

**Committee Report****Date: 06.02.2019**

<b>Item Number</b>	<b>01</b>
<b>Application Number</b>	<b>18/00734/FULMAJ</b>
<b>Proposal</b>	<b>Erection of 39 affordable residential dwellings with associated infrastructure including new pedestrian and vehicular access off Rosslyn Avenue</b>
<b>Location</b>	<b>Land South Of Rosslyn Avenue Preesall</b>
<b>Applicant</b>	<b>M.C.I Developments Limited</b>
<b>Correspondence Address</b>	<b>c/o M.C.I Developments Limited Mr William Fulster 15 Beecham Court Smithy Brook Road Pemberton Wigan WN3 6PR</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 of the Planning Committee at the request of Councillor Orme. A site visit is recommended to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The application site is a rectangular parcel of undeveloped pasture land (approx 1.31ha) located at the southern end of Rosslyn Avenue in Preesall. The site is relatively flat (approx. 5.3m AOD) and is bound by mature vegetation/hedgerows with an established gated access at the head of Rosslyn Avenue. The surrounding area is mixed in character. To the north backing on to the site is a row of bungalows which make up Rosslyn Crescent East and Rosslyn Crescent. To the west static caravans from Willow Grove Caravan Park line the boundary. To the east is open agricultural land. To the south is a large fishing lake with a central island of trees and timber lodges to the north and west. To the south west and separated by an adjoining agricultural field is Willow Farm which is also accessed from Little Tongues Lane. Also against the eastern boundary there is a network of field drains which connect and discharge to the Wheel Foot Watercourse.

2.2 The application site is designated as 'Countryside Area' within both the adopted Local Plan and the Emerging Local Plan. The site is located within Flood Zone 3 and there is a Public Right of Way (PROW) along the northern boundary (FP19) which links to Beechfield Avenue to the north. The majority of the site is classified as Grade 2 Agricultural Land (land defined as being very good quality).

### **3.0 THE PROPOSAL**

3.1 The application seeks full planning consent for the erection of 39 affordable residential dwellings with associated infrastructure including new pedestrian and vehicular access off Rosslyn Avenue. The proposed dwellings consist of 15 x 2 bedroom bungalows, 11 x 2 bedroom houses and 13 x 3 bedroom houses and all of the dwellings are proposed to be affordable rented units. The dwellings are to be externally finished in red brick (Ibstock Moroeth Blend and Calderstone Claret) under a grey concrete roof tile (Russell Grampian) with dark grey UPVC windows and doors.

3.2 Access to the site is to be gained via a continuation of Rosslyn Avenue with the new access road measuring approximately 10m in width including 2m pedestrian footpaths either side. The access road runs into the site creating an internal T shaped internal road layout with a turning head to the western end with shared drives either side. Each of the dwellings are shown to be set back from the internal highway and have a minimum of 2 off street parking spaces either to the front or side of the dwellings and rear gardens in excess of 10m in depth.

3.3 In conjunction with the submitted plans the application is accompanied by a range of supporting documents as follows:

- Planning and Affordable Housing Statement
- Design and Access Statement
- Preliminary Ecological Appraisal
- Flood Risk and Sustainable Drainage Statement
- Flood Risk Sequential and Exceptions Test
- Transport Statement
- Utilities Statement
- Boundary Treatment Plan
- Topographical Survey
- Financial Viability Assessment

### **4.0 RELEVANT PLANNING HISTORY**

4.1 The site has the following relevant planning history:

- 16/00978/OUTMAJ - Outline application for the erection of up to 70 No dwellings, with associated access (all other matters reserved) - Refused and dismissed at appeal

4.3 The following planning history is also of relevance given its proximity to the site:

- 16/00100/OUT - Land at 4 Rosslyn Avenue - Outline application for residential development of up to 9 dwellings, with the demolition of existing house to form new access road (all other matters reserved) - Refused - Allowed on appeal

### **5.0 PLANNING POLICY**

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 1999 (SAVED POLICIES)

5.1.1 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. Due weight should be

given to relevant policies according to their degree of consistency with the Emerging Local Plan and the National Planning Policy Framework (NPPF).

5.1.2 The following policies are considered to be of relevance to the determination of this application:

- Policy SP13 - Development in the Countryside
- Policy SP14 - Standards of Design and Amenity
- Policy ENV7 - Trees on Development Sites
- Policy ENV13 - Development and Flood Risk
- Policy ENV15 - Surface Water Run-Off
- Policy CIS6 - Securing adequate servicing and infrastructure
- Policy CIS7 - Wastewater Management
- Policy H13 - Open space in new housing developments
- Policy TREC12 - Public Rights of Way

## 5.2 EMERGING WYRE LOCAL PLAN

5.2.1 The Council has prepared 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 Inspector appointed to carry out the examination held a series of hearing sessions in May into the Local Plan, which included consideration of proposed modifications submitted by the Council prior to and during the hearing sessions. The Inspector issued a Post Hearing Advice note to the Council in July which provides a clear direction on key issues arising from the examination and further main modifications that are required to make the Wyre Local Plan sound. The Council published its initial response to the Inspector's note on the 30th July 2018, which sets out how it will be making the necessary amendments required by the Inspector. The proposed Main Modifications (MM) to the 'Publication' draft Wyre Local Plan were considered by Full Council on 6th September and approved for public consultation for six weeks, commencing on the 12th September. Although the draft Local Plan as proposed to be modified does not have the full weight of an adopted Local Plan, it has reached an advanced post hearing stage in the local plan process and is supported by a comprehensive and robust evidence base. Development plan policies contained within the draft Local Plan as proposed to be amended in response to the Inspector's Post Hearing Advice will therefore be given increased weight in determining planning applications depending on the particular circumstances of the case and the extent of any unresolved issues.

5.2.2 Where policies in the new Wyre Local Plan are consistent with the 2012 NPPF, then the (revised) NPPF published in 2018 allows for increased weight to be given to them. Those development plan policies with no unresolved issues will be given significant weight. Alongside these, the policies in the 2018 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

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

- Policy SP1 Development Strategy
- Policy SP2 Sustainable Development
- Policy SP4 Countryside Areas
- Policy SP6 Viability

- Policy SP7 Infrastructure Provision and Developer Contributions
- Policy SP8 Health and Wellbeing
- Policy CDMP1 Environmental Protection
- Policy CDMP2 Flood Risk and Surface Water Management
- Policy CDMP3 Design
- Policy CDMP4 Environmental Assets
- Policy CDMP6 Accessibility and Transport
- Policy HP1 Housing Land Supply
- Policy HP2 Housing Mix
- Policy HP3 Affordable Housing
- Policy HP4 Rural Exceptions
- Policy HP9 Green Infrastructure
- Policy EP8 Rural Economy

5.2.4 The draft Local Plan is prepared on the basis of the comprehensive 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 evidence supporting the Local Plan shows that the full OAN cannot be delivered. In making the necessary amendments as required by the Inspector in his Post Hearing Advice note, the local planning authority has determined in its initial response (published 30th July 2018) to the Inspector's report that a Local Plan housing requirement of 9,285 dwellings or 464 dwellings per annum would be a robust and deliverable figure within the context of constraints in the borough. Against this figure, the 5 year land supply including 20% buffer, is calculated as 5.19 years. This reflects the most up-to-date housing supply position based on the 31 March 2018 figures. The local plan and specifically the examination has reached an advanced stage and significant weight should be attributed to this position which demonstrates a 5 year land supply; therefore the relevant policies for determining planning applications (in both the Adopted Local Plan and the Emerging Local Plan) are not considered to be out of date with respect to restricting land supply.

### 5.3 NATIONAL PLANNING POLICY FRAMEWORK

5.3.1 The National Planning Policy Framework (NPPF) was published by the Government on the 24th July 2018. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). For decision-taking, this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless :

- i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposal; or
- ii) 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.

5.3.2 The NPPF (paragraph 73) sets out that where the adopted strategic policies i.e. the Local plan is more than five years old, the local planning authority should

calculate their five year housing supply against their local housing need. The NPPF is supported by a local housing need methodology note that sets out how local planning authorities should calculate their local need. For Wyre, the current Local Plan was adopted in 1999 and in accordance with the NPPF, is considered out of date in relation to calculation for housing land supply. The standard local housing methodology for Wyre indicates a minimum annual local housing need of 281 dwellings. The transitional arrangements in the local housing need methodology note also mean that only a 5% buffer is applied, this is due to over delivery against the household projections over the last three years. In calculating a five year housing supply, the local housing need of 281 dwellings set against the NPPF new definition of 'deliverable' and providing a 5% buffer, the Council's current five year housing supply exceeds 11 years. The position is set out in the Council's published position statement, dated 20th September 2018. This reflects the most up-to date housing supply position based on the 31 March 2018 figures.

5.3.3 Under the housing requirement in the emerging local plan that has reached an advanced stage and under the NPPF standard local housing methodology that currently applies in the absence of an adopted Local plan that is no more than five years old, the Council has a five year housing land supply. Therefore it is the Council's view that the tilted balance in favour of sustainable development (as set out in paragraph 11 of the revised NPPF) is not triggered for the purpose of deciding this application.

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

- Section 2 - Achieving sustainable development
- Section 9 - Promoting sustainable transport
- Section 5 - Delivering a sufficient supply of homes
- Section 6 - Building a strong, competitive economy
- Section 7 - Ensuring vitality of town Centres
- Section 8 - Promoting healthy and safe communities
- Section 12 - Achieving well - designed places
- Section 15 - Conserving and enhancing the natural environment

#### 5.4 WYRE SUPPLEMENTARY PLANNING GUIDANCE

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

## 6.0 CONSULTATION RESPONSES

6.1 PREESALL TOWN COUNCIL - Strongly object to the application. The primary concerns raised relate to the following points:

- Development outside the settlement boundary
- Previous development on the site has been refused
- Flood risk
- Drainage and sewage disposal
- Access and opportunities
- Impact upon wildlife habitats
- Potential land contamination
- Detrimental Impacts on amenity

## 6.2 ENVIRONMENT AGENCY

6.2.1 No objections - Advised that the FRA submitted with the application adequately demonstrates the development will be safe in the design flood with allowance for climate change. It is recommended that a condition requiring the development to be carried out in accordance with the submitted FRA and the mitigation measures set out within is attached if minded for approval.

## 6.3 UNITED UTILITIES

6.3.1 The FRA submitted with the application is acceptable and that the drainage strategy as proposed should be conditioned accordingly. In particular no surface water will be permitted to drain directly or indirectly into the public sewer. A condition relating to the management and maintenance of sustainable drainage systems should also be attached if approved.

## 6.4 GREATER MANCHESTER ECOLOGICAL UNIT (GMEU)

6.4.1 No objections. A full Habitats Regulations Assessment has been carried out as reported in paragraph 9.7. The ecology report submitted with the application has been fully assessed. GMEU are of the opinion that the current application site is unsuitable to be used by important bird species most associated with Morecambe Bay a European protected site. As the watercourse is drained in to the Morecambe Bay Special Protection Area (SPA) and Special Area of Conservation (SAC) there is a risk of pollutants entering the system both during and post construction. Conditions are recommended to address this. Other conditions have been requested in relation to the protection of nesting birds and enhancing the Natural Environment.

## 6.5 NATURAL ENGLAND

6.5.1 Advised that as a competent Authority a Habitats Regulations Assessment should be undertaken to assess the impacts upon the Lune Estuary / Morecambe Bay SSSI/SPA/SAC and Ramsar Sites. Bird surveys recommended. Mitigation should consider recreational disturbance - condition suggested. Protection of watercourses linked to the Lune Estuary is required.

## 6.6 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.6.1 No objections - LCC Highways are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. No objections on highway capacity grounds is given on the basis that Highways England are not objecting to this development after assessing the highway impact on the traffic signals at Shard Road / Shard Bridge (A588). Concerns have been raised as the proposal fails to adequately promote safe and sustainable travel by modes other than car. LCC Highways are of the opinion that the proposed 39 dwellings will not have a severe impact on highway capacity or congestion in the immediate vicinity of the site.

## 6.7 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY)

6.7.1 No observations received at the time of compiling this report.

## 6.8 LANCASHIRE COUNTY COUNCIL (EDUCATION AUTHORITY)

6.8.1 A contribution towards education provision is required towards secondary education (2 school places) at St Aidans C of E High School. This is currently calculated at £47,474.56. There is no requirement for any primary education contributions. This response is based on a reassessment at the time of compiling the committee report (15/01/2019).

#### 6.9 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (CONTAMINATED LAND)

6.9.1 No objections however there are concerns in relation to a nearby former infill which may present risk of ground gas. Further information is required in this respect. If approved gas protection measures should be conditioned or the standard desk top survey

#### 6.10 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (DUST AND NOISE)

6.10.1 No objections subject to a condition for a Construction Environmental Management Plan (CEMP) to be submitted to prevent impacts arising from noise, dust and light pollution.

#### 6.11 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.11.1 No objections in principle. Confirmation of drainage details including SuDS to be provided. Flood Risk Assessment proposes that ground levels are increased to allow surface water and foul drainage to achieve a gravity connection. Ground levels adjacent to existing properties must not be raised to ensure that they are unaffected by surface water runoff. Full construction details, including proposed land levels to be submitted for approval.

#### 6.12 WBC PARKS AND OPEN SPACES MANAGER (TREES)

6.12.1 No objections however advised that as a result of the landscape plan being made available it is recommended that the full loss of the majority of the boundary hedgerows would not be acceptable and they should be encouraged to be retained where possible. The revised landscaping plan is considered acceptable which identifies the northern and southern hedges to be laid and gapping up. The western hedgerow is significantly diminished and is therefore of a lower retention value and as such the proposed 5 new trees along this boundary would provide suitable mitigation and enhancement for this loss.

#### 6.13 WBC PARKS AND OPEN SPACES MANAGER (PARKS AND OPEN SPACES)

6.13.1 In the absence of onsite public open space being provided a financial contribution should be secured to the amount of £45,149 which would go towards the Preesall Park Playing Fields Master Plan.

### **7.0 REPRESENTATIONS**

7.1 At the time of compiling this report there have been 42 letters of objection received including supporting photographic evidence. The primary planning related concerns raised are:

- Flood risk - Field regularly floods and site is in Flood Zone 3

- Ecological impacts - Loss of natural habitats, impacts upon breeding cycles for geese and ducks - Protected Species i.e. bats and newts
- Loss of flora and fauna
- Congestion issues and capacity issues on Shard bridge, Rosslyn Avenue and Pilling Lane
- Rosslyn Avenue unsuitable for heavy vehicles
- Site would be best used as allotments for the community
- Noise and disturbance on amenity of residents
- Access not suitable or safe
- Impacts upon the elderly at the medical centre
- Roads are collapsing
- No infrastructure for more dwellings
- Cars double park along Rosslyn Avenue making it difficult to pass
- Impacts on pedestrian safety in particular school children
- Schools can't cope with more capacity
- Consent has already been refused on the site previously
- Greenfield site should be preserved
- Impacts from HGVs
- Loss of views
- Impacts upon drainage capacity (Foul and surface water)
- Overlooking and loss of privacy
- Increase use of PROW will lead to security issues
- Flooding of neighbouring gardens
- Impacts upon gas mains
- Loss of hedgerows
- Traffic Assessment is inaccurate
- No need for Affordable Housing in the area
- Increase in air pollution
- Public transport provision is not as set out In supporting documents
- No longer an outfall for surface water at the wheel foot watercourse
- Public footpath over grown

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

8.1 Ongoing contact has been maintained throughout the course of the application with the agent to discuss the principle of the development, flood risk sequential and exceptions test, highways capacity and landscaping. Other matters such as viability, design and Section 106 contributions have been discussed and an extension of time has been agreed until the 15th February 2019.

## **9.0 ISSUES**

9.1 The key considerations in the assessment of this application are:

- Principle of development and policy compliance
- Visual Impact / Impact on the street scene and local landscape
- Impact on residential amenity
- Impact on the transport network / highway safety / parking
- Flood risk and drainage
- Ecology, nature conservation and trees
- Contamination
- Planning obligations and viability



## Principle of development and policy compliance

9.2 This planning application seeks full planning consent for the erection of 39 affordable residential dwellings with associated access and landscaping. The application site is an undeveloped rectangular parcel of green field land located immediately adjacent to the identified settlement boundary for Preesall and Knott End as shown on the Emerging Local Plan Proposals Map and is designated as Countryside Area within both the Adopted Local Plan and the Emerging Local Plan. As the site is outside the settlement boundary, and the Council can demonstrate an up-to-date five year housing land supply (as set out in para 5.2.4 and 5.3.2), new residential development for open market sale/occupation would be resisted as Saved Policy SP13 of the Adopted Local Plan and Policy SP4 of the Emerging Local Plan would be applied. Both of these policies seek to resist new development in the countryside which would adversely impact on the open and rural character and landscape unless specifically identified as an appropriate form of development.

9.3 However, in this instance the application has been submitted with supporting documentation setting out the proposal should be considered as a rural exceptions site. The National Planning Policy Framework (NPPF) defines a rural exception site as:

"Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection".

9.4 Whilst not a supported form of development under saved policy SP13, rural exception sites are supported in the Emerging Local Plan and the NPPF (paragraph 77), which are both to be given significant weight. Paragraph 77 of the NPPF sets out that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local Planning Authorities should support opportunities to bring forwards rural exception sites that will provide affordable housing to meet identified local needs. Policy SP4 lists rural exception sites as an appropriate form of development in the countryside in accordance with Policy HP4 (rural exceptions policy). Policy HP4 sets out that where a local need for affordable housing development exists for which land is not available within the settlement boundaries, either because suitable land does not exist or because it is not available for sale, it may be appropriate to permit development outside the settlement boundary to meet that need, and in the first instance such development should be located on land immediately adjoining the existing boundary of a village.

9.5 Initially the application failed to satisfactorily demonstrate compliance with the policy criteria. As such, the applicant was requested to provide further justification that suitable land was not available within Knott End and Preesall as well as neighbouring settlements (most notably Stalmine) and that a need exists for affordable housing in the locality. A number of concerns have been raised from the public consultations and Preesall Town Council as to the principle of the development and the lack of need for any additional affordable housing in the locality. In addressing the concerns regarding the need (and compliance with criteria 1a of Policy HP4) The Rural Affordable Housing Needs Survey 2015-20 (January 2016) lists the annual affordable housing requirement for rural Wyre as being 125 dwellings per annum, of which 10 dwellings per annum are needed in Preesall. In addition, the Strategic Housing Market Assessment (SHMA) Addendum 3 (OAN Update) was published in September 2017 and that indicates the net annual affordable housing

need for the whole of Wyre over the next five years is 134 dwellings per annum. This delivery is dependent upon a significant uplift in the recent level of affordable housing delivery in Wyre. Beyond this initial five year period (post 2022) an estimated 189 affordable homes will be needed annually. Both assessments of need factor in affordable housing supply. Housing monitoring records show that there has not been any on site affordable housing provision in Preesall since 2010/11 when 27 units were built on Pinewood Avenue. There are no current extant planning approvals for on-site affordable housing in Preesall. Outline planning consent 16/00010/OUTMAJ on land at Rosemount Avenue is to make a financial affordable housing contribution (which would not necessarily be restricted to a scheme in this Ward). As such, this development would meet an identified need for new affordable housing both in the settlement and the Borough. This is confirmed by the Council's Community Housing Development Officer who advises the Borough has an identified unmet need for affordable housing and in particular housing for rent. In this turn the proposed development would comply with Criteria 1.a) of Policy HP4.

9.6 As set out above the applicant was requested to provide further information to demonstrate there was not any suitable land available to accommodate the development within the settlement boundary and in any other nearby settlement boundaries. Officers identified one site which would potentially be suitable within the Knott End and Preesall settlement boundary which is a site to the west off Rosemount Avenue and benefits from an extant permission (16/00010/OUTMAJ). There is also an application pending determination for that site (18/00414/FULMAJ) for the erection of 46 residential dwellings. Clarification and confirmation has been submitted by the agent to demonstrate that the site is not available for this development, and that no other sites are available after searching through the list of sites within the Strategic Housing Land Availability Assessment (SHLAA). Based on the supplementary evidence submitted officers are satisfied that the applicant had satisfactorily demonstrated that suitable land is not available within the settlement boundary or the adjacent settlement boundary of Stalmine which could accommodate this development. In this turn the proposed development would comply with Criteria 1.b) of Policy HP4.

9.7 Within the description of development and the supporting documentation submitted it is clear that all the dwellings proposed are to be affordable units let on an affordable rent basis with a local connection criteria as set out within the supporting information. The applicant has provided evidence that there is an identified Registered Provider (RP) secured to manage the proposed development. If approved the proposal would be subject to a Section 106 legal agreement ensuring the dwellings would be made available as affordable housing for those in need with a local connection in perpetuity. In this turn the proposed development would comply with Criteria 1.c)-e) of Policy HP4.

9.8 Part 2 of ELP Policy HP4 seeks to ensure rural exception sites are sustainably located and are not isolated. This is in accordance with the general aim of Policy SP2 of the Emerging Local Plan which sets out in detail how new development should promote sustainable development and contribute to the continuation or creation of sustainable communities in terms of its location and accessibility. In addition paragraph 78 of the NPPF states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of the rural community. Geographically, the application site is located within a predominantly residential area adjacent to the settlement boundary and residential dwellings south of Rosslyn Avenue, Rosslyn Crescent and Rosslyn Crescent East. Also immediately to the south and west of the site are residential caravan and holiday parks. There is a designated Public Right of Way (PROW)

(FP19) along the northern boundary of the site which connects through to Beechfield Avenue and provides pedestrian connectivity to the surrounding residential area. In terms of accessibility and connectivity to community services and infrastructure the site is in close proximity to an array of provisions. Within 800m of the site is a Pre School/Nursery, 1.2km away is the Over Wyre Medical Centre adjacent to which is the Parish Church of St Oswalds, Carters Charity School is located 1.6km from the site and St Aidans C of E High School is 2.8km away. Also within walking distance from the site are a number of public houses, convenience stores and recreational facilities including at Preesall Park where there is also a youth centre and sports centre available for public use. All of these facilities can be safely accessed via illuminated pedestrian footpaths, by bicycle or public and private transport. It is clear from the neighbour representations that there is serious concerns that there is not enough infrastructure to accommodate the additional dwellings. These concerns are acknowledged, however, as set out above the site is located in a sustainable location with a good level of connectivity to community facilities and services. In this turn the proposed development would comply with Criteria 2 of Policy HP4 as set out above. For the reasons set out above and based on the satisfactory submission of supporting information in conjunction with the advice from the Council's Community Housing Development Officer, officers are satisfied that the proposed development would comply with the provisions of Policy HP4 of the Emerging Wyre Local Plan and the NPPF and can be considered to be a Rural Exception site which in principle is acceptable.

9.9 The proposed development would provide economic and social benefits to the community and would assist in supporting local businesses. Any disbenefits are discussed later in this report. Turning to the environmental objective of sustainable development the application site is characterised as a parcel of undeveloped agricultural grazing land. The Agricultural Land Classification (ALC) is a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system. The ALC system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. NPPF paragraph 170 (b) indicates that "Local planning authorities should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic benefits of the best and most versatile agricultural land." Best and most versatile land is defined in Annex 2 of the NPPF as grades 1, 2 and 3a. The majority of the application site in this instance is classified as Grade 2 (very good quality Land). The loss of 1.31 hectares of agricultural land in this instance is not considered to constitute 'significant development'. However the loss of a greenfield site in the countryside clearly weights against the proposal.

9.10 Whilst the principle is considered to be acceptable other material considerations are to be attributed weight in the overall planning balance, this includes the sites location with Flood Zone 3, Highway safety, visual and residential impacts along with ecological and other environmental matters. An assessment of all the planning merits of this application are set out below. Whilst it is acknowledged that the site has previously had residential development refused, an observation which has been highlighted in the neighbour representations, each application is to be assessed on its own planning merits against the relevant planning policies in place at that time. In this case the proposal as submitted significantly varies from previous submissions.

Visual Impact / Impact on the street scene and local landscape

9.11 Saved Policy SP14 of the adopted Local Plan seeks to apply consistent principles and high standards of design and amenity for all types of development. It

goes on to list criteria in which proposal would need to comply with including that proposals should be compatible with adjacent and existing land uses (Criteria A) and should be acceptable in the local landscape in terms of its scale, mass, style and use of materials (Criteria B). Policy SP4 of the emerging local plan emphasises that development must not adversely impact on the open and rural character of the countryside and policy CDMP3 emphasises on the need for development to be of a high standard of design and make a positive contribution to the townscape/landscape. The fundamental principles of both of these policies reflect the requirement of the NPPF which places significant weight on achieving good design and on protecting the intrinsic character of the countryside. This application has been submitted as a full application with detailed plans which set out the proposed materials, house types, layout, access details and landscaping. Whilst each case is assessed on its own merits it is important to highlight that within the appeal decision for application 16/00978/OUTMAJ the Planning Inspector sets out (paragraph 12) that "whilst the appeal site is currently undeveloped, the northern field is closely related to existing built development of a reasonably high density to the north east and south, albeit some of which comprises mobile/park homes and lodges. Nevertheless it means that the character and appearance of the area surrounding this part of the appeal site is less open and rural in character than the more open agricultural land to the east. Consequently I do not consider that, subject to appropriate siting, scale and appearance, the development of the northern field for housing would be out of character with surrounding development. Whilst development on the site would be visible from surrounding properties and from public footpaths, it would be viewed against a backdrop of existing built development and not against an open rural landscape". This application site relates to that northern field which the Inspector identified as being capable of development without a detrimental impact on the area.

9.12 In assessing the appropriateness of the layout and scale of the development it is important to take into consideration the context of the immediate surroundings and any existing patterns of built form/development. In this circumstance the site is enclosed, with the exception of the adjacent agricultural field to the east, by a form of residential development. To the north Rosslyn Crescent and Rosslyn Crescent East are built up by semi-detached bungalows in a uniform pattern, set back from the highway and have rear gardens of approximately 10m in depth. To the west and south are pitched roof residential static caravans which make up Willow Grove Park, which are evenly spaced out with gable ends facing and overlooking at the application site. The layout proposed is considered to be consistent with the design and spacing of the immediate surrounding. There is an acceptable interface distance with the dwellings to the north. Plots 12 and 13, 1 and 39 have side to rear and side to side elevation relationships with the existing properties which exceed the requirements of Supplementary Planning Guidance 4. Plots 13 to 20 are all semi-detached bungalows which back on to the rear elevations of the existing static caravans on Willow Grove Park and all have (approximately) 21m separation distances. To the south Plots 25 to 34 are 2 storey semi-detached units and are set back in excess of 21m from the Lakeside Caravans within Willow Grove Park. In terms of spacing and relationship with surrounding properties, the layout submitted is considered to be acceptable, fully compliant with the spacing guidance set out within SPG4 and also is seen to have minimal impacts upon the landscape. The spacing between units still allows important views through and breaks up and reduces the bulk and massing and visual impacts of the development.

9.13 Any visual impacts arising from raising the land levels have been assessed. To comply with the submitted Flood Risk Assessment (FRA) there will be a requirement to lift the slab levels. Slab levels are shown to vary between 6m AOD

and 6.5m AOD as shown in the FRA. The adjacent existing ground levels range from around 5.25-5.75m AOD and 5.27-5.41m AOD respectively. This increase in level is not seen to be so significant that when built out the dwellings would appear out of keeping with the adjacent properties or have an unacceptable visual impact upon the landscape. In terms of the design, both the bungalows and the two-storey units are considered to be acceptable and in keeping with the character of the area. Whilst simplistic in appearance the bungalows and the semi-detached units do have features which provide additional character including stone/contrasting brick heads and cills, dark grey UPVC windows and doors, canopy's over doorways along with central decorative band coursing. Two separate material pallets are proposed (two varying blend of red brick) which will offer a variation and visual interest throughout the site. This is demonstrated on the submitted plans along with cross section/street scene elevations. Each of the dwellings have rear gardens of 10.5m in depth and 2 parking spaces per dwelling either to the front or rear of the properties. Boundary treatments comprise of 1.8m high close boarded timber panel fences to dividing plots and also along each of the site boundaries. At the site entrance a 1.5m high post and panel fence with mesh and planting is proposed and set back adjacent to the highway on a number of corner plots (namely Plots 9,4,24 and 38) a 1.8m high red brick screen wall is proposed. These boundary treatments are considered to be acceptable and provide a variation to the street scene as well as providing sufficient privacy screens where necessary. For the reasons set out above the proposed development is not considered to have any significant visual impacts upon the character of the area and the layout, design and materials proposed are all considered to be acceptable. In turn the proposal would satisfy and comply with the provisions of Saved policy SP14 of the Adopted Local Plan, Policy CDMP3 and SP4 of the Emerging Local plan and the spacing guidance set out within SPG4.

9.14 Around the majority of the boundaries there are unmanaged mature and overgrown Hawthorn hedgerows which are also overgrown with mixed vegetation and scrub. Initially the submitted landscape plan showed all of the boundary hedges to be removed (with an exception of the trees towards the north western corner of the site). Despite the site being predominantly enclosed and well screened from wider views these hedgerows do provide visual character to the site and positively contribute to the rural nature of the countryside, whilst at the same time providing valuable habitats for wildlife (a view highlighted in the neighbour notification letters). Following consultation with the Council's Tree Protection Officer it was requested that an amended landscaping plan be submitted to show the retention of the northern and southern hedgerows. Due to the overgrown and un-managed condition of the hedges it has been accepted that these would be laid and gapped up where necessary with woody species as appropriate. Whilst these will take a short time to be re-established the retention is seen to be a positive amendment and along with the additional planting and landscaping proposed, as shown on the submitted landscape plan, it will provide a soft edge to the development to help it to integrate with the adjacent countryside area.

#### Impact on residential amenity

9.15 The application site forms a natural extension and rounding off at the head of Rosslyn Avenue. As set out above (paragraph 9.3.1) the interface distances in relation to neighbouring residential properties are all in compliance with the spacing guidance set out within SPG4. Given the separation distances involved there is not considered to be any adverse impacts upon neighbouring amenity in terms of loss of privacy or over bearing impacts. Concerns have been raised about the loss of views across the open field however "loss of a view" from a property is not a planning matter for consideration. With the interface distances achieved each of the

neighbouring properties will still benefit from adequate levels of outlook and there will not be any loss of light or overshadowing. All of the dwellings which are closest to the neighbouring properties are bungalows with ridge heights of approximately 6.5m, and notwithstanding the proposed increase in slab levels the overall bulk and massing of the bungalows will not result in any significant adverse overbearing impacts upon residential amenity. Concerns have been raised in relation to potential increase in noise during construction however this can be managed by an appropriately worded condition. The Environmental Health Officer has not raised any objections to the proposal in relation to noise impacts. In assessing the layout the proposed relationship between units within the site is also acceptable. It is considered that the proposal would comply with Saved Policy SP14 of the Adopted Local Plan and also CDMP3 of the Emerging Local Plan as it would not result in any adverse impacts upon neighbouring amenity. Furthermore 20% of the dwellings are capable of being adaptable for the aging population and people with restricted mobility as required by policy HP2 of the emerging local plan.

#### Impact on highway safety / transport network / parking

9.16 The application has been accompanied by a Transport Assessment (TA) to assess the potential impacts upon the existing highway network along with any potential highway safety issues. Lancashire County Council Highways requested an amended TA to reflect the potential impacts upon highway capacity and the existing network for Over Wyre as a result of the proposed development. As the application site is not an allocation within the Emerging Local Plan the applicant has been requested to demonstrate that as well as the 250 dwellings identified as being able to be accommodated in Over Wyre (based the highways evidence for the Emerging Local Plan) an additional 39 dwellings would not have an adverse impact upon the highway network. Concerns have been raised by residents and the Town Council as to the potential impacts arising from vehicular movements as a result of the additional dwellings. LCC Highways have advised that the trip rate calculations (TRICS) predict the development to generate an estimated 162 two way vehicular movements a day with an estimated am and pm peak flow of 19 two way movements. Paragraph 109 of the NPPF states that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". Following the submission of the Revised TA LCC Highways have advised that they are of the opinion that the proposed 39 dwellings will not have a severe impact on highway capacity or congestion in the immediate vicinity of the site. Their position is informed by the Highways England response to this application which advises they have no objections to the development after assessing the impacts on the traffic signals at Shard Road/Shard Bridge (A588).

9.17 Other observations from the Town Council and neighbouring residents in relation to highway and pedestrian safety have been taken into consideration, this includes concerns about the condition of Rosslyn Avenue and the current issues experienced by vehicles double parking making it difficult for vehicles to pass one another along with concerns raised in relation to pedestrian safety in particular for school children. Lancashire County Council Highways have advised that whilst their Personal Injury Accident Records shows there has been three collisions at the junction with Pilling Lane the highway network in the immediate vicinity of the site is considered to have a good accident record and indicates that there are no underlying issues. Notwithstanding this, LCC Highways are of the opinion that to mitigate the development the current 30mph speed limit along Rosslyn Avenue should be changed to 20mph to reduce vehicle speeds. By reducing the speed limit to 20mph this would make the road safer for pedestrians to cross the road and for vehicles

exiting drives. The developer has agreed to fund this highway improvement. Further mitigation requested by LCC Highways relates to improvements to the Public Right Of Way to the north of the site (FP19) as there would be a demand for this route to be used by the new residents to allow them quicker access to local facilities and services. As such the developer has agreed to provide £20,000 financial contribution for both schemes. The Highways Officer has set out that the contribution towards the footpath would not provide a full re surface but it would provide patchworks and making good the areas which are currently unsuitable whilst also providing street lighting. Off-site highway works and improvements would be secured by condition and legal agreement if Members are minded to approve the application.

9.18 In terms of the site access and internal layouts as the proposal is a continuation of Rosslyn Avenue then there is no requirement for visibility splays at a site access junction and LCC Highways have confirmed that the internal road layout and parking provision would comply with current guidelines and recommendations in Manual for Streets as well as being suitable for adoption under Section 38 of the Highways Act. Furthermore, the parking provisions demonstrated on the submitted plan would comply with the parking guidance set out within SPG4 and in the parking standards set out within the emerging local plan. Subject to the proposed highway improvement works then the development of 39 dwellings as proposed in this application is not considered to have any significant or severe highway impacts and is considered to be acceptable in terms of highway capacity and safety impacts.

#### Flood risk and drainage

9.19 The application site is located within Flood Zone 3 which is defined as having a high probability of flooding and the proposed dwellings are defined as more vulnerable development within in the National Planning Practice Guidance (NPPG). A site specific Flood Risk Assessment (FRA) has been submitted with the application which has been assessed by the Environment Agency, United Utilities and the Council's Drainage Engineer. The Environment Agency has advised that after having reviewed all of the information set out within the Flood Risk Assessment they are satisfied that the proposed development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. However, the proposed development must proceed in strict accordance with the submitted FRA and the mitigation measures identified. This could be secured by condition.

9.20 Given the location of the proposed scheme within Flood Zone 3, a Sequential Test is required to assess whether more appropriate locations for the proposed development exist in areas at lower risk of flooding. The need and importance of the Sequential Test is set out in NPPF Paragraph 157, which states that "The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development with a lower probability of flooding". The NPPG is clear in Paragraph 33 that for individual planning applications where there has been no previous sequential testing via the local development plan that a Sequential Test will be required.

9.21 As the proposal is for the provision of affordable housing, it is appropriate for the area of search for the sequential test to be limited to the ward in which the site is situated (Preesall and Knott End have been accepted by officers). The site area is 1.31ha and 39 dwellings are proposed. As such and in line with the Council's published guidance, the sequential test should consider sites ranging from between 35 and 44 dwellings (i.e. +/- 10%) and/or be of a size of between 1.18 ha - 1.44 ha (+/- 10%) to be comparable to the scale of development proposed. Alternative sites

set out in the 2017 Strategic Land Availability Assessment (SHLAA) have been considered along with the 2018 Housing Land Monitoring Report, the Wyre Borough Local Plan proposed allocations and also a search of sites which benefit from planning permission at the time of determination as well as approaching local agents and undertaking online land/property searches. The documents submitted by the applicant highlight a number of sites, however these fall outside of the specific search area of Preesall and Knott End or are also located within Flood Zone 3 and as such can be discounted. Based on the information provided it is considered to be a robust assessment which demonstrates there are no reasonably available sites appropriate for the proposed development in areas within the ward boundary with a lower probability of flooding and therefore the application is considered to pass the Sequential Test.

9.22 Once the Sequential Test is passed, the Exception Test is then applied. For this to be passed, it must be demonstrated that: the development provides wider sustainability benefits to the community that outweigh flood risk; and that it will be safe for its lifetime taking account of the vulnerability of its users, without increasing use elsewhere, and, where possible, will reduce flood risk overall. The Exception Test submitted outlines the benefits to the community of providing 100% affordable housing to the locality along with benefits to help support the vitality and viability of the rural community at Preesall including rural services such as shops and employment benefits such as jobs created through construction. These benefits are considered to outweigh any flood risk harm subject to a satisfactory site-specific Flood Risk Assessment (FRA) being provided. It is the role of the Environment Agency to consider whether or not the proposals satisfy the requirements of part 2 of the Exception Test and paragraph 157 of the NPPF. As set out above the EA have advised that based on the FRA submitted the applicant has demonstrated 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, will reduce the flood risk overall. This is subject to a number of recommendations e.g. minimum finished floor levels set at 600m AOD. The Environment Agency (EA) is satisfied with this FRA and conditions will be required to secure implementation of the recommendations if Members are minded to approve this application.

9.23 The application has been accompanied by a Drainage Strategy which sets out the proposed drainage of the site for both Surface and Foul waters. Within the strategy it sets out that surface water will be discharged to the existing water course/field drain to the southern boundary with a green field discharge rate of 5ltr per second and that foul waters will be connected to the existing foul drainage system within Rosslyn Avenue. Concerns raised by residents in relation to increased flooding and the impacts upon the existing sewage system which is believed to be regularly collapsing have been considered. Whilst at the time of compiling the report Lancashire County Council Lead Local Flood Authority have not provided comments on the scheme, United Utilities and The Council's Drainage Engineer have both raised no objections to the technical information submitted. Based on the surface water drainage scheme proposed it is not considered that neighbouring dwellings, including the existing dwellings which back onto the site, will be at risk of increased flooding from this development. The Drainage Engineer has confirmed he has no issue with the levels proposed. A new culverted drain around the northern and western perimeter is proposed which will carry surface water to the existing field drain to the south of the site and prevent run off into the rear gardens. United Utilities have also raised no objections to connecting to the existing sewers. Whilst it is not disputed that there are issues with the current sewage drains within Rosslyn Avenue, United Utilities would have to address any damages or failures should they occur at



that moment in time. In practice it cannot be assumed that this proposal would result in damage to the current system.

9.24 In accordance with the NPPF and the NPPG it is stated that the site should be drained on a separate system. Foul water draining to a public sewer and surface water draining in the most sustainable way. The NPPG outlines that the hierarchy to be investigated by the developer when considering a surface water drainage strategy. Developers are requested to consider the following drainage options in the following order of priority:

- into the ground (Infiltration)
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system and then as a last option;
- to a combined sewer.

9.25 As set out above in this instance within the ownership of the applicant against the southern boundary is an existing field drain for which the surface water from the site will be discharged into. This drain discharges further east into the Wheel Foot Watercourse. Several on site cellular storage tanks are also proposed within the site (mainly in rear and side gardens of the proposed dwellings). The proposed drainage of the site is considered to represent the most sustainable method of site drainage for surface water in accordance with the above hierarchy as set out within the NPPF and NPPG. Concerns have been raised by neighbouring residents about the poor condition of this watercourse, especially at the point of discharge in to Wheelfoot Watercourse. This is acknowledged by the Council's Drainage Engineer and should the development come forward it will require downstream watercourses to be investigated/maintained to ensure the system operates effectively. Officers are satisfied that a condition could adequately cover the drainage of the site and that a technical solution is achievable should permission be granted.

Ecology, nature conservation and trees

9.26 The NPPF incorporates measures to conserve and enhance the natural and local environment, including biodiversity and geological conservation. Paragraph 175 of the NPPF requires that in determining planning applications the following principles are applied to conserve and enhance biodiversity:

- Significant harm resulting from a development should be avoided, adequately mitigated or, as a last resort, compensated for;
- Opportunities to incorporate biodiversity in and around developments should be encouraged.

9.27 The application has been accompanied by a Preliminary Ecological Appraisal. This appraisal has been assessed by Greater Manchester Ecological Unit (GMEU) who has advised that the contents of the report are not disputed. The key points identified by GMEU relate to the impacts upon Wintering Birds associated with Morecambe Bay and Duddon Estuary Special Protection Area/Special Area of Conservation (SPA/SAC), other impacts on the SPA/SAC, protected species and the protection of nesting birds along with the enhancement of the natural Environment. To assess the potential impacts upon the SPA/SAC and in accordance with EU Habitats Regulations a full Habitats Regulations Assessment has been undertaken. This is in line with the advice of Natural England. This addresses and assesses the potential impacts upon Pink Footed Geese which has been a concern raised by

neighbouring residents. GMEU have advised that in their opinion the application site is unsuitable for regular use by the important species most associated with the Bay, in particular Pink-footed geese for the following reasons:

- The site is relatively small (1.3ha). Pink footed geese avoid feeding in fields less than 6ha in size
- It is surrounded on three sides and overlooked by existing residential development (including mobile home parks)
- It is bounded by hedgerows, giving it an enclosed character. The width of an area without hindrances in more than one direction generally needs to exceed 500m in order to be acceptable to medium to large flocks of pink-footed geese. This site is only 100m long/50m wide.

9.28 Pink footed geese are very susceptible to disturbance and prefer very open, large, flat landscapes away from human habitation and disturbance. GMEU are of the opinion that the current application site does not fit these criteria and therefore has low potential to support over wintering birds. In assessing other potential impacts upon the SPA/SAC it is noted that a drain that runs through the site discharges to a watercourse (Wheel foot) that directly discharges to Morecambe Bay. There is therefore a risk during and post construction of negative impacts on the water quality. These impacts can be mitigated through a Construction and Environmental Management Plan condition and by ensuring they are considered in the drainage scheme to be approved. No evidence indicating that the site had importance for any other protective species was found and set out within the Ecology Survey, as such no further surveys are required.

9.29 Initially the submitted Landscaping Plan identified the majority of the boundary hedgerows to be removed. This was considered to be unacceptable as not only would it have ecological implications for nesting and feeding birds it also had a negative visual impact. As such the applicant has revised the scheme showing the hedgerow to the northern and southern boundary to be laid and the western boundary hedging to be removed. Additional tree planting and enhancements are also proposed within the landscaping scheme which will mitigate for the loss of hedgerow. GMEU and the Tree Officer are satisfied with the proposal subject to conditions preventing works to be carried out to trees and hedgerows during the bird breeding season (1st March - 31st August) and implementation of the landscape plan submitted.

#### Contamination

9.30 The application has been accompanied by a Contaminated Land Desk Study which has been assessed by the Councils Environmental Protection Officer. Whilst no objections have been raised there are concerns in relation to a nearby former infill which may present risk of ground gas. Further information has been requested and subsequently provided during the course of the application. At the time of compiling this report the response from the Environmental Health Officer has yet to be provided and as such the comments will be reported as an update prior to the committee meeting. These are expected to confirm whether the submitted information is sufficient or whether the standard desk study pre-commencement condition is still required.

#### Planning obligations and viability

9.31 Lancashire County Council Education have been consulted. Based on the 2019 school census resulting projections and taking into account all the approved

applications LCC will not be seeking a contribution towards Primary School places however they are seeking a financial contribution towards 2 secondary school places at St Aidan's C of E secondary school. This is calculated at £47,474.56.

9.32 Policy HP9 of the Emerging Local Plan requires development which results in a net gain of 11 units to make appropriate provision of green infrastructure on site. Where appropriate the Council will accept a financial contribution towards improving the quality and accessibility of nearby existing green infrastructure. Saved Policy H13 requires open space to be delivered for developments of over 20 dwellings. In this instance the submitted plan does not provide any on site provisions for Green Infrastructure / open space. The Council's Parks and Open Spaces Officer has advised that as the site is in close proximity to Preesall Playing fields which has defined projects identified in a Master Plan then it would be preferable in this case for an off-site financial contribution to be provided to the sum of £45,149 (based on 26 x 2 beds and 13 x 3 beds) which would go towards Preesall Playing field Masterplan and improvements to the existing facilities.

9.33 As the scheme is for 100% Affordable Housing and is to be grant funded by DCLG (Department for Communities and Local Government) the applicant has advised that it would not be financially viable to deliver the development and provide the planning obligations requested above towards open space and education or towards any sustainable transport. As such, in accordance with policy SP6 of the emerging local plan a detailed Financial Viability Appraisal has been submitted by the applicant to set out all of the costings involved with the development including land values and profit margins. This viability assessment has been reviewed by Keppie Massie who are the Council's independent financial advisors on development viability. The response from Keppie Massie concludes that any contribution over £10,000 would make the development unviable and would not allow for the scheme of 100% Affordable Housing to be delivered. As such it is accepted that based on the information submitted by the applicant it would not be viable for the development to provide financial contributions towards Education, Green Infrastructure or Sustainable Transport on top of the highway improvements identified. Whilst policy SP6 of the emerging local plan is satisfied the failure to provide any off site contributions to Green Infrastructure or education weighs against the proposal.

9.34 Notwithstanding the viability conclusions the applicant is offering to provide a financial contribution of £20,000 towards highway improvements (reducing the speed limit along Rosslyn Avenue from 30mph to 20mph and also upgrading the PROW to the northern boundary). This was set out in the highways section of this committee report and includes some improvements to the Public Right of Way which runs along the majority of the northern boundary (PROW FP 19). LCC PROW Officer was consulted on the proposal but has not responded although LCC Highways have provided observations that the provision of 39 dwellings would result in more footfall and pressure on the footpath which at present does appear over grown and unmaintained therefore some improvements are needed. LCC Highways consider that additional monies could be justified to fully re surface the entire PROW. However with the £20,000 contribution offered (which includes speed reduction along Rosslyn Avenue) this would still allow improvements to the footpath and make it more desirable and attractive to use. The contribution would allow for modest patch works and the delivery of some LED Street lighting. It is considered that the proposed improvements will enhance the PROW for existing residents and also future occupants of the development. A link from the western internal access road has been demonstrated on the revised site plan to improve pedestrian connectivity onto this PROW. These monies are to be secured by a Section 106 legal agreement.

## **10.0 CONCLUSION**

10.1 Whilst the application site falls within the open countryside and the development would be contrary to Saved Policy SP13 of the Adopted Local Plan, the application would comply with Policy SP2 and HP4 of the Emerging Local Plan and the NPPF as it is considered to be a rural exception site. As such the proposed development would help to meet an identified affordable housing need in the locality with the site being sustainably located immediately adjacent to the settlement boundary in close proximity to an array of services and facilities. The proposed development would provide some economic benefits during construction and in supporting local services. The benefits of the proposal are seen to outweigh the loss of this greenfield site given no significant visual impact concerns are identified.

10.2 The adverse impacts of the development have been considered and assessed including the impacts upon the highway network, character and appearance of the surrounding countryside and landscape, trees and ecology along with flood risk and drainage impacts. Furthermore the development is not making any contributions towards education provision or green infrastructure. It is considered that in this instance the benefits outweigh the harm caused from this development and that many impacts identified can be mitigated through the use of planning conditions where necessary. For the reasons set out within this report the proposal is on balance seen to represent a sustainable form of development that would comply with the saved policies of the Local Plan and the provisions of the National Planning Policy Framework. Subject to conditions and a section 106 agreement the application is recommended for approval.

## **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 and subject to a section 106 legal agreement to secure an appropriate financial contribution towards Highways improvements. Authorise the Head of Planning Services to issue planning permission upon satisfactory completion of the S106 agreement.

### **Recommendation: Permit**

#### **Conditions: -**

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 26/07/2018 including the following plans/documents:

- Proposed Site Layout Plan Rev G
- Site Location Plan Rev A
- Materials Distribution Plan Rev B
- Street Scene Elevations Rev B
- Rosslyn Avenue
- Rosslyn Ave / Boundary Treatments Plan REV E & Elevations details Rev A
- 2B3P Detached Dormer Bungalow 77 Floor Plans & Elevations Drawing Number - Rosslyn Ave/2b3pDet Bung 77 REV A
- 2B3P Dormer Bungalow 77 sq.m Floor Plans & Elevations Drawing Number- Rosslyn Ave/2b3pBung 77 REV A
- 2B4P Aspect House Type 77 sq.m Floor Plans & Elevations Drawing Number - Rosslyn Ave/2b4p Aspect House 77 REV A
- 2B4P House Type 70 sq.m Floor Plans & Elevations Drawing Number- Rosslyn Ave/2b4p House 70 REV A
- 3B4P Aspect House Type 77 Sq.m Floor Plans & Elevations Drawing Number- Rosslyn Ave/3b4p Aspect House REV A
- 3B5P House Type 85 sq.m Floor Plans & Elevations Drawing Number- Rosslyn Ave/3b5p House 85 REV A

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. The development shall be carried out using those materials specified on the approved plan(s) ref: Materials Distribution Plan Rev B.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

4. Prior to the first occupation of any dwelling hereby approved 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 and shall be further extended before any development commences fronting the new access road. The road with all supporting infrastructure (drainage, footways, lighting and traffic calming measures) shall be completed prior to that phase of development being substantially constructed.

Reason: To ensure that satisfactory access is provided to support each phase of site construction hereby permitted in the interests of highway safety in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

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

- (a) dust and dirt mitigation measures during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (b) control of noise and vibration emanating from the site during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (c) hours and days of demolition / construction work for the development expected to be 8.00-18.00, Monday to Friday, 08.00-13.00 on Saturday with no working on Sunday and Bank / Public Holidays
- (d) contractors' compounds and other storage arrangements
- (e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the demolition / construction period
- (f) arrangements during the demolition / construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)
- (g) the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable
- (h) external lighting of the site during the demolition / construction period
- (i) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (j) recycling / disposing of waste resulting from demolition / construction work
- (k) measures to protect watercourses against spillage incidents, pollution and dust and debris, which shall include the unnamed ditch along the southern site boundary, Wheel Foot Watercourse and Morecambe Bay.

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

Reason: Such details were not submitted with the application and need to be in place throughout the demolition / construction period in the interests of the amenities of surrounding residents, to protect important ecological habitats, to maintain the operation and safety of the local highway network, to minimise the risk of pollution and to safeguard the character and appearance of the area in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

6. No development shall commence above ground until details of the proposed arrangements for future management and maintenance of the proposed streets and other non-highway related combined footways/ cycleway within the development, including details of a private management and Maintenance Company to be established if applicable, have been submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980.

Reason: To ensure that all highways will be delivered to adoptable standards, to ensure that highways safety is not compromised and to ensure that all highways

footways and cycleways will be maintained by either LCC as Local Highway Authority or by a site management company in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

7. The development hereby approved shall not be first occupied or brought into use until the parking / turning area(s) shown on the approved plan (ref: Proposed Site Layout Rev G) has been laid out, surfaced and drained. The parking / turning area(s) shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

Reason: To ensure that adequate off road parking is provided to serve the development in the interests of highway safety and in accordance with the provisions of Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

8. Prior to any above ground works a scheme for the construction of the site access and the off-site works of highway improvement [namely reduction in speed limit along Rosslyn Avenue and improvements and upgrades to the PROW FP19), 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.

9. Prior to first occupation of any dwelling hereby approved, a "home owners information pack" (as outlined in the Habitats Regulations Assessment completed for this application) for distribution amongst future occupants of the development hereby approved should be submitted to and approved in writing by the local planning authority, together with details of how this document will be made available for future homeowners. The pack shall include giving details of the nature conservation importance of the Wyre Estuary / Morecambe Bay and highlight alternative recreational opportunities in the vicinity, away from the more sensitive areas. The approved pack shall then be made available for future homeowners in accordance with the approved details.

Reasons: To help reduce any increase in recreational disturbance on the Morecambe Bay SPA/Ramsar Site in the form of appropriate mitigation and to satisfy the Habitat Regulations Assessment.

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

Reason: To protect and prevent unnecessary disturbance of nesting birds in accordance with the provisions of the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework (March 2012).

11. The landscaping works shall be carried out in accordance with the approved details (Drawing Number 5948.01 Rev A) prior to first occupation or first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 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: The details are required to be approved prior to commencement of development to ensure landscaping is implemented at an appropriate time during the development in the interests of the visual amenity of the area in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

12. No dwelling hereby approved shall be first occupied until an electric vehicle recharging point has been provided for the dwelling to which it relates and such electric vehicle recharging point shall be maintained and retained for that purpose thereafter.

Reason: To ensure the provision of appropriate on-site mitigation to compensate for the impact on air quality caused by the development in the surrounding area in accordance with Saved Policy SP14 of the Wyre Borough Local Plan, Policy CDMP6 of the Emerging Wyre Local Plan, and the National Planning Policy Framework.

13. (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of 1 year from the date of the occupation of any part of the development for its permitted use.

Reason: In the interests of visual amenity and to ensure that trees are not felled unnecessarily in accordance with Policies SP14 and ENV7 of the Adopted Wyre Borough Local Plan (July 1999).

14. The approved boundary treatments (Boundary Treatments Plan Rev E & Elevation and section details shown on Rev A) shall be completed before the dwelling(s) are first occupied. The approved details shall thereafter be maintained and retained in accordance with the approved details.



Reason: In the interests of the appearance of the locality and the residential amenity of occupants / neighbours and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

15. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Ironside Farrar Ltd Ref 30324/SRG) and the mitigation measures detailed within Section 7 of the report.

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

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with saved policy ENV15 of the Wyre Borough Local Plan (1999) and the National Planning Policy Framework.

16. Prior to the commencement of development (other than site preparation works) a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance with the hierarchy of drainage options outlined in the National Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015), or any subsequent replacement national guidance / standards.

The scheme details shall include, as a minimum:

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

g) Details of water quality controls, where applicable, to include measures to ensure the watercourse which leads into Morecambe Bay is protected from contaminants.

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

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

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources, important ecological habitats or human health, to prevent an undue increase in surface water run-off to reduce the risk of flooding and in the interests of visual and residential amenity in accordance with Policies SP14 and 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 and to ensure that any proposed raising of levels can be assessed and that a coherent approach is taken with regard to the design of drainage and housing layout.

17. Prior to the commencement of development (other than site preparation works) details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, this shall include:

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

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

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development; to reduce the flood risk to the development as a result of inadequate maintenance; and to identify the responsible organisation/ body/ company/ undertaker for the sustainable drainage system in accordance with the National Planning Policy Framework.

**Notes: -**

1. 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.
2. The applicant should be aware that the decision is subject to a separate legal agreement.