

**Planning Committee**

**5 August 2015**

<b>Item No</b>	<b>Site/ Video/ Photos</b>	<b>Application Number</b>	<b>Location</b>	<b>Proposal</b>	<b>Rec.</b>	<b>Decision</b>
1	S	14/00553/OULMAJ	Land Off Lambs Road Thornton-Cleveleys Lancashire	Outline application for a residential development of up to 165 dwellings with access applied for off Lambs Road and Raikes Road.	PER	
2	S	15/00040/OUTMAJ	Land At Bowgreave House Farm Garstang Road, Bowgreave Preston, Lancashire PR3 1YE	Outline planning application with all matters reserved for the erection of up to 30 residential dwellings	PER	
3	S	15/00122/FUL	Throstles Nest, Whinney Brow Lane, Forton, Preston, Lancashire PR3 0AE	Demolition of part of former restaurant and the erection of 6 dwellings	PER	

arm/rg/pla/cr/15/0508nc6

**Committee Report****Date: 05.08.2015**

<b>Item Number</b>	<b>01</b>
<b>Application Number</b>	<b>14/00553/OULMAJ</b>
<b>Proposal</b>	<b>Outline application for a residential development of up to 165 dwellings with access applied for off Lambs Road and Raikes Road.</b>
<b>Location</b>	<b>Land Off Lambs Road Thornton-Cleveleys Lancashire</b>
<b>Applicant</b>	<b>Wainhomes (North West) Ltd</b>
<b>Correspondence Address</b>	<b>c/o Sedgwick Associates Mr M Symons 24 Queensbrook Spa Road Bolton Lancashire LA1 4AY</b>
<b>Recommendation</b>	<b>Permit</b>

**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mr Jonathan Pennick****1.0 INTRODUCTION**

1.1 The application is before Members for determination due to its strategic importance and due to the public interest it has generated. A site visit is proposed to help Members understand the proposal beyond the proposed plans and information submitted and the photos taken by the Officer.

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The 5.8 hectare application site comprises a derelict pig farm consisting of nine buildings and associated farmyard, and open agricultural land comprising improved grassland with hedgerows located to the boundary of the site. The topography of the site varies, however the site generally falls from the north eastern boundary (approximately 15.1 metre AOD) to the south western boundaries (approximately 8.2 metre AOD). The larger and more northern of the two fields hosts a weekly car boot sale on some days of the year utilising permitted development rights.

2.2 To the north and east, the site is bordered by open land, with the Morecambe Bay SPA and Ramsar and Wyre Estuary SSSI located approximately 600 metres from the site. To the south, the site is bordered by the existing residential properties along Raikes Road; with Raikes Road and further residential properties beyond. The site is bordered to the west by Lambs Road and Furlong Green to the south west; with existing residential areas beyond.

2.3 The site is identified in the Local Plan as Countryside (saved Local Plan policy SP13).

### **3.0 THE PROPOSAL**

3.1 The application seeks outline planning permission for the development of up to 165 (maximum) residential dwellings and all matters are reserved with the exception of access to the site. Vehicular access would be taken from Raikes Road and Lambs Road.

3.2 Whilst the application is in outline only, it is accompanied by a Feasibility Sketch Layout which has been submitted to provide an example of how the site may be developed. Notwithstanding this, the layout of the scheme; scale, design, materials and architectural details of the buildings; and the developments landscaping and boundary treatments are all details to be submitted as part of a Reserved Matters application should outline permission be granted. The number of units indicated in the description relate to the maximum figure to be provided on site. Provided any future scheme complies with the scale parameters set by this outline and other material considerations at the detailed design stage, there is scope within the site for the numbers of dwellings to vary from the maximum number of units.

3.3 To help demonstrate that the principle of residential development could be acceptable, the application has been accompanied by a range of supporting documents as follows: -

- Access Details
- Air Quality Assessment
- Affordable Housing Statement
- Crime Impact Statement
- Design and Access Statement
- Ecological Survey and Assessment
- Feasibility Sketch Layout
- Flood Risk Assessment
- Phase 1 Geo Environmental Desk Study Report
- Planning Statement
- Sustainability Statement
- Topographical Survey
- Transport Assessment (Technical Note 1 and Technical Note 2)
- Travel Plan
- Tree Survey Report
- Utilities Statement

### **4.0 RELEVANT PLANNING HISTORY**

4.1 06/00860/FUL - Change of use of land to provide one day markets/car boot sales on any 28 Sundays May to October. The application was refused 15.09.2006 for the following reason:-

1. The nature of the proposed development involves the generation of a substantial volume of traffic, and results in an intense activity on the site from both stallholders and visitors to the venue. Given the distance is 25 to 35 metres from the site boundary to adjacent residential property, it is considered that the proposed development would have an unacceptable impact on the residential amenity of those properties through disturbance and noise, in particular, in the early morning of a Sunday. Therefore the proposal is considered to be contrary to Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and Policy CORE11 of the Wyre Borough Local Plan 2001-2016 (first deposit draft).

4.2 95/00719 - Outline application for residential development. The application was refused on the 29.11.1995 for the following reasons:-

1. The proposed development would conflict with the settlement policies of the Lancashire Structure Plan which indicates that development in the open countryside outside the Green belt is limited to that needed for the purposes of agriculture or forestry or other uses appropriate to a rural area. To this particular case the rehabilitation and re-use of buildings subject to criteria and the re-use or replacement of institutional buildings within their own grounds
2. The proposed development would conflict with the provisions of the approved Fleetwood, Thornton Cleveleys and Poulton-le-Fylde Local Plan in which this site lies in a Countryside Area. Policies 34 and 35 seek to ensure that these open, rural landscapes are preserved and that they are protected from undesirable forms of development which would detract from their character.
3. This application relates to a large site amongst a ribbon of residential development within the designated Countryside Area. Its use for agricultural purposes is consistent with that designation. Its use for residential purposes would introduce an urban form of development which would be clearly visible from adjacent public highways and which would adversely affect the character and appearance of this rural landscape.
4. The proposed development would lead to an increased use of the adjacent highway, which is without footpaths, and would therefore lead to additional pedestrian and vehicular conflict.
5. The site is served by a road whose dimensions and characteristics are not considered suitable to accommodate further development.

## **5.0 PLANNING POLICY**

### **5.1 NATIONAL PLANNING POLICY FRAMEWORK**

5.1.1 The National Planning Policy Framework (NPPF) was published by the Department of Communities and Local Government (DCLG) on the 27th March 2012. The NPPF 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 NPPF sets out the requirements for the planning system to the extent that it is relevant, proportionate and necessary to do so.

5.1.2 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". There are three dimensions to sustainable development, including (paragraph 7):

- "an economic role - contributing to building a strong responsive and competitive economy by ensuring that sufficient land of the right type is available at the right time and in the right places to support growth... .."
- "a social role - supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, by creating a high quality built environment with accessible local services"

- "an environmental role - contributing to protecting and enhancing our natural, built and historic environment and as part of this helping to improve bio-diversity"
- To achieve sustainable development, economic, social and environmental gains should be sought jointly.

5.1.3 Paragraph 12 of the NPPF states that, "This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise."

5.1.4 Paragraph 14 of the NPPF states, "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking."

5.1.5 Specific to decision-taking, the NPPF states that this means:

- "Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  1. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  2. specific policies in the Framework indicate development should be restricted."

5.1.6 Paragraph 187 of the NPPF states that, "Local planning authorities should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area".

5.1.7 Paragraph 197 of the NPPF states that "in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development."

## 5.2 NATIONAL PLANNING POLICY GUIDANCE (NPPG) 2014

This online resource was launch on the 6th March 2014 and follows a review of planning policy guidance undertaken by Lord Taylor of Goss Moor which began in October 2012. The resource presents 41 categories, from Advertisements to Water Supply, with each category containing a number of sub-topics.

## 5.3 WYRE BOROUGH LOCAL PLAN (SAVED POLICIES):

5.3.1 The Wyre Borough Local Plan was adopted on the 5th July 1999 and it sets out the Councils strategy for the use of land within Wyre for the period 1991-2006. The 2004 Planning and Compulsory Purchase Act automatically saved the Local Plan policies for a period of three years until 28th September 2007. The Council applied to and received the consent of the Secretary of State to save many of the Local Plan policies beyond this date.

5.3.2 The saved Local Plan is not a 'development plan document' as defined within the 2004 Planning and Compulsory Purchase Act, but of course does form part of the

development plan for the district. NPPF paragraph 215 states that, "due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

5.3.3 The following policies are considered to be of relevance to the determination of this application. The weight to be afforded to these policies is discussed within subsequent sections of this report:-

- Policy SP 13 - Development in the Countryside
- Policy SP14 - Standards of Design and Amenity
- Policy ENV7 - Trees on Development Sites
- Policy ENV13 - Development and Flood Risk
- Policy ENV15 - Surface Water Run-Off
- Policy H13 - Open Space in new Housing Developments
- Policy CIS 6 - Securing adequate servicing and infrastructure
- Policy CIS7 - Wastewater Management

#### 5.4 WYRE SUPPLEMENTARY PLANNING DOCUMENTS / GUIDANCE

The following Supplementary Planning Guidance is considered to be of relevance to the determination of this application:-

Supplementary Planning Guidance 2 - Trees and Development

Supplementary Planning Guidance 4 - Spacing Guidelines for New Housing Layouts

Supplementary Planning Guidance 9 - Secure Development

#### 5.5 WYRE BOROUGH COUNCILS CORE STRATEGY/EMERGING LOCAL PLAN - PREFERRED OPTIONS

5.5.1 A Preferred Options version of the Wyre Core Strategy underwent a public consultation between 2 April and 21 May 2012. The Council is now progressing a single Borough-wide Local Plan document and reconsidering the spatial strategy. The Council consulted on Issues and Options for the new Local Plan between the 17th of June and the 7th of August. The Wyre Core Strategy Preferred Options included consultation on a number of Core Policies which will inform policies in the Local Plan. It therefore presently the Core Policies in the Wyre Core Strategy Preferred Options form a material consideration of limited weight in the consideration of planning applications in accordance with paragraph 216 of the National Planning Policy Framework (March 2012).

5.5.2 Relevant policies in the emerging Local Plan include:-

- Policy CS1 - Spatial Strategy for Wyre: Distribution of Development
- Policy CS2 - Spatial Strategy for Wyre: Settlement and Centre Hierarchy
- Policy CS4 - Strategy for Thornton
- Policy CS13 - Sustainable Development
- Policy CS14 - Quality of Design
- Policy CS16 - Transport, Accessibility and Movement
- Policy CS17 - Infrastructure and Community Facilities
- Policy CS18 - Green Infrastructure
- Policy CS19 - Biodiversity and Geodiversity
- Policy CS20 - Housing Mix
- Policy CS21 - Affordable Housing
- Policy CS24 - The Countryside
- Policy CS25 - Flood Risk and Water Resources

5.5.3 The weight to be attached to these policies will increase as the Local Plan progresses towards adoption. However, as indicated above, at this stage, the policies can only be given limited weight.

#### 5.6 WYRE AFFORDABLE HOUSING VIABILITY STUDY (OCTOBER 2010)

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

#### 5.7 FYLDE COAST STRATEGIC MARKET ASSESSMENT (FEBRUARY 2014)

This document was produced for the Fylde Coast Authorities 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. The document identifies a need for new housing across the Fylde Coast, and specifically for Wyre there is an estimated need for "300 affordable homes per year in Wyre (over the next 5 years), and modelling of scenarios indicates that there is an objectively assessed need for between 340 and 485 dwellings per annum. "

## 6.0 CONSULTATION RESPONSES

6.1 ENVIRONMENT AGENCY - No objections subject to the implementation of mitigation measures identified in the Flood Risk Assessment and the submission of a surface water drainage scheme. These matters can be secured via condition. They advise that part of the application site is brownfield and the previous land use may have caused contamination to be present on the site. They recommend that as a minimum, an appropriate desk study assessment should be completed, and submitted to the local planning authority, to determine the potential impact of the re-development proposals on controlled waters.

6.2 HIGHWAYS ENGLAND - No objections subject to a condition requiring the submission of a Travel Plan

6.3 LANCASHIRE CONSTABULARY - No objections in principle. They recommend that the site should be built in accordance with the principles of Secured by Design. Some detailed crime prevention observations are provided which will be dealt with through future reserved matters applications.

6.4 GREATER MANCHESTER ECOLOGY UNIT - No objections to the development proposals on nature conservation grounds. However, some precautions are recommended to protect local nature conservation interests in respect of the protection of retained habitats; protection of birds; lighting; and measures for biodiversity enhancement.

6.5 LANCASHIRE COUNTY COUNCIL - EDUCATION - Request a financial contribution for 63 primary school places based upon a formulaic approach outlined in the consultation response. They indicate that there would be no contribution required for secondary school places. However they indicate that should any currently pending applications identified within their consultation response be approved prior to a decision being made on this application then the claim for school provision could increase up to maximum of 63 primary places and 25 secondary places.

6.6 LANCASHIRE COUNTY COUNCIL - HIGHWAYS - Originally raised objections but following lengthy discussions with the applicants now have no

objections subject to conditions and appropriate funding (s106) for sustainable measures and that all s278 measures as agreed and detailed below are delivered by the developer in line with agreed trigger points. Without delivery of all changes/funding provided it is considered the site does not meet the requirements of the NPPF and sustainable development.

To mitigate this development the following measures have been secured and to be delivered under a Section 278 Agreement for off-site highway improvements would be expected between the developer and the highway authority (LCC/HE). Agreed layout details would be required for all s278 works, all works are subject to changes during the detail design by LCC/HE satisfying standards and safety, works include:

1. Thornton Hall Mews improvement Scheme (Drg No A087347 - P011)
  - a. Active Speed Sign
2. A585 roundabout improvement scheme (Drg No A087347-P009 C)
  - a. A585 'Keep clear' road markings to the east of the A585 roundabout at petrol filling station
3. Signalised crossing over Lambs Road, Quality bus stops shelters, new access roundabout, lighting (A087347 - P008 Rev A)
4. Priority junction on Raikes Road, lighting (A087347 - SK002 Rev A)

Summary of the S106 Funding Considered Necessary

1. Public transport contribution £600,000 (5years @£120,000), 1st payment 30th unit occupied
2. Travel Plan support £12,000, payment 1st unit occupied

6.7 LANCASHIRE COUNTY COUNCIL - STRATEGIC PLANNING - No comments received.

6.8 NATURAL ENGLAND - No objections. The development is unlikely to have a significant effect on any European site; the development will not damage or destroy the interest or features of the SSSI.

6.9 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE) - No objections in principle. A new surface water drain will be installed into the river; no water to enter the existing surface water drains (to prevent flooding to properties downstream) - particularly to the south west of the development; perimeter drain to be installed to the south of the development to prevent flooding of neighbouring properties

6.10 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AIR QUALITY AND NOISE) - No objections subject to conditions restricting hours of demolition and construction and submission of a construction phase dust action plan.

6.11 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (CONTAMINATED LAND) - No objections subject to conditions and informative relating to contaminated land and gas monitoring.

6.12 WYRE BC HEAD OF OPERATIONS (PARKS AND OPEN SPACES) - The proposed location for the public open space is surrounded by roads and as such from a safety perspective this is not ideal. They consider that there is a lack of play and recreational activity within the vicinity of the site. They consider that a larger more meaningful facility could be incorporated within the master plan long term.

6.13 WYRE BC HEAD OF OPERATIONS (TREES) - There are no trees of any significance on the site. Those located on Raikes Road are sycamores and some understory hawthorns of no great amenity value.

6.14 UNITED UTILITIES - No objection subject to a condition requiring the submission of a scheme for the disposal of foul and surface water. They advise that a public sewer runs along the boundary of the site and that they will not permit building over it. They indicate that an access strip width of six metres, three metres either side of the centre line of the sewer is provided.

## 7.0 REPRESENTATIONS

7.1 Site notices were posted on site on the 9th July 2014 and a press notice was published in the Gazette on the 16th July 2014. 563 neighbour notification letters were sent out to neighbouring residential properties and businesses in July 2014.

7.2 A total of 876 letters of objection have been received in response to the application publicity. The following issues have been raised:-

- Loss of greenfield site
- Loss of green belt land
- Loss of agricultural land
- Brownfield sites should be developed first
- Unsustainable development
- Increased congestion on the highway network
- Highway safety
- Inappropriate access arrangements
- Transport Assessment is not robust
- Unsustainable location
- Existing road infrastructure is poor
- Highway mitigation should be provided prior to commencement of development
- Existing public transport provision is very poor
- Impact on bus routes (no. 74 should not be diverted)
- Highway mitigation measures are inappropriate
- Parking issues
- Cycle routes are poor
- Insufficient existing infrastructure (Schools, GP, Dental Surgeries, utilities)
- No need for new houses in this area
- No details of the type of dwellings to be provided
- Inappropriate design, density and layout
- Loss of wildlife and habitats including impact on Wyre Estuary Country Park and Stanah Nature Reserve
- Impact on protected species and wildlife
- Inadequate Ecological Assessment
- Loss of trees
- Air pollution and impact on health
- Light pollution
- Increased risk of flooding
- Increase surface water run off
- Inadequate drainage
- Disruption to resident's during the construction phase of development (noise, construction traffic)
- Lack of public consultation

- Visual impact of development on Bowland Fells and rural nature of the surrounding area
- Impact on landscape and character of the area
- Loss of light
- Impact on tourism and leisure
- No details are provided about the storage of waste and recycling
- Lack of employment opportunities in the surrounding area
- Economic benefits will be short lived
- Development will set a precedent for future large scale development
- Inadequate public consultation
- Increase in crime
- Effect on a listed building and archaeology of the site
- Impact on property values
  - Prematurity

7.3 Save our Stanah / Thornton Action Group - The Group has objected to the proposals on the following basis: -

- The proposal is contrary to the saved policies of the adopted Local Plan as the site is in the Open Countryside
- There are no other material considerations which would outweigh the provisions of the adopted Local Plan
- The site is not a sustainable location
- The Local Planning Authority has an adequate supply of housing land
- The release of a site for development of this scale should be determined through the Local Plan process with the opportunity for full public consultation and consideration of the strategic merits of development in this location against alternatives in the context of the whole Borough
- The applicant has failed to demonstrate that the level of development proposed can be achieved in site planning terms
- The proposed means of access raises numerous highways concerns both in relation to safety and capacity
- The indicative layout indicates a proposed development using developer portfolio house types which are replicated identikit developments all over the country. This is not a carefully considered architectural response to a semi rural context. In addition, flats and three storey properties are included which are not appropriate in this location
- The Transport Assessment and Technical Notes are flawed and illogical
- The highway network is over capacity critically unstable
- The highways impact of the development is severe
- Road is unsuitable for HGVs

7.4 The Group has undertaken its own traffic surveys and have provided detailed comments on the submitted TA and Technical Notes. These have been submitted to LCC Highways for their consideration.

7.5 An objection to the proposals has been received from Alf Clempson County Councillor for Poulton-le-Fylde. A summary of the objection and the key issues identified are outlined below:-

- Development will have a severe impact on Poulton-le-Fylde
- The railway station, schools, retail outlet, markets, medical and dental surgeries and industrial estate bring large amounts of traffic in to the town resulting in damage to the road surfaces

- The Transport Assessment is not a true reflection of the level of trips which will be generated by the development and it should take account of the effect on Poulton
- The application should not be considered in isolation and account should be taken of all proposed and future major development in Thornton, Poulton and Fleetwood areas
- During periods of heavy congestion drivers use the residential roads in both Thornton and Poulton as shortcuts in order to avoid congestion resulting in significant highway safety concerns
- Highway network is at full capacity and any further development would be irresponsible without major improvements to the highway network, including a direct link to the M55.

7.6 An objection to the proposals has also been received from Ben Wallace MP. A summary of the objection and the key issues identified are outlined below: -

- Development is a precursor to development of 600 dwellings
- The development will destroy the rural character of the area
- The highway network is unable to cope with the increased traffic
- Consideration should be given to the cumulative impacts of development surrounding the A585
- Funding priorities for major highway infrastructure works have been stalled at County level therefore creating uncertainty
- The Transport Assessment underplays the number of vehicle movements during the morning and evening peak hours
- The Council's development plan should ensure that future development in Wyre takes account of housing need and infrastructure requirements

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

8.1 There has been significant contact with the applicant during the course of the planning application process in respect of all elements of the scheme.

## **9.0 ISSUES**

9.1 The main issues to consider when determining this application are:

- Principle of development
- Impact on the character and appearance of the surrounding countryside
- Impact on the highway network; transport infrastructure and public rights of way
- Education
- Design and amenity issues
- Crime and Design
- Pollution
- Ecology, Nature Conservation and Trees
- Flood risk, drainage and utilities
- Planning Obligations
- Other issues
- Planning balance

## Principle of development

### i) Strategic location

9.2 The site falls outside the settlement boundary of Thornton and is located within countryside as designated by the Local Plan Proposals Map, and as such saved Local Plan policy SP13 applies. This development plan policy aims to prevent development within the open countryside, unless its development is justified by other policies within the Local Plan or where the development would be for the purposes of agriculture or forestry, uses appropriate to a rural area, that which would fulfil local housing needs (affordable housing), the re-use or refurbishment of listed or institutional buildings, or the conversion of rural buildings. The proposed development does not fall into one of these exceptions and nor is it justified by other policies within the development plan. The site is not allocated for housing within any adopted development plan documents and as such the application is therefore contrary to saved Local Plan policy SP13.

9.3 Notwithstanding the above policy conflict, careful consideration must be given to the weight to be afforded to this conflict, taking into account all material considerations in the overall planning balance, with particular reference and weight afforded to the councils housing land supply position and the weight to be afforded to relevant Local Plan policies. These matters are considered in detail within subsequent sections of this report.

### ii) Greenfield / brownfield land

9.4 NPPF paragraph 17 identifies a set of twelve core land use planning principles, of which bullet point 8 states that planning should "encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value." This encouragement of the use of previously developed land is reiterated in paragraph 111. Although NPPF does encourage the use of brownfield land, it does not set a priority for previously developed land and does not identify or require a sequential approach test to development, and there is no presumption that greenfield sites are unsuitable for development per se. The presumption in favour of sustainable development is an important part of the NPPF and it is noted that delivery of sustainable development is not restricted to the use of previously developed land and can include the development of greenfield land.

9.5 The Design and Access Statement indicates that the derelict and disused buildings located to the south eastern part of the site were formally used for pig farming. The definition of previously developed land outlined in the glossary of the NPPF excludes land that is or has been occupied by agricultural buildings and as such these buildings do not constitute previously developed land as defined by NPPF.

### iii) Existing uses

#### a. Agricultural land

9.6 The Agricultural Land Classification (ALC) is a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system. The ALC system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. NPPF Chapter 11 (Conserving and enhancing the natural environment) paragraph 112 indicates that "Local planning authorities

should take into account economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be used in preference to that of a higher quality."

9.7 Best and most versatile (BMV) land is defined in Annex 2 of the NPPF as grades 1, 2 and 3a. Although NPPF does not provide a definition of 'significant development', the loss of 20 hectares or more agricultural land is a recognised threshold whereby consultation with DEFRA is required.

9.8 The Local Planning Authority has a specific duty under the Town and Country Planning (Development Management Procedure) (England) Order 2010 to take into account any representation made by an owner of the land or a tenant of an agricultural holding. There have been no representations made by any agricultural tenant.

9.9 The applicant submitted an ALC document as part of the submission. The following land classification applies to the application site: -

ALC grade	Area (hectares)	Percentage
3a	0.55	9%
3b	4.51	78%
Other	0.74	13%

9.10 The table above indicates that 0.55 hectares of best and most versatile (Grade 3a) land would be lost as a consequence of the development representing only 9% of the overall site. This small area of BMV land is mixed with significant portions of non BMV land and therefore the practical value of the BMV land is very limited. Although this nominal loss of BMV land is unfortunate, this must be considered in the overall planning balance as provided by NPPF paragraph 112.

#### iv) Proposed uses a. Residential

9.11 NPPF Chapter 6 (Delivering a wide choice of high quality homes) paragraph 47 identifies a clear policy objective to, "boost significantly the supply of housing". Paragraph 17 states further that the planning system should "proactively drive and support sustainable economic development to deliver new homes that the country needs. Every effort should be made objectively to identify and then meet the housing needs of an area." NPPF indicates that this will be achieved first and foremost, by local planning authorities, "using their evidence base to ensure that their local plan meets the full, objectively assessed needs of market and affordable housing in the housing market area, including identifying key sites which are critical to the delivery of the housing strategy over the plan period."

#### i) Identifying the objectively assessed housing need

9.12 Policy H1 of the Local Plan (1991) identified an annual average rate of housing provision of net additional dwellings up to 5600 between 1991 - 2006. This policy was superseded by Policy L4 (regional housing provision) of the Regional Spatial Strategy (RSS) which identified an average annual housing requirement for Wyre of 206 dwellings net of clearance replacement. Given the RSS was revoked on 20th May 2013; there is no up-to-date housing requirement for Wyre contained within the Borough's development plan.

9.13 The focus of the NPPF is on meeting objectively assessed needs that have been identified through the plan making process (paragraph 47, bullet point 1). Although work is ongoing in relation to the production of the districts Local Plan, it is at an early stage.

9.14 The Fylde Coast Strategic Housing Market Assessment (SHMA) (2014) represents the most up-to-date assessment of objectively assessed needs for Wyre. The SHMA indicates that Wyre's objectively assessed need lies between 340- 485 dwellings per annum from 2011-2030. An addendum report is currently being produced for the SHMA which considers the implications of latest ONS 2012 Sub-National Population Projections upon this OAN range.

#### ii) Housing land supply assessment

9.15 The Council is not able to identify a supply of deliverable sites sufficient to provide a 5 year supply of housing against a housing requirement based on the objectively assessed needs presented in the SHMA.

9.16 The absence of a continuing supply of housing land has significant consequences in terms of the council's ability to contribute towards the government's aim of "boost(ing) significantly the supply of housing." Significant weight should therefore be afforded to the schemes contribution to addressing the identified housing shortfall and meeting the Government's objective of securing a better balance between housing demand and supply, in the determination of this planning application.

9.17 Paragraph 49 of the NPPF requires that housing applications should be considered in the context of the presumption in favour of sustainable development. As the Council is unable to identify a five year supply of deliverable housing sites, NPPF paragraph 49 states that, "relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites." Where relevant policies are out of date NPPF paragraph 14 requires that where there are no material considerations to indicate otherwise, planning permission should be granted unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits, or specific policies in the Framework that indicated that development should be restricted that would prevent permission being granted. This matter is addressed fully within the Planning balance and conclusions section of this report.

#### iii) Housing mix, type and density

9.18 Paragraph 50 of the Framework states that local authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. This policy approach is mirrored by Core Strategy Preferred Options policy CS20 (Housing Mix) which advises that planning applications for housing development are required to accord with the requirement for the provision of appropriate size, type and mix of housing, including affordable housing to meet identified housing need.

9.19 The development proposes up to a maximum of 165 dwellings on site, which may comprise a mix of detached, semi-detached and terraced properties. The indicative layout has been submitted to demonstrate how the site could be delivered should outline planning consent be granted.

9.20 Members should be aware that the indicative layout is not fixed at this stage, and the final scheme to be delivered could be for fewer dwellings than the maximum number of units proposed. The housing mix, type and density will be influenced by the council's relevant development plan policies at the time and the housing market at the time of delivery.

9.21 The indicative layout submitted as part of the Design and Access Statement has been presented to allow Members to gain an understanding of how the site could be delivered. The submitted layout outlines how the site could accommodate 159 dwellings on site.

Indicative scheme -Feasibility Sketch Layout ref 14-029-SK02B

114 detached dwellings  
4 semi-detached dwellings  
41 linked dwellings

9.22 The proposed layout focuses on the delivery of a significant number of detached dwellings. Due to the size of the site, it is considered that there is significant scope to deliver the specified maximum number of units on site. The indicative layout has been submitted for illustrative purposes only, and as such the design solution which is developed for submission as part of a future reserved matters application may well comprise a significantly different mix, type and density of dwellings on site to that outlined at this stage.

9.23 No firm conclusions can be reached at this outline stage regarding the mix, size and density of dwellings; however the applicant has demonstrated that a mix of units could be accommodated on site. Should planning permission be granted, these matters will be controlled through the reserved matters process where due consideration will be given to relevant policies and guidance to deliver a high quality housing scheme.

iv) Affordable housing

9.24 NPPF 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."

9.25 There are no saved housing policies relating to affordable housing in new housing developments in the adopted Local Plan. The previous requirement in the council's Interim Housing Policy was to require 40% affordable housing on proposals of 15 or more residential units. However, the council's affordable housing viability study which forms part of the evidence base for the Core Strategy, states that for developments to come forward provision of 30% affordable housing ensures that the site remains viable. As this is the most up to date evidence, and is set out in policy CS21 of the Core Strategy Preferred Options document, it is considered that 30% is the appropriate starting point when requiring affordable units on residential developments in the Borough. The affordable housing officer has stated that assuming a 30% affordable housing provision then this would equate to 50 units and would like to see the following breakdown;

30no. affordable rented houses (50/50 split between 2 and 3-bed houses)  
10no. 3-bed shared ownership houses  
10no. affordable rented 2-bed bungalows

Ideally the affordable units would be spread throughout the site and not grouped altogether. The developer should ensure a portion of the affordable element should be made in each phase.

In this case it is considered that provision of 30% is appropriate, and a condition could be imposed to ensure that this level of provision is met. The developer is agreeable to the proposed approach, the full detail of which will be agreed at the reserved matters stage.

#### v) Open Space

9.26 The applicant has indicated that an area of public open space (POS) will be provided on site. The Indicative Layout indicates that this area of open space would be provided centrally on site, overlooked by dwellings to provide natural surveillance. The Council's Parks and Open Spaces Officer has acknowledged the need for play and recreational activities within the vicinity of the site and that the provision of on-site POS would help to address this deficiency. She has however suggested that a larger, more meaningful facility could be incorporated should the developer's aspirations for the wider area come forward. She has reviewed the indicative layout details and has raised some initial concerns as to whether surrounding the area of POS by roads is the most appropriate design response, given the potential safety risks. Notwithstanding the above concerns, the concept of providing an area of POS on site is supported in principle and can be accommodated. The detailed matters of layout and location will be considered through the assessment of future reserved matters applications.

#### Impact on the character and appearance of the surrounding countryside

9.27 Paragraph 109 of the NPPF indicates that the planning system should contribute to and enhance the natural and local environment by, "protecting and enhancing valued landscapes." In addition to this, one of the twelve core planning principles outlined in paragraph 17 states that planning should, among other things, "take account of the different roles and character of different areas recognising the intrinsic character and beauty of the countryside."

9.28 The site currently comprises an area of undeveloped agricultural land and forms part of a patchwork of agricultural land lying to the east of the urban area. It is considered that the site, in itself, has limited landscape value, and nor does it carry any special landscape designation as identified by the NPPF paragraph 115.

9.29 Historic maps indicate that internal hedges subdividing the site have been removed long ago; however hedgerows to the perimeter of the site are retained. The indicative layout indicates that these landscape features would be retained as part of the sites development, and could be improved, where necessary through implementation of appropriate landscape proposals.

9.30 The application site is located adjacent to the urban area with built development beyond the southern and western boundaries of the site. Although existing landscape features will be retained where possible, the development will have an urbanising effect upon the site and would have an impact upon the existing open local landscape character. Clearly, no amount of landscaping would mitigate the loss of open aspect which would result from developing the site.

9.31 The topography of the site rises to the north and the indicative layout indicates that dwellings will be located along the perimeter of the site. Although it is noted that layout is reserved for future consideration, based upon the indicative layout the proposed dwellings will be highly visible from Lambs Road, due to their prominent location, in addition to longer, albeit occasionally filtered views from Raikes Road.

Impact on the highway network; transport infrastructure and public rights of way

9.32 NPPF paragraph 32 states that Transport Assessments should be prepared for all developments that generate significant amounts of traffic. The Transport Assessment should identify opportunities for sustainable transport modes; ensure that safe and suitable access to the site can be achieved for all people; and that improvements to the highway network are provided that would limit any significant impacts of the development. NPPF states that, "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe." The applicant has submitted a Transport Assessment (TA) in accordance with the requirements of NPPF. In addition to this the applicant has submitted Technical Note 1 (TN1) to address concerns raised by the Highways England (HE) following their review of the TA; and Technical Note 2 (TN2) to address concerns raised by Lancashire County Council Highways (LCC Highways) following their review of the TA and TN1. Since TN2 was submitted, LCC Highways have been involved in detailed discussions with the applicant and HE try and develop an acceptable highways design solution which will be secured by S106 and 278 agreements. The following sections of this report present the final conclusions of HE and LCC Highways in terms of the impact upon both the strategic and local highway network.

i) Sustainable location

9.33 The presumption in favour of sustainable development, which is identified by the National Planning Policy Framework (NPPF), means that it is necessary to consider whether the proposed development represents a sustainable form of development. As part of this overall assessment, consideration of whether the proposed development is accessible to everyday facilities and employment by non-car modes of transport should be given.

9.34 An assessment has been undertaken as part of the TA and TN1 to identify the range of facilities located within an acceptable walking and cycling distance of the site as well as those which can be readily accessed via existing public transport services. This assessment provides a basis for considering the sustainability of this location to accommodate residential development.

9.35 The TA and TN1 conclude that the site has a good level of accessibility with a range of amenities and services within walking and cycling distance. They consider that the roads within the vicinity of the site have good quality existing pedestrian and cycle infrastructure which offer connectivity to Thornton and the surrounding built up area.

9.36 In addition to the above, consideration has been given to the accessibility questionnaire which resulted in a score that is just within the medium accessibility rating. The result of the accessibility questionnaire is significantly higher than that which was undertaken previously as the previous assessment excluded the proposed bus stops on Lambs Road and the provision of open space. In addition to the

accessibility questionnaire, LCC Highways has undertaken a review that considers walking and cycling distances to services and amenities.

#### a) Walking and cycling

9.37 LCC Highways have indicated that all aspects of sustainable movement within and to the wider network will need to be provided as part of the layout of the site. They have highlighted the need for the layout to include good cycle and pedestrian routes which link to existing and proposed bus stops to help integrate the development into the surrounding area. These matters have been highlighted to the applicant and they will be addressed through future reserved matters applications if outline planning permission is granted. In order to enhance connectivity of the site with the town centre a puffin crossing is proposed on Lambs Road, as shown on drawing no. A087347-P008 Rev A. The exact location of the crossing will be determined at the detailed design stage.

9.38 To encourage journeys to be made on foot and by cycle, a combined pedestrian / cycle link will be provided. This will run along the site frontage from the proposed roundabout site access junction to the northern boundary of the site. This will provide a safe environment for cyclists/pedestrians and will enhance linkages towards Stanah Primary School located to the north. The proposed combined pedestrian/cycle route is shown on drawing no. A087347-P008 Rev A. These proposed enhancements to connectivity are supported by LCC Highways and will be delivered by way of a Section 278 legal agreement.

9.39 The indicative layout indicates the pedestrian / cycle links will be provided from the site to Lambs Road. The applicant states that these will be typically around 3.5m in width and be suitable for pedestrians and cyclists. The details and locations of the additional pedestrian/cycle links will be addressed at the reserved matters stage, given that the proposals are in outline.

#### b) Public Transport

9.40 Two new Quality Bus Corridor (QBC) standard bus stops will be provided on Lambs Road. Each QBC standard bus stop would feature a lay-by, flag, pole, shelter, seating, lighting, full timetable information and raised kerbs to provide level boarding. The proposed bus stops are shown on drawing no. A087347-P008 Rev A. The bus stops would be delivered by way of a Section 278 legal agreement.

9.41 The developer has agreed to fund the diversion of the existing bus service 86 by making a financial contribution of £120,000 per year for 5 years (totalling £600,000). This service would be diverted slightly to serve the two proposed bus stops (detailed above) on Lambs Road and it would also be diverted to serve Poulton-le-Fylde town centre. The funding would be made via a Section 106 legal agreement.

9.42 LCC Highways note that the closest railway station to the site is at Poulton which is on the Blackpool North to Preston line. This has frequent services to several destinations and is approximately 2.6km from the site. LCC Highways consider that this is within an acceptable cycling distance; however they state that Poulton station currently has no cycle parking facilities and the direct route does include a number of barriers that limits its attraction. A public right of way runs from the Civic Centre in Poulton to Tarn Road, this is only a short distance along quiet roads to Lambs Road and may make a suitable route for cyclists if the PROW has a suitable surface and the station had cycle facilities

## ii) Proposed access arrangements

9.43 Vehicular access into the site will be provided off Lambs Road by way of a three armed roundabout, which is detailed on drawing number A087347-P008 Rev A. This access will serve approximately 146 dwellings. The roundabout will also provide uncontrolled pedestrian crossings on the site access road arm and the northern arm (Lambs Road). LCC Highways have commented that the proposed access satisfies traffic flow demand and can be delivered to design standards within land controlled by the applicant. LCC Highways note that a key benefit of this junction is to provide a point of access to the development whilst also controlling mainline vehicle speeds on Lambs Road.

9.44 A second access will be provided off Raikes Road, which is detailed on drawing number A087347-SK002 Rev A. This access will serve approximately 19 dwellings and is based on a simple priority T-junction arrangement. LCC Highways note that the proposed access arrangements are acceptable subject to detailed design requirements and will provide adequate visibility subject to the removal of trees and shrubs which are within the applicant's control. They note that the existing lighting column will need be removed and replaced with a new more efficient light.

9.45 The proposed site accesses would be secured via a S278 Legal Agreement between the developer and LCC.

## iii) Impacts on highway network

9.46 Saved Local Plan policy SP14 criterion E states, "the traffic associated with the development should not have any adverse impact on the local environs nor on the local highway network generally." NPPF paragraph 32 provides guidance on transport impact, stating "decisions should take account of whether improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe." The policy test outlined in the NPPF sets a significantly higher threshold in terms of impact, than that identified in the Local Plan. As the policy guidance in the Local Plan pre-dates that in the NPPF, it is considered that this aspect of the local plan policy should be afforded limited weight in the determination of the application, with the policy test in this instance being considered against that provided by NPPF paragraph 32.

9.47 TA, TN1 and TN2 have been submitted as part of the planning application submission to identify the impacts of the development on the Strategic Route Network (SRN) and the Local Highway Network (LHN). HE and LCC Highways have assessed the impact of the development upon the Strategic Route Network (SRN) and the Local Highway Network (LHN) respectively.

### a) Strategic Route Network (SRN)

9.48 HE concludes that the proposals would be unlikely to have a material impact upon the Victoria Road roundabout junction, but that there would be some impact at the Skippool Road roundabout. HE conclude that "the proposed junction improvements would be likely to be neutral in terms of highways safety benefits, provide some capacity improvements and therefore provide at least a nil detriment situation overall." HE have questioned whether the actual benefits of the highway improvement works would be worth the disruption to trunk road users during

construction period but recognise that the improvements are aimed at addressing concerns relating to the LHN and as such would not object to the construction of these improvements, subject to the applicant receiving the necessary technical and legal approvals.

9.49 Although the site is situated outside of the Fleetwood - Thornton Area Action Plan (AAP) red line boundary, HE consider that the most appropriate option to mitigate any impact of this development would be for the applicant to make a financial contribution towards junction improvements, as per developments within the AAP boundary. However, officers are of the view that there is no policy basis upon which to seek a financial contribution towards the schemes identified in the AAP as the site is located outside of the AAP boundary and as such any request would not be CIL regulation 123 compliant.

9.50 On the basis of the above, HE have indicated that the development should have a significantly robust Travel Plan in place to ensure that a modal shift from private car use is achieved. The applicant has submitted a Travel Plan Framework document which presents a series of measures and initiatives to promote sustainable travel and reduce the reliance of private vehicular modes. The applicant will be required to produce a detailed Travel Plan which will be developed in consultation with HE. A planning condition is provided at the end of the report which secures these matters.

#### b) Local Highway Network (LHN)

9.51 In terms of the highways base model, LCC Highways have indicated that the additional trips generated by this development for the peak hours are reasonable when location and amenities are considered; background traffic influences such as traffic growth are acceptable; and the trip distribution was not considered unreasonable based upon the proposed scale of development. LCC Highways have confirmed that junction modelling has been undertaken using correct propriety software, up to date traffic data and adequate junction parameters.

#### Network Operational Assessments

9.52 LCC Highways acknowledge that there are number of existing issues on the current highway network, particularly on the B5412 Skippool Road around Thornton Hall Mews and also at the junction with the A585. In addition they indicate that the A585 Trunk Road roundabout is influenced by events on the A588 towards Poulton-Le-Fylde. They consider that this development has the potential to exacerbate these current conditions unless there is a strong package of measures to support sustainable transport. LCC Highways has worked with the developer and their transport consultant to consider all opportunities to provide additional capacity at the HE junction.

#### A585 Breck Road Roundabout

9.53 Prior to considering changes to the roundabout, additional traffic data and queue length data were collected. In addition LCC officers made a number of observations at the junction at peak times (prior, during and post the Windy Harbour highway works). LCC Highways indicate that the overall junction traffic flow during each survey was relatively stable, yet individual movements do fluctuate. Whilst queuing does occur on Skippool Road especially during the AM peak it often dissipates rapidly, whereas on the A585 Mains Lane queuing is more regular. LCC Highways also note that the impact of the school crossing near Fouldrey Avenue also

has impacts back onto the A585 roundabout for a period of time prior to 9:00am. Whereas for example, during the PM peak Breck Road suffers from queuing.

9.54 A couple of options were considered at the A585 roundabout as indicated on Drg A087347-P009 Rev C. LCC Highways confirm that the proposed design solution offers some limited benefit to Skippool Road with its short length of addition new lane and on Breck Road with the white lining changes providing additional storage (which was previously used informally). The scheme also better allocates space to circulating vehicles supporting efficient use and greater capacity which was previously unable to be released. LCC Highways confirm that the overall changes will certainly benefit movements from Skippool Road, Mains Lane and Breck Road; however it does assume that conditions downstream are not impeded. The roundabout can support 2 large vehicles to circulate on the A585. This design has satisfied a stage 1 safety audit. Highways England on the 20th May 2015 have indicated that the design is acceptable.

9.55 LCC Highways state that the A585 junction has been modelled using standard propriety software, unfortunately the existing capacity at this junction was unable to be released therefore the base case model did not accurately replicate observed queues. The improvement scheme modelled did highlight benefits which are sufficient to satisfy the impacts of this development as proposed, having regard to the routing to and from the site. A comparative exercise using the same traffic data was undertaken to gauge operational benefits of the scheme compared to the existing situation. To support greater reliability on the A585 east of the Breck Road roundabout during the AM peak, 'Keep Clear' markings are provided at the entrance and exit of the petrol filling station. This should provide benefit to the eastbound movement and the developer supports this change.

#### B5412 Skippool Road (around Thornton Hall Mews)

9.56 Skippool Road towards the A585 is relatively straight, however at Thornton Hall Mews, there is an acute bend which is exacerbated as the inside of the bend is obscured by vegetation and at the boundary of the road is a high wall. LCC Highways indicates that this results in northbound vehicles diverting from the optimum line. The distribution from this development routes vehicles on this corridor and will be used during construction, a scheme has been developed as highlighted on Drg A087347-P011. Notwithstanding the above, a scheme has been developed which is lining based and was included in an email from the applicants Transport Consultant dated 20th May. The developer has also offered to provide an active speed sign (to be mounted on an existing post) for the duration of the construction period. LCC Highways states that this simple network management scheme should better inform drivers of the existing restriction.

#### S278 works

9.57 A Section 278 Agreement for off-site highway improvements would be expected between the developer and the highway authority (LCC/HE). Agreed layout details would be required for all s278 works, all works are subject to changes during the detail design by LCC Highways / HE satisfying standards and safety, works includes:

1. Thornton Hall Mews improvement Scheme (Drg No A087347 - P011)
  - a. Active Speed Sign

2. A585 roundabout improvement scheme (Drg No A087347-P009 C)
  - a. A585 'Keep clear' road markings to the east of the A585 roundabout at petrol filling station
3. Signalised crossing over Lambs Road, Quality bus stops shelters, new access roundabout, lighting (A087347 - P008 Rev A)
4. Priority junction on Raikes Road, lighting (A087347 - SK002 Rev A)

9.58 Items 1, 1a, 2, 3 (roundabout and supporting infrastructure (foot/cycleway, lighting) will be completed prior to commencement on site, whilst items 2a, 3 (crossing, quality bus stops/shelters and) 4 completed prior to 1st dwelling being occupied.

#### iv) Travel Plan

9.59 Travel Plans (TP) are an important tool in the delivery of sustainable development. They provide a mechanism for assessing and managing access to sites and provide a package of measures and initiatives designed to encourage a sustainable approach to travel. This may be achieved through a reduction in the number and duration of trips generated by a development, the reduction in the number of individual private vehicle trips or the encouragement of public transport, walking and cycling as viable travel choices.

9.60 The proposed development is of a scale whereby a TP is required. The applicant prepared a Travel Plan Framework document in support of the planning application which has been considered by both HE and LCC Highways. The Travel Plan Framework provides the start point from which a comprehensive TP will be produced. The development, submission, implementation and monitoring of the Travel Plan can be conditioned as part of the consent. The TP will encourage the future residents to travel by sustainable modes, through implementation of a number of measures to encourage sustainable travel. The developer will appoint a Travel Plan Co-ordinator (TPC) and provide a budget to allow the TPC to implement the identified travel plan measures. A planning condition is therefore outlined at the end of the report which requires the applicant to submit for approval a Travel Plan.

#### Education

9.61 In March 2014, Lancashire County Council issued a document which sets out its methodology for claiming education contributions against housing developments, which are projected to create a shortfall of school places within the local area of a development. Lancashire County Council has advised that the proposed development would result in a material increase in the demand for primary school places that could not be met by existing provision. They have indicated, based upon their latest assessment, that they would be seeking a contribution for 63 primary school places and 0 secondary school places. It is therefore necessary for a planning obligation to secure a financial contribution towards creating additional primary school places

9.62 The actual scale of the financial contribution can only be determined when the precise mix of dwellings is known at the point of a future reserved matters application being determined. The applicant has agreed to the approach outlined within the Planning Obligations document. Amendments to the CIL (Community Infrastructure Levy) Regulations have, however, recently come into force which prevents the pooling of more than 5 contributions for one type of infrastructure or specific project.

This is only relevant where LPAs (local planning authority) have not adopted a CIL charging schedule to secure such contributions for infrastructure. There are already 5 section 106 obligations in respect of the generic education pool. As such unless LCC are able to identify specific schools to which the contributions will go to facilitate the provision of additional places (being a specific project), or unless an alternative lawful means of securing the contribution outside the scope of a S106 obligation is proposed, then the requested contribution cannot lawfully be sought. At present Counsel's advice to this council on the matter is that there is no lawful mechanism for the collection of a 'pooled' contribution. As LCC have confirmed that the contribution is necessary to mitigate the impact of the development upon the local education infrastructure, then without such a contribution the development will be contrary to saved Policy CIS6 of the adopted local plan and contrary to the NPPF para 72.

9.63 However, this LPA has not adopted a CIL charging schedule to date and therefore there is no legal mechanism to request such a contribution. Counsel's advice is that an application should not be refused due to the absence of a charging schedule. The applicant is willing to make the contribution, but that cannot be taken into account due to matters entirely out of the applicant's control. Counsel's advice at this time, is that the preferable approach in such circumstances is to note that any offered contribution cannot be taken into account in such circumstances due to CIL regulation 123 as 5 or more such contributions for such an infrastructure type have already been pooled in the authority's area since April 2010, and accordingly it cannot be required.

#### Design and layout

9.64 A minimum level of information is required in order to fully consider the implications of the proposals when outline applications are considered. In this particular case, the applicant has submitted a Design and Access Statement to present the site opportunities and constraints and to explore potential design solutions for the site. In addition to this an Indicative Masterplan has been presented to provide indicative details of how the site may be delivered. Although the scheme is in outline with matters of access sought at this stage, it is relevant to consider the parameters of the development together with the Indicative Masterplan to gain a level of certainty that the quantum of development proposed can reasonably be accommodated on the site.

9.65 The Design and Access Statement indicates that the development will comprise a mix of detached, semi-detached and terraced units, the quantum of which will be determined through submission of a subsequent reserved matters application. The Indicative Masterplan demonstrates one iteration of how the site could come forward, demonstrating how 159 units would be delivered on site. Although this layout does not present the maximum number of units which could be provided on site, it is considered that the maximum number of units could be provided by slightly amending the mix of units on site.

9.66 The applicant has identified a series of scale parameters on the Indicative Masterplan as follows: -

Height: 4.5 metres - 12 metres

Width 3.5 metres - 12.5 metres

Depth: 6 metres - 11 metres

9.67 Based upon the identified development principles, it is considered that an appropriate layout could be developed on site in principle. The overall acceptability of the layout will however depend upon the design solution proposed at a future

reserved matters stage. The applicant will be expected to address detailed design issues in accordance with relevant development plan policies and the NPPF to ensure that a quality scheme is achieved, which respects the characteristics of the surrounding area.

## Crime and Design

9.68 NPPF paragraphs 58 and 69 indicate that planning 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." The applicant has submitted a Crime Impact Statement (CIS) in support of the application which provides data about street level crime and anti-social behaviour in the area. The CIS presents a broad assessment of the crime risks associated with the development during the construction and operational stages of development and provides general advice about how to combat potential criminal activity.

9.69 The Lancashire Constabulary Architectural Liaison Officer has reviewed the submitted CIS and has identified a series of security and crime prevention measures as part of their consultation response. They raise no objections to the principle of residential development at this location and encourage the applicant to have further dialogue with them during the preparation of future reserved matters applications.

## Pollution

### i) Air Quality

9.70 NPPF identifies 12 core planning principles one of which indicates that planning should "contribute to reducing pollution." To prevent unacceptable risks from air pollution, planning decisions should ensure that new development is appropriate for its location. The NPPF states that the effects of pollution on health and the sensitivity of the area and the development should be taken into account.

9.71 The applicant has submitted an Air Quality Assessment (AQA) Report in support of the planning application. The AQA provides an assessment of air quality impacts during both the construction phase and operational phases of development. Site specific dust mitigation measures are recommended to control the dust effects from earthwork and construction activities; whilst no mitigations measures are identified during the operational phase of development.

9.72 The Council's Environmental Health officer has reviewed the AQA and indicates that the risk of air quality impacting upon human health is not significant. However, without effective mitigation, it is considered that dust generated by earthworks, construction and trackout is likely to cause the soiling of surfaces and dust plumes. The AQA states that dust mitigation will be needed, and that a best practice dust mitigation plan will be written and implemented for the site. It is considered that this is a reasonable approach and that a suitable site specific plan can provide effective mitigation. A planning condition could therefore be implemented to secure the submission of a Construction Phase Dust Management Plan. This matter will be secured as part of a wider Construction Environmental Management Plan.

9.73 An assessment of the operational phase of development has been undertaken in the AQA. The Council's Environmental Health officer indicates that the relevant pollutants have been modelled and the predicted exposures at proposed and existing receptors are well below the relevant health based national objectives.

The Council's Environmental Health officer therefore raises no objections in relation to air quality and the operational phase of the proposed development.

#### ii) Noise

9.74 NPPF paragraph 123 states that Local Planning Authorities should avoid granting consent for development which would give rise to significant adverse impacts on health and quality of life and should mitigate and reduce any impacts to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

9.75 The Council's Environmental Health Officer has reviewed the proposals and considers that the main noise impacts associated with the scheme will occur during the demolition and construction works associated with the build programme. A condition has been recommended by the Environmental Health Officer to limit the hours of working on site in order to protect the residential amenity of adjoining neighbours.

9.76 Local residents have raised concerns about the impacts associated with the construction phase of the development. Although it is accepted that there may be impacts associated with the construction phase of the development, these impacts will be temporary in nature and can be mitigated through effective implementation of site management methods. A planning condition could be used which requires the developer to submit, for approval, a Construction Environmental Management Plan (CEMP). The CEMP will identify a series of measures to manage and mitigate potential environmental effects arising from the construction phase of the development and will ensure that an appropriate level of amenity can be provided for existing residents during the construction period and for future residents following completion of the works.

#### iii) Contaminated Land

9.77 The applicant has submitted a Phase 1 Geo Environmental Desk Study Report in support of the planning application. The Environment Agency (EA) and the Council's Land Contamination Officer have reviewed the submitted information and they have advised that the site is predominantly greenfield and therefore does not present a significant ground contamination risk. However, the report does identify a handful of sites where historical usage may have led to localised ground contamination.

9.78 Due to the proposed sensitive end use and the previous contaminative they have advised that there may be many potential sources of contamination associated with the previous use of the site and the historical landfill site located within 250 metres of the site. Notwithstanding this, the EA and Council's Land Contamination Officer raise no objections to the proposals subject to the inclusion of a number of conditions which will secure appropriate mitigation as necessary.

#### Ecology, Nature Conservation and Trees

9.79 The NPPF incorporates measures to conserve and enhance the natural and local environment, including 'Biodiversity and Geological Conservation'. Paragraph 118 of the NPPF requires that in determining planning applications the following principles are applied to conserve and enhance biodiversity:-

- Significant harm resulting from a development should be avoided, adequately mitigated, or, as a last resort compensated for; and
- Opportunities to incorporate biodiversity in and around developments should be encouraged.

9.80 The applicant has submitted an Ecological Survey and Assessment in support of the application which has been reviewed by Greater Manchester Ecology Unit (GMEU). GMEU consider that the assessments have been carried out to a satisfactory standard and are proportionate to the value of the site and the potential impacts of the development.

9.81 The application site is located within 1km of the European Protected Site 'Morecambe Bay Special Protection Area' (SPA) and Special Area of Conservation (SAC) and Ramsar site which is a European site. The site is also notified at a national level as the Wyre Estuary Site of Special Scientific Interest (SSSI).

9.82 Given this proximity GMEU and Natural England (NE) have advised that the application should be scrutinised for its potential impacts on the special nature conservation interest of the SPA under the terms of the Conservation of Habitats and Species Regulations 2010 (as amended). GMEU and NE have screened the proposals and have indicated that the development would not have a harmful impact or significant impact on the special interest of the SPA. In respect of the Wyre Estuary SSSI, Natural England indicate that they are satisfied that the proposed development will not damage or destroy the interest features for which the site has been notified and as such raises no objections on nature conservation or ecology grounds.

9.83 GMEU have indicated that the buildings and hard standing on the site are of negligible ecological value and that the open fields support species-poor improved grassland which are of relatively low ecological value. The existing hedgerows forming field boundaries and broadleaved trees on the site are recognised as being of some local nature conservation value. GMEU consider that the site has some potential to support nesting birds and foraging and commuting bats.

9.84 GMEU raise no objections to the development proposal on nature conservation grounds subject to the inclusion of conditions relating to the protection of trees and hedgerows during the construction phase of development; the protection of birds and barn owls; and the submission of artificial lighting details. It is considered that these conditions will secure appropriate ecological mitigation measures. A further condition has been proposed to secure a number of biodiversity enhancements on site.

9.85 As part of the application submission an Arboricultural Assessment has been submitted. This document provides a schedule of the trees surveyed on site. Within the proposed development area and including adjacent land there are a total of 2 trees, 5 hedges and 9 groups with the potential to be affected by the development proposals. The tree survey classifies the trees on site into the following categories: -

Category A: Trees of high quality and value: in such a condition as to be able to make a substantial contribution (a minimum of 40 years is suggested). Trees in this category are the best trees on the site and should be retained where possible.

Category B: Trees of moderate quality and value: In such a condition as to make a significant contribution (a minimum of 20 years is suggested).

Category C: Trees of low quality and value: Currently in adequate condition to remain until new planting could be established (minimum of 10 years is suggested), or young trees with a stem diameter below 150mm.

Category U: Trees in such a condition that any existing value would be lost within 10 years and which should, in the current context, be removed for reasons of sound arboricultural management.

9.86 Of the trees and hedges identified on site the survey indicates that there are 7 category B, eight category C and 1 category U. At this stage, there has been no Arboricultural Method Statement or Tree Protection Plan issued to date. The application is in outline and as such the layout of the scheme is not fixed. Notwithstanding this, a condition could be used to ensure that the developer submits full details of tree protection measures to be implemented during the construction phase of development.

#### Flood risk, drainage and utilities

9.87 The applicant has submitted a Flood Risk Assessment (FRA) as part of the submission in accordance with the requirements of the NPPF and the NPPG. The FRA has reviewed all sources of flood risk to the proposed development and concludes that the site is located entirely within Flood Zone 1 and as such is assessed as having less than 1 in 1,000 annual probability of river or sea flooding. The Sequential Test does not apply to residential development within flood zone 1 and as such the location of the proposed development is considered appropriate in terms of flood risk.

9.88 The Environment Agency (EA), the Council Drainage Engineer and United Utilities (UU) have assessed the submitted FRA. Consultees are satisfied that the proposed development would not be at an unacceptable risk of flooding or that it would exacerbate flood risk elsewhere. The FRA provides details of the proposed flood mitigation measures and states that finished floor levels are to be raised 150mm to prevent surface water egress. A planning condition could be used to secure the implementation of the flood risk measures identified within Section 4.6 of the FRA.

9.89 Following some initial comments raised by the Council's Drainage Engineer an indicative surface water drainage scheme was produced as part of an updated FRA. The Council's Drainage Engineer raises no objections to the indicative scheme and highlights the importance of not using existing drains. A detailed drainage scheme will be produced as part of the detailed design stage of the development. As such, the Council's Drainage Engineer and the EA have recommended that a surface water drainage scheme, based upon sustainable drainage principles is secured via condition.

9.90 United Utilities, as the statutory undertaker raised no objections to the proposals and indicate that there are no site specific issues associated with the proposed development. They indicate that the site must be drained on a separate system with only foul drainage connected into the foul sewer; and that no surface water from the development is discharged either directly or indirectly to the combined sewer network.

9.91 The applicant has submitted a Utilities Statement in support of the application. The document indicates that the infrastructure (water, gas, electric and telecoms) necessary to service the site can be provided and is located in close proximity of the site.

### Planning Obligations

9.92 NPPF paragraphs 203 and 204 sets out the government's policy on planning obligations. Paragraph 204, alongside Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 indicates that a planning obligation should only be sought if it meets all of the following tests:-

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development

9.93 Discussions have taken place between the applicant and the Council to secure financial contributions through the completion of a S106 Legal Agreement. At the time of this report the following heads of terms were agreed:-

- Education contribution in accordance with the formula outlined in the Lancashire County Council Planning Obligations SPD; However, as outlined in Para.9.63 above, there is no current legal mechanism for the collection of such a contribution and despite being agreed with the applicant, the requirement for the contribution cannot be included within any S106 Agreement.
- Public transport funding to include the diversion of the existing bus service 86 by making a financial contribution of £120,000 per year for 5 years (totalling £600,000).
- £12,000 to fund the County's Travel Plan team in providing assistance in developing a Travel Plan for the site.

9.94 It is considered that the above terms are compliant with Regulation 122 of the Community Infrastructure Levy. However, please see section 9.64 relating to the education contribution. A S106 Agreement is currently being prepared which will secure these heads of terms, with the exception of the education contribution as outlined above.

### Other issues

#### i) Prematurity

9.95 The National Planning Practice Guidance provides the most up to date advice on prematurity and the circumstances in which it might be justifiable to refuse planning permission on the grounds of prematurity. Paragraph 014 of the NPPG states,

9.96 "Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development - arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Plan; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

9.97 Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process."

9.98 The Council is currently in the process of preparing its Local Plan, however this is at a very early stage of the preparation process and it is anticipated that it will not be adopted until 2017. Given the early stage that the Local Plan process is at and the length of time until adoption, refusal of the planning application on grounds of prematurity are not considered appropriate in this instance.

#### ii) Impact on property values

9.99 The planning system does not exist to protect neighbours from financial loss, but rather to protect their amenity. As such, a potential effect on house prices (whether that be a decrease or increase) is not considered to be material in the determination of a planning application.

#### Planning balance

9.100 Section 38(6) of the Planning and Compulsory Purchase Act, 2004 requires the determination of this application to be made in accordance with the development plan, unless material considerations indicate otherwise. For the purposes of Section 38(6), the Development Plan for Wyre comprises the:

- Saved Wyre Local Borough Local Plan policies (1991 - 2006)
- Fleetwood - Thornton Area Action Plan (2009); and
- Joint Lancashire Minerals and Waste Local Plan (2009)

9.101 Although the National Planning Policy Framework (NPPF) does not change the statutory status of the development plan it constitutes an important material consideration in the determination of planning applications.

9.102 The saved Local Plan policies outlined within previous sections of this report are considered to be the only policies in the Development Plan which are of significance to this application. When assessed against the development plan, the proposed development is contrary to saved Local Plan policy SP13. Therefore, if the application is to be assessed in accordance with Section 38(6), the scheme should be refused unless other material considerations outweigh the statutory presumption in favour of the development plan.

9.103 In coming to a balanced view, careful consideration must be given to the weight to be afforded to any conflict with the Local Plan, taking into account all material considerations in the overall planning balance, with particular reference and

weight afforded to the council's housing land supply position and the weight to be afforded to development plan and its relevant policies.

9.104 The Wyre Local Plan was adopted by the Council on the 5th July 1999 and covers the period between 1991 and 2006. A number of the policies in the Local Plan were saved under the terms of the Secretary of State's Direction, including policy SP13. These policies were however saved subject to two caveats;

- a) Firstly, that the saved policies would be replaced promptly; and
- b) Secondly, where policies were adopted some time ago material considerations, in particular the emergence of new national policy and evidence will be afforded considerable weight in the decision-taking process.

9.105 In respect of the first caveat, although the Council published its Core Strategy Preferred Options Report in March 2012, the Council is now in the process of preparing its Local Plan. Once adopted, the Local Plan policies will replace those which are extant within the current Local Plan. The Local Plan is however in its very early stages of preparation and there has been no draft Plan produced to date. The Local Plan is not expected to be adopted until 2017. In terms of the Core Strategy Preferred Options Report, only very limited material weight can be afforded to it in the determination of this application.

9.106 In respect of the second caveat, the Local Plan was prepared to be in general conformity with the Lancashire Structure Plan (1991 - 2006); and with National Planning Policy, contained, at that time, in Planning Policy Guidance Notes including PPG3. The Local Plan policies and allocations address the land requirements to deliver the objectively assessed needs of the borough during the plan period, which ended in 2006. Policy H1 (Housing Land Provision) was not saved under the terms of the Secretary of State's Direction and as such the development plan is silent as to the amount of new housing that should be provided. The publication of new evidence, including the Fylde Coast Strategic Housing Market Assessment indicates that there should be a significant increase in the number of dwellings to be provided annually compared to that which is provided by the current Local Plan. In addition to this, the NPPF has been published which requires local planning authorities to "boost significantly the supply of housing" by "use(ing) their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing..." This up to date evidence therefore suggests that there is a clear need to rebalance the existing protection of land in order to address the current housing requirements of the Borough.

9.107 When applying the relevant Local Plan policies in the overall planning balance the weight to be afforded to the relevant policies, and any conflict with these needs to be clearly understood. Although paragraph 211 of the NPPF is clear that, "the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of this Framework" NPPF paragraph 215 is clear that due weight should be given to relevant policies in existing development plans according to their degree of consistency with national policy.

9.108 In respect of saved Local Plan policy SP13, there are many references within the NPPF to the need to conserve and enhance the natural environment and as such the fundamental aim of protecting the countryside is therefore supported by the NPPF. Notwithstanding this, the policy provides blanket protection to all areas of the countryside, with no landscape features or geographical areas afforded any greater degree of protection than another. The policy does not include criteria, as required by

NPPF paragraph 113, against which proposals for development affecting a landscaped area can be assessed.

9.109 Although the site holds significant amenity value to the local community, the site does not carry any special landscape designation as identified by NPPF paragraph 115, and as such can only be defined as a local landscape. The degree of harm upon the open countryside needs to be weighed in the overall planning balance, taking into account the relevant weight to be afforded to the policy, as discussed further below.

9.110 Policy SP13 imposes significant restrictions on developing land across the whole of the countryside. As noted previously, paragraph 49 of the Framework states that, "Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites." The Council is unable to identify a supply of deliverable housing land when assessed against the most recent evidence and on this basis; the housing land supply policies are "out of date."

9.111 There is no definition in the NPPF of what constitutes a relevant policy for the supply of housing, however recent High Court judgements indicate that this a matter of planning judgement, based upon both the purpose of the policy and also its effect on the availability of suitable land for housing development.

9.112 In the case of policy SP13 it is considered that its primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the Framework; however the extent of the geographic coverage is such that it would have a significant effect on the location of development by preventing the use of any land outside settlement boundaries and, in that respect, it is a policy relevant to the supply of housing. On the basis of its geographic extent, it is considered that the policy is "out of date" in the context of NPPF paragraphs 14 and 49 and therefore the presumption in favour of sustainable development set out in NPPF paragraph 14 is engaged.

9.113 NPPF paragraph 14 indicates that for decision-making, the presumption in favour of sustainable development means:-

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, then the presumption in favour of sustainable development means that planning permission should be granted unless:
  1. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or
  2. specific policies in the Framework indicate development should be restricted, as explained by example in footnote 9 of the NPPF.

9.114 The site is not allocated by, or subject to, a protective designation in the Local Plan and there are no policies within the NPPF which indicate that development on this greenfield site should be restricted.

9.115 The presumption in favour of sustainable development identified by NPPF means that it is necessary to consider whether the proposed development represents 'sustainable development'. NPPF paragraph 7 sets out the three dimensions to sustainable development as being:

- Economic
- Social
- Environmental

NPPF advises that these roles should not be undertaken in isolation, because they are mutually dependent. Furthermore, to achieve sustainable development, economic, social; and environmental gains should be sought jointly and simultaneously.

#### i) An economic role

9.116 The economic role is defined as "contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation: and by identifying and coordinating development requirements, including the provision of infrastructure."

9.117 The government has identified the delivery of housing as a key driver of future economic growth and stimulation of the economy. It is recognised that there are economic benefits associated with the development through both direct and indirect employment opportunities. Although the applicant has not sought to quantify the economic benefits of the scheme, it is accepted that there will be some economic benefits associated with the construction period and following completion of the works through spending in the local and wider area.

9.118 In light of the Government's push for economic growth (expressed in the 'Planning for Growth', Ministerial Statement it is considered that moderate weight in favour of the application can be afforded to these economic benefits. It is considered that the proposal is one for development of the right type and in the right place. In terms of the second element of the definition it is considered that the existing infrastructure, subject to the inclusion of conditions and legal agreements, is sufficient to support the development.

#### ii) A social role

9.119 The social role is defined as, "supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; by creating a high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing."

9.120 The scheme will deliver a mix of both market and affordable housing which will make a positive contribution towards meeting the housing needs of the borough. The scheme will deliver a maximum of 165 units on site, of which the applicant suggests (based on current information) the scheme will deliver approximately 25 dwellings per year over the next 5 years (125 units). The scheme includes the delivery of 30% affordable dwellings, which equates to 50 dwellings (when rounded up) should the maximum number of dwellings allowed by this consent be constructed. This level of provision is policy compliant and will make a significant contribution to meeting the identified shortfall of affordable housing. It is considered that the delivery of market and affordable housing should be afforded significant weight in favour of the application.

9.121 It is considered that a high quality scheme could be delivered on site, incorporating a mix of dwelling types including on site open space, which will contribute towards the creation of sustainable communities. The social benefits of the development are therefore considered to be significant and must be afforded significant weight in the overall planning balance.

iii) An environmental role

9.122 The environmental role is defined as, "contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."

9.123 There are no specific policies within the NPPF which indicate that development should be restricted on the site. The site is greenfield in nature and comprises 0.55 hectares of best and most versatile (Grade 3a) agricultural land. The loss of this site from future agricultural use would be very limited and the benefits of the scheme need to be weighed against this loss of a greenfield site, of which there are many. Although NPPF encourages the use of brownfield sites, it does not prioritise development of such sites over greenfield land and nor does it preclude development of them.

9.124 The open character of the site will be lost to built form. This will have an urbanising effect on the site and will lead to the extension of the urban area. The site is not designated for its nature conservation value and it is considered that any ecological impacts associated with the development can be successfully mitigated through the imposition of conditions. The scheme will retain the vast majority of trees on site and will incorporate greenspace within the layout to be approved through the reserved matters process. The applicant is providing a significant financial contribution to secure the provision of sustainable transport improvements.

## **10.0 CONCLUSION**

10.1 Paragraph 17 of the Framework indicates that, "every effort should be made objectively to identify and then meet the housing needs of an area" and further that Local Planning Authorities "boost significantly the supply of housing" (paragraph 47). Granting planning consent for residential development on this site will make an important contribution towards addressing the housing supply shortfall within the Borough.

10.2 The adverse impacts of the proposed development have been considered and assessed and it is considered that impacts associated with the proposed development in terms of the impact upon the character and appearance of the surrounding countryside would not significantly and demonstrably outweigh the benefits of the scheme as required by NPPF paragraph 14. Other development impacts associated with the scheme can be mitigated through the use of planning conditions and obligations where necessary. In accordance with paragraph 7 of the Framework, it is considered that the proposed development represents a sustainable form of development which would deliver significant benefits, including primarily the delivery of housing and affordable housing. The overall conclusion is that the key material considerations in relation to housing land supply, justifies the release of the site for development and it is therefore recommended that planning permission should be granted subject to conditions and entering into a Section 106 Legal Agreement.

## **11.0 HUMAN RIGHTS ACT IMPLICATIONS**

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

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

## **12.0 RECOMMENDATION:**

12.1 Grant planning permission subject to conditions and the completion of a Section 106 Agreement to secure the following heads of terms:

- Public transport funding to include the diversion of the existing bus service 86 by making a financial contribution of £120,000 per year for 5 years (totalling £600,000).
- £12,000 to fund the County's Travel Plan team in providing assistance in developing a Travel Plan for the site.

12.2 That the Head of Planning Services be authorised to issue the planning permission upon satisfactory completion of the Section 106 Agreement.

### **Conditions:-**

1. Application for approval of reserved matters for each phase shall be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

2. No development for which outline planning permission has hereby been granted shall be started on any phase within the development until full details of the following reserved matters, in respect of that phase within the development, have been submitted to and approved in writing by the Local Planning Authority:

- a) appearance;
- b) scale
- c) layout; and
- d) landscaping

3. The development hereby permitted shall be carried out in accordance with the following approved plans: -

- Dwg. No. 14-029-OS-01 - Red Line Plan (date May 2014)
- Dwg. No. S14/205-1 - Topographical Land Survey (date 30.04.14)
- Dwg. No. A087347-P008 Rev A - Proposed site access and sustainable improvements
- Dwg. No. nA087347-SK002 Rev A - Proposed site access of Raikes Road

4. No development hereby approved shall commence until a phasing scheme for the development, including highways works, which sets out the sequence in which the various elements of the development will be constructed and brought into use. The development shall be implemented in accordance with the approved phasing scheme.

5. a) 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.

b) The scheme shall be constructed and completed in accordance with the approved details.

6. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided and retained in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;
- the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing];
- the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
- the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

7. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (Ref: WAI09 Rev 1, dated 14 May 2014) and the mitigation measures detailed within the Flood Risk Assessment. The mitigation measures for that phase of development as provided by condition 4 shall be fully implemented prior to occupation of any dwelling within that phase, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

8. Prior to the commencement of the development, or phase of development, hereby approved, a surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved scheme shall subsequently be implemented in accordance with the phasing details as provided by condition 4. The scheme shall also include details of how the scheme will be maintained and managed by whom after completion.

9. Prior to the commencement of the development, or phase of development, hereby approved, a scheme for the disposal of foul waters within the site or for that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the phasing details as provided by condition 4.

10. Vegetation shall only be removed / cleared outside of the optimum period for bird nesting (March to July inclusive) unless a report has been submitted to and approved in writing by the local planning authority demonstrating that the nesting / breeding birds have been shown to be absent.

11. Prior to demolition of existing buildings a pre demolition survey of the buildings on the site should be carried out for evidence of barn owls. If barn owls are found a method statement shall be prepared and submitted to the LPA for approval providing full details of how harm to barn owls shall to be avoided during the course of the demolition works. The approved method statement shall thereafter be implemented in accordance with the phasing details as provided by condition 4.

12. No development, or any phase of development, hereby approved shall commence on site until a scheme which provides for the retention and protection of trees, shrubs and hedges within the site (or overhanging) the site or phase, which may be affected by the construction process, with the exception of those trees clearly shown to be felled on the submitted plan, and any other trees the removal of which is approved through the approval of reserved matters applications, has been submitted to and approved in writing by the Local Planning Authority. The agreed protection measures shall remain in place until all development is completed within that phase and no work, including any form of drainage or storage of materials, earth or topsoil shall take place within the perimeter of such protective fencing.

13. Prior to the commencement of development, or phase of development, hereby approved, a scheme of site lighting to demonstrate avoidance of light pollution / artificial illumination during the construction and operational phases of development upon retained trees and hedgerows shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and maintained and retained thereafter.

14. Prior to the commencement of development a Landscape and Habitat Creation Scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved Scheme shall identify the opportunities for biodiversity enhancement on site including

- Species rich hedgerow planting;
- Bolstering existing hedgerows;
- Wildflower seeding along hedge bottoms and fields boundaries;
- Bat boxes
- Bird boxes
- Native tree and shrub planting
- 

The approved scheme shall be implemented in accordance with the phasing details as provided by condition 4.

15. Prior to the commencement of each phase of development, or phase of development hereby approved:-

- A Site Investigation report shall be submitted to and approved in writing by the Local Planning Authority. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health and the wider environment; and

- The details of any proposed Remedial Works shall be submitted to, and approved in writing by the Local Planning Authority. Such Remedial Works shall be incorporated into the development during the course of construction and completed prior to occupation of the development; and
- A Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall validate that all remedial works undertaken on that phase were completed in accordance with those agreed by the LPA.

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

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

- the times of construction activities on site and deliveries to site shall be restricted to the hours of 08.00 - 18.00 Monday to Friday; 08.00 - 13.00 on Saturdays; and no deliveries or other vehicles shall visit the site on Sundays and Bank Holidays
- the parking of vehicles of site operatives and visitors (all within the site), times of access/egress, penalties (arriving early/not parking within the site)
- loading and unloading of plant and materials (all within the site), times of access/egress (arriving early/not parking within the site)
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction and procedures to be adopted in response to complaints of fugitive dust emissions
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity
- measures to prevent the pollution of watercourses
- the routing of construction vehicles and deliveries to site
- onsite management presence

The development shall be implemented in accordance with the approved CEMP.

17. Any application for the approval of reserved matters for any phase of development shall be accompanied by a Design and Access Statement for that phase and shall set the design principles and concepts that have been applied to the proposals including, the appearance, scale, layout and landscaping of the development. Development of each phase of development shall be carried out in accordance with the approved details.

18. No development shall commence until a Framework Travel Plan has been submitted to, and approved in writing by, the Local Planning Authority. The provisions of the Framework Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority. The Framework Travel Plan must include a

schedule for the submission of a Full Travel Plan within a suitable timeframe of first occupation, the development being brought into use or other identifiable stage of development. Where the Local Planning Authority agrees a timetable for implementation of a Framework or Full Travel Plan, the elements are to be implemented in accordance with the approved timetable unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used/for a minimum of at least 5 years.

19. No part of the development hereby approved shall commence until a scheme for the construction of all site access and the off-site works of highway improvement have been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. The site access and off-site highway works shall be constructed and completed as per the schedule agreed as part of this condition. Delivering these works will require a review, consultation and implementation of new/or changes to TROs; the full cost for these to be funded by the developer. The position of the bus stops and crossing will be subject to detailed design.

20. No part of the development hereby approved shall commence until a scheme for the construction of the internal access road, cycleway and footway networks has been first submitted to, and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The scheme shall satisfy the needs of all elements of the site and be constructed in accordance with the approved details prior and thereafter retained.

21. There shall not at any time in connection with the development hereby permitted be planted hedges, trees or shrubs over 1m above the road level within any visibility splay required to maintain safe operation for all users.

22. Prior to the commencement of the development hereby approved, a Delivery Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The deliveries to the site shall take place in accordance with the plan unless the Local Planning Authority is notified in writing and agreement is reached regarding any proposed alterations.

#### **Reasons:-**

1. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
2. The application is for outline permission only and these matters were reserved by the applicant for subsequent approval.
3. For the avoidance of doubt and in the interests of proper planning.
4. To ensure the satisfactory development of the site in a phased manner and that phasing details were not submitted as part of the application.
5. 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).

6. To ensure the adequate provision and delivery of affordable housing in accordance with the National Planning Policy Framework (March 2012)
7. To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site in accordance with saved Local Plan policy EN13 and the National Planning Policy Framework (March 2012)
8. To prevent the increased risk of flooding, both on and off site in accordance with saved Local Plan policy EN15 and the National Planning Policy Framework (March 2012)
9. 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 with saved Local Plan policy CIS7 and the National Planning Policy Framework (March 2012).
10. To protect and prevent unnecessary disturbance of nesting birds in accordance with the provisions of the Wildlife and Countryside Act 1981 and the National Planning Policy Framework (March 2012)
11. In order to ensure that legally protected species are not unacceptably affected in accordance with the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 (as amended)
12. To safeguard the amenity, appearance and character of the area in accordance with saved Local Plan policy ENV7 and the Trees and Development Supplementary Planning Guidance (1998)
13. In order to satisfy the Local Planning Authority and the Highway Authority that a suitable external lighting scheme will be provided, and to protect the feeding and commuting behaviour of bats
14. To secure opportunities for the enhancement of the nature conservation value of the site in accordance with the National Planning Policy Framework (March 2012)
15. The development is for a sensitive land 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).
16. To safeguard the amenity of the area and to maintain the operation and safety of the local highway network during site preparation and construction in accordance with saved policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).
17. To ensure high standards of design and access for all users in accordance with saved policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework (March 2012)
18. To ensure that sustainable transport measures are delivered as part of this scheme in accordance with the National Planning Policy Framework (March 2012).
19. In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site. Also, in order to provide safe access to the site for all users (motorised and non-motorised).

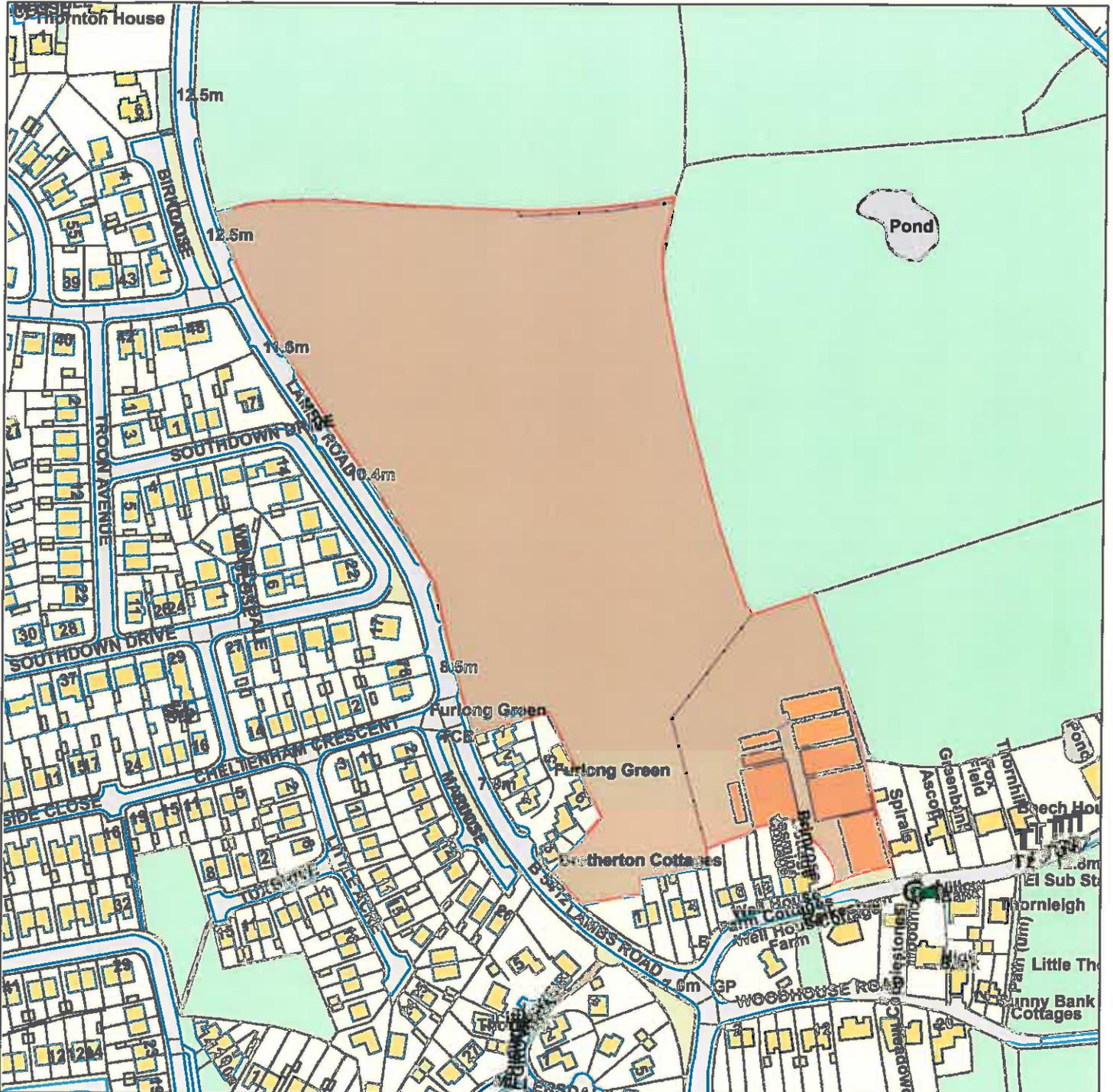
20. In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site. Also, in order to provide a safe access to the site and ensure that users of the development have appropriate access to sustainable transport options.

21. To ensure adequate visibility splays are maintained at all time.

22. In order to ensure highway safety is maintained at all time.

# Planning Committee

## Land off Lambs Road, Thornton Cleveleys



Scale : 1:2868

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<b>Organisation</b>	Wyre Council
<b>Department</b>	Planning Department
<b>Comments</b>	14/00553/OULMAJ
<b>Date</b>	21 July 2015
<b>SLA Number</b>	100018720

**Committee Report****Date: 05.08.2015**

<b>Item Number</b>	<b>02</b>
<b>Application Number</b>	<b>15/00040/OUTMAJ</b>
<b>Proposal</b>	<b>Outline planning application with all matters reserved for the erection of up to 30 residential dwellings</b>
<b>Location</b>	<b>Land At Bowgreave House Farm Garstang Road Bowgreave Preston Lancashire PR3 1YE</b>
<b>Applicant</b>	<b>Baxter Homes Ltd</b>
<b>Correspondence Address</b>	<b>c/o CFM Consultants 1 New Media House 8 Hardhorn Road Poulton Le Fylde Lancashire FY6 7SR</b>
<b>Recommendation</b>	<b>Permit</b>

**REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mr Jonathan Pennick****1.0 INTRODUCTION**

1.1 The application is before members for determination at the request of (former) Councillor David Williams when he was a Councillor.

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The 1.30 hectare site comprises commercial buildings associated with a meat wholesale business; a residential property (Bowgreave House Farm); and an area of agricultural land. The site is accessed via a bound gravel surface track from Garstang Road to the east. The site slopes gently to the south east from 28.5 metres AOD to 23.5 metres AOD. The site is bound on three sides by fences or amenity hedges associated with neighbouring residential dwellings, though an intact hedgerow demarcates the western boundary of the site. To the north of the application site are the detached residential properties on Byerworth Lane South; to the west is the Garstang Country Hotel and Golf Centre; to the east are the semi-detached and detached residential properties on Garstang Road; whilst to the south is the rear garden of a 58 Garstang Road.

**3.0 THE PROPOSAL**

3.1 The application seeks outline planning consent for residential development of up to 30 (maximum) residential dwellings and all matters are reserved. Indicative access details are provided which indicates that an access junction would be provided off Garstang Road with a 5.5 metre access road and 2 metre footways either side. The layout of the scheme; scale, design, materials and architectural details of the buildings; landscaping and boundary treatments; and access proposals are all details to be submitted as part of a Reserved Matters application should

outline permission be granted. The number of units indicated in the description relate to the maximum figure. Provided any future scheme complies with the scale parameters set by this outline and other material considerations at the detailed design stage, there is scope within the site for the numbers of dwellings to vary up to the maximum number of units proposed.

3.2 To help demonstrate that the principle of residential development is acceptable, the application has been accompanied by a range of supporting documents as follows: -

- Bat, Barn Owl and Nesting Bird Survey
- Design and Access Statement
- Ecology Appraisal
- Flood Risk Assessment
- Groundsure Reports
- Landscape and Visual Issues Report
- Phase 1 Desk Study
- Planning Statement
- Transport Statement
- Tree Report

#### **4.0 RELEVANT PLANNING HISTORY**

4.1 The following applications are considered to be of relevance to this planning application:-

- 82/01138 - Change of use from barn to residential dwelling. Application refused 30.09.82
- 83/01509 - Conversion of existing barn to single dwelling. Application refused 21.12.83
- 83/00794 - Proposed conversion of redundant stone barn to residential use. Application approved 22.09.83
- 84/00087 - Conversion of existing barn to dwelling. Application approved 01.06.84
- 05/00441/CPE - Certificate of lawful use for replacement garage and construction of mound. Application approved 09.06.05
- 05/00439/CPE - Certificate of lawful use for extension to residential curtilage and use of premises for meat processing. Application approved 09.06.05
- 10/00091/FUL - Two storey side extension with balcony and alterations including a pitched roof to existing garage. Application approved 12.03.10
- 13/00582/OUT - Outline application for the demolition of existing meat processing unit and erection of one detached dwelling. Application approved 18.11.13

## 5.0 PLANNING POLICY

### 5.1 NATIONAL PLANNING POLICY FRAMEWORK

5.1.1 The National Planning Policy Framework (NPPF) was published by the Department of Communities and Local Government (DCLG) on the 27th March 2012. The NPPF 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 NPPF sets out the requirements for the planning system to the extent that it is relevant, proportionate and necessary to do so.

5.1.2 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". There are three dimensions to sustainable development, including (paragraph 7):

- "an economic role - contributing to building a strong responsive and competitive economy by ensuring that sufficient land of the right type is available at the right time and in the right places to support growth"
- "a social role - supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, by creating a high quality built environment with accessible local services"
- "an environmental role - contributing to protecting and enhancing our natural, built and historic environment and as part of this helping to improve bio-diversity"

5.1.3 To achieve sustainable development, economic, social and environmental gains should be sought jointly.

5.1.4 Paragraph 12 of the NPPF states that, "This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise."

5.1.5 Paragraph 14 of the NPPF states, "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking."

5.1.6 Specific to decision-taking, the NPPF states that this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  1. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  2. Specific policies in the Framework indicate development should be restricted."

5.1.7 Paragraph 187 of the NPPF states that, "Local planning authorities should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible. Local

planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area".

5.1.8 Paragraph 197 of the NPPF states that "in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development."

## 5.2 NATIONAL PLANNING POLICY GUIDANCE (NPPG) 2014

5.2.1 This online resource was launch on the 6th March 2014 and follows a review of planning policy guidance undertaken by Lord Taylor of Goss Moor which began in October 2012. The resource presents 41 categories, from Advertisements to Water Supply, with each category containing a number of sub-topics.

## 5.3 WYRE BOROUGH LOCAL PLAN (SAVED POLICIES):

5.3.1 The Wyre Borough Local Plan was adopted on the 5th July 1999 and it sets out the Council's strategy for the use of land within Wyre for the period 1991-2006. The 2004 Planning and Compulsory Purchase Act automatically saved the Local Plan policies for a period of three years until 28th September 2007. The Council applied to and received the consent of the Secretary of State to save many of the Local Plan policies beyond this date.

5.3.2 The saved Local Plan is not a 'development plan document' as defined within the 2004 Planning and Compulsory Purchase Act, but of course does form part of the development plan for the district. NPPF paragraph 215 states that, "due weight should be given to relevant policies in existing plans according to their degree of consistency with this Framework (the closer the policies in the plan to the polices in the Framework, the greater the weight that may be given)."

5.3.3 The following policies are considered to be of relevance to the determination of this application. The weight to be afforded to these policies in discussed within subsequent sections of this report:

- Policy SP8 - Definition of Small Rural Settlements
- Policy SP13 - Development in the Countryside
- Policy SP14 - Standards of Design and Amenity
- Policy ENV7 - Trees on Development Sites
- Policy ENV13 - Development and Flood Risk
- Policy ENV15 - Surface Water Run-Off
- Policy H13 - Open Space in new Housing Developments
- Policy TREC12 - Public Rights of Way
- Policy CIS7 - Wastewater Management

## 5.4 WYRE SUPPLEMENTARY PLANNING DOCUMENTS / GUIDANCE

5.4.1 The following Supplementary Planning Guidance are considered to be of relevance to the determination of this application:-  
Supplementary Planning Guidance 2 - Trees and Development  
Supplementary Planning Guidance 4 - Spacing Guidelines for New Housing Layouts  
Supplementary Planning Guidance 9 - Secure Development

## 5.5 WYRE BOROUGH COUNCILS CORE STRATEGY/EMERGING LOCAL PLAN - PREFERRED OPTIONS

5.5.1 A Preferred Options version of the Wyre Core Strategy underwent a public consultation between 2 April and 21 May 2012. The Council is now progressing a single Borough-wide Local Plan document and reconsidering the spatial strategy. The Council consulted on Issues and Options for the new Local Plan between the 17th of June and the 7th of August. The Wyre Core Strategy Preferred Options included consultation on a number of Core Policies which will inform policies in the Local Plan. It therefore presently the Core Policies in the Wyre Core Strategy Preferred Options form a material consideration of limited weight in the consideration of planning applications in accordance with paragraph 216 of the National Planning Policy Framework (March 2012).

5.5.2 Relevant policies in the emerging Local Plan include:

- Policy CS1 - Spatial Strategy for Wyre: Distribution of Development
- Policy CS2 - Spatial Strategy for Wyre: Settlement and Centre Hierarchy
- Policy CS9 - Strategy for Garstang and Catterall
- Policy CS13 - Sustainable Development
- Policy CS14 - Quality of Design
- Policy CS16 - Transport, Accessibility and Movement
- Policy CS17 - Infrastructure and Community Facilities
- Policy CS18 - Green Infrastructure
- Policy CS19 - Biodiversity and Geodiversity
- Policy CS20 - Housing Mix
- Policy CS21 - Affordable Housing
- Policy CS24 - The Countryside
- Policy CS25 - Flood Risk and Water Resources

5.5.3 The weight to be attached to these policies will increase as the Local Plan is progressed towards adoption. However, as indicated above, at this stage, the policies can only be given limited weight.

## 5.6 WYRE AFFORDABLE HOUSING VIABILITY STUDY (OCTOBER 2010)

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

## 5.7 FYLDE COAST STRATEGIC MARKET ASSESSMENT (FEBRUARY 2014)

This document was produced for the Fylde Coast Authorities 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. The document identifies a need for new housing across the Fylde Coast, and specifically for Wyre there is an estimated need for "300 affordable homes per year in Wyre (over the next 5 years), and modelling of scenarios indicates that there is an objectively assessed need for between 340 and 485 dwellings per annum. "

## 6.0 CONSULTATION RESPONSES

6.1 BARNACRE WITH BONDS PARISH COUNCIL - Object to the scheme as it is contrary to Local Plan policy SP13; impact on the character of the settlement; provides unsafe access arrangements which require the reduction of the road width and impact on highway safety; high traffic speed of vehicles using Garstang Road; impact on pedestrian and highway safety; inadequate surface water drainage details

submitted; increased risk of flooding; impact upon existing community services; inadequate education provision; will put additional strain on local resources; light pollution and safety issues associated with the golf course.

6.2 ENVIRONMENT AGENCY - No objections. The EA are satisfied that the proposed development would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere, provided that the development proceeds in accordance with the recommendations outlined in the FRA. A planning condition is recommended in respect of surface water drainage details being submitted.

6.3 UNITED UTILITIES - No objections subject to a condition requiring the submission of drainage details

6.4 GREATER MANCHESTER ECOLOGY UNIT - No objections. There are features of local importance that should be considered during the determination of the application.

6.5 LANCASHIRE COUNTY COUNCIL - ARCHAEOLOGY - No objections subject to a condition which requires a programme of archaeological works being undertaken.

6.6 LANCASHIRE COUNTY COUNCIL - EDUCATION - Request a financial contribution for 11 primary school places based upon a formulaic approach outlined in the consultation response. They indicate that there would be no contribution required for secondary school places. However they indicate that should any currently pending applications identified within their consultation response be approved prior to a decision being made on this application then the claim for school provision could increase to include provision for 5 additional secondary school places.

6.7 LANCASHIRE COUNTY COUNCIL - HIGHWAYS - No objections. They consider that the scale of the development and the traffic distribution pattern will have a relatively low impact on the following junctions A6 /A586, Broughton cross roads and A6 / M55 J1. They highlight the need for cycle parking within the development (to be secured during the reserved matters application) and that two nearest bus stops to the site are upgraded to Quality Bus Stop standards via a S278 agreement. They recommend conditions in respect of the provision of wheel washing facilities during the construction period and the submission of a scheme detailing site access and off-site highway improvement works.

6.8 WYRE BC HEAD OF ENGINEERING (DRAINAGE) - No objection in principle. Full details of drainage plans to be submitted, including location and details of the River Calder tributary to the south of the site.

6.9 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AIR QUALITY AND NOISE) - No objections subject to conditions in respect of hours of working and submission of a dust management plan.

6.10 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (CONTAMINATED LAND) - No objections subject to submission of a desk study to investigate and assess the risk of the potential for on-site contamination; and a gas monitoring programme

6.11 WYRE BC HEAD OF OPERATIONS (TREES) - The submitted Tree Report is accurate and sufficient at this stage of the application. A Tree Protection Plan, Arboricultural Method Statement and new planting and landscaping plans should be provided as part of the reserved matters application process.

## 7.0 REPRESENTATIONS

7.1 Site notices were posted on site on the 26th January 2015 and a press notice was published in the Garstang Courier on the 28th January 2015

7.2 24 neighbour notification letters were sent out to neighbouring residential properties and business in 21st January 2015. 48 letters of objection have been received from residents in response to the application publicity. The following issues have been raised:-

- Site is located in the open countryside where development should be restricted
- Impact on settlement gap between Garstang and Bowgreave
- Impact on the character of the settlement and resultant over development
- Backfill development
- Prematurity
- Flooding and surface water
- No need for new housing
- Highway safety concerns
- A road safety audit should be submitted
- Increased traffic and congestion
- High traffic speeds on B6430
- Inappropriate access arrangements
- Loss of pond and impact on newts
- Narrowing of the B6430 would result in increased danger to road users and pedestrians
- Traffic to and from the farm is currently very light
- Access will impact upon the amenity of 40 Garstang Road (light, noise, outlook, privacy, pollution)
- Inadequate footpath provision
- Impact on amenity
- Impact on privacy
- Landscape screening proposals are inadequate
- Impact on views
- Impact on footpath 29
- Inadequate existing infrastructure including education provision, GPs and dentists
- Inadequate local facilities
- Proximity of road to residential dwellings and impact on peace and privacy
- The services / infrastructure serving no. 40 Garstang Road are located underneath the proposed access road
- The layout provides no on site open space
- The maximum number of units should be conditioned and the change of use of the office to residential should be restricted

7.3 An objection to the proposals has also been received from Ben Wallace MP.

A summary of the objection and the key issues identified are outlined below: -

- Impact upon the separation between Garstang, Bowgreave and Catterall
- Impact upon the character of the village
- Impact on the highway network

## **8.0 CONTACT WITH APPLICANT / AGENT**

8.1 There has been contact with the applicant throughout the consideration of the planning application.

## **9.0 ISSUES**

9.1 The main issues when considering this application are:

- Principle of development
- Impact on the character and appearance of the surrounding countryside
- Impact on the highway network; transport infrastructure and public rights of way
- Education
- Design, layout and amenity
- Pollution
- Ecology, nature conservation and trees
- Flood risk and drainage
- Archaeology
- Planning obligations
- Other issues
- Planning balance

Principle of development

i) Strategic location

9.2 Bowgreave is a small settlement located between the larger settlements of Garstang to the north and Catterall to the south. Saved Local Plan policy SP8 identifies Bowgreave as a small rural settlement. There is no settlement boundary defined on the Local Plan Proposals Map; however the policy indicates that the limits to development are defined by existing breaks between the built form and open undeveloped land. On this basis, the site is considered to be located adjacent to but outside the existing settlement and as such is located within the open countryside as defined by saved Local Plan policy SP13.

9.3 Saved Local Plan policy SP13 aims to restrict development within the countryside, unless development is justified by other policies within the Local Plan or where the development would be for the purposes of agriculture or forestry, uses appropriate to a rural area, that which would fulfil local housing needs (affordable housing), the re-use or refurbishment of listed or institutional buildings, or the conversion of rural buildings. The proposed development does not fall into any of these exceptions and nor is it justified by other policies within the development plan. The site is not allocated for housing within any adopted development plan documents and as such the application is therefore contrary to saved Local Plan policy SP13.

9.4 Notwithstanding the above policy conflict, careful consideration must be given to the weight to be afforded to this conflict, taking into account all material considerations in the overall planning balance, with particular reference and weight afforded to the councils housing land supply position and the weight to be afforded to relevant Local Plan policies. These matters are considered in detail within subsequent sections of this report.

ii) Greenfield / brownfield land

9.5 The site comprises a residential dwelling and its curtilage, buildings and hard standing associated with the piglet processing unit and an agricultural field. The site therefore comprises areas of both greenfield and brownfield land. The NPPF states that planning should "encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value." Notwithstanding this, NPPF does not promote a sequential approach to land use and there is no presumption that greenfield sites are unsuitable for development per se. The presumption in favour of sustainable development is an important part of the NPPF and it is noted that delivery of sustainable development is not restricted to the use of previously developed land and can include the development of greenfield land.

iii) Existing uses

9.6 The 1.3 hectare site comprises a detached residential dwelling (and its associated curtilage), a meat processing unit, and a field. A Certificate of Lawful Use, for the extension to residential curtilage and use of premises for meat processing was granted by the Council in June 2005 and this encompasses all of the land subject to this application. It is understood that the family business has been developed and operated over a number of years, however the facility is no longer economically viable due to the level of investment required to meet the new requirements of the relevant legislation.

iv) Proposed uses a. Residential

9.7 NPPF Chapter 6 (Delivering a wide choice of high quality homes) paragraph 47 identifies a clear policy objective to, "boost significantly the supply of housing". Paragraph 17 states further that the planning system should "proactively drive and support sustainable economic development to deliver new homes that the country needs. Every effort should be made objectively to identify and then meet the housing needs of an area." The NPPF indicates that this will be achieved first and foremost, by local planning authorities, "using their evidence base to ensure that their local plan meets the full, objectively assessed needs of market and affordable housing in the housing market area, including identifying key sites which are critical to the delivery of the housing strategy over the plan period."

i) Identifying the objectively assessed housing need

9.8 Policy H1 of the Local Plan identified an annual average rate of housing provision of net additional dwellings up to 5600 between 1991 - 2006. This policy was not saved by the Council and it was superseded by Policy L4 (Regional Housing Provision) of the Regional Spatial Strategy (RSS). RSS policy L4 identified an average annual housing requirement for Wyre of 206 dwellings net of clearance replacement. Given the RSS was revoked on 20th May 2013; there is no up-to-date housing requirement for Wyre contained within the Council's development plan.

9.9 The focus of the NPPF is on meeting objectively assessed needs that have been identified through the plan making process (paragraph 47, bullet point 1). Although work is ongoing in relation to the production of the Council's Local Plan, it is at an early stage.

9.10 The Fylde Coast Strategic Housing Market Assessment (SHMA) (2014) represents the most up-to-date assessment of objectively assessed needs for Wyre. The SHMA indicates that Wyre's objectively assessed need (OAN) lies between 340 - 485 dwellings per annum from 2011-2030. An addendum report is currently being produced for the SHMA which considers the implications of latest Office for National Statistics (ONS) 2012 Sub-National Population Projections upon this OAN range.

ii) Housing land supply assessment

9.11 The Council is unable to identify a supply of deliverable sites sufficient to provide a 5 year supply of housing against a housing requirement based on the objectively assessed needs presented in the SHMA.

9.12 The absence of a continuing supply of housing land has significant consequences in terms of the council's ability to contribute towards the government's aim of "boost(ing) significantly the supply of housing." Significant weight should therefore be afforded to the schemes contribution to addressing the identified housing shortfall and meeting the Government's objective of securing a better balance between housing demand and supply, in the determination of this planning application.

9.13 Paragraph 49 of the NPPF requires that housing applications should be considered in the context of the presumption in favour of sustainable development. As the Council is unable to identify a five year supply of deliverable housing sites, NPPF paragraph 49 states that, "relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites."

9.14 Where relevant policies are out of date, NPPF paragraph 14 requires that where there are no material considerations to indicate otherwise, planning permission should be granted unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits, or specific policies in the Framework that indicated that development should be restricted that would prevent permission being granted. This matter is addressed fully within the planning balance and conclusions section of this report.

iii) Housing mix, type and density

9.15 Paragraph 50 of the Framework states that local authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. This policy approach is mirrored by Core Strategy Preferred Options policy CS20 (Housing Mix) which advises that planning applications for housing development are required to accord with the requirement for the provision of appropriate size, type and mix of housing, including affordable housing to meet identified housing need.

9.16 The development proposes up to a maximum of 30 dwellings on site. An indicative layout has been submitted as part of the Design and Access Statement which demonstrates how 29 dwellings may be delivered on site should outline

planning consent be granted. The indicative layout proposes a mix of 4 linked properties and 25 detached properties.

9.17 Members should be aware that the indicative layout is not fixed at this stage, and the final scheme to be delivered could be for fewer dwellings than the maximum number of units proposed. The housing mix, type and density will be influenced by the council's relevant development plan policies and the housing market at the time of delivery. The design solution which is developed for submission as part of any future reserved matters application may well comprise a significantly different mix, type and density of dwellings on site to that outlined at this stage.

9.18 Although, due to the outline nature of the application, firm conclusions regarding the mix, size and density cannot be reached, the indicative layout suggests that a suitable scheme could be accommodated on site subject to the inclusion of onsite open space. Members are advised that further, more detailed consideration of these matters would occur during any subsequent reserved matters application.

#### iv) Affordable housing

9.19 NPPF 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."

9.20 There are no saved housing policies relating to affordable housing in new housing developments in the adopted Local Plan. The previous requirement in the council's Interim Housing Policy was to require 40% affordable housing on proposals of 15 or more residential units. However, the council's affordable housing viability study which forms the evidence base for the Core Strategy states that for developments to be deliverable 30% affordable housing is viable. The requirement for 30% is also set out in policy CS21 of the Core Strategy Preferred Options document and it is considered that as this accords with the most up to date evidence, significant weight can be afforded to it.

9.21 As this is the most up to date evidence and is set out in draft policy, 30% is now the appropriate starting point when requiring affordable units on residential developments in the Borough. In this case, it is considered that a provision of 30% is appropriate, and a condition is imposed to ensure that this provision is met. The Council's Affordable Housing Officer has identified a preference for the delivery of 2 bed houses for social rent; however these matters will be addressed through discussions with officers and the submission of future reserved matters applications. The developer is agreeable to the proposed approach, the full detail of which will be agreed at the reserved matters stage. A planning condition is outlined at the end of the report which secures 30% affordable housing on site.

#### Impact on the character and appearance of the surrounding countryside

9.22 Paragraph 109 of the NPPF indicates that the planning system should contribute to and enhance the natural and local environment by, "protecting and enhancing valued landscapes." In addition to this, one of the twelve core planning principles outlined in paragraph 17 states that planning should, among other things, "take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside."

9.23 The applicant has submitted a Landscape and Visual Issues Report in support of the application to provide an assessment of the likely effects on the landscape, key viewpoints and visual amenity. The document indicates that a landscape led site layout will be developed which retains and enhances existing key landscape features (hedgerows, trees and shrubs). The key landscape and visual impacts identified relate to the loss of an area of semi improved grassland, impacts from residential receptors on Byerworth Lane, Garstang Road and Topiary Gardens; and to a lesser extent horse rider's using the bridleway to the north of the site. Clearly there will be an impact upon occupiers of existing dwellings as they currently enjoy an open aspect over undeveloped fields; however it is considered that a layout could be provided on site which provides an appropriate level of amenity for future and existing occupiers. These matters would however be addressed in greater detail through any subsequent reserved matters process and consideration of layout.

9.24 The application site in itself has limited landscape value, save for the location of trees situated to the boundary of the site. The site does not carry any special landscape designation as identified by the NPPF paragraph 115. The existing landscape features could be retained and included as part of the final layout of the scheme, which would be considered as part of the reserved matters process.

9.25 The historic character of the settlement was originally characterised by the linear forms of development located on either side of Garstang Road. However, this linear character has been eroded over time through the implementation of various residential, leisure and education schemes to both the east and west of Garstang Road. Clearly granting planning permission would further erode this historic character; however the site is bound by built form on three sides whilst a belt of trees defines the western boundary of the site. The scheme would not extend beyond the existing built form to the north and south of the site, whilst the visibility of the site would be restricted to glimpsed views from Garstang Road and Byerworth Lane South. Taking these matters into consideration, it is not considered that it would have a significantly detrimental impact on the overall character of the settlement or the wider countryside. In addition to which, the development would not result in any narrowing of the gap between Bowgreave and Garstang.

Impact on the highway network; transport infrastructure and public rights of way

9.26 During the course of the application the applicant provided a Transport Note which provides information in respect of traffic generation, trip distribution and details of the proposed access arrangements.

i) Indicative access arrangements

9.27 The planning application is submitted with all matters reserved including access. Notwithstanding this, the applicant has provided indicative access details for consideration. Originally the applicant proposed to narrow Garstang Road to 6 metres in order to achieve visibility on to the highway. The applicant has since reviewed the indicative access arrangements, by narrowing Garstang Road to 6.5 metres to provide slightly larger footways to Garstang Road and to remove the footway on the south side of the first section of the access road within the site. The applicant has submitted a swept path analysis to demonstrate that refuse vehicles etc. can enter and exit the site.

9.28 Lancashire Country Council Highways (LCC Highways) have assessed the indicative access arrangements and note that the B6430 is subject to a 30mph speed limit here, although an advisory 20mph operates at school times. They consider that

the footway on the westerly side of Garstang Road is substandard and as such the sightlines at the point of access to the proposed development are substandard.

9.29 The applicant recognises that there are sightline issues due to the width of the footway and as such proposes to address this by widening the footway and narrowing the width of the carriageway as described above. LCC Highways note that the proposed narrowing of the road would be on a straight section of Garstang Road where there is a relatively constant gradient and as such they consider that the proposal is acceptable at this location. They consider that this will reduce traffic speeds without causing significant impedence to the flow of traffic, in addition to which they consider that there is a resultant benefit for pedestrians by widening the footway.

### iii) Impacts on highway network

9.30 The submitted Transport Note indicates that the traffic generation associated with the scale of development proposed would be negligible and it would not result in capacity, congestion, queuing or road safety effects upon the highway. LCC Highways have reviewed the Transport Note and they indicate that they have raised a number of concerns with regards to the impact of the development on highway capacity at a number of locations along the A6, however in this instance they consider that the scale of development and the traffic distribution pattern will have a relatively low impact on these junctions and as such they consider that the principle of the development in terms of highway impacts are acceptable.

9.31 The TN shows that the number of vehicle movements at the site access would be generated in the AM and PM peak hours. The TN also considers the number of movements that would coincide with school finishing time. LCC Highways indicate that the busiest of the three time periods is the am peak (8am - 9am) where a total of 17 additional vehicle movements are expected. LCC Highways state that this level of vehicle movement is not considered to be excessive and that it will have little impact on local highway capacity.

9.32 In order to encourage sustainable travel to and from the development site LCC Highways have requested that cycle parking is provided within the development (considered as part of the reserved matters process) and that public transport facilities are improved by upgrading the two nearest bus stops to the site to Quality Bus Stop standards. The applicant has agreed to these proposed works and these will be secured via a S278 Agreement between the developer and LCC.

### Education

9.33 In March 2014, Lancashire County Council issued a document which sets out its methodology for claiming education contributions against housing developments, which are projected to create a shortfall of school places within the local area of a development. Lancashire County Council has advised that the proposed development would result in a material increase in the demand for primary school places that could not be met by existing provision. They have indicated, based upon their latest assessment, that they would be seeking a contribution for 11 primary school places and 0 secondary school places. It is necessary for a planning obligation to secure a financial contribution towards creating additional primary school places in the surrounding area.

9.34 The actual scale of the financial contribution can only be determined when the precise mix of dwellings is known at the point of a future reserved matters application being determined. The applicant has agreed to the approach outlined within the Planning Obligations document. Amendments to the CIL (Community Infrastructure Levy) Regulations have, however, recently come into force which prevents the pooling of more than 5 contributions for one type of infrastructure or specific project. This is only relevant where LPAs (local planning authority) have not adopted a CIL charging schedule to secure such contributions for infrastructure. There are already 5 section 106 obligations in respect of the generic education pool. As such unless LCC are able to identify specific schools to which the contributions will go to facilitate the provision of additional places (being a specific project), or unless an alternative lawful means of securing the contribution outside the scope of a S106 obligation is proposed, then the requested contribution cannot lawfully be sought. At present Counsels advice to this council on the matter is that there is no lawful mechanism for the collection of a 'pooled' contribution. As LCC have confirmed that the contribution is necessary to mitigate the impact of the development upon the local education infrastructure, then without such a contribution the development will be contrary to saved Policy CIS6 of the adopted local plan and contrary to the NPPF para 72.

9.35 However, this LPA has not adopted a CIL charging schedule to date and therefore there is no legal mechanism to request such a contribution. Counsel's advice is that an application should not be refused due to the absence of a charging schedule. The applicant is willing to make the contribution, but that cannot be taken into account due to matters entirely out of the applicant's control. Counsel's advice at this time, is that the preferable approach in such circumstances is to note that any offered contribution cannot be taken into account in such circumstances due to CIL regulation 123 as 5 or more such contributions for such an infrastructure type have already been pooled in the authority's area since April 2010, and accordingly it cannot be required.

#### Design, layout and amenity

9.36 A minimum level of information is required in order to fully consider the implications of the proposals when outline applications are considered. In this particular case, the applicant has submitted a Design and Access Statement which includes an Indicative Masterplan detailing how the site could be developed. Although the scheme is in outline, it is relevant to consider the parameters of the development together with the indicative layout plan to gain a level of certainty that the quantum of development proposed can reasonably be accommodated on the site.

9.37 The indicative layout plan presents an indication of how the site could be developed. The plan demonstrates how the site may accommodate 29 dwellings and includes a mix of detached and terraced properties. At this stage, the applicant has not sought to identify any other design parameters, such as maximum ridge heights for example, however it is considered that an appropriate scheme could be developed and submitted by the applicant. Concerns have been raised by existing residents on Garstang Road in respect of the impact upon their amenity, including loss of light and privacy. Although these matters would be considered through the reserved matters process, it is considered that an acceptable design solution could be found in order to retain an acceptable level of amenity for these residents. The Local Planning Authority would retain control of detailed design issues and any future scheme would need to address the relevant development plan policies and the NPPF to ensure that a quality scheme is achieved, which respects the characteristics of the surrounding area.

9.38 The occupiers of 40 Garstang Road have raised concerns in respect of the site access arrangements and the impact this would have upon their amenity. There are habitable room windows located to the gable elevation of the property which rely upon land outside the ownership of the occupier for light and outlook. The indicative access details indicate that a 5.5 metre access road can be accommodated, with a 1.8 metre wide footpath to the north of the carriage way and a 1.5 metre wide service strip and landscaped area to the south side of the access road.

9.39 The existing use of the land means that there is vehicular and pedestrian activity associated with the existing uses, however it seems reasonable to suggest that level of activity from vehicular and pedestrian movements will increase, which would have an impact upon the occupiers amenity of 40 Garstang Road. Although the access details have been submitted for indicative purposes only, it is highly likely that these would be the same or similar to that which would be approved as part of a reserved matters application for access. Notwithstanding this, the land is outside the ownership of the occupiers and it is not considered that this should prevent the development of this site for housing. It is considered that access to the site can be achieved without there being an unacceptable impact on the amenity of this dwelling.

#### Pollution

##### i) Noise

9.40 NPPF paragraph 123 states that Local Planning Authorities should avoid granting consent for development which would give rise to significant adverse impacts on health and quality of life and should mitigate and reduce any impacts to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

9.41 The Council's Environmental Health Officer has reviewed the proposals and considers that the main noise impacts associated with the scheme will occur during the demolition and construction works associated with the build programme. A condition has been recommended by the Environmental Health Officer to limit the hours of working on site in order to protect the residential amenity of adjoining neighbours.

##### ii) Air quality

9.42 NPPF identifies 12 core planning principles one of which indicates that planning should "contribute to....reducing pollution." To prevent unacceptable risks from air pollution, planning decisions should ensure that new development is appropriate for its location. The NPPF states that the effects of pollution on health and the sensitivity of the area and the development should be taken into account.

9.43 The Council's Environmental Health Officer has reviewed the scheme and recommends that dust mitigation measures will be necessary to prevent an adverse effect on the health and quality of life of the occupiers of the existing dwellings in the vicinity of the site during the demolition process. A planning condition could therefore be implemented to secure the submission of a Construction Phase Dust Management Plan.

### iii) Contaminated Land

9.44 NPPF paragraph 121 states that planning decisions should ensure that the proposed site is suitable for its new use taking account of ground conditions, including pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation.

9.45 The applicant has submitted a Phase 1 Desk Study in support of the application. The document aims to identify potential environmental issues that may represent a constraint to the development of the site. The development proposals have been reviewed by the Council's Environmental Protection Officer. The officer has indicated, due to the presence of made ground on site and an in filled pond, an intrusive site investigation is warranted. Planning conditions are therefore recommended to secure these requirements.

### Ecology, nature conservation and trees

9.46 The NPPF incorporates measures to conserve and enhance the natural and local environment, including 'Biodiversity and Geological Conservation'. Paragraph 118 of the NPPF requires that in determining planning applications the following principles are applied to conserve and enhance biodiversity:-

- Significant harm resulting from a development should be avoided, adequately mitigated, or, as a last resort compensated for; and
- Opportunities to incorporate biodiversity in and around developments should be encouraged.

9.47 The applicant has submitted an Ecological Appraisal and a Bat, Barn Owl and Nesting Bird Survey in support of the application. The documents have been reviewed by Greater Manchester Ecology Unit (GMEU) who indicates that the survey work has been undertaken by suitably qualified ecologists and are of an appropriate and proportionate standard. GMEU indicate that the application site is not designated for its nature conservation value and has only low potential for supporting specially protected or priority species and habitats.

9.48 GMEU indicates that the site is dominated by relatively species-poor grassland of limited biodiversity value. However, they comment that it does support some habitats of local (site-based) importance, including trees and hedgerows. GMEU conclude that the development will result in losses to the grassland which will reduce the openness of the site and change its overall character, although they suggest that it ought to be possible to retain most of the trees and hedgerows and to compensate for any losses and enhance existing habitats with new landscaping. These matters, alongside an appropriate landscape strategy for the site would be considered through the submission of future reserved matters applications.

9.49 As part of the application submission a Tree Survey has been submitted. This document provides a schedule of the trees surveyed on site. Within the proposed development area and including adjacent land there are a total of 11 trees, 6 groups and 6 hedges with the potential to be affected by the development proposals. Of the trees and hedges identified on site, the survey indicates that there is 1 category B (moderate quality), and 22 category C (low quality) trees and hedges on site. The vast majority of trees and hedges are located around the perimeter of the application site, save for G6 (comprising 2 Mediterranean Cypress) which are located adjacent to

the drained pond within the residential curtilage of the farm house, which may be removed to make way for the development

9.50 At this stage, no Arboriculture Impact Statement or Method Statement has been provided as part of the application. Notwithstanding this, the Tree Officer has raised no objections to the proposed scheme and considers that the assessment provides an accurate assessment of trees on site. As part of the reserved matters application, landscape and layout matters will be considered in full which will include the retention of hedgerows and trees as far as practicable and the inclusion of street planting where appropriate.

#### Flood risk and drainage

9.51 The applicant has submitted a Flood Risk Assessment (FRA) as part of the submission in accordance with the requirements of NPPF and the NPPG. The FRA presents a review of all sources of flood risk and concludes that the site is located entirely within Flood Zone 1 and as such is assessed as having less than 1 in 1,000 annual probability of river or sea flooding. The Sequential Test does not apply to residential development within Flood Zone 1 and as such the location of the proposed development is considered appropriate in terms of flood risk. The Environment Agency (EA) indicate that they are satisfied that the proposed development would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere, provided that the development proceeds in accordance with the recommendations outlined in the FRA.

9.52 The EA, the Council's Drainage Engineer and United Utilities have reviewed the submitted FRA and raise no objections to the scheme in principle. A Preliminary Surface Water Drainage Strategy has been developed to assess the viability of effectively draining the proposed residential development. The Strategy provides an initial assessment of the potential for incorporating Sustainable Urban Drainage Systems (SUDs) and suggests that surface water flows will follow the natural fall of the land and discharge into the ditch located to the south of the site. United Utilities and the Council's Drainage Engineer have recommended that a surface water drainage scheme is secured via condition. The Council's Drainage Engineer has indicated that the drainage plans should include details of the River Calder tributary to the south of the site. Details of this condition are provided at the end of the report.

#### Archaeology

9.53 NPPF paragraph 141 states that Local Planning Authorities should "require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible"

9.54 The line of the Roman road from Preston to Lancaster, (Margary 70d), recorded on the County Historic Environment Record, PRN 26146 is thought to cross the site, and a large undated ditch, thought to be associated with the road, was encountered c. 250 metres to the south of the site in 2013. Lancashire County Council's Archaeologist therefore considers that there is potential for buried archaeological deposits associated with both the road and possible roadside settlement to be encountered by development. Although they do not consider that this should represent a constraint to development they recommend that a programme of archaeological works be undertaken, which can be secured via condition.

## Planning obligations

9.55 NPPF paragraphs 203 and 204 sets out the government's policy on planning obligations. Paragraph 204, alongside Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 indicates that a planning obligation should only be sought if it meets all of the following tests:-

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development

9.56 Following negotiation between the applicant and the Council, heads of terms were agreed which included the following: -

- Education contribution in accordance with the formula outlined in the Lancashire County Council Planning Obligations SPD. However, as outlined in Para.9.35 above, there is no current legal mechanism for the collection of such a contribution and despite being agreed with the applicant, the requirement for the contribution cannot be included within any S106 Agreement.

9.57 It is considered that the above heads of terms are compliant with Regulation 122 of the Community Infrastructure Levy. However, please see section 9.36 in relation to education contribution and that a S106 Agreement will not be prepared to secure these heads of terms.

## Other issues

### i) Prematurity

9.58 The National Planning Practice Guidance provides the most up to date advice on prematurity and the circumstances in which it might be justifiable to refuse planning permission on the grounds of prematurity.

9.59 Paragraph 014 of the NPPG states, "Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development - arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Plan; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

9.60 Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process."

9.61 The Council is currently in the process of preparing its Local Plan, however this is at an early stage of the preparation process and it is anticipated that it will not be adopted until 2017. Given the early stage that the Local Plan process is at and the length of time until adoption, refusal of the planning application on grounds of prematurity are not considered appropriate in this instance.

#### Planning balance

9.62 Section 38(6) of the Planning and Compulsory Purchase Act, 2004 requires the determination of this application to be made in accordance with the development plan, unless material considerations indicate otherwise. For the purposes of Section 38(6), the Development Plan for Wyre comprises the:

- Saved Wyre Local Borough Local Plan policies (1991 - 2006)
- Fleetwood - Thornton Area Action Plan (2009); and
- Joint Lancashire Minerals and Waste Local Plan (2009)

9.63 Although the National Planning Policy Framework (NPPF) does not change the statutory status of the development plan it constitutes an important material consideration in the determination of planning applications.

9.64 The saved Local Plan policies outlined within previous sections of this report are considered to be the only policies in the Development Plan which are of significance to this application. When assessed against the development plan, the proposed development is contrary to saved Local Plan policies SP8 and SP13. Therefore, if the application is to be assessed in accordance with Section 38(6), the scheme should be refused unless other material considerations outweigh the statutory presumption in favour of the development plan.

9.65 In coming to a balanced view, careful consideration must be given to the weight to be afforded to any conflict with the Local Plan, taking into account all material considerations in the overall planning balance, with particular reference and weight afforded to the councils housing land supply position and the weight to be afforded to development plan and its relevant policies.

9.66 The Wyre Local Plan was adopted by the Council on the 5th July 1999 and covers the period between 1991 and 2006. A number of the policies in the Local Plan were saved under the terms of the Secretary of State's Direction, including policies SP8 and SP13. These policies were however saved subject to two caveats;

- a) Firstly, that the saved policies would be replaced promptly; and
- b) Secondly, where policies were adopted some time ago material considerations, in particular the emergence of new national policy and evidence will be afforded considerable weight in the decision-taking process.

9.67 In respect of the first caveat, although the Council published its Core Strategy Preferred Options Report in March 2012, the Council is now in the process of preparing its Local Plan. Once adopted, the Local Plan policies will replace those which are extant within the current Local Plan. The Local Plan is however in its early stages of preparation and there has been no draft Plan produced to date. The Local Plan is not expected to be adopted until 2017. In terms of the Core Strategy

Preferred Options Report, only very limited material weight can be afforded to it in the determination of this application.

9.68 In respect of the second caveat, the Local Plan was prepared to be in general conformity with the Lancashire Structure Plan (1991 - 2006); and with National Planning Policy, contained, at that time, in Planning Policy Guidance Notes including PPG3. The Local Plan policies and allocations address the land requirements to deliver the objectively assessed needs of the borough during the plan period, which ended in 2006. Policy H1 (Housing Land Provision) was not saved under the terms of the Secretary of State's Direction and as such the development plan is silent as to the amount of new housing that should be provided. The publication of new evidence, including the Fylde Coast Strategic Housing Market Assessment indicates that there should be a significant increase in the number of dwellings to be provided annually compared to that which is provided by the current Local Plan. In addition to this, the NPPF has been published which requires local planning authorities to "boost significantly the supply of housing" by "use(ing) their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing..." This up to date evidence therefore suggests that there is a clear need to rebalance the existing protection of land in order to address the current housing requirements of the Borough.

9.69 When applying the relevant Local Plan policies in the overall planning balance the weight to be afforded to the relevant policies, and any conflict with these needs to be clearly understood. Although paragraph 211 of the NPPF is clear that, "the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of this Framework" NPPF paragraph 215 is clear that due weight should be given to relevant policies in existing development plans according to their degree of consistency with national policy.

9.70 In the case of policy SP8, its primary purpose is to protect the character of small villages and to direct future growth to the main urban settlements. The historic character of the settlement was originally characterised by the linear development adjacent to Garstang Road. However, this character has been eroded over time and there are recent examples of where the settlement extends beyond the Garstang Road into what would have been the open countryside. The site is bound by built form on three sides, and a belt of trees to the western boundary and would have a clear relationship to the existing built form. The degree of harm to this character needs to be weighed in the overall planning balance, taking into account the relevant weight to be afforded to the policy, as discussed further below.

9.71 In respect of saved Local Plan policy SP13, there are many references within the NPPF to the need to conserve and enhance the natural environment and as such the fundamental aim of protecting the countryside is therefore supported by the NPPF. Notwithstanding this, the policy provides blanket protection to all areas of the countryside, with no landscape features or geographical areas afforded any greater degree of protection than another. The policy does not include criteria, as required by NPPF paragraph 113, against which proposals for development affecting a landscaped area can be assessed.

9.72 The site does not carry any special landscape designation as identified by NPPF paragraph 115, and as such can only be defined as a local landscape. The degree of harm upon the open countryside needs to be weighed in the overall planning balance, taking into account the relevant weight to be afforded to the policy, as discussed further below.

9.73 Policy SP13 imposes significant restrictions on developing land across the whole of the countryside, whilst the existing built form of Bowgreave defines the development limits of the settlement as provided by policy SP8. As noted previously, paragraph 49 of the Framework states that, "Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites." The Council is unable to identify a supply of deliverable housing land when assessed against the most recent evidence and on this basis; the housing land supply policies are "out of date."

9.74 There is no definition in the NPPF of what constitutes a relevant policy for the supply of housing, however recent High Court judgements indicate that this a matter of planning judgement, based upon both the purpose of the policy and also its effect on the availability of suitable land for housing development.

9.75 The primary purpose of policy SP8 is to protect the historic character of small rural settlements and to direct growth towards the main urban settlements. The extent of existing built form defines the limits of development and the clearly restricts the future growth of the settlement and therefore in that respect it is a policy relevant to the supply of housing. In the case of policy SP13 it is considered that the primary purpose of the policy is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the Framework; however the extent of the geographic coverage is such that it would have a significant effect on the location of development by preventing the use of any land outside settlement boundaries and, in that respect, it is a policy relevant to the supply of housing. On the basis of its geographic extent, it is considered that these policies are "out of date" in the context of NPPF paragraphs 14 and 49 and therefore the presumption in favour of sustainable development set out in NPPF paragraph 14 is engaged.

9.76 NPPF paragraph 14 indicates that for decision-making, the presumption in favour of sustainable development means:-

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, then the presumption in favour of sustainable development means that planning permission should be granted unless:
  1. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or
  2. specific policies in the Framework indicate development should be restricted, as explained by example in footnote 9 of the NPPF.

9.77 The site is not allocated by, or subject to, a protective designation in the Local Plan and there are no policies within the NPPF which indicate that development on this greenfield site should be restricted. The development does not accord with the Local Plan policies SP8 and SP13 however for the reasons outlined above; the second bullet point of paragraph 14 is engaged and the scheme should be assessed against the NPPF as a whole.

9.78 The presumption in favour of sustainable development identified by NPPF means that it is necessary to consider whether the proposed development represents 'sustainable development'. NPPF paragraph 7 sets out the three dimensions to sustainable development as being:

- Economic
- Social
- Environmental

9.79 NPPF advises that these roles should not be undertaken in isolation, because they are mutually dependent. Furthermore, to achieve sustainable development, economic, social; and environmental gains should be sought jointly and simultaneously.

i) An economic role

9.80 The economic role is defined as "contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation: and by identifying and coordinating development requirements, including the provision of infrastructure."

9.81 The government has identified the delivery of housing as a key driver of future economic growth and stimulation of the economy. It is recognised that there are economic benefits associated with the development through both direct and indirect employment opportunities. Although the applicant has not sought to quantify the economic benefits of the scheme, it is accepted that there will be some economic benefits associated with the construction period and following completion of the works through spending in the local and wider area although based upon the scale of development proposed this would be fairly limited.

9.82 In light of the Governments push for economic growth (expressed in the 'Planning for Growth', Ministerial Statement) these factors it is considered that moderate weight in favour of the application can be afforded to these benefits. It is considered that the proposal is one for development of the right type and in the right place. In terms of the second element of the definition it is considered that the existing infrastructure, subject to the inclusion of conditions and legal agreements, is sufficient to support the development.

ii) A social role

9.83 The social role is defined as, "supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; by creating a high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing."

9.84 The scheme will deliver a mix of both market and affordable housing which will make a positive contribution towards meeting the housing needs of the borough. The scheme will deliver a maximum of 30 units on site. Due to the relatively modest scale of development proposed, it is suggested that these dwellings could be delivered within the next 5 years. The scheme includes the delivery of 30% affordable dwellings, which equates to 9 dwellings should the maximum number of dwellings allowed by this consent be constructed. This level of provision is policy compliant and will make a contribution to meeting the identified shortfall of affordable housing. It is considered that the delivery of market and affordable housing should be afforded significant weight in favour of the application.

9.85 It is considered that a high quality scheme could be delivered on site, incorporating a mix of dwelling types which will contribute towards the creation of sustainable communities. The social benefits of the development are therefore considered to be significant and must be afforded significant weight in the overall planning balance.

iii) An environmental role

9.86 The environmental role is defined as, "contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."

9.87 There are no specific policies within the NPPF which indicate that development should be restricted on the site. The site is greenfield in nature and although the NPPF encourages the use of brownfield sites, it does not prioritise development of such sites over greenfield land and nor does it preclude development of them.

9.88 The open character of the site will be lost to built form. This will have an urbanising effect on the site and will lead to the extension of the urban area impacting upon the historic character of the settlement. The site is not designated for its nature conservation value and it is considered that any ecological impacts associated with the development can be successfully mitigated through the imposition of conditions. A scheme could be delivered on site which could ensure that the vast majority of trees on site are retained, in addition to which it is expected that greenspace will be incorporated within the site layout which will be approved through the reserved matters process.

## **10.0 CONCLUSION**

10.1 Paragraph 17 of the Framework indicates that, "every effort should be made objectively to identify and then meet the housing....needs of an area" and further that Local Planning Authorities "boost significantly the supply of housing" (paragraph 47). Granting planning consent for residential development on this site will make an important contribution towards addressing the housing supply shortfall within the Borough.

10.2 The adverse impacts of the proposed development have been considered and assessed and it is considered that impacts associated with the proposed development in terms of the impact upon the character and appearance of the surrounding countryside would not significantly and demonstrably outweigh the benefits of the scheme as required by NPPF paragraph 14. Other development impacts associated with the scheme can be mitigated through the use of planning conditions and obligations where necessary. In accordance with paragraph 7 of the Framework, it is considered that the proposed development represents a sustainable form of development which would deliver significant benefits, including primarily the delivery of housing and affordable housing. The overall conclusion is that the key material considerations in relation to housing land supply, justifies the release of the site for development and it is therefore recommended that planning permission should be granted subject to conditions.

## **11.0 HUMAN RIGHTS ACT IMPLICATIONS**

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

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

## **12.0 RECOMMENDATION:**

12.1 Grant planning permission subject to conditions.

### **Conditions:-**

1. Application for approval of reserved matters shall be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development for which outline planning permission has hereby been granted shall be started on any phase within the development until full details of the following reserved matters, in respect of that phase within the development, have been submitted to and approved in writing by the Local Planning Authority:
  - access;
  - appearance;
  - scale
  - layout; and
  - landscaping
3. The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - Dwg. No BH/04271/002 - Location Plan
4. 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 Local Highway Authority. No part of the development hereby approved shall be occupied until the approved scheme has been constructed and completed in accordance with the scheme details.
5. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided and retained in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
  - the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;
  - the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

- the arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] ;
- the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

6. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed 5 litres per second per hectare. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

7. Prior to the commencement of the development hereby approved, a scheme for the disposal of foul waters within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented maintained and managed in accordance with the approved details.

8. No development shall be commenced until a desk study has been undertaken and agreed in writing by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. 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 agreed 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 scheme implemented to the satisfaction of the Local Planning Authority prior to the development of the site. Any changes to the agreed scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.

9. Prior to the commencement of development, a gas monitoring programme and risk assessment of the results shall be undertaken to determine the risk of gas ingress, and the results shall be submitted to, and approved in writing by, the Local Planning Authority. The gas monitoring 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.

10. During demolition and construction of the development, no works shall take place and no deliveries or other vehicles shall visit the site on Sundays and Bank Holidays, or outside the hours of 08.00 - 18.00 Monday to Friday, and 08.00 - 13.00 on Saturdays, unless prior agreed in writing by the local Planning Authority.

11. Prior to the commencement of the development, a Dust Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Dust Management Plan shall identify all areas of the site and site operations where dust may be generated and further identify control methods to ensure that dust does not travel beyond the site boundary. Once in place, all identified measures shall be implemented and maintained at all times. Should any equipment used to control dust fail, the site shall cease all material handling operations immediately until the dust control equipment has been repaired or replaced.

12. No development shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

13. No development hereby approved shall commence on site until a scheme which provides for the retention and protection of trees, shrubs and hedges within (or overhanging) the site or phase, which may be affected by the construction process, with the exception of those trees clearly shown to be felled on the submitted plan, and any other trees the removal of which is approved through the approval of reserved matters applications, has been submitted to and approved in writing by the Local Planning Authority. The agreed tree protection measures shall remain until all development is completed within that phase and no work, including any form of drainage or storage of materials, earth or topsoil shall take place within the perimeter of such protective fencing.

14. Before the use of the site hereby permitted is brought into operation facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

**Reasons:-**

1. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
2. The application is for outline permission only and these matters were reserved by the applicant for subsequent approval.
3. For the avoidance of doubt and in the interests of proper planning
4. 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.
5. To ensure the adequate provision and delivery of affordable housing
6. To prevent the increased risk of flooding, both on and off site in accordance with saved Local Plan policy EN15 and the National Planning Policy Framework (March 2012)
7. 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 with saved Local Plan policy CIS7 and the National Planning Policy Framework (March 2012)
8. The development is for a sensitive land 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).
9. The development is for a sensitive land 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).

10. To safeguard the amenity of the area during site preparation and construction in accordance with saved policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

11. To safeguard the amenity of the area during site preparation and construction in accordance with saved policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the National Planning Policy Framework (March 2012).

12. To ensure and safeguard the recording and inspection of matters of archaeological / historical significance associated with the site in accordance with the National Planning Policy Framework.

13. To safeguard the amenity, appearance and character of the area in accordance with saved Local Plan policy ENV7 and the Trees and Development Supplementary Planning Guidance (1998)

14. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

**Notes:-**

1. The Local Planning Authority has had regard to the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Amended) Order 2012 and has met the requirement of paragraph 187 of the National Planning Policy Framework to work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area by working with applicants to find solutions to any problems that have arisen in this planning application details of which are expanded upon in the officers report.

2. The applicant can discuss further details of the site drainage proposals with Graham Perry at [wastewaterdeveloperservices@uuplc.co.uk](mailto:wastewaterdeveloperservices@uuplc.co.uk). Any further information regarding Developer Services and Planning visit the United Utilities website at [www.unitedutilities.com/builders-developers.aspx](http://www.unitedutilities.com/builders-developers.aspx)

3. Water Comments

- A water supply can be made available to the proposed development.
- A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999.
- The level of cover to the water mains and sewers must not be compromised either during
  - or after construction.
- Should this planning application be approved, the applicant should contact our Service Enquiries on 0845 746 2200 regarding connection to the water mains or public sewers.

#### 4. General comments

- It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities assets and the proposed development. United Utilities offer a fully supported mapping service and we recommend the applicant contact our Property Searches Team on 0870 751 0101 to obtain maps of the site.
- Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

5. We recommend that surface water run-off from the site be restricted and controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable drainage systems (SUDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, green roofs, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge absorbing diffuse pollutants and improving water quality.

The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs.

Where possible, infiltration or other techniques should be used to try and achieve zero discharge to receiving waters for rainfall depths up to 5mm. For example, this can be achieved by the use of green roofs, pervious paving, which can be under-drained if ground conditions are not suitable, and by landscaping the development so that water is directed to permeable areas such as filter strips, swales and grass verges.

The following guidance on surface water management is also available on the GOV.UK website: Rainfall Runoff Management for Developments (<https://www.gov.uk/government/publications/rainfall-runoff-management-for-developments>)

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SUDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SUDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it should be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

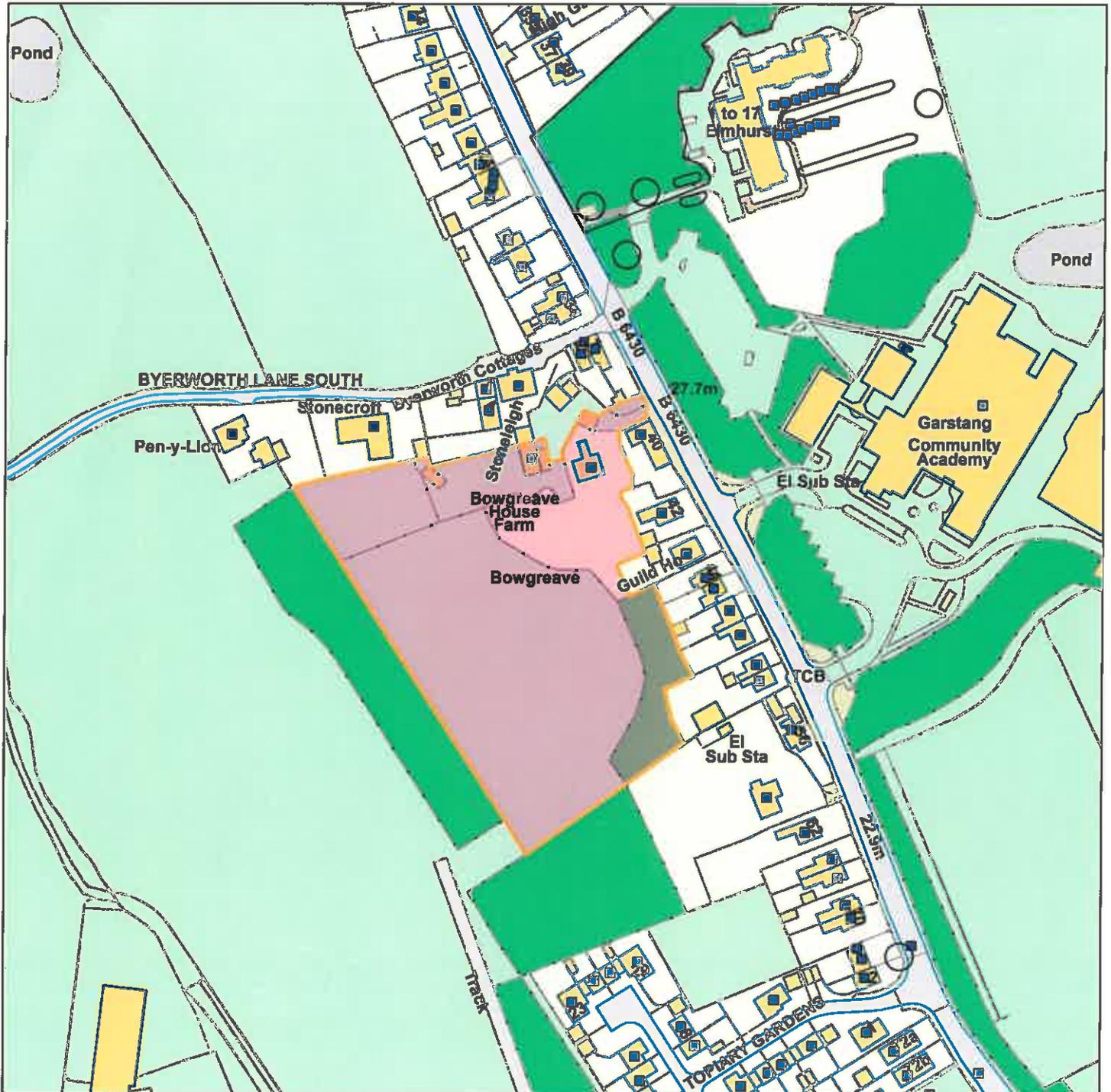
Further information on SUDS can be found in;

- the CIRIA C697 document SUDS manual
- HR Wallingford SR 666 Use of SuDs in high density developments
- CIRIA C635 Designing for exceedance in urban drainage - good practice
- the Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS. The Interim Code of Practice is available at CIRIA's website at [www.ciria.org.uk](http://www.ciria.org.uk)

6. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. 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 should be advised to contact the Lancashire County Council in the first instance to ascertain the details of such an agreement and the information to be provided.

# Planning Committee

## Land at Bowgreave House Farm, Garstang Road, Bowgreave



Scale : 1:2130

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<b>Organisation</b>	Wyre Council
<b>Department</b>	Planning Department
<b>Comments</b>	15/00040/OUTMAJ
<b>Date</b>	20 July 2015
<b>SLA Number</b>	100018720

**Committee Report****Date: 05.08.2015**

<b>Item Number</b>	<b>03</b>
<b>Application Number</b>	<b>15/00122/FUL</b>
<b>Proposal</b>	<b>Demolition of part of former restaurant and the erection of 6 dwellings</b>
<b>Location</b>	<b>Throstles Nest Whinney Brow Lane Forton Preston Lancashire PR3 0AE</b>
<b>Applicant</b>	<b>Mr P Milburn</b>
<b>Correspondence Address</b>	<b>c/o Graham Anthony Associates 2 Croston Villa High Street Garstang PR3 1EA</b>
<b>Recommendation</b>	<b>Permit</b>

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

1.1 This planning application has been requested to be presented before Planning Committee at the request of Councillor V Wilson. A site visit is proposed to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The site which forms the subject of this application is located on the Southern side of Whinney Brow Lane on the periphery of the rural village settlement of Forton. The western boundary of the site sits adjacent to Preston Lancaster Road (A6). The total site area is approximately 3,251 sqm and comprises of a two storey stone built structure located towards the north western boundary of the site immediately adjacent to the A6. The building which dates back to 1845 was previously occupied as a residential flat at first floor and is currently occupied and used as a Café (Use Class A3) at ground floor. The design and character of the building is mixed, the front elevation hosts most of its original architectural features with full painted stone window surrounds and decorative corner quoins under a natural pitched slate roof. To the rear/side the building has a two storey dual pitched double extension of considerable size and is constructed of a mixture of grey dry dashed render and stone, there is also a single storey lean-to timber framed extension attached to the rear of the extension. The topography and site levels vary across the whole of the site which is a lot lower to that of Preston Lancaster Road. The levels vary from 1m up to 3m at the lower parts of the site.

2.2 Towards the rear of the building is an 18 hole crazy golf course for use in association with the café. Vehicular access to the site is from Whinney Brow Lane which leads on to a centrally located car park with high level boundary wall to the

north and east. The car park extends further towards the south beyond a two storey detached storage/office building. There are a number of sporadically located trees and vegetation within the site along with an established tree belt located on the southern boundary.

2.3 Immediately adjacent to the access of the site is a two storey dwelling house known as Shires Barn which backs immediately onto the entrance/car park of the site and has a detached garage along the eastern boundary. Towards the north east of the site is St James Church with rolling agricultural land beyond leading up to the railway line adjacent to Hollins Lane. The application site is allocated within the Local Plan Proposals Map as being within the 'Countryside Area' in terms of proximity to transport links there is a public bus stop located 320m to the north and 150m to the south of the site along Preston Lancaster Road and a Public Right Of Way (PROW FP12) is positioned directly opposite the junction with Whinney Brow Lane. There are no other designations or allocations that affect the application site.

### **3.0 THE PROPOSAL**

3.1 The application seeks full planning consent for the demolition of the two storey rear extensions attached to the Café building, retaining and converting the original stone built property, the demolition of all of the existing out buildings on the site and the erection of 5 new dwellings to create a total of 6 new open market residential properties. The proposed new dwellings include:

- Plot 1 -The conversion of the café building following the demolition of the rear extensions to provide a two storey 4 bed detached dwelling with front and rear gardens and a single storey pitched roof detached garage to the rear measuring 5m (w) x 5.2 (l) 2m to the eaves and 4m to the ridge
- Plot 2 - Erection of a two storey detached dwelling with attached single storey side garage constructed of stone under a slate roof measuring 15m (l) x 7.3m (w) 4.5m to the eaves and 8m to the ridge. To the front and rear elevations there are 3 pitched roof wall dormers and a pitched roof porch to the front. The property would have 3 bedrooms and will have a rear garden with a depth of 10m and a side garden of 14m.
- Plot 3 and 4 - Erection of two storey Semi-detached dwellings fronting on to the A6 set back approximately 11m in to the site. Each dwelling will have 3 bedrooms with one room in the roof space. The dwellings have a lean-to front porch and individually measure 5m in (w) x 10m (l) 5.2m to the eaves and 9m to the ridge. Each of the dwellings will have a rear garden approximately 14m in depth with 2 parking spaces to the side.
- Plots 5 and 6 - Erection of two storey Semi-detached dwellings fronting on to the A6 set back approximately 11m in to the site. Each dwelling will have 3 bedrooms with one room in the roof space. The dwellings have a lean-to front porch and individually measure 5m in (w) x 10m (l) 5.2m to the eaves and 9m to the ridge. Plot 5 has a rear garden 12m in depth and Plot 6 has a rear garden 6m in depth wrapping round to the side. Each dwelling has the provision of 2 parking spaces to the side.

3.2 The point of access will remain as existing adjoining Whinney Brow Lane and measures 8.6m in width. The access road leading in to the site measures 4.2m wide and has a turning area between plots 2 and 3. Towards the southern end of the site the plans demonstrate the provision of a new pedestrian foot path linking through to the A6. The proposal includes the provision of new landscaping and drainage and the erection of a new acoustic barrier fence which is to be located immediately behind the existing hedgerow along the western boundary of the site. The fence is to be

erected at a height of 2.5m (above pavement level) alongside the rear garden of plot 1 before stepping down to 2m.

#### **4.0 RELEVANT PLANNING HISTORY**

4.1 The planning history relevant to this application and site is:

- 09/00384/FUL - Creation of an 18 hole crazy golf course for use in association with café - Permitted
- 09/00296/FUL - Erection of part single storey, part two storey extension, part change of use of first floor to office and change of use of existing detached garage to office, including external alterations (resubmission of 09/00096/FUL) - Permitted
- 09/00096/FUL - Extensions and offices - Withdrawn
- 98/00612/FUL - Erection of a first floor extension - Permitted
- 94/00793/FUL - Extension to provide function suite, car parking and garage - Permitted
- 83/00668/FUL - Erection of a canopy - Permitted
- 81/00948/FUL - Change of use of guest house accommodation to living accommodation and extension to living area - Permitted

#### **5.0 PLANNING POLICY**

##### **5.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)**

5.1.1 Achieving sustainable development -The planning system should play an active role in guiding development to sustainable locations. There is a need for the planning system to perform an economic, social and environmental role. Local circumstances need to be taken into account. There is a presumption in favour of sustainable development and approving development proposals that accord with the development plan without delay. Decision takers at every level should seek to approve applications for sustainable development where possible.

5.1.2 In decision making there should be 12 principles which include supporting sustainable economic development and responding positively to wider opportunities for growth. The needs of the business community should be taken into account. A high quality of design and amenity are needed. The re-use of existing buildings should be supported and mixed use developments promoted.

5.1.3 Section 1 - Delivering sustainable development - Planning should operate to encourage and not act as an impediment to sustainable growth. Significant weight should be placed on the need to support economic growth through the planning system with a proactive approach to meet the development needs of business. Local Planning Authorities should be proactive to meet the development needs of business.

5.1.4 Section 4 - Promoting sustainable transport - Paragraph 32 relates to development and highway implications. Amongst a number of objectives it requires development and subsequent decision-taking to take into account whether there is safe and suitable access for all people; and that improvements to the transport

network can be undertaken that cost effectively limit the significant impacts of the development. It specifically goes on to state that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe. Paragraph 35 states that development should be located and designed where practical to (amongst a number of measures) give priority to pedestrian and cycle movements, and have high access to public transport facilities; and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.

#### 5.1.5 Section 6 - Delivering a wide choice of high quality homes

Boost significantly the supply of housing. Provide five years' worth of housing with an additional 5%. Housing applications should be considered in the context of the presumption in favour of sustainable development. Deliver a wide choice of high quality homes and plan for a mixed housing base. In rural areas housing should be located where it will enhance or maintain the vitality of rural communities. In the countryside isolated dwellings should be avoided unless there are special circumstances.

#### 5.1.6 Section 9 - Promoting Healthy Communities

Paragraph 69 indicates that the planning system plays a vital role in facilitating social interaction and creating healthy, inclusive communities. In relation to housing development, planning policies and decisions should aim to achieve places which promote safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion. Development proposals should contain clear and legible pedestrian routes and high quality public space in order to encourage active and continual use of public areas. In order to promote healthy communities the Framework also states that Local Planning Authorities should take a proactive, positive and collaborative approach to meet education requirements (school places) to meet the needs of existing and new communities (para 71).

5.1.7 Section 7 - Requiring good Design- Paragraph 56 states that the Government attaches great importance to the design of the built environment and stresses that good design is a key aspect of sustainable development and is indivisible from good planning. To emphasise the importance of this statement paragraph 64 (under the design section) clearly states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

5.1.8 Paragraph 61 states that although visual appearance and the architecture of individual buildings are very important factors, securing high quality design and inclusive design goes beyond aesthetic considerations. Planning should address the connections between people and places and the integration of new development into the natural, built and historic environment.

5.1.9 Section 10 - Meeting the challenges of climate change, flooding and coastal change - Inappropriate development in areas at risk of flooding should be avoided by directing development away from increasing areas at highest risk, but where development is necessary, making it safe without flood risk elsewhere. Sequential and exception tests should be used.

5.1.10 Section 11 - Conserving and enhancing the natural environment - Requires the planning system to contribute to and enhance the natural and local environment. In particular, valued landscapes should be protected and enhanced and the impacts on biodiversity minimised. Paragraph 118 sets out a number of principles which

should aim to preserve and enhance biodiversity. The guidance set out in paragraph 118 indicates that where development causes significant harm, with no adequate mitigation or compensation proposed and accepted as commensurate to the harm, that the development should be refused. Para 122 and 123 explains that account must be taken of the acoustic environment and whether or not an adverse or significant adverse noise impact is likely to arise and whether or not amenity could be safeguarded. The factors determining noise nuisance are discussed with reference to the sources and receptors of the noise. The potential effect of noise nuisance should particularly be considered where new residential development is proposed.

## 5.2 ADOPTED WYRE BOROUGH LOCAL PLAN (SAVED POLICIES)

The following policies are considered to be of relevance to the determination of this application. The weight to be afforded to these policies is discussed within subsequent sections of this report:-

- Policy SP8 - Definition of Small Rural Settlements
- Policy SP13 - Development in the Countryside
- Policy SP14 - Standards of Design and Amenity
- Policy ENV7 - Trees on Development Sites
- Policy ENV13 - Development and Flood Risk
- Policy ENV15 - Surface Water Run-Off
- Policy H13 - Open Space in new Housing Developments
- Policy CIS7 - Wastewater Management

## 5.3 WYRE SUPPLEMENTARY PLANNING DOCUMENTS / GUIDANCE

The following Supplementary Planning Guidance documents are considered to be of relevance to the determination of this application:-

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

## 5.4 EMERGING LOCAL PLAN

A Preferred Options version of the Wyre Core Strategy underwent a public consultation between 2 April and 21 May 2012. The Council is now progressing a single Borough-wide Local Plan document and reconsidering the spatial strategy. The Council consulted on Issues and Options for the new Local Plan between the 17th of June and the 7th of August. The Wyre Core Strategy Preferred Options included consultation on a number of Core Policies which will inform policies in the Local Plan. It therefore presently the Core Policies in the Wyre Core Strategy Preferred Options form a material consideration of limited weight in the consideration of planning applications in accordance with paragraph 216 of the National Planning Policy Framework (March 2012). Relevant policies in the emerging Local Plan include:

- Policy CS1 - Spatial Strategy for Wyre: Distribution of Development
- Policy CS2 - Spatial Strategy for Wyre: Settlement and Centre Hierarchy
- Policy CS8 - Strategy for Central Rural Plain
- Policy CS13 - Sustainable Development
- Policy CS14 - Quality of Design
- Policy CS16 - Transport, Accessibility and Movement
- Policy CS17 - Infrastructure and Community Facilities
- Policy CS18 - Green Infrastructure
- Policy CS19 - Biodiversity and Geodiversity
- Policy CS24 - The Countryside
- Policy CS25 - Flood Risk and Water Resources

The weight to be attached to these policies will increase as the Local Plan is progressed towards adoption. However, as indicated above, at this stage the policies can only be given limited weight.

## **6.0 CONSULTATION RESPONSES**

6.1 FORTON PARISH COUNCIL - Objections received - The Parish Council objects on the following grounds:

- The application is for a development outside the Forton settlement boundary and also outside the settlement boundary for Hollins Lane that the Parish Council has proposed to Wyre. Therefore, the site is located in the countryside.
- The development is considered to be sited in an unsustainable and isolated location due the lack of immediate and safe access to key services and infrastructure which realistically can only be accessible by using a private motor car. This development is contrary, therefore, to the national Planning Policy Framework and also to the Wyre Saved Policies H6, SP13 and SP14 of the Local Plan.
- The development is inappropriate because it is too intense and would create an enclave of dwellings which would have a visual impact which is out of character in the open countryside.
- We do not regard this as a brownfield site because the great majority of the site has never been developed.
- There would clearly be a loss of employment in the countryside if this application succeeds and this is in an area where there is very little new employment being created.
- One neighbour response draws attention once again to the collective impact of a number of planning applications in and around Hollins Lane on the sewage and surface water systems. We note that Wyre engineering services point out the lack of a surface water drainage system for this site.

6.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS) - No objections - This proposal will remove the retail / commercial aspect of the site and replace it with residential use for a total of 6 dwellings. The net result of the proposal will be a change to the number of pedestrian and vehicle movements to and from the site. However, the number of movements will be relatively modest. The existing site access arrangements are substandard and could be improved by providing a footway between the access and the A6. The developer obviously recognises the deficiencies in pedestrian access from the A6 by providing a pedestrian link to the A6 at the southerly end of the site. This pedestrian access would provide a useful link to the bus stops sited to the south and is a reasonable alternative to providing a footway on Whinney Brow Lane. The internal layout of the development does not meet with the standards that are expected in order for the internal roads to be formally adopted. However, they are regarded as being appropriate for the scale of the development but will remain privately maintained. Subject to conditions there are no highway objections to the proposal.

6.3 UNITED UTILITIES - No objections - The site should be drained on a separate system with foul water draining to public sewer and surface water draining in the most sustainable way with the preference given in order to an adequate soakaway or infiltration system; a water course; a sewer. A public sewer crosses this site and United Utilities will not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.

6.4 GREATER MANCHESTER ECOLOGICAL UNIT (GMEU) - No objections - The site is only of low ecological value. No significant ecological constraints were identified by the developer's ecological consultant. Issues relating to protected species, nesting birds and ecological mitigation that were identified can be resolved by condition or informative.

6.5 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (CONTAMINATION) - No objections subject to conditions and informatives relating land contamination

6.6 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE) - No objections, initially the application was submitted without an Acoustic Noise Assessment, following the submission of the report additional information was requested and has since been provided. Whilst there is a concern about the level of noise arising from the nearby highway the Environmental Health Officer is satisfied that subject to conditions requiring the provision of an acoustic barrier fencing along the western boundary of the site at a height of 2m and full details and specification of internal protection measures for the properties is provided then the development could be constructed without a significant adverse impact upon the amenity of the occupants of the dwellings.

6.7 WYRE BC HEAD OF OPERATIONS (TREES) - No objections - After inspecting the site and associated documentation it is confirmed that the Tree Officer is in agreement with the findings of the Arboricultural Report. If consent is given in regard to the application, having regard to the current proposed site plan, then it would be appropriate to attach a Tree Protection Condition which stipulates the installation of Root Protection Area fencing.

6.8 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE) - No objections - Full drainage details to be provided prior to commencement of any works, including results from percolation tests to prove suitability of soakaway for surface water drainage.

## **7.0 REPRESENTATIONS**

7.1 At the time of compiling this report there have been 5 letters of objection to the proposal, 1 letter of support and 1 letter that neither objects nor supports the proposal. The primary reasons for opposition are:

- Overlooking and loss of privacy
- Proposal is contrary to Saved Policy SP13
- Development would set a precedent for other developments
- Site is located within open countryside
- Loss of local facilities
- Loss of employment
- Proposal would result in ribbon development along the A6
- Highway safety concerns
- Overly dense site
- Visually overbearing development
- Unsympathetic with the character of the area
- Significantly harms the character and appearance of the countryside

7.2 The letter of support states:

- The plans submitted would be a huge improvement over the current cafe/restaurant. The cafe/restaurant has repeatedly failed and the current ageing building and golf course is an eyesore.

7.3 The letter received that neither supports nor objects to the proposal highlights:

- Concerns relating to the existing sewers
- Collective impacts from development in the area
- Clean water disposal concerns

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

8.1 The agent was contacted when the application was initially submitted requiring a detailed arboricultural impact assessment, an ecological assessment and a noise assessment to be undertaken and provided. Each of the assessments was received over the duration of the application process. Early concerns were raised with the agent about the original site layout along with concerns about noise impacts. The Environmental Health Officer has liaised directly with the applicant's noise consultant to highlight issues with the noise report provided. Additional plans have been requested including proposed levels and plans showing the proposed acoustic fence referred to within the noise assessment.

## **9.0 ISSUES**

9.1 The main key issue in the determination of this application include:

- Principle of Development and Compliance with Planning Policy
- Design and Impact on the Character and Appearance of the Surrounding Area
- Noise Impacts
- Impacts upon Residential Amenity
- Highway Safety and Parking Provision
- Impacts upon Trees
- Impacts on Ecology
- Drainage and;
- Contamination

Principle of Development and Compliance with Planning Policy

9.2 The application site consists of various forms of development and built form in a highly prominent position adjacent to the A6. With the exception of the original part of the café building, there are no structures of significant historic interest or outstanding architectural quality within the site. The two large extensions on the café appear out of proportion with the simplicity of the original structure and the wider site consists of old outbuildings/sheds and areas of hardstanding along with the 18 hole crazy golf course. The application site is considered to represent an existing brown field site within the countryside area. Saved Policy SP13 aims to prevent development within the countryside unless its development is justified by other policies within the Local Plan or where the development would meet the stated criteria. The proposed development does not fall into one of these criteria and nor is it justified by other policies within the development plan. As such the application would be contrary to saved Local Plan policy SP13.

9.3 Notwithstanding the conflict with Saved Policy SP13, at present the council cannot demonstrate a five year supply of deliverable housing sites and therefore the housing supply policies in the local plan including Policy SP13, must be considered to be silent or out of date. This being the case the proposal must be considered having regard to the presumption in favour of sustainable development as described in the National Planning Policy Framework (NPPF). This indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. The NPPF advises that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of local communities and that new isolated dwellings should be avoided.

9.4 The application site is located along the A6 Preston - Lancaster Road which is the main access corridor spanning from the M55 Broughton roundabout near Preston which passes through rural village settlements of Wyre and continues north linking to Lancaster and beyond. Within the immediate vicinity of the application site there is a pedestrian foot path along either side of the A6 with school/public bus stops located a very small walk in either direction to the north and south of the site. To the west of the site is the junction with School Lane which provides a short link (200m) to the defined village settlement boundary of Forton. School Lane also has an illuminated pedestrian foot path alongside the highway which provides a safe pedestrian connection to the limited services and community facilities available within Forton. In terms of geographical location the application site is considered to be in a sustainable position which provides a good level and safe connection to the services and facilities within Forton but also the wider borough and beyond. Whilst it is acknowledged that Forton has limited facilities it does have a church, primary school and village hall and whilst it lacks any of the main services such as Doctors/GP surgery or retail units these could easily be reached via public transport within the adjoining settlements.

9.5 On the basis of the above, it is considered that the principle of new residential development in this location is considered to be acceptable and would assist in enhancing this rural area and maintaining the vitality of the existing community within Forton. Whilst the principle of the development is seen to be acceptable consideration must be given to all material considerations in the overall planning balance.

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

9.6 Saved Policy SP14 of the Local Plan seeks to apply consistent principles and high standards of design and amenity for all types of development. Paragraph 109 of the NPPF indicates that the planning system should contribute to and enhance the natural and local environment by "protecting and enhancing valued landscapes." In addition to this, one of the twelve core planning principles outlined in paragraph 17 states that planning should, among other things, "take account of the different roles and character of different areas recognising the intrinsic character and beauty of the countryside." As previously highlighted the application site is considered to represent a brownfield site. The re-development of the site which seeks the demolition of the existing large rear extensions on the café building and the removal of the existing outbuildings and crazy golf course is seen to enhance the visual amenity of the area.

9.7 Each of the proposed dwellings visually demonstrates an acceptable standard of design. The materials proposed include natural stone under a slate roof with full stone heads and cills which reflects the materials used within the surrounding area and would allow the properties to integrate with the original Café

building and that of both the adjacent dwelling house known as Shires Barn and the other properties along Whinney Brow Lane. The original site layout as submitted was not seen to be acceptable as all of the dwellings would have backed on to the A6 along with the rear gardens which would have been set down on a lower level to that of the A6. . Although the revised lay out does not provide a full uniform frontage the properties will have a much better outlook and will be in keeping with the character of the area.

9.8 Each of the proposed dwellings represents a good level of internal room standards, the bed rooms, living rooms, kitchens and bathrooms all provide good internal accommodation. Externally the rear gardens of plots 2-6 are adequate in depth and provide a good level of private amenity space for each dwelling. The layout demonstrates 2 parking spaces per dwelling. Plot 1 which comprises of the existing café building has a rear garden which is side on with the A6 with the provision of a detached garage located to the rear. The Layout (separation distances) and design of the plots are all seen to comply with the provisions set out in SPG4 (Spacing Guidelines for New Housing Layouts).

9.9 Notwithstanding the details indicated on the revised site layout plan a condition requiring full details of landscaping to be provided is recommended to be attached.

#### Noise Impacts

9.10 Paragraph 123 of the NPPF states that "Planning policies should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. The application site is located in close proximity to the heavily trafficked A6 Preston Lancaster Road where levels of noise from vehicles have potential to impact upon the occupants of the proposed properties both internally and externally (private amenity spaces). The application was not initially accompanied by an Acoustic Noise Assessment. The Environmental Health Officer requested the assessment and provided the applicant advice that the report should demonstrate there is no adverse impact on the health and quality of life of the future occupants of the dwellings from noise.

9.11 Following the submission of an Acoustic survey and assessment a number of anomalies were highlighted when assessed by the Environmental Health Officer. The applicant provided a response to the issues raised and set out a list of mitigation measures. The results of the noise assessment demonstrated that high levels of noise were expected but this could be mitigated to ensure that the development was within the World Health Organisation (WHO) standards both externally where noise readings should (ideally) be no higher than 50 dB (decibels) and internally noise readings should not exceed 35 dB at any time and 30dB at night. The Councils Environmental Health Officer has advised that the proposed acoustic fence of 2.0-2.5m in height should, along with the reduction in topographic levels (effectively increasing barrier heights), provide satisfactory mitigation and that, subject to a detailed condition requiring full window specifications and other protection measures to be agreed, the development could provide a satisfactory level of accommodation that would not be unduly impacted upon from noise arising from the A6.

9.12 The proposed acoustic barrier fencing to be located along the western boundary of the site behind the existing hedgerow adjacent to the A6 would appear out of keeping as all along the eastern side of Preston Lancaster Road the boundary treatment is primarily low level hedging. The fence is proposed at a height of 2.5m adjacent to the rear garden of plot 1 before stepping down to 2m. Whilst this will

appear alien to the character of the area the dominance will be reduced by the fact that it will be set behind the existing hedge line off the footpath. It is proposed that this fence should also be conditioned to be finished in a dark oak stain/colour to further reduce its bulk and prominence. On balance whilst this fencing is not ideal it is required to protect the amenity of the occupants of the new dwellings from unacceptable levels of noise pollution as set out in paragraph 9.15 of this report. It is recommended that the benefits arising from the re-development of the site are seen to outweigh the level of harm arising from the proposed fencing.

#### Impact upon residential amenity

9.13 Concerns have been raised from residents about the potential impacts upon residential amenity as a result of the development. With the exception of Shires barn which is located immediately to the east of the access to the site and Forton Bank House which is located on the western side of the A6, the site itself is relatively disconnected from neighbouring properties. Each dwelling has been assessed in terms of impacts arising from overlooking loss of privacy and overbearing impacts, taking into consideration the varying land levels and topography of the site.

9.14 Shires Barn is located adjacent to the application site and is of stone construction. Immediately adjacent to the access of the site the property is made up over two storeys and the has a single storey side and rear extension and a rear garden on a much lower gradient to the car park of the application site. The garden is fully enclosed by a high level boundary wall. At present there is allocated car parking against the boundary wall of the property which will be removed as a result of the proposal. This area will remain at the same level and will become the side garden area for plot 2 which is a large detached dwelling house. The boundary wall which is proposed to be retained will provide sufficient screening and protection from overlooking from the garden area, as it does at present. The side gable of Plot 2 will sit approximately 16.5m away from Shires barn and has no windows on the western elevation which would overlook the property. Although the proposed dwelling will be on a higher gradient the position of the dwelling and the separation distance is seen to be sufficient enough to prevent any significant adverse or detrimental impacts. It is not considered that the proposal would result in any significant impacts upon this property. Vehicular movements already exists on a daily basis passing the western gable of Shires Barn, it is not anticipated that this would be increased by the proposed development to the detriment of the occupiers of Shires Barn.

9.15 Forton Bank House is set 30m back from the western side of the highway; concerns have been raised by the residents about overlooking and loss of privacy. There will be approximately 50m separation distance from the front elevation of plots 3-6 and that of the front elevation of Forton Bank House. This separation distance is seen to be sufficient as to not have any impacts upon residential amenity in particular overlooking or loss of privacy.

9.16 The proposed development is not considered to result in any significant adverse or detrimental impacts upon residential amenity. The proposed development will remove an existing café use which has extraction units and noise associated with its day to day operations. It is considered that the proposed residential use will be more compatible with the neighbouring property.

## Highway Safety and Parking Provision

9.17 Lancashire County Highways have been consulted on the proposed development and have raised no objections in principle. They are satisfied that the new pedestrian footpath running through the site to the south connecting to the footpath along the A6 will mitigate the need for pedestrians to walk along the front of the site where there is no foot path along Whinney Brow Lane. Whilst the internal access road does not meet with the standards that are expected in order for the internal roads to be formally adopted, they are regarded as being appropriate for the scale of the development proposed. A condition requiring the hedge line on the southern side of the junction with Whinney Brow Lane and the A6 to be retained at 1m in height has been requested. The proposed acoustic fence is not seen to have any implications on site visibility and raises no concerns from a highway safety point of view. Each of the dwellings provides adequate parking to the side of the properties which prevents vehicles dominating the site frontage.

## Impacts upon Trees

9.18 An Arboricultural Impact Assessment (AIA) has been provided with the application. The Tree Officer is satisfied that the findings of the report are accurate and that the trees proposed for removal are of no concern. The report states that the large mature Oak at the entrance to the site is to be retained along with the trees along the eastern boundary and the hedge line along the western boundary. The Tree Officer has requested that a condition relating to protective barrier fencing is attached if consent is given to ensure these trees are protected during the construction phase. The AIA goes on to highlight that there is an opportunity for additional planting within and around the site boundaries, the proposed site layout also demonstrates this but full details will need to be secured through a full landscaping scheme. This is proposed to be conditioned accordingly.

## Ecology

9.19 As highlighted in paragraph 6.3 Greater Manchester Ecological Unit has advised that the application site is considered to be of low ecological value. A bat survey has been carried out and the site was assessed as having only low value for foraging and the buildings and trees to be removed as having low bat roosting potential. Great crested newts and slow worms have been recorded within in the locality. Neither species however is likely to be found on the site. The nearest pond to the site is located 210m which is separated from the site by the A6. GMEU have recommended relevant informatives to be attached if consent is granted.

## Drainage and Flood Risk

9.20 The application site is not located within an area at high risk of flooding or within a designated flood zone. A proposed drainage plan has been provided showing foul water to be connected to the existing mains foul drainage pipe this crosses the site close to the eastern boundary along with surface water being drained to soakaways in and around the site and via connection to the existing surface water drain. The Councils Drainage Engineer has advised that there is no separate surface water drain within the site and the pipe that does pass through is a combined system. Given this conflict it is recommended that full details of both foul and surface water drainage is conditioned to be provided prior to any works commencing along with the results of percolation tests to ensure that the use of soakaways can be achieved.

## Contamination

9.21 The application has not been submitted with a contaminated land survey. Environmental Health Pollution Control have requested that if consent is given then a desk top study should be undertaken to assess the site for potential land contamination if potential contamination is found then a detailed site investigation should be carried out.

## 10.0 CONCLUSION

10.1 The application site comprises previously developed ('brownfield') land along the eastern side of the A6. The applicant has advised that the existing café, whilst still trading, is facing financial difficulties and is not providing a viable business at present. Whilst the loss of the café is seen to be a concern to some local residents, the re-development of the site would mitigate this loss by providing new housing which would be a valuable contribution towards meeting the council's borough wide housing need. In terms of design and layout the application provides a generally well rounded scheme with 6 dwellings that have been sensitively designed to be in keeping with the character of area and the nearby neighbouring properties. Any impacts arising from the scheme can be mitigated through the use of planning conditions where necessary. Members are advised that in this instance it is considered that the proposed development represents a sustainable form of development in accordance with paragraph 7 of the NPPF and that subject to conditions the application can be supported.

## 11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

## 12.0 RECOMMENDATION

12.1 Grant planning permission subject to conditions

### Conditions:-

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.
3. 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 10/02/2015 including the following plans:
  - Acoustic Fence Measures Drawing number GA1322-AF-01
  - Revised Site Location Plan Drawing Number GA1322-PSP-01-D

- Proposed Garage Plot 1 Drawing Number GA1322 -077
- Proposed Elevations Plots 3-6 Drawing Number GA1322-005
- Proposed Elevations and floor plans Plot 2 Drawing Number GA322-003
- Proposed Dwelling Plot 1 Elevations and Floor Plans Drawing Number GA322-002

4. No development shall be commenced until a desk study has been undertaken and agreed in writing by the Local Planning Authority to investigate and produce an assessment of the risk of the potential for on-site contamination. 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 agreed 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 scheme implemented to the satisfaction of the Local Planning Authority prior to the development of the site. Any changes to the agreed scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.

5. No development shall take place until full details of both hard and soft landscape works has been submitted to, and approved in writing by, the Local Planning Authority and these works shall be carried out as approved. These details shall include hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, lighting etc.); retained historic landscape features and proposals for restoration, where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

6. Notwithstanding the details submitted with the application, prior to commencement of the development hereby approved, a drainage scheme for all surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include results of percolation tests to establish suitability of ground conditions for use of soakaway. The development shall be implemented in accordance with the approved details, prior to first occupation of the development.

7. No development shall commence until details of the means of enclosure of the site, and where appropriate, plot boundaries within the site, have been submitted to, and approved in writing by, the local planning authority. The development shall then be constructed in accordance with the approved details and all boundary treatments shall be retained (as approved) at all times thereafter.

8. Prior to first occupation of any unit hereby permitted, the existing hedge on the highway frontage of the site to the A6, between its junction with Whinney Brow Lane and the northerly boundary of the building of plot 1, shall be reduced to and be permanently maintained henceforth at a height not greater than 1m above the crown level of the carriageway of the A6.

9. Prior to commencement of development a scheme for protecting residents in the proposed dwellings from noise from Preston Lancaster Road (A6) shall be submitted to and approved in writing by the local planning authority. The scheme shall include the precise location, height, siting, external finish and detailed specification of the proposed acoustic barrier fencing. All works which form part of

the approved scheme shall be completed prior to the first occupation of any of the permitted dwellings, unless otherwise agreed in writing by the Local Planning Authority. The protection measures in the agreed scheme shall be maintained and retained at all times thereafter.

10. No development shall commence until a scheme for the protection of all trees/hedges being retained as part of the approved landscaping scheme has been submitted to, and approved in writing by, the local planning authority. No development shall commence until the approved scheme of protection has been fully implemented and has been inspected on site by the Tree Protection Officer. It is the applicant's responsibility to arrange this inspection. The protection measures shall be retained for the duration of the works, and only removed once the development is complete and all machinery and works material removed from the site.

11. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), no development under Parts 1 and 2 of Schedule 2 to that Order shall be carried out without the express permission of the local planning authority.

12. No site clearance or construction of the development shall occur on the site except between the hours of 0800-1800 Monday to Friday, and 0800-1400 on Saturdays. In particular no work shall be undertaken on Sundays or on Public Holidays without the prior written agreement of the local planning authority.

**Reasons:-**

1. 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. To ensure that the materials have a satisfactory appearance and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

3. For the avoidance of doubt and so that the local planning authority shall be satisfied as to the details.

4. The development is for a sensitive land 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).

5. To ensure that the development presents a satisfactory appearance in the street picture and in accordance with the provisions of Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

6. These details were not forthcoming with the application and are required pre-commencement to ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health in accordance with Policy ENV15 of the Adopted Wyre Borough Local Plan (July 1999). The condition is required to be agreed prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application, to ensure a suitable form of drainage can be achieved in that specific area taking into consideration land conditions and proximity to existing services.

7. In the interest of visual amenity and so that the local planning authority shall be satisfied as to the details.

8. To ensure adequate visibility for the drivers of vehicles entering and leaving the site.
9. In order to safeguard the amenities of the occupiers of the proposed dwellings and to comply with Saved Policy SP14 of the Wyre Borough Council Local Plan.
10. To ensure that all trees and hedgerows are protected during the construction phase.
11. In the interest of the amenity of the area.
12. In the interests of residential amenity.

**Notes:-**

1. All site investigations and assessments shall be carried out by appropriately qualified personnel, in accordance with British Standard 10175:2001 "Investigation of Potentially Contaminated Sites - Code of Practice".
2. All site investigations and assessments shall be in accordance with current Government and Environment Agency Guidance, and shall identify the type, nature and extent of any contamination present, the risk to receptor's and the potential for migration within and beyond the site boundary.
3. Any laboratory used for the purposes of sample analysis shall be registered to the ISO17025:2000 quality standard.
4. The responsibility for the safe development and secure occupancy rests with the developer. The Local Planning Authority may only determine the suitability of any scheme for investigation/remediation submitted, on the basis of the information submitted to it. Under no circumstances will the Local Planning Authority accept liability for inadequate remediation of the site.
5. A sampling analysis programme shall verify the adequacy of any decontamination works.
6. The development falls within 250 metres of an area of infilled ground (the nature of the fill is unknown). It is therefore recommended that precautionary measures should be taken in the form of a gas monitoring programme or provision of gas protection measures.
7. The presence of any significant contamination, which becomes evident during the development of the site, shall be brought to the attention of the Local Planning Authority.
8. Whilst the building to be demolished has been assessed as low risk for bats, the applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

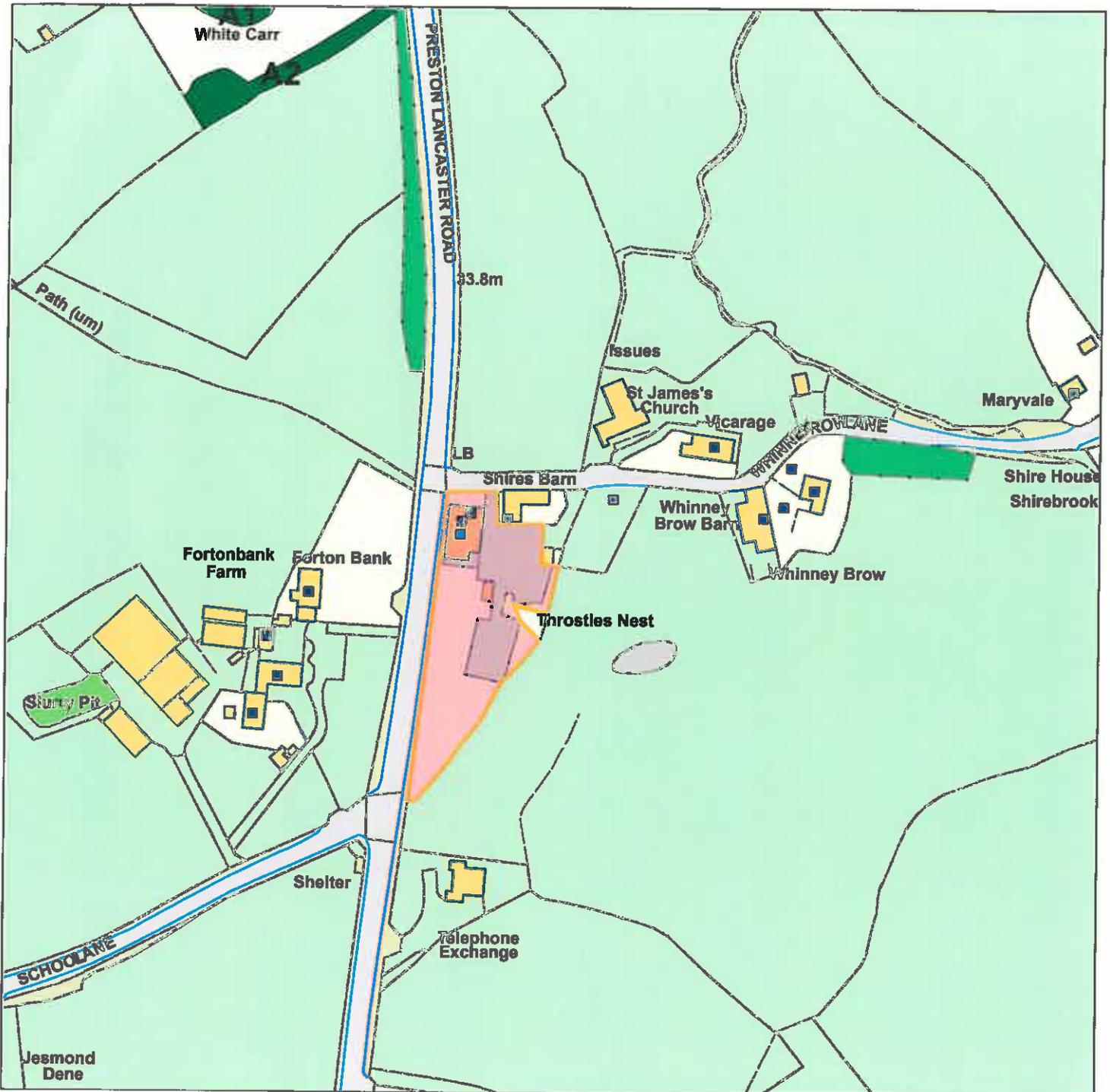
9. Whilst there is only a very low risk of great crested newts being present, the applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill great crested newts. If great crested newts are found during the development all work should cease immediately and a suitably licensed amphibian ecologist employed to assess how best to safeguard the newts. Natural England Should also be informed.

10. The applicant is reminded that under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage or destroy the nest of a wild bird, whilst the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a bird's nest is suspected then works should cease and suitably experienced ecologist employed how to assess the best way to safeguard the nests.

arm/rg/pla/cr/15/0507nc7

# Planning Committee

Throstles Nest, Whinney Brow Lane, Forton



Scale : 1:2130

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<b>Organisation</b>	Wyre Council
<b>Department</b>	Planning Department
<b>Comments</b>	15/00122/FUL
<b>Date</b>	21 July 2015
<b>SLA Number</b>	100018720