Portfolio Holder Report

The portfolio holder will make a decision on this item after seven days have elapsed (including the date of publication).

<table>
<thead>
<tr>
<th>Report of:</th>
<th>Portfolio Holder</th>
<th>Date of publication</th>
</tr>
</thead>
<tbody>
<tr>
<td>Garry Payne, Chef Executive</td>
<td>Councillor Alan Vincent, Leader and Resources</td>
<td>19 October 2017</td>
</tr>
<tr>
<td></td>
<td>Portfolio Holder</td>
<td></td>
</tr>
</tbody>
</table>

Application for Discharge of Section 52 Agreement relating to Burlingham Caravan Park, Preston/Lancaster New Road, Garstang

1. Purpose of report

1.1 To seek the approval of the Portfolio Holder to discharge of the Agreement under section 52 of the Town and Country Planning Act 1971 dated 6th December 1985 concerning the use of land at the Burlingham Caravan Park, Preston/Lancaster New Road, Garstang at Appendix 1 hereto (‘Agreement’).

2. Outcomes

2.1 Discharge would leave the Blue Land unrestricted by the terms of Agreement and would lead to removal of the related entry in the Local Land Charges Register. It would remove a potential barrier to the delivery and occupation of housing development permitted by planning permission 15/00910/FULMAJ.

3. Recommendation/s

3.1 To authorise the Senior Solicitor to obtain the discharge of the Agreement relating to the ‘Blue Land’ by way of negotiation and completion of an appropriate deed of discharge

4. Background

4.1 In 1985 the then landowners of Burlingham Caravan Park entered the Agreement in connection with a planning application reference number 02/83/1337 for removal of a condition attached to the existing planning permission (reference number 2/6/3148) for the Caravan Park. The Agreement requires that the land shown edged blue on the plan attached to the Agreement (‘Blue Land’) “shall at all times be kept clear of caravans, buildings or other structures and used only as a recreational open space or amenity area for the occupiers of the caravans on the remainder of the
land shown edged red on the said plan (‘Red Land’)”. The Agreement provides further that this restriction applies permanently.

4.2 On 6 July 2016 planning permission reference number 15/00910/FULMAJ for the demolition of an existing dwelling and erection of 10 dwellings with access from Preston Lancaster New Road (A6) at the application site described as The Thatch, Garstang Bypass Road, Cabus, Garstang, Preston, Lancashire PR3 1PJ was granted as shown edged red on the site plan to 15/00910/FULMAJ at Appendix 2 to this Report (‘Application Site’). The approved layout plan for the Application Site is at Appendix 3 hereto. The Application Site comprises the Blue Land (which is indicated hatched blue on Appendix 2) and part of the Red Land.

4.3 Planning permission reference 15/00910/FULMAJ has now been implemented and dwelling houses are presently under construction. The present landowner seeks discharge of the Agreement to remove the above mentioned restrictions affecting the Blue Land following the granting of the planning permission.

4.4 The discharge of agreements entered into under s52 of the former Town & Country Planning Act 1971 is not one of the functions listed for decision by Council, committee or officer under the Local Government (Functions & Responsibilities) Regulations 2000. Section 13 of the Local Government Act 2000 provides that functions not listed in those Regulations should be taken by Executive Member.

5. **Key issues and proposals**

5.1 The key issue is whether the provisions of the Agreement concerning the Blue Land remain necessary and appropriate such that it would be reasonable to continue to retain them in these circumstances.

5.2 The Committee report in respect of planning application 15/00910/FULMAJ at Appendix 4 sets out the analysis of the planning position relating to the Application Site and includes considerations of visual impact and impact upon amenity of the proposed development and planning permission was approved. Public notification of that application was given as required and all responses considered.

5.3 The use of the Blue Land described in the Agreement has either never been implemented, or it ceased to be used as such some time ago. The Blue Land was, prior to its recent redevelopment, clearly a separate parcel of uncultivated grassland bounded by established hedgerows to the south western, north eastern and frontage boundaries and a fence to the north western boundary with the adjacent Burlingham Caravan Park. The officer view is that the principle that the Blue Land is required for use only as a recreational open space or amenity area for the occupiers of caravans on the remainder of the Red Land cannot reasonably be sustained.
5.4 In all the circumstances, the officer view is that the discharge of the Agreement relating to the Blue Land would be acceptable in planning terms and that the retention of the Agreement in this respect serves no planning purpose and is not otherwise necessary or proportionate.

5.5 This request has been considered with reference to the qualified rights pursuant to Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. Public and private interests have been balanced and it is considered that there is no impact that could substantiate refusing this request.

5.6 It is recommended that the Senior Solicitor is authorised to discharge the Agreement relating to the Blue Land by way of an appropriate deed of discharge with the current landowner.

6. Delegated functions

6.1 The matters referred to in this report are considered under the following executive function delegated to the Resources Portfolio Holder (as set out in Part 3 of the Council’s Constitution): determinations relating to the release or modification of covenants affecting land of which the Council has the benefit where the Head of Building Control does not have delegated power to deal with such requests.

<table>
<thead>
<tr>
<th>Financial and legal implications</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Finance</strong></td>
</tr>
<tr>
<td><strong>Legal</strong></td>
</tr>
</tbody>
</table>

**Other risks/implications: checklist**

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.
<table>
<thead>
<tr>
<th>risks/implications</th>
<th>✓ / x</th>
</tr>
</thead>
<tbody>
<tr>
<td>community safety</td>
<td>x</td>
</tr>
<tr>
<td>equality and diversity</td>
<td>x</td>
</tr>
<tr>
<td>sustainability</td>
<td>x</td>
</tr>
<tr>
<td>health and safety</td>
<td>x</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>risks/implications</th>
<th>✓ / x</th>
</tr>
</thead>
<tbody>
<tr>
<td>asset management</td>
<td>x</td>
</tr>
<tr>
<td>climate change</td>
<td>x</td>
</tr>
<tr>
<td>data protection</td>
<td>x</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>report author</th>
<th>telephone no.</th>
<th>email</th>
<th>date</th>
</tr>
</thead>
<tbody>
<tr>
<td>David Thow</td>
<td>01253 887287</td>
<td><a href="mailto:david.thow@wyre.gov.uk">david.thow@wyre.gov.uk</a></td>
<td>06/10/2017</td>
</tr>
</tbody>
</table>

List of background papers:

<table>
<thead>
<tr>
<th>name of document</th>
<th>date</th>
<th>where available for inspection</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

List of appendices

- Appendix 1: The Agreement
- Appendix 2: Site plan to 15/00910/FULMAJ
- Appendix 3: Layout plan to 15/00910/FULMAJ
- Appendix 4: Committee Report 15/00910/FULMAJ

arm/ph/re/cr/17/0010dt1
DATED 6th December 1985

THE WYRE BOROUGH COUNCIL

and

MR. A.W. and MRS. E.A. COWBURN

AGREEMENT

under Section 52 of the Town and Country Planning Act, 1971 relating to use of land at Burlingham Caravan Park, Preston/Lancaster New Road, Garstang.

J. HARRISON, ESQ., LL.B.,
Chief Legal Officer,
Wyre Borough Council,
Town Hall,
Poulton-le-Fylde.
This AGREEMENT is made the sixth day of December One thousand nine hundred and eighty-five BETWEEN THE WYRE BOROUGH COUNCIL (hereinafter called 'the Council') of the one part and ALFRED WILLIAM COWBURN and EDITH AGNES COWBURN of the Thatch Burlingham Caravan Park Preston-Lancaster New Road Garstang near Preston Lancashire (hereinafter called 'the Owners') of the other part

WHEREAS:-

(1) The Council is the local planning authority for the purpose of the Town and Country Planning Act 1971 for the area within which the land described in the first schedule hereto is situated (the said land) ___________

(2) The Owners are the owners of the said land ___________

(3) The Owners have applied to the Council for planning permission for the development of the said land in the manner set out in the second schedule hereto ___________

(4) The Council is satisfied that the development disclosed and set out in the said second schedule is such as may be approved by the Council under the said Act ___________

NOW THIS DEED WITNESSETH as follows:-

1. THIS Agreement is made in pursuance of section 52 of the Town and Country Planning Act 1971 and section 33 of the Local Government (Miscellaneous Provisions) Act 1982 ___________

2. THE Council hereby approves the said development as set out in the second schedule hereto for the purposes of the said Act ___________

3. THE Owners hereby jointly and severally covenant with the Council that the portion of the said land edged blue on the plan attached hereto shall be permanently subject to the restrictions
and provisions regulating the development and use thereof specified in the third schedule hereto.

4. THE Owners hereby jointly and severally agree to carry out the said works and development in strict conformity with the details disclosed in the said second schedule hereto and to use the said land and all erections to be made therein in strict accordance with this Agreement and not otherwise.

5. THE expressions 'the Council' and 'the Owners' shall include their respective successors in title and assigns and this agreement shall operate so as to bind each and every part of the said land into whose-soever hands the same may come and shall ensure for the benefit of the local planning authority provided always that no persons shall be liable for any breach occurring after he or they shall have parted with their interest in the land.

IN WITNESS whereof the Council has caused its Common Seal to be hereunto affixed and the Owners have hereunto set their hands and seals the day and year hereinbefore mentioned.

FIRST SCHEDULE

All that plot of land known as Burlingham Caravan Park Preston/Lancaster New Road Garstang near Preston Lancashire shown on the plan attached hereto and thereon edged red.

SECOND SCHEDULE

Removal of condition attached to permanent planning consent ref. 2/6/314/8 dated 15th July 1961 in accordance with planning application No. 02/83/1337 dated 20th September 1983 such condition being as follows:

That portion of the site lying behind the house "Cranston" and to the east of the workshop area shall not at any time contain more than 12 caravans which are used for all the year round living and these vans are to be sited on the north and western
The boundaries of this area of land. Other caravans located within this parcel to be restricted for summer seasonal use between the 1st March and 31st October each year.

THIRD SCHEDULE

The portion of the said land edged blue on the plan attached hereto shall at all times be kept clear of caravans vehicles buildings or other structures and used only as a recreational open space or amenity area for the occupiers of caravans on the remainder of the said land edged red on the said plan.

THE COMMON SEAL of THE WYRE BOROUGH COUNCIL was hereunto affixed in the presence of:-

[Signature]

ASSISTANT Secretary

SIGNED SEALED and DELIVERED by the said ALFRED WILLIAM COWBURN and EDITH AGNES COWBURN in the presence of:-

[Signature]

[Signature]

[Signature]
This official copy issued on 22 July 2011 shows the state of this title plan on 22 July 2011 at 11:53:38. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).

This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 19 - Title Plans and Boundaries.

This title is dealt with by Land Registry, Fylde Office.
Proposed works included herein are preliminary and will be subject to the final road and drainage design.

Adjust existing vehicular access in accordance with LCC Highway Engineer's requirement.

Erect 1.8m high vertical boarded screen fence where buildings are demolished.

Bin collection point for plots 3-6.

Existing sewer and roads to be adjusted in accordance with the PSA Design drawing D1986-H-001 approved at Outline stage.

Existing trees and hedges to remain indicated thus.

Existing trees to be removed indicated thus.

Proposed levels indicated thus are preliminary and will be subject to the final road and drainage design.
Committee Report Date: 06.07.2016

Item Number

Application Number 15/00910/FULMAJ
Proposal Demolition of existing dwelling and erection of 10 dwellings with access from Preston Lancaster New Road (A6)
Location The Thatch Garstang Bypass Road Cabus Garstang Preston Lancashire PR3 1PJ
Applicant Roxford Ltd
Correspondence Address c/o De Pol Associates Ltd
FAO: Mr Chris Betteridge Farington House Stanifield Business Park Stanifield Lane Leyland Preston PR25 4UA

Recommendation Permit

REPORT OF THE HEAD OF PLANNING SERVICES

CASE OFFICER - Mrs Mandy Ramsden

1.0 INTRODUCTION

1.1 This application is before members at the request of Cllr. Balmain. A site visit is proposed to help Members understand the proposed development and how it sits within its surroundings.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is situated on the western side of the A6 approximately 100m north of the traffic light junction with Croston Road, Croston Barn Road, Cockerham Road and Green Lane West. The site consists of two parts. Firstly, the residential property known as The Thatch and secondly a grassed field on the northern side of The Thatch. The site is within an area designated as countryside in the adopted Wyre Borough Local Plan as it is beyond the settlement boundary of Garstang which runs along the eastern side of the A6. The site adjoins Burlinghams residential park home site which comprises of a variety of single storey chalet buildings and caravans set around private narrow roads to the north and west. Cranston, a detached two storey dwelling borders the site to the northeast with a further residential homes park - Wyre Vale Park beyond. To the east on the opposite side of the A6 is an industrial area consisting of portal framed and clad buildings. Two sewers cross the site.

3.0 THE PROPOSAL

3.1 The application seeks full planning permission for the demolition of the existing two storey dwelling and erection of 10 dwellings consisting of five pairs of semi-detached houses. There would be two pairs of 3 bedroomed dwellings and three pairs of 4 bedroomed dwellings. Access into the site would be in the northeast corner of the site and on to the A6 (Garstang Bypass or Preston Lancaster New Road). Four pairs of the two
storey dwellings would be positioned to the rear (western) boundary of the site with each property having either a drive or frontage parking spaces. A further pair would be sited in the south eastern corner of the site and an area of amenity space would be provided to the front of the site on the southern side of the access road. Five of the 4 bed houses would have garages available. The layout of the site is restricted due to two sewers crossing the site. These will lie under driveways, access road and front garden to plot 10. The application proposes highways works to widen the site access and off-site works to provide a right turning lane on the Garstang Bypass / A6.

3.2 The houses would be constructed in a brick and render with a tiled roof. They would have an eaves height of 4.725 metres and an overall ridge height of 7.362 metres. The 3 bedroomed houses to the rear of the site would have a gable fronted projection and gable side walls, whilst the 4 bedroomed houses would have forward projections and hipped main roofs.

3.3 The application is accompanied by a number of supporting documents as follows:
- Planning, Design and Access Statement
- Extended Phase 1 Habitat Survey & Baseline Ecological Impact Assessment
- Proposed Surface Water Drainage Assessment and results of Percolation Test
- Road Noise Assessment
- Financial Viability Assessment (commercial in confidence)

4.0 RELEVANT PLANNING HISTORY

4.1 16/00200/DEM - Prior notification of proposed demolition of dwelling house. Prior Approval granted

4.2 14/00767/OUT – Outline application for the erection of five dwellings. Approved

5.0 PLANNING POLICY

5.1 NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

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

5.1.2 There are three dimensions to sustainable development, including (paragraph 7):
- an economic role - contributing to building a strong responsive and competitive economy by ensuring that sufficient land of the right type is available at the right time and in the right places to support growth
- a social role - supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, by creating a high quality built environment with accessible local services
- an environmental role - contributing to protecting and enhancing our natural, built and historic environment and as part of this helping to improve bio-diversity.

To achieve sustainable development, economic, social and environmental gains should be sought jointly.
5.1.3 The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise (Paragraph 12).

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

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

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

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

5.1.5 Paragraph 17 of the NPPF identifies 12 core land-use planning principles which should underpin both plan-making and decision taking. These include supporting sustainable economic development; seeking to secure high quality design and a good standard of amenity; taking account of the different roles and character of different areas recognising the intrinsic character and beauty 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.

5.1.6 To deliver a wide choice of quality homes, paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. Paragraph 55 aims to promote sustainable development in rural areas by requiring housing to be located where it will enhance or maintain the vitality of rural communities and resisting new isolated homes in the countryside unless special circumstances exist.

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

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

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

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

- Policy SP13 - Development in the Countryside
- Policy SP14 - Standards of design and amenity
- Policy ENV7 - Trees on Development Sites
- Policy ENV13 - Development and Flood Risk
- Policy ENV15 - Surface Water run off
- Policy CIS7 - Wastewater Management

5.3 WYRE SUPPLEMENTARY PLANNING DOCUMENTS / GUIDANCE

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

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

5.4 EMERGING LOCAL PLAN

5.4.1 A Preferred Options version of the Wyre Core Strategy underwent a public consultation between 2 April and 21 May 2012. The Council is now progressing a single Borough-wide Local Plan document and reconsidering the spatial strategy. The Council consulted on Issues and Options for the new Local Plan between the 17th of June and the 7th of August 2015. The Wyre Core Strategy Preferred Options included consultation on a number of Core Policies which will inform policies in the Local Plan. Presently the Core Policies in the Wyre Core Strategy Preferred Options form a material consideration of limited weight in the consideration of planning applications in accordance with paragraph 216 of the National Planning Policy Framework (March 2012).

5.4.2 Relevant policies in the emerging Local Plan include:

- CS2 Spatial Strategy for Wyre : Settlement and Centre Hierarchy
- CS9 (Strategy for Garstang)
- CS13 (Sustainable Development)
- CS14 (Quality of Design)
- CS16 (Transport, Accessibility and Movement)
- CS18 (Green Infrastructure)
- CS20 (Housing Mix)
- CS21 (Affordable Housing)
- CS24 (The Countryside)
- CS25 (Flood risk and Water Resources)

5.5 WYRE AFFORDABLE HOUSING VIABILITY STUDY (OCTOBER 2010)

This identified that the level of viability for residential developments across the Borough could only sustain a maximum of 30% affordable dwellings, although in some areas and for smaller developments it would be a lesser percentage (20% affordable dwellings for new developments of 5-9 dwellings).
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 at the upper end of the range. The Council has accepted 479 dwellings per annum as the OAN figure for the emerging Local Plan. There is an estimated need for 300 affordable homes per year (over the next 5 years).

6.0 CONSULTATION RESPONSES

6.1 CABUS PARISH COUNCIL - Access to and from the proposed development is too close to the extremely busy traffic lights along that stretch of road (A6) and should be refused on the grounds of highway safety. Too many proposed dwellings with an associated increase in traffic trying to turn into and off the A6 at a site which is already notoriously difficult and accident prone.

6.2 LANCASHIRE COUNTY COUNCIL (HIGHWAYS) – Their response was based on the original proposal for 12 dwellings and so has been reported in this committee report based on the revised proposed for 10 dwellings.

6.2.1 No supporting Transport Statement (TS) has been provided as is generally the case for development proposals of this scale, however there is accompanying Design and Access Statement with the application which touches upon some of the topics that a TS would cover. The development site benefits from extant outline planning permission (14/00767/OUT) for 5 dwellings following the demolition of an existing dwelling.

6.2.2 In previous correspondence (in respect of other applications) LCC have indicated grave concerns, given the scale and location of developments in the Garstang / Catterall area, as the highway network beyond the immediate site environs does suffer from a level of congestion, with queuing occurring at peak times on the A6 corridor at a number of locations, including M55 at J1. In the future, significant highway infrastructure is to be provided in the neighbouring district of Preston influencing the A6 corridor. However, it is anticipated to only satisfy the planned sites for Preston as well as other previously supported sites that fund additional measures through s106 contributions.

6.2.3 The site is situated next to the A6 north of Garstang, is located 8.5km from the M6 at junction 33 (to the north) and 13.8km to the M55 at junction 1 (to the south). The A6 provides a primary route to / from Lancaster (to the north) and Preston (to the south) and other corridors in a westerly direction towards the Fylde coast, in particular the A586. It is reasonable to assume for strategic movements having regard to location, highway conditions and delay that a number of strategic movements (Northbound and Southbound) could reasonably use the M6 at J33.

6.2.4 It is still important that the impact of this development does not compromise reliability and safety in the movement of people and goods by any mode on any part of the network. Recent committed developments are contributing by agreement towards highway
matters that includes the provision of funding to enable those developments to come forward. Unfortunately the impact of these developments will result in no spare capacity to support further development.

6.2.5 This application is for 10 dwellings (net increase of 5 dwellings from the extant planning permission or 9 from the existing) and as such it is accepted that the traffic associated with the development will be relatively low when compared with traffic levels on the A6. In terms of numbers it is also fair to say that the impact of the proposal over the approved scheme would not be a significant increase (in dwellings or impacts). It is also agreed that the proposal will not have a severe detrimental impact on the local highway network. As highlighted above, this site is suitably located to realistically use M6 J33 for both north and south bound strategic movements unlike sites to the south of Garstang.

6.2.6 Having regard to all influencing elements of this proposal being scale, location, the realistic routeing opportunities (that bypass M55 J1) the impact of the development can be suitably accommodated and the impacts at M55 J1 will not be at a level that causes severe harm as such the principle of this development is not unacceptable.

6.2.7 The site layout meets with LCC’s requirements for all but the access drives to be adopted under a S38 agreement should the developer so wish.

6.2.8 The proposed site access with the A6 is located close to an existing pedestrian refuge which will provide protection for vehicles turning into the site, although the existing road markings will need to be modified to provide the right turn. Sightlines at the access exceed Design Manual for Road and Bridges standards and are contained entirely within highway limit and as such are acceptable. The geometry of the junction is generally acceptable and construction will require the developer to enter a S278 agreement.

6.2.9 The A6 / B5272 junction has a poor accident record with 9 recorded injury accidents in the last 5 years, 2 of these accidents involved cyclists. Whilst vehicular traffic from the development site will not have a significant impact on highway capacity here, the number and type of injury accidents here could discourage a modal shift to walking and cycling. In addition to the amendments necessary at the access it is appropriate for minor improvements to the signalised junction at A6 / B5272 to be undertaken. The works here should be to provide Advance Stop Lines (ASL) for cyclists on the A6, B5272 and C437 approaches. This will increase the sustainability / accessibility of the site as well as assist in reducing the existing accident rate. Given the overall scale of the development no other improvements are necessary.

6.2.10 Confirm no highway objections to this proposal subject to appropriate conditions in relation to provision of the required improvements, management and maintenance of the internal road and provision of wheel washing.

6.3 LANCASHIRE COUNTY COUNCIL (EDUCATION)

6.3.1 In respect of primary school places the proposal would have an expected yield of 3 places from this development. Given an expected yield of 28 from recently approved applications this would result in a shortfall of 14 places. Therefore, request a contribution from the developer in respect of the full pupil yield of this development, i.e. 3 places. This assessment, which represents the current position on 26th November 2015, would equate to £36,088.86.

6.3.2 With regard to secondary school places it is assessed that 1 additional place would be required. This assessment, which represents the current position on 26th November 2015, would equate to £18,126.38.
6.4 GREATER MANCHESTER ECOLOGICAL UNIT (GMEU)

6.4.1 No significant ecological constraints were identified by the developer’s ecological consultant. Minor issues relating to nesting birds, bats, and ecological mitigation were identified which can be resolved via condition and/or informative.

6.4.2 The buildings on site were assessed for bat roosting potential and emergence surveys carried out. No evidence of bats roosting was detected though the garden was utilised as foraging habitat. Noting the surveys occurred in 2013 and 2014 pre-cautionary re-surveys are recommended should demolition occur after April 2016.

6.4.3 Evidence of a number of nesting birds was found during the ecological assessment. Therefore no works to trees and shrubs should take place between 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present.

6.4.4 The highest value habitats on the site are to be retained i.e. hedgerows and mature trees, but the development will result in slight negative impacts for nesting birds including potentially UK priority species such as house sparrow and starling. Mitigation should therefore be provided in order to comply with section 109 of the NPPF. Given the impacts are minor this can be conditioned as part of the overall soft landscaping scheme. The site is utilised by hedgehog a UK Priority species and therefore an informative should be applied to any permission in this respect.

6.4.5 The updated ecological assessment dated December 2015 found no new ecological constraints associated with this site. Previous consultee comments still apply. A re-survey is now recommended should demolition occur after April 2017.

6.5 UNITED UTILITIES - In accordance with the NPPF and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

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

No objection to the proposed development provided that appropriate conditions relating to separate drainage systems within a SUD’s system for surface water drainage as the first consideration are attached.

6.6 LANCASHIRE COUNTY COUNCIL (LEAD LOCAL FLOOD AUTHORITY) – It is evident from the drainage information that the applicant intends to discharge surface water to existing surface water sewer. The Planning Practice Guidance (PPG) establishes a hierarchy for surface water disposal, which encourages a SuDS approach:
Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system; to a combined sewer.

The applicant has not provided evidence to demonstrate why discharge options, specifically infiltration and/or attenuation cannot be utilised. Therefore the proposed drainage strategy is contrary to the Planning Practice Guidance hierarchy. The submitted drainage information states that trial holes have been undertaken across the site but evidence of this has not been submitted. Also the drainage scheme proposed does not include SuDS elements. Where this cannot be achieved the applicant must provide appropriate evidence and justification for each level of discharge. No objection to the proposed development subject to the inclusion of conditions requiring the provision of an appropriate surface water drainage scheme to be submitted and agreed and surface water management plan.

6.7 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE) - Previously advised that there were no objections in principle, but identified the following matters

- Full drainage details to be submitted for approval.
- There are no public sewers in the immediate area of the site; the site will drain by a private combined sewer to the public combined sewer to the north of the site. Approval will be required from UU for discharging surface water to combined sewer.

6.8 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (CONTAMINATED LAND) - Recommend a standard condition be included on any permission regarding the carrying out of a desk study to assess for any contamination that may affect the site.

6.9 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (NOISE POLLUTION) - Have reviewed the noise assessment submitted (prepared for the original scheme of 12 dwellings) and comment as follows:

6.9.1 On the basis that the glazing and ventilation measures recommended in the report are undertaken in full, satisfied that acceptable internal noise levels will be met.

6.9.2 The external noise measurements at the nearest rear gardens to the A6 road were found to be 68 dB LAeq,16hr. The noise assessment suggests that if those gardens were protected by a 3.5m high acoustic fence the noise levels in the centre of the gardens would not exceed 55dBAeq,16hr. This would be at the upper end of the World Health Organisation guideline of 50 - 55dBAeq,16hr for noise in gardens and outdoor living areas. However, if a 3.5m high barrier is unacceptable in planning terms, and only a 2m high barrier is allowed, then a higher noise level of 60dB LAeq,16hr would be achieved in those gardens. Concerned this would present a significant adverse affect on the health and quality of life of future occupants. Consequently, unless the 3.5m high barrier can be accepted in planning terms, or other means of mitigation is agreed that will ensure a noise level of no greater than 55dBAeq,16hr, would recommend refusal of the application to ensure that there is not a significant adverse effect on the health and quality of life of future occupants.

6.9.3 The revised scheme for 10 dwellings following the removal of the frontage two units is acceptable.
6.10 WBC HEAD OF OPERATIONS (TREES) - The site contains a small number of low quality trees. It is noted there is the absence of trees indicated as retained at the SE boundary on the proposal plan. The north western boundary with the property Cranston contains mature birch trees within the hedge. The hedges forming boundaries of the site do not meet with the criteria as an important hedgerow under the 1997 Hedgerows Regulations. No objections to make in regard to the proposal providing that the hedgerow birch trees are afforded adequate protection via tree protection fencing during demolition and construction. The proposed plan indicates new trees within the soft landscape. There is an opportunity to improve the landscape through the requesting of new suitable native woody trees to be planted in accordance with a landscape scheme.

7.0 REPRESENTATIONS

7.1 Three letters have been received objecting to the proposed development for the following reasons –

- Increased traffic on the A6
- Close to busy crossroads
- Starter homes required not 3-4 bedroomed
- Access to and from this site is fatally flawed
- Too many existing accesses in close proximity
- The Thatch property is a landmark and part of history of the district and should not be demolished
- Excessive number of houses on land
- Loss of light to single storey properties at rear

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Several points of contact relating to progress, viability matters and noise issues and subsequent revision of scheme from 12 to 10 units due to noise amenity issue.

9.0 ISSUES

9.1 The main issues in consideration of this application are as follows:

- Principle of Development and Policy Compliance
- Impact on the Transport Network/Highway Safety/Parking
- Visual Impact/Impact on the street scene and local landscape/Design
- Impact on Residential Amenity
- Flood Risk and Drainage
- Ecology, Nature Conservation and Trees
- Pollution
- Noise Impacts/A6
- Housing Mix and Affordable Housing
- Education

Principle of development and Policy Compliance

9.2 The principle of residential development on this application site has already been established through Outline Planning Consent reference 14/00767, and is therefore considered to comply with both local and national planning policy requirements.
9.3 The NPPF states that the effective use of land should be encouraged by re-using land that has been previously developed. The presumption in favour of sustainable development is a fundamental part of the NPPF and it should be noted that delivery of sustainable development is not restricted solely to the use of previously developed land. Therefore, whilst approximately 50% of the site is considered to constitute greenfield land, this would not preclude the development of the site where it would constitute sustainable development when assessed against the policies in the NPPF as a whole.

9.4 To support sustainable development in rural areas the NPPF requires housing to be located where it will maintain or enhance the vitality of rural communities. Saved Policy SP13 of the adopted Local Plan presumes against development in the countryside generally with certain exceptions, including the development of a single infill plot within an established built up frontage of not less than five dwellings provided that the development does not have a detrimental impact on the character of the group or locality. The provision of ten new dwellings as proposed by this application fails to satisfy any of these criteria of Saved Policy SP13. However, as the Council does not currently have a five year housing supply, this has to be balanced against the requirement of the NPPF wherein there is a presumption in favour of sustainable development. The presumption in favour of sustainable development seeks to achieve economic, social, and environmental gains, and positive improvements to the quality of the built and natural environment.

9.5 The site comprises an existing dwelling, its associated private garden and adjacent land, and whilst located within the designated countryside, it is situated immediately adjacent to the settlement boundary of Garstang which runs along the A6 immediately along the frontage of the site, and could not be described as being rural in character. Additionally, the settlement of Garstang is identified as a Key Service Centre in policy CS2 of the emerging Local Plan. As such Garstang has been identified as having an important role to the surrounding rural hinterland in providing services.

9.6 The site is located immediately along a key transport route of the A6 / Garstang Bypass Road between the towns of Preston and Lancaster. As part of an overall assessment of its sustainability, consideration needs to be given as to whether the proposed development is accessible to everyday retail and leisure facilities, health and community facilities by non-car modes of transport. Whilst located towards the north western edge of the settlement of Garstang there is a primary school within walking distance from the site to the south-east, and further primary schools within the southern area of Garstang. There are continuous footpaths along the A6 / Garstang Bypass Road and along Croston Road linking the site to the town centre to the south-east where there are supermarkets, a variety of shops, medical and health services.

9.7 In terms of accessibility to public transport modes, the nearest train stations are at Preston, Lancaster and Blackpool, a significant distance away, but are connected via bus services. The site is located adjacent to a bus route along the A6 which would provide services to Garstang Town centre and the wider area to Lancaster and Preston. There is a bus stop on the north bound carriageway 100 metres to the north of the site access, which us accessible along a footpath. A bus stop is located on the southbound carriageway 150 metres to the north of the site access. There is a cycle route along the A6 Garstang Bypass Road immediately in front of the site. Having regard to the above, it is considered that the proposed development for ten dwellings would be in an accessible and sustainable location.

9.8 In respect of housing need, the NPPF identifies a clear policy objective to "boost significantly the supply of housing". The net provision of nine new dwellings in this location would assist in supporting the local community and contributing to the rural economy. Whilst it is acknowledged that the proposal fails to comply with Saved Policy SP13 of the
Local Plan, the benefits arising from the proposal which includes contributing to the shortfall in housing supply within the borough are seen to be in favour of sustainable development. In principle the proposed housing is considered to be acceptable.

Impact on Highway / Parking -

9.9 LCC Highways have raised no objections to the proposal in terms of highway impacts. The NPPF states that, "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". As noted above, it is considered that the application site is located within an accessible location with good access to bus routes and clear and continuous footpath connections to the nearby town centre and associated facilities and services.

9.10 LCC Highways have commented on the potential impact of the proposal on the highway network and on the suitability of the proposed access for the development in terms of highway safety as follows.

9.11 The proposal has been assessed in conjunction with other recently approved residential developments along the A6 corridor with regard to cumulative impact on the surrounding road network and in particular M55 junction 1 to the south. It is anticipated that the road network (taking account of all major infrastructure being delivered) that influences movement at Junction 1 of the M55 will be operating at its theoretical capacity when all committed/planned/expected development is included in the future. There becomes a point where the assessed highway network cannot support further impacts without severe detriment and in some cases this can be the addition of only small amounts of traffic.

9.12 The application has been amended from 12 to 10 dwellings (net increase of 5 dwellings from the extant planning permission or net increase of 9 from the existing number of dwellings on site) and as such it is accepted that the traffic associated with the development will be relatively low when compared with traffic levels on the A6. In terms of numbers it is considered that the impact of the proposal over the approved scheme would not be a significant increase in dwellings or impacts. It is considered that the proposal will not have a severe detrimental impact on the local highway network as this site is suitably located to realistically use M6 J33 for both north and south bound strategic movements unlike sites to the south of Garstang.

9.13 The net impact of this development proposal is the same as an additional 5 new dwellings above that already assessed. Having regard to all influencing elements of this proposal being scale, location, the realistic routeing opportunities (that bypass M55 J1) it is LCC’s view that the impact of the development can be suitably accommodated and the impacts at M55 J1 will not be at a level that causes severe harm, and as such they advise that the principle of this development is not unacceptable in respect of the highway network. For these reasons it is not considered necessary to consult Highways England on this application on the basis of LCC’s response as an additional 5 dwellings above those already permitted would not give rise to any significant impact on the strategic road network at Junction 1 of the M55 or Junction 33 of the M6.

9.14 The proposed site access with the A6 is located close to an existing pedestrian refuge which will provide protection for vehicles turning into the site, although the existing road markings will need to be modified to provide the right turn. Sightlines at the access exceed Design Manual for Road and Bridges standards and are contained entirely within highway limit and as such are acceptable. L.C.C. Highways consider the geometry of the junction is generally acceptable and construction will require the developer to enter a
S278 agreement. Despite some concerns from the Parish Council and local residents about the site access it is deemed acceptable by the suitably qualified highway engineer. 

9.15 In addition to the amendments necessary at the access it is considered appropriate for minor improvements to the signalised junction at A6 / B5272 to be undertaken. The works here should be to provide Advance Stop Lines for cyclists on the A6, B5272 and C437 approaches. This will increase the sustainability / accessibility of the site as well as assist in reducing the existing accident rate. These works can be conditioned accordingly.

9.16 In respect of the site layout this meets with LCC Highway’s requirements for adoption under a section 38 agreement should the developer wish except for the access drives which would need to be maintained separately.

9.17 The proposed layout includes the provision of 2 and 3 no. parking spaces per dwelling as is normally required and adequate turning space for refuse vehicles etc. within the site. The layout including parking provision would be sufficient to permit vehicles to enter, manoeuvre within and leave the site in a forward gear and meets the standards outlined in the Manual for Streets guidance. Additional vehicle tracking plans have been submitted to illustrate that this would be achievable.

9.18 Therefore for the reasons given there are no highway objections to this proposal in terms of highway safety and subsequent traffic on the highway network subject to appropriate conditions relating to off-site highway works, management and maintenance of the internal access drive and provision of wheel washing facilities.

Visual Impact / Design / Impact on the street scene -

9.19 This section of the A6 is characterised by a mix of development with sales of caravans to the southern side of the site frontage, a residential homes park to the south and west side, a detached dwelling to the northern side set back from the road, a further homes park to the north, and an industrial area opposite. In all cases the frontage boundaries are hedgerows.

9.20 Saved Policy SP14 of the Local Plan seeks to ensure development is compatible with adjacent existing land uses and should be acceptable in the local landscape in terms of its scale, mass, style, siting and use of materials. Amongst other criteria the policy goes on to state that any development proposal should respect and accommodate existing important features of the site such as preserved trees, biological and heritage features. In this instance the proposed site plan demonstrates 10 units set out towards the rear (North West) of the site in a linear arrangement facing the A6, and a further pair forward of these to the south western corner leaving and open area to the front of the site and to the south side of the proposed access. The dwellings at the back of the site are set back from the A6 a minimum of 29 metres, with the pair in the corner and behind the caravan sale storage area back approximately 24 metres. The siting of the proposed dwellings, back from the highway is not uncharacteristic along the A6. Ground levels are expected to remain as existing with a difference of 150mm between ground level and finished floor levels.

9.21 The design of the dwellings would present frontages with a traditional appearance, with forward gable projections incorporating varying materials of brick/render and tile hanging, brick detailing, sloping roof canopies to front entrances and a mix of hipped and gable roofs with plain brick rear elevations. The design of the proposed dwellings is considered acceptable in this setting. It is acknowledged that part of the site is currently occupied by an attractive thatched roof house but this is not a designated or non-designated heritage asset as defined in the NPPF and so whilst its loss is unfortunate, it is
not afforded any protection and therefore no weight can be afforded to its loss in determining this application.

9.22 In respect of the overall density on the site, whilst a previous outline consent was for the erection of five dwellings, these dwellings were to be large detached houses. The increase from 5 detached houses to five pairs of semi-detached houses would not visually result in a more dense development out of keeping with the locality.

Impact on the residential Amenity

9.23 The dwellings would have private amenity space either in accordance or in excess of that set out in SPG4 (Spacing guidance for new housing) and spacing between properties is generally met. One exception is a shared 1 metre gap between plots 4 and 5 which is not considered an issue. Spacing otherwise between properties is either a driveway width or a double driveway width allowing visual breaks between properties. The other exception relates to an 11.6 metre separation between the side elevation of plot 3 and existing mobile home to the west. The separation distance between a single storey rear elevation to a two storey side elevation is normally expected to be a minimum of 13 metres. In this instance given that the respective elevation to both properties is blank (without windows) and that light would not be impacted upon in the 7 metre rear garden area as the existing unit is to the west of the proposed dwelling, this is not considered to be an issue. Similarly, in respect of mass, the proposed houses would have an eaves height of 4.725 metres and an overall ridge height of 7.362 metres. Impact on the mobile homes to the west is considered limited as the main aspect of the dwellings is to the south side and light would not be impinged on due to being to the west of the development. There are two mobile home units to the north in close proximity to the boundary. However the spacing of the proposed houses is between 17.4 metres and 18.4 metres, with the houses 14.6 metres and 14 metres respectively from the boundary. The bulk and massing of the properties can also be broken up and softened by the provision of appropriate landscaping and mitigation tree planting which can be conditioned accordingly.

9.24 It is considered that the proposed dwellings would not affect the residential amenity of the occupants located towards the north of the site and within the mobile home site as the separation distance between the units and the proposed houses is 17.4 metres and 18.4 metres. Spacing to the west whilst below what would normally be required as set out above, is considered acceptable due to the orientation of the properties mainly to the south. Given these circumstances, and subject to appropriate boundary treatments which can be conditioned, it is not anticipated that there would be any concerns arising from overlooking, loss of privacy or excessive bulk and massing.

Flood Risk and Drainage

9.25 The application site is located within Flood Zone 1 and is therefore within an area defined as having lowest risk of a flooding and therefore it is not necessary to apply the sequential test or exceptions test. The site area falls below 1 hectare and therefore a flood risk assessment is not necessary.

9.26 It is proposed to connect to the mains sewer in respect of foul drainage and no objection has been received from United Utilities (U.U) in this respect, subject to this being on a separate system. With respect to rain and surface water it is proposed that this would be dealt with by discharging to the U.U sewer which crosses the site, with discharge limited to greenfield run-off rates. The Council’s drainage engineer had previously raised no objections to five dwellings at the site stating that full drainage details would need to be submitted for approval. As the proposal involves a major category development it is necessary to consult L.C.C. as the Lead Local Flood Authority. Acknowledging UU’s response to this application, L.C.C. raise no objection subject to conditions requiring full
drainage details to be submitted. Prior to accepting the solution proposed, L.C.C have said as part of satisfying this condition a full ground investigation should be undertaken to fully explore the option of ground infiltration to manage the surface water in preference to discharging to a surface water body, sewer system or other means. A revised sustainable drainage strategy which includes SuDS elements with attenuation, storage and treatment capacities should be submitted and agreed, and where this cannot be achieved the applicant must provide appropriate evidence and justification for each level of discharge as to why a sustainable drainage system cannot be achieved.

9.27 Whilst the proposals would increase the amount of hard surfaces within the site a surface water scheme should be achievable as there would remain areas of soft landscaping. As currently indicated it is proposed that peak discharge rates of surface water run-off will be restricted by a flow control device, below ground storage of water, and the use of permeable paving and provide each dwelling with rainwater recycling facilities. Drainage will be conditioned accordingly.

Ecology, Nature Conservation and Trees -

9.28 The application is supported with an Extended Phase 1 Habitat Survey & Baseline Ecological Impact Assessment. This concludes that there are no significant ecological constraints on the site. Minor issues relating to nesting birds, bats, and ecological mitigation were identified which can be resolved via condition and or informative.

9.29 The buildings on site were assessed for bat roosting potential but no evidence of bats roosting was found. This is reiterated in a revised survey carried out in 2015. The surveys identify that the garden was utilised as foraging habitat and therefore mitigation is proposed. GMEU have advised a precautionary re-survey should take place in the event of the buildings not being demolished before April 2017 and this will be conditioned accordingly.

9.30 The highest value habitats on the site are to be retained i.e. hedgerows and mature trees, but as the development would result in slight negative impacts for nesting birds such as house sparrow and starling, mitigation should be provided in order to comply with section 109 of the NPPF which requires the planning system to contribute to and enhance the natural and local environment. However given the impacts are considered to be minor this can be conditioned as part of the overall landscaping scheme. Similarly an informative should be applied to any permission in respect of hedgehogs (a UK Priority species) which are identified as using the site.

9.31 The site contains a small number of trees which the Council’s Tree Officer considers are of low quality. However he notes along the north boundary with the neighbouring property Cranston there are mature birch trees within the hedge. Whilst the hedges forming boundaries of the site do not meet with the criteria as an important hedgerow under the 1997 Hedgerows Regulations it is considered that this hedgerow with its birch trees are afforded adequate protection through fencing during demolition and construction. The proposed plan indicates new trees would be provided within the soft landscape. Therefore there is an opportunity to improve the landscape of this area through the provision of native woody trees to be incorporated in to a landscape scheme. This could be obtained through the imposition of a landscaping condition.

Pollution - Contamination

9.32 Appropriate conditions/informatives are recommended by the Council’s Environmental Health Officer requiring that a desk study is carried out to assess whether
there is the potential for contamination on the site, prior to any construction works, in order to safeguard the environment and human health.

Noise Impacts/A6

9.33 The application as originally submitted included two dwellings towards the front of the site. The position of these two houses in relation to the A6 raised issues regarding the residential amenity for the future occupiers of the two houses, especially within the garden areas due to road noise. The solution, a 3.5 metre high fence/barrier, was not considered to be visually appropriate, therefore the pair of houses are no longer part of the proposal and this is now an amenity area.

9.34 The ten houses which form the current scheme are set well back from the A6 and acoustic glazing would be incorporated into the build. The private amenity areas / rear gardens, are to the west and away from the A6. Therefore the siting of the ten houses is considered acceptable in relation to noise generated from the A6 and no objections are raised by the Council's Environmental Health Officer to the revised scheme. The provision of appropriate glazing should be secured by condition.

Housing Mix and Affordable Housing -

9.35 The application is for 10 dwellings, but equates to a net increase of 9 dwellings. In accordance with draft policy CS21 and supported by the Affordable Housing Viability Study, this would attract the need for the provision of affordable housing equivalent to 20%. The Council's Affordable Housing Officer stated if the 20% threshold is applied to the original application of 12 no. units this would produce 2.4 affordable units. Ideally he would like to see 2 no. 2-bed houses for shared ownership delivered on-site but aware that Registered Providers are currently experiencing capacity issues so there may be a problem in being able to deliver these units on-site. As an alternative to on-site provision, he would agree to an off-site contribution which in this case would equate to £112,896 (based on the original proposal of 12 units). The applicant has submitted a viability report showing the development costs associated with developing the site and that the development of this site is not able to support the provision of affordable housing.

9.36 The submitted viability report was assessed by the Council's appointed specialist viability consultants Keppie Massie (KM). Their original response concluded that the proposals were not sufficiently viable to support the full 20% requirement but could deliver a lesser contribution. This was disputed on the basis of comparable sites. Following meetings between the respective consultants and the re-evaluation of comparable sites, and following a reduction of the development from 12 to 10 units, it was concluded by KM that the site would not be sufficiently viable to provide a contribution towards affordable housing.

9.37 Since this conclusion on viability, following an order of the Court of Appeal dated 13 May 2016 which gives legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014, changes to the Planning Practice Guidance (NPPG), which is a material consideration, were made. The NPPG now sets out that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. This application is such a case and therefore notwithstanding the viability findings, planning obligations should not be sought for affordable housing or to pooled funding 'pots' intended to fund the provision of general infrastructure in the wider area. Whilst the NPPG implies that affordable housing contributions for off-site provision in rural areas where there is an identified need may be sought, until the Council considers and develops such an approach, backed up by
evidence as appropriate, it is not in a position to ask for this. A contribution towards affordable housing is therefore not required from this development.

Education -
9.38 The response from LCC Education on the contributions required to provide for future primary and secondary school places was based on the original submission of 12 dwellings. Given that the scheme has been reduced to 10 dwellings, which results in a net increase of 9 dwellings, the development proposal now falls below the threshold of when to apply LCC’s education methodology and is no longer required to provide a financial contribution in respect of education. This is also supported by recent changes to the NPPG highlighted in the paragraph above.

10.0 CONCLUSION

10.1 Whilst the application site is located within countryside as designated in the Local Plan, it is not open countryside in character having regard to its immediate surroundings. Having regard to the NPPF, it is considered that the policies restricting housing development in this location are out of date and therefore, proposals should be considered against the presumption in favour of sustainable development. Whilst an attractive thatch cottage would be lost, it is not a heritage asset and its loss is outweighed by outweigh the benefits of the proposed scheme in providing 9 net additional dwellings in a sustainable location. The proposed scheme is not considered to have any significant detrimental impact on the character and appearance of the streetscene and surrounding area, or on highway safety and the functioning of the highway network. It has been assessed that there would not be any significant harm caused to the amenity of neighbouring residents or to nature conservation and wildlife interests in the area. Therefore the proposed development is considered to be in general accordance with relevant policies and should therefore be permitted 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 full planning permission subject to conditions

Recommendation: Permit

Conditions: -

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 5th November 2015, including the following plans:

- Location Plan,
- Proposed Site Layout drawing number 15/035/P01 revision F
3. Notwithstanding the details submitted with the application, no development shall commence until details of the design and implementation of an appropriate surface water sustainable drainage scheme for the site, based on the sustainable drainage hierarchy principles, have been submitted to and approved in writing by the Local Planning Authority. Those details shall include, as a minimum:

a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +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.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be retained, managed and maintained in accordance with the approved details and the management scheme approved by condition 4.

4. No development shall commence until details of an appropriate management plan for the management of surface water and pollution prevention for the lifetime of the development, have been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be completed, maintained and managed in accordance with the approved management plan.

5. 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.

6. No development shall take place until samples of the materials to be used in the
construction of the external surfaces of the building hereby permitted have been submitted
to and approved in writing by the Local Planning Authority. The development shall be
carried out using the approved materials.

7. (a) In the event that existing buildings on the site have not been demolished by
1st April 2017, then no buildings shall be demolished or no development works shall be
commenced prior to a re-survey of these buildings for bat roosting potential being carried
out by a suitably qualified ecologist and the survey outcomes, including any mitigation
measures required, having been submitted to and approved in writing by the Local
Planning Authority.

(b) No development shall commence until a scheme detailing the provision for bat
roosting opportunities, and the provision of bird nesting and roosting opportunities has
been submitted to and approved in writing by the Local Planning Authority. The approved
scheme shall be implemented in full prior to the first occupation of the dwellings hereby
approved.

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

9. All hard and soft landscape works shall be carried out in accordance with the
details approved in condition 8 prior to the occupation of any part of the development or in
accordance with a programme approved in writing by the Local Planning Authority
(whichever is sooner) and shall thereafter be retained and maintained. Any trees or
shrubs which are planted in accordance with this condition or any trees or shrubs planted
in replacement which are removed, dying, being severely damaged or becoming seriously
diseased within 5 years of planting shall be replaced 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.

10. Vegetation (including works to trees or hedgerows) shall only be removed /
cleared outside of the optimum period for bird nesting (March to July inclusive) unless a
detailed report by a suitably qualified ecologist carried out immediately prior to any
clearance has been submitted to and approved in writing by the Local Planning Authority
demonstrating that the nesting / breeding birds have been shown to be absent.

11. No development shall be commenced until all the trees and hedgerows within (or
overhanging) the site, with the exception of those trees/hedgerows not shown as being
retained on the approved site plan, have been surrounded by fences which shall extend to
the extreme circumference of the spread of the branches of the trees/hedgerows (or such
positions as may be agreed in writing by the Local Planning Authority). Such fences shall
be erected in accordance with a specification to be submitted to and approved in writing
by Local Planning Authority and shall remain until the development is completed and no work, including any form of drainage or storage of materials, earth or topsoil shall take place within the perimeter of such fencing

12. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority, a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the dwellings hereby approved are first occupied and thereafter maintained and retained.

13. The noise mitigation measures (glazing and ventilation) described within section 7 of the submitted Road Noise Assessment by Martin Environmental Solutions dated 4th November 2015 Ref: 20151104 7558 Garstang 8233, shall be installed prior to the first occupation of the dwellings to which they relate and thereafter maintained and retained in accordance with specified details.

14. Prior to the first use of the development hereby approved, obscure glazing shall be installed in all windows in the side elevations of the dwellings hereby approved at a scale of 5 (where 1 is hardly obscured and 5 is the totally obscured) and retained thereafter. Any subsequent replacement glazing shall be fitted to the same level of obscurity.

15. Before the use of the site hereby permitted is brought into operation, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site and shall be retained during the construction period.

16. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement, namely modification of road markings on the A6 at the site access and provision of advance stop lines (ASL) for cyclists on the A6, B5257 and C437 approaches, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. No part of the development hereby approved shall be occupied until the site access and the off-site works of highway improvement have been constructed and completed in accordance with the approved scheme details.

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

Reasons: -

1. This condition is required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

3. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the risk of flooding to the proposed development, elsewhere
and to future users, in accordance with saved Local Plan policy ENV15 and the National Planning Policy Framework.

4. To prevent the increased risk of flooding, both on and off site in accordance with saved Local Plan policy EN15 and the National Planning Policy Framework (March 2012).

5. 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).

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

7. In order to provide adequate compensation for the loss of bat roosting and bird nesting opportunities within the site, and mitigating for the impact on ecological value and nature conservation interests within the site and surrounding area. In accordance with the policies within the NPPF.

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

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


11. To safeguard existing trees/hedgerows on the site and to ensure that adequate provision is made for their protection whilst the development is carried out.

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

13. To ensure that an acceptable level of amenity is provided for the future occupants of the development and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

14. To safeguard the privacy of adjoining residents and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

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

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

17. To ensure that there is provision for the future maintenance of the proposed internal roadways serving the properties in accordance with policy SP14 of the adopted Wyre Borough Local Plan (July 1999).
Notes: -

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council in the first instance to ascertain the details of such an agreement and the information to be provided.

2. The applicant is reminded that, under the Wild Mammal (Protection) Act 1996 it is an offence to inflict unnecessary suffering to wild mammals. Planning consent does not provide a defence against prosecution under this act.