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arm/rg/pla/cr/17/0102nc3
Committee Report

Item Number 01
Application Number 16/00233/OULMAJ

Proposal Outline application for the erection of up to 130 dwellings with means of access off Holts Lane (layout, landscaping, scale and appearance reserved), following demolition of existing buildings

Location Land Off Holts Lane Poulton-Le-Fylde Lancashire

Applicant Hollins Strategic Land LLP & Tim Claxton Property Ltd

Correspondence Address C/o Matthew Symons Hollins Strategic Lane Suite 4, 1 King Street Manchester M2 6AW

Recommendation Refuse

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Mr Franc Genley

1.0 INTRODUCTION

1.1 This application was validated by the Council on 2 March 2016 and, in line with the regulations for the determination of planning applications, had a target date for determination of 2 June 2016. Due to the scale and complexity of the application, and the need to officers to wait for necessary statutory consultee comments to be provided, a series of time extensions to this period were mutually agreed. However, pending the receipt of comments from LCC Highways, on the 31 October 2016 the applicant exercised their right to appeal against the non-determination of the application by Wyre Borough Council and an appeal was lodged with the Planning Inspectorate. As such, the power to determine the application no longer lies with the local authority and a decision will instead be made by a planning inspector. However, the Council must indicate the decision it would have reached had the applicant not chosen to appeal and the proposal is now before Committee on this basis.

1.2 The application is being brought to Planning Committee at the request of Councillors Berry, Birch and Bridge. A site visit is proposed to help Members understand the site context and its surroundings.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site comprises approx. 4.16ha of predominantly open green field land with no current use but does include an access track to 71a Holts Lane (a former farm building to the south of the application site outside the site boundary), as well as a number of dilapidated structures associated with the property; and a flood lit paddock. The site has a history of being used as a cattery and livery but has been disused for some time. Accordingly, the site can be described as predominantly green field with an element of previously developed land.
2.2 Despite its countryside designation, the site is well contained, resulting in an urban fringe character. To the north, the site is bounded by the urban area and existing residential development off Holts Lane. The eastern site boundary is formed by the railway line, which is on higher ground than the site. Beyond the railway line are the large industrial units of the Poulton Industrial Estate. A watercourse and vegetation form the southern boundary along with 71a Holts Lane, a large red-brick building that is not rural in appearance. Beyond this, the countryside rises towards woodland. To the west, the site is partly bounded by land which was allocated as public open space in the Local Plan but now forms a sub-station/pumping station, extending the urban area south and further containing the site.

2.3 The application site benefits from being adjacent to an established residential community. A number of local services and facilities are accessible by foot/cycle, including those within Poulton town centre. Furthermore, there are bus stops along Garstang Road East and Poulton train station, the only train station in Wyre, is approx. 1500m from the site.

2.4 The Local Plan proposals map identifies the site as being within the countryside, directly adjacent to the main settlement of Poulton-le-Fylde. United Utilities owned overflow pipes and public owned mains sewer surface water drainage run through site. There is a Designated Main River along the southern boundary. There is a Public Right of Way along the western boundary (FP5). The site is classed as Grade 3 agricultural land and could fall into Grade 3a (best and most versatile land). Section 4.0 details the planning history of the sites to the immediate west and further west of this site.

3.0 THE PROPOSAL

3.1 This is an outline application for the erection of up to 130 dwellings following demolition of existing buildings with means of access off Holts Lane. All other matters of layout, landscaping, scale and appearance are reserved for later consideration.

3.2 The outline application submitted seeks to agree only the matter of access to the site. There would be two principle points of vehicular access to the site; both of which would stem off Holts Lane, that itself stems off Garstang Road East to the north. These access points off Holts Lane are existing. An additional pedestrian access is proposed to the western boundary to connect with the existing public right of way. In the north-east corner of the site the illustrative masterplan suggests a further pedestrian connection via a ramped bridge over the railway line if required at some point in the future by Network Rail.

4.0 RELEVANT PLANNING HISTORY

4.1 A duplicate submission has been made in respect of this 16/00233/OULMAJ application, with the reference number 16/01043/OULMAJ. The duplicate application proposes the same detail and is yet to be determined.

4.2 Two nearby/adjacent sites are of relevance.

4.2.1 Land to the immediate west of this site and south of Brockholes Crescent - outline planning application (16/00742/OUTMAJ) submitted in August 2016 for the development of land for the erection of up to 108 no. dwellings (Use Class C3) with all matters reserved except for access, which will be off Brockholes Crescent following demolition of numbers 61 and 63 Brockholes Crescent. Application pending.
4.2.2 Land to the west of the above site (4.2.1) bordered by Carr Head Lane and Oldfield Carr Lane - outline planning permission (14/00607/OUTMAJ) granted after being allowed at appeal for the erection of up to 100 dwellings. Details in respect of Reserved Matters were submitted and approved in November 2016 (16/00444/REMMAJ).

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 (DCLG) on the 27th March 2012. The NPPF sets out the Government’s planning policies for England and how these are expected to be applied in the determination of planning applications and the preparation of development plans. The NPPF sets out the requirements for the planning system to the extent that it is relevant, proportionate and necessary to do so.

5.1.2 The ministerial forward to the NPPF states that "Development that is sustainable should go ahead without delay - a presumption in favour of sustainable development that is the basis for every plan and every decision". There are three dimensions to sustainable development, including (paragraph 7):

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

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

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

5.1.4 Paragraph 14 sets out the presumption in favour of sustainable development at the heart of the NPPF.

5.1.5 Paragraph 17 identifies 12 core planning principles, including supporting sustainable economic growth; seeking to ensure 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.

5.1.6 In Section 4: Promoting sustainable transport, paragraph 30 states that encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion.
5.1.7 In Section 6: Delivering a wide choice of quality homes, paragraph 49 requires housing applications to 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 when a 5 year supply of deliverable housing sites cannot be demonstrated. Paragraph 50 requires a wide choice of high quality homes for inclusive and mixed communities, with a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community. Paragraph 55 promotes sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of communities.

5.1.8 In Section 7: Requiring good design, paragraphs 56 and 57 highlight the importance of high quality and inclusive design for all development. Paragraph 61 identifies that securing high quality and inclusive design goes beyond aesthetic considerations…and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

5.1.9 In Section 8 - Promoting healthy communities, paragraph 70 requires decisions to plan positively for the provision of shared space, community facilities and other local services; guard against the unnecessary loss of valued facilities and services; and ensure an integrated approach to considering the location of housing, economic uses and community facilities.

5.1.10 In Section 11: Conserving and enhancing the natural environment, paragraph 109 states the planning system should contribute to enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 118 identifies principles to conserve and enhance biodiversity including adequate mitigation and compensation.

5.2 NATIONAL PLANNING PRACTICE GUIDANCE (NPPG) 2014:

5.2.1 This online resource was launch on the 6th March 2014 and follows a review of planning policy guidance undertaken by Lord Taylor of Goss Moor which began in October 2012. The resource presents 41 categories, from Advertisements to Water Supply, with each category containing a number of sub-topics. Relevant sections include design and natural environment; the need for landscape character assessments, transport assessments and travel plans; and minimising impacts on biodiversity.

5.3 ADOPTED WYRE BOROUGH LOCAL PLAN 1999 (SAVED POLICIES):

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

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

- SP13 - Development in the Countryside
- SP14 - Standards of Design and Amenity
- TR6 - Rail Facilities
- ENV7 - Trees on Development Sites
- ENV13 - Development and Flood Risk/
- ENV15 - Surface Water Run-Off
- H13 - Open Space in new Housing Developments
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 17th June and 7th 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 The relevant policies are:

- CS1 - Spatial Strategy for Wyre: Distribution of Development
- CS2 - Spatial Strategy for Wyre: Settlement and Centre Hierarchy
- CS6 - Strategy for Poulton-le-Fylde
- CS13 - Sustainable Development
- CS14 - Quality of Design
- CS16 - Transport, Accessibility and Movement
- CS17 - Infrastructure and Community Facilities
- CS18 - Green Infrastructure
- CS19 - Biodiversity and Geodiversity
- CS20 - Housing Mix
- CS21 - Affordable Housing
- CS24 - The Countryside
- CS25 - Flood Risk and Water Resources

5.5 WYRE SUPPLEMENTARY PLANNING DOCUMENTS / GUIDANCE

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

Supplementary Planning Guidance 2 - Trees and Development

5.6 WYRE AFFORDABLE HOUSING VIABILITY STUDY (OCTOBER 2010)

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

5.7 FYLDE COAST STRATEGIC 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 Objectively Assessed Need (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. There is an estimated need for 300 affordable homes per year (over the next 5 years).

6.0 CONSULTATION RESPONSES

6.1 HIGHWAYS ENGLAND (HE) (STRATEGIC ROAD NETWORK IMPACT)

6.1.1 Initial response - 04.05.16 - holding objection based on the following:
The TA is unacceptable, it does not take into account development in the Poulton-le-Fylde area that is committed development, most notably the consent for 519 dwellings on land to the north of Garstang Road East (ref. 15/00298/LMAJ). It does not contain any true operational assessment of the impact of the proposals upon the SRN at the Little Singleton junction. Request a full operational assessment of the impact of the proposals on the Little Singleton junction taking into account all committed development within the area. This assessment shall be undertaken using the same methodology and assumptions as those used to determine application 15/00298/LMAJ and be measured at 2016 and 2026 with the full 519 units of that development in place. Also request proposals for the improvement of the Little Singleton Junction in order to mitigate the traffic impact and also that of the full committed development at Garstang Road East (application 15/00298/LMAJ).

6.1.2 Further response - 28th July 2016 - reiterated the above recommendation and extended the holding period until 4th October.

6.1.3 Further response - 19th October 2016 - following the submission of further information by e-mail on 28th September 2016 which presents revised trip generation and distribution calculations for the proposed development, undertaken following discussions with LCC. HE has reviewed the methodology of these calculations and found them to be acceptable. The calculations presented suggest that a total of additional 25 trips in the AM peak period and 26 total additional trips in the PM peak period will use the Singleton junction, which equates to a percentage change of 0.6% in both cases. However the number of trips generated is not necessarily a sufficient basis to assess the level of impact of a development, plus there are known issues regarding the operation of the Singleton junction. Requested that the applicant undertake full junction capacity assessments in order to clearly demonstrate the impact of the proposed development on the operation of the junction. This should also take into account all committed development within the area.

6.1.4 Further (and final) response - 19.12.16 - following the submission of a revised Transport Assessment and Travel Plan. Reiterates that a number of sections of the TA reviewed previously were found to be acceptable, this includes the policy review, trip generation and distribution calculations. In terms of committed developments included this is now accepted, including the Garstang Road East scheme showing up to 250 units completed by 2022. The assessment of Little Singleton Junction shows the addition of development traffic has a marginal worsening of the junction operation which is shown to be operating significantly over capacity. The largest increase in queues on the strategic road network arm being 16 vehicles on the A585 Garstang New Road during AM peak. This general pattern of impact is similar to the assessment produced for the current Brockholes Crescent application. The content of the TA is now broadly acceptable.

6.1.5 A Framework Travel Plan has been prepared and submitted. This is welcomed as it represents a commitment from the developer to reduce the number of single occupancy vehicle trips once the development is fully occupied. The Travel Plan includes a target of a maximum AM peak hour 2-way vehicle trip rate of 0.541 vehicles/hour/dwelling (lower than the previously submitted Travel Plan); a more rigorous target is welcomed by HE. The Travel Plan sets out various measures which aim to encourage sustainable travel, an approach to
monitoring and review, and an Action Plan. HE has reviewed these elements and considers them to be acceptable.

6.1.6 There is a major improvement scheme planned for the A585 between Windy Harbour and Skippool. The scheme would improve capacity of the SRN in the vicinity of the proposal site and was recently consulted upon. Work is expected to start by the end of March 2020. It is not currently treated as a certainty / committed development when highway impacts of planning applications in this area are reviewed by HE. The highway impacts of planning applications in the area must therefore be reviewed with acknowledgement that the future year scenario may not include the improvement scheme. Little Singleton junction is already a significant concern to HE, hence the proposed major improvement scheme. If the improvement scheme were not to come forward, the junction would continue to present a constraint on the network, affecting performance of the wider network and potentially growth prospects for the area. In such locations, a comprehensive approach to land use planning is key to controlling the demands upon the SRN and hence safeguarding its future operation. The cumulative impact of committed and future developments could have a material impact upon the Little Singleton junction as well as other junctions in the area. Against the context of relevant highway policy, it is a key concern that Wyre does not have a Local Plan in place, leading to a policy gap in terms of being able to address cumulative impacts of developments. HE is continuing to work with Wyre to assist the Council in developing its understanding of the highway impacts of development as part of its emerging Local Plan. This is with the aim of enabling coordinated management of any potential future impacts on the SRN within Wyre.

6.1.7 Turning to consideration of this individual planning application, HE is required to consider it on its own merits. As a result, we are unable to find that the proposals in isolation would not result in a severe impact on the SRN, and therefore HE offers no objection subject to conditions.

6.2 LCC HIGHWAYS

6.2.1 In May 2016, LCC provided some interim comments raising a number of issues with the Transport Assessment (TA) relating to accident data; recent changes to Bus Services; the Travel Plan trip rate target; other committed developments not being included; trip rates; traffic growth; traffic impact (doesn't show if the junctions can take the additional traffic and stay within capacity, and traffic from committed developments must be included); need to consider improvements secured on application 15/00298/LMAJ (519 dwellings off Garstang Road East); the existing condition of footways and carriageways and consideration should be given to introducing appropriate traffic calming; consideration to remodelling Main Drive / Brockholes Crescent junction; and crossing facilities should be provided on A586 close to Holts Lane junction.

6.2.2 They also made further interim comments on the considered inadequacy of the travel plan in a subsequent email and commented that on a development of this size they would normally request a contribution of £6,000 to enable LCC to provide a range of services to support developers in implementing the travel plan:

6.2.3 On 10th January 2017, a ‘draft’ formal response was received from LCC Highways. On 17.01.2017 confirmation was received that this response was the formal response. This states the following:

6.2.4 Transport Assessment (TA) - The TA is deficient in a number of aspects. The TA identified 7 key junctions that would be influenced by this proposed development. However, the analysis that has been undertaken is not sufficient to measure the impact of the development. The developer argues that the increase in traffic is "negligible in both terms of
absolute values and % increase" and consequently "not material". LCC argue that without knowing existing and future junction capacities this reasoning is flawed especially when it is known that even small increases in traffic can put junctions over capacity and the consequences of which can be severe. Trip Rates are in the region of what would be expected but full outputs from TRICS have not been provided in order for them to be agreed. Traffic Growth used in the TA has not been agreed. Trip Distribution as proposed in the TA is not agreed. Not all committed developments have been included. The 5 year accident record (1 April 2009 - 31 March 2014) should be reviewed to reflect the most up to date information available. The accident analysis only covers junctions, links between junctions should also be considered.

6.2.5 Accessibility / Sustainable Transport - NPPF, paragraph 17 emphasises a need to "make the fullest possible use of public transport, walking and cycling". The developer has offered minimal in this respect. The up grading of a single bus stop to include a shelter and raised boarding area and a few dropped kerb pedestrian crossing points with tactile paving does little to "make the fullest possible use of public transport, walking and cycling". Recent budgetary cuts have led to a significant number of subsidised bus services being affected, not just in this area but county wide. It is disappointing that no improvements to local public transport provision have been offered by the development. For a development of this scale LCC would expect to see a significant level of improvements to make the development site more accessible.

6.2.6 The developer has produced a Travel Plan (TP) which does not meet with LCC's submission criteria for an Interim Travel Plan.

6.2.7 Access Arrangements - The developer is proposing to utilise the 2 existing "stub ends" on the southerly side of Holts Lane. In principle this is acceptable however, LCC have concerns of the availability of appropriate sightlines. Holts Lane is subject to a 20mph speed limit, however, no actual traffic speed data is available. Whilst some roads within the Holts Lane area have physical traffic calming measures the section of Holts Lane where the development is proposed does not. With this proposal this section of Holts Lane would see a significant increase in traffic levels and as such LCC consider that further traffic calming measure be introduce. In this instance junction tables would be considered to be appropriate.

6.2.8 Internal Layout - The internal layout and level of car parking to be provided will be determined at reserved matters stage. Car Parking levels are acceptable however, cycle parking is not fully detailed. All dwellings should have secure and covered cycle parking. Garages should have minimum internal dimensions of 6m x 3m to be accepted as a car parking space and cycle space.

6.2.9 Poulton Congestion Study - LCC have commissioned a report to evaluate the current traffic issues in the Poulton area with a view as to where and how development can be brought forward without it having a detrimental and severe impact on the local highway network.

6.2.10 As submitted LCC cannot support the application and would recommend that planning permission not be granted. The TA submitted by the development fails to provide sufficient information to demonstrate that the development will not have an adverse and severe impact on the local highway network. Without the completion of the Poulton Congestion Study LCC will resist further development unless it is clearly demonstrated by developers that the impact on the local highway network is not severe.

6.2.11 Appeal - LCC are aware that this application is now the subject of a planning appeal and that further documentation has been submitted in the form of a revised / update Transport Assessment and Travel Plan.
6.2.12 Revised TA and TP - The revisions to the TA and TP have been examined, however, LCC are of the opinion the issues raised on the original TA and TP have only been partly addressed and that further work / discussions are required.

6.2.13 Conclusion - LCC would ask the committee that they should issue a decision of "minded not to approve planning permission". The highway reasons for refusal should be noted as:-

- The developer has failed to provide sufficient information to show that the development will not have a severe impact on highway safety and highway capacity.
- The developer fails to show that all reasonable efforts have been taken to show that they have maximised their efforts to deliver a sustainable development in line with NPPF.
- LCC will continue to work with the developer and the LPA through the appeal process in order to reach agreement on the level and type of mitigation necessary

6.3 NETWORK RAIL (NR)

6.3.1 The proposal has two access roads which lead onto Holts Lane, these lead residents of the site towards Holts Lane Level Crossing FPW (our Ref 13.1303) and across the railway line to Poulton Business Park. The Preston and Blackpool North Branch railway line adjacent to the site is to be electrified. As part of the electrification, NR is actively seeking closure of the Holts Lane level crossing and the installation of a ramped bridge. NR has been working towards plans to close the level crossing and install a replacement bridge over the railway.

6.3.2 There is an option of installing a ramped bridge to the east of the level crossing which will require using land within the developer’s red line boundary - at this stage the land is shown as being set aside for landscaping and an attenuation pond. NR is concerned the proposal could compromise the availability of land required for the ramped bridge and any temporary construction compounds / works should this go forward, as well as increasing the risk at the level crossing as a result of more residents and that would prejudice / inhibit the electrification of the line contrary to policy TR6.

6.4 LCC LEAD LOCAL FLOOD AUTHORITY

6.4.1 No objection to the development proposal subject to conditions in respect of compliance with submitted flood risk assessment (FRA), full details of surface water drainage and SUDS management; lifetime drainage; and construction of pond/attenuation basin details. Informatives suggested.

6.5 LCC EDUCATION

6.5.1 Based on the 2015 annual pupil census information available at the time the comments were made (30 March 2016), and taking into account applications approved at that point in time, LCC would be seeking a contribution for 49 primary (£598,260.60) and 20 secondary (£367,945.60) school places. This information will need to be updated in the event of a recommendation and resolution to grant subject to a s106 agreement.

6.5.2 We intend to deliver the primary education contribution at Carr Head Primary School, Poulton Le Fylde and we intend to deliver the secondary education contribution at Millfield Science and Performing Arts College.
6.6 UNITED UTILITIES

6.6.1 No objections subject to standard conditions in respect of foul and surface water and a SUDS management system to be provided, as well as implementation of drainage details outlined in the FRA.

6.7 ENVIRONMENT AGENCY

6.7.1 No comments received in time for inclusion in this report.

6.8 GREATER MANCHESTER ECOLOGY UNIT (GMEU)

6.8.1 Visited the site (29.3.16) and have considered the submitted documents. The application site lies within the Impact Risk Zone of the Wyre Estuary SSSI and the Morecambe Bay SPA/Ramsar site and as such the Local Planning Authority should consult Natural England on the Application and consider the Likely Significant Effects on the features of European nature conservation value in the determination of the application. In general terms find the ecological detail and analysis fit for purpose for the determination of the application. The Ecological Report appears to have used reasonable effort in assessing the features on site and their suitability to support protected species.

6.8.2 In summary and conclusion, there is no known ecological constraints which would prevent the determination of the application, although features of nature conservation value do occur on the site. The implementation of the proposal would not result in Likely Significant Effects on the Morecambe Bay SPA/Ramsar or on features of value on the Wyre Estuary SSSI. Any report to committee should clearly indicate the consideration of this matter and Natural England view should be sought on the proposal. A number of conditions are recommended should the application receive permission in order that the proposal can be implemented and operated without detriment to protected species and to ameliorate biodiversity impacts. These should cover;

- Use of Reasonable Avoidance Measures for great crested newt and reptiles during site preparation including any vegetation removal, soil moving or demolition & construction;
- Barn owl Method Statement and Mitigation to be submitted and implementation begun prior to commencement of development including any demolition of structures and vegetation removal
- Protection of retained hedgerows, tree with bat potential and other retained vegetation/nesting birds via a CEMP (Construction Environmental Management Plan).
- Submission of surface water drainage plan to include the use of SuDS with open water along with their design, planting and management for biodiversity
- Landscape Ecological Management Plan (LEcoMP) for other details of biodiversity features and management
- It is strongly recommended that the Section 106 for the Public Open Space provision includes the calculation of the sum needed to monitor, manage and maintain the biodiversity mitigation and LEcoMP for the lifespan of the proposal.

6.9 NATURAL ENGLAND (NE)

6.9.1 Based upon the information provided, the proposal is unlikely to affect any statutorily protected sites or landscapes.
6.9.2 The consultation documents indicate that this development includes areas of priority habitat. The NPPF states that ‘when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.’

6.9.3 Not assessed this application and associated documents for impacts on protected species. Apply NE Standing Advice to this application as it is a material consideration in the determination of applications.

6.9.4 This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

6.9.5 This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

6.10 LANCASHIRE CONSTABULARY

6.10.1 General comments recommending that the site should be built in accordance with the principles of Secured by Design. Some detailed crime prevention observations are made. More detailed advice will be submitted at Reserved Matters stage.

6.11 LANCASHIRE ARCHAEOLOGICAL ADVISORY SERVICE

6.11.1 Archaeological works were undertaken in 2008-9 along a United Utility pipeline route that crosses the northern part of the site. This work revealed substantial peat deposits (up to 2.4m deep) to the immediate west of the development site and traces of a palaeochannel which probably formerly linked to the Main Drain (to the east). Also discovered were extensive remains of a late prehistoric to Romano-British settlement site and other archaeological remains c. 600m to the northeast off Garstang Road East (Oxford Archaeology North 2010 Wyre Estuary Pipeline, Poulton-le-Fylde, Lancashire: Archaeological Post-Excavation Assessment unpub. client report). The site is also crossed by the putative line of a Roman road although the pipeline work did not encounter any traces of the road. The peat area was subject to a scheme of sampling, which extended across the present proposed development site, but no definitively anthropogenic material was reported there. However, sites adjacent to peat deposits are known to have been attractive to prehistoric peoples.

6.11.2 Neither the planning statement nor the Design and Access Statement appear to have considered the heritage value of the site, nor does there appear to have been any pre-application consultation with the Lancashire County Archaeology Service relating to this site.

6.11.3 Whilst we would not anticipate that any archaeological remains on this site would be of such significance as to prevent any development, we do consider that the potential impact of this development on such remains is a valid planning consideration. Strongly recommend that the applicants provide a formal Heritage Statement from an appropriately qualified and experienced professional archaeological contractor. Such a heritage statement should include the results of (i) a desk-based heritage study; (ii) a geophysical survey; and
(iii) trial excavation of a representative sample of the areas not examined as part of the 2010 archaeological work (above). Normally recommend that the above work is undertaken before a decision, but you may consider that this is a matter which can be subject to a condition and required for submission at the Reserved Matters stage. Should it appear probable that significant remains may exist on the site further phases of work, which may include geophysical or topographical survey, trial trenching, etc. may be necessary and can themselves be required by condition at the Reserved Matters stage. If it is decided to follow this course, a planning condition wording is suggested as well as an informative as to what the programme of investigation should comprise.

6.12 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.12.1 No Objection in principle. Full surface water drainage plans to be submitted for approval prior to any commencement of works.

6.13 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY - (Air Quality)

6.13.1 Air Quality Assessment (Feb 2016, Report No.001) submitted in support of this application. In general terms, the assessment methodology is appropriate, reasonable assumptions are made, and the input data is included in the report. Recommend conditions requiring electric vehicle charging point to be installed at each dwelling with a vehicle parking space; Gas fired heating boilers to meet a minimum standard of less than 40mgNOx/kWh; and that Earthworks and construction activity shall not commence until a dust management plan has been agreed.

6.14 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY - (Contamination)

6.14.1 The Desk Study identifies a number of potential sources of contamination on site and, as such recommends a targeted intrusive contaminated land assessment which I’m in agreement with. However, the report also identifies a number of potential sources of man-made ground gases and natural ground gas sources. Although I recognise that the report concludes the adjacent closed landfill contains only inert waste, the active landfill may contain putrescible material and this, together with the other potential gas sources, would warrant at least some gas monitoring on site. As such, would recommend that Wyre's contaminated land conditions ENV 1 (ground contamination) and ENV12 or 18 (ground gas) are attached to any planning permission.

6.15 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY - (Noise)

6.15.1 Referred to the noise and vibration assessment by Wardell Armstrong dated February 2016 to establish the likely impact of noise from the railway line and the industrial estate and other sources. Also made reference to the Air Quality Assessment by Wardell Armstrong dated Feb 2016 which acknowledges that during the construction phase the implementation of effective measures will substantially reduce the potential for nuisance dust and particulate matter to be generated. Recommend approval subject to the following:-

6.15.2 Demolition and construction phase - No development shall take place until a site specific construction environmental plan has been submitted and approved. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. It shall include hours restrictions on works / deliveries. Mitigation measures shall be employed to minimise noise disturbance from construction works.
6.15.3 Noise - Proposed dwellings facing towards the railway line will be affected by noise from passing trains and from noise from the adjacent industrial estate. Table 10 of the noise assessment: British Standards 4142 Assessment of Industrial Noise at proposed sensitive dwellings gives a rating of 10dB over background. A difference of around about 10dB or more is likely to be an indication of a significant adverse impact. The report confirms that mitigation measures will be required to reduce the impact. Prior to commencement of works a scheme of mitigation shall be submitted and approved to ensure the rating level is no greater than the background level at the nearest or worst affected property to ensure no undue noise impact on sensitive residential dwellings as proposed. The approved scheme shall be implemented and maintained thereafter. Noise mitigation measures shall also produce noise levels specified in BS8233, being 50dB LAn eq 16 hours (07.00 to 23.00) in gardens and outside living areas, daytime; 35dB LAn eq 16 hours (07.00 to 23.00) - indoors, daytime; 30dB LAn eq 8 hours (23.00-07.00) - indoors, night-time; 45dB LAFmax (23.00-07.00) - indoors, night-time; 60 dB LAFmax 8 hours-(23.00-07.00) façade level night time; 60 dB LAFmax 4 hours-(19.00-23.00) façade level night time. Any mechanical ventilation system shall meet or exceed the specifications set out in clause 6, schedule 1 of the Noise Insulation Regulations 1975 with regard to acoustic performance and airflow rates.

The noise assessment states that the requirements for glazing and acoustic ventilation will be confirmed, on a plot for plot basis, at the reserved matters stage.

6.15.4 Vibration - The noise assessment indicates that vibration levels are below the threshold for low probability in accordance with BS 6472-1 (2008) - Evaluation and measurement for vibration in buildings as a result of impacts from train movements. The report recommends no vibration mitigation measures. Satisfied with the noise assessment in respect of vibration from train movement and accept their conclusions.

6.15.5 Light - Prior to the operation, the completed installation of the external lighting shall demonstrate that the lighting will be in accordance with the Institution of Lighting Professionals. “Guidance Notes for the Reduction of Obtrusive Light GN01:2011” and to be oriented and screened to prevent light spillage onto the adjacent residential dwellings and shall therefore be permanently maintained for the duration of the display. The light intrusion into the windows of any residential premises shall not exceed 10 Lux before 23.00, and 2 lux after 23.00 (Environmental Zone E3).

6.16 WYRE BC HEAD OF OPERATIONS (TREES)

6.16.1 Welcome that the illustrative masterplan incorporates existing trees and a considerable length of existing hedgerow. I have no issues to raise but look forward to perusal at reserved matters stage of required trees / hedgerow protection measures and a detailed landscape plan which incorporates suitable new tree planting.

6.17 WYRE BC HEAD OF OPERATIONS (PARKS & LANDSCAPING)

6.17.1 No comments regarding the access proposals, I do note however the outline proposal for two areas of separate, linear green infrastructure networks at the edge of an EA main river, requiring a 8m wide easement. While I note this retains existing ecological features it also creates isolated pockets of passageways, being at the rear of fenced gardens and feel the only residents that will benefit from this landscaping will be the ones with adjacent access visually and physically. Could an off-site contribution be considered towards enhancements on existing public open space within the vicinity or any new approved developments nearby to provide a larger more meaningful play facility for the residents?
7.0 REPRESENTATIONS

7.1 A petition containing signatures of 75 Holts Lane residents objecting to the proposal was received along with 50 individual objection letters outlining the following points:

Transport Issues
- Emphasis on encouraging more cycling, walking and the use of public transport in this area is not practical.
- Proposed development will only add to the problems already encountered by current residents using the existing inadequate roads within the "Estate".
- Introduction of another 130 residences will cause greater problems with entering and leaving the area as all the additional traffic has to use the only 2 existing exit roads on to Garstang Road East and Carr Head Lane.
- No cyclist in their right mind would attempt to turn right off the "Estate" on to Garstang Road East at peak traffic times.
- Pedestrians crossing or accessing Holts Lane off Garstang Road East from the west have to step into the road to see whether traffic is coming up the Lane as there is no footway for several metres on the west side of the Lane.
- Public transport is infrequent and unreliable and the bus route within the estate is hampered by the width and quality of the roads.
- All roads within the estate are effectively reduced to one lane due to parked vehicles, because the majority of the properties have no, or inadequate, off-road parking facilities.
- Vehicles attempting to exit Oldfield Crescent on to Holts Lane cannot easily see traffic approaching from the left and there have been many "near misses" at this junction. This route is often used by motorists attempting to avoid the busy junction at Carr Head Lane and Garstang Road East.
- The junction of Holts Lane, Argyll Rd and Garstang Road East is made even more hazardous by the close proximity of the exit from and entrance to Tesco and Subway.
- Due to the recent approvals of the major residential developments on Carr Head Lane and Garstang Road East plus, the approval for the Lidl Store on the old Moorland Motors site, traffic volumes will inevitably substantially increase. Thus causing more problems for traffic leaving or entering the "Estate" and there will therefore be no SAFE or SUITABLE access to the proposed new development.
- The traffic survey carried out by the planners is incorrect as they have missed out several junctions and not taken in to account the already agreed other developments.
- The amount of emphasis being placed on walking and, more especially, cycling as being the likely means of transport to and from this proposed development indicates to me that the developers are fully aware that the roads cannot possibly cope with the amount of vehicles which so many new houses will bring to the area. They are evidently trying to persuade the planning committee that the general reliance on cars, which we see nationwide, will suddenly no longer apply to this new estate!
- Ask that you discount the hogwash about how large numbers of people would be convinced to walk or cycle in and out of Poulton and see it for what it is - a smokescreen to detract from the fact that this development would bring vast numbers of vehicles into an already overloaded road system.
- Ashleyhelme state that there is no "accent pattern" at the junction of Holts Lane and Garstang road. Perhaps they need to be there at 08:30 to see the cars cutting through from Carr Head Lane to see that very shortly there will be a major accident and their "copy and paste" assessment will mean very little. It would be more professional to use maps of the area that are up to date.
- The proposed entrance and exit points for this scheme are the two spurs that come off Holts lane and impact on this road will be unbearable.
Issues With the Site

- The land is often flooded and is unstable, as was demonstrated when United Utilities undertook the major work installing the rising overflow main along the northern edge of the site. Subsidence to some residences occurred and some heavy plant/machinery sank in the field. We were lead to believe that no building would be allowed within a certain distance of this pipeline.

- The noise survey on the east of the site was undertaken on one day only and did not encounter the increased noise from the Industrial Estate when the wind is from an easterly or south easterly direction. Nor did it encounter the noise which is often made when the overflow from the rising main is released and water rushes through the pipe bridge which spans the railway at the northeast corner of the site.

- The proposed dwellings on the eastern part of the site will not only encounter the noise of the passing trains and the activity on the Industrial Site but they will also be subjected to the smell and dust from the Asphalt and Concrete plants which are located just over the railway track. (The view in that direction is not so great either.)

- Despite a national drive for affordable housing by the government, there are more suitable areas in and around the Blackpool area for such projects. With a massive housing project commissioned mere minutes away off Garstang Road I don't believe there is need for another large scale project within Poulton.

- There is a profusion of wildlife on the site and possible Roman remains. The land has also environmental issues. It attracts a multitude of wild life from many species. Hawks, owls, frogs and toads, and newts to name but a few. They would also be problems with asbestos, left from the previous buildings that were on the site.

- The semi-rural feel is a big part of the area's charm, not to mention essential for the local wildlife observed on a daily basis on those particular fields. The barn which is home to the Barn Owl is clearly seen and the owl's behaviour shows that it is hunting and feeding on small mammals etc in the field. The owl is observed, photographed and filmed by residents and people who come to watch this protected bird on a regular basis!

- We have also been in contact with the RSPB who state it is illegal to demolish the dwelling of Barn Owls as it is a protected species. What is the point of having these protective laws if they can be ridden roughshod over? If this plan goes ahead this owl and any offspring will be displaced and most likely it will perish.

- The loss of view from neighbouring properties would adversely affect the residential amenity of the neighbourhood.

Impacts on Community

- Where is the infrastructure to support all these big new developments? Are there plans for more nurseries, schools, GP surgeries etc?

- There is no evidence of any great increase in employment opportunities in the area.

- As the properties, on the south side of Holts Lane, are built on peat, the vibrations caused by construction traffic thundering past could/would be detrimental to the fabric of the buildings. Our conservatory needed to be piled to a depth of over 25 feet after dewatering by Untied Utilities do to the condition of the land.

- Access to driveways during construction and on completion. We thought we would like to mention the underground access to the utilities on Holts Lane. We already have problems from time to time with the sewers. After a heavy downpour the pavement in front of 45 Holts Lane actually lifts and water gushes onto the road and collects outside 45 Holts Lane and eventually drains into the proposed site. So the system we have in place now is totally inadequate to cope with a further 130 dwellings.

- It is out of scale, and out of character with the appearance of the existing buildings. The planning proposals state that two story building are to be erected. This cannot be allowed as every residence bordering the site, are bungalows.
• Impact of these 130 dwellings should be considered alongside the further collective impact from the already approved Redrow homes 100 dwellings development on Oldfield Carr Ref 14/00607/OUTMAJ, the application 15/00298/LMAJ for 519 Dwellings on Garstang Road East, The application 15/00288/SCRE for a LIDL outlet on Garstang Road East and 15/00685/OUTMAJ for 49 dwellings on Moorland Road (appeal due to be heard 7/8 June 2016 at the Civic Centre). In total that is 798 new dwellings, at say 3 people average per dwelling with 2 cars average we are looking at.
• In the plans the developers explain that they intend to build homes in the style of those on Brockholes Crescent which mean they are in keeping with adjacent housing. This is simply not the case! The adjacent housing is that on Holts Lane these homes are all bungalows, not two storey houses. This would mean that our homes would be overlooked by much higher buildings and, no doubt, our light would also be affected. The homes on Brockholes Crescent are ex council houses with a very austere style and not exactly the most attractive of houses to envisage looking out onto in the future.

Technical matters querying whether this application has gone forward to appeal and if so do the original objection emails still stand or do we have to send in again?

7.2 An objection from Ben Wallace MP has been received raising concerns about the impact the increased number of vehicles will have on the local road network, particularly in light of other approved developments. The second point of concern is one related to the green field status of the site and the important contribution the site makes to local ecosystems and ecology and the impact of its loss.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Consistent dialogue has been maintained with the applicant and agent throughout the lifetime of the application to keep them apprised of progress and consultee comments, and to seek clarification and additional information where necessary. A revised Transport Assessment was received and now forms part of the application documents.

9.0 ASSESSMENT

9.0.1 Although the Council no longer has the power to issue a decision on this application following the submission of an appeal against non-determination, it must still come to a resolution as to what it would have decided in order to establish its case in preparation for the appeal process. An assessment of the outline planning application is given below, with conclusions at the end.

9.1 Issues to be assessed:

• Principle of Development
• Impact of development on character of the area
• Impact on residential amenity
• Impact on the local highway network and railway line
• Flooding & Drainage
• Ecology & Trees
• Affordable housing and planning obligations
• Health & Safety
• Community Engagement
• Planning Balance
9.2 The principle of the development

9.2.1 Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan and material considerations in this case comprise the saved policies of the Wyre Borough Local Plan (1999), the National Planning Policy Framework (NPPF) and to a degree Wyre's emerging Local Plan. In accordance with the NPPF 'due weight' should be given to the relevant saved policies within the Local Plan, with the weight given to these policies depending upon the degree of consistency with the NPPF. The policies contained within the emerging Local Plan should be given due weight according to their stage of preparation and degree of consistency with the NPPF. The starting point for determining planning applications therefore remains the saved polices of the Local Plan to be read as a whole and in the context of the NPPF.

9.2.2 The Local Plan proposals map identifies the site as being within the countryside, directly adjacent to the main settlement of Poulton-le-Fylde. As such Policy SP13 - development in the countryside applies, which presumes against the development of land in the countryside unless it meets certain criteria, none of which are applicable in this instance. Therefore on the face of it the development would be contrary to this policy. However as stated above, Local Plan policies should also be considered in the context of the NPPF specifically the housing growth objectives and the presumption in favour of sustainable development which is a significant material consideration.

9.2.3 When considering the housing objectives of the NPPF the most up to date evidence of housing need in Wyre is the 2013 Strategic Housing Market Assessment (SHMA), the findings of which are summarised earlier in this report. The provision of up to 130 dwellings would help to meet the future housing needs of Wyre. Against the objectively assessed need identified, the Council can only currently demonstrate a 4 year supply. It does not currently have a 5 year supply of housing. In which case, notwithstanding the countryside area designation of this site, one of the key issues is whether the proposal would deliver sustainable development.

9.2.4 To support sustainable development, the NPPF requires housing to be located where it will maintain or enhance the vitality of communities and not in isolated locations unless exceptional circumstances exist. The site is located adjacent to, and would serve as an extension to the urban settlement of Poulton-le-Fylde and an existing residential area. It is close to a main A road (A586 - Garstang Road East) with associated bus routes and is within reasonable distance of local and community services in Poulton-le-Fylde including train station. It is considered that the site is a generally sustainable location in accordance with the NPPF. Therefore whilst the development would be contrary to Policy SP13 of the adopted Local Plan in this instance there is greater weight to be given to the NPPF due to the site's sustainable location and the NPPFs housing growth objectives and presumption in favour of sustainable development.

9.2.5 It is relevant to note that the site is identified as a potential future housing site in the Issues and Options document 2015 alongside neighbouring land. Whilst the Council would have preferred all three sites to come forward through the Local Plan process with comprehensive development of the larger area as an extension to Poulton-le-Fylde (such an approach would have allowed for full consideration of infrastructure requirements to deliver sustainable development, including the provision of a new road as opposed to piecemeal development of individual sites creating small estates) - there is no mechanism to force this to happen. The Council is mindful of the fact that with the physical constraints in Poulton-le-Fylde there aren't many opportunities for alternative land to come forward for development other than that identified in the Issues and Options document - although this remains a consultation document of limited weight at this stage. It is relevant to consider that
neighbouring land to the west (Carr Head Lane) has planning permission for 100 dwellings. The approval of that scheme presents the opportunity to link the developments with two access points onto Carr Head Lane and Holts Lane, particularly as the 'central site' referred to as land off Brockholes Crescent is now the subject of a parallel application 16/001043/OUCHMAJ. Importantly, development of this application site in isolation would not prejudice or hinder future development of wider lands in this area should this be proposed in the emerging Local Plan.

9.2.6 Notwithstanding the principle of development being considered to be acceptable, the consideration of other policies is relevant to establish whether there would be any adverse impacts which would significantly and demonstrably outweigh the benefits of the scheme. These are set out below.

9.3 The impact on character of the area

9.3.1 The development site falls in the defined countryside, which should generally be recognised for its intrinsic character and beauty in accordance with the NPPF. However, it is an urban fringe site and the visual quality of the land within the site is considered low, comprising shrubs and flatlands and it is in fact the land beyond the application site to the south that makes a positive visual contribution to the area. That land rises towards a clustered wooded copse and is considered more visually appealing and of a higher character value that the land within the site. Whilst the residential development will have a significant impact on the character of the area, the submitted Planning Statement and indicative masterplan demonstrate that the proposed density is compatible with the similarly indicative but complementary soft/natural landscaping scheme. Additional planting is depicted alongside the retention of several retained trees and stretches of retained hedgerows.

9.3.2 Whilst landscaping details are a reserved matter, the indicative layout plan demonstrates the creation of landscaped areas of open space to the south and west of the site. Scale, layout and design will be important considerations to enable the development to sit comfortably in the surrounding landscape. Given that a lower density around the retained farm buildings to the south of the site would be more appropriate, it is suggested that in the event of any submission of reserved matters taking their lead from this masterplan as an indicative 'development parameters plan' then this would help to reduce the visual impact. The scale of any proposed dwellings and their plot sizes shown on future plans should respect the immediate context of built development and additional landscaping and open space provision would help to reduce the impact.

9.3.3 The indicative layout shows that a development of up to 130 units is physically achievable on this site. This indicates that a compatible residential density; satisfactory interface distances (in accordance with the SPG on new housing layouts); appropriate levels of open space (in accordance with policy H13), landscaping and parking provision can be provided and that interlinkage options with the adjacent development sites can be designed into a detailed scheme at a later date.

9.3.4 With no adopted policy requirement on housing mix, this scale of development is expected to provide a mix compatible with the 2013 SHMA (page 125 in particular) which includes reference to the need for more 'older person accommodation' and smaller homes. This can be assessed at a later stage. The need for affordable housing is considered later in this report.

9.3.5 The site is identified as Post Medieval Enclosure in the Lancashire Historic Landscape Character Assessment. Although not a designated heritage asset identified by the NPPG, the NPPF requires the effect of a development on the significance of a non-designated heritage asset to be taken into account. The visual remnants of any such artificial
enclosures within the site such as hedges or fencing are absent from aerial photographs and those surrounding the site boundary would be retained as forming the development envelope. Therefore this designation is not considered a constraint to development. In respect of archaeology issues raised by LCC Archaeology it is considered that this could be suitably be dealt with by condition.

9.4 Impact on neighbouring amenity

9.4.1 In assessing the indicative layout of 130 dwellings, there is no reason to believe at this stage that the development would not be able to comply with the interface distances set out in the Council's adopted ‘Spacing Guidance for New Housing Layouts' SPG and so impact on residential amenity is not a cause for concern. The relationship between the proposed dwellings along the northern boundary and existing properties on Holts Lane can be given particular attention at the reserved matters stage. The formation of two access points would help to reduce noise and disturbance levels of vehicles accessing and egressing from the development (including impact from headlights) on existing properties adjacent and opposite these access points.

9.4.2 An air quality assessment has been submitted that considers the potential impact of construction activity and additional traffic from future residents on air quality levels in Poulton. This is necessary given the scale of development and its proximity to Chapel Street in Poulton town centre, which is a designated air quality management area. The Council's Environmental Health Officer concludes that the assessment methodologies are appropriate and reasonable assumptions have been made. No objections are raised subject to conditions. Whilst a construction environmental management plan and a requirement for electric vehicle charge points to be provided would be appropriate and necessary conditions in this instance, it is not considered that a condition stipulating high performing (energy efficient) boilers would be reasonably justified given this is a building regulations issue. No other constraints are identified that would render residential development fundamentally unacceptable.

9.4.3 The new dwellings surrounding the farm buildings set to remain after the construction of the 130 dwellings should be designed so as to minimise the potential for olfactory and visual blight. Windows and principal elevations should not face the noisiest parts of the site and consideration should be made to landscaping and interface distances that exceed the spacing guidelines referenced above.

9.4.4 This site is bounded by the railway line and adjacent industrial estate to the east. Consequently a noise assessment was submitted with the application. The contents of which have been reviewed and agreed by the Council's Environmental Health Officer and these adjacent land uses are not considered to result in an unacceptable impact on future residential amenity subject to conditions.

9.5 Impact on the local highway network and railway line

9.5.1 The outline application submitted seeks to agree the matter of access to the site. There would be two principle points of vehicular access to the site; both of which would stem off Holts Lane, that itself stems off Garstang Road East to the north.

9.5.2 The scheme has been assessed by LCC as local highway authority with regard to the accessibility of the site, the acceptability of the proposed highway works, and the impact on highway safety and the capacity of the local road network. Highways England have assessed the impact on the Strategic Road Network.
9.5.3 Strategic Road Network (SRN): Following various holding objections from Highways England (HE), further information in respect of impact and Highway Mitigation on the SRN - and in particular the Little Singleton junction - was submitted in a revised Transport Assessment (TA). This revised document factored in other committed schemes. In respect of the Garstang Road East committed scheme for 519 dwellings, the assumption was that 250 dwellings would be completed by 2022, which is when the HE Major improvement scheme is anticipated to be delivered. As set out in the HE response however this scheme is not treated by them as a commitment at this stage. The HE response provide policy context behind the jurisdictions of how they are required to assess planning applications, in particular that they have to consider them individually on their own merits, in isolation, whilst taking into account the impact from committed developments. HE do have concerns about Little Singleton which is already shown to be operating significantly over capacity, and comment that if the improvement scheme were not to come forward the junction would continue to present a constraint on the network. However, in terms of this application, the forecast change from this development on the SRN arms of this junction (and taking into account the committed developments shown in the TA) cannot be described by them as "severe" in accordance with the NPPF. Additional comments are that they consider the Framework Travel Plan to be acceptable. Consequently, the final position of HE is that they raise no objection to this development subject to conditions.

9.5.4 Local Road Network: LCC Highways, in considering the impact on the local network, do not support the application in its current form and recommend that planning permission not be granted. This is because they consider that the TA (including the revised TA) submitted by the applicant fails to provide sufficient information to demonstrate that the development will not have an adverse and severe impact on the local highway network. Further detail of their response including the considered deficiencies with the TA is provided in section 6 of this report. LCC refer to the Poulton Congestion Study which is an ongoing piece of work that they have commissioned to evaluate the current traffic levels / issues in Poulton area with a view to establishing where and how new development can be brought forward without it having a detrimental and severe impact on the local highway network. LCC advise that they will resist further development unless it is clearly demonstrated by developers that the impact on the local highway network is not severe. In this instance they consider the developer has failed to do that. Further concerns raised by LCC are that the sustainability schemes offered by the developer, namely the upgrading of a single bus stop and a few dropped kerb pedestrian crossing points does little to "make the fullest possible use of public transport, walking and cycling" contrary to paragraph 17 of the NPPF. For a development of this scale LCC would have expected to see a significant level of improvements to make the site more accessible, such as improvements to local public transport provision in light of recent budgetary cuts to subsidised bus services. Other concerns raised relate to the Framework Travel Plan (TP) - including the revised TP. Comments relating to internal layout and car parking can be addressed at reserved matters stage,

9.5.5 LCC have confirmed that the revisions to the TA and TP have been examined, however, they are of the opinion the issues raised on the original TA and TP have only been partly addressed and that further work / discussions are required. LCC have requested the Council to issue a decision of "minded not to approve planning permission" with the highway reasons for refusal noted as:-

- The developer has failed to provide sufficient information to show that the development will not have a severe impact on highway safety and highway capacity.
- The developer fails to show that all reasonable efforts have been taken to show that they have maximised their efforts to deliver a sustainable development in line with the NPPF.
9.5.6 Paragraph 32 of the NPPF specifies that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. This is considered to be the case here. The adverse impact on the highway network that LCC Highways consider would result from the development proposed, together with the failure to maximise efforts to deliver a sustainable development, is judged to weigh substantially against the application.

9.5.7 The site sits adjacent to Public Right of Way foot path No.5. The indicative layout drawing demonstrates that development of the proposed density/number can be achieved without compromising the route of this path. Indeed a pedestrian connection to this path is proposed.

9.5.8 The indicative layout also shows the opportunity for pedestrian access to be provided in the north-eastern corner of the site by way of a raised footbridge over the railway line should this be required by Network Rail as outlined in their response (section 6 of this report). Following the concerns raised by NR, a meeting was held and a plan provided by the applicant agreeing to safeguard any land needed within the site to accommodate this bridge and allow connectivity over the railway line when the level crossing is removed. Whilst this plan does not form part of the application submission, safeguarding an area of the site could be conditioned accordingly to avoid a conflict with saved policy TR6 of the Local Plan. This also offers the possibility of removing a safety risk from the railway network, which was another concern raised by NR. This land is shown as open space/landscape provision on the indicative layout, and so would not reduce the amount of developable area. The Council remains confident that sufficient open space/landscape provision could still be provided within the site to comply with saved policy H13 and have an acceptable visual impact. Further detail is set out within the public open space assessment later in this report.

9.6 Flooding and drainage

9.6.1 The proposal is located within Flood Zone 1 and therefore has a low probability of flooding. As the site exceeds 1ha in area, a Flood Risk Assessment (FRA) has been submitted. There is no requirement for the applicant to demonstrate accordance with the sequential or exceptions tests with regard to flood risk. Since April 2015 new legislation has required any major development to be supported by SUDs, unless this is demonstrated to be inappropriate. A drainage scheme accompanies the application and the proposal includes provision of SUDS ponds. Lancashire County Council (acting as the Lead Local Flood Authority), United Utilities and the Council’s Drainage Engineer have no objections in principle subject to the application of standard advisory conditions and informatives suggested in respect of submission of surface (SUDS) and foul water drainage details, including future management, lifetime drainage and construction of pond/attenuation basin prior to occupation. Comments from the Environment Agency have not been received in time for inclusion in this report and will be reported to Members on the Update Sheet.

9.7 Ecology and trees

9.7.1 The ecology survey submitted with the application has been assessed by Greater Manchester Ecology Unit (GMEU). They state there are no known ecological constraints which would prevent the determination of the application, although features of nature conservation value do occur on the site. In respect of great crested newts, although the survey was undertaken 2 years ago, GMEU state these results can still be considered valid in this instance. In respect of reptiles there would appear to be a low probability that any reptile will be encountered on this application site. The proposed use of Reasonable Avoidance Measures (RAMs) is considered appropriate in this instance; and a condition is
suggested requiring that a full RAMs methodology is submitted / implemented to protect both great crested newts and any reptiles during the site preparation works.

9.7.2 In respect of barn owls the Assessment indicates that one of the buildings and one in the adjacent yard to be retained are used by barn owls. It is indicated that a fledgling barn owl was also found dead in the application site’s barn but that it is assumed that the site is not currently a nesting site. Barn Owls are Schedule 1 birds and protected under the 1981 Act which confers greater protection than the general legislation regarding nesting birds. The demolition protocol proposed should be adjusted by condition to state that the demolition of the barn/barns should not be undertaken during the breeding season if there is evidence of current usage by barn owls during the pre-construction survey. Subject to this point, the Report’s proposed Mitigation Methodology (section 5) is appropriate. The Report indicates that there would be no need for a Section 106 for a permanent barn owl tower however, as it falls into the Public Open Space (POS) and a commuted sum is proposed GMEU suggest that this includes an amount for the general maintenance and monitoring of the barn owl tower for the lifetime of the development. However, notwithstanding this suggestion by GMEU, there is no contribution being sought in respect of public open space as this is to be provided on site and therefore this could be suitably dealt with (in terms of provision and future maintenance) by condition.

9.7.3 The Report indicates that all hedgerows are UK Biodiversity Action Plan Habitats but that the southern boundary hedgerow does not fall within the definition of "important" under the Hedgerow Regulations 1997. It is proposed that this hedgerow is retained within the development. GMEU note that this hedgerow also supports a ditch which supports habitat suitable for water vole and a tree which has potential to support roosting bats. It is proposed that the hedgerow is protected to its root zone during construction and this should be sufficient to protect the other potential legislated species. This could be secured by condition along with a Construction Environmental Management Plan (CEMP) to be submitted which includes details of its protection and management of silt and run-off during the build out of the development. Another condition is suggested stipulating that clearance of the site including trees, shrubs and undergrowth should occur during the bird breeding season. GMEU again suggest that the proposed management of the hedgerow be included in the commuted POS sum however for the same reasons above, it would be more appropriate to control this by way of a landscape condition.

9.7.4 In respect of bats in trees & Buildings GMEU advise that the report appears to have used reasonable effort to assess the structures and trees on site for evidence of bats and the potential of these features to support roosting bats. No activity (dusk/pre-dawn) surveys were undertaken, but the opinion of GMEU this does not invalidate the findings of the Report. None of the buildings were considered suitable for roosting bats and GMEU consider these can be demolished without any further survey work, subject to the provisions of the Barn Owl Mitigation as discussed above. The single tree with potential to support a roost is within the retained southern boundary hedgerow. Any works to this tree, should first be assessed by a suitably qualified individual.

9.7.5 In respect of the impact on the Wyre Estuary SSSI & Morecambe Bay SPA/Ramsar site under the Conservation of Habitats and Species Regulations 2010, which the Local Planning Authority as a competent authority are required to consider, this is also covered in the Report and GMEU advise that implementation of the proposal would not result in Likely Significant Effects on - or be detrimental to - these designated sites. It is agreed that the site in its current condition would not be used by winter wildfowl or waders of importance to the SPA designation and that the site is unlikely to have contributed to the features or habitats of the SPA and SSSI in its previous use. For these reasons, and having considered other developments, these sites can be reasonably screened out of any further assessment under the Habitats Regulations 2010 and further Habitats Regulations Assessments are not
required. In addition on the advice of GMEU the views of Natural England have been sought on the proposal. Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes. Neither do they advise the Council that further Habitat Regulations Assessments are required.

9.7.6 In respect of Sustainable Drainage Systems (SuDS), the proposal includes provision of SuDS ponds. Although not strictly within GMEU's remit they have commented that these should be designed to incorporate the appropriate attenuation volumes to achieve greenfield run-off rates, but also to hold areas of permanent water in 'normal' weather conditions. These features also form part of the proposal's biodiversity mitigation / enhancement and therefore the design and planting should also include provision to attract wildlife and be suitable for amphibians. GMEU suggest a condition should be applied to any permission if granted to ensure the submission of the detailed design of the surface water scheme and the SuDS ponds along with a schedule of maintenance to be incorporated into the section 106 for public open space (however for the same reasons above, it would be more appropriate to include this management / maintenance in a drainage / landscape condition).

9.7.7 In addition to those conditions listed above, GMEU also suggest a condition relating to a Landscape Ecological Management Plan (LEcoMP) for other details of biodiversity features and management is required. They go on to recommend that the Section 106 for the POS provision includes the calculation of the sum needed to monitor, manage and maintain the biodiversity mitigation and LEcoMP for the lifespan of the proposal. However for the same reasons above, this management / maintenance could instead be secured by condition).

9.7.8 The Tree Officer is satisfied that existing trees have the potential to be incorporated into a site layout proposing up to 130 dwellings and welcomes the opportunity to secure this and the planting of new compatible species as part of a comprehensive landscaping scheme to be secured by condition and considered in further detail at the reserved matters stage.

9.8 Affordable housing, public open space and planning obligations

9.8.1 A development of this scale would typically generate requirements for affordable housing, public open space and education contributions.

9.8.2 The NPPF at paragraph 50 requires Local Authorities to identify the affordable housing need for an area and then, "set policies for meeting this need on site, unless off-site provision or a financial contribution can be robustly justified and the agreed approach contributes to the objectives of creating mixed and balanced communities." There are no saved policies relating to affordable housing in the adopted Local Plan. However, the Council's affordable housing viability study which forms part of the evidence base for the emerging Local Plan, states that for developments to come forward provision of 30% affordable housing ensures that the site remains viable. As this is the most up to date evidence, and is set out in policy CS21 of the Core Strategy Preferred Options document, it is considered that 30% is the appropriate starting point.

9.8.3 Applying the 30% threshold to this scheme of up to 130 units would generate a requirement of up to 39 no. affordable units. The applicant has indicated agreement of this in principle. The Affordable Housing Officer has expressed a preference for a mixture of affordable rent and intermediate tenure along the lines of a 50/50 split. Within the affordable rent portion a number of 1 no. bed apartments, 2-bed bungalows, 2-bed houses and a small number of 3-bed houses should be provided. As regards the intermediate portion then this would need to be predominately 2-bed houses with a small number of 3-bed houses.
included. A condition would need to be attached to any outline planning permission to secure an appropriate scheme of affordable housing provision.

9.8.4 Lancashire County Council as the Local Education Authority has adopted a methodology for claiming education contributions against those housing developments which are projected to create a shortfall of school places within the local area. LCC’s response states that a financial contribution would be required in this instance to which the applicant, having sought confirmation of the projects which this would likely be put towards, has indicated agreement of this in principle. The figures and numbers quoted by LCC in their original calculation are set out in section 6 of this report. A recalculation is usually done at the point of determination should the Council be minded to support the scheme. In this instance even if the recommendation is to refuse the application, LCC will still be asked to reassess the claim so that up-to-date contribution requirements can be considered when deciding the application. This will be reported to Members in the Update Sheet along with confirmation from LCC what the infrastructure projects are and whether this satisfies the Community Infrastructure Levy Regulations 2010 in respect of the pooling of contributions.

9.8.5 Public Open Space: In line with saved policy H13 of the Local Plan, 0.004 hectares per dwelling of amenity space for each of the proposed 130 dwellings would equate to 0.52ha of on-site provision (recreational and children's play would be preferable). Whilst layout is not a matter for detailed consideration at this stage, the indicative plan shows that there is scope to provide a compatible amount of open space on site - 0.81ha is shown, though around 870m2 of this space may need to be safeguarded for the railway footbridge ramp, leaving 0.72ha of useable open space which remains sufficient against Policy H13. The Council's Open Space Officer does cite a preference for this space to be grouped together rather than spread out in isolated pockets; although the precise location of this provision would be addressed by condition / at reserved matters stage. However, interlinkage with neighbouring developments as demonstrated on the indicative plan together with softer edges along the western and southern boundaries would be encouraged - and so these comments would need to be balanced with these aspects. Details of future management and maintenance of this space would require further consideration at Reserved Matters stage, particularly in respect of any children's play space. If the Council is not satisfied that an arrangement can be agreed then it may be that off-site contributions would be considered instead for improvements to nearby Vicarage Park.

9.8.6 GMEU suggests that a number of ecology / biodiversity measures can be incorporated into a section 106 relating to public open space provision. However as indicated in the ecology assessment section of this report, conditions are considered more appropriate to secure these measures.

9.8.7 Concern by residents is raised over the additional strain that the development could place on medical / other emergency service provisions. However, in respect of health care there is currently no policy requirement for such provision or contributions and the Clinical Commissioning Group has not advised that these should be a requirement from this development. Wherever there is growth, the respective organisations responsible for the provision of healthcare and emergency services will need to plan their own response in terms of the provision of services to meet any additional demand.

9.8.8 Education contribution requirements would need to be secured in the form of a S106 agreement. For outline consent, the section 106 would not specify a sum but would instead include methodology for calculating the sum once bed numbers and the number of units is known. No highway / sustainable travel contributions have been identified by HE or LCC at this stage.
9.9 Health and Safety

9.9.1 A Desk Study has been submitted which identifies a number of potential sources of contamination (man-made ground gases and natural ground gases) on site and, as such, the Environmental Health Officer requests conditions in the form of a further desk study and gas monitoring details to be submitted prior to development commencing.

9.10 Other Issues

9.10.1 Lancashire Constabulary has reviewed the application and provided comments. Paragraphs 58 and 69 of the NPPF note that planning decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Given the outline nature of the application, minimal information has been provided in relation to proposed security measures but reference is made to Secure by Design principles. Should the scheme be supported it is considered that an appropriate layout and design could be secured at reserved matters stage which satisfactorily addresses this issue.

9.11 Assessment of Sustainability and the Planning Balance

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

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

Although the NPPF does not change the statutory status of the development plan it constitutes an important material consideration in the determination of planning applications.

9.11.2 When assessed against the development plan, the proposed development is contrary to saved Local Plan policy SP13. Therefore, in assessing the application in accordance with Section 38(6), the scheme should be refused unless other material considerations outweigh the statutory presumption in favour of the development plan.

9.11.3 In coming to a balanced view, careful consideration must be given to the weight to be afforded to any conflict with the Local Plan, taking into account all material considerations in the overall planning balance, with particular reference and weight afforded to the Council's housing land supply position and the weight to be afforded to development plan and its relevant policies, particularly its policies regarding the supply of housing. The Wyre Local Plan was adopted by the Council on the 5th July 1999 and covers the period between 1991 and 2006. A number of the policies in the Local Plan were saved under the terms of the Secretary of State's Direction, including policy SP13. These policies were however saved subject to two caveats;

a) Firstly, that the saved policies would be replaced promptly; and

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

9.11.4 In respect of the first caveat, although the Council published its Core Strategy Preferred Options Report in March 2012, the Council is now in the process of preparing its
new Local Plan. Once adopted, the Local Plan policies will replace those which are extant within the current Local Plan. The new Local Plan is however in its very early stages of preparation and there has been no draft Plan produced to date. In terms of the Core Strategy Preferred Options Report, only very limited material weight can be afforded to it in the determination of this application.

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

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

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

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

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

9.11.10 There is no definition in the NPPF of what constitutes a relevant policy for the supply of housing, however recent High Court judgements indicate that this a matter of planning judgement, based upon both the purpose of the policy and also its effect on the availability of suitable land for housing development. In the case of policy SP13 it is considered that its primary purpose is to protect the intrinsic value of the countryside in
accordance with paragraph 17 of the Framework; however the extent of the geographic coverage is such that it would have a significant effect on the location of development by preventing the use of any land outside settlement boundaries and, in that respect, it is a policy relevant to the supply of housing. On the basis of its geographic extent, it is considered that the policy is "out of date" in the context of NPPF paragraphs 14 and 49 and therefore the presumption in favour of sustainable development set out in NPPF paragraph 14 is engaged. NPPF paragraph 14 indicates that for decision-making, the presumption in favour of sustainable development means:-

• Approving development proposals that accord with the development plan without delay; and
• Where the development plan is absent, silent or relevant policies are out-of-date, then the presumption in favour of sustainable development means that planning permission should be granted unless:

1. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole; or
2. specific policies in the Framework indicate development should be restricted, as explained by example in footnote 9 of the NPPF.

9.11.11 The site is not allocated by, or subject to, a saved protective designation in the Local Plan other than SP13 'countryside' and there are no policies within the NPPF which indicate that development on this greenfield site should be restricted. The presumption in favour of sustainable development identified by NPPF means that it is necessary to consider whether the proposed development represents 'sustainable development'. NPPF paragraph 7 sets out the three dimensions to sustainable development as being:

• Economic
• Social
• Environmental

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

i) An economic role

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

However, it is considered that the likely negative impact on the local road network will counter all of the positive economic impacts by restricting vehicular movement and impinging on the viability of the local economy.

ii) A social role

The scheme will deliver up to 130 dwellings and make 30% affordable housing provision which will make a positive contribution towards meeting the housing needs of the borough. However, it is considered that the impact of the traffic associated with these dwellings on the local road network will unpick the benefits and hinder the sustainability of the proposal as a whole. Not enough has been proposed to offset these impacts in terms of public transport
and other local infrastructure improvements. The social benefits of the development are therefore considered to be neutralised by the harm from traffic generated by the development significant and no positive weight can be afforded in the overall planning balance.

iii) An environmental role

There are no specific policies within the NPPF which indicate that development should be restricted on the site. The site is greenfield however the loss of this site from future agricultural use would be very limited. Although NPPF encourages the use of brownfield sites, it does not prioritise development of such sites over greenfield land and nor does it preclude development of them.

Although the open character of the site will be lost to built form within the site, conditions could enable the retention and bolstering of the hedgerows and trees where appropriate. The site is not designated for its nature conservation value and it is considered that any ecological impacts associated with the development can be successfully mitigated through the imposition of conditions. The scheme would incorporate greenspace within the layout to be approved through the reserved matters process.

The Environment Agency, the Council’s Drainage Engineers, the LLFA (LCC), GMEU and Natural England are satisfied that subject to a series of conditions and application of standing advice and statutory permits - the flood risk factors, ecology issues and drainage factors highlighted in their correspondence and discussed in this report will be satisfactorily and suitably addressed and mitigated for at later stages.

Although the above leads the Council to the opinion that this is outline proposal (subject to conditions) will help protect and enhance the natural and built environment; and through conditions, help to safeguard biodiversity during construction and also have adequate regard for drainage and flood risk management; it is considered that the volume of traffic likely to be generated by the development will congest roads and thereby harm the health and well being of the local population and that of the wider area.

9.11.13 The highways and access proposals have been assessed by Lancashire County Council as Local Highway Authority and are considered to be unacceptable. The impact of the scheme on the capacity of the local highway network has also been considered. Based on the information available it is considered that the level of development proposed, in combination with other committed development in the wider area, would have an unacceptable impact on the local road network. This adverse impact would be expected to be severe with no appropriate mitigation scheme identified and no acceptance that such a scheme could be delivered. This consideration is accorded very substantial weight and is judged to be an over-riding factor in the assessment of the application.

10.0 CONCLUSION

10.1 The development of the site is considered to be acceptable in principle and the residential land use proposed is judged to be appropriate. The scheme would contribute towards meeting the borough’s market and affordable housing requirement. However, it is considered that the proposal would have a severe adverse impact on the capacity and integrity of the local highway network whilst also failing to offer a satisfactory level of mitigation with regards to local sustainability options. Paragraph 14 of the Framework explains that permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the document as a whole. Paragraph 32 sets the threshold of highway impact above which a refusal is justified as severe. Whist officers are mindful of the benefits of the proposal as set out above, the anticipated severe adverse impact on highway capacity and the failing to offer
a satisfactory level of mitigation with regards to local sustainability options is deemed to weigh sufficiently against the proposal as to be an over-riding consideration warranting refusal of the application.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

12.0 RECOMMENDATION

12.1 That the Council be minded to refuse the application in accordance with the advice of LCC Highways on the grounds that the developer has failed to provide sufficient information to show that the development will not have a severe adverse impact on the local highway network in terms of highway safety and highway capacity, contrary to the provisions of saved Policy SP14 of the adopted Local Plan and paragraphs 14 and 32 of the NPPF in particular, and that the development fails to show that all reasonable efforts have been taken to show that it maximises efforts to deliver a sustainable development in line with paragraph 17 of the NPPF in particular.

Recommendation: Refuse

1. The applicant has not provided sufficient information to show that the development will not have a severe impact on highway safety and highway capacity on the local highway network. In addition the applicant has failed to show that all reasonable efforts have been taken to maximise efforts to deliver a sustainable development in line with the NPPF. On this basis, the scheme proposed is not considered to represent sustainable development, and as such the proposal is considered to be contrary to the provisions of the National Planning Policy Framework particularly as set out under paragraphs 14, 17 and 32.

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REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Mr Franc Genley

1.0 INTRODUCTION

1.1 The application is before Members for determination. A site visit is proposed to help Members understand the proposal and to view the site within its setting.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The 0.67 hectare site comprises land formerly used by a sailing club. It is essentially an open undeveloped green field site with single storey workshops and storage structures in the south western corner of the site. The land rises up away from the road edge and the site is bordered by a hedge of varying height and intermittent consistency along its length. The topography of the site varies. The north western and north eastern corners adjacent to the road have above ordnance datum (AOD) levels of approximately 5.9 metres (m) and 7.3m respectively. The levels rise across the site to approximately 7.6m in the south-west corner and 10m in the south-east corner.

2.2 To the immediate west of the site is a row of semi-detached houses fronting onto River Road. To the north-west are the former farm buildings now comprising of the operational functions of the Kneps Farm (Holiday) Caravan site. To the south are single storey kennel outbuildings associated with a dog kennels business based there. To the east of the site is a visitor centre and associated car parking area for the Wyre Estuary Country Park. It is here where River Road terminates as a public highway. The north eastern corner of the site is approximately 50m from the closest point of the estuary banks.
2.3 The site is identified on the Local Plan Proposals Map as Countryside (saved Local Plan policy SP13 applies). In respect of agricultural land classification it sits within a swathe of land described as 'urban' on Lancashire online mapping service (MapZone) - with little potential for a return to agriculture. The adjacent Country Park has the additional designation as Recreational Open Space (Local Plan policy TREC14). The Estuary coast at this point is designated as Defined Open Coastline (policy ENV2). The application site is within 50m of the statutorily protected Morecambe Bay / Wyre Estuary Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and RAMSAR (European Protected) Site.

3.0 THE PROPOSAL

3.1 The application seeks outline planning permission for a development of up to 9 residential bungalows. All matters are reserved. The application initially sought consent for up to 14 bungalows. Following a revised Flood Risk Assessment, the number of units proposed has now been reduced to 9 and the part of the site within Flood Zone 2 and 3 (along the road frontage and in the north-west corner) has been excluded from the area set aside for residential footprint.

3.2 Whilst the application is in outline only, it is accompanied by an indicative layout to provide an example of how a development of 9 dwellings may be developed and laid out. This same plan demonstrates vehicular and pedestrian access could be taken from a point along River Road, but a definitive position is not proposed at this stage.

3.3 Access, layout, scale, appearance (e.g. design, materials and architectural details of the buildings) and landscaping including boundary treatments are all details to be submitted as part of a Reserved Matters application should outline permission be granted. The number of units indicated in the description (9) relate to the maximum number of units that would be provided on site. Whilst scale is a reserved matter, the application form states that bungalows are proposed. This is reflected in the development description and the agent has agreed for this to be secured by condition at this outline stage. On that basis the development can be considered as bungalows defined as single storey with any first floor accommodation in the roof space only.

4.0 RELEVANT PLANNING HISTORY

4.1 90/01344 - land fronting south side of River Road: OUTLINE application for residential park homes site - Refused 01.03.1991

4.2 84/00274 - Plot adjacent to 36 River Road: Erection of 1 bungalow for agricultural worker - Refused 17.05.1984

4.3 83/00104 - Plot adjacent to 26 River Road: Erection of 1 detached bungalow - Refused 17.03.1983

5.0 PLANNING POLICY

5.1 NATIONAL PLANNING POLICY FRAMEWORK

5.1.1 The National Planning Policy Framework (NPPF) was published by the Department of Communities and Local Government (DCLG) on the 27th March 2012. The NPPF sets out the Government's planning policies for England and how these are expected to be applied in the determination of planning applications and the
preparation of development plans. The NPPF sets out the requirements for the planning system to the extent that it is relevant, proportionate and necessary to do so.

5.1.2 The ministerial forward to the NPPF states that "Development that is sustainable should go ahead without delay - a presumption in favour of sustainable development that is the basis for every plan and every decision". There are three dimensions to sustainable development, including (paragraph 7):

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

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

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

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

5.1.5 Specific to decision-taking, the NPPF states that this means:
- "Approving development proposals that accord with the development plan without delay; and"
- "Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:"

1. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
2. specific policies in the Framework indicate development should be restricted."

5.1.6 Paragraph 187 of the NPPF states that, "Local planning authorities should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area".
5.1.7 Paragraph 197 of the NPPF states that "in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development."

5.1.8 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 or 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.

5.1.9 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.

5.1.10 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.

5.1.11 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).

5.2 NATIONAL PLANNING PRACTICE GUIDANCE (NPPG) 2014

This online resource was launched on the 6th March 2014 and follows a review of planning policy guidance undertaken by Lord Taylor of Goss Moor which began in October 2012. The resource presents 41 categories, from Advertisements to Water Supply, with each category containing a number of sub-topics. Relevant sections include Design and Flood Risk, including when to apply the Sequential and Exceptions Tests.

5.3 WYRE BOROUGH LOCAL PLAN 1999 (SAVED POLICIES):

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

5.3.2 The following policies are considered to be of relevance to the determination of this application. The weight to be afforded to these policies in discussed within subsequent sections of this report:-
5.4 WYRE SUPPLEMENTARY PLANNING DOCUMENTS / GUIDANCE

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

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

5.5 WYRE EMERGING LOCAL PLAN

5.5.1 A Preferred Options version of the Wyre Core Strategy underwent a public consultation between 2 April and 21 May 2012. The Council is now progressing a single Borough-wide Local Plan document and reconsidering the spatial strategy. The Council consulted on Issues and Options for the new Local Plan between 17th June and 7th 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).

5.5.2 Relevant policies in the emerging Local Plan include:-

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

5.6 WYRE AFFORDABLE HOUSING VIABILITY STUDY (OCTOBER 2010)

This identified that the level of viability for residential developments across the Borough could sustain a maximum of 30% affordable dwellings, although in some areas and for smaller developments it would be a lesser percentage (20% affordable dwellings for new developments of 5-9 dwellings).
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 Objectively Assessed Need (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. There is an estimated need for 300 affordable homes per year (over the next 5 years).

6.0 CONSULTATION RESPONSES

6.1 ENVIRONMENT AGENCY

6.1.1 Originally objected as the flood risk assessment was deemed inadequate. Revised response notes that it is now proposed to reduce the number of dwellings and restrict them to the area of the site which is at a lower risk of flooding, i.e. in Flood Zone 1. The Environment Agency withdraws their objection to the proposal subject to a condition in respect of carrying out the development in accordance with the FRA (AOD levels and safe haven routes). Advise the applicant that the future occupants should sign up to the EA flood warning scheme.

6.2 LANCASHIRE CONSTABULARY

6.2.1 General comments recommending that the site should be built in accordance with the principles of Secured by Design. Some detailed crime prevention observations are provided which is acknowledged will be dealt with through future reserved matters applications.

6.3 GREATER MANCHESTER ECOLOGY UNIT

6.3.1 No objections. The application site is within 50m of the Morecambe Bay / Wyre Estuary Special Protection Area (SPA), a European Protected Site. There will be no direct land-take of the SPA and significant impacts from air and water pollution are considered to be unlikely, given the type and relatively small-scale of the planned development.

6.3.2 Although the small population increase that will result from the development could in theory increase levels of public disturbance of birds using the SPA, in practice the development is adjacent to the Wyre Estuary Country Park and Visitor Centre, where access and recreation is very well managed and designed to avoid undue disturbance to the special interest of the Estuary. The application site itself is unlikely to support important bird species associated with the Estuary because it is relatively small and because it will be subject to disturbance from nearby residential development and from people visiting the Country Park and the visitor centre. This development will therefore not cause any significant increases in recreational pressure and/or disturbance.
6.3.3 The development proposal will not have any harmful impacts on the special interest of the SPA, although recommend that Natural England are consulted.

6.3.4 The ecology survey and assessment submitted has been undertaken by suitably qualified consultants and is to appropriate standards, given the overall nature of the site. The site supports what can best be described as semi-improved grassland, generally rather species poor and presumably used for grazing in the past. Hedgerows and trees to the site boundaries give the site some local nature conservation interest, although it would be possible to allow the development and to retain much of the hedgerow and trees, apart from a section of hedgerow that will need to be removed to provide access to the site. I would recommend that retained hedgerows and trees be specially protected during the course of any development, and that replacement hedgerow planting be sought to compensate for any losses.

6.3.5 Further recommend that no vegetation removal should be undertaken during the optimum period for bird nesting (March to July inclusive).

6.4 LANCASHIRE COUNTY COUNCIL - HIGHWAYS

6.4.1 No objections raised. At reserved matters stage LCC would wish to see the existing footway fronting the site widened to 2m so as to ensure adequate pedestrian access to the site. The indicative layout is acceptable.

6.5 NATURAL ENGLAND

6.5.1 Original response advises that a Habitat Regulations Assessment be carried out in order to have regard for any potential impacts that a plan or project may have on the European site(s) / SSSI. To assist in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice: - During the winter the designated site is of major importance for ducks and waders. If construction works are to take place over the winter months then the application has the potential to disturb birds using the designated site via the use of noisy machinery on site. We recommend that any loud works take place outside of the wintering bird season unless it can be demonstrated that no significant effects will occur as a result of the proposal (production of noise assessments etc.).

6.5.2 Welcome the inclusion of recreational green space in this proposal as the site is close to Morecambe Bay which is sensitive to recreational disturbance. Dogs can have a significant impact on birds through direct disturbance but also predation. To reduce this pressure, an area of open greenspace (as mentioned above) could be included into the proposed development that is attractive and offers home owners an attractive location to walk their dogs.

6.5.3 Further comments in respect of the Habitats Regulations Assessment carried out confirm Natural England are happy with its contents and advise the following;

• We would like to see and approve the content of the homeowner packs before they are distributed - could this be secured via planning condition?
• The HRA references 14 bungalows - should this be 9 bungalows?
6.6 LCC LEAD LOCAL FLOOD AUTHORITY

6.6.1 No Objection to the development subject to conditions in respect of surface water drainage details to be submitted, adherence to the flood risk assessment, surface water lifetime management/maintenance details to be submitted, and construction phase surface water management plan details, along with two informatives relating to land drainage consent and highway drainage connection.

6.7 UNITED UTILITIES

6.7.1 No objection subject to conditions requiring foul and surface water to be on separate systems, the submission of a scheme for the disposal of foul and surface water and a SuDS drainage system/plan to be submitted.

6.8 WYRE BC HEAD OF ENGINEERING SERVICES (DRAINAGE)

6.8.1 Revised response confirms following evidenced dye tests and drainage tests to confirm the private drain on drawing 30147/App H, the previous objection is now withdrawn. No objection in principle subject to consideration must be given to the use of SuDS; and surface water discharge to be limited to 5l/s. Important to note that access to / egress from the site lies within Flood Zone 3 and there is a long history of flooding to Stanah Road and River Road which could prevent access/egress to the site. Attenuation is proposed within Flood zone 3 and would be vulnerable to surcharging.

6.9 WYRE BC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY

6.9.1 In respect of contaminated land no objections subject to conditions requiring a Desk Study and Gas Protection Measures. In respect of NOISE, ODOUR and DUST - Officers offered no comments.

6.10 WYRE BC HEAD OF OPERATIONS (TREES)

6.10.1 Visited the site on 05 August. BS5837 Tree Report - The tree data collected is accurate. The methodology used is correct. I note the appropriate Root Protection Area Fencing Details at Appendix D and Appendix H Plan indicating root protection areas and where the fencing should be installed. Some pages were missing including part of the summary. Full Report has since been made available and I can confirm that I do not need to alter my conclusions.

6.10.2 Hedgerows - Referring to the Ecological Appraisal it is noted that neither Hedgerow (northern and eastern boundaries of the site) are captured as Important by the 1997 Hedgerows Regulations. The Indicative Site and Location Plans Rev A shows access creation necessitating removal of a section of the hedgerow which runs along River Road. The Lancashire County Council Highway response has also indicated that footpath widening works would be necessary for adequate pedestrian access.

6.10.3 If the decision is to approve the application then two conditions needed in respect of a Tree Protection Plan (RPA/Heras fencing / Construction Exclusion Zones etc.) and submitting for approval a landscaping plan to mitigate with native species those to be lost.
7.0 REPRESENTATIONS

7.1 Site notices were posted on site on 15 June 2016 and a press notice was published in the Gazette on the 25 May 2016. 22 Neighbour/Business notification letters were sent out to neighbouring residential properties and businesses in May 2016.

7.2 A total of 7 letters of objection have been received in response to the application publicity. The following issues have been raised:-

- Unsustainable development;
- Unsustainable location;
- Increased congestion on the highway network;
- Cumulative impact from this and other developments;
- Highway safety / Existing road infrastructure is poor;
- Busier roads will increase danger and maroon elderly people in their houses;
- Impact on existing and new bus routes;
- Insufficient existing infrastructure (Roads, Schools, Amenities);
- Inappropriate development into countryside, contrary to policy SP13 and SP14;
- Impact on Morecambe Bay and Wyre Estuary designated sites;
- Loss of wildlife and habitats including impact on Wyre Estuary Country Park;
- Will encroach on / too close to the Nature Reserve;
- Impact on protected species and wildlife;
- Consultation with Natural England necessary;
- Site / area is prone to flooding (reference to EA comments);
- Development will cause standing water, increase surface water run-off and exacerbate existing flood risk problems;
- Part of the site within Flood zone 3;
- Inadequate drainage.

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

1. 1 - It is not sustainable: The proposed development lies outside the urban boundary of Thornton and would be an intrusion into the Countryside Area. There are no services within a reasonable walking distance (the nearest shops are in Thornton Centre) and there is no longer a bus service (the nearest being at Hillylaid Road - well over 1km away).

2. 2 - The proposed development does not pass the sequential test. Although the majority of the site lies within Flood Zone 1, nevertheless a sizeable proportion (25%) lies in Flood Zone 3. This part which is at risk is lies alongside River Road which has problems with floods at time of heavy rainfall.

3. 3 - The proposed to development will have a serious adverse effect on wildlife. The site lies immediately adjacent to the Wyre Estuary Country Park and the River Wyre which is a Ramsar designated area and has special protection. For the Country Park to maintain its biodiversity then the open spaces which are adjacent must not be developed. Wildlife cannot be contained within the Park boundaries and need room to live.
8.0 CONTACTS WITH APPLICANT/AGENT

8.1 There has been significant contact with the applicant during the course of the planning application process in respect of the number of units, affordable housing, and the flooding and drainage elements of the scheme. The number of units has been reduced from 14 to 9 (as detailed in para 3.1 of this report) as a result of addressing flood risk issues. A time extension in respect of the determination date has been agreed to facilitate receipt and analysis of revised details, re-consultation with statutory consultees and presentation to committee.

9.0 ISSUES

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

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

9.2 Principle of development

9.2.1 Strategic location

The site falls outside the settlement boundary of Thornton and is located within countryside as designated by the Local Plan Proposals Map, and as such saved Local Plan policy SP13 applies. This development plan policy aims to prevent development within the open countryside, unless its development is justified by other policies within the Local Plan or where the development would be for the purposes of agriculture or forestry, uses appropriate to a rural area, that which would fulfil local housing needs (affordable housing), the re-use or refurbishment of listed or institutional buildings, or the conversion of rural buildings. The proposed development does not fall into one of these exceptions and nor is it justified by other policies within the development plan. The site is not allocated for housing within any adopted development plan documents and as such the application is therefore contrary to saved Local Plan policy SP13. Notwithstanding the above policy conflict, careful consideration must be given to the weight to be afforded to this conflict, taking into account all material considerations in the overall planning balance, with particular reference and weight afforded to the Council's housing land supply position and the NPPF. These matters are considered in detail within subsequent sections of this report.

9.2.2 Brownfield /Greenfield

The Design and Access Statement indicates that the land was formerly occupied by a sailing club and hosts a collection of single storey buildings that were used by the club. The definition of previously developed land outlined in the glossary of the NPPF is as follows: "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure."
This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.” So, whilst the site is predominantly greenfield it does contain an element of previously developed (brownfield) land where the footprint of these buildings is.

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

9.2.3 Sustainability of Location

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

The site lies in countryside, outside the settlement boundary of Thornton alongside a cluster of houses known as Stanah and commercial uses/buildings operating as holiday caravan parks, and the visitor centre and car park for the Wyre Estuary Country Park. There are pavements, street lights and River Road hosts bus stops and a bus route serving the Country Park. The site is approximately 1.3km from the nearest supermarket and pub in Thornton, with post boxes, churches and primary schools all within 900m-1km of the site. There are a reasonable 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. The roads within the vicinity of the site have good quality existing pedestrian and cycle infrastructure which offer connectivity to Thornton and the surrounding built up area. However, River Road is deficient with regards a pedestrian footpath along the southern side outside the site. LCC Highways point this out and request it be a matter that is resolved at Reserved Matters stage.

9.2.4 Identifying the objectively assessed housing need

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

Policy H1 of the Local Plan (1999) identified an annual average rate of housing provision of net additional dwellings up to 5600 between 1991 - 2006. This policy was superseded by Policy L4 (regional housing provision) of the Regional Spatial Strategy (RSS) which identified an average annual housing requirement for Wyre of 206 dwellings net of clearance replacement. Given the RSS was revoked on 20th May 2013; there is no up-to-date housing requirement for Wyre contained within the Borough’s development plan.

The Fylde Coast Strategic Housing Market Assessment (SHMA) (2013) represents the most up-to-date assessment of objectively assessed needs for Wyre. The requirement is outlined in paragraph 5.7 of this report.

9.2.5 Housing land supply assessment

The Council is able to demonstrate a 4 year supply of land but not able to identify a supply of deliverable sites sufficient to provide a 5 year supply of housing against a housing requirement based on the objectively assessed needs presented in the SHMA. The absence of a continuing supply of housing land has significant consequences in terms of the Council’s ability to contribute towards the government’s aim of “boost(ing) significantly the supply of housing.” Significant weight should therefore be afforded to the schemes contribution to addressing the identified housing shortfall and meeting the Government’s objective of securing a better balance between housing demand and supply, in the determination of this planning application.

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

9.2.6 Housing type and density

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

The development proposes up to 9 dwellings on site. The density will be influenced by the council’s relevant development plan policies at the time reserved matters are submitted together with any site constraints such as flood zone designation. However at this stage it has been demonstrated that up to 9 units could be appropriately
accommodated on the site. In addition bungalow properties which are suitable for older persons are a house type which is supported by the 2013 SHMA and therefore weight can be given to them meeting a specific identified housing need.

9.2.7 Affordable Housing

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

There are no saved housing policies relating to affordable housing in new housing developments in the adopted Local Plan. Policy CS21 of the Core Strategy Preferred Options document supports a provision of 20% affordable housing for residential developments of between 5 and 14 dwellings, or an off-site contribution of broadly equivalent value where appropriate for developments of between 5 and 9. This is supported by the Council's Affordable Housing Viability Study which forms part of the evidence base for the emerging Local Plan. The Council's Affordable Housing Officer in considering the original 14 unit scheme proposed, commented that it was unlikely that a Registered Provider would be in a position to acquire affordable units within this wider development of residential units due to management issues, current limited financial capacity and the location. In this instance the advice was that it would be appropriate to seek an off-site commuted sum. If the 20% threshold was applied to 14 units then this would produce a contribution equivalent to 2.8 no. affordable units.

However, reference has also to be given to Paragraph 31 of the National Planning Practice Guidance (planning obligations). According to this guidance, which is a relevant material consideration, as the revised scheme now proposes less than 10 units, in the event that the cumulative built footprint of the development does not exceed 1000m2, then the development would not be required to make a contribution. Whilst scale is not for consideration at this stage, as set out in previous committee reports to Members, it is necessary to determine at this outline stage whether or not an affordable housing contribution is required. The issue of provision has been discussed with the applicant and they are willing to accept a condition limiting the scale of development (to be determined at the reserved matters stage) to not exceed 1000m2 - thus making the development exempt from any affordable housing contribution.

9.2.8 Open Space

The applicant has indicated that no areas of public open space (POS) will be provided on site. The Indicative Layout indicates that each property will have its own private front/rear garden areas. The detailed matters of layout and landscaping will be considered through the assessment of future reserved matters applications. Natural England encourage that some space be set aside on this site for dog walking in the wider community. However, whilst there may be scope to encourage the provision of such space at reserved matters stage, as the site is below the Local Plan policy H13 threshold requiring open space it cannot be insisted on.

9.3 Impact on the character and appearance of the surrounding countryside

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

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

9.3.3 The application site is located adjacent to the urban area with built development adjacent to the southern and western boundaries. The development will have an urbanising effect upon the site which will impact upon the existing open local landscape character. However, the site does not currently allow through-views of surrounding open countryside and is currently screened in part from River Road. Any outline approval has the capacity via condition to require additional planting to mitigate any loss of trees and hedgerows and enhance the screening of the site to reduce the visual impact of the development.

9.3.4 The topography of the site rises to the south and the indicative layout indicates that dwellings will be located onto this rise. Although it is noted that layout is reserved for future consideration, based upon the indicative layout the proposed dwellings will be relatively visible from River Road at the point of the 'proposed' junction although planting, hedges and trees along the northern boundary will provide some screening. The flood risk assessment requires the finished floor levels of the development to be 7.9m AOD. Against existing levels outlined in section 1 of this report ground levels will need to be raised in part towards the front of the site, although with additional landscape screening and given that the properties will be bungalows this is not considered visually detrimental and precise level changes can be controlled by condition.

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

9.4.1 Saved Local Plan policy SP14 criterion E states, "the traffic associated with the development should not have any adverse impact on the local environs nor on the local highway network generally." In addition the NPPF paragraph 32 is also the relevant policy test which states that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". The NPPF paragraph 32 states that Transport Assessments (TA) should be prepared for all developments that generate significant amounts of traffic. The applicant has not submitted a TA and this would not normally be expected for developments of this type and scale. LCC Highways have stated that even with up to 14 dwellings (as originally proposed) they held no objections on highway capacity or safety grounds. This takes into account the impact of this development in addition to committed developments in the local area. A development of up to 9 dwellings would have a reduced impact than that of 14 dwellings.

9.4.2 Vehicular access into the site will be provided off River Road - though exact location is not being considered in this outline application. LCC Highways have not objected and are satisfied that there is capacity within the site to locate an access point with adequate visibility splay over land in the ownership of the applicant. The formation of an appropriate site access, including 2m wide footpath provision along the site frontage as indicated in the LCC consultation response, would be secured via conditions at reserved matters stage and a S278 Legal Agreement between the developer and LCC.
9.5 Design and layout

9.5.1 In this case, the applicant has submitted a Design and Access Statement to present the site opportunities and constraints and to explore potential design solutions for the site. In addition to this an Indicative layout (revised to show 9 instead of the original 14 units) has been presented to illustrate how the site may be delivered factoring in the limitations presented by the Flood Zone. Although the scheme is in outline with all matters reserved, it is relevant to consider the parameters of the development together with the Indicative layout to gain a level of certainty that the quantum of development proposed can reasonably be accommodated on the site.

9.5.2 The applicant has not identified any scale parameters beyond the indication that the dwellings are all to be detached bungalows. No heights are given, but by inference the reference to bungalows assumes single storey units and this can be secured by condition. Indicative distances between plots and buildings seem to respect and exceed the various interface distances specified in the Council's adopted SPG on New Housing Layout.

9.5.3 It is considered that an appropriate layout could be developed on site in principle. The overall acceptability of the layout will however depend upon the design solution proposed at a future reserved matters stage. The applicant will be expected to address detailed design issues in accordance with relevant development plan policies, supplementary planning guidance and the NPPF to ensure that a quality scheme is achieved, which respects the characteristics of the surrounding area.

9.5.4 The NPPF at paragraphs 58 and 69 indicates that planning decisions should aim to ensure that developments "create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion." The Lancashire Constabulary Architectural Liaison Officer raises no objections to the principle of residential development at this location and encourages the applicant to have further dialogue with them during the preparation of future reserved matters applications.

9.6 Ecology & Nature Conservation

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

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

9.6.2 The applicant has submitted an Ecological Assessment in support of the application which has been reviewed by Greater Manchester Ecology Unit (GMEU). GMEU consider that the assessment has been carried out to a satisfactory standard and is proportionate to the value of the site and the potential impacts of the development. This included an assessment of the building for the presence of bats and nesting birds. Whilst the buildings and trees on site were deemed negligible risk for bats, nesting birds were known to occur on the site but no conclusive evidence of regular occurrence. Numerous mitigation measures are presented and these can be secured by condition.
9.6.3 The application site is within 50m of the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and RAMSAR (European Protected) site. Given this proximity GMEU and Natural England (NE) have considered potential impacts from the development on the special nature conservation interest of the nationally / internationally designated sites under the terms of The Conservation of Habitats and Species Regulations 2010 (as amended). This includes the impact on wintering birds which are a particular feature. NE advised that a Habitat Regulations Assessment (HRA) should be carried out which specifically considers that any loud works take place outside of the wintering bird season unless it can be demonstrated that no significant effects will occur as a result of the proposal (production of noise assessments etc.). A HRA was subsequently carried out which addresses various impacts including air and water pollution and disturbance. It concluded no significant effects on the European designated sites subject to appropriate mitigation relating to drainage, construction and information packs for future homeowners. NE is satisfied with the HRA conclusions. In respect of the Wyre Estuary SSSI, NE indicates that they are satisfied that the proposed development will not damage or destroy the interest features for which the site has been notified. In short they do not raise objections on nature conservation or ecology grounds subject to the identified mitigation being implemented, which can be secured by condition.

9.6.4 Although the small population increase that will result from the development could in theory increase levels of public disturbance of birds using the SPA, in practice the development is adjacent to the Wyre Estuary Country Park and Visitor Centre, where access and recreation is very well managed and designed to avoid undue disturbance to the special ecology features of the Estuary. The application site itself is currently unlikely to support upon it any important bird species associated with the Estuary because it is relatively small and because it will be subject to disturbance from nearby residential development and from people visiting the Country Park / visitor centre. The addition of this development will not in GMEU’s view cause any significant increases in recreational pressure and/or disturbance.

9.6.5 NE also suggests that an area of open greenspace could be included on this site for dog walking, away from the river and country park to prevent birds from being placed at risk of predation by dogs. However, this site falls below the policy threshold for open space provision and therefore it cannot be insisted on. Nonetheless, according to the indicative layout and the flood zone constraint, there may be the opportunity for some amenity space to be provided on site. Rather than a stipulated requirement this aspect will be considered as part of a future landscape submission.

9.6.6 GMEU recommends that retained hedgerows and trees be specially protected during the course of any development, and that replacement hedgerow planting be sought to compensate for any losses. They also recommend restrictions on vegetation removal that may be required to facilitate the scheme during the optimum period for bird nesting (March to August inclusive). All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended). GMEU raise no objections to the development proposal on nature conservation grounds subject to the inclusion of conditions relating to the protection of trees and hedgerows during the construction phase of development; and avoiding the removal of hedgerows outside the bird nesting season. It is considered that these conditions will secure appropriate ecological mitigation / enhancement measures.
9.7 Trees

9.7.1 Centrally on the western part of the site contains a small group of trees, there are also trees along the western, southern and eastern boundaries and a hedgerow along the northern (site frontage) boundary. A Tree Survey has been submitted which identifies some of these desirable for retention and appropriate root protection areas for these. The (revised) illustrative layout is broadly compatible with this, although this shows that the central group of trees may not be retained. Nonetheless the Council's Tree Officer is satisfied with the application and the development is considered to be compliant with policy ENV7 subject to conditions in respect of a Tree Protection Plan (RPA/Heras fencing / Construction Exclusion Zones etc.) and landscaping scheme to ensure appropriate mitigation is provided for any tree / hedgerow removal. In respect of the hedgerow, this does not meet with the criteria to define it as important under the 1997 Hedgerow Regulations. It is suggested by LCC Highways that a 2m footpath would need to be provided along the site frontage, to be considered at reserved matters stage when access is being applied for. This, alongside the making of the access, would affect the existing hedgerow along the site frontage. However, any loss / removal can be appropriately mitigated for with a replanted / transplanted hedgerow.

9.8 Pollution

9.8.1 To prevent unacceptable risks from air pollution, planning decisions should ensure that new development is appropriate for its location. The NPPF states that the effects of pollution on health and the sensitivity of the area and the development should be taken into account.

9.8.2 A small boatyard storage operation sits adjacent to part of this site. Whilst this has the potential to transmit some noise from its operation to the new dwellings, this is considered to be small-scale and not to have an adverse impact. The Council's Environmental Health Officer has reviewed the application although has no comments to make. A planning condition is not normally considered necessary for a development of this scale relating to managing and mitigating potential environmental effects arising from the construction phase of the development however as this has been requested for ecology mitigation and surface water reasons this will be required by condition.

9.8.3 Due to the residential use of the end development, Environmental Health have requested conditions be applied to control potential ground and gas contamination issues.

9.9 Flood risk

9.9.1 The applicant has submitted a Flood Risk Assessment (FRA) as part of the submission in accordance with the requirements of the NPPF and the NPPG. The FRA has reviewed all sources of flood risk to the proposed development and concludes that the majority of the site is located within Flood Zone 1 but that the extreme north west corner of the site is within Flood Zone 3. A revised indicative plan demonstrates that it is possible to locate up to 9 units on the site without the building footprints encroaching into the Flood Zone 3 designation. Consequently it is not necessary to apply the Sequential Test and as such the location of the proposed development is considered appropriate in terms of flood risk.
9.9.2 The Environment Agency (EA), the Council Drainage Engineer and LCC Lead Local Flood Authority have assessed the submitted FRA. Consultees are satisfied that the proposed development would not be at an unacceptable risk of flooding or that it would exacerbate flood risk elsewhere. The FRA provides details of the proposed flood mitigation measures and states that finished floor levels are to be raised to 7.9m AOD. A planning condition can be used to secure the implementation of the flood risk measures identified within Section 9.0 of the FRA. An informative can be added to remind the developer that at reserved matters stage no part of the built development shall encroach into the designed flood zone area of the site.

9.10 Drainage and Utilities

9.10.1 Following initial comments raised by the Council's Drainage Engineer an indicative surface water drainage scheme was produced as part of an updated FRA. The Council's Drainage Engineer originally raised concerns that the applicant proposed connecting to a private drain of which they had no record of. If that drain turns out not to exist the applicant would, in all likelihood, apply to discharge to the public sewer thus further increasing the risk of flooding to this site and neighbouring properties. The road in front of the site has a long history of flooding and it is imperative that the surface water from the site is drained properly to reduce the risk of flooding to the properties. Consequently, the applicant undertook a series of dye tests and a report was submitted evidencing that the proposed surface water connection to an existing culverted watercourse worked. Consequently, the Council's Drainage officer has removed his objection and it is considered that a technical solution is possible without exacerbating flood risk. Full drainage details including future management can be secured by condition.

9.10.2 United Utilities raise no objections. They indicate that the site must be drained on a separate system with only foul drainage connected into the foul sewer; and that no surface water from the development is discharged either directly or indirectly to the combined sewer network. This is technically possible as set out above. LCC Lead Local Flood Authority also raise no objections subject to conditions.

9.11 Planning Obligations

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

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

9.11.2 In respect of education, LCC have produced a methodology for claiming contributions against those housing developments which are projected to create a shortfall of school places within the local area. The scheme comprises fewer than the 10 unit threshold at which the trigger for contributions are necessary and there is no requirement in this instance. In respect of health, there is currently no policy mechanism to secure contributions towards health care provision and no such request has been received from the Clinical Commission Group. The NPPG also makes it clear that tariff style contributions cannot be sought from small
developments of less than 10 dwellings and with a combined floorspace of less than 1,000 m2.

9.11.3 As set out earlier in the report, the agent has indicated they are willing to accept a condition limiting the scale of new residential development (to be determined at the reserved matters stage) to not exceed 1000m2 of built floorspace - thus making the development exempt from any affordable housing contribution.

9.12 Planning Balance

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

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

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

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

9.12.3 In coming to a balanced view, careful consideration must be given to the weight to be afforded to any conflict with the Local Plan, taking into account all material considerations in the overall planning balance, with particular reference and weight afforded to the Council's housing land supply position and the weight to be afforded to development plan and its relevant policies. A number of policies in the Wyre Borough Local Plan (1999) were saved under the terms of the Secretary of State's Direction, including policy SP13. These policies were however saved subject to two caveats;

a) Firstly, that the saved policies would be replaced promptly; and

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

9.12.4 In respect of the first caveat, although the Council published its Core Strategy Preferred Options Report in March 2012, the Council is now in the process of preparing its new Local Plan. Once adopted, the Local Plan policies will replace those which are extant within the current Local Plan. The new Local Plan is however in its early stages of preparation and there has been no draft Plan produced to date. In terms of the Core Strategy Preferred Options Report, only very limited weight can be afforded to it in the determination of this application.
9.12.5 In respect of the second caveat, the Local Plan was prepared to be in general conformity with the Lancashire Structure Plan (1991 - 2006) and with National Planning Policy in place at that time. The Local Plan policies and allocations address the land requirements to deliver the objectively assessed needs of the borough during the plan period, which ended in 2006. Policy H1 (Housing Land Provision) was not saved under the terms of the Secretary of State's Direction and as such the development plan is silent as to the amount of new housing that should be provided. The publication of new evidence, including the Fylde Coast Strategic Housing Market Assessment indicates that there should be a significant increase in the number of dwellings to be provided annually compared to that which is provided by the current Local Plan. In addition to this, the NPPF has been published which requires local planning authorities to "boost significantly the supply of housing" by "use(ing) their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing..." This up to date evidence therefore suggests that there is a clear need to rebalance the existing protection of land in order to address the current housing requirements of the Borough.

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

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

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

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

9.12.10 There is no definition in the NPPF of what constitutes a relevant policy for the supply of housing, however recent High Court judgements indicate that this a matter of planning judgement, based upon both the purpose of the policy and also its effect on the availability of suitable land for housing development.
9.12.11 In the case of policy SP13 it is considered that its primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the Framework; however the extent of the geographic coverage is such that it would have a significant effect on the location of development by preventing the use of any land outside settlement boundaries and, in that respect, it is a policy relevant to the supply of housing. On the basis of its geographic extent, it is considered that the policy is "out of date" in the context of NPPF paragraphs 14 and 49 and therefore the presumption in favour of sustainable development set out in NPPF paragraph 14 is engaged.

9.12.12 The site is not allocated by, or subject to, a protective designation in the Local Plan other than SP13 'countryside' and there are no policies within the NPPF which indicate that development on this greenfield site should be restricted. The presumption in favour of sustainable development identified by NPPF means that it is necessary to consider whether the proposed development represents 'sustainable development'. NPPF paragraph 7 sets out the three dimensions to sustainable development as being:

- Economic
- Social
- Environmental

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

i) An economic role

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

In light of the Governments push for economic growth (expressed in the 'Planning for Growth', Ministerial Statement) it is considered that moderate weight in favour of the application can be afforded to these benefits.

ii) A social role

The scheme will deliver up to 9 bungalows which will make a positive contribution towards meeting the housing needs of the borough. The inclusion of a condition precluding more than 1000m2 of residential footprint adequately safeguard against affordable housing not being provided in the event that this figure is breached and would necessitate the need for a new application to secure on site affordable housing provision or an offsite contribution.
It is considered that a high quality scheme could be delivered on site, with a satisfactory layout which will contribute towards the creation of an expanded sustainable community. The social benefits of the development are therefore considered to be significant and must be afforded significant weight in the overall planning balance.

iii) An environmental role

There are no specific policies within the NPPF which indicate that development should be restricted on the site. The 0.67ha site is greenfield in nature. However, due to current and previous uses the loss of this site from future agricultural use would be very limited. Although the NPPF encourages the use of brownfield sites, it does not prioritise development of such sites over greenfield land and nor does it preclude development of them.

Although the open character of the site will be lost to built form within the site, robust conditions will enable the retention or replacement of hedgerow and trees - limiting the visual spread of this small scale urban development. The site is not designated for its nature conservation value and it is considered that any ecological impacts associated with the development can be successfully mitigated through the imposition of conditions. There is an opportunity for the scheme to incorporate greenspace within the layout through the reserved matters process although this cannot be required.

The Environment Agency, the Council's Drainage Engineers, the LLFA (LCC), GMEU and Natural England are satisfied that subject to a series of conditions and application of standing advice and statutory permits - the flood risk factors, ecology issues and drainage factors highlighted in their correspondence and discussed in this report will be satisfactorily and suitably addressed and mitigated for at later stages in the planning application process.

In view of the above, it is the opinion of the Council that this is outline proposal subject to conditions will help protect and enhance the natural and built environment; and through conditions, help to safeguard biodiversity during construction and also have adequate regard for drainage and flood risk management.

10.0 CONCLUSION

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

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

11.0 HUMAN RIGHTS ACT IMPLICATIONS

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

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

12.0 RECOMMENDATION:

12.1 Grant outline planning permission subject to conditions

Recommendation: Permit
Conditions: -

1. An application for approval of reserved matters, namely access, 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. As part of the submission of any application for Reserved Matters, the development hereby approved shall be for bungalow properties only, as defined by a house having only one storey or upper rooms set in the roof, typically with dormer windows.

Reason: To ensure that the development has an acceptable visual impact in accordance with saved policies SP13 and SP14 of the adopted Wyre Borough Local Plan (1999).

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

Reason: To ensure that the development has a satisfactory visual impact on the streetscene, a satisfactory impact on neighbouring residential amenity and has a minimum risk of flooding in accordance with Policies SP14 and ENV15 of the Adopted Wyre Borough Local Plan (July 1999).

4. No development shall take place until details of tree protection measures e.g. the erection of fencing for any retained tree have been submitted to and approved in writing by the Local Planning Authority. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all
equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the landscape scheme to be agreed in condition 6 of this outline permission

Reason: In the interests of visual amenity and to ensure that trees are not felled unnecessarily in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

5. No tree felling or removal or vegetation (including hedgerow) clearance 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. Any tree removal or tree works shall also be carried out in accordance with BS3998: 2010 Treeworks recommendations.

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

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

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

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

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity in accordance with the provisions of Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999) and in the interests of ecology in accordance with the NPPF. The details are required to be approved prior to commencement of development to ensure landscaping is implemented at an appropriate time during the development in the interests of the visual amenity of the area in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).
7. 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.

8. The development shall incorporate the installation of suitable gas
protection measures, details of which shall be submitted to and be subject to the
written approval of the Local Planning Authority prior to the commencement of
development. The measures shall include, as a minimum: ventilation of confined
spaces within the building, a ground slab of suitable construction, a low permeability
gas membrane, minimum penetration (ideally none) of the ground slab by services,
and passive ventilation to the underside of the building. The development shall be
carried out in accordance with the approved measured. Alternatively, prior to the
commencement of development, a gas monitoring programme and risk assessment
of the results shall be undertaken to demonstrate that the above protection measures
are not required. Any gas monitoring must be carried out over a period of at least
three months and include at least three readings where the atmospheric pressure is
below 1000mb. Gas flow rates during the monitoring period must also be provided.
Results shall be submitted for approval in writing by the Local Planning Authority.

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

9. As part of the submission of any application for Reserved Matters, the
development hereby approved shall be for 9 units or less and shall have a maximum
combined gross floor space of no more than 1000sqm.

Reason: To ensure that the development satisfies the criteria outlined within
paragraph 31 of the NPPG whereby contributions for affordable housing and Section
106 planning obligations should not be sought from small-scale or self-build
developments. Failure to satisfy this criteria means that contributions for Affordable
Housing, required to be secured at this outline stage, would otherwise be sought in
line with Emerging Local Plan Policy CS21, which is a material consideration and has
the support of the Council’s Affordable Housing Viability Study (2010).

10. Prior to the commencement of development, a drainage scheme, which
shall detail measures for the attenuation and the disposal of foul and surface waters,
shall be submitted to and approved in writing by the Local Planning Authority. The
surface water drainage scheme shall be in accordance with the sustainable drainage
hierarchy outlined in the National Planning Practice Guidance, with evidence of an
assessment of the ground conditions to be submitted. For the avoidance of doubt,
surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing public sewerage systems.

The scheme 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, where applicable, including the provision of simple filtration / silt trap features to be installed on surface water outflow drains to avoid any possibility of water pollution arising from the development reaching the Morecambe Bay European site.

No part of the development shall be first occupied until the drainage works have been completed in accordance with the approved scheme. Thereafter the agreed sustainable drainage system shall be retained, managed and maintained in accordance with the approved details to be agreed in condition 11 of this outline permission.

Reason: To ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health and to prevent an undue increase in surface water run-off to reduce the risk of flooding in accordance with Policy ENV15 of the Adopted Wyre Borough Local Plan (July 1999) and the NPPF. The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application, to ensure a suitable form of drainage is provided in that specific area taking into consideration land conditions and proximity to existing services.

11. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

i. on-going inspections relating to performance and asset condition assessments

ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

c) Means of access for maintenance and easements where applicable.

The agreed management and maintenance plan shall be implemented in accordance with the approved details prior to first occupation of the development. Thereafter the agreed 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 the NPPF.

12. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include and specify the provision to be made for the following:

(a) dust mitigation measures during the construction period

(b) control of noise emanating from the site during the construction period

(c) hours and days of construction work for the development

(d) contractors’ compounds and other storage arrangements

(e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period

(f) arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)

(g) the routeing of construction traffic

(h) details of how surface water and pollution prevention will be managed during the construction period.

The construction of the development shall be carried out in accordance with the approved CEMP.
Reason: In the interests of the amenities of surrounding residents and to safeguard the character and appearance of the area in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999); in the interests of ecology to ensure suitable mitigation is provided; and to ensure that the construction phase of development does not pose an undue flood risk on the site or elsewhere and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

13. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref: 30147/SRG) and the following mitigation measures detailed within the FRA:

1. Finished floor levels are to be set no lower than 7.9 metres above Ordnance Datum (mAOD).
2. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.

The mitigation measures shall be fully implemented prior to first occupation or 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.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to ensure safe access and egress from and to the site in accordance with saved policy ENV15 of the Wyre Borough Local Plan (1999) and the National Planning Policy Framework.

14. Prior to the commencement of the development hereby approved, a "home owners information pack" (as outlined in the Habitats Regulations Assessment completed for this application) for distribution amongst future occupants of the development hereby approved should be submitted to and approved in writing by the local planning authority, together with details of how this document will be made available for future homeowners. The pack shall include giving details of the nature conservation importance of the Wyre Estuary / Morecambe Bay and highlight alternative recreational opportunities in the vicinity, away from the more sensitive areas. The approved pack shall then be made available for future homeowners in accordance with the approved details.

Reasons: To help reduce any increase in recreational disturbance on the Morecambe Bay SPA/Ramsar Site in the form of appropriate mitigation and to satisfy the Habitat Regulations Assessment.

Notes:

1. Please note: Advice from the Environment Agency is that the future occupants should sign up to the Environment Agency flood warning scheme. Further information can be found on the GOV.UK website at: https://www.gov.uk/sign-up-for-flood-warnings.
2. Please Note: Notwithstanding the fact that access and layout does not form part of this outline planning approval, the reserved matters application will be expected to adhere to the illustrative plan insofar as it shows no part of the dwelling footprints to be within the flood zone 2 and 3 designation in order to satisfy the Sequential Test and Exceptions Test requirement. Furthermore LCC Highways have advised that at Reserved Matters stage there shall be provision of a 2 metre wide pedestrian footway along the River Road frontage extending into the site.

3. Please note: The granting of outline planning permission does not grant the applicant permission to connect to the ordinary watercourse(s) and does not mean that land drainage consent will be given. Furthermore, it does not grant the applicant permission to connect to the highway drainage network. 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
Land south of River road, Thornton Cleveleys

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