

Committee Report**Date: 04.12.2019**

Item Number	01
Application Number	19/00764/FULMAJ
Proposal	Demolition of existing Public House and redevelopment of the site to provide 15 no. new affordable dwellings, consisting of 3 no. 2 bedroom houses, 3no. 1 bedroom apartments and 9 no. 2 bedroom apartments with associated parking and amenity space.
Location	Sandpiper Hotel Cleveleys Avenue Thornton Cleveleys Lancashire FY5 2NH
Applicant	Jigsaw Homes Group Ltd
Correspondence Address	c/o Miss Anna Eager Studio 2 The Lyceum Bath Street Port Sunlight CH62 4UJ United Kingdom
Recommendation	Permit

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

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

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is the Sandpiper public house which is located on the corner of Cleveleys Avenue and Oxenholme Road. The site consists of the pub building which is a mix of two-storey and single storey and a large hardstanding area wrapping around it to the north and east which forms the car park. There is currently access to the site from both Cleveleys Avenue and Oxenholme Road. The building is constructed of red brick and render elevations and the roof is pitched with tiles. The pub has been closed and vacant for some time.

2.2 The site is surrounded by residential properties with these neighbouring properties being dormer bungalows to the east and south and true bungalows to the north on the east side of Cleveleys Avenue. On the western side of Cleveleys Avenue facing the application site there are two-storey dwellings and a block of flats which is two and a half storeys with accommodation in the roof space. The materials of these neighbouring properties ranges from different types of facing brick to render.

3.0 THE PROPOSAL

3.1 This application seeks full planning permission for the erection of 15 residential units as affordable housing comprising three two-storey two bedroom dwellings and an apartment block consisting of three one bed and nine two bed flats.

3.2 The dwellings form a row of three attached properties fronting Cleveleys Avenue and each unit has a footprint of 8.1m by 4.9m. They have gable ended pitched roofs with an eaves height of 5.1m and a ridge height of 8.4m. Each property has a small landscaped front garden and a rear garden providing dedicated amenity space. Car parking for the dwellings is provided by the parking area to the rear. The external materials are to be facing brick and concrete tile.

3.3 The apartment block consists of four main blocks three storeys high which are connected by the recessed hallways and projecting entrance to the front. The building would front Cleveleys Avenue and has an overall footprint of 21.8m by 20.5m (at the maximum extremities). The main body of the block is 9.9m high to the parapet wall with the entrance element being 10.1m high. The roof is shallow pitched which is encased by a parapet wall. The external materials are to be a mixture of render and facing brick with the entrance feature to be finished in a cladding system.

3.4 Parking for the apartments is to the rear with 19 spaces provided in total. This area also includes a cycle store and a bin store. The access to the parking area is off Oxenholme Road to the south of the application site. The southern and western parts of the site adjacent Cleveleys Avenue and Oxenholme Road are to be landscaped.

4.0 RELEVANT PLANNING HISTORY

4.1 None

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN (WLP31)

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
- SP7 - Infrastructure Provision and Developer Contributions
- HP2 - Housing Mix
- HP3 - Affordable Housing
- HP9 - Green Infrastructure in New Residential Developments
- EP11 - Protection of Community Facilities
- CDMP1 - Environmental Protection
- CDMP2 - Flood risk and surface water management

- CDMP3 - Design
- CDMP4 - Environmental Assets
- CDMP6 - Accessibility and Transport

5.1.3 The WLP31 identifies a Local Plan housing requirement of 9,200 dwellings or 460 dwellings per annum. 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 NPPF enables authorities to subsequently establish the five year housing land supply position in an Annual Position Statement (APS). The Council has submitted an APS to the Planning Inspectorate (PINS) for consideration in accordance with procedures and advice in the Planning Practice Guidance (PPG). The APS demonstrates a five year supply of 5.69 years based on the 31st March 2019 housing land monitoring figures. A decision by PINS on the APS although required by the 31 October has not been sent to the Council. The Council maintains that the evidence submitted to PINS robustly demonstrates more than a five years housing land supply.

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2019

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

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

- Section 4 - Decision making
- Section 5 - Delivering a sufficient supply of homes
- Section 8 - Promoting healthy and safe communities
- Section 11 - Making effective use of land
- Section 12 - Achieving well designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change

OTHER MATERIAL CONSIDERATIONS

5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE

5.3.1 SPG4 - Spacing Guidance for New Housing Layouts

5.4 OTHER GUIDANCE

5.4.1 Flood Risk Sequential Test Guidance: Advice Note for Applicants

6.0 CONSULTATION RESPONSES

6.1 LANCASHIRE COUNTY COUNCIL (EDUCATION)

6.1.1 An education contribution is not required at this stage in regards to this development.

6.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.2.1 No objections subject to highway improvement works which include the following:

- Install dropped kerbs and tactile pavings at the junction of the site access and Oxenholme Avenue and at all four crossing points of Oxenholme Avenue/Cleveleys Avenue.
- Improve the two bus stops near the site on Cleveleys Avenue. The bus stop improvements should be to quality and disability compliant standard with raised boarding platforms and kerbs, renewed bus stop bays and associated carriageway and worded markings, clearways and all necessary signage.
- Removal of the existing taxi rank.

6.2.2 The above improvements and the reinstatement of the footway and kerbs of the existing vehicle access on Cleveleys Avenue constitute works on the public highway and would be undertaken through a s278 agreement. The full cost associated with the improvements and the reinstatements are to be borne by the applicant.

6.2.3 The propose development is likely to have an impact on the local highway network during construction phase and there is need for measures to reduce potential impacts on residential amenity during this period. Therefore, the applicant would be required to submit a Construction and Traffic Management Plan (CTMP).

6.3 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY)

6.3.1 No comments received

6.4 LANCASHIRE FIRE AND RESCUE

6.4.1 Standard advice regarding building control matters

6.5 ENVIRONMENT AGENCY

6.5.1 Standing advice applies.

6.6 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.6.1 No objections in principle. Additional information on drainage scheme required. First step of SuDS hierarchy is for water reuse. The applicant has not considered this in their drainage strategy. The applicant must include water reuse (e.g. by rainwater harvesting) to reduce surface water discharge from site.

6.7 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (LICENSING)

6.7.1 No objections to removal of taxi rank.

6.8 WYRE BC PARKS AND OPEN SPACES MANAGER

6.8.1. Contribution required towards local Green Infrastructure projects namely Jubilee Gardens. Total contribution required calculated at £13,410. This should be secured via a S106 agreement.

6.9 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (CONTAMINATION)

6.9.1 Based on the information now provided, should permission be granted it is recommend that the Post Phase I condition is applied as well as the Watching Brief condition.

7.0 REPRESENTATIONS

7.1 19 representations have been received raising the following matters/issues:

- Three-storey block of flats is too large
- Not in keeping with the surrounding area
- Overbearing on neighbours
- Loss of privacy
- Loss of light
- Impact to highway safety especially during school time
- Access should be off Cleveleys Avenue not Oxenholme Road
- Bin store should be re-located further into the site
- Impact to Wildlife
- Damage to neighbouring properties
- Increase in noise pollution
- Unacceptable to remove trees from the site
- Insufficient parking provision
- Design does not comply with CDMP3 of the local plan
- The development is of a commercial appearance
- Will increase flood risk
- Increase strain to existing drainage system
- The loss of the pub would result in a loss of public amenity
- Lack of services in the area
- Impact on property prices
- Anti-social behaviour from tenants
- Alternative scheme should be considered

7.2 A letter has been received from Paul Maynard MP welcoming proposals to develop the site but sharing the concerns of local residents about the scale of the development not being in keeping. Also raises concerns about the increased traffic volumes.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 The Agent has been contacted over various issues regarding the proposal including Developer Contributions; Alterations to appearance of apartment block; Highway works; and Tenure of Affordable units.

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of development
- Visual Impact / Design
- Impact on residential amenity
- Impact on highway safety / parking
- Flood risk and Drainage
- Trees and Ecology
- Contamination
- Developer Contributions

Principle of development

9.2 The application site is the now vacant Sandpiper Hotel public house which is located within the settlement boundary of Thornton-Cleveleys. The principle of development in settlements is generally acceptable subject to compliance with other core policies of the adopted plan. The site is considered to be in a sustainable location close to public transport, schools, services and public amenity areas and is compatible with adjacent land uses.

9.3 One of the main issues on the matter of principle is the resulting loss of the pub which is considered a community facility. Whilst the Class A4 use on the site would be lost, in this case it is considered that the site is no longer viable for such a use when taking into account the period of time that has passed since it ceased trading and that its listing as an asset of community value expired in 2017, with no further applications nor interest formally expressed since. Concerns have been raised over the loss of the building however when taking into account that the proposal is for 100% affordable housing the benefits of that provision out-weight the loss of the pub. As such it is considered that the proposal complies with Policy EP11 of the WLP31.

9.4 In terms of the proposed nature of housing the proposal is for 100% affordable housing consisting of 12 two bed properties and 3 one bed properties and this housing mix has been accepted by the Council's Affordable Housing Officer and would be secured via a Section 106 agreement. The tenure is to be 100% affordable rent which is considered acceptable. Taking into account the above it is considered that the proposal complies with Policies SP1, SP2, HP2 and HP3 of the WLP31.

Visual Impact / Design / Impact on the street scene

9.5 The proposed two-storey dwellings are considered to be appropriately designed and would be generally in-keeping with the character of the area. They would not appear out of scale and the external materials would complement the neighbouring properties adjacent the site.

9.6 The apartment block is a larger building, being three-storey, and the representations received have raised concern over its scale and resulting appearance. It is acknowledged that the apartment block would be considerably taller than many of the bungalows that are nearby and adjacent the site, however when assessing the impact of the development the overall street scene character must be taken into account. Opposite the site on the western side of Cleveleys Avenue is a block of flats, known as Oakleaf Court, which is two and a half storey's high with apartments in the roof space. The foot print and scale of this existing building is comparable with the proposal and does itself have an imposing presence on the street scene along Cleveleys Avenue. This building also has bungalows adjacent as well as two-storey dwellings. It is considered that the proposal would result in

comparable relationships with surrounding properties and therefore not appear incongruous nor out of scale within the street scene.

9.7 The application site is a corner plot which is highly visible on approach from both Oxenholme Road and Cleveleys Avenue. Whilst the building would have a greater bulk and mass compared to neighbouring properties and would be more imposing compared to the existing building on the site, with this being a corner plot and a larger site in comparison, there is scope to accommodate a focal building like the development proposed, which would add interest and variety in the street scene. It is not considered that the building would represent over-development of the plot. Space remains within the site for parking, communal areas, bin / cycle store area and footpaths. Both the Oxenholme Road and Cleveleys Avenue elevations respect the existing building line.

9.8 The revised plans show the apartment block would consist of a good range of external materials, namely a mix of red brick and white render to the first two storeys and light grey facing brick to the third storey, with a band of dark grey composite cladding above this and decorative brick band below. The submitted revisions also show a change of material / colour and additional glazing on the entrance feature which improve the appearance further. Although the apartment block would, for all intents and purposes, have a flat roof which would not be in keeping with the pitched roof characteristics of the surrounding area, the appearance of the block is nevertheless considered acceptable. Overall it is considered that the apartment block will not form a negative feature within the street scene and will act as strong focal point for the locale notwithstanding the flat roof appearance. The proposal is further enhanced by the inclusion of soft landscaping along the frontages of both Oxenholme Road and Cleveleys Avenue which will improve the appearance of the site further as it currently consists of minimal landscaping presenting a harder, stark appearance. In addition the proposed boundary treatments are considered appropriate and will be in keeping with the surrounding area. Taking the above into account it is considered that the proposal complies with policy CDMP3 of the WLP31.

Impact on residential Amenity

9.9 The proposed site plan submitted shows appropriate spacing between existing neighbouring properties and the development. The properties to the east fronting Hexham Avenue and backing onto the application site have their rear boundaries at least 20m away from the nearest part of the development and the rear elevations are at least 26m away. Similarly for the properties on the opposite side of Cleveleys Avenue, to the west, the separation distance is at least 27m from the proposal to the front elevations. For the properties to the south which front Oxenholme Road the separation distance is 23m. These separation distances are all to the nearest part of the development, which is the three-storey block of flats, and these distances are considered acceptable as they comply with SPG4 which sets out the Council's guidance for spacing distances for new housing developments. Taking these acceptable spacing distances into account it is considered that there will be no detrimental impact to the amenity of the neighbouring properties in terms of overbearing, loss of light or loss of privacy. The proposed two-storey dwellings will have minimal impact on the neighbouring properties with the nearest being No. 146 Cleveleys Avenue to the north. Due to the relationship of this property with the proposed dwellings, the majority of impact would be on the side elevation with the primary elevations and rear garden remaining largely unaffected, resulting in no unacceptable impact.

9.10 The proposed dwellings have suitable amenity space to the rear. The original plans submitted had first and second floor windows in the north facing elevation of the apartment block overlooking the rear gardens of the three dwellings. To address this concern revised plans were submitted which now proposes that these windows are obscurely glazed with those creating the most impact also fixed to be non-opening. As a result the previous concerns have been addressed and the impact to the proposed three dwellings is acceptable. Taking the above into account it is considered that the proposal complies with policy CDMP3 of the WLP31.

Impact on Highways / Parking

9.11 The development proposes to use the existing access on Oxenholme Road as the sole access to the site with the existing access on Cleveleys Avenue to be closed up. All the properties are to be served by a dedicated parking area to the rear which provides 19 spaces as well as a cycle store. LCC Highways have been consulted and raise no objection to the impact on traffic from the development on the local highway network nor the site access subject to dropped kerbs being installed. Whilst they calculate the required parking provision at 27 spaces, these are maximum parking standards, and when taking into account the location of the application site close to services and public transport the proposed provision is considered acceptable. LCC go on to say given the sustainable location of the site the level of parking is acceptable.

9.12 Adjacent the site on Oxenholme Road there is a dedicated taxi rank and LCC Highways have advised that this should be removed as part of the development. After consulting with the Council's Licencing department the removal of this taxi rank is considered acceptable and an order to revoke it is not necessary. The removal of the lines and signs can be secured via an appropriately worded condition. Its removal would also free-up some space for on-street parking if required.

9.13 LCC Highways have, in their written response, outlined a series of highway improvement works that are considered necessary for the development to be considered acceptable. These works include:

- 1) Reinstatement of the footway and kerbs following the closure of the existing vehicle access on Cleveleys Avenue.
- 2) Installation of dropped kerbs and tactile paving at the junction of the site access and Oxenholme Avenue and at all four crossing points of Oxenholme Avenue/Cleveleys Avenue.
- 3) Improve the two bus stops near the site on Cleveleys Avenue. The bus stop improvements should be to quality and disability compliant standard with raised boarding platforms and kerbs, renewed bus stop bays and associated carriageway and worded markings, clearways and all necessary signage.
- 4) Removal of signage and lines relating to the existing taxi rank on Oxenholme Road.

9.14 The proposed physical works to the highway outlined in 1), 2) and 4) are considered necessary for the purposes of highway safety and the cost of the works are to be borne by the applicant and secured via a condition. However, following the written response, LCC Highways have confirmed verbally that the bus stop improvements set out are not reasonably necessary for a scheme of 15 units. Therefore they should not form part of the works necessary to make the development

acceptable in highway terms. Taking the above into account it is considered that the proposal complies with policy CDMP6 of the WLP31.

Flood Risk

9.15 The application site lies wholly within Flood Zone 2. Flood Zone 2 is defined as having a medium probability of flooding. The proposed development is classified as a more vulnerable use. The application has been accompanied by a site specific Flood Risk Assessment. The Environment Agency are not required to be formally consulted on this type of development in Flood Zone 2 (their standing advice is to be applied). The proposal must be supported by an acceptable site specific flood risk assessment (FRA) and a Sequential Test is required to assess whether more appropriate locations for the proposed development exist which are in areas which are at lower risk of flooding. Both a FRA and Sequential Test have been submitted.

9.16 The Sequential Test outlines an appropriate methodology for the nature of the development and identifies other comparable sites within the agreed catchment area of Cleveleys. These comparable sites have been reasonably discounted as not being suitable or available or sequentially preferable. In addition to these it has been necessary to review the latest Housing Land Monitoring Report list of sites as these were not considered, although there are no comparable sites in Cleveleys listed. Therefore the Sequential Test is passed. As such the Exceptions Test can be applied which consists of two parts.

9.17 Part 1 of the Exceptions Test requires the proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk. Part 2 requires development to be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall. With regards to part 1 the proposal is for a residential scheme of 15 units which are to be 100% affordable housing. As there is a need for affordable housing within the local area it is considered that the proposal makes a significant contribution to meeting this need and it will also provide housing in a sustainable location and involve the reuse of a brownfield site. These benefits are considered to outweigh any flood risk harm.

9.18 The second part of the exceptions test requires a satisfactory site-specific Flood Risk Assessment (FRA) to be provided. The FRA submitted outlines a series of recommendations in order to make the development safe from flooding. The Environment Agency (EA) were consulted as a matter of thoroughness however the proposal does not fall within the criteria for the requirement of a formal consultation. As such no response was issued by the EA and their standing advice applies. The FRA has outlined that the proposed floor level of the proposal would be 5.31 AOD, and the standing advice is that floor levels should be 600mm above the estimated flood level. The estimated flood level for the site is 5.01 AOD and therefore the proposed floor levels would not be strictly in accordance with the EA standing advice which would require floor levels to be 5.61 AOD. The FRA has outlined why it would be impractical to raise the floor levels by 600mm and proposes measures to address the non-conformity with the EA standing advice. These measures along with the reasoning for non-compliance with the standing advice and the no concerns on the FRA by the Council's Drainage Engineer are considered sufficient to deviate from the standing advice. The mitigation measures should be conditioned to be implemented. As such it is considered that part 2 of the exceptions test is passed. Taking the above into account it is considered that the proposal complies with policy CDMP2 of the WLP31 with respect to flood risk.

Drainage

9.19 In accordance with the NPPF and the NPPG it is stated that the site should be drained on a separate system, with foul water draining to a public sewer and surface water draining in the most sustainable way. Policy CDMP2 of the WLP31 outlines a hierarchy to be investigated by the developer when considering a surface water drainage strategy.

9.20 The submitted drainage strategy outlines how both foul and surface water would drain, with the foul discharging to the existing foul drain on Oxenholme Road and the surface water discharging to the existing surface water drain, also on Oxenholme Road. Justification has been provided setting out why infiltration and discharging to a surface water body are not feasible (there are no surface water bodies that are accessible or within a reasonable distance to the site that the development could be connected to). However rainwater harvesting, which is at the top of the Policy CDMP2 hierarchy, has not been considered along with other potential options. It is therefore considered that an appropriately worded condition requiring details of a surface water scheme to be submitted which shall have reference to the policy CDMP2 hierarchy should be imposed. A drainage management / maintenance condition should also be imposed. Subject to these conditions it is considered that the proposal complies with policy CDMP2 of the WLP31.

Trees

9.21 Within and adjacent the northeast corner of the site there is a small cluster of trees. The trees within the application site are to be removed and it is considered that these trees offer little value in terms of amenity as such their loss is considered acceptable. Furthermore the proposed landscaping scheme submitted is considered to offer far greater benefits towards visual amenity being located to the site frontage. This landscaping scheme includes the provision of three new trees at the front of the site. As such taking the above into account the proposal is considered to comply with policy CDMP4 of the WLP31.

Ecology

9.22 It is considered that there are no significant issues with regards to ecology as the site is not within an area considered sensitive for ecological purposes. Having regard to the existing building on the site, a Bat Survey has been submitted in support of the application which has been undertaken by a suitably qualified Ecologist. The report outlines that there was no evidence of bats on the site and that the building itself is considered to offer negligible bat roost suitability. As such it is considered that no further assessments are required and an informative outlining what actions should be taken if evidence of bats is found is considered proportionate. Taking the above into account it is considered that the proposal complies with CDMP4 of the WLP31.

Contamination

9.23 The application is supported by a Phase I and II contamination report which has been assessed by the Council's Environmental Health team. The findings presented in the report have been accepted however it is considered that further information is required. These details can be secured via appropriately worded conditions in the form of a Post Phase 1 and Watching Brief condition.

Developer Contributions

9.24 Lancashire County Council Education have been consulted and they have confirmed that a contribution towards Primary or Secondary School places is not required.

9.25 Policy HP9 of the Local Plan requires development which results in a net gain of 11 or more 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 provision for green infrastructure / open space. The Council's Parks and Open Spaces Officer has advised that as the site is in close proximity to Jubilee Gardens, which is within reasonable walking distance and has defined projects identified in a Master Plan, then it would be acceptable in this case for an off-site financial contribution to be provided. This sum has been calculated at £13,410 (based on the number of beds proposed by the development) which would go towards the Jubilee Gardens Masterplan and improvements to the existing facilities. The applicant has agreed to provide this requirement. Members are advised that the above planning obligation can be successfully secured by a Section 106 Legal Agreement

Other Issues

9.26 The representations received raised several matters which have not been covered by the above. These issues are:

- Bin store

9.27 The proposed bin store is located at the southeast corner of the site adjacent the proposed access. The location of this bin store is considered acceptable as it will mean that refuse vehicles will not need to enter the site to collect waste and is not immediately adjacent any residential curtilages meaning that amenity will not be detrimentally impacted. Furthermore when viewed in the street scene it would be seen in the context of other boundary walls and fences and so whilst it would have an impact visually it is not considered to be overly dominant. As such the location of the bin store is considered to comply with policy CDMP3 of the WLP31.

- Damage to neighbouring properties

9.28 Damage to neighbouring properties is not a material planning consideration and is a private matter between the relevant parties involved. As such it forms no part of the assessment.

- Increase in noise pollution

9.29 The application is for a residential development which is compatible with the adjacent residential uses as such it is considered that any unacceptable disturbance is a matter for environmental health to investigate and establish if a statutory noise nuisance has been created. In so far as during construction, noise and disturbance can be controlled via an appropriately worded construction management plan condition.

- Impact on property prices

9.30 Impact on property prices is not a material planning consideration and so forms no part of the assessment.

- Anti-social behaviour from tenants

9.31 Anti-social behaviour from tenants is not a material planning consideration and is a matter for the Registered Housing Provider (RP) and/or Police to investigate should any problems arise.

- Alternative scheme should be considered

9.32 The Local Planning Authority (LPA) is required to assess those proposals which are put before them and it is not for the LPA to suggest other schemes which could also be achieved on the site.

10.0 CONCLUSION

10.1 The application site lies within a settlement boundary and therefore the general principle of the development is considered acceptable. The proposed development would help to meet an identified local affordable housing need, would be sustainably located in close proximity to an array of services and facilities and would involve the redevelopment of a brownfield site and tidying up the existing site. There would also be some economic benefits during construction and in supporting local services. The benefits of the proposal are seen to outweigh the loss of the existing public house which is identified as a community facility and the impacts on visual and residential amenity, which are each considered acceptable.

10.2 As set out in this report the full impacts of the development have been considered and assessed including the impacts upon the highway network, character and appearance of the surrounding area, trees and ecology along with flood risk and drainage impacts. It is considered that in this instance there are no significant planning issues which cannot be addressed/mitigated by reason of appropriately worded planning conditions. Furthermore the development is making the required contributions towards green infrastructure and improvements to highway safety. It is considered that in this instance the proposal is seen to represent a sustainable form of development that would comply with the identified policies in the Wyre Local Plan and the provisions of the National Planning Policy Framework. Subject to conditions and a section 106 agreement the application is recommended for approval.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

12.0 RECOMMENDATION

12.1 Grant full planning permission subject to conditions and a Section 106 Legal Agreement to secure green infrastructure contributions and the provision of affordable housing. 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 31.07.2019 including the following plans/documents:

- 18163-100-A - Site Location Plan
- 18163-101-F - Proposed Site Plan
- 18163-106-B - Proposed Boundary Treatments
- 18163-107-A - Street Scenes
- 18163-108-B - House Types HA1, HA2, HA3 Elevations
- 18163-109-A - Units 1, 2 And 3 Floor Plans
- 18163-110-B - Apartments East and West Elevations
- 18163-111-B - Apartments North and South Elevations
- 18163-112 - Apartment G.A Ground Floor Plans
- 18163-113 - Apartment G.A First Floor Plan
- 18163-114 - Apartment G.A Second Floor Plans
- 18163-115 - Apartments Roof Plan
- D7602.001C - Detailed Planting Plan

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, excluding any demolition works, a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance with the hierarchy of drainage options outlined in Policy CDMP2 of the Adopted Local Plan 2011-31 or any equivalent policy in an adopted Local Plan that replicates the existing Local Plan.

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.

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

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health, to prevent an undue increase in surface water run-off to reduce the risk of flooding and in the interests of visual and residential amenity in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework. The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application, to ensure a suitable form of drainage is provided in that specific area taking into consideration land conditions and proximity to existing services and to ensure that any proposed raising of levels can be assessed and that a coherent approach is taken with regard to the design of drainage and housing layout.

4. Prior to the commencement of development, 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

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).

5. Prior to any above ground development, excluding any demolition works, a scheme for the construction of the site access and the off-site works of highway improvement, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The off-site works of highway improvement shall consist of namely;

- a) Reinstatement of the footway and kerbs following the closure of the existing vehicle access on Cleveleys Avenue.
- b) Installation of dropped kerbs and tactile pavings at the junction of the site access and Oxenholme Avenue and at all four crossing points of Oxenholme Avenue/Cleveleys Avenue.
- c) Removal of the taxi rank lines and signs located on Oxenholme Road.

The site access and off-site works of highway improvement shall be constructed and completed in accordance with the approved scheme details.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before the site is occupied in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

6. Prior to the commencement of development, a detailed site investigation for on-site contamination 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).

7. An electric vehicle recharging (EVCP) scheme shall be submitted 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).

8. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Waterco ref: w10913-190617-FRA and the mitigation measures detailed within the Mitigation Section of the report.

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

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

9. No part of the development hereby approved shall be first occupied until the parking / turning area(s) shown on the approved Site Plan ref: 18163-101-F 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).

10. The development shall be carried out strictly using those materials specified on the approved plans 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).

11. The landscaping works shall be carried out in accordance with the approved details D7602.001C prior to first occupation or first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

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

Reason: 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 the first occupation or use of the development hereby approved:

The first and second floor windows of the flats in the north facing elevation of the apartment block shall be:

- i) obscure glazed at a scale of 5 (where 1 is hardly obscured and 5 is totally obscured), and
- ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The first and second floor windows of the communal hallway in the north elevation of the apartment block shall be:

- i) obscure glazed at a scale of 5 (where 1 is hardly obscured and 5 is totally obscured), and
- ii) be top hung with the window opening restricted to a distance no greater than 1 foot.

The window(s) (including any subsequent repaired or replacement window) shall be maintained and retained thereafter in accordance with this detail.

Reason: To safeguard the privacy of adjoining residents and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

13. Prior to the first occupation of any dwelling hereby permitted the boundary treatments as shown on plan ref: 18163-106-B shall be implemented in full. The approved details shall thereafter be maintained and retained.

Reason: In the interests of the appearance of the locality and the residential amenity of occupants / neighbours in accordance with policy CDMP3 of the Wyre Local Plan (2011-31).

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

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

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

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

15. Prior to first occupation of any part of the development hereby approved, full details of hard surfaced area materials shown on the approved Site Plan ref: 18163-101-F have been submitted to and approved in writing by the Local Planning Authority. The landscaping works shall be carried out in accordance with the approved details prior to first occupation of any part of the development and shall thereafter be retained and maintained.

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

16. There shall be no changes to the existing ground level on site as shown on plan ref S19-SPB-DI Rev 01 unless proposed ground level changes are submitted and approved in writing by the Local Planning Authority prior to such change taking place. The ground levels shall be constructed and completed in accordance with the approved details.

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

Notes: -

1. The applicant should be aware that the decision is subject to a separate legal agreement.
2. This grant of planning permission will require an appropriate legal agreement to be entered into with Lancashire County Council as the Local Highway Authority. The Highway Authority reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. Before any works begin Lancashire County Council should be contacted to ascertain the details of such an agreement and the information to be provided by telephoning 0300 123 6780 or writing to Lancashire Highways Services, Cuerden Way, Bamber Bridge, Preston, PR5 6BS quoting the planning application number.
3. It is an offence to disturb, harm or kill any species specifically protected under the Wildlife and Countryside Act 1981. In the event of any such species being unexpectedly encountered before and during site clearance or development work, then work shall stop immediately until specialist advice has been sought from a suitably qualified Ecologist regarding the need for additional survey(s), a license from Natural England and/or the implementation of necessary mitigation measures.