

Agenda

Development Management Committee

Date:

Wednesday, 4 February 2015 at 10:00 am

Venue:

Town Hall, St Annes, FY8 1LW

Committee members:

Councillor Ben Aitken (Chairman)
 Councillor Kevin Eastham (Vice-Chairman)

 Councillors Tim Armit, Maxine Chew, Peter Collins, Fabian Craig-Wilson, Charlie Duffy, Dr Trevor Fiddler, Peter Hardy, Kiran Mulholland, Barbara Nash, Linda Nulty, Albert Pounder, Richard Redcliffe, Heather Speak, Vivienne M Willder

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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 of the meeting held on 7 January 2015 as a correct record (as previously circulated).	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24.	1
5	Development Management Matters	3 - 141
6	List of Appeals Decided	142

Contact: Lyndsey Lacey - Telephone: (01253) 658504 - Email: lyndseyl@fylde.gov.uk

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PR4 2WP
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 APPROXIMATELY 16MW GENERATION CAPACITY
 TOGETHER WITH POWER INVERTED SYSTEMS;
 TRANSFORMER STATIONS, INTERNAL ACCESS
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Item Number: 1

Committee Date: 04 February 2015

Application Reference:	13/0597	Type of Application:	Full Planning Permission
Applicant:	Mr Paul Mellor	Agent :	Keystone Design Associates Ltd
Location:	48 PRESTON STREET, KIRKHAM, PRESTON, PR4 2ZA		
Proposal:	PROPOSED CONVERSION OF NIGHTCLUB/PUB INTO 5 APARTMENTS WITH 2 VELUX WINDOWS TO FRONT, BALCONY TO REAR AND OTHER ELEVATIONAL ALTERATIONS. PROPOSED SURFACING OF PARKING AREA, ERECTION OF BRICK BIN STORE AND NEW BOUNDARY WALLS AND LANDSCAPING TO REAR.		
Parish:		Area Team:	Area Team 1
Weeks on Hand:	62	Case Officer:	Mrs C Kitching
Reason for Delay:	To seek design improvements		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to the former Hillside restaurant which is located on Preston Street in Kirkham. The property is Grade II listed, within the conservation area and has a series of protected trees on land to the rear. The application relates to the conversion of the building from its restaurant use to provide 5 residential flats. Residential use is appropriate at this location and permanent apartments is an appropriate use for the vacant statutorily listed building, with the supporting alterations also acceptable.

The application was considered at an earlier meeting of Committee where a decision was deferred to allow discussions to be held regarding the extent of the development proposed on land to the rear, the extent of the curtilage that is retained by this building, and the nature of alterations to the building. A meeting was held where these matters were discussed, with this scheme revised from the earlier proposal to reflect those discussions and has a larger curtilage for the flats and provides clarification to the use of the other elements of the site.

Further planning and listed building applications have been submitted for the land at the rear part of the site, and whilst it was hoped that they would all be presented together, there remain some outstanding issues with that proposal. However, the NPPF is clear that development proposals that accord with the development plan should be approved without delay, and given that this scheme provides 5 residential units in a sustainable settlement location, and addresses the concerns expressed by members over the space that is retained around the building, it is presented for a decision at this time.

Reason for Reporting to Committee

Kirkham Town Council have raised objection to the proposal, and as the officer recommendation is for approval the application is to be presented to Committee for a decision.

Site Description and Location

The property is located on the south side of Preston Street, Kirkham within the Kirkham Conservation Area. The house was originally built as a Regency residence in the early 1800s by Kirkham flax merchant John Birley and is Grade II listed. There are a series of trees protected by TPO within the rear curtilage of the property, but outside of this application site.

Details of Proposal

Full planning permission is sought for alterations to the outside and inside of the house to create five residential apartments, with two on the ground floor, two on the first floor and one on the second floor along with a rear garden area. This application accompanies a Listed Building Consent application (reference 14/0646). Two other applications have been submitted for development within the site by the applicant however these applications are not at recommendation stage yet.

To facilitate the change of use the following works are proposed:

- At the front of the house, the coach house door is changed to a unit with top lights and replacement windows in the arch window above. Two roof lights are inserted.
- At the back of the house, the three storey glazed lift block and air conditioning extractor units are to be removed. Two balconies are to be added with two areas of small roof lights on the roof slope. The rear door on the single storey side extension at the left hand side (west) is to be changed to a window.
- At the east side of the house (facing the underpass) the staircase from ground to first floor is proposed to be removed and the three high level, horizontal windows removed.
- At the west side of the house a second floor arch window is to be added.
- Internally, walls will be added and walls and remaining commercial use features will be removed.
- A walled garden will be created to the rear with a formal lawn, a paviours area and planted borders.

Following the deferral of this scheme at the October 2014 meeting of Committee a meeting was held involving Committee members, a ward councillor, officers and the applicant/agent to discuss the development of the whole site. The result of that was the revision of this scheme and the submission of further planning and listed building applications for the erection of 4 dwellings to the rear part of the site. Whilst those applications are not ready for Committee at this stage, this application is re-presented as it incorporates changes that were requested at that meeting. Specifically these are a larger rear garden for the apartments, defined parking spaces for the flats, and a tidying and surfacing of the open yard area to provide an enhanced overall appearance and to locate a single communal refuse store.

Relevant Planning History

Application No.	Development	Decision	Date
14/0770	PROPOSED ERECTION OF 4 DETACHED DWELLINGS WITH ASSOCIATED LANDSCAPING		
14/0844	LISTED BUILDING CONSENT FOR PROPOSED ERECTION OF 4 DETACHED DWELLINGS AND LANDSCAPING WORKS IN CURTILAGE OF LISTED BUILDING		
14/0646	LISTED BUILDING CONSENT FOR WORKS ASSOCIATED WITH CONVERSION OF BUILDING TO PROVIDE 5 RESIDENTIAL FLATS INCLUDING: INTERNAL ALTERATIONS, DEMOLITION OF LIFT SHAFT TO REAR, INSERTION OF VELUX WINDOWS TO FRONT ELEVATION, ROOF AND WINDOW ALTERATIONS, FORMATION OF BALCONY TO REAR ROOFSLOPE AND WORKS TO REAR CURTILAGE AREA		
13/0598	OUTLINE APPLICATION FOR ERECTION OF 7 DWELLINGS (ACCESS, APPEARANCE, LAYOUT AND SCALE APPLIED FOR WITH LANDSCAPING RESERVED)	Refused	03/07/2014
09/0738	PROPOSED EXTENSION TO EXISTING BUILDING AND CHANGE OF USE TO NURSING HOME.	Withdrawn	28/07/2010
05/1109	LISTED BUILDING CONSENT FOR INTERNAL ALTERATIONS, NEW LIFT AND STAIR TO REAR AND UPGRADE OF EXISTING STEEL STAIR	Granted	16/02/2007
05/1107	RE-SUBMISSION OF 05/0915 - NEW STAIR AND LIFT TO REAR AND NEW STEEL ESCAPE STAIR	Granted	16/02/2007
05/0915	TWO STOREY STAIR TOWER TO REAR AND REPLACEMENT EXTERNAL STEEL STAIR.	Refused	08/11/2005
05/0950	LISTED BUILDING CONSENT FOR TWO STOREY STAIR TOWER TO REAR AND REPLACEMENT EXTERNAL STEEL STAIR	Refused	08/11/2005
05/0388	CONVERSION FROM RESTAURANT TO 7 RESIDENTIAL APARTMENTS	Refused	26/05/2005
04/1050	CONVERSION OF BUILDING INTO 8 No APARTMENTS (INCLUDES THE RETENTION OF THE EXISTING MANAGERS ACCOMMODATION)	Refused	21/03/2005
04/0077	LISTED BUILDING CONSENT FOR INTERNAL WALLS, WALL & RAMP TO REAR IN ASSOCIATION WITH CHANGE OF USE TO NURSERY	Refused	23/03/2004
04/0075	CHANGE OF USE OF RESTAURANT TO CHILDRENS' NURSERY, RAMP & WALL TO REAR TERRACE	Refused	23/03/2004
89/0603	LISTED BLDG CONSENT; ALTERATIONS TO LINK TWO DINING ROOMS	Granted	04/10/1989
89/0427	EXTERNAL SCREEN WALL TO KITCHEN AREA AND INTERNAL ALTERATIONS	Granted	14/07/1989
81/0512	ALTERATIONS TO FORM FUNCTION ROOMS AND EXTERNAL FIRE ESCAPE AND EXTRA CAR PARKING.	Granted	16/09/1981
81/0535	LISTED BUILDING CONSENT - ALTERATIONS TO FORM FUNCTION ROOM AND EXTERNAL FIRE ESCAPE AND EXTRA CAR PARKING.	Granted	16/09/1981
80/0613	INTERNAL ALTERATIONS TO FORM FUNCTION ROOMS.	Refused	12/12/1980
80/0382	ALTERATIONS TO IMPROVE ENTRANCE (LISTED BUILDING)	Granted	23/07/1980
77/0722	ILLUMINATED PROJECTING SIGN	Granted	16/11/1977

77/0528	FIRE ESCAPE	Granted	24/08/1977
78/0576	ROOF PATIO.	Granted	09/08/1976
74/0057	BEDROOM EXTENSION WITH CAR PARKING IN BASEMENT	Granted	13/05/1974

An outline application on land edged blue that forms part of the larger site but not this application site for the erection of 8 detached dwellings was refused in July 2014. An application on a slightly reduced site for 4 dwellings is currently under consideration and will be presented to a future meeting of this Committee.

Relevant Planning Appeals History

None.

Parish Council Observations

Kirkham Town Council notified on 27 November 2013 and Object stating it's over intensive and inappropriate Velux windows to a listed building

Statutory Consultees

Lancashire County Council - Highway Authority

No objections.

FBC Environmental Health Officer

With reference to your consultation, there are concerns with regard to potential nuisance as the property is situated adjacent to a public house with an established rear beer garden/smoking area. Residents may be disturbed by noise from the beer garden particularly during summer months when windows may be open.

The applicant may wish to consider the design of the apartments such that sleeping areas do not share the party wall with the public house.

The applicant must ensure and demonstrate that all habitable areas are acoustically insulated to meet current WHO Guidance sound levels of:

Bedrooms (night: 2300 – 0700) 30dB LAeq

Living Rooms (day 0700 – 2300) 40dB LAeq

Individual noise events shall not exceed 45 LAmax

Lancashire County Archaeology Service

The alterations proposed to convert the building into apartments will have an impact on the historical internal layout and result in the loss of some historic fabric. Lancashire County Archaeology Service (LCAS) would recommend that, should the local planning authority be minded to grant planning permission to this, or any similar scheme, the building should be recorded prior to any conversion works.

English Heritage

They have been consulted on this application and that for the land that is to the rear of the site. Unfortunately their comments refer mistakenly to the earlier scheme that was refused planning permission in 2014 and so further clarification of their views on the actual development proposal under consideration is being sought. This will be reported to the Committee as part of the Late Observations Schedule.

The comments made welcome the reuse and repair of 48 Preston Street but express concerns over the new buildings proposed to the rear of the site, but with their fundamental misunderstanding of the proposal it is inappropriate to give them any weight at this stage.

Neighbour Observations

Neighbours notified: 27 November 2013

No. of responses received: three

Nature of comments made:

1. Loss of views and character. The development would result in the loss of existing views from neighbouring properties, in particular the loss of approximately 16 trees, a long established feature of this conservation area, and this would adversely affect the residential amenity of neighbouring owners and the character of the conservation area.
2. Wildlife. The trees on the site support a variety of wildlife/bird life and although several trees have been removed in recent years, the removal of any more trees, particularly as many as proposed for this development, would result in a severe loss of habitat for such wildlife.
3. Loss of privacy. The development would have an adverse effect on the residential amenity of neighbours, by reason of overlooking neighbouring gardens from the proposed balconies, resulting in loss of privacy. The removal of any trees on the site would compound the issue of privacy.
4. Noise nuisance from Stables Bar
5. Concern could preclude parking for nearby residents

Relevant Planning Policy

Fylde Borough Local Plan:

EP03	Development within conservation areas
EP04	Alteration and adaptation of listed buildings
HL02	Development control criteria for new housing proposals
SPG	Windows, Doors and Architectural Joinery

Other Relevant Guidance:

NPPF:	National Planning Policy Framework
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Site Constraints

Tree Preservation Order
Listed Building
Conservation area site

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 property has been vacant since 2009 and a viable use is essential to ensure the preservation of the heritage asset. Residential use as apartments is an appropriate use in this location which is surrounded by other residential units and conveniently located to the services and facilities available in Kirkham. The number of flats involves a number of internal alterations which affect the integrity of the listed building however this is dealt with by the listed building consent application. The number of car parking spaces to be provided is appropriate.

Conservation

The site originally included large grounds and this undeveloped space is a feature in the conservation area. The proposal now includes the land containing the house, a similar sized piece of land for the garden and the area of land to the side. There is a development proposal on land to the rear of the site which is subject to other applications, but the increased site area under this application now provides for an appropriately sized curtilage to be retained for the flats.

English Heritage made comment on earlier proposals which referred to the need for the building to have 'breathing space' and it is considered that the revised plans adequately provide that. Residential use is a sustainable use for the vulnerable heritage asset and a scheme that is not supported by English Heritage is preferable to the building lying vacant for a longer time when the building will continue to deteriorate which harms the listed building and the conservation area.

Internal alterations

It is not known how the internal layout changed from being a dwelling to the restaurant use as there is no detailed documentation, nevertheless a large amount of ornate doorways and ceiling plaster remains and it is important that these features are retained in the conversion scheme, a condition of consent is included to ensure they are not removed.

External alterations

The removal of the unsympathetic side / rear extension involved in this proposal is of great benefit to the heritage asset as it will allow the original form and rear elevation to be appreciated.

The windows related to the stables annexe is an original feature of the listed building and altering the style could change the legibility and character of the building. Revised plans were sought and received changing the windows to plain style.

The roof lights to the front do not reflect a feature which would have been on the original house design and this element does affect the appearance of the listed building, however a viable new use is essential for the preservation of the listed building and the roof apartment needs natural lights to make a pleasant environment. With the proposed roof lights being small in size and positioned low on the roof they are not readily visible and do not unduly harm the front elevation of the house.

The garden and parking area at the rear has been amended to improve the historic association of the house and the garden area by removing the parking from the hard and soft landscaped area and changing the spaces from asphalt / bitumen surface to semi permeable membrane and this element is now acceptable. The garden wall at 1.8 metres height of matching brick suits the formal design of the house and is an appropriate design.

Residential amenity

Hillside Restaurant and Stables Bar were once under the same ownership and Stables Bar beer cellar is underneath Hillside property and some rooms interlock. As such noise disturbance for the occupiers of the proposed apartments is a potential issue. The Council's EHO has recommended acoustic insulation and suggested rooms layouts avoid bedrooms joining the Stables Bar, with conditions appropriate to address these concerns.

The new fenestration introduces new potential for overlooking however as the nearby residents are not in close proximity to the house and there is no harmful impact on overlooking.

Parking and highway safety

LCC highways officer requests that a radius is created at the access to Preston Street to warn pedestrians and footpath users of the access location. The formalisation of the vehicle priority in this location is an aspect that Committee members criticised at the previous meeting and so this element has been removed from the scheme and the access will be repaired to continue to give pedestrian priority along the road.

It is understood that the yard area to the site has been used by residents of the area for casual parking and bin storage. The application site area has been extended to include the area used and to secure the surfacing of this in pavements and provision of a bin store and landscaping. This is an enhancement to the area and the listed building's setting and will enable this parking use to continue.

Trees

The wider site contains many trees that are protected by individual and group tree preservation order. None of these are within, or sufficiently close, to the area of this application site. The implications for trees in that area is a matter that remains under discussion with the applicant. This site does contain four small trees at the east side of the proposed garden area which are to be removed, but these are not protected and this will not significantly affect the appearance nor potential ecological value of the site. A condition on the landscaping of the development will enable replacement trees to be secured.

Conclusions

The listed building has been vacant for several years and the spacious five apartments scheme is a sustainable use which should allow for the preservation of the heritage asset to the benefit of Kirkham. The scheme is in compliance with NPPF para 131 that recognises the benefit of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation and recognises the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.

The proposed development will provide a sustainable new use for the listed building and does not detract from the character of the conservation area. Therefore the proposal is considered to be in accordance with the requirements of Policy EP3 (relating to Conservation Areas) and Policy HL2 (relating to the creation of new dwellings) of the Fylde Borough Local Plan and permission can be granted. There are no material considerations other than those addressed above.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. The development must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be carried out in strict accordance with the approved plan(s) which accompany the decision notice.

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

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

Location Plan - A013/084/S/12 rev. C
Existing plans and Elevations - A013/084/S/03 rev. B
A013/084/S/02 rev. A
Proposed plans and Elevations - A013/084/P/01 rev. D
A013/084/P/02 rev. G
A013/084/P/03 rev. E
PS-D-01
PS-D-02
PS-D-03

Statement of Significance including Heritage Impact Assessment

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

3. Prior to first occupation of any residential unit hereby approved the approved external development including the garden area shall be laid out as shown on the approved site plan and this shall be retained and made available for communal use thereafter.

To ensure the whole development is completed in the interest of the special amenity of the Kirkham Conservation Area and of the historic and architectural merit of the listed building.

4. The approved rooflights shall be of a type that is flush-fitting in the roofspace. Accordingly, technical details shall be submitted to and approved by the Local Planning Authority prior to commencement of works upon the roofspace. Only the approved rooflight shall thereafter be fitted.

By reason of the nature of the development in a Conservation Area requiring sensitive use of materials.

5. All new windows shall all be set in reveal within their openings where the outermost part of the new frame is no further forward than a point no less than 10cm behind the surrounding brickwork. A detailed drawing at scale of no smaller than 1:20 including a section drawing shall be submitted prior to commencement showing all elements of each new and each replacement window to be inserted and the submitted detailed drawings shall be approved in writing by the Local Planning Authority prior to commencement. Upon the written approval only the approved windows shall be fitted unless otherwise

agreed in writing with the Local Planning Authority.

In the interests of the special historic and architectural merit of the statutorily listed building.

6. The bricks and mortar to be used for the garden wall shall match the brick and mortar of the front elevation of the existing building including coursing and mortar technique and full details shall be submitted to the Local Planning Authority prior to commencement of this element for written approval. Upon written approval only the agreed garden wall shall be constructed.

In the interest of the historic and architectural merit of the listed building.

7. 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 before any development is commenced. Specific details shall include finished levels, means of enclosures, car parking [as applicable] hard surfacing materials, 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 in writing 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.

8. 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.

9. A scheme for cycle parking shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority prior to the commencement of the development. Upon approval the scheme shall be implemented and retained for use thereafter.

To show that the development conforms to the car parking standards and sustainable transport requirements.

10. Prior to the first occupation of any apartment hereby approved the off-site dropped kerb and H marking etc. works shall be carried out in accordance with the approved plan unless otherwise agreed in writing with the Local Planning Authority.

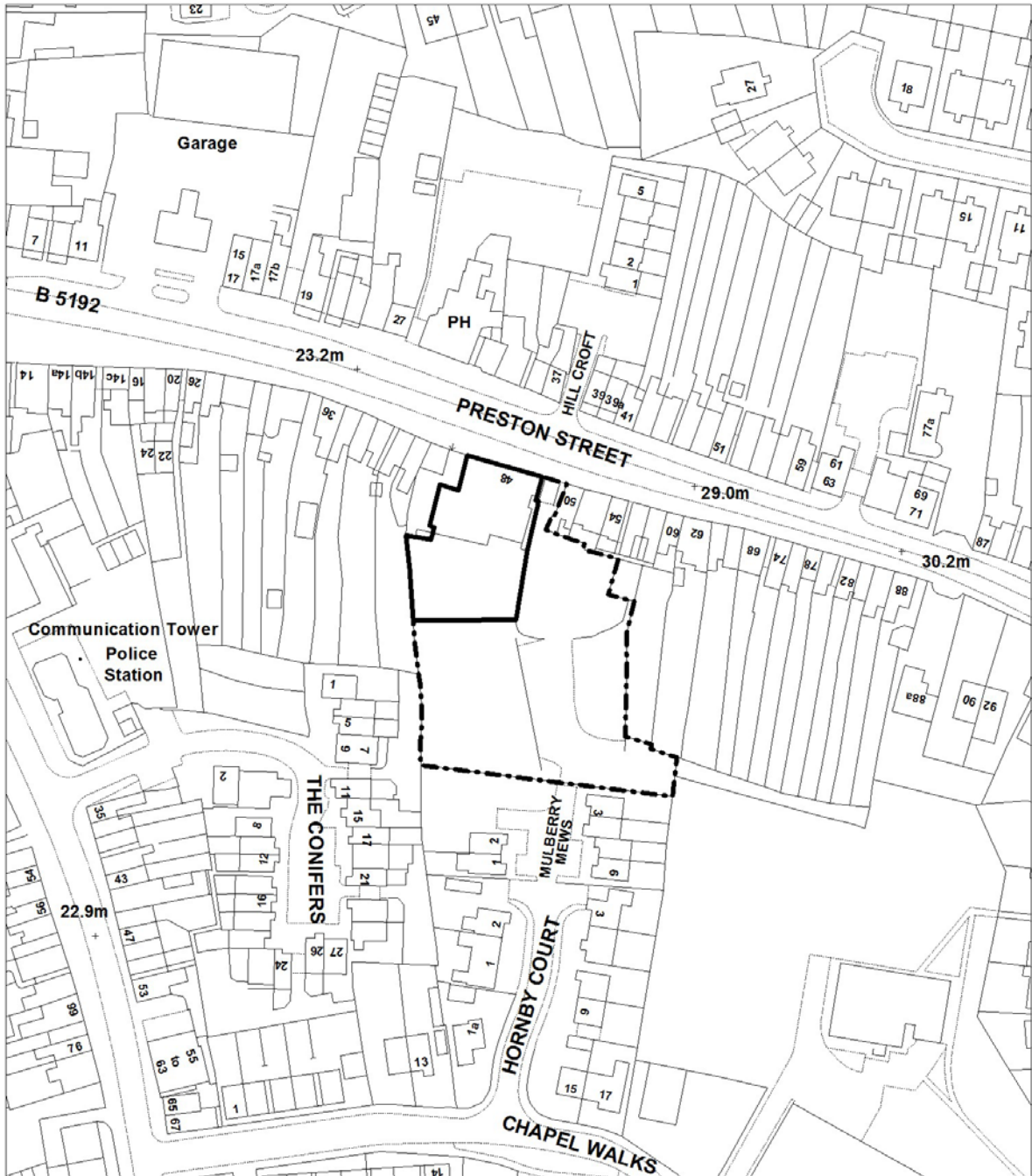
In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway works are acceptable.

11. Before the development hereby permitted is commenced measures shall be agreed in writing with the Local Planning Authority for the safeguarding and protection of existing trees 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.

12. Prior to commencement of any development a detailed scheme for any repairs or refurbishment of the front or other elevations to the building shall be submitted to the Local Planning Authority and agreed in writing. This scheme shall include the areas to be repaired, and the materials to be used in those repairs. The development shall be implemented in full accordance with that scheme, with any variations to it only undertaken with the prior written approval of the local planning authority. Upon approval the approved refurbishment details shall be carried out in full.

In the interest of the special architectural and historic amenity of the statutorily listed building.



Development Services Fylde Council		(c) Crown Copyright and database right (2014). Ordnance Survey (100006084).	
Application No. 5/13/0597	Address 48 Preston Street, Kirkham	Grid Ref. E.3428 : N.4320	Scale 0 6 12 18 24 m

Item Number: 2

Committee Date: 04 February 2015

Application Reference:	14/0358	Type of Application:	Outline Planning Permission
Applicant:	Baxter Group Limited	Agent :	CFM Consultants Ltd.
Location:	WESTGATE HOUSE, SQUIRES GATE LANE, LYTHAM ST ANNES, BLACKPOOL, FY4 2TS		
Proposal:	OUTLINE APPLICATION FOR ERECTION OF RETAIL FOOD STORE OF 1,762 SQM GROSS FLOOR AREA ON SITE OF FORMER LOCAL AUTHORITY OFFICES (ACCESS AND SCALE APPLIED FOR)		
Parish:	ST LEONARDS	Area Team:	Area Team 1
Weeks on Hand:	37	Case Officer:	Kieran Birch
Reason for Delay:	Awaiting revised retail impact assessment		

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

The application relates to the erection of a retail food store on a site that is located adjacent to Squires Gate Lane and the entrance to Blackpool Airport, and formerly housed offices used by Blackpool Council but has been vacant for some years.

The proposal complies with SP1 of the Adopted Fylde Borough Local Plan and the NPPF. The principle of the development is acceptable, the development will not have an unacceptable impact on existing retail centres and will not have no detrimental impact on highway safety. The proposal will also bring economic investment into the Borough and so is recommended for approval subject to a legal agreement under s106 to secure funding for a travel plan and highway works.

Reason for Reporting to Committee

The application is before members as the proposal forms a Major development and therefore under the scheme of delegation should be considered by the Development Management Committee. The application was recommended for approval by officers and was due to be considered by Committee on 3 December 2014 however it was deferred at the start of that meeting due a late representation made by Savills which claimed there was a sequentially preferable site available adjacent to Blackpool Retail park. The item was deferred so that this could be assessed by the Council's retail consultants.

Site Description and Location

The application site is located directly south of Squires Gate Lane which also forms the boundary between Fylde and Blackpool authorities. Along Squires Gate Road are a number of residential and commercial properties, with residential dwellings and some smaller commercial/retail units located to

the north and a mix of types and size of commercial uses to the south, including large food and non-food retail stores, leisure facilities and Blackpool Airport which is located east of the site. To the west of the site is Westgate Road which is residential in nature with a three storey apartment building located directly opposite the entrance to the site and two storey dwelling houses to the south. Directly south of the site are residential properties.

The site itself previously contained an expansive Local Authority office building named Westgate House which was a single storey flat roof building with a footprint of approximately 1960 square metres. This building was located in the eastern part of the site adjacent to the road to the southern boundary with car parking to serve the offices located off Westgate Road in the western part of the site. The site currently stands vacant as the buildings have been demolished with the boundaries formed by a variety of fencing, walls, fences and hedgerows/shrubbery.

Details of Proposal

The application as submitted is an outline application for the erection of a retail food store with all matters reserved asides access and scale. Therefore matters of appearance, landscaping and layout will be considered in a future application should this application be approved.

The foodstore will be 1762 square metres and is shown on the indicative site plan to be located roughly over part of the footprint of the office building which was previously located at the site. Access to the site is from Westgate Road using an existing access point, and 85 parking spaces are proposed as well as six disabled spaces and six parent and child spaces. A bike store for six bikes is also shown on the plan. A Transport Assessment has been submitted with the application. The submitted layout plan utilises the existing access and shows this access leading to the car parking spaces spread around the west of the site with HGV turning in front of the store and servicing to the south. The store itself is in the eastern side of the site. Landscaping, though a reserved matter, is shown around the periphery of the site as is 2.4m high acoustic fencing to the southern and western boundaries and an acoustic fence/wall enclosure with roller shutter doors.

Pedestrian access is from Westgate Road and Squires Gate Lane. The indicative elevations submitted show that the building will range in height from 5m to 8m high and will be constructed in a mix of brick and glazing with a large glazed angular elevation facing the airport and squires gate in the north east corner of the site. The submitted application form indicates 25 full time and 75 part time jobs would be created.

Relevant Planning History

Application No.	Development	Decision	Date
98/0502	SINGLE STOREY EXTENSION TO EXISTING OFFICE AND ADDITIONAL 24 CAR PARK SPACES (LAND ADJACENT TRANSCO COMPOUND)	Granted	09/09/1998
97/0464	CHANGE OF USE OF BUILDINGS TO USE AS PERMANENT OFFICE ACCOMMODATION	Granted	13/08/1997
94/0409	CIRCULAR 18/84 - RENEWAL OF TEMPORARY CONSENT FOR MODULAR OFFICE BUILDING, APPLICATION 5/89/100	Granted	20/07/1994
90/0909	NEW PEDESTRIAN ACCESS AND NON	Granted	30/01/1991

89/0100	ILLUMINATED SIGN OFFICE ACCOMMODATION FOR LAND REGISTRY (CIRC.18/84)	Granted	19/04/1989
11/0643	PRIOR NOTIFICATION OF PROPOSED DEMOLITION OF OFFICE BUILDINGS.	Withdrawn - Invalid	29/09/2011

Relevant Planning Appeals History

None.

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 15 July 2014 and state:

“The Town Council supports this application. Please note the following observations:

- *What times will deliveries be? Some form of restriction needed so as to not disturb neighbouring residents.*
- *The increase in traffic is a concern; consider using the exit slip road from the airport as an exit route for the food store providing safer highway travel.*
- *Will the drainage system be thoroughly maintained, there have been drainage issues 100 yards from this site.*
- *Foliage is a suggestion from residents to shelter their view and to not be overlooked as well as adding colour to the area.*
- *Will there be some section 106 monies available for Squires Gate station improvements and a contribution towards public realm?”*

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

They refer to the above planning application and would make the following comments. A Transport Assessment (TA) has been produced in support of the application. The TA covers the pertinent points of the highway impact of the development. I am satisfied that sufficient detail is contained within the TA for me to provide a full response to the proposal without requiring additional information.

Comments

Whilst the development site is within Fylde where Lancashire County Council is the highway authority. However, responsibility for Squires Gate Lane lies with Blackpool Borough Council.

- **Traffic Generation** - Until relatively recently the site was used for offices and as such there were a significant number of movements to and from the site. The proposed development will also generate a significant number of movements but these movement will have a different profile. Traffic movements for a food retail development have a different peak hour to office development and as such the greatest level of movement will not necessarily occur within the traditional traffic peak hours. I am satisfied that the development traffic will not lead to any unacceptable highway capacity issues.
- **Access** - The developer is proposing to use the existing access to the site albeit with a

relatively small scale modification to accommodate delivery vehicles. Whilst this is not ideal due to the substandard right turn lane on Squires Gate Lane at its junction with Westgate Road and as such it would have been preferable for the development to be served from the Airport access road. However, with relatively minor amendments to the right turn lane I am satisfied that the junction would operate relatively safely. The existing parking restrictions on Westgate Road on the westerly side stop short of being opposite the site access. If the situation were to arise where vehicles were parked here it would impact on highway safety. As such consideration should be given the introduction of waiting restrictions here.

- Servicing and Car Parking - The internal layout shows acceptable levels of car parking and layout. The servicing arrangements and manoeuvring areas are also acceptable.
- Pedestrian and Cycle Access - Pedestrian access to the development site and through the site is generally good. However, the lack of a controlled pedestrian crossing on Squires Gate Lane discourages access to the site on foot. The traffic signals on Squires Gate Lane at the Airport access should be upgraded to incorporate a controlled pedestrian phase to address this issue.
- Public Transport - The development site is reasonable well served with public transport services with bus stops conveniently placed to encourage a modal shift. However, difficulties in crossing Squires Gate Lane discourage two-way public transport journeys. This would be addressed by the aforementioned pedestrian improvement. Further, the existing bus stops lack the now standard raised boarding area and as such to not provide convenient access for those with mobility issues. To address this the nearest bus stops on each side of Squires Gate Lane should be upgraded to meet with DDA requirements.
- Travel Plan. - I consider it essential that this development has a Travel Plan. No Travel Plan information has been submitted with this application. However, as this is an outline application I would be satisfied if a Framework Travel Plan was submitted prior to the commencement of the development and covered by an appropriate planning condition. The Framework Travel Plan would need to include the following:
 - A commitment and timescale for the appointment of a Travel Plan Coordinator.
 - A commitment and timescale to undertake travel surveys.
 - A commitment and timescale for the development of a Full Travel Plan.
 - Details of cycling, pedestrian and public transport links to and within the site
 - Details of the provision of cycle parking for those properties where suitable space is not available
 - Outline objectives and targets
 - List of proposed measures to be introduced
 - Details of arrangements for monitoring and review of the Travel Plan for a period of at least 5 years.

Areas of Concern

The areas that are of concern to me are:-

- Substandard right turn lane on Squires Gate Lane
- Potential parking on Westgate Road opposite the site access.
- Pedestrian access to the site.
- Access to Public Transport for those with mobility issues
- Travel Plan

Mitigation

I am satisfied that with an appropriate level of mitigation the development is acceptable.

- The following improvements should be undertaken through S278 works:-
- Introduction of a pedestrian phase to the signals on Squires Gate Lane / Airport access. Reason: To provide safe access to the site for pedestrians.
- Upgrade existing bus stops. Reason: To make the site accessible by public transport for those with mobility issues.
- Highway improvement to the right turn facility on Squires Gate Lane at the Westgate Road junction. Reason: To provide a safe turning facility and enable free flow of traffic on Squires Gate Lane.

S106 Contributions

The following should be included with a S106:-

- £12,000 Travel Plan contribution.
- £5,000 Traffic Regulation Order contribution.

Section 106 contributions will primarily be used to enable the Sustainable Travel team to:

- Appraise Travel Plan(s) submitted to the Planning Authority and provide constructive feedback.
- Oversee the progression from Framework to Full Travel Plan in line with agreed timescales.
- Monitor the development, implementation and review of the Travel Plan for a period of up to 5 years.
- Support the development and implementation of the Travel Plan.
- Develop and provide online, mode of travel surveys and collation of returns for baseline and subsequent monitoring purposes.
- Attend meetings with developer/occupier/co-ordinator as necessary.
- Provide access to leaflets, publicity, maps and information – provision of bespoke literature and large quantities may be subject to additional charges.
- Conduct a basic site audit.
- Provide localised maps and plans, GIS mapping of staff postcodes or other origin and destination data, accessibility plot of public transport, walking and cycling routes/thresholds to site.
- Advise and offer appropriate support with implementation or suitability of specific elements or measures.
- Assist with the development of sustainable travel directions for web pages and other appropriate content.
- Help stage promotional events and activities including Walk to Work Week, Bike Week, car free days or measured mile walks etc.

The TRO contribution would be used to cover monitoring of off-site parking, assessment, consultation and implementation as appropriate.

Planning Policy Team

They assessed the proposal against the Fylde Borough Local Plan (As Altered: October 2005) the National Planning Policy Framework, the locally set floorspace threshold and the Fylde Coast Retail Study.

Fylde Borough Local Plan (As Altered: October 2005)

The proposed development site is located within the urban part of Blackpool at Squires Gate Lane. Local Plan Policy SP 1 operates so as to permit development in this location, subject to the other policies of the plan.

Another key relevant policy is policy SH13 which states that proposals for edge (and out) of centre sites will not be permitted unless the need for the development and the four criteria have been demonstrated:

- With regard to 1, in the National retail policy consideration statement only sites within a 5 minute drive were considered (which excludes St Annes town Centre) this seems to be a small area to consider.
- With regard to 2 the proposed development would be appropriate for a town centre.
- With regard to 3 and 4 these are more subjective.

Locally Set Floorspace Threshold (2014)

The Locally Set Floorspace Threshold was endorsed by the Portfolio holder on the 10th June 2014 and is part of the planning policy evidence base. *"1.6.5 We recommend the following local floorspace thresholds for the assessment of impact under the terms of paragraph 26 of the NPPF: 750 sq.m of gross retail floorspace in Fylde;"* (page 11)

Therefore the site (2024 SQM gross) clearly exceeds the threshold for requiring a Retail Impact Assessment. However only a brief initial assessment is provided with the current application in the National retail policy consideration statement which only covers 5 minutes' drive from the store and does not include St Annes town centre.

The size of the planning application proposed (2024 SQM gross) is very significant when compared against the recommendation for new additional convenience goods floorspace across the whole of the Fylde Coast to 2030, shown above (2825SQM net.)

In addition the need for additional convenience goods floorspace is negative in the period 2013-2016 as there is currently an oversupply of convenience goods floorspace. (Note that figure is net compared to the gross figure of the application)

Fylde Local Plan to 2030 Part 1-Preferred Options

"Proposals for development in "edge of centre" or "out of centre" locations will be considered in line with the National Planning Policy Framework."(Policy EC4 page 87. NPPF)

"Local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold" (NPPF para 26)

"This should include assessment of:

- *the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
- *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made. "*(NPPF para 26)

The assessment provided does not meet the requirement of NPPF paragraph 26 (second bullet point) to include an assessment of town centre vitality and viability and trade in

the wider area, the assessment provided does not cover St Anne's town centre, only assesses areas within 5 minutes' drive and does not provide the level of detail of a full assessment. The requirements of the impact test are provided in more detail in Paragraph: 017 of the National Planning Practise Guidance.

In addition another of the key points is whether the application has satisfied the sequential test. (Para 24) if not then "it should be refused." Para 27.

Summary

Under the provision of paragraph 26 of the NPPF an impact assessment should be provided if the development is over a locally set threshold. Therefore a more detailed Retail Impact Assessment is recommended unless it is felt that the existing assessment is sufficient.

Environment Agency

No objections in principle to the proposal. They consider that outline planning permission could be granted if a condition relating to a scheme being submitted to manage foul and surface waters is placed on the permission. The condition requires the scheme to restrict run-off rates to 5 l/s, drainage to discharge into the 375mm combined sewer on Westgate Road, details of a separate system combining at last manhole and the use of SUDS wherever possible to reduce the overall surface water draining from the site. They also state that this condition is required to reduce the impacts of development on Bathing Water Quality.

United Utilities Group Plc

No objections to the proposal. In accordance with the NPPF the site should be drained on a separate system with foul draining into the public sewer and surface water draining in the most sustainable way. Request conditions relating to submission of a scheme for the disposal of foul and surface waters to be submitted for approval prior to the commencement of development.

Blackpool Airport

No comments received.

Blackpool Borough Council

The site on the southern end of Squires Gate Lane is at some remove from Local Centres on the northern side of Squires Gate Lane and some 750m from the District Centre based on Highfield Road and 2km south of South Shore District Centre. The Council's policy is to locate new retail development in the District and Local Centres to meet the day to day needs of local residents. The development would not assist in sustaining the District and Local Centres and if it were in Blackpool it would be contrary to Policy BH16 of the Local Plan. It is acknowledged that there is a cluster of properties on the southern side of Squires Gate Lane that are segregated from Local Centres on the northern side of Squires Gate Lane by a busy dual carriageway but to the east of the site is a large Morrisons store which is easily accessible without crossing the road. If it were deemed necessary to provide a retail store for the needs of the residents on the southern side of the road it is questioned whether a store of the size proposed is required. It is noted that you have a locally set threshold of 750 sq metres which requires an impact assessment and sequential test. The Council would argue that the proposal is likely to have an adverse impact on the District and Local Centres and that there are sequentially preferable sites in/close to the District Centres in Blackpool which would be a more appropriate location

for retail development. Siting it on a busy dual carriageway seems to suggest it is designed to attract passing trade.

Further comments were received on the 30 December and are reported in full below;

Having reviewed the report for your Council's Development Management Committee on 3 December there are several points I would ask you to consider. Firstly that the update to the Fylde Coast Retail Study produced in 2013 suggests that there is no immediate need for new convenience retail floorspace in the whole of the study area and in the period 2016-2021 only a need for 1652 square metres in the whole of the study area. This proposal on its own would satisfy that need and is in a sequentially less preferable location than a Town, District or Local Centre. It is noted that the Committee report makes no reference to a condition restricting the floorspace to be provided to be for convenience goods sales only and not comparison goods. Whilst this Council is concerned about the provision of retail floorspace in this location it is particularly concerned if the permission were to be unrestricted.

Environmental Protection Team

Initial response stated that there were concerns regarding the application in terms of noise and light due to the proximity of neighbouring dwellings and requested a noise survey and light survey be requested. This response also stated that deliveries and opening hours to the store should be limited to between 07.00 and 22.00 Monday to Saturday and 10.00 and 16.00 on Sundays. The applicants subsequently submitted these assessments which Environmental Protection have considered and state they now have no concerns subject to the requested condition.

Blackpool Borough Council Highways

Vehicle and servicing access is being taken from Westgate Road, not ideal and may lead to problems with customers trying to turn right from the sub-standard right-turn facility on Squires Gate Lane into Westgate Drive, the problem maybe the same in the opposite direction when customers try to turn right from Westgate Road into Squires Gate Lane. It would have been far better for the proposal to have gained access from the Airport Signal junction which does operate under capacity. I have seen little evidence that this was even considered and discounted for the right reasons. The road is not public highway but discussions should have taken place with the Airport owners and a scheme to have been formulated to bring the section of the airport access road where access could have been gained from to have been brought up to highway adoptable standard. Issues arising due to access being taken from Westgate Road will fall on Blackpool Council as highway authority and any off-site highway scheme proposed must be agreed with Blackpool Council also as the impact will be largely on Blackpool networks. I am hoping that the concerns set out in my original response will not materialise, there is a cross border agreement between Blackpool and Lancashire whereby Squires Gate Lane is maintained by Blackpool Council.

They have reviewed the amended plan and have the following comments:

1. A Travel Plan to be conditioned.
2. Cycle Parking is shown - to be conditioned with details to be agreed.
3. Servicing/delivery times to be restricted and to avoid peak shopping times - this to prevent conflict with users of the car park.
4. A path is now shown along the middle of the car park, protection for pedestrians to

- be considered.
5. Trolley parking does not appear to have been shown/labelled on the plan.
 6. Planting on the corner of Squires Gate Lane/Westgate Road and the store entrance/exit must not affect forward visibility.
 7. Pedestrian will be drawn to the proposal site and a number of pedestrian routes are shown with two from the same side of the development. How are pedestrians coming from the north side of Squires Gate Lane expected to negotiate the busy dual carriageway?
 8. A construction management plan to be conditioned.

Off-site Highway Works

1. The Airport signal junction is the responsibility of the PFI contractor, procured and appointed by Blackpool Council. The junction operates MOVA control and runs a particular configuration and timings. The MOVA validation to be reviewed following the site coming into first and within 3 months - details to be agreed with BC and Blackpool PFI contractor.
2. Introduction of formal pedestrian facilities at the signal junction - scope of work to be agreed with BC and Blackpool PFI contractor.
3. Improvement to the sub-standard right-turn facility on Squires Gate Lane - a scheme to be put forward that may improve the existing facility without compromising lane widths - to be agreed with BC & LCC.
4. 4. Traffic restrictions on Westgate Road, west side. This is needed to prevent block back and ease of access/egress for large service vehicles. - to be agreed with BC & LCC.

Further comments were received on the 30 December and are reported in full below;

Highways

I have reviewed the accident data for Squires Gate Lane (bounded by Starr Gate to Lytham Road) for the period between 1st September 2009 and the 31st August 2014. The majority of accidents are at the Starr Gate signal junction with a small cluster at the brow of the bridge on Squires Gate Lane. A couple of accidents have occurred at the junction of Squires Gate Lane/Westgate Road with one at the junction of Lytham Road/Squires Gate Lane/Airport access. The bulk of these are vehicle to vehicle collisions due to poor weather conditions, sudden stopping movements or failure to look properly. The only pedestrian casualty is that of a drunken pedestrian who walked out into live traffic at the junction of Squires Gate Lane/Hillcrest Avenue.

The proposal by its very nature will draw additional pedestrians and vehicles to the site and the current trend of only one pedestrian casualty could increase.

The proposal is likely to intensify the use of Westgate Road from one considered currently to be a residential street. The use of the site for retail will generate different levels and patterns of vehicle trips in comparison to its previous use. The character and use of the street will change. The proposal will have a detrimental effect on the surrounding area due to the increase in traffic levels. It is currently difficult to egress onto Squires Gate Lane from Westgate Road and this problem will be compounded further leading to block back either on Squires Gate Lane or Westgate Road. Westgate Road ultimately is not suitable for the proposal, with or without off-site highway works.

Additional vehicle movements to and from the site from the Squires Gate Lane/Lytham

Road/Airport junction is likely to increase the overall cycle time at the junction, leading to delays for all road users.

The Council through the PFI contract changed the method of control from Urban Traffic Control to Microprocessor Optimised Vehicle Actuation at a significant cost at this site as it was experiencing capacity difficulties with congestion on one or more approach at certain times of the day.

MOVA is a well-established control strategy used for the control of traffic signals at isolated junctions and operates in a delay minimising mode. When the network is congested MOVA operates in capacity maximising (delay minimising) mode. This assesses which approaches are overloaded and how efficiently the green time is being used and seeks to determine a set of signal timings which will maximise the throughput of the junction under the current conditions.

The cycle time at the junction prior to PFI works was approaching 100 seconds at peak periods. The change to MOVA has resulted in the average cycle time at the junction being reduced which improves journey time for all users. The additional traffic movements generated by this proposal will increase the cycle time at the junction, leading to delays and the benefits of the system will be lost.

The signal junction does not benefit from formal pedestrian crossing facilities and pedestrians rely on gaps in traffic to cross the road. Under MOVA, the cycle time will increase resulting in pedestrians being delayed and wanting to cross when it may not be safe to do so, increasing the likelihood of conflict and collision.

The illuminations are accessed along this corridor for 13 weeks of the year, the queues are significant and extend from Starr Gate to the Lytham Road/Squires Gate Lane/Airport junction, sometimes beyond. Whilst this occurs only on a Friday, Saturday and Sunday evening over the Illuminations period, the additional trips linked to the food store will not help.

The Committee report has conditioned a number of conditions/contributions for off-site highway works but the developer to date and as far as I know has not committed to this or adequately addressed the highway safety concerns highlighted.

Neighbour Observations

Neighbours notified: 15 July 2014

No. Of Responses Received: Six letters received, five objecting, one with no objections.

Nature of comments made:

- Increase in traffic, proposed access not acceptable and not safe.
- Increase in congestion.
- The airport entrance should be used.
- Noise from deliveries.
- Already a number of shops in the area.
- Affordable housing would be better.
- Safety of boundary wall.
- No objections, we support the proposal due to the convenience provided by having a local shop.

Relevant Planning Policy

Fylde Borough Local Plan:

SH13	Provision of large retail stores
SH14	Design of large retail stores
SP1	Development within Settlements

Other Relevant Policy:

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

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 when considering this application are:

- Principle of the development
- Impact of proposed retail development on other retail centres
- Visual impact and scale
- Access and impact on highways network
- Impact on residential amenity
- Flooding and drainage

In order to assist officers in the decision making process, specialist retail planning consultants were appointed to provide advice on the impact of the proposal on existing retail centres. This report takes into account the content and conclusions of the advice provided.

Principle of the development

The application site though located within the administrative boundary of Fylde is located directly adjacent to the settlement boundary with Blackpool, in an urban area widely considered to be a part of that settlement. The site is a brownfield site identified through Local Plan Policy SP1 as being an area where subject to other policies within the plan that development will be permitted within and therefore this development is acceptable in principle. The other policies within the plan relevant to the application are SH13 Provision of large retail stores and SH14 Design of large retail stores. The development needs to be assessed in relation to these policies as well as the NPPF, which is more up to date policy guidance on such matters, this is considered below.

Impact of proposed retail development on other retail centres

Policy Basis

Policy SH13 states that proposals for large scale retail developments within existing town centres will be permitted. Proposals for edge of centre and out of centre sites will not be permitted unless the need for the development has been demonstrated by the application and:

1. No preferential site is available in terms of the sequential approach to large retail

- developments; or
2. The proposed development, by nature of its size, land requirement or likely vehicle generations would be inappropriately located within a town centre; and
 3. The nature and scale of the proposed development is appropriate to the sites location and the catchment area it seeks to serve; and
 4. The development would not in itself, or in conjunction with other existing or planned retail stores with planning permission significantly prejudice the vitality and viability of any nearby town centre.

Policy SH14 states that in addition to meeting the above requirements large new retail developments will also be required to meet criteria in relation to design, amenity, and highways impacts which are considered in turn below.

The NPPF is the most recent policy consideration and part 2 'Ensuring the vitality of town centres' states that planning policies should promote competitive town centre environments and recognises town centres as the 'heart of their communities'. In order to protect the vitality of town centres the NPPF requires local authorities to apply the sequential test to planning applications for main town centre uses when not in an existing centre or not in accordance with an up to date plan. Therefore as retail is a main town centre use the Sequential test needs to be carried out. The preference remains for town centres although if such sites are not available then the NPPF states that preferences should be given to edge of centre and out of centre sites that are accessible and well connected to the town centre (paragraph 24). Paragraph 26 states that retail developments outside of town centres, which are not in accordance with an up-to-date Local Plan should require assessment of their impact on town centre vitality and viability, up to 5 years from the time of the application (or 10 years in the case of major schemes) if the proposed floorspace is over 2,500 sq.m.

The current proposal is 1762 square metres and outside the town centre so if there was no locally defined threshold an impact assessment would not be necessary. However as Fylde Council has a locally set floorspace of 750 square metres an impact assessment is required to be submitted. This Locally Set Threshold was endorsed by the Portfolio holder on the 10th June 2014 and is part of the planning policy evidence base. The assessment should consider the four points within SH13 to show that the site is the most sequentially preferable.

The Applicant's Submission

Whilst it is acknowledged that the threshold has limited weight the applicant was asked to supply a retail impact assessment which was duly submitted. The NPPF concludes that where a proposal fails to satisfy the sequential test or is likely to have significant adverse impact, it should be refused. The NPPF contains the main criteria against which to assess the retail component of the scheme and is of greater weight than Local Plan policies. The submitted RIA by Hollis Vincent for the applicant makes the following conclusions:

- The policies within the Fylde Borough Local Plan relating to need and scale are not consistent with the NPPF. The same applies to the policies within the adopted Blackpool Local Plan. As such paragraph 14 of the NPPF comes into force; with a presumption in favour of sustainable development so that permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.
- The development passes the Sequential test. Nine sites were assessed within a 5 minute drive radius which are capable of accommodating a food store of this scale. All of the proposed sites besides the application site are located in Blackpool. The sites were assessed with regard to their availability, suitability and vitality, therefore only considering alternative sites to be

suitable if they can accommodate the development proposed as part of this application. With the conclusion of the assessment that there was no sequentially preferable sites in the catchment area undertaken that meets the 'suitable' and 'available' test set out in paragraph 24 of the NPPF.

- The Cumulative Trade impacts analysis found that the overall cumulative convenience goods impact on St Anne's Town Centre is just 0.4%, with the positive effect of the Aldi at Clifton Drive North (+£7.0m) almost totally off-setting the absolute cumulative trade diversion of £7.1m.
- The overall cumulative convenience goods impact on stores in Lytham Town Centre is 6.9%, but with the incremental impact of the Westgate application proposal being just 0.5 %.
- The highest cumulative percentage impact on any store is the 22.8 % impact on Sainsbury's in St Anne's Town Centre, but the overwhelming proportion of this cumulative impact is attributable to the commitment at Heyhouses Lane, with the incremental impact of the Westgate House application on the Sainsbury's store in St Anne's being just 1.7 %. It is demonstrated that the Sainsbury's store in St Anne's would continue to trade at £2.8m above its benchmark following the cumulative impact.
- Some £4.1m of the convenience goods turnover of the Westgate House application proposal is likely to be diverted from three out-of-centre stores which enjoy no policy protection, these being the Morrisons at Squires Gate Lane, the Tesco Extra at Clifton Retail Park and the ASDA at Cherry Tree Road. Indeed, the incremental diversion to the application proposal from these three out-of-centre stores represents 59 % of its overall convenience goods turnover of £7.0m.
- The highest absolute incremental impact associated with the application proposal is £2.4m from the out-of-centre Morrisons store at Squires Gate Lane, which Table 19a shows will continue to over-trade, by approximately £28m, even after the cumulative impacts associated with the three commitments and the Westgate House application.

The overall conclusions of the submitted RIA is that there is no evidence that the Westgate House application proposal will have any 'significant adverse' impact on existing, committed or planned investment in any of the centres within its catchment area, so that there is no conflict with the first of the two impact tests set out in Paragraph 26 of the NPPF and that similarly, there is no evidence that the Westgate House application proposal is likely to have a 'significant adverse' impact on trading levels in any town, district or local centre within its catchment area, and no evidence of any 'significant adverse' impact on local consumer choice, or on the overall vitality and viability of any centre within, or outside, its catchment area. In these circumstances, there is no conflict with the second of the two tests set out in Paragraph 26 of the NPPF. It concludes that there is no national or local retail policy reason for refusal of the Westgate House application and that in instances where there are no 'significant adverse' impacts.

Paragraph 18 of the NPPG requires the Local Planning Authority to assess the positive and negative effects of the application alongside all other material considerations. In the case of this application, they consider that the principal positive impacts of improved consumer choice, re-use of previously developed land and employment creation far outweigh the very limited trade diversions from stores within existing centres. Indeed, a further benefit of the application proposal will be to relieve some of the over-trading which currently exists in out-of-centre stores, particularly at the Morrisons store at Squires Gate Lane.

The applicant's retail consultant has also provided further correspondence to provide clarification on a number of matters raised in the council's assessment of his submission, but these do not alter the thrust of the arguments made and so are not reported in detail here.

Fylde Council Assessment

In order to assist officers a retail consultant was appointed to assess the information within the report. Having assessed this information the council consultant found that the methodology used in the Impact assessment is fundamentally sound, but they identified matters which have the potential to invalidate its conclusion that the proposal would not lead to a significant adverse impact on any existing centre.

They comment that the definition of the study area and the use of population and expenditure data from the 2013 Retail Study Up-date is appropriate although more recent guidance is available from Experian Business Strategies regarding expenditure growth and non-store retail spending (internet shopping). HV (Hollis Vincent) utilise the shopper survey data underpinning the 2013 Study Up-date. However, that study relies on survey data collected in 2010. The same study area was surveyed in May 2013 in connection with the Booths proposal at Heyhouses Lane and this represents the most up-to-date information about shopping patterns available. The survey data is important because it underpins the assessment of impacts on existing shopping provision. They also state the impact assessment assumes that the proposed development would be occupied by Aldi and therefore that trading patterns would be characteristic of this retailer. However, HV do not consider the relationship and implications of the proposed Aldi at Blackpool Retail Park. In particular, they do not address the question of the potential impact of the proposed development if the proposal is not occupied by Aldi. By this they mean that other retailers such as for example Tesco or Marks and Spencer would have different trading patterns and therefore a differing impact.

The consultants state that HV has considered the cumulative impact of the proposal taken together with three existing commitments. However, these do not include Sainsbury's at Talbot Gateway, Blackpool (which although open has to be treated as a commitment because it was not trading at the time of the shopper surveys) and the proposed Aldi at Mill Farm, Wesham. These two developments are located outside the study area but nevertheless are likely to have some influence over shopping patterns within the area. However, more significant is the potential cumulative impact arising from the proposal and an Aldi at Blackpool Retail Park.

Because of this the Council's consultations undertook an alternative impact assessment in order to assess the significance of the matters they raised above. Their findings was that the levels of trade diversion are higher than those estimated by HV which is unsurprising given that they have assumed the development would function as a full-line foodstore (as opposed to a discount foodstore such as Aldi) and they have included the proposed Aldi at Blackpool Retail Park within the cumulative assessment. Their finding was that the differences are not so great as to warrant a different conclusion about the effects of the proposal on existing centres and therefore though some aspects of the submitted RIA were in their opinion flawed the conclusions they came to were the same.

They also state that consideration of the likely impact of the proposal has to be in the context that there is no locally set threshold below which there is a policy requirement to address the issue of impact and that the proposal falls below the threshold set within the Framework. The Application Site falls on the boundary of Fylde Borough and Blackpool Borough. It is relevant that Blackpool Borough do not have, and there is no proposal for, a local threshold lower than the national default position of 2,500 square metres. However, irrespective of the policy requirement about when an impact assessment is necessary, if circumstances arise where a retail proposal would clearly have a significant adverse impact on an existing centre, the policy requirements cannot render the harm likely to be caused to a centre immaterial in assessing the merits of the proposal. They have noted that evidence of the performance of St Annes and Lytham town centres shows that they are healthy. In addition, the evidence of the performance of existing large stores is that they generally trade at levels significantly above company average. These two factors mean that those existing centres are likely to be robust to

adverse impacts arising from out-of-centre development in this locality. The overall conclusion is that the proposal individually, or cumulatively, would not cause significant harm to investment or the vitality and viability of an existing centre.

Following receipt of the response of the Councils retail consultant comments on the submitted RIA, the applicant has submitted additional information to clarify some of the comments made by the Council's consultants.

They state that they have assumed that Aldi is the operator for the store in the application proposal, so as to put forward a worst case situation in relation to impact. We will be aware that Aldi has become phenomenally successful in recent years, and that its sales density (turnover per sq. m) has grown rapidly. Indeed, the latest publications from Mintel and Verdict put forward a sales density for Aldi that is not far below the sales densities of the leading four superstore operators, at £8,596 per sq. m in the year 2013 (in 2011 prices). Alyn speculates that the operator could be an M & S Simply Food outlet, but we think this is highly unlikely given the location criteria applied by M & S. Moreover, even if M & S was to be the operator, Verdict provides a sales density for M & S which is only 11 per cent above its figure for Aldi. Furthermore, if the operator was to be, say, Lidl, its sales density is less than half of Aldi.

With regard to the exclusion of Sainsbury's at Talbot Gateway and Aldi at Mill Farm in Wesham they state that the recently opened Sainsbury's at Talbot Gateway is outside the catchment area of the Westgate House site, and will have no impact on the Local Centres within Blackpool and Fylde that are within the catchment area of the Westgate House application proposal. Similarly, the Aldi at Mill Farm is even further outside the catchment area of the Westgate House application and it will clearly have no relevance to the Centres within the catchment area, given the presence already of the Aldi store in St Annes Town Centre, the Aldi at Waterloo Road in Blackpool and the Aldi commitment at Park Road in Blackpool, which has already been taken into account in our assessment of cumulative impact.

With regard to the exclusion of the foodstore proposal at Squires Gate Lane Industrial Estate they state that even under the provisions of the now superseded Practice Guidance the cumulative assessment was intended to '...take into account the effect of known commitments i.e. schemes with planning permission' (Paragraph D7). The application at Squires Gate Industrial Estate is merely a proposal and is, therefore, irrelevant to the assessment of cumulative impact. Indeed, although they have undertaken the assessment of impact on a cumulative basis, there is no longer a direction in Paragraph 26 of the NPPF, or in the NPPG which requires an assessment of cumulative impact.

With regard to the use of survey findings in the Fylde and Wyre retail study update they state they have used the survey findings of the Fylde and Wyre Retail Study prepared by Peter Brett & Associates because this is the evidence that will feed into Fylde's emerging Local Plan. The survey undertaken in support of the planning application at Heyhouses Lane may be more recent, but it does not cover the wider Fylde Coast survey area employed by Peter Brett & Associates and there is no indication to suggest that the findings would be materially different.

With regard to the weightings to be applied they state that there is some confusion in that the first part of the cumulative exercise, which assesses the impact of commitments, the weightings apply to existing stores. In the second part of the cumulative assessment which addresses the incremental impact of the Westgate House proposal, they apply a weight of 3.0 to the Aldi commitments at Clifton Drive North in St Annes and to the Aldi at Park Road in Blackpool. However the weight applied to the Booths store at Heyhouses Lane is 2.0 (see Table 13). In any event, the Booths store at Heyhouses Lane will have a similarly restricted catchment area to the Aldi commitments, given the presence of the Booths stores in Lytham and at Highfield Road in Blackpool.

They state that they are pleased that Alyn Nicholls & Associates has found their methodology to be fundamentally sound and many of the quibbles expressed in the report were those raised in the earlier email which we have already addressed. They, however, appreciate Alyn's acknowledgement that the proposed future threshold for impact assessment should be given limited weight at this point in time because the proposal to introduce the threshold has not yet been the subject of any consultation.

They further appreciate Alyn's acceptance that the 'need' and 'scale' criteria in Policy SH13 have been overtaken by the Framework, and that there is no longer a requirement in national policy to demonstrate the need for development, or that the scale of development is appropriate.

They clarify their Zoning system is as follows:

- Zone 1 is the South Shore area of Blackpool
- Zone 2 is the Marton area of Blackpool
- Zone 3 is St Annes
- Zone 4 is Lytham

Thus, Zone 4 is the Lytham area and hence the limited trade draw from this Zone given the presence of the Lidl store in Lytham and the Aldi and Booths stores in St Annes. Similarly, Alyn is under the false impression that our Zone 2 is St Annes, whereas, in fact, our Zone 2 is the Marton area of Blackpool. This misunderstanding in relation to the zonal definitions appears to have messed up Alyn's revisions to our trade draw at the top of page 16 of his firm's report. The second point that they would wish to make in relation to Alyn's sensitivity testing is that the sales densities of most food traders other than Aldi have been falling, so there is no justification for applying a sales density of £12,500 per sq. m to the application proposal. Indeed, Verdict's latest estimate of the sales density of M & S Simply Food is only £9,589 per sq. m in 2013 (in 2011 prices). Finally, they consider that there is no case for including the foodstore proposal at Squires Gate Industrial Estate, because this is merely a proposal, not a commitment.

They are pleased that Alyn Nicholls & Associates comes to the view that are client's application proposal at Westgate House, is unlikely to cause a 'significant adverse' impact in relation to either of the tests set out in Paragraph 26 of the NPPF. However, they consider that Alyn's sensitivity testing should not be relied upon given the misunderstanding that seems to have occurred in relation to our Zonal definitions; given unjustifiably high sales density he has applied to our client's application proposal; and given the inclusion of the proposed foodstore at Squires Gate Industrial Estate, even though this is not a commitment.

As the overall conclusion is that the proposal individually, or cumulatively, would not cause significant harm to investment or the vitality and viability of an existing centre is the same the differences between the assessments does not affect the assessment of the planning application. The late representation made by Savills prior to the December committee claimed that as the foodstore proposal at adjacent to Squires Gate Industrial Estate would form part of an established retail destination it will use established travel patterns and provide genuine opportunities for linked trips with existing operators, therefore claiming that this site is sequentially preferable to the Westgate House site and is closer aligned to the overarching objective of securing sustainable economic development. This claim has been considered by both the applicants and the Councils retail

consultants who have also provided a supplementary report from their transport consultants which addresses this issue. The Council's consultants state that Blackpool Retail Park is not a "centre" and therefore is not a preferred location for retail development. Where there are competing out of centre locations, paragraph 24 of the Framework states that "preference should be given to accessible sites that are well connected to the town centre". In their view neither the Westgate House site nor the site adjacent to Blackpool Retail Park can claim preference in terms of the sequential approach to site selection because neither is "well connected to the (or a) town centre". With regard to the sustainability credentials of each location they state they cannot comment on whether there is any material difference between the two locations in accessibility by a choice of means of transport but suspect there is no material difference, notwithstanding the Savills site being adjacent to Blackpool Retail Park.

The applicants have submitted an extensive response which makes the same conclusions and also points out errors in the letter. The first being that the application site does not form part of the retail park but is adjacent to it on an industrial estate, classed as an Industrial improvement zone in the Blackpool Local Plan, thus they state, the application by Land Securities (Blackpool ref: 14/0608), is contrary to the land use provisions of the adopted Blackpool Local Plan, and not suitable for retail use, which, by itself, rules it out as a sequentially preferable location. In contrast, to the Westgate House application which is located on land which is unannotated on the Proposals Map of the adopted Fylde Borough Local Plan, and is suitable for retail use subject to the application of the appropriate local and national policy tests.

They state the second error is Savills' failure to recognise that 'need' is no longer a development management test within the NPPF, so that the issue as to which of the two applications is better placed to relieve the over-trading which is occurring at the Morrisons store is immaterial, and that the third and most important error is that Savills appears to be misinterpreting the sequential test set out in paragraph 24 of the NPPF. Savills seems to be suggesting that an established retail destination in an out-of-centre location is somehow automatically sequentially preferable to a new out-of-centre location. They state the current National Policy requirement, in comparing the sequential merits of out-of-centre retail proposals, is a comparative assessment of: a) their accessibility; and b) how well connected they are to the town centre. Thus, even if the Blackpool application was part of the Blackpool Retail Park - which it is not - then it could not be declared to be sequentially preferable unless: a) it offers better accessibility by a range of means of travel than Westgate House, or b) it is better connected to the nearest town centre than Westgate House. Moreover, as set out earlier, they state that the site of the Land Securities application at Squires Gate Lane Industrial Estate is simply not suitable for retail use.

As a consequence, they commissioned transport consultants Turner Lowe Associates (TLA) to undertake a comparative assessment of the accessibility of the two application sites. In short, TLA puts forward a number of reasons as to why the Westgate House application site is more accessible than the application site at Squires Gate Lane Industrial Estate, as follows:

- The Westgate House site involves improvements to the bus stops close to the site and a new pedestrian facility at the nearby traffic lights at the junction of Squires Gate Lane with Lytham Road;
- The existing bus stops serving Westgate House are located directly outside the development site on each side of Squires Gate Lane, whereas the Retail Park is only served by westbound bus stops, with the east bound bus stops being some way away from the Squires Gate Retail Park;

- The Westgate House application proposal serves a large residential base that is within 1km of the site who are not currently within walking distance from the Morrisons store at Squires Gate Retail Park;
- In contrast, pedestrian accessibility to the Squires Gate Retail Park is so poor that pedestrians have had to make their own routes through the landscaped areas; and
- The Westgate house site benefits from dedicated cycle lanes on Squires Gate Lane in each direction, whereas there are no such facilities as the Squires Gate Retail Park junction;

Finally, they emphasise that the Westgate House site is equidistant between the Local Centres at Starr Gate and at Abbey Road, and has much easier access to Highfield Road District Centre. In contrast, the Industrial Estate application site is likely to encourage more use of the out-of-centre Squires Gate Retail Park. They conclude, therefore, that the Westgate House site is more assessable by foot, cycle and bus than the Industrial Estate site and that it has easier linkages with the existing centres at Starr Gate, Abbey Road and Highfield Road. They state it is clear, therefore, that the Westgate House site is sequentially preferable within the terms of Paragraph 24 of the NPPF and that as a consequence of all the factors set out in this letter, it is clear that no weight can be placed on the representation by Savills of 3rd December 2014. Your officers would agree with these conclusions and do not consider the site put forward by Savills as being sequentially preferable to this application site. Both sites are out of town and similarly connected to the town centre, and the applicants have demonstrated that the Westgate House application site is more accessible.

With regard to Blackpool's comments from a planning perspective the issues that they raise are addressed above. A RIA has been submitted by the applicants and considered by the Council's consultants and found that the development and its impact on existing town centres does not meet the threshold level of 'significance adverse' as set out in the NPPF. With regard to the Fylde Coast Retail Study (2013) this was a document produced to inform the Local Plan making process and not Development Management planning applications. The need for a store therefore is not an issue when determining this application, rather the proposed developments impact on retail centres which has been fully assessed and considered in this report.

Officer conclusion

The application site therefore is sequentially acceptable and the impact of the development on existing town centres does not reach the threshold level of 'significantly adverse' as set out in the NPPF paragraph 27. The retail development is therefore acceptable in principle in planning policy terms. As the application has been considered and found to have an acceptable impact on other retail centres on the basis of having a total gross internal floorspace of 1762 it is appropriate to condition that this be the maximum size of store that can be developed at the site. To allow a larger store would mean that the impact would need to be re-assessed. A condition can also be placed on any permission granted so that the retail store operates primarily as a store for the sale of convenience goods with only ancillary sales of comparison goods.

Visual Impact and Scale

The application was originally submitted with a footprint of 2024 square metres which was reduced at officer request to 1762 square metres, a reduction of 13%. The result of this reduction was that the building was moved back from its north and south boundaries and has a lesser visual impact. The appearance of the unit is a reserved matter however the scale of the development is not. The floor area has been assessed above and found to be acceptable from a retail impact point of view. The building ranges in height from 5m to 8m so can be considered to be two storey's. The office building

that previously occupied the plot had a larger footprint but was only single storey so this development will have a greater visual impact. The visual impact of a two storey building in this position is considered acceptable given that the majority of the buildings around it are two storey, with three story development directly west of the site and large scale food and non-food retail stores located along Squires Gate to the east of the site. The development would relate to the character in terms of scale to these developments. A condition can be placed on any permission granted so that the foodstore is set back 10m from the northern site boundary to allow this area to be landscaped and reduce the visual impact of the foodstore in the street scene.

Whilst appearance is a reserved matter the indicative elevations submitted with the application indicate that the building will be constructed in a mix of brick and glazing with a large glazed angular elevation facing the airport and Squires Gate in the north east corner of the site. A development of this appearance or similar is likely to be acceptable in terms of its visual impact.

Impact on highways network

The proposal was submitted with a Transport Assessment which has been considered by both LCC Highways and Blackpool Borough Council Highways Officer. Officers asked the applicants to explore the option of accessing the site from the road to the east using the road that serves the airport development. This was considered and discussed with highways officers but was found to be not an option for this development as the road is unadopted and therefore the operational aspects of the development cannot be made safe at this location. Blackpool Highways officer and LCC Highways full comments are outlined above in the consultation responses with LCC Highways responding in more detail. They state that the TA submitted covers the pertinent points of the highways impact of the proposal and that its content enables them to provide a full response. They highlight that whilst the site is located in Fylde, Squires Gate Lane is the responsibility of Blackpool Council. They state that the development traffic will not lead to any unacceptable highway capacity issues. With regard to the access to the site which is a detailed matter for consideration they state that the proposal to use the existing access with a small modification is not ideal due to the substandard right turn lane on Squires Gate Lane at its junction with Westgate Road and as such it would have been preferable for the development to be served from the Airport access road. However, with relatively minor amendments to the right turn lane they are satisfied that the junction would operate relatively safely.

They state as the existing parking restrictions on Westgate Road on the westerly side stop short of being opposite the site access if the situation were to arise where vehicles were parked here it would impact on highway safety and as such consideration should be given the introduction of waiting restrictions here. They state that the internal layout shows acceptable levels of car parking and an appropriate layout with the servicing and manoeuvring areas also acceptable.

Pedestrian access to the development site and through the site is generally good. However, the lack of a controlled pedestrian crossing on Squires Gate Lane discourages access to the site on foot. The traffic signals on Squires Gate Lane at the Airport access should be upgraded to incorporate a controlled pedestrian phase to address this issue. This would also resolve the issue of difficulties in crossing Squires Gate Lane discourage two-way public transport journeys. Further, the existing bus stops lack the now standard raised boarding area and as such do not provide convenient access for those with mobility issues and therefore the nearest bus stops need to be upgraded.

Both LCC Highways and Blackpool highways consider that it is essential that this development has a Travel Plan and has none has been submitted a condition is required for one to be submitted and include the details outlined above. They also require the following off-site works

- Introduction of a pedestrian phase to the signals on Squires Gate Lane / Airport access.
Reason: To provide safe access to the site for pedestrians.

- Upgrade existing bus stops. Reason: To make the site accessible by public transport for those with mobility issues.
- Highway improvement to the right turn facility on Squires Gate Lane at the Westgate Road junction. Reason: To provide a safe turning facility and enable free flow of traffic on Squires Gate Lane.

They also require the following within a S106 to be used for the reasons outlined above:

- £12,000 Travel Plan contribution.
- £5,000 Traffic Regulation Order contribution.

Section 106 contributions will primarily be used to enable the Sustainable Travel team to:

- Appraise Travel Plan(s) submitted to the Planning Authority and provide constructive feedback.
- Oversee the progression from Framework to Full Travel Plan in line with agreed timescales.
- Monitor the development, implementation and review of the Travel Plan for a period of up to 5 years.
- Support the development and implementation of the Travel Plan.
- Develop and provide online, mode of travel surveys and collation of returns for baseline and subsequent monitoring purposes.
- Attend meetings with developer/occupier/co-ordinator as necessary.
- Provide access to leaflets, publicity, maps and information – provision of bespoke literature and large quantities may be subject to additional charges.
- Conduct a basic site audit.
- Provide localised maps and plans, GIS mapping of staff postcodes or other origin and destination data, accessibility plot of public transport, walking and cycling routes/thresholds to site.
- Advise and offer appropriate support with implementation or suitability of specific elements or measures.
- Assist with the development of sustainable travel directions for web pages and other appropriate content.
- Help stage promotional events and activities including Walk to Work Week, Bike Week, car free days or measured mile walks etc.

The TRO contribution would be used to cover monitoring of off-site parking, assessment, consultation and implementation as appropriate.

The NPPF says that LPAs should consider whether “otherwise unacceptable development could be made acceptable” be using planning obligations. Planning obligations should only be sought where they meet all of the following tests:

- i) The obligation is necessary to make development acceptable in planning terms
- ii) The obligation must be directly related to the development
- iii) The obligation must be fairly and reasonably related in scale and kind to the development.

Planning obligations should only be used where unacceptable impacts cannot be dealt with by a planning condition.

Section 122 of the Community Infrastructure Levy Regulations 2010 also specifies that an obligation must be:

- i) necessary to make the development acceptable in planning terms
- ii) directly related to the development

iii) fairly and reasonably related in scale and kind to the development

It is officers opinion that without the contributions the development would be unacceptable in planning terms and are therefore necessary. The obligations relate directly to this development and are fair and reasonably related to the development proposed. Without them the development would have an unacceptable impact on the highways network. They are therefore CIL and NPPF compliant. With the requested conditions relating to the site, the off-site works detailed above and financial contributions made through a section 106 agreement the development will have an acceptable impact on the highways network.

Impact on residential amenity

The proposal will not have an unacceptable impact on the residential amenity of existing neighbouring properties. The store as shown sited on the proposed site plan would be located approximately 46.5m from the nearest dwellings to the west on Westgate Road, 21m from the dwellings to the south and 47m to north, and at such distances there will no unacceptable loss of light.

With regard to the issue of noise, the council's Environmental Protection team have considered the Noise Assessment submitted with the application and raise no objections subject to conditions relating to the opening hours and delivery times of the store. They also state that there are no issues with the submitted Phase 1 desk study report and that the acoustic fence shown on the indicative site plan should be erected prior to the operation of the store commencing.

Flooding and drainage

The application site is not in a Flood Zone. Neither United Utilities or the Environment Agency have any objections to the proposal and request conditions relating to the drainage of foul and surface waters from the site. These conditions can be combined and placed on any permission granted at the site.

Conclusions

The proposal complies with policy SP1 of the Adopted Fylde Borough Local Plan as the principle of the use is considered acceptable, it has been shown that the development will not have an unacceptable impact on any existing retail centre and the impact on the highways network and safe operation of the store is also acceptable. The scale proposed is considered acceptable in this location with other matters reserved for a future application.

Recommendation

That, Subject to the completion of a Section 106 agreement in order to secure a financial contribution of £12,000 towards a Travel Plan n and a £5,000 Traffic Regulation Order contribution then planning permission be GRANTED subject to 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. 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, 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. The car park shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.

To allow for the effective use of the parking areas.

4. 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.

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.

5. 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.

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.

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

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.

7. No development shall commence until a Framework Travel Plan has been submitted to, and approved in writing by, the Local Planning Authority. The provisions of the Framework Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority. The Framework Travel Plan must include a schedule for the submission of a Full Travel Plan within a suitable timeframe of first occupation, the development being brought into use or other identifiable stage of development. Where the Local Planning Authority agrees a timetable for implementation of a Framework or Full Travel Plan, the elements are to be implemented in accordance with the approved timetable unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used/for a minimum of at least 5 years.

To ensure that the development provides sustainable transport options.

8. The retail unit hereby approved shall not exceed 1762 sq.m gross internal floor area, including, for the avoidance of doubt any mezzanine floorspace.

In order to protect the vitality and viability of nearby town, district, and local centres in accordance with the provisions of section 2 (Ensuring the vitality of town centres) of the National Planning Policy Framework, and because the retail impacts associated with the development have been assessed on the basis of these floorspace figures.

9. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. The scheme shall include:

1. Restricting run-off rates to 5 l/s;
2. All drainage to discharge into the 375mm combined sewer on Westgate Road which drains to Preston Clifton Marsh Wastewater Treatment Works;
3. Details of a separate system combining at last manhole; and
4. The use of SUDS wherever possible to reduce overall volume of surface water draining from the site.

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

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding

10. The retail unit hereby approved shall not be open for trading and there shall be no deliveries to or waste collection from the store outside of the hours of 07.00 to 22.00 Monday to Saturday inclusive and 10.00 to 16.00 on Sundays.

In order to protect the residential amenity of neighbouring dwellings.

11. Prior to commencement of development full details of the acoustic fencing shown on proposed site plan drawing BG/04226/04 Rev C shall be submitted and agreed in writing with the Local Planning Authority. The approved details shall be installed and in place prior to the operation of the store.

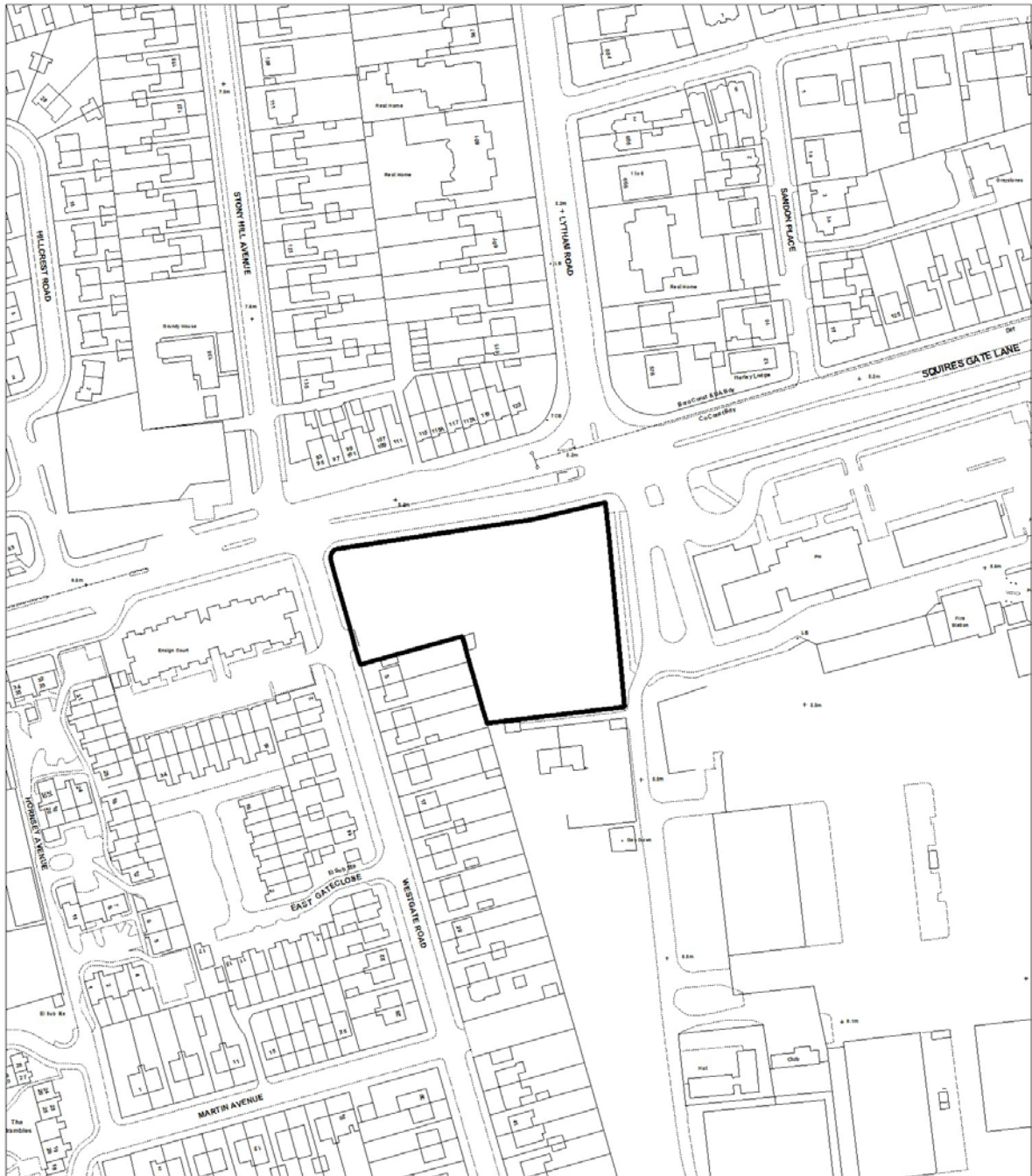
In order to protect the residential amenity of neighbouring dwellings.

12. The foodstore hereby approved shall be sited no closer than 10m from the northern site boundary as shown by the red edge on the application site location plan.

To allow for this area to be landscaped and reduce the visual impact of the foodstore in the street scene

13. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 2007, the retail store hereby approved shall primarily trade as a store for the sale of convenience goods and no more than 15% of the gross floor area shall be used for the sale of comparison goods.

In order to prevent the establishment of an open A1 retail use that would detract from the vitality and viability of established local centres.



Development Services Fylde Council		(c) Crown Copyright and database right (2014). Ordnance Survey (100006084).	
Application No. 5/14/0358	Address Westgate House, Squires Gate Lane, Lytham St Annes	Grid Ref. E.3311 : N.4318	Scale 0 10 20 30 40 m

Item Number: 3

Committee Date: 04 February 2015

Application Reference:	14/0406	Type of Application:	Change of Use
Applicant:	Mr & Mrs McCallister and Mr and Mrs H Kent	Agent :	Heine Planning Consultancy
Location:	THE STACKYARD, BRYNING LANE, BRYNING WITH WARTON, PRESTON, PR4 1TN		
Proposal:	RETROSPECTIVE CHANGE OF USE OF AGRICULTURAL LAND TO USE AS A CARAVAN SITE FOR OCCUPATION AS TWO GYPSY-TRAVELLER PITCHES		
Parish:	WARTON AND WESTBY	Area Team:	Area Team 1
Weeks on Hand:	34	Case Officer:	Andrew Stell
Reason for Delay:	In order to obtain additional information from the applicant		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to the use of a triangular area of agricultural yard in an area of open countryside between Warton and Wrea Green as a traveller site for two pitches. The application is applied for retrospectively as the site has been occupied in this manner since Spring 2014.

The starting point for assessing such an application is whether there is a proven local need for additional pitches, and the latest evidence from the 'Fylde Coast Authorities Gypsy and Traveller and Travelling Showpeople Accommodation Assessment' of September 2014 is that there is an unmet demand for 26 pitches in this borough over the period to 2031. This site would provide 2 of those pitches, and so passes that test. The application is also submitted by Travellers and so is acceptable in that regard.

The other tests for the application cover matters such as the appropriateness of the location of the site and so its impact on the surrounding landscape and rural character, the accessibility it provides the residents of the site to services, and the highway safety of the access arrangements. These are all considered to be acceptable in this location. Accordingly the application complies with the requirements of Policy H4 of the Fylde Local Plan to 2030, with Policy HL8 of the Fylde Borough Local Plan and with the guidance in Policy H of the Planning Policy for Traveller Sites.

However, the Secretary of State has recently announced that he is to issue new guidance relating to Gypsies and Travellers next month. This is likely to include a revision to the definition of a traveller. Given the pending review of policy, it is proposed that, if planning permission is to be granted, it should be for a temporary 12 month period to allow a review

to take place in line with any revised national guidance.

Reason for Reporting to Committee

The application is the subject of an objection from the Parish Council, and with the officer recommendation being for approval it is necessary for the application to be presented to the Development Management Committee for a decision.

Site Description and Location

The application site is known as The Stackyard, and is a triangular area of land on the western side of Bryning Lane at its junction with Bryning Hall Lane and is on the southern side of that road. The site is located within a designated countryside area between Warton and Wrea Green.

The site is predominately surfaced in road planings with a concrete area between a courtyard of 3 agricultural style buildings. There are hedges and fences to the site boundaries and a number of trees around the edges of the site. The site is accessed via Bryning Lane with a 5m wide access with double five-bar gates at the entrance.

Surrounding land uses are generally agricultural, with the exception being the complex of buildings associated with Bryning Hill Farm and other dwellings which are on the opposite side of Bryning Lane.

Details of Proposal

The description of the application was subject to some discussion prior to the application's registration and publicity, with the result that it seeks consent for the change of use of the land from an agricultural use to provide two gypsy pitches. The application form refers to the storage of caravans, equipment and tools in the buildings, but this does not form part of the application description as it would be ancillary to the use of the site as gypsy pitches were consent to be granted.

The application is applied for retrospectively with the council becoming aware of its residential occupation by the applicants in October 2013 and the application submitted in June 2014. At the time of the officer site visit there were three parts to the use of the site: the southern part is surfaced in road planings and contained a 'park home' and two touring caravans each of which was occupied residentially, the northern part was unsurfaced and used to keep flocks of geese and chickens, and the central part contains a courtyard of agricultural type buildings that were used for storing a touring caravan, motor-caravan, some domestic items and a parking area.

The application is accompanied with a supporting statement that refers to:

- A lack of any local provision of gypsy and traveller pitches
- The previous residential occupation of the site by the previous owner
- The availability of services and drainage for the site
- The site being of a suitable size, scale and location of the development
- The limited scale of caravans and the benefits that the 2m landscaping to the perimeter will have on screening of the development
- That the access is an existing one that is adequate for the use it will take
- The planning history of the site is covered
- Whilst the application is not personal to the applicants, detailed descriptions of their heritage, education, touring history, employment and health issues are provided.

- The statement explains how it is felt that the scheme complies with Policy HL8 of the Fylde Borough Local Plan which relates to gypsy sites before making reference to relevant aspects of the NPPF and PPFTS
- The lack of ecological implications from the development is raised
- They highlight that the use of a site for gypsy occupation is an exception to the usual presumption against new development in the countryside as it is a land use that is difficult to locate within settlements and caravans are typically found in rural areas
- Comment is made on the anticipated general perceptions of gypsy lifestyle and accommodation
- There is no gypsy site in Fylde at present
- The GTAA from 2007 is criticised as failing to give proper regard to the needs of gypsies and travellers
- Comments are made over how the council has dealt with gypsy sites at Bambers Lane, at Hardhorn and in Newton
- The health and education needs of the families now mean that they have a need to be settled
- Suggestions for appropriate planning conditions to control the development are made

The Summary to the supporting statement is repeated below:

“Permission is sought retrospectively for a material change in use of a farm yard area for the stationing of caravans for residential occupation by a Gypsy family. Use is made of an existing access and yard area. Other than lay gravel over the old hard cored yard area and erect fencing around the perimeter of the yard, no operational development has been needed. The applicants intend to store their touring caravans and equipment in the barns and keep chickens/ game birds on part of the site.

There is conflict with policy SP2 but limited weight should be attached to this policy having regard to PPTS.

There is no conflict with Policy HL8. This is a suitable location for a Gypsy site. This is ordinary countryside not otherwise designated. The site forms part of the hamlet of Bryning on the road linking Wrea Green with Warton. There are other caravan sites in the area to the south at Kellamergh and in Warton. There are many holiday caravan sites in this part of Lancashire. Before moving onto the land the family were stopping on the Gt Birchwood Caravan site in Warton as they had nowhere else to live.

The site is well screened by existing planting. The site is small scale and would not be prominent. Little can be seen of the caravans from outside the site. The proposed use makes use of an existing access, yard and buildings. Some old buildings have been removed. A static caravan sited on the land for over 10 years will be removed. The addition of two further statics would not result in any loss of openness. It would not result in serious harm to the setting and character of the hamlet of Bryning.

The proposal would not generate significantly more traffic. In any event Bryning Lane is already heavily trafficked at peak periods with traffic going to Warton from the motorway through Kirkham and with holiday traffic.

There would be no loss of natural habitat. No hedgerows or trees would be removed. Recent applications for housing in Wrea Green have confirmed that there is no evidence of Great Crested Newts in local ponds. The closest pond behind Bryning Hall Farm is stocked with fish. The yard where the caravans are to be sited would have provided little foraging habitat for newts.

There are other material considerations which support this application including the need for more sites in Fylde, the absence of any alternative provision for the applicants or others seeking to reside in this part of Lancashire and the personal needs of the applicants to be settled.

This is a land use that is difficult to accommodate in urban areas. National guidance still accepts that sites in the open countryside not otherwise designated or protected are acceptable in principle although there has been a tightening of policy and local authorities are now asked to strictly limit the number of new sites in open countryside. This site is part of small hamlet. This is not open countryside. The area is not so sensitive or so special to warrant refusal of permission. Given the small scale of the proposal it would not overwhelm the local community or place an undue burden on local infrastructure. The site is sufficiently distanced and screened from the nearest houses to ensure their amenities are not unacceptably affected. Permission could be conditioned to restrict occupancy to any Gypsy-Traveller. No business use is proposed other than the use of existing buildings to store tools, equipment (for gardening work etc.) and the touring caravans used by the families when they go travelling.”

Relevant Planning History

Application No.	Development	Decision	Date
03/0178	PERMANENT RETENTION OF AGRICULTURAL BUILDING	Granted	23/04/2003
96/0739	AGRICULTURAL BUILDING FOR CATTLE & MACHINERY	Granted	25/02/1998
80/0466	OUTLINE – ONE DETACHED DWELLING.	Refused	23/07/1980

Relevant Planning Appeals History

None.

Parish Council Observations

Bryning with Warton Parish Council notified on 02 July 2014 and comment:

“The history behind this application is that the former owner of the site who was operating a smallholding wanted to place facilities on site for rest, ablutions and toilet facilities and it is understood a camper type vehicle was placed there for that purpose. He was formally advised by the planning department of the Borough Council that it could not be used as a residence. The current owners were fully advised of this yet have continued to purchase the site and are believed in residence on a full time basis and have proceeded to place further similar vehicles/caravans, now believed to be three in total, on site. Despite which enforcement has not been carried out, nor has it sought to prevent further abuse, and it seems a retrospective planning application would appear to be a means to avoid appropriate justice. All views surrounding the site are seemingly deliberately restricted to prevent observation and this is of concern as to the genuine reasoning behind such enclosure. This retrospective application can only seem to be a way of avoiding enforcement of adhering to the authority of the planning officers in accordance with regulations.

There are a number of issues with the proposed application being on a rural country roadway which in this location is extremely hazardous, due to existent properties sited in the immediate area, the road width, speed of vehicles using Bryning lane and increase of traffic, particularly resultant from several potential residential developments within Warton, such as Riversleigh, all of which propose access to, and, increase of traffic flows along this roadway. While other existing properties may present similar

traffic issues it is not an argument that should hold relevance with a new application for proposed change of use. It is believed it would become more potentially lethal should the proposed use be granted without some investment to improve the road which would accompany any usual development at such a location despite the representations expressed in the application. It would naturally have the potential to generate an increased slow moving, stationary or manoeuvring traffic accessing an extremely hazardous location which would create greater road safety issues.

The intended use of the land would no longer be for agricultural purposes in keeping with the immediate area and neighbouring properties and such a site would detract severely for the community as a whole. There is also a loss of visual amenity that this enclosure creates to an area which is not in keeping with the rural nature of the surrounding properties in the countryside. Its existence to date has already anecdotally been the source of concern to visitors to the area. While there is clearly an acknowledged legal need for provision of such facilities throughout the Country, the Ward of Warton and Westby already has a Gypsy/Traveller site within its boundary and a further one is not proved or felt to be necessary.

The Parish Council object to the application which should be refused and any breaches of the existing permissions should be progressed with the utmost vigour. It is also requested that should it be minded to grant the application that it be brought before the Development Management Committee for final consideration.”

Statutory Consultees

BAE Systems

Raise no objections to the proposal

Ministry of Defence – Safeguarding

Raise no safeguarding objections to the proposal

Planning Policy Team

Confirm that work has been undertaken with the neighbouring authorities to establish the need for pitches in the area to support the Local Plan process. This is the Fylde Coast Authorities Gypsy and Traveller and Travelling Showpeople Accommodation Assessment and was published in September 2014. This indicates that there is a need for 26 pitches for these groups in Fylde to 2031.

Lancashire County Council – Highway Authority

“When compared with the existing permitted use of the site this proposal will lead to a small increase in vehicle movements. The County’s accident database shows that there have been 2 injury accidents in the vicinity of the development site in the last 5 years, none of these accidents involved vehicles entering or leaving the development site.

The sightlines at the access to the development site are reasonable and given that the increase in traffic movements is relatively modest and that there are no recorded injury accidents associated with the current access I can confirm that there are no highway objections to this proposal.”

Neighbour Observations

Neighbours notified: 02 July 2014

No. Of Responses Received: 2 letters received, with 1 on behalf of 2 neighbours

Nature of comments made:

The collective letters is submitted by a planning consultant and refers to the following issues in objection to the application:

- That the council's description of the application does not reflect the actual scale of the proposal, with the submission referring to the permanent siting of 3 static caravans and one touring caravans together with the storage of two touring caravans.
- That a mobile home has been brought onto the site and is of a scale that is equivalent to a bungalow
- The application fails to correctly identify the relevant policies and if this is undertaken the proposal is contrary to guidance in the NPPF and the Planning Policy for Traveller Sites, as both look at building communities.
- Reference is also made to the PPTS statement that such developments should not dominate the scale of the nearest settlement community
- They refer to Policy HL8 of the Fylde Borough Local Plan which explains that gypsy sites need to be assessed on the suitability of their location, accessibility to services, their layout and landscaping and the impact on the character of the area. They then make specific arguments as to why this site is not suited to a gypsy site on the basis of:
 - Bryning has no services and is 1.5 miles from Warton, with the number of children and health issues of some of the adults making the site location unsuitable
 - The use of the site is intensive and drainage arrangements are inadequate
 - The site does not have adequate landscaping
 - The scale of the proposal with 3 families will clearly dominate Bryning which has only 4 dwellings
 - The activity at the site and the equipment storage indicates that there will be harm to residential amenity
 - The urban style of the site will conflict with the rural pattern of existing development
 - The site is agricultural and greenfield in nature

The letter also quotes the following views which are attributed to the 'majority of residents of Bryning' and are repeated in full below to avoid ambiguity in their interpretation:

- *The development is an inappropriate development on the site.*
- *It will by the increase of intensity of use at peak times and inadequate site [sic] lines [The speed limit at this point on Bryning Lane is 60mph and not 30mph as described in the application.] increase the potential for accidents at this dangerous junction. In the time Mr Bennett has lived he has had 5 vehicles through the railings on the bend immediately opposite the proposed site entrance*
- *The suggestion that the previous owner lived on the site is erroneous he did not, a point which I understand he confirmed in writing to the Council when challenged. To suggest the illegal use of the site by the previous owner as a justification for continuing that use/occupation seems to them perverse.*
- *The cavalier attitude of the Applicant to the Planning process leads them to the conclusion that this is only "the thin edge of the wedge" and will lead to further developments on the site without prior Planning Consent.*

- *That most of the residents of Bryning are believed to share these concerns.*

The individual letter also objects and queries the address of the site, that there are more than the two caravans sought in the application on site, and that the site access is in a dangerous location, and if vehicles were to park on the verge outside it would compound access difficulties at the Bryning Hall Lane / Bryning Lane junction.

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
HL08	Sites for Gypsies
EP11	Building design & landscape character
EP14	Landscaping of new developments
EP10	Protection of important landscape and habitat features
EP23	Pollution of surface water
EP24	Pollution of ground water
EP25	Development and waste water
EP27	Noise pollution
EP28	Light pollution
TREC17	Public Open Space within New Housing Developments
TR09	Car parking within new developments

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
PPTS	Planning Policy for Traveller Sites
FLP H4	Fylde Local Plan to 2030 Policy H4

Site Constraints

Within countryside area

Environmental Impact Assessment

The establishment of a caravan site is development that falls within Part 12c of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended. However, the applicable threshold for screening is 1 Hectare and as this site is 0.3 Hectares it is well below that.

Comment and Analysis

Policy Background

The current development plan is the Fylde Borough Local Plan, within which the application site is located within the Countryside as designated by Policy SP2. This policy restricts the development of such areas other than for those forms of development which are appropriate to a rural area, or are in line with other policies within the local plan, which would include Policy HL8.

Policy HL8 deals specifically with sites for accommodation for gypsies and introduces a series of criteria that are to be satisfied for such an application to be supported. This Policy is dated but remains a relevant planning consideration to inform decisions.

Since that plan was adopted, specific national guidance for this has been introduced called the 'Planning Policy for Traveller Sites' (PPTS) which was introduced in March 2012. This encourages local authorities to plan for gypsy and traveller sites in their development plans and gives guidance on how to assess planning applications. As such it is of relevance to the determination of this application. In terms of the assessment of this particular site, it is considered that Policy HL8 is in line with the guidance contained in the NPPF and the PPTS and so Policy HL8 may be afforded its full weight.

Finally, the emerging Fylde Local Plan to 2030 includes Policy H4 which is titled 'Gypsies, Travellers and Travelling Show people's Sites' and introduces criteria to use when assessing a proposal such as this. These are informed by the PPTS, as is the 'Fylde Coast Authorities Gypsy and Traveller and Travelling Showpeople Accommodation Assessment' which was published in September 2014 and forms part of the evidence base to the Fylde Local Plan and is also relevant to the determination of this application.

Planning History

There is planning permission for a single building on the site which was first granted in 1998 on a temporary basis, and then permanently in 2003. This permission allows the building to be used for agricultural purposes and accords with the position of the storage buildings that are on site at present, with aerial photo records confirming this.

There was an application for a residential use of the site in 1980 but this was refused and there has never been any lawful residential use of the site.

Need for Gypsy site

The latest evidence that the council has available to it indicates that there is a need for additional pitches to meet the needs of Gypsies and travellers, with the 'Fylde Coast Authorities Gypsy and Traveller and Travelling Showpeople Accommodation Assessment' estimating an additional 26 pitches would be required in the borough by 2031. This application proposes two pitches be established at the site and so would assist towards delivering that identified need.

All the policy tests explained earlier refer to pitches only being supported where there is a pre-identified local need and it is therefore considered that has been established given the recent evidence to confirm that need.

The application is submitted on behalf of a Mr Michael McCallister who is described as a Scottish Traveller and so would comply with the definition of a Traveller for the purposes of this application. The supporting information with the application refers to the accommodation to be for himself and his wife, who is from a different Traveller family, one of their daughters and her husband/family, and for their daughter's eldest son. It is stated that three caravans would be occupied on the site, and in discussions with the agent prior to the registration of the application it was agreed that it would be advertised as proposing two 'pitches'.

With reference to Gypsy and Traveller sites, a 'pitch' refers to the area where a family lives rather than just the space for a single caravan. Government guidance "Designing Gypsy and Traveller Sites" of May 2008 explains that a 'pitch' on such a site is an area that is sufficient to accommodate a large trailer (static caravan), a touring caravan (for additional sleeping accommodation and use when travelling), an amenity building (for washing, toilet, etc.), a storage shed, clothes drying area, car

parking and a garden area. To provide these an area of 500 m² is typically required. It is different to the use of the term 'pitch' in a holiday caravan situation where it is taken as being the space for a single caravan only, as there can be more than one caravan on a Gypsy site pitch.

Appropriateness of location

In common with guidance in the NPPF for general planning proposals, the PPTS requires that traveller sites are sustainable economically, socially and environmentally and so these aspects need to be considered in reaching this decision. The guidance goes on to refer to sites being located where it allows occupants to integrate with a local community, have access to health, education and other services, to avoid high flood risk areas and to ensure that the location reduces the need for long-distance travelling.

The application refers to the locations that the 'family' have generally travelled in, and states that they have focussed on north west England in recent years and the Fylde area for the last 6 years as the older members of the family have become less able to travel due to ill-health. This is to the extent that they attend local doctors and the youngest children attend school in Warton.

The site is located in the countryside between Warton and Wrea Green. Both of these provide for basic local services but are not directly accessible by foot from the site due to distance to Wrea Green and the lack of continuous footpaths to both villages. However, both villages are a relatively short drive and so an easy commute for the health, education, social, shopping, and other residential needs. It is adjacent to a cluster of dwellings at the junction of Bryning Lane and Bryning Hall Lane containing a farm, an equestrian centre with dwelling, and two other dwellings. The presence of existing premises nearby means that any impact from the need to provide additional services such as post and refuse collection would be ameliorated as there is already a need for such services locally.

In his conclusions on the appeals at Hardhorn the Inspector concluded that most trips from the site would be by car, but that the proximity of that site to Blackpool and Poulton-le-Fylde would allow reasonably short journeys to services and facilities. He then refers in that paragraph to the sustainability benefits of a settled sites which reduces long-distance travel to health and education facilities and the environmental damage associated with unauthorised encampments, which is a phrase used in para 11 of PPTS so forms current guidance. The Hardhorn site is around 1 mile from Poulton centre and 3 miles from Blackpool centre, with the application site at The Stackyard around 1 mile from the centre of both Warton and Wrea Green. AS such the same sustainability credentials must apply to this proposal as the Inspector found at the Hardhorn site, with his dismissal of the appeal based on other grounds.

Clearly the establishment of new residential dwellings in such a Countryside location would conflict with national guidance and local policy. This is repeated in the PPTS which states that local authorities should "strictly limit new traveller site development in open countryside that is away from existing settlements". However, the situation here is that the site is not particularly open countryside as it contains a series of former agricultural buildings, and is located adjacent to a cluster of other dwellings and a commercial operation. It is also located within reasonable proximity of Warton and Wrea Green. Accordingly it is considered that the general location of the site is an acceptable one for this type of development.

The PPTS also advises that traveller sites should 'respect the scale of, and not dominate the nearest settled community'. Unfortunately it does not provide any guidance to establish how to establish what is the nearest settled community. In this case it could be interpreted as the dwellings located in its immediate location at the road junction whereby the 2 pitches proposed would be of considerable scale compared to the 2 farms and 2 other dwellings at that location. Whilst

proportionally, two additional residential properties would represent a significant increase, in actual terms, it is considered that 2 additional residential pitches could not be said to overwhelm the existing settlement in the manner envisaged by the guidance.

Visual Impact

Prior to the current use of the site which this application seeks to regularise, the site contained a steel-framed, timber-clad agricultural building in a 'C' shape that enclosed a courtyard area and was positioned centrally on the site. It has 2m high hawthorn hedges to the two road frontages with mature trees around the perimeter. As such it did not appear as 'open' countryside, but rather as a typical agricultural operation.

That has been changed to a degree with a large part of the site provided with a road planing surface to house the caravans, and the erection of a 2m high close boarded fence around the perimeter of the site on the inside of the hedge which is visible through it in winter. Also visible are the caravans on the site which at the time of the officer site visit were a large static caravan, a smaller static caravan and a touring caravan which were occupied. Another touring caravan and a motorhome were stored in the building but were not being occupied. The remainder of the site was unused other than for keeping geese and parking areas.

The nature of the development proposed is low-level and whilst the site is at a slight rise in the road and slightly above road level, it is largely screened by the perimeter hedging. Whilst the caravans can be seen above this hedge and the fence behind they are not prominent features in the landscape and it is not considered that the proposal has an adverse impact on the visual amenity of the area.

Highway Safety

There is a single point of access to the site which is on the Bryning Lane frontage. This access had a level of use when the site was in agricultural use, and is now subject to a greater use as a consequence of the traveller use. At that point Bryning Lane is subject to the national 60mph limit and with the bends in the road and proximity to the farm access and Bryning Hall Lane junction it is understandable that the Parish Council and residents have raised concerns over highway safety.

In their consultation response the highway authority refer to visibility available being acceptable and that the level of vehicle movements as a 'residential' use is a limited increase over the previous agricultural use and raise no objections. Officers believe that this is a reasonable conclusion to reach, with the agricultural traffic from the site more likely to be slow moving vehicles that would cause a hazard to other users on the road as they turned. Accordingly it is not considered that any objection to the development on highway safety grounds can be supported.

Residential Amenity

The site is separated from the other residential properties in the area by Bryning Lane, with the nearest dwellings being that associated with the equestrian centre and Crimble House. These are both over 40m from the site boundary and at that distance no massing, privacy loss, or other issues of residential amenity are created by the proposal.

Other Matters

- Drainage – The site is in Flood Zone 1 and so is at the lowest risk of flooding. The application refers to the surface water being dealt with by a soakaway and foul water by a cesspit. The surface water treatment seems to be an appropriate solution given the location of the site on a slight rise and presence of a field ditch on its boundary. A cess pit would also be appropriate given the scale of the development with a condition appropriate to ensure that this is of a suitable standard and properly installed and maintained so as to prevent pollution of neighbouring

watercourses.

- Trees – there are no protected trees on the site, but there are a number of significant specimens around its perimeter. The application statement explains that there is no intention to remove these which is beneficial in retaining the rural character of the area.
- Ecology – the application is not supported with any ecological information other than a reference in the supporting statement to the intention to retain hedgerows and trees and that there is a lack of Great Crested Newts recorded at sites in Wrea Green. Were further development be proposed in the application it would be appropriate for the application to provide sufficient information to allow an assessment of the ecological implications of that. However, the application does not involve any additional development of the site and so a reason for refusal on ecological grounds would not be justified.

Conclusion

The application relates to the use of a triangular area of agricultural yard in an area of open countryside between Warton and Wrea Green as a traveller site for two pitches. The application is applied for retrospectively as the site has been occupied in this manner since Spring 2014.

The starting point for assessing such an application is whether there is a proven local need for additional pitches, and the latest evidence from the 'Fylde Coast Authorities Gypsy and Traveller and Travelling Showpeople Accommodation Assessment' of September 2014 is that there is an unmet demand for 26 pitches in this borough over the period to 2031. This site would provide 2 of those pitches, and so passes that test. The application is also submitted by Travellers and so is acceptable in that regard.

The other tests for the application cover matters such as the appropriateness of the location of the site and so its impact on the surrounding landscape and rural character, the accessibility it provides the residents of the site to services, and the highway safety of the access arrangements. These are all considered to be acceptable in this location. Accordingly the application complies with the requirements of Policy H4 of the Fylde Local Plan to 2030, with Policy HL8 of the Fylde Borough Local Plan and with the guidance in the Planning Policy for Traveller Sites.

Given that Central Government have advised that they propose to amend that guidance, it is recommended that planning permission be granted for a temporary 12 month period in order that the proposal may be reviewed in the light of any changes that are announced.

Recommendation

That Temporary Planning Permission be GRANTED subject to the following conditions:

1. The use of the land authorised by this permission shall cease at the end of a period of 12 months from the date of this permission and there shall subsequently be carried out such works as may be required for the reinstatement of the land to its condition prior to the development first being carried out, to the reasonable satisfaction of the Local Planning Authority unless a renewal of permission is first sought and obtained.

To allow the Local Planning Authority to review the permission having regard to amendments to national planning policy which are shortly to be published by central government.

2. The site shall only be occupied as permanent accommodation by Gypsies & Travellers as defined in Annex 1 of DCLG Planning Policy for Traveller Sites (March 2012).

Reason: In order to ensure the site is occupied by Gypsies & Travellers as the grant of planning permission for a residential caravan park or a holiday caravan park may not be appropriate in this locality and as the use of the site as transit accommodation would lead to an unacceptable increase in towed vehicular movements.

3. No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time.

There shall be no more than 2 pitches on the site and on each of the 2 pitches hereby approved no more than 2 caravans shall be stationed at any time.

Any caravans positioned on the site shall be capable of being lawfully moved on the public highway, without division into separate parts. No caravan positioned on the site shall exceed 23 feet in length.

Reason: In order to control the density of development having regard to the character of the area and in order to ensure adequate parking and manoeuvring space for vehicles within the site.

4. No more than one commercial vehicle per pitch shall be stationed, parked or stored on the land for use by the occupiers of the caravans hereby permitted, and no such vehicle shall exceed a maximum gross weight of 3.5 tonnes.

Reason: In the interests of highway safety.

5. No commercial activities shall take place on the land, including the storage of materials.

Reason: In order to protect the character and appearance of the area.

6. Notwithstanding the requirements of the Town & Country Planning (General Permitted Development) Order 1995 (As amended), a scheme for the external lighting of the site [including degree of illumination] shall be submitted to & agreed in writing by the Local Planning Authority prior to the installation of any such illumination, and only lighting that is approved shall be installed on the site.

Reason: In the interests of residential amenity & the character of the area.

7. 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 before any development is commenced. Specific details shall include finished levels, means of enclosures, car parking, hard surfacing materials minor artefacts and soft landscape works and shall include plans and written specifications noting species, plant size, number and densities, an implementation and

maintenance programme. The scheme and programme shall thereafter be varied only in accordance with proposals first submitted to and approved in writing 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 accordance with the approved implementation programme. 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.

Reason: To enhance the quality of the development in the interests of the amenities of the locality and to ensure adequate hard surfacing to prevent materials being brought onto the highway

8. The landscaping scheme approved under condition 6 shall be implemented and subsequently maintained for a period of 10 years following the completion of the works in accordance with the approved maintenance programme.

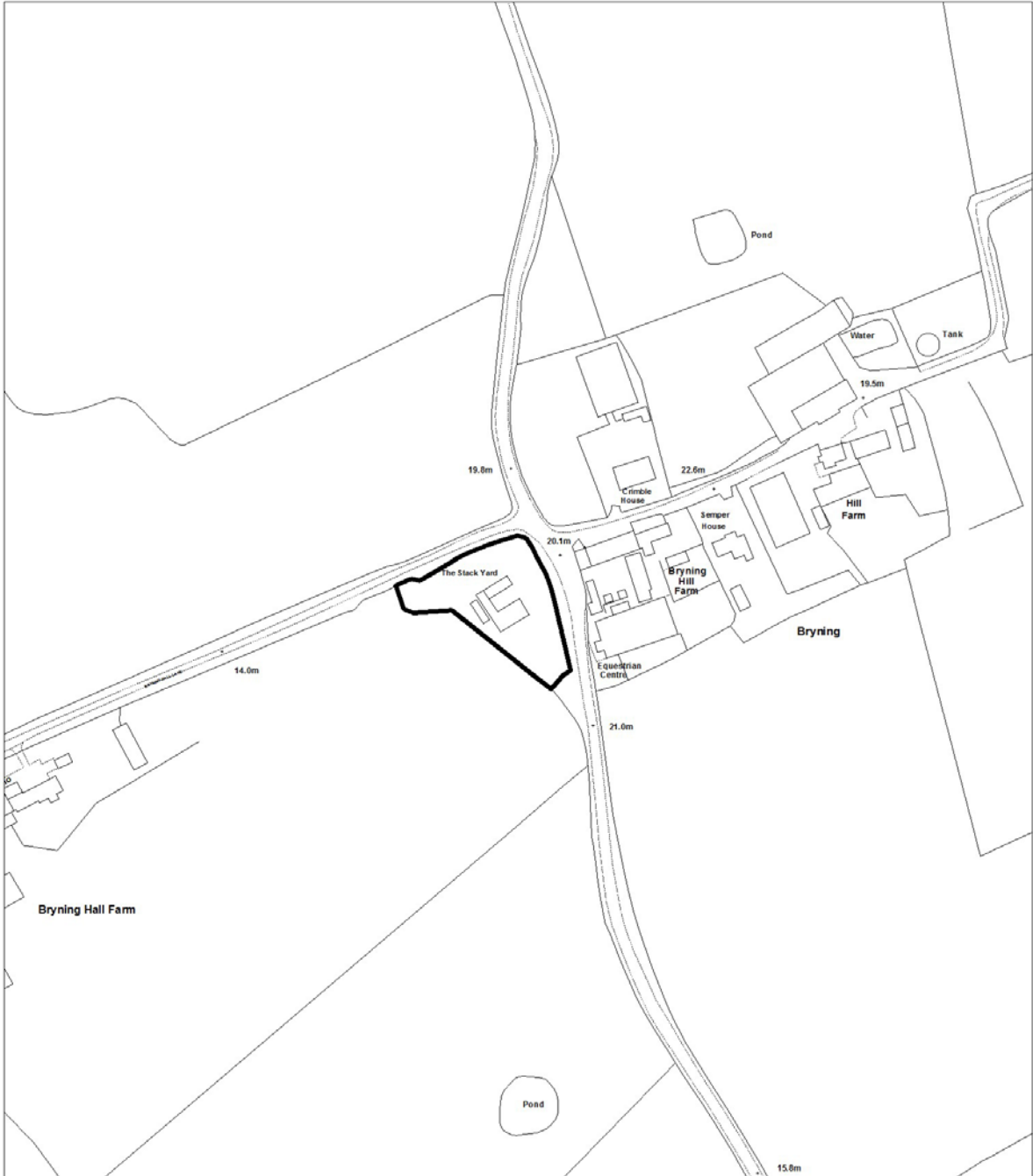
Reason: To ensure a satisfactory standard of development and in the interest of visual amenity in the locality.

9. Notwithstanding any indication on the approved plans, within 2 months of the date of this permission a scheme for the disposal of foul drainage shall be submitted to and approved in writing by the Local Planning Authority. This foul drainage scheme shall then be constructed and completed in accordance with the approved plans within one month of its approval and shall be retained thereafter to provide all foul drainage requirements for the development.

Reason: To prevent pollution of the water environment.

10. Notwithstanding any indication on the approved plans, within 2 months of the date of this permission a scheme for the disposal of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul water and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. This surface water drainage scheme shall then be constructed and completed in accordance with the approved plans within one month of its approval and shall be retained thereafter to provide all surface water drainage requirements for the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water runoff and to reduce the risk of flooding



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/14/0406	Address The Stackyard, Bryning Lane, Warton	Grid Ref. E.3399 : N.4299	Scale 0 10 20 30 40 m

Item Number: 4

Committee Date: 04 February 2015

Application Reference:	14/0646	Type of Application:	Listed Building Consent
Applicant:	The Cube	Agent :	Keystone Design Associates Ltd
Location:	48 PRESTON STREET, KIRKHAM, PRESTON, PR4 2ZA		
Proposal:	LISTED BUILDING CONSENT FOR WORKS ASSOCIATED WITH CONVERSION OF BUILDING TO PROVIDE 5 RESIDENTIAL FLATS INCLUDING: INTERNAL ALTERATIONS, DEMOLITION OF LIFT SHAFT TO REAR, INSERTION OF VELUX WINDOWS TO FRONT ELEVATION, ROOF AND WINDOW ALTERATIONS, FORMATION OF BALCONY TO REAR ROOFSLOP AND WORKS TO REAR CURTILAGE AREA		
Parish:	KIRKHAM SOUTH	Area Team:	Area Team 1
Weeks on Hand:	20	Case Officer:	Mrs C Kitching
Reason for Delay:	In order to seek design improvements		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to the former Hillside restaurant which is located on Preston Street in Kirkham. The property is Grade II listed, within the conservation area and has a series of protected trees on land to the rear. The application relates to the conversion of the building from its residential use to provide 5 residential flats.

The proposal represents an appropriate use of the property and retains the heritage asset in a viable use whilst improving its appearance and retaining an appropriate setting for it. Accordingly it is recommended for approval.

Reason for Reporting to Committee

Whilst Kirkham Town Council have not raised objection to the planning application the proposed works to the listed building are associated with planning application 13/0597 which is on the agenda due to the objection from the Town Council and so for consistency this application is also presented to Committee.

Site Description and Location

The property is located on the south side of Preston Street, Kirkham within the Kirkham Conservation Area. The house was originally built as a Regency residence in the early 1800s by Kirkham flax

merchant John Birley and is Grade II listed. There are a series of trees protected by TPO within the rear curtilage of the property, but outside of this application site.

Details of Proposal

Listed Building Consent is sought for external and internal alterations to the listed building and its curtilage to create five residential apartments. This application is accompanied by an application for full planning permission that was submitted last year (reference 13/0597). When first submitted this proposed similar alterations to those currently proposed, but these have been amended to address concerns, and to retain the existing arch feature that serves as the entrance to the rear car park. This was originally to be removed to improve the width of this access to support an outline application for new-build dwellings at the rear (since refused), but given the discussion at Committee which was favourable to retaining the arch over the highway safety improvements its removal would bring, that element has been removed from the application.

The works proposed in this application are to facilitate the conversion now proposed under the planning permission and include removing the large 'box' side extension, creating a roof development at the rear, inserting a front first floor window, two rooflights to front and alterations to the rear garden to create a communal garden.

Relevant Planning History

14/0770	PROPOSED ERECTION OF 4 DETACHED DWELLINGS WITH ASSOCIATED LANDSCAPING		
14/0844	LISTED BUILDING CONSENT FOR PROPOSED ERECTION OF 4 DETACHED DWELLINGS AND LANDSCAPING WORKS IN CURTILAGE OF LISTED BUILDING		
14/0646	LISTED BUILDING CONSENT FOR WORKS ASSOCIATED WITH CONVERSION OF BUILDING TO PROVIDE 5 RESIDENTIAL FLATS INCLUDING: INTERNAL ALTERATIONS, DEMOLITION OF LIFT SHAFT TO REAR, INSERTION OF VELUX WINDOWS TO FRONT ELEVATION, ROOF AND WINDOW ALTERATIONS, FORMATION OF BALCONY TO REAR ROOFSLOP AND WORKS TO REAR CURTILAGE AREA		
13/0598	OUTLINE APPLICATION FOR ERECTION OF 7 DWELLINGS (ACCESS, APPEARANCE, LAYOUT AND SCALE APPLIED FOR WITH LANDSCAPING RESERVED)	Refused	03/07/2014
09/0738	PROPOSED EXTENSION TO EXISTING BUILDING AND CHANGE OF USE TO NURSING HOME.	Withdrawn	28/07/2010
05/1109	LISTED BUILDING CONSENT FOR INTERNAL ALTERATIONS, NEW LIFT AND STAIR TO REAR AND UPGRADE OF EXISTING STEEL STAIR	Granted	16/02/2007
05/1107	RE-SUBMISSION OF 05/0915 - NEW STAIR AND LIFT TO REAR AND NEW STEEL ESCAPE STAIR	Granted	16/02/2007
05/0915	TWO STOREY STAIR TOWER TO REAR AND REPLACEMENT EXTERNAL STEEL STAIR.	Refused	08/11/2005
05/0950	LISTED BUILDING CONSENT FOR TWO STOREY STAIR TOWER TO REAR AND REPLACEMENT EXTERNAL STEEL STAIR	Refused	08/11/2005
05/0388	CONVERSION FROM RESTAURANT TO 7 RESIDENTIAL APARTMENTS	Refused	26/05/2005

04/1050	CONVERSION OF BUILDING INTO 8 No APARTMENTS (INCLUDES THE RETENTION OF THE EXISTING MANAGERS ACCOMMODATION)	Refused	21/03/2005
04/0077	LISTED BUILDING CONSENT FOR INTERNAL WALLS, WALL & RAMP TO REAR IN ASSOCIATION WITH CHANGE OF USE TO NURSERY	Refused	23/03/2004
04/0075	CHANGE OF USE OF RESTAURANT TO CHILDRENS' NURSERY, RAMP & WALL TO REAR TERRACE	Refused	23/03/2004
89/0603	LISTED BLDG CONSENT; ALTERATIONS TO LINK TWO DINING ROOMS	Granted	04/10/1989
89/0427	EXTERNAL SCREEN WALL TO KITCHEN AREA AND INTERNAL ALTERATIONS	Granted	14/07/1989
81/0512	ALTERATIONS TO FORM FUNCTION ROOMS AND EXTERNAL FIRE ESCAPE AND EXTRA CAR PARKING.	Granted	16/09/1981
81/0535	LISTED BUILDING CONSENT - ALTERATIONS TO FORM FUNCTION ROOM AND EXTERNAL FIRE ESCAPE AND EXTRA CAR PARKING.	Granted	16/09/1981
80/0613	INTERNAL ALTERATIONS TO FORM FUNCTION ROOMS.	Refused	12/12/1980
80/0382	ALTERATIONS TO IMPROVE ENTRANCE (LISTED BUILDING)	Granted	23/07/1980
77/0722	ILLUMINATED PROJECTING SIGN	Granted	16/11/1977
77/0528	FIRE ESCAPE	Granted	24/08/1977
78/0576	ROOF PATIO.	Granted	09/08/1976
74/0057	BEDROOM EXTENSION WITH CAR PARKING IN BASEMENT	Granted	13/05/1974

An outline application on land edged blue that forms part of the larger site but not this application site for the erection of 8 detached dwellings was refused in July 2014. An application on a slightly reduced site for 4 dwellings is currently under consideration and will be presented to a future meeting of this Committee.

Relevant Planning Appeals History

None.

Parish/Town Council Observations

Kirkham Town Council notified on 26 September 2014 and comment *"approval subject to - as this is listed building it will remain in a listed building setting. We are aware that the applicant has removed TPO trees and we request that legal action be taken against them. The gardens should be retained to ensure that the listed building retains its garden settings."*

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Archaeology Service

The alterations proposed to convert the building into apartments will have an impact on the historical internal layout and result in the loss of some historic fabric. Lancashire County Archaeology Service (LCAS) would recommend that, should the local planning authority be minded to grant planning permission to this, or any similar scheme, the building should be recorded prior to any conversion works.

English Heritage

They have been consulted on this application and that for the land that is to the rear of the site. Unfortunately their comments refer mistakenly to the earlier scheme that was refused planning permission in 2014 and so further clarification of their views on the actual development proposal under consideration is being sought. This will be reported to the Committee as part of the Late Observations Schedule.

The comments made welcome the reuse and repair of 48 Preston Street but express concerns over the new buildings proposed to the rear of the site, but with their fundamental misunderstanding of the proposal it is inappropriate to give them any weight at this stage.

Neighbour Observations

Neighbours notified: 26 September 2014
Amended plans notified: 10 October 2014
No. of responses received: responses received from three neighbours
Nature of comments made:

1. Noise. Stables Bar beer cellar is under The Hillside and some upper rooms interlock. We feel that due to interlocking rooms and cellar area this would be impossible to sound proof insulate away totally. Also the noise from patrons smoking at the front of the pub and the licenced beer garden at the back would become an irritation to owners of flats.
2. Loss of views and character. The development would result in the loss of existing views from neighbouring properties, in particular the loss of approximately 16 trees, a long established feature of this conservation area, and this would adversely affect the residential amenity of neighbouring owners and the character of the conservation area.
3. Wildlife. The trees on the site support a variety of wildlife/birdlife and although several trees have been removed in recent years, the removal of any more trees, particularly as many as proposed for this development, would result in a severe loss of habitat for such wildlife.
4. Loss of privacy. The development would have an adverse effect on the residential amenity of neighbours, by reason of overlooking neighbouring gardens from the proposed balconies, resulting in loss of privacy. The removal of any trees on the site would compound the issue of privacy.
5. Design. As this is a grade II listed building I did not think that they would be allowed to place Velux windows either in the roof or on the front elevation of Preston Street

Relevant Planning Policy

Fylde Borough Local Plan:

EPO4 Alteration and adaptation of listed buildings

Other Relevant Policy:

NPPF: National Planning Policy Framework

Site Constraints

Listed Building
Conservation area site

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

Internal alterations

It is not known how the internal layout changed from being a dwelling to the restaurant use as there is no detailed documentation, nevertheless a large amount of ornate doorways and ceiling plaster remains and it is important that these features are retained in the conversion scheme, conditions of consent are included to ensure they are not removed and are recorded for the Historic Environment Record. The submitted Heritage Impact Assessment details how moulded skirtings, door frames, columns etc. can be preserved and there is a commitment to preserving features especially as the apartments are to be promoted on the property market as spacious apartments of character.

External alterations

The removal of the unsympathetic side / rear extension is of great benefit to the heritage asset. The windows related to the stables annexe is an original feature of the listed building and altering the style could change the legibility and character of the building. Revised plans were sought and received changing the windows to plain style and so addressing this concern.

Setting of the listed building

The site originally included large grounds and this undeveloped space is a feature in the conservation area. The proposal now includes the land containing the house, a similar sized piece of land for the garden and the area of land to the side. There is a development proposal on land to the rear of the site which is subject to other applications, but the increased site area under this application now provides for an appropriately sized curtilage to be retained for the flats.

English Heritage made comment on earlier proposals which referred to the need for the building to have 'breathing space' and it is considered that the revised plans adequately provide that. Residential use is a sustainable use for the vulnerable heritage asset and a scheme that is not supported by English Heritage is preferable to the building lying vacant for a longer time when the building will continue to deteriorate which harms the listed building and the conservation area.

Conclusions

The listed building has been vacant for several years and the spacious five apartments scheme is a sustainable use which should allow for the preservation of the heritage asset to the benefit of the town. The proposed alterations are considered to be acceptable, maintaining the character of the Listed Building and complying with local plan policy EP4 which aims to safeguard Listed Buildings and para 131 of NPPF relating to proposals that impact on heritage assets.

Recommendation

That Listed Building Consent be GRANTED subject to the following conditions:

1. The development must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be carried out in strict accordance with the approved plan(s) which accompany the decision notice.

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

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

Location Plan - A013/084/S/12 rev. C

Existing plans and Elevations - A013/084/S/03 rev. B

A013 084/S/02 rev. A

Proposed plans and Elevations - A013/084/P/01 rev. D

A013/084/P/02 rev. G

A013/084/P/03 rev. E

PS-D-01

PS-D-02

PS-D-03

Statement of Significance including Heritage Impact Assessment

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

3. Prior to first occupation of any residential unit hereby approved the approved external development including the garden area shall be laid out as shown on the approved site plan and this shall be retained and made available for communal use thereafter.

To ensure the whole development is completed in the interest of the special amenity of the Kirkham Conservation Area and of the historic and architectural merit of the listed building.

4. The approved rooflights shall be of a type that is flush-fitting in the roofspace. Accordingly, technical details shall be submitted to and approved by the Local Planning Authority prior to commencement of works upon the roofspace. Only the approved rooflight shall thereafter be fitted.

In the interest of the historic and architectural merit of the statutorily listed building.

5. All new windows shall all be set in reveal within their openings where the outermost part of the new frame is no further forward than a point no less than 10cm behind the surrounding brickwork. A detailed drawing at scale of no smaller than 1:20 including a section drawing shall be submitted prior to commencement showing all elements of each new and each replacement window to be inserted and the submitted detailed drawings shall be approved in writing by the Local Planning Authority prior to commencement.

Upon the written approval only the approved windows shall be fitted unless otherwise agreed in writing with the Local Planning Authority.

In the interests of the special historic and architectural merit of the statutorily listed building.

6. The bricks and mortar to be used for the garden wall shall match the brick and mortar of the front elevation of the existing building including coursing and mortar technique and full details shall be submitted to the Local Planning Authority prior to commencement of this element for written approval. Upon written approval only the agreed garden wall shall be constructed.

In the interest of the historic and architectural merit of the listed building.

7. 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 before any development is commenced. Specific details shall include finished levels, means of enclosures, car parking [as applicable] hard surfacing materials, 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 in writing 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 interest of the historic and architectural merit of the listed building.

8. 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 sylvicultural 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 the historic and

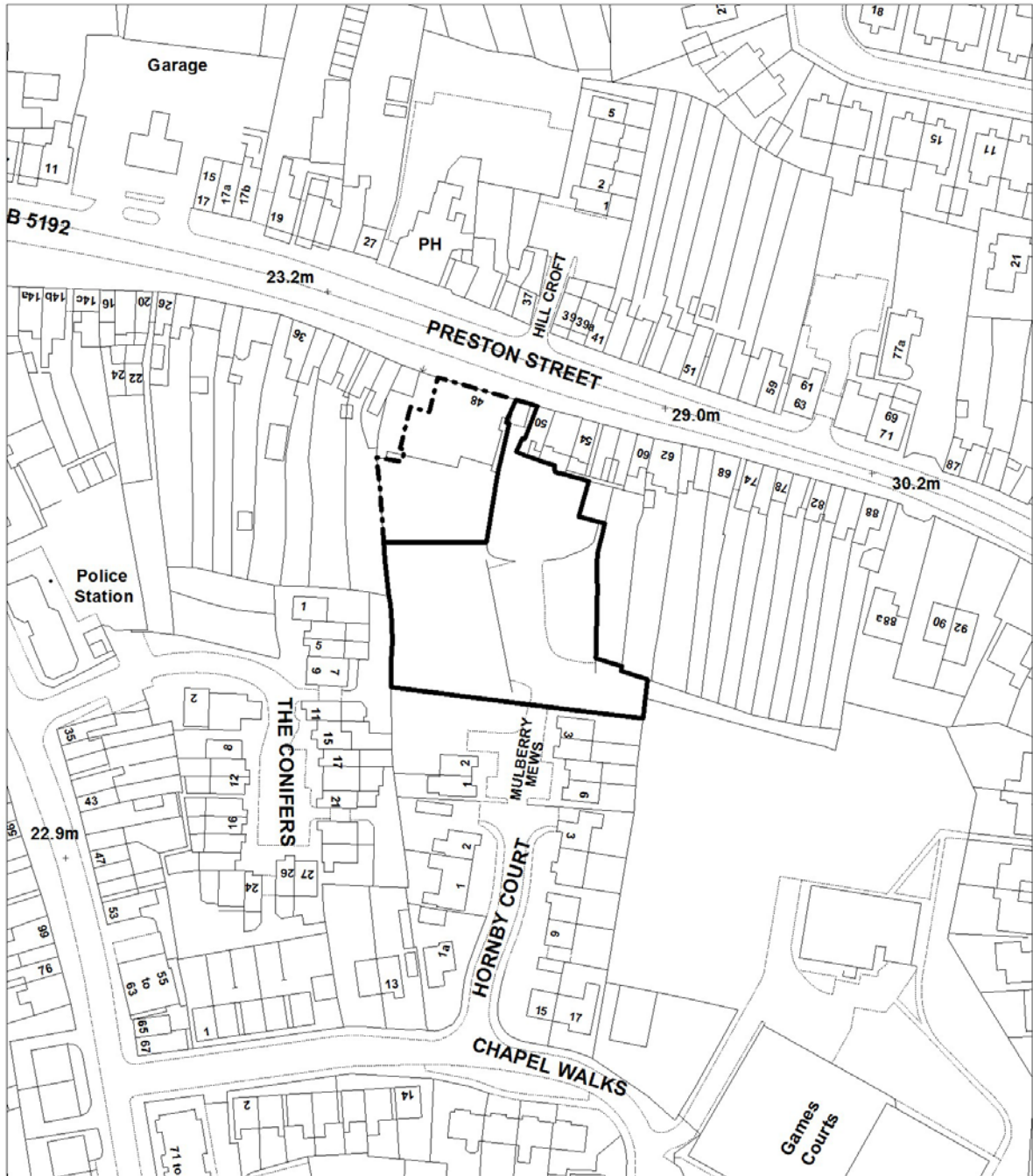
architectural merit of the listed building.

9. No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. When completed the recording shall be submitted to the Local Planning Authority.

To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.

10. The measures detailed in the responses table contained in the submitted Heritage Impact Assessment shall be carried out in full and the details shown on the Jubb & Jubb drawings shall be carried out in full.

To ensure historic features are restored or amended appropriately given the historic and architectural importance of the statutorily listed building.



Development Services Fylde Council		(c) Crown Copyright and database right (2014). Ordnance Survey (100006084).	
Application No. 5/14/0646	Address 48 Preston Street, Kirkham	Grid Ref. E.3428 : N.4320	Scale 0 6 12 18 24 m

Item Number: 5

Committee Date: 04 February 2015

Application Reference:	14/0659	Type of Application:	Outline Planning Permission
Applicant:	Metacre Ltd	Agent :	De Pol Associates
Location:	WOODLANDS, LODGE LANE, SINGLETON, POULTON-LE-FYLDE, FY6 8LT		
Proposal:	OUTLINE APPLICATION FOR THE ERECTION OF UP TO 9 DWELLINGHOUSES (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)		
Parish:	SINGLETON AND GREENHALGH	Area Team:	Area Team 1
Weeks on Hand:	20	Case Officer:	Kieran Birch
Reason for Delay:	Negotiations to resolve difficulties		

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

This proposal is an outline application for the erection of up to 9 dwellings on a 0.92 hectare site that lies on land allocated as Countryside in the Fylde Borough Local Plan within the area known as Little Singleton near to the five lane ends junction. The application also seeks approval of the access arrangements which will be formed from Lodge Lane.

The residential development of Countryside land is 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 (from December 2013) 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 before members for determination because Singleton Parish Council have raised an objection to the application, and the officer recommendation is of support.

Site Description and Location

The application site comprises 0.92 hectares of land directly west of Lodge Lane in Singleton and includes the dwelling Woodlands and an L-shaped open field to the north and west of the dwelling. Directly south of the site is a dwelling known as Peacehaven and to the north are domestic properties which front onto Garstang Road. To the west of the application site is the domestic curtilage of the dwelling known as Nelson House which fronts Garstang Road. The site at its nearest point is located approximately 60m from the Five Lane Ends junction where Lodge Lane and the A585 and A586 meet which are the main distributor roads for the area. The dwelling Woodlands is a large detached two storey dwelling set in significant grounds with a significant number of trees on its southern and western boundary. Surrounding the site the dwellings are a mix of house types and designs, each with their own character.

Details of Proposal

The application originally proposed the demolition of the existing dwelling Woodlands and the erection of up to 16 dwellings. This was subsequently amended so that the application being considered by members is for the erection of up to nine dwellings on the adjacent land to the north and west of the existing dwelling, with the existing dwelling retained. The access to the development site is to be situated approximately in the middle of the sites frontage to Lodge Lane with the access to the existing dwelling to be closed.

The dwellings are shown on the indicative layout on the north side of the road, with the dwelling adjacent Lodge Lane fronting that road and the others facing the internal access road. This road curves slightly within the site first two and then away from Woodlands leading to an area to the rear of Woodlands which is proposed to be an area of public open space and ecological mitigation area. The existing trees to the south and west within the site are shown to be retained.

At officers request a parameters plan has been submitted which shows a 'no build zone' at the front of the site in line with the building line to the north and south. As the application is outline with only access a detailed matter, the layout and appearance of the dwellings are reserved for future consideration.

Relevant Planning History

Application No.	Development	Decision	Date
04/0255	GARAGE CONVERSION AND EXTENSION	Refused	13/05/2004
95/0160	TWO STOREY SIDE EXTENSION	Granted	26/04/1995
87/0062	REAR EXTENSION TO DWELLING	Granted	25/03/1987
80/0765	CAR PORT WITH DRESSING ROOM AND EN-SUITE ABOVE.	Granted	17/09/1980

Relevant Planning Appeals History

None.

Parish/Town Council Observations

Singleton Parish Council notified on 30 September 2014 and re-consulted on 18 December 2014. They commented originally as follows:

“The Parish Council objects to the proposal and recommends refusal on the following grounds:

- 1. There are huge traffic problems in this locality. Lodge Lane is the main through road to employment in south Fylde, i.e. workers who live in north Fylde who work at BAE, Aegon, Springfields and the Land Registry use this route daily. Narrow twisty roads and badly maintained footpaths make it dangerous for cyclists and pedestrians.*
- 2. The junction at five lane ends is overloaded. United Utilities have recently calculated that 35,000 vehicles a day use this junction and the Parish Council feels it cannot cope with the volume of traffic currently using it. Long queues occur on Lodge Lane that back up as far as the entrance to Singleton Lodge every day. It takes around 20 minutes to get through the junction from 3.30pm until around 7.30pm each day along Lodge Lane.*
- 3. The traffic congestion causes problems for residents of the six houses accessing their homes. Ingress and egress is dangerous and difficult for much of the day. Very recently an accident occurred when a family member exited her parent's home and knocked over a motorcyclist who suffered injuries including a broken leg.*
- 4. Little Singleton has no recognisable centre or localised settlement. It is a widespread ribbon development with no local facilities.*
- 5. The development would intrude into open countryside and alter the nature and would be out of character with the area.*
- 6. A cul-de-sac development is an alien feature in a rural area. It would establish an urbanising feature in the countryside. The building of an "estate" type of development would be unacceptable on this plot.*
- 7. The five year housing need, as demanded by Government, is almost met. Other sites would be more suitable.*
- 8. The Housing Needs Survey illustrated that the need for housing in Little Singleton is low. Any need for affordable housing in Singleton is provided by the Richard Dumbreck Singleton Trust which provides 36 affordable homes for local people.*
- 9. Approving this scheme would establish a principle for development that would be difficult to resist should all the neighbouring houses wish to develop in the same way.”*

When consulted on the revised plans the Parish Council commented:

“Further to your letter dated 18 December 2014, Singleton Parish Council would like to re-state its objections for this amended planning application as supplied to you on 16 October 2014, particularly in regards to the traffic problems currently experienced in that locality.”

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

Commented on the original proposal for up to 16 dwellings stating;

The developer provided a Transport Statement (TS) in support of this application. The TS discusses accessibility and highways impact and concludes that the site has a reasonable level of accessibility and will have little impact on the highway. Having considered the level of traffic that the site would generate I am satisfied that the development proposal will not have a noticeable impact on highway capacity or safety.

The developer shows that appropriate sightlines can be provided at the access and my only concerns here relate to vehicles making a right turn into the access at peak times. At peak times there is queuing from the traffic signals which frequently queues past the proposed access. This queuing could impede right turning vehicles which in turn could result in queuing in the south bound lane backing up to the signals. A pre-application stage this issue was identified as a potential problem. The developer has taken on board this point and agreed to provide a "keep clear" marking which should prevent traffic in the north bound lane being stationary across the access.

As this is an outline application the internal layout is only indicative. I advise that developer refer to the Manual for Streets (DfT publication) and Creating Civilised Streets (LCC guidance) when considering the internal layout.

I can confirm that there are no highway objections to this proposal and would ask that conditions relating to the construction of the access be imposed should you be minded to grant planning permission.

They have confirmed in writing that the same comments and conditions are appropriate for the revised plans.

Environment Agency

Have not commented as the application site is in Flood Zone 1 and that the Flood Risk Assessment (FRA) submitted in support of the application correctly states that housing is an appropriate development in FZ1. However, the National Planning Policy Framework (NPPF) only requires that a FRA is submitted in support of planning applications for sites over 1 hectare in size in FZ1. Given that the site is close to 1 hectare in size they would encourage the LPA and applicant to implement the recommendations of the FRA, in particular restricting surface water run-off to greenfield rates.

United Utilities

Raise no objection but state that there are no records of United Utilities sewers in the vicinity of the proposed development.

Highways Agency

Are satisfied that the proposed development would have a minimal impact on the strategic road network and raised no objections to the original submission for up to 16 dwelling houses.

Regeneration Team (Tree Officer)

Commented on the original proposal for up to 16 dwelling houses as follows;
"This is very much a site of two distinct halves, where the majority of trees offering a planning constraint are located in the southern section. Of these, some have clear public realm benefits, with the line of silver birch to the Lodge Lane frontage offering a foil to the outward-facing aspect of the current, and any future, development.

Access will presumably exploit and improve upon the existing one in the hedge to Lodge Lane. I would prefer to see this hedge retained with widened access, but feel that LCC Highways input may affect this.

Some trees internal to the site are of lower quality. These are mainly coniferous species

that have been denied light. This is acceptable, as these are the better candidates for removal.

Those lining the southern boundary, which are trees functioning as screening and separation between developments, should be retained in any new development. Unusually for a domestic dwelling, the site features a wooded area of approximately 1100 square metres, which is indicated for retention as public open space and is also, in the wider context of Singleton, highly appropriate. This is a Fylde locality characterised by large areas of protected woodlands, where TPOs have worked to preserve the landscape character of the area.

Sensibly, matching the tree removals and suggested layout against the data in the tree survey, the applicants appear to have worked up a scheme that retains the better trees, while only indicating removal of the lesser ones. Some offsite trees are of high quality and need taking into account in a detailed layout. T1 and T10 being two examples.

Overall, I pose no objection in principle to this development but I feel that the Council should protect the retained trees by tree preservation order and that further arboricultural input to a reserved matters application is necessary. The route of underground service runs vis-à-vis retained trees, ensuring all development observes root protection areas, and setting planning conditions around tree protection are future matters to consider.”

Lancashire County Ecology Service

Have commented on both the original proposal and the revised plans which were revised in part because of their comments. Their original observations included the following;

The following matters will need to be addressed before the application is determined:

The applicant should be required to submit further information to clarify potential impacts on great crested newts (European protected species) and common toad (Species of Principal Importance in England), and their habitat.

If the above matter can be adequately addressed and if Fylde Borough Council is then minded to approve the above application or any amended proposals, planning conditions are recommended to address the following matters:

The Development should not proceed without the prior acquisition of a licence from Natural England for the derogation of the protection of (great crested newts) under the Habitats Directive and/ or previously approved measures for the avoidance of impacts on great crested newts (and thereby avoidance of any breach of The Conservation of Habitats and Species Regulations 2010) shall be implemented in full.

No site clearance, site preparation or development work shall take place until a Construction Environment Management Plan (or Method Statement) has been submitted for approval in writing detailing the measures that shall be implemented for the avoidance of impacts on biodiversity (including but not limited to protected and priority species (bats, breeding birds, amphibians, hedgehogs) and habitats, and retained vegetation including trees and hedgerows). The approved scheme shall be implemented in full.

No site clearance, site preparation or development work shall take place until a landscaping scheme (incorporating habitat retention, creation, enhancement and

management) has been submitted and approved in writing. The approved management plan shall be implemented in full. The scheme shall demonstrate maintenance of wildlife habitat (quantity and quality), including hedgerows and woodland/ woodland edges, and shall demonstrate that the development will be permeable to the passage of wildlife. Details of bat roosting and bird nesting opportunities that will be incorporated into the development shall be submitted for approval in writing, subsequently implemented in full and maintained thereafter.

No external lighting shall be erected without the prior written approval of the LPA. Any external lighting shall avoid light pollution of wildlife habitat (hedgerows, woodland edges) and shall be in accordance with guidelines issued by the Bat Conservation Trust and Institute of Lighting Engineers.

The applicant should be made aware of the following matters:

Licences from Natural England may be required if protected species will be affected.

The legislative protection afforded to protected species applies at all times.

The justification for this was that if ponds in proximity to the application area support breeding great crested newt, then the development proposals could result in impacts on individuals (killing and injuring) and population level effects (as a result of killing or injuring, but also due to loss of immediate/ intermediate terrestrial habitat). Not enough information has been submitted to fully consider the presence or non presence of protected species.

Table 6 of the ecology report includes some recommendations to mitigate impacts on great crested newt. However, it is not clear that these would be sufficient to avoid a breach of legislation if this species is present in ponds within 250m of the application area. In their opinion, the applicant has not conclusively ruled out the potential presence of great crested newts, and has not demonstrated that offences could be avoided or that the proposals would be licensable. They are unable to advise Fylde Borough Council that great crested newts are not a potential constraint to development at this site.

Following the revision of the plans to nine units and the creation of the mitigation area they have commented;

Natural England standing advice for protected species (advice for LPAs) advises that, where there are suitable features on or adjacent to the application site for newts, e.g. ponds within 500m, hibernation sites, foraging habitat, or commuting corridors, the applicant should be required to confirm that effects on great crested newt can be avoided AND this should be confirmed by specialist advice to the satisfaction of the LPA. If this cannot be confirmed then a detailed newt survey should be carried out at the right time of year, using sufficient survey techniques and effort and over adequate search area. In this case, great crested newts have been recorded breeding within 250m of the site, there are several ponds within 500m, and the application area and adjacent land do contain suitable features for newts. Therefore further consideration of potential effects of development on great crested newt is required.

Common toad is listed as Species of Principal Importance in England (section 41 NERC Act 2006); public bodies need to have regard to the conservation of such species in the exercise of their functions, and impacts on this species and its habitat are capable of being a material consideration in the making of planning decisions. Common toad occupy a large home range, spending most of their adult life on land, and dispersing up to 1.5km from breeding ponds into suitable terrestrial habitat. As noted above there are several ponds within a few hundred metres of the application area which may or may not be suitable to support common toad, and the application area supports habitats suitable to support common toad. Further consideration of impacts on common toad is

therefore required.

They have also commented on the mitigation proposed, they comment that this could be onerous and the level needs to proportionate to risk and this can be established through further information and studies. They state;

Fylde Borough Council would also need to consider whether it was appropriate to secure the proposed precautionary mitigation for great crested newt by planning condition. Paragraph 206 of the NPPF states that planning conditions should only be imposed where they are: necessary; relevant to planning and to the development to be permitted; enforceable, precise and reasonable in all other respects. In this case the proposed mitigation will only be necessary, relevant to the development permitted, and reasonable in all other respects if great crested newts are present and would be affected. Planning practice guidance states that conditions which place unjustifiable and disproportionate burdens on an applicant will fail the test of reasonableness. Thus, if great crested newts are absent, and are not a constraint to development, then the proposed mitigation would be unjustifiable and disproportionate and any condition securing the mitigation would fail the test of reasonableness.

It therefore remains the case that further information is required prior to determination to establish the presence/ absence of amphibians (great crested newt and common toad) in the local area/ site. If amphibians are present and would be affected, then mitigation/ compensation that is proportionate and appropriate to the impacts will need to be submitted for approval and subsequent implementation as part of any planning approval for this site.

Chief Education Officer

Have confirmed that as the application is now below the education threshold of 10 dwellings that there is not an education contribution request.

Neighbours notified: 30 September 2014

Amended plans notified: 18 December 2014

No. Of Responses Received: 14 letters received in relation to original plans. None received with regard to the revised plans.

Nature of comments made:

- Increase in traffic and congestion.
- Cul-de-sac out of character with the area.
- Houses will have a urban feel not rural
- Other houses may follow suit and develop.
- Singleton does not require affordable housing.
- Lodge Lane not safe for pedestrians.
- Lack of amenities in the area.
- Drainage.
- Lack of bus services in the area.
- Damage to views.
- Site not suitable for large scale housing development.

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
EP10	Protection of important landscape and habitat features
EP14	Landscaping of new developments
EP19	Protected species
EP22	Protection of agricultural land
HL02	Development control criteria for new housing proposals
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

The main issues when considering this proposal are;

- The principle of the development/impact of development on character of area
- Highways issues
- Impact on residential amenity
- Flooding/Drainage
- Trees/Ecology
- Other issues

The principle of the development**Policy background**

When considering the principle of development regard must be had to the Development Plan with determination in accordance with this plan unless material consideration indicate otherwise. The statutory development plan and material considerations in this case comprises the saved policies of the Fylde Borough Local Plan (2005) and the National Planning Policy Framework. 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 polices 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. The Local Plan identifies the site as being in the open countryside and as such policy SP2 – Development in countryside areas applies, this policy restricts development in the countryside asides for certain types of development of which the development proposed by this application is not one. Therefore on the face of it the application is contrary to Local Plan policy and so it has to be assessed whether or not the NPPF and other material considerations would justify

overruling this policy.

The NPPF states that there is a need for the planning system to perform an economic, social and environmental role. In a social role, it is necessary that the planning system supports strong, vibrant healthy communities by providing the supply of housing required to meet the needs of present and future generations that reflects the community's needs. Local circumstances need to be taken into account. There is a presumption in favour of sustainable development and local planning authorities are urged to approve, without delay, development proposals that accord with the development plan. It advises that decision takers at every level should seek to approve applications for sustainable development where possible.

In section 6 'Delivering a wide choice of high quality homes' of the NPPF it requires the significant boosting of housing and local authorities should use their evidence base to meet the full objectively assessed needs for market and affordable housing in the housing market area. For market and affordable housing a five year supply should be maintained. Housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 44). Applying this policy context to the development requires considering the NPPF as a whole and assessing the weight which should be applied to SP2 and also considering the sustainability of the development and the balance of any positive or adverse impacts, within the NPPF context of seeking to boost housing supply and economic growth. The National Planning Policy Framework requires developments to be sustainable. Proposals are to be considered against an economic, social and environmental role in this regard. Economically to ensure sufficient land of the right type is available in the right place to support growth and innovation. Socially by providing the supply of housing required with access to local services and environmentally by protecting and enhancing natural, built and the historic environment and improving biodiversity.

Accessibility of the site

The application site forms part of Little Singleton and is located 60m from the Five Lanes end junction where Lodge Lane meets the A586 and A585 which are the main distributor roads for the area. The site is surrounded by existing housing to the north south and west, with open fields to the east. It forms part of the developed area around these crossroads that forms Little Singleton. The site is located approximately 2km from the settlements of Singleton and Poulton-le-Fylde and all the services and facilities that are available there, including shops, schools and recreational facilities. Closer to the application site is a petrol filling shop 100m away which sells small amounts of convenience goods. There are two bus stops commonly known as Catlows Corner directly adjacent the site on Lodge Lane which is a school bus between St Marys School in Blackpool, Baines in Poulton, Singleton and Great Eccleston. Around the corner within 200m are bus stops on Garstang Road and Mains Lane known as five lane ends and Mains lane which provide services from bus numbers 42, 76, 400, 607 and 827 which provide direct routes to Lancaster, Garstang, St Annes, Kirkham, Great Eccleston, Poulton, Blackpool including the hospital and Fleetwood. The nearest employment site is Poulton Industrial Estate which is 1.8km away, the nearest primary school is Singleton C of E which is 1.2km away, with Hodgson Academy is 2km away.

Therefore whilst the application site is located within the open countryside it is considered to be a part of Little Singleton which forms a cluster of development around the Five Lane ends crossroads. The site is located in close proximity to the main roads in the area, near to the village of Singleton and the market town of Poulton-le-Fylde and the wider area can be accessed by bus services. The site can therefore be seen to be in a sustainable position and comply with the NPPF requirement that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 49) and that to promote sustainable development in rural areas housing

should be located where it will enhance or maintain the vitality of rural areas and that Local Planning Authorities should avoid new isolated homes in the countryside (paragraph 55). 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 sites sustainable location and the NPPF's housing objectives and presumption in favour of sustainable development.

Impact of development on character of area

The site as existing constitutes a dwelling with a large rear garden with a number of trees within it and an open undeveloped grass field with trees, some significant on its boundaries. Surrounding the site to the north, south and west are residential dwellings and their domestic curtilages. Beyond the red edge boundary to the east is Lodge Lane and open fields. It is located within the open countryside and can be considered to form part of Little Singleton which is a predominately residential area centred around the Five Lane Ends junction. Clearly the development of an undeveloped field will have an impact on the character of the area, however given the site's location it is not considered that its development would have an unacceptable impact on this character. The proposal is for a residential development which is the same as the adjacent land uses to the north, south and west, and whilst the design of the dwellings is unknown at this stage, an acceptable design can be achieved at the site that would have an acceptable appearance in the street scene and not have a harmful impact on the character of the area. The indicative plans submitted show that the development would retain the building line that exists along Lodge Lane meaning the dwelling fronting it would fit in with the street scene. The dwellings set within the site would be behind this dwelling and would not be widely visibly from Lodge Lane. The existing trees within the south area of the site help screen it from views from the south and the existing dwellings to the south and west also screen the site when viewed from Garstang Road and Lodge Lane as well as the retention of the hedgerows and mature tree within the site which assist in retaining the semi-rural feel of the area. The development will be viewed as within the developed area of Lodge Lane leading from the dwelling known as Larkfield north to the junction and west towards the dwellings set back from but accessed from Garstang Road. This boundary is well defined by mature trees and hedgerows and provides a clear boundary between the agricultural fields and residential area therefore the development of this area specifically is considered to have limited harm to the character of the area.

Little Singleton around Five Lane Ends consists of predominately historic linear or ribbon development which has occurred around this key vehicular node and in affect has formed the area called Little Singleton. The dwellings fronting Mains Lane to its south and Garstang Road to its north back onto each other and the same occurs between Garstang Road to the south and Lodge Lane to the east. Ribbon development can lead to urban sprawl and the planning system and the introduction of housing allocations and greenbelts sought to prevent this. This development affectively fills in a gap within ribbon development, and whilst it extends to the rear of the site for the reasons outlined above it will not have a significant visual impact, it will be well contained and surrounded by existing residential dwellings within little Singleton, and with the set back from Lodge Lane and existing mature landscaping would have limited impact on its character. Furthermore both Occupation Lane and Honeypot Lane to the north of Five Lane Ends extend to the rear of the dwellings fronting the main distributor road. Therefore it is considered that the proposal would be of similar character as the adjoining area and would not create an unacceptable visual impact or impact upon character that would warrant refusal of the application.

Principle of development - summary

The proposal is considered to be sustainable and would therefore comply with the NPPF requirement that housing applications should be considered in the context of the presumption in favour of

sustainable development. It is considered that the proposal forms sustainable development in its own right and would be acceptable in policy terms even if Fylde had a five year housing supply, however contrary to the NPPF requirement Fylde does not have a 5 year supply of housing which is a material consideration of weight.

Policy HL2 of the Fylde Borough Local Plan lists a series of criteria that a development needs to comply with to be acceptable, with many of these consistent with the core planning principles in para 17 of NPPF and with other sections of that guidance. Criteria 2 requires that development should be of a scale that is in keeping with the character of the locality. It is considered that the scale of development proposed in this scheme and location is acceptable and would not be of a scale that would warrant refusal of the application. It is considered that the proposal would create no visual harm to the area and overall in principle is acceptable.

Highways issues

LCC Highways have been consulted on the proposed development which was originally for up to 16 dwellings and is now for nine dwellings and have raised no objections. The comments received related to up to 16 dwellings and they have confirmed that these stand for nine units. The application is outline with all matters reserved excluding access and LCC Highways have commented that they have considered the Transport Statement submitted and the level of traffic that the site would generate and they are satisfied that the development proposal will not have a noticeable impact on highway safety or capacity. They comment that the plans submitted show that appropriate sightlines can be provided and form a safe access but they are concerned that vehicles leaving the site and turning right at peak times when there is queuing from the traffic lights will be impeded. The applicant has proposed to provide a 'keep clear' marking adjacent to the access which should prevent traffic in the north bound lane being stationary across the access. As the application is outline the layout is indicative but they advise the developer refer to Manual for Streets and Creating Civilised Streets guidance when considering the internal layout. They confirm they have no objections and request conditions relating to the creation of the access and the closure of the existing access to Woodlands. Given the response of the LCC Highways officer it is therefore considered that the level of traffic likely to be generated by this development will have no detrimental impact on highway capacity or safety, and a satisfactory means of access can be provided. An appropriate level of parking can be provided within the site, its location and type determined through a reserved matters application. There are therefore no highways issues with the application.

Impact of development on residential amenity

The application is an outline application with all matters reserved asides access. It is, however, considered that a site layout can be designed which would meet the councils spacing guidance and would not harm residential amenity. The indicative layout shows dwellings approximately 45 metres from the rear elevations of dwellings on Garstang Road, for example the rear elevation of plot 2 is 46m from the rear elevation of Rathmore House, at such distances the proposed dwellings would not create any unacceptable overlooking or loss of light. The relationship on the indicative plans between the dwellings in the site and Woodlands is acceptable and if a layout similar to the one submitted was developed the occupants would enjoy an acceptable level of amenity.

Flooding/Drainage

The application is not located within a flood zone and is therefore located in an area where the development of a more vulnerable use such as dwellings is acceptable. The site is less than hectare and therefore the Environment Agency have not commented on the application but state that given that the site is close to 1 hectare in size they would encourage the LPA and applicant to implement the

recommendations of the FRA, in particular restricting surface water run-off to greenfield rates. This can be subject to a planning condition. United Utilities have raised no objections but refer to the fact that there are no records of United Utilities sewers in the vicinity of the proposed development. Despite not requiring to submit a FRA due to the size of the site the applicants have submitted a FRA and drainage strategy. This indicates that in terms of surface water there are a number of options for attenuating the proposed flow from the development and that the storage could be in the form of underground tanks, or via detention/retention basins or a combination of both. It states that in order to comply with the EA and code for sustainable homes requirements peak rates of run-off will be restricted to existing greenfield run-off rate and storage will be provided up to and including the 1 in 100 year storm event. Flows will be restricted by a hydrobrake prior to outfall into the existing system. In terms of foul drainage it states correspondence has been exchanged with United Utilities with regard to connecting to the new sewer on Garstang Road. UU have confirmed that they would allow a foul sewer connection into the foul sewer currently under construction to the north of the site along Garstang Road. This may well require a pumping station within the site. They state that should this for any reason be unachievable then the development could be drained via a modern sewage treatment plant with outfall into the existing combined piped outfall on site. This would be subject to EA approval.

A representation has been received from the owner of Silverstone on Garstang Road East with regard to the applicant's plans for water dispersal. This states that there are currently eight properties including Woodlands, east of this property, which use an outfall pipe to dispose of waste and surface water. The representation states that five of the above properties have elected to have their waste water connected to the new recently completed sewer in Garstang Road. It states that if the nine properties are unable to connect to this sewer they will install a treatment plant and pump the waste water from the nine new properties down the fifty year-old outfall pipe. This will result in twelve properties will be using it. They state a pre-requisite of this planning application being allowed, must be the disposal of waste water down the recently completed sewer in Garstang Road. They also state that there is an Inspection Chamber on their property through which the existing flow of waste and surface water passes, they are concerned that any collapse or blockage from the extra flow will result in flooding of their garden and they are under no obligation to allow additional flow to cross their property and will not permit this. They state that In the Planning Application, de pol's Consultants identify rainwater harvesting, permeable paving, open swales, basins and ponds as feasible means of dispersing surface water. If this method was to be used, there would be no impact on the existing pipeline. They believe that these methods must be used to dispose of surface water, from the nine new properties.

Officers asked the applicants to comment specifically on the above detailed representation regarding drainage to which they confirm that the application does not propose any drainage works outside the application site boundary. And that although the drainage strategy for the site does seek to utilise the existing outfall pipe, the peak discharge will be restricted to that which currently exists. As such, there will be no greater impact on the neighbours land as a result of the development than that which is currently taking place. In terms of whether permission is required to do this their understanding is that as the peak discharge will be no greater to that which currently exists they have a legal right to discharge water via the existing outfall point, and that in any event, this is a private/legal matter. Furthermore, and as detailed within the supporting FRA & Drainage Strategy, their preferred option for foul drainage would be for the development to connect to the new sewer recently completed along Garstang Road, which United Utilities have confirmed would be permitted subject to detailed application/approvals. The feasibility of which will of course be explored further with UU in the preparation of a detailed drainage strategy to support a subsequent Reserved Matters application. It is therefore considered that subject to conditions requiring full drainage details to be submitted and that surface water run-off rates are restricted to existing greenfield levels that there are no drainage issues

with this application.

Trees/Ecology

Trees

With regard to trees the Councils Tree Officer commented on the original proposal as outlined in full in the consultees responses section of this report. His comments included that the trees lining the southern boundary, which are trees functioning as screening and separation between developments, should be retained in any new development. That the site features a wooded area of approximately 1100 square metres, which is indicated for retention as public open space and is also, in the wider context of Singleton, highly appropriate. The submission matches the tree removals and suggested layout against the data in the tree survey, and the scheme retains the better trees, while only indicating removal of the lesser ones. He therefore poses no objection in principle to this development but feels that the Council should protect the retained trees by tree preservation order and that further arboricultural input to a reserved matters application is necessary. The route of underground service runs vis-à-vis retained trees, ensuring all development observes root protection areas, and setting planning conditions around tree protection are future matters to consider. These issues will be considered more fully at Reserved Matters stage.

Ecology

The application has been submitted with an extended phase 1 Habitat Survey and Baseline Ecological Impacts assessment which has been assessed by LCC Ecology on behalf of the Council. Their initial response was that the application needed to submit further information to address issues with regard to potential impacts on newts and toads, and that should we be minded to approve the application conditions will be required with regard to site clearance, details of bat roosting and external lighting. They required further details about the presence and potential movement of protected species around and within the site so that appropriate mitigation can be achieved and that in their opinion the reports submitted have not conclusively ruled out the potential presence of great crested newts and have not demonstrated that offences could be avoided or that proposals would be licensable and therefore they are unable to advise Fylde Council that great crested newts are not a potential constraint to development at this site.

Subsequently the application was amended to nine dwellings with the retention of the existing dwelling and the provision of public open space and ecological mitigation area at the rear of the site and also provided a letter with further details outlining the potential impacts and mitigation on protected species. Including additional information about the habitat surrounding the site and mitigation including creation of aquatic habitats, terrestrial habitats, management and protection of the habitats.

LCC Ecology have confirmed that the amended plans which retain the existing dwelling mean that precautionary measures for bats during demolition are not required. However they are not satisfied that sufficient further consideration of the potential effects of development on great crested newts has been provided. This is because great crested newts have been recorded breeding within 250m of the site, there are several ponds within 500m, and the application area and adjacent land do contain suitable features for newts. This also applies to common toads.

LCC Ecology comment that the applicants ecological consultant suggests that there would be no impacts on great crested newt, arguing that great crested newts are unlikely to be present due to the presence of inhospitable habitat between the ponds and the application area, and the fact that the

closest ponds contain fish and will therefore be suboptimal for newts (although it must be noted that common toads frequently occur in ponds with fish). However the consultant has not explained (or adequately evidenced) how the 'inhospitable habitat' constitutes an impenetrable barrier to the movement of newts (or toads) in this landscape, and it is therefore not clear how the intervening habitat constitutes an obstacle to the dispersal of amphibians. Aerial photographs clearly show stables, driveways, gardens, sand paddock, etc, and whilst these features may constitute low quality terrestrial habitat, they are (with the exception of the stable block) habitats that amphibians will cross. Moreover, as the consultant has not visited ponds within 250 – 500m of the application area (and note that in the original ecology report this was thought to be a significant limitation at this site), it is unclear how the presence of fish (at levels which preclude the presence of newts) has been determined, or otherwise how any assessment of the suitability of these ponds to support great crested newt (or common toad) has been carried out. No Habitat Suitability Index (HSI) appraisal appears to have been carried out (or at least results are not presented), and surveys for amphibians have not been carried out (neither pond surveys nor adequate terrestrial surveys). The presence or absence of amphibians in the closest ponds to the application area is therefore currently unknown. Despite this a range of mitigation measures have been approved which LCC Ecology state it would be inappropriate to approve as if there are no newts present then it would be onerous, over-precautionary and disproportionate to likely risks, if they are present or likely to be present then the results will be need to proportion the mitigation. They conclude that it therefore remains the case that further information is required prior to determination to establish the presence/ absence of amphibians (great crested newt and common toad) in the local area/ site. If amphibians are present and would be affected, then mitigation/ compensation that is proportionate and appropriate to the impacts will need to be submitted for approval and subsequent implementation as part of any planning approval for this site.

At the time of writing this report the applicants were in the process of submitting this additional information in order to satisfy LCC Ecology and should this occur prior to this item being considered by members this will be relayed in the late observations sheet along with any conditions seen as necessary and the recommendation will be one of approval. However as it stands the issues are not resolved, however it is your officers opinion that this issue can be resolved and therefore the recommendation is to delegate approval to the Head of Planning subject to resolution of the ecological issues to officer satisfaction.

Other issues

Loss of agricultural land

The development would result in the loss of approximately 0.92 hectares of open grassland. The land is classed as Grade 2 (better quality) agricultural land. Paragraph 112 of the NPPF states that local authorities should take into account the economic and other benefits of the most versatile agricultural land and that where significant development of such land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference. This particular area of Fylde has a large amount of Grade 2 and 3 agricultural land, according to Natural England records 33.9% of Fylde is grade 2 quality. Therefore a re-location of the development to a greenfield site would likely be to other land classed as versatile agricultural land or better quality. Whilst the loss of agricultural land is not a good thing, the loss of this small isolated site is not significant and could not justify a reason for refusing the application, especially when balanced against the economic benefit and support at local and national level in planning policy.

Affordable housing

There is no adopted Development Plan policy specifying the affordable housing requirement and the Council have used the Interim Housing policy, which refers to the Council negotiating for affordable housing on proposals of 4 or more dwellings within the rural area and on proposals of 15 or more dwellings in the urban area. The IHP was adopted 2008 and is of limited weight, with greater weight to be attributed to the National Planning Policy Framework and National Planning Practice Guidance.

The NPPF was revised on the 28 November 2014 with regard to when planning obligations should not be sought from developers. This states that contributions should not be sought from small scale and self-build development. Specifically stating that;

“contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm. In designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985 which includes National Parks and Areas of Outstanding Natural Beauty. Affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home.”

As this application is for nine units obligations cannot be sought from the development in relation to affordable housing or education contributions.

Public open space

Policy TREC17 of the Local plan refers to public open space within new housing developments with calculation of area based on the number of bedrooms in each of the dwellings provided. As this is an outline application the exact amount will need to be calculated at Reserved Matters stage however the submitted site layout shows an area of POS at the rear of the site which would meet the requirements.

Conclusions

This proposal is an outline application for the development of up to 9 dwellings on a greenfield site designated as Countryside in the Fylde Borough Local Plan. Residential development of such areas is contrary to Policy SP2 and so this would require a refusal of the application unless there were material considerations that outweighed the determination of the application in accordance with the development plan.

As members are aware, the NPPF requires that the council is able to deliver at least a 5 year supply of housing land, and is supportive of sustainable development which is described as a ‘golden thread’ to the document. This is articulated in paragraph 14 which states that councils should grant planning permission for such proposals where the development plan is silent or out of date on the subject unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or there are conflicts with other material planning considerations. The council continues to be unable to deliver a 5 year supply of housing land as is required by the NPPF, and no part of the development plan currently provides any realistic method of doing so without the development of out-of-settlement sites that deliver ‘sustainable development’.

This proposal is considered to deliver a sustainable form of housing development as is required by NPPF. The scale of development and its context in relation to its location is considered acceptable and whilst there would be some visual impact it is not considered that there would be sufficient harm to warrant refusal of the application. The sites location is considered to be sustainable and an appropriate location for development. As the application is outline the siting of the dwellings is unknown but it is considered that a layout can be achieved that protects residential amenity. Planning conditions can be used to ensure this. The proposal is considered to form 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.

The authority to grant planning permission should be delegated to officers so that following resolution of ecological issues to officers satisfaction they can issue the decision with the conditions outlined in this report as well as additional ecological ones.

Recommendation

That determination of the application be delegated to the Head of Planning & Regeneration for Planning Permission to be GRANTED subject to 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, specifically with regard to ecology):

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. Prior to first occupation of any of the dwellings hereby approved the existing access shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads

Reason: To limit the number of access points to, and to maintain the proper construction of the highway

4. 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.

5. No development shall take place until a foul and surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme will be managed and maintained after completion.

Reason: To prevent the increased risk of flooding, both on and off site.

6. 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 parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- e. wheel washing facilities
- f. measures to control the emission of dust and dirt during construction
- g. a scheme for recycling/disposing of waste resulting from demolition and construction works
- h. hours and days of operation at the site

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

7. 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.

8. The reserved matters shall include details of dwellings in a range of scales and designs with no dwelling or residential building exceeding 2 and a half storeys in height.

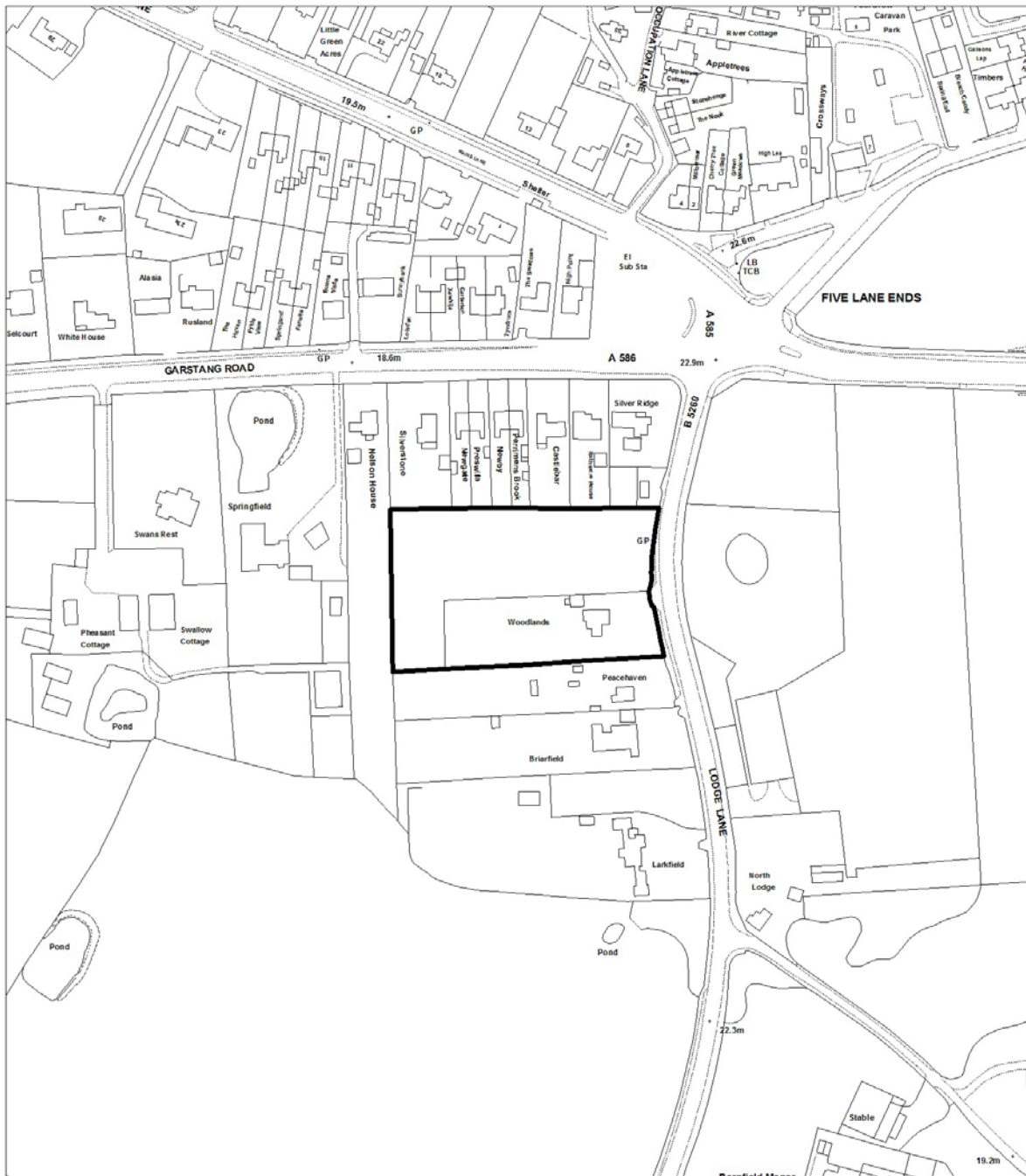
Reason: To ensure that the development hereby approved is of an appropriate scale for the surrounding area as required by NPPF and Policy HL2 of the Fylde Borough Local Plan.

9. 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 12 September 2014, including the following plans:

Parameters Plan 14.1003 P (00) 003 Revision D

Proposed site location plan 14.1003 SU (00) 001

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 (2014). Ordnance Survey (100006084).	
Application No. 5/14/0659	Address Woodlands, Lodge Lane, Singleton	Grid Ref. E.3375 : N.4393	Scale 0 10 20 30 40 m

Item Number: 6

Committee Date: 04 February 2015

Application Reference:	14/0696	Type of Application:	Full Planning Permission
Applicant:	Solar Park Developments	Agent :	Pegasus Planning Group Ltd
Location:	LAND NORTH OF MOSS SIDE LANE AND SOUTH OF THE RAILWAY RIBBY WITH WREA, PRESTON, PR4 2WP		
Proposal:	INSTALLATION OF GROUND MOUNTED PHOTOVOLTAIC SOLAR ARRAYS TO PROVIDE APPROXIMATELY 16MW GENERATION CAPACITY TOGETHER WITH POWER INVERTED SYSTEMS; TRANSFORMER STATIONS, INTERNAL ACCESS TRACK; LANDSCAPING; DEER FENCING AND ASSOCIATED ACCESS GATE.		
Parish:	RIBBY WITH WREA	Area Team:	Area Team 1
Weeks on Hand:	18	Case Officer:	Kieran Birch
Reason for Delay:	In order to allow the applicant to provide additional supporting information.		

Summary of Recommended Decision: Refuse

Summary of Officer Recommendation

The application proposes the development of a solar farm, with associated infrastructure and equipment on agricultural land at Moss Side Lane, Wrea Green. The principle of this form of development in the countryside is acceptable in light of the support for renewable energies in NPPF, and the information submitted in respect to alternative site search is considered acceptable by officers. It is also accepted that the development would not have an unacceptable impact on residential amenity or the highways network.

However it is considered that the loss of 26.5 hectares of best and most versatile agricultural land, which constitutes 72% of the application site is not acceptable. In addition, due to the lack of several surveys, the impact on wintering birds, nesting and breeding birds and amphibians is unknown, and therefore the scope of mitigation required and whether this can be achieved is also unknown and, therefore, the development could have an adverse effect on ecology and biodiversity. Without this information due to the potential impact on protected species and whether or not appropriate mitigation can be provided the application cannot be recommended for approval.

The proposed solar farm covers an area of 38.74 hectares and visually it has been assessed that it would have an unacceptable impact to the amenities of the area. The solar farm would appear alien and incongruous within the rural landscape and would cause unacceptable landscape harm. Views to and from the site would be detrimentally affected as well as the character of the area and the setting of Wrea Green would be adversely affected.

The visual harm has to be balanced against the gain of a renewable energy source and rural diversification. Whilst the NPPF encourages the development of renewable energy and the

NPPG states in some instances the visual impact of solar farms will be minimal, in this case it is considered that the substantial and demonstrable harm to be experienced in the local landscape, from residential properties, Public Rights of Way and the impact on the setting of Wrea Green itself, is of great significance and this harm outweighs any benefit experienced by way of renewable energy. The development would not result in any significant economic benefits to the locality and has the potential to cause environmental harm. As such having regard to the NPPF, it is not considered to be sustainable development and therefore the presumption in favour set out in the NPPF does not apply. The adverse impacts of the proposal would outweigh the benefits and the proposal is considered to be unacceptable having regard to the NPPF. The proposal is therefore recommended for refusal.

Reason for Reporting to Committee

The application is for a Major development and whilst the recommendation is one of refusal it is considered that the development is of such local significance that the decision should be made by the Development Management Committee.

Site Description and Location

The application site comprises 38.74ha of agricultural land that is sited to the Moss Side Lane, south and east of the railway line that from east to west, which has Ballam Road to its north. The site is located approximately 250m west of Wrea Green with the smaller developed area of Moss Side approximately 700m to the south west. The village of Welsby is approximately 500m to the north. The site is designated as countryside under the adopted Local Plan. There are five listed buildings within 600m of the site. There are a number of trees subject to a Preservation order directly east of the site just north of Moss Side Lane. A Public Rights of Way crosses the site, from the east to west, and there is another Public Right of Way to the south of the site leading south from Moss Side Lane. The site is its entirety is in Flood Zone 1. There is a Biological Heritage Site; Willowmead Park Swamp 100m south of the site adjacent to the housing estate and road. The agricultural assessment submitted with the application indicates that the land is a mix of 3a, 3b and 4 agricultural land.

The site is made up of interconnected fields of irregular shapes. Two of which are used for growing crops with the other used for sheep grazing. The northern boundary of the site is formed by the railway, with other boundaries formed by hedgerows and hedgerow trees growing on field boundaries. The sites boundary with Moss Side Lane consists of a low wall, with the internal field boundaries formed by hedgerows of differing sizes. There is a field access to the site from Moss Side Lane, from which the application site can be viewed. There are four small ponds within the application site, and several more in the wider landscape surrounding the site.

In terms of topography a plan showing the levels of the site has been requested but at the time of writing this report had not been provided however from the boundary with Moss Side Lane the site is 17m AOD, rising three metres to the north to 20m AOD before rising beyond the railway to 26m AOD. Wrea Green is 28m AOD at the greens centre. The site therefore slopes from south to the north with a high point in the middle of the site where the PROW turns. The landscape character of the wider area is low lying and undulating fields within which hedgerow and hedge trees and small strips of woodland are prevalent. There are scattered farmsteads and roadside dwellings across the landscape with clusters of residential development alongside Moss Side Lane. Shepherds Farm and the Villa are directly east of the application site. Some residential properties at Willowmead which is to the south west of the development have windows facing towards the site.

Details of Proposal

The proposed development is for the installation of photovoltaic panels laid out in arrays of rows running across the field enclosure. The panels are set back from the boundary of each field by at least 6m in order to provide for access around the edge of each field and to ensure the continuing health of existing trees and hedgerows. The arrays will be mounted on a simple metal framework. The maximum height of the arrays will be 2.31m above ground level and will be installed at a gradient of approximately 25 degrees from the horizontal, facing south. The panels will be fixed and will not move or track the movement of the sun. Each of the arrays are connected to nine inverter stations which are dotted around the site, which are then connected to the grid via a substation. Within the site as well as the inverter stations are proposed to be storage shed, control room, substations, and 2m high deer fencing. The dimensions of the buildings are;

1 no. control room measuring 2.9m (height) x 6.5m (width) x 2.5m (depth);

1 no. DNO substations measuring 4.8m (h) 6.9m (w) x 5.3m (d);

1 no. client substation measuring 2.8m (h) x 4.1m (w) x 2.5m (d); and

9 no. transformer stations which are comprised of one station structure measuring 2.9m (h) x 4.5m (w) x 1.7m (d), the transformer itself measuring 2.9m (h) x 6.5m (d) x 2.4m (w).

No artificial lighting is proposed at the site and the CCTV cameras have been removed from the application. The existing footpaths within the site and the ponds will be retained. It is proposed to screen views of the arrays from these footpaths by planting hedgerows. It is acknowledged by the applicants that it takes time for hedgerows to grow and mature, semi-mature specimens can be planted from inception.

The proposed development comprises a free standing 'static' 16MW solar PV farm, with all the power exported to the National Grid. The applicant states that the development will provide power for the equivalent of approximately 4500 homes annually. It is intended that the development would operate for a period of 25 years after which the site will be de-commissioned and returned back to agricultural use. Over the course of the 25 years the applicants state that this will save potentially 225,000 tonnes of carbon dioxide emissions. It is proposed that sheep grazing will continue around the arrays during the operational period.

The site would be accessed from Moss Side Lane from the southern boundary, using an existing access point. Access for the construction vehicles would be this road with a temporary construction compound is proposed adjacent to the site access, to be used during the construction period.

The application has been accompanied by supporting documents as follows:

- Planning statement
- Design and access statement
- Heritage desk based assessment
- Statement of community involvement
- Agricultural assessment
- Alternative site search
- Glint and glare study.
- Construction Environmental management plan
- Construction Traffic Management Plan
- Construction Traffic Management Plan Addendum
- Ecological survey
- Landscape and Ecological Management Plan
- Tree survey, arboricultural impact assessment and tree protection plan.

- Landscape and Visual impact assessment
- Flood risk assessment

The application was revised on the 8 December 2014 following comments received from the Councils Tree Officer and Landscape and Urban Design Officer. The amendments were:

Removal all CCTV cameras from the proposal.

Relocation of site storage and control rooms, client HV Switchroom and DNO HV Switchroom away from the public footpath;

In response to the Tree Officers comments relating to the Old Cloverfield Plantation, the access track is now positioned 11m from the site boundary;

Panels were set back from Moss Side Lane by 25m with the proposed hedgerow retained

Additional planting added to South Western Boundary

3m hedgerow are now proposed to be maintained at 2.5m

The plans showing CCTV were asked to be removed from the application and a revised site layout plan and landscaping plan were submitted to reflect the above amendments.

Further amendments were received on the 21 January 2015 in order to try and address officer concerns about the visual impact of the proposal which resulted in an amendment to the site plan.

These amendments comprised:

Reduction of proposed solar development from 18 MW to 16 MW.

The reduction of solar panels along the western boundary of the application site.

Reduction of solar panels along the southern boundary of the site resulting in a 100m buffer between Moss Side Lane and the proposed development.

Additional tree planting to the northwest corner of the site.

Tree belt planting to the south western corner and southern edge of the application site.

Additional tree belt planting to the northern boundary of the application site.

Relevant Planning History

None

Relevant Planning Appeals History

None.

Parish/Town Council Observations

Ribby with Wrea Parish Council

Summary of Response:

The Council SUPPORT this proposal on the basis it is supplying much needed green energy, but subject to the Borough Council being satisfied that alternative "brown field/non BVL possible options within the borough boundaries have been satisfactorily explored.

Westby with Plumpton Parish Council

Summary of Response:

Although not in Westby Parish the application comes close to the boundary and recommend refusal on the following grounds:-

- Loss of good agricultural land
- Too large a development – eyesore everything in moderation

Statutory Consultees and Observations of Other Interested Parties

National Air Traffic Services

No objections.

Blackpool Airport

No comments received.

Planning Policy Team

Thank you for your memo dated 3rd October 2014, inviting planning policy comments on the above. I have assessed the proposal against the Fylde Borough Local Plan (As Altered: October 2005,) the Fylde Local Plan to 2030 Part 1-Preferred Options, the National Planning Policy Framework and National Planning Practice Guidance. 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.

Policies EP10 and EP11 serve to protect the distinctive character of Landscape and Habitat features in Fylde, in particular Policy EP11 states that "NEW DEVELOPMENT IN RURAL AREAS SHOULD BE SITED IN KEEPING WITH THE DISTINCT LANDSCAPE CHARACTER TYPES IDENTIFIED IN THE LANDSCAPE STRATEGY FOR LANCASHIRE AND THE CHARACTERISTIC LANDSCAPE FEATURES DEFINED IN POLICY EP10."

Policy EP22 is also of some relevance to the application as operates to protect the Best and Most Versatile Land (BMV) and proposals that involve the permanent loss of (BMV) will not be permitted where there are alternative sites. In the agricultural assessment provided by the applicant, on page 6 it states that 74% of the site is classified as 3a (good) with the remaining land of lesser quality (3b and 4). (Grade 1 being excellent and 5 very poor)

As the proposal is for a period of 25 years, Policy EP22 could be satisfied by the use of a condition preventing the permanent loss of BMV land. The decision maker will also need to consider whether alternative sites on Previously Developed Land, land within developed areas and non-agricultural land have been adequately assessed.

Lancashire Renewable Energy Study (2011) and update 2012*

*This document was accepted by the Local Plan Steering Group for the purpose of policy formulation.

The Lancashire Renewable Energy Study mentions potential renewable energy sources in

Lancashire however it only considers solar energy under micro generation and does not consider large scale solar schemes.

Fylde Local Plan to 2030 Part 1-Preferred Options*

*The Fylde Local Plan Preferred Options has yet to pass examination in public therefore it has limited weight attached to it.

Policy CL2 is relevant to the application and states that applicants for renewable and low carbon energy developments must consider impact on certain criteria and demonstrate that any negative impacts can be satisfactorily addressed. The policy refers specifically to eight potential forms of impact.

It is for the decision maker to decide if any potential negative impacts associated with the development have been adequately addressed with regard to these criteria.

NPPF

NPPF paragraph 98 states that local planning authorities (LPA's) with regard to renewable or low carbon energy should "approve the application if the impacts are or can be made acceptable" and that LPA's should expect applications for commercial scale projects outside areas identified in the Local Plan to "demonstrate that the proposed location meets the criteria used in identifying suitable areas."

Paragraph 112 states that LPA's should take into account the economic and other benefits of (BMV land) and seek to use areas of poorer quality land in preference to higher quality land.

NPPG

Paragraph 13 is particularly relevant to the application and provides detailed guidance on what should be taken into account during application for large scale solar farms. The importance of proper planning and screening to minimise negative impacts are emphasised. The paragraph particularly notes that undulating landscapes are sensitive to negative impacts arising from large scale solar farms, as the proposed site is an undulating landscape area it is particularly sensitive to negative impacts.

"The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively."

It is recommended to seek the views of the Council's Urban Design Officer in this respect.

It is noted that the paragraph states that Solar Farms should be directed to Previously Developed Land (PDL) and non-agricultural land first. When Greenfield land is involved it must be demonstrated that agricultural land has been shown to be necessary and that poorer quality land has been chosen over higher quality land. The application site is on Greenfield land with good quality land being used therefore it is for the decision maker to decide whether alternative site such as on PDL or non-agricultural land have been properly considered. It is also noted that conditions can be used to ensure that land reverts to its previous use when the installations are no longer in use.

Summary

The proposal is in conflict with Policy SP2 of the adopted Fylde Local plan, however this must be balanced against NPPF paragraph 98 that applications for renewable energy

should be approved if the impacts can be made acceptable. In addition the site's high agricultural value would seem to conflict with the requirements of NPPF para 112 and NPPG paragraph 13 unless the decision maker believes that alternative PDL and non-agricultural sites have been properly considered. If you are minded to approve the proposed development it is recommended that conditions be attached which time limit the development after which the site would revert to its previous use.

Lancashire County Council - Highway Authority

The development proposal will have its greatest impact on the highway network during its construction phase. Once complete there will be minimal vehicle movements associated with the development. The level of vehicle movements throughout the construction period are at a level where there will be no highway capacity issues and as such it is the safe movement of vehicles which is the major concern. The developer is proposing to use an existing field gate access of Moss Side Lane at a point where there is a double white line system in place and the road is subject to the national speed limit. The developer has provided traffic data which shows that existing vehicle speeds are significantly below the speed limit. I have no traffic count data to verify the speeds and volumes of traffic produced by the developer, however, site observations lead me to conclude that the information provided by the developer is correct. The sightlines at the access are restricted when looking towards Wrea Green due to the hedge opposite the development site. The developer acknowledges this and has indicated that some hedge management may be required in order to achieve acceptable sightlines, if the hedge remains a sightline of approximately 2.4m x 50m (measured to the centreline) can be achieved. However, the developer is proposing a traffic signing scheme which would influence vehicle speeds and provide adequate warning of turning vehicles for approaching and emerging vehicles.

With an appropriate traffic management scheme I am satisfied that the means of access to the site is acceptable. The developer has indicated a willingness to provide a Construction Traffic Management Plan. The details of the plan will need to be agreed and the developer should make provisions to avoid HGV's using The Green at the start and end of the school day due to the presence of child pedestrians and congestion caused at these times. The developer has also indicated a willingness to carry out a Highway Condition Survey. The details of which will need to be agreed.

Overall I can confirm that there are no highway objections and would ask that the following conditions be imposed should you be minded to grant planning permission.

1. That part of the access extending from the highway boundary for a minimum distance of 15m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials. Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.
2. 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. 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.
3. No part of the development shall be commenced until the site access and off site

highway works have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

4. No part of the development hereby approved shall commence until a Construction Traffic Management Plan has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. The development scheme be carried out in accordance with the approved plan. Reason: In order to satisfy the Local Planning Authority and Highway Authority that the construction traffic does not have an adverse impact on road safety.

5. No part of the development hereby approved shall commence until a Highways Condition Survey has been undertaken. The survey shall be in accordance with details to be agreed with the Local Planning Authority in consultation with the Highway Authority. Reason: In order to satisfy the Local Planning Authority and the Highway Authority that construction traffic does not have a detrimental impact on the integrity of the local highway network.

Lancashire County Ecology Service

The main ecological issues arising from the proposal include potential impacts on:

- Wintering birds, including qualifying features of nearby statutory designated sites.
- Ground nesting birds, including Species of Principal Importance
- Amphibians, including Great Crested Newt (European Protected Species) and Common Toad (Species of Principal Importance).
- Bats (European Protected Species).

Although the proposals may have the potential to enhance the site for biodiversity, at this stage the ecological value of the site and the likely ecological impacts resulting from the proposals has not be fully established.

At this stage the surveys are incomplete and there is insufficient information to enable Fylde Borough Council to reach a planning decision, including insufficient information to enable Fylde Borough Council (as competent authority for the purposes of the Conservation of Habitats and Species Regulations 2010 (as amended)) to engage with the Regulations in the making of this planning decision.

The following matters will need to be addressed before the application is determined:

Wintering Birds (including statutory designated sites)

I note that Natural England has provided comments regarding statutory designated sites and their qualifying features (letter dated 24th October 2014). Natural England's comments will need to be addressed prior to determination of the application. Natural England has highlighted the need for additional information to be submitted to enable Fylde Borough Council to undertake a Habitats Regulations Assessment, including the results of wintering bird surveys. These surveys will need to be complete and the information required submitted prior to determination of the application. Fylde Borough Council will need to have regard to the Habitats Regulations in reaching a planning decision. If impacts on statutory designated sites are unlikely then there may still be potential impacts on wintering birds at a county or local level. In this case the applicant will to submit measures to demonstrate that impacts would be avoided, and if unavoidable and acceptable that they will be adequate compensated for.

Breeding Birds (including Species of Principal Importance)

Lancashire County Council has access to records of Lapwing breeding within the local area, including 2002 records from the 1km square in which the majority of the site lies. There are also records of Skylark breeding within the 4km square containing the site. Lapwing and Skylark are Species of Principal Importance. DEFRA Circular 01/2005 states that UK Biodiversity Action Plan Priority Species (Species of Principal Importance, NERC Act 2006) are capable of being a material consideration in the making of planning decisions. The assessment of likely impacts on ground nesting bird species is not adequate. The Ecological Survey report (Michael Woods Associates, September 2014) states that the majority of the arable and improved grassland fields are considered sub-optimal for ground nesting birds due to lack of dense vegetation cover (para 7.5.24). However, whilst species such as Skylark may require some cover for nesting this can be provided by arable crops (Skylark do nest within fields of arable crops). In addition, Lapwing require a good all round view from the nest to spot predators, and nest either on bare ground or in short vegetation with some arable land (such as spring sown crops) providing ideal habitat. Under the proposals solar arrays would be installed across the fields. Although there would be spaces between the arrays, the proposals would result in a loss of available land which may be used by ground nesting birds and the presence of solar arrays may disturb/displace any ground nesting birds from the whole area within which they are located.

The proposals therefore have the potential to result in a loss of nesting habitat for ground nesting birds, including Species of Principal Importance. The likely impacts on these species have not been established.

The submitted Landscape and Ecological Management Plan states that an area of grassland will be managed in order to make it suitable for breeding skylarks (Objective O3). However, the currently suitability of this land is not clear to me, the use of the site by Skylark has not been established and the area proposed for management for Skylark is a very small proportion of the area of the site that may be suitable (including the arable land). It is not therefore clear that this would avoid impacts or offset impacts on Skylark. Unless the applicant can submit further information to demonstrate it is reasonably unlikely that the site is used by populations of ground nesting birds, the applicant should be required to submit the results of breeding bird surveys to establish the likely impacts on these species and to inform the need for avoidance, mitigation/compensation measures. If surveys show there would be losses of habitat for ground nesting birds then the applicant will need to submit mitigation / compensation measures prior to determination of the application. This matter will need to be addressed prior to determination of the application as, if the site is of value to ground nesting birds, it is not clear that losses could be compensated for on site.

Amphibians including Great Crested Newt (European Protected Species) and Common Toad (Species of Principal Importance)

There are a number of ponds within the site which are considered to have good and excellent suitability for Great Crested Newt and further ponds are present within 500m of the site (e.g. paragraphs 7.5.10 & 7.5.11, Ecological Survey). There are records of Great Crested Newt in the wider Wrea Green area. The presence/absence of Great Crested Newt has not been established. In addition the applicant has not demonstrated that impacts (and offences) would be avoided. The assessment of impacts on Great Crested Newt submitted within the Ecological Survey is not adequate and does not appear to be based on full knowledge of the proposals. For the following main reason Great Crested Newt presence/absence surveys are required:

- The assessment of likely impacts on Great Crested Newt is based on the works being

carried out in the amphibian hibernation period and suitable places of shelter being retained unaffected (e.g. para 7.5.14). However, the submitted Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan shows that sections of hedgerow are to be removed to facilitate the proposed infrastructure (such as fencing), including sections of hedgerow very close to ponds and which have habitat connectivity to ponds (e.g. sections of H4 & H5). As stated in the Ecological Survey report if Great Crested Newt are present they are likely to forage and shelter in hedgerows and arable margins (para 7.5.12). The proposals would therefore affect potential places of shelter for Great Crested Newt.

It is also worth noting that aside from direct impacts on suitable places of shelter during the construction works, the Ecological Survey report does not assess all potential impacts on Great Crested Newt during all stages of the development (including site clearance, construction works, operational phase and decommissioning). For example: the internal

access tracks may limit newt movement, vehicle movements through the site may result in killing/injury, the construction works may result in significant rutting/churning up of the ground on the site which may limit newt movements, the works may result in a temporary loss of suitable foraging habitat (such as grassland), maintenance of the site post construction may have potential to result in adverse impacts (e.g. grass cutting/trimming may result in killing/injury), decommissioning works may result in impacts on places of shelter created as a result of the proposals and in killing/injury etc. Even if suitable places of shelter were not to be affected, it is not clear to me that the works could or would be carried out in the winter period, particularly as information submitted elsewhere highlights the wet nature of the ground in winter and spring and that part of the site is likely to flood in winter (Paragraphs 3.18 & 3.18, Agricultural Assessment, Kernon Countryside Consultants Ltd, September 2014). Working in winter may therefore create practical issues and may create other ecological impacts, such as soil run off and adverse impacts on any wintering birds using the area (as highlighted in the consultation response from Natural England). DEFRA Circular 01/2005 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision (para 99). The Great Crested Newt presence/absence surveys will need to be completed prior to determination of the application.

If Great Crested Newt would be adversely affected then Fylde Borough Council should not approve the application if there is reason to believe that Natural England would not issue a licence. Fylde Borough Council should therefore have regard to the requirements of the Habitats Directive in reaching the planning decision. The licensing tests given in the Habitats Regulations should be given consideration. In summary, these are that:

1. The development is required for the purpose of
 - o preserving public health or public safety,
 - o for other imperative reasons of over-riding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
 - o for preventing serious damage to property.
2. There is no satisfactory alternative.
3. The proposal will not be detrimental to the maintenance of the population of the species at a favourable conservation status. (see DEFRA Circular 01/2005).

If Great Crested Newt would be adversely affected then before the application is determined, information should be provided by the applicant to demonstrate how the

above three tests will be addressed. This should include mitigation proposals, informed by adequate survey data in order to address the third test.

In addition to Great Crested Newt the proposals have the potential to result in adverse impacts on other amphibian species, including Common Toad (a Species of Principal Importance). Any necessary mitigation measures for Great Crested Newt may, in this case, also be sufficient for other amphibian species. However, if surveys reveal that Great Crested Newt are reasonably unlikely to be affected, the ecological assessment will need to be revised to fully assess the likely impacts on other amphibians (particular Common Toad) and to demonstrate that impacts would be avoided, mitigated, and, as a last resort, compensated for. The submitted Site Layout shows infrastructure and solar arrays in close proximity to ponds on the site (particularly ponds 1 and 2). The Landscape and Ecological Management Plan indicates that a 6m buffer around ponds will be protected during the construction. The mitigation, including size of the pond buffers will need to be informed by the Great Crested Newt survey results; however, regardless of the outcome of the Great Crested Newt surveys I recommend that a larger buffer is maintained between ponds and any works and/or infrastructure and solar arrays.

Bats and floodlighting

It is not clear to me whether any floodlighting is proposed or not. The submitted Construction Management Plan indicates that lighting during construction works may be required (para 3.20) and the Ecological Survey report assumes minimal artificial lighting will be used during construction (para 7.5.4) and indicates there may be lighting during the operational phase. If floodlighting is proposed it is not clear to me where lighting would be located. Bats can be adversely affected by the introduction of lighting, particularly if it is directed towards their entrance/exit points from roosts since it is likely to delay their exit from the roost, thereby reducing the time available for feeding. Depending upon the species involved, it may also impact upon their feeding and commuting areas with some species actively avoiding lit areas. In addition lighting can attract insects in from further afield, which subsequently can result in adjacent habitats supporting reduced numbers of

Insects. As acknowledged in the Ecological Survey, the hedgerows are likely to be used by foraging and commuting bats. The recognised Bat Conservation Trust guidelines (Bat Surveys: Good Practice Guidelines, 2nd edition, 2012) state that floodlighting within 50m of woodland, water, field hedgerows or lines of trees with connectivity to woodland or water would be reasonably likely to affect bats and therefore in such circumstances a bat survey should be requested (box 2.1).

Details of any proposed lighting should be provided. If floodlighting is proposed as described above then either (1) the applicant will need to submit measures to demonstrate that impacts on bats would be avoided (for example restricting the use of lighting to periods when bats are reasonably unlikely to be active (i.e. November to February inclusive)) or (2) bat activity surveys will be required in order to establish the likely impacts on bats and, if following bat surveys, adverse impacts are likely then the applicant will need to submit measures to demonstrate impacts will be avoided and/or adequately compensated for. Fylde Borough Council will need to be satisfied that any mitigation measures are enforceable and would pass the planning condition tests

At this stage the ecological surveys and assessment are incomplete and Fylde Borough Council does not have sufficient information on which to base their planning decision. I am unable to provide further comments until information to address all the matters above has been submitted.

Lancashire County Archaeology Service

The heritage assessment suggest that archaeological interest in the site is limited to the potential for prehistoric remains to be encountered along the western edge of the site on the grounds of topography and the presence of alluvial deposits in the area. The proposed development will on this side of the site will be almost entirely limited to the installation of ground mounted solar arrays which require driven foundations to a depth of 1.4 – 18m. The use of such a foundation design, although to a depth that might be of archaeological interest does preclude the opportunity for any meaningful archaeological investigation. As such they do not consider further investigation appropriate or necessary.

Network Rail

Their original response requested that a Glint and Glare study be submitted, following submission the following comments have been made:

Solar reflections may affect the Moss Side-to-Wesham railway as it passes close to the solar farm in the early mornings within the dates and times given in Section 8.1.2 above for near horizontal reflections. Actual times and dates will be for shorter periods each day and beginning and ending later and earlier in the year, respectively, than for near-horizontal reflections.

Southbound/ westbound trains on this line will not be affected by solar reflections which will never occur from in front of the train's direction of travel, but only from the left side and rear as viewed by the driver.

Northbound/ eastbound trains may occasionally experience solar reflections from the right side – no closer than from 17° to the right of the train's direction of travel and with the sun shining from very close (approximately 23° or less) from any reflecting panels. Solar reflections will not be detrimental to the safe observation of signals by a driver. They will have no effect on pedestrian, road and rail vehicle usage of the Moss Side level crossing. Other effects from solar reflections, including on safety related matters, will be negligible.

Network Rail would request that a monitoring condition is put in place along the following lines:

For a period of 12 months after the completion of the development hereby approved, in the event of any complaint to the council from Network Rail relating to signal sighting or driver safety, upon notification by the local planning authority, the applicant or operator of the solar farm shall within 28 days submit for approval to the council details of a scheme of remedial measures to address the concerns raised with details of a timescale for the implementation of the works. The works shall be carried out in accordance with the approved details and timetable.

This is to allow for a period of assessment upon operation and to ensure that any issues arising are addressed by the applicant.

Whilst the comments state that the report believes that there will be no detrimental impact upon the perception of signals, Network Rail would need to be satisfied definitively – therefore we believe that a monitoring condition is reasonable in these circumstances.

Regeneration Team (Tree Officer)

The drawing suggest that an interior access track will be created around the periphery of this site to service the units. Drawings suggest this will be at 6 metres from the hedges and from the Old Cloverfield Plantation, which is a very significant local landscape feature and is TPO'd. The tree survey allows the edge of this woodland a root protection area of 10.8 metres.

Drawings also indicate the installation of two CCTV cameras along the edge of the woodland which each require a 500 mm by 650mm concrete base, and, one assumes, the underground cable runs to service them. This again appears to be excavation and construction inside a root protection area. Root damage from trenching and construction along the edge of this woodland will be deleterious to it and should be avoided.

I think the Council also needs to be clear that if the section of the internal access track that runs alongside Old Cloverfield Plantation is to be substantially inside the woodland's root protection area the applicants should deploy a cellular confinement system to provide a load-bearing substrate for use post-development, and depending both the type and degree of site traffic passing and re-passing at this point during the construction phase, some form of ground protection trackway system to avoid soil compaction and root death from heavy vehicles.

Following revision of the plans as described above the Tree Officer commented that the amendments satisfied him as removing the CCTV cameras removes any need for trenching and excavations and he is happy with the greater distance allowed for the fence.

Regeneration Team (Landscape and Urban Design)

Recommends that the proposed development will have an adverse impact on the visual amenity of the site and the surrounding area. The development will have a harmful impact on the character of the landscape, Wrea Green village and surrounding settlements and makes the following observations:

1 The proposed site has been used effectively for the growing of arable crops for more than 20 years. It is valuable agricultural land which is considered good quality Grade 2/3.

2 There are no Tree preservation orders within the development. However, there are two directly adjacent to the south east boundary. 1969 No. 1 (RIBBY-WITH-WREA) which includes Cloverfield Plantation and Clay Butts Plantation.

3 The land to the rear of Willowmead Park is a Biological Heritage Site, there will be a possible impact on the migratory species. The application does not refer to Biological Heritage Site nor does it assess the impacts of the development on the BHS and migratory species.

4 The ecological survey provides comprehensive analysis of the ecological issues. However, the report acknowledges that this is based on a 'snapshot' site survey on just two days in summer. Further detailed surveys are required for a development of this size, scale and nature, to fully assess the environmental impact of the development.

Landscape Character / Setting

5 Wrea Green historically is an agricultural Village once described as "The Jewel of the Fylde" and is used in Tourism Advertising. The proposed development is located to the village edge thus will impact on the character and setting. The village character and setting is renowned and has won "Lancashire's Best Kept Village" award on numerous occasions and is one of the prettiest and most active in the county. Best Kept Village

Winners: 1959, 1965, 1966, 1968, 1972, 1980, 1986, 1987, 1993, 1996, 2001, 2005, 2009, 2010 and 2012. Best Kept Village Runner-Up: 1971, 1974 & 1991.

6 The total area of the proposed development site is equal to the size of Wrea Green village, this clearly demonstrates that there will be a significant impact on the Village setting and character.

7 The site is located within open countryside to the westerly edge of Wrea Green. Directly to the south east is The Villa, which was an impressive 19th century gentleman's residence, now a Country House, which is of historical importance locally. The development will have an impact to the setting of The Villa due to the close proximity.

8 The solar panels are 2.3m high, it is proposed that the existing hedgerows to the perimeter and within the site shall be managed and enhanced to achieve a maximum height of 3.0m.

Standard trimmed hedges, usually 1.4m high are predominate on the Fylde. The proposed 3.0m high hedges will be incongruous within the surrounding countryside and will be detrimental to the landscape character, especially within such close proximity to Wrea Green and Willowmead Park.

In order that the hedgerows achieve a height of 3.0m and to achieve a density to maximise the screen, they will need to be rigorously maintained initially to ensure that the screen is achieved, this will take a minimum of 3 / 5 years. Therefore, for the first five years the development will be highly visible from all view points short and long, across the open countryside and from neighbouring village/houses etc, and there is no guarantee that this will provide an effective, uniformed hedgerow in the long term, due to growth rates, establishment period and management regimes.

9 Willowmead Park, is located between Wrea Green and Moss Side, the proposed development would border the Willowmead Park and be in close proximity to Shepherd farm house. The applicant's submissions assesses the landscape impact on Wrea Green and though there is no assessment of the impact of the Development on Willowmead Park or the neighbouring settlement Moss Side.

Willowmead Park consists of 19 houses, some of which look directly onto the proposed site. Therefore, the development will be highly visible from upper floors and from short to long views.

Visual Impact

10 There will be adverse impact on the landscape character due to the level of infrastructure which will be required to support the Solar Panels, The majority of the structures, i.e. sub stations etc are 2.9m high, 49no security cameras, the associated access roads and perimeter fencing will have a significant impact on the rural character of the landscape, the rural skyline and the Village setting.

The columns/security cameras will be highly visible from all viewpoints regardless of the height of the hedgerows/screening, thus they will be permanently intrusive and have a significant visual impact and will adversely impact on the character of the surrounding rural fringe of Wrea Green and associated neighbourhoods, regardless of the mitigation measures proposed.

11 Overall the land within the vicinity of the development site is low lying and flat. However, the development site is raised relative to the surroundings. Although the existing hedgerows are to be retained, their growth managed up to 3.0m high, there will still be instances where the solar panels will be visible.

The site will be visible from Moss Side Lane, Fox Land Ends and Ballam Road, Willowmead Park as well as the long views across south Fylde; and from the Preston to Blackpool railway line.

Moss Side Road which is main arterial road into the village, which is an important gateway into the region in addition to residents.

12 There are public footpaths within and around the site which are regularly used by locals and visitors. There will be a significant loss of amenity, due screening of the development will reduce these to narrow high sided corridors with virtual n no views to the closing of short and long views across the countryside. Due to the 3m high hedges to all site boundaries.

Following receipt of the revised plans the officer has commented that;

Considering the size and scale of the development, I would consider the additional planting proposed insufficient to address the visual impacts identified in my previous comments. The proposed planting may mitigate against visual impact to short views from the rear gardens of Willowmead, it does not address the medium to long views.

Although the visual impact is an important aspect to the planning application, I would consider landscape character of greater importance which due to the scale of the development and location is significantly compromised.

Environmental Protection (Pollution)

There are no objections to the above proposals in principle, however they would request conditions relating to potential for nuisance as a result of low frequency noise emitting from the transformers. The applicant shall calculate the best location for these units such that they are furthest away from a residential property. It may be necessary to enclose the units similar to electricity substations to prevent noise escape.

Environment Agency

No objections in principle to the development but comment that it would only meet the requirements of the NPPF if the measures supplied in the FRA are secured by way of planning condition. This condition limits surface water run off generated by the development to that of the undeveloped site. The reason for this being to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

The Ramblers Association

No response received.

BAE Systems

No objections.

Ministry of Defence - Safeguarding

No objections.

Natural England

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Morecambe Bay Special Protection Area (SPA) and Special Area of Conservation (SAC), and Ribble & Alt Estuaries Special Protection Area (SPA) which are European sites. The sites are also listed as Morecambe Bay and

Ribble & Alt Estuaries Ramsar sites and also notified at a national level as Lune Estuary, Wyre Estuary and Ribble Estuary Sites of Special Scientific Interest (SSSI's) respectively. Please see the subsequent sections of this letter for our advice relating to SSSI features. In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Further information required

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

Special Protection Areas are classified for rare and vulnerable birds, and for regularly occurring migratory species. The birds for which SPAs are designated may also rely on areas outside of the SPA boundary. These supporting habitats may be used by SPA populations or some individuals of the population for some or all of the time. These supporting habitats can play an essential role in maintaining SPA bird populations, and proposals affecting them may therefore have the potential to affect the SPA.

It should be noted that some of the potential impacts that may arise from the proposal relate to the presence of SPA interest features that are located outside the site boundary. It is advised that the potential for offsite impacts needs to be considered in assessing what, if any, potential impacts the proposal may have on European sites. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. We recommend you obtain the following information to help undertake a Habitats Regulations Assessment:

We note receipt of the Ecological Survey by Michael Woods Associates, September 2014, and the below comments relate to the information contained within this report.

The Ribble Estuary is roughly 3km from the proposed site. The Ecological Survey recommends that Wintering bird surveys are needed to assess the site and surrounding fields for presence and level of usage by SPA birds. Natural England supports this recommendation for the reasons set out below.

The site currently comprises 3 large fields made up of arable fields and improved pasture suitable habitat for foraging geese/plover/swan species. Therefore this area has the potential to be functionally linked land. Functional habitat is the term given to an undesignated area lying beyond the boundary of a protected site, which is nevertheless used by designated bird populations. Where an essential ecological function, such as foraging, occurs beyond a site boundary, then the area within which this occurs is termed functionally linked land, or is known as functional habitat. If the presence of this land is essential in meeting a species' needs, damage or deterioration of this habitat then could in turn impact upon the designated population.

At 7.5.15 the report seems to be recommending that construction takes place during the winter months November and February, however this time is when surrounding land would be being used by notified SPA species and thus this work could cause disturbance,

should the SPA birds be found to use the area.

7.4.3 to 7.4.9 suggests changes to the current habitats to improve the ecological value of the site, however if SPA birds are found to be using the area then these measures may be detrimental to these species. Recommendations for changes to the existing habitats should be considered once surveys have been carried out to determine current bird usage.

At 7.5.26 the report recommends that bird surveys are undertaken during winter, to assess the value of the site to bird populations overwintering in the locality. We refer the applicant to the methodology in the NE Technical information Note TIN069 which although is intended for survey requirements for wind farms can equally be applied for this application. It recommends survey visits for non-breeding birds to be at least one or two visits per month, and weekly for passage birds.

SSSI – Further information required

Our concerns regarding the potential impacts upon the above mentioned SSSIs coincide with our concerns regarding the potential impacts upon the above mentioned European designated sites and are detailed above.

Should the application change, or if the applicant submits further information relating to the impact of this proposal on the SSSI, Natural England will be happy to consider it.

If your Authority is minded to grant consent for this application contrary to the advice relating to the SSSI contained in this letter, we refer you to Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon your Authority, requiring that your Authority;

Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice, and

Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

Lancashire County Council Rights of Way

No response received.

National Grid

No comments received.

Electricity North West

We have considered the above planning application submitted on 3/10/14 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. The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.

The applicant should also be referred to two relevant documents produced by the Health and Safety Executive, which are available from The Stationery Office Publications Centre and The Stationery Office Bookshops, and advised to follow the guidance given.

The documents are as follows:-

HS(G)47 – Avoiding danger from underground services.

GS6 – Avoidance of danger from overhead electric lines.

The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night. Our Electricity Services Desk (Tel No. 0800 195 4141) will advise on any issues regarding diversions or modifications.

I recommend that the applicant give early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that may cross the site and any proposed development.

Campaign for the Protection of Rural England

The Campaign to Protect Rural England (CPRE) wishes to maintain the natural beauty and productivity of the Fylde countryside.

Having assessed the proposed scheme against national planning policy and guidance, and CPRE's own policy guidance, CPRE Fylde District Group objects to this application as submitted. On balance, we give weight to: Loss of best and most versatile agricultural land
Uncertain impact on protected bird species

We cannot agree with the applicant's assessment that there will be no harmful impact on the character of the landscape. However, we accept that visual impact on the wider landscape would be minimised by the relatively flat local topography of the area.

Without prejudice to our opposition to the proposed development we recommend a number of planning conditions should permission be granted.

This planning representation covers the following matters:

1. CPRE policy guidance acceptability criteria
2. Loss of BMV agricultural land
3. Uncertain impact on protected bird species
4. Impact on landscape character and quality
5. Ecological Management Plan
6. Decommissioning and return of land to agricultural use

We trust that our views will be given due consideration in preparation of the report and recommendation to the Development Management Committee.

1 CPRE POLICY GUIDANCE ACCEPTABILITY CRITERIA

(National) Planning Practice Guidance advises that the National Planning Policy Framework explains that all communities have a responsibility to help increase the supply and use green energy, but this does not mean that the need for renewable energy automatically overrides local environmental protections. (Reference 1).

CPRE's policy guidance for solar energy (Reference 2) advises that it is essential that siting, design and landscaping of a solar farm avoids adverse impacts on the countryside. To this end a set of acceptability criteria is defined, and for a solar farm to be acceptable all criteria should be met. In summary, a solar farm is acceptable when it:

- a. Avoids harm to landscape character and quality, when viewed from publicly accessible vantage points
- b. Avoids cumulative impacts on landscape character and quality, when viewed from publicly accessible vantage points
- c. Avoids harm to valued and special areas, especially those that are nationally and internationally protected
- d. Avoids harm to views from publicly accessible land and the surroundings of settlements
- e. Avoids using the Best and Most Versatile Land, ie. Grades 1, 2, and 3a
- f. Avoids the site being classified as brownfield after decommissioning
- g. Avoids adverse effects on biodiversity and delivers positive biodiversity gains

The applicant's Alternative Site Search Report states: 'The proposed development is for a limited time period (25 years) after which the land will be returned to agricultural use. This is in line with recent guidance published by The Campaign to Protect Rural England (CPRE) that says that solar farms could be considered acceptable if they avoid sites being classified as brownfield after decommissioning.' (Reference 3, 3.6). This is not the case: all CPRE acceptability criteria should be met.

2 LOSS OF BMV AGRICULTURAL LAND

There does not appear to be any DEFRA/MAFF agricultural land classification data specific to the site, therefore we commend the applicant for providing a detailed survey in a comprehensive Agricultural Assessment (Reference 4). The survey finds that 74% of the site is Grade 3a, ie. Best and Most Versatile Agricultural Land.

We disagree with the argument presented in the report that because land in the Wrea Green area is generally Grade 2 then this site is 'lower quality land'. The fact is it is still Best and Most Versatile Agricultural Land.

Also we disagree with the argument presented in the Agricultural Assessment (5.11) that because the land is currently used to produce green energy by growing biomass crops for an anaerobic digester power plant then this land would not be taken out of use for food production. Rather, it follows that suitable agricultural land would need to be found elsewhere to replace these biomass crops.

We do not agree that availability of the land within the solar farm for grazing is justification for loss of such good quality land.

The NPPF encourages effective use of land which we interpret as using brownfield sites for housing before greenfield sites, and certainly before good quality agricultural land. Thus, in our opinion the proposed development would conflict with the following NPPF and Local Plan policies:

1. NPPF Policy 111. Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.
2. NPPF Policy 112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.
3. Saved Local Plan Policy EP22, Protection of agricultural land, seeks to prevent

development that would involve loss of good quality agricultural land.
For the above reasons we submit loss of Best and Most Versatile Agricultural Land as a reason for objection to this proposed development.

3 UNCERTAIN IMPACT ON PROTECTED BIRD SPECIES

The Ecological Survey (Reference 5) provides a comprehensive analysis of the ecological issues. However, the report acknowledges that this is based on a 'snapshot' site survey on just two days in summer.

The Report explains that the site is close to the Ribble Estuary SPA/RAMSAR/SSSI which has significant populations of protected bird species, and these birds use the farmland habitats in the surrounding areas for foraging. Therefore we agree with the report's recommendations that a survey of the value of these arable field to winter migratory birds must be carried out. Clearly any unacceptable impact on protected bird species would preclude permission.

Uncertain impact on protected bird species is our second reason for objection to this application as submitted.

4 IMPACT ON LANDSCAPE CHARACTER AND QUALITY

CPRE's policy guidance recognises that solar farms can bring benefits but CPRE does not wish to see their installation where they are likely to harm the countryside.

We cannot agree with the applicant's conclusion in the Planning Statement that from the landscape and visual assessment: 'there will be no harmful impact on the character of the landscape'. (Reference 6, 5.16).

Despite the presence of existing hedges and trees in the immediate vicinity of the site the large area of solar panels and surrounding security fencing will certainly be visually intrusive at close quarters from footpaths, from the road between Lytham and Wrea Green, and from the South Fylde railway line, which are both 'gateways' to Wrea Green. The quoted capped height of the panels (2.31m) is above the typical height of existing hedging in the area. However, we accept that visual impact on the wider landscape would be minimised by the relatively flat local topography of the area.

We welcome the proposals to retain all the peripheral and internal hedgerows and water features and to protect them during the construction phase. Also we note that the panels would be sited away from existing trees.

We agree that, by these measures, in the long term trees, hedgerows and water features ought to remain unaffected by the solar farm.

We welcome the intention that there will be no lighting in the visible spectrum to support site security.

We recommend a planning condition to ensure that the security fencing and also the control room and substation structures are of a suitable design and colour to minimise visual impact.

5 ECOLOGICAL MANAGEMENT PLAN

An important condition for approval of the scheme would be production and approval of an Environmental Management Plan to assure against all possible ecological impacts:

During construction During operational life (eg. maintenance of hedgerows)

This Plan should be approved and its implementation monitored by a competent authority.

6 DECOMMISSIONING AND RETURN OF LAND TO AGRICULTURAL USE

We welcome the applicant's offer to accept a planning condition requiring the land to be returned to agricultural use at the end of the operational life of the solar farm.

We support such a planning condition, and to ensure proper decommissioning does take

place at some time in the future the planning condition should ensure financial provision to cover the costs to avoid the site being abandoned.

In addition, should permission be granted, a Fylde Council local planning constraint must ensure that the site continues to be classified as agricultural land in

Fylde Bird Club

No comments received.

Other interested parties

CAPOW - Community Association for the Protection of Wrea Green

General

We applaud the Governments proposals to reduce reliance on fossil fuels and reducing CO2 emissions. However we also have to bear in mind the ever growing population within the UK and the continued need for increased food production. This is evidenced by the Land Classification categories where land could be made available for Solar Panel Farms and potential alternatives in an Island Nation. During the recent political party conference season, reference was made to the UK leading the World on Tidal Renewable Technology.

As the Fylde is a coastal area, it would appear to make more appropriate use of local resources to use tidal power as opposed to unreliable Solar or Wind Power. With that in mind, we object to this application to remove 70 acres of arable crop land from food production and for the other reasons within this document.

This site would add even more to the current industrialisation of the Rural Fylde, invoke by Fracking proposals.

Accuracy and Inconsistency of Application Data

Particularly, but not solely, the Pegasus Planning Statement is riddled with errors, omissions and inconsistencies. Examples, but only examples, are as below. There are also other problems with the Design and Access Statement and Agricultural Assessment. Overall this brings into question the whole accuracy and validity of the supporting documentation.

Examples are

Only two fields are involved or three in other places but the number is actually 6 or 7, depending on how one counts (the Agricultural Assessment talks of 5 fields) .

Mention is made of Heritage assets away from Wrea Green but not those within Wrea Green.

The Crime statistics do NOT relate to Wrea Green.

Coal mines are mentioned but there are none in the area.

The Fylde is generally described as Grade 2 land but this site is graded as predominately Grade 3a. However, within the general land classifications, this land is the same as any on the Fylde and the specific grading relates to work undertaken on THIS site which has not been similarly undertaken on ANY other sites in the Fylde by this developer. Therefore it cannot be confirmed that there are no lower grade sites which could be made available. Nor have we been able to establish the extent of the Brown Field site evaluations.

The site is said to be predominantly in Ribby with Wrea Parish but the major part falls within Westby with Plumpton according to the map provided by FBC Planning for our Neighbourhood Plan.

The key matters appear to be –

- 1 Whether the landscape of the area is affected
- 2 Whether there is any visual impact
- 3 Loss of Agricultural Land of Value

- 4 Safety effects, particularly on traffic
- 5 Reasonableness of the proposal
- 6 Potential for Flooding and future use of the site

1 Whether the landscape of the area is affected

A proposal this size on gradually undulating land will be viewable from numerous points. This includes Moss Side Lane, Fox Land Ends and Ballam Road as well as the South Fylde Railway line. Additionally the proposed Solar Panel Farm straddles a Public Footpath from Wrea Green to Ballam. These panels stand over seven feet high and will be higher than the standard trimmed hedges which predominate on the Fylde. The landscape character would be altered considerably by the buildings, the CCTV poles, access tracks and the arrays.

2 Whether there is any visual impact

See 1 above. Additionally this proposal is on the edge of an agricultural Village once described as "The Jewel of the Fylde" and is used in Tourism Advertising. This proposal would start within a few hundred yards of the Village Centre. The use of CCTV posts "at 100m intervals" will be intrusive in this countryside area, and there are to be 13 buildings placed on the site, with heights ranging from 2.8m to 4.8m.

3 Loss of Agricultural Land of Value

As per the Agricultural Assessment document submitted, the highest proportion of this land is of grade 3a (best and most versatile agricultural land). This is borne out by a retired farmer who farmed much of this land previously who advises he got good levels of agricultural crops and received an arable crop subsidy from DEFRA for this. Hence it is totally against the NPPF and will reduce crops to feed an ever-growing population. The fact that some crops were grown merely to feed an anaerobic digester is merely because THAT digester was given a government subsidy, hence the crop and the digester gain a double subsidy, to the financial benefit of the same owner. This is an issue raised with Mark Menzies MP for investigation a couple of years back. However, we understand that the Anaerobic Digester is no longer in service. Whilst sheep can graze much of the land, sheep can be put to pasture on lower grade land, whilst higher grade land can be used for arable crops (74% of the site). About 70 acres will be lost from arable farming for 25/30 years.

4 Safety effects, particularly on traffic

Network Rail has raised concerns about glare and the absence of an evaluation of this. Given the massive size of the proposals (75,000 units) this is likely to be a major issue for road users on Moss Side Lane, for nearby residents in Wrea Green and Willowmead Park and for any aircraft approaching Blackpool Airport.

The route for the 400 articulated lorries required during the 12 weeks of construction is proposed to be through the centre of Wrea Green, causing additional traffic, around the same time that the North View Farm development is being undertaken, just off Ribby Road and whilst heavy traffic is still going to The Fieldings and probably to the 54 Bryning Lane site.

Entrance to the site will be on two blind bends with fast moving traffic adding significantly to traffic safety issues, albeit for only 3 months. We understand that at least NO use will be made of Upper Mill Lane for access.

5 Reasonableness of the proposal

Judging by the figures available it would appear that only supply to 47 houses (up from

the original 37) per acre of land used will be generated. This would appear to be very poor as 10 panels on a roof generates sufficient for one house. $75,000/10=7,500$, so generation should be for 7,500 houses (nearly double). This system appears to generate electricity at the rate of 16 panels per house, which is low. The siting of so many panels in one area, where there are only less than 1000 houses is incongruous. It would be more appropriate to install solar panels on individual houses as they are built. This has been a rare occurrence to date, but confirmed forthcoming changes (2015) to the energy efficiency of new builds are likely to make this a requirement.

Given the Government backed proposals for Fracking on the Fylde, although being resisted, and the potential to generate electricity via local gas generating plants, to generate even more electricity locally would appear totally superfluous to local needs. Given that the Lib-Dem Party Conference said we are world leaders in wave power technology, this would be eminently more sensible than Solar power. The sea is close, tidal power does not take up agricultural land and is more reliable.

6 Potential for Flooding and future use of the site

Whilst clearly each panel will run off water directly, it will be intensified during heavy rainfall and on smaller patches of land. To this should be added the volume of concreted areas required for the 13 buildings, the access tracks, the concreted in posts for the arrays and CCTVs. Therefore it is likely to increase flooding at lower levels and into Wrea Brook, already put under capacity strain from 128 additional houses proposed/under development in Wrea Green.

7 Other

Following an Open Meeting with the Parish Council regarding the Solar Panel Farm Application, the developers emailed CAPOW asking for more information of inaccuracies and objections. The response is attached for information, but only relates to a small number of the documents reviewed.

Neighbour Observations

Neighbours notified: 03 October 2014

No. Of Responses Received: 17 letters received. 16 objecting to the development, 1 supporting it.

Nature of comments made:

Objections

Visual impact

Scale of development

Why the size of this site.

Industrial sized development.

Use of high quality agricultural land contrary to guidance.

Loss of amenity to PROW which offers public short and long distance views of the landscape.

Screening of the park by 3m hedges is insufficient to screen from residents of Willowmead.

Illumination of bedrooms by glare from solar panels.

Loss of privacy from CCTV cameras.

Road safety during construction.

Increase in HGV's.

Potential surface water flooding.

Impact on biodiversity.

No photomontages showing visual impact to area or residents.
 Contrary to planning policy
 Screening will remove open views of countryside.
 Change character of area.
 Safety of trains at level crossing due to glare from farm.
 Farming operations in adjacent fields affected by glare.
 Management of pernicious weeds.
 Solar energy is inefficient.
 Negative impact on tourism in the area.
 Environment Secretary says solar farms are ugly blight on the countryside.
 Alternative site search not thorough.
 Impact on wildlife living within field.
 Proximity to residential development (Willowmead Park)
 Proximity to Biological Heritage site.
 Land rises significantly above surrounding area.
 Application lacks detail.
 Development will attract criminals.

Support

Give it our wholehearted support.

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP19	Protected species
SP09	Diversification of the local economy
EP22	Protection of agricultural land

Emerging Local Plan

NP1	Presumption in favour of sustainable development
SD1	The Spatial Development Framework
ENV1	Landscape and Biodiversity
CL2	Renewable and Low Carbon Energy Generation

Other Relevant Policy:

NPPF:	National Planning Policy Framework
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Section 10 – Meeting the challenge of climate change, flooding and coastal change
 To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.
 Paragraph 98. When determining planning applications, local planning authorities should: not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and even recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

Section 11 - Conserving and enhancing the natural environment.

The planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes, geological conservation interests and soils...minimising impacts on biodiversity and providing net gains in biodiversity where possible...Encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided it is not of high environmental value.

Paragraph 112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality.

Paragraph 115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

NPPG: National Planning Practice Guidance
Renewable and low carbon energy

The National Planning Policy Framework explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities.

The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. Particular factors a local planning authority will need to consider include: encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of a high environmental value; where a proposal involves greenfield land, whether i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land: and ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays; that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use; the proposal's visual impact, the effect on landscape of glint and glare; the need for, and impact of, security measures such as lights and fencing; great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting; the potential to mitigate landscape and visual impacts through, for example, screening with native hedges; the energy generating potential, which can vary for a number of reasons including, latitude and aspect. In the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual

influence could be zero.

Cumulative landscape impacts and cumulative visual impacts are best considered separately. The cumulative landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape. Cumulative visual impacts concern the degree to which proposed renewable energy development will become a feature in particular views (or sequences of views), and the impact this has upon the people experiencing those views. Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point, or will be visible shortly after each other along the same journey. Hence, it should not be assumed that, just because no other sites will be visible from the proposed development site, the proposal will not create any cumulative impacts. In identifying impacts on landscape, considerations include: direct and indirect effects, cumulative impacts and temporary and permanent impacts. When assessing the significance of impacts a number of criteria should be considered including the sensitivity of the landscape and visual resource and the magnitude or size of the predicted change. Some landscapes may be more sensitive to certain types of change than others and it should not be assumed that a landscape character area deemed sensitive to one type of change cannot accommodate another type of change. In assessing the impact on visual amenity, factors to consider include: establishing the area in which a proposed development may be visible, identifying key viewpoints, the people who experience the views and the nature of the views. The English Heritage website provides information on undertaking historic landscape characterisation and how this relates to landscape character assessment.

Department of Energy and Climate Change UK Solar PV Strategy Part 2.

While large-scale solar farms provide opportunities for greater generation, they can have a negative impact on the rural environment if not well-planned and well-screened. There can also be problems where local communities see no benefit but consider that they bear amenity issues. The Solar Trade Association has developed a statement of “10 Commitments” for solar farm developers (see box) which seeks to ensure that the impact of large-scale solar farms on communities, visual impact and long-term land use are minimised. In addition, the National Solar Centre is publishing two best practice guides on the development of large-scale solar farms. The first of these is on the factors that developers should consider in the design and installation of large-scale solar farms. The second is a guide to enhancing the biodiversity benefits from ground-mounted solar PV. When well-managed, solar farms could be beneficial for wildlife. However, in certain locations they could be damaging for biodiversity and ecosystems. The Solar Trade Association and National Solar Centre (NSC) are working with The National Trust, RSPB, the Bumblebee Conservation Trust and others on best practice guidance for optimising biodiversity on solar farm developments. This guidance will be available shortly on the NSC website. The Solar PV Roadmap set out as one of its four principles that support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them and gain some form of community benefit. The National Planning Policy Framework emphasises the importance of valuing ecosystem services using tools developed by Natural England and the Environment Agency. It also stresses the importance of creating and managing

specific environmentally beneficial features and undertaking mitigation or offsetting if damaging development is permitted.

Solar farm developers, builders or tenants who are members of the Solar Trade Association will comply with the following best practice guidance:

1. We will focus on non-agricultural land or land which is of lower agricultural quality.
2. We will be sensitive to nationally and locally protected landscapes and nature conservation areas, and we welcome opportunities to enhance the ecological value of the land.
3. We will minimise visual impact where possible and maintain appropriate screening throughout the lifetime of the project managed through a Land Management and/or Ecology plan.
4. We will engage with the community in advance of submitting a planning application.
5. We will encourage land diversification by proposing continued agricultural use or incorporating biodiversity measures within our projects.
6. We will do as much buying and employing locally as possible.
7. We will act considerately during construction, and demonstrate 'solar stewardship' of the land for the lifetime of the project.
8. We will seek the support of the local community and listen to their views and suggestions.
9. We commit to using the solar farm as an educational opportunity, where appropriate.
10. The end of the project life we will return the land to its former use.

BRE National Solar Centre Biodiversity Guidance for Solar Developments

Guidance on how biodiversity can be supported on solar farms. Best practice in solar farm development seeks to optimise biodiversity enhancements, but it is recognised that a number of wider constraints exist, including legal or lease conditions, or planning considerations such as visual or heritage issues.

BRE Agricultural Good Practice Guidance for Solar Farms

Describes experience and principles of good practice to date for the management of small livestock in solar farms established on agricultural land.

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

The main issues to be considered when determining this application are:

Principle of the development/Renewable Energy/Loss of agricultural land/alternative site searches
Visual impact/Impact on setting of Wrea Green village
Ecological issues.
Flooding and drainage
Highways issues

Other issues

Principle of the development/Renewable Energy/Loss of agricultural land/alternative site search

The proposed development is outlined in the description of proposals section above and as a result of the amendments to the scheme would generate 16 MW of electricity from solar energy, which is a renewable source. NPPF supports the increase in the use and supply of renewable and low carbon energy and requires local planning authorities to recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. In paragraph 98 of NPPF, Local Planning Authorities are advised to approve an application if its impacts are or can be made acceptable. NPPF states 'local planning authorities should: not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy' and there are no available local energy targets, therefore the scale of energy production proposed cannot be limited.

The site falls on agricultural land that is designated as countryside. Policy SP2 of the Adopted Local Plan, allows development in the countryside for a limited number of exceptions stating;

In countryside areas, development will not be permitted except where proposals properly fall within one of the following categories:-

1. that essentially required for the purposes of agriculture, horticulture or forestry; or other uses appropriate to a rural area, including those provided for in other policies of the plan which would help to diversify the rural economy and which accord with policy SP9;
2. the rehabilitation and re-use of permanent and substantial buildings which are structurally sound, in line with policies SP5 and SP6;
3. the re-use, refurbishment or redevelopment of large developed sites in line with policy SP7;
4. minor extensions to existing residential and other buildings.
5. development essentially needed for the continuation of an existing enterprise, facility or operation, of a type and scale which would not harm the character of the surrounding countryside

It states that uses appropriate for a rural area should be permitted and therefore what needs to be considered is whether the development of the countryside for a solar farm is appropriate. There are no policies within the adopted Local Plan that refer specifically to solar farms but policy CL2 – Renewable and Low Carbon Energy Generation of the emerging Local Plan states that there is potential for small and medium sized renewable energy developments but these will be required to produce evidence to the satisfaction of the LPA that consider the following;

- a) Singular or cumulative impacts on landscape and townscape character and value;
- b) Impact on local residents (including noise, odour and visual amenity, such as flicker noise and shadow flicker);
- c) Ecological impact, including migration routes of protected bird species;
- d) Impacts on land resources, including agricultural land and areas of deep peat;
- e) Impacts on the historic environment and assets;
- f) Community, economic and environmental benefits of the proposal;
- g) Impacts on aviation and defence navigation systems and communications, particularly Blackpool International Airport, Warton Aerodrome and MOD Radio Inskip; and
- h) Impacts on highway safety and capacity from movements associated with the development.

This policy therefore considers the above issues need to be satisfied in order to be acceptable, and all are considered in the relevant sections of this report.

The site is on agricultural land in the open countryside and the NPPF requires the intrinsic character and beauty of the countryside to be respected. The NPPG requires Local Planning to encourage the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of a high environmental value; where a proposal involves greenfield land, whether i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land: and ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

Alternative site search

When assessed against both National and Local Policy, to be acceptable in principle, it has to be demonstrated that it is necessary for this development to be provided in the countryside and not on previously developed and non-agricultural land. Solar farms need relatively flat land that is free of buildings or landscape features that would cause significant overshadowing of the arrays and to that end open fields are perfect for them. Also important is the proximity to a National Grid substation that has the capacity to accommodate the connection. The applicant has submitted an Alternative Site Search document along with an agricultural assessment of the site which considers its quality. To be in accordance with NPPG, the site search should demonstrate that there are no previously developed and non-agricultural land that can be used for the development. The discussion of scale should be the starting point for the search. This is divided between three stages;

1. Preliminary desk based assessment to identify sites within the vicinity of the route of the local grid connections within the area of search.
2. Review of brownfield sites and non-agricultural land in area of search.
3. Review of alternative greenfield sites within area of search.

The submitted alternative site search demonstrates that brownfield, non-agricultural and alternative agricultural sites were considered before progressing with the Moss Side Lane site. The NPPF states that LPA's should identify suitable areas for renewable energy in development plans, the adopted Local Plan does not do this as it pre-dates this advice. The emerging Local Plan will identify specific areas of search for renewable energy development and refers to the Lancashire Sustainable Energy Study which concludes that the borough has some resource potential for solar farms. The report states that the site has been chosen because of;

- Sunlight intensity levels
- Grid connection
- Good road access
- Low sensitivity
- Land take requirements
- Site availability.
- Environmental constraints

The submitted search states that 'importantly, to safeguard the viability and deliverability of a 18.96MW scheme the grid connection should be 'on site' or immediately adjacent to site. The closer the grid connection is, the more economically viable the project becomes. This is particularly important on sites situated in the north of England.' And that due to site constraints the assessment search is limited to a 400km radius from the power grid. The search also has to identify sites of an appropriate size and topography stating that 'Circa 38 hectares is the minimum site area required to accommodate a 18.96MW ground mounted solar park in this part of the country. This size requirement only applies when the site is characteristically clear of obstructions (or can be made clear

of obstructions) and benefits from a level or gentle sloping topography.’ The information provided is considered to be a reasonable justification on the site size requirements for the site search. There is no guidance in the NPPG with regard to a reasonable search area, however the North West Economic Strategy sets a regional target of 8.5% of electricity to come from renewable sources. There is no reason why Fylde cannot, in principle, accommodate some form of renewable energy and it is therefore reasonable for developers to consider the Fylde for renewable developments. This approach has been accepted at planning appeals in other parts of the country, with it being found ‘onerous and impractical’ to prevent renewable developments in a specific area as it would require an applicant to assess every location within the district to prove that there was no better site”. The applicant has provided an alternative site search of brownfield sites that would meet the minimum size of site required for a viable solar farm, e.g. 38 acres of land. Assessment of the available brownfield sites in the area has demonstrated that there are no previously developed sites or non-agricultural land available of the scale required to support this type of development. The reasons why brownfield sites of an appropriate size were discounted varied from strategic allocations for housing and employment within the Local Plan, planning permission for other uses already granted, unviable asking prices and poor grid capacity.

The alternative site search provided, as a result of the lack of available brownfield sites then considers the availability of poorer quality agricultural land to support the development that is within the range of the grid line to provide a viable connection and without constraints such as buildings or other developments. To enable a comparison of all the search areas a scoring system has been applied using the criteria requirements and this identified five sites that were considered suitable for solar schemes. Other sites were discounted because of constraints such as being in the green belt, being in flood zones and grid connections. Defra mapping software was used to undertake reviews of the sites and guide the scoring. This data showed the majority of greenfield site in the area to be Grade 2 and 3, with no obvious significant areas of Grade 4 quality land. This concurs with the Natural England records which grades land in Fylde as;

Grade	Hectares	%
Grade 1	0	0.0
Grade 2	7,736	47.5
Grade 3	5,524	33.9
Grade 4	349	2.1
Grade 5	0	0.0
Non Agricultural	939	5.8
Urban	1,748	10.7

These Agricultural Land Classification (ALC) statistics derive from the digital 1:250,000 scale Provisional ALC map, originally published as a regional series of paper maps in 1977, and Ordnance Survey Boundary Line 2003. It should be noted that the Provisional ALC map was designed to provide general strategic guidance on land quality and not for identifying the agricultural quality of individual parcels of land. It is based on reconnaissance surveys, rather than detailed field surveys, and has a minimum mapping unit of approximately 80 hectares. The maps were created prior to the sub-division of Grade 3 into Sub-grades 3a and 3b. Consequently, there may be limitations to the statistics which reflect the limitations of the maps from which they are derived. However they do provide a broad indication that there is limited Grade 4 land in Fylde and no grade 5. The five sites considered were land south of Westby, land south of Humber Wood, land east of Bryning Lane, land at Newford Farm and Land south of Bryning hall farm. There were all found to be unacceptable due to issues such as availability and viability. The application site however was found to be available and could viably be connected to the grid.

Loss of agricultural land

As shown above the majority of Fylde is grade 2 (47.5%) and grade 3 (33.9%) agricultural land, with the remainder being non-agricultural or urban. This data, however, is based on reconnaissance surveys and it is accepted that the results of detailed site surveys will find specific site conditions. The application has been submitted with an Agricultural Assessment of the land subject to the classification. The report states; 'In order to accurately determine land quality across the site, a detailed ALC survey was undertaken on 16th and 17th July 2014 in accordance with the current agricultural land classification guidelines and criteria for England and Wales (MAFF 1988). The soil resources were determined from 39 inspection sites. These sites followed the Ordnance Survey grid at 100 m intervals, to avoid bias in selection. However, where the grid point was very close to the Site boundary, hedges, tracks or other obstructions it was relocated slightly to avoid possible effects from them. Within the oilseed rape field access was restricted in places because of the crop and the inspection sites were relocated accordingly. Topsoil samples were collected from three representative auger bores to assess texture class and confirm field texturing.' These methods of survey are appropriate and industry standards. The report details factors ALC Grade including climate and altitude, geology and soils. Limitations include soil texture and wetness. The below table details the results of the survey;

Grade	Description	Area (Ha)	Area (%)
1	Excellent		
2	Very Good		
3a	Good	28.5	74
3b	Moderate	5.5	14
4	Poor	4	1
5	Very Poor		
Non-Agricultural	Non-Agricultural	0.7	2
TOTAL		28.7	100

The land is classified as being 74% Grade 3a quality which is good quality land, and 14% grade 3b which is moderate quality land and so not best and most versatile agricultural land (BMV). Other areas of Grade 3 agricultural land in Fylde have been assessed to be unsuitable for the proposal due to site constraints such as flood risk, grid connection and steep ground and Fylde has only small amounts of grade 4 land. Although the development would use a mix of Grade 3 land, the majority (74%) would be grade 3a and so would be best and most versatile land.

The submitted Agricultural assessment also details that it is intended to continue the agricultural use of the land throughout the duration of the solar farm, through the grazing of sheep on the land. Thus providing a dual use of the site for agricultural and solar energy production. As such the land would not be completely lost from productive agriculture. Biodiversity enhancements are proposed, such as native hedge and tree planting and wildflower sowing. This is compliant with NPPF, which has a requirement that 'the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays'. The grazing of small animals on the land is considered to be a viable proposition (see BRE Agricultural Practice Guidance for Solar Farms). This could be conditioned to be implemented through the submission of a grazing management plan, to ensure the continuation of access to the land for the farmer and its continued use for agriculture. The land will also not be irreversibly developed and will be brought back into agricultural use after 25 years. In addition the applicants have indicated that it would not affect the occupying farms business, and that the arable land to be taken up by the arrays is part of a five year crop rotation which are

utilised in the business's Anaerobic Digester (AD), this will change from crop production to solar production with grazing and is stated by the applicant that it will not affect the existing business.

A significant proportion of this large site is regarded as BMV and, whilst the land could still be farmed, the range of viable agriculture would be severely restricted with the proposed grazing of sheep being a relatively poor use of BMV. Whilst the proposed development is said to be temporary, the proposed use would restrict the productivity of a substantial area of BMV, for a period of 25 years and this weighs significantly against the development.

The possibility of biodiversity enhancements are discussed in the ecology section of this report.

Principle of the development - summary

Solar farms have to be accommodated in locations where the technology is viable, i.e. sites that are large enough, relatively flat and not overshadowed, therefore making the countryside a suitable location for the technology. However, National policy aims to direct such development to previously developed and non-agricultural land before the consideration of greenfield sites, through a sequential test approach. As the applicant has demonstrated that there are no suitable sites for a viable solar farm on previously developed land or non-agricultural land in the area, the development is considered to be acceptable in principle in a countryside location. The applicant has not demonstrated that the proposal would use poorer quality agricultural land in preference to higher quality and would although the proposal would allow for the continued agricultural use of the land and biodiversity improvements around arrays the productivity of this land would be severely restricted as a result of the development. The site is considered to be in a sustainable location for the use proposed, being approximately 2km from a main A-road and therefore accessible during the construction period and for maintenance, but this would not outweigh the harm caused by the reduction in productivity of this area of BMV.

NPPG states 'that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.' It is proposed that the development would be in place for 25 years, then the land be restored back to its current agricultural use. A condition could be added that no development commences until a decommissioning method statement has been submitted and approved by the local planning authority. The statement would include the timing for decommissioning of all, or part of the solar farm if it ceases to be operational (or upon expiry of the time period of a temporary planning permission), along with the measures, and a timetable for their completion, to secure the removal of the panels, fencing and equipment, and restoration of the site, including how resources would be secured for decommissioning and restoration at a later date. Such a condition could ensure the restoration of the site to agricultural land.

Whilst the NPPG and NPPF both seek to ensure the safeguarding of the best and most versatile agricultural land neither places a bar on its use. Paragraph 112 of the Framework says that the economic and other benefits of the best and most versatile agricultural land should be taken into account and where development of agricultural land is shown to be necessary, areas of poorer quality land should be used in preference to that of high quality. The NPPG says that where a proposal involves greenfield land, factors to consider include whether the use of agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land and, where applicable, the proposal allows for continued agricultural use. As there are substantial areas of grade 3b and grade 4 land across the borough, it is considered that the proposal is contrary to the provisions of national policy guidance and policy E22 of the FBLP.

Visual impact/impact on character of the area/impact on Wrea Green

Whilst the principle of this form of development in a countryside location is accepted, the development can only be acceptable if it has an acceptable visual impact. The development of solar farms in rural locations have the potential to have a detrimental impact on the character and appearance of an area. The NPPG (2014) states 'the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively'. The particular factors advised by NPPG to be considered include the proposal's visual impact, effect on the landscape of glint and glare, the need for security measures such as light and fencing and the impact on heritage assets. Also, the potential to mitigate landscape and visual impacts needs to be considered.

The NPPF states that the intrinsic character and beauty of the countryside should be recognised. The site is not in an area designated for its landscape quality (AONB for example). The site falls within National Character Area 32 Lancashire and Amounderness Plain (2011). The landscape is described as a relatively flat and gently rolling plain broken by isolated hills, and a large scale agricultural landscape with a patchwork of arable fields and blocks of wind sculptured mixed woodland. More detailed descriptions of landscape character types and landscape character areas are provided in the Lancashire Landscape Strategy. The development lies within the Coastal Plain (15), which is described as gently undulating or flat lowland farmland. The development is located within the Fylde landscape character area (15d), which the Lancashire Landscape Strategy describes as comprising gently undulating farmland. 'The field size is large and field boundaries are low clipped hawthorn, although hedgerow loss is extensive. Blocks of woodland are characteristic, frequently planted for shelter and/or shooting and views of the Bowland Fells are frequent between blocks. There are many man-made elements; electricity pylons, communication masts and road traffic are all highly visible in the flat landscape. In addition, views of Blackpool Tower, the Pleasure Beach rides and industry outside Blackpool are visible on a clear day'. Within the Fylde Borough Green Infrastructure Strategy the site is within the Fylde Coastal Plain and described as 'predominately lowland agricultural plain characterised by large arable fields whose generally poor drainage results in ponds that provide important wildlife habitats. Shelter belts of trees and estate woodland and modern societal infrastructure such as telecommunication masts, electricity pylons, roads and railtracks are all highly visible in the Boroughs flat landscape'.

The application site itself consists of 38.74 hectares of undulating agricultural farm land containing ponds, hedgerows and trees. The sites boundaries are formed by a low wall adjacent to Moss Side Lane, low hedgerows to the north and west and to the east there are ponds and groups of trees. A public right of way passes through the site running east - west from Shepherds Farm to North farm, walking from the east to west it is flanked by hedgerows before opening up in the middle of the application site as one turns south and then west again. In terms of topography whilst a levels plan has not been submitted the application Landscape and Visual Impact Assessment (LVIA) submitted as part of the application states that the site slopes towards the south and west and ranges from 17mAOD at its southern boundary towards 20mAOD at its northern boundary, with the land to the north of the railway is higher again. It is considered that the site sits in with the Fylde landscape character of undulating large agricultural fields surrounded by key landscape elements of large enclosed irregular shaped fields, with hedges, trees and ditches. The site can be viewed from various points in the surrounding area including from the PROW to the south of the site, the road to the south, the railway and land to the north of the site, and residential development to the west. When views are not obstructed by buildings etc the submitted LVIA and its zone of theoretical visibility state the site could be viewed from within 2km away, largely to the north south and west of the site.

The proposal would introduce 2.31m high solar panels laid out in arrays facing south, access tracks,

substations inverters, storage sheds and control room into this area of countryside in the Fylde landscape character area, that is currently undeveloped and open. The site comprises open fields divided by boundary hedgerows. The current field pattern would be retained with the retention of existing hedgerows, although some new planting is proposed to some of the boundaries of the site and along the PROW. The 2m deer fencing proposed is considered to be agricultural in appearance with post and netting, however, at 2m high would not be of a height typical of this rural area. The DNO substation would be 4.8m high, the control room would be 2.9m, the client substation would be 2.8m high and the 9 transformer stations that are dotted around the site would be 2.9 high and these would be visible in a similar way to the solar panels, with the bulk of these buildings in the south east corner of the site.

In order to mitigate the visual impact of the development the application proposes setting back the development approximately 90m from Moss Side Lane, native hedgerows planted and maintained at 2.5m high adjacent to the site boundaries and alongside the PROW through the site, a native tree belt planted in a double staggered row adjacent to the Moss Side Lane boundary and along the northern section of the site. The buildings within the site will not be specifically screened. This mitigation if the development were to be found acceptable would have to be provided and retained through a planning condition, which would include provision of suitable plant species.

The LVIA submitted with the application assesses the visual impact of the proposal from different viewpoints. It finds that the proposal will have a major adverse impact on the landscape character of the application site but from the wider landscape the impact would be minor adverse impact on the local landscape character in the short term. For example Viewpoint 1 is from Moss Side Lane looking north west and finds that the significance of effects on view would be moderate to minor adverse visual impact during construction period and during the first year of the development, but once mitigation measures are in place this would reduce to minor adverse to negligible. Another example is viewpoint 14 which is the view from the PROW to the south east of the proposal, this finds that there would be minor adverse impact during and after the construction period but by year 15 this would reduce to negligible with the establishment of the southern hedgerow. In all the LVIA considers 18 viewpoints and concludes that;

'The proposed solar panels would be dark in colour, low lying and follow the existing topography, and as such would not be a dominant feature in the landscape. The proposal would be in scale with the existing fields and agricultural infrastructure that already exists. The proposal is temporary and reversible and at the end of the 25 year life of the development it is proposed that the site be de-commissioned and reinstated as farmland....It has been demonstrated that the visual effect would be contained by the existing and proposed vegetation. Although the landscape character of the site itself would change the key landscape elements and features of the site and surrounding area would be unaffected. With a medium/low sensitivity to change and a low magnitude of change the proposal would have a negligible effect on the wider landscape character of the area. With the proposal in place all of the existing landscape features, apart from a small group of 6 trees, would be retained. It is therefore considered that with the change of arable to pasture, the planting of new native hedgerows and gapping up other hedgerows the effects on the landscape elements of the site would be moderate/minor beneficial. It is considered that the proposal would be consistent with local and natural policy and that the proposed solar farm could be successfully integrated into the landscape without causing unacceptable harm to the landscape character, landscape features or visual amenity of the site and surrounding area'.

Your officers do not agree with this conclusion. The assessment of the application by your officers concludes that the development will bring an alien, incongruous development into an undulating rural agricultural landscape setting which would have a detrimental impact on the character of the area as

well as having a significant and harmful visual impact to the surrounding area and the PROW that runs through the site.

Visual impact/Character of area

It is considered that the site is within an undulating landscape of intrinsic character and beauty, that the NPPF states is one of its core planning principles that should be taken account of when determining planning applications. The wider landscape is formed gently rolling agricultural fields forming an ever changing sets of views, vistas and panoramas. The landscape in this area is defined by open farmed fields, small settlements and villages, farmsteads and woodlands. This very rural landscape is apparent and much appreciated by residents of the area as well as visitors attracted to the area by these different features.

The impact of the development will be felt closest to the site and whilst the mitigation proposed will reduce the impact somewhat it is considered that because of the proposed coverage of the arrays and associated infrastructure over approximately 39 hectares the visual impact will be adverse, having a significant impact on the rural character of the landscape, the rural skyline and the village setting. The land within the vicinity of the site is low lying and flat, however the site rises by approximately 3m from its southern boundary to the central point which will be covered in arrays. Therefore, the top of the arrays will be 5.3m higher than the ground level at the southern boundary. This means the site will be widely visible from the southern public highway and right of way. The applicant's state that the mitigation proposed will mean that the short view of the site will be reduced by year 1 and from the PROW to the south by year 15. The hedgerow and trees proposed on the southern boundary may be partly successful but the installation will still be a dominant feature of the landscape when viewed from the south. From various points on the PROW the application site would be clearly visible and the installation would appear totally at odds with the rural farmed character of the landscape. It would add a very large alien feature that would be incongruous with the otherwise open and undeveloped appearance of the area

The land particularly to the north of the site is higher than the application site itself, this does not however make the site less visually intrusive as it means the site will be looked down upon from these positions. The site will be clearly visible from trains passing along the railway and from Westby to the north. The applicants LVIA considered a viewpoint from north of Westby when in reality the main impact will be from south of Westby and the residential dwellings there. At this point persons are higher up above the site and the development would appear highly intrusive in the landscape, in the foreground of the wider panorama. The proposed boundary hedge and tree belt would do nothing to mitigate the impact from this elevated position.

Views from the east are probably the most restricted and this is shown on the applicant's zone of theoretical visibility plan, this is due to existing vegetation and built development. It would still be visible however from some view points and there will be some views of the site at the point where you enter the PROW which would have a negative influence upon its entrance. The views from the west the full extent of the site is clearly visible as a very dominant feature in the landscape specifically for the occupiers of Willowmead Park where properties back on to the development where there is no screening. The applicants did not consider a view from these dwellings as in common practice however views to these dwellings from the application site are apparent and residents have written in including photos showing their existing outlook. Whilst one has to leave the public areas and enter private land to appreciate the impact the installation, it will be glimpsed from this location when passing and the full effect of these views would be a constant feature for the occupiers of these dwellings whose outlook would become dominated by the development. In considering all of these matters it is considered that the development would have a significant adverse visual impact on the

landscape character of the area and would come to be a dominant and ever present feature of life in Wrea Green for the next 25 years.

The sheer scale of the development means the proposal cannot fail to have a visual impact and overall this is considered to be unacceptable, the views of the site are discussed above and it is considered that the solid structure of the arrays and associated infrastructure would form a strong physical presence of industrial appearance which would change the character of the rural fields in which they are located. This view was also reached at recent appeals (ref APP/R3325/A/13/2197853 and APP/Q3305/A/14/2214650) by planning inspectors to sites similar in character to this one. The development would be visible at close range, from within and outside the site and whilst the hedges and trees proposed would mitigate some views this would take time. Furthermore, due to the different height of the fields to the surrounding land and its sloping nature means that in some locations the existing hedges would have to grow significantly before effective screening can take place. Views to the site from elevated land would also not be screened and the site would still be visible from both short and wider views and would clearly be seen as a manmade intrusion into the rural landscape that would be an alien and incongruous mass of metal structures out of character to the area. The mitigation proposed particularly to the southern boundary would unnaturally enclose an open agricultural field, which in normal circumstances would not be required to be screened and given the significant size of the site that the development would require to screen would be out of character to the area. The site boundary without a hedge to the south would take some time to get established and would be unlikely to be well screened for 5 to 7 years. The NPPG states that with appropriate The DCLG guidance states that with effective screening and appropriate land topography the area of the zone of visual influence of ground mounted solar panels could be zero. In this case having regard to the character of the topography that would not be the case, the harm to the character and appearance of the area would be significant.

Impact on Public Right of Way

The submitted LVIA acknowledges that the impact of the development on the landscape character of the site itself is 'major adverse' and also states that it is considered that the proposed development would be visible from the PROW during years 1 to 15. The PROW as you leave Wrea Green moving from east to west already has a hedgerow alongside the track and it is proposed to close up the gaps in this hedgerow to its northern boundary. However as one enters the middle of the site there are clear open views of the site and surrounding countryside to the north west and south, the undulating nature of the site is clear at this point and the proposal would be widely visible and users of this footpath would feel as though they were in the middle of an industrial type development in the countryside. The development would result potentially major visual impacts on the visual amenity of PROW receptors using these footpaths. The PROW are rural paths and users of these paths would expect to see countryside views. Instead they will see rows of solar panels. The proposal includes a hedgerow at 2.4m to be planted alongside the PROW to prevent views to the south and north however there would still be views of the site due to the topography of the land and also the time it will take for this hedgerow to develop. When the hedgerow has grown to a height of 2.4m the footpath along its western stretch would change from being one affording a wide open panorama of the surrounding landscape to one hemmed in between two hedgerows and would be then become a relatively uninteresting length of footpath to walk. This would result in a loss of amenity with people unable to enjoy these paths and stop and gaze at the viewpoints and surrounding countryside. The development, with or without the proposed hedgerow would take views away from a significant length of path that offers panoramas of the site and surrounding countryside which follows on from a stretch that would be further enclosed and passes alongside the wooded area to the south, thus reducing the overall enjoyment of walking on the path. Therefore, the introduction of the proposed solar farm would have a particularly significant impact on the character of these footpaths and the

amenity of the users.

Impact on setting of Wrea Green village

The application site is located approximately 250m west of Wrea Green. The application site is approximately 39 hectares though solar arrays will not occupy all of that area. By way of comparison the defined settlement boundary of Wrea Green within the adopted Local Plan constitutes an area of approximately 46 hectares. Therefore this development site, which is within 250m of this rural settlement is, by way of comparison, approximately 7 hectares smaller than the area of the village itself. Whilst views to and from the development site to the village are restricted by physical features and trees, the close proximity of the site means that it has an impact upon its setting and has a close association with the village. The village is framed by agricultural fields with farms located around its periphery with the agricultural fields traditionally farmed by these farms adjacent to these. As discussed above the visual impact and harm to the character of these fields will be significant.

Wrea Green is a traditional village with a village green surrounded by dwellings, a pub and some employment uses. There is a small industrial area at the north of the village adjacent the railway line. The development directly west and within 250m of the site occupies an area of land almost the same size as the village, if developed it will be viewed almost as part of the village itself and would affect the character, setting and attraction of the village. The industrial nature of the development combined with the size of the site would be out of proportion with the settlement of Wrea Green. Visitors to the village travelling along roads, railways and footpaths would see a large scale development and your officers are of the opinion that it would have a harmful impact upon its setting. The location is considered to be deeply rural in character, with views of the site from afar, as well as near. In this agricultural landscape directly adjacent to a rural setting the extent of the panels would be an uncharacteristic feature, which would have an adverse impact on the immediate landscape context. There would be no credible relationship between the proposal and the established built form of Wrea Green. Hence the incongruity of scale (39 hectares) and character of the development reinforces the concern over the impact on the setting of Wrea Green. Thus, the issue is not only the scale of the solar park covering a substantial area, but its close proximity to the village's built form, seen in context as part of the undulating agricultural setting. The landscape setting means that the scale of the solar park acts to dominate and would be seen as overbearing and difficult to assimilate and upsets an otherwise natural balance of the rural character between fields and rural settlement. This appreciation of the landscape character of the locality renders the proposal's impact on the setting of the village unacceptable.

Summary

The proposal would cover approximately 39 hectares of countryside with manmade infrastructure that would appear alien and incongruous development into an undulating rural agricultural landscape setting which would have a detrimental impact on the character of the area as well as having a significant and harmful visual impact to the surrounding area and the PROW that runs through the site and result in substantial damage to the local landscape. Whilst the proposal is for a temporary period and the development is reversible there would be no permanent physical change and or damage to the landscape 25 years is a significant period of time, and the effects of the development on the character and appearance of the landscape during that period of time remains a key issue to be weighed against the contribution of the scheme to the national strategy on low carbon energy. It is officer's opinion that the scale of harm in this location is such that it would not be outweighed by the wider benefits of renewable energy provision.

Ecological issues

The application has raised objections from both LCC Ecology and Natural England and their extensive responses are reported in full in the consultee responses section of this report. Natural England's response was received on the 24 October 2014 and LCC Ecology on the 2 December 2014 with both raising objections. The application has been submitted with an Ecological Survey and Landscape and Ecological Management Plan which have been assessed by both.

Natural England's response state that the site is in close proximity to a European designated site and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Morecambe Bay Special Protection Area (SPA) and Special Area of Conservation (SAC), and Ribble & Alt Estuaries Special Protection Area (SPA) which is are European sites. The sites are also listed as Morecambe Bay and Ribble & Alt Estuaries Ramsar sites¹ and also notified at a national level as Lune Estuary, Wyre Estuary and Ribble Estuary Sites of Special Scientific Interest (SSSI's) respectively. Natural England advises that there is currently not enough information to determine whether or not significant affects can be ruled out and they recommend further information is obtained to undertake a Habitats Regulations Assessment. With regard to the content of the Ecological report this states that the Ribble Estuary is roughly 3km from the proposed site and recommends that Wintering bird surveys are needed to assess the site and surrounding fields for presence and level of usage by SPA birds. Natural England supports this recommendation because the site currently comprises 3 large fields made up of arable fields and improved pasture suitable habitat for foraging geese/plover/swan species. Therefore this area has the potential to be functionally linked land. Functional habitat is the term given to an undesignated area lying beyond the boundary of a protected site, which is nevertheless used by designated bird populations. Where an essential ecological function, such as foraging, occurs beyond a site boundary, then the area within which this occurs is termed functionally linked land, or is known as functional habitat. If the presence of this land is essential in meeting a species' needs, damage or deterioration of this habitat then could in turn impact upon the designated population. They also have concerns about the impact SSSI and refer to their standing advice for assessing impact on protected species.

LCC Ecology commented that the main ecological issues are the potential impacts on Wintering birds, including qualifying features of nearby statutory designated sites, ground nesting birds, including Species of Principal Importance, amphibians, including Great Crested Newt (European Protected Species) and Common Toad (Species of Principal Importance) and bats (European Protected Species). They state that whilst biodiversity could be enhanced that at this stage the full ecological value of the site has not been established and therefore the likely ecological impacts of this proposal have not been fully established. They state that as the surveys are incomplete there is not enough information to enable Fylde Council to reach a decision, including insufficient information to enable Fylde Borough Council (as competent authority for the purposes of the Conservation of Habitats and Species Regulations 2010 (as amended)) to engage with the Regulations in the making of this planning decision. Specifically the ecologists state that more information is required with regard to;

Wintering Birds (including designated sites) – Natural England's concerns will need to be addressed, More information required to undertake a HRA including wintering birds surveys. Surveys need to be complete prior to determination of the application.

Breeding Birds – Records of Lapwing breeding within the local area within 1km of the site and Skylark breeding within 4km of the site. Both are species of principle importance. The assessment of likely impacts on ground nesting bird species is not adequate. The Ecological Survey report (Michael Woods Associates, September 2014) states that the majority of the arable and improved grassland fields are

considered sub-optimal for ground nesting birds due to lack of dense vegetation cover (para 7.5.24). However, whilst species such as Skylark may require some cover for nesting this can be provided by arable crops (Skylark do nest within fields of arable crops). In addition, Lapwing require a good all round view from the nest to spot predators, and nest either on bare ground or in short vegetation with some arable land (such as spring sown crops) providing ideal habitat.

Under the proposals solar arrays would be installed across the fields. Although there would be spaces between the arrays, the proposals would result in a loss of available land which may be used by ground nesting birds and the presence of solar arrays may disturb/displace any ground nesting birds from the whole area within which they are located. The proposals therefore have the potential to result in a loss of nesting habitat for ground nesting birds, including Species of Principal Importance. The likely impacts on these species have not been established.

The submitted Landscape and Ecological Management Plan states that an area of grassland will be managed in order to make it suitable for breeding skylarks (Objective O3). However, the currently suitability of this land is not clear and the use of the site by Skylark has not been established and the area proposed for management for Skylark is a very small proportion of the area of the site that may be suitable (including the arable land). It is not therefore clear that this would avoid impacts or offset impacts on Skylark. Unless the applicant can submit further information to demonstrate it is reasonably unlikely that the site is used by populations of ground nesting birds, the applicant should be required to submit the results of breeding bird surveys to establish the likely impacts on these species and to inform the need for avoidance, mitigation/compensation measures. If surveys show there would be losses of habitat for ground nesting birds then the applicant will need to submit mitigation / compensation measures prior to determination of the application. This matter will need to be addressed prior to determination of the application as, if the site is of value to ground nesting birds, it is not clear that losses could be compensated for onsite.

Amphibians including Great Crested Newt and Common Toads – Both are species of principal importance and there are a number of ponds within the site which are considered to have good and excellent suitability for newts, and there are records of them in the area. Therefore as the presence/absence of newts has not been established, the assessment of impacts on newts is not adequate and does not appear to be based on full knowledge of the proposals. The main reason for surveys being required is that the assessment of likely impacts on Great Crested Newt is based on the works being carried out in the amphibian hibernation period and suitable places of shelter being retained unaffected (e.g. para 7.5.14). However, the submitted Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan shows that sections of hedgerow are to be removed to facilitate the proposed infrastructure (such as fencing), including sections of hedgerow very close to ponds and which have habitat connectivity to ponds (e.g. sections of H4 & H5). As stated in the Ecological Survey report if Great Crested Newt are present they are likely to forage and shelter in hedgerows and arable margins (para 7.5.12). The proposals would therefore affect potential places of shelter for Great Crested Newt. There are other potential impacts during construction works affecting places of shelter. The works could also impact on toads, and if surveys show newts to be unlikely to be in place the assessment will need to be revised to consider impact on toads.

Therefore the application has not been submitted with sufficient information to fully assess the impact of the proposals on protected species as the full ecological value of the site has not been established. Surveys area incomplete and therefore there is not enough information to enable Fylde Council to reach a decision on the application. As these comments have been submitted and the applicants aware of them since the 24 October 2014 and 2 December 2014 and no further information has been forthcoming it is reasonable to refuse the application on the basis of the appropriate surveys required to consider the impact on bird populations and protected species have not been done. This information has been requested but not been submitted in the timescales of the application and therefore there is insufficient information to carry out an assessment and a condition cannot be used

so that surveys should be provided. Without due consideration of these surveys and using this information to consider appropriate mitigation planning permission should not be granted, and to do so would be contrary to section 11 of the NPPF and Local Plan policy EP19 – protected species.

Trees

The amendments to the application, specifically siting the proposed buildings away from existing trees resulted in the Tree Officer being satisfied that the development would not have an impact on existing significant trees and therefore there are no tree issues with the proposal.

Flooding and drainage

The Environment Agency state that the site is in Flood Zone 1, which is defined as having a low probability of flooding. A Flood Risk Assessment (FRA) has been provided with the application produced by Clive Onions consulting Civil Engineer. This FRA states that the site will be prepared and seeded to allow a mixture of grasses to flourish within the deer fences and species rich wild flowers outside of the fence, with sheep grazing the area around the arrays within the fence. This will therefore provide a high level of natural surface water attenuation and better than current farming practices. No specific drainage channels or pathways will be introduced other than swales. A swale is proposed to be formed along the northern and western boundaries to intercept run off in intense storms and encourage evapotranspiration and infiltration thus reducing the rate of run-off from the site. The swales are located in the marshy areas of the site adjacent to the railway where solar arrays are not suitable. The FRA includes details of the maintenance of the swales.

The Environment Agency have been consulted on the application and are satisfied that the proposed development would be safe and that it would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere. A condition would be required that the development is carried out in accordance with the submitted FRA. Based on the professional advice provided, it is not considered that there would be an unacceptable flood risk from the development. As the majority of the site is in Flood Zone 1, this development does not require a Sequential Test. There are therefore no flooding or drainage issues with the application.

Highways issues

The application has been submitted with a Construction Traffic Management Plan and addendum which have both been considered by LCC Highways. These have been prepared to address the highways issues with the application, and details the site access, routing of construction vehicles, vehicle trips during and post construction as well as supplying vehicle speeds for the area. LCC comment that the development proposal will have its greatest impact on the highway network during its construction phase and that once it is complete there will be minimal vehicle movements associated with the development. The level of vehicle movements throughout the construction period are at a level where there will be no highway capacity issues and as such it is the safe movement of vehicles which is LCC Highways major concern. The developer is proposing to use an existing field gate access of Moss Side Lane at a point where there is a double white line system in place and the road is subject to the national speed limit.

LCC state that the sightlines at the access are restricted when looking towards Wrea Green due to the hedge opposite the development site, as such the developer proposes that hedge management may be required in order to achieve acceptable sightlines. LCC state that if the hedge remains a sightline of approximately 2.4m x 50m (measured to the centreline) can be achieved. However, the developer is proposing a traffic signing scheme which would influence vehicle speeds and provide adequate

warning of turning vehicles for approaching and emerging vehicles. With an appropriate traffic management scheme they are satisfied that the means of access to the site is acceptable.

LCC require the submission of a Construction Traffic Management Plan (in addition to that already considered) which should make provisions to avoid HGV's using The Green at the start and end of the school day due to the presence of child pedestrians and congestion caused at these times and a Highway Condition Survey. They confirm that there are no highways objections and request conditions relating to the access to the site, wheel cleaning of construction traffic, off site highway works, the construction management plan and highways condition survey. Therefore with these conditions in place there are no highways issues.

Other issues

Archaeology

The application was submitted with a Heritage desk based assessment. LCC Archaeology have considered this and consider it appropriate and because of the depth and type of foundation do not consider further investigation appropriate or necessary.

Glint and Glare

Following submission of the application due to the proximity of the railway Network Rail were consulted. They then responded that they requested a Glint and Glare study be submitted, this was then submitted with Network Rail commenting that solar reflections may affect the Moss Side-to-Wesham railway as it passes close to the solar farm in the early mornings within the dates and times given in Section 8.1.2 above for near horizontal reflections. Actual times and dates will be for shorter periods each day and beginning and ending later and earlier in the year, respectively, than for near-horizontal reflections. Southbound/ westbound trains on this line will not be affected by solar reflections which will never occur from in front of the train's direction of travel, but only from the left side and rear as viewed by the driver. Northbound/ eastbound trains may occasionally experience solar reflections from the right side – no closer than from 17° to the right of the train's direction of travel and with the sun shining from very close (approximately 23° or less) from any reflecting panels. Significantly they comment that solar reflections will not be detrimental to the safe observation of signals by a driver and that they will have no effect on pedestrian, road and rail vehicle usage of the Moss Side level crossing. Other effects from solar reflections, including on safety related matters, will be negligible. There are therefore no safety issues from glint and glare from the panels to users of the railway but Network Rail required a monitoring condition so that if Network Rail have cause to complain the Council relating to signal sighting or driver safety, that the applicant or operator of the solar farm shall within 28 days submit for approval to the council details of a scheme of remedial measures to address the concerns raised with details of a timescale for the implementation of the works. This will ensure that whilst the rail company have no objections if anything unanticipated occurs it can be addressed by appropriate remediation.

Residential amenity

Some residents surrounding the site will be able to see the development and the proposals visual impact is considered above. In terms of other potential impacts from noise and glint and glare the Council's Environmental Health Officer has considered the submitted information in relation to noise from transformers and has commented that there is a potential for nuisance as a result of low frequency noise emitting from the transformers. And whilst he does not object to the application he states that the applicant shall calculate the best location for these units such that they are furthest

away from a residential property. It may be necessary to enclose the units similar to electricity substations to prevent noise escape. It is considered that with an appropriate condition in place that the amenity of surrounding dwellings can be protected.

With regard to the glint and glare study this states that effects on residential dwellings will be of low significance with solar reflections occasionally observed in the early morning from Willowmead Park and in the evenings by dwellings to the east of the site for up to 5/6 minutes a day, with light from the sun shining more directly into affected windows. It is considered that this would not result in an unacceptable impact on residential amenity.

Conclusions

The application proposes the development of a solar farm, with associated infrastructure and equipment on agricultural land at Moss Side Lane, Wrea Green. It is considered that the principle of the development is acceptable in light of the support for renewable energies in NPPF and that the development has been assessed to pass the test that there are no suitable sites for the development on brownfield or non-agricultural land. It is viable that the land can continue to be used for grazing during the operation period of the development and biodiversity enhancements can be conditioned. This is in accordance with NPPG.

There would not be an unacceptable impact on residential amenity in terms of light, overlooking or noise and disturbance. The impact of the development on the highways network during and post construction is considered to be acceptable without unacceptable traffic generation or risk to highway safety. However due to the lack of several surveys the impact on wintering birds, nesting and breeding birds and amphibians is unknown, and therefore the scope of mitigation required and whether this can be achieved is also unknown, and therefore the development could have an adverse effect on ecology and biodiversity.

Visually, it has been assessed that the development would have significant impacts on the local landscape character. Whilst this landscape is not designated for its special landscape quality it is considered that due to the scale and site area of the development, the incongruous industrial nature of the development proposed that it would cause unacceptable landscape harm. Views to the site from various points would be unacceptably impacted upon, users of the PROW running through the site would experience a loss of amenity with people unable to enjoy these paths and stop and gaze at the viewpoints and surrounding countryside, the introduction of the proposed solar farm would have a particular effect on the character of these footpaths. There would be harm to the visual amenity of the residents in the properties that are close to the site and overlook it, with their views changed from that of open fields to views of a solar farm.

Overall, the visual harm to be experienced has to be balanced against the gain of a renewable energy source and rural diversification. NPPF encourages the development of renewable energy and aims to increase the use and supply of renewable energy and should be afforded significant weight. However it is considered that the substantial and demonstrable harm and unacceptable visual impact to be experienced to the local landscape, residential properties, Public Rights of Way and the impact on the setting of Wrea Green is of great significance and its harm outweighs any benefit experienced by way of renewable energy. Furthermore, the proposal would not be likely to result in economic benefits to the locality, the development of a solar farm of comparable scale to the settlement of Wrea Green is not likely to attract visitors to the area and the benefits will be to the developer/land owner only and to the wider community. It would also result in potential environmental harm. As such, having regard to the NPPF, it is not considered to be sustainable development and therefore the presumption in favour set out in the NPPF does not apply. The adverse impacts of the proposal would outweigh the

benefits and the proposal is considered to be unacceptable having regard to the NPPF. The proposal is therefore recommended for refusal.

Recommendation

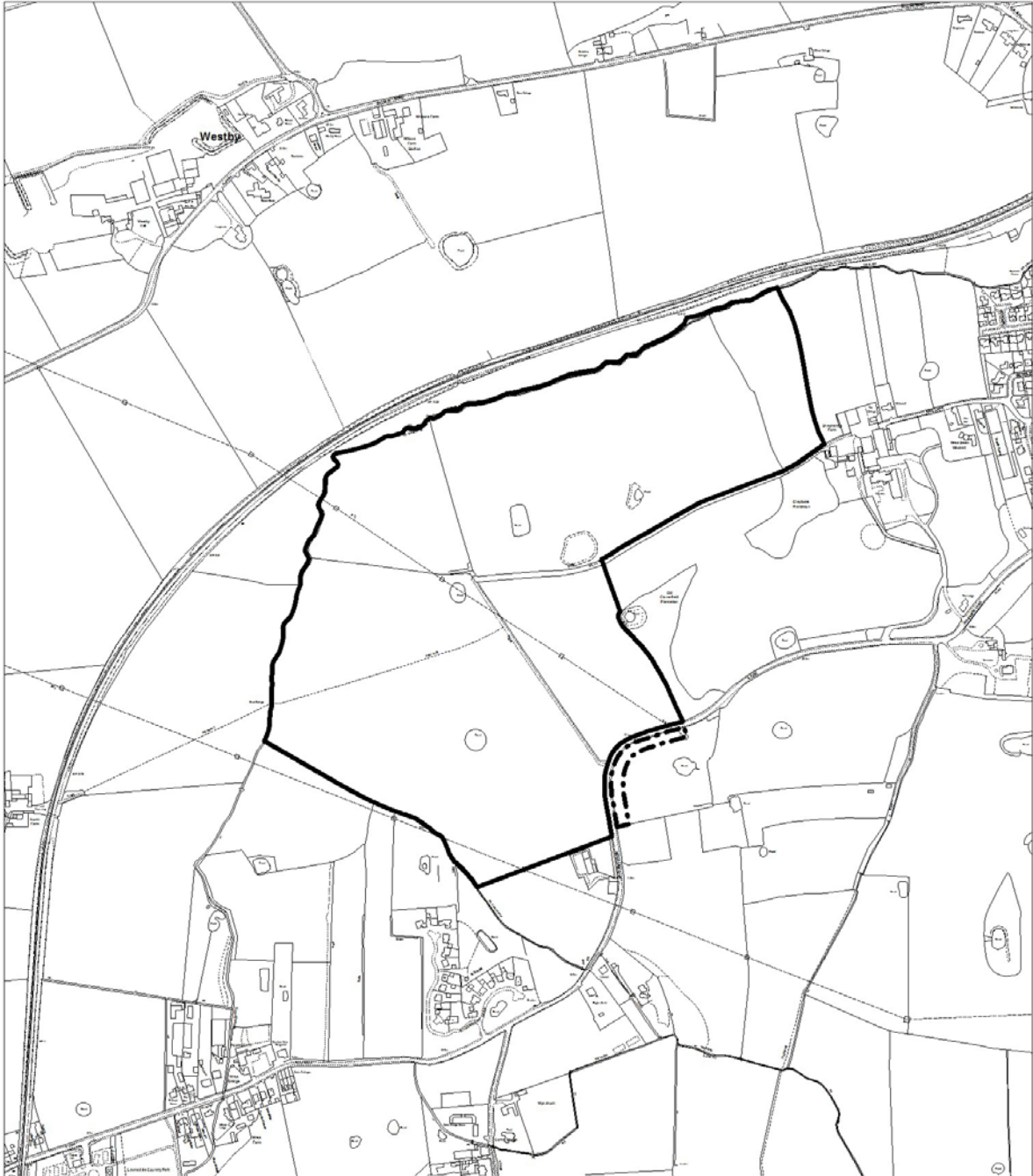
That Planning Permission be REFUSED for the following reasons:

1. The proposed development by reason of its scale, form and siting would have a significant detrimental visual impact on the landscape character of the area. The installation would appear as a large stark industrial feature in an otherwise gently rolling landscape at odds with the rural development and character of the area. This incongruous proposal would be highly visible from a large number of receptors both wide and localised which combine to make the development a very dominant feature in the local landscape. As such, it is considered that the open landscape character of the area and natural environment would be harmed, to the detriment of the enjoyment of the countryside by all users and the impact on the local community is not outweighed by the wider environmental benefits that may be realised by the proposal. The proposal is, therefore, contrary to policies contained within the National Planning Policy Framework, specifically paragraphs 17, 109, and 113.
2. The proposed development would have an unacceptable impact on the Public Right of Way within the site. Users of the PROW running through the site would experience a loss of amenity caused by the incongruous proposal that would harm the views of the site and surrounding countryside thus affecting the character of the path. When established in parts of the site as shown on the submitted site layout plan the erection of 2.4m hedgerows within the site would have an enclosing effect on the users of those Rights of Way to the detriment of their enjoyment of them. This impact would be contrary to policies contained within the National Planning Policy Framework.
3. The proposed development of 38.74 hectares of solar panels and associated infrastructure would result in substantial harm to the setting of the Wrea Green by virtue of the scale and pattern of development adjacent to this rural settlement. The development would lack any relationship with existing development and would have a detrimental impact that is out of keeping and does not respect the form, character and setting of the locality contrary to local plan policies contained within the National Planning Policy Framework, specifically paragraphs 17, 109, and 113.
4. The application does not demonstrate that there will be no impact with regard to the ecology within the SSSI including the Ribble and Alt Estuaries (SPA) and Ramsar site which are European Sites or if necessary how this impact would be mitigated. The proposal has the potential to have harm to wintering and nesting birds, primarily Lapwings and Skylarks and as insufficient information has been provided with the application to determine the degree of harm to the ecology and biodiversity of these areas and if any impacts can be made acceptable through mitigation and/or compensation the application is considered to be too inadequate to enable the Local Planning Authority to assess the application in this respect. This is contrary to the National Planning Policy Framework, which requires biodiversity and protected species to be conserved and enhanced.

5. The application does not demonstrate that there will be no impact with regard to the ecology to the site, the impact on protected species, specifically Great Crested Newts and common toads which are a species of principal importance, or if necessary how this impact would be mitigated. The proposal has the potential to have harm these species, particularly because of the nature of the site which contains ponds and hedgerows and as insufficient information has been provided with the application to determine the degree of harm to the ecology and biodiversity of the site and if any impacts can be made acceptable through mitigation and/or compensation the application is considered to be too inadequate to enable the Local Planning Authority to assess the application in this respect. This is contrary to the National Planning Policy Framework, which requires biodiversity and protected species to be conserved and enhanced.

6. The proposed solar farm would occupy a significant area of best and most versatile agricultural land with 26.5 hectares of the application site being classified as Grade 3a agricultural land. The nature of the development and the length of time that it will be present on the site is such that it will not be available for productive agricultural use during that time and so will not function as best and most versatile land.

The applicant has not demonstrated that there is an overriding need for the solar farm to occupy such a significant area of best and most versatile agricultural land in the borough and so the proposal is contrary to Policy EP22 of the Fylde Borough Local Plan and guidance in para 112 of the NPPG with which that policy is consistent.



Development Services Fylde Council		(c) Crown Copyright and database right (2014). Ordnance Survey (100006084).	
Application No. 5/14/0696	Address Land north of Moss Side Lane & south of the Railway, Wrea Green	Grid Ref. E.3375 : N.4393	Scale 0 40 80 120 160 m

Item Number: 7

Committee Date: 04 February 2015

Application Reference:	14/0772	Type of Application:	Advertisement Consent
Applicant:	Mill Farm Ventures Limited	Agent :	PWA Planning
Location:	MILL FARM, FLEETWOOD ROAD, MEDLAR WITH WESHAM, PRESTON, PR4 3HD		
Proposal:	ADVERTISEMENT CONSENT FOR ERECTION OF NON-ILLUMINATED HOARDING SIGN FOR TEMPORARY PERIOD		
Parish:	MEDLAR WITH WESHAM	Area Team:	Area Team 2
Weeks on Hand:	14	Case Officer:	Mr M Atherton
Reason for Delay:	In order to allow consideration by committee		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application relates to a development information and promotion board that is proposed to be displayed at the proposed development site at Mill Farm. Although an advertisement of this scale would not normally be appropriate in a rural area, it is considered that it would be appropriate adjacent to a development site. Accordingly it is recommended that advertisement consent be granted.

Reason for Reporting to Committee

The recommendation of the Town Council is contrary to that of officers.

Site Description and Location

This is a site situated due north west of Wesham and west of Fleetwood Road, the A585, which is subject to an application (13/0655) for a mixed use development, which the Development Management Committee resolved to approve subject to a section 106 agreement in June 2014.

The site is allocated as a Countryside Area within the Adopted Fylde Borough Local Plan. Within the Council's Published Preferred Options For Development, the land is allocated as a mixed employment/leisure use.

The site is also within an Area of Special Control for Advertisements.

Details of Proposal

The proposed advertisement hoarding would be situated in a field to the north west of the roundabout on Fleetwood Road.

It would be a v shaped sign with one panel visible to the north and the other panel visible from the south. Each panel would be 4.8 metres high and 2.4 metres wide & the base of the sign would be 1.5 metres above ground level and supported on timber poles.

Since the application was originally submitted, the position of the sign has been slightly revised to account for comments received from Lancashire County Council as the Highway Authority. It is now located behind the field hedge and consequently outside of the public highway.

Relevant Planning History

Application No.	Development	Decision	Date
13/0655	<p>HYBRID PLANNING APPLICATION (PART FULL / PART OUTLINE)</p> <p>FULL PLANNING APPLICATION – 6,000 CAPACITY FOOTBALL STADIUM, 11,431m2 WAREHOUSE AND DISTRIBUTION CENTRE (CLASS B8), 1,518m2 NEIGHBOURHOOD RETAIL STORE (CLASS A1), INTERNAL SPINE ROAD WITH ACCESS FROM A585 ROUNDABOUT, ASSOCIATED PARKING, LANDSCAPING, DRAINAGE AND INFRASTRUCTURE</p> <p>OUTLINE PLANNING APPLICATION (ACCESS SOUGHT WITH OTHER MATTERS RESERVED) – , 8 X OUTDOOR FLOODLIT ALL WEATHER PITCHES, CHANGING ROOM BLOCK, PETROL FILLING STATION, 785m2 NON-FOOD BULKY GOODS RETAIL UNIT (CLASS A1), HOTEL (CLASS C1), PUB / RESTAURANT (CLASS A4), DRIVE THRU RESTAURANT (CLASS A3/A5), 492 SPACE OVERFLOW CAR PARK & THE FORMATION OF A SURFACE WATER ATTENUATION POND.</p>		
92/0067	OUTLINE: ERECTION OF A PETROL FILLING STATION, ACCESS TO ROUNDABOUT AND SEPTIC TANK	Refused	25/03/1992
91/0696	OUTLINE APPLICATION FOR THE ERECTION OF PETROL STATION, DINING FACILITIES AND NEW ACCESS TO ROUNDABOUT.	Refused	26/02/1992
91/0075	REVISED APPLICATION FOR USE OF LAND FOR PETROL FILLING STATION AND MOTORIST FACILITIES	Refused	22/05/1991
90/0746	USE OF LAND FOR PETROL FILLING STATION	Refused	30/01/1991

90/0715	& MOTORISTS FACILITIES USE OF LAND FOR PETROL FILLING STATION Refused AND MOTORIST FACILITIES	30/01/1991
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Relevant Planning Appeals History

Application No.	Development	Decision	Date
99/0215	MODIFICATION OF CONDITION NO. 2 ON APPLICATION 5/95/131 TO PERMIT THE USE OF 14 DOMESTIC STABLES AS LIVERY STABLES	Allowed	17/11/1999
91/0696	OUTLINE APPLICATION FOR THE ERECTION OF PETROL STATION, DINING FACILITIES AND NEW ACCESS TO ROUNDABOUT.	Dismiss	09/07/1992
92/0067	OUTLINE: ERECTION OF A PETROL FILLING STATION, ACCESS TO ROUNDABOUT AND SEPTIC TANK	Dismiss	09/07/1992

Parish/Town Council Observations

Medlar with Wesham Town Council notified on 31 October 2014

Summary of Response: The Council wishes to make the following comments:

1. The sign is excessively high;
2. To be placed in a distracting location; and
3. The length of the advertisement period does not suggest 'temporary.'

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

No objection to the new proposed location. I will require that the sign is securely fixed and structurally stable so as to safeguard against the collapse and potential injury users of the highway.

CPRE:

Object to the hoarding, believe it is contrary to National Planning Practice Guidance for advertisements. This stretch of road has been landscaped and represents an immediate edge to the countryside which should be preserved. It is in an area of Special Control for Advertisements & we can see no good reason to remove this protection.

Greenhalgh with Thistleton Parish Council:

This application was brought to our attention at a recent Parish Council meeting and we are very disappointed that we were not given the chance to comment on a significant item close to the boundary of our parish.

Having reviewed the application Greenhalgh with Thistleton Parish Council wish to object to the application for the following reasons;

1. The sign is very large such that it will make a significant difference to the visual

aspects of this area of countryside.

2. Given the location on a very busy roundabout there be a high risk of distraction for vehicle drivers with the obvious potential for road traffic accidents.
3. The original location is on the grass verge of the highway which is unacceptable. If there is a proposal to move the sign onto the private land then we must insist that none of the existing hedgerow is removed to allow a clear view of the sign. If the answer is to raise the sign to clear the hedge that would also be totally unacceptable, worse than bullet 1 above.
4. Describing the 5 year period the sign will be in place as 'temporary' is not considered valid.
5. The sign is to advertise for 'roadside uses' which implies perhaps a garage, hotel, drive-through restaurant, etc. i.e. the sort of uses that the original 'stadium' application 13/0655 included under 'outline planning' only. The original application stated that a stadium, warehouse and distribution centre and neighbourhood retail store were to be the first buildings erected and yet it now appears that the applicant is planning to change the order of construction.

The reasons for objection above, particularly bullet 5, confirm our suspicions given in our response to the original application 13/0655 that is that the lack of justification for the stadium and other proposed sports facilities creates a serious risk that if the development were approved these facilities may not be built which would open up the risk to additional establishments in the same category being approved in their place. Such as this would be a totally unacceptable way to destroy the existing site designated as countryside.

Neighbour Observations

Neighbours notified: No Neighbours Notified

No. Of Responses Received: 15 letters of OBJECTION

Nature of comments made:

Concern re:

1. The proposal is advertising a development which is yet to receive planning permission & should be refused for that reason.
2. Proposal is contrary to Local Plan policy.
3. The proposal is on the highway verge (. If it is set back to the boundary line, it is likely that the hedge will need to be removed, contrary to the County Ecologist's views. The alternative would be to raise the whole structure over the hedge which would increase its size.
4. Proposal is of an excessive size & would be visually intrusive.
5. Would be detrimental to highway safety.
6. Proposal would be adjacent to the site entrance (if approved) and would impact on sightlines & the characteristics of the junction.
7. A period of 5 years cannot be considered as temporary.
8. The area already has a large amount of signage within it.
9. The computer enhanced images on the proposed signage does not give a true representation of the actual environment.
10. There is a potential danger to public safety as the sign could be blown over in a strong wind.
11. The proposal is contrary to the aims of the Area of Special Control for advertisements &

should be refused.

12. Question the need for such an advert as most Developers/Businesses will access new land opportunities via main commercial agents rather than driving around an area.

Relevant Planning Policy

Fylde Borough Local Plan:

EPO9 Shop front advertisements

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

The proposed signage would be a "V" shaped board situated behind the existing landscaped field boundary with the A585 Fleetwood Road. Although, the proposal is tall, it would be of limited width due to the "V" shape of the proposal which would enable a sign in each direction to be displayed.

Applications for advertisement consent may only be considered on grounds of public amenity and safety.

No objection has been received from Lancashire County Council in their role as Highway Authority. It is not considered that a sign in this location where traffic speeds are relatively low as vehicles approach or leave the roundabout would have a severe impact on highway safety.

The proposed advertisement is to promote the availability of development plots and the nature of the proposed development at the site. Whilst an advertisement of this size would not be appropriate in an isolated countryside location, as the signage will be to promote the proposed development site, it will be of a size and scale that is appropriate in the circumstances and of a size which is usually found promoting similar development sites.

Although the site is located within an Area of Special Control, within the guidance for the Control of Advertisement Regulations, there is reference to unilluminated Hoarding Signs being permitted within Areas of Special Control.

Therefore, the sign is not considered to be visually obtrusive in this location and its limited visual impact is not considered to justify a refusal of consent on amenity grounds.

Conclusions

It is considered that the proposed advertisement would not have a detrimental impact on visual amenity or public safety and advertisement consent should, therefore, be granted.

Recommendation

That Advertisement Consent be GRANTED subject to the following conditions:

1. a) All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Attached within the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- b) Any hoarding or similar structure, or any sign, placard board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority.

Attached within the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- c) Where any advertisement is required under the regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.

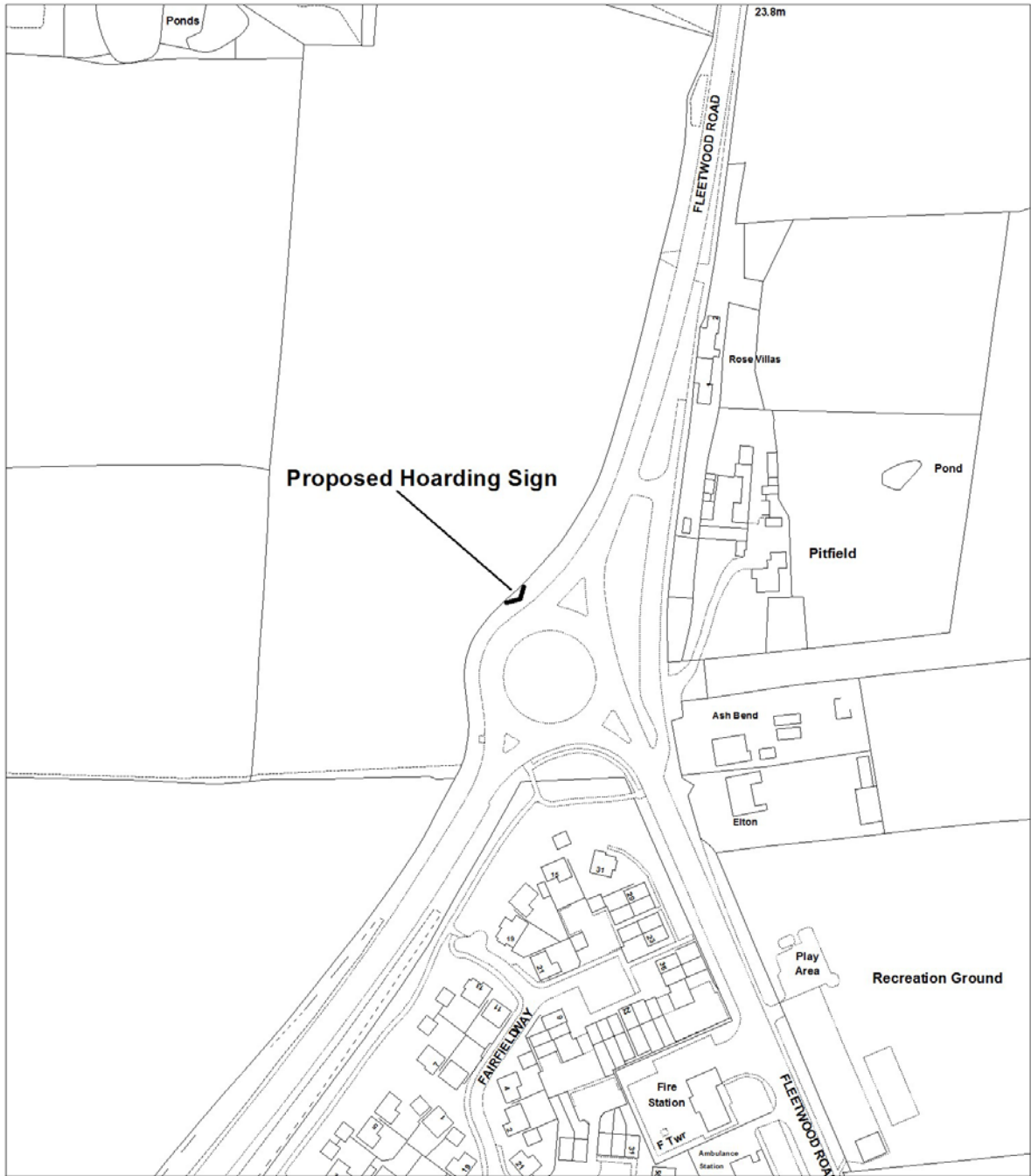
Attached within the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- d) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Attached within the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- e) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway [including any coastal waters]; or aerodrome [civil or military].

Attached within the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/14/0772	Address Mill Farm, Fleetwood Road, Wesham	Grid Ref. E.3414 : N.4336	Scale 0 10 20 30 40 m

Item Number: 8

Committee Date: 04 February 2015

Application Reference:	14/0819	Type of Application:	Householder Planning Application
Applicant:	Mr & Mrs Evans	Agent :	Homeplan Designs
Location:	9 WILDINGS LANE, LYTHAM ST ANNES, FY8 3RJ		
Proposal:	PROPOSED REPLACEMENT OF WINDOWS TO SIDE FACING DORMERS IN EXTENDED PROPERTY WITH FULLY OPAQUE NON-OPENING DOUBLE GLAZED WINDOWS		
Parish:	HEYHOUSES	Area Team:	Area Team 1
Weeks on Hand:	12	Case Officer:	Andrew Stell
Reason for Delay:	Need to determine at Committee		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application seeks partial retrospective planning permission for an extension to a dwelling on Wildings Lane in St Annes that has been constructed with dormer windows to the side facing roofslopes rather than the approved Velux windows. The proposal is to retain these windows but with the glazing within them replaced with obscured glass in non-opening frames rather than the opening frames as currently installed.

This follows a series of applications with the most recent approving the retention of the dormers but with the windows removed. This proposal provides a more visually attractive solution, and after a thorough assessment including views from within the property and its neighbours, is considered to adequately address actual and perceived privacy loss concerns. As such the retention of the dormers with obscured glass in non-opening frames accords with the requirements of criteria 2 of Policy HL5 and is recommended for approval subject to a condition to require that the windows are amended within 3 months and are retained as such thereafter.

Reason for Reporting to Committee

With the Town Council objection to the proposal and officer recommendation for approval the Scheme of Delegation requires that the application be determined by the Development Management Committee.

Site Description and Location

The application site is a bungalow located within a residential area of Lytham St Annes. The property is neighboured on one side by a two storey dwelling and on the other side by a dormer bungalow.

Details of Proposal

To understand the nature of the current application it is necessary to understand the recent planning history. Planning permission was granted for the erection of a two storey extension to the rear of the property with this having Velux windows to both the side facing roof slopes on the extended element (ref 13/0556 applies). An extension has been constructed to the rear of the property but features a pair of side facing dormers to each side.

An application was then made (ref 13/0764 applies) in an attempt to secure planning permission for these dormers, but was refused for reasons relating to the overlooking of the neighbouring properties to both sides that results from the windows in the dormers.

Planning permission was then approved (ref 14/0399 applies) for the retention of the dormers but with the windows removed and replaced with a solid finish so that no overlooking was possible. Given that the dormers had been constructed this permission included a condition that set a timescale for the works to be completed, which has now expired without any work having been undertaken.

The currently application seeks to retain the dormers to both sides of the roof but replace the existing obscure glazed opening window with non-opening and obscurely glazed windows. Since submission of the application the applicant has provided details of other dormers in the vicinity of the property where side facing windows are provided without obscured glazing.

Relevant Planning History

Application No.	Development	Decision	Date
14/0399	TWO STOREY EXTENSION TO REAR WITH DORMERS TO BOTH SIDES AS REVISED SCHEME TO PLANNING PERMISSION 13/0556, WITH ALL WINDOWS IN DORMERS TO BE REPLACED WITH CLADDING FINISH AS FOR REMAINDER OF DORMERS	Granted	05/09/2014
13/0764	TWO STOREY EXTENSION TO REAR WITH DORMERS TO BOTH SIDES (REVISED SCHEME TO PLANNING PERMISSION 13/0556)	Refused	14/01/2014
13/0556	PROPOSED TWO STOREY REAR EXTENSION	Granted	14/10/2013

Relevant Planning Appeals History

None.

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 18 November 2014

Confirm that they object to the application for the same reasons that they raised in respect of the previous application associated with the overlooking of 7 and 11 Wildings Lane. They also express concern over the lack of enforcement of the previously approved condition to remove the windows.

Statutory Consultees and Observations of Other Interested Parties

None to report.

Neighbour Observations

Neighbours notified: 19 November 2014

No. Of Responses Received: 2

Nature of comments made:

One of the neighbouring properties to the application property has objected. They refer to the history of the extension with the various applications as set out in this report. They then make specific concerns over the development which are:

- *"The side construction of the dormer window is dominant and overbearing and their close proximity to our boundary gives rise to a claustrophobic effect and a perception of visual intrusion and being overlooked".* This is related to criteria 2 of Policy HL5.
- *"The side facing dormer windows do not set a good standard of amenity for us or for the occupants of 7 Wildings Lane. The properties along Wildings Lane and the estate off Jubilee Way comprise a mix of bungalows and houses. Of the few dormer bungalows that exist, none overlook adjacent living areas. To allow this application would not be in keeping with the amenity of the neighbourhood and would set a precedent for poor planning design in the future".* This is related to para 17 of the NPPF relating to high quality design and amenity for all.
- *"The side facing dormer windows do not improve the character and quality of the area."* This is related to para 64 of the NPPF which also relates to design.

Their letter concludes with photographs that illustrate the appearance of the dormers from their properties and so the potential for overlooking. They suggest that a condition to require obscured non-opening windows would not be sufficiently robust and ask that the application be refused.

The other letter is from a neighbour on the other side of Wildings Lane. This is also opposed to the currently application and refers to the applicant's lack of action on implementing the 'blind dormer' scheme that was approved in September 2014, the invasion of privacy that the continued siting of the clear glazed dormers creates, and the dominance of the dormers themselves.

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL05	House extensions

Other Relevant Policy:

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

Site Constraints

Article 4 direction

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

As the proposal effectively relates to the retention of dormers to an extension to the rear of the property the main issues for consideration are the visual impact of the dormers on the dwelling and the contribution it makes to the streetscene, the potential for actual privacy loss to neighbouring properties and their gardens, and the perceived privacy impacts that the windows could have to the occupiers of those properties. These are assessed in this report with reference to Policy HL5 of the Fylde Borough Local Plan which is the relevant local plan policy for the assessment of these matters and is consistent with guidance in the NPPF as it applies to this proposal.

Description of Works

The approved extension (13/0556) included a Velux window on the roofslope facing towards 7 Wildings Lane to serve a landing area, and four Velux windows to the roofslope facing 11 Wildings Lane which were to serve a bathroom, bedroom and en suite. These are all shown in clear glazing and opening with a height that would put the bottom of the window at approximately eye level.

The property has been built with two dormers to each side facing roof slope and a Velux window to each side between the dormers and the front of the house. The Velux windows serve the landing and a bedroom, with two of the dormers serving the master bedroom to the dwelling in the rear of the extension, one dormer serving an en suite to that bedroom, and the other serving the main bathroom to the dwelling. The dormers all have opening windows fitted in obscured glazing with the Velux windows having clear, opening glazing.

To prepare this report the internal layout of the property has been viewed so that an appreciation of the overlooking from all the first floor windows can be gained. The two neighbouring properties to the side have also been visited.

Actual Privacy Loss

As the dormers are currently built with opening windows there is the opportunity for overlooking when these windows are opened, although the glazing is of sufficient obscuration to prevent this when they are closed. They are positioned so that views could be obtained into a first floor lounge and ground floor bedroom at 7 Wildings Lane, and to a dining room and the garden at 11 Wildings

Lane. The proximity of the windows to the boundary and their ability to be opened is such that it creates an unacceptable opportunity for overlooking of both neighbours and the gardens to the dwellings and so results in an undue loss of privacy and harm to residential amenity of their occupiers. As such the current unauthorised situation is contrary to criteria 2 of Policy HL5 and cannot be accepted.

However, the proposal under this application is to replace these windows with non-opening windows fitted with obscured glazing. This will remove any opportunity for actual overlooking of the neighbours and so would address the stated policy concern in this regard. A condition could be imposed to require that these windows are implemented and then retained thereafter to achieve and maintain this protection.

Perceived Privacy Loss

The potential for introducing non-opening and obscured glazing has previously been presented to officers by the applicant. At that time it was not accepted as an appropriate solution due to concerns over the perception that the occupiers of the extended dwelling would still be able to overlook the neighbouring properties and gardens, notwithstanding the fact that this would not actually be possible due to the design of the windows.

The perception of overlooking is an established material consideration that has been upheld by both Planning Inspectors and the Courts. In particular the case of *Geha v Secretary of State for the Environment and Another (1993) 68 P & CR 139* related to similar circumstances to those of 9 Wilding Lane and whereby the Court of Appeal supported an Inspector's decision to refuse permission for an obscurely glazed dormer on the grounds of perceived overlooking.

Whilst the use of obscured glazing and non-opening windows was considered and discounted as a possible solution as part of the assessment of the most recent preceding application due to the perception of overlooking, the applicant has requested that it be considered again through the submission of this application. Having undertaken an assessment of the situation it is considered that the perception of overlooking is not sufficient to justify a refusal of the application.

A key factor in this is that national legislation in the General Permitted Development Order now allows for the construction of extensions and dormers with side facing windows as permitted development, with the only restriction on these being that any windows in a side facing wall or roof must be obscured and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). This was not the case in 1993 due to the legislation not being in force at that time, and whilst the applicant is unable to take advantage of permitted development right in this case as the dormers are not in an original roof slope to the dwelling the same concept must apply. As national legislation accepts that obscured glazing is a satisfactory method of preventing overlooking of neighbouring properties, officers are now satisfied that the provision of obscured non-opening windows in such a position are acceptable in terms of addressing any perception of overlooking to neighbours.

Visual Impact of Dormers

With regard to the overall design and appearance of the development the two storey extension has already been accepted as appropriate under the earlier permission ref. 13/0556. The side dormers accord with the Council's adopted SPD, "Extending your Home" in terms of their scale, appearance and external materials. With regard to the wider street scene, the dormers can be readily seen from Wildings Lane however given the mix of existing roof styles and dormers on neighbouring properties and that the dormers to No. 9 are set back towards the rear of the property it is not considered that they would have an unacceptable visual impact on the appearance of the street scene. In addition,

the inclusion of windows to the dormers will give a less "heavy" appearance than the previously approved 'blind' dormers.

Conclusions

The application seeks partial retrospective planning permission for an extension to a dwelling on Wildings Lane in St Annes that has been constructed with dormer windows to the side facing roofslopes rather than the approved Velux windows. The proposal is to retain these windows but with the glazing within them replaced with obscured glass in non-opening frames.

This proposal provides a more visually attractive solution, and after a thorough assessment including views from within the property and its neighbours, is considered to adequately address actual and perceived privacy loss concerns. As such the retention of the dormers with obscured glass in non-opening frames accords with the requirements of criteria 2 of Policy HL5 and is recommended for approval subject to a condition to require that the windows are amended within 3 months and are retained as such thereafter.

Recommendation

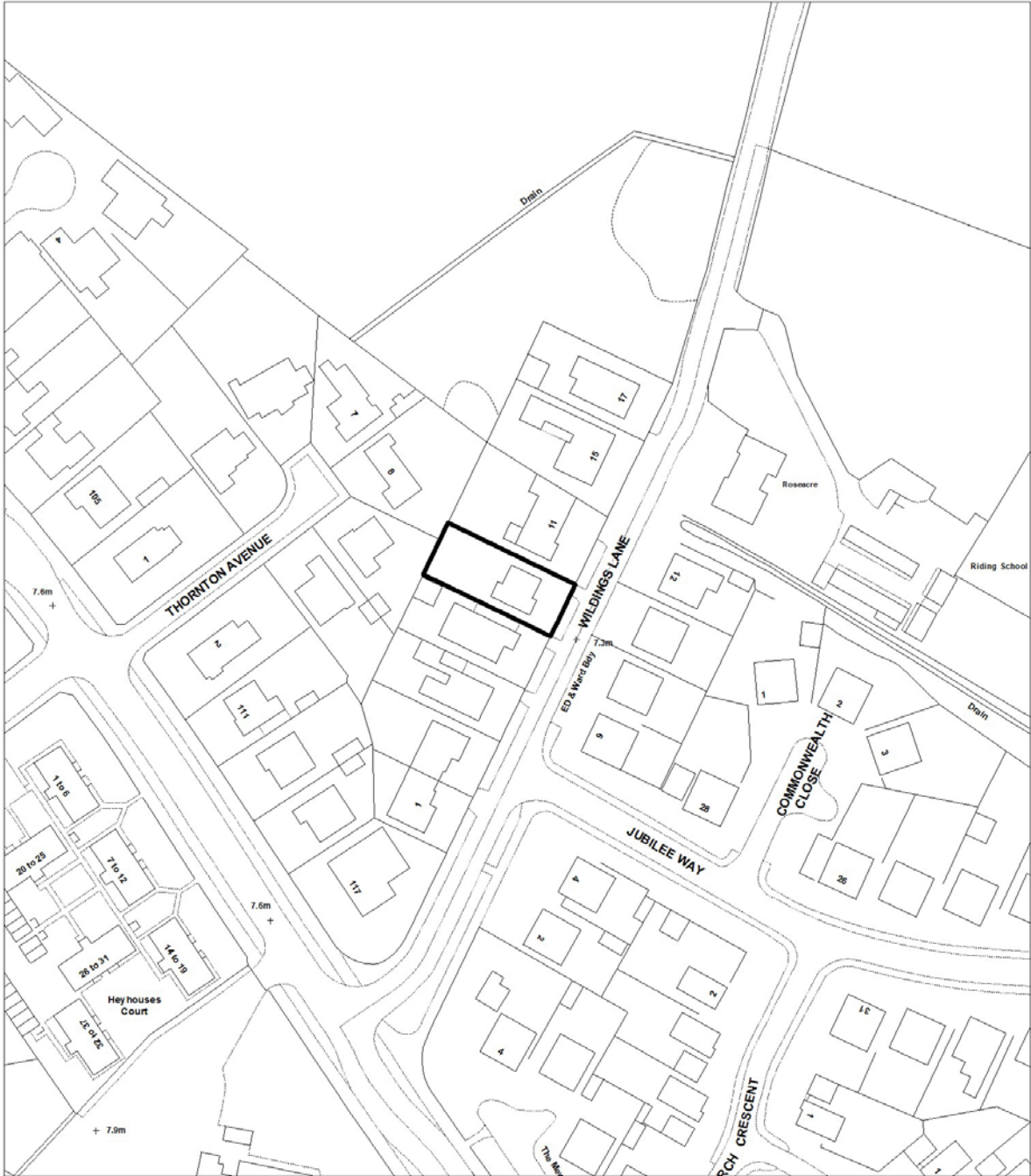
That Planning Permission be GRANTED subject to the following conditions:

1. That the planning permission hereby approved relates to the Existing and Proposed Plans and Elevation drawing by Homeplan Designs under reference HP/2107 pl/14/06.1

In the interests of defining the permission

2. That within 2 months of the date of this permission all the openings to the side facing dormers shall be fitted with replacement window frames that are designed and manufactured to be incapable of being opened, and that these frames shall be fitted with glazing that is obscured to a degree that is at least equivalent to Pilkington Level Four. The windows shall thereafter be retained in that condition and, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 [as amended], no windows of a different design or glazing type shall be inserted at any future time unless the express consent of the local planning authority has first been obtained.

To protect the amenity of neighbouring residents by mitigating against both actual and perceived overlooking from the approved dormers as required by Policy HL5 of the Fylde Borough Local Plan and as the addition of fixings to prevent the existing frames from opening would be capable of reversal in the future.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/14/0819	Address 9 Wildings Lane, Lytham St Annes	Grid Ref. E.3339 : N.4296	Scale 0 6 12 18 24 m

LIST OF APPEALS DECIDED

No appeal decision letters were received between 18/12/2014 and 21/01/2015.