

Committee Report**Date: 04.09.2019**

Item Number	02
Application Number	19/00253/OUTMAJ
Proposal	Outline application for up to 10 new residential dwellings with access applied for off Cart Gate (all other matters reserved) (resubmission of 17/00933/OUTMAJ)
Location	Springfield Cottage Farm Cart Gate Preesall Poulton-le-Fylde Lancashire FY6 0NP
Applicant	Mr & Mrs Halliwell
Correspondence Address	c/o Lee Fenton Planning Services Carrfield Ingol Lane HAMBLETON FY6 9BJ
Recommendation	Permit

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. Members also considered the original application at this site in April 2018. 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 land currently associated with No. 1 Springfield Cottages (also known as Springfield Cottage Farm) 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 2100sqm and the topography and site levels are generally flat. Against the western most part of the site there is 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 in addition to the subject property is the residential garden of No. 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 unallocated (white land) and is contained within the Preesall Hill settlement boundary as set out within the Wyre Local Plan 2011-31 proposals map and is partially located within a Minerals Safeguarding Area. Beyond the western boundary is a Public Right of Way (PROW FP 33) and part of the eastern area of the site is located within Flood Zone 2.

3.0 THE PROPOSAL

3.1 The application seeks outline planning consent for the erection of up to 10 residential dwellings with associated access (Layout, appearance, landscaping and scale are all matters reserved). The existing eastern 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. This new access road is shown on the indicative plan to progress against the western boundary with a turning head and parking provision to the north of the site. The existing western access is not required although 2 additional site accesses are proposed in this area to directly serve the driveways of 2 of the dwellings.

3.2 To demonstrate how 10 dwellings could be accommodated on the site an indicative layout plan has been submitted which shows semi-detached and terraced properties within the site. Indicative elevational plans have also been submitted which show the dwellings to be 2 storey and of a cottage style design. The applicants have confirmed that all of the existing structures are to be removed and demolished including the existing dilapidated stables.

4.0 RELEVANT PLANNING HISTORY

4.1 The site has the following relevant planning history:

4.2 17/00933/OUTMAJ - Outline application for up to 11 new residential dwellings with access applied for off Cart Gate (all other matters reserved) - Refused 04.04.2018 - Dismissed at appeal

4.3 85/01668 - Erection of dwelling with integral double garage - Permitted

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN

5.1.1 The Wyre Local Plan 2011-2031 (WLP31) was adopted on 28 February 2019 and forms the development plan for Wyre. To the extent that development plan policies are material to the application, and in accordance with the provisions of

section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

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

- SP1 - Development Strategy
- SP2 - Sustainable Development
- SP8 - Health and Well Being
- CDMP1 - Environmental Protection
- CDMP2 Flood Risk and Surface Water Management
- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP6 - Accessibility and Transport
- HP2- Housing Mix
- HP3 - Affordable Housing

5.1.3 The WLP31 identifies a Local Plan housing requirement of 9,200 dwellings or 460 dwellings per annum. 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. Paragraphs 73(b) and 74 of the NPPF and footnote 38 make it clear that where a local authority has a 'recently adopted plan', it is able to demonstrate a 5 year Housing Land Supply (HLS) for the purposes of the NPPF. Footnote 38 would operate in the present case to maintain the WLP31 status as a 'recently adopted plan' until 31st October 2019. The Inspector's Report into the WLP31 confirms that on adoption the Council will be able to demonstrate a deliverable supply of housing land. This finding is predicated upon the application of a 20% buffer. The effect of the above is that during the period to 31st October 2019 the Council is deemed to be able to demonstrate a deliverable HLS.

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2019

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on the 19th February 2019. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2019 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.2.2 The following sections / policies set out within the NPPF are of most relevance:

- Section 2 - Achieving Sustainable Development
- Section 5 - Delivering a sufficient supply of homes
- Section 6- Building a strong, competitive economy
- Section 8 - Promoting healthy and safe communities
- Section 9 - Promoting sustainable transport
- Section 12 - Achieving well designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment

OTHER MATERIAL CONSIDERATIONS

5.3 WYRE SUPPLEMENTARY PLANNING 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 JOINT LANCASHIRE MINERALS AND WASTE LOCAL PLAN

5.4.1 The Following policy is considered relevant:

M2 - Safeguarding Mineral Sites

6.0 CONSULTATION RESPONSES

6.1 PREESALL TOWN COUNCIL

First Response - Objects on the following grounds:

6.1.1 Flooding - Contrary to SP8 as the development will be compromised by an increased flood risk. The area for development is towards the base of Preesall Hill where there is a history of flooding with flood mitigation measures already being introduced at Sunnyside Terrace in an attempt to improve the quality of life of those residents. The potential for a significant number of households to be affected by flooding from positioning properties higher up the hill than those already impacted by flooding, and the additional water burden placed on the dyke system, cannot be underestimated. Any attenuation will overflow into the existing dyke system which already cannot cope. Flood risk management proposals with this application are not believed to be sufficiently detailed to address the specific problems associated with this plot of land. CDMP2 gives three pointers that specifically prevent development in relation to flood risk. It is believed that the development:

- a) would cause flooding or exacerbate flooding in other areas - the displaced water would find a natural level and this would be in the gardens and properties of those dwellings at a lower AOD and
- b) would adversely impact the integrity of tidal and fluvial defences that are already stretched to the limit at times of heavy rainfall. The fact that the adjacent properties are lower than the proposed development land levels is a recipe for disaster.

6.1.2 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. CDMP1 is relevant here as there is potential for cross contamination of both surface and ground water should the sewers fail, encompassing pollution and nuisance that would lead to significant adverse effects on health, amenity, safety and the operation of surrounding uses for occupants or users of the development and existing neighbours. The council is of the belief that additional infrastructure would need to be provided on Cartgate to accommodate the increase in capacity.

6.1.3 Access - Existing access to Cartgate is problematic at school times when the road becomes virtually impassable to two-way traffic. The access to the

development is directly off Cartgate and opposite the over-spill area for the school where buses often overhang the area. The impact of additional vehicles and any additional vehicles/visitors will be forced to park on Cartgate. It is believed that CDMP6 1b, c, e, f and 3 and 4 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. The development relies on vehicular access and fails to reduce car reliance.

6.1.4 Countryside Areas - SP4 It is believed that the harm caused by this development to the open and rural aspect outweighs any public benefits.

6.1.5 Ecology - The council acknowledges that the proposed development is smaller in scale than the one previously proposed for the site, however, it is felt that more needs to be done within the plan to protect birds, amphibians and other wildlife. CDMP4 specifically covers damage to habitats, species, soils, water quality, trees and hedgerows. The proximity of the development to the habitat has the potential to damage the biodiversity of this area. In addition, flooding from the site and the potential for both water and land contamination from sewage at time of flood could adversely affect the abundance of wildlife.

6.1.6 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.

6.1.7 Sustainable Development - The proposal fails to comply with Policy SP2 as it does not positively contribute to the overall physical, environmental and economic character of the area and has the potential to adversely affect the character of neighbouring properties. The development will add for the need to travel by car, increase flood risk and will fail to enhance biodiversity and adversely affect the health and well-being of local residents.

6.1.8 Detrimental Impacts - Proposal would be contrary to the Human Rights Act

Second Response 13/08/2019

6.1.9 Reiterates the above and adds additional point 9 highlighting the disappointment that a number of documents are contradictory and based on out of date information

6.2 UNITED UTILITIES

6.2.1 Require conditions relating to the submission of full surface water drainage details and foul drainage to be drained on separate systems.

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. The Transport Statement (TS) which has been submitted in support of the application has been assessed. 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 Wyre Local Plan Appendix B. The widened site access and the provision of the new direct parking off Cart Gate would also allow a passing place fronting the access and drives. The NPPF states in paragraph 109 "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 10 dwellings will not have a severe impact on highway capacity in the immediate vicinity of the site.

6.3.2 Off-site works recommended are that the applicant finances the investigation and implementation of changing the speed limit to 20mph to the front of the site, along with widening of the existing footpath fronting the site to 2m wide and removal of the existing western access. These works shall be carried out under Section 278 works. 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 5th August 2019) confirms that the development proposed (10 dwellings) would generate a contribution of 2 secondary school places (currently equating to £48,370.32) with Cardinal Allen, Fleetwood identified as the school closest to the development that has space to accommodate an expansion. There is no requirement for a contribution towards primary school provision.

6.5 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY)

6.5.1 No objections subject to conditions

6.6 LANCASHIRE COUNTY COUNCIL (PUBLIC RIGHTS OF WAY OFFICER)

6.6.1 No observations received at the time of compiling this report

6.7 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.7.1 No objections- The submitted Ecology survey has been assessed. Whilst this report is now nearly 2 years old, the reduced footprint of the development restricts the development to negligible to low value habitats. Issues relating to bats, nesting birds, amphibians and landscaping can be mitigated through condition and informative. The buildings on site were assessed in 2017 for bat roosting potential. No evidence of bats was found and all buildings were assessed as having no bat roosting potential. Whilst such surveys are generally only valid for 1 - 2 years and therefore when and if the development is approved the survey is out of date, GMEU are satisfied given the nature of the buildings to be demolished that the risk to bats will be low. It is considered that given the reduced foot print of the development the impacts upon Great Crested Newts are low. Informatives are recommended in relation to Bats, GCN and Nesting Birds

6.8 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.8.1 No objections in principle- Surface water discharge from the site must not exceed 5l/s and full surface water plans, based on sustainable drainage principles should be conditioned. Notes that Springfield Terrace and the bottom of Cart Gate

have a long history of flooding including internal flooding of properties. Surface Water discharge from the site must not exacerbate local conditions.

6.9 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - LAND CONTAMINATION)

6.9.1 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)

6.10.1 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)

6.11.1 No objections subject to opportunities for new tree planting

6.12 LANCASHIRE FIRE AND RESCUE

6.12.1 Highlight the relevant building regulations and the need to provide adequate turning facilities for fire service vehicles.

7.0 REPRESENTATIONS

7.1 At the time of compiling this report there has been 1 letter of objection (by Preesall FLAG) and one letter that neither objects nor supports the proposed development. The primary reasons for objection are:

- The existing drainage and infrastructure barely copes with the surface water. The addition of more housing and hardstanding will add more run off water down Cartgate.

7.2 The letter received which does not object or support the proposal seeks clarification as to whether or not the proposal would feed in to the existing dykes

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Contact was made with the applicant to advise on the amount of financial contributions required on the original scheme for 11 units and also a query of the red edge shown on the submitted plans. During the course of the application a full set of revised plans has been received reducing the number of units to 10 and also a revised Design and Access Statement has been submitted. An extension of time has also been agreed until the 30/09/2019 and agreement to the planning obligations and pre commencement conditions have been secured.

9.0 ISSUES

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

- Principle of Development and Policy Compliance
- 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 and policy compliance

9.2 The proposed development seeks outline consent for up to 10 dwellings with access applied for and all other matters reserved. In April 2018 a similar application (application number 17/00933/OUTMAJ) for the erection of 11 dwellings was refused by Members of the Planning committee on this site and adjoining land for the following reason:

“The application site is located in a prominent rural position within an area of designated countryside where the land levels to the west of the site significantly increase. By reason of the projection in to the embankment the proposed dwellings and the rear gardens will be highly prominent when seen from the street scene. As a result the proposed 11 dwellings would have a visual intrusion on the character and appearance of the area and as a consequence be contrary to saved Policies SP13 and SP14 of the Adopted Wyre Borough Local Plan (July 1999) which requires development to be compatible with other land uses and acceptable within the local landscape and also the provision of the National Planning Policy Framework in particular the Core Principles and Section 11”.

9.3 This decision was appealed by the applicant and dismissed by the Planning Inspector on the sole ground that the appellant had failed to secure the necessary affordable housing contribution. Since the previous application and the subsequent appeal the planning policy context has changed and the site area has been reduced. At the time of the previous application the Wyre Local Plan 2011-31 was in preparation and as such only moderate weight was attributed to the policies contained within it. The 1999 Adopted Local Plan Policies (namely SP13 and SP14) were the starting point for decision making and the Council did not have a 5yr housing land supply so it was necessary to apply the tilted balance set out within the NPPF. The Wyre Local Plan 2011-31 has now been adopted and full weight is to be afforded to the relevant policies in relation to the application proposal (this replaces the 1999 Wyre Borough Local Plan). The application site previously encroached into the elevated embankment to the west of the site which was (and still remains) designated as Countryside Area on the Local Plan proposals map. Members were concerned as to the visual impacts arising from engineering into this embankment as well as concerns about destabilisation. This area of land has been omitted from the proposal and the red edge forming this application is now fully contained within the Preesall Hill settlement boundary and no longer encroaches into the designated Countryside.

9.4 In terms of compliance with national and local Policy, Policy SP1 (Development Strategy) of the Wyre Local Plan seeks to deliver new development in line with the settlement hierarchy, with Preesall Hill listed as one of the Main Rural Settlements within the hierarchy where 14.9% of housing growth is expected during the plan period 2011 to 2031. The proposed development of up to 10 new dwellings would be compliant and in accordance with the development strategy set out within Policy SP1.

9.5 Policy SP2 of the Local Plan sets out that new development should be sustainable and contribute to the continuation or creation of sustainable communities in terms of location and accessibility. Sustainability is also a material consideration requirement of the National Planning Policy Framework. In this turn the application site occupies a prominent roadside location adjacent to existing residential properties at the eastern end of Cart Gate. Directly to the south of the site is St Aidans C of E High school with pedestrian footpaths along the full length of the southern side of the highway all the way to the junction with Park Lane where there is a public bus stop on either side of the highway providing public transport to Preesall and Knott End and south towards Stalmine, Hambleton and the wider settlements within Wyre. Other community services and facilities within Preesall Hill include a public house (Black Bull), Fleetwood's Charity Primary School, hot food takeaway and community bowling green. It is considered that the site is suitably sited to ensure the occupiers of the site can safely and readily access the local community facilities and public transport links in the immediate locality which in turn would assist in creating a sustainable community whilst supporting the existing rural economy. Whilst concerns have been raised by the Town Council in relation to the associated flood risks of this site (discussed later on in the report in paragraph 9.13) the proposed development of this site in this location would not compromise the Borough's ability to improve the health and well-being of local residents. As the site is fully contained within the settlement boundary, would positively contribute to the overall physical, social, environmental and economic character of the area and would see the re development of an untidy and generally run down predominantly brownfield site, it is considered the proposal would comply with the provisions set out within Policy SP2 of the Local Plan and also section 2 of the NPPF.

9.6 Whilst the principle is considered to be acceptable other material considerations are to be attributed weight in the overall planning balance, this includes 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, each application is to be assessed on its own planning merits against the relevant planning policies in place at the time. In this case the proposal is a re submission of application 17/00933/OUTMAJ and the applicant has sought to address the primary concerns of Members by reducing the site's red edge to no longer include the embankment and reduce the amount of dwellings being proposed.

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

9.7 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 elevational plans) which demonstrates how the site could accommodate the 10 dwellings whilst complying with the spacing and separation distances set out in SPG4.

9.8 Initially the application proposed up to 11 units which was later revised to up to 10 by the applicant for financial and viability reasons. The existing site due to its current use and presence of outbuildings, hardstanding and other bulky paraphernalia is predominantly developed in character. The site also has a close relationship with the row of existing dwellings to the east and is fully screened by the increasing embankment to the west which provides full visual containment. Policy

CDMP3 of the Local Plan requires all development to be of a high standard of design and appropriate to the end use. The Policy lists set criteria which development in particular will be assessed against. This includes (Criteria a) all development must be designed to respect or enhance the character of the area including density, siting, layout, scale, massing, landscaping and use of materials. Whilst the scheme is in outline form and the indicative layout plan submitted carries no weight, it does demonstrate that it is possible to construct dwellings on the site which would not look out of kilter with the adjacent development pattern and would, subject to appropriate details being presented at Reserved Matters stage, provide a visual enhancement to the immediate setting. It is suggested that should this outline application be approved and Reserved Matters be submitted, a number of revisions could be made to improve the site layout. This could include breaking up the northern dwellings to provide more visual gaps, landscaping to provide a softer development edge and reducing the amount of parking to the front of dwellings toward the north of the site which at present would be visually car dominant.

9.9 The applicant has submitted indicative elevational plans showing a cottage style design of a sympathetic scale and proportion to that of the neighbouring properties. On this basis it is considered that it would be possible at reserved matters stage to provide a scheme that would avoid harm to the character of the area and would comply with Policy CDMP3 of the Local Plan. Whilst each application is assessed on its own merits It is worth highlighting that on the previous scheme which was for 11 dwellings (17/00933/OUTMAJ) and included the development within the sloping embankment the Planning Inspector confirmed in her report that she believed the development of the site would not result in undue harm upon the character of the area. This proposal is for 1 less unit and has lesser visual harm to that of the previous scheme. The proposed pair of semi-detached dwellings shown along the site frontage would be fixed due to their requirement for access onto Cart gate as access is a matter being applied for as part of this application.

Impact on upon Residential Amenity

9.10 The illustrative layout plan provided does demonstrate where the properties could be situated within the site. In this instance the only real potential impacts would be on the existing dwelling number 1 and the adjacent dwelling number 2 Springfield Cottage. In assessing the impacts the illustrative plans have been assessed against the spacing and interface guidance set out within SPG4. In this instance the nearest dwelling to the north of number 1 Springfield Cottage would be in excess of 15m which exceeds the interface distance of 13m where a 2 storey side elevation faces a rear elevation of an existing dwelling. Furthermore the dwellings sited towards the northern boundary would be approximately 40m away from number 2 Springfield Cottage and again would have no impacts upon the residential amenity of this property. 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, scale and appearance, including the location of windows etc., are known.

Impact on Highways / 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 (within the TS) 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

and have advised that the highway network surrounding the site is considered to have a good accident record and indicates there are no underlying issue which the proposed development would exacerbate. The Town Council have 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 109 of the NPPF. LCC Highways are satisfied that the development would be acceptable subject to the new footpaths being provided into the site in conjunction with improvements to the existing footpath along the site frontage to 2m 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 required will be dependent on the scale of properties applied for at Reserved matters stage. An appropriate parking solution will also be dependent on the proposed layout and design, including 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 in any submission at Reserved Matters stage.

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 and partially within flood zone 2 towards the north east of the site. The illustrative site layout plan highlights the location of flood zone 2 and how the dwellings themselves are sited outside of this area with only sections of rear gardens located within Flood Zone 2. This could be ensured by a condition. On this basis there is no requirement for the applicant to demonstrate accordance with the sequential or exceptions tests with regard to flood risk. Concerns have been raised by the Town Council about the existing issues surrounding flooding in this area and how the proposed development would lead to an increased impact on the existing systems and existing properties in the area. Policy CDMP2 of the Local Plan relates to flood risk and surface water management and seeks to ensure that development will not be at an unacceptable risk of flooding and new proposals should seek to implement Sustainable Drainage Systems (SUDS) and existing natural watercourses. The comments by the Town council in relation to both foul and surface water have been acknowledged. The application has been submitted with a flood risk and drainage strategy. 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. The Lead Local Flood Authority, United Utilities and the Council's Drainage Engineer have not objected to the proposal subject to conditions to secure an appropriate drainage scheme. On this basis there is no reason to conclude at this stage 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 to be submitted and agreed (based on sustainable drainage principles) before the commencement of development.

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 information was considered previously as part of application 17/00933/OUTMAJ. GMEU have advised that whilst the report submitted is nearly 2 years old the reduced footprint of the development restricts the proposals to negligible to low value habitats and any issues relating to bats, nesting birds, amphibians and landscaping can be mitigated through condition and informatives. The buildings on site were assessed for bat roosting potential and no evidence was found whilst the surveys are generally only valid for 1-2 years GMEU are satisfied that the risk to bats will be low. As the footprint for this development has been reduced GMEU are satisfied that there are low risks to Great Crested newts however an informative is recommended along with one relating to nesting and breeding birds.

Impact upon Trees

9.15 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 would need to be removed. The Council's Tree Officer has raised no objections to this and advised that there are opportunities for new tree planting within the site. This can be secured as part of the landscaping scheme to be secured at Reserved Matters.

Contamination

9.16 NPPF paragraph 170 states that planning decisions should contribute and enhance the natural environment by (f) remediating and mitigating despoiled, degraded, contaminated and unstable land where appropriate. Notwithstanding the Town Council's concerns the Council's Environmental Protection officer raises no objections to the proposed residential use of the site subject to a condition requiring the submission of a Contaminated Land Phase One Desk Study.

Other Matters

Affordable Housing

9.17 In accordance with Policy HP3 of the Local Plan the proposed development is required to provide 1 No. on site dwelling unit which would contribute to meeting the identified need for affordable housing (Equivalent of 10%). As this is a predominantly brownfield site policy HP3 requires 10% provision in Preesall. In this instance the Council's Affordable Housing officer has advised that due to limit Registered Provider financial capacity and the management issues that a Registered Provider would experience with 1 Affordable Dwelling on this site an off-site contribution would be acceptable. This equates to £45,858 and the applicant has agreed to pay this contribution which is to be secured via a Section 106 Legal Agreement.

Green Infrastructure

9.18 Policy HP9 requires Developments resulting in a net gain of 11 dwellings or more to make appropriate provision of sufficient high quality Green Infrastructure

(GI). As this application seeks consent for up to 10 units there is no requirement to provide GI in accordance with Policy HP9.

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 2019 School census and resulting projections and taking into account all the approved applications LCC will be seeking contributions towards 2 Secondary School Places at Cardinal Allen, Fleetwood, which is identified as the school closest to the site with the space to expand. Based on current calculations this contribution equates to £48,370.32. There is no requirement for any contributions towards primary school provision. LCC Education have confirmed that the contribution would comply and be in line with Community Infrastructure Levy regulations (CIL) and confirmed that there are 4 secured S106 pooled against Cardinal Allen. This contribution has been agreed by the applicant which would be secured via a Section 106 legal 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.

Public Right of Way (PROW)

9.22 Beyond 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 principle of residential development on this site which is identified in the Wyre Local Plan as being in the Preesall Hill settlement boundary is supported by

Policy SP1 where development is well-related to the existing built form. It is considered that the re-submitted scheme for up to 10 dwellings would be located in a sustainable location close to existing infrastructure and community facilities. The development would make use of an existing site and subject to appropriate details at reserved matters stage is not considered to be disproportionate or out of keeping with the immediate surroundings. The development would not adversely affect the safe and efficient operation of the highway and would be served by an acceptable access arrangement, provided that off-site highway works are secured by condition. The applicant has demonstrated that the site can sufficiently accommodate up to 10 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 applicant also agrees to the provision of education and affordable housing contributions to mitigate the impacts of the development on such infrastructure. Overall the proposed development is considered compliant with the National Planning Policy and the relevant policies of the Wyre 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 Grant Outline planning permission subject to conditions and subject to a section 106 legal agreement to secure appropriate financial contributions towards Affordable Housing and Education provisions. Authorise the Head of Planning Services to issue planning permission upon 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 12/4/2019 including the following plans/documents:

- Proposed Site Plan Drawing Number LF/AH/3401a Rev A (Illustrative layout is not approved)
- Location Plan 1:1250
- Revised Topographical Plan Ref 051/200/03 Rev B
- Detailed Access Plan ref A103206-P001 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. Prior to the submission of the first reserved matters application(s) relating to layout, or simultaneously with that first reserved matters application, a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance with the hierarchy of drainage options outlined in 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.

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

Each reserved matter relating to layout should demonstrate compliance with the agreed drainage scheme

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

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health, to prevent an undue increase in surface water run-off to reduce the risk of flooding and in the interests of visual and residential amenity in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework. The condition is required to be approved prior to commencement of development to ensure that full details are provided, 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.

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

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

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

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

5. 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 CDMP6 of the Wyre Local Plan (2011-31).

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

(a) dust and dirt mitigation measures during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team

(b) control of noise and vibration emanating from the site during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team

(c) hours and days of demolition / construction work for the development expected to be 8.00-18.00, Monday to Friday, 08.00-13.00 on Saturday with no working on Sunday and Bank / Public Holidays

(d) contractors' compounds and other storage arrangements

(e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the demolition / construction period

(f) arrangements during the demolition / construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)

(g) the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable

(h) external lighting of the site during the demolition / construction period

(i) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

(j) recycling / disposing of waste resulting from demolition / construction work

(k) measures to protect watercourses against spillage incidents and pollution

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

Reason: Such details were not submitted with the application and need to be in place throughout the demolition / construction period in the interests of the amenities of surrounding residents, to maintain the operation and safety of the local highway network, to minimise the risk of pollution and to safeguard the character and

appearance of the area in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

7. Prior to the commencement of development a scheme for the construction of the site access and the off-site works of highway improvement [namely, site access works, 2m wide footpath to the full frontage of the site, relocation of 20/30mph speed order following investigation works undertaken by the developer and closure of the existing western site access], including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The site access and off-site works of highway improvement shall be constructed and completed in accordance with the approved scheme details.

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

8. 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 and insufficient information has been submitted with the application as to the potential contamination risks of the site. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

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

The ground, slab and finished floor levels shall be constructed and completed in accordance with the approved details.

Reason: 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 CDMP2 and CDMP3 of the Wyre Local Plan (2011-31). The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application.

10. An electric vehicle recharging (EVCP) scheme shall be submitted for all dwellings with parking provision unless it is demonstrated that such provision of EVCP is not practical in communal parking areas or due to other identified site constraints. No dwelling shall be occupied until the electric vehicle recharging point

has been provided for the dwelling to which it relates, and such electric vehicle recharging point shall be maintained and retained for that purpose thereafter.

Reason: To ensure the provision of appropriate on-site mitigation to compensate for the impact on air quality caused by the development in the surrounding area in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

11. 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 .

12. As part of the submission of any application for Reserved Matters relating to layout, no part of the dwelling(s) footprint shall be within the site's flood zone 2 and 3 designation as shown on the illustrative layout plan.

Reason: To ensure that the development satisfies the National Planning Policy Framework and Policy CDMP2 of the Wyre Local Plan (2011-31) by directing development away from areas at risk of flooding and in order to satisfy the Sequential Test and Exceptions Test requirement.

13. Before the access is first used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be surfaced in tarmacadam, concrete, block pavements, or other permanent hard surfaced material.

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 and in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

14. The visibility splays (on private drives to Cart Gate) identified as that land in front of a line drawn from a point 2m measured along the centre line of the proposed accesses from the continuation of the nearer edge of the carriageway of Cart Gate to a point measured 43m in each direction along the nearer edge of the carriageway of Cart Gate from the centre line of the proposed access shall be provided prior to first occupation of the development and shall not at any time thereafter be obstructed by any building, wall, fence, hedge, tree, shrub or other device exceeding a height not greater than 1 metre above the crown level of the adjacent highway.

Reason: To ensure the safe, efficient and convenient movement of all highway users, for the free flow of traffic, in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

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.