
Appeal Decision

Hearing held on 17 May 2022

Site visit made on 17 May 2022

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2022

Appeal Ref: APP/U2370/W/21/3278191

Land south of Blackpool Road, Poulton Le Fylde, 333704, 439607

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Blackpool Council against the decision of Wyre Borough Council.
 - The application Ref 19/00615/OULMAJ, dated 20 June 2019, was refused by notice dated 4 March 2021.
 - The development proposed is the erection of up to 330 dwellings and associated infrastructure.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 330 dwellings and associated infrastructure at land south of Blackpool Road, Poulton Le Fylde in accordance with the terms of the application, Ref 19/00615/OULMAJ, dated 20 June 2019, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Blackpool Council against Wyre Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The application submitted to the Council was in outline, with all matters reserved for future consideration.
4. Having regard to the draft Unilateral Undertaking (UU), I raised concern at the Hearing about Lancashire County Council (LCC) not being party to the various highway obligations, and contributions to education and healthcare, as there would be no certainty that these monies would be spent by LCC on the projects identified. I therefore provided the appellant time after the Hearing to submit a bi-lateral s106 agreement (s106 agreement) for contributions to the public right of way, travel plan, the Poulton Highway Mitigation Strategy (PHMS), the Fleetwood Road traffic calming scheme, public transport works, education and medical healthcare. A UU for the affordable housing, the maintenance, monitoring and phasing of the open space; and the ecological enhancement area was also submitted. I have had regard to the UU and s106 agreement in reaching my decision.

Main Issue

5. The main issue in this case is whether the proposal development, together with traffic generated by other committed developments in Poulton-Le-Fylde, would result in an unacceptable highway safety impact at the Blackpool Road / Blackpool Old Road junction and/or a severe residual cumulative impact on the

local road network, having regard to the proposed mitigation measures.

Reasons

6. The appeal site is an undeveloped parcel of land to the south of Blackpool Road within the settlement boundary of Poulton-le-Flyde. The land sits between Blackpool Road, which is lined by residential dwellings, to the north and the Blackpool to Preston railway line to the south. Part of the eastern site boundary adjoins a site allocated for housing in the Wyre Local Plan (2011 – 2031) (Local Plan). The site's southern boundary abuts a Biological Heritage Site (BHS). Internal and external boundaries to the site are lined by hedgerows and trees, some of which are subject to a Tree Preservation Order. A Public Right of Way extends across the southern part of the site in an east to west direction.
7. Although the site is not allocated for development, Local Plan Policy SP1 permits development within settlement boundaries provided it complies with other policies of the Local Plan. Having regard to these, the main parties agree that subject to planning conditions and planning obligations that the proposal accords with other Local Plan policies, except for Local Plan Policy CDMP6 which is concerned with accessibility and transport. I have no reason to disagree with this position based on the evidence before me.
8. Access is a reserved matter, but primary and secondary vehicular access points from Blackpool Road to the site have been shown on the Parameters Plan. This plan alongside the Illustrative layout and Swept Path Analysis plans show that each point of access could be a priority junction, be of an appropriate width and design with pedestrian footways and visibility splays in accordance with Manual for Streets in both directions. Therefore, the appeal site could be accessed in a safe and suitable manner, subject to planning conditions to inform any future reserved matters applications.
9. The site is in a sustainable location near to a range of facilities and services that would serve future occupants' day to day needs. The local area provides good levels of pedestrian and cycle provision, and public transport can be accessed on foot from the site. However, the appellant proposes several measures to encourage the use of sustainable modes of transport and address the effect of the proposed development on highway safety through changes to help with the safe and efficient flow of traffic on the local road network, to reduce delays, vehicle speeds or by improving safety for vehicles, pedestrians and cyclists. These would be delivered either through a planning condition or the s106 agreement¹. Based on these, the Council agrees that the proposal would not result in a severe residual impact on highway safety across the highway network, save for the level crossing and Blackpool Road/Blackpool Old Road junction. The concern here relates to the effect of the proposal, along with other committed development on highway safety and the residual cumulative impacts on the road network.

Blackpool Road / Blackpool Old Road junction - existing situation

10. Blackpool Road extends to the south and west of the site to a level crossing over the Blackpool to Preston railway line and the priority-controlled junction with Blackpool Old Road. Both roads provide one lane in either direction, pedestrian footways and are subject to a 30mph speed limit. Blackpool Old Road links Poulton-le-Flyde Town Centre and the A586 Poulton Road/Garstang Road West. Bus stops are on Blackpool Old Road near to the junction.

¹ Paragraph 1.5 of Highways Statement of Common Ground

11. Analysis prepared by the main parties shows that there are higher traffic flows in the morning peak hour period travelling south on Blackpool Road towards the level crossing and the junction and onto Blackpool Old Road. This flow is then typically reversed during the evening peak hour period. The flow and que of traffic in either direction is affected by the frequency and duration of time that the barriers at the level crossing are down to enable trains to pass. The nine-vehicle capacity between the junction and the level crossing is also a factor. Jointly, on occasion, this seems to lead to instances when the que does not fully clear on either Blackpool Road or Blackpool Old Road before the barriers are next down during either the morning or afternoon peak hours.
12. The junction and the approaches to it are not solely used by vehicles. Pedestrians and other vulnerable road users travel along Blackpool Road and Blackpool Old Road. This includes young people attending the places of education to the south-west of the junction on Blackpool Old Road.
13. Testimony from interested parties and the main parties' highway witnesses indicate that there are several issues associated with the existing situation. These are: lengthy ques and journey times, inappropriate overtaking of stationary vehicles in queues, risks to vulnerable road users, driver frustration, unsafe manoeuvres and diversion onto other routes as people seek to find an alternative to avoid the queue. Based on what I saw on site, these are all likely occurrences in the current situation.
14. Accident records from the last ten years show incidents of vehicles colliding with more vulnerable road users at and on approach near to the junction/level crossing. They also highlight incidents have occurred when vehicles have been carrying out manoeuvres in the road, slowing down or turning. However, there has only been one recorded accident in the last six years.

What is the effect of the proposed development

15. The proposed development would increase the use of the Blackpool Road/Blackpool Old Road junction through additional traffic. Given the outline nature of the application, and the need for subsequent reserved matters applications, the highway assessments undertaken by the appellant and the Council are based on agreed data, traffic flows and traffic distribution².
16. The appellant relies on LinSig to model the proposal's effect. LinSig is a deterministic model and is commonly used to assess signalised junctions. The Highway Authority raised no concerns about using LinSig during the planning application. Despite this, the Council refused planning permission and as part of the appeal it submitted a microsimulation model, VISSIM which models multimodal transport operations in urban areas. It is a microscopic, time step oriented, and behaviour-based simulation tool for modelling flows. It is typically used to model complex and congested traffic networks where deterministic modelling cannot provide a sufficiently realistic representation. It is usually used in conjunction with deterministic modelling like LinSig. The Council did not seek the Highway Authority's view of the use of VISSIM so it is unclear whether it's stance would be any different to that with suitable mitigation measures the development will not have a severe impact on highway capacity or an adverse impact on road safety.
17. The junction itself is not complex due to the alignment of the roads, the visibility of the level crossing in either direction and at the junction, and the

² Paragraph 2.3, Highways Statement of Common Ground

nature of judgement and subsequent manoeuvres road users need to make at the junction. That said, it is evident that at certain times of the day the junction and the roads leading up to it are currently congested. Both models indicate that congestion will increase by 2026 taking account of development already committed. This is baseline from which to assess the proposed development's impact.

18. VISSIM allows for the frequency and duration of the level crossing barriers to be factored into the model. This is useful as there are instances when the level crossing barriers are down in quick succession during the morning peak hour period. However, this is not the norm across the entire period, with the frequency at which the barriers go down more akin to every 7 to 9 minutes. This frequency was picked up by the appellant's modelling which followed on-site observations. The Council's more recent on-site observations about the frequency of the barriers going down corroborates the general operation of them in terms of frequency and the duration that they are down.
19. In terms of the proposal's effect on the junction and level crossing, both models report queue lengths slightly differently. Nevertheless, during the morning peak hour period, VISSIM indicates an increased length of queue along Blackpool Road whether that is on average or a maximum. According to the Council's oral response at the Hearing, the effect of the development above that already committed is said to result in a maximum queue of around 411 metres back from the level crossing. In comparison, the appellant stated that the queue back from the junction of Blackpool Road and Blackpool Old Road would be 440 metres. Whilst the Council's figure does not take into account the nine vehicle capacity between the level crossing and the junction, even if they were accounted for, the two parties' models do not differ significantly in terms of the length of queue along Blackpool Road.
20. It is fair to assume that the effect of a longer queue will mean that it will take longer for the queue to clear in periods when the barriers are down at the level crossing, and based on the Council's model, queues are more likely to occur throughout the morning peak hour period.
21. As set out earlier, the flow is said to reverse during the evening peak hour period. Despite this, and the photographic evidence showing vehicles queuing along Blackpool Old Road as they wait to turn into Blackpool Road, the Council has not offered any PM peak hour data to compare against the appellant's analysis. LinSig shows that whilst there would be an increase in the length of queues on either side of the level crossing during this period, they would be modest increases to queue lengths compared to either the 2019 Base or the 2026 Base plus Committed.

Highway Safety

22. Against the existing baseline conditions for the highway and the issues set out above, the appellant recognises that, without any mitigation at the junction, the appeal scheme would only make the existing experience worse and to the detriment of highway safety. I agree based on the expected trip numbers, the local road network and based on the existing operation of the junction.
23. Modifications are proposed to the junction to address highway safety. These include: forming a lane so that some vehicles can wait and turn right into Blackpool Road; increasing the carriageway width of Blackpool Old Road to allow vehicles travelling east to west to pass stationary vehicles waiting to turn

into Blackpool Road; tactile paving and a central island reserve to allow pedestrians to cross safely; and hatch markings in the centre of the two roads.

24. The Highway Authority has found it difficult to determine suitable changes to improve highway safety at the junction to avert the potential for inappropriate overtaking of stationary vehicles in queues, risks to vulnerable road users, and driver frustration leading to unsafe manoeuvres. Notably, the proposed works to the junction would not alleviate the existing situation that includes queueing vehicles. However, in my opinion, they would improve the safety of all highway users at this junction. This would be achieved by allowing some vehicles to turn right on Blackpool Old Road while other traffic flows past, thereby reducing potential driver frustration and inappropriate overtaking manoeuvres. As a result, there would be a slight reduction, based on VISSIM to queue lengths along Blackpool Old Road for traffic travelling eastbound.
25. There would be no material increase in queue lengths on Blackpool Old Road travelling eastbound in the morning peak hour period compared to the 2026 Base plus Committed development based on VISSIM. However, the changes proposed to the junction would provide safe and convenient pedestrian crossing points and physical deterrents to vehicles looking to overtake vehicles queueing on Blackpool Old Road when the level crossing barriers are down. These would all address factors in the accidents recorded in and around the junction. On this basis, the proposal would not prejudice highway safety or mean that the proposal would have an unacceptable effect on it.

Residual cumulative impact

26. Based on LinSig, during the morning peak hour period there would be an increased journey time of around 30.3 seconds per vehicle when the 2026 Base plus Committed is compared against the 2026 Base plus Committed plus Development. During the evening peak hour period the increase would be around 1.2 seconds per vehicle.
27. However, based on VISSIM, journey times would be longer. The Council has focussed on the busiest 15 minutes within the morning peak hour. During this time, it is estimated that every vehicle would take around 2.5 minutes longer on average compared to the 2026 Base plus Committed scenario. There may well be instances when journey times are longer during the busiest period, but it is not unusual for there to be peaks and troughs within that period, given that it includes the school run. Focussing on one part of the morning peak hour period does not therefore illustrate the whole picture and people are typically aware that their journeys can take longer around school start times for example. If the whole morning peak hour period is looked at, as the Council recognised that it should be at the Hearing, the proposal would see the average journey time increase by around 1.68 minutes.
28. The Framework in paragraph 111 outlines that 'development should only be prevented or refused on highways grounds if the residual cumulative impacts on the road network would be severe'. The term severe is not defined by the Framework. The Council considers severe to be something more than a minor inconvenience. This could be a substantial delay over a long period of time and not just an impact on a driver. My attention is also drawn to Local Plan Policy CDMP6(B) which refers to the safe, efficient and convenient movement of all highway users.
29. The increase in journey times is likely to be perceptible to persons using

vehicles at certain times of the day resulting in delays for them. However, the Highway Authority's approach to seek the introduction of traffic calming schemes for Blackpool Road and Fleetwood Road indicates that it is not concerned with longer journey times and the effect this can have on highway users. This is a trade-off between highway safety and journey speed.

30. The term severe is a high hurdle to overcome when considering residual cumulative effects on the road network. When this is set against the existing situation, the proposed mitigation measures, and the increased average journey time during the busiest time of the day, I do not consider the extra congestion and inconvenience to highway users would be severe in this case.

Other Matters

31. Developing the site for the number of dwellings proposed would cause a change in the visual appearance and character of the site. Nevertheless, the illustrative details show that the site could be laid out to retain most of existing hedgerows, trees and ponds and that the new dwellings could be laid out and designed in such a way that the site's development would not cause unacceptable harm and not dominate the surrounding area. Nor would the development result in settlements merging due to the combination of the area of ecological enhancement and the BHS.
32. The site is not designated for nature conservation, and it will not directly involve the BHS or any other designated site. However, due to recreational disturbance and impacts upon water quality the proposal could have an indirect impact on the Morecambe Bay and Duddon Estuary Special Protection Area (SPA), the Liverpool Bay SPA, Special Area of Conservation, Site of Special Scientific Interest and RAMSAR. However, the evidence before me leads me to consider that the proposal would not, subject to the imposition of planning conditions and the UU, cause a direct or indirect impact to these sites, nor cause an unacceptable impact on protected species or their habitats.
33. The appeal site is not in the Green Belt, and it falls within Agricultural Land Classification Grade 3 (Good to moderate quality land). As it is not the best and most versatile agricultural land developing the site would not be detrimental to Wyre's supply of quality agricultural land.
34. Residents are concerned about drainage and localised flooding. The site lies in Flood Zone 1. A site-specific Flood Risk Assessment and an outline drainage strategy have been assessed, and found to be acceptable subject to planning conditions, by United Utilities, the Lead local Flood Authority and the Council's Drainage Engineer. I have no reason to disagree with their view.
35. Concerns about the environmental effect of additional traffic have been raised, but I do not disagree with the view of the Council's Environmental Health Officer about the findings of the submitted air quality assessment. There is also no reason why a suitable scheme could not be designed to ensure that neighbouring and future occupants have satisfactory living conditions.

Planning Obligations

36. The various obligations are split between the UU and the s106 agreement. The education contribution would address a shortfall of primary school places due to the proposed development. The healthcare contribution would also mitigate the effects the proposed development and the additional demand it would place on the Queensway Medical Centre by allowing it to be refurbished and altered

to cater for the additional new patient registrations. The provision of 30% affordable housing on the appeal site would help address the significant need for this type of housing in the Borough and would be secured through the UU.

37. Open space would be required as part of the new development to provide amenity areas, SuDS and ecological features. The UU makes provision for the necessary maintenance and phasing arrangements together with a monitoring fee to ensure that the effective operation of the maintenance strategy. It is necessary to compensate for any loss of habitat and to increase biodiversity of the wider area, by creating, managing and maintaining an area of ecological enhancement for great crested newts and other important species to the south of the site and next to the Woodhouse Farm BHS.
38. The travel plan would encourage the use of sustainable modes of transport. The public transport works contribution would allow a new bus service to be created linking the appeal site with Poulton. It would therefore encourage the use of public transport to access Poulton and the facilities and services that it offers. The upgrade of the public footpath through the site to a bridleway would increase its usability as well as connectivity to, from and through the site.
39. To mitigate the effects of traffic from the development on Fleetwood Road and the highway safety concerns with this, a scheme to review existing road markings and traffic signs is necessary, proportionate and directly related to the development. The PHMS is necessary to promote the use of sustainable transport modes and to encourage a modal shift in favour of safer and healthier travel to address development traffic that affects highways in and near Poulton.
40. All the above contributions, whether they be secured through the UU or the s106 agreement, would meet the statutory tests in Regulation 122 of the CIL Regulations. As such, they are material considerations in this appeal.

Conditions

41. I have imposed an approved plans condition and a condition in respect of the total number of dwellings. Both are necessary in the interests of certainty. I have imposed several reserved matters conditions. Details of drainage, foul and surface waters are necessary to ensure there is no risk of pollution to water resources of human health and to prevent surface water runoff. Details of ground, slab and finished floor levels are necessary in the interests of certainty. A condition for a further noise assessment and any appropriate mitigation measures is necessary so neighbouring and future residents have satisfactory living conditions. Details of the housing mix and their suitability for all are necessary to ensure the development meets the identified and future housing needs in the Borough. Conditions in respect of green infrastructure and biodiversity are necessary so that details of the amount, location and type of green infrastructure are secured, and so that the existing ecological assessments are reviewed to identify whether there are any new ecological impacts, and if necessary, amended to prevent ecological harm.
42. To allow for the timing of supporting infrastructure I have imposed a condition requiring a phasing schedule. A condition in respect of the management and maintenance plan for the sustainable drainage system is necessary so that funding and maintenance mechanisms are in place for the lifetime of the development; to reduce the flood risk to the development; and to identify the responsibility for the sustainable drainage system. I have imposed a condition to secure the necessary on and off-site highway works in the interests of

highway safety and to encourage use of sustainable modes of travel. A condition is necessary for a Construction Management Plan to safeguard biodiversity on the site and the local highway network. Given the sensitive end use of the site, I have imposed conditions so that potential contamination risks are assessed and mitigated if necessary. So that there is an understanding of the significance of any archaeological remains at the site, I have imposed a condition requiring a programme of archaeological work and investigation.

43. To promote sustainable development by encouraging sustainable travel modes and reducing dependence on private motor vehicles a condition is necessary for a travel plan. So that there is on-site provision and to promote sustainable transport modes I have imposed a condition for electric vehicle charging points.
44. To safeguard biodiversity from the recreational disturbance effects of residential development near to Morecambe Bay I have imposed a condition so that home-owner information packs are provided. To protect and prevent unnecessary disturbance of nesting birds, I have imposed a condition limiting when works to trees and hedgerows can take place. So that trees are protected from damage or loss, a condition is necessary to secure a Tree Protection Plan. A condition to secure a Landscape and Habitat Creation and Management scheme is necessary so that the site is satisfactorily landscaped and in the interests of visual amenity and biodiversity.
45. A condition is necessary to secure details of any external lighting to safeguard visual amenity and biodiversity and residential amenity. To remove a potential source of odour and noise nuisance that would adversely affect future occupants' living conditions I have imposed a condition to control the demolition of the agricultural buildings at Woodhouse Farm.

Conclusion

46. Even if the Council can demonstrate a supply of deliverable housing sites in excess of five years, this is a minimum not a maxima and the proposed development would help to significantly boost the supply and mix of housing in Wyre. In doing so, the development would result in social and economic benefits to the local economy through the construction phase such as temporary construction jobs, and from ongoing spending by future occupants.
47. I recognise that the proposal would result in additional traffic on the local highway network, and that at peak times this would exacerbate the existing situation. However, in taking into account the package of highway measures, the proposal would not prejudice road safety and the safe, efficient and convenient movement of all highway users. Hence, it would not cause an unacceptable impact on highway safety or cause a severe residual cumulative impact on the road network. Therefore, the proposed development would accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this.
48. For the reasons given above I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission and the development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 18 0744 OP01; 180744PR03 Rev C; and 18 0744 PR 06.
- 3) The total number of residential units to be provided on the site in the general locations shown on the approved Parameters Plan (Drawing Number 180744PR03 Rev C) shall be up to 330.

Reserved matters

- 4) Prior to the submission of a reserved matters application relating to the layout for each approved development phase, or simultaneously with that first reserved matters application, a drainage scheme for the development phase, which shall detail measures for the attenuation and the disposal of foul and surface waters, together with details of existing and proposed ground and finished floor levels to achieve the drainage scheme and any flood risk mitigation deemed necessary, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance with the hierarchy of drainage options outlined in Policy CDMP2 of the Adopted Local Plan 2011-31. The scheme 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 + 40% allowance for climate change as set out within the Environment Agency's advice on Flood risk assessments: climate change allowances' or any subsequent replacement EA advice note), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, 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) Demonstration that the surface water run-off would 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; and
 - h) Details of future maintenance.

For the avoidance of doubt, surface water must drain separate from the foul

and unless otherwise approved in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. Each reserved matter relating to layout should demonstrate compliance with the approved drainage scheme for that development phase.

No part of the development in that phase shall be first occupied or brought into first use until the drainage works and levels have been completed in accordance with the approved scheme. Thereafter the approved scheme shall be retained, managed and maintained in accordance with the approved details.

- 5) Prior to the submission of a reserved matters application relating to layout for each approved development phase, or simultaneously with that reserved matters application, details of the existing and proposed ground, slab and finished floor levels for that development phase shall be 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.
- 6) Any reserved matters application relating to layout shall be accompanied with a noise assessment demonstrating that the noise levels set out in the supporting Noise Assessment submitted with the outline application (by PDA Acoustic Consultants ref J002528/3871/1/TD) will be achieved, together with details of noise mitigation if required to achieve the noise levels stipulated. The approved noise mitigation measures, if required, shall be provided prior to first occupation or first use of any part of the development to which they relate and thereafter shall be retained and maintained.
- 7) As part of any reserved matters application where layout is applied for, the amount, general location and type of green infrastructure shall be provided on site in accordance with the requirements of Policy HP9 of the Wyre Local Plan and the approved Parameters Plan (Drawing Number 180744PR03 Rev C) submitted with this application.
- 8) As part of any reserved matters application where layout is applied for, the mix of residential units shall be provided on site in accordance with the requirements of Policy HP2 of the Wyre Local Plan 2011-2031 and the Fylde Coast Strategic Housing Market Assessment - Wyre Addendum 3 Supplementary Note (May 2018).
- 9) Prior to the submission of any Reserved Matters application relating to layout, the ecological measures and survey submitted with the outline application (Extended Phase 1 Habitat Survey and Baseline Ecological Impact Assessment (Rev 1.4), Cameron Crook & Associates, September 2019) shall be reviewed and, where necessary, amended and updated specifically in relation to great crested newts (Habitats Regulations 2017). The review shall be informed by further ecological surveys commissioned to:
 - i) establish if there have been any changes in the presence and/or absence of great crested newts; and
 - ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures shall be revised and new/amended measures and a timetable for their implementation shall be submitted to and approved in writing by the local planning authority prior to the commencement

of the development. Works shall then be carried out in accordance with the proposed new approved ecological measures and approved timetable for implementation.

Pre-commencement

10) No development shall commence until a phasing schedule for the whole of the application site to include the approved residential and green infrastructure has been submitted to and approved in writing by the Local Planning Authority. The phasing schedule shall include:

- a) identification of each phase of development;
- b) a construction schedule for each phase of the development including the phasing of any infrastructure (roads, drainage and associated infrastructure)

Development shall be carried out in accordance with the approved phasing schedule unless an alternative programme has otherwise been submitted to and approved in writing by the Local Planning Authority.

11) Prior to the commencement of development details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, this shall include:

- a) The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Residents' Management Company;
- b) Arrangements concerning appropriate funding mechanisms for the 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 development shall subsequently be completed, maintained and managed in accordance with the approved sustainable drainage management and maintenance plan.

12) Prior to commencement of the development, a construction phasing programme that includes delivery and completion of the site accesses and all off-site works of highway improvement to be carried out as part of a section 278 agreement under the Highways Act 1980, shall be submitted to and approved in writing by the Local Planning Authority. The site accesses and off-site highway works shall include:

- Blackpool Road - new priority junctions
- Blackpool Road - traffic calming / road safety scheme
- Blackpool Road / Blackpool Old Road - junction improvement the scope of which is shown on drawing 69952-CUR-00-XX-DR-TP-75005-P04

- P02
- Blackpool Road / Poulton Road signalised junction upgrade to include MOVA and PUFFIN facilities
- Tithebarn Street / Queensway signalised junction upgrade to include MOVA and PUFFIN facilities

The site accesses and off-site highway works shall be carried out in accordance with the approved phasing programme.

13) Prior to the commencement of development, including any demolition works, a Construction Environmental Management Plan (CEMP) shall be 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 and dirt mitigation measures during the demolition/construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (b) control of noise and vibration emanating from the site during the demolition / construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (c) hours and days of demolition/construction work for the development expected to be 8.00-18.00, Monday to Friday, 08.00-13.00 on Saturday with no working on Sunday and Bank / Public Holidays
- (d) contractors' compounds and other storage arrangements
- (e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the demolition/construction period
- (f) arrangements during the demolition/construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)
- (g) the routing of construction traffic and measures to ensure that drivers use these routes as far as is practicable
- (h) external lighting of the site during the demolition/construction period
- (i) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (j) recycling / disposing of waste resulting from demolition/construction work
- (k) measures to protect watercourses against spillage incidents and pollution
- (l) how biodiversity would be protected throughout the construction period
- (m) the potential impacts from all construction activities on both groundwater, public water supply and surface water and identify appropriate mitigation measures necessary to protect and prevent pollution of these waters from sediments entering the river Wyre.

The construction of the development including any demolition works shall be carried out in accordance with the approved CEMP.

14) Prior to the commencement of development, a desk study to investigate and produce an assessment of the risk of the potential for on-site contamination shall be undertaken and submitted to and approved in writing by the Local Planning Authority. If the desk study identifies potential contamination, a detailed site investigation shall be carried out in accordance with a written methodology, which shall first have been submitted to and approved in writing by the Local Planning Authority. If remediation measures are then considered necessary, a scheme for decontamination of the site shall be submitted to, and approved by, the Local Planning Authority in writing and the approved scheme

implemented prior to the development of the site. Any changes to the approved scheme must be approved in writing by the Local Planning Authority prior to any works being undertaken.

- 15) The development shall incorporate suitable gas protection measures, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The measures shall include as a minimum: ventilation of confined spaces within the building, a ground slab of suitable construction, a low permeability gas membrane, minimum (ideally none) penetration of the ground slab by services, and passive ventilation to the underside of the building. The development shall be carried out in accordance with the approved scheme and thereafter be maintained and retained. Alternatively, prior to the commencement of development, a gas monitoring programme and risk assessment of the results shall be undertaken to demonstrate that the above protection measures are not required. The results shall be submitted to and approved in writing by the Local Planning Authority. Any gas monitoring programme must be carried out over a period of at least three months and include at least three readings where the atmospheric pressure is below 1000mb. Gas flow rates must also be provided.
- 16) Prior to the commencement of development, a programme of archaeological work and investigation (which shall include the timetable for the investigation) shall be submitted to and approved in writing by the Local Planning Authority. The archaeological work and investigation shall thereafter be carried out in accordance with the approved programme.
- 17) Prior to the commencement of development, including any demolition or tree works, a Tree Protection Plan for the retained tree(s) shall be submitted to and approved in writing by the Local Planning Authority. This shall indicate the methods and positioning of tree protection measures such as ground protection (where necessary), protective fencing and details of any specialist demolition or construction methods if appropriate.

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

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars (namely Tree Survey and Arboricultural Impact Assessment Sept 2019) unless otherwise approved in writing by the Local Planning Authority.

- 18) No development shall commence until a Landscape and Habitat Creation and Management scheme (LHCMS) has been submitted to and agreed in writing by the Local Planning Authority along with a timetable for implementation. For the purposes of this condition the scheme shall identify:
 - the retention of hedgerows and trees, or where this is not possible, sufficient replacement native tree and hedgerow planting;
 - the removal of any trees, with those which have the potential for bat

roosting to have been inspected for the presence of bats. Should any bats be found these trees shall be either retained or compensation put forwards for the potential harm to bats;

- provision of bird, bat, beetle and hedgehog boxes within the development;
- details of elements to mitigate for loss of any hedgerows, trees and bird nesting habitat;
- continuous terrestrial connectivity along the boundaries of the development for species movement and ecological connectivity across the site;
- opportunities to enhance the value of the site for wildlife through, for example, new structure planting;
- opportunities for the road infrastructure to include amphibian friendly features such as off-set gully pots and dropped kerbs and locations between ponds and adjoining hedgerows/green infrastructure;
- The use of locally native species planting specification;
- Design of attenuation ponds to hold water under normal circumstances and to include amphibian protection measures to outflows and flow control mechanisms and;
- The use of ecologically permeable boundary treatments across the site to allow the movement between green infrastructure and gardens of amphibians and small mammals such as hedgehog;
- Details of informative signage in relation to North Blackpool Pond Trail and any new countryside furniture/path/surfacing details; and
- Details of management and maintenance arrangements of each of the above.

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

Before development above slab level

- 19) Prior to the commencement of above ground development, a scheme to demonstrate how at least 20% of the dwellings shall be of a design suitable or adaptable for older people and people with restricted mobility shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out, retained and maintained thereafter in accordance with the approved details.

Before first occupation

- 20) Prior to first occupation of any dwelling a Framework Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The provisions of the Framework Travel Plan shall be implemented and operated in accordance with the timetable contained therein. The Framework Travel Plan must include a schedule for the submission of a Full Travel Plan within a suitable timeframe such as on first occupation or other identifiable stage of development. Where the Local Planning Authority approves a timetable for implementation of a Framework or Full Travel Plan, the elements are to be implemented in accordance with the approved timetable. All elements shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used/for a minimum of at least 5 years.
- 21) A scheme for the provision of electric vehicle recharging points (EVCP) shall be submitted for all dwellings with parking provision within each approved development phase unless it is demonstrated that such provision of EVCP is not practical in communal parking areas or due to other identified site constraints. No dwelling shall be occupied until the electric vehicle recharging point has been provided for the dwelling to which it relates, and such electric vehicle

recharging point shall be maintained and retained for that purpose thereafter.

- 22) Prior to first occupation, a scheme for the provision of home-owner information packs (as outlined in the Habitats Regulations Assessment completed for this application) highlighting the sensitivity of Morecambe Bay (a European protected nature conservation site) to recreational disturbance shall be submitted to and approved in writing by the Local Planning Authority. The scheme details shall include the content of the home-owner information packs which must explain the conservation value of Morecambe Bay, the potential impacts that can arise from residential development and explain the responsible behaviours in the vicinity of the housing development on public rights of way along with what would be required from residents to avoid undue ecological impact, as well as a methodology for the distribution of the home-owner packs to future home owners including upon resale of the dwellings as far as is reasonably practicable. The approved information packs shall subsequently be made available to future homeowners in line with the approved methodology.
- 23) No dwelling hereby permitted shall be occupied until the adjacent agricultural buildings at Woodhouse Farm located to the southwest of the application site, as shown within the blue edge on the approved Site Location Plan (and identified to be demolished on the Proposed Plan ref: 180744PR06), shall be fully demolished to at least ground level and all demolition waste shall be removed from the land.

Other

- 24) No tree felling, tree works or works to hedgerows shall take place during the optimum period for bird nesting (March to August inclusive) unless a report, undertaken by a suitably qualified person immediately prior to any clearance, has been submitted to and approved in writing by the Local Planning Authority, demonstrating that nesting / breeding birds have been shown to be absent.
- 25) Prior to the installation of any external lighting within the development a scheme for the provision of external lighting together with an Artificial Lighting Assessment for that shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall demonstrate that artificial lighting will be designed so that it is not intrusive to visual amenity or illuminate potential habitat for bats (e.g. hedgerow, trees) and or/ bird breeding places. The assessment shall demonstrate that the lighting will be installed in accordance with the Institution of Lighting Professionals' Guidance Notes for the Reduction of Obtrusive Light GN01:2011 and the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009 (or any subsequent replacement guidance).

The lighting shall be installed and operated in accordance with the approved scheme details, which shall be maintained and retained thereafter.

END OF SCHEDULE

APPEARANCES

FOR THE APPELLANT:

David Manley	Of Queens Counsel, instructed by Blackpool Council
Aaron Tiley	Curtins
Alexis De Pol	De Pol Associates

FOR THE LOCAL PLANNING AUTHORITY:

John Hunter	Counsel, instructed by Wyre Borough Council
Karl Glover	Wyre Borough Council
Gemma Wheatley	SCP Transport
Carmel White	Wyre Borough Council
Councillor Peter Le Marinel	Wyre Borough Council
Councillor Phil Orme	Wyre Borough Council

INTERESTED PARTIES:

L Kennedy	
Janet Lawson-Marsden	Lancashire County Council
Callum Torrans	Lancashire County Council
Catherine Greener	Wyre Borough Council
Carmel White	Wyre Borough Council
Kate Owens	Wyre Borough Council
Janice Crompton	
Charles Crompton	
Talha Yakub	Blackpool Council
Rick Dewhurst	Blackpool Council
David Fish	Blackpool Council
Owen Greenop	Blackpool Council
Rebecca Ridgway	Blackpool Council
Brian Ward	NWLP

DOCUMENTS

- 1 – Draft Unilateral Undertaking
- 2 – Screenshots of Council's VISSIM model