Hearing Statement – Matter 3
(Housing and Employment OAN and Requirements)

Wyre Local Plan Examination – Wainhomes (NW) Ltd

EP Project Ref: 17-366
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1. **Introduction**

1.1 Emery Planning is instructed by Wainhomes (NW) Ltd to attend the Local Plan Examination. We submitted representations to the Publication Draft Wyre Local Plan (September 2017) in November 2017.

1.2 This Statement addresses Matter 3 (Housing and Employment OAN and Requirements) and it is structured in accordance with the Inspector’s MIQs.

2. **Issues**

   **Issue 1: The housing OAN**

   2.1 The Draft NPPF was published for public consultation earlier this year and the consultation period remain open until 10th May 2018. Paragraph 61 of the Draft NPPF states that the minimum number of homes needed should be based upon a local housing need assessment, conducted using a standard methodology; a ‘standard methodology’ is subject to the same public consultation as the Draft NPPF.

   2.2 The Draft NPPF and ‘standard methodology’ is subject to public consultation and is not at an advanced stage in the plan-making process. There can be no certainty as to the final format should the Government decide to progress with subsequent publication. No weight should be afforded to the Draft NPPF and ‘standard methodology’ and it provides no basis for identifying the OAN for the purposes of the Wyre Local Plan.

   **Issue 4: The housing requirement of 8,225 dwellings**

   2.3 Our principal concern is that the evidence base with regard to highways has not justified the failure to meet the full OAN. We have set these concerns out in detail through our previous representations. There is no robust modelling work available for the LPA and interested parties to interrogate the position adopted in terms of the ‘highways cap’ identified through the LCC ‘Implications for Housing Developments within the Proposed Local Plan’ report (February 2017).
2.4 WYG, transport consultants acting on behalf of our client, have advised that the traffic modelling undertaken by LCC is based on very high level assessments, mainly using rudimentary methodology. Accordingly, the assessments are unreliable. Furthermore, the local highway network assessments are not based on any detailed modelling of junctions. Generally, it is considered that the assessments overestimate the likely future congestion. The definition of ‘severe’ impact used in the LCC February 2017 report does not correlate with the NPPF para 32, as confirmed by the LCC report on page 19 (footnote). On this basis, it can be stated that there is a policy compliance issue with the LCC report as regards to how it interprets traffic congestion levels.

2.5 Additionally, the LCC traffic modelling has not taken account of the positive effects of the proposed A585 Windy Harbour to Skippool road scheme in any meaningful way, because at the time the LCC report was prepared there was no defined preferred route for the scheme. However, matters have progressed significantly since the LCC report was published. Highways England has announced a preferred route and currently a public consultation is underway, with planning application due to be submitted in autumn 2018. Construction is due to start on site in 2020/21. The scheme will be fully funded by HE. Accordingly, significant weight should be given to this road scheme when considering future capacity of the local highway network in Poulton and the wider area. It is the case that the LCC assessments are now out of date.

2.6 The assessments which underpin the LCC February 2017 report are not in the public domain and hence the findings cannot be independently verified. Wainhomes and their highway consultant have made numerous requests to LCC to release the assessment details, but to date no information has been supplied. This further undermines the credibility of the assessments.

2.7 For the above compelling reasons, it is considered that the LCC February 2017 report is unreliable for predicting future highway capacity of the local highway network, and hence should be disregarded. In the absence of robust evidence in terms of a ‘highways cap’, we consider that the plan should meet the full OAN in accordance with paragraph 47 of the NPPF.

2.8 We have discussed the absence of robust evidence to support the ‘highways cap’ through our previously submitted representations and above.
2.9 In the intervening period since our previous representations in November 2017, our client’s omission site at Hardhorn Road, Poulton-le-Fylde (see Section 8 and EP4-EP9 of our Statement November 2017 and LPA planning application ref: 17/01154/FULMAJ) was presented to Planning Committee on 7th March 2018 with a recommendation for approval. Members resolved to grant planning permission, subject to a S106 legal agreement being finalised and confirmation that the Secretary of State (SoS) does not wish to exercise ‘call-in’ powers. The legal agreement is being finalised at the time of writing and the SoS has confirmed that the application should be determined by Wyre Council. See the Committee report, latest draft S106 legal agreement and SoS direction at EP1.

2.10 The LCC ‘Implications for Housing Developments within the Proposed Local Plan’ report (February 2017) stated that Poulton-le-Fylde has a capacity in highways terms of 390 dwellings; taking into account commitments, this leaves a residual number of dwellings permissible as being 154 dwellings. The Publication Version Local Plan seeks to allocate all 154 dwellings through SA1/8 at Land South of Blackpool Road.

2.11 LCC issued consultee comments for our client’s planning application 17/01154/FULMAJ raising no objections to the erection of 30 dwellings, subject to a S106 legal agreement for contributions towards the Poulton-le-Fylde Mitigation Strategy. See their comments at EP2. LCC’s position now means that either:

   a) LCC accept that the highways cap outlined through the ‘Implications for Housing Developments within the Proposed Local Plan’ report is not robust and a more considered site-specific assessment would lead to alternative conclusions about overall capacity; or

   b) The number of dwellings to be allocated at SA1/8 should be reduced in order to meet the highways cap, although this would have fundamental implications for that draft allocation in terms of viability and deliverability.

2.12 We also refer to another of our client’s omission sites at Carr End Lane, Stalmine for 65 dwellings (see Section 8 and EP14 and EP15 of our previous representations November 2017 and LPA planning application ref: 18/00075/OUTMAJ). This omission site would effectively comprise Phase 2 to our client’s site that has already been granted detailed planning consent for 77 dwellings.
2.13 It is understood that our client’s omission site was not identified as a draft housing allocation on the basis of concerns about vehicular access. LCC have now issued consultee comments for the planning application, which is pending a decision, and they raise no objections subject to a S106 legal agreement for a contribution towards off-site highway improvements. See EP3. Again, it is not clear whether LCC consider that a different ‘highways cap’ should now apply for the Stalmine area, or whether they consider that the provision of 65 dwellings at our client’s omission site should be considered within the parameters of the ‘highways cap’ outlined through the LCC ‘Implications for Housing Developments within the Proposed Local Plan’ report (February 2017). A further update on this planning application can be provided during the Hearing sessions.

2.14 The fundamental issue again is the absence of robust evidence supporting the ‘highways cap’ identified by LCC in the first instance as set out through our previously issued representations November 2017 and discussed further above.

4.3

2.15 See our comments above.

4.4

2.16 See our comments above.

4.6

2.17 See our comments above.
3. Appendices

**EP1** - Committee report, latest draft S106 legal agreement and SoS direction in relation to planning application 17/01154/FULMAJ.

**EP2** – LCC consultee comments for planning application 17/01154/FULMAJ.

**EP3** – LCC consultee comments for planning application 18/00075/OUTMAJ).
Committee Report

Item Number 01

Application Number 17/01154/FULMAJ
Proposal Residential development comprising the erection of 30 dwellings with associated works including access and landscaping (resubmission 16/00981/FULMAJ)

Location Land Off Hardhorn Road Poulton-le-Fylde Lancashire FY6 8DH

Applicant Wainhomes (North West) Ltd

Correspondence Address c/o Emery Planning Partnership Ltd
FAO: Mr Stephen Harris 2-4 South Park Court Hobson St
Macclesfield Cheshire SK11 8BS

Recommendation Permit

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Miss Lucy Embery

1.0 INTRODUCTION

1.1 This application is before the Committee at the request of Councillors Berry, Birch and Bridge.

1.2 This application is a re-submission of application 16/00981/FULMAJ which originally sought planning permission for a residential development comprising the erection of 38 dwellings with associated works including access and landscaping. This was later amended to "Residential development comprising the erection of 30 dwellings with associated works including access and landscaping". The application was refused in August 2017. An appeal has now been lodged which is presently due to be heard via a public inquiry in June.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is approximately 2km south of Poulton-le-Fylde town centre and comprises approximately 1.5ha of open grazing land on the east side of Hardhorn Road. There is a hedge along the western boundary of the site facing Hardhorn Road and on the opposite side of Hardhorn Road there are large detached houses set behind high hedges and trees. To the north there is a partial hedge separating the site from houses in Linderbreck Lane. On the east boundary there is a post and wire fence and a few trees beyond which is open farmland. To the south there is a line of trees just outside the site boundary separating the site from Foxes Farm Stables which includes the Grade II Listed Fox's Farmhouse.
2.2 The adopted Local Plan proposals map identifies the site as being within the countryside area. The land on the opposite side of Hardhorn Road, including the frontage houses, is part of the Green Belt. The application site was identified in the June 2015 Wyre Local Plan Issues and Options paper as a potential housing development site (IO_34) and in the July 2017 Strategic Housing Land Availability Assessment (SHLAA) as Final Site PFY_62. (A "Final Site" is a site without planning permission or a "minded to approve" decision which is considered to be suitable and available for residential development but for which there is no assurance that it will be allocated for development in the local plan or that a future planning permission for housing will be granted). Since 2015 the site has not become an allocated site in the publication local plan.

3.0 THE PROPOSAL

3.1 The application is a resubmission of application 16/00981/FULMAJ which was refused on highway grounds, and seeks full planning permission for a residential development of 30no. 2-storey dwellings with associated access and landscaping.

3.2 The application proposes the same access as the previous application with a new access off Hardhorn Road. The proposed site access would be from a single access point midway along the site boundary onto Hardhorn Road. The access road would extend to a T-junction with one arm going north and one south both then extending into shared access ways which would wrap around the central blocks of houses. The access road off Hardhorn Road would be 6.75m wide narrowing to 5.5m and then 4.5m wide. There would be 2m wide pavements throughout except in the shared access ways where gardens would extend over service strips alongside the carriageway. The applicant has stated that is intended to achieve highway adoption standards throughout.

3.3 The dwellings proposed to be laid out around the internal access road and would be built along the north, east and south boundaries and in two central blocks parts of which would face Hardhorn Road. Eight different house types are proposed which would vary in size from two bedroom properties up to five bedroom properties. The houses would comprise 21 detached, 6 semi-detached, and 3 terraced properties. The application proposes 21 open market and 9 affordable dwellings.

3.4 The submitted elevations show that the dwellings would have a variety of elevational features including gabled roofs, bay windows, porches and canopies. Details of the materials proposed have not been confirmed, except that the roofing material would be tile. Some of the plans state that the elevations would be brick/artstone.

3.5 The indicative landscaping plan shows tree and shrub planting to front gardens. In addition there would be hedgerow planting along Hardhorn Road and along the first part of the main access road into the site. There would also be two areas of public open space, one in the north-west corner of the site and one leading to the field entrance halfway along the eastern boundary between plots 15 and 16.

4.0 RELEVANT PLANNING HISTORY

Application Site

4.1 16/00981/FULMAJ - Residential development comprising the erection of 30 dwellings with associated works including access and landscaping - Refused. Appeal lodged.
Neighbouring site

4.2 Adjacent site to the south: 17/00220/FUL - Land at Foxes Farm Hardhorn Road - Application for the erection of 3 detached dwellings with associated access and landscaping (following the demolition of existing buildings). Permitted, January 2018.

5.0 PLANNING POLICY

5.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.1.1 The NPPF was published by the Department of Communities and Local Government on the 27th March 2012. It sets out the Government's planning policies for England and how these are expected to be applied in the determination of planning applications and the preparation of development plans. The ministerial forward to the NPPF states that "Development that is sustainable should go ahead without delay - a presumption in favour of sustainable development that is the basis for every plan and every decision".

5.1.2 Within the NPPF, the following paragraphs and sections are of most relevance:
   o Paragraphs 14 and 17 - Achieving sustainable development
   o Section 4: Promoting sustainable transport
   o Section 6: Delivering a wide choice of high quality homes
   o Section 7: Requiring good design
   o Section 10: Meeting the challenge of climate change, flooding and coastal change
   o Section 11: Conserving and enhancing the natural environment
   o Section 12: Conserving and enhancing the historic environment

5.2 NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)

5.2.1 The NPPG provides advice on Government policy. Within the NPPG, the following sections are of most relevance:
   o Conserving and Enhancing the Historic Environment
   o Design
   o Flood risk and coastal change
   o Natural environment
   o Noise
   o Open space, sports and recreation facilities, public rights of way and local green space
   o Planning Obligations
   o Rural housing
   o Travel plans, transport assessments and statements

5.3 ADOPTED WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)

5.3.1 The Wyre Borough Local Plan was adopted on the 5th July 1999. The saved Local Plan forms part of the development plan for the district. Due weight should be given to relevant policies according to their degree of consistency with the NPPF.

5.3.2 The following policies are considered to be of relevance to the determination of this application:-
5.3.3 The Council is in the process of preparing a new Wyre Local Plan. Following public consultation on the 'Publication' draft Wyre Local Plan (2011 - 2031), the Council submitted the draft Local Plan with minor amendments to the Government for examination on the 23rd January 2018. The minor amendments deal with clarification matters or errors raised at the public consultation and they do not alter the substance of the 'Publication' draft Wyre Local Plan. The 'Submission' stage is an advanced stage in the local plan process. It confirms the Council's position with regard to how development needs will be accommodated and how they must be delivered. This position is supported by a comprehensive and robust evidence base. This stage is a further advancement in the local plan process. Although the draft Local Plan does not have the full weight of an adopted Local Plan it has been approved as a material consideration in the determination of planning applications from the date of publication, replacing the Core Strategy Preferred Options document. As the draft Local Plan has now advanced to 'submission' the weight to be given in the planning balance has increased depending on the particular circumstances of the case.

5.3.4 The following policies contained within the draft Local Plan are of most relevance:
- SP1: Development Strategy
- SP2: Sustainable Development
- SP4: Countryside Areas
- SP7: Infrastructure Provision and Developer Contributions
- CDMP1: Environmental Protection
- CDMP2: Flood Risk and Surface Water Management
- CDMP3: Design
- CDMP4: Environmental Assets
- CDMP5: Historic Environment
- CDMP6: Accessibility and Transport
- HP1: Housing Land Supply
- HP2: Housing Mix
- HP3: Affordable Housing
- HP9: Green Infrastructure in New Residential Developments

5.3.5 The draft Local Plan is prepared on the basis of the completed housing evidence. This includes the Strategic Housing Market Assessment (including the 2017 Addendum 3) which confirms that the figure of 479 dwellings remains a robust and appropriate objectively assessed need (OAN) figure. However the local plan sets an annual housing requirement of 411 dwellings for the period 2011 to 2031. The evidence supporting the Local Plan shows that the full OAN cannot be delivered. The 'Publication' draft Wyre Local Plan indicates that Wyre can only deliver 8,224 dwellings due to various constraints. It is considered that the identified annual housing requirement represents a robust and sound figure for the local plan within the context of constraints in the borough.
5.4 WYRE SUPPLEMENTARY PLANNING DOCUMENTS / GUIDANCE

5.4.1 The following Supplementary Planning Guidance (SPG) is considered to be of relevance to the determination of this application:
- SPG2 - Trees and Development
- SPG4 - Spacing Guidance for New Housing Layouts
- SPG9 - Designing out Crime

5.5 WYRE AFFORDABLE HOUSING VIABILITY STUDY (OCTOBER 2010)

5.5.1 This study identified that the level of viability for residential developments across the Borough could sustain a maximum of 30% affordable dwellings, although in some areas and for smaller developments it would be a lesser percentage.

5.6 FYLDE COAST STRATEGIC HOUSING MARKET ASSESSMENT (2014) AND ADDENDUMS 2 AND 3

5.6.1 This document was produced for the Fylde Coast Authorities (Wyre, Fylde and Blackpool) to provide evidence as to how many dwellings of different tenures may be needed over the next 15 years and beyond. The report presents an understanding of the sub-regional housing market and identifies a need for new housing across the Fylde Coast. The 2014 Fylde Coast SHMA and Addendums 1, 2, and now 3, represent the most up-to-date assessment of Objectively Assessed Need (OAN) for Wyre. Addendum 3 completed in 2017 takes account of the latest data available (household projections and updated economic growth projections) to inform each stage of the methodology for calculating the OAN. The SHMA Addendum 3 indicates that Wyre's OAN lies with a minimum of 457 dwellings per annum, and an upper limit of 479 dwellings per annum from 2011 - 2031. It recommends that the OAN figure should be at the upper end of the range. The Council has accepted 479 dwellings per annum as the OAN figure for the Local Plan which has recently been submitted.

5.6.2 Addendum 2 estimated need for 300 affordable homes per year over the next 5 years. Addendum 3 now estimates an annual need of 134 affordable dwellings per year over the next five years (2017-2022). The greatest need currently exists for smaller affordable homes, particularly 1-bedroom properties. However, Addendum 3 also estimates that beyond 2022 there will be a need of 189 affordable homes per annum, and that affordable housing of all types will be needed.

6.0 CONSULTATION RESPONSES

6.1 HIGHWAYS ENGLAND - no objection to the application.

6.2 LANCASHIRE COUNTY COUNCIL HIGHWAYS

6.2.1 Whilst there is natural link traffic flow variability, the junction in question has not been subject to traffic growth when previous survey data is compared to the latest 2018 traffic data. In 2017 WYG modelled the junction to maximise movement, with no bias towards the Garstang Road East (the mainline). Whilst this is not theoretically incorrect, the approach taken by the county council from an operational perspective would be different; limiting delay on the mainline, maintaining its reliability and status. Thus reducing queuing on the mainline at the expense of the side roads.

6.2.2 Considering data collected by the county council, there would be some net increase in overall traffic, however it would modest. The level of increase with the proposal having regard to the lack of traffic growth would not result in a severe
residual cumulative impact. As highlighted queue lengths were observed at the
junction based on the existing layout and signal timings, it was noted that they did not
extend beyond Hodgson Place at a length of around 290m at the start of the count
and reduced to 100m at the end.

6.2.3 A number of highway changes have been secured to improve the Hardhorn
with Garstang Road East junction, and other locations in the vicinity, from 2
developments which will improve this situation. These are highlighted and referred to
in the Poulton Mitigation strategy. With this in mind, having regard the scale of
development and the current observed traffic conditions, the impacts can be
mitigated by the provision of suitable s278 and s106. County Highways would be
satisfied if the applicant was to support the delivery of the mitigation strategy at the
same level pro rata to that secured from others; this equates to £60,000 (30 units at
£2,000 each). The funding would be used for the town centre strategy and other
changes on Hardhorn Road between Garstang Road East and the junction of High
Cross Road. Changes would be used to improve reliability and network operation for
all modes as a direct result from this development.

6.2.4 In addition other changes would be required and delivered under a s278
agreement including;
- Site access as per drawing P001 (subject to technical approval).
- Upgrade 2No. bus stops to include raised boarding area, road marking and
  associated signing (Quality Bus Stop standards) and bus shelter for northbound
  service.
- Provide new footway at junction of Hardhorn Road and Longhouse Lane
  junction and tactile paving at crossing point.
- Widen / reclaim footway to minimum of 2m along site frontage.

6.2.5 Having regard to the changes that have occurred since the application was last
considered and assuming the above is agreed with Wainhomes this would be
sufficient to alter the highway authority's position of objecting to the proposal for
reasons previously highlighted.

6.3 LANCASHIRE COUNTY COUNCIL EDUCATION

6.3.1 A contribution of £71,086.55 is required from this development in respect of the
pupil yield of 5 primary school places from this development. A contribution of
£64,269.81 would be required from the developer in respect of the full pupil yield of 3
secondary school places from this development. Therefore a total contribution of
£135,356.36 is required from this development.

6.4 LANCASHIRE COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY

6.4.1 No objection subject to conditions requiring the following;
(a) an appropriate surface water scheme to be submitted prior to commencement,
which should include;
  - confirmed discharge rates and volumes and temporary storage facilities,
  - demonstrate that the surface water run-off rate must not exceed the pre-
    development run-off rate 5 l/s.
  - any works required off-site to ensure adequate discharge of surface water without
    causing flooding or pollution
  - flood water exceedance routes on and off-site
  - a timetable for implementation
  - evidence of an assessment of site conditions and site investigation and test result to
    confirm infiltration rates
- details of water quality controls
- construction of pond/ attenuation basin
(b) completion of the sustainable drainage scheme in accordance with submitted details
(c) no commencement of development until submission of an appropriate management and maintenance plan for sustainable drainage for the lifetime of the development.

6.4.2 An informative has also been suggested to advise the applicant that Land Drainage Consent would be required from Lancashire County Council before any works commence, and that their response does not grant permission to connect to the highway drainage network.

6.5 LANCASHIRE CONSTABULARY

6.5.1 No objections. A number of security measures have been recommended to be incorporated into the building design. These would be communicated to the applicant in the form of an informative should the application be approved.

6.6 UNITED UTILITIES

6.6.1 No objection subject to a condition requiring the development to be carried out in accordance with the submitted Flood Risk Assessment (Ref: No. HYD045_HARDHORN.ROAD_FRA&SDA). No surface water will be permitted to drain directly or indirectly into the public sewer.

6.6.2 United Utilities wishes to minimise the risk of a sustainable drainage system having any detrimental impact upon the public sewer network should the surface water and sewer systems interact. Therefore it is also recommended that the Local Planning Authority consult with the Lead Local Flood Authority for suitable wording of a condition requiring a sustainable drainage management and maintenance plan for the lifetime of the development. United Utilities would not be involved in discharging any such condition. General water comments on meter supplies have also been provided for the applicants' information.

6.7 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.7.1 No objections subject to conditions. Advice was provided on the previous application at the site 1600981/FULMAJ and the same ecological survey has been submitted with the current application. GMEU’s comments therefore remain largely unchanged. The conclusion within the report that "there is no risk of the development impacting on any designated sites", is still valid. The survey found no evidence of protected species on the site but did identify habitats that could be used by certain species. The ecology assessment makes a number of recommendations for the retention and protection of ecological features and species on site.

6.7.2 A condition is recommended requiring a construction environmental management plan (CEMP: biodiversity) to be submitted prior to commencement of development. A condition is also recommended to ensure that no removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive.
6.8 WYRE BOROUGH COUNCIL CONSERVATION OFFICER

6.8.1 Comments that provided that the application is supported by a heritage statement as required by paragraph 128 of the Framework, to include the aforementioned statement on the impact of the proposed development on the setting of the heritage asset - Foxes Farm - this application can be determined by the local planning authority, but not before.

6.8.2 Based upon the information available at the present time the proposed development is considered to be acceptable, subject to conditions. It will preserve the setting and appearance of the listed building known as Foxes Farm located adjacent and to the south of the proposed development site and as such is considered to be in conformity with S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6.8.3 Consequently the proposed development is considered to sustain the significance of this designated heritage asset and to therefore be in conformity with the above mentioned paragraphs of the Framework and saved policy ENV10 of the Adopted Wyre Local Plan 1999.

6.9 HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE)

6.9.1 No objections subject to conditions requiring the submission of a construction management plan prior to commencement of development, to include details of dust and dirt mitigation measures, control of noise and vibration for the site, hours of construction work, contactors compounds and storage arrangements, provision for parking and turning of construction vehicles within the site, routing of construction traffic, external lighting during construction, erection and maintenance of security hoarding, recycling and disposing of waste, measures to protect watercourses from spillages and pollution. A condition is also recommended to ensure the development would be implemented in accordance with the scheme of noise insulation and mitigation measures set out in the submitted noise assessment to protect the proposed properties from road noise.

6.10 HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (LAND CONTAMINATION)

6.10.1 No objections subject to the same condition proposed suggested to application 16/00981/FULMAJ being attached to any approval. The suggested conditions require a desk study to be carried out prior to commencement of development and further works if shown to be necessary, and details of gas protection measures to be provided.

6.11 HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AIR QUALITY)

6.11.1 No comments to make in relation to this application.

6.12 WBC HEAD OF ENGINEERING SERVICES (COASTAL AND GENERAL ENGINEERS)
6.12.1 No objections in principle. The application states that surface water will discharge to mains sewer; note that surface water in this area is served by private piped watercourse. The drainage strategy, including run-off rates and attenuation should be in accordance with the Flood Risk Assessment rev 4.

6.13 WBC SERVICE DIRECTOR PEOPLE AND PLACES (TREES)

6.13.1 There appear to be no issues with this resubmitted application. The comments relating to 16/00981/FULMAJ are also applicable in regard to the current application.

6.14 WBC SERVICE DIRECTOR PEOPLE AND PLACES (PARKS AND OPEN SPACES)

6.14.1 No response received, however no objections were raised to application 16/00981/FULMAJ provided a conditions was attached relating to management details of the open space.

7.0 REPRESENTATIONS

7.1 Six letters of objection have been received. The issues raised can be summarised as follows;
- Increase in traffic and congestion in the area, particularly at peak times.
- There would be insufficient infrastructure to cope with the traffic.
- Increase is rat-running through residential areas, such as Oldfield Carr Lane, Carr Head Lane, Lindsey Avenue, Westby and Hodder Way
- The County Council rejected the previous application on the ground of increased traffic. This submission is no different. This impact cannot be mitigated and the decision should be upheld.
- There are concerns about highway safety as the road emerging from the site would be concealed from traffic, horse riders and pedestrians on the B5266 by the T-junction and hedgerows.
- The applicant is not offering any pavement improvements as there is already a 2m wide pavement on the side of the road.
- There are drainage concerns as drains on Hardhorn Road regularly flood with only a small amount of rain leading to flooding and standing water on the highway.
- Increase in surface water run-off from the site, and increased impact of this upon existing properties and gardens surrounding the site which already flood.
- Direct overlooking would occur as the houses proposed at plots 23-25 are between 1 and 2 metres above those on Linderbreck Lane.
- Overbearing upon properties on Linderbreck Lane as the site is higher than existing properties on Linderbreck Lane.
- The proposed dwelling at plot 22 would be built on higher ground next to 17 Linderbreck Lane and would result in loss of light to this property and shadowing over the garden area.
- The proposed development would not be sustainable as it would lead to a significant increase in car usage as there are limited facilities within walking distance.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Further information has been requested from the applicant in the form of a Heritage Statement. There have also been contact with the applicant and agent, regarding progress on the planning application to resolve highway issues.
9.0 ISSUES/ASSESSMENT

9.1 The main issues in this application are as follows:
- Principle of Development
- Sustainability
- Impact of development on character of the area
- Impact on the local highway network and safety
- Impact on residential amenity
- Affordable Housing
- Public Open Space
- Flood Risk
- Education
- Ecology and Trees

Principle of development

9.2 Saved local plan policy SP13 seeks to prevent new dwellings within the countryside area subject to specific exceptions, none of which apply to this development proposal. The application site located on the southern edge of Poulton-le-Fylde within an area designated as a Countryside Area on the Local Plan Proposals Map. As such the proposal is contrary to Policy SP13.

9.3 With regard to the countryside the NPPF says at paragraph 17 that one of the core principles of planning involves "recognising the intrinsic character and beauty of the Countryside and supporting thriving rural communities within it." At paragraph 55 the NPPF says that isolated new homes in the countryside should be avoided unless there are special circumstances, none of which apply in this case. The application site is not considered to be in an isolated location being on the edge of the existing settlement of Poulton-le-Fylde. NPPF paragraph 49 says that where a Council cannot demonstrate a five year supply of deliverable housing sites policies relating to the supply of housing must be considered out of date in accordance with of the NPPF.

9.4 The Council does not currently have a 5 year supply of deliverable housing land. The relevant policies for the supply of housing are therefore considered to be out of date. Proposals for housing are therefore currently considered against Paragraph 14 of the Framework. This means that planning permission should be granted for this proposal unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against NPPF policies taken as a whole or there are specific policies in the Framework that indicate that permission should be refused. Although the proposed development is contrary to saved local plan policies SP1 and SP13 it must therefore be considered further in terms of its sustainability and against other NPPF policies, which is done as a whole in this report.

9.5 Paragraph 112 of the NPPF states that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. The application site is assessed as Grade 3a and was used for grazing horses according to the applicant's submitted Agricultural Land Use Assessment. The loss of this area of land is of modest size and its loss would not be considered contrary to the NPPF.
Sustainability

9.6 Paragraph 7 of the NPPF sets out three dimensions of sustainable development: economic, social and environmental. In assessing this development the benefits need to be weighed against these dimensions. In addition there are locational aspects to sustainability. At paragraphs 17 and 29-41 the NPPF encourages the fullest possible use of sustainable transport modes, including public transport, walking and cycling, and the focusing of development on sustainable locations.

9.7 In terms of sustainable transport, whilst there is a good provision and range of services and facilities within Poulton-le-Fylde town centre, the application site is 2km away from the main town centre and the railway station. The nearest school, Baines School and Sixth Form Centre on Highcross Road is 1.1km away and the nearest primary school is 1.25km away on Carr Head Lane. A local centre is 0.6 km away from the site. On this basis the location can be considered to be reasonably sustainable. However, in terms of the sustainability of its location, the situation is little worse than for the nearby residential properties to the immediate north, west and south. The nearest footways are narrow but the applicant proposes to widen the footways to 2m and improve two adjacent bus stops. The applicant has highlighted that there is a no. 75 Fleetwood-Poulton-Kirkham-Preston bus service along Hardhorn Road (running hourly during the peak periods Monday to Friday and every two hours off-peak and Saturdays), and a no.2 Cleveleys-Poulton-Blackpool bus service along Highcross Road (running every 30 minutes Monday to Saturday and every hour on Sundays). In addition there is a no. 648 school bus to Poulton Hodgson Academy and Poulton Baines School which stops on Hardhorn Road. Train services are available from Poulton Station which though 2km from the site is accessible by bus. In their consultation response LCC Highways advise that the 75 bus service operates every two hours Monday to Saturday with no evening service and this is the only service within 400 metres of the site.

9.8 To support their argument that the site is sustainable, the applicant in their previous application 16/00981/FULMAJ cited an LCC report and case histories from nearby sites and further afield in support of their argument that this is a sustainable location. The LCC report is the February 2017 report on the 'Implications for Housing Developments within the Proposed Wyre Local Plan' which used a threshold of 1.6km to local centres, medical centres and primary schools to determine whether locations are accessible and on this basis the applicant claims that the site is sustainable. Case histories cited include the example locally of application 14/00429/OUTMAJ for 14 new houses at Fairfield Nurseries, Puddle House Lane, which was approved and is to the south of the current application site. Here the officer's delegated report said that although the site was not favourable in terms of connectivity to services this was outweighed by the contribution to the housing supply. The report also referred to a planning appeal decision relating to a residential caravan development at another nearby site, Fairfield Road in Fylde, where the Secretary of State agreed with the Inspector's remarks that it would be unreasonable to require the provision of a footpath link to Hardhorn village or bus stops. (That appeal was dismissed but not for reasons relating to the sustainability of the location).

9.9 Looking at the dimensions of sustainability, the proposed development would result in both direct and indirect economic benefits including the creation of construction jobs and additional household spending within the wider economy. There would also be a New Homes Bonus and council tax receipts associated with the proposed residential development. In terms of social benefits, the proposed development would provide both market and affordable housing to help towards
meeting the Borough’s objectively assessed housing need. With regard to the environment, adverse impacts would include the loss of, and impacts upon, the countryside and the generation of more private car usage with consequential environmental impacts through noise and pollution. The applicant’s ecological assessment notes that the site has potential for wildlife enhancement opportunities for bats, birds, hedgehogs and invertebrates.

9.10 The proposed development would conflict with saved local plan policy SP13. However, the council cannot demonstrate a 5 year supply of housing land. In accordance with the NPPF policies which restrict housing development must therefore be considered out-of-date. Consequently the presumption in favour of sustainable development applies unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against NPPF policies taken as a whole or specific policies in the NPPF indicate development should be restricted. These environmental considerations are assessed below.

Impact of the proposal upon the character of the area
- Countryside and impact on the greenbelt

9.11 The development site falls within the countryside area where paragraph 17 of the NPPF states that such locations should be recognised for their intrinsic character and beauty. Saved Local Plan Policy SP14 seeks to apply consistent principles and high standards of design and amenity. However, the application site is an urban fringe site and the character and visual quality of the land within the site is considered to be relatively low as grassland. Its contribution to visual amenity along Hardhorn Road is currently minimal as the majority of the site is screened from wider views by the existing high hedge which acts as a retaining feature to the land.

9.12 The land on the opposite side of Hardhorn Road is within the Green Belt but the application site is screened from the rest of the Green Belt by the frontage housing developments and their garden trees. The proposal is therefore not considered to have any unacceptable impacts on the Green Belt. It is, however, accepted that the proposed residential development would have a significant impact on the openness of the development site itself, but otherwise the proposals would generally be in keeping with the character of its residential surroundings.

- Density and scale

9.13 The proposed density, though greater than that for the large houses on the opposite side of the road, would be compatible with the wider residential surroundings. The scale of the proposed dwellings and their plot sizes would respect the immediate context of built development, particularly with respect to the form of development around Linderbreck Lane to the north of the site. The proposed landscaping includes provision of two areas of public open space, including one in the north-west corner close to Hardhorn Road, as well as retention of the hedgerow along the Hardhorn Road frontage except where a break is required for the new access. New tree planting would be provided within the frontage hedgerow and in the gardens of properties facing Hardhorn Road. The proposed frontage properties, with one exception, would be set back behind internal access ways within the development itself. All of this would help minimise the impacts on the character of the area and on visual amenity.

9.14 Plot 6 would be sited within the south west corner of the development and closer to Hardhorn Road than any of the other frontage dwellings. Also as the land within the site rises to the south, this dwelling would be at a higher level above the
pavement. The finished floor level of his dwelling would be 17.47m compared to 16.57m for the next frontage property to the north and the distance to the back of the pavement would be 5m compared to 10m. As a consequence it is considered the proposed dwelling would be a dominant feature in the street scene and, owing to the closeness to the break in the hedge at the Foxes Farm entrance immediately to the south, it is considered the dominance and the adverse impact on the street scene and the character of the area would be exacerbated. On balance in the overall context of the development it is considered the impact of this dwelling in the street scene would not be so adverse as to justify the refusal of the application. The site is not in an isolated location and would be viewed against existing buildings in the area, and some already above the level of Hardhorn Road. Nevertheless it is considered that a condition should be attached requiring details of the finished floor levels of the development to be submitted and agreed, and it is considered the agreement of these details would help to mitigate the impacts of the development.

9.15 Whilst there would be a significant impact through the loss of countryside contrary to saved Local Plan Policy SP13 and the NPPF, it is considered this impact would be minimised and the level of harm, including (subject to finished floor level condition) harm to visual amenity, would not be sufficient to merit refusal especially bearing in mind the surrounding residential context and the small size of the site in relation to the remaining surrounding countryside.

Impact on the local highway network and safety

9.16 Development criteria in saved local plan policy SP14, Standards of Design and Amenity, include:
D. The proposal should enjoy satisfactory access, parking and servicing facilities which should not prejudice the provision of such facilities for neighbouring properties on an individual basis or as a joint arrangement; and
E. The traffic associated with the development should not have any adverse impact on the local environs nor on the local highway network generally;

9.17 Section 4 of the NPPF is about promoting sustainable transport. Its aims include contributing to sustainable development, achievement of wider sustainability and health objectives, wider use and availability of sustainable modes of transport, reductions in greenhouse gases, and prioritising pedestrian and cycle movements and access to public transport. Paragraph 32 of the NPPF says that decisions should take account of whether cost effective improvements to the transport network can be undertaken to limit significant development impacts. It goes on to say that: "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

9.18 County Highways objected to the previous application 16/00981/FULMAJ on the grounds that the proposal would have a severe impact upon highway capacity. In particular County Highway’s concluded that certain locations on the highway network, including the A586/ Hardhorn Road junction that are so constrained that further improvements cannot be delivered. It was considered there would be no cost effective solution which would avoid severe impacts.

The application was refused for the following reason:
'Contrary to saved Wyre Local Plan Policy SP14 and the NPPF the increase in traffic arising from the proposed development would have severe impacts on highway capacity and safety by reason of additional congestion and queuing at the A586/Hardhorn Road junction and rat-running through surrounding residential areas'
9.19 Since the previous application County Highways has considered more up to date traffic data, and their response is considered in full in section 6.2 of this report. In summary County Highways concludes that there would be some net increase in overall traffic, however it would modest, and level of increase with the proposal having regard to the lack of traffic growth would not result in a severe residual cumulative impact on the highway network. County Highways considers that provided the applicant agrees to provide £60,000 secured through a Section 106 towards funding for the town centre strategy and other changes on Hardhorn Road between Garstang Road East and the junction of High Cross Road, and agrees to changes to be delivered with a S278 Agreement with County Highways (set out in paragraph 6.2 above) in order to improve the sustainable transport and site accessibility, the proposal would overcome their previous concerns.

9.20 The applicant has agreed to the £60,000 contribution to be secured through a S106 and to the requirement of a S278 (which stands outside of the planning application process) with County Highways. Therefore it is considered that the situation has changed since the refusal of the previous application, and that the proposal would be acceptable in terms of impact upon the highway network in accordance with the requirements of the NPPF.

9.21 In terms of highway safety and access, County Highways raised no concerns with the previous application about the use of a simple priority junction, and also considered the sightlines (visibility) from the site access, and the internal layout, to be acceptable. The current application proposes the same access and layout and therefore the proposal is considered to be acceptable in this regard.

9.22 County Highways has not raised any concerns about the proposed amount of parking on the site. As part of their comments on the previous application is was commented that cycle parking was not fully detailed and that all dwellings should have secure and covered cycle parking, and garages should be a minimum of 6m by 3m to be accepted as a parking space and cycle space. Parking provision would generally be in line with the SPG 4 requirements. This would include the requirements for grouped parking bays to be a minimum of 4.8m by 2.4m with forecourt depths of 6m which applies at plots 11-13 and 19-22. In order to encourage cycling as a sustainable form of transport in line with the requirements of the NPPF all dwellings should have secure and covered cycle parking. For properties with smaller garages or without garages, alternative storage can be provided. This can be controlled through a condition.

**Impact on residential amenity**

9.23 SPG4, Spacing Guidance for New Housing Layouts, sets out standards for spacing between dwellings in order to help protect residential amenity. The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

9.24 Within the layout the space standards are generally in line with the requirements of SPG4 both within the development and in respect of interfaces with the adjoining Linderbreck Lane development beyond the northern boundary. The standards require that there should be a minimum of 21m between front elevations and also between rear elevations and rear gardens should be a minimum of 10.5m long. Along the main access road leading into the site there are two properties on each side of the road where the distances to the main frontages opposite is just over 18m which is less than the 21m requirement. In these cases, however, the windows in the opposing properties are slightly offset which reduces the potential for over-looking
and loss of privacy and overall it is not considered that the impact on amenity would warrant changes to the proposals. The rear garden for plot 16 is just under the 10.5m standard at 10.37m but this is considered acceptable bearing in mind that the garden faces onto the open land to the east and there is therefore no potential for overlooking or loss of privacy.

9.25 The proposals indicate that there is at least 21m between the existing and proposed properties with the exception of plot 22 in the north-east corner which at its closest point would be approximately 7m from the existing Linderbreck Lane property. The rear of the proposed Bell house type at plot 22 would align with the rear of the existing property 17 Linderbreck Lane immediately to the north. There would be no windows in the side gable of the proposed property. There is an existing kitchen window in the facing side of the existing property, however it is a secondary window due to the large glazed window/patio door area serving the neighbours kitchen/dining area. There would therefore be no unacceptable overlooking or loss of privacy between living rooms. Subject to boundary fence details, which can be controlled through a condition, there would be no unacceptable adverse effects in relation to the gardens even though the proposed garden would be at a higher level than the existing property's garden as a consequence of the existing rise in ground levels. Given that the proposed property would be to the south of the existing and at a higher level, there would be some potential for loss of daylight and over-shadowing. However, the separation between the properties exceeds the 2m minimum separation distance in SPG4 and any overshadowing effect would be limited to the afternoon and similar to that experienced by any side by side properties with east facing rear aspects, including those within the proposed development.

9.26 Outside the development site to the south there is a band of trees. This screens the development from the existing Foxes Farm Stables. The Tree Officer has pointed out that this would have shading effects on the proposed dwellings at plots 6 to 13 with plots 7 and 8 affected by heavy shading. The shading however could be considered similar to that affecting other properties which have north facing gardens, or even less problematic in so far as the trees are deciduous and winter sun would be filtered rather than blocked. It is therefore considered that the impact on residential amenity would not be unacceptable.

9.27 In terms of noise, Environmental Health has raised no objections to the proposal subject to conditions requiring the implementation of the noise mitigation measures in the applicant's Noise Impact Assessment and the achievement of specified noise levels, and the submission of a construction management plan to control the impacts of noise and dust during the construction phase. Subject to these conditions it is considered that the proposal would not cause detrimental harm to the amenities of the occupiers of existing properties around the site, or the occupiers of the proposed development.

**Affordable Housing**

9.28 The NPPF at paragraph 50 requires Local Authorities to identify the affordable housing need for an area and then, "set policies for meeting this need on site, unless off-site provision or a financial contribution can be robustly justified and the agreed approach contributes to the objectives of creating mixed and balanced communities."

There are no saved policies relating to affordable housing in the adopted Local Plan. However, the Council's affordable housing viability study which forms part of the evidence base for the emerging Local Plan, states that for developments to come forward provision of 30% affordable housing ensures that the site remains viable.
9.29 The 2014 SHMA indicated an annual need of 61 affordable units per annum in the sub-area of Poulton and Carleton to which this application would contribute. This figure has not been re-assessed since that time. Addendum 3 (2017) to the 2014 SHMA has revised down the number of affordable houses needed across the whole of Wyre Borough per annum from 300 in 2014 to 134. Therefore the need for affordable housing has reduced but only to a certain extent and is expected to rise again in the future.

9.30 The application contains some information in relation to affordable housing, setting out that 9no. affordable houses are proposed. The housing schedule demonstrates that these would be a mixture of 2 and 3 bedroom properties. However the application is silent on the type and tenure of affordable housing. Notwithstanding this, this application is a re-submission of application 16/00981/FULMAJ. During consideration of that application the Affordable Housing Officer confirmed that applying the 30% threshold to a scheme for 30 units would generate a requirement for 9 affordable dwellings. It was recommended that the tenure split of the affordable units should be as follows:
* 4 two-bed houses for affordable rent subject to a local lettings plan
* 2 three-bed houses & 3 two-bed houses for discount sale. These units to be marketed at 80% of open market value (OMV) in perpetuity and subject to local connection criteria to be agreed with the developer.

9.31 It is considered that this ratio of affordable rent and discount sale units would be in line with other recent planning applications in the locality and the mixed tenure affordable element would improve the housing offer to those living in the immediate area.

It is considered that the provision of 9no. affordable dwellings would comply with the required level of affordable housing, and that should the same mix, type and tenure of affordable housing be proposed, this would be considered acceptable in this case. The applicant has been asked to confirm these details.

9.32 The applicant has originally requested that the affordable housing provision be controlled by condition. However it is considered that without the full details of the type and tenure of the affordable housing, and in order to control the tenure of the discount market sales properties, the most appropriate mechanism to deliver the affordable housing would be through a S106 Agreement. The applicant has agreed to the delivery of the affordable housing through a S106 Agreement. Therefore it is considered that the proposal would be acceptable in terms of amount of affordable housing provision and that it could be adequately secured.

Public Open Space

9.33 Saved local plan policy H13 requires 0.004ha per dwelling of amenity space which equates to 0.12ha for the proposed 30 dwellings. The proposed layout plan indicates a total of 0.128ha of on-site public open space provision in two separate areas. One area of 0.083ha is proposed in the north-west corner and one of 0.040ha halfway along the eastern boundary leading to an access gate to the adjacent fields. Whilst the level of provision meets the total space requirement of 0.12 ha, Policy H13 says that where possible the space should be provided in areas not less than 0.1ha, that roadside landscaping is not counted and that consideration should be given to incorporating ecological features, footpath and open space network linkages and that neighbour nuisance should be avoided.
9.34 In this case neither of the separate open space areas proposed achieve the 0.1ha size preference, but the overall provision on the site would be policy compliant. Whilst the proposals do meet the absolute requirements of the policy, there are some concerns about the location of the open space proposed adjacent to the field access and therefore whether it would be adequately retained and maintained. However the parks officer did not object to application 16/00981/FULMAJ where the open space was proposed in the same location provided that the confirmation of management arrangements was controlled through a condition. Furthermore it is considered that neither of the two areas proposed would be classed as roadside open space as one parcel would be to the east of the site furthest away from the roadside, and the other would be to the north-west corner but adjacent to an area of off-site footpaths and a small green. The provision would also be fully on-site. Therefore subject to the suggested condition it is considered that adequate public open space would be provided and would be adequately managed and maintained in accordance with Policy H13. It is considered the proposal would be acceptable in terms of open space provision.

Flood Risk

9.35 Paragraph 100 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. It also states that Local Planning Authorities should ensure flood risk is not increased elsewhere.

9.36 The proposal is located within Flood Zone 1 with a low probability of flooding and therefore there is no requirement for the applicant to demonstrate accordance with the sequential or exceptions tests with regard to flood risk. However, as the site exceeds 1ha in area, a Flood Risk Assessment (FRA) has been submitted.

9.37 Objectors have raised concerns about existing problems with flooding in the area and that the proposal could result in increased flooding, surface water, and drainage onto the highway. The relevant bodies have been consulted on the application and advised that objections have been received. Lancashire County Council as Lead Local Flood Authority (LLFA), United Utilities and WBC Drainage Engineer are satisfied that the proposal would be acceptable in terms of drainage subject to conditions requiring relating to discharge rates and controls with rates not to exceed Greenfield runoff rates, and management and maintenance, plus informative advice regarding surface water drainage. It is considered that subject to these conditions the proposal would be acceptable in terms of drainage and would comply with the provisions of the NPPF.

Education

9.38 Lancashire County Council as the Local Education Authority has adopted a methodology for claiming education contributions against those housing developments which are projected to create a shortfall of school places within the local area. In this case the contributions sought are £71,086.55 for 5 primary school places and £64,269.81 for 3 secondary school places, giving a total contribution requirement of £135,356.36. The contributions could be secured through a section 106 agreement.
Ecology and Trees

9.39 The majority of the site comprises grassland with low quality hedgerows to the west, north and east and with a few trees around but outside the site periphery including a band of poplar trees to the south. The landscaping plan indicates that additional tree and shrub planting is proposed. The Council’s tree officer has stated that his comments to application 16/00981/FULMAJ are still relevant to this application. His original comments were that he accepts the findings in the submitted tree survey report but raised concerns about overshadowing effects from the trees to the south as previously discussed in this report. The tree officer recommends a tree protection condition. This would be in order to protect trees and hedgerows to be retained. This includes trees which are outside the site (but overhang the site boundaries). Nevertheless a condition requiring protection of trees during the works is considered appropriate.

9.40 The applicant has provided a tree shadowing plan which shows that shadowing would occur to the gardens of the properties along the south boundary of the site, but that the dwelling houses would not be affected. In light of this it is considered that the impact of shadowing from existing trees to the proposal properties would be minimal. It is considered that the proposal would be acceptable in terms of impact on trees, and the impact of these trees on the proposed properties.

9.41 The applicant has submitted an Ecology Survey as part of the application and GMEU have been consulted. The submitted survey found no evidence of protected species on the site but did identify habitats that could be used by certain species. The ecology assessment makes a number of recommendations for the retention and protection of ecological features and species on site. In line with their previous comments conditions would be necessary to require a construction environment management plan, no vegetation clearance during the bird nesting season, provision and implementation of a lighting design strategy, and implementation of the survey recommendations in respect of bat, bird and landscape biodiversity improvements. Subject to these conditions the development is considered to be acceptable in terms of ecology and protected species.

Contamination

9.42 The NPPF states that where a site is affected by contamination, responsibility for securing a safe development rests with the developer/landowner. The National Planning Policy Guidance (NPPG) also states that local authorities should use conditions to secure the adequate remediation of contaminated land. Adequate information should be submitted by the applicant to show that the site is suitable for its new use.

9.43 Environmental Health have no objections to the application subject to conditions requiring a desk study to be carried out prior to commencement of development and further works if shown to be necessary, and details of gas protection measures. Subject to these conditions it is considered the proposal would be acceptable in terms of ground conditions and would comply with the provisions of the NPPF.
Other issues
- Safety and Security

9.44 Paragraph 58 of the Framework states that planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

9.45 The Designing out Crime Officer at Lancashire Constabulary has provided comments that in order to reduce the risk of crime, disorder and anti-social behaviour on the proposed housing development a number of security measures such as boundary fencing, security fitted windows and doors, and lockable external sheds, should be incorporated into the development. Full details of the measures suggested would be attached as an informative should the application be approved and therefore it is considered the proposal would be acceptable in terms of safety and security and would comply with the NPPF.

- Conserving and Enhancing the Historic Environment

9.46 Regard has been had during the assessment of this application to the impact upon the historic environment. The applicant has submitted a Heritage Statement as part of the application. The Council’s conservation officer considers the proposal would preserve the setting and appearance of the listed building known as Foxes Farm located adjacent and to the south of the proposed development site. As such it is considered the proposal would comply with the provisions of the NPPF.

10.0 CONCLUSION

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.

10.2 Objections have been received in relation to this application. These objections have been taken into account. It is however considered that these objections have been addressed either through consultation responses from statutory consultees or are not of such weight that planning permission should be refused. County Highways has no objections to the proposal, and it is considered the development would have adequate access and be unlikely to significantly impact upon the highway network.

10.3 The NPPF supports the presumption in favour of sustainable development, and looks at the ‘economic role’, ‘social role’, and ‘environmental role’. The application site is not an allocated housing site, nor is it within an existing settlement. However due to its close proximity to the main settlement of Poulton-le-Fylde, and its location immediately adjacent to the existing and proposed road network, it is considered that the proposal would represent sustainable development in terms of its links and easy access to the highway network and facilities.

10.4 In terms of the economic role, the proposed development would provide economic investment and employment in Poulton-le-Fylde through the delivery of additional housing. It would also bring inhabitants to a location with good links to an existing settlements and this would support local facilities. The scheme would also provide a new homes bonus.
10.6 In terms of social role, the proposed development would provide 30% affordable housing in the form of 9 units which would help to meet an identified social need.

10.7 In terms of the environmental role, the proposed development would be on a site within the countryside area as defined by the Policies Map of the Adopted Local Plan 1999. The proposal would not cause detrimental harm to protected species. It would also provide a development with energy efficient homes.

10.8 It is considered there are no significant adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal and no specific policies in the NPPF that indicate development should be restricted. It is considered that in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be approved.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

12.0 RECOMMENDATION

12.1 That the application be approved subject to conditions and a S106 legal agreement to secure appropriate financial contributions towards local education and Affordable Housing. That the Head of Planning Services be authorised to issue the decision on the 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 18/12/2017 including the following plans/documents:

   sa 440801 (Site Location Plan)
   0001 Rev M (Proposed Site Layout)
   SS02 (Site Sections)

   3.217/P(EG)/BU/L10/300 Rev # (Baird House Type)
   5.335/P1/L10/300 Rev # (Beaufort House Type Floor Plans)
   5.335/P2/L10/300 Rev # (Beaufort House Type Elevations)
   2.213/P/B/L10/300 Rev # (Bell House Type)
   5.340/P/B/L10/300 Rev C (Cavendish House Type)
   4.343/P/B/L10/300 Rev # (Eton House Type)
   4.309/P/B/L10/300 Rev B (Oxford House Type)
   5.236/P/B/L10/300 Rev A (Richmond House Type Floor Plans)
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. Building work shall not commence on any building until details of the materials to be used in the construction of the external surfaces of that building (including the external walls, roof, and windows) have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999). The details are required prior to the commencement of the development because they were not submitted with the application.

4. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum:
   a) Confirmed discharge rates and volumes (both pre and post development), temporary storage facilities, 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) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development Greenfield runoff rate 5l/s. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
   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.
   h) Construction [and Operation] of Pond/Attenuation Basin prior to main construction phase.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: This information is required prior to commencement to ensure that the proposed development can be adequately drained, that there is no flood risk on or off the site resulting from the proposed development, and that water quality is not detrimentally impacted by the development proposal in accordance with the National Planning Policy Framework.
5. No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reasons: This information is required prior to commencement to ensure that the drainage for the proposed development can be adequately maintained, and that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system in accordance with the National Planning Policy Framework.

6. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:
   a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents’ Management Company
   b) Arrangements concerning appropriate funding mechanisms for its 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 plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

   Reason: This information is required prior to commencement 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.

7. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment (Ref No. HYD045_HARDHORN. ROAD_FRA&SDA, Dated 5 April 2017 which was prepared by Betts Hydro. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

   Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with the National Planning Policy Framework.

8. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
   a) Risk assessment of potentially damaging construction activities.
   b) Identification of "biodiversity protection zones".
c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

d) The location and timing of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To secure the protection/maintenance of biodiversity in accordance with the National Planning Policy Framework.

9. No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In order to ensure that nesting birds are not unacceptably affected, in accordance with the National Planning Policy Framework.

10. Prior to occupation, a "lighting design strategy for biodiversity" for all areas 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 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 secure the protection/maintenance of biodiversity in accordance with the National Planning Policy Framework.

11. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted in writing and approved by the Local Planning Authority and shall include the following:-
(a) dust and dirt mitigation measures during the 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 construction period and control of noise at night from plant such as generators; complaint management and arrangements for liaison with the Council's Environmental Protection Team
(c) Hours and days of construction work for the development, expected to be 8.00-18.00, Monday to Friday, 08.00-13.00 on Saturdays with no work on Sundays and Bank 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 construction period
(f) arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)
(g) the routeing 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 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 construction work
(k) measures to protect watercourses against spillage incidents and pollution

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

Reason: This information is required prior to commencement as such details were not submitted with the application and need to be in place throughout the 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 SP14 of the Adopted Wyre Borough Local Plan (July 1999).

12. Prior to first occupation of the residential use of the development hereby approved, the scheme of noise insulation and mitigation measures set out in the supporting Noise Assessment submitted with the application by M A Kenyon of Martec Environmental Consultants Ltd, dated 22nd December 2016 as revised on the 29th January 2016 Ref: 20160129 7594 Hardhorn 8233-3, shall be implemented. The approved noise insulation measures shall thereafter be retained.

Reason: To ensure provision of adequate on site mitigation to safeguard living conditions for future residents.

13. The development hereby approved shall be implemented and retained in full accordance with the biodiversity enhancement measures set out in sections 5.3.10-5.3.11 (bats), 5.4.4-5.4.8 (birds) and 5.6 (landscape planting) of the Ecological Survey and Assessment (ERAP Ltd ref: 2015_294) dated June 2016 submitted with the planning application 17/01154/FULMAJ.

14. Notwithstanding the submitted plans, no development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include, areas of soft landscaping (including any retained trees, hedgerows and other planting and any replanted or transplanted hedgerows), hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

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.

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 the provisions of Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 11 of the National Planning Policy Framework. The details are required to be approved prior to commencement of development to ensure landscaping is implemented at an appropriate time during the development in the interests of the visual amenity of the area in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999). [DELETE FROM ABOVE AS APPROPRIATE]

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

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

Reason: To ensure that the development has a satisfactory visual impact on the streetscene, a satisfactory impact on neighbouring residential amenity and has a minimum risk of flooding in accordance with Policies SP14 and ENV15 of the Adopted Wyre Borough Local Plan (July 1999). The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application.

16. Public open space shall be provided on site in accordance with drawing 0001 Rev M as two parcels of 0.083 hectares and 0.040 hectares respectively to achieve the total requirement of 0.12 hectares of public open space in accordance with the requirements of saved Policy H13 of the Adopted Wyre Borough Local Plan, or any subsequent replacement Local Plan policy for the provision of public open space, and shall be provided and available for use, and shall thereafter be retained and maintained for use by the public.
Prior to the first occupation of the development or any phase of the development whichever is the sooner for its permitted use, an Open Space Management Plan, including long term design objectives, management responsibilities and maintenance schedules for all areas of open space, other than privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall be implemented in accordance with the approved details during the lifetime of the development.

Reason: To ensure the long term management and maintenance of open space within the site in the interests of visual amenity and the health and wellbeing of occupants in accordance with Policies SP14 and ENV7 of the Adopted Wyre Borough Local Plan (July 1999).

17. Prior to the commencement of development, including any tree works, an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan for retained trees, particularly to the south of the development, 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 measures contained within the approved Arboricultural Impact Assessment, Method Statement and Tree Protection Plan with respect to those trees shown as being retained shall be implemented in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

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

Reason: In order to protect trees from damage or loss in the interests of the amenity of the area in accordance with saved policies SP14 and ENV7 of the Adopted Wyre Borough Local Plan (July 1999). The details are required to be approved prior to commencement of development to ensure timely tree protection measures are in place.

18. 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. The potential for contamination must therefore be addressed in order to safeguard the development in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).
19. The development shall incorporate suitable gas protection measures, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The measures shall include as a minimum: ventilation of confined spaces within the building, a ground slab of suitable construction, a low permeability gas membrane, minimum (ideally none) penetration of the ground slab by services, and passive ventilation to the underside of the building. The development shall be carried out in accordance with the approved scheme and thereafter be maintained and retained. Alternatively, prior to the commencement of development, a gas monitoring programme and risk assessment of the results shall be undertaken to demonstrate that the above protection measures are not required. The results shall be submitted to and approved in writing by the Local Planning Authority. Any gas monitoring programme must be carried out over a period of at least three months and include at least three readings where the atmospheric pressure is below 1000mb. Gas flow rates must also be provided.

Reason: The development is within 250m of a closed landfill site. Works are therefore required in the interests of public safety and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).
Dated

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PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990

between

WYRE BOROUGH COUNCIL

and

LANCASHIRE COUNTY COUNCIL

and

and

WAINHOMES (NORTH WEST) LIMITED

relating to

Land on the North and South sides of Fairfield Road and land on the north east side of Staining Old Road Hardhorn Poulton-le-Fylde
THIS DEED is dated

PARTIES

(1) WYRE BOROUGH COUNCIL of Civic Centre, Breck Road, Poulton le Fylde, Lancashire, FY6 7PU (Council).

(2) LANCASHIRE COUNTY COUNCIL of County Hall, Fishergate, Preston, PR1 8XJ (County Council)

(3)

(4) WAINHOMES (NORTH WEST) LIMITED incorporated and registered in England and Wales with company number 04978580 whose registered office is at Exchange House, Kelburn Court, Birchwood, Warrington WA3 6UT (Developer)

BACKGROUND

(A) The Council is the local planning authority for the purposes of the TCPA 1990 for the area in which the Property is situated

(B) The County Council is the county planning authority, also a local planning authority, for the area in which the Property is situated and is the local highway and education authority for the area in which the Property is situated.

(C) The Owner is the freehold owner of the Property and registered as freehold proprietor with title absolute thereof at HM Land Registry under Title Number LA753502 subject as herein mentioned but otherwise free from encumbrances.

(D) The Developer has made the Planning Application and is proposing to carry out the Development and has the benefit of an Option Agreement dated 26 October 2016 referred to at entries 2 and 3 of the Charges Register of HM Land Registry Title number LA753502.

(E) The Council having regard to the provisions of the Local Plan and to all other material considerations resolved that Planning Permission should be granted for the Development subject to the prior completion of this Deed.

AGREED TERMS

1. INTERPRETATION

The following definitions and rules of interpretation apply in this deed:

1.1 Definitions:
Affordable Housing: Affordable Rented Housing and Intermediate Housing provided to eligible households whose needs are not met by the market in accordance with the definition in Annex 2 to the National Planning Policy Framework (or any future guidance or initiative that replaces or supplements it in respect of affordable housing).

Affordable Housing Units: the Dwellings to be provided as the Affordable Housing pursuant to this Agreement and being individually referred to as an Affordable Housing Unit.

Affordable Rented Units: those Affordable Housing Units to be leased to an individual for the Rent being plots 12, 13, 20, 21 and 22 shown on the Layout Plan, Individually referred to as an Affordable Rented Unit.

Approved Person: an individual who has been confirmed in writing by the Council to meet the Council Criteria for the purchase of any Discount Market Sale Unit for the purpose of ensuring that such purchasers are in Housing Need.

Base Rate: the base rate from time to time of Barclays Bank plc.

BCIS All-in Tender Price Index: the BCIS All-in Tender Price Index published by the Royal Institution of Chartered Surveyors or any successor body (or such other index replacing the same) for the period in which the contribution (or any part of it) is paid.

Chargee: any mortgagee or chargee of a Registered Provider (including any mortgagee or chargee of the Registered Provider as owner) or the successors to such mortgagees or chargees or any receiver or manager appointed pursuant to the Law of Property Act 1925.

Commencement of Development: the carrying out in relation to the Development of any material operation as defined by section 56(4) of the TCPA 1990 but disregarding for the purposes of this deed and for no other purpose, the following operations: demolition works; site clearance; ground investigations; site survey works; temporary access construction works; archaeological investigation; and erection of any fences and hoardings around the Property and Commence and Commences shall be construed accordingly.

Commencement Date: the date on which the Development Commences.

Council Criteria: the Council's criteria to be met in order to qualify for Discount Market Sale Units [as set out in Appendix [I]].

Default Interest Rate: 4% per annum above the Base Rate.

Development: the development of the Property authorised by the Planning Permission.

Discounted Market Sale Price: in respect of a relevant Discounted Market Sale Unit a sale on the open market at a 20% discount to Open Market Value.

Discounted Market Sale Unit(s): Affordable Housing Units to be sold to an Approved Person at the Discounted Market Sale Price.

Disposal: each and every means by which the right of occupation of an Affordable Housing Unit is given or transferred to another person body or company and "Dispose" shall be construed accordingly and for the sake of clarity the term "Disposal" and "Dispose" shall not include mortgages.

Dwelling: any residential unit built on the Property as part of the Development and reference to Dwellings shall be construed accordingly.
Homes England: Homes England or any bodies undertaking the existing functions of Homes England within the meaning of Part I of the Housing and Regeneration Act 2008 (or as redefined by any amendment, replacement or re-enactment of such Act);

Housing Need: an individual whose needs are not met by the market and is unable to buy or rent suitable housing at open market prices. Eligibility is determined with regard to local incomes and local house prices;

Index Linked: increased in accordance with the following formula:

Amount payable = the payment specified in this deed x (A/B) where:

A= the figure for the BCIS All –in Tender Price Index that applied immediately preceding the date the payment is due.

B= the figure for the BCIS All – in Tender Price Index that applied when the index was last published prior to the date of this deed.

Intermediate Housing: Affordable Housing Units for low cost home ownership which are to be constructed on the Site for Discount Market Sale being plots 9, 10, 11 and 19 shown on the Layout Plan and "Intermediate Housing Unit" and "Intermediate Housing Units" shall be construed accordingly.

Layout Plan: means the layout plan annexed hereto.


Nomination Policy: the Council's standard nomination policy for the allocation of Affordable Rented Units [as set out in Appendix [3]]

Occupation: occupation for the purposes permitted by the Planning Permission but not including occupation by personnel engaged in construction or fitting out or occupation for marketing or display or occupation in relation to security operations and Occupy and Occupied shall be construed accordingly.

Open Market Dwellings: The Dwellings which are not Affordable Housing Units.

Open Market Value: the estimated amount for which the Intermediate Housing Unit should sell on the valuation date assuming a sale between a willing buyer and a willing seller in an arm's length transaction after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion;

Plan 1: the plan attached as Annex A.

Planning Application: an application for full planning permission for residential development of 30 Dwellings with associated access, parking and landscaping and registered with the Council under reference number 17/01154/FULMAJ.

Planning Permission: the planning permission to be granted by the Council in respect of the Planning Application substantially in the draft form attached to this Deed as Annex B.

Poulton Mitigation Works Contribution: the sum of sixty thousand pounds payable in accordance with Schedule 1 of this Deed.

Poulton Mitigation Works Strategy: [the strategy of improvements towards the town centre strategy]
Practical Completion: construction and fitting out ready for first occupation save only for normal snagging and “Practically Complete” and “Practically Completed” shall be construed accordingly

Primary Education Contribution: means the sum of for the provision of additional primary school places at [ ] or any subsequent name or designation by which it is known

Property: the land shown edged red on Plan 1 being the freehold land described in the property register of Title Number LA753502 at HM Land Registry as on the North and South sides of Fairfield Road and land on the north east side of Staining Old Road Hardhorn Poulton-Le-Fylde and all of which is registered with absolute title at HM Land Registry under Title Number LA753502

Protected Tenant: any tenant who:
(a) has exercised the right to acquire pursuant to the Housing Act 1996 or any statutory provision for the time being in force (or any equivalent contractual right) in respect of a particular Affordable Rented Unit; or
(b) has exercised any statutory right to buy (or any equivalent contractual right) in respect of a particular Affordable Rented Unit;

and any successor in title to any of (a) (b) or (c) above;

Registered Provider: a provider of affordable housing registered with the Homes England pursuant to the Housing and Regeneration Act 2008;

Rent: the rent to which the Affordable Rented Units shall be subject which shall not exceed 80% of the local market rent (inclusive of service charges) calculated in accordance with the Royal Institution for Chartered Surveyors (RICS) approved valuation methods and shall not exceed Local Housing Allowance levels in the Wyre Borough Council administrative area as set by the Valuation Office or any successor body or such other rent as may be agreed in writing by the Chief Executive Officer;

Secondary Education Contribution: means the sum of for the provision of additional secondary school places at [ ] or any subsequent name or designation by which it is known

Statutory Undertaker: any company corporation board or authority at the date of this Agreement authorised by statute to carry on an undertaking for the supply of telephone and television communications electricity gas water or drainage and any authorised successor to any such undertaking;


VAT: value added tax chargeable under the Value Added Tax Act 1994 and any similar replacement tax and any similar additional tax.

Working Day: any day which is not a Saturday, a Sunday, a bank holiday or a public holiday in England.

1.2 Clause headings shall not affect the interpretation of this deed.
1.3 A person includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).

1.4 A reference to a company shall include any company, corporation or other body corporate, wherever and however incorporated or established.

1.5 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.

1.6 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.

1.7 A reference to any party shall include that party's personal representatives, successors and permitted assigns and in the case of the Council and the County Council the successors to their respective statutory functions.

1.8 Unless the context otherwise requires, a reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.

1.9 Unless the context otherwise requires, a reference to a statute or statutory provision shall include any subordinate legislation made from time to time under that statute or statutory provision.

1.10 A reference to this deed or to any other deed or document referred to in this deed is a reference to this deed or such other deed or document as varied or novated (in each case, other than in breach of the provisions of this deed) from time to time.

1.11 References to clauses and Schedules are to the clauses and Schedules of this deed.

1.12 An obligation on a party not to do something includes an obligation not to cause, allow or suffer that thing to be done.

1.13 Any words following the terms including, include, in particular, for example or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms.

1.14 Where an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually.
2. **Statutory Provisions**

2.1 This deed constitutes a planning obligation for the purposes of section 106 of the TCPA 1990, section 111 of the Local Government Act 1972, section 1 of the Localism Act 2011 and any other enabling powers.

2.2 The covenants, restrictions and obligations contained in this deed are planning obligations for the purposes of section 106 of the TCPA 1990 and are entered into by the Owner and the Developer with the intention that they bind the interests held by those persons in the Property and their successors and assigns.

2.3 The covenants, restrictions and obligations contained in this deed are enforceable by the Council in respect of covenants, restrictions and obligations made with it in accordance with s106 of the TCPA 1990 and by the County Council in respect of covenants, restrictions and obligations made with it in accordance with section 106 of the TCPA 1990.

3. **Conditionality**

With the exception of clauses 2, 3, 9, 10, 12, 15, 16, 18, 19, 20, 21, 22 and 23 (which take effect immediately), this deed is conditional on the grant and issue of the Planning Permission.

4. **Owner’s and Developer’s Covenants**

4.1 The Owner covenants with the County Council to:

(a) observe and perform the covenants, restrictions and obligations contained in Schedule 1 and Schedule 2;

(b) give at least 5 (five) Working Days written notice to the County Council of the Intended Commencement Date.

4.2 The Owner and the Developer jointly and severally covenant with the Council to observe and perform the covenants restrictions and obligations contained in Schedule 3

5. **Covenants by the Council**

The Council covenants with the Owner to observe and perform the covenants, restrictions and obligations contained in Schedule 2

6. **Covenants by the County Council**

The County Council covenants with the Owner to observe and perform the covenants, restrictions and obligations contained in Schedule 3
7. **INDEXATION**

7.1 All financial contributions payable to the County Council shall be Index Linked.

7.2 Where reference is made to an index and that index ceases to exist or is replaced or rebased then it shall include reference to any index which replaces it or any rebased index (applied in a fair and reasonable manner to the periods before and after rebasing under this deed) or in the event the index is not replaced, to an alternative reasonably comparable basis or index as the Council or the County Council shall advise the Owner and/or the Developer in writing.

8. **RELEASE**

8.1 No person shall be liable for any breach of a covenant, restriction or obligation contained in this deed after parting with all of its interest in the Property, except in respect of any breach subsisting prior to parting with such interest.

8.2 Determination of deed

The obligations in this deed (with the exception of clause 10) shall cease to have effect if before the Commencement of Development, the Planning Permission:

(a) expires;

(b) is varied or revoked other than at the request of the Owner; or

(c) is quashed following a successful legal challenge.

9. **LOCAL LAND CHARGE**

This deed is a local land charge and shall be registered as such by the Council.

10. **COUNCIL’S AND COUNTY COUNCIL’S COSTS**

The Owner shall pay to the Council and the County Council respectively on or before the date of this deed:

(a) the Council's reasonable and proper legal costs together with all disbursements incurred in connection with the preparation, negotiation, completion and registration of this deed in the sum of £[Redacted]; and

(b) the County Council's reasonable and proper legal costs together with all disbursements incurred in connection with the preparation, negotiation, completion and registration of this deed in the sum of £[Redacted].
11. **INTEREST ON LATE PAYMENT**

If any sum or amount has not been paid to the Council or County Council by the date it is due, the Owner and/or the Developer shall pay the Council and/or the County Council interest on that amount at the Default Interest Rate (both before and after any judgment). Such interest shall accrue on a daily basis for the period from the due date to and including the date of payment.

12. **OWNERSHIP**

12.1 The Owner and the Developer warrant that no person other than the Owner and the Developer has any legal or equitable interest in the Property.

12.2 **Until** the covenants, restrictions and obligations in Schedule 1, Schedule 2 and Schedule 3 have been complied with, the Owner and the Developer will give to the Council within 10 Working Days, the following details of any conveyance, transfer, lease, assignment, mortgage or other disposition entered into in respect of all or any part of the Property:

(a) the name and address of the person to whom the disposition was made; and 

(b) the nature and extent of the interest disposed of

provided that this obligation does not relate to the Disposal of Dwellings or to a Statutory Authority.

13. **REASONABLENESS**

Any approval, consent, direction, authority, agreement or action to be given by the Council or the County Council under this deed shall not be unreasonably withheld or delayed.

14. **CANCELLATION OF ENTRIES**

14.1 On the written request of the Owner and/or the Developer at any time after each or all of the obligations have been performed or otherwise discharged (and subject to the payment of the Council's reasonable and proper costs) the Council will issue a written confirmation of such performance or discharge.

14.2 Following the performance and full satisfaction of all the terms of this agreement or if this deed is determined pursuant to clause 0 (and subject to the payment of the Council's reasonable and proper costs and charges) the Council will on the written request of the Owner and/or the Developer cancel all entries made in the local land charges register in respect of this deed.
15. **Disputes**

Any dispute, controversy or claim arising out of or relating to this deed, including any question regarding its breach, existence, validity or termination or the legal relationships established by this deed, shall be finally resolved by arbitration in accordance with the Arbitration Act 1996. It is agreed that:

(a) the tribunal shall consist of one arbitrator appointed jointly by the parties;

(b) in default of the parties' agreement as to the arbitrator, the arbitrator shall be appointed on either party's request by the President for the time being of the Royal Institution of Chartered Surveyors;

(c) the costs of the arbitration shall be payable by the parties in the proportions determined by the arbitrator (or if the arbitrator makes no direction, then equally); and

(d) the seat of the arbitration shall be Manchester.

16. **No Fetter of Discretion**

Nothing (contained or implied) in this deed shall fetter or restrict the Council's or the County Council’s statutory rights, powers, discretions and responsibilities.

17. **Waiver**

No failure or delay by the Council or the County Council to exercise any right or remedy provided under this deed or by law shall constitute a waiver of that or any other right or remedy. No single or partial exercise of such right or remedy shall prevent or restrict the further exercise of that or any other right or remedy.

18. **Future Permissions**

Nothing in this agreement shall prohibit or limit the right to develop any part of the Property in accordance with any planning permission (other than the Planning Permission or modification, variation or amendment thereof) granted after the date of the Planning Permission.

19. **Agreements and Declarations**

19.1 The parties agree that:

(a) nothing in this deed constitutes a planning permission or an obligation to grant planning permission; and

(b) nothing in this deed grants planning permission or any other approval, consent or permission required from the Council in the exercise of any other statutory function.
19.2 The provisions of this Agreement shall not be enforceable against:
(a) owner or occupiers of the Open Market Dwellings on the Site;
(b) A Protected Tenant or any successor in title to a Protected Tenant
(c) Any mortgagee or chargee of an Affordable Housing Unit or receiver appointed by any of them in the event of default under a mortgage or charge obtained by an individual to enable purchase of an Affordable Housing Unit for their own personal occupation;
(d) a Chargee or successor in title thereto provided that the Chargee shall have first complied with the Chargee's Duty in clause 19.4;
(e) a Statutory Undertaker which has an interest in any part of the Site for the purposes of its undertaking.

19.3 Notwithstanding the terms contained herein the parties hereto agree that any mortgagee shall only be liable for breach of any provisions of this Agreement during such periods (if any) as it is a mortgagee in possession of the Site, or any part thereof save as set out in 2.4(c) above, and then only if it shall have caused such breach to have been occasioned and provided further for the avoidance of doubt it shall not in any event be liable for any breach of this Agreement arising prior to it becoming a mortgagee or chargee in possession of the land regardless of whether or not such pre-existing breach shall continue for any period during which it is a mortgagee in possession of the land.

19.4 The Affordable Housing provisions in this Agreement set out in Schedule 2 shall not be binding on a Chargee or administrator appointed by such Chargee or any other person appointed under any security documentation to enable such Chargee to realise its security (each a Chargee) of the whole or any part of the Affordable Housing Units or any persons or bodies deriving title through such mortgagee or chargee or Receiver PROVIDED THAT:

(a) such Chargee shall first give written notice to the Council of its intention to dispose of any or part of the Affordable Housing Units and shall have used reasonable endeavours over a period of three months from the date of the written notice to complete a disposal of the Affordable Housing Unit(s) to another Registered Provider subject to the terms of this Agreement or to the Council for a consideration not less than the amount due and outstanding under the terms of the relevant security documentation including all accrued principal monies, interest and costs and expenses;

(b) if such disposal has not completed within the three month period, the Chargee shall be entitled to dispose of the Affordable Housing Unit(s) free from the Affordable Housing provisions in this Agreement which provisions shall determine absolutely; and

(c) at the end of the said three month period to provide to the Council evidence of such reasonable endeavours made in accord with clause 18.4 (a) as the Council
may request in writing of the Chargee, such evidence, if requested, to be provided within 21 days of the date of any such request.

20. Notices

20.1 Any notice to be given under this deed must be in writing and must be:
(a) delivered by hand; or
(b) sent by pre-paid first class post or other next working day delivery service

20.2 Any notice to be given under this deed must be sent to the relevant party as follows:
(a) to the Council at Wyre Borough Council, Civic Centre, Breck Road, Poulton-le-Fylde, Lancashire, FY6 7PU marked for the attention of Chief Executive;
(b) to the County Council at Lancashire County Council, County Hall, Fishergate, Preston, PR1 8XJ marked for the attention of The Head of Legal Services;
(c) to the Owner at ***************;
(d) to the Developer at Exchange House, Kelburn Court, Daren Park, Birchwood WA3 6UT

or as otherwise specified by the relevant party by notice in writing to each other party.

20.3 Any notice given in accordance with clause 20.1 and clause 20.2 will be deemed to have been received:
(a) if delivered by hand, on signature of a delivery receipt provided that if delivery occurs before 9.00 am on a Working Day, the notice will be deemed to have been received at 9.00 am on that day, and if delivery occurs after 5.00 pm on a Working Day, or on a day which is not a Working Day, the notice will be deemed to have been received at 9.00 am on the next Working Day; or
(b) if sent by pre-paid first class post or other next working day delivery service, at 9.00 am on the second Working Day after posting.

20.4 A notice given under this deed shall not be validly given if sent by e-mail.

20.5 This clause does not apply to the service of any proceedings or other documents in any legal action or, where applicable, any arbitration or other method of dispute resolution.

21. Third party rights

A person who is not a party to this deed shall not have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this deed.
22. **Value added tax**

22.1 Each amount stated to be payable by the Council, the County Council, the Owner or the Developer to the others under or pursuant to this deed is exclusive of VAT (if any).

22.2 If any VAT is at any time chargeable on any supply made by the Council, the County Council, the Owner or the Developer under or pursuant to this deed, the party making the payment shall pay the other an amount equal to that VAT as additional consideration on receipt of a valid VAT invoice.

23. **Governing Law**

This deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.
The common seal of Wyre Borough Council
was affixed to this document in the presence of:

Authorised signatory

The common seal of Lancashire County Council
was affixed to this document in the presence of:

Authorised signatory

Signed as a Deed by

In the presence of:
Witness Signature: ..............................
Name: ................................................
Address: ...........................................
.........................................................
Occupation ...........................................

Signed as a Deed by

in the presence of:
Witness Signature: ..............................
Name: ................................................
Address: ...........................................
.........................................................
Occupation...........................................
Signed as a Deed by

in the presence of:
Witness Signature: ......................................

Name: ........................................................

Address: .....................................................

Occupation: .................................................

Signed as a Deed by

in the presence of: ........................................
Witness Signature: ......................................
Name: ........................................................
Address: .....................................................

Occupation: .................................................

Executed as a Deed by WAINHOMES (NORTH WEST) LIMITED acting by [NAME OF FIRST DIRECTOR], a director and [NAME OF SECOND DIRECTOR OR SECRETARY, a director or secretary
1. PRIMARY EDUCATION CONTRIBUTION

1.1 To notify the County Council on first Occupation of the 15th Dwelling and 23rd Dwellings to be Occupied.

1.2 Prior to first Occupation of the 15th Dwelling to be Occupied to pay to the County Council 50% of the Primary Education Contribution.

1.3 Prior to first Occupation of the 23rd Dwelling to be Occupied to pay to the County Council the remaining 50% of the Primary Education Contribution.

2. SECONDARY EDUCATION CONTRIBUTION

2.1 To notify the County Council on Occupation of the 15th and 23rd Dwellings to be Occupied.

2.2 Prior to first Occupation of the 15th Dwelling to be Occupied to pay to the County Council 50% of the Secondary Education Contribution.

2.3 Prior to first Occupation of the 23rd Dwelling to be Occupied to pay to the County Council the remaining 50% of the Secondary Education Contribution.

3. POULTON MITIGATION WORKS CONTRIBUTION

3.1 To notify the County Council on first Occupation of 1st Dwelling to be Occupied

3.2 To pay to the County Council on first Occupation of the 1st Dwelling to be Occupied the Poulton Mitigation Works Contribution towards the Poulton Mitigation Works Strategy.
Schedule 2  Affordable Housing

1. That no less than 30% of the Dwellings which are constructed on the Site shall be Affordable Housing Units to be provided by the Owner. The Affordable Housing provision shall comprise 50% Affordable Rented Housing and 50% Intermediate Housing in accordance with this Agreement.

2. No more than 50% of the Open Market Dwellings shall be Practically Completed until the Affordable Housing Units have been completed and transferred to a Registered Provider in accordance with the criteria set out in Schedule 2 of this Agreement and are available for occupation in accordance with those criteria.

3. Subject to paragraph 13 of this Schedule 2 not to permit, suffer, cause or allow the Affordable Housing Units or any part thereof to be developed or built other than for a Registered Provider.

4. Save with the consent in writing of the Council not to allow, permit or suffer any of the Affordable Housing Units to be occupied by individuals who do not meet the occupation criteria for the relevant Affordable Housing Unit set out in this Schedule 2.

5. The Affordable Housing Units shall only be used for the purpose of providing Affordable Housing accommodation and other than Discounted Market Sale Unit/s to meet the objectives of a Registered Provider.

6. To serve notice in writing on the Council as soon as reasonably practicable after the completion of the construction of the Affordable Housing Units.

7. Subject to paragraph 12 of this Schedule 2 that the Owner shall not cause or permit the Occupation of any of the Affordable Housing Units (other than any Discounted Market Sale Unit/s) until the freehold of the Affordable Housing Units has been transferred to a Registered Provider by a transfer in a form acceptable to and approved by the Council (such acceptance and approval not to be unreasonably withheld or delayed) at a value to be agreed between the Registered Provider and the Owner.

8. That the Owner shall notify the Council in writing within 14 days of postal addresses being assigned to the Affordable Housing Units.

9. That the Registered Provider shall forthwith serve notice in writing upon the Council upon the completion of any Disposal or letting of the whole or any part of the Site of the Affordable Housing Units to any other Registered Provider or person(s) to the end and intent that the Council shall be kept fully informed of ownerships and tenancies regarding the same.

10. In the event that:

   10.1. the Owner despite using reasonable endeavours which shall include as a minimum reasonable approaches to [6] Registered Providers at least [4] of which shall already own properties in the Wyre Borough Council area and is unable to Dispose of the Affordable Housing Units to a Registered Provider(s) within 12 months of the Commencement of Development; and

   10.2. evidence of such reasonable endeavours having been presented in writing to the Council; and
10.3. the Council indicates in writing that it agrees that the Owner has used its reasonable
endeavours to dispose of the Affordable Housing Units to the requisite minimum
number of Registered Provider(s),

then the Owner may sell such Affordable Housing Units as cannot be transferred to a
Registered Provider as Discount Market Sale Units in accordance with the requirements of
this Schedule PROVIDED THAT if agreement cannot be reached between the Council and the
Owner in relation to whether reasonable endeavours have been used by the Owner following
evidence of such reasonable endeavours having been presented in writing to the Council
then the provisions of clauses 14 of this Agreement relating to expert determination can be
invoked by any party in relation to only those matters that are in dispute.

Affordable Rented Housing

11. That the whole interest in the Affordable Rented Housing is made available for a minimum of
125 years from the date of first occupation for rental in accordance with paragraphs 15 and
16 below.

12. That the Affordable Rented Housing should be rented out at no more than the Rent.

13. The lettings of the Affordable Rented Housing shall be subject to the nomination rights and
residence qualifications as set out in paragraphs 16 and 17 of this Schedule 2.

14. The Registered Provider shall inform the Council when the Affordable Rented Housing is to
be available and shall allocate the first occupation of all the Affordable Rented Housing to
persons nominated by the Council in accordance with the Nomination Policy.

15. In the event of the Council not making any nomination or a nomination of a person or a
person nominated in accordance with the Nomination Policy not accepting an offer made by
the Registered Provider within five working days of the offer the Registered Provider shall be
entitled to allocate Occupation of any available unit to any person who is in Housing Need
and, if none such after 4 weeks of marketing in the Wyre Borough Council area to such
person as the Registered Provider deems fit provided they are in Housing Need.

16. Those tenants not nominated by the Council shall be so determined and selected in
accordance with the tenant selection policies of the Registered Provider relevant to the
specific type of property.

Discounted Market Sale Units

17. The Discounted Market Sale Units shall be sold only at the Discounted Market Sale Price to
an Approved Person in accordance with paragraphs 18 to 24 inclusive of this Schedule 2.

18. On first Disposal of the Discounted Market Sale Units the Owner shall submit to the Council a
list of potential purchasers to enable the Council to prioritise (if necessary) and approve a
number of Approved Person(s) suitable to purchase the Discounted Market Sale Units.

19. Prior to any Disposal of a Discounted Market Sale Unit the Owner shall submit in writing to
the Council for approval (such approval not to be unreasonably withheld or delayed) its
assessment of the Open Market Value of the Discounted Market Sale Unit at that time.

20. If the Council does not approve the Owner’s assessment of the Open Market Value of the
Discounted Market Sale Unit the Open Market Value thereof shall be determined prior to
Disposal by an independent Chartered Surveyor in accordance with clauses 14 of this
Agreement.
21. Once the Open Market Value is agreed the Discounted Market Sale Unit shall be sold for no more than the Discounted Market Sale Price.

22. If a Discounted Market Sale Unit has not been sold to an Approved Person within a period of 6 months from first being marketed or advertised for sale then the Owner shall be entitled to dispose of the Discounted Market Sale Unit at the Discounted Market Sale Price to an Approved Person who is in Housing Need.

23. A purchaser of a Discounted Market Sale Unit shall occupy the Discounted Market Sale Unit as their sole and primary residence.

Other forms of intermediate affordable housing

24. The Owner may offer to the Council any other form of intermediate affordable housing that meets the criteria of Annex 2 of the National Planning Policy Framework (or any future guidance or initiative that replaces or supplements it).

25. If such other forms of intermediate affordable housing are included then the Owner shall include precise details of the mechanism by which such Dwellings shall be provided, including if necessary, but not limited to, method of transfer to a Registered Provider, nomination rights, occupancy criteria and rent restrictions. If required to do so by the Council the Owner shall enter into a further agreement to ensure that those Dwellings to be provided shall be affordable in perpetuity to individuals in Housing Need.
Schedule 3  Covenants by the County Council

1. PRIMARY EDUCATION CONTRIBUTION

1.1 To pay the Primary Education Contribution into a separately identified interest-bearing section of the County Council’s combined accounts as soon as reasonably practicable.

1.2 Not to use any part of the Primary Education Contribution other than towards the cost of providing, expanding or improving educational facilities (which may include the purchase and improvement of land and buildings) at [ ] or any subsequent name or designation by which it is known

1.3 In the event that the Primary Education Contribution has not been spent or committed for expenditure by the County Council within 5 years following the date of receipt of the final payment of the Primary Education Contribution the County Council shall refund to the party who paid it any part of the Primary Education Contribution which has not been spent or committed for expenditure, together with any accrued interest at the Bank of England Base Lending Rate.

2. SECONDARY EDUCATION CONTRIBUTION

2.1 To pay the Secondary Education Contribution into a separately identified interest-bearing section of the County Council’s combined accounts as soon as reasonably practicable.

2.2 Not to use any part of the Secondary Education Contribution other than towards the cost of providing, expanding or improving educational facilities (which may include the purchase of land and buildings) at [ ] or any subsequent name or designation by which it is known

2.3 In the event that the Secondary Education Contribution has not been spent or committed for expenditure by the County Council within 5 years following the date of receipt of the final payment of the Secondary Education Contribution the County Council shall refund to the party who paid it any part of the Secondary Education Contribution which has not been spent or committed for expenditure, together with any accrued interest at the Bank of England Base Lending Rate.

3. POULTON MITIGATION WORKS CONTRIBUTION

3.1 To pay the Poulton Mitigation Works Contribution into a separately identified interest-bearing section of the County Council’s combined accounts as soon as reasonably practicable.
3.2 Not to use any part of the Poulton Mitigation Works Contribution other than for the Poulton Mitigation Works Strategy (whether by the County Council or another party).

3.3 In the event that the Poulton Mitigation Works Contribution has not been spent or committed for expenditure by the County Council within five (5) years following the date of receipt of the final payment of the Poulton Mitigation Works Contribution the County Council shall refund to the party who paid it any part of the Poulton Mitigation Works Contribution which has not been spent or committed for expenditure, together with any accrued interest at the Bank of England base lending rate.
Annex A.  Plan 1
Annex B: Draft Planning Permission
Dear Miss Embery

Town and Country Planning Act 1990
Residential development comprising the erection of 30 dwellings with associate works including access and landscaping
Application Number: 17/01154/FULMAJ

I refer to the above application which has been the subject of a third party request to call in for determination by the Secretary of State for Housing, Communities and Local Government.

The Secretary of State has carefully considered this case against call-in policy, as set out in the Written Ministerial Statement by Nick Boles on 26 October 2012. The policy makes it clear that the power to call in a case will only be used very selectively.

The Government is committed to give more power to councils and communities to make their own decisions on planning issues, and believes planning decisions should be made at the local level wherever possible.

In deciding whether to call in this application, the Secretary of State has considered his policy on calling in planning applications. This policy gives examples of the types of issues which may lead him to conclude, in his opinion that the application should be called in. The Secretary of State has decided, having had regard to this policy, not to call in this application. He is content that it should be determined by the local planning authority.

In considering whether to exercise the discretion to call in this application, the Secretary of State has not considered the matter of whether this application is EIA
Development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The local planning authority responsible for determining this application remains the relevant authority responsible for considering whether these Regulations apply to this proposed development and, if so, for ensuring that the requirements of the Regulations are complied with.

Yours sincerely

[Redacted]

Dave Jones
Senior Planning Manager
Lucy, Rea

This note follows on from our meeting with Wainhomes and their representatives. As indicated at a LCC, Wyre, Wainhomes meeting, it was LCC’s intention to collect further traffic data in February to see if any changes have occurred since the application was first considered. Traffic data was collected at the end of January and a validation check undertaken in the first week of February at the junction of Hardhorn Road with Garstang Road. There was also local observation undertaken on the local network.

I can confirm that whilst there is natural link traffic flow variability, the junction in question has not been subject to traffic growth when previous survey data is compared to the latest 2018 traffic data.

In 2017 WYG modelled the junction to maximise movement, with no bias towards the Garstang Road East (the mainline). Whilst this is not theoretically incorrect, the approach taken by the county council from an operational perspective would be different; we would limit delay on the mainline, maintaining its reliability and status. Thus reducing queuing on the mainline at the expense of the side roads.

Considering data collected by the county council, there would be some net increase in overall traffic, however it would modest. The level of increase with the proposal having regard to the lack of traffic growth would not, in my view, result in a severe residual cumulative impact.

As highlighted above queue lengths were observed at the junction based on the existing layout and signal timings, it was noted that they did not extend beyond Hodgson Place at a length of around 290m at the start of the count and reduced to 100m at the end.
A number of highway changes have been secured to improve the Hardhorn with Garstang Road East junction, and other locations in the vicinity, from 2 developments which will improve this situation. These are highlighted and referred to in the Poulton Mitigation strategy.

With this in mind, having regard the scale of development and the current observed traffic conditions, the impacts can be mitigated by the provision of suitable s278 and s106. I would be satisfied if the applicant was to support the delivery of the mitigation strategy at the same level pro rata to that secured from others; this equates to £60,000 (30 units @ £2,000 each). The funding would be used for the town centre strategy and other changes on Hardhorn Road between Garstang Road East and the junction of High Cross Road. Changes would be used to improve reliability and network operation for all modes as a direct result from this development.

In addition other changes would be required and delivered under a s278 agreement including:

- Site access as per drawing P001 (subject to technical approval).
- Upgrade 2No. bus stops to include raised boarding area, road marking and associated signing (Quality Bus Stop standards) and bus shelter for northbound service.
- Provide new footway at junction of Hardhorn Road and Longhouse Lane junction and tactile paving at crossing point.
- Widen / reclaim footway to minimum of 2m along site frontage.

Having regard to the changes that have occurred since the application was last considered and assuming the above is agreed with Wainhomes this would be sufficient to alter the highway authorities position of objecting to the proposal for reasons previously highlighted.

I have also included my local county councillor to keep him informed of the latest position.

Iain

Please can you confirm your support of the above.
Regards

Neil

Neil J. Stevens
Highway Development Control Manager
Community Services
Lancashire County Council
Tel: (01772) 534057
Proposal: Outline application for the erection of 65 dwellings with access applied for off Carr End Lane (all other matters reserved)
Location: Land East Of Carr End Lane Stalmine Poulton-le-Fylde Lancashire
Grid Ref: 337350 - 445019

With regard to your letter dated the 24th January 2018.

Following recent conversations with the applicants Transport Consultants WYG. (LCC) Highways does not have any objections regarding the proposed 65 dwellings and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Introduction

The site was visited on the 19th March 2018

A Transport Statement (TS) has been produced by WYG Transport in support of this current planning application and assumes the quantum of development to be 65 dwellings. The following comments are therefore based on the development being up to 65 dwellings. The site is currently undeveloped agriculture land with a field gate access onto Carr End Lane.

(LCC) Highways are aware that this application will provide a new access onto Carr End Lane and also join up with the new access road for planning application 14/00226/OUTMAJ which will allow direct access onto the A588 without using Carr End Lane. The linking of the sites will aid with sustainable transport links to access the local school and the bus stops on the A588. Planning application 14/00226/OUTMAJ and this site are being provided by the same developer and as such rights of way through the site should not be an issue.

The site will be accessed via a new priority access on to Carr End Lane. Carr End Lane is classified as the C402 road and is categorised as a secondary distributor road with a speed limit of 20mph fronting the site access.

From or mapping system "Mapzone", the proposed development does not affect any public rights of way.
Highway Capacity

TRICS is the national standard system used to predict trip generation and analysis of various types of development. The TRICS report within the WYG Transport Statement has been checked and is considered acceptable for this site.

Using the TRICS report within the WYG Transport Statement for 65 dwellings, the site will generate an estimated peak flow of 40 two-way vehicle movements between 8am and 9pm and 39 two-way vehicle movements between 5pm and 6pm.

The National Planning Policy Framework states in paragraph 32 “Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. (LCC) Highways are of the opinion that the proposed 65 dwellings will not have a severe impact on highway capacity in the immediate vicinity of the site.

Highway Safety

The Lancashire County Councils five year data base for Personal Injury Accident (PIA), was checked on the 26th March 2018. The data indicates there has not been any reported incidents near the access to the new development on Carr End Lane.

The data base for Personal Injury Accident (PIA) indicates there has been 16 reported incidents along the A588 from Hambleton to the site access approved by planning application 14/00226. The existing highway network is therefore considered to have a poor accident record and indicates there is an underlying issue regarding highway safety which the proposed development would exacerbate. The A588 was identified by the Road Safety Foundation as one of England’s 50 roads with the highest risk of fatal and serious collisions as such LCC have recently made a bid to the Department for Transport to fund road safety improvements along its length from Lancaster to Skippool.

The strategic case for the bid submitted in 2017 is to fund schemes, which aims to address the high proportion of collisions where loss of control or excessive speeds were identified as contributory factors and improvement to aid pedestrian and cyclists. These collisions mainly occurred through the rural sections of the route. Within the urban area measures proposed will help reduce collisions involving vulnerable road users with the introduction of shared use footways and new or upgraded crossing facilities. While a bid has been submitted to the Department of Transport, this does not provide any assurances that funding will be made available for the improvements and any short fall in funding would need to be found from different sources.

The assessment of this road was carried out by the Road Safety Foundation and reinforces (LCC) Highways concerns regarding the impact of new developments along this route.

(LCC) Highways recommends a section 106 contribution of £100,000 to support the
A588 Road safety Bid and to contribute towards the highway improvement scheme and public transport facilities between the junction with Moss side Lane, Stalmine to the junction with Sandy Lane, Hambleton.

(LCC) Highways are of the opinion that the shown sight lines of 2.4x49m in both directions onto Carr End Lane are to the recommendations within Manual for Streets. The sight lines are fully achievable over land within the applicants control and the existing adopted highway. With this said the sight line splays will require the hedge within the sight line, to be either removed or to have a maximum height of 1.0m above the height at the centre line of the adjacent carriageway. The sight line requirement to the north of the site will be protected with the provision of the proposed 2m wide footway. The sight line requirement to the south of the new access will require works to the existing hedge to provide the shown sight lines and long term future maintenance to keep the sight lines clear.

It is understood the planning department will have issues regarding the enforcement of the future maintenance of hedges and planting within the sight lines and as such further discussions and agreement with the planning department will be required regarding the future maintenance / removal / relocation of the planting within the sight lines etc.

(LCC) Highways are of the opinion that the proposed geometry of the site access is to prescribed design standards for this size of development for all highway users. Drawing A105751-P001 rev C "Proposed Site Access and Highway improvements" now indicates the recommended new street lighting system from lighting column F2 near the access to "Ash Lea House and to continue to the change in speed limit at the southern boundary of the site.

(LCC) highways fully supports the proposed 2m footpath from the proposed site access to the path leading to Lynwood Drive. The shown carriageway narrowing at this point will also work as a traffic calming feature, reducing speeds of vehicles entering the village and passing the proposed new site access.

The National Planning Policy Framework states in paragraph 32 "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe" and "safe and suitable access to the site can be achieved for all people".

(LCC) Highways are of the opinion that the development will not have a severe impact on highway safety in the immediate vicinity of the site and a safe site access has been provided for all highway users.

The new site access, and associated off-site works for carriageway widening, new footpath, street lighting etc. will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby 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. The applicant is advised to contact the Community Services before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for 278 agreement.
Sustainable Travel

(LCC) highways fully supports the proposed 2m footpath from the proposed site access to the path leading to Lynwood Drive, with isolated road narrowing. As well as providing safe sustainable travel links to the village, the shown carriageway narrowing at this point will also work as a traffic calming feature, reducing speeds of vehicles entering the village and passing the proposed new site access.

Drawing A105751-P001 rev C "Proposed Site Access and Highway improvements" now indicates the recommended new street lighting system from lighting column F2 near the access to "Ash Lea House and to continue to the change in speed limit at the southern boundary of the site.

The National Planning Policy Framework states in paragraph 32 "improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development" and "safe and suitable access to the site can be achieved for all people".

The National Planning Policy Framework states in paragraph 29 "The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel".

(LCC) Highways are of the opinion that a safe and sustainable travel provision is being proposed and as such the proposed development meets the requirements of the National Planning Policy Framework.

Sustainable Transport

Section 106 contributions have been secured as part of planning application 14/00226/OUTMAJ to enhance the existing bus services through the village and as such additional contributions are not being sought for this application.

Section 106 Contributions

The data base for Personal Injury Accident (PIA) indicates there has been 16 reported incidents along the A588 from Hambleton to the site access approved by planning application 14/00226. The existing highway network is therefore considered to have a poor accident record and indicates there is an underlying issue regarding highway safety which the proposed development would exacerbate. The A588 was identified by the Road Safety Foundation as one of England's 50 roads with the highest risk of fatal and serious collisions as such LCC have recently made a bid to the Department for Transport to fund road safety improvements along its length from Lancaster to Skippool.

The strategic case for the bid submitted in 2017 is to fund schemes, which aims to address the high proportion of collisions where loss of control or excessive speeds were identified as contributory factors and improvement to aid pedestrian and cyclists. These collisions mainly occurred through the rural sections of the route. Within the urban area measures proposed will help reduce collisions involving
vulnerable road users with the introduction of shared use footways and new or upgraded crossing facilities. While a bid has been submitted to the Department of Transport, this does not provide any assurances that funding will be made available for the improvements and any short fall in funding would need to be found from different sources.

The assessment of this road was carried out by the Road Safety Foundation and reinforces (LCC) Highways concerns regarding the impact of new development along the route.

(LCC) Highways recommends a section 106 contribution of £100,000 to support the A588 Road safety Bid and to contribute towards a highway improvement scheme and public transport facilities between the junction with Moss side Lane, Stalmine to the junction with Sandy Lane, Hambleton.

Internal Highway Layout

(LCC) Highways understands the current outline planning application is concerned with the site access and impact on the existing highway infrastructure only. All other highway matters such as the internal highway layout; and car parking etc. are to be determined as part of a future reserved matters application.

To allow early discussions between all parties, to achieve a more seamless planning and future section 38 agreement process (LCC) Highways are offering a pre application service and further advices can be found at www.lancashire.gov.uk/business/business-services/pre-planning-application-advice-service/pre-planning-application-highways-advice-service

Conclusion

(LCC) Highways does not have any objections regarding the proposed 65 dwellings and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Conditions

(LCC) Highways recommends the following conditions as part of the formal planning decision: -

1. No development shall take place until details of a Construction, Management and Maintenance Plan for the highway construction and future maintenance within the site shall be submitted to and approved in writing by the Local Planning Authority, in consultation with (LCC) Highways, and be adhered to throughout the construction period. The Plan shall provide for:-
   a) The parking of vehicles of site operatives and visitors;
   b) Loading and unloading of plant and materials used in the construction of the development;
   c) Storage of such plant and materials;
   d) Wheel washing and road sweeping facilities, including details of how, when and where the facilities are to be used.
e) Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made).
f) Routes to be used by vehicles carrying plant and materials to and from the site;
g) Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.
h) Set out procedures for a pre commencement survey between the developer and (LCC) Highways to determine the condition of Carr End Lane, within 100m of the new site access.
i) Set out procedures for the developer and (LCC) Highways to carry out a similar survey as item "h", every six months from the commencement date of development.
j) Set out procedures for the developer and (LCC) Highways to carry out a final inspection as item "h" within one months of the completion of the last house.
k) Set out procedures for the developer to make good any damage from the original survey as item "h" at each inspection stage and to return the highway to the pre-construction situation as required.
l) Set out the development phases and the standards for the estate streets serving each phase of the development and a time scale for the phases to be completed.
m) Set out the construction details for each phase of the estate streets, together with the phasing and timescales for entering an agreement under section 38 of the highways act 1980 and/or the establishment of a private management and maintenance company.
n) Set out the Management and Maintenance arrangements for each estate streets phase of the development. 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 or a private management and Maintenance Company has been established.
o) No dwelling within each set out phase shall be occupied until an agreement under section 38 of the highways act 1980 has been entered and/or a private management and maintenance company has been established for the future maintenance of the estate streets.

Reasons: In the interest of highway safety; to reduce the impact of development on the surrounding highway; to ensure a satisfactory appearance and safety of the highways infrastructure serving the approved development; and safeguarding the visual amenities of the locality.
2. No part of the development shall be commenced the visibility splays measuring 2.4 metres by 49 metres in both to be provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Carr End :Lane to the satisfaction of the Local Planning Authority. The land within these splays shall be adopted as part of the adopted highway and constructed as footway: Reasons: To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Quality of Development Policy and Transport Policy in the Local Plan.

3. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980. The off-site highway works to include:-
   a) A new street lighting system from lighting column F2 near the access to "Ash Lea House and to continue to the change in speed limit at the southern boundary of the site.
   b) The carriageway widening of Carr End Lane as shown on drawing A105751-P001 rev C "Proposed Site Access and Highway Improvements"
   c) The 2m footpath from the proposed site access to the path leading to Lynwood Drive, with isolated road narrowing

Reasons: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

4. No part of the development hereby approved shall be occupied until the approved scheme referred to in Condition "3" has been constructed and completed in accordance with the approved scheme details, without prior agreement from the Local Planning Authority. Reasons: In order that the traffic generated by the new development does not exacerbate unsatisfactory highway conditions in advance of the first occupancy or trading.

If you have any questions please do not hesitate to contact me.

Yours sincerely

Stewart Gailey
Highway Development Control