

**Planning Committee**

**11 May 2016**

<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	N/A site visited in Nov 2015	16/00225/OUTMAJ	Land Off Moorland Road Poulton-Le-Fylde Lancashire	Outline application for a residential development of up to 49 dwellings with associated access off Moorland Road (all other matters reserved) (re-submission of 15/00685/OUTMAJ).	PER	
2	S	16/00062/FULMAJ	Land At Hollins Lane Forton PR3 0AB	Erection of 10 residential dwelling houses and creation of new access	PER	
3	S	15/00805/OUT	Old Quarry Potters Brook Bay Horse Lancaster Lancashire LA2 0HQ	Outline application for the erection of one dwelling (all matters reserved)	REF	

arm/rg/pla/cr/16/1105nc1

**Committee Report****Date: 11.05.2016****Item Number 01****Application Number 16/00225/OUTMAJ****Proposal Outline application for a residential development of up to 49 dwellings associated access off Moorland Road (all other matters reserved) (re-submission of 15/00685/OUTMAJ).****Location Land Off Moorland Road Poulton-Le-Fylde Lancashire****Applicant Wainhomes (North West) Ltd****Correspondence c/o Mr James Berggren  
Address Sedgwick Associates 24 Queensbrook Spa Road Bolton BL1 4AY****Recommendation Permit****REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Miss Susan Parker****1.0 INTRODUCTION**

1.1 This application is before Members at the request of Councillor David Henderson. It is a resubmission of application reference 15/00685/OUTMAJ. That application was presented to Members at the 4th November 2015 Planning Committee meeting following a visit to the site and was subsequently deferred in order for Lancashire County Council (LCC) as Local Highway Authority to review the proposal with regard to highway safety and in particular clarify existing speed limits and any potential impacts on the validity of the submitted information. Application ref. 15/00685/OUTMAJ was then taken back before the Members at the 2nd December 2015 Planning Committee meeting and was refused at that meeting.

1.2 This resubmission is identical to the previously submitted scheme except in respect of the proposals for the off-site highway works at the junction of Breck Road and Moorland Road and in respect of a flood risk sequential test addendum to reflect recent changes to the Environment Agency flood maps meaning more of the site is now within flood zone 3.

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The 1.92 hectare application site is located to the east side of Moorland Road. The west portion of the site is within the main settlement of Poulton-le-Fylde urban area and the north / east portion is within an area designated as countryside as defined on the adopted Wyre Borough Local Plan Proposals Map. The site comprises a narrow access from Moorland Road, with stepped openings into two fields and a small area of amenity grass land, one pond and two buildings (former air raid shelters). It is adjoined by the rear gardens of properties on Breck Road, Breckside Close and Moorland Avenue as well as the curtilage of St Johns School, Church and associated buildings including the Chapel/Priests House which is a Grade II Listed Building. To the south of the site (east of properties on Moorland

Avenue) is an area of woodland and beyond this is The Manor (Alexander Nursing Home) which is a Grade II Listed Building. Land within the north-east portion of the site is gently undulating and falls away towards the watercourse along the north-east boundary. Prior to the application being received a hedgerow ran through the middle of the two fields and there were a number of trees / hedgerows along the site boundary; many of these were removed in July 2015 leaving a small tree coverage remaining along the north-west boundary and hedgerows along the south-east boundary.

### **3.0 THE PROPOSAL**

3.1 The application seeks outline planning permission for residential development with all matters reserved apart from access, which is to be off Moorland Road.

3.2 Whilst the application is in outline only, it is accompanied by indicative plans to provide an example of how the site could be developed. These show a development of up to 49 dwellings, with 7 units fronting the new access road to be formed along the southern boundary and the remainder in a cul-de-sac arrangement. These plans show the retention of remaining existing hedgerows and some trees along the site boundary together with new tree and hedge planting. However layout, scale, landscaping and appearance are all details reserved at this stage. Members should be aware that if outline permission is granted it does not commit the authority to approving such detail at the Reserved Matters stage. In terms of the site access which is being applied for at this stage, this will be a single access point 6 metres in width with 2 metre wide footpaths either side, to the north of No. 28 Moorland Road opposite the entrance to Moorland Gardens. The off-site highway proposals include the narrowing of Moorland Road and the provision of a junction table at the site access and the provision of a new, dedicated right-turn lane at the junction of Moorland Road with Breck Road.

3.3 The application is accompanied by the following documents:

- Planning statement
- Affordable housing statement
- Crime impact statement
- Heritage statement
- Design and access statement
- Ecological survey and assessment
- Tree survey
- Air quality screening report
- Phase II geo-environmental investigation report
- Flood risk assessment
- Sequential test appraisal
- Utilities statement
- Transport statement
- Transport technical review statement

### **4.0 RELEVANT PLANNING HISTORY**

4.1 15/00685/OUTMAJ - previous application for the same proposal refused by Committee in December 2015 on the grounds of highway safety and countryside designation. Appeal pending.

### **5.0 PLANNING POLICY**

5.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

5.1.2 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 This NPPF 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 (Paragraph 12)

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

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."

5.1.5 Paragraph 17 of the NPPF identifies 12 core land-use planning principles which should underpin both plan-making and decision taking. These include supporting sustainable economic development; seeking to secure high quality design and a good standard of amenity; taking account of the different roles and character of different areas recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; contributing to conserving and enhancing the natural environment and reducing pollution; and conserving heritage assets in a manner appropriate to their significance.

5.1.6 To deliver a wide choice of quality homes, paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. 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. Paragraph 55 aims to promote sustainable development in rural

areas by requiring housing to be located where it will enhance or maintain the vitality of rural communities and resisting new isolated homes in the countryside unless special circumstances exist.

5.1.7 Paragraphs 100 - 103 of the NPPF require development to be directed away from areas at highest risk of flooding, but where it is necessary, making it safe without increasing flood risk elsewhere. A sequential approach should be used in areas known to be at risk from flooding. An exceptions test should also be applied requiring developments to demonstrate wider sustainable benefits to the community that outweigh flood risk as well as a site specific Flood Risk Assessment.

5.1.8 The planning system should contribute to and enhance the natural and local environment (paragraph 109). When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity (paragraph 118). In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting; and they should identify and assess the particular significance of any heritage asset affected and take this into account when considering the impact of a proposal on a heritage asset (paragraphs 128-129).

5.1.9 In support of the NPPF the Government has published a suite of Planning Practice Guidance. Relevant sections include Design and Flood Risk, including when to apply the Sequential and Exceptions Tests.

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

5.2.1 The Wyre Borough Local Plan was adopted on the 5th July 1999. The saved Local Plan forms part of the development plan for the district. Due weight should be given to relevant policies according to their degree of consistency with the NPPF. 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 SP2 - Strategic Location for Developments
- Policy SP13 - Development in the Countryside
- Policy SP14 - Standards of Design and Amenity
- Policy ENV7 - Trees on Development Sites
- Policy ENV10 - Listed Buildings
- 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 EMERGING LOCAL PLAN

5.3.1 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 2015. The Wyre Core Strategy Preferred Options included consultation on a number of Core Policies which will inform policies in the Local Plan. 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).

- 5.3.2 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 CS6 - Strategy for Poulton-le-Fylde and Carlton
  - 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

#### 5.4 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 and for smaller developments it would be a lesser percentage (20% affordable dwellings for new developments of 5-9 dwellings).

#### 5.5 FYLDE COAST STRATEGIC HOUSING MARKET ASSESSMENT (2013)

This document was produced for the Fylde Coast Authorities (Wyre, Fylde and Blackpool) to provide evidence as to how many dwellings of different tenures may be needed over the next 15 years and beyond. The report presents an understanding of the sub-regional housing market and identifies a need for new housing across the Fylde Coast. The 2013 Fylde Coast SHMA and Addendums I&II represents the most up-to-date assessment of OAN for Wyre. Addendum II completed in February 2016 takes account of the 2012 Household projections and updated economic growth projections in the 2015 Employment Land Study Update and Addendum. The SHMA Addendum II It indicates that Wyre's OAN lies between 400 - 479 dwellings per annum from 2011 - 2031 with a recommendation that the OAN figure should at the upper end of the range. The Council has accepted 479 dwellings per annum as the OAN figure for the Local Plan. There is an estimated need for 300 affordable homes per year (over the next 5 years).

#### 5.6 WYRE SUPPLEMENTARY PLANNING DOCUMENTS / GUIDANCE

5.6.1 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

5.6.2 Also of relevance is the Council's Flood Risk Sequential Test: Advice to Applicants (V1.1 published May 2015)

### 6.0 CONSULTATION RESPONSES

6.1 ENVIRONMENT AGENCY - No objection. The site falls within Flood Zone 3 and so the requirements of the Exceptions Test must be satisfied. Based on the submitted Flood Risk Assessment FRA it is accepted that the development would be safe for its lifetime without increasing flood risk elsewhere. A condition should be attached to any permission granted to require compliance with the FRA including the stated finished floor levels. It is recommended that an access road rather than the rear gardens of the properties be

positioned adjacent to the watercourse along the site. This would be a matter for consideration at reserved matters stage.

6.2 NATURAL ENGLAND - The development as proposed is unlikely to affect any statutorily protected sites and would be unlikely to have a significant effect on the interest features for which Morecambe Bay SPA, SAC and Morecambe Bay Ramsar have been classified. An Appropriate Assessment under the Habitat Regulations is therefore unnecessary. As submitted the scheme would also not damage or destroy the interest features for which the Lune and Wyre Estuary SSSIs have been notified and, as such, these designations do not represent constraints. General comments are provided on assessing impact on protected species, local sites, biodiversity and landscape enhancements.

6.3 UNITED UTILITIES (UU) - it has come to light that the sewer in Moorland Road may not be able to support foul water discharge from the development. Foul water should therefore be directed to the combined sewer in Breck Road in order to mitigate flood risk. No objections are otherwise raised subject to the imposition of three conditions on any permission granted. These are that foul and surface water must drain on separate systems; that details of a surface water drainage scheme based on sustainable principles be agreed; and that a lifetime management and maintenance plan for this approved system is agreed. Each unit would require a separate meter at the applicant's expense with all fittings to modern standards. The water mains would need to be extended to serve the site. United Utilities should be contacted for further guidance. If a sewer is discovered during construction, a building control body must be consulted. The surface water drainage strategy should be based on the established drainage hierarchy with order of preference given to discharge to ground, to a surface water body; to an appropriate drain and finally to the combined sewer. Justification for the conditions is provided in the response.

#### 6.4 LCC HIGHWAYS

6.4.1 No objection was raised to the previous application subject to the imposition of appropriate conditions. Moorland Road is unclassified, relatively straight in the vicinity of the site and subject to a 20mph speed limit. It links the A586 with the A588. The injury accident record on Moorland Road is good but five such accidents have been recorded at the junction with Breck Road with a further four within 100m. However, there is no evidence to suggest that the proposed development would have a detrimental impact on highway safety. The information within the submitted Transport Statement (TS) is considered to be a reasonable representation suitable for assessment. Officers are aware of the congestion issues in the area of the site. The trip rates predicted to be generated by the development are similar to other major developments in the area and so are accepted. Existing traffic flows have been used to model distribution and this is considered reasonable. As previously, the submitted TS does not take into account other committed developments, including that at Garstang Road East. However, through the work undertaken in assessing that application, LCC is satisfied that no further information is required and that committed developments are adequately accounted for. Drawing A089937-001 Rev C shows the proposed site access arrangements and this is considered to be acceptable. Whilst the site is generally considered to be accessible, there are a number of opportunities the developer should exploit to improve connectivity and encourage a modal shift towards sustainable travel modes. Although the scheme would be below the relevant threshold, Travel Plan principles should be supported along with the funding of initiatives and simple monitoring. Whilst it is acknowledged that the site is a relatively short distance to Poulton town centre, the lack of full pedestrian facilities at the junction of Breck Road and Station Road is seen as a barrier to movement.

6.4.2 With regard to the impact on the highway, a previous improvement to the junction of Breck Road and Moorland Road in the form of a mini-roundabout was proposed and was agreed by LCC. The application on Garstang Road East (15/00298/LMAJ) which Members

resolved to grant planning permission for in March 2016 subject to a signed section 106 agreement shows a different scheme comprising the provision of right-turn facilities through localised widening on Breck Road. The mini-roundabout previously proposed is not considered suitable to enable the Garstang Road East development to come forward. The alternative solution of the right-turn lane is considered to be suitable to enable both the Garstang Road East scheme and the proposed development to come forward either separately or together.

6.4.3 Internally it is recognised that the layout of the site is not a matter for consideration at this stage. The development would be accessed by a relatively straight road which could lead to inappropriate traffic speed but it is considered that appropriate traffic calming could be delivered at reserved matters stage. The estate is likely to be an attractive drop-off/collection point given the proximity to the local schools and the wider access and layby would help to accommodate this whist maintaining access. The developer should explore the potential to provide pedestrian/cycle access through to Breck Road and Fouldrey Avenue without creating potential for future 'rat-running'. The final layout should be designed in accordance with the principles of Manual for Streets and Creating Civilised Streets.

6.4.4 To address access and sustainability issues, the following mitigation is considered necessary:

- Provision of a junction table and footway build out at the site access/Moorland Road to be secured through S278 agreement to ensure a safe means of access;
- Provision of a right-turn lane onto Moorland Road from Breck Road through localised widening and road markings to be secured through a S278 agreement to increase highway capacity and improve safety;
- Provision of improved pedestrian crossing facilities at the junction of Breck Road and Station Road in the form of MOVA upgrade and improved dropped-kerb/tactile-paving crossing points to be secured through a S278 agreement to improve connectivity to the town centre;
- Provision of £6,370 to be secured through a S106 agreement to fund travel plan initiatives such as bus passes, bicycles and safety equipment along with an agreement of monitoring to encourage sustainable travel.

Subject to this and the imposition of three conditions relating to the provision of wheel washing facilities during construction; the agreement of a detailed site access and off-site highway improvement scheme; and the implementation of that agreed scheme prior to first use, no objection is raised.

6.5 LCC LEAD LOCAL FLOOD AUTHORITY - it has not been possible for a substantive response to be provided in time for inclusion in this report because further clarification is required on two points. These are the method of surface water disposal as there is a contradiction between the submitted application form and the flood risk assessment; and the size of the impermeable area to be created. It is understood that the application form is incorrect and that discharge to a watercourse is proposed. This is likely to be acceptable. The submitted FRA indicates that roughly half the site would be surfaced with an impermeable material. As infiltration is understood to be unlikely to work, it is unclear how the discharge from this impermeable area would be dealt with. Furthermore and on this basis, the hydraulic calculations should be amended such that the entire site is treated as impermeable. Once this clarification is provided, a substantive response will be submitted. It is anticipated that this will be in advance of the Committee meeting and that it could therefore be reported through the update note.

6.6 LANCASHIRE CONSTABULARY - no comments received in time for inclusion in this report. Any comments that are received in advance of the Committee meeting will be reported through the update note.

6.7 GREATER MANCHESTER ECOLOGY UNIT (GMEU) - the submission of a revised planning statement and landscape structure plan is noted. A condition requiring agreement of a surface water drainage strategy should be attached to any permission granted. Indirect drainage to the Wyre Estuary via a convoluted route through local water courses and with precautionary measures taken is considered to be acceptable. The air raid shelters and trees on site are assessed as low risk for bats and precautionary measures are recommended. The previously recommended condition relating to repeat surveys should be attached to any permission granted. The risk to other protected species is low to negligible. No further surveys are required. The reasonable avoidance measures for amphibians and reptiles should be secured through condition. No vegetation clearance should take place between March and August to protect nesting birds and this should also be secured through condition. An advice note relating to Montbretia is recommended. It is considered that the development as proposed would lead to a loss in biodiversity. This could be overcome through mitigation and biodiversity enhancements. These could be secured through condition and a financial contribution towards semi-natural public open space provision or through an amendment to the landscape structure plan to show a 5m buffer along the drain as recommended in the ecology survey.

6.8 LCC EDUCATION - on the basis of the information provided, Lancashire Education Authority would require financial contributions of £231,978.60 to fund the provision of 19 additional primary school places and £128,780.96 to fund the provision of 7 additional secondary school places in the local area. It is expected that these places would be provided at The Breck Primary School and at Millfield Science and Performing Arts College respectively. This claim would have to be reassessed when accurate bedroom information becomes available and would be secured through a S106 legal agreement.

6.9 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE) - revised response confirms no objection; details of surface water drainage to be provided. The response notes that the application is for up to 49 houses but that only 46 are shown on the plan, this has been checked and the plan does in fact show 49 units. New residents or owners would become responsible for the maintenance of the ordinary watercourse and should be advised of this obligation. The site is predominantly within flood zone 1 which has a low risk of flooding.

6.10 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (POLLUTION/CONTAMINATION) - The comments provided in respect of application ref. 15/00685/OUTMAJ continue to apply. These are that conditions and associated advice notes should be attached to any permission granted. Additional details are required with regard to the content of the Phase II Geo-Environmental Investigation Report. On the basis of the information provided within the Air Quality Screening Report and additional correspondence, it is agreed that air quality cannot be said to present a material constraint to the development proposal. The numbers of additional vehicle movements predicted to arise as a result of the development are supported by the Transport Statement for the development and, as such, there is currently no justification for a more detailed assessment of air quality to be undertaken. This is subject to approval of the predicted traffic flow predictions by LCC (Highways) otherwise a revision of the air quality screening assessment will be required. A condition is recommended to ensure the adoption of suitable dust mitigation measures during the construction phase. Additional comments advise that during construction of the development, a restriction on hours of site operation should be in force.

6.11 WBC HEAD OF OPERATIONS (PARKS AND OPEN SPACES) - unclear that the communal landscape area would meet the requirement of 0.196ha of public open space. If public open space cannot be provided on-site, a contribution towards off-site provision/improvement should be made. Need clarification of how communal space would be managed and maintained.

6.12 WBC HEAD OF OPERATIONS (TREES) - previously the tree officer commented that trees T1-18 as identified in the submitted Tree Survey had been ring-barked with a deep lateral cut around the trunk severing the vascular system and resulting in the death of the tree. Trees T21-22, T25-31 and T34-37 which are covered by a TPO were also recommended for removal. This TPO protection prevented them from being ring-barked along with trees T1-18. The application proposes that all trees will be removed on site. This is agreed as the trees are either of poor quality or undesirable and would be likely to become hazardous to persons and property in the event of residential development. An Arboricultural Implications Assessment, Arboricultural Method Statement and a Tree Protection Plan must be secured through condition to ensure the off-site trees are adequately protected. The removal of trees must be in accordance with BS3998:2010 to avoid harm to biodiversity. Substantial native tree planting is required to mitigate the tree loss on site. The submitted Landscape Structure Plan indicates provision of 27 new heavy standard native trees. This goes some way to mitigate the losses but, by virtue of their species, none of the trees proposed would attain the size of those removed. However, it is acknowledged that residential development of the site would reduce the space for trees to grow unhindered and that this will have influenced species choice. It is noted that trees and hedges were destroyed on 11th July 2015. Separate action on this point is being considered.

## **7.0 REPRESENTATIONS**

7.1 53 representations objecting to the development have been received raising the following issues:

### Principle

- No need for additional housing
- Impact on character of countryside and loss of open countryside
- Cumulative impact
- Development is premature
- Inadequate school and medical provision
- Increased strain on emergency services
- Little employment in the area for residents resulting in a need to travel

### Highways

- Position of access unacceptable
- Access for larger vehicles would be difficult
- Proposed highway works would be unacceptable
- Impact on highway safety, particularly pedestrian safety of school children
- Roads already in poor state of repair and pavements narrow
- Narrowing the pavements would make pedestrian movement difficult
- Hazardous access onto Moorland Road
- Access and egress is already difficult due to traffic levels
- Inadequate parking provision
- Congestion from school traffic and parents parking
- Increase in traffic and congestion
- Moorland Road is used as a cut-through

- Large vehicle could not negotiate mini-roundabout
- Mini-roundabout would add to congestion
- A travel plan should be produced
- Traffic management report is out-of-date and inaccurate
- Emergency services access would be compromised

#### Amenity

- Increased air pollution from vehicular traffic
- Loss of air quality and impact on air quality management area (AQMA)
- Increased noise

#### Ecology, trees and open space

- Impact on wildlife and loss of hedgerow
- Ecology report inadequate
- The pond should be retained
- The submitted tree survey is unacceptable
- Removal of vegetation without authorisation
- Inadequate public open space proposed

#### Flood risk and drainage

- Part of site is within a flood zone
- Increased flood risk including impact on agriculture
- Increased strain on drainage and sewerage network/inadequate drainage

#### Other

- Heritage impact
- Impact on security
- Crime impact report inaccurate (references different site)
- Inaccuracies and inconsistencies within application
- Unacceptable to submit second application while appeal pending, the Council should have refused to accept it
- The application does not demonstrate compliance with the Building For Life standards
- Works have been carried out on the site without authorisation
- Poor design

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

8.1 Dialogue has been maintained with the agent throughout to keep them apprised of progress and consultee comments, and to seek clarification and additional information where necessary.

## **9.0 ISSUES**

9.1 The main issues in this application are as follows:

- Principle of development
- Housing Mix, Type and Tenure
- Visual Impact / Impact on the street scene and local landscape
- Impact on Residential Amenity
- Impact on the Transport Network / Highway Safety / Parking
- Flood Risk and Drainage

- Ecology, Nature Conservation and Trees
- Heritage
- Contamination
- Education and other infrastructure contributions

## PRINCIPLE OF DEVELOPMENT

9.2 The site is located on the edge of the main settlement boundary of Poulton-le-Fylde as defined on the adopted Wyre Borough Local Plan Proposals Map. Although there is no relevant saved Local Plan policy for development on land in this urban area, the proposal accords with the overarching hierarchy outlined in Policy SP2 whereby urban areas like Poulton-le-Fylde should be the strategic focus for new development. The north / east portion of the site lies outside the settlement boundary and within the defined countryside area where saved Local Plan Policy SP13 applies. This policy aims to prevent development within the countryside unless it is justified by other policies within the Local Plan or 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 Policy SP13.

9.3 Notwithstanding the above policy conflict, the National Planning Policy Framework (NPPF) is an important material consideration in the overall planning balance, with particular weight afforded to the Council's overall housing requirement as evidenced in the Strategic Housing Market Assessment (SHMA) and housing land supply position. NPPF Paragraph 47 identifies a clear policy objective to boost significantly the supply of housing. Local planning authorities are required to identify their objectively assessed housing need (OAN) and then meet this need. The 2013 Fylde Coast SHMA and Addendums I&II represents the most up-to-date assessment of OAN for Wyre. Addendum II completed in February 2016 takes account of the 2012 Household projections and updated economic growth projections in the 2015 Employment Land Study Update and Addendum.

The SHMA Addendum II indicates that Wyre's OAN lies between 400 - 479 dwellings per annum from 2011 - 2031 with a recommendation that the OAN figure should be at the upper end of the range. The Council has accepted 479 dwellings per annum as the OAN figure for the Local Plan. At present Wyre is not able to identify a supply of deliverable sites sufficient to provide a 5 year supply of housing against this OAN figure. Considerable weight should therefore be afforded to the development's contribution towards addressing the identified housing shortfall in the determination of this planning application.

9.4 The Fylde Coast SHMA also identifies an affordable housing need across the Borough. The Affordable Housing Statement confirms that 30% of the dwellings will be affordable homes; this can be secured by condition. Therefore considerable weight should be afforded to the development's contribution towards addressing the identified affordable housing need in the determination of this planning application.

9.5 Paragraph 49 of the NPPF requires that housing applications should be considered in the context of the presumption in favour of sustainable development. It is noted that the delivery of sustainable development is not restricted to the use of previously developed land and can include the development of greenfield land. In rural areas, for development to be sustainable, housing should be located where it will enhance or maintain the vitality of communities. It is therefore necessary to explore 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.

9.6 The Transport Statement (Table 5.2) considers the site's accessibility to nearby services and facilities within walking distance. When factoring in the need to add 200m to the distances quoted here bearing in mind they have been taken from the site entrance, within 1km of the site are primary, secondary and nursery school, church, convenience store, sport and recreation facilities. Poulton-le-Fylde town centre containing wide array of shops, banks, medical centre and Train Station is located within the 2km catchment. Pedestrian connectivity between the site and these services (which also provide employment opportunities) is generally good e.g. pavements along Moorland Road and Breck Road although in need of improvement in places, as identified by LCC Highways e.g. Station Road / Breck Road junction, which can be secured through a s278 agreement. Breck Road is also served by regular public bus services, with the nearest bus stops approx. 640m from the site access. Parked cars partially blocking some of these footpaths are noted, particularly around school time, although overall the site is considered to have good connectivity to support the vitality and viability of nearby community services and facilities. Opportunities for a pedestrian link through to Breck Road and to future proof possible connections through to land east of the site on Fouldrey Avenue can be considered at the reserved matters stage.

9.7 As the Council is unable to identify a five year supply of housing sites, NPPF paragraph 49 states that relevant policies for the supply of housing should not be considered up-to-date. 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 there are specific policies in the NPPF that indicate that development should be restricted. It is worth noting that the site is identified within a wider area of potential housing development sites in Poulton-le-Fylde in the Emerging Local Plan Issues and Options document, however very limited weight can be afforded to this at present. Whilst it is generally preferable if development of any of the potential development sites came forward through the Local Plan process e.g. comprehensive development of a larger area as opposed to piecemeal development of individual sites to enable full consideration of infrastructure requirements for example, the authority cannot refuse to determine applications in the interim period and in this instance development of this site is not considered to be a strategic level / scale to undermine the emerging Local Plan; it would also not prevent other sites from coming forward on neighbouring land if deemed appropriate at a later date.

9.8 In terms of the loss of existing land, this is not a defined public or private recreational area as defined in the Local Plan and as such the loss of any recreational activity on private land, e.g. dog walking, cannot be a material planning consideration. Whilst historically the site may have been in agricultural use, it is understood to have remained fallow land for approx. 10 years. Given its proximity in relation to the urban area it has little potential of returning to agriculture. The loss of this land in this instance would not conflict with the NPPF paragraph 112 which 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."

## HOUSING MIX, TYPE AND TENURE

9.9 An indicative layout has been submitted to demonstrate how the site could be delivered. This shows a development of 49 units, 35 of which are detached dwellings, 8 No. are terraced properties and 6 No. are apartments (the latter house types being the affordable units). 7 units would be provided along the main access road and the remainder in cul-de-sac formations. It is considered that a better housing mix would be required in response to the SHMA evidence e.g. smaller properties and units for older people, however should outline planning permission be granted this can be addressed at the reserved matters stage,

9.10 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. There are no saved policies relating to affordable housing in new developments in the adopted Local Plan. The Council's 2010 affordable housing viability study supports the Core Strategy Preferred Option policy requirement for 30% on site affordable housing from new development comprising 15+ dwellings (Policy CS21). As this is the most up to date evidence, it is considered that on-site provision of 30% is appropriate. Based on the indicative layout of 49 units, this 30% provision would equate to 14 No. affordable housing units. The Council's Affordable Housing Officer advises that assuming the following bedroom information:- Oakmere - 2 Bed Apartment, Bell - 2 Bed House, Churchill - 3 Bed House, then this would be an acceptable affordable housing mix, with all of the 14 no. units as affordable rent. However, notwithstanding this indication, the full detail and actual number of affordable housing units to be delivered will be determined at the reserved matters stage and a suitable condition can be imposed to secure this.

## OPEN SPACE

9.11 Local Plan policy H13 relates to the provision of open space within new housing developments. The policy indicates that 0.004 hectares of amenity open space shall be provided per dwelling in new developments of 20 dwellings or more. For an indicative development of 49 units, this equates to 0.2 hectares. The indicative layout does not illustrate on-site provision, as noted by the Council's Open Space Officer, but some off-site provision immediately adjacent to the site is detailed. This would only equate to some 0.02ha however and so would fall significantly short of the policy requirement. However, in this location it is considered that an off-site contribution towards improvements in facilities nearby e.g. at Jean Stansfield Park may be considered. This is a detail for consideration at the reserved matters stage when layout is applied for and can be secured by condition or s106 agreement as appropriate.

## VISUAL IMPACT, DESIGN AND LOCAL LANDSCAPE

9.12 The site comprises undeveloped land surrounded by a relatively built form of development along Moorland Road and Breck Road as well as part of Fouldrey Avenue to the east. Immediately adjacent to the site there are residential properties to the north, south-west and north-east as well as a school, church and associated buildings / curtilage to the north-west. To the east and south-east comprises open pasture land and woodland. Clearly the proposal will have an urbanising effect on the site, changing it from grassland to a residential development and losing its open aspect; this visual effect will be largely felt from views (albeit limited) into the site from Moorland Road and Fouldrey Avenue and from those properties and buildings adjacent the site i.e. the immediate area. Although views of the site are available beyond, including the wider countryside area to the east, this is a further distance away where the site is seen in the wider context which includes built development. It would not change the overall character of the wider area (which includes the Wyre Estuary SSSI and Morecambe Bay SPA, SAC and Ramsar Site located a minimum of 500m from the site) or constitute a significant environmental effect having regard to the Environmental Impact Assessment (EIA) Regulations. On balance the visual impact is not seen as significant to give rise to concern about the development appearing visually intrusive or out of character with its landscape context in principle, subject to good design principles being incorporated to mitigate the impact of the development on the surrounding area.

9.13 An indicative layout has been presented to illustrate how the site may be delivered which shows 49 units, 7 of which would be provided along the main access road with the

remaining units in two cul-de-sac formations towards the rear of the site. There are concerns with this layout in terms of achieving good design principles e.g. reflecting the pattern and density of surrounding built form, introducing soft edges, improving amenity areas and linkages, however it is considered this outline application demonstrates that some form of development on the site broadly similar to the scale and form suggested on the indicative plans could be brought forward without having a detrimental impact on the appearance and character of the area, with scale, layout and design being important detailed considerations at the reserved matters stage to enable the development to sit comfortably in the surrounding landscape and ensure a sympathetic extension to the existing urban area. Consideration of whether the proposed development is seen to positively address matters of crime, including good visibility and appropriate boundary treatments, will also be assessed at the reserved matters stage. In terms of design, there is no conflict with Policy SP14 at this outline stage and no reason to believe that a reserved matters application will be unable to achieve the detailed design criteria set out in this Policy, or indeed SPG4: Spacing Guidelines for New Housing Layouts.

9.14 The fields are described in the Ecology Survey as poor semi-improved grassland, with hedgerows and some scattered trees remaining along the site edges. Close to the eastern boundary is a pond. The site contains no other landscape features or attributes of particular quality or merit. While some features will be lost as part of the development including trees which have been damaged (ring barked) - in addition to those trees and hedgerow that have already been removed - there are opportunities for the development to introduce new vegetation features along the site boundary with additional tree and hedgerow planting. This is considered essential to compensate for those features which have already been / will be lost and to soften the impact of the development in the local landscape including nearby heritage assets. An indicative landscape plan has been submitted to demonstrate what can be achieved in terms of landscaping on the site. This shows multiple new trees planted along the site boundaries as well as new hedge planting. Beyond the site boundary a small remembrance garden is included between the church and the site which is believed to reflect an agreement between the church and the applicant to provide a garden accessible to parishioners. However, no weight should be afforded to this plan as landscaping details would be secured at the reserved matters stage when it is a detailed matter for consideration. Furthermore the remembrance garden is outside the application site boundary with no mechanism for this to be brought forward as part of this development. The layout plan shows existing hedgerows along the south edge to be retained as well as some trees along the north-west edge; incidentally some of these trees shown for retention are identified as to be removed in Table 2 of the Tree Survey which is accepted by the Tree Officer and it is this Tree Survey which has been used in this assessment. Their retention can be secured by condition. Improved amenity areas within the site to compensate for the loss of the pond can also be considered at the reserved matters stage.

## IMPACT ON RESIDENTIAL AMENITY

9.15 Residents have raised concerns in respect of the impact that the development will have upon the amenity of existing residential properties in terms of noise and disturbance, increased congestion, air pollution. Concern was previously raised over the potential for an overbearing impact and loss of outlook/privacy. For residents located near to the proposed new accesses, it is anticipated that there will be some impact from vehicle noise and headlights; however this is not considered to be significant due to the vehicle levels involved. The Council's Environmental Health Officer confirms on the basis of the information provided within the Air Quality Screening Report that air quality cannot be said to present a material constraint to the development. The number of additional vehicle movements predicted to arise as a result of the development are supported by the Transport Statement for the development (which are agreed by LCC Highways), and as such there is currently no justification for a more detailed assessment of air quality to be undertaken. Distances

between the site and neighbouring properties are considered to be sufficient to prevent any severe detrimental impact including loss of light, overbearing impact and overlooking, although a full assessment of this would be made at the reserved matters stage. Furthermore, additional landscaping and boundary treatments which would help to screen the development from residential properties (and to protect private property and safeguard amenity) can be secured at the reserved matters stage / thorough condition. The offer of sufficient private amenity for future residents will be assessed at the reserved matters stage when considering layout.

9.16 Residents have previously raised objections to the scheme based upon impacts associated with the construction phase of the development; however these impacts will be temporary in nature and can be mitigated through effective site management methods required by condition on the advice of the Council's Environmental Health Officer, to include dust mitigation measures and a restriction on hours of site operation. There is no right to an open view and this is not a material planning consideration.

#### IMPACT ON THE TRANSPORT NETWORK, HIGHWAY SAFETY AND PARKING

9.17 The majority of residents who objected are concerned about the impact of the development on the local highway network and highway safety issues.

9.18 NPPF paragraph 32 requires a Transport Statement or Transport Assessment (TA) to support developments that generate significant amounts of movement. In this instance the application is supported by a Transport Statement (TS) and Technical Review (the latter document is produced by SCP who were highways consultant on the Garstang Road East development ref: 15/00298/LMAJ) which considers the impact of the development on the highway network. The TS assumes a development of 52 dwellings which is in excess of the indicative number shown (49 dwellings) although this slight difference raises no issue as it means any impact could be over-estimated, as opposed to under-estimated which could cause concern. In analysing the TS data, LCC Highways have identified some differences in the observations compared to their data; however note this is not untypical and that the data represents a reasonable representation to form the basis of the assessment. The trip rates (estimated 27-29 vehicle movements generated in the AM and PM peak hours) and traffic flows / distribution are accepted. It is acknowledged that a local resident had previously submitted the results of an alternative traffic count. Whilst these were noted by LCC, the volume data in the TS is nevertheless considered to be a reasonable representation. In terms of traffic speed, LCC Highways has confirmed that when they considered the application they were aware of the content of the TS and its reference to 30mph rather than 20mph on Moorland Road, but that actual observed traffic data was used in the review and design process. This TS anomaly does not influence the statutory comments provided. The TS does not take account of any committed development but, as part of their work in respect of the nearby major residential development at Garstang Road East (15/00298/LMAJ), LCC are satisfied that potential cumulative impact has been adequately accounted for and LCC must consider the proposal as presented, its merit/ benefits/ mitigation (from a Highway/ transport/ operation perspective), other influencing factors (such as other proposed developments, not determined) as well as scale, location, sustainability etc.

9.19 The LCC response confirms Highway officers are very familiar and fully aware of the operation of the local and wider network during the peaks and also the off peak, with a number of junctions at or close to capacity and sections of highway experiencing delays for periods of a typical day. Within the area of influence these are often (not exclusively) as a result of vehicles (including HGV) traversing the network; impacts of school drop off/pick up, pedestrian crossings, manoeuvring vehicles (parking), existing constraints on highway links etc. There are a number of schools within the area, which also includes a primary school immediately to the north of the site access and a secondary school a short distance to the

south. As a result there are significant numbers of parents picking up and dropping off pupils to these schools. Although they consider the injury accident history for Moorland Road as good, with no recorded injury accidents in the vicinity of the site access in the last 5 years, there have been 5 recorded injury accidents at the junction of Breck Road and Moorland Road over the same period and an additional 4 within 100m of this junction. LCC Highways have clarified with regards to road safety in the vicinity of the development including the primary school, that the TS does review the injury accident history of the area and that as part of their review, highway officers do check for accuracy of data and examine the causation factors for injury accidents, concluding that there was no statistical evidence to show that the development would have a detrimental impact on road safety. This is also confirmed in the Technical Review produced by SCP and submitted by the applicant.

9.20 LCC Highways identify the development has an impact at the junction of Breck Road and Moorland Road where at peak times the access and egress is impeded. When school traffic is brought into the equation, congestion could be seen as a highway safety issue. Previously, a mini-roundabout was proposed at this junction to increase capacity and reduce congestion but the previous application was refused (ref: 15/00685/OUTMAJ) with the detrimental impact on highway safety being a reason for refusal. Since the determination of that application, Members have resolved to grant planning permission subject to a signed Section 106 for a major residential scheme at Garstang Road East (ref: 15/00298/LMAJ). That scheme proposes an alternative improvement approach to the Moorland Road / Breck Road junction comprising the creation of a right-turn lane through localised widening of LCC highways land on Breck Road. In approving the Garstang Road East application, Members agreed that the proposed improvement to the Moorland Road / Breck Road junction is acceptable. LCC Highways consider that this scheme would increase junction capacity sufficiently to serve both the Garstang Road East development and this proposal. Consequently, this scheme is now proposed as part of this application and LCC Highways is satisfied with it as an appropriate mitigation measure. Any off-site highway works such as this proposal would be subject to a separate (s278) legal agreement between the developer and LCC and would not be subject to third party consultation with the local planning authority. Whilst local concerns are noted, it is for LCC to agree a detailed scheme of highway works with the developer.

9.21 The site access is in the form of simple priority junction forming a cross road junction with Moorland Gardens, albeit very slightly off-set. The developer is proposing to widen the footway either side of the access in order to achieve appropriate sightlines (2.4m x 38m north of the access; 2.4m x 41m south). These sightlines and access arrangements are accepted, which also include a raised junction table on Moorland Road as shown on the revised access plan received. Given the proximity of the primary school, the new estate will be an attractive drop-off / pickup point for parents. The access arrangements show a slightly wider access road (6 metres) and provision of a layby which would accommodate some drop/off pick up provision whilst maintaining access/egress. Although another access road on Moorland Road would be formed for pedestrians to navigate, a 2m wide footway extending into the site on either side of this access road would facilitate safe crossing. These works can be secured through a S278 agreement.

9.22 Comments made by LCC on accessibility (i.e. walking distances indicated in the TS measured from the site access and not the centre of the site) have been taken into account when assessing the site's sustainability credentials set out earlier in this report. Opportunities identified to improve pedestrian crossing provision at the junction of Breck Road / Station Road in the form of upgrade to MOVA and improved dropped kerb / tactile paving crossing points can be secured through a S278 agreement. To enhance sustainable travel, LCC Highways also identify a sum of £6,370 is required to provide sustainable transport support for residents - to fund initiatives in line with travel planning strategies which could include bus passes or bicycles and safety equipment. Comments made on internal layout including need

to reduce traffic speeds approaching the junction from within the development, explore improved pedestrian linkages and future-proof any continued development to include land off Fouldrey Avenue can be dealt with at the reserved matters stage. LCC Highways accept the access plan in terms of showing that appropriate and acceptable traffic calming can be delivered at the reserved matters stage. This can also ensure appropriate parking is made within the development to reduce the risk of increased on-street parking along Moorland Road. The effect of construction traffic will be temporary in nature and can be managed by condition.

9.23 LCC considers that the areas of concern relating to access and sustainability can be suitably mitigated through a number of off-site highway improvements and developer contributions. These are outlined above and can be secured through S278 and S106 agreements. Overall LCC are satisfied that a safe and appropriate means of access is offered and that the development will not have an adverse impact on highway capacity or safety and as such no highway objections are raised subject to a number of conditions being imposed and the developer entering into the necessary S278 and S106 agreements. The development is accordingly considered acceptable in accordance with the NPPF, which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

## FLOOD RISK AND DRAINAGE

9.24 The flood risk designation of the site has changed since the determination of the previous application. The north-east part of the site now lies within Flood Zone 3 as identified by the Environment Agency Flood Risk maps. This is classified as at high risk of flooding within the terms set out in the Technical Guidance to the National Planning Policy Framework (NPPF). The NPPF and National Planning Policy Guidance (PPG) stipulate that development should be directed away from areas at higher risk of flooding by requiring the Sequential Test to be met, with the aim to steer new development to areas with the lowest probability of flooding. Specifically development should not be permitted if there are reasonably available sites of a comparable size appropriate for the proposed development in areas of the Borough with a lower probability of flooding. As the indicative layout includes development within Flood Zone 3, the application is required to pass the sequential test in line with the NPPF and NPPG. A Sequential Test report has been submitted accordingly.

9.25 The sequential appraisal previously provided in respect of application ref. 15/00685 has been resubmitted for this application, albeit with an updated schedule of alternative sites. The methodology remains in general in accordance with the Council's 2015 Flood Risk Sequential Test: Advice for Applicants guidance. The geographical search area is borough-wide; the range of alternative sites considered include those within the +/- 10% threshold based on both no. of units (44-54) and site area (1.71-2.09ha); and the sources investigated include sites allocated in the current Local Plan and Fleetwood-Thornton AAP, and those identified in the latest Housing Land Monitoring Report and 2010 Strategic Housing Land Availability Assessment (SHLAA), as well as approaching three local land agents. Seventeen comparable alternative sites have been identified along with one outside of the relevant search criteria. These sites are agreed. Nine sites are discounted because they fall either predominantly within flood zone 3 or entirely within flood zone two and so are not considered to be sequentially preferable. A further four are subject to existing permissions for residential development that have either been completed or are progressing. Two of the remaining sites are in active leisure use and the final two are part of larger development sites. As such, it is agreed that none of the alternative sites are suitable and available when considered against the criteria outlined in the Council's guidance. The proposal therefore passes the sequential test.

9.26 As residential accommodation is classified as a more vulnerable use, the applicant must also demonstrate compliance with the exceptions test. This test comprises two parts. Firstly, the applicant must demonstrate that the development would provide wider sustainability benefits to the community to outweigh the flood risk. Secondly it must be demonstrated that the development could be made safe. In terms of the wider sustainability benefits, the applicant has noted that the scheme would provide new housing to reduce the acknowledged shortfall in the borough and would also provide affordable housing to meet identified need. It is suggested that the site would enhance the vitality and viability of Poulton-le-Fylde town centre by virtue of proximity and would minimise the need to travel as a result of its sustainable location. It is also suggested that the scheme would increase support for local services and support economic growth. This is agreed and, on this basis, the first element of the exceptions test is considered to be met.

9.27 The applicant has submitted an FRA, which reviews all sources of flood risk and considers the effective management of surface water drainage for the development. In accordance with the sustainable drainage hierarchy, the report suggests that as infiltration does not appear feasible at this time based on ground conditions, the surface water run-off generated by the proposals will discharge to the neighbouring watercourse. The discharge of surface water run-off is proposed to be restricted to the pre-development greenfield rates. The FRA confirms that foul water will discharge to the existing public combined sewer within Moorland Road. A number of recommendations and mitigation measures are identified e.g. minimum finished floor levels set at 6.55m above Ordnance Datum (OAD). The Environment Agency (EA) is satisfied with this FRA and conditions will be required to secure the recommendations. On this basis, the second part of the exceptions test is considered to be met. LCC as the Lead Local Flood Authority and the Council's Drainage Engineer had originally objected to the scheme on the basis of inconsistencies within the application. These have since been resolved and a revised response from the Drainage Engineer confirms no objection. Revised comments are expected from LCC and will be reported through the Committee update note.

9.28 As of the 6th April 2015 new legislation requires any major development to be supported by SUDs, unless this is demonstrated to be inappropriate. The preferred method for surface water drainage is infiltration and the applicant must demonstrate though a full ground investigation that this would not be feasible before another method, such as that proposed in the FRA, could be approved. This could be secured by condition. If this is demonstrated and if the surface water run-off would discharge to the ordinary watercourse, land drainage consent would be required from LCC.

9.29 A number of objections raise concerns about the capacity of the existing drainage system and problems with localised flooding in the immediate area with concerns that the development will exacerbate these problems and cause increased risk of flooding to neighbouring homes, roads etc. Previously this was supported by an independent survey submitted and details of historical flooding / system overflowing. Whilst these concerns have been considered, on the basis that the EA, United Utilities (UU) and the Council's Drainage Engineer all raise no objection and accept the outline drainage proposals for surface and foul water, with full details to be submitted for approval (required by condition) it is not considered that refusal on these grounds could be substantiated and the proposal is considered to conform to the NPPF and Local Plan Policy ENV15. Advice notes would also be attached to any permission granted as appropriate.

## ECOLOGY, NATURE CONSERVATION AND TREES

9.30 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;
- Opportunities to incorporate biodiversity in and around developments should be encouraged.

9.31 The applicant has submitted an Ecological Appraisal in support of the application. The document has been reviewed by Greater Manchester Ecology Unit (GMEU) who accepts the survey timings and advise that further surveys are not considered necessary prior to deciding the application. In terms of protected species within the site, two air raid shelters are present on site which could potentially provide bat roosting habitat, although the survey confirms low risk, and remaining trees around the site edge may have bat roost potential therefore surveys shall be carried out prior to any removal / reserved matters application to identify any suitable mitigation. GMEU are satisfied that the risk to other protected species is low to negligible and the reasonable avoidance measures for amphibians and reptiles recommended by the consultants are reasonable and remove any residual risk. GMEU also advise that further information on the developers commitment to achieve no net loss of biodiversity is required prior to determination as the current site layout provides no indication of any on-site mitigation for loss of the pond and any other trees and hedgerow already lost/to be lost and loss of grassland (albeit species poor). This could include more amenity land along the NE boundary e.g. a pond and grassland enhancement measures. However, this is an indicative layout and on-site mitigation can be secured at the Reserved Matters stage / by condition (e.g. landscape scheme / habitat management plan). Other comments relating to nesting birds, water quality and invasive species can be appropriately conditioned or added as an informative. In terms of concerns about the plans showing house building on pond(s), to re-iterate, this is an indicative site layout plan for illustrative purposes only. Full layout details would be assessed at the Reserved Matters Stage if outline permission were to be granted when full consideration of appropriate ecology mitigation and enhancement measures required would also be considered.

9.32 The site lies a minimum distance of 500m from the Morecambe Bay SPA, SAC and Ramsar (a European designated site) although Natural England advise that under the terms of the Conservation of Species and Habitats Regulations 2010 it is not necessary to undertake an Appropriate Assessment of the potential impact of the development on the special nature conservation interest of this area in this instance. Furthermore, they are satisfied that the proposed development will not destroy or damage the interest features for which the nearby Lune and Wyre Estuary SSSI is notified. In considering this statutory nature conservation site, GMEU is satisfied that indirect drainage to the Wyre through a convoluted route of local watercourses along with the adoption of appropriate precautionary measures would be acceptable to ensure that the risk of contamination is low.

9.33 The loss of trees and hedgerows on the site in July 2015 as well as irreversible ringbarking damage too many of the remaining trees which requires their future removal is regrettable and separate legal action is currently being considered by the Council under the Wildlife & Countryside Act and Hedgerow Regulations. Those trees affected were not the subject of a Tree Preservation Order (TPO) and the works were carried out without the Council's Tree Officer's knowledge, preventing a TPO from being created. However, this is not a material planning consideration in the determination of this application other than to determine the baseline position of the site at present and therefore what landscaping proposals are required to make the impact of the development acceptable (visually and on ecology grounds). A Topographical Survey has been submitted that correctly shows the current position and a Tree Survey has been submitted to outline future works.

9.34 The Tree Survey has been considered by the Council's Tree Officer in his consultation response. Whilst the Local Planning Authority will always encourage applicants to undertake tree surveys in line with best practice guidance, it cannot insist on this being

followed because this is not a legal requirement. There is sufficient information to assess the impact of the proposed development in this instance. No formal assessment of whether the existing hedgerows are classified as important under the Hedgerow Regulations is deemed necessary given there is no proposed removal of these. The Tree Officer agrees with the Tree Survey identifying all remaining trees on site for future removal, which include T1-18 (non TPO) that were damaged and a number of trees either in poor quality or undesirable / likely to become hazardous covered by Area 10 of the 1968 Poulton-le-Fylde TPO. Their removal should be in accordance with BS3998: 2010 Tree works - recommendations and timed to avoid potential wildlife constraints. This can be secured by condition. For those off-site trees being retained, an Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan will be required to ensure their protection, to be secured by condition. To address the full scale of the tree losses and to make the impact of the development acceptable, substantial mitigation native tree planting is required, which can be secured at the Reserved Matters stage / through landscaping conditions, to satisfy Local Plan Policy ENV7.

## HERITAGE

9.35 The NPPF requires the significance of any heritage assets, including any contribution made by their setting, to be described and the impact of a development on their significance to be assessed. A Heritage Statement has been submitted in support of the application, which identifies 1 No. Grade II Listed Building to the north-west of the site; and 1 No. Grade II Listed Building to the south-east. The impact of the proposed development is assessed by considering the potential for it to be viewed within the setting of the heritage assets. Views of, and from, the Listed Buildings are considered. In terms of the Former Chapel of St John and Attached Priest's House to the north-west of the site, this takes into account the siting of the building, together with the presence of landscaping within their curtilage, and the context of the surrounding built form. In terms of The Manor, now Alexander Nursing Home, to the south-east, this takes into account the extensive landscaped gardens. The Statement considers that the application site, both in its present form and its proposed form, is not of significance to the setting of the heritage assets; their significance will therefore be sustained.

9.36 The Conservation Officer has been consulted and having regard to the NPPF and NPPG advises that the proposed outline development which could affect the settings of the listed buildings is considered to be in part acceptable and part unacceptable. In the case of The Manor there are a significant number of trees to the south eastern site boundary such that it is only just possible to obtain long distance views or glimpses of this building. As such it is considered that providing that these trees are retained as part of the development there will be no material impact on the setting of this listed building and that consequently its significance will be sustained. In the case of the former Chapel of St John and Attached Priest's House, the indicative plan shows trees to be retained along the North West site boundary, which would have also effectively screened the site from this listed building. However these trees have been removed thus affording completely open views from the site to this building and conversely from this building into the site. Trees will therefore need to be replanted along this boundary to adequately protect the setting of this listed building from the otherwise adverse impact of the proposed development before it could be considered to be acceptable. It is considered that securing the implementation of additional landscaping along this boundary can be secured at the Reserved Matters stage and by landscaping conditions to overcome this issue and therefore this outline application is not considered to cause any harm to the significance of these heritage assets. Accordingly the outline proposal satisfies NPPF and Local Plan Policy ENV10 subject to conditions.

9.37 The Conservation Officer also suggests a condition relating to retaining those remaining trees along the SE boundary; however these are known to be damaged and are

proposed for removal. Appropriate replacement planting can be secured by condition to avoid any potential harm to the setting of The Manor.

9.38 With respect to the two air raid shelters on the site, whilst these may be described as heritage assets, they are not designated heritage assets and therefore are not afforded any special protection. Little weight can therefore be afforded to their retention in this case. As well as being within the Countryside Area, the site lies within the Historic Landscape Character Type 'Ancient Enclosure'. The effect of the application on the significance of this non-designated heritage asset has been taken into account, and in considering the immediate context of existing built development including homes, roads and other infrastructure, it is considered that the development is not considered to conflict with this aspect of the NPPF.

## CONTAMINATION

9.39 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. A Geo-Environmental Site Investigation Report has been submitted, which the Council's Environmental Health team has reviewed and considers that additional detail is required prior to being accepted. This is appropriate to condition as opposed to insisting on the additional detail at this stage.

## EDUCATION AND OTHER INFRASTRUCTURE CONTRIBUTIONS

9.40 LCC Education advises that the proposed development would generate a yield for 19 primary school places and 7 secondary school places. Calculated at the current rates, this would result in a claim of £231,978.60 towards primary and £128,780.96 towards secondary places. This provision can be secured through a S106 agreement. In addition, LCC have stated their intention to use the primary education contribution to provide additional primary places at The Breck Primary School and to use the secondary education contributions to provide additional secondary places at Millfield Science and Performing Arts College. This approach is in line with LCC's agreed methodology and the Community Infrastructure Levy (CIL) regulations, with less than 5 secured Section 106 contributions pooled against either scheme. This claim will be re-assessed at the Reserved Matters Stage, once accurate bedroom information becomes available.

9.41 A number of residents raise concerns about the resultant strain on nearby existing infrastructure e.g. schools, doctors, highways which they believe are at capacity. The NPPF states planning obligations should only be sought where they are 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. The financial contribution towards education provision is in accordance with an established methodology and is justified by LCC in this instance. Financial contributions towards off-site highways improvements are also justified by LCC. However, LCC are not asking for contributions from the development towards improvements to other social infrastructure and so this cannot be requested. There is no current mechanism to provide for contributions towards health infrastructure improvements and so no such contribution can be requested.

## OTHER ISSUES

9.42 The following outstanding issues raised by residents and consultees are addressed below:

- With regards to inconsistencies and inaccuracies within the application, it is considered there has been adequate information submitted to enable a sufficiently full and robust assessment of this outline application. The surveys submitted are relevant and proportionate to the scale and type of development proposed and site context, and it is not considered that further assessments are required prior to determining this outline application.
- The Council has fulfilled its statutory obligation to notify directly all neighbour properties that adjoin the site, together with displaying site notices in the vicinity of the site and publishing a press notice in the local newspaper.
- Whilst pre-application advice is always encouraged, whether or not the developer has entered into pre-application discussions is not a material planning consideration.
- The Wyre Borough Interim Housing Policy (2006) is out of date with the current policy context including the NPPF and therefore has no weight as a material planning consideration.
- In assessing the application, full consideration has been given to the issues raised by consultees and third party objectors in order to ensure that the recommendation is well balanced and ensures that the benefits to development are weighed against the harm caused.

## **10.0 CONCLUSION**

10.1 It is considered that the proposed outline development represents a sustainable form of development when considered against relevant policies including primarily the delivery of housing and affordable housing. The proposal is a sustainable greenfield extension to the existing settlement of Poulton-le-Fylde and the site is considered to offer a sustainable location to help maintain the vitality of this community, with good connections to nearby facilities and services and opportunities to enhance connectivity to be sought from the development.

10.2 The adverse impacts of the proposed development have been considered and assessed and it is considered that impacts upon the local highway network, character and appearance of the surrounding countryside, landscape, trees and ecology, flooding / drainage, heritage assets and residential amenity, would not demonstrable and significantly 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 where necessary.

## **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 subject to a section 106 legal agreement to secure appropriate financial contributions towards local education provision and sustainable transport support. Authorise the Head of Planning Services to issue planning permission upon satisfactory completion of the S106 agreement.

## **Recommendation: Permit**

### **Conditions: -**

1. An application for approval of reserved matters, namely appearance, landscaping, layout and scale, must be made not later than the expiration of three years beginning with the date of this outline planning 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.

Reason: This condition is required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 24<sup>th</sup> February 2016, including the following plans:

- Drawing no. OS-001 - Location Plan
- Drawing no. A089937-001 Rev C - Proposed site access

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

3. No works or 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. Details of soft landscape works, including any new hedges, transplanted and or replanted hedgerows, shall include planting plans; method statement for landscape and ecology retention, written specifications (including cultivation and other operations associated with plant, grass and hedgerow establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme.

Reason: To ensure the provision of amenity afforded by appropriate landscape design and to provide compensation for habitats lost to the scheme.

4. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme [approved](#) in writing [by](#) the Local Planning Authority and shall thereafter be retained and maintained. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced as soon as is reasonably practical by others of similar size and species to those originally required to be planted unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

5. There shall be no demolition of trees other than those identified for removal in Table 2 of the BS5837:2012 Tree Survey dated September 2015. No tree demolition shall be

carried out between March and August (inclusive) in any year unless a detailed bird nest survey has been carried out by a suitably qualified ecologist immediately prior to any clearance and written confirmation that no bird nests are present has been provided in writing to the Local Planning Authority. Their removal must also be in accordance with BS3998: 2010 Tree works recommendations.

Reason: In the interests of the visual amenity and ecology of the area and in accordance with the National Planning Policy Framework.

6. Emergence bat surveys shall be carried out on both air raid shelter buildings and remaining trees being removed prior to their demolition or removal and / or the commencement of development and these shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with any recommendations / mitigation measures identified.

Reason: In the interests of the ecology of the area and in accordance with the NPPF.

7. The reasonable Avoidance Measures for amphibians and reptiles as outlined in the Ecological Survey and Assessment shall be carried out in accordance with the details contained in the Ecological Survey and Assessment (including Licensed Great Crested Newt and Bat Surveys) Appendix 3 ERAP ref: 2014\_296 and 2014\_296b dated July 2015 and submitted with the planning application.

Reason: In the interests of the ecology of the area and in accordance with the National Planning Policy Framework.

8. Prior to commencement of development, an Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan shall be submitted to and agreed in writing by the Local Planning Authority for those off-site trees and hedgerows being retained as identified in the Tree Survey. Adherence to these agreed details will be required at all times until all development is completed.

Reason: To protect those trees identified for retention in the interests of visual amenity and ecology in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the NPPF.

9. 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, namely provision of junction table and footway build out at the site access / Moorland Road; provision of a dedicated right-turn lane at the junction of Moorland Road / Breck Road; and provision of improved pedestrian crossing provision at the junction of Breck Road / Station Road in the form of upgrade to MOVA and improved dropped kerb / tactile paving crossing points, has been submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority. No part of the development shall be occupied or open for trading until the approved scheme has been constructed and completed in accordance with the scheme details.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works in accordance with saved Local Plan Policy SP14.

10. The development shall not commence 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:

- i. 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;
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider (if no RSL involved)
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure the adequate provision and delivery of affordable housing in accordance with the National Planning Policy Framework.

11. The development hereby permitted shall be carried out in full accordance with the approved Flood Risk Assessment (FRA) (Betts Associates, August 2015) and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 6.55 m above Ordnance Datum (AOD).

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

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided; to ensure safe access and egress from and to the site; and to reduce the risk of flooding to the proposed development and future occupants in accordance with the National Planning Policy Framework.

12. Prior to the commencement of development hereby approved, a surface water drainage scheme for the site and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion), shall be submitted to and approved in writing by the local planning authority. These details shall include, as a minimum:

- a) Information about the design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate.

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

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be retained, managed and maintained in accordance with the approved management and maintenance plan referred to in condition 13.

Reason: To ensure that the proposed development can be adequately drained; to prevent the increased risk of flooding, both on and off site resulting from the proposed development; and to ensure that water quality is not detrimentally impacted by the development proposal, in accordance with saved Local Plan policy ENV15 and the National Planning Policy Framework.

13. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. As a minimum, this shall include:

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

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

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development; to reduce the flood risk to the development as a result of inadequate maintenance; and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system in accordance with saved Local Plan Policy ENV15 and the NPPF

14. Foul and surface water shall be drained on separate systems. Unless otherwise agreed in writing by the Local Planning Authority all foul must drain directly to the public combined sewer in Breck Road.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with saved Local Plan policy CIS7 and the NPPF.

15. 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.

Reason: 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). It is considered the Phase 1 Desk Study submitted with the planning application requires further detail which was not forthcoming during the application stage.

16. Prior to the commencement of development hereby approved an Environmental Construction Method Statement shall be submitted to and agreed in writing by the Local Planning Authority in relation to:

- (i) delivery of materials and delivery and collection of equipment
- (ii) provision and use of on-site parking for contractors' and workpeople's vehicles, wheel washing facilities, street sweeping
- (iii) detail of both the dust mitigation measures to be employed to minimise fugitive dust impacts on localised receptors, and the procedures to be adopted in response to complaints of fugitive dust emissions
- (iv) appropriate measures to control surface water discharges from the development to avoid any possibility of water pollution arising from the scheme
- (v) hours of site operation, with confirmation that no works shall take place and no deliveries or other vehicles shall visit the site outside the hours of 08.00 to 18.00 Monday to Friday, and 08.00 to 13.00 on Saturdays, or at any time on Sundays, Bank and Public Holidays, unless prior agreed in writing by the Planning Authority

All construction phase works shall be undertaken in full accordance with the agreed Environmental Construction Method Statement.

Reason: In the interest of highway safety, residential amenity and ecology; and to safeguard the visual amenities of the locality in accordance with saved Local Plan Policy SP14.

17. No development shall commence until details of the means of enclosure of the site have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be constructed in full accordance with the approved details and all boundary treatments shall be retained or replaced (in accordance with the approved details) at all times thereafter.

Reason: To safeguard the amenity of the area and in the interests of the amenity of neighbouring properties and ecology in accordance with saved policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the NPPF.

18. Prior to the commencement of any works on site, detailed drawings including a topographical survey of the existing ground levels related to ordnance datum together with details of proposed ground and slab levels shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with these agreed details.

Reason: To safeguard the amenity of the area and in the interests of the amenity of neighbouring properties and ecology in accordance with saved policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and the NPPF.

#### **Notes:-**

1. 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 Lancashire County Council in the first instance to ascertain the details of such an agreement and the information to be provided.

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). For further information regarding Developer Services and Planning please visit the United Utilities website at <http://www.unitedutilities.com/builders-developers.aspx>

United Utilities consider that the network adjacent to the site does not have an adequate capacity to supply this development. Our water mains will need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991. Each individual unit will require a separate metered supply at the applicant's expense and all internal pipework 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 United Utilities on 03456 723 723 regarding connection to the water mains/public sewers. Should this application be approved the applicant must contact our water fittings section at Warrington North WwTW, Gatewarth Industrial Estate, off Liverpool Road, Sankey Bridges, Warrington, WA5 1DS.

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.

3. For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given. The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here: <http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>

4. Whilst the building(s) 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.

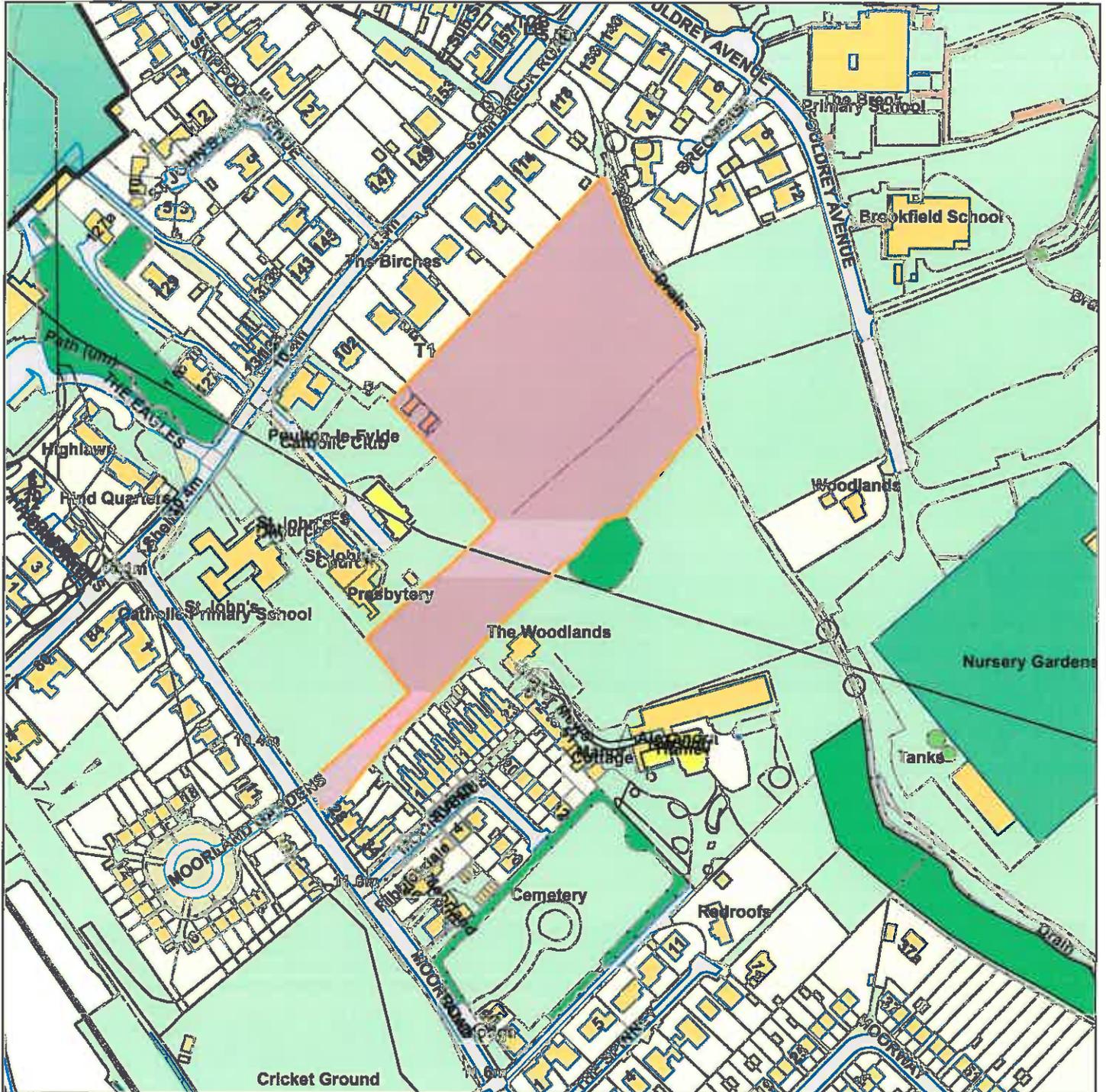
5. It is an offence under the Wildlife & Countryside Act 1981, as amended to introduce, plant or cause to grow wild any plant listed in Schedule 9 part 2 of the Act. Species such as monbretia are included within this schedule. If any such species will be disturbed as a result of this development a suitably experienced consultant should be employed to advise on how to avoid an offence.

6. 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.

7. 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.

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

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Scale : 1:2774

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<b>Organisation</b>	Wyre Council
<b>Department</b>	Planning Department
<b>Comments</b>	16/00225/OUTMAJ
<b>Date</b>	29 April 2016
<b>SLA Number</b>	10001820

**Committee Report****Date: 11.05.2016**

<b>Item Number</b>	<b>02</b>
<b>Application Number</b>	<b>16/00062/FULMAJ</b>
<b>Proposal</b>	<b>Erection of 10 residential dwelling houses and creation of new access</b>
<b>Location</b>	<b>Land At Hollins Lane Forton PR3 0AB</b>
<b>Applicant</b>	<b>Rural Splash</b>
<b>Correspondence Address</b>	<b>c/o Graham Anthony Associates Avnish Panchal 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 application is before Members at the request of Councillor Val Wilson. A site visit is proposed to help Members understand the proposed development and how it sits within its surroundings and within the context of the settlement, including other nearby proposals.

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The site which forms the subject of this application is a 0.5 hectare (1.25 acre) rectangular parcel of agricultural grazing land located on the eastern side of Hollins Lane in the rural village settlement of Forton within an area designated as countryside in the adopted Wyre Borough Local Plan proposals map. The application site is undulating and generally slopes from north to south, with levels differences of up to 5 metres across the site. To the north, west and south of the site are the existing residential properties of Hollins Lane and Hollins Hill, including No's 8, 9 and 10 which are Grade II Listed Buildings. A Public Right of Way terminates on the opposite side of Hollins Lane to the west of the site. To the east of the site is the main West Coast main Line railway and embankment, beyond which are open agricultural fields.

**3.0 THE PROPOSAL**

3.1 The application seeks full planning consent for the erection of 10 (open-market) residential dwellings. All of the proposed dwellings comprise of 2 storey detached and semi-detached houses. Access to the proposed dwellings will be facilitated from a new access road directly off Hollins Lane which will provide access to all of the proposed units which include driveway parking and in some instances integral and detached garages. The dwellings are to be constructed using a mixture of materials. Whilst the house types and designs vary the predominant pallet of materials of each of the units comprise of a facing

brick to the lower levels with a rendered finish above to the first floor levels. Interlocking concrete (slate effect) roof tiles are proposed. A summary of the house types as set out within the proposed site plan is set out below:

- Plot 1 - House Type 1 -3 Bed Semi Detached - 919Sq.ft - Side Driveway
- Plot 2 - House Type 1 - 3 Bed Semi Detached - 919Sq.ft - Detached Garage and Driveway
- Plot 3 - House Type 2 -3 Bed Detached - 1,249sq.ft - Single Integral Garage
- Plot 4 - House Type 2 - 3 Bed Detached - 1,249sq.ft - Single Integral Garage
- Plot 5 - House Type 2 - 3 Bed Detached - 1,249sq.ft - Single Integral Garage
- Plot 6 - House Type 1 -3 Bed Semi Detached - 919Sq.ft - Detached Garage and Driveway
- Plot 7 - House Type 1 -3 Bed Semi Detached - 919Sq.ft - Detached Garage and Driveway
- Plot 8 - House Type 3 - 4 Bed Detached - 1,677sq.ft - Double Integral Garage
- Plot 9 - House Type 2 -3 Bed Detached - 1,249sq.ft - Single Integral Garage
- Plot 10 - House Type 3 - 4 Bed Detached - 1,677sq.ft - Double Integral Garage

3.2 The proposed access for the development comprises of a new centrally located point of access from the eastern side of Hollins Lane measuring approximately 12m in width narrowing to 5m heading in to the site with the provision of a new pedestrian footpath along the entire site frontage. The proposed site plan demonstrates access visibility splays of 70m x 2.4m. The existing Hawthorne hedgerow along the western boundary is to be removed in its entirety and replanted set back from the proposed visibility splays adjacent to the new footway. Along the eastern boundary of the site a 1.8m high close boarded acoustic fence is also proposed.

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

- Planning, Design and Access Statement
- Tree Survey and Constraints Report
- Contaminated Land Phase One Desk Study Report
- Ecological Appraisal
- Flood Risk Assessment
- Proposed Surface Water Drainage and results of Percolation Test
- Noise Assessment
- Environsight Ground Sure Report
- Financial Viability Assessment (commercial in confidence)

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

4.1 The application site has the following relevant planning history:

4.2 14/00821/OUTMAJ - Outline application for a residential development (all matters reserved) - Approved subject to conditions on the 05/02/2015

4.3 Also of relevance to this proposal, outline planning consent has been approved in 2015 for two separate detached dwelling houses immediately to the southern boundary under application numbers 15/00324/OUT and 15/00972/OUT.

## **5.0 PLANNING POLICY**

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

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

5.1.2 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 The NPPF 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 (Paragraph 12)

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

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."

5.1.5 Paragraph 17 of the NPPF identifies 12 core land-use planning principles which should underpin both plan-making and decision taking. These include supporting sustainable economic development; seeking to secure high quality design and a good standard of amenity; taking account of the different roles and character of different areas recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; contributing to conserving and enhancing the natural environment and reducing pollution; and conserving heritage assets in a manner appropriate to their significance.

5.1.6 To deliver a wide choice of quality homes, paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. 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. Paragraph 55 aims to promote sustainable development in rural areas by requiring housing to be located where it will enhance or maintain the vitality of rural communities and resisting new isolated homes in the countryside unless special circumstances exist.

5.1.7 Paragraphs 100 - 103 of the NPPF require development to be directed away from areas at highest risk of flooding, but where it is necessary, making it safe without increasing flood risk elsewhere. A sequential approach should be used in areas known to be at risk from flooding. An exceptions test should also be applied requiring developments to demonstrate wider sustainable benefits to the community that outweigh flood risk as well as a site specific Flood Risk Assessment.

5.1.8 The planning system should contribute to and enhance the natural and local environment (paragraph 109). When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity (paragraph 118). In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting; and they should identify and assess the particular significance of any heritage asset affected and take this into account when considering the impact of a proposal on a heritage asset (paragraphs 128-129).

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

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

5.2.2 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

5.4.1 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 2015. The Wyre Core Strategy Preferred Options included consultation on a number of Core Policies which will inform policies in the Local Plan. 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).

5.4.2 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 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 CS20 - Housing Mix
- Policy CS21 - Affordable Housing
- Policy CS24 - The Countryside
- Policy CS25 - Flood Risk and Water Resources

#### 5.5 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 and for smaller developments it would be a lesser percentage (20% affordable dwellings for new developments of 5-9 dwellings).

#### 5.6 FYLDE COAST STRATEGIC HOUSING MARKET ASSESSMENT (2013)

This document was produced for the Fylde Coast Authorities (Wyre, Fylde and Blackpool) to provide evidence as to how many dwellings of different tenures may be needed over the next 15 years and beyond. The report presents an understanding of the sub-regional housing market and identifies a need for new housing across the Fylde Coast. The 2013 Fylde Coast SHMA and Addendums I&II represents the most up-to-date assessment of OAN for Wyre. Addendum II completed in February 2016 takes account of the 2012 Household projections and updated economic growth projections in the 2015 Employment Land Study Update and Addendum. The SHMA Addendum II It indicates that Wyre's OAN lies between 400 - 479 dwellings per annum from 2011 - 2031 with a recommendation that the OAN figure should be at the upper end of the range. The Council has accepted 479 dwellings per annum as the OAN figure for the Local Plan. There is an estimated need for 300 affordable homes per year (over the next 5 years).

## 6.0 CONSULTATION RESPONSES

6.1 FORTON PARISH COUNCIL - The Parish Council wish to strongly object to the proposal as the infrastructure is not in place. Concerns in relation to the following points have been raised:

- United Utilities says it has no objections if foul and surface water are drained separately however not all sewers are shown on UU records
- Concerns relating to the use and acceptability of soakaways
- Starter homes/affordable homes rather than detached dwellings would be more preferable
- LCC Education formula considered under-estimated
- Query no. of dwellings

6.2 ENVIRONMENT AGENCY - No Observations to make in relation to the proposal.

6.3 UNITED UTILITIES - No objections subject to a condition requiring foul and surface water being drained on separate systems and prior to any commencement of any development a surface water drainage scheme based on the hierarchy of drainage options set out within the NPPG with evidence of an assessment of the site conditions shall be submitted to and approved by the LPA. The hierarchy to be investigated is:

- 1 Into the ground (infiltration);
- 2 to a surface water body;
- 3 to a surface water sewer, highway drain, or another drainage system;
- 4 to a combined sewer.

Also request a condition requiring a sustainable drainage management and maintenance plan.

6.4 GREATER MANCHESTER ECOLOGICAL UNIT (GMEU) - No objections, recommend that a condition be set on any permission granted to require a detailed Landscape Scheme for the site. An additional response has also been received advising that due to the loss of frontage hedgerow there is a potential loss of habitat to nesting birds and as such recommend a condition requiring no trees and/or hedgerow to be removed during the bird nesting season (1st March to the 31st August).

6.5 NETWORK RAIL - No objections in principle; provided a detailed response with a number of key advisory notes for the applicant. Due to the proposal being next to Network Rail land and infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway the most relevant material planning points raised (to be addressed by conditions) are set out below:

- Network Rail recommends that the LPA and the developer (along with their chosen acoustic contractor) engage in discussions to determine the most appropriate measures to mitigate noise and vibration from the existing railway to ensure that there will be no future issues for residents once they take up occupation of the dwellings.
- Network Rail requests that the developer submit a risk assessment and method statement (RAMS) for the proposal to the Network Rail Asset Protection Engineer once the proposal has entered the development and construction phase. The RAMS should consider all works to be undertaken within 10m of the operational railway.

- The developer must provide, at their own expense, a suitable trespass proof steel palisade fence of at least 1.8m in height adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon or over-sailing of Network Rail land.
- Details of ground levels, earth works and excavations near to railway boundary to be provided.

6.6 LANCASHIRE COUNTY COUNCIL (EDUCATION) - A detailed Education Contribution Assessment has been provided based on the latest 2015 annual pupil census and resulting projections. Based on the latest assessment, taking into consideration this application and all the approved applications LCC will be seeking a contribution for 2 primary school places. There will be no requirement for secondary school places. The contribution of 2 places equates to £12,209.40 per place totalling £24,418.80.

6.7 LANCASHIRE COUNTY COUNCIL (HIGHWAYS) - No objections -The site benefits from an extant outline planning consent (14/00821/OUTMAJ) where all matters were reserved. The outline permission related to a slightly larger parcel of land. The access proposed in this application meets the requirements that were indicated on the outline consent and as such is acceptable. The proposed sightlines of 2.4m x 70m are acceptable. The developer has shown the provision of a 2m wide footway along Hollins Lane frontage. This was also a requirement of the outline application and is acceptable. With regards to the internal layout of the development there are no issues regarding the layout other than the lack of a service strip around the turning head means that LCC would not accept it for adoption and as such all the internal roads would remain privately maintained. Conditions relating to the protection of visibility splays, wheel cleaning facilities, details of the construction of the site access and management of the access roads have been requested if the application approved.

6.8 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY) - At the time of compiling this report there has been no observations received. This will be reported to Members via the committee update sheet.

6.9 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (CONTAMINATED LAND) - At the time of compiling this report there has been no observations received in relation to the submitted contaminated land assessment. This will be reported to Members via the committee update sheet.

6.10 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE POLLUTION) - No objections on the basis that all of the glazing, ventilation and fencing measures described in sections 5, 6, 7, 9 and 12 of the 'Sound Advice' noise assessment submitted with the application are attached by reason of planning condition.

6.11 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE) - No objections, initially had concerns regarding the sites suitability for the use of the proposed soakaways in relation to surface water drainage. The Applicant has provided results from percolation tests that confirm that the ground conditions on the site are sufficient to allow percolation of surface water. Details on the size and construction of the proposed soakaways have not yet been agreed; these should be submitted for confirmation.

6.12 WBC HEAD OF OPERATIONS (TREES) - No objections raised - The observations received are the same as that provided for the previous outline application 14/00821/OUTMAJ as the Tree Survey and constraints reports are also the same. The response states that Hedgerow Three (H3) is a roadside boundary hedge with an overall length of approximately 120m and has features which evidence its importance. It is shown as being re-positioned to facilitate the proposed pavement on Hollins Lane. The proposed

access will necessitate a 12m approx. gap creation. If H3 can be successfully re-positioned or suitably replaced, continue to retain 5no woody species per 30m section and less than a 10% gap along its length then the character and importance of the hedge within its setting will not diminish. Specific details are required as to how H3 is proposed to be re-positioned without destroying the hedge. An Arboricultural Method Statement and Tree Protection Plan covering the trees and hedges identified for safe retention will be needed.

6.13 WBC HEAD OF OPERATIONS (PARKS) - No comments to make.

6.14 LCC MINERALS AND WASTE - No response received.

## **7.0 REPRESENTATIONS**

7.1 At the time of compiling this report there have been 8 letters of objection received to the proposed development. The primary reasons for opposition are:

- Increase in traffic
- Increase in noise
- Loss of countryside views
- Dangerously close to the railway
- Bad access
- Bad cross road junction (South) and access onto Hollins Lane from both North and South points on the A6, particularly for HGVs. Poor visibility onto A6 from Hollins Lane.
- Cumulative impacts of recent and pending developments on Hollins Lane
- Loss of hedgerow
- Poor connectivity to village services and public transport with no street lighting or pavements
- Loss of greenfield site
- Proposal does not constitute sustainable development
- Inadequate parking arrangements demonstrated on the site plan
- Surface water disposal via soakaways has already been discounted on this site
- Foul water sewer is already near capacity
- Dwellings are out of character with the area
- Highway safety along Hollins Lane will be compromised by additional vehicles
- No pavements or footpaths along Hollins Lane
- Plot 1 does not have sufficient turning space, the plots should be changed around
- No infrastructure to support the development
- School places will be over subscribed

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

8.1 Various discussions have taken place with the applicant and agent in relation to the viability of the development and the amount of off-site financial contributions that should be provided towards the provision of affordable housing. A Financial Viability Assessment (the details of which cannot be placed in the public domain for reasons of commercial confidentiality) has been submitted by the applicant which in turn has been assessed by an independent surveyor on behalf of the Council, the results of which are set out in more detail within the main assessment of this report. Further information regarding surface water drainage has been requested including the requirement for on-site percolation tests to be undertaken to determine the suitability of the ground conditions to accommodate soakaways. Revisions to the proposed site layout have been requested and provided. The amendments relate to the removal of a detached garage which projected

forwards of the building line, a re-design of plots 1 and 10 and additional details and location of the proposed boundary treatments. An additional street scene plan demonstrating the ridge heights of the dwellings has also been requested to assist in determining the impact upon the character of Hollins Lane by reason of the bulk and massing of the properties.

## **9.0 ISSUES**

9.1 The key considerations in the assessment of this application are:

- Principle of Development and Policy Compliance
- Visual Impact / Impact on the street scene and local landscape / Design
- Impact on Residential Amenity
- Impact on the Transport Network / Highway Safety / Parking
- Flood Risk and Drainage and;
- Ecology, Nature Conservation and Trees
- Impact on nearby heritage assets
- Pollution
- Noise Impacts / Railway Line
- Housing Mix and Affordable Housing
- Education

### Principle of Development and Policy Compliance

9.2 The principle of residential development on this application site has already been established and considered to comply with both local and national planning policy requirements. An outline planning consent (14/00821/OUTMAJ) with all matters reserved was approved by Members of the Planning Committee on the 4th February 2015 subject to conditions. Whilst this application relates to the same site it has been submitted with a smaller defined boundary than the previous approval and excludes a parcel of land immediately to the south of the site. Due to the reduction in the site boundaries this application has been submitted as a new full application and not a reserved matters application to the approved outline application.

9.3 The application site is located on the eastern side of Hollins Lane adjacent to existing residential development to the north and the properties which make up Hollins Hill to the west. To the south is a pair of residential dwellings known as Hollins bank and Maycroft which sit close to the junction with Cleveley Bank Lane. Hollins Lane is identified as a small rural settlement in Policy SP8 of the Local Plan and is characterised and defined by existing breaks between the built form and open and undeveloped land. There is no fixed settlement boundary in this location and as the site relates to an undeveloped rolling parcel of agricultural grazing land it is more appropriate to consider the proposal as being defined within the countryside area where saved Local Plan Policy SP13 applies. Policy SP13 seeks to resist development in the countryside areas except where, there is an essential requirement for agriculture or forestry, the proposal is fulfilling a local housing need, the re-use or refurbishment of a Listed Building, the conversion of rural buildings or the development would constitute a single infill plot within an established built up frontage of not less than five dwellings. 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.

9.4 Whilst the proposal conflicts with local planning policy, the National Planning Policy Framework (NPPF) is an important material consideration in the overall planning balance, with particular weight afforded to the Council's overall housing requirement as

evidenced in the Strategic Housing Market Assessment (SHMA) and housing land supply position. NPPF Paragraph 47 identifies a clear policy objective to boost significantly the supply of housing. Local planning authorities are required to identify their objectively assessed housing need (OAN) and then meet this need. The 2013 Fylde Coast SHMA and Addendums I&II represents the most up-to-date assessment of OAN for Wyre. Addendum II completed in February 2016 takes account of the 2012 Household projections and updated economic growth projections in the 2015 Employment Land Study Update and Addendum. The SHMA Addendum II indicates that Wyre's OAN lies between 400 - 479 dwellings per annum from 2011 - 2031 with a recommendation that the OAN figure should be at the upper end of the range. The Council has accepted 479 dwellings per annum as the OAN figure for the Local Plan. At present Wyre is not able to identify a supply of deliverable sites sufficient to provide a 5 year supply of housing against this OAN figure. Considerable weight should therefore be afforded to the development's contribution towards addressing the identified housing shortfall in the determination of this planning application.

9.5 Paragraph 49 of the NPPF requires that housing applications should be considered in the context of the presumption in favour of sustainable development. It is noted that the delivery of sustainable development is not restricted to the use of previously developed land and can include the development of greenfield land. In rural areas, for development to be sustainable, housing should be located where it will enhance or maintain the vitality of rural communities (paragraph 55). It is therefore necessary to explore 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.

9.6 The Government's view of what sustainable development means, in practice, is set out in paragraphs 18 to 219 of the NPPF, taken as a whole. The three dimensions to sustainable development set out the economic, social and environmental roles of the planning system. In determining the contribution the proposal would have towards the social and economic aspects of sustainable development the proximity of the application site, along with the connectivity and accessibility to the services and amenities available within Hollins Lane and Forton are to be considered. In this instance the site lies approximately 130m south of the village Methodist Chapel which also has a part time Post Office located within, 400m west of JC Country Store which specialises in agricultural/rural supplies as well as an element which provides a Café (A3 Use Class) and 740m north east of The New Holly Public House located along the A6 Preston Lancaster Road adjacent to which are designated (sheltered) bus stops which at present provide regular buses linking as far as Lancaster and Preston. 2 miles to the north west of the site contained within the main village settlement of Forton there is an array of services including 2 village halls, bowling green, primary school, united reformed church and recreational facilities. Whilst these are detached by the A6 these facilities can be accessed by pedestrians either by utilising the footpaths and/or the cycle network. In the immediate vicinity of the site to the north there is an existing pedestrian footpath which continues north beyond Threshers Court. The proposed new footpath to the site frontage will help to improve pedestrian connectivity along this section of Hollins Lane ensuring a safe pedestrian environment for the proposed occupants of the dwellings as well as existing residents within the village.

9.7 Geographically and location wise, the application site is considered to be in a sustainable location, related to the village services and facilities. Any short-term economic benefits from the construction stage (e.g. jobs) are an additional benefit although less weight is afforded to this and the LPA has no control whether these are made available to local people. The provision of up to 10 new dwellings as proposed in this application would socially and economically support the retention and development of existing services

within Forton and assist in the growth of the rural economy which is fully supported within the NPPF.

9.8 Turning to the environmental dimension of sustainable development the application site is characterised as a parcel of undeveloped agricultural grazing land. In terms of the loss of agricultural land, 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." Best and most versatile land is defined in Annex 2 of the NPPF as grades 1, 2 and 3a. The site is classified as Grade 3 and whilst it could fall into Grade 3a, the loss of 0.5 hectares of agricultural land in this instance is not considered to constitute 'significant development'. Furthermore, the wider area contains a large expanse of Grade 3 agricultural fields to which this site is divorced from (due to residential properties and physical infrastructure) so the loss of this land in this instance would not conflict with the NPPF.

9.9 The benefits of the proposal which includes a suitable location for housing close to existing facilities along with the contribution towards the shortfall of housing within the borough are seen to outweigh the loss of this greenfield site. For the reasons set out above the principle of the development of this site for 10 residential dwellings is considered to be acceptable and would comply with the provisions of the NPPF. A small portion of the site along the eastern boundary is within a wider designated mineral safeguarding area, identified in the Joint Lancashire Minerals and Waste Local Plan. However, with no objections received from LCC, the extent of land involved and its physical detachment from this wider designation means this is not a development constraint in this instance.

#### Visual Impact / Impact on the street scene and local landscape / Design

9.10 This section of Hollins Lane is predominantly made up of residential development of linear arrangement with some small cul de sacs set in between properties along the northern side of the highway including The Meadows and Threshers Court. House types vary considerably with a mixture of bungalows, terraced properties and large detached dwellings all of which are constructed of different materials. In the immediate vicinity of the site to the north are two large modern redbrick detached dwellings known as Hollyberrys and Eaglesfield, further north of these dwellings is a row of traditional stone built terraced cottages. To the west on the opposite side of Hollins Lane is a large detached dwelling known as The Hollies constructed of pebble dashed render under a hipped slate roof. Directly opposite the proposed site entrance is a pair of two storey dwellings known as Primrose Villas made up of red Accrington brick under a natural slate roof. Towards the south west of the site set back from Hollins Lane and separated by high level hedging is a group of historic terraced dwellings of which numbers 8, 9 and 10 are Grade II Listed Buildings. There is clearly a mixture of historic and modern developments and properties of varying design and scale which make up the existing street scene. The application site in its current form does provide a visual break from development along the eastern side of Hollins Lane and the existing hedgerow which makes up the site frontage on the western boundary is seen to provide a positive contribution to the amenity of the area. Inevitably the provision of 10 new dwellings within a greenfield site will result in a change in the character of the street scene and the issues such as the variation in land levels and the

loss of the hedgerow are to be given appropriate consideration when assessing the impacts arising from the development.

9.11 Saved Policy SP14 of the Local Plan seeks to ensure development is compatible with adjacent existing land uses and should be acceptable in the local landscape in terms of its scale, mass, style, siting and use of materials. Amongst other criteria the policy goes on to state that any development proposal should respect and accommodate existing important features of the site such as preserved trees, biological and heritage features. In this instance the proposed site plan demonstrates 10 units set out in a partially curved and linear arrangement fronting onto Hollins Lane. The dwellings are set back from the highway by approximately 15m with the exception of plot 1 which is set back 9m. This set back maintains a relatively uniform building line with Hollyberrys to the north and Hollins Bank to the south and also reduces the visual prominence of the dwellings when travelling along Hollins Lane. Each of the dwellings has a separation distance of no less than 2m from each other, this complies with the design guidance as set out within SPG4 (Spacing guidance for new housing). It is considered that the density, proportion and housing mix variety which comprises of 4 No. 3 bed semi-detached units and 6 No. 3 and 4 bed detached dwellings is acceptable on this size of plot and is also seen to be of a layout and density which would integrate within the street pattern. The visual breaks between properties will allow for views beyond into the wider landscape whilst at the same time reducing the cumulative impacts of the development. The bulk and massing of the properties can also be broken up and softened by the provision of appropriate landscaping and mitigation tree planting which can be conditioned accordingly.

9.12 Elevational plans of each of the plots as identified on the proposed site plan [have](#) also been submitted with the application, the scale of each of the units is set out below:

- House Type 1 - Semi-detached dwelling with eaves height of 5m, 9m to the ridge, 5.5m wide x 10.8m in length
- House Type 2 - Detached dwelling with eaves height of 5.5m, 9m to the ridge, 10m wide x 11.5m in length. The dwelling also has a lower roof height over the garage area of 2.5m to the eaves and 6.5m to the ridge
- House Type 3 - Detached dwelling with eaves height of 5.5m and ridge height of 9m. The dwelling has a projecting integral garage measuring 6m to the ridge and 2.5m to the eaves. The property is 12m in width x 14m in length.

9.13 Whilst the overall height of the dwellings are very similar and measure 9m in height the land levels increase towards the south of the site before levelling off at approximately 41m AOD. As such the agent has provided a street scene plan which demonstrates how the dwellings will appear within the site and how the staggered ridge lines in conjunction with some excavation/engineering works accommodate the variation in levels. Taking into consideration the wider context of the surroundings and the height of the adjacent properties, the overall height and scale of the two storey units proposed are considered to be acceptable and would comply with the provisions set out within SP14 of the Local Plan. In terms of design and appearance, each of the house types are seen to be appropriate to the rural setting. At ground floor a red facing brick is proposed with rendered block work above, a decorative band course breaks up the visual bulk and massing whilst providing additional character to the dwellings. Art stone heads and cills are proposed to the front elevations which will reflect and compliment the materials used on the more traditional dwellings within Hollins Lane. The proposal seeks to use an interlocking concrete roof tile with a slate like appearance. Whilst natural slate would be

preferable, the adjacent properties to the north are finished in concrete tile. In this instance a slim line grey concrete tile would be acceptable in this location. Full details and samples of materials can be conditioned to ensure the finishes and specifications are acceptable.

9.14 On the floor plans submitted each of the house types are demonstrated to have a good level of internal room standards with reasonably sized habitable rooms and good levels of outlook. The rear garden/amenity areas exceed 10m in depth and all provide sufficient private amenity space. The proposed garages for the dwellings comply with the internal guidance from Lancashire County Highways of 6m x 3m. Revisions have been made to Plot 1 to provide a better standard of amenity and to accommodate vehicular turning and parking to the side. The applicant has also provided details of plot boundary treatments as demonstrated on the revised site plan. The dividing party boundaries between dwellings comprises of a 1.5m high close boarded timber panel fence with 300mm timber trellis on top. To the rear against the eastern boundary adjacent to the railway a 1.8m close boarded sound attenuation fence is proposed to protect residents from excessive noise impacts from the railway line. Visually the boundary treatments are considered to be acceptable and raise no concerns.

9.15 To accommodate the development and to achieve the required visibility splays, the provision of a new pedestrian footpath the entire (110m) length of the site is proposed meaning the existing hedgerow along the site frontage will be removed. At present this hedgerow is seen to positively contribute to the character of the area and comprises of five woody species. The proposed site plan demonstrates the hedgerow repositioned to the rear of the visibility splays adjacent to the new pedestrian footpath. The Councils Tree Officer has advised that should the hedgerow be successfully re-positioned or suitably replaced and continue to retain 5 woody species per 30m section and less than a 10% gap along its length then the character and importance of the hedge within its setting will not be diminished. To this extent an Arboricultural Method Statement and Tree Protection Plan along with full hard and soft landscape proposals would need to be conditioned. Whilst its retention would be preferred as the Tree Officer considers it to have features which evidence its importance, it has been highlighted within the submitted tree survey as a category C1/2 hedgerow which is considered to be of low quality and value in terms of arboriculture, landscape and conservation. It is considered that new mitigation tree and hedgerow planting can be undertaken and would compensate for the loss of the existing hedgerow. Furthermore on balance the benefits of the new pedestrian footway and the provision of 10 new dwellings which would contribute to the shortfall in housing supply within the borough are seen to outweigh the loss of this section of hedgerow.

9.16 As well as Hollins Lane the development would also be visible from Cleveley Bank Lane to the east. Whilst the site is elevated from this lane the development would be seen against a backdrop of existing residential properties. Overall the proposed scheme is seen to represent development of a good all round level of design which would not result in any significant adverse or detrimental impacts upon the character of the street scene or the wider landscape/countryside area. The bulk and massing of the units, the proposed housing density, siting and use of materials are all seen to be acceptable in this location and would comply with the provisions set out within Saved Policy SP14 and the guidance contained within SPG4.

#### Impact on Residential Amenity

9.17 The proposed units will not affect the residential amenity of the occupants located towards the south of the site at Hollins Bank as the separation distance is in excess of 40m away from Plot 10. Whilst two detached dwellings have been approved immediately adjacent to Plot 10 they have only been approved at Outline stage with all matters except access reserved. The applicant has demonstrated the relationship based on an indicative

siting of the properties. Subject to the boundary treatments proposed it is not anticipated that there would be any concerns arising from overlooking, loss of privacy or excessive bulk and massing.

#### Hollyberrys

9.18 Hollyberrys is located immediately to the northern boundary of the site and is separated by approximately 10m side to side with the semi-detached dwelling of Plot 1. A site assessment has been carried out internally from this property. At present there is a high level mature Hornbeam hedgerow located along the southern boundary which does provide a significant visual screen. At the time of the Case Officer's site visit, the views into the application site from the occupant's living room were relatively obscured by this hedge. The only window on the southern elevation of Hollyberrys is at ground floor and is a secondary window to the main living room. Light and views can still be achieved by the large windows to the rear of the dwelling. Whilst the presence of the dwelling associated to Plot 1 will affect light into this room it is considered that it will not have a significant impact on the day to day living of the occupants who will still have an acceptable level of outlook and light from the primary windows located on the eastern/rear elevation. A small bathroom window on the northern elevation of plot 1 is proposed; a condition can require this to be obscure glazed so there will not be any overlooking or loss of privacy. The existing boundary hedge is proposed to be retained.

#### The Hollins

9.19 The Hollins is located on the western side of Hollins Lane and will be opposite the proposed development site (level with Plots 3 & 4). This dwelling is already set back approximately 11m from the highway and 36m from the front elevation of plots 3 & 4. This separation distance exceeds the required 21m set out within SPG4 used to assess front elevations facing onto front elevations. Given the separation distances involved it is not anticipated that this dwelling would be affected by the proposed development in terms of overlooking, loss of light or overbearing impacts.

#### 1 & 2 Primrose Villas

9.20 These two dwellings will be sited opposite the proposed site access and are located closer to the highway than that of The Hollins which is located to the north. However there will still be approximately 29m from the front elevation of the dwellings and that of Plots 6 & 7, this is an acceptable separation distance which again complies with SPG4. As the dwelling will be opposite the site access consideration has been given to the impacts associated with vehicular movements such as nuisance from headlights. At present there is a mature domestic hedgerow approximately 1.5m in height to the front of the dwellings and the front living rooms of both dwellings. This hedgerow provides a good level of screening and will assist in preventing impacts from vehicular headlights. Furthermore it is considered that any impact from comings and goings of vehicles for 10 dwellings will not be significant.

#### 8, 9 & 10 Hollins Hill

9.21 The properties at Hollins Hill are located to the south west of the application site. Given the orientation and location of numbers 1-7 which are positioned approximately 40m to the west these dwellings will not be adversely affected by the development. Numbers 8, 9 and 10 Hollins Hill face the development site but again are set back a substantial distance from the proposed dwellings (37m). In this instance it is considered that the proposed development will not unduly impact upon the residential amenity of the occupants of these properties.

9.22 The impact of the proposed development on future occupants is assessed as being acceptable subject to boundary treatments being installed and bathroom windows in side elevations being obscure glazed. These can be secured by condition. House type 3 (plots 8 and 10) each has a first floor side dormer window although these will be offset from the facing boundary and look onto the front of the new properties where privacy is reduced, and so no issue. Taking into consideration the satisfactory separation distances in conjunction with the existing hedgerows and trees along the western side of the highway, which contributes to and provides a high level of screening for the neighbouring residential properties, the proposed development is not considered to result in any adverse or detrimental impacts upon the amenity of existing or future residents.

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

9.23 Each of the proposed dwellings provides 2 allocated parking spaces including 1 parking space to the rear of the building line. With the exception of Plot 1 each of the dwellings has either an integral or detached garage. The parking spacing provision complies with the parking guidance set out within SPG4. Revisions have been made to Plot 1 to improve the parking / amenity arrangement and a detached garage which was located to the south western corner of the site has been omitted and instead incorporated internally in to Plot 10. Lancashire County Highways have been consulted on the application and have raised no objections in terms of highway safety or capacity. LCC have confirmed that the proposed access meets the requirements that were indicated on the outline application and as such is seen to be acceptable and that the visibility splays demonstrated on the plan as 70m x 2.4m achieved by removing an existing hedgerow are appropriate for this centrally located access. The developer has shown the provision of a 2m wide footway along the Hollins Lane frontage which is welcomed from a highway safety perspective and can be conditioned if the application is approved.

9.24 With regards to the internal layout of the development The Highways Officer has no issues regarding the layout other than the lack of a service strip around the turning head which means that LCC would not accept it for adoption and as such all the internal roads would remain privately maintained. A number of conditions have been requested including the protection of visibility splays, the requirement for wheel cleaning facilities and that no unit should be occupied until the highway improvement works have been carried out. Despite local concerns about the impact on local highway network and highway safety issues the NPPF states that development should only be permitted or refused on transport grounds where the residual cumulative impacts are severe. For reasons above the development is considered to be acceptable on highways safety grounds subject to conditions.

#### Flood Risk and Drainage

9.25 The applicant has submitted a Flood Risk Assessment (FRA) as part of the submission. The FRA indicates that the site is located entirely within Flood Zone 1 (lowest risk) 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.

9.26 The Environment Agency (EA), United Utilities (UU) and the Council's Drainage Engineer have assessed the submitted FRA and raise no issues. It is therefore considered that the proposed development would not be at an unacceptable risk of flooding nor would it exacerbate flood risk elsewhere.

9.27 Concerns have been raised by residents relating to the site's drainage and in particular the site's suitability for the use of soakaways in relation to surface water drainage. It has been highlighted that soakaways have been discounted on this site previously and that the foul water sewer is near capacity. The application has been supported with a drainage layout plan which demonstrates that foul waters are to be connected to the existing sewer located within Hollins Lane to the north western corner of the site. Whilst UU have acknowledged capacity issues in previous pre-application responses on other sites (made public by the applicant in their submission) it is their response to this application raising no objection which is most relevant to consider. There are also no objections to this proposal from the Councils Drainage Engineer.

9.28 In accordance with the NPPF and the National Planning Practice Guidance (NPPG) it is stated that the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Turning to surface water drainage the NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. Developers are requested to consider the following drainage options in the following order of priority:

- 1 into the ground (infiltration);
- 2 to a surface water body;
- 3 to a surface water sewer, highway drain, or another drainage system and then as a last option;
- 4 to a combined sewer.

9.29 In this instance the applicant has undertaken onsite percolation tests which confirm that the ground conditions on the site are sufficient to allow the percolation of surface water. The drainage plan demonstrates that each dwelling will have its own rain water harvesting tank to the front of the properties which will provide recyclable waters for the occupants; any excess will be distributed to one of the three proposed soakaways which are to be sited between Hollins Lane and the internal access road. The Councils Drainage Engineer has confirmed that the surface water drainage proposed in this application is considered to be acceptable subject to a condition requiring the construction details and size of the proposed soakaways to be provided. Network Rail raise no issue with this drainage scheme. Whilst the concerns of residents have been taken into consideration the proposed development is not considered to result or increase the risk of flooding elsewhere and the proposed drainage scheme follows and complies with the principles of Sustainable Drainage Systems. The applicant has satisfied the requirement to provide a surface water sustainable drainage scheme although with this being a major category development LCC Flood Authority have been consulted for the views as a formality; their response will be reported on a committee update sheet.

#### Ecology, Nature Conservation and Trees

9.30 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;
- Opportunities to incorporate biodiversity in and around developments should be encouraged.

9.31 The applicant has submitted an Ecological Appraisal in support of the application. The document has been reviewed by Greater Manchester Ecology Unit (GMEU) who

indicates that the survey work has been undertaken by suitably qualified ecologists to a satisfactory standard and they have no reason to disagree with its findings. They indicate that the site is not designated for its nature conservation value. The hedgerows on the site do have some local nature conservation and the removal of the hedge along the site frontage is a potential loss of habitat to nesting birds and as such a condition requiring no trees and/or hedgerow to be removed during the bird nesting season (1st March to the 31st August) has been requested by GMEU. Additional / replacement planting would be required to help compensate for its loss. The application has not been accompanied by a proposed landscaping plan, whilst the proposed site plan does indicate some tree and hedgerow planting, for the purpose of both ecology and site design an appropriate landscaping condition can be secured by condition.

#### Impact on Nearby Heritage Assets

9.32 No's 8, 9 and 10 Hollins Lane to the west of the application site are Grade II Listed. The building originally comprised one dwelling dated 1714 and is now subdivided into three residential properties. It is set back and at a lower level from the highway and contained within an existing small clustering of properties referred to as Hollins Hill. This heritage asset is viewed against a backdrop of residential properties and open amenity areas from Hollins Lane and Cleveley Bank Lane to the east. Whilst the development would affect its setting as the building would sit within a more urban context and uninterrupted views from Cleveley Bank Lane are likely to be lost, this impact is not considered to result in a substantial harm to or total loss of significance of this heritage asset in line with the NPPF.

#### Pollution/Contamination

9.33 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. A Contaminated Land Phase One Desk Study has been submitted in support of this application.

9.34 This study is being reviewed by the Council's Environmental Health team and their findings will be reported to Members on the committee update sheet. In the event they find the survey to be insufficient a condition can require a new / updated survey to be carried out prior to development commencing.

#### Noise Impacts / Railway Line

9.35 Immediately adjacent to the eastern boundary of the site set down within the earthed embankment is the main West Coast railway line. Given the proximity of the dwellings to the railway the application has been accompanied by an Acoustic Noise Assessment (ANA) to determine the potential impacts arising from noise pollution upon the occupants of the proposed dwellings. The nearest dwelling to the railway is plot 8 which is separated from the embankment by 14m. The furthest dwelling away from the railway line is Plot 10 which is 24m away. The ANA highlights that the background noise is seen to be fairly low during non-train times. The overall averaged levels were around 46dB (decibels) and 44dB. The closeness between these values indicates the consistency of the noise from the M6 motorway and other local sources. The average noise levels for an hour in the early afternoon at the position of the nearest dwellings to the railway are likely to be around 60dB. Based on the World Health Organisation (WHO) criteria the level required "to preserve the restorative process of sleep" suggest a value of 35dB in daytime living rooms for "acceptable" conditions and 30db in bedrooms. In order to meet the average

internal noise criterion of 30dB, the proposed dwellings will require a number of acoustic measures to be carried out as part of their construction. This includes triple glazed windows, mechanical ventilation and internal insulation. The ANA states that within the rear amenity areas of the properties the average noise levels taking the trains into consideration was calculated as 60dB. This value is greater than the WHO criterion for Serious Community Annoyance. The situation could be significantly assisted by the erection of a solid fence of at least 1.8m high along the entire the railway side edge of the site. This would reduce average noise by at least 10dB and the resulting levels should be well below the WHO criteria for even Moderate Community Annoyance. This would also provide an additional safety barrier to prevent children straying towards the railway.

9.36 The Councils Environmental Health Pollution Control Officer has assessed the information provided and has advised that there are no objections to the proposal on the basis that all of the glazing, ventilation and fencing measures described in sections 5, 6, 7, 9 and 12 of the 'Sound Advice' noise assessment are required by planning condition. In addition Network Rail identify a number of issues relating to protecting / reducing the risk from the development onto the railway land which can be addressed by various conditions and informatives.

#### Housing Mix and Affordable Housing Provision

9.37 The housing mix is 3 and 4 bedroom detached and semi-detached family homes. The SHMA identifies a general shortage of smaller properties in Wyre. Whilst a better mix would be preferable, in the absence of an adopted Local Plan policy on housing mix (with very limited weight afforded to Draft Policy CS20 'Housing Mix') and given that some variety has been provided, it is not considered that this issue alone causes sufficient concern. Within the 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.

9.38 There are no saved policies relating to affordable housing in new housing developments in the adopted Local Plan. The council's 2010 affordable housing viability study supports the Core Strategy Preferred Option policy requirement for 20% affordable housing from new development comprising 10-14 residential units (Policy CS21). As this is the most up to date evidence, in this case, it is considered that a provision of 20% affordable housing would be appropriate and based on the proposed layout of 10 units, this 20% provision would equate to 2 affordable housing units. Under the previous approved outline application for the site the provision of 20% affordable housing provision was conditioned accordingly.

9.39 Whilst normal practice for the Council is to require an onsite provision, in this instance the Councils Affordable Housing Officer has stated that due to limited Registered Provider financial capacity and the management issues that a Registered Provider would experience with 2 affordable dwellings on the development site, it would be more reasonable and appropriate to seek an off-site equivalent commuted sum amount which in this case would total £103,700. However, the applicant contends that the proposed development is not sufficiently viable to support such a commuted sum payment and has submitted a Financial Viability Appraisal in support of this position. To enable the Council to assess this information the expertise of Independent Surveyor and Property Consultant Keppie Massie has been sought to review this appraisal and advise whether the proposed development is sufficiently viable to support a commuted sum payment in lieu of an onsite provision.

9.40 Keppie Massie has presented what they consider to be a robust assessment of likely costs and revenues associated with the development. They conclude that having regard to the perceived risks associated with the proposed development, taking into consideration the construction costs involved, land values and developer profits along with any abnormal costs involved that whilst it is not contended that the development cannot support the full commuted sum payment of £103,700 the development can potentially support a payment of up to £72,069 (in addition to the section 106 payment of £24,419 towards education).

9.41 The applicant has offered £50,582 towards the commuted sum for Affordable Housing, which is below that identified within Keppie Massie's Report. Notwithstanding this, Keppie Massie has acknowledged that the differences between the applicant's workings and theirs is small, and relates to differences in respect of the level of developers profit. Keppie Massie considers that 16% is a reasonable return, whilst the Applicant has assumed a figure of 18%. The offer that has been made by the applicant corresponds with Keppie Massie's workings in the event that a 17% developer's profit requirement is accounted for. It is noted that all of the other appraisal inputs have been agreed with the Applicant (in respect of the preparation of a viability assessment). This resultant difference in inputs is marginal. Adopting a profit requirement at 17% of GDV reflects a negotiated position between the parties.

9.42 In the event that the Council was minded to refuse the Relevant Application and the matter ended up being appealed by the Applicant it would be difficult for the Inspector to reach a conclusion between the two positions as the difference refers to a single percentage of developer's profit. In addition it is likely that should this matter end up in an Appeal the applicant may revert to a position where a lesser sum towards affordable housing is offered (in line with the Applicant's Assessment based on an 18% profit requirement).

9.43 On balance given the circumstances of the application Keppie Massie have concluded that the Applicants offer (£50,582 towards affordable housing) represents a reasonable position. In addition it has been agreed with the Councils Affordable Housing Officer that this amount is considered to be acceptable. The applicant has agreed to provide this contribution by way of a Section 106 Legal Agreement should consent be granted.

#### Education Requirements

9.44 Lancashire County Council (LCC) has advised that the proposed development would generate a yield for 2 primary school places and 1 secondary school place; although with no secondary schools within 3 miles of the site they do not require a contribution for secondary places. This assessment by LCC is based on information contained in the application (10 units). The contribution of 2 places equates to £12,209.40 per place totalling £24,418.80. LCC have been asked to name the primary school to which this contribution will be sought for and to confirm that less than 5 secured S106 contributions have been secured towards this school in accordance with the Community Infrastructure Levy (CIL) tests; this will be reported on the committee update sheet. The applicant has agreed to provide this contribution by way of a Section 106 Legal Agreement should consent be granted.

## **10.0 CONCLUSION**

10.1 The application site is well related to existing housing within Hollins Lane and in relative close proximity to a number of community services and facilities within Forton which is identified as a main rural settlement within the Wyre Borough Local Plan as well

as a number of (more limited) services in Hollins Lane. The proposed development is considered to be suitably designed with adequate parking and amenity provision and the dwellings in the manner proposed would integrate with the character and appearance of this section of Hollins Lane. The proposed units are not seen to have any adverse or detrimental impacts upon neighbouring amenity and are considered to be acceptable in terms of highway safety. The benefits of the scheme include a valuable contribution towards the shortfall of housing supply within the borough, a financial contribution towards Affordable Housing (reduced amount from the normal 20% policy requirement is supported by a viability appraisal), a financial contribution towards education provision as well as providing a pedestrian footpath along the site frontage which will improve connectivity and pedestrian safety along Hollins Lane. For the reasons set out within this report the proposal is seen to represent a sustainable form of development that would comply with the saved policies of the Local Plan and the provisions of the NPPF. Subject to conditions and the applicant entering into a legal agreement the application is recommended for approval.

## **11.0 HUMAN RIGHTS ACT IMPLICATIONS**

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

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

## **12.0 RECOMMENDATION**

12.1 Resolve to grant full planning permission subject to conditions and subject to a S106 agreement relating to a contribution in lieu of a commuted sum towards off-site affordable housing and a contribution towards Education provision. That the Head of Planning Services be authorised to issue the planning permission upon satisfactory completion of the S106 agreement.

### **Recommendation: Permit**

#### **Conditions: -**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 20/1/2016 including the following plans:

- Site Location Plan Drawing Number: GA2063-OS
- Proposed Single Garage Drawing Number: GA2063-G2
- House Type 1 Drawing Number GA2063-HT1 REV C
- House Type 2 Drawing Number GA2063 HT 2 REV B
- House Type 3 Drawing Number GA2063 HT3 REV C
- Proposed Site Plan (including boundary treatment details) Drawing Number GA2063 -PSP REV Q
- Tree Survey and Constraints Plan Drawing Number 3996-01
- Proposed Drainage Plan Drawing Number GA2063 -DP

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings 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.

4. 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 surface water scheme shall be based on the principles of on-site attenuation and infiltration through the provision and installation of rainwater harvesting tanks and soakaways as set out on approved plan (Proposed Site Drainage Plan) Drawing Number GA2063-DP. Notwithstanding the information submitted on the approved Drainage Plan details of the size and construction of the proposed soakaways shall be submitted and agreed in writing by the Local Planning Authority. The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. Foul water shall be drained on a separate system. The Scheme shall be implemented in accordance with the approved details prior to the first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved scheme.

5. The development hereby approved shall be implemented in full accordance with the Ecological Appraisal (Envirotech ref 2163 dated 18/6/2014) submitted with the planning application including the mitigation measures set out in section 6 of that report.

6. No trees, hedgerows or shrubs shall be removed between the 1st March and 31st August in any year unless a detailed bird nest survey has been carried out by a suitably qualified ecologist immediately prior to any clearance and written confirmation that no bird nests are present has been provided in writing to the Local Planning Authority.

7. Before any site activity is commenced in association with the development, an Arboricultural Method Statement (AMS) and a Tree Protection Plan (TPP) in relation to existing trees and hedgerows identified as being retained, in compliance with "BS 5837(2012) Trees in relation to design, demolition and construction", shall be submitted to and agreed in writing by the Local Planning Authority. The AMS must include the identification of materials and method of installation of all new surfaces and underground utility services, and all ground disturbance works proposed within root protection areas or within 1m of protective barrier fencing. Onsite arboriculture supervision must be included. The AMS shall include generic details in respect of protection of all on and off site trees relating to site access and layout, vehicle parking and storage of materials and machinery. The development shall then be carried out in accordance with such agreed detail.

8. (a) No development shall commence until a scheme for the hard and soft landscaping of the site, including wherever possible the retention of existing trees and hedges have been submitted to, and approved in writing by, the Local Planning Authority and these works shall be carried out as approved and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. This shall include full details of the replacement hedgerow along the western boundary of the site fronting onto Hollins Lane; planting plans; method statement for landscape and ecology retention; written specifications; and schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The approved scheme shall be implemented in the first planting season following completion of the development, or following first occupation/use, whichever is the earliest and shall thereafter be retained and maintained.

(b) Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced as soon as is reasonably practical by others of similar size and species to those originally required to be planted unless the Local Planning Authority gives its written consent to any variation.

9. 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 (namely the provision of a 2 metre wide pedestrian footway along the western site boundary as per drawing GA 2063-PSP REVQ) has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. No part of the development shall be occupied or brought into use until the approved scheme has been constructed and completed in accordance with the scheme details, which shall thereafter be retained in accordance with the approved details.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device. The land to be the subject of this condition shall be the visibility splay consisting of that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Hollins Lane to points measured 70m in each direction along the nearer edge of the carriageway of Hollins Lane, from the centre line of the access, and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed in writing by the Local Planning Authority in conjunction with the Highway Authority.

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

12. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority.. The sustainable drainage management and maintenance plan shall include as a minimum:

a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and

b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

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

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

- (i) a risk assessment and method statement which considers all works to be undertaken within 10 metres of the operational railway and any potential impact on Network Rail land and the operational railway, including from any scaffolding to be erected and any vibro-impact works to be undertaken (in the case of the latter, results of this to be submitted)
- (ii) the parking of vehicles of site operatives and visitors
- (iii) loading and unloading of plant and materials
- (iv) storage of plant and materials used in constructing the development
- (v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (vi) wheel washing facilities
- (vii) measures to control the emission of dust and dirt during construction in the form of a Dust Management Plan
- (viii) a scheme for recycling/disposing of waste resulting from demolition and construction works
- (ix) measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity
- (x) measures to prevent the pollution of watercourses
- (xi) construction hours of working

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

14. Prior to the commencement of development, full details of existing and proposed ground levels, earth works and excavations to be carried out on the site shall be submitted to and approved in writing by the Local Planning Authority. The ground levels, earth works and excavations shall be constructed and completed in accordance with the approved details.

15. Prior to commencement of the development, details of the glazing specification for windows to habitable rooms facing onto the railway line along with an alternative ventilation system for these habitable rooms such as trickle vents or a louvered duct fitted into the wall, shall be submitted to and approved in writing by the Local Planning Authority. Any alternative ventilation system must provide at least the same noise attenuation as the relevant closed window.

The development shall be carried out in accordance with the approved detail and shall be maintained and retained thereafter.

16. No part of the development shall be occupied or brought into use until all the boundary treatments (including the acoustic sound attenuation fence along the eastern boundary) as set out on approved plan Drawing Number GA2063-PSP REVQ have been erected in accordance with the approved plan. The fencing shall be maintained and retained in accordance with the approved details at all times thereafter.

17. The first floor side windows of the dwellings hereby approved serving bathrooms shall be fitted with obscure glass to level 5 grade (most obscure) or to an equivalent level of obscurity prior to the first occupation of the dwelling to which they relate and shall thereafter be maintained and retained. Any subsequent repaired or replacement windows shall be fitted with obscure glass to the same level of obscurity.

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

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building 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.

4. To ensure that the proposed development can be adequately drained to prevent the increased risk of flooding, both on and off site resulting from the proposed development and to ensure that water quality is not detrimentally impacted by the development proposal, in accordance with saved Local Plan policy ENV15 and the National Planning Policy Framework.

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

6. In the interests of the ecology of the area and in accordance with the National Planning Policy Framework.

7. To prevent damage to trees during construction works and in the interest of amenity of the area.

8. In the interests of the amenity of the area and to ensure that the approved landscaping scheme is implemented and maintained to an appropriate standard.

9. 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.

10. To ensure adequate visibility at the street junction or site access.

11. 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.

12. To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.
13. To safeguard the amenity of the area and to protect the adjacent railway line in accordance with saved policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).
14. To safeguard the amenity of the area to protect the adjacent railway in accordance with saved policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).
15. In the interest of visual amenity and to ensure appropriate soundproofing and ventilation is provided for future residents given the adjacent railway line, in line with Saved Local Plan Policy SP14.
16. In the interests of the amenity of the locality.
17. In order to protect the amenity of future occupants in accordance with the provisions of saved policy SP14 of the Wyre Borough Local Plan.

**Notes: -**

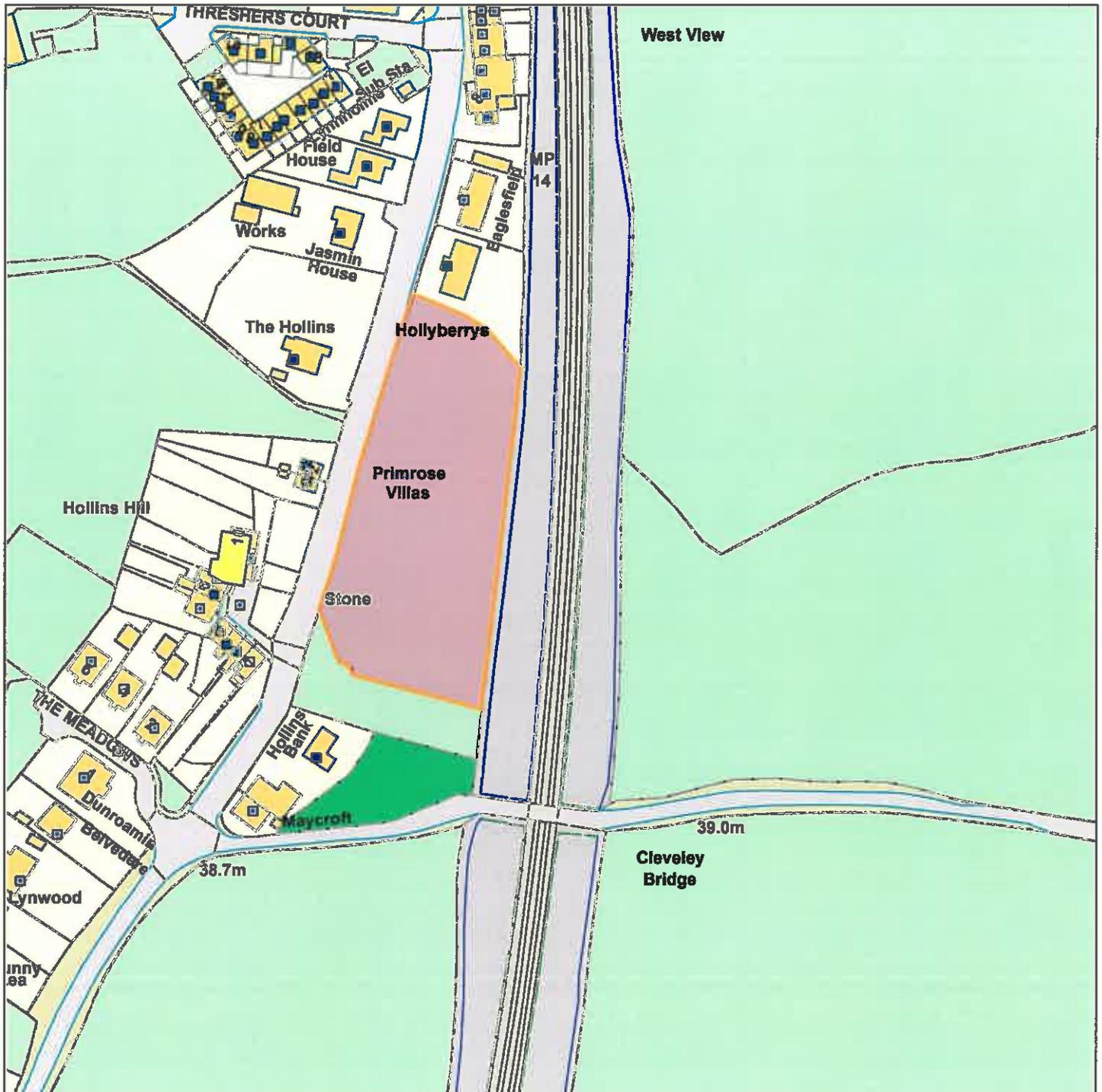
1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council in the first instance to ascertain the details of such an agreement and the information to be provided.
2. IMPORTANT - The applicant and/or any person wishing to implement this permission is advised that a formal Section 106 'Planning Agreement' applies to this permission.
3. If any part of the proposed development encroaches onto neighbouring land or property the approval of the adjoining owners should be obtained before the development is commenced. This includes land owned by Network Rail, who has advised that should the applicant require access to Network Rail land to facilitate their proposal, they would need to approach the Network Rail Asset Protection Team ([AssetProtectionLNWNorth@networkrail.co.uk](mailto:AssetProtectionLNWNorth@networkrail.co.uk)) at least 20 weeks before any works are due to commence on site. This team can also advise on the risk assessment and method statement requirements to be included in the Construction Environmental Management Plan. A copy of the full consultation response from Network Rail is attached. The applicant is advised to note the contents of this letter and contact the relevant Officer direct should you have any queries regarding any of the points raised.
4. The applicant can discuss further details of the site drainage proposals with Graham Perry at [wastewaterdeveloperservices@uuplc.co.uk](mailto:wastewaterdeveloperservices@uuplc.co.uk). For further information regarding Developer Services and Planning please visit the United Utilities website at <http://www.unitedutilities.com/builders-developers.aspx>

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 United Utilities on 0345 672 3723 regarding connection to the water mains or

public sewers. 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. Trees and hedgerows offer habitat to European Protected Species, principally birds and bats, and you should be aware of this before undertaking any work. If any protected species are discovered during the works, the works should cease immediately and Natural England be contacted for advice.

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**Scale : 1:1733**

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<b>Organisation</b>	Wyre Council
<b>Department</b>	Planning Department
<b>Comments</b>	16/00062/FULMAJ
<b>Date</b>	29 April 2016
<b>SLA Number</b>	10001820

**Committee Report****Date: 11.05.2016**

<b>Item Number</b>	<b>03</b>
<b>Application Number</b>	<b>15/00805/OUT</b>
<b>Proposal</b>	<b>Outline application for the erection of one dwelling (all matters reserved)</b>
<b>Location</b>	<b>Old Quarry Potters Brook Bay Horse Lancaster Lancashire LA2 0HQ</b>
<b>Applicant</b>	<b>Mr N Plummer</b>
<b>Correspondence Address</b>	<b>c/o Townscape Mr Jason Kennedy 13 Emesgate Lane Silverdale Carnforth Lancaster LA5 0RA</b>
<b>Recommendation</b>	<b>Refuse</b>

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

1.1 This planning application is before Planning Committee due to a complaint being received regarding the consideration of the application by Planning Services and whilst the complaint has been responded to it has not been able to be resolved to the complainant's satisfaction. A site visit is recommended to enable Members to understand the proposed development and how it sits within its surroundings and within the context of the settlement.

**2.0 SITE DESCRIPTION AND LOCATION**

2.1 The site which forms the subject of this outline planning application is located approximately 150m south of the borough boundary with Lancaster and relates to the Old Quarry which is located on the western side of Potters Brook close to the junction with Cockerham Road in the rural village settlement of Forton. The site area is approximately 0.559 hectares (1.3 Acres) and is characterised as an undulating parcel of land which significantly decreases in gradient towards the west where it also narrows towards the boundary. The area immediately adjacent to the highway appears to have been engineered and levelled with aggregate/rubble before stepping down in gradient. To the south of the access is an L-shaped concrete foundation and to the north is a static caravan being used for residential purposes. The access has already been created and remains open with a mature mix species hedgerow located either side. To the south of the access running westwards into the site is an elevated mature tree belt. The northern boundary is also made up of dense vegetation and sporadic mature trees.

2.2 The surrounding area is mixed in character, within the immediate vicinity of the site the highway is narrow and levels drop off towards the north where there is a stone build block of terraced properties known as Potters Brook Cottages. Towards the east, running parallel with Potters Brook separated by an undulating field is the A6 Preston Lancaster Road. Access to the A6 from the application site can either be gained via Cockerham Road to the east or via a continuation of Potters Brook approximately 300m to the north. Towards the north west of the site is the Lancaster Canal and towpath which is a designated Biological Heritage Site (BHS). Potters Brook is detached from any defined rural settlement, the nearest being Forton village centre which is located approximately 1.5m to the south via Wallace Lane. The application site is defined as 'Countryside Area' on the Local Plan Proposals Map and is classed as grade 3 (good to moderate quality) agricultural land. The site is also designated as an Ancient Enclosure within the Historic Landscape Character map.

### **3.0 THE PROPOSAL**

3.1 The application seeks outline planning consent for the erection of one dwelling with all matters reserved. The application has been submitted with an indicative site layout plan and site levels demonstrating the scale of the property. It is indicated that access would be off Potters Brook but details of this are not applied for at this stage.

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

4.1 The site has the following associated planning history:

4.2 03/01466/FUL - Proposed stable block - Approved 15/03/2004

4.3 09/00152/FUL - Erection of stable block, hardstanding and vehicle access (amendments to approved application 03/01466) - Permitted 23/04/2009

### **5.0 PLANNING POLICY**

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

5.1.1 The planning system should play an active role in guiding development to sustainable solutions. 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. In decision making there should be 12 principles which include support sustainable economic development and responding positively to wider opportunities for growth and the needs of the business community should be taken into account. A high quality of design and amenity are needed. Support is given for the re use of existing buildings and to promote mixed use developments.

5.1.2 Section 1 - Delivering sustainable development  
Planning should operate to encourage and not act as an impediment to sustainable growth.

5.1.3 Section 4 - Promoting sustainable transport  
The transport system needs to be balanced in favour of sustainable transport modes, however, the Government recognises that different policies will be needed in different

communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

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

There is a need to boost significantly the supply of housing and identify a supply of five years' worth of housing against the housing requirement with an additional 5% buffer. Housing applications should be considered in the context of the presumption in favour of sustainable development. There is a need to deliver a wide choice of high quality homes and plan for a mix of housing. Paragraph 55 aims to promote sustainable development in rural areas, by locating housing where it will enhance or maintain the vitality of rural communities. It goes on to say that local authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- Essential need for a rural worker
- Optimal viable use of a heritage asset
- Reuse of redundant or disused buildings and leading to an enhancement of the immediate setting
- Exceptional quality or innovative nature of design.

#### 5.1.5 Section 7 - Requiring good design

Good design is a key aspect of sustainable development. High quality and inclusive design for all development is needed.

#### 5.1.6 Section 11 - Conserving and enhancing the natural environment

The planning system should contribute to and enhance the natural and local environment. There is encouragement for the effective use of land by re-using land that has previously been developed (Brownfield land) provided it is not of high environmental value.

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

Policy SP13 - Development in the countryside

Policy SP14 - Standards of design and amenity

### 5.3 SUPPLEMENTARY PLANNING GUIDANCE

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

Supplementary Planning Guidance 2 - Development and Trees

Supplementary Planning Guidance 4 - New Housing Layouts

### 5.4 EMERGING LOCAL PLAN

5.4.1 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 2015. The Wyre Core Strategy Preferred Options included consultation on a number of Core Policies which will inform policies in the Local Plan. 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).

5.4.2 Relevant policies in the emerging Local Plan include:

- CS13 Sustainable Development
- CS14 Quality of Design
- CS24 Development in the countryside

## **6.0 CONSULTATION RESPONSES**

6.1 FORTON PARISH COUNCIL - Neither support or object - The Parish Council were split 50:50 in their decision whether to object or not. The Members of the Parish Council who objected felt that the original planning application had been contravened as a caravan has been put on the land by the new owners. The owners have confirmed they have the necessary permission from Wyre and so this is questionable. The Councillors also felt that it was development of the countryside and not appropriate, Potters Brook is a lovely little lane and will be spoilt by further development. The Councillors who did not to object to the development felt there were no grounds to object because of the permission given to neighbours.

6.2 LCC HIGHWAYS - No objections to the proposal. Advised that the provision of one new dwelling would have negligible impact upon the highway in this location. A number of conditions have been recommended

6.3 NATURAL ENGLAND - No observations to make

6.4 GREATER MANCHESTER ECOLOGY UNIT (GMEU) - No objections, a detailed ecological assessment has been provided and the presence of breeding great crested newts identified on adjacent land. Great Crested Newt breeding ponds were identified through the desk study approximately 35m from the site. GCN are highly likely to be present on the site but the ecological consultants believe that Reasonable Avoidance Measures (RAM) is achievable rather than applying to Natural England for a licence. As the pond is separated from the development by a tarmac road and the foot print of the development is small then it is accepted that RAM are theoretically achievable for this development. Hedgerow removal may be needed to facilitate sightlines meaning concerns how this can be achieved; moving the house and access to the south would reduce this risk. A condition has been recommended that no trees or shrubs shall be removed during the bird breeding season. The hedgerows and trees provide potential foraging and commuting routes for bats however the loss of hedgerow assuming not significant can be mitigated by a condition requesting additional landscaping. An informative on mammal (badger and hedgehog) welfare is suggested.

6.5 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (POLLUTION CONTROL) - No objections subject to standard advice and conditions, including a land contamination desk study to be provided.

6.6 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE) - No objections subject to full surface water drainage plans including results of ground percolation tests to be submitted for approval

6.7 WBC HEAD OF OPERATIONS (TREES) - No objections, advised that a tree has already been felled but this was for safety reasons and no concerns raised to its removal. The trees within the site have a high amenity value and should be protected and retained.

## **7.0 REPRESENTATIONS**

7.1 At the time of compiling this report 1 letter of objection has been received. The primary reasons for objection are:

- Hardstanding is not derelict and so proposal cannot be seen to improve a derelict site
- Not a brownfield site
- No footpaths in vicinity
- Site is considered to be unsustainable
- Approval of applications on adjacent site not a precedent for further dwellings

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

8.1 Discussions have taken place with the agent, additional plans have been provided indicating the site levels, and the scale of the proposed property. It was brought to the attention of the agent early on within the application stage that officers had concerns about the principle of the proposal in this location, the extent of the curtilage, and the site's poor level of connectivity to nearby local facilities and services. Additional supporting information has also been received by the applicant in response to the neighbour observations received.

## **9.0 ISSUES**

9.1 The main key issues in the determination of this application are as follows:

- Principle of Development and Policy Compliance
- Impact on the Character and Appearance of the Surrounding Area
- Impact on the residential Amenity
- Impact on Highway / Parking
- Flood Risk and Drainage
- Ecological Matters
- Impact on Trees

Principle of Development and Policy Compliance

9.2 Saved Policy SP13 of the adopted Wyre Borough Local Plan sets out that unless otherwise justified by the policies within the Plan, development in areas designated as the countryside on the proposals map will not be permitted subject to the following exceptions:

- a) The essential requirements of agriculture or forestry, suitable forms of tourism and related activities
- b) Fulfilling a local housing need
- c) The re-use or refurbishment of listed buildings or institutional buildings
- d) The conversion of rural buildings
- e) The development of a single infill plot within an established frontage of not less than five dwellings

9.3 In this instance the provision of a new dwelling as proposed within this application, fails to satisfy any of the criteria above. Furthermore, is it not justified by other policies within the development plan. Whilst Policy SP13 is a saved policy and

was adopted some time ago, recent appeal decisions have stated that it is considered to be broadly consistent with, and reflects the objective of, paragraph 55 of the NPPF which seeks to avoid new isolated homes in the countryside unless the development is deemed to be sustainable or accords with a number of identified special circumstances.

9.4 The Council acknowledges that it cannot demonstrate a five-year supply of deliverable housing sites and as such, in accordance with paragraph 49 of the NPPF, relevant policies for the supply of housing should not be considered to be up-to-date and housing applications should therefore be considered in the context of the presumption in favour of sustainable development. The three dimensions to sustainable development are as set out paragraph 7 of the NPPF and seek to achieve economic, social, and environmental gains and positive improvements to the quality of the built and natural environment.

9.5 Paragraph 55 of the NPPF promotes sustainable development in rural areas, stating that housing should be located where it will enhance or maintain the vitality of rural communities, or, where there are groups of smaller settlements, that development in one village may support services in a village nearby. In this instance the application site lies in a remote area of attractive open rural countryside at the southern end of Potters Brook on an elevated gradient within the grounds of the former quarry. The application site is located approximately 1.5 miles from the nearest village settlement of Forton which has some services including a church, primary school, village hall, cricket club and bowling green. Access to these services can be achieved by using the A6 to the east or via Cockerham Road with a southerly connection onto Wallace Lane. Both routes would require pedestrians to utilise predominantly unlit narrow roads which lack a safe pedestrian environment. In particular Cockerham Road and Wallace Lane are derestricted country lanes. Whilst the A6 is located to the east and would provide a safer connection, it is (approximately) 0.4 miles away and can only be accessed via narrow country lanes. Whilst there is a bus service available on the A6 which would provide a regular public transport link, pedestrian accessibility would again be reliant on a 0.4 mile walk (to the north east) and 0.2 mile to the south west, which would at least be in part along narrow unlit lanes lacking in a safe pedestrian access. The nearest town of reasonable size with sufficient community services and facilities would be Garstang which is located approximately 5 miles away.

9.6 Taking these distances to nearby services/facilities, and poor connectivity into account, realistically the most likely means of transport would be via private motor vehicle especially at night and during periods of bad weather during the winter months. It is not considered that the proposed development would be sustainably located to access the services available within the village centre and support the vitality of the rural community. Based on the disconnected location of the site within the countryside area the principle of a new residential dwelling would be contrary to the core planning principles of the NPPF (paragraph 17) which seeks to promote sustainable forms of development in conjunction with sustainable transport.

9.7 Within the supporting documentation submitted with the application reference has been made to a previous approval for a dwelling located immediately to the north of the application site adjacent to number 1 Potters Brook (applications 14/00550/OUT & 15/00135/REM apply). Whilst it is acknowledged that this site is in very close proximity to the application site, each application is assessed based on its own planning merits at the time the application is submitted and taking into consideration current policy and an understanding of how this policy should be applied in practice. Since the approval of application 14/00550/OUT on 24.10.2014,

for the adjacent site eighteen months ago, the Local Planning Authority have gained a much clearer understanding and interpretation of sustainable development in rural areas intended by the NPPF and in assessing the overall planning balance. Specifically, a number of appeal decisions have provided guidance and clarification as to the connectivity and locational requirements that rural sites should have in relation to community services and facilities and how this plays a significant part in contributing to social, environmental and economic gains to the rural communities. Whilst it is understandably frustrating to the applicant that in this instance the Local Planning Authority have taken a different approach to the principle of the development in this location compared to a neighbouring site, the previous application was determined prior to developing a more detailed understanding of applying the requirements of the NPPF. As the Local Planning Authority has developed experience and gained confidence that it is interpreting the NPPF correctly from recent appeal decisions, a more robust borough wide approach has since been adopted in determining recent planning applications for new housing in the countryside which has largely been supported at appeal. On this basis the granting of permission for a dwelling on a site adjacent to this site should not set a precedent in respect of this site.

9.8 In this instance it is considered that the provision of one additional open market dwelling which would marginally contribute to the shortfall in housing within the borough should be given some weight, but there are no environmental, and only marginal economic gains to allowing one dwelling in this location. Its contribution towards the borough's housing requirement is not sufficient enough to outweigh the harm which has been identified above in respect of the poor sustainability of the location, and therefore the proposal would not amount to sustainable development having regard to all three elements of sustainability. There are no special circumstances identified to outweigh this view to justify allowing a new isolates home in the open countryside. Other material considerations which are included in forming the overall planning balance are also set out below.

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

9.9 The application site has had consent for a stable building, the foundations of which appear to have been laid. Aggregate and hardcore has also been laid and there is a static caravan currently sited towards the north eastern corner of the site. The levels of the site significantly drop off towards the west. The site is considered to provide a valuable visual gap when viewed from Cockerham Road and the southern end of Potters Brook and although it has been eroded in the recent years by the removal of the hedgerow along the roadside, the site represents a natural and valuable parcel of landscape. Within the Lancashire Landscape Character type the site is identified as 'Coastal Plan' and an 'Ancient Enclosure' which is recognised for its rural farmed landscape dominated by improved pastures and scattered with historic halls, farms and woodland.

9.10 The site is separated from Potters Brook Cottages by approximately 45-50m and is divided by a field access track which leads to the agricultural land beyond towards the west. It is considered that a new dwelling would have a significant harmful visual impact upon the intrinsic quality of the landscape. The extent of the identified domestic curtilage (0.559 Ha) is also seen to be excessive and out of keeping with the area and the cultivation of such a large area as garden land together with the introduction of domestic paraphernalia within the whole site would also have a substantial and harmful visual impact upon the countryside area. By reason of the site's elevated position a new dwelling would appear as an incongruous and alien addition to this area of picturesque landscape. It is considered that the

proposed dwelling would be contrary to the provisions of Saved Policy SP14 and SP13 which both seek to protect the local landscape and resist inappropriate and unjustified development in the countryside.

9.11 As the applicant has drawn attention to the adjacent site and the outline permission (ref 14/00550/OUT) granted there in 2014 for one dwelling, it is also relevant to point out the differences in these two sites visually to justify why that application was not viewed unfavourably on grounds of visual impact. The characteristics of the two sites differ in the main, as the adjacent site with planning permission has a closer connection / association with the existing built development of 4 cottages to the north and this site had development on it in the form of two single storey structures. Whilst the revised plans submitted by the applicant indicated a bungalow style dwelling, these plans carry no weight at this stage and are only for illustrative purpose only as all matters are reserved. Notwithstanding that scale is not for consideration at this outline stage, a single storey dwelling design would still have an adverse visual impact. Comparisons have been made to the approved stables on the site in terms of massing and foot print, but the stable building approved was in timber and roof sheeting materials and therefore a more temporary appearance. It is also a more typical feature found in rural areas. Furthermore, in comparison to the neighbouring site with planning permission, the application site is at a higher land level and is not afforded the same screening; therefore the visual impact would be more prominent.

#### Impact on the residential Amenity

9.12 Given the separation distances from the existing dwellings along Potters Brook it is not considered that the proposed dwelling would have any impacts upon residential amenity. However as the application is in outline form only this would be fully assessed at reserved matters stage should outline planning permission be granted and the proposal would need to comply with the guidance set out within SPG4: spacing layouts in new housing developments.

#### Impact on Highway / Parking

9.13 Lancashire County Highways have raised no objections to the proposal on highway safety grounds. The provision of one new dwelling in this location is unlikely to have any adverse impact upon the highway network. The submitted plans at this stage do not demonstrate areas of parking. This would need to be established at the reserved matters stage should outline planning permission be granted.

#### Flood Risk/Drainage

9.14 The site is not located within an area at high risk of flooding or within a designated flood zone. The Councils Drainage Engineer has raised no objections subject to full details of surface and foul drainage being provided by condition.

#### Ecological Matters

9.15 As highlighted above (para 6.4) the application has been accompanied by a detailed ecological assessment which has highlighted the presence of breeding great crested newts (GCN) on adjacent land. GCN breeding ponds were identified through the desk study approximately 35m from the site. GCN are highly likely to be present on the site but the advice from GMEU is that Reasonable Avoidance Measures (RAM) are achievable rather than applying to natural England for a license. As the pond is separated from the development by a tarmac road and the foot print of the

development is relatively small then GMEU have accepted that RAM are theoretically achievable for this development. A condition requiring full details of the RAM would be required. Where the access has been formed, sections of the hedgerow have already been removed to accommodate the visibility splays, as approved under the previous consent for the stable block. The applicant has not identified any other areas of trees or hedgerows to be removed which could potentially affect foraging routes for bats and nesting birds. GMEU have advised that a landscaping condition would be necessary to mitigate for the loss of roadside hedging as well as no hedgerow removal during bird nesting season.

#### Impact on Trees

9.16 The Council's Tree Officer has carried out a site visit and assessed all trees. There has been one tree felled close to the eastern boundary but this was for safety reasons and it was considered to be in poor condition by the Tree Officer. No other trees on site are proposed to be felled as part of this application. The area where the dwelling is to be sited is free from vegetation. New tree / hedgerow planting would be addressed at the reserved matters stage or by condition in the event of a favourable decision.

#### Contamination

9.17 Environmental Health Pollution control have raised no objections to the proposal subject to a contaminated land desk top survey being conditioned and standard informatives.

### **10.0 CONCLUSION**

10.1 On the issue of sustainability, it is considered that, on balance the proposal would result in an unjustified and unsustainable form of development within the open countryside. The proposal would not comply with saved Policies SP13 and SP14 of the Local Plan, which seek to protect the local landscapes and countryside area from unjustified forms of development. In assessing the proposal against the NPPF, there would also be conflict with paragraph 55 which sets out the special circumstances which would justify new residential development in the countryside, and paragraph 17 as the development would not result in growth which would make the fullest possible use of public transport, walking and cycling. Whilst the dwelling would marginally contribute to the shortfall in housing within the borough and moderate weight is attached to this benefit, there are not considered to be any other benefits of the development proposed. The unsustainable location of the site and the visual impacts which would arise from the development would outweigh the benefit of increasing the housing stock in the borough by one unit and as such it is recommended that the application is refused.

### **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.

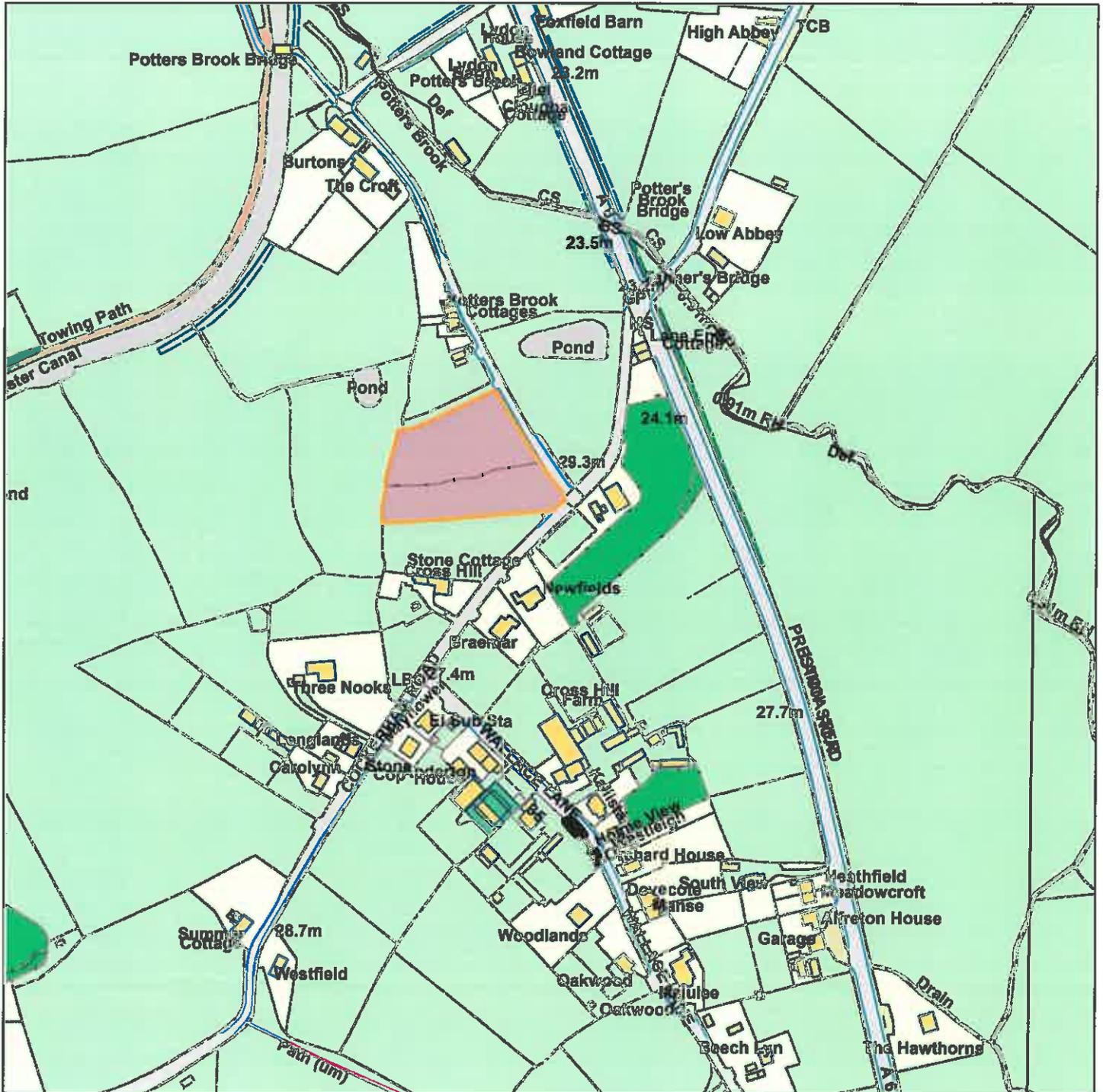
### **12.0 RECOMMENDATION**

12.1 Refuse.

## **Recommendation: Refuse**

1. The application site is located in a detached rural location approximately 1.5 miles north of the rural settlement of Forton, which itself has limited facilities and services. Furthermore, the application site, whilst in close proximity to a bus service, the bus stops are not easily accessible due to the character of unlit rural roads with no footpaths. Consequently the development is considered to be sited in an unsustainable, detached and isolated location due to the lack of immediate, direct and safe access to key community services and infrastructure which realistically can only be accessible by using a private motor car. The development would not amount to sustainable development and would represent an unjustified and isolated new dwelling in the countryside, contrary to locational guidance contained within the National Planning Policy Framework, in particular paragraphs 17 and 55.

2. The application site is located in a detached and elevated countryside location and can be viewed within the same visual frame from many of the surrounding public vantage points. The proposed development, by reason of its detached location, scale and domestic nature along with an excessive domestic curtilage (which could be littered with domestic paraphernalia) would be visually intrusive and detrimental to the character of this open countryside area. It would not therefore comply with the requirements of Paragraph 17 and Section 7 of the National Planning Policy Framework which seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and paragraph 64 of the NPPF, which states that permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area. It is also contrary to (saved) Policy SP13 and SP14 of the Adopted Wyre Borough Local Plan (July 1999) which requires development to be compatible with other land uses and acceptable within the local landscape.



Scale : 1:3467

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