

Committee Report**Date: 02.10.2019**

Item Number	03
Application Number	18/00680/OULMAJ
Proposal	Variation of condition 03 (affordable housing) on application 16/01043/OULMAJ
Location	Land Off Holts Lane Poulton-Le-Fylde Lancashire
Applicant	Hollins Strategic Land LLP & Tim Claxton Property Ltd
Correspondence Address	C/o Matthew Symons Hollins Strategic Lane Suite 4, 1 King Street Manchester M2 6AW
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Mr Rob McKillop****1.0 INTRODUCTION**

1.1 The application is before the Planning Committee for determination at the request of Councillor Roger Berry. A site visit is recommended to enable Members to understand the site context.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is allocated for residential development in the Council's adopted Local Plan in conjunction with neighbouring sites to the west. It comprises an area of predominantly open green field land with a small element of previously developed land. The site is on the southern edge of Poulton-le-Fylde with open agricultural fields to the south. Poulton Industrial Estate lies beyond the railway line which marks the eastern site boundary.

3.0 THE PROPOSAL

3.1 Outline planning permission for the erection of up to 130 dwellings following demolition of existing buildings with means of access off Holts Lane was approved under reference 16/01043/OULMAJ subject to a section 106 agreement and a number of conditions. This current application seeks to vary condition 3 to allow for a reduced provision of affordable housing. The applicant has made a case that the scheme would be unviable with the standard 30% policy requirement for affordable housing. Details of viability have been submitted to support this assertion for assessment by the Council. All other matters of layout, landscaping, scale and appearance are reserved for later consideration.

4.0 RELEVANT PLANNING HISTORY

4.1 16/01043/OULMAJ: Outline application for the erection of up to 130 dwellings with means of access off Holts Lane (layout, landscaping, scale and appearance reserved), following demolition of existing buildings (re-submission of 16/00233/OULMAJ). Permitted.

4.2 (West of the application site) - A reserved matters application for the erection of 108 dwellings following outline permission is currently under considered on the adjacent site to the west (Ref:18/01125/REM - Land off Brockholes Crescent).

5.0 PLANNING POLICY

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
- SP6 - Viability
- SP7 - Infrastructure Provision and Developer Contributions
- HP2 - Housing Mix
- HP3 - Affordable Housing
- SA1/4 - South East Poulton - Allocated Housing Development

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 OTHER MATERIAL CONSIDERATIONS

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 relevant to the determination of this application:

- Chapter 2 - Achieving sustainable development
- Chapter 4 - Decision-making
- Chapter 5 - Delivering a sufficient supply of homes
- Chapter 6 - Building a strong, competitive economy
- Chapter 8 - Promoting healthy and safe communities
- Chapter 9 - Promoting sustainable transport
- Chapter 12 - Achieving well-designed places
- Chapter 15 - Conserving and enhancing the natural environment

5.3 OTHER GUIDANCE

- National Planning Practice Guidance (NPPG)

6.0 CONSULTATION RESPONSES

6.1 None received / not applicable.

7.0 REPRESENTATIONS

7.1 One letter has been received from Lancashire County Councillor Alf Clempson with the points of objections summarised as follows:

- This situation demonstrates the fact that the land is unsuitable for development;
- The application makes a mockery of the planning system and it should benefit the community, not developers;
- The highway infrastructure cannot cope with development and will lead to danger for road users;
- The application should be withdrawn;
- Housing is required elsewhere.

7.2 13 public representations have been received with the objections summarised as follows:

- The applicant is seeking to make the most profit without concern for the local areas;
- Affordable housing is required and if developers can't provide it they shouldn't be allowed to build;
- The site is boggy land with peat - does this not demonstrate its unsuitability for development;
- The works to improve the land would be significant and could cause damage to existing houses as well as resident's health and amenity;
- The removal of smaller affordable units would result in larger properties that are out of keeping with nearby bungalows;
- The development will no longer meet the needs of the community and poor families who require housing - this reduces the justification for the loss of this important greenfield site;
- The original permission should be reviewed given the unsuitability of the site and the community shouldn't be punished for their lack of diligence;
- The applicant was aware of the facts when they purchased the land;
- A reduced affordable housing provision should be proposed rather than removal completely;

- The figures supplied in support the applicant's viability case seem to be too convenient;
- The site can no longer be considered sustainable, particularly as removal of peat and ground disturbance may result in flooding and other problems;
- The Council should not be in coercion with the developer;
- There would be a harmful impact on wildlife present at the site;
- The scheme will put additional pressure on local services and infrastructure;

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 There have been discussions with the applicant during the application process and also between Keppie Massie who have been instructed by the Council to review the submitted viability appraisal and the applicant.

9.0 ASSESSMENT

9.1 The main issues in this application are as follows:

- Procedural Matters
- Principle of Development
- Affordable Housing
- Other Planning Matters

Procedural Matters

9.2 This application has been submitted under Section 73 of the Town and Country Planning Act 1990 which allows for the variation or removal of conditions attached to previous permissions. In this instance the proposed variation relates to condition 3 attached to outline permission 16/01043/OULMAJ which requires the submission and approval by the local planning authority of a scheme for the provision of affordable housing including the numbers, type, tenure and location on the site of the affordable housing to consist of not less than 30% of housing units/bed spaces, in order to ensure the adequate provision and delivery of affordable housing.

9.3 In determining a section 73 application, the local planning authority must only consider the condition/s that is/are the subject of the application and that it is not a complete reconsideration of the application although it must still be determined according to the current development plan and other material conditions. If the local authority are minded to approve the section 73 application then they can impose new conditions in relation to the subject matter they are considering.

PRINCIPLE OF DEVELOPMENT

9.4 The principle of a residential development of up to 130 dwellings has been established at this site through the granting of outline permission 16/01043/OULMAJ. The application site also forms part of a housing allocation to the south of Poulton, Policy SA1/4 of the Local Plan relates. The proposed development therefore remains acceptable in principle. Policy SA1/4 requires the submission of a masterplan for approval by the Council for the entire allocation before any part of the site should be granted planning permission. This site benefits from an extant outline planning permission which can be implemented and this application seeks a new outline permission with a variation to the affordable housing provision. There is no requirement for a masterplan to be prepared in these circumstances as the

development would have a similar impact to the scheme previously assessed, which could be implemented without preparation of a masterplan.

AFFORDABLE HOUSING

9.5 Policy HP3 of the Local Plan states that 30% affordable housing should be provided on greenfield sites in Poulton, except when it has been demonstrated it is not appropriate, and that the size, type, mix and tenure of affordable dwellings provided shall be negotiated on a case by case basis having regard to the most up-to-date Strategic Housing Market Assessment (SHMA). Based on the maximum number of units that could be delivered by the outline scheme (130 dwellings) this would equate to 39 affordable units. The applicant contends that in order to meet the relevant policy requirements the site would not be able to deliver 130 units and is more likely to deliver in the region of 102 units. Applying the 30% policy requirement to this figure would result in 31 affordable units. The viability appraisal concludes that any more than 4 no. affordable units on the site would make the scheme unviable.

9.6 The applicant has provided an indicative site layout and housing mix which forms the basis of the viability assessment. As indicated above the proposed number of units is 102 and this would comprise 12 no. 1-2 bed units, 66 no. 3 bed units and 24no. 4 bed units. The development values of this indicative scheme have been used in the viability appraisal.

9.7 The viability appraisal sets out that the primary reason for why a greater number of affordable units on site cannot be provided is because of the costs involved in dealing with the impacts of peat identified on the site and other associated abnormal cost items. Keppie Massie are the Council's retained specialist viability advisors and have reviewed the viability appraisal submitted by the applicant. Some of the original cost assumptions were challenged by Keppie Massie and have been subsequently revised. This includes the benchmark land value which should take into account the applicant's total abnormal costs. They concur that a developer profit of 18.37% (which falls within the 15-20% profit range deemed to be accepted) would render the development able to provide 30% affordable housing provision, however allowance also need to be made for the developer contributions required in the section 106 agreement which equate to £56,000 highways contributions and £563,000 education contributions. Inclusive of these contributions Keppie Massie advise that this leaves a provision of 3.9% affordable housing as being viable for this particular scheme, which equates to 4 units rounded.

9.8 Whilst this would not accord with the requirements set out in Policy HP3 of the Local Plan, following assessment of the submitted viability appraisal, it is considered that the scheme would be unviable where there is a greater affordable housing provision. At present, condition 3 states that a scheme for the provision and retention of affordable housing shall be submitted including "the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces". The applicant proposes that condition 3 is varied to read "the type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 4 housing units."

9.9 Both national policy and guidance prescribe that viability should be a material consideration in planning decisions. Policy SP6 of the Wyre Local Plan (2011-31) states the Council's overarching objective is to ensure that development is viable and that where a developer seeks to negotiate a reduction in standards or

infrastructure requirements that would normally apply to a development the Council will consider whether this would be acceptable and require evidence on financial viability. Keppie Massie have considered the viability appraisal and consider that this development with the requisite highway and education contributions and affordable housing provision would not be viable. Clearly as this is a housing allocation site the Council is dependent on this site coming forward to meet its housing requirement. The harm resulting from the reduced affordable housing provision needs to be balanced against the benefits of making this a deliverable scheme. Other benefits are discussed in detail below.

OTHER PLANNING MATTERS

9.10 When the outline permission was granted, because it pre-dated the new Wyre Local Plan, there was no condition imposed on housing mix needing to satisfy policy HP2 and align with the latest evidence of need set out in the Strategic Housing Market Assessment (SHMA). Under the original permission the Council therefore has no control over housing mix at reserved matters stage and so a high proportion of larger properties could come forward. The layout scheme / housing mix to which the viability appraisal is based on is 12% 1 + 2 beds, 65% 3 beds and 23% 4 bed units. Although a lower percentage of 1+2 bed units are proposed compared to the SHMA evidence of need, it is noted that the scheme would provide a greater number of 3 bed units meaning that only a relatively low number of 4+ properties would be provided. This shift towards smaller scale properties suitable for families is considered to be a benefit from the development and this proposal would go some way to helping the Council meet the housing needs within the housing market area.

9.11 Given the viability assessment has been based on the development values generated by this precise housing mix, it would be reasonable to impose a new planning condition which requires this mix to form the parameters of a reserved matters application. This will protect the Council from the risk of a different housing mix coming forward at reserved matters stage which would not provide this benefit and indeed could result in a different viability outcome.

9.12 The outline permission does include a condition requiring the reserved matters layout to make provision for green infrastructure (GI) in line with the new policy requirement (HP9). This effectively requires more land take-up of GI than the old policy in the (now superseded) 1999 Local Plan. That is one reason why the applicant contends that it is not possible for the development to provide more than 102 units on site. There is also the need to consider the provision of sustainable drainage systems which may require an above ground attenuation solution. These elements would reduce the density of development and would allow for it to be easier designed as an organic extension to Poulton providing a transition from urban edge to countryside beyond. The visual benefit likely to occur as a result of only providing 102 units is considered to be a benefit, and again, because the viability assessment has been based on this number of units then it would be reasonable to impose a condition which restricts the reserved matters submission to 102 units.

9.13 Should the applicant wish to submit a reserved matters application for a different number of units or a different housing mix then an updated viability appraisal would be required for further assessment to identify whether or not this affects the scheme viability.

9.14 Developer contributions towards highway improvements and education are secured via an existing s106 Agreement and would not be altered by this application. If Members are minded to approve this application then as the viability appraisal is

based on assumptions around current s106 highway and education contributions in the unlikely event these amounts happened to change it would be reasonable for a new s106 agreement that accompanies this s73 permission to include a clause that means any surplus monies would instead be paid as off-site affordable housing contributions.

9.15 Other than stipulated above, the proposal would not result in any changes to the conclusions contained within the previous assessment in terms of visual and amenity impacts, highway safety, flooding, railway infrastructure, public rights of way, ecology and trees. This application is not re-visiting these elements which have already been assessed and conditioned where necessary. It is considered that subject to conditions the proposal fully complies with the policies contained within the newly adopted Local Plan in relation to all other planning matters.

9.16 Section 73 of the Town and Country Planning Act (Variation of conditions application) allows applications to be made for permission to develop land without complying with conditions previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions. Conditions imposed on the original outline permission should be updated and re-imposed as necessary along with the new condition(s) identified above as being reasonable and necessary.

9.17 In terms of the public objections received, as mentioned earlier in this report, the proposal already benefits from outline permission and the principle of development is therefore already established. As such, in the circumstances of this case, matters relating to the physical impacts, highway impacts and suitability of the site for development cannot be revisited. These matters have been previously considered and conditions would be reattached to ensure the development has an acceptable impact in terms of land contamination, ecology/trees, flooding, highway safety etc. Whilst the Council acknowledges the importance of affordable housing to meet the needs of the community, the applicant has demonstrated that the scheme would be unviable with the 30% affordable housing contribution as previously secured by planning condition. Subject to a suitably designed reserved matters scheme, the proposed development could be accommodated within the site without any detrimental impact in terms of character and amenity.

10.0 CONCLUSION

10.1 The proposed variation to condition 3 to allow for a reduced amount of affordable housing would fail to provide the requisite affordable housing provision but this has to be balanced against the viability evidence submitted demonstrating that a scheme for any more than 4 affordable housing units when taking into account other s106 contributions would make the proposed development scheme unviable. Viability is a material planning consideration and approval of the application would enable the delivery of residential development on a site allocation which the Council is reliant on to meet its Local Plan housing requirement. It would also help the development to be policy compliant in all other aspects. The viability appraisal is considered to represent a robust assessment and, subject to suitably worded conditions and a new section 106 agreement, it is therefore recommended that the application is permitted.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

12.0 RECOMMENDATION

12.1 That members resolve to grant outline planning permission subject to conditions and a deed of variation to the original s106 legal agreement to secure appropriate financial contributions towards local education, sustainable travel and highway improvement works, as well as off-site affordable housing contributions in the event of any change in circumstances meaning monies are not required for the above, and that the Head of Planning Services be authorised to issue the decision upon the satisfactory completion of the deed of variation to the s106.

Recommendation: Permit

Conditions: -

1. a) In the case of any reserved matter, namely appearance, landscaping, layout and scale of the buildings, an application for approval must be made not later than the expiration of three years beginning 12.04.2017;

(b) the development to which the permission relates must 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 matter to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plan: - 1409/01B Proposed site access arrangements.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to commencement of development hereby approved, a scheme for the provision and retention of affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided and thereafter retained in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

a) the location on the site of the affordable housing provision to be made which shall consist of not less than 4 housing units;

b) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

c) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing];

d) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;

e) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure the adequate provision and delivery of affordable housing in accordance with the National Planning Policy Framework (March 2012)

4. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) February 2016, Ref: HYD055_HOLTS.LANE_FRA&SDA by Betts Hydro Consulting Engineers and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the development to greenfield runoff rate so that it will not increase the risk of flooding off-site.
2. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
3. Finished floor levels are set no lower than 150mm following any re-grade above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to first occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

Reason: In accordance with Local Plan Policy CDMP2 and the National Planning Policy Framework (March 2012) and to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided; to ensure safe access and egress from and to the site, and to reduce the risk of flooding to the proposed development and future occupants.

5. 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.

6. 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.

7. 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.

8. Prior to the commencement of development hereby approved, including any vegetation clearance or ground works, and notwithstanding any information submitted with the application, a Comprehensive Great Crested Newt Reasonable Avoidance Measures Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall give full details of how any possible harm to great crested newts is to be avoided during the course of the development. The development shall be carried out in accordance with the approved Method Statement.

Reason: In order to ensure that legally protected species are not unacceptably affected in accordance with the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 (as amended).

9. Prior to the commencement of development hereby approved, including any vegetation clearance or ground works, a Barn Owl Mitigation Method Statement, in line with section 5.5 of the submitted Ecological Survey And Assessment reference (ERAP Ltd ref: 2015_069 and amended April 2016) shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall give full details of the type, location, management and maintenance of the barn owl tower. The development shall be carried out in accordance with the approved Method Statement.

Reason: In order to ensure that legally protected species are not unacceptably affected in accordance with the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 (as amended).

10. Prior to the commencement of development hereby approved, including any vegetation clearance or ground works, a Landscape and Ecology Management Plan (LECoMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall identify the opportunities for biodiversity enhancement on site including (but not limited to):

- a) Species rich hedgerow planting
- b) Bolstering of hedgerows
- c) Creation of ponds
- d) Bat bricks and/or tubes within the new development
- e) Bat boxes
- f) Bird boxes
- g) Native tree and shrub planting

The approved scheme shall be implemented in accordance with the approved scheme details.

Reason: To secure opportunities for the enhancement of the nature conservation value of the site in accordance with the National Planning Policy Framework (March 2012)

11. Prior to commencement of development hereby approved, a scheme which provides for the assessment, retention and protection of trees, shrubs and hedges within (or overhanging) the site, which may be affected by the construction process (apart from those whose removal is approved through the reserved matters application(s)), shall be submitted to and approved in writing by the Local Planning Authority in the form of a Tree Protection Plan and Arboricultural Impact Assessment. The agreed tree protection measures shall remain until all development is completed and no work, including any form of drainage or storage of materials, earth or topsoil shall take place within the perimeter of such protective fencing.

Reason: To safeguard the amenity, appearance and character of the area in accordance with saved Local Plan Policy CDMP4 of the Wyre Local Plan (2011-31).

12. Prior to the commencement of the development hereby approved, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority to include details of the measures proposed during construction to manage and mitigate the main environmental effects. The following matters shall be addressed:

- a) the times of construction activities on site
- b) the parking of vehicles of site operatives and visitors
- c) loading and unloading of plant and materials

- d) storage of plant and materials used in constructing the development
- e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- f) wheel washing facilities
- g) measures to control the emission of dust and dirt during construction
- h) a scheme for recycling/disposing of waste resulting from demolition and construction works
- i) measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity
- j) measures to prevent the pollution of watercourses
- k) measures to avoid light pollution
- l) routes to be used by vehicles carrying plant and materials to and from the site and measures to be taken to ensure that drivers use these routes as far as is practicable
- m) management of silt and run-off during the build out of the development

The development hereby approved shall be carried out in accordance with the approved CEMP.

Reason: To safeguard the amenity of the area in accordance with Policies CDMP3, CDMP4 and CDMP6 of the Wyre Local Plan (2011-31).

13. 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).

14. (a) The residential development hereby permitted shall be designed so that cumulative noise (from industrial, commercial and transportation sources) does not exceed:

- 50dB LAeq 16 hours (07.00 to 23.00) in gardens and outside living areas, daytime

- 35dB LAeq 16 hours (07.00 to 23.00) - indoors, daytime
- 30dB LAeq 8 hours (23.00-07.00) - indoors, night-time
- 45dB LAFmax (23.00-07.00) - indoors, night-time
- 60 dB LAFmax 8 hours-(23.00-07.00) façade level night time
- 60 dB LAFmax 4 hours-(19.00-23.00) façade level night time

(b) Any mechanical ventilation system shall meet or exceed the specifications set out in clause 6, schedule 1 of the Noise Insulation Regulations 1975 with regard to acoustic performance and airflow rates.

(c) Where noise mitigation measures are required to ensure compliance with the agreed noise levels e.g. acoustic glazing, noise barrier fencing and ventilation, such mitigation details shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development demonstrating how they would mitigate noise to the approved levels together with a timetable for implementation. The approved noise mitigation measures shall be implemented in accordance with the approved timescale and shall thereafter be maintained and retained.

Reason: Such details were not submitted with the application and will not be apparent until layout is being considered at Reserved Matters stage. They are necessary to minimise the risk of noise pollution that may cause nuisance and harm the amenity and/or health of future occupiers of the proposed dwellings, in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

15. Prior to the commencement of the development hereby approve, an assessment and a scheme for the mitigation of intrusive lighting effects from the railway shall be submitted to and approved in writing by the Local Planning Authority. The assessment and the mitigation measures shall demonstrate that the lighting will be in accordance with the institution of Lighting Professionals.' "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" and shall be oriented and screened to mitigate light spillage from the railway onto the development.

The light intrusion into the windows of any residential premises shall not exceed 10 Lux before 23.00, and 2 lux after 23.00 (Environmental Zone E3).

The mitigation measures shall be installed prior to the first occupation of any of the dwellings or the completion of the development whichever is the earliest and shall be maintained thereafter.

Reason: In order to protect the amenity of neighbouring residential properties in accordance with the provisions of Policy CDMP3 of the Wyre Local Plan (2011-31).

16. As part of any reserved matters application where layout is applied for, public open space shall be provided on site in accordance with the requirements of saved Policy HP9 of the Wyre Local Plan (2011-31). Prior to the first occupation of any dwelling on the site, any such area or areas of open space shall be provided and made available for use, and shall thereafter be retained and maintained for use by the public in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that public open space areas are adequately provided and effectively managed and maintained in accordance with the provisions of Policy HP9 of the Wyre Local Plan (2011-31) and the NPPF.

17. No development shall take place until a programme of archaeological work and investigation (which shall include the timetable for the investigation) has been submitted to and approved in writing by the Local Planning Authority.

The approved programme of archaeological work and investigation shall be carried out as approved.

Reason: Such a programme of archaeological work and investigation is necessary prior to the commencement of development to ensure that any archaeological remains at the site are recorded and to ensure that there is an understanding of the significance of the heritage asset before it is lost, in accordance with policy CDMP5 of the Wyre Local Plan (2011-31) and Section 16 of the NPPF. The condition is required to be approved prior to commencement of development to ensure full details are provided, that have not been forthcoming with the application, providing a true and accurate record which would not be possible after development.

18. The land indicated on drawing SAF(001) submitted with the planning application shall be safeguarded for use in connection with the construction of a railway footbridge and ramped access required by Network Rail in connection with the electrification of the Blackpool-Preston-Manchester line, unless written confirmation is provided by Network Rail to the Local Planning Authority that this safeguarded land is no longer required for such purpose. Prior to construction work on the railway footbridge and ramped access, the land shall be used in connection with no other development hereby approved other than in accordance with landscaping details to be approved at the reserved matters stage.

Reason: In the interests of maintaining and improving accessibility to encourage travel by sustainable modes in accordance with the objectives of the NPPF and to safeguard the planned infrastructure improvements of the railway line in accordance with saved Policy CDMP6 of the Wyre Local Plan (2011-31).

19. No part of the development hereby approved shall commence until a timescale for the construction of the site accesses and the agreed scheme of off-site works of highway improvement has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The highway improvements shall thereafter be constructed in accordance with the agreed timescale. The agreed scheme of highway improvements/works are as shown on drawings 1409/01/ B, 1409/05/B, 1409/07, 1409/08/A and 1409/09/A and include:

- Resurfacing of footway on both sides of Site Access 1 including dropped kerbs and tactile paving.
- Resurfacing of footway on both sides of Site Access 2 including dropped kerbs and tactile paving.
- Resurfacing of footway the south side of Holts Lane between Site Access 1 and Brockholes Crescent.
- Repatch and repair existing footway on east side of Holts Lane between Brockholes Crescent and proposed pedestrian refuge on Garstang Road East.
- Introduce tactile paving at the junction of Holts Lane with Brockholes Crescent.
- Introduce tactile paving at the junction of Edenfield Avenue with Holts Lane.
- Introduce dropped kerbs and tactile paving at the junction of Broadfield Avenue with Holts Lane.

- Revise layout of Main Drive/Brockholes Crescent junction to reduce bell mouth and introduce dropped kerbs and tactile paving to provide a safer environment for pedestrians.
- Introduce tactile paving and junction treatment at the junction of Holts Lane with Garstang Road East.
- Introduce tactile paving and junction treatment at the junction of Argyle Road with Garstang Road East.
- Introduce pedestrian/cycle refuge on Garstang Road East in the vicinity of the junction with Holts Lane. Pedestrian/cycle refuge to be sited on the desire line of residents of the proposed development undertaking trips to Tesco, Hodgson Academy and Poulton town centre.
- Widen footway on the north side of Garstang Road East between Lower Green to a point beyond Argyle Road. With surface treatment at the Tesco access and egress.
- Introduce tactile paving and junction treatment at the junction of Carr Head Lane with Garstang Road East.
- Revise existing pelican crossing facilities at Garstang Road East/Lower Green junction to 'Toucan' type.
- Revise existing pelican crossing facilities at Garstang Road East/Garstang Road West/Hardhorn Road junction to 'Puffin' type.
- Introduce 3.0m wide shared footway/cycleway along the north side of Garstang Road East between Lower Green and Argyle Road (distance of circa 200m), with pedestrian/cycle refuge on Garstang Road East in the vicinity of the junction with Holts Lane.
- Introduce 'Toucan' format crossing facilities at Lower Green/Garstang Road East junction.
- Upgrade 2no bus stops (with shelters) on Garstang Road East. These are located at
 - (iii) Westbound services: 90m east of Holts Lane;
 - (iv) Eastbound services: 120m west of Holts Lane.
- Introduce a new stop on Carr Head Lane. Details to be agreed.
- Garstang Road East / Holts Lane junction - introduce right turn lane waiting areas on Garstang Road East to cater for movements into Holts Lane and Argyle Road (Drg No 1409/09/A).
- Garstang Road East / Carr Head Lane junction - increase width of right turn lane on Garstang Road East to assist right turn movements out of Carr Head Lane (Drg No 1409/07).
- Hardhorn Road / Highcross Road / Beech Drive junction - introduce 'KEEP CLEAR' markings on Hardhorn Road at the Beech Drive and Highcross Road junctions with supporting surface treatment (Drg No 1409/08/A).

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

20. The approved Travel Plan (Ashley Helme, November 2016, Report Reference 1409/3/C) must be implemented in full in accordance with the timetable contained within it unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used/for a minimum period of at least 5 years.

Reason: To ensure that the development provides sustainable transport options.

21. Any reserved matters application where layout is applied for shall include details of a footpath link or links to be provided from the application site to the land to the west. The footpath link(s) shall be constructed in accordance with the approved details prior to first occupation of the dwellings hereby approved. The approved footpath link(s) shall only be provided in the event that development on the land to the west is permitted.

Reason: To ensure a proper planned approach is adhered to maximising site access/connectivity in accordance with Policies CDMP6 and SA1/4 of the Wyre Local Plan (2011-31).

22. 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).

23. The development hereby permitted is for 102 units only which shall comprise of the following housing mix schedule:

- 4 x 1 bed units
- 8 x 2 bed units
- 66 x 3 bed units
- 24 x 4 bed units

Reason: This number of units and housing mix is what has been used to justify a reduced level of affordable housing provision in the financial viability evidence and a deviation from this scheme would need to be re-considered for its impact on viability. The benefits in providing this housing mix to meet identified local needs in accordance with Policy HP2 of the Wyre Local Plan (2011-31) and the provisions of section 5 of the NPPF has also been given weight in the determination of this application.

Notes: -

1. NETWORK RAIL: - The developer will provide, at their own expense, a minimum 1.8m high trespass proof fence to prevent any unauthorized access to the existing operational railway, as a result of the change of use of the land, including increased numbers of people (and minors) utilizing the public open space. Any unauthorized access to the operational railway is a criminal offence. The trespass proof fence will need to be erected wholly within the applicant's land ownership footprint including any foundations. Network Rail's existing boundary treatments must not be impacted, altered or removed by the proposed works on site.

- Given the site bounds an existing watercourse to the south, Network Rail would want all surface water to be directed either into this or to the United Utilities surface water sewer network. No drainage outfalls from this development are to be directed onto the railway.

- Network Rail will require details of what mitigation measures are in place to ensure that surface water from the attenuation basin drains away for the railway. Network Rail will not accept liability for water from the proposal area draining towards the railway.

2. LANCASHIRE COUNTY COUNCIL - LEAD LOCAL FLOOD AUTHORITY: Sustainable Drainage Systems: Advice & Further Information Further information and advice on SuDS can be found in:

- CIRIA C687 - Planning for SuDS - Making it Happen
- CIRIA C753 - The SuDS manual
- CIRIA C635 - Designing for exceedance in urban drainage: good practice
- CIRIA C698 - Site handbook for the construction of SUDS
- HR Wallingford SR 666 - Use of SuDS in high density developments
- National Planning Policy Framework and Planning Practice Guidance

Water Quality: Water Framework Directive: Under the Water Framework Directive (WFD), all water bodies should reach 'good ecological status' by 2015. No activities or works, including the proposed development, should deteriorate the status of any nearby watercourse as the main objectives for the WFD is to prevent deterioration in 'status' for all waterbodies.

3. ENVIRONMENT AGENCY: The Oldfield Carr Lane watercourse adjacent to the site is designated a Main River and the developer may need an Environmental Permit. They should check at <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> and contact Flood Risk Officer on 020 302 51397 to discuss our requirements if a permit or advice is required. In particular, no trees or shrubs may be planted, nor fences, buildings, pipelines or any other structure erected within 8 metres of the top of any bank/retaining wall of the watercourse without the prior written consent of the Environment Agency.