

**Committee Report****Date: 06.11.2019**

<b>Item Number</b>	<b>01</b>
<b>Application Number</b>	<b>18/00414/FULMAJ</b>
<b>Proposal</b>	<b>Residential development comprising of the erection of 46 dwellings with associated access and parking</b>
<b>Location</b>	<b>Land Off Rosemount Avenue Preesall FY6 0EY</b>
<b>Applicant</b>	<b>Gleeson Homes</b>
<b>Correspondence Address</b>	<b>c/o Mr Matt Smith Gleeson Homes 5 Europa Court Sheffield Business Park Sheffield S9 1XE</b>
<b>Recommendation</b>	<b>Permit</b>

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

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

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The site which forms the subject of this planning application relates to a 1.188 hectare (2.93 acres) parcel of undeveloped greenfield land located to the north of Rosemount Avenue and east of Meadow Avenue in Preesall. The site is flat and rectangular in character with a coppice of mature trees located to the north eastern corner. The eastern boundary is defined solely by a field drain separating the site from the adjacent fields which also remain free from development. Access is currently achieved via a gated entrance on the western boundary at the head of the cul-de-sac on Meadow Avenue. The site sits on a slightly lower level to that of Meadow Avenue with the culverted entrance sloping down approximately 0.5m to that of the highway. There is also an overgrown field dyke which runs along the western boundary.

2.2 The surrounding area is predominantly residential in character. To the north and backing on to the site are four large detached dwellings and a pair of semi-detached dwellings which are located on Pilling Lane, to the south are a mixture of modern two storey residential properties on Rosemount Avenue and Meadow Close which adjoins on to Pinewood Avenue which comprises predominantly of semi-detached bungalows. Meadow Avenue to the west is also made up of residential bungalows.

2.3 The application site is located within the Settlement Boundary of Preesall as identified in the Wyre Local Plan (2011-2031). There is a Public Right of Way (PROW FP58) which adjoins Meadow Avenue to the west and runs north connecting to Pilling Lane. The site is also identified within the Agricultural Land Classification (ALC) as a mixture of grade 3 (good to moderate quality) and grade 2 (very good quality) agricultural land.

### **3.0 THE PROPOSAL**

3.1 The application seeks full planning permission for the erection of 46 detached and semi-detached residential dwellings with associated access from Rosemount Avenue and pedestrian access onto Meadow Avenue. The proposed dwellings comprise of 26 x 3 bed 4 x 4 bed and 16 x 2 bed units and will all be two storey in height and benefit from 2 off street parking spaces some of which also have detached and integral garages. The materials proposed for the dwellings comprise of contrasting bricks, Forterra Honeygold and Lindum Cottage Red Multi as the main body brick with Rufford Buff Multi being provided as a contrasting brick by reason of decorative corner quoin detailing and brick heads and sills and corbelling at eaves level. Grey concrete tiles are proposed for the pitched roofs.

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

- Arboricultural Impact Assessment
- Planning Statement
- Design and Access Statement
- Extended Phase 1 Habitat Survey
- Flood Risk and Drainage Strategy
- Flood Risk Sequential and Exceptions Test (updated)
- Transport and Highways Statement
- Proposed Site Layout
- Proposed Street Scene
- Boundary Treatment Plan
- Topographical Survey
- Detailed Elevation and Floor Plans
- Viability Assessment
- Stage 2 Ground Investigation Report

### **4.0 RELEVANT PLANNING HISTORY**

4.1 The application site has the following planning history:

4.2 16/00010/OUTMAJ - Outline application for the erection of 44 dwellings with detailed approval for access only (all other matters reserved) - Approved subject to conditions and Section 106 Legal Agreement - 13.07.2017

4.3 87/00199 - Outline application for residential development - Refused due to conflict with planning policy at the time and the proposal being premature due to emerging planning policy. - 02/04/1987

4.4 86/00286 - Outline application for residential development - Refused due to conflict with planning policy at the time and the proposal being premature due to emerging planning policy. - 07/05/1986

4.5 Whilst not directly related to this application site it is considered that other relevant planning history referenced in this report is brought to the attention of Members. This includes the following:

4.6 19/00156/FULMAJ - Land South Of Rosslyn Avenue Preesall - Erection of 39 affordable residential dwellings with associated infrastructure including new pedestrian and vehicular access off Rosslyn Avenue (resubmission of 18/00734/FULMAJ) - Permitted subject to conditions and Section 106 agreement (Planning Committee 5/6/2019) Decision issued on 1/08/2019.

4.7 09/00937/FULMAJ - Land south of Rosemount Avenue - Erection of 27 Affordable dwellings - Permitted 18/01/2010

## **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:

- Policy SP1 Development Strategy
- Policy SP2 Sustainable Development
- Policy SP6 Viability
- Policy SP7 Infrastructure Provision and Developer Contributions
- Policy SP8 Health and Wellbeing
- Policy CDMP1 Environmental Protection
- Policy CDMP2 Flood Risk and Surface Water Management
- Policy CDMP3 Design
- Policy CDMP4 Environmental Assets
- Policy CDMP6 Accessibility and Transport
- Policy HP1 Housing Land Supply
- Policy HP2 Housing Mix
- Policy HP3 Affordable Housing
- Policy HP9 Green Infrastructure
- Policy EP8 Rural Economy

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

## 5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

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

## 5.4 THE RURAL HOUSING NEEDS ASSESSMENT 2010

## 5.5 THE RURAL AFFORDABLE HOUSING NEEDS SURVEY PUBLISHED 2016

# 6.0 CONSULTATION RESPONSES

## 6.1 PREESALL TOWN COUNCIL

6.1.1 Objects - The primary reasons for objection relates to the following matters:

- Flooding - Site is situated in an area where flooding is experienced during heavy rain fall
- Sewage disposal - sewers in the area are at capacity
- Access - Impacts on existing properties due to vehicular journeys
- No provision for affordable housing
- Neighbouring impacts - Overbearing impacts and overshadowing

## 6.2 ENVIRONMENT AGENCY

6.2.1 No objection - Advised that the EA are satisfied that the development will be safe in the design flood with an allowance for climate change and that the development will not be at unacceptable risk of flooding or exacerbate flood risk

elsewhere. The proposed development must proceed in strict accordance with the submitted FRA.

### 6.3 UNITED UTILITIES

6.3.1 Requests conditions requiring foul and surface water to be drained on separate systems. Following a review of the submitted FRA UU confirm that the proposals are acceptable in principle.

### 6.4 GREATER MANCHESTER ECOLOGICAL UNIT (GMEU)

6.4.1 No objections subject to conditions relating to biodiversity enhancements, lighting design strategy for the purpose of foraging bats and the protection of breeding birds.

### 6.5 NATURAL ENGLAND

6.5.1 No objections

### 6.6 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.6.1 No objections subject to the delivery of highway and sustainable travel improvements secured through conditions and Section 106 legal agreement. LCC Highways are of the opinion that the proposed 46 dwellings will not have a severe impact on highway capacity, safety or congestion in the immediate vicinity of the site. A junction table should be provided to assist in reducing the speed limit within the site. £150,000 contribution has been requested to contribute towards sustainable transport (2C bus service). A number of planning conditions have been requested.

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

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

### 6.8 LANCASHIRE COUNTY COUNCIL (EDUCATION AUTHORITY)

6.8.1 A contribution towards education provision is required towards secondary education (3 school places) at St Aidans C of E High School. This is currently calculated at £72,555.48. There is no requirement for any primary education contributions. This response is based on a reassessment at the time of compiling the committee report (09/10/2019). A further re assessment will be undertaken and provided by way of update prior to committee.

### 6.9 LANCASHIRE COUNTY COUNCIL (PUBLIC RIGHTS OF WAY)

6.9.1 No observations received at the time of compiling this report

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

6.10.1 No objections subject to the standard contaminated land desk study condition being attached. Whilst a Phase 2 Ground investigation has been undertaken no desk study has been provided. Additional information in relation to ground gas has also been requested.

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

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

## 6.12 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.12.1 No objections in principle. Surface water should discharge to existing watercourse network. Watercourses adjacent to the east and west of the site to be reinstated by the Developer. Downstream lengths shall be maintained by riparian owners.

## 6.13 WBC PARKS AND OPEN SPACES MANAGER (OPENSOURCE/GREEN INFRASTRUCTURE)

6.13.1 No objections subject to a financial contribution towards off site Green Infrastructure of £62,890. The site is within close proximity of Preesall Playing Fields which is being developed as a park and has in recent years had a range of sports and play equipment installed. There is a masterplan for Preesall Playing fields and the off-site contribution would go towards further delivery of the scheme to create a park there including a perimeter pathway, outdoor exercise equipment and skate half pipe.

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

6.14.1 No objections subject to conditions relating to tree protection measures and tree protection plan. A detailed landscape plan should be provided

## 7.0 REPRESENTATIONS

7.1 At the time of compiling this report there have been 23 letters of objection received including photographic images. The primary planning related concerns raised are:

- Increase in traffic along Rosemount Avenue
- Pedestrian safety concerns
- Flooding during heavy rainfall
- Site is within Flood Zone 3
- Existing infrastructure is at capacity
- Poor highways conditions
- Lack of Employment
- Impact upon Trees
- Queries relating to the ownership of the existing ditch along the western boundary (inaccurate plan)
- Ecological impacts
- Impacts upon climate change
- Access for emergency transport
- Noise pollution
- Surface water run off
- Access of Meadow Avenue would be preferable
- Unlikely that the ditches will be managed and maintained
- Sequentially preferable sites available

- Sewers at capacity

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

8.1 Ongoing dialogue has been maintained with the applicant throughout the application in relation to matters including flood risk and flood risk sequential test, viability, landownership and clarification over the site's red edge along with discussions and negotiations over planning obligations. An extension of time has also been agreed until the 6th November 2019. All pre commencement conditions have also been discussed and agreed with the applicant.

## **9.0 ISSUES**

9.1 The main considerations in the assessment of this application are as follows:

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

### Principle of Development and Policy Compliance

9.2 The application site comprises of a 1.188 hectare (2.93 acres) of undeveloped agricultural land within a predominantly built up area of Preesall. The site is located within the settlement boundary for Preesall and Knott End and currently benefits from an extant outline planning consent for the erection of up to 44 dwellings. Policy SP1 (Development Strategy) of the Wyre Local Plan seeks to deliver new development in line with the settlement hierarchy, with Knott End/Preesall listed as a Rural Service Centre within the hierarchy where 18.5% of housing growth is expected during the plan period 2011 to 2031. The proposed development of 46 new dwellings would be compliant and in accordance with the development strategy set out within Policy SP1.

9.3 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 respect the application site is predominantly located adjacent to existing residential properties with Meadow Avenue to the west, Pilling Lane to the north and Rosemount/Pinewood Avenue to the south. The site lies in close proximity to an array of community services and facilities along with employment opportunities and public transport links.

9.4 Approximately 0.5 miles east of the site along Pilling Lane is Carters Charity Primary School which can be accessed directly via pedestrian footpaths and 0.4 miles south of the site is Preesall Recreational Ground which comprises of football fields and pavilion, playground, Indoor sports hall and Community Youth Centre. Immediately to the south adjacent to Sandy Lane is Bethel United Reformed Church and further east along Sandy Lane (0.6 miles from the application site) is a village convenience store and hot food takeaway. The relatively new Co-op retail store adjacent to the Fire station is located 0.5 miles from the site and 300m from the site

towards the south west is the Over Wyre Medical Centre south of which is St Oswald's Church. All of these facilities can be safely accessed by pedestrians either by utilising the footpaths and/or the cycle network. In terms of proximity to public transport there are a number of bus stops close to the site, the nearest being located 60m to the north on Pilling Lane which can be accessed via a public right of way at the north western corner of the site.

9.5 Geographically and locationally the application site is considered to be in a sustainable location and well related to the village services and facilities and the surrounding built residential environment. It is considered that provision of 46 new dwellings as proposed in this application would socially and economically support/sustain the retention and development of existing services within Preesall and assist in the growth of the rural economy which is fully supported within the NPPF. The proposal would comply and satisfy Policy SP2 of the Wyre Local Plan.

9.6 In principle the proposed development is considered to be acceptable. As set out later on in the report Officers have negotiated with the developer a number of financial planning obligations/contributions to mitigate against the impact of the development including contributions towards Green Infrastructure, Sustainable Transport provisions and also Affordable Housing. The location of the site within the settlement boundary and the benefits of the development weigh significantly in favour of the proposal. However this has to be balanced against the impacts of the development including matters such as Flood risk and drainage, ecological impacts, design and visual impacts along with other planning matters. These issues are all assessed and set out accordingly within the assessment of this report.

#### Visual Impact, Design, Scale and Layout

9.7 Policy CDMP3 of the Wyre Local Plan places emphasis on high quality design and requires all new development to be designed to respect or enhance the character of the area and provide a positive contribution to an attractive and coherent townscape both within the development itself and by reference to its integration with the wider built environment. At National level the National Planning Policy Framework (NPPF) also puts a strong emphasis on design. Paragraph 124 states 'the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking account of any local design standards or style guides in plans or SPDs.

9.8 At present the application site is characterised as a flat rectangular parcel of greenfield land which does provide a visual break from development. There are existing detached two storey residential dwellings located to the north along Pilling Lane, these properties benefit from large rear gardens and are set in from the application boundary by approximately 20m. Towards the south are the recently constructed two storey red brick dwellings which make up Rosemount Avenue and Meadow Close, these properties were approved under application 09/00937/FULMAJ and comprise of 27 affordable dwellings. The proposed access forms a continuation from the existing turning head of Rosemount Avenue where at present there is a 2m high close boarded timber panel fence in situ. Set in approximately 18m from the western boundary of the site are a number of semi-detached bungalows which are located on and make up the street scene along Meadow Avenue. These bungalows vary in design and scale with some properties benefiting from living accommodation



in the roof space. Construction materials vary within the surrounding built environment including render and red brick finishes under concrete tiled roofs. Beyond the east of the site are two parcels of land which are currently overgrown and made up of sporadically located mature trees and overgrown vegetation.

9.9 During the application process a number of amendments have been requested to improve the site layout and deliver improved pedestrian connections. Other amendments requested to the site layout included alterations to parking to ensure each dwelling has a minimum of 2 parking spaces at least one of which is to the side or behind the building line where possible. Officers requested that the proposed garages were amended internally to comply with the Councils internal standards of 6m x 3m however the applicant advised that this was not possible and that the sole use of the garages was not just for motor vehicles. As the internal garage standards fail to meet internal standard they cannot be treated as a car parking space, however 2 off road parking spaces are still provided to comply with Appendix B of the Local Plan. Plots 4-5, 6-7 and 8-9 have been amended and re orientated to front on to the new main spine road and improve the visual appearance and spacing between properties on the main road into the site. Following the final revised site layout (Revision R) it is considered that the interface and spacing standards are acceptable and would comply with the guidance set out within Supplementary Planning Guidance 4. The site layout provides a spacious development with good visual breaks between dwellings and is generally open in character. As a result of the spacing the development will allow views through from public vantage points and from within the site. In terms of spacing and layout the development is considered acceptable and would comply with Policy CDMP3 of the Local Plan and SPG4.

9.10 Like the majority of largescale developments in both rural and urban areas, developers predominantly use standard house types/models along with a customary pallet of materials. In this instance Gleeson's model is considered to be a low cost market dwelling and as such this is reflected in the visual appearance of the properties. The dwellings are not considered to have significantly high architectural integrity or detail however they are not seen to result in any visual harm to the character of the area. As set out in the submitted Design and Access Statement the dwellings within the locality vary significantly in scale, appearance and use of materials so in this instance it is considered that on balance given the high level of spacing between units and having taken into consideration the built form to the north, south and west the proposed appearance of the dwellings is considered to be acceptable in this location. The materials proposed comprise of a main body facing brick (Honey Gold and Cottage Red Multi) which is used to contrast each other by reason of decorative corner and window detailing under a flat profile slate grey concrete roof tile. Other examples of the Gleeson's house types which have been built out in various locations within the country using the same materials proposed in this application are seen to be acceptable. The materials are to be conditioned accordingly in accordance with the specifications submitted as part of the application.

9.11 To reduce the risk of flooding to the proposed development, the Environment Agency has requested that the finished floor levels are no lower than 5.75m above the external ground level. This will require the raising of levels within the site. However, as the application site is already in parts set lower than the existing highway of Meadow Avenue to the west the increase in level is not seen to be so significant that it would lead to an adverse visual impact within the street scene or lead to disproportionate ridge heights of the proposed dwellings compared to surrounding properties.

## Impact on Residential Amenity

9.12 Policy CDMP3 of the Wyre Local Plan states that proposals for new development must not have an unacceptable adverse impact on the amenity of occupants and users of surrounding or nearby properties and must provide a good standard of amenity for the occupants and users of the development itself. Supplementary Planning Guidance 4 also provides guidance in relation to separation distances between existing and new properties.

9.13 As set out above in paragraph 9.1.6 the layout of the scheme is well spaced out and as such the interface distances are on the whole complied with (both within the site and in relation to neighbouring properties). As such Officers are satisfied that the proposed development would not have a significantly detrimental impact on residential amenity with regards to loss of light, overlooking or overbearing impacts. Plots 1 - 13 have rear gardens approximately 11m in depth resulting in an acceptable relationship with the properties which back/side on to the site from Meadow Avenue. Amendments were received to improve the spacing and relationship between plots 43- 46 and that of numbers 1-5 Meadow Close. Following the submission of the revised plans there is now approximately 25m from rear to rear of the properties which exceeds the 21m set out in SPG4. As a whole the proposal is not seen to adversely impact on neighbouring amenity and would comply with the provisions of Policy CDMP3.

## Impact on the Transport Network / Highway Safety / Parking

9.14 The application has been accompanied by a Transport Statement (TS) which has been assessed by Lancashire County Council Highways. Rosemount Avenue is an adopted highway with a speed restriction of 20mph along its full length with a 2m wide pedestrian footpath on both sides and benefits from street lighting for its full length. Lancashire County Council's five year data base for personal injury accidents indicates that there has not been any reported incidents along Rosemount Avenue or at the junction with Rosemount and Pilling Lane. Lancashire County Highways have advised that they are of the opinion that the proposed 46 dwellings will not have a severe impact on highway capacity, safety or congestion in the immediate vicinity of the site. It is acknowledged that the Local Plan highways evidence suggested an Over Wyre housing cap of 250 units. At the time this was considered there was a committed development for 44 units on this site and so this scheme would only result in a net increase of 2 units over that previously assessed. Consequently it is considered no unacceptable impact would occur on the highway network.

9.15 The proposed access to the site is to be a continuation of Rosemount Avenue into the site extending the highway by approximately 200m. LCC Highways have advised that as good visibility would be available, vehicle speeds are likely to be higher than the good design practice of keeping vehicle speeds below 20mph which would have a detrimental impact on highway and pedestrian safety. A Junction table at the first junction would be appropriate and would assist in deflecting speed. The applicant has noted these observations and amended the submitted site plan accordingly to show the junction table. This can be conditioned accordingly as part of the highway works.

9.16 To improve sustainable links a footpath has been shown to connect to the existing Public Right of Way (FP 58) between plots 11 and 12 towards the north western corner of the site. Whilst no observations have been received from the Public Rights of Way Officer, the Highways Officer has advised that this pedestrian

link would be suitable for adoption under section 38 of the Highways Act. Where this proposed footpath meets the head of the cul-de-sac on Meadow Avenue there is a slim strip of land which does not appear to fall within the applicant's ownership and is not adopted by LCC Highways. The Land Registry search also fails to determine an owner for this small section of land. As this strip is outside of the applicant's ownership it is not included within the application site boundary. As such whilst the applicant can provide a new pedestrian access / footpath right up to the site boundary, there is a low risk that access across this strip may be prevented in future. That said, this strip has not resulted in the current site access from Meadow Avenue being unable to be used as a vehicle access for the landowner, and so it is envisaged that that it would not prevent future residents being able to cross and connect to the wider pedestrian highway network.

9.17 LCC Highways have requested a number of amendments to ensure the development provides sufficient off street parking. Whilst the internal garage dimensions fall short of the required standards each plot provides 2 off street parking spaces behind or to the side of the building line which would comply with SPG4.

9.18 To make the development acceptable LCC Highways consider it necessary and appropriate for contributions to be sought from the developer for sustainable transport improvements, to reduce car dependency and to ensure sustainable travel remains an option for the occupiers of the site. Monies would be used for the continuation/ reinstatement of bus services and or enhancing existing services providing peak hour improvements and/or provide evening and weekend services wherever possible, specifically an evening and Sunday/ Bank Holiday 2c bus service which runs from Knott End - Poulton - Blackpool. Whilst these monies requested are not sufficient to provide a comprehensive public transport improvement, LCC note that other large developments in the Over Wyre area have been met with similar requests and Section 106 agreements have been entered into.

9.19 LCC have set out and requested that to enhance the existing services along the current bus route and providing extending evening service Monday to Saturday (currently the 2C service) and introducing an hourly Sunday Service the cost would be £30,000 annum for a minimum of 5 years (overall total of £150,000). The applicant has agreed to pay this contribution which is to be secured via an agreed Section 106 Legal agreement.

#### Flood Risk and Drainage

9.20 The application site is located within Flood Zone 3 which is defined as having a high probability of flooding in the NPPG. Following the submission of the revised site specific FRA the Environment Agency, Wyre Council's Drainage Engineer and United Utilities have no objection to the development subject to conditions. No response has been received from the Lead Local Flood Authority. Significant levels of concern have been raised by members of the public and the Town Council as to the potential flood risks associated with the proposed development and written objections along with photographic images have been provided showing the existing field ditch along the western boundary overflowing into the field during heavy periods of rain fall. All of the concerns received have been acknowledged and discussed with the Council's Drainage Engineer and have been given significant weight in assessing the potential of flood risk. Within the ownership of the applicant (discussed later in this report in paragraph 9.1.36) against the eastern, southern and western boundaries are visible field drains which are clearly overgrown and appear to have been left unmaintained for a considerable amount of time. These drains connect via a piped culvert under Rosemount Avenue and run

due east behind the properties located on the northern side of Pinewood Avenue and discharge further east into the Wheel Foot Watercourse. In this instance the submitted FRA sets out that surface water will be drained and connected to this existing ditch system/watercourse network with a controlled discharge rate to be agreed. Policy CDMP2 sets out that Major category development will be expected to include proposals for and implement Sustainable Drainage Systems (SUDS) utilising lower lying land within the site and existing natural water features and outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy.

9.21 In this instance and as set out in the FRA the applicant has advised that percolation tests confirmed that the site would be unsuitable for the use of soakaways, however permeable paving will be used where appropriate throughout the development. This has been agreed by the Drainage Engineer and connecting to the existing watercourse is considered to be the most sustainable method of site drainage for surface water. The proposal would also comply with Policy CDMP2 of the Local Plan.

9.22 In addressing the concerns of residents it is agreed that the existing water course is in a poor condition, especially at the point of the culvert which flows beneath Rosemount Avenue where during heavy rainfall it appears to block up. The Council's Drainage Engineer has advised that after notice were served on riparian owners outside of the site the majority of the watercourse leading to Wheelfoot has been cleared and the wider system has been significantly improved. It is only the ditches within the application site that remain blocked up and unmaintained. As the applicant has demonstrated that the ditches falls within the ownership of the developer then a planning condition requiring this water course to be managed and maintained can be reasonably attached as it is necessary to ensure the most sustainable method of discharging surface water from the development site. The submitted FRA sets out that foul drainage will be connected to the combined sewer which crosses the application site. Officers are satisfied that drainage of the site can be adequately covered by condition with final technical details being required to be submitted.

9.23 Given the position of the site within Flood Zone 3, a flood risk sequential test is required for the proposed new dwellings. The NPPF (Para 157-159) states that a sequential test must be applied with the aim of steering development to areas with the lowest risk of flooding, and where necessary, the Exceptions Test should be applied. Paragraph 162 states that where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. As this site is not allocated in the Local Plan, a sequential test is required. Policy CDMP2 of the Local Plan is in accordance with this stating 'where development is proposed in areas at risk of flooding, unless specifically proposed in this Local Plan, it must be demonstrated the at the Sequential Test has been applied and there are no reasonable available alternative sites at lower risk, considering the nature of the flooding and vulnerability of the development.

9.24 A sequential test has been submitted by the applicant covering the whole borough in terms of area for comparator sites. The Council's guidance on such sequential tests advises that 'for residential schemes, this may be based on site area or capacity. For lower density developments, for instance large detached houses, the site capacity should normally be used. For residential development, in some cases, the Council may wish to apply both site capacity and site size parameters'. In this instance the comparator threshold area is 1.12ha - 1.37 ha and all sites with a

capacity of 39-49 dwellings are to be considered. In assessing reasonably available sites the applicant has used the following sources as set out within the ST Guidance note:

- Wyre Local Plan 2011-31
- Strategic Housing Land Availability Assessment (SHLAA)
- Housing Land Monitoring Report
- Internet based searches and contact with Local Estate Agents

9.25 A number of queries have been raised in relation to some of the listed discounted sites and further clarification has been provided by reason of a Revised Sequential test to evidence a number of sites as not being reasonably available alternatives. However a number of potentially alternative sites have been discounted because they do not fall in a lower flood risk area, or because they are not considered "reasonably available" using the criteria outlined in the Council's guidance. The applicant has also provided sufficient evidence (following further requests) from local agents that there is no other comparable sites available. This is considered to be a robust assessment which demonstrates there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding and therefore in this instance the application is considered to pass the Sequential Test.

9.26 In accordance with the NPPF where the sequential test has been passed the exception test applies to sites classified as more vulnerable development. For the exception test to be passed it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh flood risk and the development must be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere. The exception test submitted outlines the wider sustainability benefits available to the local community which outweigh the flood risk. This includes Gleasons model which provides 2 bed entry-level family homes and low cost homeownership. The exception test also sets out the economic benefits that the additional 46 units would deliver by enhancing and maintaining the current local businesses close to the site along with the social benefits associated with the new housing. Having considered and agreed with the majority of the points put across by the applicant it is considered that these benefits are considered to outweigh any flood risk harm subject to a satisfactory site-specific Flood Risk Assessment (FRA) being provided. It is the role of the Environment Agency to consider whether or not the proposals satisfy the requirements of part of the Exception Test. They have advised (as set out above) that based on the revised FRA the applicant has demonstrated that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce the flood risk overall. As such the second part of the ET Is considered to be passed.

#### Ecology, Nature Conservation and Trees

9.27 The application has been accompanied by an Ecological Appraisal. This appraisal has been assessed by Greater Manchester Ecological Unit (GMEU) who has advised that the report does not make reference to the previous ecology survey under taken on the site for application 16/00010/OUTMAJ. GMEU have considered the finding of both reports and have concluded that the application site is of largely low ecological value, with the majority of the site supporting agriculturally improved grassland. GMEU have advised that the habitats present on site do have potential to support breeding birds and as such have recommended that a condition to prevent

any removal of trees, shrubs or vegetation between the main bird breeding season of the 1st March and 31st July is attached.

9.28 The previous survey considered the site to have potential bat habitat features to be used for foraging bats. Suggestions for appropriate lighting for the site were put forward. The survey submitted as part of this application considers the site to have poor foraging and commuting opportunities for bats. Given the conflicting views GMEU have advised that a precautionary approach is required and recommended that any lighting scheme be designed to prevent disturbance to bats, to be secured by reason of condition. Natural England have advised that the proposal is unlikely to have significant impacts on the natural environment including statutory protected sites or landscapes. Based on the submitted Ecological assessment and the professional comments received by GMEU and Natural England the proposal would comply with Policy CDMP4.

9.29 The Council's Tree Officer has advised that there are no objections to the proposal however a tree protection condition is required to be attached as the submitted tree constraints and tree protection plan is annotated as preliminary. A detailed landscaping plan has been submitted which is considered to be acceptable. The proposal will introduce new tree planting and grassed areas to the front of properties and retain all existing on site/off site trees.

#### Contamination

9.30 The application has been accompanied by a Stage 2 Ground Investigation report however no desk study has been submitted to assess the site potential for contamination. The Councils Environmental Health Team (Pollution Control) have advised that there are no objections to the proposal however a condition is recommended requiring a desk study is to be provided to allow a full assessment for the risk of potential on site contamination.

#### Planning Obligations and Viability

9.31 The original supporting Planning statement submitted with the application sets out that due to the combined abnormal costs associated with developing the site and the planning obligations requested towards education provisions, sustainable transport, affordable housing and green infrastructure it would result in an unviable development. The application was subsequently accompanied by a Viability Assessment and an Economic Benefits Report which was assessed by the Councils independent financial viability advisors Keppie Massie. Keppie Massie advised that they generally agree that based on the amount of contributions being sought and the land value demonstrated that it would be unlikely for the development to be financially viable.

9.32 It is acknowledged that viability is a material planning consideration in the overall planning balance and Policy SP6 of the Local Plan allows for the consideration of viability issues to ensure an appropriate balance between securing deliverable development and meeting various policy requirements. However in this instance as the proposed scheme was not providing any contributions to mitigate against the impacts arising from the proposed 46 dwellings the applicant was advised that the resultant harm caused would outweigh the identified benefits and as such it was likely that the application would be refused on this basis. This approach was consistent with the reason for refusal on application 19/00156/FULMAJ at Rosslyn Avenue for the proposal of 39 Affordable dwellings where Members refused consent on similar grounds.

9.33 Following negotiations with Officers the applicant has reconsidered the planning obligations being sought and has advised that they agree to providing the contributions towards education provision, sustainable transport, Green Infrastructure (off site contribution) and some affordable housing. Affordable Housing is discussed/assessed in more detail below along with the assessment of the other matters requiring financial contributions.

#### Other matters

#### Housing Mix

9.34 Policy HP2 of the Local Plan requires new housing developments to widen the choice of housing types available in Wyre by providing a mix of house types and sizes in line with the latest evidence of need as set out in the Strategic Housing Market Assessment (SHMA) which in this case is the May 2018 Addendum 3 Supplementary Note setting out a need for 38% 1 and 2 beds, 43% 3 beds and 18% 4+ bed units. Out of the 46 units proposed, 16 (35%) are 2 beds, 26 (57%) are 3 beds and 4 (9%) 4+ beds. Whilst this proposed mix is not fully in accordance with the SHMA it is skewed towards smaller units which is supported by the housing need evidence. Also within Policy HP2 it sets out that to help meet the needs of an aging population and people with restricted mobility at least 20% of dwellings should be of a design suitable or adaptable for older people and people with restricted mobility. In this instance the development of 46 dwellings should provide 9 suitable or adaptable units. In this instance it has not been demonstrated how the dwellings would be adaptable and as such it is considered that a condition is necessary to require this information be submitted and subsequently provided.

#### Education Contributions

9.35 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 3 Secondary School Places at St Aidans C of E High school, Preesall, which is identified as the school closest to the site with the space to expand. Based on current calculations this contribution equates to £72,555.48. There is no requirement for any contributions towards primary school provision. This contribution has been agreed by the applicant and would be secured via a Section 106 legal agreement.

#### Green Infrastructure (GI)

9.36 Policy HP9 of the Local Plan requires development which results in a net gain of 11 units to make appropriate provision of green infrastructure on site. Where appropriate the Council will accept a financial contribution towards improving the quality and accessibility of nearby existing green infrastructure. In this instance the submitted plan does not provide any on site provisions for Green Infrastructure / open space. The Council's Parks and Open Spaces Officer has advised that as the site is in close proximity to Preesall Playing fields which has defined projects identified in a Master Plan then it would be preferable in this case for an off-site financial contribution to be provided to the sum of £62,890 (based on 16 x 2 beds, 26 x 3 and 4 x 4 beds) which would go towards Preesall Playing field Masterplan and improvements to the existing facilities. The applicant has agreed to provide this contribution which would be secured via a section 106 agreement.

## Affordable Housing and Affordable Housing Need

9.37 Within the planning statement submitted by the applicant, there is detail given regarding the 'Gleeson Development Model' which highlights that although this development is not technically 'affordable housing', it is low cost housing and is aimed at people who would otherwise be unable to afford to buy a home. Since the application was submitted the NPPF was revised in February 2019. In the Annex 2: Glossary Affordable Housing is defined within 4 separate categories. The fourth option (d) sets out that 'Other affordable routes to home ownership' shall be considered. It defines this category as:

'Housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below market value) and rent to buy. Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government of the relevant authority.'

9.38 Officers have considered the information and details submitted by Gleesons. It is not considered that the model and information submitted demonstrates that the proposal would fully comply with the definition in the NPPF. However the Council recognises that the applicant has since agreed to pay all of the other financial contributions and has advised that they can viably secure 4 on site affordable units. This is 10 on site units less than what Policy HP3 would require for this development (14 in total), plots 17, 18, 39 and 40 have been identified as the affordable units. The applicant has since provided further evidence and justification to set out that the 'Gleeson model' would satisfy the Affordable Housing definition criteria D as set out in the NPPF. As set out in paragraph 9.1.26 the applicant has also submitted a financial viability appraisal as part of the application in order to demonstrate to the Council that they are unable to provide traditional affordable housing as part of the scheme due to viability of the site.

9.39 Turning to affordable housing need as part of this application it is considered appropriate to demonstrate the current affordable housing need position for Preesall/Knott End. As part of the neighbour representations it is repeated that there is no need for affordable housing in the locality and given the recently approved 100% affordable scheme for 39 dwellings off Rosslyn Avenue it is necessary to provide an up-to-date position.

9.40 Within the Rural Housing Needs Assessment (2010) it states that there was an annual affordable requirement for 6 dwellings. The Rural Affordable Housing Needs Survey published in 2016 stated that there was an annual affordable requirement of 10 dwellings. In total this would amount to a requirement of 66 affordable dwellings between 2010 and 2019. Since 2010 there have been 27 Affordable dwellings built in the Knott End/Preesall area on Pinewood Avenue (09/00937/FULMAJ) and currently the 39 affordable dwellings with planning permission on the land south of Rosslyn Avenue. In total this amounts to 66 affordable dwellings, which coincidentally is the same figure as the calculated need. In this instance the proposal is offering 4 on site units. Another 4 units on this application site would help to meet projected need in 2019/20. This situation in addition to the benefits and viability evidence means that undersupply of Affordable Housing is not in itself considered to be a reason to refuse the application. On balance the benefits that will be provided have been given appropriate weight in the



overall planning balance. To this extent the proposal will be providing 4 onsite identified affordable units which are to be secured and delivered by reason of Section 106 agreement. The model demonstrated will provide a good quality low cost family housing to Preesall and Knott End. On this basis Officers are satisfied that the provisions of Policy HP3 of the Local plan has been satisfied through the provision of the low cost housing on this site with the inclusion of a Section 106 agreement.

#### Landownership and Boundary Dispute Issues

9.41 During the process of assessing the application it has been brought to Officers attention by residents from Meadow Avenue that the red edge along the western boundary may be incorrectly plotted. As submitted the red edge includes the existing watercourse/ditch which backs on to properties of Meadow Avenue. Officers have seen the deeds of one of the residents which does show the red edge of that property including a section of the ditch. Whilst boundary and landownership issues is not a matter for the planning process and is a civil/legal matter, to ensure the correct landownership certificate had been submitted with the application this issue was put to the applicant who has since provided an up-to-date Land Registry title plan which does coincide with the submitted site location plan and shows the ditch contained within the application site.

### **10.0 CONCLUSION**

10.1 In assessing this application, the policies of the Wyre Local Plan and other relevant local and national policy considerations have been taken into account. Officers consider that the proposal does represent sustainable development (environmental, economic and social aspects) which satisfy the provisions of Policies SP1 and SP2 of the Local Plan. It is considered that the applicant has adequately addressed the concerns relating to flood risk including demonstrating that there is a sustainable technical solution to the discharging of surface water and has demonstrated through the flood risk sequential test that there are no comparable sites reasonably available which are in a lower risk of flooding within the borough. The site layout is considered acceptable and will not result in any adverse or detrimental impacts upon neighbouring amenity due to a good level of separation and interface distance. Members are advised that given the site's location within the settlement boundary and the benefits arising from the scheme including the delivery of low cost market housing, contributions towards education and sustainable transport along with a contribution towards improvements to Preesall playing fields. Despite the shortfall in Affordable Housing which is justified on viability reasons, the application can be supported subject to conditions and the signing of an agreed Section 106 legal agreement.

### **11.0 HUMAN RIGHTS ACT IMPLICATIONS**

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

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

### **12.0 RECOMMENDATION**

12.1 Grant full planning permission subject to conditions and subject to a section 106 legal agreement to secure an appropriate financial contribution towards secondary education, green infrastructure, sustainable transport and 4 affordable

housing units. Authorise the Head of Planning Services to issue planning permission upon satisfactory completion of the S106 agreement.

**Recommendation: Permit**

**Conditions: -**

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 7/06/2018 including the following plans/documents:

- Site layout plan: 2883-1-001 Revision R
- Site layout plan with OS plan: 2883-1-001 Revision R
- Site layout plan with Topo: 2883-1-001 Revision R
- Site location plan: 2883-1-000 C

House type drawings:

- 201 type - 201/1G
- 202 type - 202/1F
- 313 type - 313/1
- 301 type - 301/1H
- 303 type - 303/1E
- 304 type - 304/1E
- 307 type - 307/1B
- 309 type - 309/1E
- 311 type - 311/1B
- 401 type - 401/1G

Other Drawings:

- SD100E - 1800mm Timber Fence.
- SD103B - 600mm Post and Wire fence.
- SD700B - Single Garage.
- SD701C - Double Garage.

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

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

3. Prior to the commencement of development 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.

4. Prior to the commencement of development 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 outlined in Policy CDMP2 of the Wyre Local Plan 2011-31.

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 (unless otherwise agreed in writing with the Local Planning Authority);

- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

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

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

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

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 an estate street phasing and completion plan shall be submitted to and approved in writing by the Local Planning Authority. The estate street phasing and completion plan shall set out the development phases and the standards to which estate streets serving each phase of the development will be completed. No dwelling within each phase shall be occupied until the estate street(s) affording access to these dwellings has been completed in accordance with the approved phasing plan.

Reason: - To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway, in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

8. The development hereby approved shall not be first occupied or brought into use until the parking / turning area(s) shown on the approved plan 2883-1-001 Rev

R) has been laid out, surfaced and drained. The parking / turning area(s) shall not thereafter be used for any purpose other than for the parking and manoeuvring of vehicles.

Reason: To ensure that adequate off road parking is provided to serve the development in the interests of highway safety and in accordance with the provisions of Policy CDMP6 of the Wyre Local Plan (2011-31).

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

Reason: To ensure that all highways will be delivered to adoptable standards, to ensure that highways safety is not compromised and to ensure that all highways footways and cycleways will be maintained by either LCC as Local Highway Authority or by a site management company in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

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

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

11. The Soft landscaping works shall be carried out in accordance with the approved details [Drawing Number 3542/1 RevB) prior to first occupation or first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 5 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

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

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

12. Prior to occupation of any of the dwellings hereby approved full details of hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include, areas of hard surfaced areas and materials (i.e. driveways, paths, structures, furniture, play equipment, benches lighting and the footpath link to Meadow Avenue).

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

Reason: The details are required to be approved prior to commencement of development to ensure landscaping is implemented at an appropriate time during the development and for the purpose of safety and effective use of public areas.

13. The ground, slab and finished floor levels shall be constructed and completed in accordance with the approved details (as shown on plan drawing number proposed site layout 2883-1-001 Rev R)

Reason: To ensure that the development has a satisfactory visual impact on the streetscene, a satisfactory impact on neighbouring residential amenity in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31).

14. Prior to the commencement of development, including any demolition or tree works, an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan for the retained tree(s) shall be submitted to and approved in writing by the Local Planning Authority. This shall indicate the methods and positioning of tree protection measures such as ground protection (where necessary), Heras protective fencing and details of any specialist demolition or construction methods if appropriate.

The tree protection shall be carried out in accordance with the approved details prior to any development commencing and shall remain in place during construction

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

Reason: In order to protect trees from damage or loss in the interests of the amenity of the area in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981. The details are required to be approved prior to commencement of development to ensure timely tree protection measures are in place.

15. 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 .

16. 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).

17. Prior to the first occupation of the dwelling(s) hereby permitted a plan indicating the positions, design, materials and type of boundary treatment to be erected, shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed before the use hereby permitted is first commenced, or before the dwelling(s) is first occupied. The approved details shall thereafter be maintained and retained.

Reason: The details are required prior to the commencement of the development because they were not submitted with the application

18. The development shall be carried out strictly using those materials specified on the supporting E-mail from the applicant dated 16th April 2019 unless other minor variations are submitted to and approved in writing by the Local Planning Authority after the date of this permission and before implementation.

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

19. Prior to the commencement of above ground development a scheme to demonstrate how at least 20% of the dwellings shall be of a design suitable or adaptable for older people and people with restricted mobility shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, retained and maintained thereafter in accordance with the approved details.

Reason: To meet the needs of the ageing population and people with restricted mobility in the borough in accordance with Policy HP2 of the Wyre Local Plan (2011-31) and the provisions of section 5 of the NPPF.

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



(a) no fences, gates, walls or other means of enclosure shall be erected along the front or side boundaries of the curtilage of any dwellinghouse forward of the main front elevation or side elevation of that dwellinghouse; and

(b) no areas of soft landscaping to the front of properties shall be removed to make provision for additional car-parking, without planning permission.

Reason: To safeguard the appearance of open plan development and in accordance with Policy CDMP3 of the Adopted Wyre Borough Local Plan.

21. Prior to first occupation of any of the dwellings hereby approved full details of the refuse storage (including location, design and materials of construction) shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage area(s) shall be provided in accordance with the approved details prior to first occupation or first use of the development and shall thereafter be maintained and retained.

Reason: In the interests of the appearance of the site and locality and the residential amenity of occupants and neighbours, in accordance with Policies CDMP1 and CDMP3 of the Wyre Local Plan (2011-31). The details are required prior to the commencement of the development because they were not submitted with the application.

22. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) [Ref NO/2018/110742/04-L01) and the mitigation measures detailed within Section 7 of the FRA shall be fully implemented prior to first occupation of the development or subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be approved in writing by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CDMP2 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework.

23. Prior to first occupation of the dwellings hereby approved, a "lighting design strategy for biodiversity" for areas within the development to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the approved specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

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

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

- Native tree and shrub planting
- Hedgerow planting
- Bolstering of existing hedgerows
- Bat bricks and/or tubes within the new development
- Bird Boxes
- Bat Boxes
- Creation of ponds

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

Reason: Such a scheme was not submitted with the application but is necessary to secure opportunities for the enhancement of the nature conservation value of the site in the interests of ecology and biodiversity in accordance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the National Planning Policy Framework.

25. Prior to the commencement of development, a scheme for the provision of home-owner information packs highlighting the sensitivity of Morecambe Bay (a European protected nature conservation site) to recreational disturbance shall be submitted to and agreed in writing by the Local Planning Authority. The scheme details shall include the content of the home-owner information packs which must explain the conservation value of Morecambe Bay, the potential impacts that can arise from residential development and explain the responsible behaviours that would be required from residents to avoid undue ecological impact, as well as a methodology for the distribution of the home-owner packs to future home owners including upon resale of the dwellings as far as is reasonably practicable. The approved information packs shall subsequently be made available to future home owners in line with the approved methodology.

Reason: In order to safeguard biodiversity from the recreational disturbance effects of residential development in close proximity to Morecambe Bay, in accordance with the provisions of Policy CDMP4 of the Wyre Local Plan 2011-31.

26. Prior to first occupation of any dwelling hereby approved the new pedestrian footpath link (shown on Site Layout plan Rev R) connecting to Meadow Avenue to the western boundary shall be fully constructed and available for use.

Reason: To ensure satisfactory pedestrian access is provided and available for the occupants of the dwellings

**Notes: -**

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