

Agenda



DEVELOPMENT MANAGEMENT COMMITTEE

Date:	Wednesday, 7 September 2016 at 10:00am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman)</p> <p>Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Christine Akeroyd, Jan Barker, Michael Cornah, Neil Harvey, Kiran Mulholland, Barbara Nash, Linda Nulty, Liz Oades, Albert Pounder, Heather Speak.</p>

Public Speaking at the Development Management Committee

Members of the public may register to speak on individual planning applications, listed on the schedule at item 4, at [Public Speaking at Council Meetings](#).

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 27 July 2016 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 25.	1
	DECISION ITEMS:	
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Contact: Lyndsey Lacey-Simone - Telephone: (01253) 658504 – Email: democracy@fylde.gov.uk

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<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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07 September 2016

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2	16/0149	LAND TO THE WEST, (BALLAM OAKS) BALLAM ROAD, LYTHAM ST ANNES FORMATION OF TEMPORARY ACCESS FOR USE BY CONSTRUCTION TRAFFIC, AND USE OF AREA FOR CONTRACTOR PARKING.	Grant	27
3	16/0217	FOUNDRY YARD, KIRKHAM ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3SD APPLICATION FOR APPROVAL OF RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE PLANNING PERMISSION 15/0450 FOR DEVELOPMENT OF 7 DWELLINGS	Delegated to Approve	36
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Background Papers

In accordance with Section 100D of the Local Government Act 1972, the background papers used in the compilation of reports relating to planning applications are listed below, except for such documents that contain exempt or confidential information defined in Schedule 12A of the Act.

- Fylde Borough Local Plan (As Altered) October 2005 (Saved Policies)
- Joint Lancashire Minerals and Waste Local Plan
- Emerging Fylde Local Plan to 2032 Revised Preferred Option October 2015
- National Planning Policy Framework
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- Strategic Housing Market Assessment (SHMA) 2014 and Addendum I and II November 2014 and May 2015
- Five Year Housing Land Supply Statement at 31 March 2015
- Strategic Housing Land Availability Schedule (SHLAA)
- Other Supplementary Planning Documents, Guidance and evidence base documents specifically referred to in the reports.
- The respective application files
- The application forms, plans, supporting documentation, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
- Any additional information specifically referred to in each report.

These Background Documents are available either at www.fylde.gov.uk/resident/planning or for inspection by request, at the One Stop Shop Offices, Clifton Drive South, St Annes.

Development Management Committee Schedule

07 September 2016

Item Number: 1 **Committee Date:** 07 September 2016

Application Reference:	15/0807	Type of Application:	Outline Planning Permission
Applicant:	Mr Cowburn	Agent :	Eastham Design Associates Ltd
Location:	SPENGARTH, CROPPER ROAD, WESTBY WITH PLUMPTONS, BLACKPOOL, FY4 5LB		
Proposal:	OUTLINE APPLICATION FOR UPTO 14 DWELLINGS WITH ACCESS OFF CROPPER ROAD (ALL OTHER MATTERS RESERVED)		
Parish:	WARTON AND WESTBY	Area Team:	Area Team 1
Weeks on Hand:	37	Case Officer:	Kieran Birch
Reason for Delay:	Need to determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7881936,-2.9966504,686m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

The proposal is an outline application for up to 14 dwellings on a 0.68 hectare site located on the north side of Cropper Road, west of Whitehills Industrial estate. The site is currently allocated as Countryside in the Fylde Borough Local Plan.

The residential development of Countryside land in contrary to Policy SP2 of the Fylde Borough Local Plan. However, a key material consideration in the determination of residential planning applications is the need for the council to deliver a supply of housing land equivalent to 5 years of its agreed annual target. The council's latest published information is that it is unable to deliver the necessary housing supply and so a proposal that delivers sustainable development must be supported unless it will cause significant and demonstrable harm.

Having assessed the relevant considerations that are raised by this proposal it is officer opinion that the development is of acceptable scale and is in an acceptable location to form sustainable development. The visual impact is also considered to be acceptable and the development would not have a detrimental impact on the amenities of the area. There are no objections from LCC Highways with regard to traffic generation or safety. As such it is considered that it does deliver sustainable development and so it is recommended that the application be supported by Committee and so assist in delivering the housing supply requirements of para 17 of NPPF.

Reason for Reporting to Committee

The application is a major development and does not come within the scheme of delegation and

therefore has to be determined by the Development Management Committee. In addition the Parish Council have objected.

Site Description and Location

The application site is an existing large detached dwelling house known as Spengarth and its residential curtilage located to the rear of the dwelling constituting 0.68 hectares. The site is located at the northern end of Cropper Road to its east, with a caravan park and dwellings located to the north, approved residential development to the south and Whitehills Employment site to the east. To the west of the site is the open countryside. The existing dwelling is a detached two storey red brick property which has been extended. There are a number of outbuildings to the rear of the property, and the rear garden is enclosed by hedgerows and has an existing pond within it. The existing site has a singular vehicular access from Cropper Road which serves the dwelling. Planning permission has been granted for housing, previously this was agricultural land in the open countryside to the south of the site and there is a current application being considered by the LPA on land to the east. To the west of the site is the opposite site of Cropper road which consists of hedgerows and open land, a large amount of the developments along Cropper Road on this side are nurseries. The site is currently allocated as Countryside in the Fylde Borough Local Plan.

Details of Proposal

This an outline application for the erection of up to 14 dwellings and means of access to the development applied for. Access to the site will from the modified existing access and a new junction created off Cropper Road for the existing dwelling itself. The application states that the existing access will be modified to create a new 43m x 2.4m visibility splay and that it also includes the creation of a new footpath/cycle path along the Cropper Road frontage to link up with the development to the south of the application site. The dwellings shown on the indicative site layout are a mix of detached and terraced dwellings and are proposed to be two-storeys. Hedgerows and trees to the periphery are shown to be retained however the existing pond on the site is shown to be infilled. This pond is a man-made feature.

Relevant Planning History

Application No.	Development	Decision	Date
07/1259	ERECTION OF A WIND TURBINE	Granted	26/03/2008
06/0040	ROOF LIFT, SINGLE STOREY REAR EXTENSION, TWO STOREY SIDE EXTENSION AND CONVERSION OF GARAGE.	Granted	10/04/2006
01/0149	ERECTION OF CONSERVATORY TO REAR OF DWELLING	Granted	27/04/2001
99/0647	ERECTION OF 4 STABLES, TACK AND STOREROOM	Granted	01/12/1999
99/0581	ALTERATIONS PLUS TWO STOREY SIDE EXTENSION TO DWELLING, ERECTION OF DOUBLE GARAGE, AND CHANGE OF USE OF AGRICULTURAL LAND TO RESIDENTIAL CURTILAGE.	Granted	06/10/1999
99/0312	AGRICULTURAL BUILDING FOR STORAGE	Withdrawn by Applicant	20/07/1999

Relevant Planning Appeals History

None

Parish/Town Council Observations

Westby with Plumpton Parish Council notified on 04 January 2016 and comment:

After consideration at the January 2016 Parish Council meeting, it was recommended that planning application be refused.

The Parish Council concluded that sufficient consideration has not been given to the location of a suitable access road. The proposed access point does not provide due consideration to neighbouring properties. Any additional traffic would also impact on Cropper Road which is already over-utilised. Additionally, as highlighted by the recent adverse weather conditions, there is a valid concern with regards to flooding that further development would certainly effect in a detrimental manner.

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

Following the receipt of a revised site plan (992-14-01) Rev H I can confirm that the access arrangements are now acceptable and the previous highway objection is withdrawn.

Strategic Housing

We have considered this scheme further and due to its location and small number of units of affordable housing on the site, we would now also be happy to consider commuted sums at the outset.

Planning Policy Team

"Thank you for your email dated 04 January 2016, inviting planning policy comments on the above. I have assessed the proposal against the Fylde Borough Local Plan (As Altered: October 2005) the National Planning Policy Framework (NPPF) and also the emerging Revised Preferred Option Local Plan to 2032 (RPO).

Fylde Borough Local Plan (As Altered: October 2005)

The proposed development site is located in the Countryside Area as defined by policy SP2 of the adopted Local Plan. SP2 operates so as to resist development proposals in this area, except where it falls within one of five identified categories. The proposed development does not represent one of these exceptions and so is contrary to SP2.

The Emerging Local Plan

The Revised Preferred Option (RPO) version of the Local Plan was reviewed at Development Management (Policy) Committee on 17 June 2015 and has since been out for public consultation for a seven week period. A responses report is due to go to Development Management (Policy) Committee on 9 March 2016, outlining all comments and objections, and potential amendments or changes to the Plan.

Policy SL2 of the draft RPO relates to strategic locations for development for the Fylde-Blackpool Periphery and allocates land for mixed use provision of up to 372 homes

and 6.5 Ha of employment land, situated east of Cropper Road, Whitehills, (site number MUS1 on the RPO), which directly abuts the south and east boundary of the application site. With site HSS5 Cropper Road West (west of the application site) being allocated for up to 442 new homes.

Part of the MUS1 site has planning permission for housing and employment; the part that has permission for employment is now pending an appeal following refusal by this council as the application was for housing only. A third application on the MUS1 site is awaiting determination, which will include housing and employment. The remainder of the site consists of two parcels which subject to ongoing negotiations with the council for housing and employment. Development of 146 homes commenced in 2015 and is expected to be completed by 2022.

Policy CL2 of the RPO relates to Surface Water Run–Off and Sustainable Drainage and states that new development will be subject to appropriate conditions or a legal agreement to secure the implementation of SuDs and to secure appropriate management and maintenance measures. There are surface water and wastewater issues within this area and I note there is an existing balancing pond within the site, in my opinion this pond should either be retained or replaced elsewhere within the site. However, for a detailed response it is recommended to consult with the Environment Agency.

Five Year Housing Supply Statement

The council's published Five Year Housing Supply Statement shows that the borough has a 4.3 year supply of deliverable housing land at 31 March 2015. This calculation is based upon the annual housing requirement figure of 370 dwellings per year, taking account of a 20% buffer and the housing shortfall since the start of the emerging Local Plan period in 2011.

Summary

The proposal is contrary to policy SP2 of the adopted Fylde Local Plan. However, as the emerging RPO has allocated land surrounding the application site as a strategic location for housing and employment, some of which is under construction, I consider it would be difficult to resist any development such as this on this site, coupled with the fact that Fylde lacks a five year housing supply”.

United Utilities - Water

No objections to the proposed development provided that conditions with regard to foul and surface water are placed on the development.

Electricity North West

We have considered the above planning application submitted on 5/1/16 and find it could have an impact on our infrastructure. The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Estates and Wayleaves, Frederick Road, Salford, Manchester M6 6QH.

Other points, specific to this particular application are:-

- *There is an ENWL 400 volt mains cable in the footpath in Cropper Road, crossing the proposed new access road.*

- There is an ENWL service cable supplying Spengarth which is adjacent to the proposed development works.

Greater Manchester Ecology Unit

Further to your recent email (17.5.16) and the attached Bat Survey Report (Envirotech dated 9 May 2016), I have now had an opportunity to consider the Report and have the following comments to make on the proposal;

Updated Bat Report (March 2016)

- The updated Report includes the results of an evening emergence survey (27 April) and the use of an Anabat (in place for 9 nights – 2 April to 5 May). This constitutes that reasonable effort has been used to assess the usage of the site during this period, although it is of note that maternity colonies may not have come together by that time. Notwithstanding the earliness of the survey GMEU are of the opinion that sufficient information has been submitted in order that the application can proceed to determination.
- The additional bat survey work confirmed the presence of a common Pipistrelle roost, utilised by low numbers of bats (1 recorded during the survey period) during 2015 and 2016. The roost is confirmed to be located at Building 2 garage roost entrance south west apex
- The Report concludes that a Low Impact Class Licence could be used in this instance to cover the demolition of the structure that supports the roost. GMEU now concur with this conclusion.
- The Report recommends an appropriate demolition strategy (section 9.2.1.2 which can be implemented and supervised by the consultant ecologists once it has been demonstrated to the LPA that the site has been registered under the Low Impact Class Licence scheme.
- The Report indicates that two bat boxes should be erected as compensation for the loss of the roost. This detail will be required at Reserved Matters stage and it is advised that at least one building erected bat box should be provided on the south west aspect of a property in a similar location to the existing garage (i.e. the northern boundary on Plot 1 as shown on Indicative Masterplan).
- It is recommended that these matters can be covered by a specific **condition** relating to European Protected Species – bat roosts and should include the need to inform the LPA of the submission of this site to Natural England's Low Impact Class Scheme.
- In addition, in determining the application the Local Authority should demonstrate that they have considered the necessary tests to derogate from the provisions of the Habitats Regulations (2010);
 - Imperative Reasons of Over-riding Public Importance (IROPI), this can include Health & Safety reasons
 - No satisfactory alternative solution
 - Maintenance of the favourable conservation status of the species
- If these issues are not considered appropriately there could be potential that a licence would not be granted by Natural England or in extreme circumstances a permission could be considered invalid.
- I can advise that the maintenance of favourable conservation status can be met. However, consideration of the other two tests are planning related but in considering these tests I would suggest that the LPA consider the three pillars of sustainable development as laid out in the NPPF (para 7), whilst having regard to the provisions laid out in NPPF paragraph 14. In demonstrating that these test have been balanced consideration could also be given to any other Local Plan supporting documents that Fylde Council have which assess the level of expected development

(e.g. SHLAA) and potential alternative locations in the area.

Other biodiversity matters

- *The issues relating to the provision of additional data/justification for water vole and great crested newt have been adequately dealt with and I suggest that you refer to my email of 16 February 2016 (attached) and the recommendation for a condition for a pre-commencement survey for water vole. This condition should state that the survey should be undertaken prior to any vegetation clearance, earth moving or other enabling works and that the results of a recent post determination survey and any necessary mitigation should be submitted in writing to the LPA.*
- *The current outline application is submitted with an Indicative Masterplan and it is recommended that the Reserved Matters application adjusts the layout so that the watercourse and dyke on the southern boundaries have a suitable vegetated buffer (approx. 5m) and that garden/property curtilages are not planned to abut the edge of the watercourse.*
- *The current application has not sought to provide landscape details and it is recommended that the landscape condition requires the specification of a locally native species planting scheme to the buffer and margins of the watercourse and dyke.*
- *All retained features (e.g. hedgerows, trees and watercourse/dyke) should be suitably protected with temporary high visibility fencing prior to any vegetation clearance, earth moving or enabling works. All vegetation clearance including low garden shrubs should occur outside the bird breeding season (March – August inclusive) unless it can be demonstrated that no breeding activity is present or that suitable stand-off can be provided to protect nesting birds (Wildlife & Countryside Act 1981). Appropriately worded conditions can be applied to ensure that this is implemented.*

In summary and conclusion;

- *The applicant has now provided suitable information relating to the presence of protected species on the site in relation to bats, water vole and great crested newt. The application can be forwarded to determination in this regard.*
- *The site supports a confirmed bat roost of low numbers of common Pipistrelle bats.*
- *A suitable demolition strategy and mitigation proposal has been supplied which indicates that the work can be undertaken following registration with Natural England's Low Impact Class Licence Scheme.*
- *The Local Authority in their determination of the application should demonstrate how the application conforms to the three derogation tests of the Habitat Regulations (2010).*
- *Conditions are recommended to ensure that the proposal should it be granted permission can be implemented in a manner to avoid infringement of other wildlife legislation and provides suitable protection and landscape proposals to be in line with the NPPF's biodiversity provisions.*

Regeneration Team (Trees)

No trees of high merit. Those around the ornamental pond are only young trees and are species associated more with gardens than landscapes. Of species that could offer greater visual appeal I could see only three - two ash trees and a balsam poplar – but even these are not yet mature.

Offsite, in the neighbouring caravan park, a line of mature poplars needs to be regarded in any final layout. The indicative one suggests they'd avoid building close to them and I feel this must be adhered to, with probably no less than 8 metres of space between construction and tree. The poplars, while not a long-lived tree, thrive in this locality despite wet ground conditions and a harsh south-west breeze, and that tolerance for our area gives them added value as a landscape tree. I'd like to see their roots given ample protection in a layout that allows for them. They have tremendous growth potential, and will doubtless bring shade to new properties.

I've no objection on tree-related grounds, and from yesterday's visit I feel that a full BS5837 survey can be waived in this instance.

It would be 'on policy' and appropriate for the area to see that the native species hedges are retained by planning condition. They offer a soft boundary, habitat connectivity for foraging mammals and some value for nesting birds.

Environmental Protection

With reference to your memorandum dated 22nd January 2016, there are no objections to the above proposals in principle, however I would add the following conditions:

Times of construction shall be limited to 08.00 -18.00 Monday to Friday; 08.00 – 13.00 Saturday and no noise/work activity on Sundays or Bank Holidays.

To alleviate concerns of noise from road traffic, a close board fence with a height up to 6" shall be erected along the boundary of the entrance road and adjacent properties. A road hump on the entrance to the site will also reduce traffic speed and noise.

Neighbour Observations

Neighbours notified: 04 January 2016

No. Of Responses Received: Two

Nature of comments made:

- Out of character
- Highways capacity and safety.
- Access position will mean loss of peace and privacy.
- Impact on wildlife and biodiversity.
- Development of 14 dwellings will have little impact on 5 year housing supply.
- Limited opportunities to use public transport.
- Cropper Road inadequate.
- Oil tankers in neighbours property could cause accident.

Relevant Planning Policy

Fylde Borough Local Plan:

EP11	Building design & landscape character
EP14	Landscaping of new developments
EP19	Protected species
EP22	Protection of agricultural land

EP23	Pollution of surface water
EP24	Pollution of ground water
EP25	Development and waste water
HL02	Development control criteria for new housing proposals
SP02	Development in countryside areas
TREC17	Public Open Space within New Housing Developments

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

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

Principle of the development

Policy background

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that: 'if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The first test, and the statutory starting point, is whether the application is 'in accordance with the plan'. 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.

The statutory development plan in this case comprises the saved policies of the Fylde Borough Local Plan (2005) and the Joint Lancashire Minerals and Waste Local Plan. In addition the National Planning Policy Framework is a key material consideration. In accordance with the NPPF 'due weight' should be given to the relevant saved policies within the Local Plan and the weight given to these policies depending upon the degree of consistency with the NPPF. The starting point for determining this applications therefore remains the saved policies of the Local Plan. If there is a conflict between these saved policies and the NPPF, the NPPF takes precedence, however it should be read as a whole and in context. In accordance with paragraph 215 of the National Planning Policy Framework (NPPF) 'due weight' should be given to the relevant saved policies in the FBLP, the weight given dependent on the degree of consistency with the NPPF.

The saved policies of the now dated FBLP will be replaced by the emerging Fylde Local Plan to 2032. The Council will be undertaking consultation on the publication version of the new Local Plan in August, with examination due to take place in January and adoption in March 2017. Within the publication version of the plan the application site is within the open countryside located directly adjacent to a site allocated for mixed use in the emerging plan. Directly south of the site residential development has already been approved and to the east a mixed residential and employment

application is currently being considered. To the west of the site on the opposite side of Cropper Road is a proposed housing and local centre allocation. Although of limited weight in the decision making process, policies in the emerging Local Plan are a material consideration. Paragraph 216 of the NPPF states weight should be given to these emerging Local Plan policies according to their stage of preparation, the extent to which there are unresolved policy objections and the degree of consistency with the NPPF.

The starting point in determining this planning application remains the saved policies of the Local Plan. If there is a conflict between these policies and the NPPF then the NPPF should take precedence but be read as a whole and in context. The NPPF is a material consideration in planning decisions and should be given considerable weight. Thus, the statutory starting point is the development plan and development that accords with an up-to-date Local Plan should be permitted, unless material considerations indicate otherwise. The NPPF seeks sustainable development. Paragraphs 7 and 8 of the NPPF explain that there are three dimensions to sustainable development - economic, social and environmental - which are mutually dependant, so that gains in each should be sought jointly and simultaneously.

In addition, the first and third bullet points to the 'Rural Housing' chapter of the NPPG identify that:

- It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing.
- Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

Five year housing supply – Sedgfield v Liverpool

The Housing Requirement Paper 2015 summarises the finding of the 2013 Strategic Housing Market Assessment, the Analysis of the Housing Need in light of the 2012-based Sub- National Population Projections and the Analysis of Housing Need in light of the Sub- National Household Projections. The Housing Requirement Paper 2015 concluded that a figure of 370 dwellings per annum will meet Fylde's objectively assessed need for housing.

There are two established methodologies for dealing with the shortfall in the supply of housing, the Liverpool and Sedgfield methods. The House of Commons briefing paper "Planning for Housing" from May 2016 states;

"There have previously been two different methods for how historic shortfall of housing should be put compensated for in a local plan. The differences come in the time period over which the shortfall should be spread. [A 2009 DCLG research document] highlights Liverpool and Sedgfield as being "good examples" for calculating historic undersupply of housing in a "clear and transparent manner. The Sedgfield method of calculating land supply involves adding any shortfall of housing in the local plan from previous years over the next five years of the plan period, whereas the Liverpool method spreads the shortfall over the whole remaining plan period."

The briefing sets out that the Sedgfield approach is currently used most often by appeal inspectors,

and continues:

“The PPG [Planning Practice Guidance issued by the Government in 2014] now gives the following guidance on how to deal with historic under-supply of housing:

How should local planning authorities deal with past under-supply? [...]

The assessment of a local delivery record is likely to be more robust if a longer term view is taken, since this is likely to take account of the peaks and troughs of the housing market cycle.

Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible. Where this cannot be met in the first 5 years, local planning authorities will need to work with neighbouring authorities under the ‘Duty to Cooperate’. “

Every planning application considered by the Council must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF and the NPPG are both material considerations and set out government policy relating to the supply of housing land and, in particular, the need for each LPA to have a five year supply of housing land, together with the consequences (which are that policies for the supply of housing will be deemed to be out of date) if they do not. In practical terms, if an LPA does not have a deliverable five-year supply of housing land, any application for housing must be accepted, even if the site is not allocated for housing in the local plan, unless granting permission would cause significant and demonstrable harm. The existence or otherwise of a five-year supply is therefore crucial to an LPA’s ability to positively plan the location of housing in its area.

The NPPG’s endorsement of the Sedgefield approach is a material consideration and must be taken into account by an LPA in making a decision on a planning application which involves an assessment of housing supply against the five-year target. However, the LPA does not have to accept the Sedgefield methodology, and could choose to use the Liverpool approach instead.

If, following a refusal of planning permission an application is the subject of an appeal, the decision will be made by an inspector or the secretary of state. An inspector or the secretary of state is overwhelmingly more likely to use the Sedgefield approach, particularly given the guidance in NPPG quoted above. Adoption by an LPA of the Liverpool method, without compelling evidence to rebut the NPPG’s presumption in favour of Sedgefield, would be likely to result in refusals of planning permission being overturned on appeal.

The NPPF requires at para 47 that a council can demonstrate a five year supply of housing, and if it is unable to do so there is a presumption in favour of sustainable residential development. As such it is critical to understand what the council’s housing supply performance is against the annual requirement, and any shortfalls. The most recent published figure dates from 31 March 2016 and was that the council could demonstrate a 4.8 year supply, which is below the 5 years required by legislation and so places the restrictive nature of Policy SP2 in conflict with the more up-to-date requirements of the NPPF to deliver development. This has been calculated using the Sedgefield methodology, if the Liverpool methodology had been used the figure would be six years and Fylde would therefore have a five year housing supply. However for the reasons set out above it is considered any appeal citing the Liverpool method would be indefensible.

Fylde’s use of methodologies

The issue of which methodology to use has previously been considered by members at a Full Council meeting. The decision was made in light of a notice of motion by Councillor Peter Collins requesting that the council adopt the Liverpool approach. The notice of motion was deferred by the council on

February 8 for the matter to be considered by DM Committee, with a report being brought back to the council meeting of 11 April.

The Development Management committee considered the matter on 9 March, and resolved to recommend that the council continue to use the Sedgefield approach *“as it most closely reflects current Government guidance as set out in the National Planning Policy Framework and Planning Practice Guidance having regard to the circumstance’s appertaining in Fylde Borough”*.

The recommendation of Development Management Committee was placed before the council on 11 April, with the minutes recording that a procedural motion to proceed to next business was moved and approved. The effect of a motion to move to next business is that *“the meeting proceed to the next business on the agenda and that any motion or amendment than being debated is deemed to be lost”* (council procedure rule 13.11(b)(ii)). The minutes further record that the motion originally proposed by Councillor Collins at the 8 February meeting was deemed to have been lost. Though the council had declined, by approving the procedural motion, to adopt the Liverpool approach, the council meeting did not result in a formal endorsement of the Sedgefield approach.

The emerging Local Plan is now at publication stage and on the 15 June the Development Management Local plan met to consider that version. Following a debate and consideration of the information present to members it was resolved (along with other points);

“To approve the policies in the housing chapter (Chapter 10: Provision of Homes in Fylde) of the Publication version of the Local Plan for immediate use as ‘Interim Housing Policies’ for use by the Development Management Committee and for decisions determined under Delegated Authority by the Head of Planning”

This chapter of the plan considers the questions of housing requirement and supply and whilst it does not use the terms “Liverpool” or “Sedgefield” paragraph 10.19 under the heading “Housing Supply” identifies an accrued shortfall of 802 homes and states that the shortfall *“has been spread over the remainder of the plan period and added onto the annual requirement figure of 370 homes resulting in an annual requirement figure of 420 homes from 2016-2032”*. Spreading the shortfall over the remaining plan period, rather than over the next five years, of the plan is the Liverpool approach.

Therefore the decision to approve the policies in the publication version of the Local Plan on the face of it mandates decision-makers to use the Liverpool approach rather than the Sedgefield approach to calculate the council’s housing supply figures. However, this is contrary to the consistent advice given by planning officers, and the NPPF and, as noted above, would be likely to make the Council vulnerable in appeals where permission was refused on the basis of a Liverpool approach calculation.

Furthermore whilst the minutes approve the policies in the housing chapter paragraph 10.19 is not a policy but supporting text with the relevant policy being H1. This policy does not expressly refer to a method of dealing with the shortfall, but sets a minimum requirement of 370 homes per annum, 370 being the base figure before adding in the shortfall. The Development Management minute only relates to H1, not to the supporting text, so the fact that the supporting text uses the Liverpool approach can be considered immaterial.

Also when considering any application the decision-maker is required to exercise its own independent judgment, within the context of the statutory test (i.e. decided in accordance with the development plan unless material considerations indicate otherwise). Case law establishes that what

considerations are material is a matter of law, and the weight to be given to each is a matter for the decision-maker, acting reasonably. It is trite law that a decision-maker may not fetter its discretion, and misdirects itself if it regards a policy as rule that must be followed in any circumstance.

The argument is that, even if the decision of DM Committee to use the Liverpool approach as its preferred methodology established that approach as council policy (outside an adopted local plan), that policy could not bind the decision-maker to follow it if the decision-maker felt greater weight should be given, for example, to the fact that the Sedgefield approach was advocated in PPG and preferred by appeal inspectors.

Therefore whilst the 15 June Development Management committee decision arguably establishes the Liverpool approach as the Council's policy for dealing with the shortfall in housing supply and is a material consideration in making planning decisions it must be weighed against other material consideration and does not automatically carry greater weight. The decision maker can give greater weight to the guidance in the NPPG as outlined above and decided appeals which all prefer the Sedgefield methodology. It is therefore officer's opinion that the Sedgefield method should be used when considering housing supply and determining planning applications, as was also the conclusion of the Development Management committee on the 9 March 2016.

Therefore using the Sedgefield methodology the Council is still not able to demonstrate a deliverable 5 year supply of housing land. The presumption in para 14 of NPPF is therefore activated and this is a strong factor to be weighed in favour of residential development proposals. If a scheme is considered to deliver sustainable development and not have any adverse impacts that would significantly and demonstrably outweigh the benefit in housing supply, that guidance is clear that planning permission should be granted. There is, therefore, a need to assess whether this particular proposal delivers housing at a scale and location that is sustainable, and if there are any other relevant factors to outweigh its development.

The council has failed to prevent development proceeding on appeal at sites located around settlements in a number of locations due to the absence of a 5 year housing supply. In these cases the dated and restrictive nature of Policy SP2 has been over-ruled by the more recent obligations of the NPPF towards delivering sustainable development. The summary of this is that in the absence of a 5 year housing supply a site that is sustainable in all regards, should be supported.

Planning policies for the supply of housing for the purposes of determining applications are, therefore, considered out of date and this is significant as the NPPF states that where relevant policies are out-of-date, permission should be granted unless any adverse impacts outweigh the benefits, or other policies indicate otherwise, when assessed against the NPPF. This will be a material consideration when determining the planning application.

Does the proposal deliver sustainable development?

It is a basic planning principle that development should be directed to the most appropriate location, and the NPPF requires development to be sustainable. This is explained throughout the NPPF with its 'presumption in favour of sustainable development' which includes the economic, social and environmental sustainability of development. The sustainability of the location is a key aspect of this. The Applicant is proposing to incorporate a footway and cycle way along the site frontage on Cropper Road to link in with the adjacent sites. LCC have requested that pedestrian and cycle links are provided to the boundary of the site and this can be subject to a condition. The development is also situated in close proximity to junction 4 of the M55 motorway and is also situated close to the route of a bus service and another cycle routes & pedestrian links. The proposal is for housing in an

area where housing development is already taking place all around the site and is also situated adjacent to the Whitehills employment area. A shop is proposed on the adjacent larger residential site which is currently being development. This combination of uses in close proximity to each other also offers the potential for a reduction in travel between the home, work and small scale convenience shopping. The development would not have any direct adverse impact on the built form of the nearest settlements, which is essentially the urban area of Blackpool. Also, there is potential for the additional residents that would accrue from this development to bring economic benefits to the nearest town and local centres and increased patronage of community facilities. Therefore, it is considered that the proposal amounts to a sustainable form of development. Previous appeals and applications have been allowed in the vicinity of the site, and these sites having been considered by Inspectors to be situated in a sustainable location. This has resulted in the formation of dwellings in this area and it is considered that the proposal will help to form critical mass that will help support other services such as bus services and other local facilities. Therefore whilst the application would be contrary to Policy SP2 of the Local Plan in this instance there is greater weight to be given to the NPPF due to the site's sustainable location and the NPPF's housing objectives and presumption in favour of sustainable development.

Impact on character of the area.

Whilst the principle of the development is accepted another issue is the impact of the development visually on the character of the area. In this case the application site consists of an existing domestic property with an outbuilding and a large rear garden. The NPPF states that the intrinsic character and beauty of the countryside should be recognised however in this case the site is not an area designated for its landscape quality and furthermore the application site is located to the east of Cropper Road with approved residential housing developments located to the south and east of the site, and a housing allocation on the opposite side of Cropper Road to the west. To the north of the site are existing residential properties and a caravan park. It has to be acknowledged that the development will have some impact on the character of the area however it is considered that the degree of harm will be very limited. The site is effectively contained visually by surrounding development and as such will not appear unduly intrusive in views from any direction. The indicative layout shows the retention of hedgerow and trees around the site's boundaries which will help to soften the developments appearance and also matches that of the development already approved. This application effectively fills a gap adjacent to developments already permitted and existing development. It is not considered the development will have a significant visual impact, it will be well contained and surrounded by residential dwellings and existing natural landscape features.

Principle of the development - conclusions

The application site is located within land defined as open countryside in the Adopted Fylde Borough Local Plan and also remains unallocated within the emerging Fylde Local Plan publication version. It is however located directly adjacent to a site allocated for mixed use in the emerging plan. Directly south of the site residential development has already been approved and to the east a mixed residential and employment application is currently being considered. To the west of the site on the opposite side of Cropper Road is a proposed housing and local centre allocation. Therefore in terms of principle the surrounding land has clearly already been found to be a sustainable location for current and future development and this housing proposal would complement the existing permissions and would comply with the NPPF requirement that housing applications should be considered in the context of the presumption in favour of sustainable development. Furthermore, Fylde is not able to demonstrate that it currently has a 5 year supply of housing which is a material consideration of weight in favour of the proposal. The proposal would, therefore, contribute to meeting this identified need for dwellings in the emerging Local Plan and the housing supply for the

Borough as a whole. The site is considered to be a suitable location for development.

Residential amenity

The application is an outline application with all matters reserved asides for access into the site. Appearance, layout and scale are matters reserved for future consideration however the indicative layout submitted shows the access road entering the application site from Cropper Road to the west, approximately 7.5m south of the side elevation of the dwelling known as Burnside and then traversing to the east, north of the dwelling known as Spengarth. The Council's Environmental Protection officer has commented that he has no objections to the proposal subject to the inclusion of conditions in relation to hours of construction and that in order to alleviate concerns of noise from road traffic that a 6" close board fence shall be erected along the boundary of the entrance road and the adjacent properties. This can be subject to a condition. Whilst the application is made in outline it is considered that the indicative plan submitted are appropriately spaced and would not harm the residential amenity of existing dwellings or those currently being constructed around the site; there would be no unacceptable loss of light or overlooking created. The relationship on the indicative plans between the dwellings in the site and the adjacent one is acceptable and if a layout similar to the one submitted was developed the occupants would enjoy an acceptable level of amenity. There are therefore no issues with this proposal in terms of impact on residential amenity.

Affordable housing

The Council has recently approved housing developments in the area with legal agreements attached that require 30% of the dwellings approved to be affordable houses in accordance with the requirements now carried through in Policy H4 of the Publication Version of the Fylde Local Plan to 2032. However the developers have been unable to provide these as there have been no Registered Social Landlords willing to take the houses on due to a variety of reasons including lack of funding in the sector, Fylde Council's restrictive lettings policy and the site's location close to the borough boundary. As this application is for relatively few dwellings housing services have commented that it is appropriate to secure an off-site contribution towards affordable housing from the outset. Therefore the application being approved would be subject to a legal agreement to secure that contribution. This approach to the delivery of affordable housing is consistent with the ongoing residential development site to the south.

Highways

The application is an outline application with access a detailed matter for consideration. The application site as existing as a single dwelling house which is served by an access to the north of the site which leads to the rear of the dwelling and a garage. It is proposed that this dwelling on site be retained with a new access proposed off Cropper Road to serve that dwelling only and another new access north of the existing one to serve the proposed 14 new dwellings. LCC Highways have commented on these proposed new accesses originally objecting but now have no objections to the revised plans (992-14-01 Rev H) which show the access with a 6m radii at the junction leading onto a 5.5m wide site access road with a 2m footpath. There is a 2.4m x 43m visibility splay to the north and south and the hedgerow which forms the existing boundary to Cropper Road will be moved back to form a 3m wide foot/cycle path to link with the proposed footpath to the adjacent site. There are therefore no highways issues with the application

Flood risk and drainage

The site is identified as being within an area designated on the Environment Agency's Flood Map as

Flood Risk Zone 1. This is land defined as having a less than 1 in 1000 annual probability of flooding. All uses of land including dwellings are regarded as appropriate within this zone. Because of the size of the site the application is not required to be submitted with a Flood Risk Assessment. United Utilities have no objections to the development and because of the size of the site the EA have not made any comments. LCC as the Lead Local Flood Authority (LLFA) commented on the 16 February 2016 which states that the application was incorrect as there is a Brook and dyke adjacent to the site and that there is no evidence to prove that the pond on site is manmade and is not operating as a balancing pond or drainage feature. They have since withdrawn this objection on the 12 August following submission of ecological evidence of the pond which shows that it was man made. They simply require a condition in relation to surface water drainage. There are therefore no issues with flooding or drainage with this application.

Ecology

The application site does not contain any ecological or biodiversity designations and there are none within the vicinity of the site, however the site contains hedges, trees and buildings which have the potential to provide habitat for protected and priority species. The site is also surrounded by a ditch. The application was submitted with ecological surveys of the site including bats, hedgerows and water voles. This was assessed by the Council's ecological consultants GMEU who stated that the information was not sufficient in order to adequately assess the proposals impact on biodiversity and that the barn which is proposed to be demolished supports a bat roost and is therefore protected. The initial bat survey work that further survey work, at the appropriate time of year (April – August weather dependant), is necessary to characterise the roost type and to assess if the provisional outlined mitigation plan is sufficient to mitigate for the loss of the roost. Further survey work was also required to establish the presence of water vole and amphibians and an impact assessment made regarding the loss of the pond.

Consequently a further updated ecological assessment was submitted which supplied further information about those protected species. With regard to great crested newts eDNA analysis of the pond was collected and found none present which GMEU state is acceptable given the sites lack of connectivity to a pond landscape and the indication that the closest proximal pond (Daisyfield Nursery) has also been surveyed using eDNA analysis. GMEU advise that no further work is required on this matter. With regard to water voles information was submitted with result of previous surveys and the food plants available. GMEU state that is reasonable to conclude that pre-commencement/Reserved Matters submission survey for water vole could be conditioned; as the presence of European Protected great crested newt can reasonably be ruled out, the quality of habitat appears poor for water vole over 2 years and the fact that the current application is in outline. The information regarding Bat roosts was further supplemented with a Bat Survey report dated 9 May 2016 which confirmed the presence of a common pipistrelle bat roost in the garage and that a low impact class licence could be used to cover the demolition of the structure. GMEU agree with this. The report includes a suitable demolition strategy and mitigation proposal has been supplied which indicates that the work can be undertaken following registration with Natural England's Low Impact Class Licence Scheme. GMEU recommend conditions in relation to mitigation, landscaping and surveys and state that the application can be forwarded to determination.

The application site is not designated for its nature conservation value and it is not adjacent to any designated sites. The surveys undertaken have been conducted to appropriate standards and proportionate to the potential of the site to support protected species. It is not considered that further ecological surveys need to be conducted prior to determining of the application. It is not considered that the development will cause substantive harm to nature conservation interests. There will be some minor impacts on local nature and precautions to protect these interests

including no vegetation clearance during bird nesting season, protection of trees and hedgerow during construction and biodiversity enhancements to be incorporated into the scheme can be subject to planning conditions. Therefore with these conditions in place a scheme some degree of biodiversity enhancement will be possible in the development of the site. The report submitted shows there will not be any unacceptable effect on protected species or priority habitat subject to appropriate mitigation and compensation and conditions will be used to ensure this. It is considered that with mitigation the development of the site is acceptable.

Public open space

The Local Plan requires that open space be provided on site in residential developments of this scale in line with the amount per plot detailed in Policy TREC17, with appropriate provision made for the on-going maintenance of this. The outline nature of the application means that there can be no clarity on this matter, and the illustrative layout does not indicate any facility being included, this will need to be addressed at Reserved Matters. As an alternative, the site is close to the proposed open space and play area on the adjacent site which would give reasonable access to play facilities and so it may be that actual on site provision is not required and an off-site contribution may be appropriate. Whichever delivery mechanism is taken up it is considered that the proposal could comply with Policy TREC17 and so no reason for refusal on this matter is justified.

Education

The improvement of any identified shortfalls in local education facilities is a recognised aspect of a major residential development proposal such as this one, with Policy CF2 of the Fylde Borough Local Plan providing a mechanism to secure for this where Lancashire County Council advise that such an anticipated shortfall is identified. In this case there is an anticipated short fall of two secondary school places in the area to accommodate the additional children that would result from the development and the Applicant would have to make a contribution in the order of £36,794.56 towards this. There is also an identified yield of 5 primary school places with confirmation awaiting from LCC as to whether there is a shortfall which needs addressing. Because the application has been made in outline this amount will be re-calculated when the precise number of bedrooms is known upon submission of a reserved matters application. This contribution would be secured through a section 106 agreement, if permission was granted.

Conclusions

The development as proposed is considered to form sustainable development and is acceptable in principle. There are no highways issues with the proposal, and with appropriate conditions and contributions the development will have an acceptable impact.

Recommendation

That the authority to GRANT Planning Permission be delegated to the Head of Planning and Regeneration subject to the following Section 106 agreement and Planning Conditions:

Terms of S106 Agreement

- The provision of affordable housing at a level of 30% of the overall dwellings on site with this provision being by way of a commuted sum of £50,000 for each affordable housing dwelling which will be used by the council to provide affordable housing elsewhere in the borough.

- a financial contribution of up to £72,506 towards four secondary school places at Lytham St Anne's Technology and Performing Arts College and a contribution to be determined towards a local primary school.

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.

Suggested Planning Conditions

The following conditions are suggested with any amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable:

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:

Nos. (1, 2, 3 and 5)

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

This permission is an outline planning permission and details of these matters still remain to be submitted.

3. Before the use of the site hereby permitted is brought into operation facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site, and this facility shall be operated throughout the development.

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

4. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway

scheme/works are acceptable and that the development provides an appropriate level of accessibility to the wider highway network.

5. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 4 has been constructed and completed in accordance with the scheme details.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

6. Prior to the commencement of any development details of the design, location, access arrangements, phasing of provision, and on-going maintenance arrangements of the public open space for the development shall be submitted to and approved in writing by the local planning authority. This provision shall be at least in accordance with the requirements of Policy TREC17 of the Fylde Borough Local Plan and shall be implemented and maintained in accordance with the approved scheme.

To ensure the provision and retention of appropriate levels of public open space to serve the development as required by Policy TREC17 of the Fylde Borough Local Plan.

7. A tree protection scheme for all trees and retained hedges on the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. No work of any kind shall take place until the protective fences are erected around the retained trees in the position and to the specification agreed by the local planning authority. Such fencing shall be retained throughout the development where work of any kind is undertaken in proximity to trees and hedging.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

8. Prior to commencement of the development hereby permitted, details of the incorporation of bat roosting (in addition to that required by NE licence) and bird nesting opportunities that shall be incorporated into the design of the development (i.e. into new buildings) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the phasing of the works and shall thereafter be implemented in accordance with that phasing.

In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

9. Tree felling, vegetation clearance works, or other works that may affect nesting birds shall not be carried out between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections undertaken by a suitably qualified ecologist and their confirmation provided in writing to the Local Planning Authority.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

10. 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.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

11. No external lighting shall be installed until details of a lighting scheme have been submitted and approved in writing by Fylde Borough Council. The principles of relevant guidance shall be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009).

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

12. Prior to commencement of works a fully detailed method statement to demonstrate that impacts on amphibians will be avoided both during the site clearance and development works and during the operational phase shall be submitted for approval in writing by Fylde Borough Council. Any approved details shall be implemented in full. If the presence of Great Crested Newt is detected at any point then all works shall cease until advice has been sought from an appropriately qualified person including regarding the need for a Natural England licence.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework

13. Prior to the commencement of works there shall be a further precautionary inspection/survey of ditches to inform any change in the habitat quality for and use by water voles. The report of the survey (together with proposals for mitigation/compensation, if required) shall be submitted to Fylde Borough Council for approval in consultation with specialist advisors. Any necessary and approved measures for the protection of Water Vole will be implemented in full.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

14. 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:
 - a. the identification of the site access for construction traffic
 - b. the parking of vehicles of site operatives and visitors
 - c. loading and unloading of plant and materials
 - d. storage of plant and materials used in constructing the development
 - e. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - f. wheel washing facilities
 - g. measures to control the emission of dust and dirt during construction
 - h. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - i. hours of operation to be limited to 08.00 -18.00 Monday to Friday; 08.00 - 13.00 Saturday and no noise/work activity on Sundays or Bank Holidays.

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

15. Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage system has been

completed to serve that building in accordance with the approved details. The development shall be maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory means of drainage.

16. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The scheme shall include;

- a. Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + appropriate allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;
- b. The drainage scheme should demonstrate that the surface water run-off must not exceed the existing greenfield rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c. Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d. Flood water exceedance routes, both on and off site;
- e. A timetable for implementation, including phasing where applicable;
- f. Site investigation and test results to confirm infiltrations rates;
- g. details of water quality controls, where applicable.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

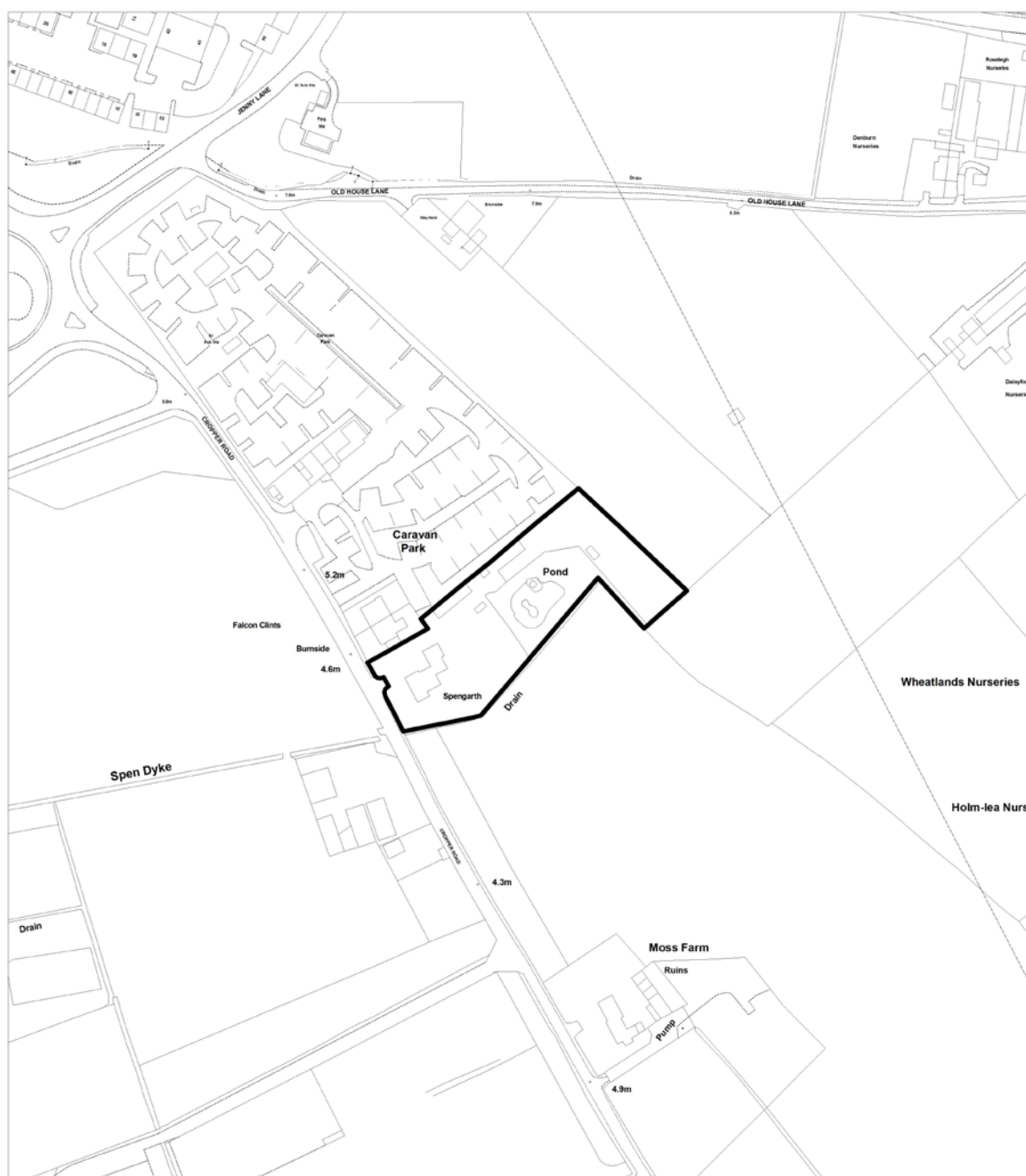
Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

17. No site clearance, site preparation or development work shall take place until a fully detailed landscaping/habitat creation and management plan has been submitted and approved in writing by Fylde Borough Council. The scheme shall demonstrate (1) adequate planting of native species appropriate to the locality to compensate for direct and indirect impacts including a locally native species planting scheme to the buffer and margins of the watercourse and dyke (2) that habitat connectivity through the site and to the wider area will be retained as a minimum, including for amphibians (3) that any planting along site boundaries will comprise appropriate native species, (4) provide details of habitat creation for amphibians and (5) maintenance and enhancement of the biodiversity value of retained and established habitats and the site as a whole. The approved details shall be implemented in full.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

18. Prior to commencement of development a scheme to indicate the design, routing, materials, height and timing of erection of a barrier to provide protection from disturbance to the neighbouring dwellings to the site access shall be submitted to and approved in writing by the local planning authority. This scheme shall be implemented and retained in accordance with the approved details.

Reason: To protect neighbouring residential amenity.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/15/0807	Address Spengarth, Cropper Road, Westby	Grid Ref. E.3344 : N.4329	Scale 0 10 20 30 40 m

Item Number: 2

Committee Date: 07 September 2016

Application Reference:	16/0149	Type of Application:	Full Planning Permission
Applicant:	Windmill Oaks Ltd	Agent :	
Location:	LAND TO THE WEST, (BALLAM OAKS) BALLAM ROAD, LYTHAM ST ANNES		
Proposal:	FORMATION OF TEMPORARY ACCESS FOR USE BY CONSTRUCTION TRAFFIC, AND USE OF AREA FOR CONTRACTOR PARKING.		
Parish:	CLIFTON	Area Team:	Area Team 1
Weeks on Hand:	27	Case Officer:	Andrew Stell
Reason for Delay:	Delays in consultation replies		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.748776,-2.9630162,687m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is located on Ballam Road in the countryside beyond the northern edge of the settlement boundary of Lytham. It is currently undergoing residential development for the erection of 12 detached dwellings as previously approved by Committee which will be served by a new access point that has been created to Ballam Road.

This proposal is for a second access to that road to be located further north than the existing approved one and to be used for a temporary period to facilitate construction of the dwellings without having to pass the completed properties which are adjacent to the access.

The access will cause some visual impact to the countryside due to the removal of part of the hedge to form the access and the removal of areas of recently planted trees that are part of the strategic advanced screening of the development. The access leads to a relocated construction compound and contractors parking area that will itself also have a visual impact. The new access will also introduce a new location for turning manoeuvres onto this busy route which is a classified road where such access points are normally resisted.

However, the site is an active construction site and the works are proposed to be temporary for a period to allow the remaining 9 dwellings to be constructed which is unlikely to extend for a significant period of time. The urban 30mph speed limit has recently been extended to this access point and the proposal has not generated any objection from the local highway authority.

Against this background of a temporary visual impact and a lack of highway safety objection the application is recommended for approval for a temporary period of 18 months from the date of the permission.

Reason for Reporting to Committee

The previous decisions to grant permission for the development of the properties were made by Committee and so it is appropriate to bring this application before Committee.

Site Description and Location

The development site is a generally rectangular area of land to the north of the pocket of residential properties on Ballam Road / Lilac Avenue / Laburnum Avenue / Laurel Avenue and lies on the opposite side of Ballam Road to Green Drive Golf Course. It extends back from that road to Liggard Brook with the grounds to Home Farm and Lytham Hall beyond that watercourse.

The actual access point is towards the northern end of the site frontage to Ballam Road and leads to a new access track that runs at right angles from the road to the site compound location which is located centrally on the depth of the site.

The site is within the Countryside as designated by Policy SP2 of the Fylde Borough Local Plan.

Details of Proposal

The proposal involves the construction of an access for construction traffic and a site compound for a temporary period. This is proposed as being for up to 18 months in the application information, with that intended to run from the opening of the access as it relates to future construction works that have yet to commence.

The access is located just under 60m south of the northern boundary of the site and so 75m north of the existing access point which has been constructed and is in use for the construction of the properties with 3 having been built at the time of writing this report. It has a width of 5m so as to allow 2 way-traffic and visibility splays of 2.5m x 60m in both directions. This is achieved by the part removal of the hedge at either side of the access, and then with the lowering of the remaining splay to 1m in height so that views are available over it. The extent of the removed hedge is around 18m.

The compound measures around 40m x 40m and is to be located centrally on the northern boundary of the site. This is to provide an area for contractor parking, the establishment of site cabins and the storage of materials associated with the construction phase. This sits on the position of plots 11 and 12 of the development which are presumably the last plots which would be built out.

The supporting information explains that the need for this access is to facilitate an easier and safer construction process, as the plots which have been built first are those to the southern end of the site and as these are now becoming occupied the mix of construction and residential traffic creates a potential hazard.

Relevant Planning History

Application No.	Development	Decision	Date
14/0837	PROPOSED VARIATION OF APPROVED HOUSETYPES AND GARAGES AND PLOT / ROAD LAYOUT ON PART OF PREVIOUSLY APPROVED RESIDENTIAL DEVELOPMENT	Granted	05/09/2015
14/0161	PROPOSED DEVELOPMENT OF 12 FAMILY	Supported by	

	HOUSES AND GARAGES TOGETHER WITH ACCESS AND EGRESS TO BALLAM ROAD.	Committee and awaiting s106 completion	
13/0161	PROPOSED DEVELOPMENT OF NINE FAMILY HOUSES AND GARAGES TOGETHER WITH VEHICLE, CYCLIST AND PEDESTRIAN ACCESS/EGRESS TO BALLAM ROAD	Granted	06/06/2013
12/0167	PROPOSED FORMATION OF NEW AGRICULTURAL ACCESS TO BALLAM ROAD	Refused	24/07/2012
10/0888	PROPOSED ERECTION OF 11 DWELLINGS AND NEW ACCESS TO BALLAM ROAD	Withdrawn - Appeal against non-determine	26/10/2011
09/0532	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (ACCESS ONLY)	Withdrawn - Appeal against non-determine	04/01/2010

Relevant Planning Appeals History

Application No.	Development	Decision	Date
12/0167	PROPOSED FORMATION OF NEW AGRICULTURAL ACCESS TO BALLAM ROAD	Allowed	25/01/2013
10/0888	PROPOSED ERECTION OF 11 DWELLINGS AND NEW ACCESS TO BALLAM ROAD	Dismiss	26/10/2011
09/0532	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (ACCESS ONLY)	Dismiss	03/09/2010

Parish/Town Council Observations

N/A

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

Raises no objection to the proposal subject to the off-site highway works that are associated with the permanent access to the site have been implemented (speed limit changes, lighting and road markings), that this is for a temporary period only during construction, and that there is no residential use available for this access.

Neighbour Observations

Neighbours notified:	07 March 2016
Site Notice Date:	07 March 2016
No. Of Responses Received	2
Nature of comments made:	One letter raises objection to the development and refers to the planning history of the development, objections to the scale of the properties under construction and their expected value. The objection argues that the access would never be reinstated once constructed and makes reference to the speed of traffic on Ballam Road and the poor state of its repair.
	The other letter also objects and highlights the previous request to form an access for horse use which was never used for that purpose

and suggests that this access is intended to extend the scale of the housing development.

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
EP12	Conservation trees & woodland
EP14	Landscaping of new developments

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

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

Whilst it is located in the Countryside where Policy SP2 applies, this proposal is associated with an active development of residential properties, and so the usual policies of restraint in rural areas must be given reduced weight. However, the access still needs to be safely constructed, and the impacts of the access and associated compound location need to be visually acceptable. As such these are the two key areas for consideration in this proposal, with reference to policies SP2 and HL2 of the Fylde Borough Local Plan relevant in assessing their overall merits.

Planning History Context

The development was originally granted planning permission for 9 dwellings under reference 13/0161, and that scheme is being implemented. A further application was made to increase the number of dwellings to 12, with a consequential increase in the size of the site. This has been supported by this Committee but has yet to be formally determined as the decision is pending the completion of a s106 agreement relating to the provision of affordable housing associated with the development and education improvements.

There have also been amendments to the approved housetypes to the 9 dwelling scheme to reflect their design under the 12 dwelling scheme. The relevant pre-commencement conditions for the 9 dwelling scheme have been discharged and include a construction plan to agree the location of the site access for construction purposes and the operational compound. This proposal is to replace that with a new construction access location and a new site compound location.

Highway Safety Implications

The access is proposed to Ballam Road, which is a classified road and has had a number of serious accidents in recent years, including a fatality. This is seemingly due to its length and straightness

leading to vehicles travelling at, or over, the national speed limit to the north before meeting (or leaving) the urban 30mph limit to the south of the site. As a consequence of these conditions one of the requirements of the grant of planning permission for the dwellings was that the urban speed limit be extended to cover the whole of the site frontage. This has had the beneficial effect of slowing traffic well before the site access point and the urban area of Lytham and so reducing the risks associated with its use to an acceptable level. This speed limit reduction was to be implemented by this development and is to be reinforced with a series of associated works such as road markings and signage. At the time of officer site visit prior to writing this report the speed limit had been implemented and the other works were due to be delivered as part of wider improvement to the road.

This proposal involves the creation of a new access point to the north of the existing one and so just within the reduced speed limit area. This is therefore more likely to be subject to transitional speeds between the urban and national limits as drivers anticipate the change in limit. This likely higher actual speed is an obvious concern for highway safety, particularly given the slow moving nature of construction vehicles that would be using this access.

Notwithstanding this, the highway authority are content that the access is an acceptable safety situation subject to conditions over its use. The temporary nature of the access reduces the time span of the risk and with the lack of consultee objection, it is not considered that a reason for refusal on this ground can be justified

Visual Impact and Reinstatement

An important highway safety element is the provision of visibility splays to each side of the access point. These are reduced from the normal levels due to the temporary and reduced use of the access, but still require the removal of a length of hedge at each side of the access, and the reduction in the height of the hedge beyond that to 1m in height. In supporting the original scheme for the development of the site the retention of the hedge was an important aspect of the development so as to minimise the impact of the development on the established rural character of this important approach to Lytham.

This rural aspect was to be enhanced by the advance planting of an area of strategic trees planting to the northern most edge of the site in a triangle area that effectively 'bookended' the development and provided a transition between the open countryside to the north, and the urban character of Lytham to the south, with this area designed as sparse residential development in a well landscaped setting between these two areas. This advanced planting has been implemented and is becoming established.

The removal of the hedge and hard-surfacing works required to enable a construction access to be formed will cause some visual harm to this rural location. Further harm is caused by the formation of the route though the recently planted trees, albeit that this can be achieved without requiring any trees to be removed and so reduces that harm. The compound will also be visually harmful. However, in granting planning permission for the development of the site the council must accept that there will be a need for construction to be undertaken and that this will change the landscape for the duration of the construction phase. The advance planting already undertaken will also assist in the softening of these elements.

In this case the loss of the hedge is the only area of real concern as the other elements will be easily removed and so quickly remediated. The hedge is more critical as it forms a largely unbroken feature on both sides of Ballam Road and so contributes to the pleasant character of this approach to the town. The key consideration will be how effectively any opening can be remediated, and the

applicant has been able to demonstrate that this can be achieved within an acceptable timeframe through the successful planting up of a hedge across a former field gate on the site in the past few years.

With the effective replacement of the hedge being clearly viable, and the limited duration of the visual impact of the additional access, it is considered that the visual impact of the proposal will be acceptable on balance. It will be essential that any approval includes appropriate conditions to ensure the effective reinstatement of the hedge is undertaken and the planting scheme for the residential development continues to be managed to provide the woodland edge to the development as part of the original permission.

Safety Benefits

The application is submitted on the basis that it will allow safety improvements for the properties within the site that are becoming occupied as it removes the potential conflict between the residential traffic associated with them and the construction vehicles. This is a benefit from the development and so supports its approval. However, it is a situation that is found on the majority of new residential developments, and with the limited number of dwellings involved here, and as the limited duration of the construction the benefits it offers must be reduced in their weight in the overall decision.

Conclusions

The application site is located on Ballam Road in the countryside beyond the northern edge of the settlement boundary of Lytham. It is currently undergoing residential development for the erection of 12 detached dwellings as previously approved by Committee with these to be taken from a new access point that has been created to Ballam Road to serve this development.

This proposal is for a second access to that road to be located further north than the existing approved one and to be used for a temporary period to facilitate construction of the dwellings without having to pass the completed properties which are adjacent to the access.

The access will cause some visual impact to the countryside due to the removal of part of the hedge to form the access and by its route through an area of recently planted trees that are part of the strategic advanced screening of the development. The access leads to a relocated construction compound and contractors parking area that will itself also have a visual impact. The new access will also introduce a new location for turning manoeuvres onto this busy route which is a classified road where such access points are normally resisted.

However, the site is an active construction site and the works are proposed to be temporary for a period to allow the remaining 9 dwellings to be constructed which is unlikely to extend for any significant period of time. The urban 30mph speed limit has recently been extended to this access point and the proposal has not generated any objection from the local highway authority.

Against this background of a temporary visual impact and a lack of highway safety objection the application is recommended for approval for a temporary period of 18 months from the date of the permission.

Recommendation

That Planning Permission be GRANTED subject to the following conditions and reasons:

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

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans:

- Site Plan - Drawing no. 2594/101

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

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Fylde Borough Local Plan and the National Planning Policy Framework.

3. The temporary access hereby approved shall not be brought into use until it has been constructed in full accordance with the details (including its location, carriageway width, junction radii and visibility splays) indicated on the drawing listed in condition 2, and that the extension to the urban speed limit and associated works as required by condition 8 of planning permission 14/0837 have been implemented. The temporary access shall be retained as such thereafter throughout its period of use.

Reason: To ensure that the access is appropriately well designed to facilitate its safe use by construction traffic in the interests of highway safety as required by Policy HL2 of the Fylde Borough Local Plan.

4. The temporary access hereby approved shall only be used by construction vehicles associated with the development implemented pursuant to planning permission ref. 13/0161, 14/0161 & 14/0837. Appropriate signage, fencing, and vehicle movement controls shall be introduced throughout its operation in accordance with details which have been submitted to and approved in writing by the Local Planning Authority before the access is first brought into use.

Reason: To limit the use of the access to construction traffic only and to prevent potential conflict between different road users in the interests of highway safety as required by Policy SP2 of the Fylde Borough Local Plan.

5. Within 7 days of the temporary access hereby approved first being brought into use, the developer shall issue written notification of the date that the use commenced to the Local Planning Authority and the use of the temporary access shall cease on or before the expiration of 18 months from the date that it is first brought into use.

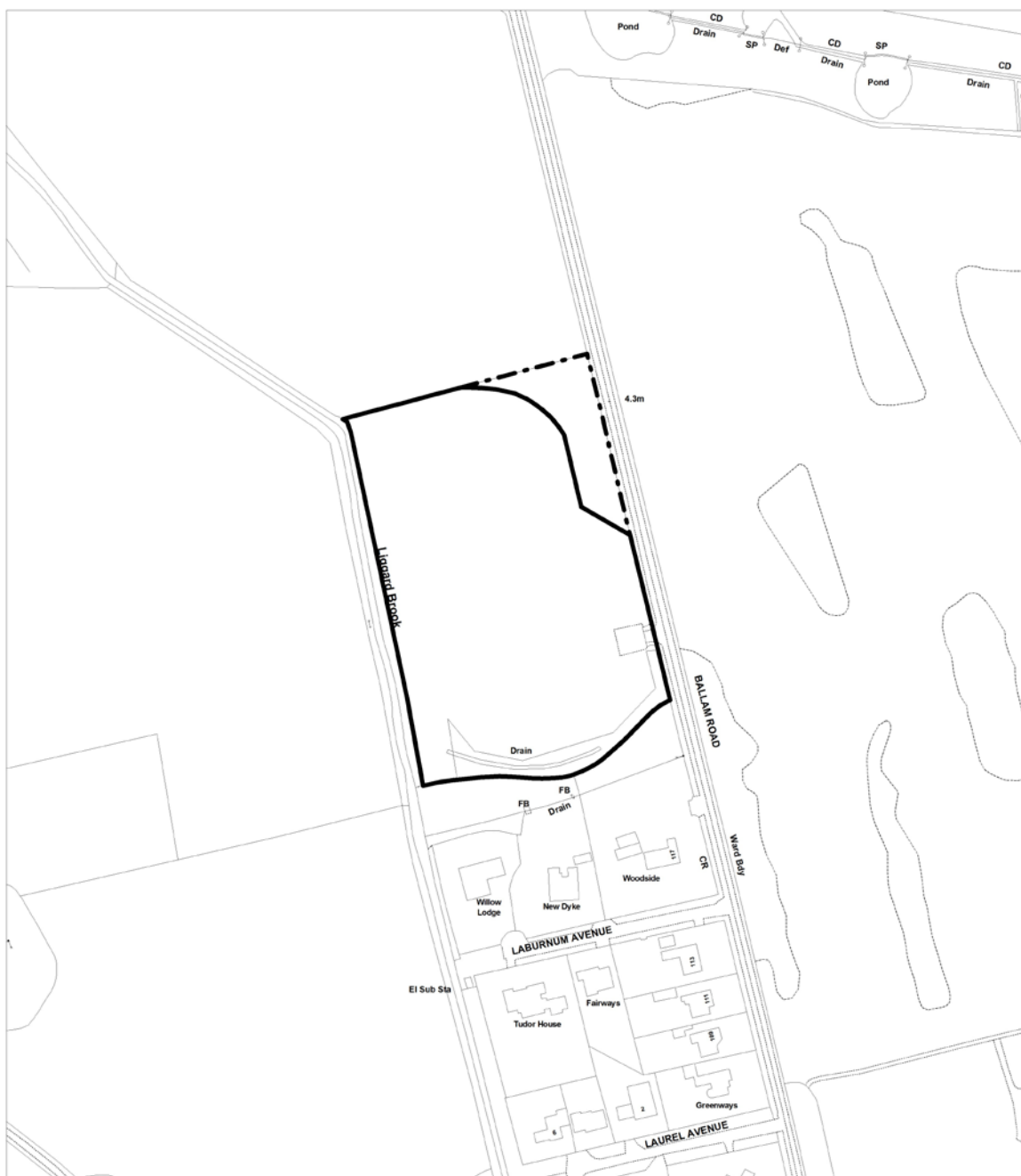
Reason: To ensure that the construction access is only available for a temporary period during which the residential development it is to serve can take place, and to limit the number of access points to a major distribution road in the interests of highway safety, as required by Policy HL2 of the Fylde Borough Local Plan

6. Within one month of the cessation of its use, the temporary access and all associated appurtenances shall be removed from the site and the area reinstated in accordance with a landscaping scheme and hedge reinstatement plan that has been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the area has an appropriate long term visual appearance at the cessation of its use as a temporary construction access in accordance with the requirements of Fylde Borough Local Plan policy HL2.

7. That development works shall not commence in the months of March - August inclusive, unless a walkover survey of the site and boundary hedge 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.

Reason: 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.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0149	Address Land west of Ballam Road (Ballam Oaks), Lytham St Annes	Grid Ref. E.3366 : N.4285	Scale 0 10 20 30 40 m

Application Reference:	16/0217	Type of Application:	Reserved Matters
Applicant:	Foundry Yard Business Park	Agent :	ADS Yorkshire Ltd
Location:	FOUNDRY YARD, KIRKHAM ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3SD		
Proposal:	APPLICATION FOR APPROVAL OF RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE PLANNING PERMISSION 15/0450 FOR DEVELOPMENT OF 7 DWELLINGS		
Parish:	NEWTON WITH TREALES	Area Team:	Area Team 1
Weeks on Hand:	21	Case Officer:	Kieran Birch
Reason for Delay:	Design Improvements_		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7889217,-2.851391,343m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

This application is for the outstanding reserved matters associated with the residential development of a site for 8 dwellings on land located at the Foundry Yard to the south of Kirkham Road and rear of Smithy Farm, Treales. The site was granted outline planning permission through application 15/0450 for up to eight dwellings and this application seeks approval of the appearance, landscaping, scale and layout of the site and is for seven dwellings.

The proposal offers an appropriately designed development with dwellings of an appropriate scale and design and have an acceptable relationship with each other and with their off-site neighbours and the surrounding landscape. As such the proposal is considered to comply with the relevant elements of Policy HL2 and Policy HL6 of the Fylde Borough Local Plan and the guidance in NPPF relating to housing design with which those Policies are consistent. It is therefore recommended that the reserved matters be approved.

Reason for Reporting to Committee

The previous outline application was considered and approved by the Development Management committee because the Parish Council objected to the development, and the Parish Council have again objected to this application. Accordingly the Scheme of Delegation requires that this application is also determined at Committee.

Site Description and Location

The application relates to an irregularly-shaped parcel of land extending to an area of 0.32 hectares located to the rear of Smithy Farm, off Kirkham Road, Treales. The site, known locally as 'The Foundry', is presently occupied by a group of portal-framed former industrial buildings which are in a

poor state of repair. These buildings follow rectangular footprints along the northern and southern site boundaries, and open onto a central, hardstanding service yard. The site is accessed via an unmade track which merges with a tarmac access road branching in a southerly direction off Kirkham Road to the northeast. In addition to the Foundry Yard, the existing access road serves a group of three detached houses located along its eastern flank which are under construction pursuant to planning approval 12/0090. An extant, outline planning approval (access only) exists on the site for the erection of eight two-storey industrial units (use classes B1, B2 and B8) including associated access roads and parking. This permission was issued on 23 May 2013 under application reference 10/0261.

Despite being previously developed, the site falls outside the settlement boundary and is designated as Countryside Area on the Fylde Borough Local Plan (FBLP) Proposals Map. The land is bounded by open farmland to the south and west, with existing boundaries formed by a combination of timber post-and-wire fencing and scattered vegetation. Smithy Farm lies to the north of the site, with the farmyard comprising a series of blockwork and portal-framed agricultural buildings in a general poor state of repair, and a thatch-roofed, two-storey cottage (Smithy Farmhouse) to the northern end which is a grade II listed building. To the east, the site abuts the access drive onto Kirkham Road, with the built up area of the village located beyond the three new dwellings (two of which fall outside the settlement boundary).

A further dwelling (Smithy Farm New House) lies to the west side of the access road at its junction with Kirkham Road. The garden of this property backs onto the site and includes a row of trees along its eastern boundary which are protected by Tree Preservation Order (TPO – no. 12). A maximum circa 2m high brick wall has been constructed alongside the western flank of the access road, separating these trees from the site.

The village of Treales follows a ribbon of development – principally residential properties – flanking both frontages of Kirkham Road. With the exception of the Derby Arms Public House, there is a lack of shops and public amenities within the village, though the town of Kirkham lies approximately 1.9km to the southwest, linked by Carr Lane.

Details of Proposal

The application proposes the reserved matters of appearance, landscaping, layout and scale with respect to outline planning permission 15/0450 which granted planning permission for up to 8 dwellings. This application proposes the erection of 7 dwellings. The dwellings consist of a terrace of three dwellings and four detached ones to be constructed in both brick and render. These dwellings are set around an access road which traverses the south of the site before turning north.

Amendments have been made to the scheme since submission, and it is the revised proposal that is under consideration in this application.

Relevant Planning History

Application No.	Development	Decision	Date
15/0450	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING WORKSHOP BUILDINGS AND ERECTION OF UP TO 8 DWELLINGS (USE CLASS C3) INCLUDING ASSOCIATED WORKS (ACCESS APPLIED FOR WITH OTHER	Granted	04/09/2015

12/0090	MATTERS RESERVED) DEMOLITION OF EXISTING WORKSHOPS AND CONSTRUCTION OF 3 DETACHED DWELLINGS AND ACCESS ROAD.	Granted	23/05/2013
10/0261	PROPOSED ERECTION OF 8 TWO STOREY B1 WORKSHOP / OFFICE UNITS AND 3 DETACHED TWO STOREY HOUSES TOGETHER WITH ASSOCIATED INTERNAL ACCESS ROADS AND PARKING AREAS.	Granted	23/05/2013
08/0825	OUTLINE APPLICATION FOR 12 NO. DWELLINGS	Refused	20/11/2008
16/0203	APPLICATION FOR APPROVAL OF RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE PLANNING PERMISSION 10/0261 FOR DEVELOPMENT OF 8 TWO STOREY CLASS B1 WORKSHOP AND OFFICE UNITS	Withdrawn - Invalid	09/05/2016

Relevant Planning Appeals History

None

Parish/Town Council Observations

Treales, Roseacre & Wharles Parish Council notified of the initial and revised proposal.

Initial Comments

Councillors resolved to OBJECT to the above application as being in conflict with policies HL2 and HL6. The site is outside the settlement boundary of Treales and extends into designated open countryside. It was considered that the proposal would represent a prominent feature in the context of the surrounding landscape and is not in keeping with the character of the locality in terms of scale and design.

Councillors agree with the view of the previous FBC officer who indicated that any development such as houses should be located on the North side of the development plot and that any access road should run along the South side to reduce the profile of the development from the Southerly, South Westerly and South Easterly aspects which would be more in accordance with policies SP2 and HL6 of the Fylde Local Plan.

Councillors propose, that should the DMC be minded to approve the application, that a condition is imposed that the Southerly and Westerly boundaries comprise of hawthorn with other indigenous hedging to enhance the landscape character and biodiversity of the locality (HL2, para 5). In addition, Councillors request that appropriate trees be planted along all sides of the site boundary to break the mass of housing on the North side, and that the Southerly and Westerly aspects of the houses should be of muted brick or other similar coloured material, not render (in accordance with HL2, para 2).

Councillors are particularly concerned that the development is implemented more sensitively than the adjacent development to the East which has unfortunately been allowed to have post and panel fencing to the external boundary to the South and a prominent finish to the houses

The previous development made a significant feature of the green credentials of the development which appears to be absent in this new proposal, and councillors would encourage the applicant to continue with this approach in accord with the principles of sustainable development.

Comments on Revised Proposals

Thank you for inviting Treales, Roseacre and Wharles Parish Council to comment on the Revised Provisional Illustrative Master Plan dated June 2016 and associated Proposed Street Scene.

Although the Revised Provisional Illustrative Master Plan tries to accommodate the Parish Council concerns regarding the layout on site, it does not meet the Parish Council's wish avoid the impression of a ribbon like development with completely rendered sides, nor a boundary treatment of hedges and trees to ALL boundaries to the South and West.

Whilst it is recognised that the officer has tried to recover the position of the previous planning officer, this has only been partial, which is disappointing. It is the view of the Parish Council that the views from this prominent site need to be softened with hedging and trees on ALL Southerly and Westerly boundaries and a less prominent material finish needs to be used on Southerly, Easterly and Westerly views more in keeping with Orchard View.

As the current proposal does not ensure a mechanism for muting the view, the Parish Council has resolved maintain its original view and OBJECTS to the proposal.

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

No objections in principle to the proposed RM application. Access was determined with the outline application. The site layout is in principle acceptable. However the highway adjacent to plots 10, 9, 8 and 6 is not to an adoptable standard, a service verge would need to be provided in front of the stated dwellings to meet the standards. Therefore the access road could only be adopted up to and including the turning head. Request a condition relating to cleaning wheels of construction vehicles.

Regeneration Team (Landscape and Urban Design)

Overall I don't have an issue with the planting plan other than the stock size of the trees. Could we ask them to mix it up. They are all 8-10, which is light standard which is a fairly small tree. I would recommend that the majority of the trees are 12-14cm and a few at 10-12cm being the smallest size.

United Utilities – Water

No objections.

Neighbour Observations

Neighbours notified:	21 April 2016
Number of Responses	One
Summary of Comments	No objections, suggest a condition that ensures all boundaries are hedgerows interspersed with native trees and not fencing. The development is on a hill and hedges and trees would help soften its

impact.

Relevant Planning Policy

Fylde Borough Local Plan:

SP2	Development in Countryside Areas
HL2	Development Control Criteria for New Housing Proposals
HL6	Design of Residential Estates
EP14	Landscaping of New Developments

Fylde Local Plan to 2032:

H2	Density and Mix of New Residential Development
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Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

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

Introduction

This application is a Reserved Matters application considering the detailed matters of landscaping, appearance, layout and scale. The principle of development and the access to the site have been established through outline application 15/0450. Other matters such as ecology, contamination, levels, flood risk and drainage, heritage, construction methods and highways were considered at outline stage and conditions were placed on that permission that will need to be complied with and further information supplied to discharge some of those conditions prior to the commencement of development. The principle of developing the site and its access has therefore been established by the outline application and the lands designation within the Local Plan as open countryside is no longer a consideration. The main issues therefore when considering this application are;

- Appearance, layout and scale
- Landscaping
- Highways
- Impact on residential amenity

Appearance / Layout / Scale

The layout of the site has been influenced by its constraints and shape that dictates that the access to the site will be from Kirkham Road to the north and will run alongside the three dwellings recently erected through application 12/0090. To the north of the site is Smithy Farm which is characterised by a series of portal-framed buildings in varying states of repair, to the east is a group of three detached dwellings which have been recently constructed. To the south of the site are open fields. The visual impact of the development has already been accepted at outline stage and this

application is concerned with the appearance, layout and scale of the dwellings.

Dealing first with the proposed layout the outline application throughout the course of its consideration was amended so that the access road within the site was positioned alongside the southern boundary, with dwellings facing outwards towards the open countryside and a hawthorn hedge forming the southern boundary. In total five dwellings were shown to be fronting this access road with the internal road layout leading to a terrace of three. The layout proposed by this Reserved Matters application uses the same principle with the access road along the southern boundary but terminating at the turn north into the site and two dwellings in the position where three previously occupied. The dwellings consist of four detached dwellings and a terrace of three in the north west corner of the site. One of the dwellings is located closer to the southern boundary than the outline indicative layout. However despite this the layout is still considered to be acceptable, with the site being a back land location with a number of existing buildings of substantial height and massing, including in the south west corner of the site where a two storey building is located directly adjacent to the boundary which is the point where one of the dwellings is approximately 5m from the boundary. The visual impact has been previously accepted and this layout is considered acceptable and would have a similar impact.

With regard to the scale of the dwellings all seven of them are two storey which is considered to be an appropriate scale taking into account the character of the surrounding area. The design and appearance of the dwellings is also considered acceptable. The dwellings are similarly designed to the three recently erected in what is known as the Foundry Yard Phase 1, with those three properties constructed in brick and render.

Taking each property in turn Plot 4 is a two storey detached dwelling with a pitched roof, the ground floor constructed in brickwork and the first floor in painted render and red plain tiled roof. The property has a ground floor bay window and a small single storey side extension which forms a utility room of the kitchen. The adjacent plot 5 is of similar design but with more of the elevation rendered and a lower brick plinth wall and the single storey side extension completely brick and used to form a garage. Plots 6 and 7 are located north of the access road and are both detached dwellings, plot 6 again being both brickwork and render with a red plain tile roof. This property has a two storey gable projection and the dwelling incorporates an integral garage. Plot 7 is the same design as plot 5 but also incorporates a small single storey rear extension. Plots 8, 9 and 10 are the terrace of three dwellings located in the north west corner of the site, the terrace has a pitched roof and a central front gable constructed in brickwork with the remaining elevations being rendered. These dwellings have parking spaces in front of the dwellings.

All of the different house types have different features which help to break up their elevations. The design and appearance of all dwellings proposed is acceptable. The details submitted to discharge the layout, appearance and scale of the development are all considered to be appropriate and copy with the requirements of criteria 1 & 2 of Policy HL2 and Policy HL6 of the Fylde Borough Local Plan and the paragraphs in the design chapter of the NPPF which they relate to.

Policy H2 of the emerging Fylde Local Plan to 2032 introduces a requirements that schemes of 10 or more units should include a mix of sizes of dwellings with a number of smaller units to meet an identified shortage of properties of that scale. As this scheme is for less than 10 units it does not need to be tested against that Policy requirement.

Landscaping

As landscaping was a reserved matter the application has been submitted with landscaping plans. These show a tree belt on the northern boundary and a hawthorn hedge with intermittent tree

planting along the southern boundary with the open countryside. The Council's landscape officer has commented that they don't have an issue with the planting plan other than the stock size of the trees, which they would like to see mixed up with some larger trees included. Furthermore as the layout plan has been amended to move the access road to the south of the site as with the indicative plan at outline this plan needs updating to reflect the amended plans. This has been requested along with the variation in stock size but at the time of writing the report had not been received. Therefore the recommendation to members will be to delegate to the Head of Planning to approve subject to receipt of a satisfactory amended landscaping plan. A plan similar to that already produced which reflects the amended layout and increased stock sizes will be acceptable and would be typical of a residential development of this nature and size. The hawthorn hedge with intermittent tree planting on the southern boundary will ensure a soft edge with the open countryside. The development will result in significantly more trees in this area as there are few existing within the site.

Highways

LCC Highways have been consulted on this application in order for them to consider the internal layout of the scheme and have confirmed that they have no objections to it and that the layout is acceptable. They request a condition in relation to cleaning the wheels of construction vehicles at the site. There are therefore no highways issues with the application. The garages proposed as part of the scheme form parking spaces for the dwellings and therefore a condition will be placed on any permission given that will retain these for the purpose of parking a vehicle.

Impact on residential amenity

The layout of the site and the house types has been assessed for their relationship to each other, and the relationship to the off-site neighbours. The dwellings meet the Council's spacing standards and will not create any unacceptable loss of privacy or light to any neighbour dwelling.

Conclusions

This application is for the outstanding reserved matters associated with the residential development of a site for 7 dwellings on land south of Kirkham Road in Treales. The site was granted planning permission through application 15/0450 and this application seeks approval of the scale, appearance, layout and landscaping of the site. The proposal offers an appropriately designed development with the dwellings of an appropriate scale and design and have an acceptable relationship with each other and with their off-site neighbours. As such the proposal is considered to comply with all relevant elements of Policy HL2 and Policy HL6 of the Fylde Borough Local Plan and the guidance in NPPF relating to housing design with which those Policies are consistent. It is therefore recommended that the reserved matters be approved subject to a revised landscaping plan being received which reflects the amended masterplan for the site.

Recommendation

Delegate authority to the Head of Planning and Regeneration to GRANT planning permission subject to the receipt of an acceptable revised landscaping plan, and the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable):

1. That the reserved matters approval hereby approved shall relate to the following plans
 - Site location Plan
 - Site Parameter Plan SK01
 - Illustrative Master Plan 1388 8a

- Proposed street scenes 1388 7a
- Proposed plot 4 and 5 1388 6a
- Proposed plot 6 and 7 1388 5
- Proposed plot 8, 9 and 10 1388 6

In order to properly define the permission as agreed with the application and agent.

2. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason; To prevent stones and mud being carried onto the public highway to the detriment of road safety.

3. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015, the proposed garages shall be retained solely for the housing of a private motor car, and at no time shall any works be undertaken that would prevent it from being used for that purpose.

Reason: The use of the garage for any other purpose would result in the loss of an off-street parking space and would therefore require consideration by the Local Planning Authority.

4. Prior to the commencement of development full details of the boundary treatments shall be submitted in writing to the Local Planning Authority. Unless otherwise agreed in writing the development shall be carried out in accordance with the approved details and shall be in place prior to occupation of any of the dwellings.

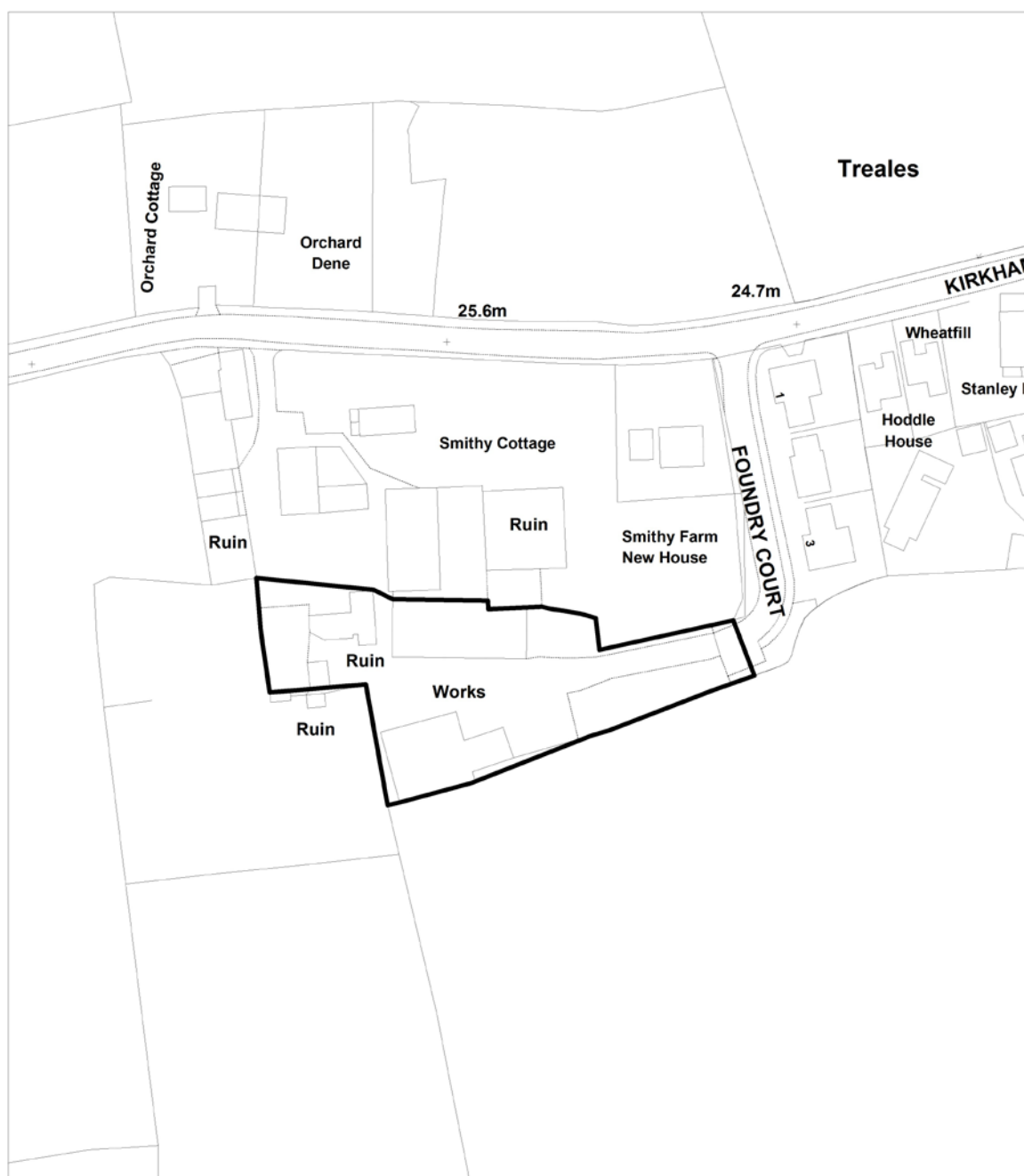
Reason: To protect the visual amenities of the area

5. Obscure glazing shall be provided in the first floor side elevation windows of the dwellings hereby approved and shall thereafter be retained.

To safeguard the privacy of adjoining residents

6. Notwithstanding any denotation on the approved plans samples of the roof treatment and brick and wall cladding [both inclusive of colour] shall be submitted to and approved by the Local Planning Authority no later than 21 days 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.

Such details are not shown on the application and must be agreed to ensure a satisfactory standard of development.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0217	Address Foundry Yard, Kirkham Road, Treales	Grid Ref. E.3439 : N.4328	Scale 0 6 12 18 24 m

Item Number: 4

Committee Date: 07 September 2016

Application Reference:	16/0280	Type of Application:	Reserved Matters
Applicant:	Story Homes	Agent :	
Location:	LAND OFF WILLOW DRIVE, RIBBY ROAD, RIBBY WITH WREA		
Proposal:	APPLICATION FOR APPROVAL OF RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION 14/0302 FOR THE DEVELOPMENT OF 86 DWELLINGS INCLUDING 26 AFFORDABLE UNITS, PUBLIC OPEN SPACE AND ASSOCIATED INFRASTRUCTURE.		
Parish:	RIBBY WITH WREA	Area Team:	Area Team 1
Weeks on Hand:	20	Case Officer:	Andrew Stell
Reason for Delay:	Design Improvements		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7752583,-2.9086176,687m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is a rectangular area of land to the east of the settlement of Wrea Green that has the benefit of outline planning permission for the erection of up to 100 dwellings following a successful appeal against the council's refusal of application 14/0302 for that development. The site is outside of the settlement boundary but adjacent to it on the western and northern boundaries.

This proposal is for the remaining reserved matters of layout, scale, appearance and landscaping associated with that outline permission. The access arrangements were approved at the appeal and involve the demolition of the dwelling at 15 Willow Drive to provide a single point of vehicular and pedestrian access to the site.

The scheme provides for 86 dwellings across all but a small part of the site approved at outline, with these all being two storey properties (with 4 being dormer bungalows) and of a range of housetypes served by a single spine road and a series of cul-de-sacs. The mix of housetypes and their arrangement on the site has been revised during the consideration of the application and so further notifications undertaken with neighbours and key consultees.

These revisions have adequately addressed officer concerns over the proposal and so it is considered that the scheme now with the council accords with the requirements of Policy HL2 of the Fylde Borough Local Plan and policy H2 (Density and Mix and H4 (Affordable Housing) of the Fylde Local Plan to 2032. Accordingly Committee are recommended to grant the approval of these reserved matters.

Reason for Reporting to Committee

The proposal involves major development and is pursuant to an outline application that was determined at Committee, hence the council's Scheme of Officer Delegation requires that it be determined at Committee.

Site Description and Location

The application site is a roughly rectangular area of land extending to 5.8 hectares and is located within the Parish of Ribby-with-Wrea but almost entirely outside of the defined settlement boundary to Wrea Green village. It is located to the east of Willow Drive and parts of Ash Grove and the south of Ribby Road and properties accessed off that road.

The site contains an existing residential dwelling (15 Willow Drive) which was occupied at the time of officer site visit and land that is greenfield and available for agricultural use. This land is divided into 4 fields with "gappy" hedgerows and has hedges around its perimeter. There are also a couple of ponds within the site, which is generally level but undulating in places although it rises gently to the south away from Ribby Road.

The land to the west is in residential use with the existing dwellings on Ash Grove and Willow Drive and the dwellings recently constructed by Wainhomes off Richmond Avenue. To the north it is residential with properties off Ribby Road backing onto the site. To the east and south is other land in agricultural use, with a line of trees providing a screen to the east.

The application site is almost the whole of the site which benefits from outline planning permission, but excludes an area that lies immediately to the rear of 3-11 Willow Drive which is understood that the developer is not to purchase from the landowner due to difficulties providing a viable development proposal on it.

Details of Proposal

The application seeks approval of the remaining reserved matters to outline planning permission 14/0302. That planning permission was granted on appeal and approves the development of up to 100 dwellings on the site, with the access arrangements approved at that time. Those access arrangements are a single vehicular access to the site provided by the demolition of 15 Willow Drive. This application therefore seeks the approval of the remaining reserved matters of layout, scale, appearance and landscaping.

The application proposes the erection of 86 dwellings on the site, with these contained in the area of residential development as was confirmed by the approved 'parameters' plan under the outline planning permission. The dwellings are in a mix of types with the accommodation schedule being as follows:

- 8 x 2 bed apartments
- 8 x 2 bedroom houses
- 16 x 3 bedroom houses
- 3 x 3 bed dormer Bungalow
- 1 x 4 bed Bungalow
- 38 x 4 bed houses

- 12 x 5 bed houses

The layout is based around a central spine road that enters the site before leading in a generally straight line through to the southern edge of the development. A series of cul-de-sacs lead off this road with areas of open space provided around each of the 2 ponds and to the northern and southern boundaries of the site.

The properties are for a mixture of market sale and affordable provision with 26 being affordable which amounts to 30% and so complies with the requirements of the legal obligation associated with the outline planning permission.

The landscaping proposed is in the form of areas of public open space to the northern and southern boundaries and then landscaping around the junctions and to soften the areas of residential development. No formal play area is provided, although the plans indicate a 'trim trail' is to be provided with equipment located generally in the southern area of open space and a route provided along part of the western boundary as an alternative to the main access road..

The proposal under consideration is a revised version of the original scheme and so has been the subject of further consultation with neighbouring residents, the Parish Council and other key consultees. Their latest views are reported in this report.

The application is supported with a suite of documents, with the conclusion of the Planning Statement explaining:

"The development of 86 no. attractively designed and sensitively laid out units including affordable housing and ample open space will bring with it many social, environmental and economic benefits and achieve a sustainable development. The development will meet existing and future housing needs while bring with it several direct and indirect construction and supply based jobs.

The proposal includes a SUDS scheme that will be in general accordance with the approved Site Specific Flood Risk Assessment and Drainage Management Strategy undertaken by Betts Associates (April 2014).

Existing landscaping to be retained will be enhanced by new attractive estate landscaping.

Additional secondary school places are to be provided via a commuted sum with the approach agreed at outline stage. In addition, a Travel Plan shall seek to improve the sustainable connections of the site to the wider area and will reduce car trips.

To that end, the Reserved Matters application in terms as to the proposed layout, scale, appearance, and landscaping is considered to be in compliance with the adopted Development Plan and material considerations including the NPPF and emerging draft Local Plan."

Relevant Planning History

Application No.	Development	Decision	Date
15/0458	OUTLINE APPLICATION FOR THE DEVELOPMENT OF UP TO 49 DWELLINGS, INCLUDING THE PROVISION OF ACCESS FOLLOWING THE DEMOLITION OF 15 WILLOW DRIVE	Approved with 106 Agreement	16/10/2015

14/0735	OUTLINE APPLICATION FOR THE DEVELOPMENT OF UP TO 49 DWELLINGS INCLUDING THE PROVISION OF ACCESS FOLLOWING THE DEMOLITION OF 15 WILLOW DRIVE	Refused	13/01/2015
14/0302	OUTLINE APPLICATION FOR UP TO 100 DWELLINGS INCLUDING THE PROVISION OF ACCESS FOLLOWING THE DEMOLITION OF 15 WILLOW DRIVE	Refused	05/09/2014

Relevant Planning Appeals History

Application No.	Development	Decision	Date
14/0735	OUTLINE APPLICATION FOR THE DEVELOPMENT OF UP TO 49 DWELLINGS INCLUDING THE PROVISION OF ACCESS FOLLOWING THE DEMOLITION OF 15 WILLOW DRIVE	Withdrawn	30/11/2015
14/0302	OUTLINE APPLICATION FOR UP TO 100 DWELLINGS INCLUDING THE PROVISION OF ACCESS FOLLOWING THE DEMOLITION OF 15 WILLOW DRIVE	Allowed	14/01/2016

Parish/Town Council Observations

Ribby with Wrea Parish Council notified on 09 May 2016 and comment that they fully support the comments made by the CAPOW resident group (summarised below) and so recommend refusal.

The Parish Council have been re-consulted on the revised layout and confirm that they remain opposed to the development and in support of the grounds of objection raised by the CAPOW group.

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

No formal comments have been received at the time of writing this report, although informal comments were provide on the initial layout which have been incorporated into the revised scheme now under consideration. It is expected that their formal comments will be received prior to the Committee meeting and so will be reported as part of the Late Observations Schedule.

Regeneration Team (Landscape and Urban Design)

Whilst no formal comments have been received the Regeneration Manager has had input into the revisions to the layout that are now under consideration.

Environmental Protection

Raise no objection to the development, but highlight the potential for construction to cause nuisance by way of dust and other such issues and so appropriate mitigation will need to be implemented in the construction of the dwellings.

Environment Agency

Confirm that they have no comments on the application.

United Utilities - Water

No comments have been received.

Lancashire CC Flood Risk Management Team

Made comment on the initial layout to highlight areas of concern with that submission. These cover the issues below, and whilst they conclude not to object to the development that is conditional on the provision of satisfactory surface and foul water drainage systems and a mechanism for their maintenance. The issues highlighted are:

- That the intention to drain the site to a surface water sewer is sequentially less preferable than other options in the drainage hierarchy. The applicant is advised to examine these and demonstrate why the sewer would be the most preferable.
- That the drainage options for the site should be informed by a ground investigation to establish if the site can be drained by infiltration
- The scheme includes development within 8m of the pond and so puts properties at risk of fluvial flooding
- That there may be amphibian species present on the site which are to be assessed by a competent ecologist.

North Lancs PCT

No comments have been received

Neighbour Observations

Neighbours notified:	09 May 2016
Amended plans notified:	4 July 2016 and 23 August 2016
Site Notice Date:	12 May 2016
Press Notice Date:	12 May 2016
Number of Responses	16 letters from individual properties and 3 on behalf of residents

CAPOW Comments (resident group)

Raise objection to the development as initially on the following grounds:

- That the mix of dwellings proposed within the development does not reflect the identified local needs
- That the local housing needs survey confirms that there is a limited need for affordable housing in the village and this is met by other developments so none are needed in this development, and any that are should be suitable for the elderly residents of the village that are looking to downsize
- The inclusion of the three storey properties will change the character of the area as there are no other properties of this scale in the village
- The proposal involves positioning development very close to protected trees and so is likely to impact on their roots
- The submission is inconsistent with regards to the provision of boundary treatments and acoustic barriers. And this is a critical part of the scheme as it has a great bearing on neighbour amenity
- The submission does not provide any information to discharge the conditions that are required

prior to the commencement of development, with some of these such as the construction plan and the drainage information of great importance to how the development can proceed

- The play area required by the outline is not provided
- The scale of the dwellings is such that highway use will lead to congestion and highway safety issues on Willow Drive and surrounding roads
- The ecology submission was not undertaken at the correct time of year in some areas and ignores the presence of great crested newts and Brown Hares which are known to inhabit the area
- The application does not provide for the works required by the highway consultee comments to the outline application.

Write to confirm that the revisions made to the scheme do not address any concerns that were initially stated and so they stand by them.

Consultant Comments for Langtons Farm

Highlight that the outline planning permission included several conditions that were in response to the relationship to this dwelling and to mitigate the impact on its residential amenity and the equestrian activity undertaken there. They comment on the application as follows:

- Condition 22 requires that a suitable boundary treatment is included to the northern edge of the site. The proposed 2m fence is inadequate to meet their expectations for privacy, security and equestrian safety.
- Condition 9 is to provide a landscaping area within the site adjacent to this boundary, but the details proposed are inadequate to achieve the required defensive qualities
- Condition 4 is to provide a suitable buffer zone to this area to reduce the potential for disturbance of the residential amenity and equestrian activities. It is suggested that a 30m buffer would be appropriate, and the scheme proposes much less than that with the access road, dwellings, garages and gardens within this area.

Consultant Comments for Wainhomes Development residents

With regard to the initial scheme they make the following comments:

- Procedure – The outline permission is for 100 dwellings and as only 86 are proposed in this application can the council ensure that further applications for the other 14 potential dealings will not be received and so impact on the provision of public open space areas
- Appeal Decision – The council needs to ensure that all the requirements of the outline permission are implemented, particularly the off-site highway works
- Density and Layout – The proposal must reflect the character and spacing of the surrounding development. IT is argued that the density proposed here is excessive and significantly higher than even the newly constructed properties on the Wainhomes site where his clients live.
- Affordable Units – These should be spread through the development not in a single cluster
- Landscape Character – The greater part of the development is adjacent to the Wainhomes site and there is a limited amount of space for landscaping and the details provided of that landscaping indicate that its provision is ‘lamentable’. The provision of a trim trail in this area would create concerns over amenity impacts to the Wainhomes properties from its use.
- Drainage – The plan provided is limited in its scope and concerns are raised should the property levels need to be raised to achieve a suitable drainage fall
- POS Provision – Concerns are raised should the area of public open space at the southern edge of the site be used as ‘a magnet for public attraction and activity’. It is suggested that the

council enter into a legal agreement with the applicant to ensure that these areas are protected from potential future development.

With regard to the revised scheme they make the following comments:

- Their concerns over the density of the development remain, with the introduction of additional bungalow properties not addressing their concerns as they see that the layout should be more reflective of the remainder of the village and it is much denser than that. The requirement of HL2 for the density to reflect that of the surrounding development is not met.
- The form and layout of the development is formal and regimented with limited areas of open space and a lack of individuality to the development. The scheme does not relate in any way to the needs of Wrea Green
- The affordable housing is provided in clusters around the southern part of the site and so fails to integrate fully with the development
- The introduction of three storey properties is out of character with Wrea Green
- There is an absence of effective landscaping around the perimeter of the site, particularly with the properties on Stony Grove and Richmond Avenue (Wainhomes site) which were designed to be outward facing and so will be particularly impacted by the urban development facing their properties without any effective softening of the views.
- The boundary to the Wainhomes site is a hedge and watercourse that is outside of this application site yet seems to be relied upon by the developers to provide an effective screen to these properties. It is also described as a wildlife corridor but with the large gaps in it and the ownership constraint preventing this from being improved there is little comfort that it can fulfil this function
- The inclusion of a trim trail along this boundary will conflict with the wildfire objective and seems to be unjustified in the submission with no real detail over its construction. They are concerned that its use will create a further erosion of privacy, outlook and amenity for the occupiers of the Wainhomes site

Resident Comments

- A neighbour that lives on the Wainhomes site has highlighted the proximity of the proposed development to their property and the limited landscaping between that they feel will cause a loss of privacy to be suffered as well as disturbance from the close proximity of the driveways
- A neighbour from Willow Drive refers to the failure to indicate the presence of a ditch that runs to the rear of Willow Drive on the drainage plans, and serves an important function in the drainage of the area.
- A neighbour from Willow Drive highlights the limited extent of the acoustic barriers around the entrance which do not extend to the road frontage, and are only across the rear of some of the rear boundaries to the site. The acoustic barrier details are also criticised as being inadequate.
- A number of residents refer to their objection to the principle of the development due to the loss of greenfields around the village, the lack of any need for additional housing in the village, the limited range of services (education, shops, health, drainage) available to support additional residents, and the highway implications of the development.
- A number of residents express a view that the submission of this reserved matters layout ignores key requirements of the appeal inspector's decision letter, and that details required by conditions are not included
- A neighbour that lives on the Wainhomes site has expressed opposition to the inclusion of a trim trail along the western boundary as it is very close to their properties and creates a potential source of nuisance
- A resident from within the village has written to highlight a general objection to new development, but specifically to state that the reference to affordable housing is providing

- properties that local residents can buy and receive value for money.
- A resident from Willow Drive highlights that an area of land that was within the outline application has been omitted from this layout and so creates a concern over what would be built on it. They also query the height of some dwellings and that the dwellings that are proposed do not meet community needs.
- A resident of Ribby Road has written to highlight the position of their property 'downstream' of the site and the impacts that the rain in December 2015/January 2016 had on the drainage system serving that part of the village which failed and led to properties being flooded.

Relevant Planning Policy

Fylde Borough Local Plan:

HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TR01	Improving pedestrian facilities
TREC17	Public Open Space within New Housing Developments
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP18	Natural features
EP25	Development and waste water
EP27	Noise pollution
EP30	Development within floodplains

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
FBLP32	Fylde Borough Local Plan to 2032 Policy H2 and H4

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

Principle of Development

The outline planning permission establishes the principle of the development of the site for up to 100 residential properties. This scheme is for 86 and so is in accordance with that planning permission. A small part of the outline site that is between the rear of Willow Drive properties and the dwelling at Langtons Farm has been omitted from the site and it is understood that this is not to be purchased by the developer, but could be presented for development at a later stage without breaching the dwelling limit of the outline permission.

The ability of the site to accommodate the number of dwellings sought in the outline was the principle area of concern that the council had at the appeal, with the council's position being that

the development of this number of dwellings on a site of this area would be unduly harmful to the rural character of the area and to the character established by the neighbouring dwellings. In response to this concern the extent of the developable area of the site was compressed in a revised plan that was submitted to the Planning Inspectorate immediately before the Inquiry commenced. This effectively increased the area of open space area to the south of the site and was sufficient to persuade the Inspector that the development would not have an unduly harmful visual impact. The reduced number of dwellings proposed here accords with the principles of the outline in that regard and is obviously closer to the realistic capacity of the area to provide for development than the 'up to 100' approved in that decision.

The net density of development (i.e. that limited to the area of development) is around 23 dwellings per hectare. Whilst it is higher than that seen in the surrounding area, it is a consequence of the number of dwellings approved at outline, and subject to the provision of an appropriate layout and landscaping will be acceptable.

Policy Background

With this being a reserved matters application the council's housing requirements and 5 year housing supply issues are not relevant for its consideration. The matters that are for assessment are the acceptability of the submitted information in respect of the appearance, scale, layout and landscaping of the development.

The policy tests for these are principally contained within the Fylde Borough Local Plan (FBLP) which is the development plan for the borough, with Policy HL2 being of most relevance as this confirms the 'Development Control Criteria for Housing Proposals'. Policies relating to drainage, open space, etc. are also of relevance and so referred to in this report in the respective sections.

The Fylde Local Plan to 2032 (FLP32) is currently undergoing consultation on the submission version, but the policies of the housing chapter were supported for the determination of planning applications at the June 2016 meeting of Committee and so the application will also be assessed against these where relevant.

Mix of Dwellings

Policy HL2 of the FBLP requires that proposals are in keeping with the character of the locality. Policy H2 of the FLP32 goes further than this and is prescriptive in the mix of dwellings that should be achieved in new developments. This requires that schemes provide at least 50% of the dwellings as 1-3 bedroomed properties, and that in rural villages (including Wrea Green) there should be 33% of the total at 1-2 bedroom size.

The mix offered in the latest proposals is:

16 x 2 bed
19 x 3 bed
39 x 4 bed
12 x 5 bed

This gives 40% as 1-3 bedroomed rather than the 50% sought, and 19% as 1-2 bedroom rather than the 33% sought by policy.

Clearly this is not in accordance with this emerging policy, but it does provide a mix of dwelling sizes that is more reflective of the policy obligation than the council has been able to secure with other developments. It is also the case that the surrounding properties on Willow Drive and the

Wainhomes development are generally larger 4 and 5 bedroomed properties and so an over concentration on smaller properties would create conflict with the requirements of Policy HL2 for the mix of properties to be in keeping with the character of the locality.

Layout of Dwellings

The outline planning permission includes a condition that requires the extent of the development and its layout to be in general accordance with that shown on the Concept Block Plan that was presented to the Planning Inspectorate shortly before the Inquiry. This confirms the access point, ensures that the properties are laid out to respect the position of the ponds and trees on and around the site, and provides open space areas to the northern and southern ends.

The submitted layout under consideration respects all these aspects, and whilst there is a slight encroachment into both the northern and southern open space areas the layout is broadly in accordance with that which was required by the outline permission. The discussions with the applicant during the consideration of this application have brought improvements to the layout by increasing the separation from boundaries, refining the movements around ponds, and improving the potential for wildlife connectivity to the ponds. Accordingly it is now considered that the layout is acceptable and meets requirements of Policy HL2 and H2 in that regard.

Provision of Affordable Housing

The council's policy position on affordable housing is provided by Policy H4 of the Fylde Local Plan to 2032. This refers to developments of this scale providing 30% of the total as affordable units. The outline planning permission secures this through a Unilateral Undertaking that was submitted by the developer to support their appeal following discussion with the council over its wording so that the council's requirements were included within it.

This proposal complies with the requirements of that undertaking by including 26 of the 86 dwellings as affordable properties. These are split by tenure and type as follows:

- 8 x 2 bedroomed flat for affordable rent
- 2 x 2 bedroomed house for affordable rent
- 8 x 3 bedroomed house for affordable rent
- 2 x 3 bedroomed semi for intermediate affordable housing
- 3 x 2 bedroomed semi for intermediate affordable housing

The provision of these units is welcomed in terms of their scale and in being mainly for affordable rent which is the affordable tenure in greatest need in the borough.

The application proposes that the intermediate affordable housing will be presented as being Discounted Market Sale properties whereby the properties are sold to those in housing need, with an initial search being at those with a suitable local connection through residency or employment or family connection. The desirability of this tenure is a matter that needs further discussion with the council's Strategic Housing Team as the preference is for shared ownership rather than discounted market sale as the intermediate housing element of an affordable housing scheme.

The details of this tenure along with its management and retention as affordable housing is not given sufficient clarity in either the Unilateral Undertaking with the planning permission or in the 'Affordable Housing Statement' submitted with this application. Accordingly a condition is required to ensure that a suitable 'Affordable Housing Statement' is agreed prior to development commencing.

The properties are located in clusters towards the southern end of the site and so will be constructed later in the development. The Unilateral Undertaking requires that the phasing of the delivery of the affordable units is to be agreed in the Affordable Housing Scheme, and so this is a further matter to be secured as part of the condition covered earlier.

The council's Housing team have confirmed that this number, mix and tenure of properties meets their requirements and so it is considered that the proposal will comply with Policy subject to the condition to secure operation of the Discounted Market Sale Units.

Scale and Design of Dwellings

With regard to their scale, the application proposes that all the dwellings are built at two storeys. Whilst a number are referred to as bungalows, the two housetypes in question (Richmond and Banbury) are actually 2 storey properties albeit that the upper floors are served by dormer windows or Velux/gable windows. The Altrincham type is a flat that is available in 2 or 3 storey options, with the proposal here to use a 2 storey option although the cover sheet to the submitted housetype drawing has misled some as it does indicate the 3 storey version.

The comments made by CAPAW refer to there being a local need for bungalows to be built, with these intended to support elderly occupants of the village looking to downsize but remain within the village. This point has been promoted to the applicant who has responded by increasing the number of bungalows to the 4 shown on the layout under consideration here. This remains a low figure in a development of this scale, and is a disappointing position although they highlight the relatively high land take involved in providing such properties which would have implications for the overall density if more were included.

Policy H2 of the FLP32 requires that 20% of the dwellings on a site of this size should be designed specifically to accommodate the elderly. This does not however mean that the dwellings provided must be bungalows and so it is not considered that there is a policy requirement that can allow this application to be refused for its failure to deliver any more bungalows than the four shown in the latest revision of the layout.

With regard to their design, the dwellings are from the applicant's standard portfolio of housetypes and so are not specifically designed to accord with a Wrea Green vernacular. However, it is difficult to establish what that would be given that the village has seen growth over the years with properties typically built to reflect the design specification of their time. In this case the site bounds the 1980s development on Willow Drive, the 1990s development on Ash Grove, the on-going development by Wainhomes, and the replacement dwelling completed last year at Langtons Farm. These do not have a consistent style and so the requirement from this development must simply be that the proposed dwellings are of a suitably high quality.

Having assessed the individual housetypes, the proposed arrangement of them within the site, and the proposed materials of their construction it is considered that the development complies with the requirement of criteria 2 of Policy HL2 to the FBLP in that regard. The design requirements of the FLP32 are contained in a policy outside of the Housing Chapter and so it is not yet an appropriate test for applications.

Provision of Open Space and Landscaping

The outline planning permission requires that the development complies with the Concept Block Plan presented to the appeal with specific reference made to the provision of an open space buffer to the north of the site (condition 4), that there shall be details of the public open space proposals within the site to include an equipped playground and an informal area of open space to the

southern end (condition 5), and that details of the on-going management of these shall be provided prior to occupation (condition 6). Whilst it is not stated in the Inspector's conditions the discussion at the Inquiry was that these conditions are to meet the requirements of Policy HL2 for the development to be appropriately laid out, to meet the requirements of Policy TREC17 in terms of provision, and to ensure that the layout respects the proximity of the site in the landscape and the relationship to neighbouring land uses.

There has been some improvement of the open space and landscaping since the initial version of the layout plan was presented, with the current position on open space being:

- There is an area of open space to the northern end of the site that is adjacent to the dwelling and equestrian facility at Langtons Farm. This has a width of 25m tapering down to 12m to the rear of the stable building. The landscaping details of this are not confirmed at the time that this report was drafted, with the expected position being that part will be grassed over, and the narrower parts and area adjacent to the boundary will be planted with defensive plants to protect the boundary with this property as is required by condition 4.
- There is an area of open space to the southern edge of the site that has a width of 65m – 40m across the 105m width of the site. This is to serve a couple of functions. Primarily it is to be planted with a strategic planting belt of trees and shrubs that will become established to soften the appearance of the development in views from the south. This visual impact was one of the main reasons that the council was opposed to the development and whilst the Inspector accepted that the development could proceed this was based on this area being landscaped, and so it is imperative that this landscaping is implemented and maintained. A secondary function of this area is to support the formal play area requirements of the development. This is in the form of a number of pieces of timber play equipment as part of a trim trail. This type of equipment will be less visually intrusive than a traditional formal play area and so can be better accommodated in this sensitive area. Care is needed with its siting though to ensure the amenity of the neighbouring residents is safeguarded. The provision of this should be secured by a further condition.
- A 'trim trail' is proposed and consists of a marked pedestrian / cycle route that is physically separated from the roadway to be used as an alternative to that route. This was initially shown running along the entire western boundary and wrapping around both ponds to connect the access point to the north with the open space area to the south. This has been revised since submission to re-route it around the southern pond so that it retains that as a more natural feature, and to omit the southern section as that generated particular amenity concerns given the proximity to the neighbours on the Wainhomes development. It is expected that this route will be lit and surfaced and so offer a year round route
- There is no formal play area on the site with the trim trail and timber play equipment to provide that aspect of the open space obligation. There are existing play facilities in the village: one of which is close to this site at Wray Crescent albeit across Ribby Road, whilst the other is physically close on the Wainhomes development but not accessible due to the lack of a route between the two sites at present. With the availability of these, and the onsite provision of open space it is considered that the failure to deliver the formal open space obligations of the outline condition is not a matter that should prevent this scheme being supported.
- Other smaller areas of open space are provided within the development around both ponds.

The scheme also respects the protected trees that form a belt along much of the eastern boundary, with condition 15 of the outline permission requiring that these are protected during development. A further condition is required to secure the appropriate construction methods for the parking area to the apartments as this encroaches into the Root Protection Area of these trees.

Whilst the final landscaping scheme has yet to be received as the layout has evolved during the consideration of the application, it is expected that a satisfactory scheme will be received and so ensure that the proposed layout will accord with the requirements of Policy HL2, TREC17, EP12 and EP14 of the FBLP and H2 of the FLP32.

Neighbour Relationships

The relationship of any development to its neighbours is an important assessment that is to be made of its acceptability. That assessment is particularly critical here as the properties which share boundaries with the site are all relatively recently built and are generally designed to be outward facing. As they raise slightly different issues they are assessed in turn below:

- Langtons Farm (dwelling) – This is a detached house with associated equestrian facilities located to the north of the site and so is adjacent to the northern area of open space, with the grazing land wrapping around the north western corner of the site and so alongside a dwelling on the development. The dwelling at Langtons Farm has been designed with a rear aspect that features extensive glazing and balcony areas to make the most of the southern facing aspect across the site, and so this is dramatically altered by the development. The nearest dwelling is the side of a two storey house and its garage with the house over 40m from the rear of Langtons Farm with that house having a couple of ensuite windows only in its side gable. At this distance the relationship is an acceptable one.
- Langtons Farm (stables) - The two nearest dwellings on the site 25m from the stables and that on plot 84 immediately adjacent the boundary with land used for grazing. This is a concern both for the potential for the residential use of these properties to ‘spook’ the horses, and from the odour and other such issues that are inherent with equestrian activities causing a nuisance to occupiers of the dwellings on the site. This proximity is slightly less than a 30m distance that was sought when determining a smaller application for residential development on the site, and incorporates the garden to the dwellings within much of the separation. Notwithstanding this tightening of the relationship it is considered that on balance the separation and relationship is an acceptable one, particularly given the potential for the intervening boundary treatment to be substantially constructed and supported by planting that will help mitigate this relationship.
- Willow Drive – These are detached houses that are at either side of the access point and that back onto the area of open space to the north of the development. An area of concern raised over the initial scheme was the level of disturbance that would be suffered by these properties from the use of the access by construction and vehicular traffic from a site of this scale. These concerns were adequately addressed by the commitment for an acoustic barrier to be erected alongside the dwellings and their gardens. This is secured by condition 8 of the outline permission. An application has been received with details to seek to discharge this condition (application 16/0431 refers) and this will be determined once an acceptable arrangement for the location, design and acoustic qualities of this has been agreed. There are no dwellings adjacent to these properties and so the relationship of these to the development is acceptable.
- Ash Drive – These are detached houses that face onto the northern pond and a number of proposed dwellings, some with a direct boundary and others across Ash Drive. The relationships between these properties are generally angled ones and are in excess of 30m in all cases with this assisted by the presence of a well-established hedge along the boundary. This gives an acceptable relationship between these neighbouring dwellings.
- Wainhomes development – There are a number of streets on this site that have properties which face onto new dwellings within the site, and with the boundary being a ditch and then a hedge with a number of gaps they have highlighted concerns over the relationships. The plans have been revised to increase the separation in some areas, to introduce a bungalow property where it is closest to the boundary, and to remove the trim trail and introduce landscaping. These alterations have improved these relationships to ensure the current proposal is

acceptable.

- Other boundaries – The eastern boundary of the site is with farmland and trees, and the southern boundary is with farmland and so there are no neighbour relationships in these areas.

The expected floor levels of the development have been checked against the existing ones as residents raise concerns that the site drainage could require the new dwellings to be elevated to achieve a gravity fall to the drainage network off site. The existing ground levels are generally similar across the boundary as the land gradually raises to the south before falling away at the tip of the developed part. The proposed properties are to be built at a similar level to the existing ground and so to the properties off site, and as such this aspect of the relationships is also acceptable.

Criteria 4 of Policy HL2 of the FBLP requires that new development does not adversely affect the amenity and privacy of neighbouring properties. Whilst the revisions introduced to the layout it is considered that the proposal as presented achieves that requirement and so there is no conflict with this Policy. There is no equivalent requirement in the Housing Chapter of the FLP32 as the design requirements are elsewhere in that Plan and so it is not yet necessary to examine compliance with them.

Internal Access and Parking arrangements

Unfortunately the final comments of the highway authority are not available, but there has been some dialogue with them over the layout requirements to ensure it is capable of adoption once constructed. It is expected that their comments will be received prior to the Committee meeting and will be supportive of the design of the layout.

The majority of the properties are provided with in curtilage parking for at least 2 cars, with the majority having garages and only the affordable houses not benefiting from these. The only area where in curtilage parking is not provided is the apartments that are provided with a parking court that is located to the rear of the buildings and provides 14 spaces for the 8 flats. The parking levels across the site are acceptable for a development of this nature, and areas of frontage parking are generally unattractive these are limited in number with many garages provided to the rear of properties so allowing an opportunity to remove parked cars from the streetscene.

The access to the site is not for consideration here and so the requirements within the outline permission for its construction and the associated off-site highway works remain relevant and will be implemented as part of this development under the conditions attached to that permission.

The scheme is considered to have appropriate access and parking arrangements and so complies with criteria 9 of Policy HL2 of the FBLP and H2 of the FLP32 in that regard.

Boundary treatments

Condition 8 of the outline permission includes a requirement for the developer to submit and secure approval for the acoustic barrier that is to prevent amenity harm being suffered around the site entrance, with condition 4 relating to the protection of amenity concerns to the equestrian activity at Langtons Farm and so potentially continuing it across that boundary. The remaining boundary treatments are for consideration as part of this scheme and so also need to be assessed.

The submission is supported with a plan that indicates the intended boundaries around the site. In the public areas these are predominantly a hedge to form the front boundary of properties and is a suitable treatment for a rural village development. The two ponds and two main open space areas are surrounded by an estate rail to 1200mm high which is also a suitable treatment that defines

these areas but allows them to be viewed as part of the streetscene. In a small number of areas there is a need to provide a taller, solid boundary to provide privacy to the rear garden areas of dwellings alongside roadways, and in these areas a brick wall to 1800mm height is proposed. This is a starker boundary, but given the limited extent of its use and the relatively short lengths involved it is not harmful to the overall development. Timber fences are used to separate internal garden boundaries but are not readily visible in the street and so are acceptable in this location.

The overall position on the proposed boundary treatments is that they are all of an acceptable routing, form and extent and so the layout of them proposed in this application is appropriate. However, that layout does not include details of their design and so a condition is proposed to secure the approval of this. The condition on the outline will also need to be assessed under the existing discharge application to ensure that this boundary is appropriate in both its design and its acoustic characteristics given its potential extent around the northwest and northern boundaries.

Levels and Drainage

The outline application was supported with a Flood Risk Assessment that highlights the intention to connect the drainage to the surface water sewerage system at a controlled rate equivalent to the greenfield run off rate with an allowance for climate change. This is standard practise for the development of greenfield sites such as this.

The sewer runs along Willow Drive northwards before crossing Ribby Road and connecting to Wrea Brook. The site will drain by gravity to connect to that sewer at the point of access to the site, with the flow into this limited by hydrobrake and the water awaiting release stored on site in a series of underground surface water storage areas in the open space areas adjacent to the site access. The site levels naturally fall towards this point making the gravity flow a viable option, with the latest plans confirming the floor levels of the dwellings demonstrating that they remain broadly equivalent to the existing ground levels.

The surface water network from this point has been the subject of flooding events in the past winter, and this has led to LCC leading some detailed investigations of the cause and implementing some remedial action to address the issues that caused this flooding. These works are an obvious benefit to the whole community, with the restriction in this scheme to greenfield rates ensuring that it does not involve any greater flows for the site into this watercourse.

The Lead Local Flood Authority highlight concerns over the use of the sewer as they believe that the developer has not demonstrated that other methods of site drainage, such as ground infiltration, have not been examined. Whilst this has implications for this reserved matters application, the site drainage is actual for approval through the discharge of conditions 20, 21 and 22 associated with the outline permission. These are currently under consideration through application 16/0431 and so any concerns of the Lead Local Flood Authority can be addressed through the determination of that application.

The LLFA raise a concern over the proximity of some dwellings to the ponds on site as they are within the 8m buffer zone required for access and as a protection against flooding in the event that the pond floods. The revised layout places properties outside of this separation distance and it is to be noted that the ponds do not form any part of the site drainage system.

The foul sewer is proposed to drain by gravity across the site and then connect to the existing foul sewer in Willow Drive. United Utilities did not raise any objection to this at outline stage, and have been consulted on the latest proposals and it is expected that they will be satisfied with these details as they accord with the principles of the outline and are drawn to the relevant technical

specifications.

The scheme provides an appropriate solution to the site drainage that will ensure that it can be drained without any adverse impacts on the existing drainage networks in the village. The outline planning permission provided sufficient details to satisfy the relevant consultees over the principle of the drainage solutions, and this scheme demonstrates that these can be implemented with this layout. The proposal therefore accords with criteria 10 of Policy HL2 of the FBLP.

Ecology

With the site being a greenfield site that contains ponds and is surrounded by trees and other countryside land then there is an obvious potential for the residential development to have an impact on matters of ecological importance. These were assessed at the outline stage with that application supported by a range of surveys that concluded there would be no overriding harm causes to these issues subject to further survey works and appropriate mitigation. Conditions 16, 17 and 18 of the outline permission make specific reference to this.

This reserved matters application is supported with a method statement for the identification and protection of wildlife that has been prepared by specialist ecologists. This reports the findings of further surveys undertaken this year on the site and presents mitigation and habitat improvements for the various habitats and species as follows:

- Pond Habitat – These are important wildlife features and they are to be maintained and improved for their ecological value through the development of the site and beyond. A condition is appropriate to secure the implementation of this.
- Water Voles – The various ditches and ponds within and around the site were surveyed but found to be unsuited to water vole use and no evidence of them was found
- Amphibians – The site is not known to support any Great Crested Newts or other protected species but does provide suitable habitat. The layout has been improved to facilitate improved commuting opportunities to the southern pond from the east and the site is to be managed to ensure that the conditions remain favourable for the use of this habitat.
- Birds – The site has opportunities for various bird species to use for nesting. The report suggests that works are timed to avoid disturbance of them, and that mitigation with new nest boxes and habitat being provided. These can be secured through conditions.
- Bats – The dwelling at 15 Willow Drive is known to provide a day roost for a common pipistrelle bat and so a Natural England Licence is required to ensure that this appropriately mitigated in the development of the site. The mitigation involves new bat boxes and panels in the new dwellings and around the site.

It is considered that the developer has submitted sufficient details to address any reasonable ecological issues arising from this proposal and that the scheme is therefore in accordance with Policy EP18 and EP19 of the FBLP with regard to the protection of wildlife and its habitat.

Conclusions

The application site is a rectangular area of land to the east of the settlement of Wrea Green that has the benefit of outline planning permission for the erection of up to 100 dwellings following a successful appeal against the council's refusal of application 14/0302 for that development. The site is outside of the settlement boundary but adjacent to it on the western and northern boundaries.

This proposal is for the remaining reserved matters of layout, scale, appearance and landscaping associated with that outline permission. The access arrangements were approved at the appeal and involve the demolition of the dwelling at 15 Willow Drive to provide a single point of vehicular and pedestrian access to the site.

The scheme provides for 86 dwellings across all but a small part of the site approved at outline, with these all being two storey properties (with 4 being dormer bungalows) and of a range of house types served by a single spine road and a series of cul-de-sacs. The mix of house types and their arrangement on the site has been revised during the consideration of the application and so further notifications undertaken with neighbours and key consultees.

These revisions have adequately addressed officer concerns over the proposal and so it is considered that the scheme now with the council accords with the requirements of Policy HL2 of the Fylde Borough Local Plan and policy H2 (Density and Mix) and H4 (Affordable Housing) of the Fylde Local Plan to 2032. Accordingly Committee are recommended to grant the approval of these reserved matters.

Recommendation

That Reserved Matters Approval be GRANTED subject to the following conditions:

1. This consent relates to the following details:

Approved plans:

- Location Plan - POD Project 692-STO Drawing 001
- Proposed Detailed Site Layout - POD Project 692-STO Drawing 100 Rev J
- Proposed Elevation Treatment - POD Project 692-STO Drawing 102 Rev C
- Proposed Boundary Treatments - POD Project 692-STO Drawing 103 Rev E
- Indicative Finished Floor Levels - Storey Homes drawing SL115.90.9.ILP1
- Indicative Finished Floor Levels - Storey Homes drawing SL115.90.9.ILP2 Rev A
- Street Scenes - Storey Homes drawing SL115.90.9.SS
- Landscape Proposals - Pegasus Design Drawing YOR.2195.015 Rev NEED TO SORT
- Landscape Masterplan - Pegasus Design Drawing YOR.2195.016 Rev NEED TO SORT
- Housetype Plans and Elevations (Altrincham v2) - Storey Homes
- Housetype Plans and Elevations (Arundel v3) - Storey Homes
- Housetype Plans and Elevations (Banbury v3) - Storey Homes
- Housetype Plans and Elevations (Boston v3) - Storey Homes
- Housetype Plans and Elevations (Epsom) - Storey Homes
- Housetype Plans and Elevations (Harrogate v3) - Storey Homes
- Housetype Plans and Elevations (Hastings v3) - Storey Homes
- Housetype Plans and Elevations (Hawthorn) - Storey Homes
- Housetype Plans and Elevations (Mayfair v3) - Storey Homes
- Housetype Plans and Elevations (Richmond v3) - Storey Homes
- Housetype Plans and Elevations (Rowan) - Storey Homes
- Housetype Plans and Elevations (Salisbury v3) - Storey Homes
- Housetype Plans and Elevations (Taunton v3) - Storey Homes
- Housetype Plans and Elevations (Warwick v3) - Storey Homes
- Housetype Plans and Elevations (Wellington v3) - Storey Homes
- Housetype Plans and Elevations (Westminster v3) - Storey Homes
- Housetype Plans and Elevations (Winchester v3) - Storey Homes
- Housetype Plans and Elevations (York) - Storey Homes
- Housetype Plans and Elevations (Garages) - Storey Homes

Supporting Reports:

- Design and Access Statement
- Planning Statement - Story Homes March 2016
- Tree Survey Report - PDP Associates February 2016
- Arboricultural Method Statement - PDP Associates February 2016
- Method Statement for Identification and Protection of Wildlife - ERAP 2016-0047

Reason: For the avoidance of doubt and as agreed with the applicant / agent.

2. Notwithstanding the details listed in condition 1 of this approval for boundary treatments a full specification of these supported with details of the design and materials for the structures and the planting schedule for the hedges shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. These approved details site shall be implemented as the respective boundary treatments across the site in accordance with a phasing schedule that is to form part of that submission.

Reason: To provide sufficient clarity over the boundary treatments for the site in accordance with Policy HL2 of the Fylde Borough Local Plan.

3. Notwithstanding the details listed in condition 1 of this approval for materials of construction a full specification of these supported with details of the manufacturer, colour, texture and finish for the external materials of construction to the dwellings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. These approved details site shall be implemented during the implementation of the development.

Reason: To provide sufficient clarity over the construction materials for the dwellings in accordance with Policy HL2 of the Fylde Borough Local Plan.

4. Prior to the commencement of a full specification of the materials to be used on the hard surfaced areas of the site supported with details of the manufacturer, colour, texture and finish shall be submitted to and approved in writing by the Local Planning Authority. These approved details site shall be implemented during the implementation of the development.

Reason: To provide sufficient clarity over these surfaces on the site in accordance with Policy HL2 of the Fylde Borough Local Plan.

5. That the areas that are kept free from built development on the approved site layout listed in condition 1 of this approval shall remain free of development and available for communal public open space use at all times thereafter.

Reason: To provide clarity over the extent of the built development to minimise its impact on the surrounding landscape and to ensure provision of areas of open space within it in accordance with condition 4 of outline planning permission 14/0302, Policy HL2 of the Fylde Borough Local Plan, and Policy TEC17 of the Fylde Borough Local Plan.

6. That prior to the commencement of any development details of the equipment to be provided as part of the trim trail, its location along that trail and in the areas of public open space on the site, and the phasing of its provision shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved phasing and

details, with this trim trail thereafter maintained as part of the communal space for the development at all times thereafter.

Reason: To provide clarity over the open space provision on the site in accordance with condition 5 of outline planning permission 14/0302, Policy HL2 of the Fylde Borough Local Plan, and Policy TEC17 of the Fylde Borough Local Plan.

7. Notwithstanding any details shown on the approved plans and the requirements of condition 4, 5 and 8 of outline planning permission 14/0302 and plans indicated on condition 1 of this approval, within three months of development first taking place a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs. The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with the requirements of Fylde Borough Local Plan policies HL2, EP14 and EP18, and the National Planning Policy Framework.

8. Prior to the commencement of any development a construction methodology to detail how any construction works that are to be undertaken within the Root Protection Area of any of the protected trees within and around the site (including the parking area to plots 65-72) shall be submitted to and approved in writing by the Local Planning Authority. This shall specify the surface material, method of excavation, treatment to an roots found, drainage works, and any other such aspects that are important to ensure that the potential for harm to these trees is minimised.

The development shall be implemented in full accordance with this scheme as it relates to the affected plots.

Reason: To ensure that the risk of harm to protected trees is minimised in accordance with Policy EP12 of the Fylde Borough Local Plan.

9. Prior to the commencement of any development hereby approved an 'Affordable Housing Statement' shall be submitted to and approved in writing by the Local Planning Authority. This shall confirm the arrangements for the timing of delivery, the operation as affordable housing, the occupancy criteria, and the mechanism by which these properties are retained as affordable dwellings for any affordable dwellings within the site that are not to be operated by a Registered Provider / Registered Social Landlord as affordable rented units.

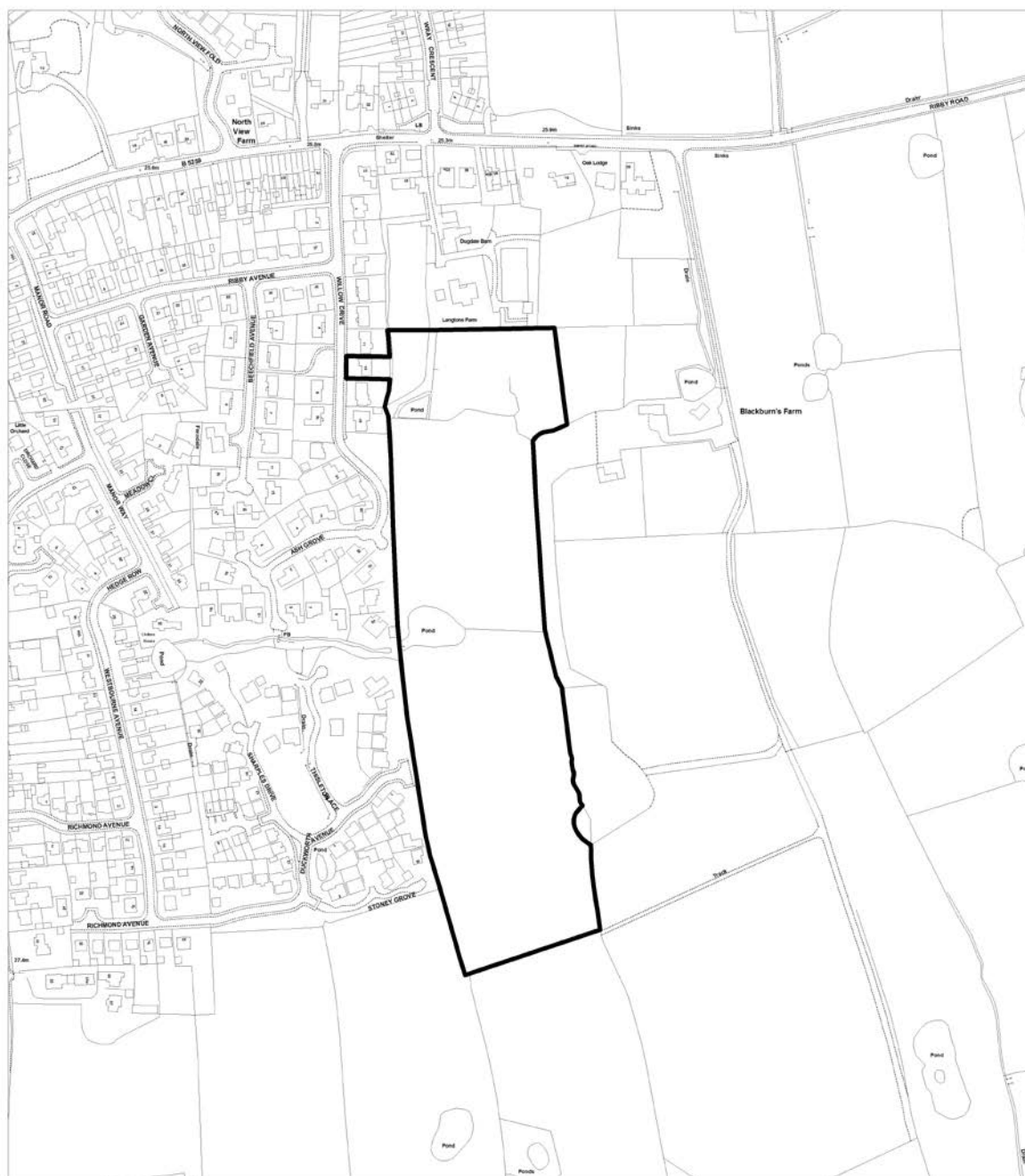
Reason: To provide sufficient clarity over the initial and on-going affordability of these units in accordance with Policy H4 of the Fylde Local Plan to 2032 and para 50 of the NPPF.

10. That wherever windows are indicated at an above ground floor level on the side facing elevations of dwellings these shall be obscurely glazed to a minimum of level 3 on the Pilkington Scale (where 1 is the lowest and 5 the greatest level of obscurity) and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor level of the room in which the window is installed. The duly installed window shall be retained as such thereafter.

Reason: To safeguard the privacy of occupiers of neighbouring dwellings and to ensure satisfactory levels of amenity for adjoining residents in accordance with the requirements of Fylde Borough Local Plan policy HL2.

11. That the development shall be implemented in full accordance with the protection measures and wildlife mitigations listed in the ERAP 'Method Statement for the Identification and Protection of Wildlife' report listed in condition 1 of this approval. This shall include the pre-commencement surveys and protection measures, the timing of works, the introduction of bird and bat nesting and roosting opportunities throughout the development, and the on-going maintenance of the features of wildlife habitat importance.

Reason: To ensure that the risk of harm to species of ecological importance is minimised and that opportunities to enhance their presence in the area are maximised in accordance with Policy EP18 and EP19 of the Fylde Borough Local Plan.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0280	Address Land off Willow Drive, Wrea Green	Grid Ref. E.3402 : N.4313	Scale 0 20 40 60 80 m

Item Number: 5

Committee Date: 07 September 2016

Application Reference:	16/0306	Type of Application:	Change of Use
Applicant:	Mr Lancaster	Agent :	Harrison Pitt Architects
Location:	DONKEY CREEK FARM, NAZE LANE EAST, FRECKLETON, PRESTON, PR4 1UN		
Proposal:	RE-SUBMISSION OF 15/0842 - CHANGE OF USE OF AGRICULTURAL LAND TO FORM 36 PITCH HOLIDAY TOURING CARAVAN SITE WITH ASSOCIATED EXTENSION TO INTERNAL ACCESS ROAD, ERECTION OF FACILITIES / RECEPTION BUILDING, SITING OF STATIC CARAVAN FOR WARDEN'S ACCOMMODATION AND USE OF PREVIOUSLY APPROVED BARN FOR GENERAL AGRICULTURAL USE		
Parish:	FRECKLETON EAST	Area Team:	Area Team 1
Weeks on Hand:	19	Case Officer:	Ruth Thow
Reason for Delay:	Negotiations to resolve difficulties		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7458475,-2.8649907,687m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is a rectangular area of land located adjacent to Naze Lane East outside of Freckleton village on the opposite side of that road to the BAE runway. It is within an area allocated as Countryside in the Fylde Borough Local Plan with the surrounding area typified by rural uses with some nearby clusters of residential and employment development.

This application seeks permission for a 36 pitch touring caravan site with associated facilities building, warden's accommodation and internal access road. The principle of a caravan site here has been established by application 14/0151 albeit that was for a smaller number of pitches on the site. A subsequent application for a site of this scale under reference 15/0842 was refused due to several concerns in respect of the visual impact, impact on sites of special designation and the provision of permanent accommodation.

This current application has supplied further information and revisions to the refused scheme such that the original reasons for refusal are considered to have been overcome and the relevant policies of the local plan and the NPPF are now met. The application is therefore recommended for approval by Members.

Reason for Reporting to Committee

The application is on the agenda as the Parish Council have objected to the proposal, under the terms of the councils scheme of delegation where there is support for the application from officers such applications are to be determined by Members.

Site Description and Location

The application site is known as 'Donkey Creek Farm', Naze Lane East, Freckleton. The site is situated to the south side of Naze Lane East and BAe runway and amounts to 2.1 Hectares of land which is surrounded by mature hedging to roadside frontages.

The site was formerly in agricultural use and had permission for a storage building and stables associated with a hobby Rhea breeding and donkey care. The site also has a caravan on site which provided rest and welfare facilities for the previous owners of the site, when attending to the needs of the donkeys and Rheas.

Whilst the land has been sold, the building and caravan referred above remain on the site at present.

British Aerospace is located to the north of the site and open fields are immediately to the south side with some sporadically located dwellings, with the Ribble Estuary beyond. Tavenors and Freckleton Boatyards are to the east with Freckleton Creek further east. To the west side is Naze Lane Industrial Estate.

The land is designated as Countryside under Policy SP2 of the Fylde Borough Local Plan, as altered (October 2005). This allocation is proposed to be carried forward in the Fylde Local Plan to 2032.

Details of Proposal

This application seeks permission for a change of use of 2.1 Hectares of agricultural land to form a 36 pitch holiday touring caravan site with associated extension to internal access road, erection of facilities/reception building, siting of static caravan for warden's accommodation and use of previously approved barn for general agricultural use.

The facilities building measures 23.3 metres in length by 9.1 metres in width and is designed with a dual pitched roof with a gable to the south side and hipped roof to the north having an eaves height of 2.3 metres and an overall ridge height of 4.2 metres.

The warden's accommodation is proposed as a "static caravan" located to the south western corner of the site, to the rear of the facilities building.

The site layout proposes caravan pitches set back within the site by approximately 45 metres from the Naze Lane boundary and roughly arranged in three rows with three pitches on the western point. The pitches provide a mix of pitches with and without awnings with grass pitches interspersed along the rows.

The access road is taken from the existing access point into the site from Naze Lane East that is shared with Tavenors Boat Yard and the Poolside Boat Centre and extends this into the site with a looped service road between caravan pitches and extending to the warden's caravan.

Relevant Planning History

Application No.	Development	Decision	Date
15/0842	CHANGE OF USE OF AGRICULTURAL LAND TO FORM 36 PITCH HOLIDAY TOURING CARAVAN SITE WITH ASSOCIATED EXTENSION TO	Refused	10/03/2016

	INTERNAL ACCESS ROAD, ERECTION OF WARDENS LODGE AND ERECTION OF FACILITIES BUILDING AND OTHER ANCILLARY DEVELOPMENT		
14/0151	CHANGE OF USE OF AGRICULTURAL LAND TO FORM A 25 PITCH TOURING CARAVAN AND 15 PITCH CAMPING SITE WITH ASSOCIATED EXTENSION TO INTERNAL ROAD AND ERECTION OF A FACILITIES BUILDING - (RE-SUBMISSION OF WITHDRAWN APPLICATION 13/0717).	Granted	14/04/2015
13/0717	CHANGE OF USE OF AGRICULTURAL LAND TO 25 PITCH HOLIDAY TOURING CARAVAN SITE AND 15 PITCH CAMPING SITE WITH ASSOCIATED EXTENSION TO INTERNAL ACCESS ROAD AND ERECTION OF FACILITIES BUILDING	Withdrawn by Applicant	20/02/2014
11/0828	PROPOSED ERECTION OF AGRICULTURAL STORAGE BARN AND TIMBER DONKEY STABLES	Granted	05/03/2012

Relevant Planning Appeals History

None

Parish/Town Council Observations

Freckleton Parish Council notified on 09 May 2016 and comment:

The Parish Council are against this application as the changes from the original application are not substantial enough so the original objection stands.

For context the Parish Council comments to application 15/0842 were:

“The Parish Council objects to the application for the following reasons.

- 1. The application states it is intended to accommodate 36 mobile caravans. However, most mobile caravans tend to require space for the van, at least one car and an awning, as well as sufficient separation to allow for the use of gas bottles without incurring a significant fire risk. Whilst the application implies that guidelines have been followed, the relative proximity of some of the pitches may fail to comply, judging by the provided plan. Their conclusion is that the proposed development is over intensive in its use of the available space, determined by the requirements of the Warton Airfield guarded area.*
- 2. The proximity of the site to the end of the Warton runway may also be an issue with regard to the effects of noise from aircraft preparing for take-off. Whilst the airfield is not as busy as it once was, the noise level on the airfield may be potentially damaging to hearing of people using the site. This will be particularly the case when certain aircraft types require engine health checks at full power for periods prior to take-off.*
- 3. The site access is via the entrance to the existing boat yards on Naze Lane East. This has always constituted a traffic hazard, especially to vehicles travelling from the centre of Freckleton out towards the site. The visibility round this bend is blind, although visibility for traffic travelling toward Freckleton is somewhat better. There have already been a number of near misses over the years and the proposed use would appear to increase the hazard caused quite significantly, especially given the nature of the likely traffic, which would tend to be slow moving on the bend.*
- 4. A further concern that will affect all residents of Freckleton relates to the increase in traffic*

through the village centre, which is the only viable access route to the site. We have seen a creeping increased use by heavy vehicular traffic, following the commencement of operation of two bus companies and the activity of two firms of contractors, the latter two causing most problems with their traffic. It seems to us that encouraging further additional traffic through the village flies in the face of the logic that resulted in the construction of the by-pass.

- 5. The other major concern relates the disposal of sewage, from the equivalent of a sizeable property development, in terms of potential numbers of users. The applicant states an intention to connect to a mains sewer. However, as residents of the area for some 30+ years, the only sewer we are aware of is the one that runs under the runway of the airfield, into the old camp/industrial estate and thence down to an outlet close to the Warton south gate. This outlet was stopped some years ago and a pumping station provided to pump the effluent back, routing along Pool Lane, Stoney Lane and Naze Lane East to connect with the existing mains at the end of Green Lane/Naze Lane East. This recent main is small diameter and pressurised. We residents were advised that no further connections to the old main would be permitted, due to the capacity being limited and accordingly, any new developments down on the Naze use septic tank systems. Given this, it remains unclear as to which sewer is being proposed for use.*
- 6. There is another general concern, arising from the events of this past weekend and the heavy rainfall. The surface drainage of the site must be somewhat questionable, especially given the disturbance to the original land drains that has resulted from the previous developments in the adjacent boat yards. Also, it was noted that significant run-off from the field at the opposite, western end contributed to the inundation of Naze Lane East, where clearly the damage to drains and ditches over the years has resulted in the road flooding.*
- 7. The owner is stated on the application as Mr Arnold Holt. This is incorrect. Mr Holt does not own the land.*
- 8. The Council supports BAE's reasons for opposing the application."*

Statutory Consultees and Observations of Other Interested Parties

BAe Systems

No objections.

Ministry of Defence - Safeguarding

The proposed application falls within the statutory safeguarding consultation zone surrounding Warton. In particular the statutory height and technical safeguarding zone. On reviewing the plans I confirm the MOD has no safeguarding concerns.

Lancashire County Council - Highway Authority

No highway objections to this application.

Natural England

Natural England initially advised (17th February 2016) that there was not enough information to determine whether the likelihood of significant effects can be ruled out in particular regard to surface water drainage and that details of what suitable measures are to be put in place to prevent pollution of the adjacent watercourse which feeds into a designated site, in order to safeguard the designated site.

Since that time the applicants have provided the LPA and NE with further information and the following comments were received on

Natural England advises that providing the works are carried out in strict accordance

with the details of the application and the additional information as submitted on 8th and 18th August 2016, they will not have a significant effect on the Ribble and Alt SPA and Ramsar site, either alone or in combination with other plans or projects.

The key measures proposed by the applicant that have allowed Natural England to advise "no likely significant effect" are listed below along with the reason for their importance. These measures should be noted and strictly implemented by the applicant.

1. The addition of a bund during construction works (as referenced on the proposed site layout plan ref. 1836-010 REV. E) to protect the existing pond (and potentially the designated site) from run-off and debris in accordance with Paragraph 120 of the NPPF.
2. The proposed soakaway for the amenity block (as referenced in the email dated 8 August 2016) being positioned 10m away from the existing pond will prevent the spread of any material which escapes from the storage tank thereby polluting the nearby pond and possibly as a consequence, the designated site (with reference to Paragraph 120 of the NPPF).

Greater Manchester Ecology Unit

We visited the above site on 31st May 2016 and although we did not have access to the site we were able to get a good view into the site to assess its value for great crested newt (GCN). We understand that this site has historically been grazed by rheas, but the rheas have now been taken off. Although the site is no longer grazed, as you will see from the attached photo's the area comprises improved grassland of a short sward height, which is considered to be poor for foraging and hibernating GCN. As stated in my previous *response four of the ponds in the surrounding habitat are separated by roads*. However pond five, which is located approximately 480 metres to the south of the proposed development site is separated from the site by a track and pasture land which we are informed is topped twice a year and normally grazed and not in fact closely mown, at the time of our visit the fields were pasture land and not closely mown. However the habitat surrounding pond 5 is considered to be of much better quality for GCN than the proposed development site, which as previously stated is of low value for GCN and therefore my comments in relation to minimising any impact on amphibians on the proposed development site remains unchanged:

"In order to minimise the impacts on any amphibians a number of precautionary measures have been recommended within the report (6.2) these measures should be implemented in full and a condition to this effect be placed on any permission".

Having visited the site we would also recommend that the pond be protected from the works and a buffer of 8 metres be left between the pond and the siting of any caravan pitches, this area should be left unmown to enhance biodiversity and create a more favourable habitat for amphibians. We would suggest that a condition to this effect be placed on any permission.

We would also recommend that the biodiversity enhancement measures suggested in my previous letter be implemented and a landscaping plan incorporating these measures be submitted to and agreed by the Council, we recommend that a condition to this effect be placed on any permission.

My previous comments regarding birds remains unchanged.

United Utilities - Water

United Utilities will have no objection to the proposed development provided that the conditions are attached to any approval to require the site to be drained on separate systems and the surface water to be handled in accordance with the NPPG Surface Water Drainage hierarchy.

Environment Agency

Confirm that they have no comments to make on the application.

Lancashire CC Flood Risk Management Team

No comments received.

Neighbour Observations

Neighbours notified:	09 May 2016
Site Notice Date:	13 May 2016
Number of Responses	2 letters received
Summary of Comments	<ul style="list-style-type: none">• pond has been excavated to render it dangerously steep constituting it a potential hazard• caravans short distance to BAe runway, where there is loud engine noise• entrance site on blind bend creating traffic hazard• warden accommodation attempt at residential in countryside• over intensification of site• where are all animals going to hide when Tornado running its engines• Area has fragile habitats further footfall is not helpful• Envirotech survey not reliable as pond with 500m not surveyed• Sewer is at full capacity, could back up under runway

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
SP14	Special needs dwellings
TREC07	Touring Caravan & Camping Sites
TREC10	Countryside Recreation
EP15	Protection of European wildlife sites
EP16	Development in or near SSSI's
EP19	Protected species
EP22	Protection of agricultural land
EP23	Pollution of surface water
EP24	Pollution of ground water
EPA	Development and waste water
EP28	Light pollution

Fylde Local Plan to 2032:

GD4	Development in the Countryside
EC7	Holiday Accommodation

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance

Site Constraints**Environmental Impact Assessment**

The proposal is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended, and the total area is above the threshold for assessment. Officers have screened the development for any potential environmental impact and concluded that the actual area of land to be developed is below the threshold for Schedule 2 type developments and that the scheme adequately addresses any concerns in regards to ecological and landscape impact as such the application need not be accompanied by a formal Environmental Statement.

Comment and Analysis

This application seeks permission for the change of use of agricultural land to form a 36 pitch holiday touring caravan site with associated extension to internal access road, erection of facilities/reception building, siting of a static caravan for warden's accommodation and use of the existing barn on the site for general agricultural use. The application is a resubmission of application no. 15/0842 that was previously refused under delegated powers but with additional information and a revised layout.

Policies

Policies SP2, SP14, TREC7, TREC10, EP15, EP16, EP19, EP22, EP23, EP24, EPA and EP28 of the Fylde Borough Local Plan, as altered (October 2005) are relevant to the determination of this application together with the aims of The National Planning Policy Framework and National Planning Practice Guidance being material to the decision.

Whilst the emerging Fylde Local Plan to 2032 is currently subject to consultation on the publication version it has not been subject to examination, and no reference was made to the relevant countryside and tourism policies of this plan being used for the determination of planning applications when it was considered by Committee in June 2016. As such they are not considered to have weight to be used in the assessment of this application.

Principle of development

NPPF Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system. Paragraph 28 relates specifically to the rural economy and encourages the support of sustainable tourism and leisure development that benefit business in rural areas, communities and visitors, and which respect the character of the countryside.

The application site is situated within the countryside, where policy SP2 seeks to restrict

development unless it is for a use appropriate to a rural area. Some forms of tourism development can be appropriate within the rural area and this includes caravan sites subject to compliance with other policies of the local plan. Policy TREC7 states that touring and caravan sites will be permitted, where existing provision is inadequate, subject to compliance with the criteria of that policy and so they form the assessment in this report. The principle is acceptable if there is no conflict with these criteria.

Existing sites provision/need

The application site benefits from planning permission for a 25 pitch caravan site with 15 pitches for camping together with a facilities buildings - application no. 14/0151 refers.

Whilst the applicant has not provided any specific information in this application in regards to the need for a caravan site, application 14/0151 provided such evidence and therefore it is accepted that a touring caravan site in this location would supplement the existing provision of touring caravan pitches in the area. Therefore this aspect of Policy TREC7 is satisfied which refers to the need to provide evidence.

Green Belt

Criterion 1 of Policy TREC7 requires that the site is not within Green Belt. This site is within the defined countryside but outside the green belt and so this proposal is in compliance with this criteria.

Visual impact of the proposal

This application proposes a 36 pitch caravan site, which is an increase of 11 pitches over that approved under application 14/0151. The pitches are arranged in three rows with three further pitches at the western head of the site. This increase in numbers results in a more compact layout of pitches on the site, and whilst this was raised as a concern in the previous application (15/0842) the current proposal includes an increase in the number of grass pitches, thereby reducing the amount of hardsurfacing and also includes the provision of an additional internal hedgerow. These revisions to the layout and the additional landscaping will assist in screening and softening the impact of caravans in the landscape to an acceptable degree and so the proposal is now considered to accord with Criterion 2 and 5 of Policy TREC7.

Neighbour Amenity

The nearest residential neighbours to the site are those at 'The Crescent', Naze Lane East. Given the separation distance between the site and these neighbours it is not considered that there will be any adverse impact on their residential amenity from the siting of the caravans.

Whilst letters of objection have been received from other neighbours in the vicinity to the application site, these do not refer to loss of amenity. These comments are set out in brief above and addressed in other sections of this report.

Accordingly the proposal is considered to comply with criterion 6 of Policy TREC7 of the local plan.

Access

The site benefits from an existing wide, hardsurfaced access which is well connected to the highway network and offers good visibility being on the outside of a bend. Whilst the Parish Council and neighbours have raised concerns in regards to the access no objections have been received from LCC Highways Engineers, subject to surface materials condition. Naze Lane is a road with a footway that allows pedestrian links to the village and a width that would allow two vehicles to safely pass. Accordingly the proposal is in compliance with Criterion 7 of Policy TREC7.

Flooding

The site is located in Flood Zone 1 and therefore is not at significant risk of flooding so complies with criteria 3 of TREC7. Conditions are necessary to ensure that the site drainage is appropriately handled.

Sites of Special Scientific Interest (SSSI's)/RAMSAR site/Special Protection Area (SPA)/Biological Heritage Sites (BHS)

Criterion 11 of Policy TREC7 requires that *"The development would not have an adverse impact on a site of Special Scientific Interest, Biological Heritage Site or Geological Heritage Site"*.

The application site lies within the 2km protection buffer zone of a SSSI and RAMSAR site on the Estuary, and Freckleton Naze Biological Heritage Site is 250 metres to the south and east. These areas are protected for its mosaic of scrub, woodland and semi-natural grassland which provide habitats for a number of protected species and provide foraging and nesting opportunities for bird species. In addition to Criterion 11 of TREC7 Policies EP15, EP16 and EP19 of the local plan are applicable and Paragraphs 109, 117 and 118 of the NPPF apply.

Advice on the potential impact of the proposed development with regard to the proximity of the site to the special designations has been sought from Natural England and the council's consultant ecologists.

Natural England initially raised concern in regards to the drainage of the site and the lack of information on what measures are to be put in place to prevent pollution of the adjacent watercourse, which feeds the designated site in order to safeguard the integrity of that site.

The applicants have carried out further work and provided additional information which advises that foul water is to be drained into public sewer and surface water disposed of using SUDS, a temporary bund is to be provided to prevent storm water entering the ponds during the construction phase of the development. The additional drainage information has been assessed by Natural England and submission of this detail has overcome their initial objections to the scheme. Accordingly the scheme complies with Criterion 8 of Policy TREC7 and Policies EP16, EP23, EP24 and EPA refer to drainage of the site and the pollution of surface and ground waters and issues of flooding.

Protected species

The previous owners of the site who obtained the original permission for a touring caravan site (app. no. 14/0151) also undertook a Rhea breeding operation from the site. It was their intention that this use continued alongside the use of the site for touring caravans. Since the site has now been sold the animals are no longer grazing the land there is the potential for Great Crested Newts to have re-colonised the site, or be making use of it for foraging as a consequence of the numerous historical records of GCN in the area, their good connectivity from some of those recorded locations to the site, and the presence of a pond within the site. The lack of an up-to-date survey to establish the likelihood of GCN being present on the site formed a reason for refusal in application no. 15/0842.

Since that application was refused the site has been re-surveyed in April 2016. The survey found no newt presence on the site and concluded that an offence is unlikely although recommendations for best practice during works were suggested. The council ecological consultants have that these measures should be implemented in full and a condition to this effect be placed on any permission.

They also recommend that the pond within the site be protected from the works and a buffer of 8

metres be left between the pond and the siting of any caravan pitches, this area should be left unmown to enhance biodiversity and create a more favourable habitat for amphibians. In addition biodiversity enhancements should be incorporated in a landscaping plan and implemented. These suggestions will form conditions of the recommendation for approval on this application. Accordingly Policy EP19 of the local plan and the aims of the NPPF are satisfied.

Special needs dwellings

As part of this development proposal the scheme includes the provision of a 'warden's lodge'. Application 15/0842 proposed to site "transportable building/caravan" which was shown to be a log cabin type caravan in order that a warden could live full time on site. This raised concerns and led to a reason for refusal in that it resulted in a detriment to the visual amenity and represented an unjustified residential presence in the countryside.

Since the refusal of 15/0842 the applicants have revised the proposal in that the accommodation is now proposed as a traditional caravan, thereby having the appearance similar to the touring caravans and less of that of a building with a permanent presence in the countryside. Justification for the on-site accommodation has been put forward as the wish of the applicant to provide a 5* touring park and in order to granted this accreditation a 24 hour presence on the site is required.

The applicant's agent have also provided examples of where this type of application for accommodation for a warden's caravan in connection with a caravan site has been granted in other authorities. This accommodation will provide for site supervision and other management activities to be undertaken.

It is considered that taking account of the above and subject to a condition to restrict the occupancy of the caravan to a manager of the site, the development is acceptable in this regard.

Accordingly the development complies with Policy SP14 and the aims of the NPPF in particular Paragraph 55 in that the applicant has demonstrated that there is a need for a rural worker on site.

Loss of agricultural land

Policy EP22 refers to agricultural land. *"Development will not be permitted which would involve the permanent loss of the best and most versatile agricultural land (Grades 1, 2 and 3A)....."* The site is classified by Natural England as Grade 2 agricultural land.

This proposal is for part of the land for use as a caravan site as per application 14/0151. This application included the remainder of the undeveloped land to be retained for the purposes of Rhea breeding. The current applicant does not presently undertake any agricultural activity and had not identified a proposed use for the land nor for the agricultural building located within the site granted permission to the previous owners in connection with the bird breeding enterprise and the use as a donkey sanctuary. Hence this also formed a reason for refusal.

In this revised application the applicant has indicated that the land will not be used for further development of the caravan site due to its use being restricted by the runway safeguarding limits set by BAe, and will possibly be used for an agricultural use in the future. The barn has been identified as storage provision for maintenance of the caravan site and not for any other purposes unconnected to the use applied for in this application.

Given the scale of the land to be lost to the provision of caravan pitches and the limitations on the remainder of the site it is considered that the proposal is acceptable in regards to loss of agricultural land and will not significantly reduce the availability of the most versatile agricultural land.

Accordingly this policy is satisfied

Other Matters

The scheme introduces a three tier layout of caravans with intervening access road. Each caravan pitch is proposed to be provided with a lighting bollard and a further 12 lighting bollards are proposed at intervals along the access road with an additional 6 wall mounted lights located around the 'facilities building/toilet block'.

Policy EP28 refers to development proposals involving external lighting facilities. Proposals should avoid or minimise harm relating to loss of local character, loss of amenity or reduction in highway safety. The impact of the lighting on the site was a concern in the previous schemes however, in this application an 'external lighting statement/strategy' has been submitted with the application. The report specifies that the external lighting is low level and low energy and low wattage, no floodlighting or streetlighting is proposed. Lighting mounted on the facilities building is also low energy and diffused downlighters thereby avoiding the potential for light pollution. The proposal satisfies the provisions of Policy EP28 and the aims of the NPPF in this regard.

Conclusions

Planning permission 14/0151 granted permission for a 25 caravan, 15 camping pitch holiday site thereby the principle of the use as a touring caravan site has been accepted with this permission. It is considered that this resubmission application for a greater number of caravans has overcome and addressed the concerns and reasons for refusal in their previous application 15/0842.

Visual impact of the accommodation is lessened by the increased landscaping and revised type of accommodation. A reduction in the area hardstandings has improved the wider visual amenity. Drainage information has been provided to address the concerns of Natural England and the impact of the development on the special designations.

Conditions to restrict the occupancy of the warden caravan are considered acceptable method to control the use of the accommodation in the countryside

Up-to-date ecological site surveys have been conducted with address concerns in respect of the potential for colonisation of the site by Great Crested Newt.

Accordingly the proposed development complies with the criteria of Policies SP2, SP14, TREC7, TREC10, EP16, EP19, EP23, EP24, EP25 and EP28 of the Fylde Borough Local Plan, as altered (October 2005) and the aims of The National Planning Policy Framework and National Planning Practice Guidance

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This consent relates to the following plans and / or reports:

- Location Plan - drawing no. 1836-001 REV. A dated November 2015
- Site plan layout - Drawing no. 1836-010 REV. E dated November 2015
- Proposed plans and elevations - reception/toilet block building - drawing no. 1836-11 REV. A dated November 2015.

Supporting Reports:

- Design and Access Statement - HPA dated 6th July 2016
- External lighting statement/strategy - HPA dated 26th November 2015
- Envirotech ecological appraisal - dated May 2014
- Envirotech letter dated 19th April 2016

The pitches, internal roadways, building, and wardens' accommodation shall only be located as shown on the plan listed above.

Reason: For the avoidance of doubt and as agreed with the applicant / agent.

3. Notwithstanding the denotation on the approved plans, samples of the external materials to be used in the construction of the 'reception/toilet building' hereby approved shall be submitted to and agreed in writing with the Local Planning Authority thereafter those agreed materials shall be used in the construction of the building and thereafter retained unless any modifications or substitutions of the agreed materials is agreed with the Local Planning Authority in writing prior to any substitution.

In the interests of visual amenity.

4. With the exception of the warden's caravan, not more than 36 touring caravans shall be on site and occupied on the site at any one time; the caravan site hereby approved shall be laid out in accordance with that indicated on drawing no. 1836-010 Revision E dated November 2015.

To define the permission and layout the site in the interests of clarity and the character and visual amenity of the area.

5. The proposed reception/toilet block building hereby approved shall be used only for uses incidental to the use as a caravan site and not for any other purpose.

To avoid any operation in a countryside area which would not normally be permitted.

6. The retail and office areas shall be limited to that indicated on drawing no. 1836-11 REV. A and shall be used ancillary to the primary use of the land as a touring caravan site. In the event of the primary land use ceasing the ancillary retail and office uses shall cease.

Retail and office uses, unrelated to the touring caravan site would in this location, be contrary to policies aimed at protecting the viability and vitality of the town centre.

7. The existing agricultural building on the south eastern corner of the site and indicated on drawing no. 1836-010 REV. E shall only be used for agricultural purposes or for the storage of maintenance or other equipment incidental to the use as a caravan site and not for any other purpose.

To avoid any operation in a countryside area which would not normally be permitted.

8. The warden's accommodation shall be sited as indicated on drawing no. 1836-010 REV. E and shall be restricted to that of static caravan and as such shall only be occupied by persons employed in the on-site management of the touring caravan park, and their dependant's, and shall not at any time be occupied by any other persons.

Unrestricted residential development in this location would be contrary to policies contained in the Fylde Borough Local Plan, as altered (October 2005) and the aims of the NPPF which protects sporadic residential development.

9. None of the accommodation provided on site (i.e. any touring caravans/motor homes using the holiday pitches, or the managers accommodation) shall be occupied as a persons permanent, sole or main place of residence.

The development is provided for holiday use only as occupation on a permanent basis would be contrary to the provisions of Policy SP2 of the Fylde Borough Local Plan.

10. That the site shall be used as a touring caravan site only, with no caravan remaining on the site for a period of in excess of 14 days, and then that caravan shall not return for a period of a further 14 days. There shall be no storage of caravans on any part of the site.

To ensure that the site operates as a touring caravans site only so as to limit the visual impact of the development upon the character of the countryside in accordance by providing opportunities for vacant pitches to occur from time to time in accordance with Policy SP2 of the local plan.

11. Prior to the commencement of development details of the design, colour and height of a fence to define the camping area within the red edge as shown on drawing no. 1836-010 REV. E approved under condition 2 of this planning permission shall be submitted to and approved in writing by the Local Planning Authority. The approved fence shall be erected within one months of its written approval, and then shall be retained in its approved form at all times thereafter.

To provide an appropriate boundary to the site to contain activity as required by Policy SP2 of the Fylde Borough Local Plan.

12. Prior to the commencement of development 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 in writing by the Local Planning Authority. 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.

13. 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 silvicultural 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.

14. The use hereby approved shall not be brought into operation until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority; the drainage information shall include the details indicated on drawing no. 1836-010 REV. E and as referenced in an email from Richard Wooldridge to Elizabeth Knowles at Natural England dated 8th August 2016.

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise risk of pollution to the nearby Ribble and Alt Spa and Ramsar sites.

15. Vegetation clearance works, demolition work 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 undertaken by a suitably qualified ecologist and submitted for approval to the Local Planning Authority in advance of those works being undertaken..

In compliance with the Wildlife and Countryside Act 1981 (as amended) and Policy EP19 of the Fylde Borough Local Plan, as altered (October 2005) and Paragraph 118 of the NPPF.

16. Before the development hereby permitted is commenced measures shall be agreed with the Local Planning Authority for the safeguarding and protection of all existing trees and hedgerows being retained in accordance with BS5837:2012 '*Trees in relation to design, demolition and construction*' from damage by development works, storage of materials and operation of machinery. The area within which trees are growing shall be adequately fenced off with chestnut paling or other similar fencing to the satisfaction of the Local Planning Authority before any development is commenced, or material brought into the site. No vehicles shall pass into this area, no materials shall be stored there, no waste shall be tipped or allowed to run into the area, no fires shall be lit and no physical damage to bark or branches shall be allowed. Any pruning or other treatment to trees shall be competently carried out only after agreement with the Local Planning Authority.

To safeguard the visual amenities of the neighbourhood and in the interests of safeguarding protected species.

17. In order to minimise the impacts on any amphibians the precautionary measures identified in paragraph 6.2 of the applicant's Ecological Appraisal (Envirotech) shall be implemented in full.

To ensure the protection of Great Crested Newts and other amphibians under the EC Habitats Directive and Schedule 2 of the Conservation (natural habitats) Regulations 2001 and Schedule 5 of the Wildlife and Countryside Act 1981.

18. Prior to the commencement of development measures for the protection and enhancement of

amphibian habitat and biodiversity within the site shall be submitted to and approved in writing, these measures shall include a fenced off buffer zone of 8 metres from any caravan pitches; the area shall thereafter be laid out in accordance with the agreed measures and left unmown to create favourable habitats.

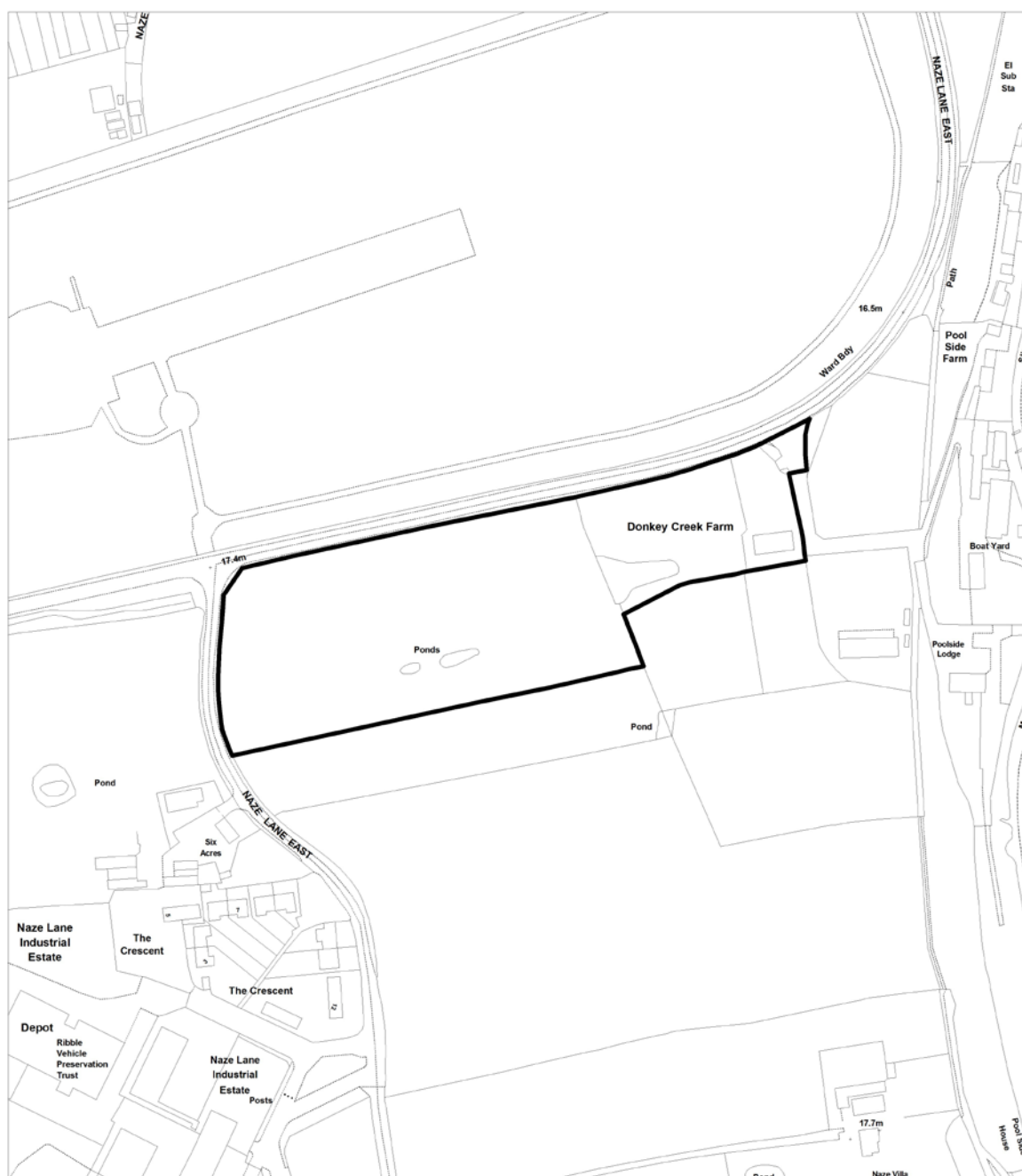
In the interests of environmental enhancements.

19. The development shall be carried out in accordance with the submitted 'External Lighting Statement/Strategy' by HPA dated 26th November 2015 and thereafter retained for the lifetime of the development.

To minimise disturbance of bats and other protected species.

20. Prior to the first use of the land as a touring caravan site, the owner/operators of the site shall produce a 'visitors pack' this should highlight the sensitivity of the Ribble & Alt Estuaries to recreation and highlight alternative recreational opportunities in the vicinity. Copies of this pack should be distributed to all visitors to the site and be made available at all times.

In the interests of the protection of the special designated sites.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0306	Address Donkey Creek Farm, Naze Lane East, Freckleton	Grid Ref. E.3413 : N.4282	Scale 0 10 20 30 40 m

Item Number: 6

Committee Date: 07 September 2016

Application Reference:	16/0453	Type of Application:	Householder Planning Application
Applicant:	Mr Eddington	Agent :	RDJ CREATIVE LTD
Location:	13 BEACH ROAD, LYTHAM ST ANNES, FY8 2NR		
Proposal:	HIP TO GABLE ROOF LIFTS TO BOTH SIDES OF PROPERTY AND CONSTRUCTION OF A DORMER TO THE REAR		
Parish:	ASHTON	Area Team:	Area Team 1
Weeks on Hand:	11	Case Officer:	Kieran Birch
Reason for Delay:	Need to determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7547639,-3.0356665,172m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The proposal is for extensions to a dwelling within the settlement of St Annes. The property is a detached two-storey house with a hipped roof over, and the scheme involves extending this to a gabled roof at each side and then the provision of a bedroom at the upper floor that is created.

The proposal extends the accommodation that in a way that does not cause undue harm to the appearance of the property, its contribution to the wider streetscene or the amenity of neighbours, and as such complies with Fylde Borough Local Plan Policy HL05. Accordingly the application is recommended for approval.

Reason for Reporting to Committee

This application has been brought before the Development Management Committee as the officer recommendation for approval conflicts with the objection received from St Annes Town Council.

Site Description and Location

The application site is an existing detached dwelling located on the north side of Beach Road within the settlement of St Anne's on Sea. On the other side Beach Road is the junction with St George's Square and Ashton Gardens. There are residential dwellings to the either side and residential gardens to the rear. The dwellings itself is constructed in red brick, with two storey front bays, a front gable and a hipped roof. The property has a detached garage to the rear. Beach Road has a variety of different house types with different roof arrangements and materials used.

Details of Proposal

The application is to amend the roof of the application property from a hipped to a pitched roof and the provision of a rear dormer in the rear roof plan. The dormer would be set in from the sides by 0.5m and set down from the ridgeline by 0.25m. The roof alterations will be in Accrington brickwork and grey slate to match and the dormer cheeks will be constructed in grey slate.

Relevant Planning History

Application No.	Development	Decision	Date
16/0390	PROPOSED SINGLE STOREY SIDE/REAR EXTENSION	Granted	21/07/2016
04/0525	SINGLE STOREY SIDE EXTENSION AND CONSERVATORY TO REAR	Granted	30/06/2004

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 22 June 2016 and comment:

Object. Incongruous and overbearing adjacent to Conservation area.

Statutory Consultees and Observations of Other Interested Parties

None to report.

Neighbour Observations

Neighbours notified: 22 June 2016
Number of Responses: None received.

Relevant Planning Policy

Fylde Borough Local Plan:

HL05	House extensions
SP01	Development within settlements

Other Relevant Guidance:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
	Residential Design Guides in Extending Your Home SPD

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 application site is located within the settlement area under Policy SP1 where the principle of residential extensions is acceptable subject to the normal planning criteria as examined below with reference to Policy HL5.

Design and Appearance in Streetscene

Local Plan policy HL5 criteria 1 requires that house extensions in terms of scale, design and external appearance to be in keeping with the existing building and not adversely affect the street scene. The proposal is for an amendment to a roof type to go from a hipped to a pitched roof. Along Beach Road there are a number of different types of dwellings with different roof types. For example the adjacent dwelling to the east number 15 has one side of its roof hipped and the other side pitched, beyond that number 17 has a hipped roof, and to the west the adjacent dwelling has a hipped roof but beyond that 3 Beach Road has a pitched roof and beyond that there are mansard and flat roofs. Opposite the site the three storey stone dwellings have pitched roofs and front gables incorporating two storey bays which is what is proposed by this application.

Therefore there are a number of different types of roof types in the area and the proposal would be in character with surrounding properties. It is not considered that the development would be of an excessive scale as the overall height of the dwellings is not being increased and there are much larger properties in the area. With regard to the dormer this would be to the rear and therefore would have minimal impact on the street scene and the proposed materials are considered appropriate. Taken together the design and scale of the development accords with the requirements of criteria 1 of Policy HL5.

Relationship to Neighbours

Criteria 2 of HL5 requires extensions to not unduly prejudice the amenities of adjacent and nearby residents. The proposed roof alteration will not have any unacceptable impact on neighbouring dwellings light or create any overlooking or loss of privacy. It is considered that it will not be overbearing given the separation distances between dwellings and their orientation. The proposed dormer will not create any unacceptable loss of light, with regard to overlooking three windows are proposed two of which serve a bedroom and one of which is over a staircase and can be obscure glazed. The application properties rear elevation does not directly overlooking any dwellings and there are no dwellings immediately behind the application property. There is 14.5m to the rear boundary and whilst there may be some increased overlooking to rear garden areas this is no greater than the application property itself experiences from dwellings on Rowsley Road and Chatsworth Road and is typical of an urban residential setting. As such the proposal has an acceptable relationship to its neighbours in all regards and complies with criteria 2 of Policy HL5.

Scale of development on the plot

The proposal retains appropriate levels of amenity space and so complies with criteria 3 of Policy HL5.

Parking and Access Arrangements

The proposal retains an appropriate level of parking for the site and does not compromise the access arrangements or highway safety and so complies with criteria 4 and 5 of Policy HL5.

Other Matters

The Town Council make reference to the proposal causing harm to the Conservation Area. The property is outside of the Porritt Houses Conservation Area, but faces Ashton Gardens which is within it and so it is correct that the impacts of the development on this heritage asset are considered. The character of the conservation area is established by the fine properties that give it its name and the open space areas within the formal parkland. This property will be clearly visible from the Park, but as is discussed earlier the works are such that they will not harm the streetscene and will similarly not detract from the Conservation Area setting.

Conclusion

The application relates to the erection of extensions at a dwelling in the settlement of St Anne's. Having viewed the proposal and assessed the issues raised, it is considered that the proposal accords with Policy HL5 of the Fylde Borough Local Plan and other relevant development plan policies, and the guidance in the House Extensions SPD. Accordingly the application is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The materials to be used in the construction of the external surfaces of the roof alteration and rear dormer hereby permitted shall match those used in the existing dwelling in form, colour and texture unless otherwise agreed in writing with the Authority.

To ensure a consistency in the use of materials in the interest of visual amenity.

3. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 17/06/2016 including the following plans:

- Site location plan
- Existing and proposed plans and elevations F/16/64/01

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



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0453	Address 13 Beach Road, Lytham St Annes	Grid Ref. E.3318 : N.4292	Scale 0 5 10 15 20 m

Item Number: 7

Committee Date: 07 September 2016

Application Reference:	16/0503	Type of Application:	Householder Planning Application
Applicant:	Mr Kai Stengel	Agent :	
Location:	210 ST ALBANS ROAD, LYTHAM ST ANNES, FY8 3HU		
Proposal:	FORMATION OF FIRST FLOOR EXTENSION OVER EXISTING FLAT ROOF GARAGE INCLUDING DORMER TO SHEPHERD ROAD FRONTAGE, VELUX WINDOWS TO OTHER SIDES AND INFILL EXTENSION TO REAR		
Parish:	CENTRAL	Area Team:	Area Team 2
Weeks on Hand:	7	Case Officer:	Rob Clewes
Reason for Delay:	Not applicable		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7579489,-3.0148626,172m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to a proposed extension of a residential property located in an area of other residential dwelling in St Annes. The property is a bungalow with some first floor accommodation and the extension involves extending this over an existing garage to provide an extra bedroom.

The proposed extension is considered to be appropriate in design and will not have a detrimental impact on the character of the property or the surrounding street scene. Whilst there will be some impact to the amenity of the neighbouring properties from the additional scale of the building, having viewed the proposal from these properties this impact is considered acceptable. The proposal is therefore considered to comply with the NPPF and Policy HL5 of the Fylde Borough Local Plan and is recommended for approval.

Reason for Reporting to Committee

This application has been brought before the Development Management Committee as the officer recommendation for approval conflicts with the objection received from St Annes Town Council.

Site Description and Location

The application property is a detached bungalow located on the corner of St Albans Road and Shepherd Road and within the settlement boundary of St Annes. The property has been extended to the rear with a double garage and link which have flat roofs. The main roof of the bungalow is hipped and there are two side facing, and one rear facing dormers. The neighbouring properties are also detached bungalows which are closely spaced together. Extensions are common in the wider area.

Details of Proposal

The proposal is for the addition of a hipped roof over the existing garage and link extension. The height of the proposed roof is 3.2m above the garage and is hipped to match the main roof. It is the same depth as the garage and link and it is also the same width as the garage with an infill extension proposed behind the link to square off the extension in line with the elevation of the garage. The proposed design indicates that the ridge height of the new roof will be below that of the main one.

The side of the roof extension (fronting Shepherd Road) there is a flat roof dormer and a roof light. In addition there are two roof lights in the side (southwest facing) side roof slope and one on the rear roof slope.

Relevant Planning History

Application No.	Development	Decision	Date
77/0184	TWO DORMERS.	Granted	20/04/1977

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 25 July 2016 and comment:

Object.

- 1. Overbearing and massing effect on a corner property.*
- 2. Impacting negatively on the street scene.*
- 3. Predominately single storey properties in the surrounding area.*

Statutory Consultees and Observations of Other Interested Parties

None

Neighbour Observations

Neighbours notified:	25 July 2016
Number of Responses:	2 letters received
Summary of Comments:	<div>Incorrect site location plan:<ul style="list-style-type: none">• Application details are not sufficient to show method of construction• Is pile driving required?• Surface water drainage issues between properties• Proposal is not in keeping with other properties• It will be obtrusive/overbearing to neighbouring properties• Loss of light• Loss of privacy</div>

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL05	House extensions

Fylde Local Plan to 2032

Policy GD1:	Settlement Boundaries
Policy GD7	Achieving Good Design in Development

Other Relevant Guidance:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
JHE	Joint House Extensions SPD

Site Constraints

None

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

The main issues regarding this application are:

- Design and impact to the street scene
- Impact to residential amenity

Principle

The application site is located within the settlement area under Policy SP1 / GD1 where the principle of residential extensions is acceptable subject to the normal planning criteria as examined below with reference to Policy HL5 / GD7.

Design and Appearance in Street scene

The property is a detached bungalow located on the corner of St Albans Road and Shepherd Road. When viewed from the St Albans Road aspect the roof works will be set back from the front and of limited prominence. They will be more prominent from Shepherd Road and will extend the upper floor accommodation across the width of the plot in that aspect. However, the works reflect the style, materials and proportions of the existing roof to this property and to others in the area. As such the resulting appearance is acceptable as the property will still have a hipped roof and have the appearance of a detached bungalow. The resultant property will appear more cramped within the plot but with only a negligible increase in footprint as the existing flat roof double garage and link which form the majority of the base for the proposed development. There is an established character of development in the area being quite tightly spaced. The proposal will result in the new roof and the roof of No.4 Shepherd Road being close to each other but it is considered that this relationship will be similar to others in the area.

Taken together the design and scale of the extension accord with the requirements of criteria 1 of

Policy HL5, and Policy GD7.

Relationship to Neighbours

The proposal will have an impact to the neighbouring properties. This impact however is considered acceptable.

The neighbouring property to the southwest, No.208 St Albans Road, will suffer some overbearing and loss of light due to the extension projecting beyond the existing roof slope to the rear. It is considered that the proposal will not create such a detrimental impact that it would be considered unacceptable. The side elevation conservatory windows which would be impacted by the development would suffer some increase in overbearing however it is considered that as these windows are secondary to the main rear elevation windows, which face into the rear garden of the neighbouring property, the level of overbearing would not be unacceptable. The loss of light will be minimal due to the orientation of the neighbouring property being to the southwest meaning unrestricted light will be received for large periods of the day. There rear roof lights will create additional loss of privacy therefore it is considered appropriate that a condition be attached to any consent ensuring that they are non-opening and obscure glazed.

The property to the southeast, No.4 Shepherd Road, will suffer an impact from the proposal in terms of an increase in overbearing due to the proximity of the proposed first floor element of the proposal. This impact however is considered acceptable as the majority of this identified impact will be on the first floor dormer of the side of the neighbouring property. This dormer has an obscure glazed window and therefore no views from it. There will be minimal loss of light due to the orientation of the neighbouring property being to the southeast meaning unrestricted light will be received for large periods of the day. There will be no loss of privacy as there is only one roof light which faces the neighbouring property and this window faces the side roof slope and obscure glazed side dormer.

The properties to the side fronting Shepherd Road will suffer no impact from the proposal due to the large separation distance (over 20m) from the development to the walls of their front gardens.

As such the proposal has an acceptable relationship to its neighbours in all regards and complies with criteria 2 of Policy HL5, and Policy GD7.

Parking and Access Arrangements

The proposal retains an appropriate level of parking for the site and does not compromise the access arrangements or highway safety and so complies with criteria 4 and 5 of Policy HL5, and Policy GD7.

Other Matters

There are no other material considerations of note to influence the decision.

Whilst neighbouring residents have raised issues relating to the method of construction, including the need for piling and issues of surface water drainage between properties these are not relevant to the determination of a planning application and therefore carry no weight in the assessment of the application.

It has been highlighted that the site location plan submitted is incorrect. This was identified through the assessment process and noted during the site visit therefore it is considered that the inaccuracy has not resulted in an incomplete or inaccurate assessment of the application property and the proposal.

Conclusions

The proposed extension is considered to be appropriate in design and will not have a detrimental impact on the character of the property or in the street scene. Whilst there will be some impact to the amenity of the neighbouring properties this impact is considered acceptable. The proposal is therefore considered to comply with the NPPF and Policy HL5/GD7 of the Fylde Borough Local Plan and recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This consent relates to the following details:

Approved plans:

- Location Plan
- Proposed elevations
- Proposed floor plans

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

3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building in form, colour, and texture.

To ensure that the existing materials are used as far as possible, thus protecting the appearance of the building.

4. The proposed roof lights located in the southwest facing roof slope shown on the approved plan shall be glazed with obscure glass to a level of Pilkington Grade 4 (or a comparable equivalent) and be non-opening. They shall thereafter be retained or if replaced the glass shall be of the same type and non-opening as previously agreed.

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

Item Number: 8

Committee Date: 07 September 2016

Application Reference:	16/0598	Type of Application:	Householder Planning Application
Applicant:	Mrs Lacey-Simone	Agent :	Firebuild Solutions Ltd
Location:	8 KILNHOUSE LANE, LYTHAM ST ANNES, FY8 3AA		
Proposal:	SINGLE STOREY EXTENSION TO REAR		
Parish:	KILNHOUSE	Area Team:	Area Team 2
Weeks on Hand:	4	Case Officer:	Andrew Stell
Reason for Delay:	Not applicable		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7634356,-3.0233796,172m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application property is a semi-detached house located in a residential area of St Annes and built to a traditional St Annes style. The proposal is for a single storey extension to the rear and is on the agenda due to the applicant being a member of staff.

The property has not been previously extended and the proposal is limited in scale and appropriate in its design and materials. The neighbouring properties are unextended from their original state with the boundaries being, at least, 2m high walls in both cases. The proposed extension has no adverse impact on their amenity and is an appropriate extension to enhance the living accommodation in this property.

It is in accordance with the relevant policies of the Fylde Borough Local Plan and accords with guidance in the House Extensions Guide. As such the application is recommended for approval.

Reason for Reporting to Committee

The applicant is a member of staff at Fylde Council and so the Scheme of Delegation requires that the application is determined by Committee.

Site Description and Location

The application property is a semi-detached house over 2 floors that is located in an area characterised by other residential properties in a traditional St Annes style. The property has not been previously extended although there is a detached garage to the rear.

The property is within the settlement as designated by Policy SP1 the Fylde Borough Local Plan. It

is not within a conservation area and there are no protected trees or other such constraints to influence the application.

Details of Proposal

The application proposes a single storey extension to the rear to provide an extended kitchen / dining room, and a separate utility room with WC. The extension projects by 4.2m from the rear wall of the main house and by 3.6m to the rear of the outrigger with this including the space provided by the removal of an existing outbuilding. The extension has pitched roofs with a maximum ridge height of 3.6m and featuring a series of Velux windows over the dining room element. A pair of patio doors are provided to the rear of the dining room with windows to the side and rear of the utility. The extension is to be constructed in brick and slate to match the materials on the existing property.

Relevant Planning History

Application No.	Development	Decision	Date
88/0407	REAR CONCRETE GARAGE	Granted	28/06/1988

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 10 August 2016 and make no observations.

Statutory Consultees and Observations of Other Interested Parties

None to report.

Neighbour Observations

Neighbours notified:	10 August 2016
Number of Responses:	None

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL05	House extensions

Other Relevant Guidance:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
JHE	Joint House Extensions SPD

Site Constraints

Within settlement boundary

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 application site is located within the settlement area under Policy SP1 where the principle of residential extensions is acceptable subject to the normal planning criteria as examined below with reference to Policy HL5.

Design and Appearance in Streetscene

The property is a semi-detached house with a detached garage to the rear that is located in an area where the dwellings are narrowly spaced. This ensures that a single storey extension such as this is not readily visible in any streetscene view.

The scale of the extension is such that it is clearly subservient to the host property and it is of a scale, design and materials that are appropriate for the attractively proportioned host property. The design and scale of the extension accord with the requirements of criteria 1 of Policy HL5.

Relationship to Neighbours

The only potential impact is to the neighbours to each side. The attached neighbour is unextended to the rear with an ivy-topped brick wall to 2.5m in height forming the boundary between the dwellings. The extension projects by an additional 2m to the rear of the existing outbuilding in this location. At this projection and with the existing wall and the pitched roof design of the extension there can be no conceivable impact on the amenity of this neighbour.

To the other side the property is also unextended and has the same side facing kitchen window to its outrigger as is featured on the application property. The extension will be built across this window at a separation of around 7m, but this is a typical domestic relationship with such properties and will not lead to any undue impact on their residential amenity. The existing boundary wall is around 2m in height and suitably safeguards privacy between the properties.

As such the proposal has an acceptable relationship to its neighbours in all regards and complies with criteria 2 of Policy HL5.

Scale of development on the plot

The proposal retains appropriate levels of amenity space and so complies with criteria 3 of Policy HL5.

Parking and Access Arrangements

The proposal retains an appropriate level of parking for the site and does not compromise the access arrangements or highway safety and so complies with criteria 4 and 5 of Policy HL5.

Other Matters

There are no other material considerations of note to influence the decision.

Conclusion

The application property is a semi-detached house located in a residential area of St Annes and built to a traditional St Annes style. The proposal is for a single storey extension to the rear and is on the agenda due to the applicant being a member of staff.

The property has not been previously extended and the proposal is limited in scale and appropriate in its design and materials. The neighbouring properties are unextended from their original state with the boundaries being, at least, 2m high walls in both cases. The proposed extension has no adverse impact on their amenity and is an appropriate extension to enhance the living accommodation in this property.

It is in accordance with the relevant policies of the Fylde Borough Local Plan and accords with guidance in the House Extensions Guide. As such the application is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This consent relates to the following details:

- Location Plan - Firebuild Solutions PL01 August 16
- Proposed Plans and Elevations - Firebuild Solutions PL03 August 16

Reason: For the avoidance of doubt and as agreed with the applicant / agent.

3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building in form, colour, and texture.

To ensure that the materials of construction ensure that the extension is in keeping with the existing building as required by Policy HL5 of the Fylde Borough Local Plan.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0598	Address 8 Kilnhouse Lane, Lytham St Annes	Grid Ref. E.3326 : N.4301	Scale 0 5 10 15 20 m

DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	DEVELOPMENT MANAGEMENT COMMITTEE	7 SEPTEMBER 2016	5
KIRKHAM PUBLIC REALM IMPROVEMENTS : PHASE 5			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

As a consequence of the approved development at Mill Farm, Wesham a commuted payment of £110,000 was negotiated by way of an agreement under Section 106 of the Town and Country Planning Act 1990 to be used for the purposes of upgrading Kirkham and Wesham town centres. The primary justification for the funding requirement was directly related to the estimated trading diversion from the anchor town centre convenience store in Kirkham (Morrison's) to the new Aldi store.

The funding 'split' between the two town centres was not stipulated within the terms attached to the Agreement. However, in so far as Kirkham is concerned, the next logical area for improvement follows on directly from earlier phases. This is an expansive area taking in large areas of private forecourts as well as adopted footways. The area proposed lies between Birley Street and Market Square on the northerly side of Poulton Street.

As on previous occasions, it is recommended that this Council works directly with Lancashire County Council in both procurement and delivery of the scheme.

Subject to legal agreements being signed with building owners, who have control of some of the forecourts, it is anticipated that work can commence in the early autumn.

RECOMMENDATIONS

The Development Management Committee are requested:

1. To consider the proposal as detailed within the report and recommend to the Finance & Democracy Committee that it approve a fully funded addition to the 2016/17 capital programme in the total sum of £90,000 for the proposed scheme, to be fully-funded from the Section 106 contributions as detailed in the report; and
2. Subject to the addition of the scheme to the capital programme being approved by the Finance and Democracy Committee as detailed above, to approve expenditure in the sum of £90,000, as detailed in the schedule attached as Appendix 2, to be released from the Councils capital programme funded by the commuted payment requirement attached to planning application 13/0655.
3. Approve the layout and details of the public realm enhancement scheme as indicated at Appendix 1 and in accordance with the schedule of works as indicated at Appendix 2, but authorise officers to undertake none material alterations to the scheme in the light of constructional issues that might become apparent on site as the development is undertaken.
4. Agree to the method of procurement and implementation as set out in the report, namely the continued working partnership with Lancashire County Council for the delivery of the scheme.

SUMMARY OF PREVIOUS DECISIONS

Previous reports to Committee in the context of regeneration scheme within the town centre.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	√
Delivering the services that customers expect of an excellent council (Clean and Green)	
Working with all partners (Vibrant Economy)	√
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	√
Promoting Fylde as a great destination to visit (A Great Place to Visit)	√

REPORT

Background

1. The Council's Regeneration Framework provides a compendium of schemes, largely relating to the enhancement of the town and village centres of the Borough. Kirkham, as the market town of Fylde, features as an adopted scheme and to date a number of phases have been completed with funding secured from a number of sources. The public realm improvements have, for the most part, been concentrated latterly on re-paving the main high street (Poulton Street) although in the past there has been a grant aided building frontage improvement scheme. Committee has approved a 'Zoning Plan', which highlights how the principal town centre area can be divided into a series of phases for improvement. To date four phases have been completed (Zones 1,2,3 along with part of 4 (undertaken as one contract) and 5 - Appendix 3).
2. The completed phases have been welcomed by local traders and the broader community, as the scheme has significantly uplifted the quality of the local environment. The refurbishment for Poulton Street has primarily included new paving and kerbing to footways and forecourts and has been complimented by street furniture, a small section of tree planting and in turn complemented by the efforts of Kirkham in Bloom. Some of the properties along Poulton Street have the use of forecourt areas but to date, these are actually owned/maintained by Lancashire County Council and so no agreement has been needed with building owners to undertake the work. However, in the case of this phase a number of the forecourts are privately owned.
3. The funding for the enhancement of Poulton Street has so far been drawn from a number of sources including the Borough Council, County Council and the High Street Innovation Fund. As a result of the Mill Farm development, a commuted payment of £110,000 was negotiated with the developer and Committee resolved that this should be used for the purposes of enhancing the centres of Kirkham and Wesham. This was justified as it was estimated that the Aldi component of the Mill Farm development would have an impact on Morrison's in Kirkham Town Centre. Although the level of impact was considered to fall within acceptable limits, the objective of the funding requirement was one of mitigating the trading impact and potential loss of footfall to Morrison's – and its spin off to the town centre. One recognised method is to enhance the appearance of the town centre with the objective of increasing patronage to offset that potentially lost due to impact of the new retail store.

4. In requiring the commuted payment, Committee did not resolve at the time how it was to be split between the two centres, although the primary justification was the impact on the Morrison's store. However, to undertake the next logical area for enhancement, namely Birley Street to Market Square, this whole length will realistically require improvement at the same time, particularly as it is hoped to improve 'cross levels' over the footway and forecourt areas. The cost of the scheme is estimated at £90,000 and so one of the issues for Committee to consider is whether this split of the available funding is appropriate in the light of the overall contribution secured through the Section 106 agreement. It will be noted that at the time of issuing the report the cost of the scheme is shown as £91,633 (APPENDIX 2). However, some small changes to the scheme will result in the cost being brought to within the stipulated £90,000 figure. A revised table will be re-issued to Committee, when finalised.

Scheme Details

5. The proposed scheme design follows on from earlier phases as described in the foregoing paragraphs. This section includes the major part of Zone 6 (the paved areas around Market Square not being included at this stage). Within this section of Poulton Street there are twelve frontage properties although the forecourts of five have already been block paved; this work being undertaken a number of years ago. Of the seven to be improved there are six separate ownerships. At the time of preparing the report, all the owners had been contacted with each of them supporting the scheme in principle. Detailed negotiations are continuing and by the time of Committee's consideration it is hoped that all will have signed the relevant agreement, or be close to it.
6. The Plan at Appendix 1 shows the extent of the works and the broad content of the scheme. As with all schemes of this nature, as it progresses, there may be the need to make minor revisions taking account of unforeseen circumstances which has, in the past, included the presence of basements or services that do not accord with presumed locations. For this reason, Committee is asked to allow officers to make minor 'working amendments' to the scheme as appropriate on the basis that such changes do not materially affect the scope, content and objectives of the scheme as presented. The introduction of trees is supported and from close inspection it is considered that practically four could be accommodated in the positions shown on plan, but this will depend on the precise location of services which will be established once construction commences.
7. The property owners will be asked to enter into a legal agreement with the Council. This allows for construction to take place but also to ensure that the quality materials that are to be used will not be compromised in the future. This might be the case were any excavation to take place within forecourts for the purpose of service repairs or renewals. This is standard practice with schemes of this nature.
8. Lancashire County Council has indicated that subject to all the preliminary matters being resolved, it is hoped that work can commence as soon as possible, probably later in September.

Value of Money and Procurement

9. For some time the Borough Council has had a working arrangement with Lancashire County Council that has acted as the main contractor for regeneration schemes and has worked hand in hand with the Regeneration Team in implementing them. Many of the works take place within the adopted highway and in many cases the County Council has made a financial contribution to the particular scheme. As the details of the scheme and construction are undertaken on a partnership 'team' basis the calculation of the schemes and required specification can be calculated from the outset. This saves time and expense and the involvement of external quantity surveyors. In addition, as the County Council is the main

contractor and works closely with the Council, this gives assurances that the budget costs and on-going progress of the scheme can be very closely monitored and design and specifications adjusted as it progresses. The County Council has its own costs and procurement regulations to ensure best value which is passed on to this Council. It is proposed therefore, that as previously agreed, this method of procurement and construction continues in the implementation of this particular scheme. In the circumstances, this Council's normal procurement procedures should be superseded by entering into a contractual agreement and arrangement with Lancashire County Council.

Financing the Scheme

10. As outlined, the funding is by way of the commuted payment made by the developer in respect of the Mill Farm development, but is not currently included within the approved Capital Programme for the financial year 2016/17. Accordingly the request to include the scheme within the Capital Programme will need to be agreed by the Council's Finance and Democracy Committee following any approval of the scheme by this Committee.

Risks Associated with the Scheme

11. The attached Bill of Quantities identifies the full costs associated with the scheme including contingencies to take account of potential unknown costs. The scheme is monitored throughout construction and reporting mechanisms are put in place to ensure that these costs are carefully controlled. To date, all of the regeneration schemes over the Borough have been delivered within the allocated budget. All potential issues that could result in a budget overrun are carefully assessed before the commencement of works and minimised as far as is possible. All legal issues appertaining to land ownership and traffic management issues that are relevant are resolved prior to commencement. The financial and other risks associated with this capital scheme are therefore minimised as far as is possible.

Alternatives

12. This capital scheme is specifically targeted at undertaking the next logical zone as identified for the improvement of Poulton Street and the adjoining areas. This zone would be the largest area improved so far. The design seeks to maintain the same specification of the previous phases in quality and in its principles. The craftsmanship is expected to be high, judging by the achievements of previous phases. Committee could, if it was to so chose, allocate a different split between the required amount to undertake this scheme and what was to remain and could be spent in Wesham. However, it would be difficult to undertake part of this scheme. In addition to the visual impact of an uncompleted scheme, there could well be constructional issues as the opportunity of reducing the present awkward falls across the present footway could not be fully resolved. It should be noted that as of yet, a fully designed and costed scheme for enhancements to Wesham centre has not been agreed with the Town Council. Any scheme would, of course, require approval of the Borough Council.

Conclusion

13. This report details the proposed implementation of street enhancement works between Birley Street and Market Square in Kirkham. The funding of the scheme is by way of the use of part of funding secured through the Section 106 agreement associated with the Mill Farm development. The procurement and implementation path follows on from earlier phases. The completed scheme will achieve a significant enhancement of this particular section of Poulton Street, which has a commercial character and is included within the town centre conservation area. The scheme has the widespread support of the local business community and the property owners have indicated their full support.

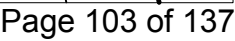
IMPLICATIONS	
Finance	<p>The committee is requested to recommend to Finance & Democracy Committee a fully funded addition to the 2016/17 capital programme of £90,000, to be funded from a Section 106 contribution as detailed in the report.</p> <p>The committee is requested to authorise expenditure in 2016/17 of £90,000 in respect of the proposed scheme subject to the approvals from Finance & Democracy Committee.</p> <p>Once completed there are no on-going revenue costs to the Council arising from this scheme.</p>
Legal	<p>The Mill Farm section 106 agreement requires that the public realm contribution paid under it be used to secure works to publicly owned streets, pathways, right of ways publicly accessible open spaces and any public and civic buildings and facilities in Kirkham and Wesham town centres or elsewhere in the vicinity of the Mill Farm development.</p>
Community Safety	Not relevant.
Human Rights and Equalities	No specific issues. The scheme is aimed at benefitting all sections of the community.
Sustainability and Environmental Impact	Scheme aimed at sustaining and enhancing the role of Kirkham as an important service centre and market town.
Health & Safety and Risk Management	Dealt with as part of the contractual arrangements.


LEAD AUTHOR	TEL	DATE	DOC ID
Paul Drinnan	01253 658434	20th August 2016	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Planning Application & s106 Agreement 13/0655	17 th February 2015	http://www3.fylde.gov.uk/online-applications/
Kirkham Town Centre Public Realm Scheme – DM Committee Decision	20 th August 2015	https://fylde.cmis.uk.com/fylde/Committees.aspx

Attached documents

1. APPENDIX 1 : Plan of the area the subject of the report.
2. APPENDIX 2 : Schedule of Works/Bill of Quantities connected with the scheme.
3. APPENDIX 3 : Plan of the Zones previously approved by Committee



		<p>Planning and Regeneration Development Services The Town Hall Lytham St Annes Lancashire FY8 1LW</p>	
<p>Tel: 01253 658658 E-mail: webmaster@fylde.gov.uk</p>		<p>Date:</p>	
<p>Drawn by: dkirkpatrick</p>		<p>17.02.2016</p>	
<p>Checked by: pdorrinnon</p>		<p>Scale: 1:250</p>	
<p>Project:</p>			
<p>Kirkham Town Centre Poulton Street</p>			
<p>Title:</p>			
<p>Public Realm Improvements</p>			
<p>Drawing Number:</p>			
<p>2016/04/01A</p>			

Phase 6

				Alternative	
Item	Description	Quantity	Unit	Rate (£)	Total (£)
	Series 100 - Preliminaries				
100.1	Welfare & Traffic Management	1	Sum		£ 5,598.85
	Series 200 - Site Clearance				
200.6	Take up and set aside Granite Setts	15	m ²	£ 20.00	£ 300.00
200.7	Take up and dispose Granite Setts	60	nr	£ 20.00	£ 1,200.00
200.8	Take up and dispose PCC Kerbs	120	nr	£ 3.52	£ 422.40
	Series 500 - Drainage				
500.1	Complete gully class D400/G1 cover & frame, 500 x 350 clear opening	1	nr	£ 332.48	£ 332.48
500.2	Connection of 150mm dia pipe to existing 225mm dis pipe, depth ne 3m	3	nr	£ 74.78	£ 224.34
500.3	Raise the level of existing Manhole cover not exceeding 150mm in footway (Concrete)	1	nr	£ 88.24	£ 88.24
500.4	Raise the level of existing Single BT cover & frame not exceeding 150mm in footway	2	nr	£ 86.00	£ 172.00
500.5	Raise the level of existing SV cover not exceeding 150mm in footway	15	nr	£ 15.00	£ 225.00
	Series 600 - Earthworks				
600.1	Excavation of Unacceptable Material Class U1/U2	190.98	m ³	£ 16.35	£ 3,122.52
600.2	EO for excavation in flexible footway	84.88	m ³	£ 6.21	£ 527.10
600.3	Disposal of unacceptable material class U1	190.98	m ³	£ 21.00	£ 4,010.58
600.4	Completion of formation	1061	m ²	£ 0.50	£ 530.50
	Series 1100 - Kerbing				
1100.1	Charchon Woburn Blocks Rustic	1061	m ²	£ 42.80	£ 45,410.80
1100.2	Charchon Europa Block Laid Herringbone	0	m ²	£ 42.80	£ -
1100.3	Kerbs laid straight or to a radius greater than or equal to 12m. 145mm x 255mm	117	m	£ 36.00	£ 4,212.00
1100.4	Re-lay Granite Strip	15	m ²	£ 50.00	£ 750.00
1100.6	Granular Sub Base Type 1	106.1	m ³	£ 38.00	£ 4,031.80
	9900 - Special Items				
9900.1	Railing	0	nr	£ -	£ -
9900.2	Bollards - Spec to be Agreed	15	nr	£ 200.00	£ 3,000.00
9900.3	Construction of Brick Wall	0	m ²	£ 114.00	£ -
9900.4	Specialist Surface Treatment	0	m ²	£ 25.00	£ -
9900.5	Tree Planting size 16-18cm to be agreed	7	nr	£ 200.00	£ 1,400.00

Construction Cost
Contingency Sum for Resticted Access 10%

£	75,558.62
£	7,555.86
£	83,114.48

Supervision + 5%
Overhead + 5%

£	4,155.72
£	4,363.51
£	91,633.71

More information required as to what is to happen with these items.

INFORMATION ITEM



REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT MANAGEMENT DIRECTORATE	DEVELOPMENT MANAGEMENT COMMITTEE	7 SEPTEMBER 2016	5

LIST OF APPEALS DECIDED

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY OF INFORMATION

The following appeal decision letters were received between 15/07/2016 and 26/08/2016.

SOURCE OF INFORMATION

Development Services

INFORMATION

[List of Appeals Decided](#)

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members on appeals that have been decided.

FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

LIST OF APPEALS DECIDED

The following appeal decision letters were received between 15/07/2016 and 26/08/2016. Copies of the decision letters are attached.

Rec No: 1 17 July 2015	14/0490	ANGEL LANE CARAVAN PARK, FIELD 7126, FAIRFIELD ROAD, STAINING, BLACKPOOL, POULTON LE FYLDE, FY6 8DN CHANGE OF USE OF LAND TO CARAVAN SITE FOR OCCUPATION BY GYPSY-TRAVELLERS WITH ASSOCIATED OPERATIONAL DEVELOPMENT (including HARD STANDING, UTILITY BLOCKS, SEPTIC TANKS) -PART RETROSPECTIVE	Public Inquiry KPB
Appeal Decision: Allowed: 03 August 2016			

Rec No: 2 11 February 2016	14/0773	KOI POOL GARDEN CENTRE, MAINS LANE, SINGLETON, POULTON-LE-FYLDE, FY6 7LB OUTLINE APPLICATION FOR ERECTION OF TWO DWELLINGHOUSES (ALL MATTERS RESERVED) TO PROVIDE MANAGERS ACCOMMODATION FOR KOI IMPORT/REARING/SALES BUSINESS & GARDEN CENTRE	Informal Hearing AS
Appeal Decision: Dismiss: 23 August 2016			

Rec No: 3 16 May 2016	15/0666	LAND ADJ TO 53 BRYNING LANE, NEWTON WITH CLIFTON, PRESTON, PR4 3RN CHANGE OF USE OF LAND TO FORM EXTENDED DOMESTIC CURTILAGE WITH ERECTION OF 1.8M HIGH BOUNDARY FENCE AROUND	Written Representations PM
Appeal Decision: Dismiss: 21 July 2016			

Rec No: 4 18 May 2016	15/0570	41 ST ALBANS ROAD, LYTHAM ST ANNES, FY8 1TG RETROSPECTIVE APPLICATION FOR REPLACEMENT OF BAY WINDOW TO FRONT WITH UPVC PATIO DOORS	Written Representations RC
Appeal Decision: Dismiss: 27 July 2016			

Rec No: 5 07 July 2016	16/0318	57 BRYNING LANE, RIBBY WITH WREA, PRESTON, PR4 2NL RESUBMISSION OF APPLICATION 16/0119 FOR RAISING OF ROOF HEIGHT AND FORMATION OF FIRST FLOOR OVER EXISTING OUTBUILDING TO REAR, AND USE AS RESIDENTIAL ANNEX / HOME OFFICE / DOMESTIC STORAGE	Householder Appeal RT
Appeal Decision: Dismiss: 27 July 2016			

Appeal Decision

Inquiry held on 10 -12 May 2016

Site visits made on 9 and 12 May 2016

by John Felgate BA(Hons) MA MRTPI

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

Decision date: 03 August 2016

Appeal Ref: APP/M2325/W/15/3026000

Land known as Angel Lane Caravan Park, off Fairfield Road, Hardhorn, Poulton-le-Fylde, Lancashire FY6 8DN

- 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 Christopher Collins and Mrs Kathleen Collins against the decision of Fylde Borough Council.
- The application Ref 14/0490, dated 9 July 2014, was refused by notice dated 1 April 2015.
- The development proposed is described as change of use of land to caravan site for occupation by gypsy-travellers with associated operational development, including hardstanding, utility blocks and septic tanks.

Decision

1. The appeal is allowed and planning permission is granted for change of use of land to caravan site for occupation by gypsy-travellers with associated operational development, including hardstanding, utility blocks and septic tanks, on land known as Angel Lane Caravan Park, off Fairfield Road, Hardhorn, Poulton-le-Fylde, Lancashire FY6 8DN, in accordance with the terms of the application, Ref 14/0490, dated 9 July 2014, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. At the inquiry, it was reported that one of the appellants, Mr Terrance Collins, has recently died. The appeal will therefore now proceed in the names of the two remaining appellants only, Mr Christopher Collins and Mrs Kathleen Collins.
3. It was also explained at the inquiry that the name 'Angel Lane' refers to the unadopted track from which the appeal site takes its access. This name appears to be unofficial, and is not necessarily accepted by all local residents. However, in the absence of any other recognised name for it, I have adopted this in my decision where necessary, for the sake of clarity and convenience.
4. In the planning application, the 'red line' site boundary was drawn around the extent of the land owned by the appellants and members of their family. This was accompanied by indicative layout and landscaping plans, which proposed that the area for stationing caravans and structures be limited to approximately one-third of this overall site area. At the inquiry, a new plan was substituted, at the Council's request, in which the red line has been redrawn, to include the latter area only, with the remainder of the original site outlined in blue

(Document 13). I see no reason why anyone should be disadvantaged by this change, and have therefore accepted the revised plan in substitution for the original.

Planning Background

5. Prior to November 2009, the majority of the appeal site had no lawful use other than agriculture. Part of the site had planning permission for horse-keeping and equestrian use, granted in October 2008, and a wooden stable was erected within this area.
6. In November 2009, the appeal site became occupied as an unauthorised gypsy caravan site, with caravans being stationed, and hardcore laid, across most of the site area. Wooden fencing was also erected, dividing the site into pitches, and a low earth mound was formed on one boundary. In December 2009 an application was made for planning permission for the change of use to a caravan site and associated development¹, with 15 pitches and up to 36 caravans. In January and February 2010, two injunctions were granted in the County Court. In June 2010 the planning application was refused. In July 2010 an enforcement notice was issued, requiring the cessation of the use and the removal of the caravans and other operational development.
7. Appeals² against the refusal of permission and the enforcement notice were heard at an inquiry in 2011. In August 2011, the Secretary of State (SoS) dismissed these appeals. In coming to his decision, the SoS found a significant and substantial adverse impact on the landscape and on visual amenity, which he considered could not be overcome by landscaping within a reasonable period. This harm was given substantial weight. The SoS also found that the development did not respect the scale of Hardhorn village, and this was given moderate weight. He also found material harm to highway safety, to which he attached considerable weight. These matters were held to outweigh the unmet need for gypsy and traveller sites in the area, the accommodation needs of the site occupants, their needs with regard to health and education, and the lack of alternative sites.
8. In December 2012 the Council resolved to take direct action to remove the unauthorised development, but such action was delayed due to a series of legal challenges, which ultimately proved unsuccessful. In June 2014 the Council renewed its resolution to take direct action. This resolution was subject to further legal challenges, which were again unsuccessful.
9. The present appeal proposal was submitted as a planning application in July 2014. The proposal differs from the previous appeal scheme by proposing that caravans be restricted to a smaller site area, with 6 pitches, and no more than 20 caravans. The planning circumstances with regard to national and local policies towards travellers' sites have also changed in the meantime.
10. Immediately before the start of the present inquiry, there were 18 caravans on the 'larger site', of which all but 2 were within the amended application site boundary, together with various small structures. It is not in dispute that the number of caravans fluctuates due to the occupiers' travelling lifestyle, and that some were absent for this reason during the inquiry.

¹ Application Ref. 09/0830

² Appeal Ref. APP/M2325/A/10/2134032 (and others)

General Policy Context

The adopted Local Plan

11. The statutory development plan for the area comprises the saved policies of the 'Fylde Borough Local Plan as Altered' (the FBLP), adopted in October 2005.
12. The appeal site lies outside any identified settlement boundary, in an area designated as countryside. In such areas, Policy SP2 states that development will not be permitted except within certain specified categories. None of these refers to gypsy and traveller sites.
13. Policy HL8 states that caravan sites for Gypsies will be permitted where various criteria are all met. These include requirements relating to access and the effects on the area's character and landscape. The policy also seeks to resist sites in open countryside away from settlements.

Planning Policy for Traveller Sites (PPTS)

14. The overarching aim of the PPTS includes facilitating the traditional nomadic way of life of travellers, while respecting the interests of the settled community (paragraph 3). To that end, planning authorities are required, amongst other things, to meet needs and address under-provision, by identifying land over a reasonable timescale, and by developing policies that are realistic and inclusive (4). Authorities should also maintain a 5-year supply of specific, deliverable sites (10).
15. In dealing with applications, consideration should be given to, amongst other things, the need for sites, the availability of alternatives, the applicants' circumstances, and any local policy criteria (24). Sites in open countryside away from settlements should be very strictly limited (25).

The National Planning Policy Framework (NPPF)

16. The NPPF seeks to ensure that planning contributes to achieving sustainable development (paragraph 6). Decisions are to be taken in accordance with the presumption in favour of such development (14). The core planning principles include taking account of the differing roles and character of different areas, recognising the intrinsic character and beauty of the countryside, conserving and enhancing the natural environment, and managing patterns of growth (17).
17. Policies for sustainable transport include ensuring safe and suitable access to developments for all people, but only preventing development on transport grounds where the residual impacts would be severe (32). Policies for the natural environment include protecting and enhancing valued landscapes (109), but ensuring that such protection is commensurate with the area's status (113).

The emerging draft Local Plan

18. The Fylde Local Plan to 2032: Revised Preferred Option (the FLP) was published in October 2015, for public consultation. In view of its early stage, the draft plan carries little weight at this stage.

Main Issues

19. In the light of the Council's refusal reasons and all the other submissions made, both at the inquiry and in writing, the main issues in this appeal are:
- the effects of the proposed development on the character and appearance of the area and its landscape;
 - the development's effects on highway safety; and
 - the weight to be given to the need for gypsy and traveller sites in the area, and to the personal circumstances of the site's occupiers.

Reasons for decision

Effects on the area's character and appearance

20. In Policy HL8, the requirement under criterion 8 is that gypsy and traveller sites should not cause significant harm to the area's character and amenities, or to its landscape.
21. The 'Angel Lane Caravan Park' is a large, roughly rectangular parcel of land, extending to about 2.4 ha in total. From Angel Lane on the west, the site slopes gently down to a shallow ditch on its opposite side. The original field boundary hedgerows survive in part, though varying in height and density, and generally becoming sparser towards the eastern end. Along the eastern boundary there is also an earth mound, apparently resulting from the removal of soil in order to lay hardcore.
22. For the most part, the surrounding countryside is fairly open. The topography is gently undulating, hedges are mostly kept trimmed, and trees and woodlands are relatively few. But despite these characteristics, public views of the appeal site are relatively limited. From the west and south, there are no views at all. Travelling along Fairfield Road there are views from a short section to the east, but only at a distance of about 500 metres. As the road turns and runs to the north of the appeal site, it passes through a dip, and although it passes within about 100m of the site, views are restricted by the levels and hedges. From the public footpath at Fairfield Farm, there are more elevated views, but limited to no more than two or three openings, again at around 500m distance. At Todderstaff Hall there is a section of footpath with relatively clear views, but here the distance is around 1km. The site is also visible from passing trains on a short section of the elevated railway line as it crosses Station Road, but these views are necessarily fleeting in nature.
23. As the Inspector in the 2011 appeal noted, where the existing development is visible, even at some distance, it appears as an alien and discordant feature in the landscape. However, this seems to me to be at least partly because the existing development extends across the site's full width, away from the more sheltered area around Angel Lane, and into the more remote and exposed eastern part of the site. The appeal proposal is not to retain the whole of this existing development, but to reduce it significantly, in terms of both the numbers of pitches and caravans, and the area that they would occupy.
24. The caravans that would remain would be grouped at the western end of the site. Although this is the highest part of the site, it benefits from the best natural screening. This is due to the boundary hedges on three sides, which are substantial in this part of the site, and the further hedges, trees and

woodland along Angel Lane to the north and south. And in addition, these features and the rising land beyond them form a backdrop to all of the available the views, giving this western part of the site a strong sense of visual containment. This visual containment would significantly limit the development's impact on the character or appearance of the area and its landscape.

25. In addition to retaining some of the existing pitches and touring caravans, the development would also involve the introduction of six static caravans and the erection of six utility blocks. But the utility blocks, as shown in the submitted plans, would be small, and details such as materials could be controlled by condition. The static units would be required to comply with the size limits for caravans in the relevant legislation³. Like the caravans, these structures would all be contained within the western section of the site. In that location, for the reasons already explained, they would not add significantly to the development's visual impact.
26. In addition, it is common ground that any new permission could and should impose conditions relating to landscaping. Amongst other things, such conditions could require the retention and strengthening of the existing trees and hedges, the planting of additional new ones, and the re-seeding of the eastern part of the site where the existing hardcore is proposed to be removed. I agree that, to be satisfactory, the landscaping scheme would need to go further than that so far submitted by the appellants. But even so, it would not need to go as far as requiring a 15m-wide tree belt all around the site, as suggested by the Council; and indeed nor should it, having regard to the PPTS's aim of softening any impact rather than hiding the development completely. Be that as it may, it seems to me that new planting and landscaping, designed with care, could go a long way to help assimilate the proposed development into its surroundings, thus substantially mitigating any harm. The full effect of such planting would not be immediate, but could be realised within a reasonable timescale.
27. Together, these considerations lead me to the view that the proposed development could be accommodated within the landscape without causing unacceptable harm to the area's character and appearance. The development would therefore not conflict with criterion 8 of Policy HL8.
28. In coming to this opinion, I give due weight to the expert evidence of the Council's landscape witness, Mrs Randall. I acknowledge that her evidence incorporates a landscape and visual impact assessment, which has regard to the methodology recommended by the Landscape Institute. However, the suggestion that the area's landscape is one of high quality, and thus a 'valued' landscape, is not borne out. The inclusion of the area in the 'Lancashire and Amounderness Plain' and 'The Fylde' landscape character areas is not an indication of any particular quality or value. Neither is the fact that the landscape has been well cared-for and maintained, or that it is typical of its type. There are distant views of the Bowland Forest to the east, but the appeal site is only seen when looking in the opposite direction. From my observations, the quality of the landscape seems no more than average. No objective evidence has been produced to the contrary. The previous Inspector in 2011 found the landscape to have a high sensitivity to change, but that is not the

³ The Caravan Sites and Control of Development Act 1960

same as high quality. This does not change my view that its quality is unremarkable. And in any event, for the reasons explained earlier, with the present appeal proposal, the effects on the landscape's character and visual amenity would be slight.

29. I also acknowledge that the appeal site is outside any defined settlement. But nonetheless it is close to Old Hardhorn village, and when the recent planning permission for residential development at Fairfield Nurseries is implemented, it will be closer still. Old Hardhorn does not have a settlement boundary in the LP, but on the ground it is clearly recognisable as such. The site is therefore by no means isolated, nor is it 'away from' any settlement. And in any event, the PPTS requirement to strictly limit traveller sites in open countryside does not imply a complete prohibition. The fact that the site is in the countryside brings the development into conflict with Policy SP2, but that does not necessarily equate to harm to the area's character and appearance.
30. I note the Council's reference to LP Policy EP10 which, amongst other things, seeks to protect landscape features such as hedges and ditches. However, the development now proposed does not threaten those at the appeal site. I also note Policy EP11, which requires developments to be in keeping with the landscape types identified in the Landscape Strategy for Lancashire, but there is little support for this approach in the NPPF, outside of valued landscapes.
31. With regard to the existing unauthorised development on the site, including the hardcore, fencing, mounding and various structures, the enforcement notice served in 2010 remains in force, as do the Council's subsequent resolutions to take direct action if necessary. Consequently, I see no reason to doubt that, whatever the outcome of the present appeal, the Council would ultimately be able to secure the removal of these items. Nevertheless, it is common ground between the parties that if planning permission were granted, the permission could be made conditional upon the restoration of the remainder of the site. From a practical point of view, it seems to me that this course of action would enhance the prospects of achieving full restoration, at least in this eastern part. To my mind, this would be a significant benefit to the area's landscape and visual amenity.
32. The appellants acknowledge that a caravan site on any scale in this location would cause some residual harm, and I do not disagree. However, the test in Policy HL8 is not whether there would be any harm at all, but whether the harm would be significant. To my mind the visual harm resulting from the appeal proposal, on the reduced scale now proposed, would not be so great as to be unacceptable.
33. I conclude that although the proposed development would cause some harm to the character and amenities of the area, overall that harm would be slight, and could be mitigated by appropriate conditions. As such, there would not be any significant conflict in this respect with Policy HL8, nor with any other relevant development plan or national policies relating to character and appearance.

Highway safety

34. In Policy HL8, the requirement under criterion 7 is that gypsy and traveller sites should have safe vehicular and pedestrian access and adequate parking. In the present case the issues regarding safety relate to visibility at Angel

- Lane's junction with Fairfield Road, and also a potential conflict with vehicles emerging from Puddle House Lane, which is opposite.
35. To the right (east) of the Angel Lane junction, the Inspector in the 2011 appeals considered that the required visibility was 2.4m x 116m. In the present appeal, based on a new speed survey in 2015, the Council accepts that the latter figure, the 'y-distance', could now be reduced to 92m. I do not have full information as to the sources of these two alternatives. On either basis, the y-distance figures exceed the range set out in Manual For Streets (MFS), and I understand them to have been calculated having regard to both Manual For Streets 2 (MFS2) and the Design Manual for Roads and Bridges (DMRB). However, the figures are not objected to by the appellants, and in the absence of any other technical evidence, I have no reason to question them. I have treated 116m as the maximum requirement.
36. It is not disputed that clear visibility of either 92m or 116m in this direction could be achieved by trimming back part of the roadside hedge and other vegetation within the highway verge. From the evidence before me, and my observations on site, the maximum requirement would affect roughly the first 25-30m or so from the junction. The hedge in question is outside of the appellants' ownership, and from the evidence given on behalf of its owner, I understand that she would not wish to allow it to be cut back or maintained other than on her own instruction. However, it appears that the front part of the hedge, as well as the rest of the verge, falls within highway land. As such, it seems to me that the Highway Authority has not just the right, but also a duty, to maintain that part of it in the interests of public safety. I note that the previous inspector took a similar view in this regard.
37. I appreciate that to keep the hedge and verge trimmed so as to provide the full 116m at all times might imply a more frequent or intensive management regime than in the past. But Angel Lane is used for access to other land and premises as well as the appeal site, and indeed if the appeal site were no longer used as a caravan site, it could revert to its former lawful use, and would still be likely to require access. Consequently, the need to have regard for public safety in maintaining the roadside hedge and verge in this part of Fairfield Road is not solely contingent on the appeal proposal.
38. I fully accept that it might have been desirable for the appellants to have entered into some form of agreement with the Highway Authority regarding future maintenance, but I cannot reasonably require such an arrangement. And a 'Grampian-type' condition would be of limited value, given that the maintenance that is needed is of an on-going nature, rather than a one-off action. But in the absence of either of these options, I must consider the appeal based on what is before me. In this context, I am also mindful of the potential issues regarding the protection of nesting birds, but this is not unique to the appeal site, and there is no evidence that this limited length of hedge could not be adequately maintained without causing harm to wildlife. Overall, having regard to all the matters set out above, I consider it reasonable to assume that if planning permission were granted, adequate visibility in an eastward direction would be provided and thereafter maintained.
39. To the left (west) of Angel Lane, the visibility requirement in the 2011 appeals was 2.4m x 99m, which the Inspector considered should be measured to the nearside edge of the carriageway, rather than the centreline. Based on the

more recent speed data, the Council argues that the y-distance in this direction should now be increased to 118m. Again, the technical basis for these figures is not before me in detail, but is not disputed. In oral evidence, the Council's highway witness, Mr Robinson, accepted that the 2011 speed data was likely to be the more accurate, and this suggests to me that if one or other of these figures is to be preferred, it should be the original, which is the lesser of the two. Nevertheless, I have had regard to both alternatives.

40. The appellants accept that neither 118m nor 99m can be achieved if the requirement is applied so as to include the whole of the nearside carriageway. Whereas, if the measurement is to the centreline, the Council does not dispute that at least the 99m could be achieved. The risk therefore relates principally to the potential conflict between a vehicle turning left out of Angel Lane, and one travelling along Fairfield Road in an eastbound direction, but on the 'wrong' side, such as while overtaking. But in that situation, it is agreed that the driver of the approaching vehicle would have a clear view, even though the emerging one might not.
41. In this context it is notable that although MFS and MFS2 advocate that sight lines at junctions should have regard to calculated stopping distances, it is also made clear that these should not be imposed slavishly. MFS notes that drivers are normally able to stop more quickly than is implied by the stopping distances given in the DMRB (paragraph 7.5.5), and that studies have found no relationship between stopping distances and casualties (7.5.6). MFS2 clarifies that the DMRB standards are rarely appropriate for non-trunk routes (Foreword); in such cases, the starting point should be MFS, and where designers do refer to DMRB, they should apply it in a way that respects local context (paragraphs 1.3.2 - 3). The same document goes on to say that authorities should exercise discretion in applying standards (3.2.1); that reductions in visibility distances below recommended levels will not necessarily lead to significant problems (10.5.9); and that research has found no evidence that substandard visibility at junctions increases the risk of injury collisions (10.4.2). In the light of this advice, it seems to me that the failure to meet the MFS/DMRB-based standards in full does not necessarily mean that the development would be dangerous.
42. With regard to Puddle House Lane, I saw on my visit that for traffic emerging from that direction, visibility along Fairfield Road is poor, and turning movements in an eastbound direction are rather tight. But drivers emerging at the same time from Puddle House Lane and Angel Lane would have a perfectly clear view of each other. And in both cases, the numbers of movements are likely to be small.
43. Having regard to both these latter issues, of the westward visibility and the conflict with Puddle House Lane, in the 2011 appeals the inspector concluded that overall there would be material harm to highway safety. The SoS agreed, and gave that harm considerable weight. However, the present appeal is for less than half the amount of development, and would consequently give rise to an equivalent reduction in the number of proposed vehicle movements. This is a significant difference.
44. In addition, the Angel Lane Caravan Park has now been in existence, albeit unauthorised, for around 6-and-a-half years, and during that time, no relevant accidents have been recorded. This is despite the fact that the site has had 15

pitches and reportedly up to 40 or more caravans at times, which is substantially larger than the development now proposed. I appreciate that some local residents have referred to unrecorded incidents, and near-misses, but I have no reason to doubt that any actual accidents which were at all serious would have found their way into the statistics; and in any event, for the purposes of consistency it is right that the benchmark should be the number of cases that are actually recorded. This is an important change of circumstances from 2011.

45. In addition, I note that the volume of traffic on Fairfield Road, at around 4,000 vehicles per day, is not particularly high for a rural 'B' class road of this type, and although the measured speeds are in the mid-40s – 50s, these figures are well below the permitted limit. Also, there are already warning signs to indicate the presence of Angel Lane, and the highway witness acknowledged that other safety measures could also be considered. The recently permitted residential development at Fairfield Nurseries will clearly have to have an access onto Fairfield Road, and although the details have not yet been agreed, it seems probable that the presence of this development and its access will have some calming effect. This in particular is another new factor since 2011.
46. I note the concerns of some objectors regarding the width of the access track along Angel Lane, and the turning radius for the movements onto or from Fairfield Road. But these matters were not pursued by the Council at the inquiry, and from my observations neither is likely to present undue difficulties in terms of highway safety. I note that some works are said to have been carried out previously, both to the lane and to the adjacent hedgerows, but there is no suggestion that the Council intends to pursue these, and as such they are not matters for me to consider. The need for future maintenance of the Fairfield Road hedge may have some slight adverse effect on visual amenity, but this impact would not be so significant as to affect my earlier conclusions on that matter.
47. Drawing these points together, there is no doubt in my mind that highway safety is a consideration of great importance. However, under questioning, Mr Robinson appeared to agree that it was unrealistic to expect that all safety risks could be eliminated. I concur with that view. It seems to me that the more realistic test is whether the potential risks have been reduced to acceptable proportions.
48. In the present case, taking everything into consideration, I conclude that although the proposed development cannot be guaranteed to be free from all risk, the level of that risk would be relatively low. Consequently, the development would not involve any significant conflict with the requirement for safe access in Policy HL8's criterion 7 and in NPPF paragraph 32.

Need and personal circumstances

49. In view of my conclusions on the preceding matters, it is not necessary for me to deal with any other issues at length.
50. The Gypsy and Traveller Accommodation Assessment (GTAA) for the Fylde Coast authorities, published in September 2014, identified an immediate need for 17 additional pitches in Fylde Borough for the period 2014- 19, and a further 9 pitches on a phased basis up to 2031. A significant part of this assessed need relates directly to the needs of the present appellants

themselves, and the other families at the appeal site. Since the GTAA was published, only two small sites have gained planning permission, comprising a total of 5 pitches, three at Newton-with-Scales and two at Bryning⁴. At most, these can go only a small way towards meeting the GTAA requirement.

51. The draft FLP, in October 2015, proposed one additional pitch at the Newton site, but there is doubt as to whether this will now proceed, since in granting permission for the 3 pitches on that site, in January 2016, the SoS rejected an alternative proposal for a 4-pitch scheme. Neither the FLP nor any other emerging plan currently identifies any other potential sites.
52. Whilst adopted Policy HL8 allows previously unidentified sites to be considered on a criteria basis, this purely reactive approach has evidently had limited success in facilitating the delivery of new gypsy and traveller sites over the past decade. Under draft FLP Policy H5, a similar approach is proposed to continue. There is no evidence that this is likely to increase the delivery rate in the near future.
53. I appreciate that the pitch requirement in the GTAA has been heavily influenced by the needs of the present appellants, and clearly their occupation of the appeal site over the last six years or so has been unlawful. But even so, the methodology of the GTAA requires that their needs be counted as part of those relating to Fylde Borough, and I see no reason to doubt that they have been correctly included. And in any event, there is also an unmet need in the wider Fylde area as a whole. I note that the Council proposes to commission a new GTAA in the light of the recent changes to the PPTS, including to the definition of gypsies and travellers. But there is nothing to be gained from speculating as to what that exercise might conclude. The 2014 GTAA is still relatively recent, and is the best evidence available.
54. It follows that there is a clearly identified unmet need for a significant number of gypsy and traveller pitches in Fylde Borough. Out of the 17 pitches that were needed immediately in 2014, at least 12 remain to be provided. This is a significant change of circumstances since the 2011 inquiry. The appeal proposal would make a contribution towards that unmet need, and towards the larger figure that will be needed beyond that time.
55. The appellants' representatives at the inquiry made it clear that, as they see it, they have no other options available to them except the appeal site. There is no evidence to counter this. Nothing suggests that any of the pitches that have been permitted at Newton or Bryning are likely to become available; and indeed it appears that the latter site is already occupied. No other available or preferable sites have been identified. There is force therefore in the appellants' case that their most likely alternative would have to be to resort to roadside encampments. This is an outcome that the PPTS seeks to avoid wherever possible.
56. The permission now sought, for 15 pitches, would not accommodate all of the present occupiers on a permanent basis, and there is some uncertainty as to who would stay, who would leave, and who would share or rotate. However, evidence was given at the inquiry regarding two highly vulnerable adult members of the group who have serious physical and mental health difficulties, and a third who is awaiting a significant operation. Being faced with living on a

⁴ Land at Thames Street, Newton-with-Scales (APP/M2325/V/14/2216556); and the Stackyard, Bryning (14/0406)

roadside would be likely to have adverse implications for the health and welfare of all of these persons. It is also clear that amongst the families ordinarily resident at the site, there are a number of school-age children, plus some younger ones. It is clear that that a roadside existence would be the worst possible outcome for these children, and that their best interests would be served by having a settled family base, such as would be available at the appeal site.

57. The general need for gypsy and traveller pitches in the Borough, the present site occupiers' need for a home, the personal health needs of some of those occupiers, and the interests of the children, all weigh in favour of the appeal. In the circumstances, it seems to me that all of these factors attract moderate weight.

Other Matters

58. I have had regard to all the other matters raised by local residents and other objectors. However, I must base my decision on the development plan and other material considerations. In this case the other matters raised are either not planning considerations, or are not of sufficient substance to outweigh the main issues that I have identified.

Conditions

59. The conditions suggested by both main parties were discussed extensively at the inquiry, and during the course of those discussions a good many possible variations and alternatives were also canvassed. In the light of this, I have considered carefully the extent to which the suggested conditions and variations might satisfy the tests set out in NPPF paragraph 206 and relevant sections of the Planning Practice Guidance, and in particular how far any such conditions are necessary to overcome any harm, having regard to the nature of my findings on the main issues, as set out above. In addition, the parties made it clear that they were content for me to exercise considerable discretion as to any conditions' final form and wording, and as a result I have reorganised and edited the suggested conditions where necessary, to best achieve their respective purposes. The conditions that I consider should be imposed are set out in the attached schedule.
60. Confirmation of the approved plans (included in Conditions 1, 2, 4 and 9) is necessary for clarity and certainty, especially given that the site boundary has changed since the original submission. The limitation of the use, to the reduced site area as shown on the amended location plan, is necessary to avoid an unacceptable intrusion into the landscape, for the reasons explained elsewhere in this decision. A requirement for the comprehensive restoration of the remainder of the original site (included in Condition 9) is also justified, because of the need to clearly distinguish the development now being permitted, so as to limit the visual harm. I note that the principle of such a requirement is not disputed by the appellants.
61. Similarly, controls on the layout of the site, the size and type of caravans, the numbers and design of the utility buildings, and the materials to be used on the latter (included in Conditions 2, 3 and 4) are needed for similar reasons, relating to protecting the landscape's character and appearance. So too are the retention of existing trees and hedges (Condition 5), and the provision of new landscaping (included in Condition 9).

62. Limits on the numbers of pitches and caravans (included in Condition 2) are again necessary for reasons of character and appearance, but in this case the limits are also needed for highway safety. The same dual reasoning applies to the need for restrictions on business uses and the size of commercial vehicles (Conditions 7 and 8).
63. A restriction on occupation, to gypsies and travellers only (Condition 6), is justified given the conflict with Policy SP2, and the identified need for sites in the area.
64. Requirements as to the provision of foul and surface water infrastructure are needed to ensure a satisfactory standard of accommodation for future occupiers, and to avoid risks of flooding or contamination to watercourses and neighbouring land. Requirements and controls relating to fencing and external lighting are needed for the privacy and convenience of future residents, and also for the protection of the area's visual amenity (all included in Condition 9).
65. However, there is no need to specify any time period for commencement of the development, because the use has already been in existence for several years. There is also no need for any permission to be limited to a temporary period, because the harm that I have identified would be limited; whereas, restricting the permission in that way would make it impractical to secure any new landscaping, and the potential harm would thus be increased. And in any event there is no realistic likelihood that alternative sites will become available within a reasonable timescale. A personal permission would not be justified, given the relative lack of harm, the identified general need, and the ability to restrict occupation to persons meeting the definition of gypsies and travellers.
66. I note the suggested conditions relating to visibility splays and alterations to the Angel Lane junction, but for the reasons previously indicated, I consider that these are neither necessary nor reasonable. Nevertheless, I am satisfied that the conditions listed in the Schedule are sufficient to overcome the identified harm.

Conclusions

67. Being located in the countryside, the proposed development would conflict with Policy SP2. Given the lack of harm to the area's character and appearance, or to highway safety, there would be no conflict with Policy HL8, but even so, on balance, the scheme would not accord with the development plan read as a whole.
68. However, the development would help to make good an accepted shortfall of gypsy and traveller pitches in the area, and would meet the specific needs of the appellants and members of their extended family, in accordance with the aims of the PPTS. The development plan contains no positive or realistic proposals as to how these needs can be met in any other way, and thus these benefits carry substantial weight. Whereas, apart from the in-principle conflict with Policy S2, the scheme would cause no significant harm.
69. In the circumstances, the conflict with the development plan would be clearly outweighed by other material considerations, and it follows that permission should be granted. The appeal is therefore allowed.

John Felgate

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall take place only within the area edged red on the amended '*Plan 1: Location Plan*' submitted on 11 May 2016.
- 2) The site shall be divided into no more than 6 pitches. No pitch shall contain more than 4 caravans, of which no more than one shall be a static caravan or mobile home. At no time shall more than 20 caravans in total be stationed on the site. In addition, no more than one utility block shall be erected on any pitch. The layout of the pitches, caravans and utility blocks shall be in accordance with '*Plan 2: Proposed Site Layout Plan*', as submitted with the application.
- 3) All caravans stationed on the site shall meet the definition of a caravan as stated in the caravan Sites and Control of Development Act 1960.
- 4) The utility blocks hereby permitted shall be constructed in accordance with the details shown on '*Plan 3: Utility Block Elevations and Plan*', as submitted with the application. Apart from the laying of the foundations, no building work in connection with the utility blocks shall commence until details of their external materials have been submitted to the Local Planning Authority and approved in writing. Thereafter, the utility blocks shall be constructed using only the materials thus approved.
- 5) None of the existing trees or hedges, on any part of the land edged either red or blue on the amended *Plan 1* (as submitted on 11 May 2016), shall be cut down, grubbed up, removed, damaged, nor reduced in height or width in any way, other than with the written consent of the Local Planning Authority. If, notwithstanding this condition, any existing tree or any part of any hedge is lost, destroyed or damaged without the Authority's written consent, it shall be replaced with another of the same species, before the end of the next planting season.
- 6) The site shall not be occupied by any persons other than gypsies and travellers as defined in Planning Policy for Traveller Sites (August 2015), or any subsequent national policy superseding that document.
- 7) No business or commercial use shall take place on the site, nor any activity in connection with such a use, including the storage of materials.
- 8) No commercial vehicle shall be stationed, parked or stored on the site which has an unladen weight of more than 3.5 tonnes.
- 9) 9A: Within the timescales specified below (at 9A (viii) and 9B), a Site Development and Restoration Scheme shall be submitted for the approval of the Local Planning Authority, and shall be fully implemented. The Scheme shall include details of the following:
 - i) the proposed septic tanks, as shown indicatively on *Plan 2*, and any other necessary foul drainage infrastructure;
 - ii) any necessary surface water drainage infrastructure;
 - iii) any necessary external lighting;
 - iv) any necessary fencing;

- v) the restoration of the land edged blue on the amended *Plan 1* (as submitted on 11 May 2016), to include the removal from that area of all existing caravans, structures, vehicles, hardcore or other hard surfacing, fences, lighting, mounding, stored materials, equipment, and any waste or refuse; and the restoration of this area to grazing land;
- vi) a scheme of tree and hedge planting, within both the red and blue-edged areas on the amended Plan 1 referred to above, which shall include but not be limited to the proposals contained on '*Plan 4: Landscaping*', as submitted with the application;
- vii) a maintenance plan for the new and existing landscaping, including provision for replacement planting if necessary;
- viii) and a full timetable for the implementation of these works.

9B: The use of the land as a caravan site shall cease, and all caravans, structures, surfacing, and other items brought onto the land for the purposes of such use shall be removed, and the site returned to a condition suitable for grazing, within 28 days of the date of any failure to meet any of the following time limits:

- i) within 3 months of the date of this decision, the Site Development and Restoration Scheme shall have been submitted to the local planning authority for approval;
- ii) in the event that the local planning authority refuse to approve the Site Development and Restoration Scheme, or fail to give a decision on it within the prescribed period, then within 11 months of the date of this appeal decision an appeal shall have been made to the Secretary of State, and shall have been accepted as validly made;
- iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Site Development and Restoration Scheme shall have been approved by the Secretary of State;
- iv) following the approval of the Site Development and Restoration Scheme, either by the local planning authority or by the Secretary of state, the approved scheme shall have been carried out and completed in accordance with the agreed timetable.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Jonathan Easton Of Counsel
(instructed by the Council's Head of Legal Services)

He called:

Mr Glenn Robinson	Principal Engineer, Lancashire County Council
Ms Pauline Randall, BSc	Randall Thorp (Landscape Architects)
MALA FLI	
Mr Kieran Birch,	Senior Planning Officer
BA(Hons) MCD	

FOR THE APPELLANT:

Mr Stephen Cottle Of Counsel
(instructed by Lester Morrill Solicitors)

He called:

Mrs Elizabeth Collins	Site occupier
Mrs Mary Collins	Site occupier
Mrs Alison Heine MRTPI	Planning Consultant

OTHER INTERESTED PERSONS WHO SPOKE AT THE INQUIRY:

Cllr Alf Clempson	County Councillor (also speaking on behalf of Ben Wallace MP, as his Parliamentary Assistant)
Mr Philip Caulton	Local resident
Mr Eric Houghton	Local resident

DOCUMENTS TABLED AT THE INQUIRY

- 1 Council's list of appearances
- 2 Appellants' list of appearances
- 3 Fylde Coast Authorities GTAA, Sept 2014
- 4 Bundle of documents tabled by the Council, comprising:
 - 4.1 Fairfield Nurseries – planning permission 14/00429/ OUTMAJ
 - 4.2 Fairfield Nurseries – plan stamped 'approved'
 - 4.3 Fairfield Nurseries – officer's report 14/00429/OUTMAJ
 - 4.4 Fairfield Nurseries – refusal notice 15/00832/OUTMAJ
 - 4.5 Fairfield Nurseries – plan stamped 'refused'
 - 4.6 Oldfield Carr – officer's report 14/00607/OUTMAJ
 - 4.7 Oldfield Carr – location plan
 - 4.8 Oldfield Carr – proposed layout
 - 4.9 The Stackyard, Bryning – officer's report 14/0406
 - 4.10 The Stackyard, Bryning – planning permission 14/0406
 - 4.11 The Stackyard, Bryning – location plan 14/0406
 - 4.12 The Stackyard, Bryning – site layout 14/0406
 - 4.13 King's Close, Staining – location plan
 - 4.14 King's Close, Staining – layout plan
 - 4.15 Thames Street – officer's report 12/0118
 - 4.16 Thames Street – location plan 12/0118
 - 4.17 Thames Street – site layout 12/0118
 - 4.18 Thames Street – SoS decision and Inspector's report 12/0118
- 5 Amended site location plan (tabled on 10.5.16, but superseded by Doc 13 below)
- 6 Site plan showing plot numbers – key to appellants' list of proposed occupiers
- 7 Appellants' list of proposed occupiers
- 8 Appellants' opening submissions
- 9 Council's opening submissions
- 10 Extract from 'Fylde Local Plan to 2032: Revised Preferred Option', October 2015
- 11 Draft local plan timetable
- 12 Highways Act 1980, extract
- 13 Amended site location plan, with red line around the proposed development area only (tabled by the appellants on 11.5.16)
- 14 Elizabeth Collins' witness statement
- 15 Mary Collins' witness statement
- 16 Collins v SoS and Fylde BC [2012] EWHC 2760 (Admin); tabled by the Council
- 17 Cllr Clempson's statement
- 18 Statement on behalf of Ben Wallace MP, presented by Cllr Clempson
- 19 Agreed Statement of Common Ground, signed and dated 11.5.16
- 20 (withdrawn)
- 21 Extract from 'Common Ground: equality, good race relations and sites for Gypsies and Irish Travellers' (CRE), tabled by the appellants
- 22 Plan of visibility splay and hedge (from 2011 inquiry), tabled by the appellants
- 23 Email dated 14 March 2011, relating to the visibility splay plan
- 24 Mr Caulton's statement and attached photographs
- 25 Stroud DC v SoS and Gladman Developments [2015] EWHC 488 (Admin); tabled by the Council
- 26 Health Assessment Report by N Hartley, dated Dec 2010 (tabled by the appellants)
- 27 Order of the Court of Appeal, dated 15.1.14
- 28 Additional example conditions, tabled by the appellants
- 29 Council's closing submissions
- 30 Appellants' closing submissions
- 31 Moore v SoS and LB Bromley [2012] EWHC 3192(Admin); tabled by the appellants
- 32 Report of Wychavon DC v SoS [2008] EWCA Civ 692; tabled by the appellants
- 33 Collins v SoS and another [2013] EWCA Civ 1193; tabled by the appellants

Appeal Decision

Hearing held on 26 May 2016

Site visit made on 26 May 2016

by C Sherratt DipURP MRTPI

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

Decision date: 23 August 2016

Appeal Ref: APP/M2325/W/16/3143716

**The Koi Pool Water Gardens, Mains Lane, Poulton-le-Flyde, Lancashire
FY6 7LJ**

- 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 Mr & Mrs Derek Buckley against the decision of Fylde Borough Council.
- The application Ref 14/0773, dated 26 October 2014, was refused by notice dated 3 August 2015.
- The development proposed is "outline erection of two dwellinghouses".

Decision

1. The appeal is dismissed.

Application for costs

2. At the Hearing an application for costs was made by Mr & Mrs Derek Buckley against Fylde Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - (a) whether occupants of the proposed development would have acceptable access to the range of services necessary to support residential development;
 - (b) The effect of the development (including any potential access to the site), on the character and appearance of the area;
 - (c) Whether the proposal would be an isolated form of development in the countryside and if so, whether there are special circumstances that can be demonstrated such as an essential need for two rural workers to live permanently at their place of work in the countryside.

Reasons

4. The appeal site is situated outside any defined settlement designated in Policy SP1 of the Fylde Borough Local Plan (2005) (LP), within an area defined as open countryside for policy purposes. Policy SP2 defines the categories of development that are acceptable in the open countryside in appropriate circumstances. Residential development is not a use that is included. Policy

SP10 relates to new permanent dwellings required in connection with agriculture, horticulture or forestry. Policy HL2 sets out the criteria that new housing development should meet.

5. Paragraph 55 of the National Planning Policy Framework (NPPF) confirms 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. It gives examples of such circumstances including the essential need for a rural worker to live permanently at or near their place of work in the countryside.
6. The NPPF also clarifies at paragraph 49 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. At the hearing the Council confirmed that it could not demonstrate a five-year supply of deliverable housing sites, having calculated its supply as 4.8 years in the latest Annual Monitoring Report (April 2016). I consider those policies SP1 and SP2 that resist housing development outside the development boundaries except in appropriate circumstances to be relevant policies for the supply of housing in that they restrict where housing can be located. Accordingly I consider them to be out of date. In accordance with paragraph 14 of the NPPF, this means granting planning 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.

Access to services

7. The Council considers the appeal site to be remote from access to the range of services that are required to support residential development. The nearest defined settlement in the LP is Singleton, some 2km away. Poulton is some 2.5km away which offers a full range of services. The appeal site is situated in an area known as Little Singleton that comprises a group of properties broadly focused around the junction of Mains Lane, Garstang New Road and Garstang Road, some 400m south of the site.
8. Little Singleton has a limited range of services available at the petrol filling station and a bus service is available. I was referred to other housing developments that have been permitted by the Council near to the appeal site in Little Singleton and accepted to be within a sustainable location. Given the proximity of the site to a high level centre relatively close by in Poulton and more limited services in Singleton and even Little Singleton itself, together with the availability of reasonable bus services, I find that the appeal site is not remote from services.
9. To conclude, I find that the development would be within a reasonable and accessible distance of services and would therefore help to maintain the vitality of rural communities in accordance with paragraph 55 of the NPPF. I find no conflict with Policy HL2 in this regard.

Character and appearance of the area

10. Little Singleton comprises a cluster of properties focused around and emanating from the vicinity of the junction where a number of roads converge. Between the more concentrated linear pattern of housing development along Mains Lane and the garden centre, a bungalow sits in a plot with a field wrapping around it. This denotes the start of a transition from built development to the open fields beyond the garden and aquatic centre and numbers 35 and 37 which are located in front of the sales buildings associated with the business use.
11. The appeal site would introduce housing beyond the more 'concentrated' pattern of development on Mains Lane. It would also be to the rear of the single storey existing buildings that form part of the garden and aquatic centre having no relationship with the road frontage as is characteristic of most other properties along Mains Lane. Provided that the existing vegetation is retained to the rear of the existing sales building, the properties would have a limited visual impact from Mains Lane. Given the location of the appeal site to the rear of the garden and aquatic centre the properties would also be visible from Garstang Road East. In this respect, whilst the existing vegetation would offer a back-drop and some screening which could be supplemented further, the appeal site is situated beyond the existing linear form of development on this road, having no relationship with it.
12. I do not agree with the appellant that the development would respect the pattern of development in the area. The buildings associated with the commercial business are already set well back from the road compared to development in the immediate vicinity but are of a limited height and simple rural appearance having evolved from a nursery. The proposed properties would extend the built form even further south west away from Mains Lane. The appeal site does not relate to the existing fabric of development given that it is separated from the main concentration of built development and any road frontage. In my view the introduction of residential properties and all the domestic trappings associated with them, in this location, even limited in height, would be wholly out of keeping with the existing pattern of development and adversely harm the character and appearance of the surrounding area contrary to LP Policy HL2.
13. The Council expressed concern about the visual impact of any access to the properties from Garstang Road East. Access is not a matter for which approval is now sought but there is potential for vehicular access to be from Mains Lane or Garstang Road East. There was disagreement between the parties about whether a planning permission for stock ponds included provision for access from Garstang Road East. I saw there was an existing entrance to the field and that some hardcore had recently been put down which I was told was to supplement an existing track. The Council are of the opinion that this constitutes engineering works for which planning permission has not been granted. It is not a matter for this appeal to interpret the extant planning permission. In any event, whilst hard surfacing materials are to be agreed, there is no specific requirement to upgrade or widen the access and that permission may not be completed.
14. If residential access is provided from Garstang Road East the highway authority require the entrance to be widened to a minimum of 6m and that this width is

maintained for at least 20metres into the site. In addition any gates should be set back 5m from the highway. These requirements are necessary to secure a safe and suitable access. Those works would introduce an access that would be sub-urban in character at a point along this road that is well beyond the stretch that is residential in character, is more open in nature and is typically fields and field entrances. I agree with the Council that a formal access from Garstang Road East would have an adverse impact on the character and appearance of the surrounding area, contrary to Policy HL2. Any residential access should therefore be from Mains Lane only.

15. There are no highway safety concerns in respect of an access from Mains Lane but it would require a shared access through the commercial garden and aquatic centre. The location of the properties would not therefore lend itself well to occupation unconnected with the business use. This together with the harmful impact of an upgraded residential access off Garstang Road East further supports my view that the introduction of residential development on the appeal site would not sit comfortably with the existing pattern of development.

Need for a rural workers dwellings

16. In my view, the site cannot reasonably be described as isolated in the sense that it is not remote from other development. It is not therefore in a location where the NPPF says that new homes should be avoided except in special circumstances. The NPPF does not therefore require the appellant to demonstrate a need for essential rural workers to live permanently on site. To this extent, Policy SP2 is inconsistent with the NPPF. The dwellings would be sited within the area used for commercial purposes between the sales buildings and the location of the proposed fish pools. The location would not lend itself well to occupation unconnected with the business use.
17. I have carefully considered the arguments advanced in relation to whether it is necessary for someone to be permanently living on site. I note that a great deal of work takes place outside of opening hours including the koi imports and other deliveries. The need to conduct out-of-hours duties does not however support the need for someone to live on site; it is an operational and staffing resource matter. The need for on-site security would not in itself justify the need for a permanent residential presence on the site. I saw little evidence of attempts to make the site more physically secure. I recognise that electrical failures and problems with the fish vats must be dealt with within a reasonable timeframe to ensure the health and welfare of the fish. Alarm systems are in place and I note two people are required to attend the site to respond to the alarm system for insurance purposes. The appellant's statement explains that alarm activations are regular, usually at least once every two weeks and sometimes are a weekly occurrence. Whilst it would be convenient to have two people living on the site that can respond to the alarm, I am not persuaded, based on the evidence before me that it would be essential for anyone to actually live on the site to respond within a satisfactory timeframe to emergencies that could result in fish fatalities. Given that I have not found the site to be remote from settlements, properties are likely to be available nearby.
18. To conclude, I do not consider the site is isolated and so it is not necessary to demonstrate an essential need for the purposes of the framework. Nevertheless, having regard to LP Policy SP10, I do not find based on the

evidence before me, that there is an existing essential need for a person(s) to permanently reside on the site.

Other Matters

19. There are three dimensions to sustainable development – social, economic and environmental. The appellant highlights the environmental benefits of reduced vehicle trips that would result from living and working from one place for two managers. However those benefits would not outweigh the environmental harm by reason of the impact of the development on the character and appearance of the area. Whilst there would be some social and economic gains arising from the development, looked at in the round it is not considered that the development would achieve sustainable development.

Overall Conclusions

20. To conclude, notwithstanding the lack of a five year housing land supply, I consider the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
21. For the reasons given above I conclude that the appeal should be dismissed.

Claire Sherratt

Inspector

APPEARANCES

FOR THE APPELLANT:

Jane Fox	Of Fox Planning Consultancy
Derek Buckley	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Stell	Development Management for Flyde Borough Council.
Ed Robertson	Estates Department, Lancashire County Council.
Phil Mather	Planning Officer for Flyde Borough Council.

DOCUMENTS

Document 1	Copy of application form, design and access statement and drawing A10.5/1 submitted in respect of planning permission reference 05/2015 0066.
Document 2	Application for Costs

Appeal Decision

Site visit made on 12 July 2016

by Thomas Hatfield Ba (Hons) MA MRTPI

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

Decision date: 21st July 2016

Appeal Ref: APP/M2325/W/16/3149052

Land on the corner of Beech Drive and Bryning Lane, next to 53 Bryning Lane.

- 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 Mrs Channah Saville against the decision of Fylde Borough Council.
- The application Ref 15/0666, dated 2 December 2015, was refused by notice dated 23 February 2016.
- The development proposed is to erect a boundary fence using concrete posts and wooden panels with gravel boards at the bottom.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application form provided by the appellant was not dated. I have therefore taken the application date from the planning appeal form.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site comprises a disused piece of land, located within a post-war housing estate. The surrounding area has an open character, and front boundary treatments (where they exist) generally consist of hedges, and low fences and walls.
5. The proposed fence would be constructed of concrete posts and wooden fence panels. Whilst this type of fence is typical of those found in rear gardens, the appeal fence would be prominently located close to the corner with Bryning Lane. In this location, the height and materials of the fence would be out of keeping with the generally open character of the area. Its design, and position immediately to the rear of the footway, would make it appear visually intrusive within the street scene. Overall, the fence would be of poor quality design.
6. Whilst the fence on the opposite side of Beech Drive is of a comparable height and design to the appeal fence, the Council state that this (and other examples highlighted by the appellant) were constructed without planning permission.

This has not been disputed by the appellant. These fences serve to highlight the harm that can be caused by out-of-character development in the area. Their presence is not a justification to introduce a further large section of fencing which is similarly out of character.

7. I conclude that the development would cause unacceptable harm to the character and appearance of the area. It would therefore be contrary to Policy HL5 of the Fylde Borough Local Plan As Altered (2005). It is also at odds with the National Planning Policy Framework (NPPF) which states that permission should be refused for development of poor design.
8. In coming to that view I have had regard to Paragraph 14 of NPPF which sets out a 'presumption in favour of sustainable development'. However, I have found that the appeal fence constitutes poor design, contrary to NPPF. It therefore does not comprise 'sustainable development'.

Conclusion

9. For the reasons set out above, I conclude that the development would unacceptably harm the character and appearance of the area. Whilst the reuse of a disused piece of land would provide some benefit, this does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR

Appeal Decision

Site visit made on 19 July 2016

by A A Phillips BA(Hons) DipTP MTP MRTPI

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

Decision date: 27th July 2016

Appeal Ref: APP/M2325/D/16/3153349

57 Bryning Lane, Ribby With Wrea PR4 2NL

- 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 D Holmes against the decision of Fylde Borough Council.
- The application Ref 16/0318, dated 3 May 2016, was refused by notice dated 28 June 2016.
- The development proposed is alterations to existing approved "granny annexe" consisting of raising the roof height to provide additional domestic storage and home office.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposal on:
 - i. the character and appearance of the host property 57 Bryning Lane and the area, generally; and
 - ii. the living conditions of the occupants of the adjoining property, 29 Richmond Avenue with particular reference to outlook, light and sunlight.

Reasons

Character and appearance

3. The appeal site 57 Bryning Lane is a substantial detached two storey house set within a large curtilage on the edge of the village of Wrea Green. Within its curtilage is a long and narrow detached single storey pitched roof granny annexe to the rear of the main house. The single storey building currently appears as a subservient ancillary outbuilding.
4. There are a number of detached dwellings of various sizes and designs in the immediate vicinity of the site, the majority of which have two storeys. They form a prominent group of buildings overlooking open fields to the south. The appeal site, including the granny annexe and nearby dwellings form a clearly visible mass of built form when viewed from Bryning Lane on the approach to the village.

5. It is notable that the single storey annexe is seen against the backdrop of trees and landscaping in the gardens of properties on Richmond Avenue. As a consequence of its current height and scale it offers some relief from the otherwise almost continuous line of two storey development along this edge of the village.
6. The proposed alterations, which include raising the eaves and ridge height of the building and installing three dormer windows in the roof facing the open countryside, would alter the physical relationship between No 57 and the annexe. I understand that its function would remain as ancillary to the main dwelling and its height would be lower than No 57 and other properties in the vicinity. Nonetheless, by virtue of its significantly increased height and scale, it would no longer appear as a subservient ancillary building, but as a separate substantial dwelling within its curtilage. As such it would be harmful to the character and appearance of the host property and its setting.
7. Furthermore, given its prominent position on the approach to Wrea Green, the extended and altered annexe building would contribute to forming a continuous conspicuous building line along the edge of the settlement. Its increased height and scale and the dormer windows would add to its prominence, resulting in it being incongruous within its setting. The visual relief provided by the existing single storey building along this settlement edge would be lost by the increased built form.
8. On this issue I conclude that the development would be harmful to the character and appearance of the host property and the area, generally, and contrary to the design requirements of Policy HL5 of the Fylde Borough Local Plan as Altered October 2005 (the Local Plan) and the Extending Your Home Supplementary Planning Document (November 2007)(SPD). It is also contrary to the National Planning Policy Framework requiring good design and National Planning Practice Guidance regarding well designed homes and other buildings.

Living conditions

9. The annexe building is immediately adjacent to and forms a large part of the rear boundary to the private rear garden of 29 Richmond Avenue. The rear garden is larger than some others along Richmond Avenue and has a staggered relationship to No 29. The garden is partly to the rear of the rear garden of No 27. It appears to be a well-used and well maintained garden area with a large lawn, seating areas, planted borders and trees.
10. I noted at my site visit that at mid-afternoon on a summer day the annexe does cause some shading to the rear parts of the garden. The blank brick wall of the annexe which runs along almost the entire rear boundary of the garden is a very dominant feature to the rear of the garden.
11. The eaves height adjacent to the garden and the ridge height would be increased, resulting in a larger blank expanse of brickwork and a materially significant increase in the overall height and scale of the building. This would result in harm to the outlook from the garden.
12. As a consequence of the long separation distances between the annexe building and the rear of properties along Richmond Avenue I do not consider that the development would cause harm to the outlook from the properties themselves.

13. Given the orientation of the building, the development would result in some loss of light to the garden. There would also be some resultant additional shading in the area of the garden adjacent to the building. However, I do not consider that the loss of light and sunlight would be so significant to warrant the refusal of planning permission in this case.
14. Nonetheless, on this matter I find that the development would harm the living conditions of the occupants of 29 Richmond Avenue with particular reference to outlook. It would therefore be contrary to the amenity requirements of Policy HL5 of the Local Plan and the Extending Your Home SPD. It is also contrary to the Framework regarding the amenity standards for existing and future occupants.

Other matters

15. I note that the appellant has submitted evidence with respect to the approach to sustainable development as set out in the Framework, which has three clear dimensions – economic, social and environmental. In order to achieve sustainable development the Framework states that each of these should be sought jointly and simultaneously through the planning system. Good design is a key aspect of sustainable development.
16. Given my conclusions with respect to the effects on the character and appearance of the area I do not consider the proposal would be sustainable development and, as such, would not accord with the overarching aims of the Framework with respect to achieving good design. Furthermore, the limited benefits of the development would not outweigh the concern I have identified with regard to the character and appearance of the area and the living conditions of the occupants of the adjoining property.
17. The appellant also refers to National Planning Practice Guidance with reference to guidance on design. I am aware that the Guidance refers to innovation in design and the use of construction techniques that can contribute to achieving well designed homes and buildings. However, there is no evidence to convince me that the development would be innovative in terms of design or construction.

Conclusion

18. For the above reasons I conclude that the appeal should be dismissed.

Alastair Phillips

INSPECTOR

INFORMATION ITEM



REPORT OF	MEETING	DATE	ITEM NO
PLANNING & REGENERATION	DEVELOPMENT MANAGEMENT COMMITTEE	7 SEPTEMBER 2016	7
FIVE YEAR HOUSING SUPPLY - CLARIFICATION			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY OF INFORMATION

Over recent months there has been debate regarding the approach that Fylde Council should take in addressing the shortfall in housing delivery that has accrued during the local plan period (i.e. since 2011). A statement has been produced in order to ensure there is no misunderstanding of the application of planning policy in the determination of planning applications.

Until greater weight can be afforded to the emerging Fylde Local Plan to 2032 the methodology preferred by Fylde Council is to address the shortfall over the immediate 5 year period in line with the "Sedgefield" approach as it is considered that this approach is more robust having regard to current circumstances.

SOURCE OF INFORMATION

Head of Planning & Regeneration and Head of Governance

LINK TO INFORMATION

[Five Year Housing Supply – Clarification Note](#)

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

This information has been presented in order to ensure there is no confusion regarding the methodology utilised in calculating the council's supply of housing land.

FURTHER INFORMATION

Contact: Mark Evans

email: mark.evans@fylde.gov.uk.

tel:01253 658460

Five Year Housing Supply – Addressing the shortfall

This statement has been produced in order to ensure there is no misunderstanding of the application of planning policy in the determination of planning applications.

Over recent months there has been debate regarding the approach that Fylde Council should take in addressing the shortfall in housing delivery that has accrued during the local plan period (i.e. since 2011). There are two generally accepted approaches: the “Liverpool” approach which seeks to redress the shortfall over the entire plan period and the “Sedgefield” approach which seeks to address the shortfall over the next 5 years. In accordance with paragraph 49 of the National Planning Policy Guidance, the ability to demonstrate a 5 year supply of deliverable housing sites is an important material consideration in the determination of planning applications and appeals.

The methodology recommended to the council having regard to guidance given in the Government’s Planning Practice Guidance is the Sedgefield approach. This approach has been considered and endorsed by the Development Management Committee at its meeting on 9 March 2016, when the committee resolved:

... to recommend to Full Council to continue using the “Sedgefield approach” in the calculation of the 5 year housing land supply as it most closely reflects current Government guidance as set out in the National Planning Policy Framework and Planning Practice Guidance having regard to the circumstances appertaining to Fylde borough.

This endorsement was in the context of a request by full council to consider the merits of the two approaches, prompted by a notice of motion to the council meeting.

As at 31 March, the Council’s land supply using the Sedgefield method of calculation equates to 4.8 years.

On 15 June 2016 the Development Management Committee considered the Publication Version of the Fylde Local Plan to 2032 which included a resolution:

*2. To approve the **policies** in the housing chapter (Chapter 10: Provision of Homes in Fylde) of the Publication version of the Local Plan for immediate use as ‘Interim Housing Policies’ for use by the Development Management Committee and for decisions determined under Delegated Authority by the Head of Planning. (Emphasis added)*

Whilst the supporting text in Chapter 10 refers to addressing the shortfall over the plan period, there is no reference to a preferred methodology contained within the policies themselves. As such the recommendation of 9 March is not affected by this decision.

When making its decision on a planning application, the committee must have regard to any material considerations, but the weight to be given to each material consideration is a matter for the committee. The recommendation of 9 March and the decision of 15 June are both capable of being material considerations in any planning application to which housing supply is relevant.

However, the committee recommendation of 9 March, set out fully in the report to that meeting, is that decisions based on the Sedgefield approach are more likely to be upheld in the event of an appeal. While the publication version of the local plan aspires towards using the Liverpool approach,

it would be unsafe to do so until the local plan has been the subject of an Examination in Public¹ and that approach has been accepted as being sound.

Accordingly, until greater weight can be afforded to the emerging Fylde Local Plan to 2032 the methodology preferred by Fylde Council is to address the shortfall over the immediate 5 year period in line with the “Sedgefield” approach as it is considered that this approach is more robust having regard to current circumstances. However, the Council will continue to review the approach taken having regard to local circumstances and best practice.

¹ See Development Management Committee 9 March 2016, Item 4, Para 16.