. The site lies within the defined settlement boundary for Thornton Cleveleys and is not an exception to normal development management policies. Given this fact, a normal open market-led housing development on this site would be acceptable in principle, subject to the requirement to provide a percentage of affordable housing units under Policy HP3 of the emerging Local Plan. The application is, however, for a 100% affordable housing scheme. The applicant has explained that a reduction in numbers/density in order to address some of the issues discussed above would place at risk the viability of delivering such a scheme.

9.11.2 It has already been identified elsewhere in this report that compromises in respect of layout, separation distances, curtilage depths and relationship with the sports facilities to the north have been factored into the development and its assessment. Whilst it would not be right to endorse a substandard development on the basis of tenure, it is a fact that economic viability affects delivery of different types of residential development and in this case the delivery of 17 additional affordable dwellings within the Borough carries significant weight and would justify a slight relaxation of normal planning standards. The corollary of this is a requirement to ensure that the dwellings are retained in perpetuity as affordable dwellings and it is considered that this is most effectively achieved through a S106 planning obligation.

## 10.0 CONCLUSION

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

10.2 The relevant local plan policies are set below and the proposed scheme has been assessed against them. Other material planning considerations have also been considered in the assessment of the merits of the case. The proposed development lies within the built-up edge of Fleetwood where new development is acceptable, in principle. In addition, the assessment of planning merits requires consideration of other material factors that may, in certain circumstances, tip the planning balance either in favour or against the proposals. In order to be considered favourably, the proposals must deliver significant benefits across the three elements of sustainable development.

10.3 The new development would also make a contribution towards meeting the Council's housing aspirations for Fleetwood and would assist in meeting the Government's ambition of boosting the supply of housing.

10.4 The issue of flood risk remains unresolved. There is a clear objection from the LLFA and a recommendation that planning permission be refused. Unless this issue is resolved then, in line with Government guidance and the strategy of the Local Plan to direct vulnerable forms of new development away from areas at high flood risk, planning permission should not be granted. However, if the LLFA respond by withdrawing their objection then that would clear the way for a positive recommendation.

10.5 Notwithstanding this, there are clear compromises that have had to be made concerning this development in reaching this point. The proposed development does not meet all of the adopted spacing standards set out in policy and planning guidance. The acoustic fence is of a scale and probable design that gives rise to aesthetic issues, especially as it will run along the edge of what remain short rear gardens. The site contains little space to provide effective landscaping and the level of car parking is lower than would normally be sought.

10.6 Balanced against this is the fact that the Borough will gain from an additional 17 affordable houses, which is considered to be a significant benefit given the high demand for such housing. It will be necessary to secure the affordable housing in perpetuity through a S106 planning obligation in order to fully justify relaxing normal planning standards in these ways. This is a very finely balanced matter and it is considered that the benefits just outweigh the adverse effects of the development (providing the flood issue can be resolved).

10.7 Due to the outstanding flood issue, it is recommended that Members delegate authority to the Head of Planning to issue a conditional planning permission, subject to a S106, on the proviso that the flood issue is resolved. In the event that this is not achievable then the application would be brought back before Members for further consideration.

## **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**

That the Head of Planning Services be authorised to issue a conditional planning permission, subject to a S106 planning Obligation that secures all 17 dwellings for affordable purposes in perpetuity, provided the issue concerning flood risk management is successfully resolved.

### **Recommendation: Permit**

#### **Conditions: -**

1. The development hereby permitted shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

2. The hereby approved development shall be carried out in accordance with the following plans and drawings:

- 15-2096-PN001 REV H -proposed layout
- 15-2096-PN005 - site location plan
- 15 2096 -PN102 - floor plans and elevations House Type A1
- 15 2096 -PN111 - floor plans and elevations House Types A1 and A2
- 15 2096 -PN131 - floor plans and elevations House Type B1
- 15 2096 -PN141 - elevations and floor plans House Types B1 and B2
- 15 2096 -PN101- floor plans and elevations House Type A1
- 15 2096 -PN221 - floor plans and elevations House Types A1 and A3

Reason: To define the permission for the avoidance of doubt and in the interests of visual amenity.

3. No development shall commence samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan 1999 (Saved Policies)

4. The hereby approved development shall comply with the recommendations set out within the Thomas Consulting Flood Risk Assessment Ref: P5838/16/01 Issue 04, dated 02 November 2017 and the mitigation measures identified within it.

Reason: To prevent the increased risk of flooding, having regard to Policies ENV13 and ENV15 of the Adopted Wyre Borough Local Plan 1999 (Saved Policies) and the requirements of paragraphs 100-104 of the National Planning Policy Framework 2012.

5. 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. 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. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan July 1999 (Saved Policies).

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 5 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 5, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 5.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, having regard to Policies ENV16 and ENV17 of the Adopted Wyre Borough Local Plan July 1999 (Saved Policies).

7. The building envelope of plot no[s]. 05-17 inclusive shall be constructed so as to provide sound attenuation against external noise, not less than 70dB L<sub>Amax</sub> and 56.5 L<sub>Aeq</sub> at the façade of the building and 45dB L<sub>Amax</sub>, and 30dB L<sub>Aeq</sub> internally with windows shut and other means of ventilation provided, all in accordance with the submitted addendum to the Martin Environmental Solutions Noise Report dated February 2018.

Reason: To protect residential amenity, having regard to Policies SP14 Adopted Wyre Borough Local Plan July 1999 (Saved Policies).

8. Notwithstanding what is shown on the approved site layout plan, no development shall commence before details of all walls, fences, gates or other means of enclosure to be erected in or around the development, including the proposed acoustic fence, have been submitted to, and approved in writing by, the Local Planning Authority. Prior to first occupation or use of the development, the walls, fences, gates or other means of enclosure shall be erected as approved and shall thereafter be permanently retained and maintained.

Reason: To ensure that the finished appearance of the development will enhance the character and visual amenities of the area, in accordance with Policy SP14 of the adopted Wyre Borough Local Plan 1999 (Saved Policies).

9. No development shall take place before a scheme, which shall include details of both hard and soft landscape works and earthworks, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of each development phase. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

Reason: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area in accordance with Policy SP14 of the adopted Wyre Borough Local Plan 1999 (Saved Policies).

10. No development approved by this permission shall be commenced until full details of the proposed means of foul drainage disposal have been submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be completed prior to the completion or occupation of any dwelling on site, whichever is the sooner.

Reason: In order to secure a satisfactory standard of development, having regard to Policies ENV16 and ENV17 of the adopted Wyre Borough Local Plan 1999 (Saved Policies).

11. No development shall take place until details of surface water drainage, which shall follow the principles of sustainable drainage as far as practicable, have been submitted to and approved by the Local Planning Authority. The drainage shall be provided in accordance with the approved details before first occupation of the related dwelling.

Reason: In order to secure a satisfactory standard of development, having regard to Policy ENV15 of the adopted Wyre Borough Local Plan 1999 (Saved Policies).

12. No part of the development shall be commenced until the visibility splays measuring 2.4 metres by 25 metres in both directions shown on the approved site layout plan (Reference 15-2096-PN001 Rev H) have been provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of the football access road off Ormerod Street. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

Reason: To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Policy SP14 of the adopted Wyre Borough Local Plan 1999 (Saved Policies).

13. No dwelling shall be occupied until space has been laid out within the site in accordance with Drawing No. 15-2096-PN001 Rev H for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason: To ensure an adequate and satisfactory standard of parking provision, having regard to Policy SP14 of the adopted Wyre Borough Local Plan 1999 (Saved Policies).

14. No development shall commence before a method statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel cleaning facilities during the demolition, excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

Reason: In the interests of highway safety and residential amenity having regard to Policy SP14 of the adopted Wyre Borough Local Plan 1999 (Saved Policies).

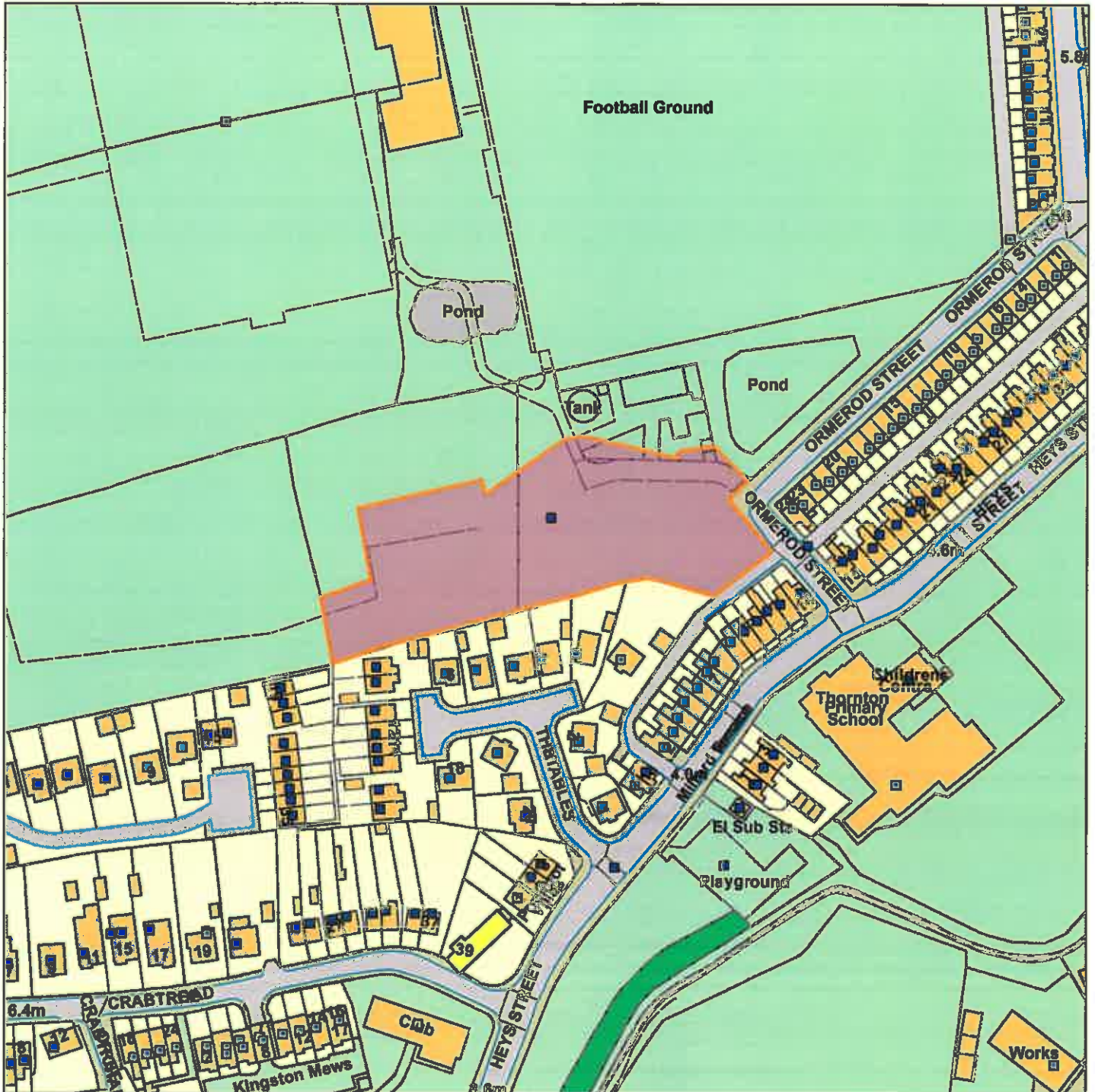
15. The new estate road shall be constructed to a standard approved by the Local Planning Authority with a view to subsequent adoption as a maintainable highway and the works phased with the progress of building construction to the approval of the Local Planning Authority.

Reason: In the interests of and for the safety of persons and vehicles using the premises and/or the adjoining road, having regard to Policy SP14 of the adopted Wyre Borough Local Plan 1999 (Saved Policies).

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17/00320/FULMAJ

Land off Ormerod Street, Thronton Cleveleys



Scale : 1:1726

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<b>Organisation</b>	Wyre Council
<b>Department</b>	Planning Department
<b>Comments</b>	Item 3
<b>Date</b>	22 March 2018
<b>SLA Number</b>	100018720