

Agenda

Development Management Committee



Date	Wednesday, 4 September 2013 at 10:00 am
Venue	Town Hall, St Annes. FY8 1LW
Committee members	<p>Councillor Ben Aitken (Chairman) Councillor Kevin Eastham (Vice-Chairman)</p> <p>Councillors Tim Armit, Fabian Craig-Wilson, Maxine Chew, Peter Collins, Charlie Duffy, Dr Trevor Fiddler, Nigel Goodrich, Peter Hardy, Linda Nulty, Kiran Mulholland, Albert Pounder, Richard Redcliffe, Heather Speak, Vivienne M Willder</p>

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Development Management Committee Schedule

04 September 2013

Item Number: 1 Committee Date: 4 September 2013

Application Reference:	13/0152	Type of Application:	Outline Planning Permission
Applicant:	AXA	Agent :	Lambert Smith Hampton
Location:	AXA DATA CENTRE, WEST CLIFFE, LYTHAM ST ANNES, FY8 5DR		
Proposal:	OUTLINE APPLICATION FOR ERECTION OF UP TO 45 DWELLINGS FOLLOWING DEMOLITION OF EXISTING BUILDINGS (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)		
Parish:	St Johns	Area Team:	Area Team 1
Weeks on Hand:	21	Case Officer:	Amy Aspinall
Reason for Delay:	Awaiting Further Information		

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

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

The NPPF states at paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. As of 31 March 2013 the Council's Housing Land Supply figure was 3.1 years supply and therefore a shortfall exists. Paragraph 49 must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14, which for decision taking 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- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

The proposal is for Outline planning permission and the principle of residential development on this site is acceptable and accords with Local Plan policies SP1 and HL2. The proposed access and highways impacts are deemed acceptable, and the opportunity to enhance sustainable modes of transport in line with the NPPF at paragraph 32 can be secured through financial contributions. The scheme is considered to deliver sustainable development and does not have any adverse impacts that would significantly and demonstrably outweigh the benefit in terms of housing supply.

The land is currently in employment use and whilst that would be lost as a consequence of the development, the site is not designated for employment purposes and so the borough's shortage of housing supply must outweigh the retention of the employment use of this site.

Reason for Reporting to Committee

The application has been referred to the Development Management Committee as the application for major housing development.

Site Description and Location

The application site is currently comprised of the AXA factory site and associated car park. This is situated 0.5 miles to the east of Lytham Town Centre, and is accessed via Wharf Street and West Cliffe. The site is surrounded by residential properties to the East and South / South West, with Booths supermarket to the North West and the railway line to the North. Beyond the railway is further residential land use. The site is situated within the Lytham St Annes settlement boundary, as defined by the Fylde Borough Local Plan (as altered 2005).

Details of Proposal

The application seeks outline planning permission for up to 45 dwellings including access, with all other matters reserved. The illustrative layout and other documentation confirms that the majority of these will be at 2 storey with a limited number of 2.5 storey dwellings possible, although this would be confirmed as part of a further reserved matters application.

The access is to be a modification of the existing access to West Cliffe that serves the employment use with this narrowed to serve domestic scale vehicles and provided with a footway at both sides into the development. West Cliffe runs for a short distance before joining Warton Street and so the wider highway network. Pedestrian only links are also indicated to Wharf Street and to Booths, although the latter relies on access being agreed with that landowner.

In addition to the usual illustrative layout and design and access statement the application is supported with a Transport Assessment and Bat Survey and Noise Assessment.

Relevant Planning History

Application No.	Development	Decision	Date
PD/07/0279	ALTERATIONS TO WINDOWS	Permission not required	12/10/2007
05/0914	INSTALLATION OF 2NO. 1500KVA STANDBY POWER GENERATORS AND ACOUSTIC ENCLOSURE / BULK FUEL TANK.	Granted	20/11/2006
03/0161	NEW CONDENSOR PLATFORM AND ACCESS ON ROOF OF MAIN BUILDING	Granted	17/03/2003
00/0432	ADDITIONAL WINDOWS TO EAST ELEVATION	Granted	06/09/2000
96/0223	ERECTION OF 4M HIGH MAST WITH FIXED INFRA RED	Granted	19/06/1996
96/0222	CONVERSION OF STORE TO GATEHOUSE INCLUDING EXTERNAL ALTERATIONS	Granted	01/05/1996
94/0793	TWO NEW WINDOWS TO WEST	Granted	04/01/1995

94/0210	ELEVATION INSERTION OF NEW DOOR AND WINDOWS	Granted	27/04/1994
94/0031	SINGLE STOREY FRONT EXTENSION	Granted	02/03/1994
93/0231	INSTALL SIX WINDOWS IN TRAINING ROOMS (FIRST FLOOR,	Granted	19/05/1993
88/1083	EXTERNAL WATER STORAGE TANK	Granted	22/02/1989
88/0669	FUEL STORAGE TANK, AIR- CONDITIONING & SCREEN FENCE	Granted	02/11/1988
88/0547	VEHICULAR & PEDESTRIAN ACCESS TO WHARF STREET	Granted	10/08/1988
88/0060	USE OF VACANT PREMISES & LAND AS COMPUTER FACILITY,	Granted	24/02/1988
87/0071	C/U TO HEALTH CENTRE SHOPPING AND BUSINESS CENTRE WITH RESTAURANT AND BAR	Refused	22/07/1987
85/0692	CHANGE OF USE: PART OF PREMISES TO FORM PUBLIC TRANSPORT BUS DEPOT.	Refused	03/01/1986
83/0467	RESERVED MATTERS: SPORTS CENTRE.	Granted	20/07/1983
83/0248	OUTLINE: SHELTERED HOUSING SCHEME 1. 44 FLATS, WARDENS ACCOMMODATION AND COMMUNITY BLOCK.	Granted	20/06/1983
83/0249	OUTLINE: SHELTERED HOUSING SCHEME 2. 22 FLATS, WARDENS ACCOMMODATION AND COMMUNITY BLOCK.	Granted	20/06/1983
83/0273	OUTLINE: SPORTS AND LEISURE CENTRE.	Granted	25/05/1983
81/0924	CHANGE OF USE FROM STORAGE TO LIGHT/GENERAL INDUSTRIAL PURPOSES.	Granted	18/03/1982

Relevant Planning Appeals History

None

Parish Council Observations

NA

Statutory Consultees

Lancashire County Council - Highway Authority

They have reviewed the application and the submitted Transport Assessment and confirm that it satisfactorily covers all the issues relevant to the development. They comment that the existing employment site generates significant level of traffic movements, and conclude that the proposed development will not have a significant effect on highway capacity. The principle of the development is therefore acceptable to County Highways subject to conditions to confirm the proper construction of the access, and to arrange for construction vehicle wheels to be washed.

They then refer to the Planning Obligations in Lancashire Policy Paper, and requested a

contribution towards sustainable transport measures of £1,300 per dwelling, equating to £58,500 in total. The policy paper lists a number of possible uses for the contributions, with the identified off-site improvement in this case being the upgrading of two bus stops on Warton Street to Quality Bus Stop Standards. They request that the funding for this be secured via a S106 agreement.

Strategic Housing

No specific comments have received at the time of report preparation. However, as the site is located in a sustainable settlement location it assumed that the development should provide for 30% of the dwellings proposed to be delivered as affordable units.

Electricity North West

Advisory information provided.

Environment Agency

No comments received at the time of report preparation and so it must be assumed that they have no objection to the proposal.

Lancashire County Ecology Service

They have been consulted due to the possibility of the building and trees containing bat habitats. They advise that the submitted surveys of this establish the absence of roosting bats within the existing building, and that they are of low suitability for breeding bats. The existing trees within the site were assessed and the report considers that they are not suitable for roosting bats. The report does however document a low level of foraging activity by the Common Pipistrelle, and enhancement features have been proposed which could be conditioned accordingly.

They accept these findings but suggest that surveys are required if the development does not commence by April 2014 due to the mobile nature of bats. As bats have been recorded in the wider area and there may be some time between the implementation of the works and the existing bat surveys, LCC Ecologist considers that the recommendation of additional surveys would seem appropriate and could be conditioned accordingly. These would be submitted at the reserved matters stage and should contain appropriate mitigation if bats are found to be present

The surveys did not identify signs of breeding birds within the site, however the development could result in the loss of bird foraging and nesting habitat. Enhancement features could be conditioned to be incorporated into the scheme, such as the provision of bird boxes.

LCC Ecologist recommends that the landscape scheme (a reserved matter) should incorporate native planting and a habitat buffer along the boundary with the railway line.

Environmental Protection Team

No objection subject to a land contamination assessment prior to the commencement of development; and a restriction on construction hours to standard day-time hours.

Network Rail

No comments received at the time of report preparation.

United Utilities

No objection subject to a drainage condition for foul and surface waters.

Natural England

No objection.

Observations of Other Interested Parties

None to report.

Neighbour Observations

Neighbours notified: 16 April 2013

No. Of Responses Received: 6

Nature of comments made:

At the time of report preparation 6No objections have been received in relation to the proposal. In summary these raise the following concerns:

- Highways safety including vehicle numbers, traffic congestion, current and future parking issues in West Cliffe, rat-runs through side streets, inadequate pavements, residential parking should be considered for West Cliffe, suggestion of traffic calming i.e. speed bumps, increased impact on Badgers Walk, objection to increased pedestrian traffic along Wharf Street, especially at night
- Residential amenity impacts of overlooking, loss of light, loss of privacy and overbearing effect
- Demolition and construction work impacts - stringent conditions required in relation to construction and type of plant and machinery used
- Structural issues to neighbouring properties - structural surveys of existing properties should be carried out before and after the development
- Design objections – type of properties, unsympathetic to the area, over developed
- Objection to further development around 13 Wharf Street

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL02	Development control criteria for new housing proposals
EP19	Protected species
EP01	Environmental Improvement Schemes
TREC17	Public Open Space within New Housing Developments

Other Relevant Policy:

NPPF:	National Planning Policy Framework
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Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

Principle

The site is situated within the settlement boundary where the principle of residential development is accepted under Local Plan Policy SP1. Policy HL2 provides the development control criteria for housing proposals, which seeks to ensure, amongst other things, that proposals are acceptable in design terms; do not adversely affect neighbouring amenity; are compatible in land use terms; are situated in sustainable locations; are acceptable in highways safety terms; and maintain or enhance local biodiversity.

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

The NPPF states at paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. As of 31st March 2013 the Council's Housing Land Supply figure was 3.1 years supply and therefore a shortfall exists. Paragraph 49 must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14, which for decision taking 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: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

Background work on the Fylde Local Plan to 2030 has highlighted a shortage of land for employment purposes in the borough, with this scheme obviously involving the loss of land that is currently in that use. However, the site is not designated within the Fylde Borough Local Plan for employment purposes and is simply an unallocated site within the settlement boundary. With the council's critical shortage of housing land and the priority given by government to delivering that in sustainable locations it is considered that this must outweigh concerns over the loss of the employment use on the site.

The key issue of detail to consider is whether or not there are any adverse impacts in relation to ecology, design, highways safety, or neighbouring residential amenity, which would significantly and demonstrably outweigh the benefits of the proposal in terms of housing land supply.

Design

The application seeks outline planning permission for up to 45 dwellings with all matters apart from access being reserved. The application is supported by 2No proposed site plans which vary slightly, however these are indicative and for illustrative purposes to demonstrate the type of layout that can be achieved on the site, including the number of units. Design detail such as appearance, scale, and layout are reserved matters and would be considered at the time of a subsequent application.

The illustrative layout is set around a turning head to the North of the site and comprises of mainly detached and semi-detached dwellings. The access to the site would remain as per the existing arrangements off West Cliffe, with a row of properties situated to the front of the site along North Warton Street. The access would run between the rear gardens of 7 to 23 West Cliffe and these properties, however there is little scope to improve the layout in this area due to this existing arrangement. The reserved matters application could however secure appropriate boundary treatments and landscaping in this location. The pattern of development in the locality varies, particularly in relation the more recent housing developments immediately adjacent to the site, such as West Cliffe, the apartment blocks and the supermarket, and an acceptable layout would be secured at the Reserved Matters stage.

The application indicates that the dwellings would be mainly detached and semi-detached, with a limited number of terraces. The Design and Access Statement states that these would be 2 storeys in height with those corner plots (shaded blue on the plans) having an increased height of 2 and a half storeys, however this is only indicative. In relation to the objections regarding design and character of the area, detailed design is not sought for approval in this application.

Amenity

The proposal would be compatible with the surrounding land use which is predominantly residential. A number of objections relate to the siting of dwellings and the impacts of aspects of the layout, however as the application seeks Outline planning permission with all matters excluding access being reserved, the layout is indicative and would be subject to consideration in any subsequent application.

Highways

The NPPF at paragraph 32 states that plans and decisions should take account of whether:

- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- Safe and suitable access to the site can be achieved for all people;
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Lancashire County Council Highways have raised no objection to the application and do not consider that the proposed development will have a significant effect on highway capacity. Furthermore the main access off West Cliffe and the pedestrian / cycle access off Wharf Street is also considered to be acceptable by the Highways Officer, with the latter being identified as essential to ensure that the site is accessible. The site has a medium accessibility rating for residential development, as defined from the LCC Accessibility Questionnaire (score 30) and will benefit from the existing transport infrastructure including sustainable modes which are currently provided within the settlement. Under the Planning Obligations in Lancashire Policy Paper, LCC Highways have requested a contribution towards sustainable transport measures of £1,300 per dwelling, equating to £58,500. The policy paper lists a number of uses for the contributions, with the main identified off-site improvement being the upgrading of 2No bus stops on Warton Street to Quality Bus Stop Standards. This would be secured via a S106 agreement.

This council has not generally accepted this pay-per-plot approach to securing highway contributions from development, and has instead looked to secure contributions that are appropriate to meet specific works that are identified in the area. In this case, the improvement of the Warton Street bus stops would meet that requirement and as they are in the adopted highway can be secured by planning condition without the need for a s106 agreement to secure funding.

A number of conditions have been requested in relation to the provision of the access road prior to the construction of the dwellings; access details, and completion of the access prior to the units being occupied. These will be conditioned accordingly. A condition has also been requested for wheel washing facilities to be provided at the site prior to construction works commencing. Requiring the wheels of vehicles to be washed would not be enforceable and therefore this condition will not be attached.

The introduction of traffic calming measures, improvements to pavements and residents parking have been raised in the neighbour objections, however the LCC Highways Officer states that the roads within the vicinity of the development do not have a poor road safety record and as such it may not appear necessary to contribute towards a traffic management scheme or other road safety improvements; and that walking and cycling improvements are not considered necessary.

Other aspects of highway safety on the wider road network such as Badgers Walk have been raised in the neighbour objections, however in the absence of a concern or objection raised from the Highways Officer, the impacts of the proposal are considered to be acceptable. Furthermore the NPPF is clear at paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe

Having regard to the above, the highways impacts of the proposal would not be severe and the proposal would comply with Local Plan policy HL2 (9) and the Framework at paragraph 32.

Ecology

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places:

- (a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is
- (b) No satisfactory alternative and
- (c) No detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. *“This may potentially justify a refusal of planning permission.”*

The NPPF at paragraph 118 advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England’s standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

Local Plan Policy EP19 provides that development which would have an adverse impact upon protected species or their habitats will not be permitted. Where development is permitted which would affect these species or their places of shelter and breeding, planning conditions will be used.

The application is accompanied with bat surveys and proposed mitigation. The surveys establish the absence of roosting bats within the existing building which are also of low suitability for breeding bats. The existing trees within the site were assessed and the report considers that they are not suitable for roosting bats. The report does however document a low level of foraging activity by the Common Pipistrelle, and enhancement features have been proposed which could be conditioned accordingly. Further surveys are recommended if the works do not commence by April 2014 due to the mobile nature of bats. As bats have been recorded in the wider area and there may be some time between the implementation of the works and the existing bat surveys, LCC Ecologist considers that the recommendation of additional surveys would seem appropriate and could be conditioned accordingly. These would be submitted at the reserved matters stage and should contain appropriate mitigation if bats are found to be present. Based on the information provided the proposed development would not adversely affect the favourable conservation status of bats, and enhancement features would be incorporated into the development.

The surveys did not identify signs of breeding birds within the site, however the development could result in the loss of bird foraging and nesting habitat. Enhancement features could be conditioned to be incorporated into the scheme, such as the provision of bird boxes.

LCC Ecologist recommends that the landscape scheme (a reserved matter) should incorporate native planting and a habitat buffer along the boundary with the railway line. This would be secured as part of the Reserved Matters application.

Education

The NPPF at paragraph 72 states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local Plan policy CF2 provides that the Council will negotiate agreements with developers to ensure the provision of additional primary and secondary school places which will be needed as a result of new housing development.

LCC Education have assessed the proposal using the methodology in the Planning Obligations in Lancashire Policy Paper. This examines the predicted availability of school places in the area at the time that the scheme is likely to be developed and looks at other planned developments in the area to assess the predicted general requirements for school places. The outcome of this is that there is a predicted shortfall of both primary and secondary places and that the shortfall related to this scheme is 17 primary school places and 7 secondary school places. In an effort to address this shortfall they request funding of £11,880.45 per place for primary x 17 = £201,968 and £17,901.60 per place for Secondary x 7 = £125,311. This gives a total education request as a consequence of the development of £327,279.

The Planning Obligations paper is intended to provide a mechanism by which funding can be secured from developments to address the increased service demands which the additional residents in an area will place on the County Council. Policy CF2 also relates to such improvements. This contribution would be secured via a S106 agreement which needs to be worded as a maximum figure to reflect changes in the housing mix at reserved matters stage whereby the dwellings actually constructed may be smaller than the entirely 4 bedroomed properties assumed in the assessment..

Affordable Housing

The trigger for the Urban Option of the Council's Interim Housing Policy (Revised 13 February 2013) relates to 15 dwellings or more. The proposal is for up to 45 dwellings and the IHP would seek to secure 30% of the dwellings to be affordable i.e. 13 affordable units to be provided on site. The developer has not provided any verifiable evidence at this stage to suggest that the development would not be viable with this percentage. Full details (i.e. delivery, tenure, retention, etc.) would be obtained and secured via a S106 agreement. The delivery of these units in a sustainable location is a significant benefit from the development of the site.

Public Realm

The Interim Housing Policy (Revised 13 February 2013) seeks to secure financial contributions for public realm improvements. The policy states:

In respect of proposals of 15 or more dwellings located within settlements in which there are declared town centre or other public realm improvement schemes as identified in Policy EP1 of the Fylde Borough Local Plan or the Council's Regeneration Framework, where it can be shown that the contribution is necessary and directly related to the development the Council will normally require a financial contribution which shall be calculated so as to be fairly and reasonably related in scale and kind to the proposed development.

Local Plan policy EP1 provides that within the urban areas, environmental conditions will be maintained and improved through the development control process. Within Lytham Town Centre the Regeneration Framework and The Lytham St. Anne's 2020 Vision document identifies a number of public realm improvement schemes; with scheme number 2 being of particular note. It is an important objective of the Framework that where new development is proposed, in particular residential development, that future residents will use the facilities of the Town Centre. An attractive and

accessible Town Centre will help to achieve this objective and help retain disposable income in the locality, and thereby contributing to the aims of sustainable development which is at the forefront of the National Planning Policy Framework. The Lytham St. Anne's 2020 Vision document takes this principle further by identifying in more detail specific schemes within the two main town centres - Lytham and St. Anne's. The physical enhancement of Lytham Town Centre, which is also a designated Conservation Area, will promote economic growth in the Town Centre, and provide local amenities and both commercial and retail facilities within an attractive, historic setting. This objective can be met, in part, by securing contributions from new development.

The public realm enhancement scheme for Lytham covers the whole of the town centre and is contained within a number of zones, some of which have been completed. A key part of the town centre is based on Park Street / Ballam Road (zone 2), which is one of the major spines in the town centre linking the main commercial areas with car parks, the rail station and one of the key local/visitor attractions, namely Lytham Hall. The scheme would include new street works, including paving, landscaping, lighting and other street furniture. It would also involve working with property owners to enhance buildings, where appropriate, and would complement the more recent works completed around Lytham Station.

The location of the improvement scheme is 0.4 miles from the application site which is within walking distance, and as part of the main Town Centre the area would be used by occupiers of the development. Therefore the contribution is considered to be directly related to the application. The contribution requested is £80,000 in order to carry out these works and given the number of dwellings proposed, it is fairly and reasonably related in scale and kind, and would be secured via a legal agreement. With the contribution, the proposal would contribute to the sustainability of Lytham Town Centre and would comply with the Interim Housing Policy and the Regeneration Framework. This would accord with the tests set out in the CIL Regulations.

Public Open Space

Amenity open space with facilities for children's play should be provided on site in line with Local Plan policy TREC17 and the Interim Housing Policy which states:

In respect of proposals of 15 or more dwellings, provision for public open space shall be made by the payment of a financial contribution, as required in accordance with Policy TREC 17 of the Fylde Borough Local Plan where the public open space provision cannot be made on site. Any such financial contribution shall be calculated so as to be fairly and reasonably related in scale and kind to the proposed development

Open space has not been provided on the site plan, however this is indicative and does not form the basis of approval. The Reserved Matters application therefore should provide the level of open space required in policy TREC17. It is noted however that there are good facilities within the vicinity and it may be appropriate to provide a small facility within the site with a financial contribution towards the upgrading of existing facilities in the locality.

Other Matters

Structural issues to neighbouring properties – this is not a planning matter and survey work in this respect cannot be conditioned.

Demolition works and construction – the hours of construction would be controlled in line with the recommendations from Environmental Health, however noise from machinery and associated works is covered by separate legislation.

Conclusions

The NPPF provides that housing applications should be considered in the context of a presumption in favour of sustainable development. Paragraphs 14, 47 and 49 of the NPPF are a strong factor to be

weighed in favour of residential development proposals. The proposal is for Outline planning permission and the principle of residential development on this site is acceptable and accords with Local Plan policies SP1 and HL2. The proposed access and highways impacts are deemed acceptable, and the opportunity to enhance sustainable modes of transport in line with the NPPF at paragraph 32 can be secured through financial contributions. The scheme is considered to deliver sustainable development and does not have any adverse impacts that would significantly and demonstrably outweigh the benefit in terms of housing supply.

Background work on the Fylde Local Plan to 2030 has highlighted a shortage of land for employment purposes in the borough, with this scheme obviously involving the loss of land that is currently in that use. However, the site is not designated within the Fylde Borough Local Plan for employment purposes and is simply an unallocated site within the settlement boundary. With the council's critical shortage of housing land and the priority given by government to delivering that in sustainable locations it is considered that this must outweigh concerns over the loss of the employment use on the site.

Recommendation

That, Subject to the completion of a Section 106 agreement in order to secure:

- provision, retention and operational details for 30% of the proposed dwellings to be affordable properties
- a financial contribution of up to £80,000 towards securing public realm works in the vicinity of the site,
- a financial contribution of up to £327,279 towards improving the availability of education facilities in the area to serve the needs of the occupants of the proposed dwellings

The agreement will be expected to meet the full amounts quoted above in all cases, unless a viability appraisal has been agreed with the Local Planning Authority.

Planning permission be granted subject to the following conditions:

1. A subsequent application for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:

[a] The expiration of five years from the date of this permission;
or

[b] The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter approved.

Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2. Before any development is commenced (a) reserved matters application(s) must be submitted to and approved by the Local Planning Authority in respect of the following reserved matters of Layout, Scale, Appearance and Landscaping
This permission is an outline planning permission and details of these matters still remain to be submitted.
3. That in the event that the development is not commenced by April 2014 a further survey of the building and trees on site for the presence of roosting or breeding bats shall be

undertaken by a suitably qualified person. The results of this survey shall be submitted to the Local Planning Authority for written approval, along with any mitigation works should bats be found to be present at that time.

Reason: To safeguard protected species in accordance with Policy EP19 of the Fylde Borough Local Plan (as altered 2005) and the Framework

4. Prior to the commencement of development detailed proposals for the incorporation of enhancement features into the scheme suitable for use by roosting bats and by nesting birds shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure an enhancement for biodiversity in accordance with the Framework and policy EP19 of the Fylde Borough Local Plan(as altered 2005)

5. Prior to the commencement of development, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:

- (a) A desk study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on and off-site contamination and ground gases.
- (b) If the desk study identifies potential contamination and ground gases, a detailed site investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part 2A, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied buildings, on services and landscaping schemes, and on wider environmental receptors including ecological systems and property.
The sampling and analytical strategy shall be submitted to and be approved in writing by the LPA prior to the start of the site investigation survey.
- (a) A remediation statement, detailing the recommendations and remedial measures to be implemented within the site.
- (b) On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a verification report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.

Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings.

Reason: In the interests of the amenity of future occupants as the proposal is for a sensitive end use

6. The hours of construction and associated site works shall be restricted to:

08.00 – 18.00 Mondays to Friday
08.00 – 13.00 Saturday
No work activity on Sundays or Bank Holidays

Reason: In the interest of neighbouring residential amenity

7. No development approved by this permission shall be commenced until a scheme for the provision of foul and surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for separate systems, together with any necessary surface water regulation system restricting surface water runoff from the site to 5 l/s. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To secure proper drainage and to reduce the risk of flooding.

8. Prior to the commencement of construction on any of the dwellinghouses a scheme that secures all necessary highway measures for the development shall be submitted to and approved in writing by the local planning authority in consultation with the local highway authority. This scheme shall include the phasing of all necessary works and shall be implemented in line with the agreed phasing.

The works are to include: the alteration of the access to West Cliffe to provide for the required standard of vehicular and pedestrian access to the residential development, the provision of a secondary pedestrian / cycle route to Wharf Street, and the improvement of the two bus stops closest to the site Warton Street to Quality Bus Standard.

Reason: To ensure the provision all necessary highway improvements in the interests of pedestrian and highway safety as required by Policy HL2 of the Fylde Borough Local Plan

9. That the new estate road/access shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before the construction of any dwellings hereby permitted commences.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

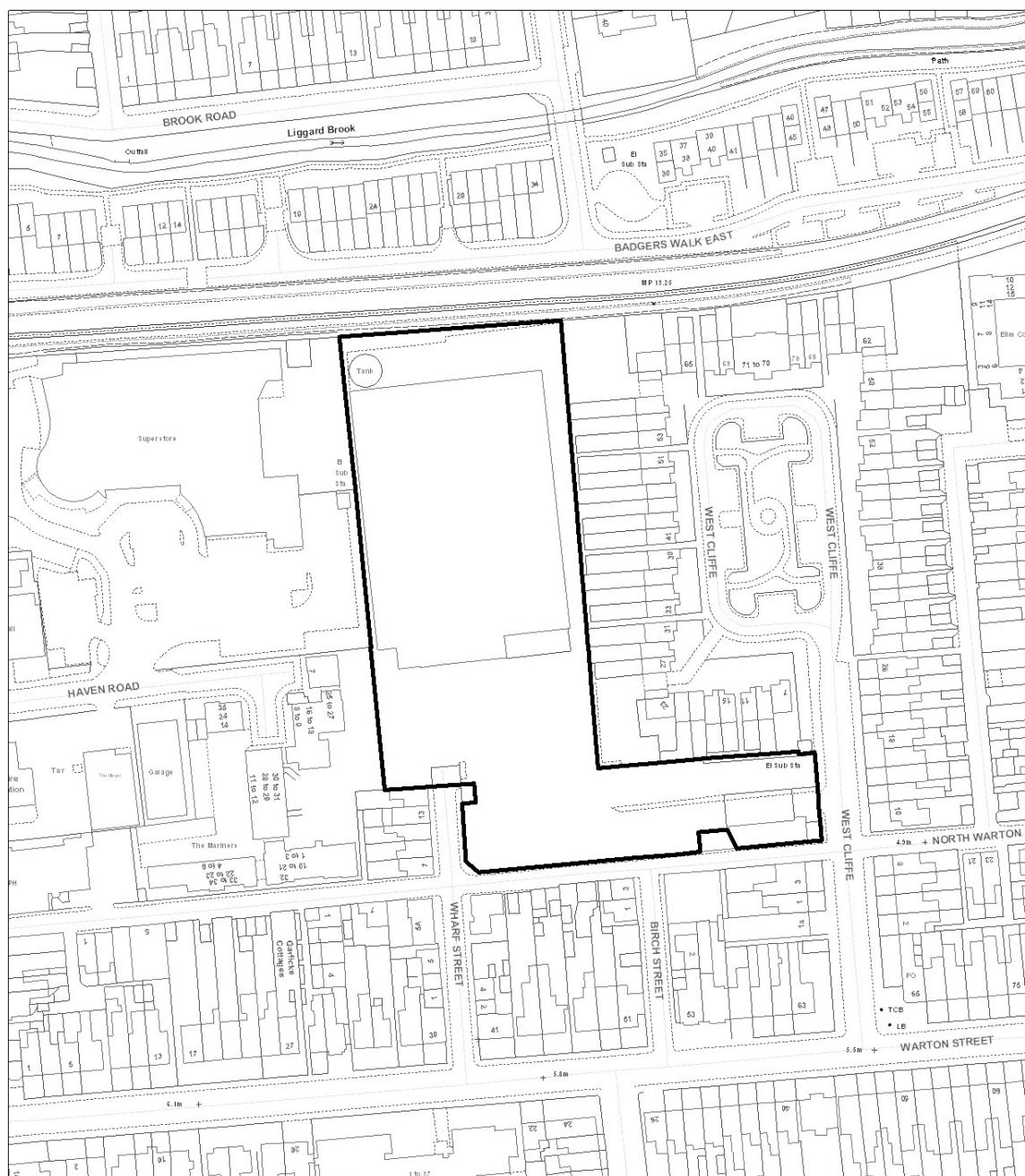
10. Prior to commencement of development details of a scheme to provide public open space and play facilities as required by Policy TREC17 of the Fylde Borough Local Plan, including maintenance details and a timetable for implementation, shall be submitted to and approved in writing by the local planning authority. Provision and maintenance shall be carried out in accordance with the approved details.

Reason: To ensure that the development provides an appropriate level of open space for the benefit of its residents as required by Policy TREC17 of the Fylde Borough Local Plan and para 69 and 73 of the NPPF.

11. Prior to any on site construction a Construction Plan shall be submitted to, and approved in writing by, the Local Planning Authority. This plan shall include the location of any site compound, delivery vehicle routing to the site, construction traffic parking and any temporary traffic management measures, times of construction works and times of deliveries. The development shall be implemented in accordance with the approved

Construction Plan.

To maintain the safe operation of the pedestrian and highway network in the area during construction given the proximity to residential properties.



Development Services Fylde Council		(c) Crown Copyright and database right (2013). Ordnance Survey (100006084).	
Application No. 5/13/0152	Address AXA Data Centre, Westcliffe, Lytham St Annes	Grid Ref. E.3371 : N.4273	Scale 0 6 12 18 24 m

Application Reference:	13/0231	Type of Application:	Full Planning Permission
Applicant:	Squires Gate Lane Ltd/Muir Housing	Agent :	CLA Architects
Location:	LAND SOUTH OFF BRIDGESIDE , LYTHAM ST ANNES, FY8 2SN		
Proposal:	PROPOSED CONSTRUCTION OF 22NO. TWO STOREY DWELLINGS		
Parish:	St Leonards	Area Team:	Area Team 2
Weeks on Hand:	18	Case Officer:	Andrew Stell
Reason for Delay:	Design Improvements		

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

This proposal is a full application for the development of 22 dwellings on a previously developed site adjacent to Squires Gate Lane and so alongside the boundary with Blackpool borough and adjacent to Squires Gate Station. The land has previously been developed as a series of employment units, but these have now been cleared with the exception of a single unit. The site is located within an area defined as settlement in the Fylde Borough Local Plan and has ready access to the facilities and transport connections within Blackpool. As such it must deliver sustainable development and so is acceptable in principle.

The scheme delivers an entirely affordable development and so will assist with the shortfall of such properties in a location that has good access to services, employment opportunities, transport connections and other such facilities. The scheme provides an acceptable layout for the dwellings, with sufficient information provided to demonstrate that it will not have any adverse impacts on matters of land contamination or ecological importance.

All matters have been satisfactorily resolved during the determination of the application and it now accords with all elements of Policy HL2 relating to new housing development. The application is recommended for approval subject to a s106 agreement that will secure the delivery of the dwellings as affordable units and a commuted sum in lieu of on site open space which will be used to assist in the delivery of open space in the vicinity of the site.

At the time of writing the report the council is prevented from determining the application by a holding Direction from Blackpool Airport, but it is anticipated that this will be resolved shortly and so will not cause an issue for the approval of the scheme once the s106 has been finalised.

The National Planning Policy Framework re-emphasises the importance of councils being able to deliver residential development in sustainable locations. This scheme does that and is welcomed as a suitable scheme for bringing this under-utilised site and unattractive former employment site into a productive residential use.

Reason for Reporting to Committee

The application is for major development and the Head of Planning & Regeneration believes that it is appropriate for it to be determined by the Development Management Committee.

Site Description and Location

The application site is an L-shaped area of previously developed land close to the boundary with Blackpool Borough and effectively forming part of that settlement. The maximum dimensions are 120m x 60m and it has an area of 0.41 Hectares. The land is largely vacant but there is a single building on the site that is used as a vehicle repair garage. The remaining site area contains a series of former building bases and is roughly surfaced with a mixture of road planings, gravel, grass and the concrete bases of former buildings.

The surrounding land uses are mixed with employment uses off Bridgeside and Squires Gate Lane to the north, residential properties to the east and south and Squires Gate train station and Pontins site beyond to the west. The proposed access to the site is from the south via Hornsey Avenue, Martin Avenue and Westgate Road to Squires Gate Lane, with no access direct from Squires Gate Lane.

The land is within the settlement as defined by Policy SP1 of the Fylde Borough Local Plan and is alongside land that is within the built settlement in the Blackpool Local Plan 2006. There are no other designations on the site, but the land immediately to the west between the site and the railway line is a Biological Heritage Site protected by Policy EP17 of the Fylde Borough Local Plan.

Details of Proposal

The proposal is a full application for the erection of 22 dwellings. These are all to be two storey properties and are described in the application as being affordable with this split as 8 x 3 bedroomed properties for shared ownership and 14 x 2 bedroomed properties for affordable rent.

They are to be accessed from an extension of Hornsey Avenue with a series of blocks provided to back onto the railway line with the access running along the others side. Two pairs of semis are provided at the head of the cul-de-sac which back onto Bridgeside and so Squires Gate Lane which is elevated at that point as it rises over the railway line. A terrace of 6 properties is provided along the other leg of the L-shaped site to front Hornsey Avenue with its pedestrian access and parking areas split between the site access and the existing extension to Hornsey Avenue. This terrace is provided with front garden areas but the remainder of the site has hard surfaced frontages that provide the roadway and some parking, although each property has its own rear garden area. Landscaping areas are provided around the site margins although there is no defined open space area.

The application is supported with a series of documents:

- Full plans and elevations of the dwellings
- Design & Access Statement
- Affordable Housing Statement
- Noise Assessment

The Conclusion to the Design and Access Statement is reported below:

“The aim of the proposal is to redevelop and existing previously vacant site to provide housing in a location highly suitable for residential use. The site is within close proximity to main bus and train routes into Blackpool. The proposals for the site seek to promote good design in new housing in order to create high quality living environments and seeks to be an attractive and safe place to live, in which people will choose to live. The scheme will produce 22 no. residential units that will have

private parking bays and private rear amenity spaces, designed in a way that will complement the surrounding area and produce a distinctive quality scheme.”

The application is made by Squires Gate Lane / Muir Housing, with the former being a company owned by the land owners and the latter being a Housing Association that forms part of the RSL Partnership and so would likely be involved in the operation of the dwellings if built.

In response to issues raised as part of the consultation process of the application further information has been supplied concerning the potential contamination of the site with an identified mitigation strategy, ecological issues and a bat survey and relating to the accessibility of public open space to the site. These are discussed in further detail in the relevant comments section of this report.

Relevant Planning History

Application No.	Development	Decision	Date
03/0817	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT	Refused	17/12/2003
92/0525	ERECT VEHICLE REPAIR WORKSHOP.	Granted	09/09/1992
86/0723	C/U FROM VEHICLE REPAIRS& STORAGE TO COAL COMPOUND WITH 14FT HIGH HOPPER	Granted	25/03/1987
86/0355	PREFABRICATED WORKSHOP.	Granted	13/08/1986
85/0595	PROPOSED WORKSHOP.	Granted	06/11/1985
83/0531	CHANGE OF USE TO CAR REPAIRS (LIGHT MECHANICAL AND MINOR BODYWORK).	Granted	17/08/1983

Application 03/0817 relates to the same application site as that which is the subject of this scheme. It was refused by Committee for a series of reasons relating to the housing supply position that the council was faced with at the time of its decision. Other reasons related to the absence of information relating to the remediation of any potential ground contamination and to the failure to provide evidence that the residents would not suffer from noise disturbance from highways, railways or airport.

Relevant Planning Appeals History

None.

Parish Council Observations

St. Annes Town Council *“welcome the development of affordable housing on a brownfield site. However they are disappointed that there are no references to:*

- *Power/heat generation from solar panels*
- *Rainwater harvesting and grey water reuse*
- *No parking spaces for visitors*
- *No reference to aircraft noise in the acoustic survey*
- *No apparent identification of community open space within the site*

They recommend that consideration be given to an exit from the proposed development to Bridgeside.

They also suggest that any CIL monies be used for:

- *Contribution to provision of real-time passenger information system at Squires Gate station*

- *Contribution to open/amenity space provision and maintenance.”*

Statutory Consultees

County Highway Authority

They have assessed the proposal and make comments on the various highway aspects as follows:

Highway Capacity – They refer to the anticipated level of traffic generated by the development as being low and so do not expect it to have an impact on highway capacity.

Road Safety - They do not expect there to be any material effect on road safety, with the area having a good record with only a single injury accident record at the Westgate Road / Squires Gate Lane junction.

Access Arrangements - They are satisfied that appropriate access arrangements can be made to the site from the turning head at The Brambles. They highlight that this requires the use of land that is in third party ownership.

Layout - They refer to the layout of the site not being of a standard that would allow the roads and footways to be offered for adoption and so it would remain privately maintained. However, the turning head that is provided is considered to be adequate to accommodate the size of vehicle that would be expected to access the development.

Parking – The scheme provides a single space per property with no visitor spaces and as a consequence will likely result in parking on the roadway. He has undertaken an assessment of the likely level of parking required by the development as a whole and calculates that this would be around 40 cars. The development provides 22 spaces with a further 6 spaces available on the roadway. As a consequence there will be some spillage of parking from the development onto surrounding streets. This is highlighted as a concern, but he considers that this will impact more on local amenity than highway safety and so no highway objection is justified.

Summary – There are no objections to the proposal and a series of conditions are proposed to cover the proper construction of the development.

United Utilities

They raise no objection to the proposal subject to a condition being imposed that requires a scheme for the disposal of foul and surface water to be submitted to the local planning authority, with these on separate systems and the flow of any discharge to the public sewers restricted to 5 l/s.

They also make standard comments regarding the desirability of surface water drainage to a soakaway/watercourse/surface water sewer, for all properties to have a metered supply and regarding the connection of properties to the water main.

They have also confirmed that Squires Gate Lane is the dividing point between the foul sewerage systems, with those to the north feeding to Fleetwood WWTW and those to the south to Clifton Marsh WWTW. As such a condition to require this site to drain to the south would be appropriate to deal with the bathing quality concerns expressed by the Environment Agency.

Environment Agency

Raise no objection to the proposal in principle, but highlight concerns over the potential risk of additional drainage from the site having a detrimental effect on bathing water

quality. They refer to discussions with UU on this matter who have advised them that the site is within the Clifton Marsh waste water treatment works catchment, and comment that it is essential that the development drains to this facility and not that at Fleetwood.

They also make comments regarding the need for the site to be drained on a SUDS system and that surface water runoff is to be controlled to mimic the natural rates from the site.

County Ecologist

The application was initially not supported with any ecological survey or other such information. However, the views of the County Ecologist were sought due to the site lying immediately adjacent to a Biological Heritage Site.

They advise that the council should seek further information prior to any determination to allow the proper assessment of the ecological implications raised by the application. In particular they expect these to cover the potential for bats to utilise the building on site. They also highlight the importance of the views of Natural England being sought given the proximity to the SSSI and SPA.

Following the receipt of this information they were re-consulted and have now written to withdraw their objection to the proposal subject to a series of conditions relating to the establishment and protection of a buffer zone for the BHS, to incorporate habitat features suitable for species such as common lizard and slow worm that are known to inhabit the adjacent BHS, protection measures should species be identified during construction, and measures to be incorporated to protect bats from disturbance.

Natural England

They have been consulted as the site's proximity to the Ribble Estuary SSSI that forms part of the Ribble and Alt Estuary Special Protection Area and Ramsar site, and to the Lytham St Annes Dunes SSSI.

They initially also raised objection to the application as they believe there to be insufficient information to determine if the application is likely to have a significant effect on the interest features for which the Ribble and Alt Estuary SPA has been classified.

Following receipt of the Ecological Impact Assessment and Bat Survey they were re-consulted and have confirmed a lack of objection to the proposal. They confirm that their previous concerns relating to potential impact on bats and to the lack of information regarding impact on protected species have been addressed.

Network Rail

As the site lies immediately adjacent to the railway it is necessary to seek views from Network Rail. They have expressed the following concerns:

- That access is maintained at all times from the access gate at the head of Bridgeside to the railway. They request a condition to enforce this.
- To maintain the security and stability of any fencing given the implications for such fencing to obstruct the lines if it were to fall over which is a particular issue with the vibrations and wind in such locations
- Potential impact on land levels in proximity to the railway associated with building works and the need to ensure that these do not lead to any undermining of the railway
- Need to avoid any encroachment and to maintain a 2m gap between any structures and the railway fence boundary

- That landscaping be designed with only evergreen shrubs and that these be planted a distance from the boundary that is equivalent or greater than their ultimate expected height

Environmental Protection Team

They have assessed the proposal and the submitted noise assessment and raise no objections to the application. A condition was initially requested relating to the need for a land use survey and assessment of any potential contamination to be submitted prior to development. This has subsequently been provided prior to determination and assessed by the Environmental Protection team who have no major concerns with this aspect subject to conditions being imposed to ensure that the development is undertaken in line with the submitted reports and their recommendations.

In discussions with the officer involved he has confirmed that as the proposed dwellings have an equivalent proximity to both the railway and Blackpool Airport as existing dwellings, he would not raise any objection to the development on the grounds of potential noise disturbance from these sources.

Electricity North West

They refer to the proximity of the site to their operational equipment and so advise of the need to ensure that this is protected in the development of the site. This relates to low voltage service cables that run through the site itself and a substation that is adjacent to the Hornsey Avenue boundary and has a larger number of connections to it.

Strategic Housing

They have assessed the proposal and the supporting statement that explains how the proposal intends to deliver affordable housing. They confirm support for the application and advise that it will allow HCA grant money to be brought in to allow the development to proceed.

Lancashire County Education

They have commented on the requirement for primary and secondary education from the anticipated population of the development, and the capacity of local schools. Their initial assessment was that there was a shortfall of capacity in these schools to meet the demands for education from the site of 8 places for primary education and 3 for secondary education.

However, a later reassessment of the scheme using more recently available data determined that the initial assessment was no longer correct, and that there is sufficient capacity for the anticipated yield of both primary and secondary school age children in local schools. As such the request for a contribution has been withdrawn.

Blackpool Borough Council

No comments received at time of writing report.

Blackpool Airport

They have written with a holding objection to the development on the basis that they do not believe that the information supplied provides sufficient clarity for them to establish whether it will have any impact on their operations. They quote the Town and Country Planning (Safeguarding of Aerodromes, Technical Sites and Military Storage Areas) Direction 2002 in that regard.

As this is a full application the information they request is actually available and has been supplied to the Airport again to enable them to clarify their position, although this response is outstanding at the time of writing this report.

Observations of Other Interested Parties

None to report.

Neighbour Observations

Neighbours notified: 14 May 2013

No. Of Responses Received: 1

Nature of comments made:

The letter received is opposed to the development on the basis of the access arrangements. They are a resident of The Brambles and refer to that development providing a single parking space for each dwelling with 4 guest parking spaces, and they object to the loss of these parking spaces to provide the access to this development as there is already a shortage of parking in the area. They also refer to the levels of traffic that use Martin Avenue associated with the residential development in the area and the Blackpool Football Club training facility that brings large numbers of players, staff and visitors for 42 weeks a year. It is suggested that Bridgeside would provide a more suitable access to the site.

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
SP02	Development in countryside areas
EP01	Environmental Improvement Schemes
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP13	Planting of trees, hedgerows and woodland
EP14	Landscaping of new developments
EP17	Development in or near Biological & Geological Heritage Sites
EP18	Natural features
EP19	Protected species
EP21	Archaeology
EP22	Protection of agricultural land
EP23	Pollution of surface water
EP24	Pollution of ground water
EP30	Development within floodplains
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TR05	Public transport provision for large developments
TR09	Car parking within new developments
TREC17	Public Open Space within New Housing Developments
CF01	Provision of community facilities
CF02	Provision of new primary schools

Other Relevant Policy:

NPPF: National Planning Policy Framework

Site Constraints

Within countryside area

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning

(Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

Policy Background

Planning legislation requires that planning applications are determined in line with the development plan unless there are material considerations that dictate otherwise. This has been reinforced by the National Planning Policy Framework (NPPF) which refers, at paragraph 14, to the need for applications that accord with the development plan to be approved without delay.

Under the Fylde Borough Local Plan the whole of this application site is within the settlement boundary as defined in Policy SP1 of the Fylde Borough Local Plan which directs development to those areas and so is consistent with the NPPF. The scheme will need to be assessed against the various criteria of Policy HL2 which provide more detailed analysis of residential development proposals. The remainder of this report will undertake that analysis with reference to the relevant NPPF paragraphs to demonstrate the consistency with that up-to-date guidance where necessary.

Principle of Residential Development

The council is currently unable to demonstrate that it has a 5 year supply of housing land as is required by NPPF and so is encouraged by that guidance to support sustainable residential development proposals. This scheme is located in the settlement where there are existing services and facilities established to support the residential areas that surround the site. The site is not protected for employment or any other non-residential use and it is not considered that there can be any argument over the principle of residential use of the site.

As such the proposal is in compliance with criteria 1 of Policy HL2 which relates to the principle of development and the compatibility of the proposal to neighbouring land uses.

Access Arrangements

This is one of the key considerations with any planning application. The sole vehicular and pedestrian access to the site is from Hornsey Avenue via Martin Avenue and Westgate Road to Squires Gate Road. The site has a boundary to Bridgeside but there is no link to that road. The main access is from the adopted highway of Hornsey Avenue, with a separate parking area for some of the dwellings off a spur of Hornsey Avenue.

The various access related issues are now discussed in turn below:

Rights of Access

Both of the proposed access points involve passage over land that is outside of the applicant's ownership and is not adopted. However, the applicant's agent advises that the applicant has secured the right to use these areas. This is sufficient to progress the application to a decision, with a Grampian style condition needed to secure the delivery of these.

Network Capacity

The site is an extension of the series of mainly residential streets that feed to Westgate Road and then to Squires Gate Lane. These also currently serve the training facility for Blackpool Football Club. The highway authority raise no issue with the capacity of these streets to accommodate the additional traffic from this development, and from your officers observations at various site visits through the day this seems to be a reasonable conclusion.

Network Safety

The Highway Authority have assessed the accident records in the area and have found only a single injury accident at the Squires Gate Lane / Westgate Road junction. This is described as a good record for a road of this nature and indicates that the additional traffic can be accommodated without any significant implications for highway safety.

Location and Design of Access

The proposal is for the main access to the site to join one leg of the turning head that serves The Brambles. This is a road with a suitable width for two way traffic and a footway on one side. The access is considered to be an appropriate connection to this road that will not require any significant works and will not have any impact on the series of parking bays that it provides to serve the existing dwellings on The Brambles.

The proposal involves the provision of a pedestrian footway along one side of the new roadway for the part of the site nearest the entrance with this extended out of the site to The Brambles where a short length of new footway and a crossing is provided to link to the existing footpath connection on that road. This arrangement is considered to provide appropriate pedestrian access to the site with the extended footway secured by condition.

There is a second access point off a spur of Martin Avenue that leads to three of the parking spaces. This will be accessed in an appropriate location along that road to allow safe access of these spaces. It will require the removal of a small area of landscaping that currently helps screen the galvanised palisade fence around the site, but with the visual benefits of the development this is not a particular issue.

The site has a frontage to Bridgeside which is a cobbled road that is accessed direct from Squires Gate Lane via an acutely angled junction. It is not proposed that any construction or operational access is to be taken from that road due to the unsuitability of the junction. Network Rail has expressed concerns that the vehicular access to the railway from this road is preserved, and that is the case. A relatively direct pedestrian access is available along Hornsey Avenue to the services on this road and so it is not necessary for this development to provide for such an access point, other than for the dwellings that have their rear boundaries to Bridgeside who are each provided with a back gate to this road.

The access arrangements for the site are therefore considered to be acceptable with a series of standard conditions appropriate. These should include a construction plan to ensure that deliveries and construction vehicles operate in a manner that respects the relatively close residential nature of the surrounding area.

Parking

The neighbour that has made comment on the application has raised this as their biggest concern, and it has also been raised as an issue by County Highways. The neighbour mistakenly refers to the loss of existing parking bays on The Brambles, but these are unaffected by the development.

The scheme provides a space per dwelling. County Highways would expect 2 spaces for a dwelling of this size with the total reduced slightly to reflect the accessible urban location of the site. They suggest that 40 spaces would be appropriate with 28 provided on site in defined parking spaces and the roadway. This leaves an anticipated surplus parking demand that would overspill onto surrounding streets. County highways are of the view that this overspill parking will be at a level that only causes an amenity issue for neighbouring residents, rather than a highway safety issue, and so do not raise any objection to the development on this basis. The applicant has also provided information to demonstrate that affordable properties generally have lower car ownership associated with them than market dwellings of an equivalent size.

Your officers have visited the site in early mornings and evenings and have not witnessed any particular parking pressures on the existing roadways which do not contain any parking restrictions until close to the junction of Westgate Road & Squires Gate Lane. This seems to indicate that there is capacity in the area to accommodate additional vehicles should the limited availability of parking on site lead to overspill to these streets. Accordingly it is not considered that the parking arrangements proposed in the development are acceptable.

Summary

Taking these matters together County Highways raise no objection to the development subject to a series of conditions. It is important to extend these to cover the matters raised in this section of the report, but with that the scheme is considered to be in accordance with criteria 9 of Policy HL2 and paragraph 35 of NPPF and so acceptable in this regard.

Drainage Matters

The site is in an urban area and has had a series of buildings and hard surfaced areas on it. This proposal further increases the urbanisation of the site and so it is necessary to ensure that the drainage arrangements are such that they will not impact on flooding or water quality issues.

The site is in Flood Zone 1 and so is not at risk of flooding. The Environment Agency are satisfied with the proposal and do not raise any objection subject to conditions to ensure that the drainage is appropriately restricted. They do highlight the need for the site to drain towards Clifton Marsh WWTW to minimise the risk on bathing water quality. This has been raised with United Utilities who confirm that sites to the south of Squires Gate Lane drain to that facility. They also raise no objection to the proposal and are satisfied that the site can be drained using traditional on site storage measures to restrict the flow of water into the network. They have also confirmed that the development provides sufficient separation from a water main that crosses the site.

A series of conditions are appropriate to ensure that these drainage arrangements are properly implemented and with these in place it is considered that the proposal complies with criteria 10 of Policy HL2 and Policy EP25 of the Fylde Borough Local Plan, and para 120 of NPPF.

Ecology

The site does not contain any ecological or biodiversity designations, but lies immediately adjacent to the St Annes Old Links Golf Course and Blackpool South Railway Line Biological Heritage Site. This is identified for sand dune habitat and the presence of a number of species listed on the Provisional Lancashire Red Data List of Vascular Plants. The site also has reasonable proximity to the coast and so to the various ecological designations that protect the Estuary and the dunes on the foreshore.

The application was not supported with any ecological information on submission and this was a matter that generated objections to it from the County Ecologist and from Natural England. As a consequence the applicant has submitted an Ecological Impact Assessment of the site and a Bat Survey of the existing building. These conclude that the development will not have any significant effect on the conservation status of the nearby designated sites and will not have any significant impact on the populations of protected and notable species on the site. They also conclude that any loss of habitat will be more than compensated for by the landscaping scheme and habitat enhancements.

The two statutory consultees have assessed these reports and agree with their findings, and your officers accept that the ecological implications of the development are acceptable. A series of conditions are appropriate for any approval to ensure compliance with Policy EP18 and Policy EP19 of the Fylde Borough Local Plan which protects natural features and the protected species that may inhabit them, and paragraph 118 of the NPPF.

The main ecological implications are as follows:

Bats

The survey found no evidence of roosts and that the development is reasonably unlikely to have a significant impact on bats. A precautionary condition is appropriate should any be found during development.

Reptiles

The site is unlikely to support a significant population of reptiles, although they could be present in rubble piles around the site margins. As such a condition is appropriate to ensure that precautionary measures are undertaken during the site clearance stage to avoid the potential of killing or injuring reptiles.

Breeding Birds

No birds were found to be breeding on the site, although there is the potential for these to become established prior to the commencement of works. A standard precautionary condition is appropriate to deal with this issue.

Biological Heritage Site

The site does not have any impact on this actual area, but the County Ecologist request that a buffer zone of native planting be established along the edge of the site to prevent the spread of non-native plants into the BHS.

The County Ecologist also recommends that the lighting of the site is designed to minimise the potential for the illumination on the site to spill into the BHS where it could impact on its nature conservation value.

Japanese Knotweed

This is an invasive plant species that is present on the site. It is important that this is effectively eradicated as part of the development to prevent its spread in the area. A condition can be imposed to require that this is completed.

Affordable Housing Provision

The delivery of affordable housing is an important aspect of all residential development schemes. In this case the joint applicant is Muir Housing who are a Registered Social Landlord that is active in the area and the scheme proposes the delivery of an entirely affordable scheme. The scheme is for 22 dwellings with 8 of these being 3 bedroomed houses for shared ownership and the other 14 being 2 bedroomed houses for affordable rent.

Given the earlier comments about the location of the site being suitable for residential development, it is therefore also suitable for the siting of affordable properties. The council's Strategic Housing officer supports the development of the site in the manner proposed and confirms that the dwellings accord with the relevant standards for affordable properties.

The delivery of affordable housing in sustainable locations is a key priority of the planning system and as this proposal will deliver that it is key consideration that weighs in favour of the proposal. The wholly affordable nature of the scheme exceeds the usual 30% requirement of the Interim Housing Policy, with the combined nature of the affordable properties complying with the guidance in para 50 of the NPPF for schemes to include a mix of dwellings.

Public Open Space

The scheme does not provide any on site open space other than some small areas of landscaping. Whilst each of the properties has a private rear garden the shortage of on site open space is a failing of the scheme. The applicant has submitted information to demonstrate the proximity to existing facilities, with the only facility of any size being the Louis Horrocks Recreation Ground which is located off Lytham Road in Blackpool. This is around 850m from the site and is across Squires Gate Lane and so not easily accessible to the residents of the site. Other facilities are either more distant or very limited in the quality of their open space and play opportunities. The KPP Open Space study for the council seeks access to local parks within 400m of new development. A further concern is that the Louis Horrocks Recreation Ground is located in a dense urban area and so there is a large catchment area that makes use of the facilities on offer.

The potential for the scheme to provide on site open space has been discussed, but the applicant is unwilling to do so as it has viability consequences for the affordable housing delivery. Two possible solutions have been suggested: firstly the applicant is to investigate the possibility of acquiring the right to develop a small play facility on land adjacent to the site off The Brambles which is currently unused (and to submit the necessary planning application for this); or secondly a commuted sum could be paid to the council to allow an upgrade of existing open space in the vicinity of the site, with a sum of £30,000 considered to be appropriate for a development of this scale and nature.

At the time of writing this report this aspect remains unresolved, but it is considered that either solution would enable compliance with the requirements of Policy TREC17 and paras 69 and 73 of NPPF and so is acceptable in that regard.

Public Realm

The council's Interim Housing Policy seeks contributions from developments to assist in the delivery of public realm improvements as are identified in the council's Regeneration Framework 2010, with these linked to Policy EP1 of the Fylde Borough Local Plan. With the scheme being for affordable dwellings the payment of funds towards public realm works is likely to divert grant funding away from affordable housing provision and so it is considered appropriate that the development be excused from any requirement to contribute towards public realm improvements in the town. It is also necessary for any funding to be related to a project that is in the locality of the development, and this site is so remote from St Annes that it would be difficult to argue that it would meet that requirement.

Education

Para 72 of NPPF states that "*The Government attaches great importance to ensuring that sufficient choice of school places is available to meet the needs of existing and new communities.*" This reinforces the requirements of Policy CF2 of the Fylde Borough Local Plan which seeks contributions from developers where there are shortages in local education capacity. The initial comments of Lancashire County Council indicated a shortfall in education capacity in the area and so a financial contribution to address that was requested. They have since removed that request as more up to date school capacity figures became available. As such there is considered to be sufficient capacity in local primary and secondary schools to meet the education needs of the population of the development without any requirement for funding contributions from this development.

Design and Layout of Dwellings

As this is a full application the determination of it requires an assessment of the layout of the dwelling and the design of the dwellings proposed. The scheme involves all properties being two storey in similar housetypes that vary to reflect the size of dwelling delivered and whether in semis or short terraces. These are arranged to front the internal access road and its turning head, with a terrace of 6 at the entrance positioned to face out across the open space on The Brambles.

The surrounding area is of a mixture of house styles that is reflective of the different ages of their construction, but are all at two storey. This scheme is of a similar size to those and will sit appropriately with the existing properties. The site is arranged to provide acceptable relationships in terms of massing and potential privacy loss to all these neighbours, and between the properties proposed for the site.

A pair of semis is provided to the head of the development with these provided with private gates to allow them to access Bridgeside and so the services available on Squires Gate Lane easier. The other properties will not be able to use this route, but are closer to the existing pedestrian route through Hornsey Avenue and so all have a convenient pedestrian access to that road.

The site is tightly developed with no front garden areas and no meaningful landscaping. The applicant advises that this is a deliberate approach that is designed to reduce the maintenance requirements of the RSL and their tenants. Each of the properties is provided with a parking space,

mainly alongside but some in front of the property, and with a private garden. The majority of these gardens are to the west of the dwellings and so will allow this area to benefit from afternoon and evening sun.

A new fence is proposed to separate the site from the railway land to the west which is designed to minimise noise from the railway and to provide a secure barrier to prevent access to that land, with this to be supported by a native landscaped buffer as part of the ecological mitigation requirements. The other boundaries are to be a palisade fence with a 'living wall' system that adds greenery to soften the development. The railway fence needs to be of a high quality given that this is a public face to the development. The applicant is also to improve the elevational treatment in this direction to reflect that the rear elevations of the properties will be visible to those passing through the area by rail. It is not ideal for a housing scheme to back onto a railway, but given that any alternative layout would require a reduction in the numbers of dwellings, and that the scheme removes a potentially more unattractive employment use it is considered to be acceptable here.

The layout is tight for the site, but is not out of character with the surrounding residential areas which are also at a high density and reflective of their urban setting. It is considered that the layout of the site and the mix, scale and design of the properties on the development is acceptable and complies with the requirements of criteria 1 and 2 of Policy HL2 and HL6 of the Fylde Borough Local Plan and para 57 & 58 of NPPF.

Relationship to Railway and other land uses

The site is located between the railway line and a site with a lawful use for employment purposes, with both of these clearly capable of generating noise and other disturbances. The noise survey demonstrates that the development can be undertaken without the noise from the railway line having a detrimental impact on the residential amenity of the occupiers of the dwellings.

The site also shares a boundary with Grosvenor Printers which offers a series of office based development and some light industrial uses. As such it is assumed that these operate within Class B1 which is defined as those uses which are appropriate for residential areas due to their limited generation of noise, dust, odour, etc. Policy EMP4 of the Fylde Borough Local Plan suggests a minimum separation of 30m is required to protect residents from disturbance from a Class B2 industrial use but does not apply here. In any case, whilst the separation of some of the dwellings is less than that distance it is no different to that which exists with the existing residential properties on Hornsey Avenue. With this in mind, and the absence of a record of complaints from the occupiers of these properties about the industrial site, it is considered that the relationship proposed is an acceptable one.

The application site has been in employment use for a number of years, but at the time of the application these had all left with the exception of a single taxi repair garage. The applicant has been assisting their relocation and it is anticipated that the business will relocate to the area in the next few months to leave the site vacant. The site is not protected for employment use and so the displacement of the limited employment opportunities it has provided in recent years is not a matter for concern.

A previous application was refused, in part, due to outstanding concerns over the potential for the site to be contaminated. The application is supported with Phase I and II ground investigation surveys that demonstrate that the contaminants which do exist can be reasonably mitigated and will not prevent the safe development of the site for the residential use proposed. This has been verified by the council's Environmental Protection team and a condition is appropriate to ensure that the development is undertaken in line with the recommendations of these reports.

Relationship to Blackpool Airport

The site is located within 250m of the airport boundary and so they are a statutory consultee on developments in this area. They have issued a holding letter using the relevant Direction, and so preventing the approval of the application until that is lifted. Their justification for this is that they

believe that the information supplied with the application is insufficiently clear on the heights and dimensions of buildings for them to consider the implications of it.

This is a surprising position given that the application is for full planning permission and the information is available to all via the council's website. However, your officers have specifically supplied the requested information to facilitate their consideration of the application. At the time of writing this report their response remains outstanding and so the council is unable to grant planning permission until this is received and considered. .

Overall Conclusion

This proposal is a full application for the development of 22 dwellings on a previously developed site adjacent to Squires Gate Lane and so alongside the boundary with Blackpool borough and adjacent to Squires Gate Station. The land has previously been developed as a series of employment units, but these have now been cleared with the exception of a single unit. The site is located within an area defined as settlement in the Fylde Borough Local Plan and has ready access to the facilities and transport connections within Blackpool. As such it must deliver sustainable development and so is acceptable in principle.

The scheme delivers an entirely affordable development and so will assist with the shortfall of such properties in a location that has good access to services, employment opportunities, transport connections and other such facilities. The scheme provides an acceptable layout for the dwellings, with sufficient information provided to demonstrate that it will not have any adverse impacts on matters of land contamination or ecological importance.

All matters have been satisfactorily resolved during the determination of the application and it now accords with all elements of Policy HL2 relating to new housing development. The application is recommended for approval subject to a s106 agreement that will secure the delivery of the dwellings as affordable units and a commuted sum in lieu of on site open space which will be used to assist in the delivery of open space in the vicinity of the site.

At the time of writing the report the council is prevented from determining the application by a holding Direction from Blackpool Airport, but it is anticipated that this will be resolved shortly and so will not cause an issue for the approval of the scheme once the s106 has been finalised.

The National Planning Policy Framework re-emphasises the importance of councils being able to deliver residential development in sustainable locations. This scheme does that and is welcomed as a suitable scheme for bringing this under-utilised site and unattractive former employment site into a productive residential use.

Recommendation

That the authority to GRANT Planning Permission be delegated to the Head of Planning & Regeneration subject to the following:

- 1) That the holding Direction issued by Blackpool Airport has been lifted as they are satisfied that the development will not have any adverse implications for air safety
- 2) The completion of a s106 agreement to secure:
 - The details of the delivery, management and operation of the affordable houses
 - That unless alternative arrangements have been made to deliver a suitable scheme of public open space / play provision in the vicinity of the site, a payment of a sum of up to £30,000 towards public open space improvements be made prior to the first occupation of any dwelling approved in this application.

3) The following list of suggested conditions:

1. The development hereby permitted must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

2. That the development hereby approved shall relate to the following drawings:

- Location Plan – CLA Drawing 13-002-01
- Site Survey – Chris Partington Land Surveys drawing 160113CP-01
- Proposed Site Plan - CLA drawing 13-002-10 Rev F
- Proposed Plans and Elevations Block A - CLA drawing 13-002-11 Rev A
- Proposed Plans and Elevations Block B - CLA drawing 13-002-12 Rev A
- Proposed Plans and Elevations Block C - CLA drawing 13-002-13 Rev A
- Proposed Plans and Elevations Block D - CLA drawing 13-002-14 Rev A
- Proposed Plans and Elevations Block E - CLA drawing 13-002-15 Rev A
- Proposed Plans and Elevations Block F - CLA drawing 13-002-16 Rev A
- Proposed Plans and Elevations Block G - CLA drawing 13-002-17 Rev A
- Proposed Plans and Elevations Block H - CLA drawing 13-002-18 Rev A
- Proposed Streetscapes - CLA drawing 13-002-19 Rev A
- Design and Access Statement – CLA ref 13-003 D&A Issue 01
- Affordable Housing Statement
- Noise Assessment – ADC ref ARR/PPN/2141.01
- Ecological Impact Assessment – Knowsley Ecology ref 13/00056/AECON
- Bat Survey Report – Knowsley Ecology ref 13/00056/AECON
- GeoEnvironmental Report Phase I and II – CC Geotechnical Ltd

For the avoidance of doubt and as agreed with the applicant.

3. No development shall take place until a schedule of all materials to be used on the external walls and roofs of the dwellings hereby permitted has been submitted to and approved in writing by the local planning authority. This specification shall include the size, colour and texture of the materials and shall be supported with samples of the materials where appropriate. Development shall be carried out in accordance with the approved details.

Reason: To secure a satisfactory standard of finished appearance to the development as required by criteria 2 of Policy HL2 of the Fylde Borough Local Plan.

4. That prior to the commencement of any construction of the dwellings hereby approved, a detailed schedule of materials external surfaced areas to the dwellings, roadways and other external surfaced areas to the communal part of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in full accordance with this agreed schedule.

Reason: To secure a satisfactory standard of finished appearance to the development as

required by criteria 2 of Policy HL2 of the Fylde Borough Local Plan.

5. That prior to the commencement of the construction of the dwellings hereby approved, a plan to indicate the routing for all boundary treatments around the site perimeter (including any acoustic fencing), between individual neighbouring plots and between plots and the internal roadway shall be submitted to and approved in writing by the Local Planning Authority. This plan shall be supported by elevational sample drawings of the various boundary treatments that are proposed, with the boundaries constructed prior to the first occupation of the respective dwellings which they surround and then retained in that form thereafter.

Reason: To provide an appropriate finished appearance of the development and to maintain an appropriate level of privacy between dwellings as required by Policy HL2 of the Fylde Borough Local Plan.

6. Prior to any on site construction a Construction Plan shall be submitted to, and approved in writing by, the Local Planning Authority. This plan shall include the location of any site compound, delivery vehicle routing to the site, construction traffic parking and any temporary traffic management measures, times of construction works and times of deliveries. The development shall be implemented in accordance with the approved Construction Plan.

To maintain the safe operation of the pedestrian and highway network in the area during construction given the proximity to residential properties.

7. That no works shall be undertaken on the construction of the dwellings hereby approved until the access points to the site from The Brambles to the south and from Hornsey Avenue to the east as shown on the Proposed Site Plan approved under condition 2 of this permission have been provided to at least base course level. These access points shall be retained available for use during construction and occupation of the dwellings at all times thereafter.

To ensure that the site has an appropriate standard of access as required by Policy HL2 of the Fylde Borough Local Plan.

8. That the dwellings to Plots 19-22 (inclusive) shall be constructed with pedestrian gate access direct to Bridgeside prior to the first occupation of those dwellings, and these shall remain available for use at all times thereafter.

To secure improved permeability of the site and to facilitate a convenient access to services in the village as required by Policy HL6 of the Fylde Borough Local Plan

9. Prior to the first occupation of any dwelling hereby approved the existing pedestrian footway network on The Brambles shall be extended to serve the site and facilitate a continuous pedestrian route from the site to the main highway network. This route shall then be retained available for pedestrian use at all times thereafter.

To secure improved permeability of the site and to facilitate a convenient access to services in the village as required by Policy HL6 of the Fylde Borough Local Plan

10. That the building demolition, site clearance, and all works associated with the construction of the dwellings shall be undertaken in full accordance with the findings of the Phase II GeoEnvironmental Report by CC GeoEnvironmental Ltd reference CCG-C-13/7034.

To minimise the risk to human health and other contaminations during the construction of the properties and thereafter as required by Policy EP29 of the Fylde Borough Local Plan.

11. That prior to the commencement of construction of the dwellings a fully detailed landscaping plan for the site shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall incorporate the details shown on the Proposed Site Plan hereby approved and include a native species landscape buffer between the western boundary of the site and the Biological Heritage Site on the railway land.

These landscape works shall be implemented no later than the first available planting season following the completion of the construction of the development, and subsequently shall be maintained for a period of no less than 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current syvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

To ensure a satisfactory standard of development and in the interest of visual amenity in the locality in accordance with Policy EP14 of the Fylde Borough Local Plan, and to provide protection from invasion of the adjacent BHS as required by Policy EP17.

12. Prior to the first occupation of any dwelling on the site, details shall be submitted to and approved in writing by the Local Planning Authority of the on-going maintenance of the communal areas of internal access roads and footways, areas of landscaping and all associated features such as streetlighting, signage, drains and boundary treatments that lie within these areas and are not to be adopted by the local highway authority, and the areas edged blue on the submitted Deed Plan. The development shall thereafter be maintained in accordance with the approved schedule of maintenance.

To ensure that the development is implemented and maintained to a satisfactory degree into the future as required by Policy EP14 and HL2 of the Fylde Borough Local Plan.

13. Prior to the commencement of development a detailed levels plan indicating the proposed ground levels and proposed finished floor levels throughout the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with this plan unless variations from it are previously agreed in writing by the local planning authority.

Reason: To ensure that the development is appropriately related to the surrounding residential properties and land levels in accordance with criteria 1 and 2 of Policy HL2 of

the Fylde Borough Local Plan.

14. Prior to the commencement of construction on any of the dwelling houses details of the means of surface and foul water drainage of the site shall be submitted to and approved in writing by the local planning authority. These shall be drained on separate systems with the foul water drainage discharging only to the Clifton Marsh WWTW and the surface water discharge from the site attenuated to no more than 5 l/s. The approved scheme shall be implemented during the development and shall include that the development is drained on a separate system with only foul drainage connected into the foul sewer.

Reason: To ensure that the foul water drainage of the site can be achieved and implemented as required by Policy EP25 of the Fylde Borough Local Plan

15. That development works shall not commence in the months of March - August inclusive, unless a walkover survey of the site and its boundary hedges has first been undertaken to establish the presence of any sites which could provide nesting opportunities to birds. Should such sites be identified, then a mitigation and phasing scheme for any construction works in the vicinity of the identified nesting site shall be submitted to the Local Planning Authority and approved in writing, with the development undertaken in accordance with this approved scheme.

To ensure that the development does not have any harmful impact on protected and priority species as required by Policy EP18 of the Fylde Borough Local Plan

16. Prior to commencement of development details of an on-site Local Area of Play, including maintenance details and a timetable for implementation, shall be submitted to and approved in writing by the local planning authority. Provision and maintenance shall be carried out in accordance with the approved details.

Reason: To ensure that the development provides an appropriate level of open space for the benefit of its residents given the separation of the site from the existing facilities available in the village as required by Policy TREC17 of the Fylde Borough Local Plan and para 69 and 73 of the NPPF.

17. That in the event that bats or any other protected species is unexpectedly encountered before or during site clearance or development work, such work shall immediately cease and the area involved shall be securely fence to avoid the potential for further disturbance of the area until specialist advise has been sought from a suitably qualified ecologist and an appropriate mitigation strategy had been designed, and agreed in writing by the Local Planning Authority. If required, the development shall thereafter be implemented in accordance with the agreed mitigation strategy.

To ensure that the development does not have any harmful impact on protected and priority species as required by Policy EP18 of the Fylde Borough Local Plan

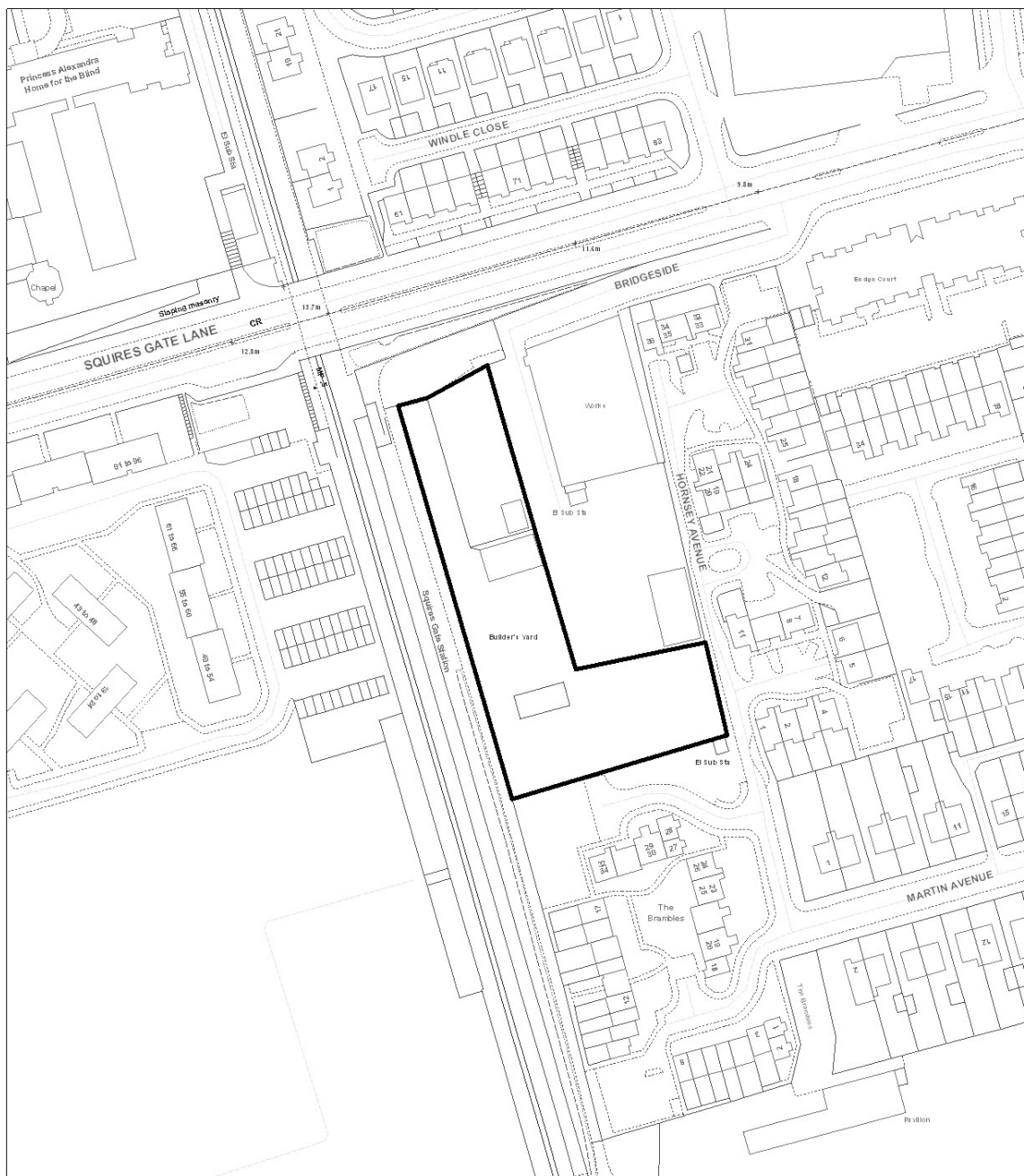
18. That prior to the commencement of any development a fully detailed method statement for the avoidance of impacts on reptiles as a consequence of the development of the site shall be submitted to and approved in writing. This statement shall be implemented in full during the construction of the dwellings hereby approved.

To ensure that the development does not have any harmful impact on protected and priority

species as required by Policy EP18 of the Fylde Borough Local Plan.

19. That prior to the commencement of construction works on the dwellings hereby approved, the Japanese Knotweed infestation on the site shall be eradicated using the methods explained in section 14.2 the Phase II GeoEnvironmental Report by CC GeoEnvironmental Ltd reference CCg-C-13/7034.

To ensure the effective removal of this invasive non-native species in the interests of the protection of native plant species in accordance with Policy EP17 and Policy EP14 of the Fylde Borough Local Plan.



Development Services Fylde Council		(c) Crown Copyright and database right (2013). Ordnance Survey (100006084).	
Application No. 5/13/0231	Address Land south of Bridgeside, Lytham St Annes	Grid Ref. E.3309 : N.4316	Scale 0 6 12 18 24 m

Item Number: 3 **Committee Date:** 4 September 2013

Application Reference:	13/0293	Type of Application:	Full Planning Permission
Applicant:	Mr Broughton-McCabe	Agent :	England & Lyle
Location:	209 INNER PROMENADE, LYTHAM ST ANNES, FY8 1EA		
Proposal:	1) RETROSPECTIVE APPLICATION FOR EXISTING BRICK BOUNDARY WALL AND BRICK PIERS TO INNER PROMENADE AND MYRA ROAD FRONTAGES, WITH EXISTING RAILING INSERTS REVISED BY REMOVAL OF ARCH-TOPS AND FINIALS. 2) RETROSPECTIVE APPLICATION FOR EXISTING VEHICULAR AND PEDESTRIAN GATES.		
Parish:	Fairhaven	Area Team:	Area Team 2
Weeks on Hand:	15	Case Officer:	Ruth Thow
Reason for Delay:	Need to determine at Committee		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to alterations to the existing boundary treatments to both frontages of this detached house on the corner of Myra Road and Inner Promenade. The current boundary treatments are unauthorised and the subject of a previous application that was refused and dismissed at appeal. This proposal is to modify them in an attempt to address the reasons for refusal.

Walls and fences, particularly in front and side gardens, can have a significant effect on the appearance of the property and streetscape. The previous submission with the inclusion of the solid metal sheeting panels was considered unacceptable and the application refused. The Planning Inspector was also of the view that the development was harmful to the visual amenity of the street scene. Taking into account the proposed changes to reduce the height of the inset railings and the removal of the metal sheeting the scheme will improve the overall appearance and visual impact of the development. With this, and the scale of other boundary walls along Inner Promenade, on balance the application is recommended for approval by Members.

The development is considered to comply with the criteria of Policy HL5 of the Fylde Borough Local Plan as altered (October 2005) and Paragraph 215 of the NPPF which requires that due weight should be given to the relevant policies of the development plans according to their degree of consistency with the NPPF. In this instance it is considered that significant weight should be afforded to Policy HL5 of the Fylde Borough Local Plan, as altered (October 2005) as this is consistent with the aims of Paragraph 17 of the NPPF which seeks to secure high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

Reason for Reporting to Committee

This application is on the agenda as a consequence of the level of public and Councillor interest in the

site.

Site Description and Location

The application site is 209 Inner Promenade, Lytham St. Annes. The property referred to, is a large, two storey, detached property situated on the north side of Inner Promenade at the corner with Myra Road. The property has recently undergone extensive alterations which were granted planning permission in 2009/2010. The extensions added a first floor to the property and resulted in the dwelling that sits on the plot at the time of this application.

The site is within in the main settlement of Lytham St. Annes as designated on the Fylde Borough Local Plan, as altered (October 2005).

Details of Proposal

This application seeks permission for the retention of the existing brick boundary wall and brick piers to the Inner Promenade and Myra Road frontages with wrought iron railing insert panel, and to retain the existing vehicular and pedestrian gates.

The brick wall measures 1 metre in height with brick piers to 1.85 metres. The brick piers at the pedestrian gate entrance measure 2.05 metres and at the vehicular entrance 2.15 metres. The application proposes that the existing arch top inset railing panels are cut down to sit within the height established by the existing brick piers to the Inner Promenade and Myra Road frontages. The arch top pedestrian and vehicular wrought iron gates are to remain as existing.

The application is applied for retrospectively, other than the works to the railings.

During the course of the application a proposal for timber fence panels to the boundary wall between the application property and no. 36 Myra Road has been deleted.

Relevant Planning History

Application No.	Development	Decision	Date
12/0051	RETENTION OF PERGOLA TO REAR GARDEN AND BOUNDARY WALLS TO EAST & SOUTH AND FENCE TO WEST - RETROSPECTIVE, ADDITIONAL BOUNDARY WALL PROPOSED TO NORTH SIDE BOUNDARY.	Refused	11/05/2012
10/0347	RESUBMISSION OF APPLICATION 09/0159 FOR DORMER TO SIDE ELEVATION OF DWELLING APPROVED BY APPLICATION NUMBER 09/0159	Granted	13/07/2010
10/0154	AMENDMENT TO PLANNING APPLICATION 09/0159 TO INCORPORATE EXTENSION TO SIDE ELEVATION FACING MYRA ROAD.	Refused	11/05/2010
09/0159	LOFT CONVERSION TO FORM FIRST FLOOR BEDROOMS AND COVERED TERRACE AREA, CONSERVATORY TO REAR AND ALL BOUNDARY WALLS AND FENCES TO BE INCREASED IN HEIGHT.	Granted	22/05/2009
08/0084	ERECTION OF DETACHED GARAGE	Granted	20/03/2008

03/0476	WITH LIVING ACCOMMODATION ABOVE PROPOSED SINGLE STOREY EXTENSION, FIRST FLOOR BALCONY/STUDY/SUN LOUNGE & REAR GARAGE/STORE WITH PITCHED ROOF	Granted	09/07/2003
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Relevant Planning Appeals History

Application 12/0051 - Appeal reference 2178613 - Dismissed 19th September 2012
Costs application - Dismissed - 19th September 2012

Parish Council Observations

St Anne's on the Sea Town Council notified on 24 May 2013
Summary of Response

No comments received at the time of writing the report.

Statutory Consultees

County Highway Authority
 Comments

No objections

Observations of Other Interested Parties

None to report.

Neighbour Observations

Neighbours notified: 24 May 2013

Amended plans notified: 05 July 2013

No. Of Responses Received: 6 letters of objection and one petition and one letter of support -

Nature of comments made:

- Has anyone measured the piers to see if they comply with the original or revised dimensions?
- unsightly wall is this in breach of planning guidelines?
- I assume this monstrosity will be adjusted to comply with FBC planning regulations or demolished
- FBC's planning regulations were not enforced on the original application
- only correction is removal of black panels
- the developer continually builds to own desires and then applies for retrospective planning
- modest bungalow used finest materials new 2 storey building leaves much to be desired.
- All but one of the brick piers exceeds the 1.83 metres height originally granted.
- Unsightly white block/rendered wall even more unsightly exceeding 2 metres
- Beggars belief one man can manipulate system
- Understood Ombudsman's decision final and that action by FBC would be taken
- other than alteration to the fence nothing changed
- bizarre if proposals accepted
- surprised and disappointed to receive another application

- concern over amount of time taken to previous judgement
- object to height vehicular gates and pillars out of keeping with rest of entrances on Myra Road
- a timber fence "over a thousand metres" is little excessive
- fence would hide bins
- looks like fortress

.....
The petition has 49 signatories and refers to the following points:

- All but one of the brick piers exceed the 1.83 metre height originally granted.
- The huge gate piers disproportionate to any similar structure in the street
- Unsightly block/render wall constructed to height exceeding 2 metres a fact constantly ignored by planning officers and which irritates residents of Myra Road
- The proposed erection of 1015mm high fence on top of existing boundary wall and ours would be in region of 6ft high and is consistent with the fortress mentality evidenced by previous action of enclosing property with black steel sheeting
- One man is able to manipulate the system with his disregard to planning restraints and decisions as well as attitude to residents.

Letter of support:

- We think you should grant permission - the house and walls are entirely appropriate for a Promenade house, 209 has no private back gardens.

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL05	House extensions

Other Relevant Policy:

NPPF:	National Planning Policy Framework
JHE	Joint House Extensions SPD

Site Constraints

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

Background to Site

The applicant was granted planning permission for alterations to provide a first floor, conservatory and increase in height of boundary walls under application no. 09/0159 and received a further permission in 2010 for a dormer.

The applicant subsequently carried out these works together with the addition of a pergola, garden walls and increase in height of the boundary walls.

It came to the council's attention that the boundary walls had not been built in accordance with the

scheme granted permission under the 2009 application and that the pergola and internal garden walls exceed the tolerances for Permitted Development and so required permission.

The applicant submitted application 12/0051 to regularize the works. This application was refused by the LPA and the applicant appealed this decision. The Planning Inspector commented that:

"On the basis of the limited information provided, the plans show that although the walls and piers would match those that have been approved in terms of height, the profile of the piers would be significantly greater in width. No indication of depth is provided on the details submitted. The plans are not highly detailed in terms of the profiles of the railings but rather than the changes being 'de minimus' as suggested, I find the designs to be significantly different. The approved railings would be of a more subtle, understated design. They would sit comfortably within the less bulky frames of the brick work piers. The existing railings dominate the openings and draw attention to their increased height by the use of an arch above the piers and the large finials.

The steel sheeting, which did not form part of any previous approval, dominates the appearance of the structure as built. On the basis of the submitted information, it appears that the existing boundary has a significantly more harmful impact than would have been the case with the permitted works. Whilst I acknowledge that the Council appear to now accept that only the sheeting is unacceptable, I agree with a number of local residents that the form of the structure overall, is not in keeping. The increase in its prominence, due to the design changes, would be significantly more harmful than the development already accepted."

The appeal was dismissed by the Planning Inspector.

Background to Current Application

Following the appeal decision the applicant entered into several discussions with officers, and indicated his willingness to amend the existing scheme by immediately removing the black metal sheeting and offering to reduce the overall scale of the inset panel railings. This is the proposal before Members today.

Permission for the internal garden wall and the pergola is not being sought with this application however, this is proposed to be applied for in a separate application.

The application originally included a proposal for timber fence panels to the boundary with no. 36 Myra Road. This is a shared boundary and the applicant had not served the correct notice prior to submitting the application with the occupiers of no. 36 therefore this aspect of the application was removed.

Assessment of Application

Policy HL5 of the Fylde Borough Local Plan is relevant to this application. The principal issue to consider is the impact of the development on the street scene and the character of the area, and its impact upon the amenity of occupiers of neighbouring properties. A material consideration in determining the application is the 2009 permission for brick piers and inset railings to an overall height of 1.8 metres.

This application proposes reducing the existing arch top railings to a 'flat top' style railing to sit within the existing piers and retaining the arch topped pedestrian and vehicular access gates.

In dismissing the appeal in 2012, the Inspector commented that the approved railings were of a more subtle and understated design than those which had been erected and so would sit comfortably within the less bulky frames of the piers. Whilst this scheme retains those railings, it is considered that the proposed reduction in their scale by the removal of the finials and the metal sheeting previously

attached to the railings would achieve a similar appearance to that approved in 2009. Despite the bulkier frames the overall appearance is such that it would not cause a greater detriment to the visual amenity.

In regard to the brick piers either side of the pedestrian and vehicular accesses these are 2.05 metres and 2.15 metres respectively, with the arch top gates sitting between at a lower height. These pillars are significantly higher than the 2009 approval and generally larger than other applications which have been before committee and granted permission in the past. Notwithstanding this, regard should be had to the character of the area and other properties which have benefited from similar scaled boundary walls/gates, photographs of which have been provided for Members benefit which have all been granted planning permission (163 Inner Promenade on appeal). Several of these, for example no's 159, 163 201 and 223 Inner Promenade have walls and fences are of a much more solid, closed appearance, which unlike the application property since the removal of the metal sheeting, now has a more open character and less harsh appearance. It is therefore considered that requiring the reduction in the height of these pillars to 1.8 metres would not significantly improve the overall appearance of the wall and would be unreasonable given the other examples in the street scene.

Having regard to the development and the amenity of neighbours, the walls are on the perimeter of the site and do not have a detriment impact by way of loss of light, privacy or overlooking for the occupiers of nearby properties.

The applicant has utilized the existing accesses and sufficient off street car parking is provided within the application site to serve the dwelling.

The development has not resulted in any loss of garden area.

Conclusions

Walls and fences, particularly in front and side gardens, can have a significant effect on the appearance of the property and streetscape. The previous submission with the inclusion of the solid metal sheeting panels was considered unacceptable and the application refused. The Planning Inspector was also of the view that the development was harmful to the visual amenity of the street scene. Taking into account the proposed changes to reduce the height of the inset railings and the removal of the metal sheeting the scheme will improve the overall appearance and visual impact of the development. With this, and the scale of other boundary walls along Inner Promenade, on balance the application is recommended for approval by Members.

The development is considered to comply with the criteria of Policy HL5 of the Fylde Borough Local Plan as altered (October 2005) and Paragraph 215 of the NPPF which requires that due weight should be given to the relevant policies of the development plans according to their degree of consistency with the NPPF. In this instance it is considered that significant weight should be afforded to Policy HL5 of the Fylde Borough Local Plan, as altered (October 2005) as this is consistent with the aims of Paragraph 17 of the NPPF which seeks to secure high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

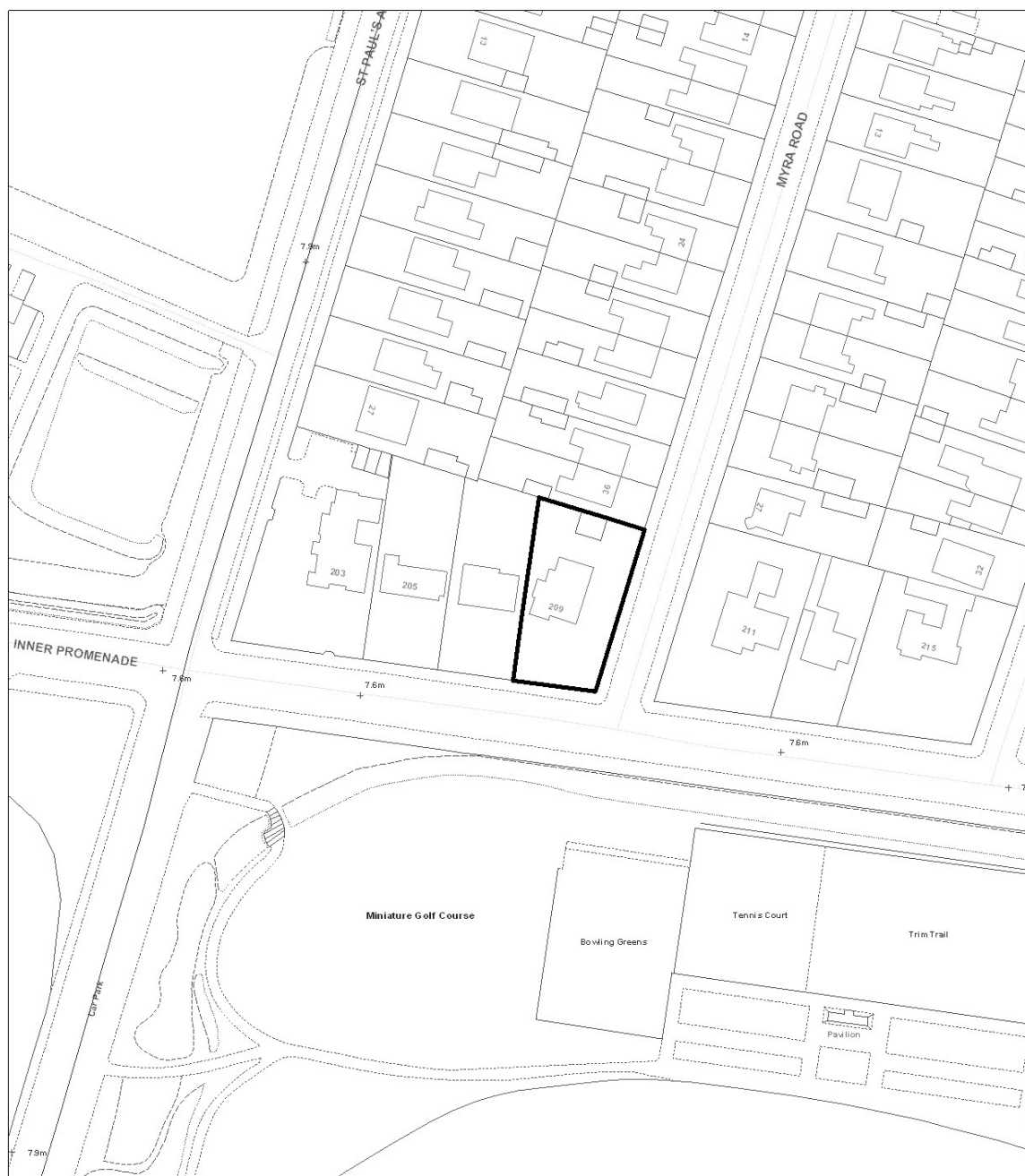
Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. Within one month of the date of this decision the inset railings shall be reduced in height such that 'arch top' is removed and the railings sit within the brick piers along the boundary marked 'BT1' on the approved plan.

To secure an appropriate scale of railings and boundary treatment to respect the visual

amenity and character of the locality as required by Policy HL5



Development Services Fylde Council		(c) Crown Copyright and database right (2013). Ordnance Survey (100006084).	
Application No. 5/13/0293	Address 209 Inner Promenade, Lytham St Annes	Grid Ref. E.3337 : N.4275	Scale 0 6 12 18 24 m

Item Number: 4 **Committee Date:** 4 September 2013

Application Reference: 13/0315		Type of Application:	Full Planning Permission
Applicant:	Mr Leslie Booth	Agent :	
Location:	FRECKLETON BOAT YARD, POOLSIDE, FRECKLETON, PRESTON, PR4 1HB		
Proposal:	PROPOSED SINGLE STOREY EXTENSION TO EXISTING WORKSHOP		
Parish:	Freckleton	Area Team:	Area Team 1
Weeks on Hand:	12	Case Officer:	Alan Pinder
Reason for Delay:	Need to determine at Committee		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site sits within an existing boatyard located on Freckleton Creek. This application seeks approval for the construction of an extension to the existing workshop premises. The development is considered to accord with policies SP2, SP8 and EP11 of the Fylde Borough Local Plan and the application is recommended for approval.

Reason for Reporting to Committee

The Parish Council's objection is at odds with the recommendation of the case officer

Site Description and Location

The proposal is situated at the existing boat yard between Naze Lane East and the tributary that provides access to Naze Point on the River Ribble. The application site is one of two boat yards on this part of the river which have been in use for a number of years. The site consists of a number of boats with associated industrial style units. The yard is involved in the manufacture of fibreglass laminations for the repair/refurbishment of boats, however due to the lack of demand in recent years the main product now consists of fibreglass laminations for vehicle bodies. The site is within a flood zone 3 area.

Details of Proposal

Planning permission is sought for an extension to the northern end of the existing workshop. The extension would project approximately 15 metres from the existing workshop and match it in width (11.5 metres). The existing canopy area would be relocated to the end of the proposed extension. The proposed finished materials of construction is grey profile sheeting to match that of the existing workshop.

Relevant Planning History

Application No.	Development	Decision	Date
10/0111	EXTENSION TO EXISTING WORKSHOP, WITH FENCED STORAGE	Granted	01/07/2010

	AREA, 1 ADDITIONAL CAR PARKING SPACE AND 6 NEW CYCLE SPACES.		
07/0779	ERECTION OF A CANOPY TO END OF EXISTING WORKSHOP.	Granted	18/09/2007
87/0652	TEMPORARY SITING OF CARAVAN	Refused	27/01/1988
75/0489	LIVING ACCOMODATION - CARAVEN	Granted	20/08/1975
74/0568	DWELLINGHOUSE	Refused	05/12/1974
	COMPLETED 25/11/1980		

Relevant Planning Appeals History

None.

Parish Council Observations

Freckleton Parish Council notified on 24 June 2013

Summary of Response

The Parish Council strongly objects to the proposal on the following grounds:

- The boatyard should be used as a boatyard, no change of use has been applied for.
- Hazardous materials are being used next to a public footpath, therefore this is an environmental hazard
- There is no separate storage arrangement for the waste
- This area has inadequate access for an industrial area
- The premises is within 20 metres of a water course, and is at risk of flooding

Statutory Consultees

Ministry of Defence - Safeguarding

No safeguarding objections

BAE Systems

No objections

Observations of Other Interested Parties

N/A

Neighbour Observations

Neighbours notified: 24 June 2013

Amended plans notified:

No. Of Responses Received: One letter of support from the neighbouring property, 'Poolside Farm'.

Nature of comments made:

The site employs local people and is tidier than before. Vehicle access to Poolside Farm has been improved by the applicant. Fully supportive of the proposal and the opportunities it brings the village.

Relevant Planning Policy

Fylde Borough Local Plan:

SP02

Development in countryside areas

SP08	Expansion of existing businesses and commercial operations
EP11	Building design & landscape character
EP17	Development in or near Biological Heritage Sites

Other Relevant Policy:

NPPF: National Planning Policy Framework

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

Principle and Scale of the Extension

The issues to consider in the determination of this application are the criteria of policies SP2, SP8 and EP11 of the Fylde Borough Local Plan.

Policy SP2 permits development where the proposal accords with one of 5 categories. In this instance the relevant category is category 5: Development essentially needed for the continuation of an existing enterprise of a type and scale that would not harm the character of the surrounding countryside. The business is a well established one that has operated from this site for many years. It currently employs 7 local people, and the applicant asserts that the new extension would enable him to employ a further 4 workers to meet the demand for laminated fibreglass products. This is a successful business that wishes to employ workers and hence would benefit the local economy. The size of the proposed extension is such that when considered in isolation as an extension of the existing workshop it could be argued it is not minor. However when considered in the overall context of the size and character of the boat yard it is not considered to add any further detriment to the character of the area than already exists from the existing premises. The extension is also contained wholly within the main working area of the yard. For all the above reasons it is considered that the extension accords with category 5 of SP2.

With regard to policy SP8 this relates to the expansion of existing businesses in countryside areas and permits such development provided that in general terms the development would have no significant harmful impact on the character of the countryside, would not represent a major increase in the developed portion of the site, and the height of proposed buildings does not exceed the height of existing buildings in the vicinity. The application site has been established at its current location for many years. Given that the proposed extension would be wholly located well within the main working area of the site it would not represent a major increase in the development of the site, and it is not considered to introduce any greater harm to the character of the area than already exists from the existing development of the site. The proposed extension also matches the height of the existing workshop facility. Hence the proposal is considered to accord with policy SP8.

With regard to policy EP11 the extension would be in keeping with the distinct character of the yard which is primarily made up of existing industrial type buildings. As noted above the proposed extension would be contained wholly within the existing yard and would create no further detriment to the surrounding landscape character than already exists.

Biological Heritage Site

EP17 opposes development which is likely to impact significantly or fundamentally on the resources of Biological Heritage Sites (BHS). In this instance the proposed extension is located outside of, but in close proximity to a designated BHS (Freckleton Naze, ref. 42NW03). The proposed extension is separated from this BHS by an existing industrial unit to the west and by the boat storage area to the east. As such it is not considered that the extension would have any significant impact on the BHS and so there is no conflict with policy EP17.

Parish Council comments

The Parish Council have objected to the proposal on several grounds:

- Alleged change of use - Boatyards fall within Use Class B2 (General Industrial) and as such the current activities carried on from the site, and which have been carried on for a number of years, do not constitute a change of use. With regard to the other grounds for objection these refer to issues which have existed without problem at the site for many years
- Hazardous materials - In response the applicant states that all flammable materials are secured within a specialised flame proofed container, and materials used in the production of fibreglass laminate are stored in a secured container to the side of the workshop. No concerns regarding the storage of hazardous materials have ever been raised in the past and here is no reason to believe that the situation would change with the building of the proposed extension.
- No separate waste storage - The site has an on site waste skip on contract with 'Jackson's Waste Disposal'. Should there be any increase in waste this would be offset with a waste bailer to condense the skip usage
- Poor access - The application states there is only one material delivery per month and this will remain the same. Outgoing products are delivered in their own light panel van and this will continue. There may be a slight increase in the movement of this vehicle however there is no reason to believe the existing access arrangements are not adequate.
- Risk of flooding - The site is located within a flood zone 3 area. The premises and their use are classed as 'Less Vulnerable' under the Environment Agency's classification system. Hence the potential flood risk would not justify a reason for refusal. This notwithstanding the applicant states that the site has not experienced any flooding since 1989, but as a precautionary measure all materials are stored within sealed containers.

Conclusions

The proposed extension to the existing workshop building is considered to accord with the relevant policies of the Fylde Borough Local Plan and with paragraph 28 of the National Planning Policy Framework, which advises that local plans should support the sustainable growth and expansion of businesses within rural areas. Members are therefore recommended to approve the application.

Recommendation

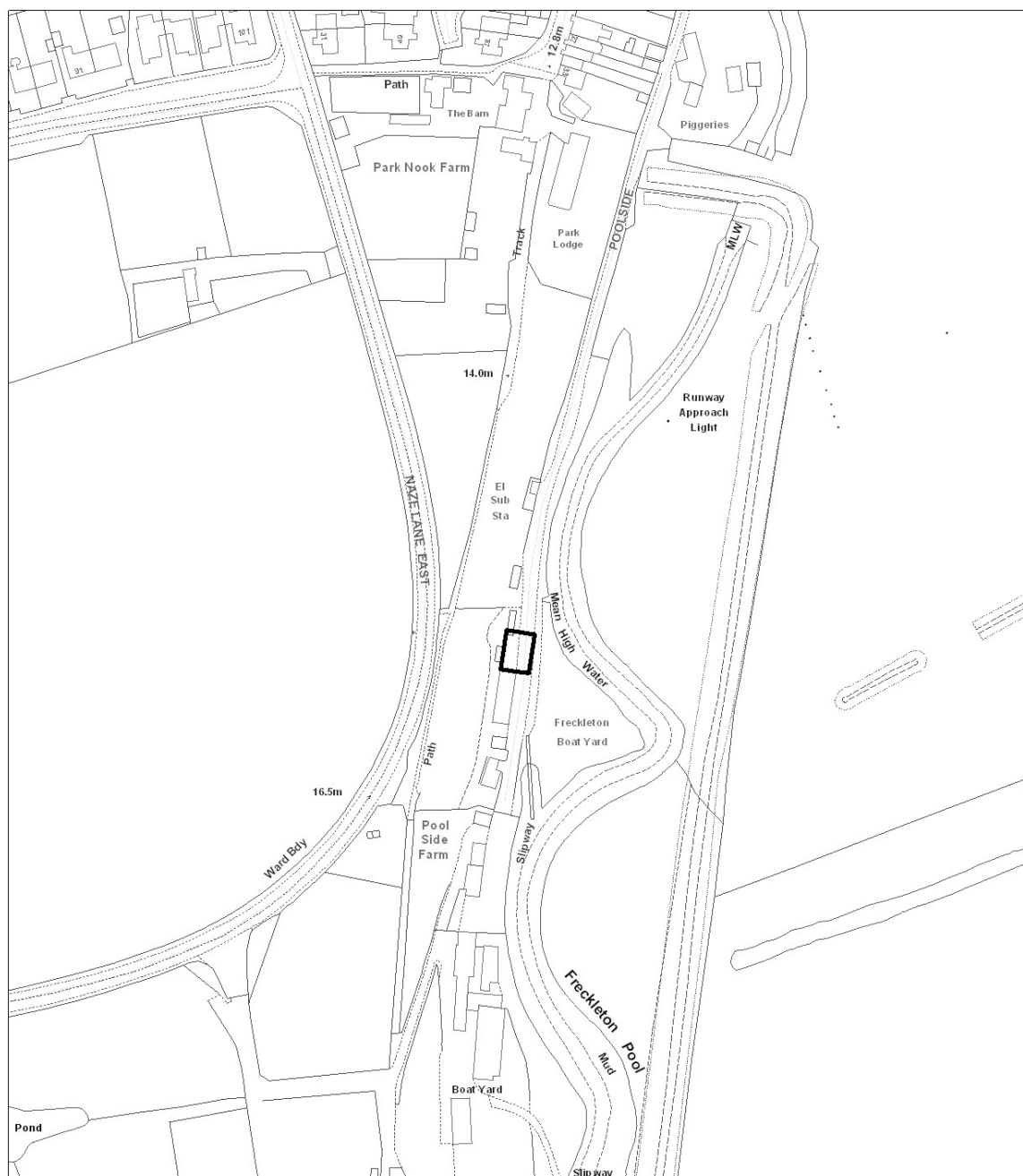
That Planning Permission be GRANTED subject to the following conditions:

1. The development hereby permitted must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

2. The materials of construction and/or finish in respect of the extension hereby approved shall match those of the existing building entirely to the satisfaction of the Local Planning Authority.

To ensure visual harmony in respect of the overall development.



Development Services Fylde Council		(c) Crown Copyright and database right (2013). Ordnance Survey (100006084).	
Application No. 5/13/0315	Address Freckleton Boatyard, Poolside, Freckleton	Grid Ref. E.3433 : N.4284	Scale 0 10 20 30 40 m

Application Reference:	13/0319	Type of Application:	Full Planning Permission
Applicant:	RG & JM Towers	Agent :	Ian Pick Associates Ltd
Location:	LAND ADJACENT TO COMMUNICATIONS MAST, BRADKIRK HALL FARM, WEETON ROAD, MEDLAR WITH WESHAM, PRESTON, PR4 3NA		
Proposal:	PROPOSED ERECTION OF 2 NO AGRICULTURAL BUILDINGS FOR BROILER REARING, LINK CONTROL ROOM, 3 NO. FEED BINS, HARDSTANDING, ACCESS ROAD AND NEW HIGHWAY ACCESS TO WEETON ROAD.		
Parish:	Medlar with Wesham	Area Team:	Area Team 2
Weeks on Hand:	15	Case Officer:	Ruth Thow
Reason for Delay:	Not applicable as EIA development allows 16 weeks		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is land off Weeton Road forming part of Bradkirk Hall Farm. The application seeks permission for two agricultural buildings for intensive poultry rearing, associated hard standing areas, access track and a balancing pond. The development is considered to comply with the requirements of Policies SP2 in respect of the agricultural need for the development and the Environmental Protection and Conservation Policies EP14, EP19 EP23, EP24, EP26 and EP27 of the Fylde Borough Local Plan, as altered (October 2005). In addition the proposal is supported by the aim of Chapter 3 of the NPPF which supports the growth and expansion of rural business.

In the absence of any demonstrable harm from this development the application is recommended for approval by Members.

Reason for Reporting to Committee

This application is a 'major' application and under the terms of the Council's Scheme of Delegation such applications are to be determined at Committee where the officer recommendation is for approval.

Site Description and Location

The application site is described as 'Land adjacent to communications mast, Bradkirk Hall Farm, Weeton Road, Wesham' and owned by RG and JM Towers. The application site is 1.132 Hectares. The farm extends to a total of 219 Hectares.

The site is open farmland which sits generally in the centre of a 'triangle' within three significant roads, the M55 motorway is approximately 600 metres to the north of the site, the A585 Fleetwood Road is approximately 1.2 Km to the east of the site and Weeton Road, (which is to be used for the highway access) is approximately 500 metres to the south of the site, Bradshaw Lane is to the north between the site and the M55 and is approximately 300 metres from the site at the nearest point.

Wesham is approximately 1.3 Km at the nearest point.

The site is sloping grassland falling towards the north, which is currently used for grazing the applicant's sheep. There are some clusters of trees and a small copse and hedges which define the field boundaries.

Details of Proposal

This application proposes the establishment of a broiler chicken rearing facility on the site as new intensive farming operation to support the existing farming activities that are undertaken.

This involves the erection of two new agricultural buildings, each of which are 103.6 metres in length, 24.4 metres in width, 2.5 metres to the eaves and 5.8 metres to the ridge. The buildings are to be spaced 6 metres apart with a small control room linking the buildings at the west end with four feed bins positioned behind in the gap between the two buildings. The buildings will have walls and roofs of box profile polyester coated sheet steel in 'Juniper Green' (BS 12B29).

Each building is designed to house 50,000 birds per cycle. The ventilation, heating and feeding systems are all fully automated and controlled by a computer system located within the control room. The system is alarmed to alert personnel via mobile phone.

The proposed poultry unit will produce standard birds, based on a 42 day growing cycle, with 7 days at the end of each cycle for clean out and preparation of the buildings for the incoming flock. Each unit will operate with 7 flocks per annum.

A concrete parking and turning area will be constructed in the front of the buildings and a new access track of crushed limestone will be constructed to link the site to the highway (Weeton Road) at a point to the east of the existing track which serves as access to the communications mast. This track has a length of 382.84 metres.

In addition the development includes the creation of an attenuation pond.

Relevant Planning History

There is no planning history associated with this area of land. The following is the history associated with the farm as a whole.

Application No.	Development	Decision	Date
AG/12/0008	PRIOR NOTIFICATION FOR PROPOSED PORTAL FRAME AGRICULTURAL BUILDING	Approve Prior Determination	16/10/2012
AG/08/0002	APPLICATION FOR PRIOR NOTIFICATION OF AGRICULTURAL DEVELOPMENT FOR PORTAL FRAME BUILDING.	Permission not required	09/07/2008
99/0354	AGRICULTURAL BUILDING	Granted	11/08/1999
98/0537	ERECTION OF AGRICULTURAL BUILDING TO HOUSE SHEEP	Granted	07/10/1998
97/0109	BRICKING UP OF WINDOWS TO RECEIVER STATION	Permitted Development	25/02/1997
96/0448	ERECTION OF AGRICULTURAL BUILDING TO HOUSE CATTLE	Granted	17/07/1996
95/0085	COUNTY MATTER FOR VARIATION OF CONDITION 1 RE: 5/93/181 TO	Granted	26/04/1995

93/0181	ALLOW TIPPING FOR A FURTHER PERIOD OF TWO YEARS		
	MODIFICATION OF CONDITION ON APP 5/91/0468 TO EXTEND	Granted	19/05/1993
92/0849	PROPOSED ERECTION OF GENERAL PURPOSE/SHEEP HOUSING	Granted	27/01/1993
91/0468	LAND RAISING BY INERT CONSTRUCTION FILL TO 4.88	Granted	06/11/1991
90/0268	ERECTION OF ABOVE GROUND SLURRY STORE	Granted	18/07/1990
85/0611	RADIO BASE STATION.	Granted	06/11/1985

Relevant Planning Appeals History

None.

Parish Council Observations

The site is within the area of **Medlar with Wesham Parish Council** who comment “*The Council wishes to support agriculture within the town boundaries.*”

The site is close to the boundary with **Greenhalgh with Thisleton Parish Council** who have also been consulted but have not offered any comments.

Statutory Consultees

Lancashire County Council - Highway Authority

Comments

I have no objections to the principle of the development and my only concerns relate to the continued use of the existing access to the west of the proposed access.

The existing access has restricted visibility due to the carriageway brow to the east. The access currently serves as field access and access to the mast. I would prefer to see this access closed to vehicles and the new access to serve as access to the proposed development and as field access and access to the mast as this is seen as a safer arrangement. However, there may be reasons as to why the existing access needs to remain open.

I am satisfied that the proposed access is sufficiently distant from the existing access for it to be acceptable in junction spacing terms given the levels of traffic at the existing and proposed accesses.

The sightlines proposed at the access are acceptable and should be covered by appropriate conditions.

Lancashire County Ecology Service

Comments

Due to the attenuation pond/drainage of the site, I recommend that Fylde Borough Council consults the Environment Agency prior to determination of the application.

If Fylde Borough Council is minded to approve the above application, **planning conditions are recommended to address the following matters:**

A series of conditions are proposed to require precautionary checks of the site for protected species prior to the commencement of construction, timing of works to minimise disturbance to breeding birds, and the implementation of a landscaping scheme to mitigate hedgerow loss and improve biodiversity.

Environmental Protection Team

Comments

I am satisfied re the noise issues but concerned about odours. The applicant is able to demonstrate that a EA permit is not required and that the threshold limits are not met so I accept the conclusions in the report.

I would like to see procedures relating to odour control during this process. However, we can use the nuisance elements of the Environmental Protection Act if future problems do occur.

The Council's Environmental Protection Team were satisfied that the development would not cause a detriment in respect of odour following further information and clarification from the agent.

Environment Agency

Comments

Environmental Permitting

The site will legally be required to operate under an Environmental Permit. The permit must be in place before the sheds are stocked. Permit pre-application discussions have already taken place with the applicant.

Flood Risk

Chapter 9 of the Environmental Statement identifies the proposed method of foul and surface water drainage. In relation to surface water, we support the use of a sustainable drainage system as part of the proposed development, i.e. an attenuation pond. Given that it is proposed to restrict surface water run-off to 5 litres per second and the site is 0.8 ha in area, we are satisfied that the proposed development would not increase flood risk elsewhere.

Any works to the watercourses within or adjacent to the site which involve infilling, diversion, culverting or which may otherwise restrict flow, require the prior formal Consent of Lancashire County Council under Section 23 of the Land Drainage Act.

The Ramblers Association

Comments

I have no objections to this proposal as described in the Environmental Statement. With the proposed building walls and roofs being green in colour and screened by hedgerows I am satisfied that the walkers enjoyment of the nearby footpath will not be significantly affected by the erection of these buildings and as stated in the report it is quite normal for country paths to pass agricultural buildings.

Principal Land Agent

Comments

They have been consulted to provide guidance on the relationship of this proposal to the current farming activity undertaken at the site. They have visited the site and are

understood to have no objections to the principle of the development. Unfortunately their report to clarify this position remains outstanding at the time of writing this report, but is expected shortly and so will be included within the Late Representations Schedule to Committee.

National Air Traffic Services

Comments

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company (NERL) has no safeguarding objection to the proposal.

Natural England

Comments

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected landscapes – no comments

Protected species

It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England **does not object** to the proposed development. On the basis of the information available to us, our advice is that the proposed development would be unlikely to affect bats and great crested newts.

For clarity, this advice is based on the information currently available to us and is subject to any material changes in circumstances, including changes to the proposals or further information on the impacts to protected species.

We have not assessed the survey for badgers, barn owls and breeding birds, water voles, white-clawed crayfish or widespread reptiles. These are all species protected by domestic legislation and you should use our protected species standing advice to assess the adequacy of any surveys, the impacts that may result and the appropriateness of any mitigation measures.

We also recommend that you consult your in-house or retained ecologist on the implications of this application for protected species and other nature conservation interests.

Local wildlife sites

If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site, and the importance of this in relation to development plan policies, before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to

enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Section 40(3) of the same Act also states that ‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’.*

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Observations of Other Interested Parties

None

Neighbour Observations

Neighbours notified: 04 June 2013

No. Of Responses Received: 8 letters of objection

Nature of comments made:

- objection of basis of environmental concerns
- objection on basis of purpose intended
- Noise levels - do not want screaming chickens, live in quiet rural setting
- Smell - when chicken manure burnt toxins are present
- Concerns over humanitarian aspect of chicken rearing.
- New access hazardous
- Applicant's estimation of lorries visiting site extremely conservative
- When chickens collected noisy process
- Access cause congestion and interrupt traffic flow
- Safe manoeuvrability will not be possible no-one controlling traffic in dark
- Residential amenity affected by increase in traffic
- No details of disposal of dead chickens
- Most appropriate place are in closer proximity to farmhouse
- Visual amenity if more HGV's and other vehicles are parked for long periods of time
- No mention of a retaining wall of where the spoil from cut in will be placed
- Noise assessment should have been taken on various days with differing weather conditions and for full 24 hour period
- Has topography of ground been taken into account for the calculations
- If all fans working would be in excess of limit agreed with FBC Environmental Protection Officer
- Odour will come directly to residents on Bradshaw Lane
- Will attract vermin
- Has allowances been made for water/toilet facilities for worker
- Waste spread on fields could increase the risk of infection to a dairy herd

- Will there be restrictions on development/next stage processing plant
- The farmer is not a poultry farmer this is a new business
- object to buildings in sight of my home
- Farmer does not want in proximity to his own home
- Land liable to flooding in dip and is unsuitable

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
EP23	Pollution of surface water
EP24	Pollution of ground water
EP26	Air pollution
EP27	Noise pollution
EP14	Landscaping of new developments
EP19	Protected species

Other Relevant Policy:

NPPF: National Planning Policy Framework

Environmental Impact Assessment

This development falls within Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended. As such, an EIA is mandatory for this proposal as the development exceeds Regulation 17a (85,000 birds). The application is therefore accompanied by an Environmental Impact Assessment

Comment and Analysis

Principle of Development

The site is located within the countryside as allocated on the Fylde Borough Local Plan, as altered (October 2005). As such, Policy SP2 is relevant to this application. This is a generally restrictive policy that looks to preserve the rural nature of the borough. One of the exceptions to this restriction is that justifiable agricultural buildings can be acceptable providing they are associated with the continuation of an existing operation and do not harm the character of the surrounding countryside.

The application

Permission is sought in this application for, two agricultural buildings, a control room and feeders for the purposes of intensive poultry rearing, together with a new access leading off Weeton Road and an attenuation pond and landscaping of the site

The applicant's operate an existing agricultural business at Bradkirk Hall Farm. The farm extends to 540 acres of owner occupied land and is based on arable and livestock farming enterprises. The arable operations extend to combinable crops, fodder beet, maize and turnips. The livestock farming enterprises include a dairy enterprise of 130 cows plus followers and a sheep enterprise of 1100 ewes.

The proposed development is a diversification for the applicants.

The site

The application site is land off Weeton Road to the east and the rear of the site of a communications mast. Established principals of planning suggest that new farm buildings, wherever possible should be located adjacent to existing buildings. In this instance the applicants have considered sites adjacent to the existing farm buildings and the dwelling at Bradkirk Hall. However, these were discounted due

to the proximity of the existing farmstead to the settlement of Wesham. The farm is within 400 metres of the edge of the town.

The proposed site has been chosen as the most appropriate due to the sites accessibility, the availability of services, the topography of the land and the separation distances to dwellings.

The buildings are to be positioned in the north western corner of the field where there is a natural hollow in the landform. The site benefits from existing landscape screening in the form of mature hedgerow on the northern and western boundaries, woodland to the east and rising topography to the south.

The site is to be 'scraped' to provide a level area for the buildings, parking and turning area.

From the northern boundary of the site to the extent of the southern elevation of the buildings, there is a differential of approximately 2.5 metres. The existing mature hedgerows to the north and the west are to be retained and allow to grow higher to provide screening, additional planting where required is also proposed.

Taking into account the topography of the land, the materials of construction proposed for the buildings and the natural landscaping (supplemented by additional landscaping) it is considered that the buildings will not result in any significantly adverse visual impact to the overall character of the area.

From the site looking towards the west, adjacent to the site is the field boundary, the mature hedge here will be retained and allow to grow higher to screen the buildings. Looking north to Bradshaw Lane and the properties here Moss House and Moss side House again the hedge here is retained and increased in height. To the east of the site the buildings will be screened by a small copse of trees. To the south of the site the topography of land screens the development from Weeton Road.

The need

Policy SP2 of the Fylde Borough Local Plan requires that development in countryside areas is only allowed where it is essentially required for the purposes of agriculture. This proposal is a diversification of the applicants existing livestock and arable farming enterprise.

The NPPF at Chapter 3 requires that planning policies should support economic growth in rural areas and to promote the development and diversification of agriculture and other land based rural businesses.

This proposal represents sustainable growth and expansion of an existing agricultural business and is therefore supported by the aims of the NPPF.

The applicant's son in discussion with your officers, advised that this new venture would be run by him as a diversification of the existing farming enterprise due to the current demand for chicken. Due to other restrictions with the land around the farmstead the proposed site was chosen as the most appropriate. Should the existing livestock become diseased for any reason the poultry business would not be affected and would maintain an income for the applicants.

Your officers, in discussions with the County Land Agent, have indicated their support for the scheme.

Access and highway issues

The development is proposed to be accessed via a new entrance and track from Weeton Road, to the east of the existing access to the communications mast. The new entrance will be constructed from concrete and the remainder of the track in crushed stone. The existing access has restricted visibility due to the carriageway brow to the east. The Highway Engineer has commented that the proposed

access is preferable to that in visibility terms and that he would prefer the existing access closed off.

The applicant, via his agent, has confirmed that the existing access is subject to a legal right of way in favour of the Civil Aviation Authority to provide access to the mast and that the applicants cannot legally block up this access however, vehicular traffic amounts to approximately one vehicle every two weeks.

Notwithstanding the above, the Highway Engineer is satisfied that the two accesses are sufficient distance apart to be acceptable given the levels of traffic at the existing and the proposed accesses.

Neighbours have commented on the number of vehicles potentially visiting the site and the appearance of vehicles in the field. The applicant has confirmed that chick delivery, feed delivery, bird removal will generate a total of 196 HGV vehicle movements per annum, so less than 4 visits per week. The proposal will also create light traffic in terms of staff cars from a single worker, veterinary visits, farm assurance inspectors etc. With the visibility available at the access and that the access is to a main road it is considered that the above is acceptable and will not result in a detriment to highway safety or visual amenity.

The proposal is considered to comply with Policy SP2 of the Fylde Borough Local Plan, as altered (October 2005).

Noise

The application is accompanied by a 'Plant Noise Assessment'. It is proposed that each of the unit will have 17 roof mounted extract fans. Currently the dominant existing noise source for nearby dwellings is from farm/agricultural related activity noise and from road traffic on the M55 and Weeton Road.

The number of fans operating at any one time depends on the state in the flock cycle and the ambient temperature. In the early stages of the flock cycle typically one to two fans per shed would operate during the day (07.00-19.00hrs), with the only time that all fans operate to 100% levels when high temperatures coincide with the end of the flock cycle. During the night (23.00-07.00hrs) the external temperature will fall, which will result in a drop in demand for the operation of the extract fans to regulate the internal temperature of the poultry units. Typically no more than 30% of the extract fans would be expected to be operating at one time per shed.

Calculations in the noise report have been based on 'worst case' scenario of all the extract fans operating during the day and 50% operating at any one time during the evening and night. The survey determined the noise levels for the nearest dwellings. The Council's Environmental Protection Officer has confirmed, from the survey, that the impact of the extract fans are considered acceptable and no mitigation measures are required.

The proposal is therefore considered to comply with Policy EP27 of the local plan regarding the potential for development to cause noise disturbance.

Odour

The application is accompanied by 'An Assessment of the Odour Impact for the Proposed Poultry Units'. The aim of the report is to focus on how the emissions from the proposed poultry unit would affect the surrounding area.

The units would be ventilated by uncapped high speed ridge mounted fans which would be the primary source of odour emitted from the buildings. The unobstructed nature of the fans assists with dispersal of any odour with the application advising that modern poultry houses minimise odour production at source through good temperature management and maintenance of low poultry litter moisture levels reducing odour.

Odour emissions are likely to reach a cyclical peak during the period when the buildings are cleaned of spent floor litter which occurs once at the completion of the rearing cycle. The time taken to clear the building is normally less than 4 hours per unit.

Spent floor litter is to be loaded onto trailers and moved off site immediately and no litter is to be stored on site, even for a short period.

The emission figures obtained in the report have been assessed and used in atmospheric dispersion modelling in order to assess the likely impact of odour in the area around the poultry units. From this it was concluded that the mean odour concentrations are below the Environment Agency's benchmark at all the discrete receptors (nearby neighbouring properties) and implies that there would not be an appreciable loss of amenity as a result of odour from the proposed poultry units for the occupiers of these properties.

As a result the proposal is considered to comply with Policy EP26 of the Fylde Borough Local Plan, as altered (October 2005) relating to potential odour nuisance.

Dust

Measurements of dust concentrations have been found to be variable, depending on the number and age of the birds as well as the level of activity within the buildings. The particle size of the dust is also variable, the larger particles of dust inside the building tend to fall within the building. Smaller particles can be emitted via the ventilation system when the ridge fans are running. Some of these will be carried by the wind under the natural turbulent flow of the air. Calculations indicate that annual average concentrations of poultry dust are not expected at distances exceeding 100 metres from the source. Thus only properties situated very close to the buildings are in danger of exceeding UK or EU regulations on dust concentrations in air, or the tolerance threshold values for dust deposition.

The nearest dwellings to the site, on Bradshaw Lane, are located some 400 metres from the nearest point of the application site and beyond where dust problems can occur.

Ecology

An 'Extended Phase 1 Habitat Survey' has been submitted with the application. This report was issued following a desk top study, consultation and extended Phase 1 field survey.

The application site is comprised of intensely grazed sheep pasture bounded by hedgerows in a wider area of agricultural land. There are no statutory or non statutory site within the site boundary. The new access involves the removal of a small section of hedge.

The survey targeted bats, Great Crested Newts, Badger, birds, reptiles and Hedgehogs and serves to indicate the possible value of the site for the above species and its habitats.

The survey concluded in respect of bats, that there was no potential roost sites within the application site. Whilst there are six ponds within 500 metres it was considered that the development would not impact on amphibians and Great Crested Newts as the application site primarily consists comprises short grazed grassland which inhibits areas of shelter, foraging grounds and leaving the amphibians open to predation.

The agricultural environments offer poor overall habit for reptiles and in regard to birds the site is not considered to be of any value to bird species listed under schedule 1 of the Wildlife and Countryside Act as the site comprises poor nesting and foraging habitat and is heavily disturbed. Most of the site is too open and has insufficient vegetation to support hedgehogs.

The County Ecologist has assessed this Survey and concurs with its findings. No objection to the development is raised on ecological grounds and subject to the imposition of precautionary conditions

the development is considered to comply with Policy EP19 of the Fylde Borough Local Plan and Chapter 11 of the NPPF.

Drainage

The proposed development will increase the amount of covered surface area with the erection of the buildings and the hard surfaced areas. The site is not within a designated flood zone.

Foul and surface water drainage on the site will be separated to prevent discharge of dirty water to watercourses.

It is not appropriate to direct surface water drainage direct to a watercourse without attenuation due to the potential for flooding. Surface water drainage for clean roof and yard drainage will be directed into the proposed balancing pond, prior to discharge into the adjacent watercourse. The pond is to be fitted with a valve to allow clean surface water to be released into the watercourse outside of peak flows and therefore mitigates the potential for downstream flood consequences.

At the end of the birds growing cycle a washout of the buildings is undertaken. The water from the cleaning process in the inside of the building is drained to a sealed tank which collects dirty washout water. This tank will be situated below ground and is compliant with standards and will be emptied periodically.

The applicant has been in discussions with the Environment Agency in respect of obtaining an Environmental Permit.

It is considered that operation of the site in line with the above will not result in a detriment to the quality of surface and ground waters and is therefore compliant with Policies EP23 and EP24 of the Fylde Borough Local Plan, as altered (October 2005) and Chapter 11 of the NPPF.

Manure and carcass disposal

One neighbour comment concerned the disposal of carcasses. Dead birds will be collected from within the buildings on a daily basis and stored within a sealed carcass bin and collected by a licensed fallen stock operator and will not be disposed of on site.

Manure will be cleaned out at the end of each flock cycle this will be collected using 'Bobcat' type machinery and loaded directly onto trailers, the timescale for cleaning out is four hours per shed. The trailers are to be sheeted and the manure removed from the site for disposal. No manure is to be stored on site. The manure will then be disposed of as a fertiliser on the applicant's arable land.

Other Matter and Neighbours

The proposals do not affect the route of the adjacent public footpath and it may be considered 'normal' for a country footpath to pass by agricultural buildings.

Neighbours have raised comments in respect of other issues not covered above, in respect of the location of the site - The applicant's looked at various sites and this site was chosen as the best location as the most remote from the majority of neighbours, the topography of the site allowed the maximum screening for the buildings and it was not located within a flood zone, as part of the land to the south of Bradkirk Hall Farm is within Flood Zone 2 and 3.

A comment has been made that the proposal will attract vermin. The unit is required to operate a pest control protocol, with regular baiting for rodents, fly problems are dealt with using a 'knock down' spray.

Facilities for workers was also a concern of residents. The units are to be operated by the applicant's at Bradkirk Hall Farm which is less than five minutes drive to the site and therefore facilities for a worker are not required given the proximity to the farmstead.

The units are alarmed and the applicants alerted via mobile 'phone. Given the short distance between the site and the farm emergencies can be attended to quickly.

Conclusions

The application site is land off Weeton Road forming part of Bradkirk Hall Farm. The application seeks permission for two agricultural buildings for intensive poultry rearing, associated hard standing areas, access track and a balancing pond. The development is sited in an area that will result in limited views of the development due to the topography of the land and additional landscaping will add further screening, thereby limiting its impact in the countryside.

The application is accompanied by noise, odour and ecology assessments which demonstrate mitigation methods and procedures for complying with the regulations for developments of this nature and the imposition of conditions will ensure that these mitigation methods are carried out to ensure that there is no harm incurred as a result of the development by way of noise, smell, impacts on ecology and as a result of the new access to be created.

The development is considered to comply with the requirements of Policies SP2 in respect of the agricultural need for the development and the Environmental Protection and Conservation Policies EP14, EP19 EP23, EP24, EP26 and EP27 of the Fylde Borough Local Plan, as altered (October 2005). In addition the proposal is supported by the aim of Chapter 3 of the NPPF which supports the growth and expansion of rural business.

In the absence of any demonstrable harm from this development it is supported and so recommendation is to grant planning permission subject to conditions.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. The development hereby permitted must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

2. The external materials to be used in the development hereby approved shall accord entirely with those indicated on the approved plans; any modification shall thereafter be agreed with the Local Planning Authority in writing prior to any substitution of the agreed materials.

In the interests of visual amenity.

3. The development shall be carried out in accordance with the specifications contained in 'Plant Noise Assessment' report carried out by Matrix Acoustic Design Consultants dated 20th March 2013 and the 'Assessment of the Odour Impact for the proposed poultry units' compiled by ADAS dated 23rd April 2013.

In the interests of neighbour amenity.

4. Prior to the commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority for the alterations to the existing ground levels on the site indicating existing and proposed levels and the nature of the proposed works in sectional detail, the scheme shall include the location that the removed spoil is to be positioned and how it is to be graded and landscaped. Thereafter the works shall be carried in accordance with that approved scheme.

In the interests of safeguarding the visual amenity and existing features on the site.

5. Prior to the commencement of development details of the excavation of the attenuation pond shall be submitted to and approved in writing by the Local Planning Authority. Those details shall include the position of the removed spoil and the works shall be carried in accordance with that approved scheme.

In the interests of safeguarding the visual amenity and prevention of water pollution.

6. Prior to the commencement of development a full scheme and programme for the landscaping of the site, as indicated on the 'Landscape and Visual Impact Assessment' report carried out by 'Stone and Bean Associates' REV A dated 24th May 2013 shall be submitted to and approved in writing by the Local Planning Authority. Specific details shall include finished levels, means of enclosures, car parking [as applicable] hard surfacing materials (as applicable) soft landscape works shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The scheme shall address the provision of adequate compensation for loss of hedgerow and breeding bird opportunities. The scheme shall demonstrate that all unavoidable ecological impacts will be adequately off-set and that biodiversity will be maintained and enhanced. The agreed scheme and programme shall thereafter be carried out in accordance with the approved programme and varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

To enhance the quality of the development in the interests of the amenities of the locality and to protect the habitat of protected species and the biodiversity of the area.

7. The whole of the landscape works, as approved shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary.

To ensure a satisfactory standard of development and in the interest of visual amenity in the locality.

8. No part of the development shall be commenced until full details of the construction of the access to Weeton Road (including the provision of visibility splays in both directions of a size to be agreed that will enable safe use of the access point by vehicles to the site) and the junction construction details have been submitted to and approved in writing by the Local Planning Authority. This scheme shall be fully implemented prior to the commencement of construction works on the buildings hereby approved.

To enable all construction and operational traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

9. The proposed access from the site to Weeton Road shall be constructed to a width of 8 metres and this width shall be maintained for a distance of 20 metres back from the edge of the carriageway into the site as measured back from the nearside edge of the carriageway.

To enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users.

10. That any gateposts to be erected at the access shall be positioned 20 metres behind the nearside edge of the carriageway, with any gates fitted so that they open away from the highway.

To permit vehicles to pull clear of the carriageway when entering the site.

11. That part of the access extending from the highway boundary for a distance of 20m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other such solid surface material.

To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

12. Prior to the commencement of development details of any fencing proposed for the site shall be submitted to and agreed in writing by the Local Planning Authority, thereafter only the approved form of fencing shall be erected and maintained on the site.

In the interests of the overall visual amenity of the countryside area.

13. Prior to the commencement of development a schedule of the times that heavy goods vehicles associated with the construction and operational use of the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be operated in accordance with this agreed schedule.

In the interest of protecting neighbour amenity.

14. No works shall commence until a mitigation method statement to demonstrate how impacts on amphibians, reptiles and badgers will be avoided has been submitted and approved in writing by Fylde Borough Council in consultation with their ecological advisors. This shall include a pre-works check for badgers immediately prior to works. The approved method statement shall be implemented in full during construction.

The above are protected by The Conservation of Habitats and Species Regulations 2010 (as amended), The Wildlife and Countryside Act 1981 (as amended), and The Natural Environment and Rural Communities Act 2006.

15. In the event that any protected species is unexpectedly encountered before or during site clearance or development work, then work shall stop until specialist advice has been sought regarding the need for a licence from Natural England and/or the implementation of necessary mitigation measures.

The above are protected by The Conservation of Habitats and Species Regulations 2010 (as amended), The Wildlife and Countryside Act 1981 (as amended), and The Natural Environment and Rural Communities Act 2006 and The Protection of Badgers Act 1992.

16. Vegetation clearance works or other works that may affect nesting birds will be avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections.

The above are protected by The Conservation of Habitats and Species Regulations 2010 (as amended), The Wildlife and Countryside Act 1981 (as amended), and The Natural Environment and Rural Communities Act 2006.

17. That all trees and hedgerows scheduled to be retained in or adjacent to the application site will be adequately protected during construction, in accordance with existing guidelines (e.g. *BS5837:2012 Trees in relation to design, demolition and construction - Recommendations*).

In the interests of preserving protected species and their habitats, and the quality of tree cover in the interests of the rural character of the area.

18. That external lighting associated with the development shall be minimised and shall be designed to avoid excessive light spill and shall not illuminate potential bat habitat (e.g. hedgerow, trees/woodland) and or/ bird breeding places. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance *Bats and Lighting in the UK, 2009*).

The above are protected by The Conservation of Habitats and Species Regulations 2010 (as amended), The Wildlife and Countryside Act 1981 (as amended), and The Natural Environment and Rural Communities Act 2006.



Development Services Fylde Council		(c) Crown Copyright and database right (2013). Ordnance Survey (100006084).	
Application No. 5/13/0319	Address Land adjacent to Communications Mast, Bradkirk Hall Farm, Weeton Road, Wesham	Grid Ref. E.3403 : N.4340	Scale 0 25 50 75 100 m

Item Number: 6 **Committee Date:** 4 September 2013

Application Reference: 13/0329		Type of Application:	Full Planning Permission
Applicant:	Mr & Mrs Andrews	Agent :	De Pol Associates Ltd
Location:	THE PADDOCK, BACK LANE, GREENHALGH WITH THISTLETON, PRESTON, PR4 3HP		
Proposal:	PROPOSED PORTAL FRAMED BUILDING TO PROVIDE AN INDOOR SAND SCHOOL.		
Parish:	Greenhalgh with Thistleton	Area Team:	Area Team 2
Weeks on Hand:	14	Case Officer:	Alan Pinder
Reason for Delay:	Awaiting Further Information		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application seeks permission for the erection of a portal framed building to provide an indoor horse riding training facility. Outline planning permission for a similar proposal was refused permission by the Development Control Committee in 2001 on the grounds that the need for the facility had not been adequately demonstrated and hence failed to accord with the relevant policy (policy SP4) of the local plan at that time. It is now considered that the need for the facility has been sufficiently demonstrated to satisfy the requirements of policy SP2 of the current local plan and the application is therefore recommended for approval.

Reason for Reporting to Committee

A previous application (ref. 01/0037) for a similar development was refused permission by the Development Management Committee in 2001.

Site Description and Location

The application relates to an existing private horse riding facility, with an existing outdoor sand paddock, located to the rear of the private dwelling known as 'The Paddocks'. The Paddocks is located within designated countryside on Back Lane, approximately 150 metres from the junction of Back Lane with Fleetwood Road.

Details of Proposal

Planning permission is sought for the erection of a portal framed building to provide a private an indoor riding training facility. The building would be located over the northern end of an existing sand paddock area, and would have a footprint measuring 40 metres by 20 metres and a dual pitched roof with a maximum height of 6.9 metres. The building would have the appearance of a typical agricultural building, being finished with green profiled cladding to the elevations, brown 'Marley Farmscape' sheet roofing, and timber sliding access doors.

Relevant Planning History

Application No.	Development	Decision	Date
01/0538	PROPOSED PADDOCK	Granted	05/09/2001

01/0037	OUTLINE APPLICATION FOR INDOOR RIDING ARENA FOR PRIVATE USE.	Refused	28/03/2001
82/0043	OUTLINE - ONE BUNGALOW.	Refused	03/03/1982
78/0325	OUTLINE - DETACHED DWELLING AND GARAGE.	Refused	14/06/1978

Relevant Planning Appeals History

N/A

Parish Council Observations

Greenhalgh with Thisleton Parish Council notified on 30 May 2013

Summary of Response

No comments received

Statutory Consultees

Lancashire County Ecology Service

It seems reasonably unlikely that the proposed development would have any significant ecological impacts subject to the imposition of precautionary ecological conditions.

Observations of Other Interested Parties

None to report.

Neighbour Observations

Neighbours notified: 30 May 2013

No. Of Responses Received: None

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
SP13	Stables & equestrian centres, kennels & catteries

Other Relevant Policy:

NPPF: National Planning Policy Framework

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

Policies SP2 and SP13 of the local plan are the main considerations in determining this application. SP2 relates to development within countryside and SP13 relates to riding schools.

SP2 permits development within countryside provided it is essentially required for the purposes of a use appropriate to a rural area. The council recognises that the keeping and riding of horses is appropriate to a rural area (see preamble to policy SP13) and hence it is only the essential need that

falls to be considered under SP2. The applicants and their daughter are all highly accomplished show jumpers; with Mrs Andrews being a Team Great Britain Senior Nations Cup member, and Ms Andrews being a member of the Team Great Britain Junior Squad. The proposed indoor riding area is intended to provide the applicants with the continuity of all year round training that is required to enable them and their horses to continue to compete at international level. Adverse weather conditions, particularly during the winter months, makes training using only the existing sand paddock difficult and less effective than it could otherwise be. It is considered that, given the level of horsemanship at which the applicants compete, the proposed development is essentially required to enable a continued realistic competitiveness at international level. Hence on balance the proposed development accords with the policy SP2 of the local plan.

Policy SP13 relates specifically to commercial riding schools and whilst the premises are not run on a commercial basis the development is of a scale that would give the visual appearance of a commercial premises. However this notwithstanding it would not generate the level of vehicular traffic that would normally be expected with a commercial school. As such the main criteria to consider are the design, appearance and visual impact of the proposal. In terms of its design and appearance the building is of a typical agricultural appearance that characterises much of the rural built development and raises no concerns. With regard to the potential visual impact on the wider visual character of the area, the building would be generally well screened from most public vantage points by virtue of the high boundary hedgerows and intervening countryside. There is a short stretch of Back Lane, leading from Fleetwood Road to the application site, from which the building would be seen however these views would be limited to that small stretch of road and given the building's agricultural appearance it is not considered that there would be any undue harm to the visual amenity of the area.

Conclusions

The proposed development is considered to be an appropriate and acceptable form of development in this countryside area and accords with the aims of policies SP2 and SP13 of the Fylde Borough Local Plan. Members are therefore requested to approve the application.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. The development hereby permitted must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

2. The building hereby approved shall be for the private and personal use of the applicant and his/her immediate family only, and shall not be used for any commercial purposes.

To enable the Local Planning Authority to retain control over the development and to ensure there is no detriment to the amenity of nearby residential properties.

3. The external materials to be used in the development hereby approved shall accord entirely with those indicated on the approved plans; any modification shall thereafter be agreed with the Local Planning Authority in writing prior to any substitution of the agreed materials.

In the interests of visual amenity.

4. No vegetation clearance works or other works that may affect nesting birds shall take place between 01 March and 31 August inclusive, unless further surveys/inspections by a competent ecologist show that nesting birds would not be affected.

To ensure that disturbance to any breeding birds within the site is minimised during the construction of the dwelling

5. All trees and hedgerows adjacent to the application area shall be adequately protected during construction, in accordance with existing guidelines (e.g. BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations).

To ensure that disturbance to potential wildlife habitats within the site is minimised during the construction of the dwelling



Development Services Fylde Council		(c) Crown Copyright and database right (2013). Ordnance Survey (100006084).	
Application No. 5/13/0329	Address The Paddock, Back Lane, Weeton	Grid Ref. E.3405 : N.4365	Scale 0 10 20 30 40 m

Application Reference: 13/0333		Type of Application:	Outline Planning Permission
Applicant:	Mr & Mrs Fenton	Agent :	
Location:	BRYNING HALL FARM, BRYNING HALL LANE, BRYNING WITH WARTON, PR4 3PP		
Proposal:	OUTLINE APPLICATION FOR THE ERECTION OF AN AGRICULTURAL WORKERS DWELLING		
Parish:	Bryning with Warton	Area Team:	Area Team 2
Weeks on Hand:	13	Case Officer:	Amy Aspinall
Reason for Delay:	Need to determine at Committee		

Summary of Recommended Decision: Refuse

Summary of Officer Recommendation

The application seeks outline planning permission for an Agricultural Workers Dwelling at Bryning Hall Farm in addition to the existing property.

Paragraph 55 of the NPPF specifically restricts new isolated homes in the countryside and states that they should be avoided unless there are special circumstances. A special circumstance will exist if there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. The essential need for an additional worker to live at Bryning Hall Farm has not been demonstrated, and the functional need is already met by the existing dwelling. The proposal is therefore contrary to the NPPF at paragraph 55 and criteria 1 of Policy SP10 of the Fylde Borough Local Plan (as altered) 2005.

Reason for Reporting to Committee

The application has been referred to Development Management Committee at the request of Bryning-with-Warton Parish Council, as the application is recommended for refusal.

Site Description and Location

Bryning Hall Farm is an established farm complex with dairy farming being the principal use. The site is situated off Bryning Hall Lane, and is comprised of various agricultural buildings, both traditional and more modern, and provides a built frontage along Bryning Hall Lane. The site is situated within the Countryside, as defined by Policy SP2 of the Fylde Borough Local Plan (as altered) 2005. Surrounding land uses are also agricultural, with no close neighbouring dwellings.

Details of Proposal

The application seeks outline planning permission with all matters reserved, for an agricultural workers dwelling in connection with Bryning Hall Farm.

The application is supported by a Design and Access Statement and a Justification Report by Armistead Barnett. The Justification Report details the reasoning behind the requirement for an additional dwelling at the farm, with the conclusion stating that '*a permanent dwelling is sought to*

provide a central supervision and security’.

In summary the main reasons put forward include 24 hour supervision which is not currently provided (paragraph 4.4) in the form of:

- Care of pregnant animals due to the standard of welfare required as a result of Farm Assurance Schemes and the overall value and importance of the stock
- Calving difficulties can occur and this, along with the general management of the herd is more than one person can manage
- Detection of illness – early detection of illness is essential
- Detection of fertility – early detection of fertility is also essential to ensure that the calving pattern and general herd health is maintained

Routine management requirements are also listed:

- Assisting with regular foot trimming, rasping teeth, administration of routine medicines, artificial insemination, monitoring the position of stock to ensure that they are in good condition
- Grassland management, including moving the stock from various paddocks
- Site security and stock welfare – additional accommodation necessary to assist with supervision and security. In order to fulfil the requirements for stock welfare the residence must be within sight and sound of the existing livestock buildings. This will ensure that the occupier of the new dwelling will be able to provide sufficient welfare and security to the site.

Relevant Planning History

Application No.	Development	Decision	Date
10/0358	PROPOSED STEEL FRAMED PORTAL AGRICULTURAL BUILDING FOR STORAGE OF CROPS.	Granted	05/08/2010
06/0734	NEW AGRICULTURAL LIVESTOCK BUILDING	Granted	11/10/2006
AG/06/0003	AGRICULTURAL DETERMINATION FOR AGRICULTURAL LIVESTOCK BUILDING	Withdrawn by Applicant	24/11/2006
05/0733	RE-SUBMISSION OF 05/428 CHANGE OF USE FROM REDUNDANT AGRICULTURAL BUILDING TO GARDEN DESIGN STUDIO DISPLAY AREA	Granted	23/09/2005
05/0428	CHANGE OF USE FROM AGRICULTURAL BUILDING TO GARDEN DESIGN STUDIO AND DISPLAY AREA.	Withdrawn by Applicant	17/06/2005
97/0722	ERECTION OF AGRICULTURAL BUILDING TO HOUSE MACHINERY	Granted	03/12/1997
92/0158	TWO STOREY REAR EXTENSION TO DWELLING	Granted	22/04/1992
78/1005	OPEN SILAGE CLAMP, SLURREY STORE.	Granted	29/11/1978
82/0262	ESTABLISHED USE CERTIFICATE - PARKING OF FARM MACHINERY.	Granted	26/05/1982

Relevant Planning Appeals History

None

Parish Council Observations

Bryning with Warton Parish Council notified on 04 June 2013 and specifically support the proposal as below.

“It is the view of the council that this development is necessary both for the efficiency of the farm, animal welfare, and health and safety as in the justification outlined. To ensure the farm remains in agricultural use as a part of the rural infrastructure the property needs this additional accommodation to provide quick and easy access for the proposed occupants. There is no fear that this development proposal will be anything other than the additional agricultural accommodation for the farm in the future. This is in accordance with the outlined PPS7.

The Fenton Farm is one of the few remaining dairy farmers in the area and it is a family run establishment which it is essential for further onsite accommodation and falls within Fylde B.C. planning policy SP2, SP9 and SP10.

If refusal is considered the Parish Council request that the application be referred to the development committee for the final decision.”

Statutory Consultees

BAE Systems

No objection

Ministry of Defence - Safeguarding

No objection

Principal Land Agent

They do not believe that an essential functional need for this additional agricultural dwelling on the enterprise is proven. Given that this is fundamental to the determination of the application their comments are reported in full here:

“A planning application has been submitted by Mr and Mrs Geoffrey Fenton for the erection of an agricultural workers dwelling. A site visit was made on 8 July 2013 whilst the applicants and their son were present. The information provided at this meeting, together with the written submissions forms the basis of this appraisal.

Background Information

I understand that the applicant and his family have been farming Bryning Hall Farm for over 40 years and currently operate under the name of J Fenton and Son which is a partnership between the applicant, his wife, Mrs Barbara Fenton, his father, John Fenton and his son, Andrew Fenton. The applicant informed me that he believes that there is a need for his son to reside upon the unit in order to help him manage the farm and deal with emergencies at short notice.

Previous Applications

I am aware that Lancashire County Council have commented upon a number of previous applications including application 10/0358 (July 2010), which was for the erection of a building to cover the silage clamp and application AG/06/003 (September 2006) which was for a new cattle accommodation building.

Agricultural Land

I was informed that the applicant farms approximately 220 acres (89 hectares) of which

approximately 170 acres (69 hectares) is owned, with 150 acres (61 hectares) being situated at Bryning Hall Farm and ring-fenced and the additional 20 acres (8 hectares) being located in the vicinity of the farm unit. I understand that a further 50 acres (20 hectares) in Moss Side is taken on a contract farming basis. Other than 25 acres (10 hectares) of spring barley and 15 acres (6 hectares) of Maize, I understand that all of the land is down to grass.

Agricultural Enterprise

The principal enterprise of the unit is that of a commercial dairy herd consisting of approximately 110 milking cows with a further 70 dairy followers, including 30 in-calf heifers. Whilst the heifer calves are reared upon the unit, I was informed that the bull calves are sold at a young age.

Existing Buildings

The existing agricultural buildings situated at Bryning Hall Farm consist of a mixture of modern and traditional type design.

Labour and Existing Dwellings

The applicant informed me that the unit currently employs himself, and his son Andrew on a full time basis, whilst his wife and a further worker are employed part-time. The business employees consist of the following:

- *The applicant, Mr G Fenton, who currently works on a full time basis and is the manager of the business. I was told that Mr Fenton's main duties consist of office management, milking, tractor work, yard work and general management of the herd. Mr Fenton lives in Bryning Hall Farmhouse.*
- 1. *The applicant's son, Mr A Fenton, who works on a full-time basis in all areas of the business including milking, yard work, tractor driving, stock management etc. Mr A Fenton currently lives in Wrea Green with his partner.*
- 2. *The applicant's wife, Mrs B Fenton, works part-time looking after the farm books and providing relief assistance when required. Mrs Fenton lives in Bryning Hall Farmhouse.*
- 3. *Mr Ron Loftus works on the unit two days a week undertaking a variety of work including milking, tractor work and yard work. Mr Loftus lives in Warton.*
- 4. *The applicant's father, Mr J Fenton is a partner within the business but due to ill health, has no involvement in the operations of the farm.*

Proposed Development

The planning application is for the proposed erection of a second dwelling, to serve the farm, as shown on the plans submitted. The property would provide accommodation for the applicant's son, Mr Andrew Fenton and his partner, who currently live in Wrea Green.

The applicant believes that there is a need upon the unit for a second dwelling for a number of reasons, which include:

- 5. *The applicant considers that with his increasing age, he is getting to a position where he requires additional assistance upon the unit in order to help monitor his herd and to undertake operational tasks, especially in cases of emergency, such as calving and attending to sick animals. The proposed development would allow the applicant's son to reside upon the unit, therefore providing assistance to the applicant at short notice. The applicant's son stated that despite only being a mile away, the need to drive to the unit to offer assistance in emergencies takes time and is labour intensive.*
- 1. *In addition to meeting the functional requirements of the unit, the supporting statement considers that the additional unit would also provide additional security upon the farm.*

2. *It is the family's opinion that whilst it is appropriate for Andrew Fenton to reside upon the unit, it is not preferable for him and his partner to share the existing farmhouse with his parent. I was informed that the second dwelling would enable him and his partner to live in a new purpose built home on the unit, therefore removing any potential overcrowding within the existing farmhouse and providing both parties with their own privacy and space.*
3. *The applicant and his son do not consider that there are any appropriate properties within the locality that will meet their requirements.*

Assessment

I note that the proposed development is within an area designated as Countryside Area in the Adopted Fylde Borough Local Plan (As Altered October 2005). Policy SP2 provides advice on development within countryside areas and states that one type of development permitted in this area is:-

'That essentially required for the purposes of agriculture, horticulture or Forestry; or other uses appropriate to a rural area, including those provided for in other policies of the Plan which would help to diversify the rural economy and which would accord with SP9'.

Policy SP10 of the Local Plan provides guidance in regards to agricultural dwellings and states that:

'New permanent dwellings required in connection with agriculture, horticulture or forestry will only be permitted on existing well established units and subject to the following criteria:

4. *There is a clearly established existing functional need which could not be met by any existing dwelling or other accommodation on the unit or in the general locality which would be available for occupation by the agricultural worker concerned;*
1. *The need relates to a full time worker and not part time requirements;*
2. *The unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one year, are currently financially sound and have a clear prospect of remaining so;*
3. *The dwelling required is of a size commensurate with the established functional requirement and could be sustained in the long term by the enterprise;*
4. *The dwelling could be developed having regards to normal standards of access, parking, and drainage;*
5. *The dwelling would not adversely affect the amenity and privacy of any neighbouring dwellings.'*

In addition to the above, paragraph 55 of the National Planning Policy Framework states that:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

(a) the essential need for rural workers to live permanently at or near the place of work in the countryside ...".

In assessing an application for a new agricultural dwelling, it is my opinion, based upon the wording above; that the financial standing of the business should be assessed to

determine the sustainability of the farm and the essential need to live permanently on the farm should be based upon the functional needs of the unit. It is therefore necessary to consider the nature and scale of operations undertaken at Bryning Hall Farm in order to assess whether there is a requirement for an onsite presence. With this in mind, I have the following observations to make:

As no specific guidance is provided within either the NPPF or the Local Plan for assessing either the financial security or the functional need of the unit, I consider the wording contained within PPS 7 provides a level of guidance on how these two essential criteria contained within NPPF can be best assessed, although I acknowledge that the document is no longer a policy document.

*The functional test was explained in paragraph 4 of Annex A of PPS 7 as an assessment of 'whether it is **essential** for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example, if workers are needed to be on hand day and night:*

*(i) in case animals or agricultural processes require essential care at short notice;
(ii) to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems'.
With reference to the operational issues relevant to an assessment of the functional test, the guidance refers to the following factors which should be considered to assess whether one or more workers need to be readily available at most times: essentiality, being available day and night, essential care at short notice.*

Whilst I consider, given the nature of the applicant's farm enterprise, that each of the above are applicable, paragraph 7 of the guidance makes the point that it is necessary to consider the scale and nature of the enterprise in order to assess the number of workers required to meet a functional need.

As the applicant's principal agricultural operation is essentially the management of a dairy herd, then it is the operational issues associated with this which will need to be taken into account. I am of the opinion that the management issues concerned with the scale of the applicant's enterprise does not have a functional need for two workers to live on site. In providing this opinion, I have distinguished between general day to day management requirements which I recognise in some cases will be undertaken jointly between the two operators of the business and those particularly relevant to the key requirements specified in the paragraph 4 of annex A, referred to above.

I note from the County Council's previous visits to the unit that the scale of operations undertaken has not greatly changed and I was informed by the applicant that he does not foresee the business growing significantly in the future. I consider that this lack of growth in the past and the unlikely future expansion strengthens my opinion above that a second dwelling is not needed, as the unit has successfully operated for a number of years at the same scale without the need for a second dwelling upon the unit.

I acknowledge that the Standard Man Days calculations, submitted with the applicant's supporting evidence, shows that the combined agricultural operations undertaken create a work requirement for at least two labour units, however, The Standard Labour assessment is, in my opinion, a subjective test which generally does not provide a measure of an unit's functional need, especially in considering the need for two workers to be available on site at most times in order to deal with emergencies, i.e. the standard man day calculations take into account all work undertaken, including routine work and does not specifically relate to work associated to the functional need.

In terms of security, the applicant and his son work on the unit on a full-time basis and therefore provide a level of security during working hours. In addition, the existing farmhouse is situated at the access point to the farm, therefore providing the ability to monitor those entering and exiting the yard. Given the current employment levels, working practices and the existence and position of the existing dwellings, I do not consider that an additional dwelling would significantly increase security upon the unit. In addition, it is my opinion that the issue of security cannot be the considered as a sole means for the justification of an agricultural dwelling.

One of the reasons put forward by the applicant and his family for the need for a second dwelling is to provide further accommodation upon the unit in order to allow the applicant's eldest son to have his own residence. Whilst I appreciate the reasons as to why the applicant's son would like to live on site, in isolation of other circumstances surrounding the application, it is my opinion that this reason constitutes a personal preference and does not lend weight to the functional justification that a second dwelling is essential.

In regards to the financial standing of the business, I have been provided with the farm's accounts for the years 2009-2012. I note that the business has been profitable for the past three years and taking into consideration the information submitted, I am of the opinion that the unit could financially support a second dwelling to serve the unit.

Notwithstanding my opinion that there is not a need for a dwelling upon the unit, I consider that properties within the vicinity of Bryning Hall Farm would sufficiently serve the unit. I note that there are a number of properties, both for sale and to rent, within the local villages of Wrea Green and Warton that would, in my opinion, adequately serve the needs of the unit and are available for a reasonable price. Prices for freehold ownership within Warton start from £125,000 for 2 bed properties and £148,000 for 3 bed properties. Rental properties within the vicinity of the farm are limited, however I note that there is a 3 bed property situated within Warton that is available to rent for £575."

County Ecology

The application site contains an existing building that is to be removed to enable construction of the property. As such the views of County Ecology have been sought on the proposal.

They do not raise any objection to the application subject to the imposition of planning conditions to require a re-survey of the site for bats if the demolition works are not undertaken within 12 months of the previous survey, and that opportunities to provide for replacement bat roosting opportunities be built into any buildings that are approved at the site as explained in the submitted bat survey. They also request a condition to ensure that the site is clear of any nesting birds should works be undertaken in the nesting season.

Observations of Other Interested Parties

None to report

Neighbour Observations

Neighbours notified: 04 June 2013

No. Of Responses Received: 2

Nature of comments made:

Two representations of support have been received from neighbouring properties

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
SP10	Permanent agricultural workers dwellings
SP12	Design of agricultural dwellings
EP19	Protected Species

Other Relevant Policy:

NPPF:	National Planning Policy Framework
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Site Constraints:

Countryside

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

Policy Background

The site is situated within the Countryside, where Local Plan policy SP2 seeks to restrict development in the countryside, but provides an exception for proposals which are essentially required for the purposes of agriculture, horticulture or forestry.

Local Plan policy SP10 states that new permanent dwellings in connection with agriculture, horticulture or forestry will only be permitted on existing well established units and subject to the following criteria:

1. There is a clearly established existing functional need which could not be met by an existing dwelling or other accommodation on the unit or in the general locality which would be available for occupation by the agricultural worker concerned;
2. The need relates to a full time worker and not a part time requirement;
3. The unit and the agricultural activity concerned have been established for at least 3 years, have been profitable for at least 1 year, are currently financially sound and have a clear prospect of remaining so;
4. The dwelling is of a size commensurate with the established functional requirement and could be sustained in the long term by the enterprise;
5. The dwelling could be developed having regard to normal standards of access, parking and drainage;
6. The dwelling would not adversely affect the amenity and privacy of any neighbouring dwellings

If the principle of an Agricultural Workers Dwelling is accepted under Policy SP10, then Policy SP12 is applicable. This seeks to ensure that:

1. New agricultural worker dwellings will only be permitted which are of a high standard of design, commensurate with policy EP11 and are sited within or are close to the existing farmstead
2. Dwellings proposed to be sited in an isolated location away from the existing farmstead will not be permitted. Where possible, access should be taken from the existing farm drives
3. Outline applications will not be permitted unless the siting of the proposed agricultural workers dwelling forms part of the application.

The NPPF at paragraph 55 states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances, such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. This is consistent with Local Plan policy SP10 in terms of establishing whether or not the proposal is 'essential'.

The NPPF replaces the detailed guidance relating to the provision of agricultural workers dwellings, which was contained in Annexe A of PPS7. Whilst no longer forming part of national policy, Annexe A remains a useful guide in order to assess the whether or not it is essential to have a second permanent dwelling at Bryning Hall Farm and has been used by the County Land Agent in their comments. The justification report submitted with the application also uses this approach.

Principle of Development

The County Land Agent has assessed the application and undertaken discussions with the applicant. From the discussion it was derived that there are 2No full time workers and 2No part time workers employed at Bryning Hall Farm. This are made up of the following:

- G Fenton – full time worker
- A Fenton – full time worker
- B Fenton – part time worker
- Ron Loftus – part time worker (2 days per week)

The County Land Agent was also informed that Mr J Fenton, the applicant's father and partner in the business, has no involvement in the operations of the farm due to ill health.

Local Plan policy SP10 criteria 1 is a key assessment for this application. This requires that *there is a clearly established existing functional need which could not be met by an existing dwelling or other accommodation on the unit or in the general locality which would be available for occupation by the agricultural worker concerned.* Criterion 2 requires that this need must *relate to a full time worker and not a part time requirement.*

In considering the functional need, this is established in order to determine whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at all times, for example if workers are needed to be on hand day and night. The essential need for the additional worker to live on site must be based on the requirements of the business and not the personal circumstances of the applicant. The Justification Report details routine management tasks and also the following activities as requiring an on site presence 24/7 which is not currently provided (paragraph 4.4):

- Care of pregnant animals due to the standard of welfare required as a result of Farm Assurance Schemes and the overall value and importance of the stock
- Calving difficulties can occur and this, along with the general management of the herd is more than one person can manage
- Detection of illness – early detection of illness is essential
- Detection of fertility – early detection of fertility is also essential to ensure that the calving pattern and general herd health is maintained
- Site security and stock welfare

Routine management can be reasonably expected to be carried out during the normal working day. It is acknowledged that some duties must be carried out at night, such as emergencies, and that an on site presence is required, however the key fact remains that there is currently an existing dwelling at Bryning Hall Farm, and therefore a permanent presence already exists. It should also be recognised that a full time worker (G Fenton) and a part time worker (B Fenton) both reside at this property permanently and are actively engaged in the farming activities, in particular Mr G Fenton. This

dwelling is situated at the main access to the site which is a prime location to monitor activities, and it is not considered that a second dwelling is necessary for security purposes. Furthermore, security cannot be considered as a sole means to justify the need for an additional agricultural dwelling. The reasons put forward to justify a permanent on site presence can be addressed with the existing dwelling, which is 'within sight and sound' of the livestock and provides site security and stock welfare in the case of an emergency. In terms of calving difficulties, the existing workers are already on site in the case of emergency and are able to call for assistance if necessary. There is no robust explanation as to why shift patterns cannot operate at the enterprise, and why additional workers cannot be employed given the financial standing of the business as detailed in the Justification Report. Also it is questionable as to whether the detection of illness and fertility justify an additional on site presence 24 hours per day, when such inspections could be carried out during the normal working day, or by the existing workers who live on site. It is considered that any functional need to live on site is already met by the existing dwelling and the workers who live there.

The principal agricultural operation is the management of a dairy herd and it is therefore the operational issues associated with this which needs to be taken into account. The Justification Report details that there are 110 milking cows with a further 70 dairy followers, including 30 in-calf heifers. The heifer cows are reared on the unit, but the bull calves are sold at a young age. The County Land Agent does not consider that the management issues concerned with the scale of the enterprise has a functional need for 2No workers to live on site. In the County Land Agent's report it is also detailed that over that last few years the nature and scale of the operations at the farm have not greatly changed, and that the applicant confirmed that he does not see the business growing significantly in the future. There is no detailed account of planned business expansion in the Justification Report. The lack of growth and the unlikely future expansion strengthens the position that a second dwelling is not required as the unit has operated successfully for a number of years at the same scale without the need for a second dwelling upon the unit. In assessing the operation of the business, and in considering the Standard Man Days calculation put forward, this shows that the combined agricultural operations undertaken create a work requirement for at least 2No labour units. Although the calculation provides a labour requirement, this does not demonstrate a functional need for an additional worker to be available on site 24 hours per day for the principal activities associated with the enterprise, and therefore the proposal for a second dwelling is not essential. As such it cannot comply with this policy requirement.

In terms of identifying alternative accommodation the Design and Access Statement provides that there are no existing buildings suitable for conversion for the following reasons: they are in use for agricultural purposes; reconfiguration of the farm yard would be required; amenity impacts of occupiers due to relationship with traffic flows of livestock. Notwithstanding the fact that it is not accepted that there is an essential need for an additional worker to live on site, it is acknowledged that conversion of the existing farm buildings is not currently a viable option.

The Justification Report explains that there is no other suitable accommodation nearby that would enable the applicant to live close enough to the holding to provide the welfare and security that is required. Two properties within 0.5 miles have been identified, however these have been discounted due to not being able to overcome the security issue at Bryning Hall Farm, and in addition are too expensive. Properties further afield are stated as being too far from the farmstead. Security would appear to be the main issue in discounting the ability for the additional full time worker to live off-site, however the existing dwelling at Bryning Hall Farm fulfils this purpose. As security in itself is not a sufficient justification to allow new agricultural workers dwellings, it is considered that this reasoning has less weight when considering a second agricultural workers dwelling at the same unit which already has a permanent presence on site 24 hours per day. It should also be noted that the proposed dwelling would be situated adjacent to the existing dwelling, and therefore the siting of the additional property is unlikely to enhance security. As such, other dwellings in the area should be considered, in particular properties in Warton are reasonably priced and a search on Rightmove showed prices starting from £80,000 for a 2 bedroom house and £100,000 for a 3 bedroom house. 3 bedroom properties in Wrea Green commenced at £170,000 on the day of the search. These prices

differ from the County Land Agent's property search, however new properties come to the market on a daily basis and so the results will vary on different days. The Council is also aware of a dwelling which is for sale in the vicinity and subject to an agricultural occupancy condition. This property is situated on Hillock Lane which leads into Bryning Hall Lane.

Criteria 3 of Local Plan policy SP10 requires that *the unit and the agricultural activity concerned have been established for at least 3 years, have been profitable for at least 1 year, are currently financially sound and have a clear prospect of remaining so*. Based on the response received from the County Land Agent it is accepted that the farm is an established and viable business, and is financially sound so that it would be able to support an additional dwelling on the unit. This would satisfy Local Plan policy SP10 criteria 3. Compliance with this criterion alone does not demonstrate 'essentiality'.

In terms of criteria 4, 5 and 6 of Local Plan policy SP10 these require that: *the dwelling is of a size commensurate with the established functional requirement and could be sustained in the long term by the enterprise; the dwelling could be developed having regard to normal standards of access, parking and drainage; the dwelling would not adversely affect the amenity and privacy of any neighbouring dwellings*. Whilst it is not accepted that there is a functional requirement for an additional dwelling, the application states that the dwelling would be 140 sqm which is a recognised standard scale for agricultural workers dwellings and so would be acceptable in that respect. The proposal would not adversely affect access, parking or drainage, or the residential amenity of neighbouring properties.

The proposal does not comply with Local Plan policy SP10, however in considering the additional requirements of SP12 there would be no conflict in this respect giving the siting of the dwelling adjacent to the farm stead which would be served by the existing access arrangements. The application is Outline, but design detail could be secured in any subsequent Reserved Matters application.

Ecology

The demolition of the existing building creates a potential for an impact on bats which may roost or nest in the roofs of such buildings. The application is supported by an appropriate survey of the site that explains that there is no such activity present at the site. The County Ecology accepts that this is an appropriate conclusion and so raises no objection to the proposal.

Conditions are appropriate to require that the site is re-surveyed if work does not commence within 12 months of the survey, that the mitigation works are implemented and that development is timed to immunise the potential for disturbance of any nesting birds in the area. These could be incorporated were the application acceptable in principle and would ensure compliance with Policy EP19 of the Fylde Borough Local Plan and para 118 of NPPF with which it is consistent.

Conclusions

The application relates to the erection of an additional dwelling at Bryning Hal Farm, which is an active dairy farming enterprise in the designated Countryside between Warton and Wrea Green. The application proposes that the dwelling be for an agricultural worker to support the existing accommodation that is available on the farm, and is supported with a justification statement that explains the principle need for this dwelling is related to site security and supervision.

As the site is in the Countryside a new agricultural workers dwelling can be acceptable development, but it must be demonstrated that there is an 'essential' need for the additional worker for it to satisfy the requirements of Policy SP10 of the Fylde Borough Local Plan which is consistent with advice in para 55 of NPPF. The County Land Agent has made a detailed investigation of the circumstances at the site and surrounding the application and concludes that there is no 'essential' need for an additional worker at the site. It is considered that the security and supervision requirements are well catered for by the existing property, that the operation of the farm has not changed to a degree that

requires additional labour to be on site at all times, and even if it had there may well be other properties in the reasonable locality that could provide for a workers needs without the erection of an additional dwelling in the Countryside.

As such there are no special circumstances to justify the erection of the isolated dwelling proposed in this rural location and so the application is recommended for refusal.

Recommendation

That Planning Permission be REFUSED for the following reasons:

1. That the application fails to demonstrate that there is an essential functional need for an additional agricultural workers dwelling to support the agricultural activity at Bryning Hall Farm, to provide for security at the site, to support the welfare of the animals or for any other reason. As such the proposal is contrary to guidance in paragraph 55 of the NPPF which seeks to avoid isolated homes in the countryside without such justification, and criteria 1 of Policy SP10 of the Fylde Borough Local Plan (as altered) 2005 which requires that there is a clearly established functional need for an agricultural workers dwelling that cannot be met by other accommodation on the site or in the general locality.



Development Services Fylde Council		(c) Crown Copyright and database right (2013). Ordnance Survey (100006084).	
Application No. 5/13/0333	Address Bryning Hall Farm, Bryning Hall Lane, Warton	Grid Ref. E.3398 : N.4298	Scale 0 10 20 30 40 m

Item Number: 8 **Committee Date:** 4 September 2013

Application Reference:	13/0364	Type of Application:	Outline Planning Permission
Applicant:	Michael's Restaurant	Agent :	CFM Consultants Ltd.
Location:	PENNINE VIEW, WEETON ROAD, MEDLAR WITH WESHAM, PRESTON, PR4 3NA		
Proposal:	OUTLINE APPLICATION FOR ERECTION OF TWO AND THREE STOREY BUILDING PROVIDING 12 NO. APARTMENTS WITH ASSOCIATED ACCESS, PARKING AREA, BIN STORE AND OTHER ASSOCIATED WORKS (ACCESS, APPEARANCE, LAYOUT AND SCALE APPLIED FOR)		
Parish:	Medlar with Wesham	Area Team:	Area Team 2
Weeks on Hand:	10	Case Officer:	Mr M Atherton
Reason for Delay:	None		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This is a resubmission of a previous identical application (ref:10/0307), which the Planning Committee resolved to approve subject to the Applicant entering into a section 106 agreement regarding contributions towards off site affordable housing & public open space. The application was Finally Disposed Of, when the Applicant failed to sign the section 106 agreement within a reasonable time period. This application is a resubmission of that scheme, there are no changes to the design and layout of the proposal. Following the revisions to the Interim Housing Policy this year, there is no longer a requirement for a development of less than 15 dwellings to contribute towards affordable housing and public open space, therefore, the scheme is recommend for approval.

Reason for Reporting to Committee

This is a major application and as such falls outside the Council's scheme of delegation.

Site Description and Location

The application site lies within the settlement of Wesham and is situated in close proximity to the roundabout junction of the A585 and Weeton Road. The site faces a recent housing development on the opposite side of Weeton Road, which includes several tall town houses with dormers within their roofs. Whilst the site abuts a bungalow known as Freshfields to the east, the next property along Weeton Road (Holly View) is a house and the properties on Kents Close, which sit behind the bungalow and abut the eastern boundary of the site, are also two storey.

The site is occupied by a variety of buildings associated with the former use of the site as a horticultural nursery business together with a detached bungalow.

The site is accessed via Weeton Road and is approximately 0.16 Ha in total.

Details of Proposal

On 2 March 2010 The Planning Inspectorate dismissed an appeal for 14 apartments on this site for two reasons:-

- there would be 'an unacceptable level of overlooking' of the rear garden of Freshfields from second floor bedroom windows; and
- inadequate open space

The application which went to appeal (ref: 09/0583) was refused by this Committee on 18 November 2009.

The current application is a resubmission of application ref: 10/0307 which proposed 12 rather than 14 apartments and attempted to overcome the comments made by the Planning Inspector.

The building will be 'L' shaped consisting of 2 one bed apartments and 10 two bed apartments. It will have a hipped roof with a ridge height of 9m on the three storey element dropping to approx 6.5m on the two storey section.

Materials will consist of brick and render with a tiled roof and upvc framed windows and doors.

Relevant Planning History

Application No.	Development	Decision	Date
10/0734	PROPOSED ERECTION OF STORAGE BUILDING (RE-SUBMISSION OF 09/0582)	Granted	26/01/2011
10/0307	RESUBMISSION OF APPLICATION 09/0583 FOR ERECTION OF 12 NO. APARTMENT BUILDING.	Finally Disposed Of	16/11/2010
09/0582	ERECTION OF STORAGE BUILDING	Refused	23/12/2009
09/0583	ERECTION OF 14 NO. APARTMENT BUILDING	Refused	30/11/2009
95/0021	RENEWAL OF TEMPORARY CONSENT FOR COMMERCIAL VEHICLE PARK	Granted	01/03/1995
93/0556	REMOVAL OF CONDITION NO 2 APPLICATION NO 3/7/5916 RELATING TO AGRICULTURAL OCCUPANCY	Granted	06/10/1993
89/0829	COMMERCIAL VEHICLE PARK	Granted	31/01/1990
86/0589	O/L 2 DETACHED BUNGALOWS	Refused	03/12/1986
80/1179	RENEWAL OF CONSENT FOR USE OF PART OF HORTICULTURAL PREMISES FOR HANDICRAFT SALES.	Granted	04/03/1981
76/1000	OUTLINE - 1 BUNGALOW.	Refused	23/03/1977
79/1003	CHANGE OF USE - PART OF PREMISES FROM HORTICULTURAL TO HANDICRAFT SALES.	Granted	09/01/1980
82/0765	RENEWAL OF TEMPORARY CONSENT FOR SALES OF HANDICRAFT.	Granted	05/01/1983

Relevant Planning Appeals History

Application 09/0583 for 14 apartments dismissed at appeal due to inadequate public open space and concerns from the Planning Inspector over loss of privacy

Parish Council Observations

Medlar with Wesham Parish Council notified on 27 June 2013

Summary of Response: No specific observations

Statutory Consultees

Lancashire County Council - Highway Authority

Comments: No response received

Tree Officer

Comments: No response received

Environment Agency

Comments: No comment

United Utilities Group Plc

Comments: No objection subject to a condition regarding drainage

Observations of Other Interested Parties

N/A

Neighbour Observations

Neighbours notified: 27 June 2013 & site notice displayed

No. Of Responses Received: Three letters of OBJECTION

Nature of comments made:

Concern re:

1. Density of development
2. Low level of car parking provision leading to on street parking.
3. The close proximity between the access to the site and the busy junction of Weeton Road and the A585, could be detrimental to highway safety.
4. Proposal is out of keeping with neighbouring detached houses.
5. Overlooking of adjacent properties.
6. Detrimental visual impact.
7. No need for this type of development. There are other unoccupied apartments in the town.
8. Will overstretch existing facilities.
9. No objection to a development of bungalows.
10. Increased noise in a quiet residential area.

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL02	Development control criteria for new housing proposals
TREC17	Public Open Space within New Housing Developments

Other Relevant Policy:

NPPF:	National Planning Policy Framework
IHP	Interim Housing Policy

Environmental Impact Assessment

This development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended.

Comment and Analysis

An appeal against the previous refusal of planning permission was dismissed on 30 March 2010. In determining this revised submission, it is necessary to assess the application against the policies of the Fylde Borough Local Plan and the Interim Housing Policy and to ensure that any issues raised by the Inspector have also been addressed.

With regard to the policies listed above, the site is located within the settlement of Wesham where the proposal benefits from the locational criteria for new developments.

The key considerations in determining the application are, therefore, contained within housing policy HL2 and the Interim Housing Policy. In regard to affordable housing & off site public open space provision, the Interim Housing Policy revised in 2013 sets a threshold of 15 units or more before contributions are required. The proposal is for 12 apartments, therefore, there is no requirement for financial contributions or on site affordable housing.

Open Space

In determining the previous appeal, the Inspector considered that the landscaped areas were effectively 'private rather than public areas' and that the open space is made up of several individual areas 'and not all of it would be useable in reality'. Furthermore the main areas of open space, which would be located towards the western side of the site were of an awkward shape and not likely to be used. The Inspector supported the Council's view at the time that off site provision should be required.

The reduction in the scale of the proposal has had two effects; firstly to reduce the open space requirement to 272 sq. metres (16 sq m x 2 one bed apartments and 24sq m x 10 two bed apartments) and secondly to allow for an L shaped open space area, comprising 290 sq. metres as a single central useable facility with further open space around the building contributing and additional 135 sq metres of space.

Residential Amenity

The Inspector commented on the appeal that *'the development would project a significant distance beyond the rear elevation of the bungalow and according to the submitted layout plan, the windows located on the second floor of the eastern elevation of the proposed apartment block, which would serve bedrooms, would be less than 11 metres from the side boundary of the property. As a result, direct views into the rear garden of Freshfields would be possible from these bedrooms, which would lead to an unacceptable level of overlooking, in my opinion'.*

Therefore, the Inspector was concerned about the second floor windows of the apartment scheme overlooking the garden of Freshfields. To address this issue, two apartments have been deleted from the scheme considered by the Inspector, which allows the remaining two apartments at the southern end of the site to have a gable end facing towards Freshfields' garden with windows of the apartment facing south towards the development's car park.

Design & Scale

The design of the development has been influenced by the need to minimise the potential for overlooking to the rear gardens of dwellings to the east of the site. It also takes into account the scale of the neighbouring residential developments, which range from single storey bungalows to 3 storey townhouses. The design of the building incorporates pitched roofs and appropriate materials for the area, therefore, the proposed development would not appear out of keeping with the character of this residential location.-

Highway Matters

The proposed scheme would be served by an existing point of access onto Weeton Road which enjoys

good visibility. Fourteen car parking spaces are provided on site along with 2 visitor spaces. Although the County Council's Highway Officer has not responded to this application at the time of writing this report, Lancashire County Council Highways raised no objection to the previous identical proposal, subject to compliance with certain conditions.

Trees

No response has been received from the Council's Tree Officer at the time of writing the report, however, there are no trees on site which benefit from a Tree Preservation Order and it is not considered that the proposed development would have an adverse impact on any trees worthy of retention.

Summary

The principle of this new application is therefore considered acceptable. Since the appeal was dismissed by the Inspector, the applicants have amended the plans taking into account the comments made. The proposal would efficiently reuse previously developed land in a sustainable location which currently has an unkempt appearance. The proposed development would not harm the character and appearance of the local area, it would provide adequate vehicular parking for future residents and it would not prejudice the future development of a larger area of developable land.

Conclusions

For the reasons outlined above and giving due consideration to the amendments made since the Planning Inspector's decision, the proposal is considered to comply with the relevant criteria as outlined in Policies HL2 & TREC17 of the Adopted Fylde Borough Local Plan. The Planning Inspector dismissed the appeal due to concerns relating to overlooking and inadequate public space. The amendments to this application have removed both of these concerns.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. A subsequent application for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:
 - [a] The expiration of five years from the date of this permission;
 - or
 - [b] The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter approved.

Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2. Before any development is commenced a reserved matters applications must be submitted to and approved by the Local Planning Authority in respect of the following reserved matter:

No. (5)

- (Reserved matters are:-
1. Layout
 2. Scale
 3. Appearance
 4. Access
 5. Landscaping

This permission is an outline planning permission and details of this matter still remains to be submitted.

3. Notwithstanding any denotation on the approved plans, samples of facing brickwork [including details of mortar colour], and roof treatment, including colour, shall be submitted to and approved by the Local Planning Authority, prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

In the interest of securing a satisfactory overall standard of development.

4. Prior to the commencement of development or before the premises are first occupied for the approved use, a scheme shall be agreed with the Local Planning Authority for the insulation / soundproofing of the premises.
The scheme shall thereafter be implemented and subsequently retained to the satisfaction of the Local Planning Authority.

To safeguard the amenities of the occupiers of the adjacent attached properties.

5. A scheme for the external lighting of the building / premises / site curtilage [including degree of illumination] shall be submitted to and implemented to the satisfaction of the Local Planning Authority; any addition or alteration to the scheme shall be agreed in writing with the Authority.

In the interests of visual / residential amenity.

6. The car parking area as indicated on the approved plan shall be constructed, drained, surfaced and laid out to the satisfaction of the Local Planning Authority concurrently with the remainder of the development and shall be made available for use prior to the first occupation of the premises, and shall thereafter be retained to the satisfaction of the Local Planning Authority solely for the purposes of car parking for residents on the site, their visitors or delivery / collection vehicles.

To provide satisfactory off-street parking in accordance with the Council's adopted standards.

7. Samples of materials proposed for all hard surfaced areas of the site shall be submitted to the Local Planning Authority for approval prior to the commencement of any surfacing work on site, and thereafter only approved materials shall be used either during the initial works or subsequently in any repairs to the surfaces.

In the interests of visual amenity and to contribute to the overall quality of the development.

8. Prior to the commencement of the development, full details of the means of foul sewerage and surface water treatment and disposal shall be submitted to and approved by the Local Planning Authority; the facilities shall be fully installed on site to satisfactory working order prior to the occupation of the first dwelling on the development.

To ensure satisfactory sewage treatment and surface water disposal on the development site.

9. Prior to the first occupation of any of the residential units hereby approved, all existing advertisements shall be removed from the site.

In the interests of improving the visual amenity of the locality and as the continued presence of the existing advertisements would be inappropriate at a residential site.

10. Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall be submitted to and approved by the Local Planning Authority before any development is commenced. Specific details shall include finished levels, means of enclosures, car parking [as applicable] hard surfacing materials, minor artefacts and street furniture, play equipment, refuse receptacles, lighting and services as applicable soft landscape works shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

To enhance the quality of the development in the interests of the amenities of the locality.

11. The whole of the landscape works, as approved shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current syvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

To ensure a satisfactory standard of development and in the interest of visual amenity in the locality.

12. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tar-macadem, concrete, block paviours, or other approved materials.

To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

13. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out and the vehicular turning space shall be laid out and be available for use before the development is brought into use.

Vehicles reversing to and from the highway are a hazard to other road users.

14. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed access road into the site from the continuation of the nearer edge of the carriageway of Weeton Road to points measured 70m in each direction along the nearer edge of the carriageway of Weeton Road from the centre line of the access to the site and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority

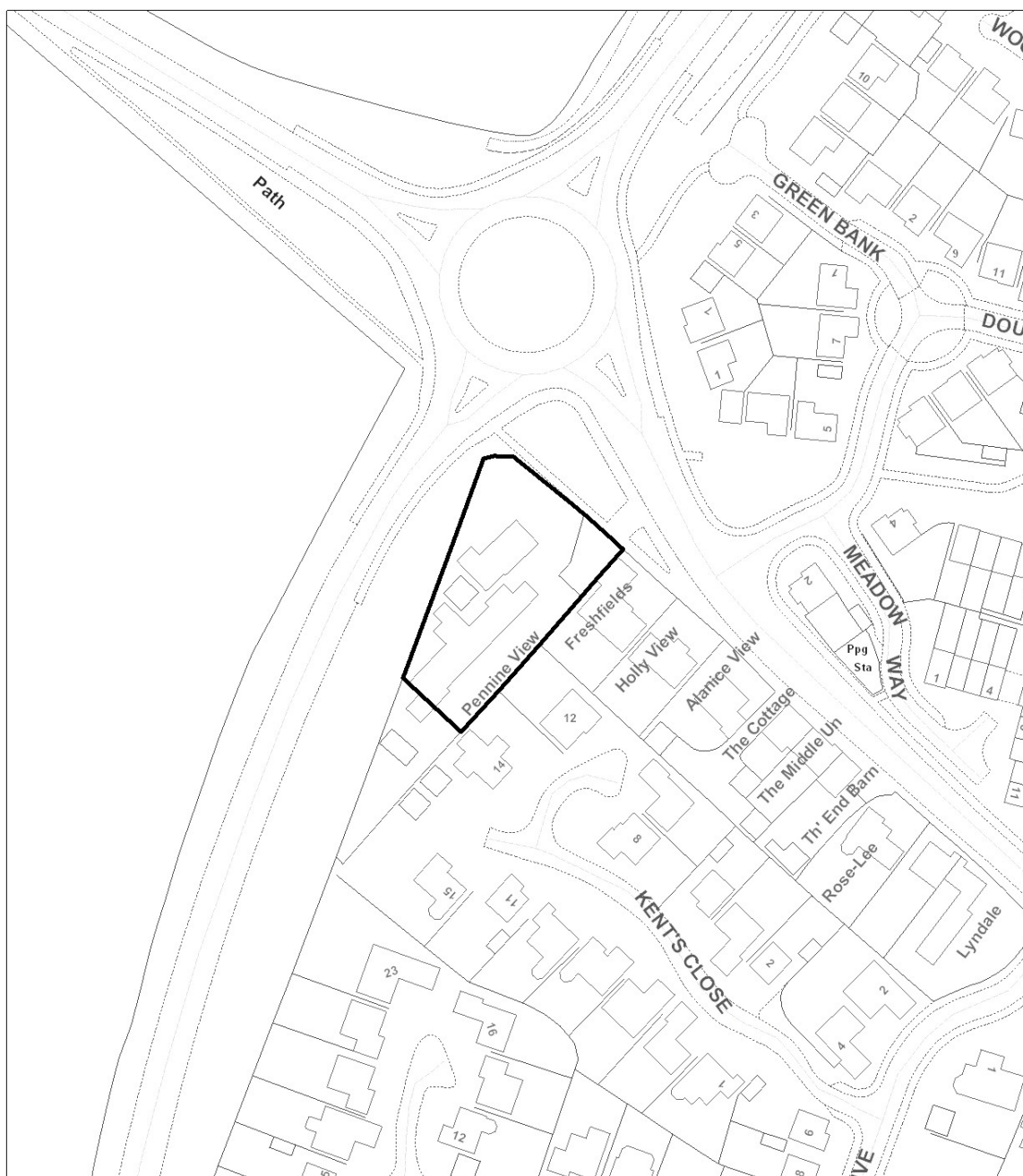
To ensure adequate visibility at the site access

15. Before the development hereby permitted becomes operative, the existing hedge on the highway frontage of the site to Weeton Road shall be reduced to and permanently maintained henceforth at a height of 0.6m above the crown level of the carriageway of Weeton Road.

To ensure adequate pedestrian/vehicular inter visibility for the drivers of vehicles entering and leaving the site.

16. The proposed ground and first floor kitchen windows in the south eastern elevation of the development hereby approved shall be glazed with obscure glass of a type to be agreed with the Local Planning Authority fitted within a none opening frame and shall thereafter be retained or if replaced the glass shall be of the same type as previously agreed.

To safeguard the amenities of the occupants of adjoining residential premises.



Development Services Fylde Council		(c) Crown Copyright and database right (2013). Ordnance Survey (100006084).	
Application No. 5/13/0364	Address Pennine View, Weeton Road, Wesham	Grid Ref. E.3413 : N.4332	Scale 0 6 12 18 24 m

LIST OF APPEALS DECIDED

The following appeal decision letters were received between 22/07/2013 and 21/08/2013. Copies of the decision letters are attached.

Rec No: 1

08 November 2012 11/0763

LAND NORTH OF (AND TO THE REAR OF ASH BEND & ELTON), MOWBRECK LANE, MEDLAR WITH WESHAM, PRESTON, PR4 3HA
OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLINGS AND DEVELOPMENT OF THE SITE FOR UP TO 100 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION.

Public Inquiry

Appeal Decision: Allowed: 01 August 2013

Rec No: 2

26 February 2013 12/0329

LAND ADJ, EDENFIELD, 2a CLIFTON DRIVE, LYTHAM ST ANNES, FY8 5RX
PROPOSED ERECTION OF DETACHED DWELLING HOUSE

Informal Hearing

Appeal Decision: Allowed: 07 August 2013

Rec No: 3

26 February 2013 12/0326

LAND ADJ, EDENFIELD, 2a CLIFTON DRIVE, LYTHAM ST ANNES, FY8 5RX
PROPOSED ERECTION OF DETACHED DWELLING (COTTAGE STYLE)

Informal Hearing

Appeal Decision: Allowed: 07 August 2013



Appeal Decision

Inquiry held on 19, 20, 21, 22 & 28 February 2013

Site visit made on 22 February 2013

by Clive Sproule BSc MSc MSc MRTPI MEnvSc CEnv

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 August 2013

Appeal Ref: APP/M2325/A/12/2186415

Land east of Fleetwood Road, Wesham PR4 3HA

- 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 Metacre Ltd against the decision of Fylde Borough Council.
 - The application Ref 11/0763, dated 11 November 2011, was refused by notice dated 12 September 2012.
 - The development proposed is demolition of existing dwellings and development of the site for up to 100 dwellings together with associated development, landscaping and development relating to biodiversity enhancement/protection.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwellings and development of the site for up to 100 dwellings together with associated development, landscaping and development relating to biodiversity enhancement/protection at land east of Fleetwood Road, Wesham PR4 3HA in accordance with the terms of the application, Ref 11/0763, dated 11 November 2011, subject to the conditions in the attached schedule.

Application for costs

2. At the Inquiry an application for costs was made by Metacre Ltd against Fylde Borough Council. This application is the subject of a separate Decision.

Procedural matters

3. An executed unilateral undertaking pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) has been provided.
4. The application was made in outline, with matters concerning appearance, landscaping, layout and scale reserved for determination at a later stage.
5. During the opening of the inquiry the Borough Council confirmed that it would not be presenting evidence. This was due to the Borough Council's proof of evidence raising an issue in relation to Policy L 4 of North West of England Plan – Regional Spatial Strategy to 2021 (RSS) that is not within the reasons for refusal.
6. Following closure of the inquiry, the Order to revoke the RSS was laid on 24 April 2013, to come into force on 20 May 2013. Parties were provided with the opportunity to comment on whether the order to revoke the RSS had a bearing on the cases made to the inquiry. Representations made in response to this opportunity have been taken into account.

Main Issues

7. These reflect the Borough Council's reasons for refusal and are: (a) whether the proposed development would accord with development plan and national policies regarding the provision of land for housing; and, (b) the effect of the development proposed on best and most versatile agricultural land (BMV).

Reasons

Land for housing

8. The Council's reasons for refusal did not suggest any conflict with former regional planning policy within the RSS. Extant development plan policy includes Policy SP2 of the Fylde Borough Local Plan As Altered – October 2005 (LP), which is referred to in the first reason for refusal and is only permissive of development in the countryside that falls within five categories. These include amongst other things that the proposal would be: essentially required for the purposes of agriculture, horticulture or forestry; the re-use, refurbishment or redevelopment of large developed sites; and, development essentially needed for the continuation of an existing enterprise, facility or operation of a type and scale that would not harm the character of the surrounding countryside.
9. The appeal site is 4.82ha of land on the northern boundary of Wesham. It is to the east of Fleetwood Road and south of its roundabout junction with the A585. On the western side of Fleetwood Road, and to the south of the roundabout junction with the A585, are Wesham Fire Station and residential development. Much of the appeal site is set back from the highway. It is to the north of, and links to, Mowbreck Lane which extends eastward from its junction with Fleetwood Road/Garstang Road North. A recreation ground, allotments, along with development that includes a church and housing within Chapel Close, lie between the main body of the appeal site, and Fleetwood Road and Mowbreck Lane. The appeal scheme would involve the demolition of two bungalows that occupy a small proportion of the site next to Fleetwood Road and immediately southeast of the roundabout. Access to the development would be from this location.
10. The first reason for refusal in this case refers to the availability of more appropriate deliverable sites that could secure a five year supply of housing land. The appellant highlights that despite refusing planning permission in relation to the current appeal scheme, within a month of that decision the Council had granted planning permission for housing on a greenfield site next to a smaller neighbouring settlement. Planning permission is noted to have been granted in that instance due to the Council being unable to provide a five year supply of deliverable sites for housing.
11. Following this, the Council requested that a duplicate application be made in relation to the current appeal scheme. However, the Council chose not to determine the application.

Planning policy

12. An appeal inquiry (ref: APP/M2325/A/10/2127459) was held in 2010 regarding a larger housing proposal on land that included the appeal site. That inquiry was held during a period following the initial revocation of the RSS, when population projections indicated a significant decrease in the anticipated level

- of population growth in the Borough, along with the availability of potential development sites within existing settlement boundaries.
13. In relation to the supply of land for housing, the Inspector in that case concluded that the absence of a housing target did not assist the local planning authority in compliance with the national policy at that time (which stated that applications for housing should be considered favourably where an up to date five year supply of deliverable sites for housing could not be demonstrated). Nor would it have been appropriate to seek a target from the previous Joint Lancashire Structure Plan.
 14. Furthermore, he found that although the situation enabled the review of the target, it did not avoid the requirement to demonstrate a five year supply and this was a matter that weighed in favour of that scheme. In arriving at this position, the Inspector noted the Borough's slow progress on producing new Development Plan Documents, but gave limited and very little weight to informal Interim Housing Policy (IHP) produced by the local planning authority in 2008 and 2010. However, significant change factors called into question the basis of the RSS evidence base. In the context provided by this and the determination of an appeal regarding land in the Borough at Queensway, the Inspector agreed with the Council that matters justified continuing support for the LP settlement boundaries.
 15. Although the Secretary of State dismissed the appeal, he concluded that the 2010 proposal would have accorded with national policy at that time by: contributing towards meeting the shortfall resulting from the Council's failure to demonstrate a five year supply of housing land across the Borough; providing a good mix of housing on a sustainable site; and, helping to address the need for affordable housing in the locality.
 16. National policy has changed since the inquiry in 2010. It is now contained within the National Planning Policy Framework ("the Framework"), which states in paragraph 49 of the document 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..."*.
 17. Paragraph 14 of the Framework addresses the presumption in favour of sustainable development. For plan-making it indicates, amongst other things, that Local Plans should meet objectively assessed needs. For decision-taking the presumption means approving development proposals that accord with the development plan without delay. Also, where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or, specific policies in the Framework indicate development should be restricted.
 18. In the absence of the RSS, the Framework requires local policy to meet objectively assessed needs, but such development plan policy has yet to be adopted. The Borough Council's policy documents include the IHP, which was modified in February 2013 in regard to off-site infrastructure provision for sites of 14 or less dwellings and public open space contributions for developments of 15 or more dwellings. The IHP remains an informal document that attracts

limited weight and, in common with the previous Inspector, greater reliance is placed on extant development plan policy within the LP.

19. Other documents such as the Strategic Housing Land Availability Assessment – base date 31 March 2012 (SHLAA), the Fylde Housing Needs Assessment – March 2012 and the Five Year Housing Supply Statement – November 2012 (HSS), have been supplied as Core Documents (CDs).

Housing land supply

20. The Borough Council Officer's recommendation on the appeal scheme was for planning permission to be granted subject to conditions and a legal agreement for the delivery of affordable housing and other matters. The Officer's report noted the RSS requirement of 306 dwellings per annum, and that the Issues and Options for a future Fylde Local Plan proposed a figure of 278 dwellings per annum. In regard to these two figures, and within the context of planning permissions for housing and the deliverability sites within a five year period, the report concluded that the Council could not demonstrate a five year supply of deliverable sites for housing.
21. Framework paragraph 47 seeks local planning authorities to identify and update annually a five year supply of deliverable sites for housing. It indicates that this should include an additional buffer of 5% to allow for choice and competition, which should be increased to 20% where an authority has a record of persistent under delivery of housing. Paragraph 7.20 of the Statement of Common Ground (SoCG) between the Borough Council and appellant highlights that the local planning authority's five year requirement was reassessed in November 2012. It included a 20% buffer and was 3.8 years.
22. The appellant disputes the methodology used for the SHLAA and the HSS, including the addition of the buffer to the requirement figure prior to the inclusion of under delivered requirement for the period between 2003 and 2012. The appellant's preferred approach to the application of the buffer is evident in the Inspector decision regarding appeal ref: APP/Z3825/A/12/2183078 and such an approach addresses the identified unmet need within the evidence base.
23. Nevertheless, the principal parties to this appeal agree that the Borough does not have a five year supply of deliverable sites for housing.¹ This position is contested by Wesham Action Group (WAG) and others, including the Campaign for the Protection of Rural England - Fylde District Group (CPRE).
24. WAG draw attention to the SHLAA assumed build rate for sites, which is indicated to be 20 units per year in years 1 and 2 and then 30 dwellings per year in years 3-5. It is argued that each site within the Borough should be considered and a specific build out rate given for it. However, either the potential developer of a site will often not be known, or their approach to a site may differ depending on market conditions and other factors. While the particular circumstances of each site would be expected to influence actual build rates, the use of assumed build rates reflects what would reasonably be expected on such sites.

¹ Paragraph 7.20 of the SoCG

25. It is common ground between the Borough Council and appellant that greenfield edge of settlement housing allocations will be required to meet the Borough's housing needs, and it is the appellant's view that there is a need to release such sites immediately.² Indeed, it was highlighted within the Inspector's conclusions regarding appeal refs: APP/M2325/A/09/2103453 & APP/Q2371/V/11/2157314 that the current settlement boundaries were adopted within the context of the former Joint Lancashire Structure Plan and a 155 dwelling per annum ceiling.
26. When the Borough Council withdrew its evidence from the inquiry it specifically noted that it could contest matters within the appellant's case (other than in relation to the case the Borough Council had made regarding exhaustion of greenfield supply and RSS Policy L 4), but had chosen not to.
27. In reaching its conclusion regarding housing land supply, the Borough Council took into consideration elements of two large schemes known as the Queensway and Aegon sites, but only parts that were considered to be deliverable within five years, for example, that were not constrained by ongoing matters in relation to legal agreements. This is consistent with Footnote 11 to paragraph 47 of the Framework. Footnote 11 addresses the deliverability of sites and specifically indicates that an extant planning permission will not be deliverable where there is clear evidence that it will not be delivered within 5 years.
- Position post-RSS revocation
28. LP Policy SP1 continues to identify Kirkham/Wesham and Warton as second tier settlements within the Borough. Five tiers are identified, with Lytham St Annes in the first. In relation to Kirkham/Wesham, the supporting text to the policy indicates that constraints limit the potential for further growth around Kirkham, and therefore most second tier growth resulting from Policy SP1 would be expected to be focussed around Wesham and Warton.
29. It is also the appellant company's case that, even though the RSS policies have been revoked, the evidence base that underpinned the RSS policies remains relevant due to the absence of any more up-to-date figures that have been through an examination process. Two appeal decisions (refs: APP/B0230/A/12/2183021 and APP/Z3825/A/12/2183078) have been referred to where this approach has been taken. Both principal parties are clear that the RSS evidence base remains relevant to this appeal. The RSS was published in 2008 and sought to address the period between 2003 and 2021. Although the previous Joint Lancashire Structure Plan has been referred to in relation to the period between 2003 and 2008, the evidence base for the RSS is more recent, it was tested and it has not been shown that it would be less representative of housing needs in the area since 2003. Accordingly, the RSS evidence base is relevant to this appeal.
30. Household growth projections were revised in 2008 to indicate a need within the Borough for 278 dwellings per annum, as opposed to the 306 dwellings per annum derived from the RSS and used in the Borough Council's Five Year Housing Supply Statement – November 2012 (HSS). CPRE have referred to comments by the Inspector examining the West Lancashire Local Plan 2012-2027, which relate to the use of 2011 census data for household growth.

² SoCG paragraphs 7.6 and 7.21

These comments have been made in relation to a Local Plan examination. While Fylde Borough Council is working on a replacement Local Plan, the Officer's report on the application, and evidence before the inquiry, notes this work to be at a very early stage. The evidence base supporting this work and the housing growth projections referred to above, along with other matters highlighted by the appellant that provide the context for considering such data, remain untested and therefore can only attract limited weight in the consideration of this appeal.

31. The HSS addresses the objectives of the Framework in relation to the identification of a supply of specific deliverable sites, including Footnote 11 of the document. However, parties disagree regarding the outcome and the Borough Council's conclusions.
32. In arriving at its figure of 3.8 years, the HSS is noted to have taken national SHLAA Practice Guidance into account. The stance taken in the appellant's rebuttal proof of evidence of 1.59 years deliverable sites for housing departs significantly from the Borough Council's position. It reflects the 1.5 year figure within the SHLAA, which was based on an assessment that considered a site to be deliverable in 0-5 years if it had *at least, the benefit of outline planning permission*.³
33. The 3.8 year estimate derived from the HSS results from a less restrictive approach, only omitting a site where planning permission has been granted or that is awaiting the completion of a planning obligation where a definite obstacle to the implementation of the planning permission has been identified. In addition to matters referred to above, the appellant questions the HSS approach to, windfall sites, potential double counting, and the deliverability of the former Pontins site.
34. Within the context of my conclusions regarding the relevance of the RSS evidence base, there is a need to address previous under delivery of housing. CPRE has referred to comments by the Inspector examining the West Lancashire Local Plan 2012-2027 in regard to under delivery of housing. In response, the appellant has provided additional text to that quoted by CPRE, which shows the context for the Inspector's comments. In that instance, the Inspector recommended the RSS shortfall be spread over period of that plan due to the a reduced post recession demand for housing and *"...perhaps more importantly....the Plan relies on the release of safeguarded and Green Belt land to meet a substantial proportion of the housing requirement..."* which would result in an inevitable lead-time prior to construction. The Inspector is also unambiguous that *"...it is important that the anticipated recovery in housing demand over the period as a whole is not artificially constrained by any under-provision of land..."*.
35. Closing submissions for the Borough Council in regard to the previous appeal for land that included the current site (appeal ref: APP/M2325/A/10/2127459) addressed the possible approaches to the treatment of the under delivery. In that instance the Borough Council noted that the under delivery could be applied to the five year supply, or over the remainder of the revoked (as it also was at that time) RSS plan period. It was the Borough Council's view that both approaches were justifiable, and while the local planning authority's witness

³ CD48 paragraph 4.2

had favoured the former, the Borough Council's locally agreed approach was the latter.

36. In relation to the current appeal, the appellant has referred to appeal ref: APP/Z3825/A/12/2183078, which highlights instances where the Secretary of State and Inspectors have supported dealing with under delivery as soon as possible, and the Inspector in that case preferred this approach rather than spreading it over the plan period, noting that to "*...postpone dealing fully with the problem would delay meeting the legitimate aspirations of households and communities to have the homes that they require...*". Following the revocation of the RSS and its requirement, there is an absence of a development plan document in this area to address this matter. However, the historic undersupply is reflected in the need for housing that remains.
37. Moreover, while the appellant and local planning authority arrive at differing estimates of housing land supply, the estimates are nonetheless below five years, and the differing views put forward by these parties in relation to previous under delivery would not alter this.
38. WAG and other interested parties to the inquiry sought to bring forward alternative assessments of housing need and housing land supply. WAG highlights the differing methodologies used to calculate a five year supply of deliverable sites for housing, and is clear that it is the Group's view the Borough Council could demonstrate a five year deliverable supply of land for housing. However having considered the matter, and revised its approach through the production of the HSS, the Borough Council has not come to that conclusion.
39. Without, for example, evidence on completions, lapsed permissions, and individual site appraisal, the alternative assessments have not provided bases and conclusions as robust as those associated with the SHLAA and HSS. Nor do they reflect paragraph 47 and Footnote 11 of the Framework. In addition, rather than using build rates, the CPRE inquiry submission assumed that all permissions contribute to the supply during the total supply period. This very straightforward approach fails to articulate the manner in which sites are developed, including the effect of planning conditions that restrict development and as a consequence, the likely contribution of such sites to the five year supply of housing land.
40. CPRE's post-RSS revocation representation included a revision of the Council's HSS figures based on the 2011 household growth projections, the almost complete build out of a housing development at Warton and the application of the under delivery over an 18 year period. However, for the reasons stated above much more weight is attributed to the findings of the SHLAA and HSS. Alternative views to those of the appellant and the Borough Council have not demonstrated that there is a five year supply of deliverable sites for housing.

Conclusion regarding housing land supply

41. Recent market conditions have not changed the need for housing, nor the clear aims within paragraphs 19 and 47 of the Framework for the planning system to do everything it can to support sustainable economic growth, and significantly boost the supply of housing. These aims are reflected in Ministerial Statements, including *Planning for Growth*. The Borough Council changed its

housing land supply estimate during 2012, which clarified and refined its approach, rather than suggesting a state of confusion.

42. Other parties have questioned the appellant and Borough Council's agreed position regarding the inclusion of a 20% buffer to ensure choice and competition following under provision. However, failings have been identified in the alternative approaches put forward by other parties, and evidence indicates that the 20% buffer is appropriate in this case.
43. The appeal scheme would not be for one of the categories of development permitted by LP Policy SP2, and therefore it conflicts with the policy. However, this development plan policy and its saving predate *Planning for Growth*. *Planning for Growth* seeks applications to be approved where plans are out of date, and at the inquiry regarding case refs: APP/M2325/A/09/2103453 & APP/Q2371/V/11/2157314 the Council conceded, and the Inspector agreed, that LP Policy SP2 was out of date. The aims of *Planning for Growth* are now reflected in the Framework's presumption in favour of sustainable development.
44. It has not been shown that there are more appropriate deliverable sites available within the Borough that could secure a five year supply of housing land. In the absence of an adequate supply of such land, the presumption in favour of sustainable development is engaged. Given the objective within the Framework to boost significantly the supply of housing, and within the context of the evidence in this case which includes the SHLAA and HSS, LP Policy SP2 is considered to be out of date and the weight attributed to it is significantly reduced.

Affordable homes

45. The Inspector who considered the previous proposal for this land accepted that: there was a substantial need for affordable homes in the Borough and Kirkham/Wesham; and, the level of provision proposed in that larger scheme weighed in its favour.⁴
46. Section 6 of the Framework is clear that to deliver a wide choice of high quality homes, local planning authorities should use their evidence base to ensure the Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area. The Borough Council Officer's report in relation to the current appeal scheme confirmed: the level of proposed provision to be consistent with that before the previous Inspector; and, that the Council's Strategic Housing Team had confirmed the findings of a Housing Needs Study that identified a shortage of affordable housing across the Borough remained valid. Exchanges during the inquiry also confirmed that a need exists for affordable housing in this area.
47. In this case, the unilateral undertaking ensures that 30% of the proposed dwellings would be affordable housing, with 80% of these social rented units. These dwellings would be available in perpetuity to people who cannot afford to rent or buy housing generally available on the open market.

⁴ Paragraph 11.39 of the Inspector's report regarding appeal ref: APP/M2325/A/10/2127459

Best and most versatile agricultural land (BMV)

48. LP Policy EP22 is not permissive of development that would involve the permanent loss of BMV where it could reasonably take place on previously developed sites, on land within the boundaries of existing developed areas, or on poorer quality agricultural land.
49. The Council's second reason for refusal also refers to paragraphs 17, 28 and 112 of the Framework. *Core planning principles* within Framework paragraph 17 seek planning to take account of the different roles and character of different areas, to recognise the intrinsic character and beauty of the countryside, and encourage the effective use of land. Paragraph 28 indicates that planning should support economic growth in rural areas by taking a positive approach to sustainable new development. Paragraph 112 indicates that account should be taken of the economic and other benefits of BMV. Where significant development of agricultural land is shown to be necessary, poorer quality land should be used in preference to higher quality land.
50. The previous Inspector concluded that the scheme before him would have resulted in the loss of at least 3ha of BMV, which is present as pockets within areas of poorer quality land that prevented it being farmed as BMV. In doing so, he considered differing agricultural land classification assessments that were presented to the inquiry. He also recorded that agronomists who visited the land in 2009 accepted that: they had not undertaken a grading exercise of similar complexity and depth to those carried out for the Council and the appellants; and, greater reliance should be placed on the grading assessments produced for the Council and appellants.⁵
51. In relation to the current appeal, paragraph 7.23 of the SoCG confirms that the Borough Council and appellant agree the ADAS ALC assessment is an accurate reflection of the agricultural grading of the appeal site. This shows the current 4.82ha appeal site to have parcels of BMV land that amount to in the region of 1.86ha within poorer quality land.
52. Representations from local people highlight the importance that they place on the preservation of the countryside and BMV in this location, and that this is reflected in the Medlar and Wesham Parish Plan.
53. Areas of BMV land would be permanently lost to the appeal scheme. These areas are set within lower grades of land and the previous Inspector considered that they could not be farmed as BMV land. Given the circumstances of the appeal site and the submissions to the inquiry, I see no reason to take a different view.
54. Although the loss of BMV land weighs against the proposed development, evidence indicates that there are not sufficient previously developed sites, and land within settlement boundaries, to deliver the housing land supply the Borough needs. Nor has it been demonstrated that the assessments of housing land supply carried by the Borough Council omitted any previously developed sites that would change this conclusion.
55. In addition, although LP Policy SP1 envisages 'second tier' development at Warton and Kirkham and Wesham, there is Green Belt land and areas at risk of

⁵ Paragraphs 11.57 & 8.22 of the Inspector's report regarding appeal ref: APP/M2325/A/10/2127459

flooding around Kirkham and Wesham.⁶ It is not apparent that there are other areas of suitable poorer quality land in the locality that could accommodate a development of the type proposed. As a consequence of the evidence presented to the inquiry, the development of the areas of BMV land on this site is necessary and acceptable within the context of the identified need. Accordingly, the appeal proposal complies with LP Policy EP22, and for the reasons above there is no conflict with Framework paragraph 112.

Other matters

Landscape impact

56. The second criterion of LP Policy HL2, requires development to be in keeping with the character of the locality, and in this respect it is a *core planning principle* of the Framework that planning should take account of the differing roles and characters of areas.
57. The appeal scheme would result in built development being present on land that is currently open countryside, and that provides views north to other agricultural land, infrastructure (that includes electricity transmission) and distant hills. These rural aspects, and the character of the area that is reflected within them, are valued by many people.
58. Nevertheless, the previous Inspector concluded that there is nothing particularly critical or sensitive in the landscape character of this location, and the substantially larger development before him would have softened the transition between existing housing and the open countryside immediately to the north of Wesham.⁷ The SoCG indicates that the Borough Council and appellant agree the current proposal for a development of 100 houses would: not detract from the urban form and character of the town or landscape in this location; and, complies with the second criterion of LP Policy HL2 and the *core planning principle* of the Framework that planning should take account of the different roles and character of differing areas.
59. Development associated with the appeal scheme would be expected to reduce the existing open views across the recreation ground. However, the area would remain an edge of settlement location with a character which reflects this. Given the layout of the existing development around Fleetwood Road and Mowbreck Lane and highways in this location, the appeal scheme would appear as a logical extension to the settlement. The current reduced scheme includes landscaping and biodiversity enhancement protection measures that, in common with the previous scheme, could soften the transition between built development and the countryside around Wesham. Rural views would continue to be available, and indeed, would be a dominant element of many aspects from Mowbreck Lane and on the northern approaches to Wesham.
60. In this respect the appeal scheme complies with LP Policy HL2 and the Framework. Accordingly, while the appeal proposal would result in change, it would not result in landscape impacts that would justify refusal of planning permission.

⁶ Paragraphs 4.5.3 to 4.5.12 of Mr De Pol's evidence

⁷ Paragraphs 11.76 & 11.77 of the Inspector's report regarding appeal ref: APP/M2325/A/10/2127459

Scale of development

61. The previous Inspector noted that, even though Kirkham and Wesham are adjoining settlements that are only separated by the railway line to Kirkham/Wesham station, the two towns have separate identities that caused him to consider the impact of scale in relation to Wesham. In recent years Wesham has grown due to housing on other sites. The previous Inspector found the scheme before him would have added 16% to the housing stock of Wesham, and it would have been difficult for the local community to accept the scale of the increase.
62. People who made representations regarding the current proposal highlighted the distinction between Kirkham and Wesham and the characters that result. In comparison to the previous scheme that included the appeal site, the current proposal would be in the region of 67% smaller in terms of site area and reduces the number of proposed new dwellings by approximately 62%. Consequently, the reduced scale of the development proposed would increase the number of dwellings in Wesham by around 6%. Such an increase would not be a significant impact on the settlement's character. In this respect, there would be no conflict with LP Policy HL2 and the associated Framework *core planning principle* referred to above.

Access and highway matters

63. Access to the proposed development would be via a priority controlled junction on Fleetwood Road with a ghost island. Associated works would be carried out to the existing highway and roundabout to incorporate these features. Vegetation would also be removed from Highway Authority land at the roundabout to provide a visibility splay northwards of 103m. On-carriageway advance warning markings and high friction surfacing would be located where vehicles approach the roundabout and the proposed junction from the north.
64. *Manual for Streets* was published in 2007. It updated the link between planning policy and residential street design. It notes that design standards for highways are set by the relevant Highway Authority, with the standard for trunk roads being Design Manual for Roads and Bridges (DMRB) and that DMRB is not an appropriate design standard for most streets, particularly those in lightly-trafficked residential and mixed-use areas. The visibility splays at the proposed junction in this mixed use area would be in excess of the 43m stopping sight distance sought by *Manual for Streets* for a 30mph highway.
65. Representations to the inquiry raised doubts regarding the behaviour of local traffic, including that crossing the roundabout onto the Fleetwood Road exit. Modifications to the carriageway on the northern approach to the roundabout would create a greater deflection for vehicles entering the roundabout from the north. This would slow vehicles turning toward the roundabout's south eastern exit to Fleetwood Road. In addition, the 30 miles per hour speed limit would clearly begin at this exit and the proposed access would be within it.
66. A new signal controlled pedestrian crossing is due to be installed on the southern side of the proposed junction. This would provide a crossing facility for residents of the proposed development. Its presence, along with that of the proposed junction, would reasonably be expected to indicate to drivers the need for care to be taken on this section of Fleetwood Road, and for them to be ready to slow or stop their vehicles.

67. The road layout between the appeal site and central areas of Wesham and Kirkham reflect the age of the settlement and the resultant patterns of development within it. While it was not originally designed for cycle and equestrian use with motor vehicles, the local highway network nonetheless provides options for cycle, equestrian and pedestrian travel.
68. Representations also highlighted road congestion at peak times, and especially queuing toward the nearby Junction of the M55 which has occasional traffic signalling. The application's Transport Assessment includes traffic capacity assessments for the proposed site access and Fleetwood Road Wesham by-pass roundabout.⁸ The Highway Authority, Highways Agency and local planning authority have raised no concerns regarding the capacity of the local highway network to accommodate traffic associated with the appeal scheme. Indeed, in considering a significantly larger scheme the previous Inspector concluded that there would be no impacts on the highway network that would have supported the dismissal of that appeal.⁹ No significant changes to matters relevant to the highway network have been shown to have occurred since the previous Inspector's conclusions. While there may be occasional queuing toward the motorway junction, evidence in this case has demonstrated the appeal proposal would not cause the capacity of the local highway network to be exceeded.
69. Section 9 of the application's Transport Assessment addresses road safety, with Inquiry Document 6 updating the accident analysis within Table 9.1. Given the proposed works and the resulting road layout, the appeal scheme would provide adequate visibility splays to and from the roundabout, and to the south of the proposed junction. It would also be expected to slow traffic entering Fleetwood Road from the roundabout.
70. Within the context of the existing highway network and the proposed modification to it, along with evidence presented regarding the frequency and types of accidents recorded in the locality, it is apparent that drivers exercising a reasonable standard of care for their own and other's safety would be able use the roads around the new junction without the proposed works causing harm to highway safety. This includes in respect to pedestrians, cyclists and equestrians.
71. A Road Safety Audit has been carried out in relation to the appeal scheme. The proposed access and its associated mitigation works were found to be acceptable by the Highway Authority within the context of the highway network and the modifications proposed for it. While representations have highlighted local circumstances, they have not shown the proposed access works and traffic generation associated with the appeal scheme to be likely to be harmful to highway safety. The appeal scheme would provide a safe and suitable access for all its users and for the reasons above, it complies with paragraph 32 of the Framework and the relevant criterion of LP policy HL2.

Flooding

72. The application's Flood Risk Assessment (FRA) notes the Environment Agency to have no historical record of flooding on the appeal site, and its Strategic Flood Risk Assessment to place the land within Flood Zone 1. The FRA has

⁸ Traffic capacity assessments were provided within section 8 of Core Document 7

⁹ Paragraph 11.70 of the Inspector's report regarding appeal ref: APP/M2325/A/10/2127459

considered a range of possible causes of flooding and concludes the appeal site to be at a low risk of flooding.

73. The FRA notes that the use of an infiltration Sustainable Urban Drainage System (SUDS) would be acceptable in this location. Also, the waste water treatment provider in this area raised no objection to the appeal scheme. If this appeal were to be allowed, planning conditions could address the provision and implementation of schemes for surface and foul water drainage, and SUDS.
74. Concerns have been raised regarding the possible effect of the appeal scheme on the water table, field drainage and hydrology in the locality, along with an increased need to clear field drainage following other developments in the area. An alternative FRA produced for Mr Pickervance suggests that waterlogging on and around the appeal site causes land farmed by Mr Pickervance to flood following prolonged or intense rainfall, and any increased flow rate would add to this. However, it has not been shown that if the development proposed were to be subject to conditions with the scope suggested, these effects would be a likely consequence of the appeal scheme.
75. A consultation response from the Environment Agency raises no objection to the proposed development, and highlights the intention within the application's FRA to restrict runoff rates to existing site conditions. There is no convincing evidence to suggest that any subsequent detailed design for the appeal scheme would fail to meet such a restriction. Accordingly drainage controls would reasonably be expected to prevent an increase in flooding, and in this respect the appeal scheme complies with the relevant criterion of LP Policy HL2.

Effect on farming

76. The importance of the land around Kirkham/Wesham to farming and food production is apparent through the nature of the landscape and the agriculture within it. The Inspector's report on the previous larger proposal for land that included the appeal site, recorded that it was agreed the loss of land in that case would have implications for the profitability of Mowbreck Hall Farm, but it had not been suggested that it would leave the remaining holding financially unviable.
77. Representations to the current inquiry confirmed the smaller area that is the subject of the present appeal, and the part of it that is farmed by the Pickervance family, is a small proportion of the land used by Mowbreck Hall Farm. Its loss to the farm would have implications for how the business is run, but no evidence was presented to indicate that it would affect the viability of the farm operations.
78. Mr Pickervance had concerns regarding the future of an agricultural access from Mowbreck Lane that is included within the red line boundary of the current appeal site and annotated as a possible pedestrian route. Presently this entrance provides access to both the appeal site and adjacent land that, if this appeal were to be allowed, would still be farmed by Mr Pickervance and his family. The appellant confirmed that it is not intended to close or modify this entrance in a manner that would prevent vehicular access to agricultural land to the north and east of the track. A condition was suggested that, if imposed, would ensure the track continues to be available for agricultural use associated with the land adjacent to the appeal site.

79. For these reasons the proposed development would have an acceptable effect on farming and the production of food in this area, which was also the conclusion of the previous Inspector.¹⁰

Effects on ecology

80. To the northeast of the appeal site is the Wesham Marsh Biological Heritage Site (BHS) which a 9.8ha area of marshy grassland, and the fauna within it reflect this. LP Policy EP17 is not permissive of development that is likely to have a significant impact on biological heritage sites. The appellant's report entitled *Ecological Assessment of Land and Biological Heritage Site*, ERAP ref: 2011/269 concluded that: the proposed development would have no direct physical effects on the BHS (or the hydrology that supports it); and, although recreational activity associated with the occupation of the appeal site would be expected to result in some additional temporary disturbance of wildlife, it would not be significant. Given the nature of the development proposed, the separation distance between it and the BHS, and the scope of possible planning conditions to address matters relevant to it, evidence indicates that the proposed development would not be expected to result in significant effects on the BHS and the fauna within it. Therefore, the appeal scheme complies with LP Policy EP17.
81. At the application stage Natural England highlighted that the protected species survey confirmed the proposed development could affect bats and Great Crested Newts (GCN). A representation from an interested party referred to the possible presence of lapwing on the appeal site, but no evidence was forthcoming to confirm the likely presence of the species.
82. The bat survey had originally been carried out in 2009 and Natural England indicated that this evidence would need to be updated, which it was in June 2012 (ERAP ref: 2011/269). Bats were found to be active in the area after dusk, and the dwellings that would be demolished during the development have a moderate bat roosting potential for occasional use by small numbers of bats, with a very low probability of use as a maternity roost. Although the initial evening survey on 30 May 2012 identified the suspected emergence of Common Pipistrelle bats from one of the buildings, a subsequent survey on 2 June 2012 revealed no emergence activity, and the surveys found no other evidence of bat roosts on the appeal site.
83. The bat survey records there to be a major roost a short distance to the north of the appeal site, and the immediate surrounding area to have moderate foraging potential for bats.
84. Survey information indicates there to be a breeding group of GCN to the south of Mowbreck Lane where the relevant ponds are over 500 and 750m from the closest boundary of the appeal site. Single male GCN have been recorded in ponds nearer to the appeal site. Pond no.3 is noted to be approximately 65m to the north of the proposed development. While there is no evidence that these ponds are being use for breeding, or that the recorded presence of single GCN suggests their frequent use by the species, it is possible that development of the appeal site could harm at least one GCN. A Precautionary Mitigation Scheme is proposed that would address the possible presence of GCN and other amphibians on the appeal site.

¹⁰ Paragraph 11.53 of the Inspector's report regarding appeal ref: APP/M2325/A/10/2127459

85. Both bats and GCN are species protected through the Wildlife and Countryside Act 1981 (as amended) and Statutory Instrument 2010 No.490 - *The Conservation of Habitats and Species Regulations 2010*.
86. No bat roosts would be lost through the development. The appeal scheme would result in change to the habitat on the appeal site and operational effects such as the emission of noise and dust during demolition and construction. Although invertebrate production may be reduced by activities within the appeal site, the adjacent farmland and BHS would remain.
87. Suggested conditions would address a variety of matters, such as retention of trees and hedges that would contribute to the foraging potential of the area for bats. Also, the appeal scheme includes the provision of additional habitat through the biodiversity enhancement/protection area (also referred to as a Biodiversity Reserve) within the development. Section 8 of the *Ecological Assessment of Land and Biological Heritage Site* report indicates that the biodiversity enhancement/protection area would be in the northern part of the appeal site. It would be designed to provide breeding habitats for GCN and the four other native amphibian species that occur in the vicinity of the appeal site. Grassland would be planted and managed to provide favourable GCN habitat, along with areas of woodland and hibernacula.
88. Given the relative qualities of the habitats referred to above, the development would not have an adverse effect on bats. Farmland and BHS habitats that would continue to be available to the north and east of the appeal site would also ensure the effect on GCN would be low. The proposed mitigation and compensation measures that are detailed within the appendices to the *Ecological Assessment of Land and Biological Heritage Site* report would provide further GCN habitat. The quality of the new habitat is proposed to offset the larger areas of intermediate and distant terrestrial habitat that would be lost to GCN.
89. It is not the purpose of this decision to consider the likelihood of an authority granting a licence in relation to a protected species. Regarding the requirements of Statutory Instrument 2010 No.490 - *The Conservation of Habitats and Species Regulations 2010*, including Regulation 9 (5), as noted above the public interest in this case would be the provision of new homes and it could be overriding. Suggested conditions would address habitat creation and newt mitigation measures, which would enable development to proceed without harming GCN (or bats) at a favourable conservation status in its natural range. By creating additional ponds and habitat the appeal scheme would eventually benefit species that would use them. However, it has not been shown that there would be no satisfactory alternative to the proposed development.
90. By maintaining or enhancing biodiversity in the locality, the appeal scheme complies with HL2 criterion 5.

Effects on the economy

91. Paragraph 19 of the Framework indicates that planning should operate to encourage and not act as an impediment to sustainable growth, and significant weight should be placed on the need to support economic growth through the planning system. The appeal scheme would reasonably be expected to contribute to the local economy through employment and expenditure during

the construction phase, and then subsequently through economic activity associated with new households on the appeal site.

Living conditions

92. The layout of the proposed development is a reserved matter that would be confirmed at a later stage. Even so, the appeal scheme would introduce development into a location that is principally open and in agricultural use. Development, and the activity associated with it, could be in close proximity to existing dwellings, for example, in Chapel Close. However, this is an edge of settlement location where activity associated with residential and other uses can reasonably be expected to occur. Given the land uses and topography in this area, it should be possible to develop the appeal site without causing unacceptable harm to the living conditions of local residents in relation to matters, such as, loss of privacy and noise and disturbance. In this regard, the appeal scheme also complies with LP Policy HL2.

Sustainable development

93. Paragraph 6 of the Framework is clear that the policies in paragraphs 18 to 219 of the document, taken as a whole, constitute sustainable development. Framework paragraph 7 continues by highlighting the three dimensions of sustainable development to be economic, social and environmental.
94. Paragraph 11.66 of the Inspector's report for appeal ref: APP/M2325/A/10/2127459 concluded that, within the context of national policy at that time, the appeal site would be a sustainable location for housing development. Transport links were noted to provide access to jobs (and services) in the local area and beyond. The benefits of sustainable transport are relevant to all three dimensions by assisting: the economy, through the provision of efficient routes; the environment, by using fewer resources; and socially, by enabling mobility for people. Consequently, matters that were relevant to the previous consideration of the appeal site's sustainability in relation to national and former regional planning policy remain pertinent to this case. The appellant's scoring of accessibility against RSS criteria produced a score of 21, which indicates medium accessibility, and the revocation of the RSS does not alter the spatial relationships that led to that conclusion.
95. It is a *Core planning principle* of the Framework that patterns of growth should be actively managed to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable. The SoCG indicates that the main parties to this appeal consider the appeal site to be a sustainable location in relation to shops, schools, places of employment, public transport and community facilities.
96. LP Policy TR5 is only permissive of new developments of over 100 dwellings or requiring over 3 ha of land, where the development would be served by a satisfactory level of public transport and adequate bus stopping and waiting facilities would exist or be provided. The application's Transport Assessment notes bus stops on Fleetwood Road to be within 500m of the centre of the appeal site. The Highway Authority's consultation response on the proposed development noted the applicant's agreement for these bus stops to be improved to Quality Bus Standards and the executed unilateral undertaking provides for a Bus Shelters Contribution.

97. The regular services from these stops, which include periods of one bus every 20 minutes, enable access to locations within Wesham and Kirkham, and further afield to places that include St Annes and Blackpool. Kirkham and Wesham train station is approximately 1.1km from the centre of the appeal site, and provides hourly services to Blackpool, Preston, Manchester and other locations on the railway network. These services are at times and frequencies that would enable their use for commuter journeys and at other times.
98. A range of shops, services, employment opportunities and community facilities are present within Wesham and Kirkham. Those within Kirkham, which include a secondary school, supermarket and a concentration of employers, are at distances that would be likely to discourage walking. However, there are good public transport, highway and pedestrian links to them, which would provide access by alternatives to the private car.
99. WAG draws a distinction between the sustainability of building the proposed houses in settlements of the scale of Kirkham/Wesham, and other larger settlements. However, the travel distances from the appeal site to shops, services and employment opportunities in Kirkham/Wesham are not unusual and could be experienced by people living in larger settlements.
100. A greater number of employment opportunities may indeed be available in larger towns and cities. Nevertheless, the distances people travel to their place of work will vary. Particular or specialist forms of employment can reasonably be expected to attract employees who will be prepared to commute longer distances. Such 'out-commuting' can be expected to occur in settlements of any size. However, there is no certainty that out-commuting would dominate the travel patterns of people within the proposed development. It is equally likely that the appeal scheme could enable people to live closer to their work and/or sustainable forms of transport. Moreover, further households within the settlement would be expected to provide additional support for local shops and services.
101. The proposed dwellings would be on the edge of settlements that have shops, services and employment. They would be next to a recreation ground, and public open space within the development would include a Locally Equipped Area for Play. There would be opportunities for occupiers of the proposed dwellings to access these by alternatives to the private car, as pedestrians or cyclists. Public transport would also be available for travel to these and other locations at greater distances.
102. Framework paragraph 7 indicates that the social role for planning includes supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. Paragraphs 6 and 7, along with paragraphs 18 to 219 of the Framework, confirm that housing is not the only consideration in determining whether a proposal would be a form of sustainable development.
103. However, providing sufficient housing is clearly an important component of that assessment. The relevant Framework *core planning principle*, which states planning should *proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs*, is reflected in section 6 of the

Framework. The appeal scheme would contribute to meeting the housing needs in the Borough, including in regard to affordable housing in Kirkham and Wesham.

104. As indicated above, the proposal would have positive effects on the local economy and would contribute to growth thus meeting the economic dimension. Apart from the ability of the proposal to deliver a high quality built environment that would appear as a logical extension to the settlement, other environmental matters dealt with above in relation to, for example ecology and drainage, would ensure that the development would contribute to protecting and enhancing the natural and built environment.
105. Suggested planning conditions would address matters that include the provision of a Travel Plan, site drainage, and a Locally Equipped Area for Play. Although there would be a loss of greenfield land that includes BMV, the development would meet identified needs for housing, and there would be habitat retention, creation and management. The appeal scheme would support the local economy and economic growth through the creation of jobs and local expenditure. As such, it would be a sustainable form of development.

Localism

106. The Localism Act 2011 provides new rights and powers for local communities, alongside the commitment to make the planning system clearer, more democratic and effective. Local democratic decisions led to the refusal of planning permission in this case, and the adoption of relevant planning policies. The views of those against this scheme have been comprehensively made in writing, presented to the inquiry and taken into account. Nevertheless, such views have to be set alongside the identified benefits and planning policy compliance.

Precedent

107. Parties to this inquiry have referred to other planning decisions. Each application and appeal is determined on its own merits within the context of the specific circumstances and policies that pertain to it. Consequently, other decisions do not set a precedent in relation to this case, but relevant matters in relation to them have been taken into account.

Prematurity

108. The SoCG confirms that the Borough Council and appellant agree that work on replacement development plan policy is at too early a stage for it to attract weight in this case. This is reflected in the lack of a reason for refusal in relation to prematurity.¹¹ Indeed *The Planning System: General Principles* is clear that refusal of planning permission on the grounds of prematurity would not usually be justified. In this instance, the proposed development is not so substantial, nor would there be a cumulative effect so significant, that granting planning permission would prejudice a future development plan document by predetermining matters that would be dealt by it.

Unilateral undertaking

109. Planning obligations should only be sought where they meet the three tests within paragraph 204 of the Framework, which are that the obligation would

¹¹ Paragraphs 6.5, 7.28 and 7.29 of the SoCG

be: necessary to make the development acceptable in planning terms; directly related to the development; and, fairly and reasonably related in scale and kind to it. These reflect the tests of a planning obligation within Regulation 122 of Statutory Instrument 2010 No.948, The Community Infrastructure Levy Regulations 2010 (CIL).

110. The executed unilateral undertaking, dated 11 February 2013, makes provision for affordable housing, and contributions toward bus shelters and the monitoring of the Travel Plan.
111. The Framework seeks to boost significantly the supply of housing, including affordable homes, and the appeal scheme would provide this through the unilateral undertaking.
112. The Bus Shelters Contribution is intended to meet the cost of upgrading the two nearby bus stop shelters to Quality Bus Standard. In doing so, it would meet the relevant objectives of LP Policy TR5. It would also support the thrust of section 4 of the Framework which deals with promoting sustainable transport. In particular, the Bus Shelters Contribution and Travel Plan monitoring address the objective in paragraph 32 of the Framework for sustainable transport opportunities to be taken.
113. The planning obligations would be directly related to the development proposed, and fairly and reasonably related in scale and kind to it. They are necessary to make the development acceptable in regard to local and national planning policy and accordingly, they meet the three tests within paragraph 204 of the Framework and significant weight is attributed to the unilateral undertaking.

The planning balance

114. The proposal would introduce development and related activity into a location that is, for the most part, currently used for agriculture. This would be perceived by people who live in the vicinity of the site, and agricultural land would be lost to those who farm it. However and for the reasons above, if this appeal were to be allowed, it would result in interference by a public authority that would not have consequences of such gravity as to potentially engage the operation of Articles 1 or 8 of the European Convention on Human Rights, which concern protection of property rights and the right to respect for private and family life.
115. In any event, such interference would be in accordance with the law, and it would be necessary in the interests of the economic well-being of the country. Considerations relevant to these rights are set out above. The proposed development would have benefits, including those set out in relation to the unilateral undertaking and planning conditions that would address matters including the provision of a Locally Equipped Area for Play. While the Pickervance family would lose an area of farmland, it is likely that this could be replaced by land in the wider area. In this case, the rights of individuals need to be set against the interests of the community. There is a clearly identified need for housing on this site and accordingly, the interference would be proportionate.
116. The Secretary of State's decision on the previous appeal regarding land that included the current site was issued in March 2011. In dismissing the appeal, the Secretary of State noted the conflict with LP policy in relation to:

settlement boundaries; development in the countryside; the need for new development to be in keeping with local character in regard to scale; and, the need to avoid loss of BMV land unless absolutely unavoidable. Particular attention was drawn to uncertainties regarding population growth and distribution that could be settled in a statutory planning context.¹²

117. In the absence of a five year supply of deliverable sites for housing, existing development plan policies for the supply of housing land are out of date. The release of greenfield land is necessary in this instance, and indeed, unavoidable. No other matters, including the specific circumstances of the site, have been found to outweigh the identified need.
118. Consequently, in relation to paragraph 14 of the Framework and the presumption in favour of sustainable development, the appeal scheme would be a form of sustainable development for which there is a presumption in favour. Specific policies within the Framework do not indicate that development should be restricted in this case. The benefits of the scheme include housing provision, a significant proportion of which would be affordable homes, along with benefits to the local economy and the environment. Furthermore, the determination of reserved matters would ensure that the development would be of high quality.
119. All matters raised in representations regarding this case have been taken into account. When considered against the policies in the Framework taken as a whole, no adverse effects have been identified that significantly and demonstrably outweigh the benefits of the appeal scheme. Nor when the policies of the development plan are considered as a whole has harm been shown that would outweigh the matters weighing in favour of the appeal scheme, including the policy compliance addressed above and in relation to LP Policies EP22, HL2, EP17 and TR5, and the identified need for housing.
120. The appeal scheme would be a sustainable form of development, and considerations in this case weigh heavily in favour of it to indicate that planning permission should be granted for the development proposed.

Conditions

121. A scheme of conditions agreed between the appellant and the Borough Council were submitted to the inquiry within the Statement of Common Ground, dated 21 January 2013. These conditions have been considered against the guidance in Circular 11/95 – *The Use of Conditions in Planning Permissions* and the discussion in relation to them on the final sitting day of the inquiry.
122. In the interests of the character and appearance of the locality and to protect local living conditions I shall impose conditions in relation to reserved matters. For the avoidance of doubt and in the interests of proper planning, a condition shall be imposed regarding the plan approved in relation to the site and its access.
123. In the interests of protecting the character and appearance of the locality conditions shall be imposed regarding the maximum number of storeys for buildings within the scheme, and hard and soft landscaping. In the interests of

¹² Paragraph 20 of the Decision Letter in regard to appeal ref: APP/M2325/A/10/2127459

- protecting the character and appearance of the locality, and to protect local habitats, a condition shall be imposed in relation to hedgerow retention.
124. In the interests of providing a sustainable form of development, conditions shall be imposed regarding: habitat creation and management; implementation of bat and Great Crested Newt mitigation measures; and, the provision and/or upgrading of bus stops and shelters. Matters that were the subject of suggested conditions 8 and 22 overlapped and therefore, in the interests of clarity these have incorporated into a single condition.
125. In the interests of local living conditions and to provide a sustainable form of development through the provision of recreational facilities in the vicinity of where people live, a condition shall be imposed regarding the on-site provision of open space, including a Locally Equipped Area for Play. A condition regarding the provision of a Travel Plan shall be imposed for the delivery of sustainable development by facilitating the use of sustainable forms of transport.
126. To protect local living conditions and the water environment, and provide a sustainable form of development, conditions shall be imposed in relation to drainage.
127. To protect the character and appearance of the area, local living conditions, highway safety, and the environment, a condition shall be imposed requiring a Construction Method Statement that addresses the matters with suggested conditions 13 and 19. Suggested condition 13 included a reference to vehicle routing. Paragraph 71 of Circular 11/95 is clear that planning conditions are not an appropriate means of controlling the right of passage over public highways. However, the Construction Method Statement enables the site's vehicular access to be identified.
128. In the interests of highway safety, conditions shall be imposed regarding the provision of the site access and highway junction improvements. A condition shall also be imposed to ensure that access is maintained to the agricultural land to the east of the appeal site.
129. To protect the natural environment and future users of the appeal site, and land elsewhere, a condition shall be imposed to address potential land contamination.

Conclusion

130. Accordingly, I conclude the appeal should be allowed.

C Sproule

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 2) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 3) Details of the 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 begins and the development shall be carried out as approved.
- 4) The development hereby permitted shall be carried out in regard to the provision of the access to the site area in accordance with the following approved plan:
Drawing No.: 1028 – 102A, entitled *Parameters Plan*
- 5) The reserved matters shall include details of dwellings in a range of scales and designs with no dwelling or residential building exceeding 3 storeys in height.
- 6) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of programmed landscaping for the area of residential development. The scheme shall include details of: all existing trees and hedgerows and those that are to be retained, together with measures for their protection during the course of the development; all planting and seeding; hard surfacing and the materials to be used; and, means of enclosure. All hard and soft landscape works shall be carried out in accordance with the approved programme and details. Any trees or plants which within a period of 5 years commencing with the date of their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) All existing lengths of hedgerow within the proposed residential development area shall be retained, except for where their removal is required for the formation of access points or visibility splays, or in other limited circumstances where an equivalent or greater length of hedge is provided as a replacement and has been previously agreed in writing by the local planning authority. No removal, relaying or works to existing hedgerows shall be carried out between March and August inclusive in any one year unless otherwise agreed in writing by the local planning authority.
- 8) No development shall take place until there has been submitted to and approved in writing by the local planning authority a fully detailed scheme for habitat creation and management. The scheme shall include details of mitigation and compensation measures, the management of public access, and on-going monitoring regimes, and shall follow the principles established in section 8 of the *Ecological Assessment of Land and Biological Heritage Site*, ERAP ref: 2011/269, dated November 2011.

The development shall be phased, implemented, monitored and managed in accordance with the approved scheme for habitat creation and management.

- 9) The development hereby permitted shall be implemented in full accordance with the bat mitigation steps outlined in section 5 of Appendix 2 of the ERAP Bat Survey ref: 2011/269 dated 28th June 2012.
- 10) The development hereby permitted shall be implemented in full accordance with the Great Crested Newt protection and mitigation steps outlined in section 7 of the *Ecological Assessment of Land and Biological Heritage Site*, ERAP ref: 2011/269, dated November 2011.
- 11) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme for surface water drainage that shall include:
 - (i) Attenuation of surface discharges from the development which shall not exceed the existing 'greenfield rates';
 - (ii) Proposals for the protection of the integrity of the wetland habitat of the Wesham Marsh BHS;
 - (iii) Full details of the means of surface water drainage of the residential development area which shall not provide for any connections to the public sewer system; and,
 - (iv) Full details of any Sustainable Urban Drainage System (SUDS) and future management of the SUDS.

Surface water drainage arrangements shall be implemented and thereafter maintained in accordance with the approved scheme.

- 12) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme for foul water drainage to serve the residential development hereby permitted. None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage have been provided in accordance with the approved scheme.
- 13) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the identification of the site access for construction traffic
 - ii) the parking of vehicles of site operatives and visitors
 - iii) loading and unloading of plant and materials
 - iv) storage of plant and materials used in constructing the development
 - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - vi) wheel washing facilities
 - vii) measures to control the emission of dust and dirt during construction
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works

- 14) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme, which shall include phasing details, for the provision of vehicular access from Fleetwood Road, based on Figure 7.1 of the Transport Assessment, dated 8 November 2011, and associated works. The approved scheme for the provision of vehicular access from Fleetwood Road and associated works shall be implemented in full prior to the occupation of the first dwellings hereby permitted.
- 15) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme, which shall include phasing details, for the provision of junction improvements at the roundabout junction with the A585 and Fleetwood Road based on Figure 7.1 of the Transport Assessment, dated 8 November 2011. The approved scheme for the provision of junction improvements at the roundabout junction with the A585 and Fleetwood Road shall be implemented in full prior to the occupation of the first dwellings hereby permitted.
- 16) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme, that shall include an implementation timetable, for the provision and/or upgrading of bus stops and bus shelters on Fleetwood Road, based on Figure 5.3 of the Transport Assessment, dated 8 November 2011 and its supporting text. The scheme for the provision and/or upgrading of bus stops and bus shelters on Fleetwood Road shall be implemented in accordance with the approved details and implementation timetable.
- 17) The details submitted for approval as reserved matters shall include for the provision and maintenance of public open space. The on-site provision of public open space shall include a Locally Equipped Area for Play which shall be constructed and made available for use no later than the occupation of the 50th dwelling and retained thereafter.
- 18) No development shall take place until a site investigation has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site, including the timing and phasing of the remediation, to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins. The site shall be remediated in accordance with the approved details, including any measures that would form part of the development, such as the provision of gas vents or membranes within buildings and other structures.

If, during the course of development, any contamination is found which has not been identified in the site investigation, then additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
- 19) Prior to the occupation of any dwelling hereby permitted a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall include objectives and targets and shall

make provision for monitoring as well as promotion, marketing, and provision of a travel coordinator for at least for an initial five year period. The approved Travel Plan shall be implemented, audited and updated at intervals as approved.

- 20) The existing access track alongside the eastern boundary of the application site shall be retained and remain available to service the agricultural land to the north and east of the site at all times.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Alan Evans of Counsel	Instructed by the Borough Solicitor and present on the first morning only
Nicola Martin	Fylde Borough Council

FOR THE WESHAM ACTION GROUP:

Andrea Galbraith	
Bryce Galbraith	
David Rowe	
who called:	
Andrea Galbraith	Local resident
Bryce Galbraith	Local resident
David Rowe	Local resident

FOR THE APPELLANT:

Roger Lancaster of Counsel	Instructed by De Pol Associates
He called	
Ian Hughes	WSP Group Limited
BEng(Hons) PgDip	
MCIHT	
Dr Tony Lloyd	ADAS
BSc(Hons) PhD CSci	
Alexis De Pol	De Pol Associates Ltd
BA(Hons) DipTP MRTPI	

INTERESTED PERSONS:

Geoffrey Fletcher	Local resident
Cllr Liz Oades	Lancashire County Councillor for Kirkham & Wesham
	Fylde Borough Councillor for Kirkham Ward
Cllr Heather Speak	Fylde Borough Councillor for Newton and Treales Ward
Fred Moor	Resident of St Anne's on Sea
Cllr Martin Howarth	Wesham Town Council
Gerard Bilsborrow	Local resident
Lesley Parkinson	Local resident
Ian Parkinson	Local resident
Jayne Stackhouse	Local resident & farming family
David Pickervance	Local resident and farmer of land that includes the appeal site
John Sanderson	Local resident
Richard Pickervance	Local resident and farmer of land that includes the appeal site

Cllr Maxine Chew	Fylde Borough Councillor for Singleton and Greenhalgh Ward
L J Fleetwood	Local resident
P E Banks	Local resident
Henry Smith	Local resident
John Smith	Local resident
John Westmoreland	CPRE Fylde District Group
Cllr Alan Clayton	Fylde Borough Councillor for Wesham Ward and Wesham Town Councillor
Richard Nulty	Wesham Community Pride Trust and local resident
Cllr Linda Nulty	Fylde Borough Councillor for Medlar with Wesham and Wesham Town Councillor
Martin Evans	Local resident

INQUIRY DOCUMENTS

- 1 Rebuttal proof of evidence of Mr Hughes
- 2 Rebuttal proof of evidence of Mr De Pol
- 3 Planning obligation by unilateral undertaking – dated 11 February 2013
- 4 Replacement Appendix 5 to Mr De Pol’s proof of evidence
- 5 Replacement Appendix 6 to Mr De Pol’s proof of evidence
- 6 Technical note – Accident Analysis - 18 February 2013 – WSP
- 7 Statement of Geoffrey Fletcher
- 8 Statement of Fred Moor
- 9 Statement of Cllr Martin Howarth
- 10 Statement of Cllr Liz Oades
- 11 Statement of Cllr Heather Speak
- 12 Statement of Jayne Stackhouse
- 13 Statement of David Pickervance
- 14 Revised figures to update tables within the WAG Housing Proof of Evidence
- 15 A letter of 30 January 2013 to Mr David Rowe from Mr Mark Menzies MP
- 16 A letter of 15 January 2013 to Mr Mark Menzies MP from Mr Nick Boles MP
- 17 Statement of John Sanderson
- 18 Statement of Richard Pickervance
- 19 Statement of Mrs P E Banks
- 20 Statement of Henry Smith
- 21 Statement of Cllr Maxine Chew
- 22 Statement of Mrs L J Fleetwood
- 23 Statement of John Smith
- 24 Statement of CPRE Fylde District Group
- 25 Statement of Cllr Alan Clayton
- 26 Statement of Richard Nulty on behalf of Wesham Community Pride Trust
- 27 Statement of Cllr Linda Nulty
- 28 Statement of Martin Evans
- 29 Wesham Action Group (WAG) - Proof of Evidence Housing - V2 With corrections
- 30 Suggested condition regarding retention of the access to agricultural land to the north and east of the appeal site
- 31 A Costs application by the appellant
- 32 The Borough Council’s response to the Costs application



Costs Decision

Inquiry held on 19, 20, 21, 22 & 28 February 2013

Site visit made on 22 February 2013

by Clive Sproule BSc MSc MSc MRTPI MEnvSc CEnv

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 August 2013

Costs application in relation to Appeal Ref: APP/M2325/A/12/2186415 Land east of Fleetwood Road, Wesham PR4 3HA

- The application is made under the Town and Country Planning Act 1990, sections 78, 320 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Metacre Ltd for a full award of costs against Fylde Borough Council.
 - The inquiry was in connection with an appeal against the refusal of planning permission for demolition of existing dwellings and development of the site for up to 100 dwellings together with associated development, landscaping and development relating to biodiversity enhancement/protection.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

The submissions for Metacre Ltd

2. The application was made in writing (Inquiry Document 31) on the basis that the Borough Council acted unreasonably by causing the appellant to incur the costs of an appeal that should not have been necessary. Reference is made to paragraphs A3, A12, A28, B4, B15, B16, B20 and B21 of Circular 03/2009 - *Costs Awards in Appeals and Other Planning Proceedings*.
3. In reply to the Borough Council's response the appellant highlighted that it was difficult to imagine a later stage at which to withdraw from proceedings. The costs application is about the reasons for refusal, which could not be substantiated once the evidence had been withdrawn, rather than the appellant's Rebuttal Proof of Evidence. With an estimated 3.8 year housing land supply, the Borough Council knew that it did not have a case in November 2012, but politically had to continue. Nothing in the Rebuttal Proof of Evidence changed this.
4. The Council requested the parallel application be made, and then refused to determine it, causing the appellant to incur the costs of both preparing the second application and this appeal.
5. A witness was called to address highway matters at the inquiry. This issue was not a reason for refusal, but if the Borough Council had acted responsibly the cost incurred would have been avoided. The appeal process opened that matter up for discussion, along with agricultural land classification. A full award is justified.

The response by Fylde Borough Council

6. A response in writing (Inquiry Document 32) was provided that referred to, amongst other things, paragraphs A12 and B9 of the Circular.

Reasons

7. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
8. Paragraph A3 of the Circular indicates that reasons for refusal should stand up to scrutiny. Paragraph B16 then states that “...*Authorities will be expected to produce evidence to show clearly why the development cannot be permittedPlanning authorities will be expected to produce evidence at appeal stage to substantiate each reason for refusal with reference to the development plan and all other material considerations...*”.
9. In reaching a recommendation that planning permission should be given, the Council Officer’s report in relation to the appeal scheme carefully considered the proposal with reference to the circumstances within the Borough and relevant planning policy. The circumstances included the absence of a five year supply of deliverable land for housing. The appellant highlights that between the determination of the application and this inquiry, the lack of a five year deliverable supply of land for housing led to planning permission being granted for housing on a greenfield site adjacent to a nearby lower order settlement.
10. Paragraph A28 of the Circular is clear that parties should be willing to accept the possibility that a view taken in the past can no longer be supported and act accordingly at the earliest opportunity.
11. The duplicate application provided a chance for the Borough Council to re-consider its approach to the current appeal scheme. The Officer’s report on the parallel application followed the production of the HSS, and the report specifically highlighted that the expense of the appeal process could be avoided. However, the Borough Council did not take that opportunity. It chose not to determine the application even though it was apparent that a re-examination of housing land in the Borough had failed to identify a deliverable five year supply.
12. Paragraph B20 of the Circular is unambiguous that “...*Planning authorities are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority...*”. In this case, the Borough Council failed to provide evidence to support its decision.
13. It is apparent that, within the context of paragraph B9 of the Circular, a cause and effect has been demonstrated. The local planning authority has failed show reasonable planning grounds for taking a contrary decision to the recommendation of its Officers and has failed to produce relevant evidence on appeal to support the decision in this respect. I conclude that unreasonable

behaviour as described by paragraph B20 of the Circular has occurred and it caused the appellant to incur unnecessary expense in the appeal process.

14. The SoCG records that the Council did not seek to raise highways matters. It also indicates that the appellant and Borough Council agreed that the agricultural land classification presented to the previous inquiry was an accurate reflection of the agricultural grading of the land. However, other parties to the appeal pursued these issues, which required a response from the appellant. The appellant considered it necessary to provide witnesses to address these topics and this was a reasonable conclusion given the nature of the representations to the inquiry. The necessity was due to appeal proceedings that were caused by a refusal of planning permission that has been shown to have been unreasonable. Consequently, a full award of costs is justified in this case.
15. The duplicate application had been made and then publicised on or around 4 October 2012, and then was taken to Committee on 19 December 2012. The appeal form was submitted on 26 October 2012. While the second application was clearly associated with the refusal of the appeal scheme, it was not part of the *appeal process*. Nor is such an application one of the other *planning proceedings* that are referred to by the Circular, or one of the illustrative list of case types in regard to paragraph 7 of the Circular, for which costs are available. An award of costs is not justified in relation to the duplicate application.

Costs Order

16. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Fylde Borough Council shall pay to Metacre Ltd, the costs of the appeal proceedings described in the heading of this decision.
17. The applicant is now invited to submit to Fylde Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

C Sproule

INSPECTOR



Appeal Decisions

Hearing held on 25 June 2013

Site visit made on 25 June 2013

by Elaine Benson BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 August 2013

Appeal A Ref: APP/M2325/A/13/2191945

Land to the north-west of Edenfield, 2a Clifton Drive, Lytham St Anne's, Lancashire FY8 5RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs P Quigley against the decision of Fylde Borough Council.
 - The application Ref 12/0329, dated 21 May 2012, was refused by notice dated 3 December 2012.
 - The development proposed is erection of a dwellinghouse.
-

Appeal B Ref: APP/M2325/A/13/2191967

Land at Edenfield, 2a Clifton Drive, Lytham St Anne's, Lancashire FY8 5RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs P Quigley against the decision of Fylde Borough Council.
 - The application Ref 12/0326, dated 21 May 2012, was refused by notice dated 3 December 2012.
 - The development proposed is erection of a cottage.
-

Decisions

1. Appeal A - The appeal is allowed and planning permission is granted for the erection of a dwellinghouse at land to the north-west of Edenfield, 2a Clifton Drive, Lytham St Anne's, Lancashire FY8 5RX in accordance with the terms of the application, Ref 12/0329, dated 21 May 2012, subject to the conditions on the attached Schedule.
2. Appeal B - The appeal is allowed and planning permission is granted for the erection of a cottage at land at Edenfield, 2a Clifton Drive, Lytham St Anne's, Lancashire FY8 5RX in accordance with the terms of the application, Ref 12/0326, dated 21 May 2012, subject to the conditions on the attached Schedule.

Main Issue

3. To avoid repetition, the 2 appeal proposals have been dealt with together in this decision, except where otherwise indicated. The main issue in both appeals is whether the proposed developments would preserve or enhance the character or appearance of the Lytham Avenues Conservation Area (CA) which is subject to a full Article 4 Direction.

Reasons

4. Edenfield is a large, unlisted villa in the CA which has been converted into 14 flats. Along with a number of other villas, it stands in the extensive block of land between the Ribble Estuary and Clifton Drive and fronts the sand dunes. Edenfield's former coach houses on the Clifton Drive frontage are in separate ownership. The appeal sites are within Edenfield's original extensive landscaped grounds, but are also under different ownership. The numerous trees in the 2 appeal sites make an important contribution to the character and appearance of the CA when viewed both from the estuary and from Clifton Drive. They are protected by woodland, group and individual Tree Preservation Orders (TPOs).

Conservation Area Context

5. The *Lytham Avenues Conservation Area Character Appraisal and Management Statement* (CAMS) divides the CA into 3 sub areas which each have different characteristics. The appeal sites are located within 'Area 1 south west of Clifton Drive'. The CAMS states that this area was originally characterised by large villas set within extensive landscaped grounds and built to take advantage of views over the estuary. It notes that the character of the CA when viewed from Clifton Drive is different, with the outhouses, coach houses and later development collectively providing a more intimate scale of development with the original villas forming a backdrop. The document continues that a number of original villas have been lost and that post-war infill development has to some extent disrupted the original rhythm and setting of the remaining villas. As a result it recognises that the quality and character of this part of the CA has been diluted to a material degree.
6. The infill developments referred to above range from individual houses to large apartment blocks and in some cases they pre-date the designation of the CA. The evidence also indicates that the majority of coach houses and outhouses in the same block as Edenfield have been converted or replaced and their occupation separated from the main villa. There is no dispute that they have fragmented many of the original large plots.
7. However, the CAMS states that the Council and English Heritage agree that the 'visual balance' still lies in favour of the Victorian villas due to their scale and prominence, despite the later infill, and that their inclusion within the CA is justified. It continues that the visual appearance of the spaces around and between buildings, particularly the attractive landscaped gardens, are essential components and contribute to the ambience, formality and stately quality of the buildings as originally conceived. Among other things CAMS advises that future developments should re-emphasise the historic styles of development reflected in the remaining villas.
8. As a result of the changes to the area, Edenfield is now unique. Although it has undergone conversion and some design alterations, its overall architectural quality has been retained and it remains an imposing building. However, I do not consider that it can appropriately be described as a landmark building within the Clifton Drive area of the CA due to its position within the block and the development all around it. Nonetheless, the positive contribution that the villa, its grounds and extensive tree cover make to the character and appearance of the CA are key heritage assets. Its landscaped grounds frame views of the building, provide enclosure and define its setting. Views of its

landscaping from the surrounding streets and the estuary contribute significantly to the character of the locality.

9. The desirability of conserving this character and the contribution its setting makes to the significance of the heritage asset are material considerations in this decision. The incremental changes which have eroded the character of the area around the appeal sites do not in themselves justify permitting further harmful development.

Appeal Proposals

10. I have considered whether the proposed development would significantly disrupt the rhythm of villas and spaces around villas identified by the Council; resulting in harm to the character and appearance of the CA. The proposed dwellings would clearly occupy some of the space around Edenfield. However, they would be some distance from Edenfield and its immediate visual setting, would be subservient to it in scale and design and screened from the villa by landscaping.
11. As it would be located closest to Clifton Drive, the Appeal B cottage would be the more prominent of the 2 proposed dwellings when viewed from the built-up area. The uppermost part and roof of the cottage would be visible above the boundary wall on to Clifton Drive, although to a degree it would be screened by a street tree to the front of the site for part of the year. It would reduce the gap between the coach houses and the neighbouring property, Nourlangie, but its location would be consistent with other development along the Clifton Drive frontage, including recently approved housing and the Edenfield coach houses.
12. The cottage would therefore be perceived not as an isolated and conspicuous dwelling, but rather as a building with space around it which complements the existing pattern and rhythm of development. The existing relationship between buildings and open space apparent in the CA would not be eroded to an unacceptable extent. From my observations made at the site visit, I consider that there would be very limited, if any, views of the cottage from the estuary due principally to screening by the dense woodland which it is proposed to enhance and by Edenfield.
13. The Appeal A house proposed close to the woodland would be at a lower level than Edenfield and would have limited visibility from Clifton Drive where it would be screened by the front boundary wall, the proposed cottage (if constructed) and retained trees. When viewed from the estuary I am not convinced that it would be visually prominent due to its position in a dip in the land or 'dell' and the densely screening woodland. Whilst there might be limited views from some viewpoints during winter months when trees are out of leaf, the house would be seen in the context of the adjacent dwelling, 'Horizon', which has a similarly contemporary design and it would not be unacceptably prominent.
14. Both appeal schemes when considered either individually or cumulatively would remove the completeness of the villa and its intact grounds which the Council seeks to preserve. The CAMS document describes the situation that existed during the late 1980's and even then the extent that this aspect of the CA's historic character had been eroded is identified. As a result of later development in the area, this historic relationship has in my view been further eroded to an extent where it is no longer a characteristic of Area 1 of the CA.

Whilst there is no dispute that the inclusion of the villas in the CA is justified, I conclude that the 'visual balance' described in the CAMS no longer lies in favour of the Victorian villas in respect of the relationship of the large villas set within large landscaped grounds.

15. No convincing evidence has been produced to demonstrate that there are any distinguishing features or other special planning circumstances pertaining to the appeal site which would justify preventing a form of development which is similar to that now found in the locality and which would not adversely affect the setting of Edenfield or the character and appearance of the CA. Edenfield would still retain extensive grounds and its woodland setting, thereby preserving the existing character and appearance of the CA. Sensitive landscaping treatment could maintain the appearance of an open site, rather than one divided into smaller plots.
16. The hard surfacing of the driveway and parking areas (which include the re-use of the coach houses car park) would not have the suburbanising effect cited by the Council when considered alongside the number of accesses and parking areas leading off Clifton Drive. These include the large parking area serving the flats in Edenfield and the existing parking area for the coach houses, including its access, which could in any event be extended in accordance with a previous planning permission.
17. I have had regard to other developments in the locality referred to, including at 'Westfield' and 'Fairlawn'. Notwithstanding that their full details are not before me, the Council accepted development at Westfield which filled the last remaining gap in a row of development, rather than requiring the space to be conserved. Whilst the uniqueness of the plot is shared by the current appeals, other material circumstances of the 2 appeal schemes differ significantly and this example can therefore be given little weight. The significance of developments at 'Fairlawn', where a number of apartment blocks have been built within the curtilage of a large original villa on a prominent corner site, is addressed above as this is an example whereby the original form of a large villa in extensive grounds has been lost to recent development.
18. I conclude that the location and built form of the proposed dwellings would not disrupt the existing rhythm of development leading to harm to the character or appearance of the CA.

Trees

19. The Appeal A house would be sited in a longstanding cleared area or 'dell' between the trees and close to the protected woodland. The appellants provided full arboricultural evidence which was not challenged by the Council in advance of the Hearing. The majority of the trees which it is proposed to fell are in a poor condition or affect the growth or health of other more important specimens. Compliance with the submitted Tree and Woodland Management Plan would ensure that the woodland and other trees are preserved and managed in the future.
20. A 2008 dismissed appeal decision¹ relating to a replacement dwelling on the adjacent site of Southbank (now Horizon) is material to this decision. It was proposed to erect a large house on a similar site to the Appeal A location, albeit one which straddled the party boundary and which located much of the

¹ APP/M2325/A/07/2048142

dwelling in Edenfield's garden. The differences between that proposal and the current scheme include this siting, that protected woodland was to be felled, the substantial size of the proposed house and its harmful impact on neighbouring properties.

21. The previous Inspector referred to the importance of Edenfield's original substantial grounds and the wooded areas along its western and eastern boundaries, both of which still exist. He shared my views about the significant contribution made by the trees to the character and appearance of Edenfield, its setting and the wider CA. The Inspector noted that some of the protected trees to be removed were of variable quality and in need of management. This remains the case. In the current appeal proposal, it is not proposed to fell the northern part of the woodland as previously proposed. The positive landscape benefits of the remaining trees would be enhanced through appropriate management and replacement planting.
22. The Inspector also raised concerns about potential pressure from future occupiers to remove some or all of the trees to improve views, particularly of the estuary. These concerns are shared by the Council in the current appeal. Future requests for tree removal or for canopies to be reduced would diminish the impact of the dense trees and their contribution to the character of the CA. However, the glazed end elevation of the Appeal A house would be far enough away from the woodland to avoid such pressures and following the removal of horse chestnut tree T34 as identified in the Arboricultural Impact Assessment, any impression of oppression from the trees would be avoided. The Council's evidence on this point is unconvincing.
23. I have considered carefully the previous Inspector's conclusion that additional built development was not required within the grounds of Edenfield, but that the implementation of a landscaping and woodland management and planting scheme designed to preserve and enhance Edenfield's wooded setting was required. He reached this view notwithstanding that the appeal site was not within the same ownership as the remainder of Edenfield and also noted that the Council had consistently sought to follow this approach, including when the conversion scheme was approved. It appears to me that the objectives of preserving the setting of Edenfield and its contribution to the character and appearance of the CA were his primary considerations. The dismissed appeal scheme, which is materially different from the current proposals, did not achieve these objectives.
24. Since the previous appeal decision there has been no progress on enforcing the landscaping scheme associated with the flat conversion. Having regard to the time that has elapsed and the difficulties arising from different land ownerships, the Council confirmed at the Hearing that it is unlikely that the original landscaping condition attached to the conversion scheme would be enforced.
25. The current appeal proposals retain the majority of the protected trees and provide the opportunity to manage them, including the woodland. The Tree/Woodland Management Plan also indicates that the woodland would be excluded from the residential curtilage of the Appeal A property to ensure its survival as woodland by excluding domestic activity which would inevitably damage re-growth. I conclude that subject to details and controlled by condition, this approach would preserve the woodland and protected trees to the benefit of the character and appearance of the CA and would continue to do

so in the future. The evidence indicates that this is unlikely to be achieved in any other way. Appropriate woodland management would also improve the biodiversity potential of the site as identified by the Ecological Survey. These factors attract significant weight in this decision.

26. The Appeal B cottage would stand largely on the site of a small former orchard which is in decline. Part of the orchard has been replaced by the parking area serving the adjacent converted coach houses. The vehicle access to it through the boundary wall would be re-used to provide access for both appeal proposals. Notwithstanding that a reason for refusing Scheme B related to adverse impact on trees, there is no supporting evidence which identifies any loss or other adverse impact on important trees resulting from the erection of the cottage. The remaining fruit trees which are to be felled are in poor condition and/or are assessed as likely to cause future structural damage to boundary walls. The TPO protected and other trees near to the site of the Appeal B cottage are also in need of management and this could be secured through a tree management condition.
27. Furthermore, having regard to the layout and orientation of the cottage and its relationship to the remaining trees, there is no evidence to support the Council's assertion that there would be future pressure for tree felling.
28. The proposed developments when considered separately and together would secure an appropriate landscaping scheme and preserve the important treed setting, whilst having significantly less effects on retained trees than the earlier dismissed appeal scheme. Furthermore, a condition to secure the ongoing management of the woodland area, other TPO trees and other trees within the appeal sites protected by virtue of being located within the CA would overcome the concerns identified.

Overall Conclusion

29. Both appeal proposals would preserve the character and appearance of the CA and would therefore comply with the requirements of Policy EP3 of the Fylde Borough Local Plan, guidance within the National Planning Policy Framework with which the policy is in general conformity and the statutory requirements relating to development within conservation areas. All other matters raised have been taken into account, but none affect the conclusions reached. Accordingly, the appeals are allowed.

Conditions

30. Similar conditions are required for both appeal schemes. Details of external materials are required to preserve the appearance of the CA. To ensure that the trees are protected during construction and properly managed thereafter to preserve the character and appearance of the CA, a condition is necessary to require a scheme of landscaping which takes account of the recommendations in the submitted tree assessment, including tree protection measures, the management scheme and its implementation. Due to the number and location of trees around the appeal sites, details of appropriate drainage are required to ensure their protection. Having regard to the constrained nature of the appeal sites and their location in a conservation area subject to an Article 4 Direction, it is reasonable and necessary to withdraw permitted developments rights for the 2 dwellings.

31. For the avoidance of doubt and in the interests of proper planning, I have identified the approved drawings for each proposal in a condition. The siting of the individual proposals are separate and do not depend on each other. However, the 2 appeals include drawings which show access and parking arrangements applicable to the developments whether carried out individually or together, to demonstrate that acceptable schemes can be provided. Nonetheless, as agreed at the Hearing, to ensure that all appropriate factors are taken into account, it is necessary to impose a condition requiring full details of access and parking provision to be submitted. As recommended in the appellants' Ecological Report, the prevention of clearance works to trees and hedges during the bird nesting season are essential to protect nesting birds and to preserve the biodiversity of the site.
32. The Council suggested other conditions. I have not required details of finished floor levels by condition as the information required is already provided on the approved survey and sections drawings. There is no need to require the submission of a bat survey as the appellant's Ecological Report indicates that there are no bat roosts at the appeal site and no evidence to dispute this was identified.

Elaine Benson

INSPECTOR

SCHEDULE OF CONDITIONS

APPEAL A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) 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. Development shall be carried out in accordance with the approved details.
- 3) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which includes indications of all existing trees and hedgerows on the land, details of any to be retained, together with measures for their protection in the course of development. Proposals should be carried out in accordance with the approved landscaping scheme and the implementation and management measures identified in the Tree/Woodland Management Plan (Iain Tavendale, February 2012) which accompanies the appeal proposal.
- 4) The division of the woodland from residential curtilages and the future management of trees and woodland shall be carried out in accordance with the Tree/Woodland Management Plan (Iain Tavendale, February 2012)

Survey Details for Trees (Iain Tavendale, November 2007, Amended March 2011) and the Arboricultural Impact Assessment (Iain Tavendale, October 2011) which accompany the appeal proposal.

- 5) All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of the development or in accordance with a programme agreed with the local planning authority.
- 6) Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no development falling within Schedule 2, Parts 1 and 2 thereof shall be carried out without the grant of planning permission.
- 8) The development hereby permitted shall be carried out in accordance with the following approved plans: A010/082/P/400B, A010/082/P/401A, A010/082/P/402, A010/082/P/500, A010/082/P/501, A010/082/P/502, A010/082/P/503, A010/082/P/504, A010/082/P/505 and A010/082/P/506.
- 9) Details of access and car parking arrangements shall be submitted to and approved in writing by the local planning authority. The scheme shall be carried out in accordance with the approved details prior to the first occupation of the development.
- 10) No removal of hedgerows, shrubs and trees or any other site clearance shall take place during the bird nesting season (1st March to 31st August inclusive) unless the site is surveyed for breeding birds and a scheme to protect breeding birds is submitted to and approved in writing by the local planning authority. The development shall thereafter only be carried out in accordance with the approved scheme.

APPEAL B

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) 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. Development shall be carried out in accordance with the approved details.
- 3) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which includes indications of all existing trees and hedgerows on the land, details of any to be retained, together with measures for their protection in the course of development. Proposals should be carried out in accordance with the approved landscaping scheme and the measures identified in the Survey Details for Trees (Iain Tavendale, November 2007, Amended March 2011) and the Arboricultural Impact Assessment (Iain Tavendale, October 2011) which accompany the appeal proposal.

- 4) All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of the development or in accordance with a programme agreed with the local planning authority.
- 5) Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no development falling within Schedule 2, Parts 1 and 2 thereof shall be carried out without the grant of planning permission.
- 7) The development hereby permitted shall be carried out in accordance with the following approved plans: A010/082/P/200B, A010/082/P/201, A010/082/P/202, A010/082/P/500, A010/082/P/501, A010/082/P/502, A010/082/P/503, A010/082/P/504, A010/082/P/505 and A010/082/P/506.
- 8) Details of access and car parking arrangements shall be submitted to and approved in writing by the local planning authority. The scheme shall be carried out in accordance with the approved details is prior to the first occupation of the development.
- 9) No removal of hedgerows, shrubs and trees or any other site clearance shall take place during the bird nesting season (1st March to 31st August inclusive) unless the site is surveyed for breeding birds and a scheme to protect breeding birds is submitted to and approved in writing by the local planning authority. The development shall thereafter only be carried out in accordance with the approved scheme.

APPEARANCES

FOR THE APPELLANT:

Simon Richardson, Chartered Town Planner and Solicitor	Planning & Law
Iain Tavendale F Arbor A	Arboricultural Consultant
Dave Hadwin, Architect	Keystone Design Associates Ltd
Mr and Mrs Peter and Angela Quigley	Appellants

FOR THE LOCAL PLANNING AUTHORITY:

Paul Drinnan MSc Dip UR Dip DBE MRTPI	Head of Regeneration, Fylde Borough Council
Catherine Kitching	Planning Officer, Fylde Borough Council
Tim Scarles ND Arboriculture	Tree Officer, Fylde Borough Council

INTERESTED PERSONS:

Andrew Rigby	Local Landowner
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DOCUMENTS

- 1 Council's appeal notification letter
- 2 Letter from Mrs Eatock, Nourlangie
- 3 Committee Report (LPA Ref 04/0581) relating to conversion of Edenfield to 14 flats