

Agenda



Development Management Committee

Date:

Wednesday, 2 April 2014 at 10:00 am

Venue:

Town Hall, St Annes

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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Development Management Committee Schedule

02 April 2014

Item Number: 1

Committee Date: 2 April 2014

Application Reference: 13/0239		Type of Application:	Full Planning Permission
Applicant:	Mrs Ogden	Agent :	Richard Ansell Ltd
Location:	DOWDELLS (FIELD 5175), MYTHOP ROAD, WEETON WITH PREESE		
Proposal:	CHANGE OF USE FROM AGRICULTURAL LAND TO A MIXED USE OF AGRICULTURE AND PRIVATE EQUESTRIAN GRAZING WITH VARIOUS SUPPORTING DEVELOPMENTS INCLUDING 1NO. MOBILE FIELD SHELTER, 4NO. STABLES, 1NO. HEN CABIN, 1NO. SHIPPING CONTAINER FOR BULK FEED AND BEDDING STORAGE, 1NO. 20M X 40M SAND PADDOCK / DRESSAGE ARENA, 3M HIGH SCREENED FENCING AND AREAS OF HARD STANDING FOR PARKING UP TO 4 VEHICLES (PART RETROSPECTIVE).		
Parish:		Area Team:	Area Team 1
Weeks on Hand:	39	Case Officer:	Andrew Stell
Reason for Delay:	Replies to consultations awaited		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is an area of open countryside outside of Weeton village and alongside the railway line. The scheme relates to the use of the land for a mixture of agricultural and equestrian uses with the retention of a series of stable buildings and other structures to support the equestrian use in this relatively isolated location. The scheme also involves the proposed development of additional works such as a sand paddock and a fence to screen the development.

Agricultural and equestrian uses are generally acceptable developments in rural areas such as this. The various structures are located against the railway embankment which helps minimise their intrusive appearance in the countryside. The proposal involves the removal of some areas of fencing that have been erected to form an outer compound, and to stain other fencing around the structures that remain. This will reduce the currently intrusive nature of the development to a position that is considered to be acceptable and so the application is recommended for approval.

Reason for Reporting to Committee

The application relates to a change of use of land on a large site that therefore constitutes major development. The scheme of delegation requires that it be presented to Committee.

Site Description and Location

The application site is an area of agricultural pasture land, measuring approximately 12 acres in size, and located approximately 600 metres west of the settlement boundary of Weeton. The site lies

immediately adjacent to the western side of the railway line north of Mythop Road. The land is uneven and consists mainly of rough pasture used for the grazing of horses/ponies.

Details of Proposal

Retrospective planning permission is sought for a change of use of the land to private stabling of horses and the provision of the following:

- One timber mobile field shelter, measuring 3.6 metres by 3.6 metres, and a maximum height of approximately 2.8 metres.
- Four stables in the form of 2 x 2 timber stable blocks, each measuring approximately 7 metres by 3.5 metres, with a maximum roof height of 2.75 metres.
- One open fronted daily food store constructed from timber and measuring approximately 5metres by 3 metres, maximum height of 2.63 metres.
- One timber hen cabin measuring approximately 4.3 metres by 3 metres, maximum height 2.63 metres.
- One shipping container for the storage of feed
- A sand paddock measuring approximately 20 metres by 60 metres
- Hardstanding area for vehicle parking and manoeuvring
- 3 Metre high close boarded timber fence to screen the shipping container and mobile home, and a similar 3 metre close boarded timber fence to screen a silage/machinery storage are

The submitted plans also indicates a mobile home for use as a rest facility and tack store. It should be noted that this type of facility would not represent development and so does not form part of this planning application.

Relevant Planning History

Application No.	Development	Decision	Date
AG/08/0003	PRIOR NOTIFICATION OF AGRICULTURAL DEVELOPMENT - GENERAL PURPOSE AGRICULTURAL BUILDING.	Permission Required	17/09/2008
05/0881	RE-SUBMISSION OF 05/331 - ERECTION OF GENERAL PURPOSE BUILDING FOR AGRICULTURAL USE.	Refused	29/11/2005
05/0331	ERECTION OF GENERAL PURPOSE BUILDING FOR AGRICULTURAL USE.	Refused	12/05/2005

Relevant Planning Appeals History

None.

Parish Council Observations

Weeton with Preese Parish Council notified on 26 April 2013 and raise no objections to the proposal

Statutory Consultees

Principal Land Agent

I note the proposed development is within a Countryside Area on which guidance is provided in policy SP2 of the adopted Local Plan. When assessing this application I have the following comments to make:

One of the main reasons for the application is to retain the stables at the site. Typically one acre of grazing per horse is required and the area of land associated with the stables will therefore be sustainable. The stables themselves are already being used and are timber structures which are suitably designed for the accommodation of horses. The attached feed store is also reasonably necessary for the keeping of the horses/ponies and is designed appropriately.

The proposed development includes the provision of a dressage arena. Taking into account the type of ponies/horses kept, I am of the view that such a facility is not essential and the standard ménage size is 40m x 20m.

The other main parts of development include the static caravan which is used as a brew, tack room and feed store and metal container which is used for the storage of hay and straw. I do not consider that a specific brew facility is required on site, and tack/feed is typically stored within a stable type area. I therefore do not consider the static caravan to be necessary or appropriate. Similarly, I am of the view that straw/hay could be stored within a stable type structure and the use of a container does not provide ventilation typically required for storing hay.

Lancashire County Council - Highway Authority

No objections

Network Rail (use for all consultations)

Any proposed buildings should be set 2 metres back from the boundary with Network Rail's land:

- to allow future maintenance work on Network Rail's assets
- to ensure any building/structure does not damage Network Rail assets should it collapse
- to ensure the building/structure cannot be used to gain access to Network Rail land
- to ensure no foundations encroach into Network Rail land

Furthermore no surface/storm water should be directed onto Network Rail land.

Observations of Other Interested Parties

CPRE

Concerned about possible light pollution from floodlighting which is likely to be installed.

Neighbour Observations

Neighbours notified: 26 April 2013

No. Of Responses Received: One letter of objection

Nature of comments made:

- The caravan is being used as residential accommodation
- The whole development is an eyesore
- He has incorporated land which is not under his ownership/control

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
EP11	Building design & landscape character
TREC10	Countryside Recreation

Other Relevant Policy:

NPPF:

National Planning Policy Framework

Site Constraints

Within countryside area

Environmental Impact Assessment

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

Comment and Analysis**Policy Background**

The issues to consider in the determination of this application are the criteria contained in policies SP2, EP11 and TREC10 of the Fylde Borough Local Plan.

Principle of Uses

The site is a greenfield area of land allocated as Countryside in the Fylde Borough Local Plan that has historically been used for low-key grazing. This application proposes that the land be retained as available for agricultural use being the keeping of hens and the growing of a silage crop for sale. This is a continuation of the existing use and is in accordance with Policy SP2 of the Local Plan so is clearly acceptable.

Alongside this is the proposal that the land be used for an equestrian activity. Policy SP2 permits development within the countryside on the proviso that the use is appropriate to a rural area. An equestrian use is generally considered to be an appropriate use within a countryside area and so is acceptable in principle, particularly where the land is not of a quality that renders it suitable for more productive agricultural uses.

Stables

The proposal involves the retrospective application for a pair of timber stables on the site. These are timber structures that are located towards the railway embankment at the end of the access track with a small area of hard standing in front of them. They are appropriate in scale for the keeping of the number of horses that the site would sustain, and are appropriate in their materials of construction. Since the application was submitted the stables have been stained a dark brown colour which has helped in reducing their original prominence in the landscape. This can be reinforced by an appropriate condition to ensure that they form an acceptable part of the development that complies with Policy EP11 in terms of appearance and SP2 in terms of their function

Sand Paddock

This was originally submitted as being 20m x 60m which is not a typical size for such features and seen as being excessive in scale for the location proposed. A revised plan has been provided which reduces the scale to the more typical 20m x 40m and so has a less imposing impact on the countryside.

A sand paddock is considered to be acceptable in principle given the link to the recreational equestrian use of the site. This has not been constructed, but is a typical feature for equestrian sites across the borough and will be acceptable in the location proposed. In this case the grazing land on the site is rough and undulating so making the active exercising of horses difficult. The provision of a sand paddock would resolve that and is not an unreasonable proposal.

The CPRE refer to the implications of lighting at this facility. This was discussed with the applicant prior to the submission of the application and explained that lighting would not be acceptable in this remote location. Nevertheless, there is no proposal to provide illumination in this application and so any future proposals to illuminate the site would need to be the subject of further planning applications.

Shipping Container

This is located within the 'inner compound' sited alongside the railway embankment. It provides a storage facility for hay which is purchased in rolls and used for the horses. The County Land Agent explains that the use of a sealed container is inappropriate for such a purposes due to the lack of ventilation. The container is also visually prominent on the site and whilst some efforts have been made to screen it with timber fencing and to plant alongside it this is only partly successful, and then only from the road angle with clear uninterrupted views available from the railway.

Notwithstanding this, the remote location of the site and lack of residential presence will present security issues for the applicant. The applicant has undertaken some screening of this with a fence and some landscaping, and these have helped reduce its harm to the countryside when viewed from the road. It is considered that the container is the 'least worst' solution to site storage and so it is proposed to be retained with the fencing continued to provide a complete screen, suitably stained and then the landscaping completed. An alternative of providing a building to meet this need has been discussed but the applicant has advised that they would not be able to afford to construct one.

Mobile Home

This is also provided within the 'inner compound' and provides for some storage of tack and medicine as well as providing a location for brew facilities, although it did not seem to be used for those purposes at officer site visit. The caravan has definitely not been used for any residential use at the site, contrary to the views expressed by the neighbour.

As with the shipping container, the County Land Agent does not support the need for a facility of this size to provide the tack and other storage arrangements for a site of this scale and nature of use. However, with the caravan not being occupied, not being connected to any services and not being physically attached to the ground it does not constitute development. As such its siting on the site must be considered to be ancillary to the agricultural/equestrian use of the site and so beyond planning control. The applicant has been made aware of this and it is a matter that the council will monitor regularly. It is also proposed to attach a note to any planning permission that may be issued advising that such a planning permission does not convey or imply consent for the siting of a mobile home.

Screening

This is provided by areas of fencing around the container and caravan to a height of 3m that surrounds most of the three sides away from the railway embankment. This is bolstered by some landscaping planting and it is proposed that a condition be imposed to require the fencing to be completed and suitably stained.

A second outer compound has been formed from a further line of 3m high fencing to provide an area for keeping of agricultural machinery. This measures 30m x 40m and with the 3m height of the panels and their close boarded nature appears as an intrusive feature as it does not benefit from being seen against the backdrop of the railway embankment in the way that the inner compound does. The site is at a lower level than the road and railway line and so this is clearly visible from both aspects. The applicant has been advised that this is not acceptable and should be removed from the application, with a condition imposed to require that it is removed from the site in 3 months.

Other areas of fencing around the site to separate the land into fields has been constructed using salvaged timber, but is below a height that planning legislation controls.

Hard Standing

Areas of hardstanding have been formed to the front of the stables and to provide an access track from the stables to the highway where it runs closest to the railway line. These are considered to be acceptable as they are limited in area and essential to realistically use the site given the poor draining of the site at a series of earlier site visits. They do not cause any harm to the character of the area from their limited extent and will not impact on the surface water drainage by their construction.

Appearance of Works

Policy EP11 requires that the design and materials of construction of new development within rural areas should reflect the rural character of the area. In this instance the stables, field shelter, hen cabin, and food store are all timber in construction and of typical design. Hence, they raise no concern regarding their appearance.

The mobile home is not development as its positioning on the site ensures that it is ancillary to the use established. The shipping container is not generally considered visually in-keeping with a rural area and is visible when viewed from Mythop Road and from passing trains. However, this harm is associated with a rural use and so is considered to be acceptable in the circumstances of the site as an establishing private equestrian facility and so can be tolerated with the enhanced screening and landscaping proposed in this application.

Other Matters

The access to the site is on the outside of the bend and has restricted scale and visibility. However, given that the use is for agriculture and private stabling it is likely to see a limited number of movements, and those will be by drivers who are familiar with the access. LCC Highways have raised no objection to the proposal in respect of potential impacts on the highway network and safety. It is considered that there are no sustainable objections to the development on access grounds.

Network Rail's comments relate to the proximity of the development to their land and potential encroachment. None of the development that is to be retained permanently is within the 2m distance referred to, and irrespective of this it is not a matter that could preclude the granting of permission as it is a private matter to resolve with this adjacent landowner.

A neighbour refers to a dispute over the extent of land ownership. The application is supported by Certificate A and the council is obliged to accept that this certificate has been correctly completed. It is understood that there is a dispute over a small area of the site, but this does not contain any of the buildings and is minimal in the overall scale of the development. As such it is not material to the determination of the application.

Finally Policy TREC10 relates to development proposals for rural recreational purposes in the countryside areas and permits development provided that it does not prejudice agriculture, nature conservation and other environmental interests, or conflict with the quiet enjoyment of other recreational users of the countryside. The application site consists of low quality rough grazing land and is not sited within, or close to, any ecologically sensitive habitats. The equestrian use of the land is appropriate to a rural area and is unlikely to impact on other recreational users of this area of countryside.

Conclusions

The application site is an area of open countryside outside of Weeton village and alongside the railway line. The scheme relates to the use of the land for a mixture of agricultural and equestrian uses with the retention of a series of stable buildings and other structures to support the equestrian use in this relatively isolated location. The scheme also involves the proposed development of additional works such as a sand paddock and a fence to screen the development.

Agricultural and equestrian uses are generally acceptable developments in rural areas such as this. The various structures are located against the railway embankment which helps minimise their intrusive appearance in the countryside. The proposal involves the removal of some areas of fencing that have been erected to form an outer compound, and to retain other fencing around the structures that remain. This will reduce the intrusive nature of the development to a position that is considered to be acceptable and so the application is recommended for approval.

Subject to the imposition of suitable conditions the proposed development is considered to accord with the general aims of policies SP2, EP11 and TREC10 of the Fylde Borough Local Plan and the application is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. That within 3 months of the date of this permission the 3m high timber fenced compound indicated as being formed to enclose the shipping container and mobile home brew facility indicated on the approved site plan shall be completed. This fence shall be stained in a colour that has previously been submitted to and approved in writing by the Local Planning Authority within that timescale, and shall thereafter be retained in that position and the approved colour.

To mitigate the visual impact of this aspect of the development on the character of the surrounding countryside.

2. That within 3 months of the date of this permission the 3m high timber fenced compound that has been constructed around the inner compound referred to in condition 1 of this planning permission shall be dismantled and removed from site.

This fence is an unattractive and visually intrusive feature that causes harm to the rural character of the area.

3. The equestrian related elements of this development shall be used for private purposes only and shall not be used for livery, horse schooling, rider training, equestrian completions or any other such commercial purpose.

The use of the building for any other purpose could prove injurious to the character of the area and could attract additional visitors to the site which has a restricted access, and would require further consideration by the Local Planning Authority.

4. That within 3 months of the date of this permission a scheme for the appropriate storage of manure generated by the site shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be implemented within 1 month of its written agreement and shall then be operated at all times thereafter.

In the interests of minimising the potential pollution of groundwater.

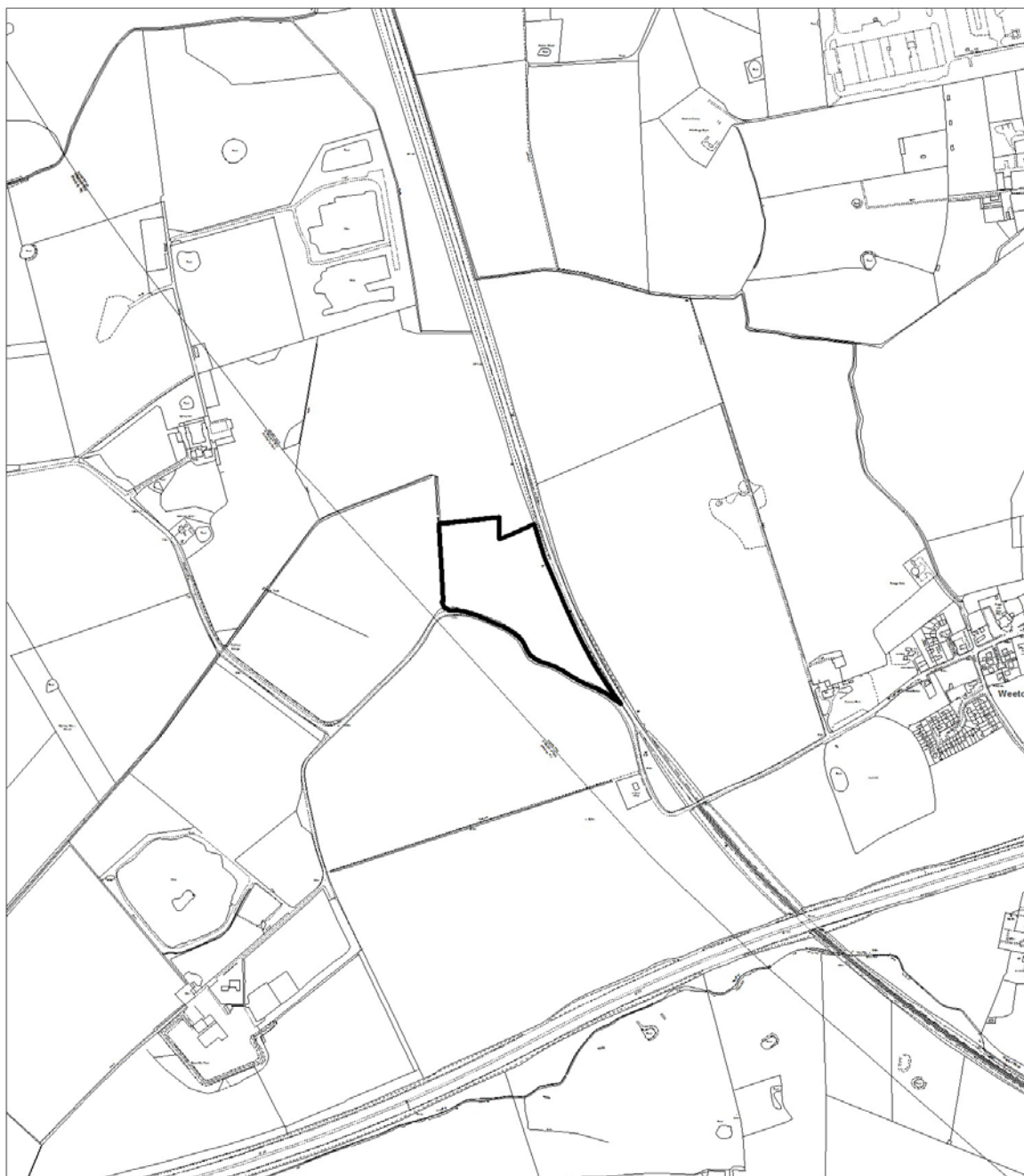
5. Within 3 months of the date of this permission full details of the proposed landscaping around the inner compound referred to in condition 1 of this planning permission and the stable buildings shall be submitted to and agreed in writing by the Local Planning Authority. This scheme shall include a programme for its implementation and details of the species, plant size, number and densities. The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season.

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

6. The whole of the landscape works, as approved shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current syvicultural practice.

All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

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



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Application No. 5/13/0239	Address Dowdells (Field 5175), Mythop Road, Weeton	Grid Ref. E.3374 : N.4347	Scale 0 50 100 150 200 m

Application Reference:	13/0386	Type of Application:	Outline Planning Permission
Applicant:	Cartford NW Ltd.	Agent :	Planning Problems Solved
Location:	LAND TO THE SOUTH OF CARTFORD INN, CARTFORD LANE, LITTLE ECCLESTON WITH LARBRECK, PRESTON, PR3 0YP		
Proposal:	OUTLINE APPLICATION FOR THE ERECTION OF 5 DETACHED DWELLINGS (ACCESS, LAYOUT AND SCALE APPLIED FOR)		
Parish:		Area Team:	Area Team 1
Weeks on Hand:	42	Case Officer:	Amy Aspinall
Reason for Delay:	Design Improvements		

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The application relates to the erection of 5 detached dwellings on a greenfield site that is located outside of, but adjacent to, the settlement boundary of Little Eccleston. The site has had a history of previous refusals for residential development schemes of various sizes on the basis of its out of settlement location and the access suitability / parking displacement.

This scheme has been presented at a time when the council is unable to demonstrate that it has a 5 year supply of housing land and so is required by the NPPF to support schemes that demonstrate sustainable development. The remoteness of the village location must count against the acceptability of this scheme in that regard, but it is a defined settlement in the Local Plan and so it is not unreasonable that some growth of it could be accepted. This scheme relates to a site that is entirely surrounded by the Merlewood Caravan Site and the parking and servicing areas for the Cartford Inn. This results in it having limited value as countryside and that the development proposed will not cause any demonstrable harm to the rural character of the area.

The access visibility and width of track is considered to be acceptable to Lancashire County Council Highways. The layout of the site respects the retention of the best of the trees that are present, and the fall of the site.

The one matter that is not resolved is the potential for the development to impact on protected species or their habitats. The County Ecologist raised issue with a number of aspects of the original and revised scheme and this is currently subject to further discussions. Planning legislation requires that the council does not grant planning permission until these matters are satisfactorily resolved and so the recommendation is that the ability to grant planning permission be delegated to the Head of Planning and Regeneration to resolve these issues and the carrying out of an appropriate assessment under the habitat regulations, and securing a s106 agreement to provide an appropriate contribution in lieu of on-site affordable housing provision.

Reason for Reporting to Committee

The officer recommendation to support the development is in conflict with the objection from the Parish Council.

Site Description and Location

The application site is located just off Cartford Lane as it starts to leave the village to the north before passing the Cartford Inn and crossing the River Wyre, which marks the boundary of the village. The application site has an area of 0.48 hectares and in the main part is rectangular in shape with an access track that runs between two of the properties that front onto Cartford Lane (Everdene and Cartford House). The parcel of land is a greenfield site situated adjacent to the Little Eccleston settlement boundary, but is located within the countryside, as defined by the Fylde Borough Local Plan (as altered 2005). The surrounding land uses are the frontage residential properties to Cartford Lane, the Cartford Inn and the extensive area of holiday caravans on the Merlewood Caravan Site which are positioned to the south and east of the site. The boundaries of the site are tree-lined and there are a number of Tree Preservation Orders in place.

Details of Proposal

Current Scheme

The application seeks outline planning permission for 5 No detached dwellings, including access, layout and scale. The appearance and landscaping are reserved matters.

The access is an upgrade of the existing track that is situated between two of the dwellings that front onto Cartford Lane and has a width of 4.5m and a length of around 25m before it opens up to the site area. The visibility available at this entrance is available across a narrow verge in front of the garden walls to the existing properties.

The dwellings proposed are sited facing each other across the extended access drive in the main part of the site. Two are proposed to the north which is towards the River Wyre and so slopes down from the access point, with three facing them across the driveway. The application details indicate that the two northerly plots are detached five bedroomed bungalows with a small element of two storey accommodation. They have a C shaped footprint to face around an inner courtyard and a contemporary flat roofed design and materials. The other three properties are indicated as having smaller footprints and a more traditional two storey scale with the respective heights of all buildings indicated on the submitted plan. The elevations are only indicative at this stage and their approval would be sought at the Reserved Matters stage.

Supporting Information

In addition to the usual forms, location plans and site layout plan the application has other supporting information:

- A Design and Access Statement that explains the merits of the 5 dwellings sought and their layout on the site and access.
- A Planning Statement that explains the background to the site, the policy issues raised by the application and concludes that the council's shortfall in housing supply and the location of the site within an area of residential and caravan development is such that it can be considered to be acceptable despite the local plan countryside designation.
- A Highway Access Statement details the access arrangements, traffic impacts, parking arrangements and visibility splays.
- A drainage statement that explains the site is outside of the areas of flood risk from the River Wyre and that the site can be effectively drained through on-site SUDS and a connection to the existing sewer in Cartford Lane.
- Ecological Survey that assesses the presence and potential presence of a series of species and habitats that have legislative protection. This concludes that there is a need to undertake mitigation measures

as identified in the report for several of these species including otters, toads, badgers, nesting birds and bats.

- Tree Survey that looks at all the trees on the site and assesses them against the standard ratings for tree quality and health. This then identifies the trees that are proposed to be removed with some of these on health grounds but others to accommodate the development.

Original Scheme

The application was originally submitted on a smaller part of the site now proposed and was for 3 dwellings, with these proposed to be built to Level 5 of the Code for Sustainable Homes. The scheme was revised to the current proposal following discussions between officers and the applicant and has been the subject of further consultation on the revised scheme. The dwellings are no longer proposed to be built to Level 5.

Relevant Planning History

Application No.	Development	Decision	Date
10/0148	OUTLINE APPLICATION FOR DEVELOPMENT OF 8 SUSTAINABLE DWELLINGS	Refused	05/07/2010
83/0468	OUTLINE - 1 DETACHED BUNGALOW AND GARAGE.	Refused	17/08/1983

Relevant Planning Appeals History

None

Parish Council Observations

Little Ecclestone with Larbreck Parish Council notified on the original and revised proposals and raise objection to both schemes. Their comments in respect of the scheme now under consideration are as follows:

“The Parish Council OBJECT to the application for the reasons cited below:

- 1. The area is outside of the settlement boundary and therefore no planning application should be considered.*
- 2. There are concerns that this is just an amendment to the previous application where there is a 66% increase in the proposal. Surely this should require a new application.*
- 3. The site access is very narrow (4.5m) with a very steep grassy bank towards a neighbouring property to the north. There would be significant loss of privacy and noise pollution for this property together with safety issues.*
- 4. There is no room for pedestrian refuge along the site access if two medium sized vehicles were to be on the exit/entrance at the same time.*
- 5. Cartford Lane is very busy at all times of the day and night with drivers often accelerating up the hill at speed; this would be dangerous for any vehicles entering the carriageway from the site. There are often vehicles parked along the carriageway obscuring the view along Cartford lane. There is very little pavement and Cartford Lane has sharp bends and can be perilous for pedestrians.*
- 6. There are no facilities in the hamlet, with the exception of the Cartford Hotel. All facilities are in the village of Great Ecclestone which is nearly a mile away. The nearest bus stop is over half a mile away from this site and currently there are doubts as to whether the bus services will continue in their current format.*

7. *There is no need for additional properties as the properties that are for sale have been on the market for a significant period.*
8. *The additional strain these properties would put on the amenities such as telephone, broadband and electricity would compound the already poor/intermittent service currently received by residents.*

The Parish Council requests that the application is considered by the Development Control Committee together with a site visit prior to any decision being made.”

Statutory Consultees

Lancashire County Council - Highway

Authority

They do not raise any objections to the development of 5 dwellings. They comment that *“the development is below the threshold at which there would be any significant highway safety or capacity issues. The access remains as per the scheme for the 3 dwellings and is suitable for the serving of 5 dwellings. My previous comments relating to the layout not meeting with adoption standards remains, but it still provides adequate manoeuvring space and as such is acceptable”*.

In their comments on the earlier scheme for 3 dwellings they commented that the access arrangements were acceptable, that the poor general accessibility of the site meant that the car would be a predominate transport method but the development would not impact on highway capacity, and that the internal layout provides adequate parking and manoeuvring despite not being to adoptable standards.

Environment Agency

Confirm that they do not wish to comment on the proposal.

Environmental Protection Team

No comments have been received at the time of report preparation

Lancashire County Ecology Service

They have offered comments on the original and revised scheme which were in objection to the proposal due to the loss of semi-natural habitat which is of general biodiversity value for a range of fauna (including Species of Principal Importance), birds (breeding and foraging), small mammals, foraging bats and Common Toad.

Negotiations are being undertaken in relation to this element, with the applicant to provide further information.

Electricity North West

They highlight that the development is adjacent to Electricity North West operational land or electricity distribution assets, and so could have an impact on them. They refer to the need for the development to be undertaken in such a manner that safety is not compromised and the operational assets are not affected

Observations of Other Interested Parties

Objection from Merlewood Caravan Park

The operators of the adjacent Merlewood Caravan Park have written to object to the proposal. They state that *“the new development would undoubtedly blight our business as Holiday Park Owners and would have an adverse effect on the local economy”*. They support this position with reference to the idyllic setting of the park and the views available from it and suggest that the development would mean that 1/3 of the owners would be lost as a result of planning

permission being approved.

They also refer to the proximity of the site to a wildlife conservation area within the site which has gained awards, and that the development may be harmful to the species that use that area. They highlight the conflict with Policy SP2 involved with the residential development outside of the settlement boundary, and that there is no justification for the proposal.

They also provide that there have been no material changes since the last application was refused to justifying the granting of planning permission.

Objection from CPRE

CPRE have written to object to the application. They refer to the site being located outside of the village settlement boundary on land allocated as Countryside in the Fylde Borough Local Plan, and so will conflict with Policy SP2 of that Plan. They also highlight the land levels in the area which require the properties to be stepped and so the barrow track that serves the site is also stepped and is unsuited to serve as access to this site, with this being the reason that the application in 2010 was refused planning permission. Reference is also made to the likelihood of disturbance being suffered by the neighbouring properties. Finally they suggest that this site provides an overspill parking area for the Cartford Inn that will be lost under this proposal so leading to parking on the road that will cause congestion.

Neighbour Observations

Neighbours notified: 24 June 2013

Amended plans notified: 16 December 2013

No. Of Responses Received: 19 letters received

Nature of comments made:

The issues raised in the neighbour objections are summarised below:

Access:

The reason for refusal on the 2010 application has not changed.

The visibility splay relies on land in the ownership and control of Everdene – there cannot be an assumption that this will be left unobstructed.

The restricted width available along the access drive to the site means that cars would be unable to pass safely and any pedestrians would be at risk.

Access is substandard and is in proximity to foundations of Cartford House

5 dwellings are too many for the access track – considerable traffic.

The sloping nature of Cartford Lane puts the access drive well above the level of the adjacent dwelling so causing privacy loss and stability concerns.

Lack of visibility at the access due to neighbouring wall, telegraph poles, parked cars, etc.

The internal site layout is too constrained to allow for HGV turning as would be needed for refuse, delivery and emergency vehicles.

The proposed use of block paving for the access drive is inadequate for the use it would receive, especially as it runs over a sewer that must be protected.

Access for refuse vehicles – bin men will not go up the drive.

Vehicular damage to Everdene.

Applicant has proposed a dwarf brick wall to mitigate cars slipping off the track – this should be a planning condition

Refuse:

Confirmation required whether or not refuse vehicles will use the access

Impact of bins left in front of the windows of Everdene

Bins left on the road would reduce the width of the road

Visual impact of bins on the lane

Principle:

The site is located outside of the settlement boundary in countryside land

Amenity:

The proximity of the properties to the neighbouring dwellings will cause noise and light pollution

The property on plot 5 as proposed is too close to the rear of Cartford House, with the owner of that property suggesting that the scheme must breach the council's regulations on such matters

Loss of privacy to Everdene

Design:

Scale of the units are too large and footprint too great.

Ecology:

The ecological information is disputed as it is provide by the developer so will inevitably suit their purposes.

No bat surveys

Others:

There is no demand for additional properties in the area

A planning condition is required for the re-routing of the overhead electricity supply

The property on Plot 5 is shown over private sewer pipes, and those on plot 3 &4 are close to a power feed to the sub-station.

Additional demand on services in the area

Reference is also made to the content of the D&A Statement

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
EP01	Environmental Improvement Schemes
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP13	Planting of trees, hedgerows and woodland
EP14	Landscaping of new developments
EP18	Natural features
EP19	Protected species
EP23	Pollution of surface water
EP24	Pollution of ground water
EP30	Development within floodplains
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TREC17	Public Open Space within New Housing Developments

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Policy 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

Planning Background

The application site falls within the countryside, as defined by the Fylde Borough Local Plan, and is situated immediately adjacent to the Little Ecclestone settlement boundary. Local Plan policy SP2 seeks to restrict residential development in the countryside in order to preserve its rural character.

A planning application was considered on the site in 2010 under reference 10/0148. This was for 8 dwellings on the site and was refused on the basis that the proposed development was in conflict with the Local Plan Countryside allocation, and for reasons relating to the adequacy of the access arrangements for a development of that size and the failure to demonstrate that ecological matters would not be adversely affected. These matters all remain relevant to this revised proposal and so will be considered in this report.

Principle of Development

Since the time of the 2010 decision the government has issued revised planning guidance in the National Planning Policy Framework. With regard to residential development the NPPF states at paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites. The housing supply position as of 31 December 2013 was that the Council was only able to deliver a 4.5 year housing supply, and therefore a shortfall exists.

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means: where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

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

The weight to be given to this element of the NPPF has been emphasised in a series of ministerial statements and appeal decisions, and presents a shift in the policy position since the 2010 application on this site was refused. It is not appropriate therefore to simply repeat the 2010 decision, as there are now other material considerations that need to be addressed.

It is necessary to consider if the scheme delivers sustainable development. One of the key aspects of this is the accessibility of the site to services and local amenities. In this case the site is located outside of the settlement of Little Ecclestone, which is a settlement that in itself has limited services and has poor connections by sustainable means to neighbouring settlements by virtue of the distance involved and the lack of continuous footways. However, it is defined as a rural village settlement and so is an area where development within the settlement would be acceptable in principle, and so it would seem logical that a limited scale development adjacent to the boundary could also be considered acceptable.

Another factor in assessing the sustainability of the development is the visual impact it could have on the settlement or the character of the surrounding countryside. In this case the site is wholly surrounded by a combination of the built development of the Cartford Inn and Cartford Lane properties, and the development on the Merlewood Caravan Park. These combine to ensure that the site does not have any material rural aspect as it is not part of any open countryside due to this constraint by the neighbouring land uses. The sensitive development of the site would not have any detrimental impact on the rural character of the area and so the countryside allocation of the wider locality.

The site does have a local value as an area of open space with trees and shrubs within it, some of which are protected under a Tree Preservation Order. This open area would be lost as a consequence of the

development proposed and the character at a local level would change with the development of the site. This is highlighted in the comments made by the owners of the adjacent caravan site, and is a negative outcome from the development. The protected tree implications are discussed more fully later in this report.

The initial application proposed 3 dwellings on a site that was roughly three quarters of the current site area, with the area left over having no obvious use. Paragraph 58 of the NPPF provides that development should optimise the potential of the site to accommodate development and Officers criticised the original proposal as it would have left this area of land to become unmanaged and did not make a proper use of the whole site available. If the principle of the development is to be accepted and the land developed it should be done in as efficient a way as possible and the current scheme is considered to achieve that balance.

Taking these factors together it is your officer's balanced opinion that the site does offer an opportunity to deliver a sustainable extension to the built settlement of Little Eccleston in a way that will not compromise its village character whilst making an appropriately scaled positive contribution to the borough's housing supply. Accordingly, should the other material considerations be satisfactorily resolved it is considered that planning permission should be granted.

Access

The site has an existing access off Cartford Lane which consists of a gravelled track running between the two frontage properties (Everdene and Cartford House) and leads into the open part of the site, to the rear of these properties. The proposal includes the upgrading of this track with surfacing in block pavements and appropriate drainage. A turning head would also be incorporated within the site.

Lancashire County Council Highways have assessed the application for 5 dwellings and confirm that they are satisfied that the surrounding road network can handle the traffic that would be generated from the development, and that the junction and visibility available to Cartford Lane is acceptable. The access track has a width of 4.5m which is sufficient to allow two vehicles to pass so will prevent congestion occurring at the junction where it could impact on highway safety. This width is not sufficient to allow an additional pedestrian footway, but given the small number of dwellings proposed this is not considered to be necessary and is a common arrangement on residential estates where private drives serve this number of properties.

The 2010 application for 8 No dwellings was refused based on the access being of sub-standard design and not complying with the LCC requirement that the road be constructed to adoptable standards or the DOT document Manual for Streets; and that the layout was unsatisfactory on the grounds of the potential to displace parking onto the surrounding highways network. The current application has a reduced number of dwellings to be served by the access and therefore less impact in terms of displaced parking due to the proposed layout. As LCC Highways have raised no objection to the current application it is not considered that a refusal on highways grounds could be sustained given the material differences between the current and that application.

Layout and Scale

The submitted plan shows a central access road with a pair of bungalows to the lower part of the site and a row of three 2 storey dwellings partly cut into the slope on the higher ground. The plan indicates the works in cross section and with reference to existing and proposed ground levels and allows an appropriate assessment of the relationship of the dwellings to the surrounding land uses, which is considered to be acceptable. The layout of the properties on the site is also considered to be acceptable and provides each with an adequate level of private amenity space, relationship with each other and delivers a comprehensive development of the site that does not involve its overdevelopment.

Trees

There are a number of Tree Preservation Orders which apply to the northeast, east and southern boundaries of the site. The tree survey submitted with the application identifies a number of trees to be

removed within the site, predominately away from the TPO boundaries but several of which do fall within the TPO grouping (G2) of the eastern boundary. These trees however are classified as category C which are of low quality and value or young trees with a stem diameter of below 150mm. The higher quality trees are to be retained within the proposal, and the report provides appropriate protection measures.

The root protection area of T13 which is subject to a TPO would be affected by plot 3, however this accounts for 4% of the area. The report recommends that hand excavations are undertaken with arboricultural supervision including root pruning by the supervising arboriculturalist as necessary and appropriate. This could be conditioned accordingly.

The plans show that that water tank of plot 3 falls within the root protection area of T13 which is also subject to a TPO. The tree survey recommends that this is relocated to avoid impacts on this tree and this is considered to be an appropriate way forward to ensure the health of the tree. This could be conditioned accordingly.

T10 falls outside the site boundary, however the root protection area is within 2 metres of plot 2 therefore construction traffic could damage the roots of this tree unless a specific method statement was employed. This could be secured by condition.

As a number of trees are identified for removal in order to accommodate development, it is considered that a replacement planting scheme should be included in a landscaping scheme and this would be secured by a suitable condition.

Ecology

At the time of report preparation ecological issues are still outstanding and it is requested that authority be delegated to the Head of Planning and Regeneration to consider any additional information, including the imposition of any conditions which may be necessary. These issues relate to the loss of general wildlife habitat on the site and the methods for this to be mitigated, rather than any specific impacts on protected or priority species. The application site layout has recently been amended to indicate a buffer zone around the perimeter of the site that would give room for wildlife habitat in the areas of the protected tree canopies and give connectivity to the wider countryside on the riverbank. Officers believe that this will address previous concerns over habitat loss, but are awaiting consultee views on this, hence the recommendation. It will also be necessary to carry out an appropriate assessment in line with the Habitat Regulations prior to issuing any final decision in regard to the proposal as part of the ecological assessment of the application.

Affordable Housing

With the application site being adjacent to Little Ecclestone which is a rural village, the application needs to be assessed against the Rural Option of the council's Interim Housing Policy (2013). This requires that all developments of over 4 dwellings make contributions towards affordable housing, with that contribution being 30% of the total development being delivered on-site.

The Planning Statement submitted with the application refers to this aspect and argues that the provision of on-site affordable housing is not an appropriate solution in this location, but accepts that the payment of a commuted sum in lieu of that would be an option that the IHP allows and to which his client would be agreeable. Having discussed the possibility of an on-site provision with the council's Strategic Housing Officer it is unlikely that the site will provide a suitable location for on-site affordable housing due to its relative remoteness from services and the nature of the accommodation proposed in the development. The payment of a commuted sum to enable off-site provision to meet the Borough's clear need for affordable housing is accepted as being an appropriate solution in this case.

The level of any contribution has yet to be agreed with the applicant, but would need to be sufficient to deliver the equivalent of a single affordable dwelling in the nearest appropriate settlement to the

application site so that it delivered the 30% total requirement of the IHP. This contribution would be secured by a s106 agreement prior to the grant of a planning permission and is to be the subject of negotiations between officers and the applicant.

Other Matters

Economic Impact on Merlewood

An objection has been raised in relation to the economic impacts that the proposal would have on the caravan park and the local economy as a result of loss of views, loss of 1/3 of caravan owners and loss of jobs.

Loss of view is not a planning consideration, and is not considered sufficient to warrant refusal of a housing application. Furthermore, no evidence has been submitted to substantiate the claims of adverse economic impacts on Merlewood or the local economy. Current national planning guidance is clear in the NPPF that where a Local Planning Authority cannot demonstrate a 5 year housing land supply their housing policies must be considered to be out of date and that there is a strong presumption in favour of housing proposals.

Refuse vehicles

LCC Highways have no objection to the application and have confirmed that the development is capable of accommodating refuse vehicles within the site. Bins therefore could be collected on-site.

Other Houses for sale in the village

Housing land supply is assessed borough-wide, and the availability of housing stock in the village is not a reason to refuse the application. The assessment relates to the need for new dwellings and takes account of existing stock.

Structural Impact and Foundations

This is not a material planning consideration.

Conclusions

The application relates to the erection of 5 detached dwellings on a greenfield site that is located outside of, but adjacent to, the settlement boundary of Little Ecclestone. The site has had a history of previous refusals for residential development schemes of various sizes on the basis of its out of settlement location and the access suitability.

This scheme has been presented at a time when the council is unable to demonstrate that it has a 5 year supply of housing land and so is required by the NPPF to support schemes that demonstrate sustainable development. The remoteness of the village location must count against the acceptability of this scheme in that regard, but it is a defined settlement in the Local Plan and so it is not unreasonable that some growth of it could be accepted. This scheme relates to a site that is entirely surrounded by the Merlewood caravan site and the parking and servicing areas for the Cartford Inn. This results in it having limited value as countryside and that the development proposed will not cause any demonstrable harm to the rural character of the area.

The access visibility and width of track is considered to be acceptable to LCC Highways. The layout of the site respects the retention of the best of the trees that are present, and the fall of the site. Officers believe that the scheme represents a sustainable form of development and so planning permission could be granted on completion of the s106 agreement to deliver an affordable housing commuted sum.

The one matter that is not resolved is the potential for the development to impact on protected species or their habitats. The County Ecologist raised issue with a number of aspects of the original scheme and their views remain outstanding on the current proposal. Planning legislation requires that the council does not grant planning permission until these matters are satisfactorily resolved and so the

recommendation is that the ability to grant planning permission be delegated to officers once that point has been reached.

Recommendation

Authority to grant Planning permission be delegated to the Head of Planning and Regeneration subject to:

- He being satisfied that outstanding ecological issues have been satisfactorily resolved in order to comply with ecological protection legislation;
- The completion of an appropriate assessment in line with the Habitat Regulations;
- The completion of a s106 agreement to secure the payment of an agreed commuted sum in lieu of the provision of 30% of the properties in the development as on-site as affordable dwellings. The level and phasing of payment of this contribution are delegated to officers for agreement. The commuted sum is required unless the applicant provides sufficient financial documentary evidence to robustly demonstrate that the provision would make the development of the scheme unviable.
- 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. In the case of any ‘Reserved Matter’, application for approval shall be made not later than the expiration of three years beginning with the date of this permission, and the development shall be begun not later than 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 to be approved.

Reason: In accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.

2. Before any works are commenced on site, details of the reserved matters, namely appearance and landscaping shall be submitted to and approved in writing by the Local Planning Authority and the development thereafter carried out in accordance with such approval.

Reason: The application was submitted in outline in accordance with the provisions of the Development Management Procedure Order (2010) and so these details remain to be agreed by the Local Planning Authority.

3. The development hereby approved relates to the following drawings

943-01 REV J (received by the Local Planning Authority on 20/03/2014)

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

4. Notwithstanding any denotation on the approved plans, prior to the commencement of any development hereby approved a schedule of all materials to be used on the external walls and roofs of the approved dwellings shall be submitted to and approved in writing by the Local Planning Authority. This specification shall include the size, colour and texture of the materials and shall be supported with samples of the materials where appropriate. Once this specification has been agreed it shall be utilised in the construction of the dwellings and only varied with the prior written consent of the Local Planning Authority.

Such details are not shown on the application and to secure a satisfactory standard of development.

5. Notwithstanding any denotation on the approved plans, prior to the commencement of any development hereby approved a schedule of all hard surfacing materials to be used on the access roads, driveways, paths and any other hard surfaced areas within the development shall be submitted to and approved in writing by the Local Planning Authority. This specification shall include the size, colour and texture of the materials and shall be supported with samples of the materials where appropriate. Once this specification has been agreed it shall be utilised in the construction of the dwellings and only varied with the prior written consent of the Local Planning Authority.

Such details are not shown on the application and to secure a satisfactory standard of development.

6. Prior to the commencement of any development hereby approved, a schedule of all boundary treatments around the site perimeter, between individual neighbouring plots and between plots and the internal roadway shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in full accordance with this approved schedule of boundaries.

Reason: To provide an appropriate finished appearance of the development and to maintain an appropriate level of privacy between dwellings and for future occupiers

7. Prior to any on site construction a Construction Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Plan to include method and details of construction; including vehicle routing to the site, construction traffic parking and any temporary traffic management measures, times of construction, access and deliveries. Such a Construction Plan is to be implemented and adhered to during the construction of the development.

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

8. That prior to the commencement of any development details shall be submitted to and approved in writing by the Local Planning Authority of the existing and proposed ground levels across the site, and the proposed Finished Floor Levels of the proposed dwellings. These shall be based on the details provided on the site plan approved under condition 3 of this planning permission. The development of the site shall be undertaken in accordance with these approved details unless any deviations are submitted to and agreed in writing by the Local Planning Authority prior to the commencement of construction of the plot in question.

Reason: To ensure the site is constructed with a satisfactory appearance in the Countryside and in the interests of neighbouring amenity

9. Prior to the commencement of the development hereby approved, full details of the means of foul water drainage of the residential development area shall be submitted to and approved in writing by the Local Planning Authority. This approved scheme shall be implemented during the development and shall include that the development is drained on a separate system with only foul drainage connected into the foul or combined sewer, and then restricted to a maximum pass forward flow of 5 l/s.

Reason: To ensure that appropriate measures are taken to provide suitable drainage from the site as required by Policy EP25 of the Fylde Borough Local Plan.

10. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage of the site including SUDS has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed, maintained and managed in accordance with the approved details.

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

11. The upgrading of the site access, access road and internal turning head shall be fully completed in accordance with the details shown on the site layout plan approved as condition 3 of this planning permission, and made available for use prior to the occupation of any dwelling hereby permitted. These aspects are to permanently retained for the development thereafter.

Reason: To ensure adequate access and turning arrangements for the development

12. All trees, shrubs and hedgerows being retained in or adjacent to the application area will be adequately protected during construction, in accordance with existing guidelines (e.g. *BS5837: 2012 Trees in relation to design, demolition and construction- Recommendations*).

Reason: To safeguard existing trees and hedgerows.

13. The 'reserved matters' landscaping scheme shall include a scheme for replacement tree planting across the site

Reason: To ensure adequate replacement tree planting within the site in the interests of the rural character of the area and to enhance wildlife habitats and biodiversity.

14. Prior to the commencement of the development hereby approved, a method statement for works in proximity to T10 on the submitted tree survey shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved statement.

Reason: In the interests of safeguarding trees which are subject to a TPO or provide amenity value.

15. Notwithstanding the indicated location on the approved plans, details of the location for the re-siting of the water tank to plot 3 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction of that plot. The development shall be carried out in accordance with the approved details.

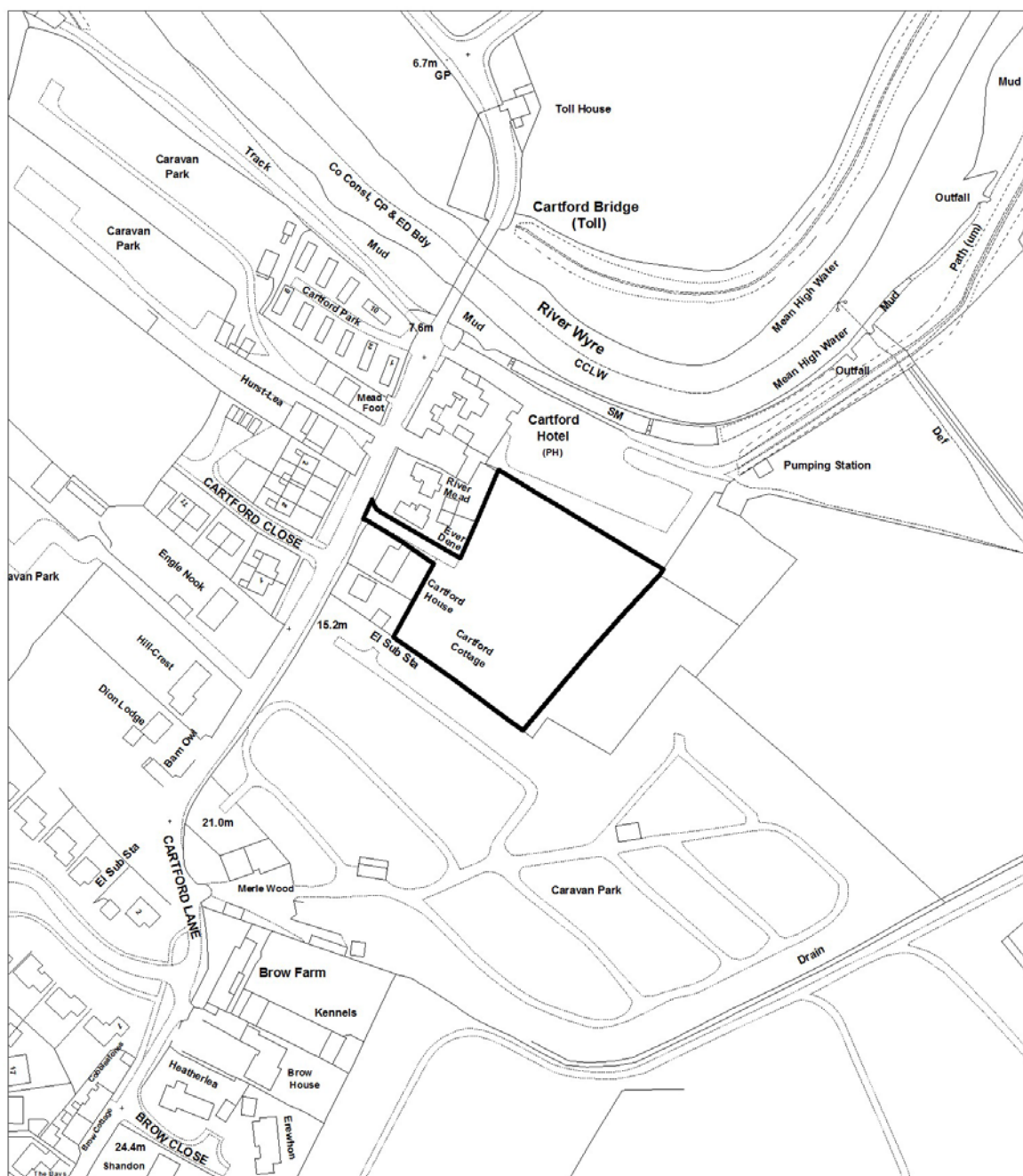
Reason: In the interests of safeguarding trees which are subject to a TPO or provide amenity value.

16. Notwithstanding the submitted details, there shall be no clearly glazed or opening windows inserted at any time to the side (west) facing elevations of plot 5.

Reason: To protect Cartford House from overlooking and loss of privacy

17. Notwithstanding the approved plans, plot 5 shall be no higher than the scale shown on the CC section on drawing number 943-01 REV J (received by the Local Planning Authority on 20/03/2014)

Reason: To safeguard the amenities of Cartford House from potential overbearing impacts

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Application Reference: 13/0590		Type of Application:	Outline Planning Permission
Applicant:	The Co-Operative Group	Agent :	HOW Planning LLP
Location:	LAND AT KINGS CLOSE, STAINING		
Proposal:	OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 30 DWELLINGS. (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)		
Parish:		Area Team:	Area Team 2
Weeks on Hand:	28	Case Officer:	Andrew Stell
Reason for Delay:	Awaiting Further Information		

Summary of Recommended Decision: Delegated to Approve

Introduction

Members will recall that this application was presented to the 26 February 2014 meeting of Committee where a decision was deferred for the following three elements:

- A site visit
- Outstanding advice from consultees on drainage and ecological matters
- Further guidance on a number of specific issues that were raised by members at that meeting.

The site visit has been arranged to precede the Committee meeting and this introduction section to the report covers the other two items. The previous report is presented below this section and is unchanged from the February agenda other than a minor change to the recommendation to reflect that the ecology information that was outstanding in February has now been received and some associated changes to the wording of the proposed conditions.

Drainage Matters

The views of United Utilities have been sought in an attempt to provide further clarity on the ability of the sewer system that serves this part of Staining to accommodate any additional loadings as a consequence of this development. Their engineers have re-looked at the application information and have confirmed that they raise no objection to the application providing that foul drains separately to surface water, and that no surface water be permitted to enter the public foul or combined sewerage system. They also require that any such drainage is limited in its flow rate to 5 l/s, but have calculated that using the typical figures suggested in ‘Sewers for Adoption’ a development of 30 units is likely to generate 1.4 l/s.

They also promote the use of SUDS and other mechanisms to reduce the volume of surface water that will be discharged from the site, and the use of landscaping around the site to assist in this and bring visual and biodiversity benefits.

This reinforces the position that was explained in their initial representation as reported in the Committee report, with the specified maximum rate included in a revised condition that requires full foul drainage details prior to the commencement of any development.

Ecology Matters

With regard to ecological matters the applicant has presented further information on the potential impacts on populations of Great Crested Newts and Pink Footed Geese in the area. These have been passed to the County Ecologist and Natural England and further consultation comments received. These items are summarised here.

Great Crested Newts

The applicant has previously surveyed the ponds surrounding the site that they are able to access and looked at other available survey information. A Great Crested Newt was recorded in a pond that is around 300m from the site in 2012 which is within a possible commuting distance of the site. Accordingly, the applicant has presented a mitigation strategy to the council with the aim of demonstrating that the development will not harm the conservation status of this protected species and was a request from the County Ecologist in their initial comments.

This survey identified the 18 ponds within 500m of the site, and undertook Habitat Suitability Assessments and Presence / Absence Surveys for those where they could secure access which was around half. No Great Crested Newts were recorded, but several of the ponds were found to have suitable habitat to support newts. Of these three are in close proximity to the site, but the report maintains that there is a low risk of any Newts that use these ponds to then use the site as a consequence of the presence of other better habitat in the area, and the commuting routes between the ponds and site being sub-optimal and featuring unsuitable intervening habitat. They therefore conclude that there will be a low risk of Newts being killed or injured and a potential for only a minor disturbance impact as a consequence of the development.

Notwithstanding this position, the applicants propose a mitigation strategy which involves a further survey of the local and accessible ponds prior to development, protection measures for amphibians during construction, maintenance of dispersal routes in the scheme, habitat creation in the area and on-going management following development. The habitat creation will be on site with ponds and two artificial amphibian hibernacula, and off-site with hedgerow and grassland enhancement and the improvement of Smithy Farm Pond Biological Heritage Site and commuting routes around it.

The views of the County Ecologist and Natural England have been sought on this further report. Both have confirmed that they are unable to provide a response in time for it to be considered in this report, but are aware of the Committee date and will aim to respond in time for their comments to be included in the Late Representations report.

Without the views of the council's advisors on this matter your officers are unable to provide guidance to Members on this matter at this time. This should be capable of clarification by the date of the Committee, although if not it would be helpful for the decision on this aspect of the determination of the application to be delegated to officers under guidance from Committee.

If the Committee is minded to grant planning permission, it will be necessary to carry out an appropriate assessment in line with the habitat regulations prior to making a final decision.

Pink Footed Geese

The applicant has submitted further information regarding the potential for impact on this protected species which follows further contacts with Fylde Bird Club who have collated data relating to the use of land in the area by this and other species, and a site walkover and habitat assessment to establish the suitability of the site and the surrounding area for Pink Footed Geese use.

This report maintains that the majority of the Pink Footed Goose use in the 'Staining area' is actually some distance from the village and this site, being concentrated at Mythop Grange, Todderstaffe Hall and Ream Hills with the nearest siting being 250m east of this application site. They also reiterate previous points that the limited size of the field size, the proximity of the site to the settlement and the presence of tall hedges around and the high voltage power lines all reduce the attractiveness of the site

to use by this species. The report concludes that *“the development of the application site at Kings Close will not adversely impact pink footed geese to any significant extent within the Staining area”*.

The views of the County Ecologist and Natural England have been sought on this further report. Both have confirmed that they are unable to provide a response in time for it to be considered in this report, but are aware of the Committee date and will aim to respond in time for their comments to be included in the Late Representations report.

Without the views of the council’s advisors on this matter your officers are unable to provide guidance to Members on this matter at this time. This should be capable of clarification by the date of the Committee, although if not it would be helpful for the decision on this aspect of the determination of the application to be delegated to officers under guidance from Committee.

Depending on the views of Natural England, it may be necessary to carry out an appropriate assessment in line with the Habitat Regulations as Pink Footed Goose is a species associated with the Ribble and Alt Estuary Special Protection Area (SPA) and so the development may be considered to have an indirect impact on the SPA.

Guidance on Issues

The public speakers and debate which followed on the application resulted in a number of issues being raised which it was resolved officers should provide further clarification on. A proposition to refuse the application was made and seconded, but was subsequently withdrawn and so it must be clarified that these issues are from the discussion only. The minutes of the February 2014 meeting listed the seven areas that the Committee requested further information from Officers on and these are covered in this section. Officers were requested to provide further information as to whether these issues would represent a justifiable reason for refusal of the application, and so each section provides that along with officer opinion on the merits of the issue being used as a reason for refusal. A further section is added to cover other issues that would be appropriate for inclusion should Committee resolve to refuse the application.

Scale and effect on the village

This seems to have two parts: the scale of the development in the village, and the protrusion of the development into open countryside and so poor urban form that this would involve, with this second element compounded by the influence that the development would have on other areas of countryside outside of the application site. A consideration of the appropriateness of the scale of the development relative to the scale of Staining as a village and the availability of services to support the growth of the settlement that this application involves was provided in the ‘Does the Proposal Deliver Sustainable Development?’ section of the officer report. Speakers and members made reference to the identified shortage of local primary school places as a demonstration of this, although this can be addressed using the provision of financial contributions as is described in that section of this report. The scale of settlement growth that a village can accommodate is a subjective view, and the approach taken in recommending this application is not in conflict with that which the council has taken in its refusal of applications around Wrea Green with the Inspector’s decision on those likely to provide a useful steer on this matter, albeit one that will not be available before the Committee meeting. The officer advice on this matter remains as expressed in the original report, that the settlement of Staining can accommodate the scale of development involved in this application.

The visual impact elements are also covered in the report. Since the Committee meeting, the applicant has provided a revised illustrative masterplan which indicates the landscaping that could be undertaken on the land that they own around the site to help it sit more comfortably in the landscape. This plan also illustrates the ponds and grassland that surround the site and so could be the locations for ecological mitigation. As with the scale of development element of this identified issue, the officer advice remains as in the original report in that the development of the site in line with the submitted masterplan and an appropriate landscaping scheme will not cause sufficient harm to the settlement to justify a reason for refusal.

Notwithstanding the officer view on this aspect, the scale and visual impacts of the development are matters that the council has used in refusing applications elsewhere in the borough, notably the schemes around Wrea Green. The judgements made are subjective and so this is an issue that members could conclude justifies refusing the application.

Conflict with FBLP Policy SP2

The scheme is in conflict with Policy SP2 which allocates the site as Countryside. However, this alone is not sufficient to justify the refusal of the application given the dated nature of the Local Plan and the borough's inability to demonstrate a 5 year supply of housing.

The critical test is whether the scheme delivers the 'sustainable development' that is given great importance by the NPPF, and is split into social, economic and environmental aspects. The council has used this as a reason in refusing the scheme at North View Farm as a summary to pull together the other reasons. However, the officer view is that this scheme does deliver sustainable development and so the conflict with Policy SP2 is not of particular relevance.

There was comment from speakers and members at the February meeting that the council has, or is shortly to have, a 5 year housing supply. Officers must clarify that the council does not have a five year supply and even if large sites such as Whyndyke Farm were approved it is unlikely that this will deliver the necessary 5 year supply, with this being a minimum provision in any event and also being a rolling target, it would not allow the council to stop delivering further residential schemes.

However, this is again a subjective assessment and if other reasons for refusal are felt appropriate the Committee could include a reason for refusal on this development plan policy conflict along the lines as one used in the refusal of the North View Farm scheme on Ribby Road in Wrea Green.

Ecology

The development has implications for several matters of ecological importance. At the time of the February Committee there was agreement between the applicant's ecologists and the council's specialist advisors on the mitigation required for all of these expect Great Crested Newts and Pink Footed Geese. Since that meeting the applicant has undertaken further survey work and proposed mitigation based on its results. Unfortunately, these advisors have not provided their views on these further areas of work in time for them to be included within this report. If they are satisfied with the submitted information, your officers would strongly advise against the imposition of a reason for refusal on this matter. However, if they remain concerned, and those concerns are considered to be justified, then the potential for harm to matters of ecological importance should be included as a reason for refusal.

Flooding

Surface water drainage is proposed to be handled by the use of on-site attenuation and then controlled release into a ditch that runs alongside the site boundary and flows to the River Wyre. This is a usual method of handling surface water and should not be used as a reason for refusal of the application, with further details provide in the relevant section of the original officer report.

Foul drainage is an area that has provided more concern as the application proposes to extend the existing Kings Close sewer to serve the site which leads to the combined sewer on Chain Lane which is a local 'hot spot' for flooding in heavy rain. Committee members expressed concerns over the quality of the consultation response on this matter from United Utilities. They have been asked to provide further clarification of the adequacy of their network to accommodate the foul drainage from this development. This confirms their lack of objection on this point. With the statutory undertaker expressing this view it would be difficult for the council to justify a refusal of the application on this basis.

Highway safety

The adequacy of the access arrangements was an issue that was raised by members, in particular the capacity of Chain Lane to accommodate additional traffic, the suitability of that road and its pavements, and the safety of the proposed Zebra Crossing on Chain Lane near the junction with Kings Close.

In their consultation reply on the application County Highways raised no objection on these points. They have since been asked to look at this again and their comments are awaited. With the lack of objection from the statutory consultee it is not considered appropriate that this is used as a reason for refusal, with further details on the various elements of highway safety provided in the original officer report.

The applicant's highway engineer has expressed the view that Zebra Crossings are a common feature found near roundabouts and serve to have a traffic calming effect. If this location ultimately proves to be unviable following the undertaking of the usual safety audit the condition is worded to allow for its relocation elsewhere on Chain Lane.

Education provision

The shortage of available school places in the village primary school was discussed by Committee members and speakers. Lancashire County Council as education authority confirm that there is anticipated to be shortage of school places in the primary schools within the usual 2 mile catchment of this site at the time the development would likely be constructed, and so this is an issue with the development. However, it is an issue that Policy CF2 of the Local Plan states can be addressed by the payment of an agreed contribution to allow the school capacity to be increased. This is a solution that is consistent with the guidance in NPPF and is a solution that the applicant has agreed to and a solution that has been agreed with the local education authority. As such there is no policy basis for a reason for refusal on this ground and so Committee are advised against using this. However, this contribution would be secured by a s106 agreement that has yet to be completed, and so if the application is refused for other reasons it would be appropriate to include a reason relating to the lack of this contribution mechanism being in place.

Loss of Best and Most Versatile Agricultural land (BMV)

The applicant has undertaken a survey of the site which confirms that the site is entirely Grade 3a agricultural land, and so of a Best and Most Versatile quality. The loss of such land is contrary to FBLP Policy EP22 and guidance in the NPPF, and so could be used as a reason for refusal. However, caution is urged on this as Policy EP22 allows the loss of BMV where there are no poorer quality alternative sites available, and it would be argued that the council's lack of a 5 year housing supply outweighs the loss of BMV. Equally, the NPPF refers to the loss of 'significant' areas of BMV but does not define whether a 1.8 Ha area meets that requirement, and the applicant argues that it does not.

Notwithstanding the officer concerns over use of BMV as a reason for refusal it is factually correct that the development of the site as proposed will lead to the permanent loss of Best and Most Versatile agricultural land.

Other Matters

The officer recommendation remains that planning permission should be granted for the development subject to a list of conditions and a s106 agreement to secure the delivery of affordable housing, funding for public open space improvements and funding to enhance local primary school education capacity. Should Committee resolve to refuse the application, officer advice is that a reason for refusal related to the current absence of any mechanism to deliver each of these contributions be included as part of the decision. This will ensure that they are to be resolved should the applicant decide to submit an appeal.

The remainder of the report is as previously presented in February.

Summary of Officer Recommendation

The application is for outline planning permission for the erection of 30 dwellings on a greenfield site located off Kings Close in Staining. The site is outside of the settlement on land that is allocated as Countryside in the Fylde Borough Local Plan meaning that the proposal is contrary to the saved policy of the development plan, and so should be refused planning permission unless there are material considerations to outweigh that conflict.

In considering these, the most critical is the fact that the council continues to be unable to deliver the five year supply of housing as required by para 47 of the NPPF. As such it is necessary to establish whether this proposal delivers sustainable development and whether there are any significant adverse effects from the proposal that would require it to be refused.

The proposal has an appropriate access, delivers the necessary element of affordable housing and open space, has been revised to improve its appearance in the countryside and to the setting of the village. There are concerns over the scale of the development proposed along with others recently in the village, but Staining has a reasonable level of services and this site is well located to them. As such the balanced officer opinion is that the proposal does deliver sustainable development, and that there are no over-riding negative impacts from the development that should prevent it being recommended for approval.

This position is on the understanding that outstanding ecological matters are resolved, and so the officer recommendation is to delegate the decision to grant planning permission to officers on confirmation that the relevant ecological consultees are satisfied with the mitigation proposed, and on the completion of a s106 agreement to secure affordable housing, education payments and funding to improve open space facilities in the area.

Reason for Reporting to Committee

The application involves major development. With the level of public interest raised by this application and other similar schemes the Head of Planning & Regeneration concludes that this application should be determined at Committee.

Site Description and Location

The application site is an irregularly shaped area immediately to the east of Staining village. It is entirely outside of the settlement boundary on land that is designated as Countryside in the Fylde Borough Local Plan and in agricultural use for grazing cattle at the time of officer site visit. It extends to around 1.8 hectares and is a single field with hedge boundaries to other fields to the east and north, to Occupation Lane to the south and to the turning head and rear garden boundaries on Kings Close to the west. The land is gently undulating with an overall rise looking away from the access point to the east.

The surrounding land outside of the settlement boundary is all in agricultural use with that within the settlement in residential use on Kings Close which is a cul-de-sac of 14 properties constructed in the mid-1990s. That road joins Chain Lane with a mini-roundabout junction that is adjacent to the village Co-op general store.

There are no ecological or other designations on the site, but there is a Biological Heritage Site nearby at Smithy Farm Pond which is 130m to the northwest of the site boundary and is designated for the pond plants and invertebrates that it supports. There is a public footpath running along Occupation Lane behind a hedge on the southern boundary but this is not physically affected by the development. The only other local feature of note is a line of high voltage power lines which run generally north west to south and are 130m from the site boundary at the closest point.

Details of Proposal

The Submission

The application proposes the residential development of the site for up to 30 dwellings. It is an outline application with access applied for but all other matters reserved.

The access point to the site is indicated as being from an extension of Kings Close which is adopted to the end of the cul-de-sac where a turning head is currently provided with footways on both sides. This is currently at 6.6m width and would then narrow to 5.5m width within the site. No alterations to this road or its junction with Chain Lane are proposed.

The illustrative plan indicates that a series of cul-de-sacs will lead from the access road with a series of detached, semi-detached and short terraces of properties shown. The illustrative plan also indicates areas of open space including a pond feature and a ditch along the northern boundary. The application form states that 21 of the 30 dwellings would be for market sale with the remaining 9 as social rented affordable dwellings, with this being exactly 30% of the total.

Supporting Information

The application is supported with the usual suite of information comprising:

- Application forms
- Location Plan
- Illustrative site layout
- Access plan
- Supporting Planning Statement
- Design and Access Statement
- Transport Statement
- Flood Risk Assessment
- Phase 1 Detailed Desk Top Study
- Extended Phase 1 Habitat Survey
- Arboricultural Survey
- Archaeological and Heritage Assessment

The Conclusion to the Supporting Planning Statement states:

“This Supporting Planning Statement has been prepared by HOW Planning on behalf of the Co-operative Group in support of a proposed residential development at Kings Close, Staining. The application is submitted in outline and seeks consent for up to 30 residential dwellings with all matters reserved bar means of access of which, 9 will be affordable in perpetuity. This Supporting Planning Statement considers the residential proposals in light of relevant national and local planning policy demonstrating that residential development at the site is acceptable. Furthermore, it has been demonstrated that through the various accompanying technical surveys that there are also no technical constraints to delivering residential development at the site.

The proposed development represents a suitable density for the location and character of the site and its surroundings. Particular attention has been paid to ensuring the scheme integrates well with existing residential dwellings within the vicinity of the site. Ultimately, both the open market and affordable homes will positively assist FBC in meeting their current and future housing requirements. The application is situated in a Countryside Area in accordance with the adopted Local Plan. The residential proposals are contrary to Policy SP2, however it has been demonstrated that there are significant material considerations which outweigh any confirm with this policy.

At section 7, this Statement has set out the case in favour of residential development at the site. It demonstrates that there are significant material considerations which should be afforded greater planning weight than Local Plan Policy SP2. These include the following:

1. *Presumption in Favour of Sustainable Development: The application proposals fully accord with the NPPF's policies in promoting the presumption in favour of sustainable development. The development would not result in any adverse impact which would significantly and Supporting Planning Statement: Land East of Kings Close, Staining September 2013 demonstrably outweigh the benefits of the development and the proposals accord with the specific policies of the NPPF. Furthermore, the specific policies of the NPPF do not indicate that the development should be either restricted or refused.*
2. *The Delivery of Sustainable Development: The application proposals fully accord with the relevant policies of the NPPF, the site is situated in a sustainable and accessible location and the development will deliver social, economic and environmental benefits in accordance with the three strands of sustainable development as promoted in the NPPF.*
3. *Housing Land Supply: FBC cannot demonstrate a 5 year supply of deliverable housing land. It has a significant shortfall of housing and can only demonstrate a housing land supply of 3.1 years.*
4. *A Deliverable Housing Site: The site is suitable, available, achievable and viable for housing development.*
5. *Delivery of Affordable Housing: The proposed development will deliver up to 9 new affordable homes which will make a positive contribution to the Council's shortfall of affordable housing.*
6. *Prematurity: FBC published its Local Plan Preferred Options for consultation in June 2013 and the consultation period ended in August 2013. The Preferred Options is therefore at an early stage and limited weight is currently afforded to these policies. As such, granting planning permission for the Co-Operative Group's planning application would not prejudice a future development plan document by predetermining matters that would be dealt by it.*
7. *Scale: In the absence of a five year supply of housing, the Councils cannot seek to control the scale of development directed towards a settlement. Nevertheless, the proposals do not cause material visual impact to Staining or the surrounding area, they would form a natural extension of the existing settlement boundary and they are of an appropriate scale of development in relation to the existing village.*
8. *Location of Settlement Boundaries: The current settlement boundaries were adopted within the context of the former Joint Lancashire Structure Plan and a 155 dwellings per annum ceiling. As such, the settlement boundaries are considered somewhat out of date, and it has been recently acknowledged by FBC that greenfield edge of settlement housing development, such as the application proposals, will be required to meet the Borough's housing needs.*
9. *A Suitable Mix of Housing: The proposed development will be of high quality design and will create a mixed community through the delivery of properties of different sizes, types and tenures in accordance with market requirements. The exact mix of properties will be determined at the Reserved Matters stage.*
10. *Accordance with Development Plan Policies: With the exception of adopted Local Plan Policy SP2, the application proposals fully accord with all other Development Plan policies (as illustrated within Appendix 3).*

In summary and as outlined at paragraph 14 of the NPPF, there is a presumption in favour of the residential proposals. It has been demonstrated that there are a number of weighty material considerations which offset any identified noncompliance with the adopted Development Plan and accordingly, the application is acceptable in planning terms. With this in mind, it is requested that outline planning permission is granted for residential development."

Post Submission Information

There has been a minor amendment to the site boundary which initially included a small area of land at the head of the existing cul-de-sac of Kings Close which was found to be in third party ownership. This area has been removed from the plans under consideration but was not material to the development as proposed.

The applicant's agent has submitted a letter in response to matters raised by consultees, with the main points being summarised as:

11. Five Year Housing Land Supply – They argue that the council is not able to demonstrate a 5 year supply of housing contrary to the views expressed by Staining Parish Council and the CPRE. They refer to the council's position at the 'Kirkham Triangle' appeals in that regard.
- Location of Development – They argue that the fact that the land is outside of a settlement cannot on its own be used as an argument against its development when the council is unable to demonstrate the necessary housing land supply. They refer to the NPPF and the Inspector's decision at Mowbreck Lane to support this.
 - Sustainability – They explain their view that the site is sustainable with reference to the supporting documentation that demonstrates the proximity to key facilities and services within walking distance of the site, and the regular bus connections running from close to the site to Blackpool and Poulton.
 - Prematurity – The CPRE have raised this as an issue. The applicant's agent refers to their submission on this and the findings of the 'Kirkham Triangle' Inspector who explained that little weight could be given to the council's emerging Local Plan due to its early stage of production and lack of public examination.
 - Benefits – They reiterate the benefits that they see from the development as listed in the original submission.
 - Other technical matters – They dismiss resident, CPRE and Parish Council concerns over matters such as highways, flood risk, drainage, ecology and the loss of agricultural land with reference to their application and some consultee replies.

Further information has also been supplied in response to concerns raised by officers:

- Agricultural Land – The application was not initially supported with any information on this. A survey has now been submitted that confirms that the land is Grade 3a and so of a Best and Most Versatile quality.
- Access improvements – The applicant has confirmed their willingness to provide a Zebra Crossing of Chain Lane adjacent to the junction with Kings Close to improve general accessibility for the site, particularly to the village hall facilities.
- Open Space contribution – The applicant has confirmed their willingness to provide a commuted sum to allow the open space in the village to be enhanced with this sum £15,000
- Landscaping – The illustrative site plan has been amended to soften the edge of the site when viewed from outside the village.
- Drainage – The applicant has commissioned work to clear the ditch that runs on their land to the north of the site to improve the general surface water drainage in the area.
- Ecology – Further information has been provided about the use of the site and surrounding fields by Pink Footed Geese at the request of the council's ecological consultees.

Relevant Planning History

None.

Relevant Planning Appeals History

None.

Parish Council Observations

Staining Parish Council notified on 20 September 2013 and comment:

“Once again Staining Parish Council is asked to consider another unnecessary planning application for “high quality” housing we neither want nor need. There is already permission granted for over 70 dwellings, fewer than 20 have been completed with less than 10 occupied. The number of dwellings for

sale in the village has increased over 2013 thus increasing the number of properties available to buy or rent.

Staining Parish Council regards Fylde Borough Council's need to satisfy an arbitrary government figure for a 5 year housing supply an insufficient reason to grant permission to build housing on agricultural land outside the village envelope.

It has been well documented over recent months the myriad of reasons why the current infrastructure in Staining is unable to sustain the number of dwellings already permitted. The granting of further outline planning permission would lead to major overload of existing services, e.g. surface drainage, foul sewage provision, road infrastructure, school places both primary and secondary, medical and dental provision.

The only service which could cope with the increase in population is the recently improved bus service. The down side of this is the damage caused by the running of double-decker buses on c class roads which are showing signs of damage as a result.

There is little point in going into details in this letter of objection as all arguments have been used previously, (see applications 12/0765 to FBC and 12/0655 to Blackpool Town Council) and have been disregarded in favour of meeting the 5 year housing supply. The opportunity to state all these will arise at the committee stage. One can only hope that the revised housing requirement will have been ratified by this date."

Statutory Consultees

Lancashire County Council - Highway Authority

They have assessed the application and the supporting Transport Assessment. They do not raise any objection to the application confirming that the point of the access to Kings Close and from Kings Close to Chain Lane are acceptable, that there are no series concerns over highway safety or capacity associated with the development.

They query an element of the applicant's accessibility assessment and whilst they accept that the site has a medium accessibility they consider that this could be improved if the two nearest bus stops to the site on Chain Lane were upgraded to Quality Bus standard. This can be secured through a planning condition. They also request other conditions relating to the construction of the highway.

Since their initial comments were made the potential for a Zebra Crossing of Chain Lane close to the site access has been raised. They have confirmed that this would be acceptable in principle subject to the engineering details being finalised, and would deliver a benefit to general accessibility for pedestrians in the village.

Strategic Housing

They refer to the proposal offering affordable housing at a level that accords with that sought in the Interim Housing Policy and so raise no objection to the development subject to the details of the affordable housing and its delivery being secured by a s106 agreement at the appropriate stage.

United Utilities

They raise no objection to the proposal and request that conditions are imposed to ensure that surface water does not discharge to foul or combined sewers, and that foul drainage is undertaken through a separate system. They also make standard comments regarding the need for the developer to provide each dwelling with a water meter.

Electricity North West

Confirm that the development will not have any impact on their infrastructure and raise no objection to the proposals.

Environment Agency

They raise no objection to the application.

They refer to the site being in Flood Zone 1 which has the least likelihood of flooding and that they have reviewed the Flood Risk Assessment that has been submitted in support of the application. They are satisfied that the development would not be at an unacceptable risk of flooding or exacerbate flooding elsewhere.

Lancashire County Archaeology Service

They have considered the content of the Archaeological and Heritage Assessment and concur with its conclusion that the site is of limited archaeological potential and there is no need for any further archaeological work.

Natural England

Their comments focus on the ecological issues for which relate to their purpose which is to *“ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development”*.

They refer to the site being within 2km of the Marton Mere SSSI and advise that they believe there will be no damage or destruction of that feature if the development is undertaken in line with the submitted details.

With regard to Great Crested Newts they advise that the proposed development would be unlikely to affect the species and so raise no objection. They refer to the proximity to a local wildlife site and advise that the local authority needs to consider the implications of that and the opportunities to enhance biodiversity in the development.

Following receipt of comments regarding potential impact on Pink Footed Geese by Fylde Bird Club, and further information on this aspect by the applicant, they have been re-consulted. They have requested that the applicant undertakes further survey work to be confident that this species, which is important to the Ribble and Alt Estuary SPA, is not adversely affected by the development.

Lancashire County Ecology Service

They assessed the initially submitted ecological report and raised objection to the development as they did not believe that the applicant has submitted sufficient information to demonstrate that impacts on biodiversity will be avoided, or that there would be adequate mitigation / compensation for unavoidable impacts. This was in particular to the impacts on Great Crested Newts, Common Toad, wintering wildfowl, Barn Owl, indirect impacts on Special Protection Area and Biological Heritage Site, and the methodology of some of the survey work.

The applicant has undertaken further work in response, and this has allowed LCC to revise their position to one where the objection is withdrawn subject to the council imposing a series of conditions relating to ecological mitigation in all respects other than that relating to Great Crested Newts where they continue to express reservations.. Their comments are explained more fully in the relevant comment section of this report.

With regard to the survey work for Great Crested Newts they doubt that the work undertaken is sufficiently comprehensive as there are a number of ponds around the site that have not been surveyed for this application. The applicant's ecological consultant has

provided further information on this and it is anticipated that the County Ecologist will provide a further response prior to Committee which will be reported in the late representations schedule.

Landscape and Urban Design Officer

Highlights that the development is outside of the settlement and protrudes into open countryside in a way that will cause some visual impact to the village. She also comments that the retention of trees and boundary hedges is important as these make a substantial contribution to the landscape character of the site and assist in mitigating the visual impact of the development in the short term. These boundaries should be enhanced with additional native planting, which will require that the initially submitted illustrative layout is revised to allow it sufficient space on the critical southern and eastern boundaries. The detailed layout will need to illustrate the way that the pond and ditches interact with existing drainage networks and the landscaping that runs alongside them.

Lancashire County Education

They have assessed the application to assess whether there is likely to be sufficient capacity in local primary and secondary schools at a time when the houses are likely to be constructed to accommodate the anticipated yield of children from the development. To do this they look at the scale of the development proposed, the primary schools within a 2 mile radius of the site, secondary schools within a 3 mile radius and the other developments with planning permission within those catchment distances from the schools.

With regard to primary education they have looked at the capacity in the 4 schools within 2 miles of the site in the Lancashire Education Authority area (Staining, Carr Head in Poulton, Weeton, & St Chads in Poulton), the planning permissions around them and the yield of children from this scheme which is anticipated to be 11 children. The outcome of this is that there is an existing shortfall of 114 in 5 years and so this development will increase that shortfall to 125. On that basis they make a request for an education contribution from the development to meet the whole anticipated yield of pupils which is £130,685.

They have undertaken the same exercise with regard to secondary education and looked at the capacity available at Baines School and Hodgson Academy in Poulton being the secondary schools within 3 miles of the site. The development is expected to generate demand for 5 extra places. At present there is anticipated to be a capacity of 130 spaces at the 2 schools in 5 years time, with this development and others with planning permission reducing that, but not to a degree that would use up the capacity unless the Whyndyke Farm scheme is included. In their reply LCC include the yield from this development and make a secondary education contribution request of £89,508 based on the whole yield from this development. The validity of this is discussed in the comment section of this report.

Observations of Other Interested Parties

A **Ward Councillor (Cllr Singleton)** has written to object to the development with specific reference to the narrow exit route leading onto Chain Lane, the previous flooding issues in the area, the use of open countryside for the development and the need for additional housing in Staining.

The **CPRE** have written to express objection to the proposal with a detailed letter. Their comments are summarised as follows:

- **Planning Balance** – They highlight the need to balance the merits of housing supply against the loss of agricultural land and the sustainability of the location. They argue that this scheme fails to satisfy the requirements of sustainable development and so the balance is for refusal of the

- application irrespective of the housing supply position.
- Prematurity – They refer to the importance placed on the plan-led system in the NPPF. This site is not allocated in the emerging Local Plan and a grant of planning permission at this time would pre-empt the preparation of the Part 2 Plan in the coming years.
- Five Year Supply – The council’s latest position (of 31 March 2013) is that it has a 3.1 year supply of housing against the RSS housing target. The CPRE have undertaken their own analysis of housing supply and the methodology of its calculation and argue that the council has a supply equivalent to 5.1 years. They also refer to there being planning permission in place for the construction of 3,400 dwellings in the borough so the lack of a 5 year supply is not correct and cannot be a reason to support the development of this site.
- Agricultural Land –They refer to the NPPF encouragement that land should be used effectively which they interpret as using brownfield sites for housing first. As the applicant has not undertaken any assessment of brownfield sites in the general area then this has not been complied with. They also believe that the site could support arable crops and so its loss to housing would remove the potential for food production or biomass energy uses.
- Sustainability – This is a key component of the NPPF. The CPRE explain that whilst the site is adjacent to Staining, that village has a limited range of facilities with a primary school that is at capacity, a single shop and a part-time doctor’s surgery. They argue that the local infrastructure is unsuitable for further significant expansion in the village.

Lancashire Constabulary have provided advice on the crime prevention issues of the development. They refer to the benefits of designing the scheme to Secured by Design standards and ask that the developer continues to liaise with them when considering the detailed design of the site.

A representation has been received from **Fylde Bird Club** who argue that the development will have an unacceptably adverse effect on wildlife, with specific reference to wintering Pink Footed Geese who are known to use land adjacent to the development. They also refer to the loss of land for Barn Owls and Kestrels who are known to breed nearby and so use the land for feeding. They refer to the applicant’s ecological report being based on a single visit that was undertaken at the wrong time of year to assess breeding bird or wintering bird impacts. Their main concern is related to the Pink Footed Geese and the disturbance that the presence of a residential population and their dogs will have in such proximity to them.

Neighbour Observations

Neighbours notified: 20 September 2013

No. Of Responses Received: 34

Nature of comments made:

All the letters received are from residents of the village, and all raise objection to the proposal. The main points of objection are summarised as:

Policy and Matters of Principle

- The village services are unable to cope with the additional population that will be brought to the village by the development of these properties. Specific examples given are the small local shop, the doctors surgery, the primary school, transport connections, play facilities.
- Any need for local housing to increase should be met by the development of brownfield sites not greenfield ones like this
- The village has seen significant recent growth with the development of over 70 houses on the site at Chain Lane by Jones Homes. These additional properties are unnecessary as the village has taken its share of development for the borough.
- This application, like others in the village recently, relies on the council’s inability to provide a 5 year supply of housing. This is a “ridiculous requirement with no sound statistics on which to base it on especially in the North of England”.

- The council should stand up to defend its communities against developments such as this rather than follow ill-conceived government requirements, irrespective of the costs of an appeal.
- The recent developments in the village (Baines Fold, The Heathers, Occupation Lane) has brought an 8% increase in the size of the village since 2010. Given that it is only 1.8% of the total borough population this growth is 4 times its 'fair share'.
- As around 1 in 4 of the houses in the village are currently for sale there is no need for any further development as this level of existing properties for sale indicates that there is simply no demand to live in the village.
- The village amenities that do exist are limited in size with little scope for expansion to handle the increased population e.g. scout hut, church, pub, hairdressers. Para 38 of the NPPF advises that larger residential expansions should only take place where there are a range of services to support them. Specific reference is made to the scout hut which is so restricted that there is a waiting list for membership of Scouts and Explorer Scouts.
- The development proposed is in conflict with the Fylde Borough Local Plan which allocates the land as countryside. As planning applications should be determined in line with the local plan this application should be refused.
- There are no employment opportunities in the village meaning all residents will have to travel elsewhere for work.
- The proposal will involve the development of a green belt site (Note: it is not green belt).
- The plans indicate that the Co-op own large areas of land around that part of Staining and so this will be the first of a series of applications.

Drainage

- The drainage system in the village is unable to cope with the additional properties and regularly floods after any modest level of rainfall. The additional properties will compound these issues by increasing the amount of foul water and the rate of surface water from the site into the sewer.
- Staining has four flooding 'hot spots' and so development of further properties in the area is contrary to para 100-101 of the NPPF.
- The Heathers development has led to greater flooding in the village and no more housing should be allowed until the drainage of the whole village has been assessed by United Utilities and the Environment Agency.
- The development of the site for the existing Kings Close developments has caused drainage problems in the area as the ditches that handle its water are no longer maintained. This problem will be increased by the development proposed.
- The Jones Homes development was required to relocate its foul drainage to avoid the Chain Lane corner as a known flooding location. Surely this development cannot discharge into that location.

Highways

- The main road through the village (Chain Lane) is unable to cope with the existing levels of traffic which it receives as a consequence of the size of the village, the recently housing developments and the level of commuters using the route as a shortcut. The development of further houses will make this situation even worse and more dangerous.
- The construction traffic associated with the development of such sites will lead to further damage to the poorly constructed roads, which are subject to a 7.5T weight limit.
- Kings Close is a relatively quiet cul-de-sac where residents and their children are able to walk and play in safety. The proposed development will transform this into a busy route to the new dwellings during their construction and occupation.
- Chain Lane has narrow pavements making the increased traffic a risk to pedestrians also.
- Whilst the junction of Kings Close and Chain Lane is served by a mini-roundabout there are a number of other junctions in close proximity to it and so a lot of turning vehicles.

- The village is poorly served by buses and has no train service which means the residents will have little option other than to use cars for most journeys.
- The volume of traffic on the road makes it dangerous for pedestrians, especially children, to cross
- The existing junction of Kings Close and Chain Lane is of insufficient standard to accept the additional development proposed
- The road along Chain Lane is congested and makes it difficult to access neighbouring settlements for education, employment, leisure, etc. at busy times
- The proximity of the Coop shop to the Kings Close junction means that it is used by passing vehicles parking up at the shop and this makes the area particularly dangerous.
- The village is used as a rat-run with the Parish Council's SpID recording 3000 vehicles per day with the average speed in the 20mph zone being 29mph and some speeds of 50mph recorded. This demonstrates the road is not safe to take additional traffic.

Ecology

- The site is well used as a hunting ground for local wildlife such as bats and many species of birds.
- There are a series of ponds in the area and any wildlife in them will also use this site
- The fields on the application site support many bird species on the RSPB amber watch list and plants on the provisional red watch list
- The application site is used as a stop-over point for wintering birds, including Pink Footed Geese and these are protected by law
- The site has a 'Special Scientific Conservation' protection and so cannot be developed. (Note: There are no such designations on the site.)

Other Matters

- The village primary school is unable to accept any more children, and the proposed education contribution will not be sufficient to provide any realistic increase in capacity, even if it is spent locally. This lack of capacity is causing existing residents to leave the village to be able to find conveniently located school places for their children
- There is only a single GP in the village and no optician, pharmacy, chiropodist, physiotherapist, etc. which means that medical provision as a whole is limited.
- A resident has queried the ownership of part of the site and raised issues with the maintenance of a fence around the ditch. (Note: These matters have been addressed through a minor revision to the plan and passed to the applicant for attention.)
- The village has a lower ratio of policing than the national and county average
- The decision on such applications is a 'tick box' and it is futile for local residents to attempt to influence decisions through letters or attendance and Committee meetings.
- Residents of Kings Close object to the development on the basis that it will lead to a loss of the open aspect from their dwellings, a loss of privacy due to the position of the proposed dwellings and will obstruct the morning sun from their properties.
- There are a large number of new properties that remain unsold and so there is no need for further dwellings to be constructed
- The historic character of the village is being eroded by the development of the land around it and the increased activity that this brings to the village.
- The supporting information submitted with the application is inaccurate and based on out-of-date surveys for traffic and drainage.

Relevant Planning Policy

Fylde Borough Local Plan:

SP01

Development within settlements

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

Other Relevant Policy:

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

Site Constraints

Within countryside area

Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended. Officers have screened the development for any potential environmental impact and concluded that the application need not be accompanied by a formal Environmental Statement.

Comment and Analysis

Policy Background

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

Under the Fylde Borough Local Plan the whole of this application site is outside of the settlement boundary of Staining which extends around the existing properties on Kings Close only. The land of the application site is all allocated as Countryside under Policy SP2. This Policy restricts the majority of development to preserve its rural character, with the exceptions generally limited to agricultural or other such rural uses. New residential development is clearly contrary to this Policy and so it is important to assess whether there are any material considerations that would justify overruling this Policy objection. If there are not then a reason for refusal on the conflict with the Local Plan allocation would be appropriate.

The Fylde Borough Local Plan is dated, and work is advancing on its replacement which will look at the

period to 2030. A consultation exercise was undertaken over summer 2013 on the 'Preferred Option' of the Part 1 to this Plan which included strategic locations for development but did not look at smaller developments than 100 units and did not include any allocations in or around Staining and the other rural villages of the borough. This replacement Local Plan document is at such an early stage that it can have only limited weight in the determination of this application, although the evidence base that has been collected to inform it is a material consideration in the determination of this application. A key part of this is the level of housing land need and the available supply.

The Fylde Borough Local Plan remains a relevant policy document where it is consistent with the NPPF. Residential development proposals are assessed against Policy HL2 of the Fylde Borough Local Plan with this introducing a series of criteria. This report will assess the proposal against these criteria with reference to the appropriate paragraph of NPPF.

Need for Residential Development

The NPPF requires that local planning authorities provide for housing land equivalent to at least a 5 year supply of the council's housing target. Para 47 of the NPPF states that "*local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing land against their housing requirements*", and then refers to additional amounts being required where there has been consistent under-delivery. The applicant's supporting statement makes reference to this requirement in support of the application.

The council's annual housing requirement is the figure expressed in Policy L4 of the RSS as this is the latest figure that has been subject to any public consultation and public examination. Whilst RSS has been revoked, that figure of 306 dwellings per year, remains the relevant figure for measuring the 5 year supply, and needs to include a 20% buffer as the council has consistently been unable to deliver that number of dwellings, and needs to include the shortfall in supply that built up over the period of the RSS.

The council's Local Plan team produce regular position papers regarding the borough's housing supply. The latest of these concludes that at 31 December 2013 the council was able to present a supply equivalent to 4.5 years against the adjusted RSS 5 year housing requirement (including historic under-provision and NPPF buffer of 20% due to that under-provision). The CPRE and others have raised doubts over the methodology used by the council to calculate its 5 year housing supply, and have claimed that the use of an alternative methodology allows the council to achieve a 5 year housing supply. This matter is discussed in the Inspector's decision letter to the Mowbreck Lane appeal in which the Inspector concludes the council's approach to require a 20% buffer was correct. Accordingly council officers are satisfied that the methodology used is correct, and whilst the current figure is a marked improvement over the 3.1 years that was available at 31 March 2013, as it remains below 5 years the council is unable to say it has an adequate housing supply.

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

Does the Proposal Deliver Sustainable Development?

It is a basic planning principle that development should be directed to the most appropriate location. This is explained throughout the NPPF with its 'presumption in favour of sustainable development'. The NPPF sets out three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time

to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

Accessibility of Site

The accessibility of the location where development is proposed is a key aspect of its sustainability. The applicant's Transport Statement lists the distances to the nearest services from the site using a methodology from the Chartered Institute for Highways and Transportation. They refer to the local village services being within a convenient walking distance, that there is a regional cycle route along Chain Lane which gives the site a good connectivity to other services in a wider area, and that the availability of bus stops and the No. 2 service that gives good connections to Blackpool and Poulton for higher order facilities. They have also assessed the site against an Accessibility Questionnaire used by LCC as part of their highway contributions calculations and argue that this demonstrates the site has a medium accessibility.

When considering the accessibility of residential development proposal in recent years the council has used the appendix from the former RS as a basis for quantifying that accessibility of the site. For consistency with those applications the scoring against this matrix for this site are shown below.

Criteria from Table 3 of Appendix RT to RSS	Actual Distance	Score
Walking distance from centre of site to nearest bus stop	280m from centre of site to existing bus stop on Chain lane.	3
Walking distance from centre of site to nearest railway station	Nearest station is Layton which is over 4.5km from site	0
Walking distance from centre of site to nearest primary school	580m to Staining Primary	1
Walking distance from centre of site to nearest food shop	190m to Coop Store on Chain Lane	5
Cycling distance from centre of site to nearest defined cycle route	180m to cycle route running through village along Chain Lane	2
Cycling distance from centre of site to nearest secondary school	3km to Baines School in Poulton	0
Cycling distance from centre of site to nearest town centre	Around 5km to Poulton	1
Cycling distance from centre of site to nearest employment concentration	Around 4km to Mereside near M55	1
Bus frequency from nearest stop	No. 2 bus service operates a half hourly service connecting the village to Poulton and Blackpool	5
Train frequency from nearest station	Half hourly service from Layton station to Blackpool North and Preston direction	2
Accessibility to basic services	Pub, playgroup, shop within 800m of site	3
Accessibility to play area or park	Whilst open space areas are shown on the illustrative layout these would not provide formal play. The nearest existing facility is at the Village Hall and is 400m.	3

Total Accessibility Score	26
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This gives the site an accessibility score that is well within the medium accessibility range, which is the level that has been acknowledged previously as providing an acceptable level of accessibility to such services. It has painted a false picture in some cases whereby points have been gained for the village's good bus service when they have not been accessible to the site, but that is not the case here other than for the train services which has no material impact on the accessibility level.

It is therefore accepted that the site is sufficiently accessible to local services. The application has also been revised to include a Zebra Crossing adjacent to the junction of Chain Lane with Kings Close. In practical terms this will improve the ease of access to the play and other facilities at the village hall.

Visual Impact of Development Proposed

The position to establish here is whether the character of the area of the application site, and the scale of the development proposed, is such that the residential development can be delivered without unduly compromising the rural character of the area.

The application site is open countryside that lies beyond the settlement boundary and is currently greenfield land that remains in agricultural use. It is lain to grass and so forms a typical part of the countryside in Fylde borough. The issues to be considered under this heading are the visual impact of the development on its immediate surroundings, how the application site fits in with the established urban form of the village, and whether the scale of development is appropriate for the site and its surroundings.

With regard to direct visual impact, these will be significant to a number of properties on Kings Close that back onto the site and others on that road which have clear views across it. The perception of the development to all residents on Kings Close will also be clear from the increased use of that road as its sole access point. The site will also be visible from other properties that back onto the countryside at the eastern side of the village such as Bleasdale Avenue and to users of the public footpath on Occupation Lane.

The application is supported with a Landscape Appraisal that assesses these impacts and argues that the topography, boundary hedgerow planting and scale of the development proposed combine to ensure that the development can be assimilated into the landscape. The council's Landscape Officer has assessed this Appraisal and the proposed development and concludes that the development will protrude from the village boundary into open countryside, but that with sensitive and appropriate levels of native planting the existing boundary hedgerows can be enhanced so that the short term visual impact of the development can be mitigated.

The illustrative layout originally submitted indicated a layout that replicated the existing harsh transition between urban and rural, and was not felt to be appropriate for this edge of settlement location. This layout has been revised to increase the amount of landscaping that is provided around the periphery of the site and at other critical points such as the approach along the Occupation Lane public footpath. This improved general layout can be secured by a condition on any planning permission, and the landscaping agreed through the reserved matters.

The development will inevitably urbanise this part of the rural area around the village to a degree but with these conditions to ensure a sensitive layout and landscaping strategy it is considered that it will have an acceptable visual impact that will not cause harm to the rural character of the village. Para 58 of NPPF refers to the quality of developments and includes a requirement for planning decisions to respond to the local character of an area. This is a similar requirement to criteria 2 of Policy HL2 which requires that a development is in keeping with the character of the locality. The revisions allow the application to accord with these requirements.

Impact on Urban Form

The harm to the form of the village is a concern as the development site has a limited connection with the existing settlement boundary of only 75m compared to around 500m boundary with open countryside. The result of this is that the effective extension of the settlement that this development would represent a poor urban form with the development encroaching into the countryside in an ill planned way. Furthermore, this incursion into the countryside will also impact on a wider area as the irregular shape of the site will impact on surrounding land, particularly that to the north of the site and so rear of Kings Close/Bleasdale Avenue, which would have a reduced value as countryside as a consequence of the development. This land is also in the ownership of this applicant and so could be the subject of a future planning application or request for inclusion in the Part 2 Fylde Local Plan to 2030.

This is clearly a negative impact of the development and is one that needs to be weighed in the balance of the overall decision on this application.

Loss of Agricultural Land

The application site is entirely greenfield land that is in agricultural use. Data from Natural England concerning the agricultural land classification of the land of the application site lists it as being of Grade 3 but does not determine whether the land is Grade 3a which would be Best and Most Versatile Land that is protected from development by Policy EP22 of the Fylde Borough Local Plan and by paragraph 112 in the NPPF, or Grade 3b which is not.

During the consideration of the application an intrusive survey report has been provided by the applicant to document the actual land classification based on a soil survey from 3 boreholes across the site, which is the appropriate number for a site of this size. Their survey confirms that the whole of the site area is Grade 3a and so is of a Best and Most Versatile quality. The loss of Best and Most Versatile Agricultural land is a factor that must count against a development and raises conflict with Policy EP22 of the Fylde Borough Local Plan and para 112 of the NPPF as quoted in NPPF. Albeit in this case the scale of the site at 1.8 hectares means that there is a question as to whether the loss of a relatively small area of such land is actually a “significant development of agricultural land”. There has also been a series of appeal decisions nationally where agricultural land protection has been seen as being of secondary importance to delivering residential development where those are the only competing factors to be weighed in a decision.

Scale of Development

With regard to the scale of development, the 2001 census indicate that there were 962 dwellings in Staining Parish. This number will have increased since that time, most notably with the 72 dwellings on the two phases of the Jones Homes development at Chain Lane, the 11 dwellings at Baines Fold and the 5 dwellings approved on appeal at Occupation Lane. These 88 dwellings amount to a 9% increase in the number of households in the Parish in the 12 years since that census was taken, with the majority of these approved and under construction in the last few of those years.

The additional 30 dwellings proposed here will result in an overall 12 % increase in households, with the applicant’s planning statement arguing that to be a level of growth which is not excessive for a settlement such as Staining which has a nucleus of basic services, reasonable connections to locations providing other services and the capacity for such services to expand.

In assessing other similar applications recently in Wrea Green these were refused as a consequence of them each involving percentage increases of between 15% - 18%, with the concern being that this level of growth was considered to be beyond that which the existing facilities can reasonably accommodate. This means that residents are more likely to travel outside of the village to access employment, shopping, leisure, recreation, education, etc. purposes services and with the distances involved and the limited public transport connections available these journeys are less likely to be by methods other than private car.

Although the level of increase proposed here is slightly less, it raises the same concerns. The Wrea Green applications are all currently at appeal and so the council is awaiting an Inspector's opinion on this stance. Despite these similarities, there are also differences between Staining and Wrea Green. Staining is a larger village, with a better range of existing services and more capacity for these to expand without the same Conservation Area constraints in the centre of Wrea Green. It is also better located to Blackpool as a highest level settlement and to Poulton, and the actual site is located close to the centre of the village.

This makes the balance on the scale of development a fine one. Officers are mindful that government guidance is to support development to encourage economic growth, and so conclude the scale of growth involved with this scheme and those at Baines Farm/Chain Lane are not sufficient to lead to conflict with criterion 2 of Policy HL2 of the Fylde Borough Local Plan which requires that development should be of a scale that is in keeping with the character of the locality.

Density

The density of development proposed in the development of 30 dwellings on a 1.8 hectare site is almost 17 dwelling per hectare. This is a reasonable density and reflects the density of the existing Kings Close properties. Whilst this is not the best possible use of the greenfield land of the application site, it is considered appropriate given the nature of the surrounding development, the edge of village location and the anticipated requirements for the site to accommodate the new access roads, landscaping buffer areas and drainage features which will all reduce the developable area of the site.

Summary to Sustainable Development Assessment

The council has previously sought to resist the principle of residential development on all out of settlement sites that are allocated as Countryside in the Local Plan on the basis that such development is contrary to Policy SP2. However, the emphasis on delivering sustainable residential development in the NPPF and more recent ministerial statements and appeal decisions are material considerations that need to be assessed alongside this development plan policy. This has led to a change in approach with council officers supporting a number of such proposals where they have concluded the need for housing land, and the merits of the particular application, have justified it.

Given the council's lack of a five year housing supply, the NPPF places a significant weight on housing delivery, and it is necessary to examine whether this outweighs the other considerations in assessing the merits of the principle of the residential development of this site. In this case the following aspects weigh against this principle:

- That the site is a greenfield site which is available for agricultural use and lies outside of the settlement and so is given protection from development Fylde Borough Local Plan Policy SP2.
- The development of the site will have a detrimental impact on the urban form of the village by its protrusion from the existing settlement boundary and the impact that this has on the character of adjoining land
- That the development involves the loss of 1.8 hectares of agricultural land which has been confirmed to be of a Best and Most Versatile Grade

Set against these negative impacts are a series of positive ones:

- The development will provide for housing on the edge of one of the larger village settlements in the borough. This will assist in reducing the shortfall in the housing supply which the council needs to provide to meet the requirements of the NPPF
- The site is in close proximity to the main transport route through the village and to the services which are available to the village. The assessment of accessibility to services demonstrates that the site is accessible.
- Staining as a settlement has close proximity to neighbouring large settlements that provide a higher order of services.

- The application delivers a density of development on the site that represents a suitably efficient use of the land to sit alongside the adjacent development
- The amended illustrative layout assists in assimilating the development into the surrounding rural landscape and providing a less harsh edge to the settlement than currently exists.
- There are anticipated to be no ‘technical’ issues that would justify a reason for refusal of this application (These are fully assessed in the following sections of this report)

Taking these factors in combination it is considered that the scheme does deliver sustainable residential development.

Paragraph 14 of the NPPF states that “*where the development plan is absent, silent or relevant policies are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*”. In this case the Fylde Borough Local Plan is out of date with respect to the delivery of a housing land to meet the 5 year supply, and as the adverse impacts explained above are not sufficient to outweigh the benefits of delivering housing on this site, the principle of development is considered to be acceptable.

Access Arrangements

This is one of the key considerations with any planning application, and as access is a matter for consideration under this outline application the access details are to be assessed at this time. The application proposes a single vehicular access which is to be an extension of the existing carriageways of Kings Close from the point where it currently terminates in a turning head between Nos. 6 & 18. This will continue into the development at the existing 6.6m width before narrowing to a 5.5m width which is more typical for developments of this scale. The existing 2m footways on each side of Kings Close will be extended into the development and provide pedestrian connectivity with the wider footpath network in the village. No alternations are proposed to the junction of Kings Close with Chain Lane which is served by a mini roundabout.

Network Capacity

Chain Lane is classified as the C278 and is subject to a 20mph limit throughout the village, with this extending along Kings Close. The Transport Statement includes an assessment of the accident record and road capacity issues in the area and uses the standard TRICS methodology to anticipate the vehicle movements associated with the development. This gives an additional 16-17 vehicle movements during each of the morning and afternoon peak periods, which County Highways accept can be accommodated onto the network without any detriment to the safety or efficiency of its operation. The village has a limited accident record with no single concentration of accidents other than the Chain Lane/Mythop Road junction which is to be improved by the Chain Lane Phase 2 development. The only accidents recorded in the vicinity of the Kings Close / Chain Lane junction involve a car and cyclist outside the Co-op and a rear-end shunt in stationary traffic.

Location and Design of Access

The existing carriageway of Kings Close has a suitable width and design to accommodate the additional traffic that would be generated by this development and can be easily extended to serve it without any impacts on the access arrangements for the existing properties.

Pedestrian Routes

The access proposes direct connections to the existing footway on Kings Close and then to that on Chain Lane in both directions. During consideration of the application the applicant has agreed to fund the provision of a Zebra Crossing for Chain Lane adjacent to the junction with Kings Close. County Highways have assessed the feasibility of this and agree that it can safely be constructed at this location, and will assist with slowing traffic through the village and pedestrian connectivity. The residents of the development will have easy pedestrian access to the local shop, village hall, bus stops, and other services in the village.

Cycle Connections

No improvements to cycle connections are proposed, although the site is close to the existing cycle route that runs through the centre of the village.

Summary

The proposal will be served from an extension of Kings Close which is a well designed and constructed adopted highway that can accommodate the additional traffic from the development. That road joins the main highway network with a mini-roundabout at its junction with Chain Lane. This junction offers good visibility in both directions and is designed to handle the level and nature of traffic that will result from the development proposed. The site also has good quality direct pedestrian links to the main route through the village at either side of Kings Close and Chain Lane.

No objection to the development has been raised by Lancashire County Highways and whilst highway safety is an area of concern raised by the Parish Council and residents it is your officer view that the access arrangements for the site are acceptable. As such the development complies with criteria 9 of Policy HL2 and is consistent with paragraph 32 of NPPF which requires that developments have a safe and suitable access.

Drainage Matters

The application site is an undulating greenfield site that slopes down towards a brook which runs adjacent to the northern boundary of the site in a north easterly direction away from Staining village to connect to the River Wyre's drainage basin.

The application is supported with a Flood Risk Assessment which has been assessed by the Environment Agency and United Utilities as the two key consultees on such matters. As with much of the land around Staining, the site is located in Flood Zone 1 which is the least likely to suffer tidal or fluvial flooding. In the determination of the application it is important to establish, in principle, how the surface and foul water drainage works are to be designed and implemented to ensure that they offer a practical solution for site drainage without causing any flooding issues.

Surface Water

The development of the site from its current largely greenfield state will dramatically increase surface water runoff rates and so require that these are attenuated to prevent overloading of the networks downstream. The Flood Risk Assessment describes the site conditions and makes an assessment of existing drainage. They refer to concerns expressed by residents and the Parish Council in this regard where flooding of the highway and several properties has been reported on Chain Lane near the site. It is suggested that as this flooding occurs after significant rainfall events it could be attributed to an unspecified defect within the existing culvert in that area which is resulting in the additional storm water entering the existing combined sewer which is then unable to cope and so surcharging out. They refer to the topography of the area being such that the application site will not be affected by such events, and that the development of the site as is proposed will not increase the risk of flooding in these drains and sewers.

The FRA explains the intention to utilise the 'ordinary watercourse' that runs alongside the northern boundary of the site to take the surface water from the site, with the rate of flow into this watercourse controlled by a series of swales and other such attenuation features. A series of calculations are presented to demonstrate the level of attenuation that would typically be required from a development of this nature, with the final design of these to be resolved at any reserved matters stage.

The illustrative layout indicates how these could be incorporated into the site layout and the location plan confirms that this watercourse is within the applicant's control despite being outside of the actual application site.

This seems to be an appropriate solution to surface water drainage which will ensure that the site drainage functions as at present whereby the water from the site will percolate to this watercourse as

part of the normal greenfield site drainage. Conditions are appropriate to ensure that the final design of the scheme is included within any reserved matters application, and then implemented and maintained.

In response to a series of comments about the local flooding at the Chain Lane / Kings Close junction the applicant has undertaken some works to the ditch that is adjacent to Kings Close and takes surface water from this area. These works have been completed under the supervision of Lancashire County Council in late January 2014 and involved the removal of blockages from the ditch, the re-profiling of embankments and the erection of a fence to provide protection to the banks from future animal trampling.

Foul Water

The largely undeveloped nature of the site at present means that the development of the 30 properties proposed will introduce entirely new foul drainage to the network. The Flood Risk Assessment refers to discussions with United Utilities over the potential for connections to the existing public sewer in the area. One suggestion is to connect to the existing public sewer in Kings Close which is constructed to an appropriate standard at 150mm diameter, with a particular manhole suggested for that connection.

United Utilities are the statutory drainage body and so have been consulted on this element of the application. In their consultation reply they do not raise objection to the proposal but request details of the proposed foul water drainage solution prior to construction.

Your officers have sought further clarification on this given from United Utilities given the local concerns over the capacity of the connection of that sewer to the combined Chain Lane sewer and the capacity of that sewer which seems to have a series of private connections to it taking surface water from gardens. The ditch clearance works undertaken by the applicant may assist with these reported issues.

Summary

With this being an outline planning application it is necessary for it to simply provide sufficient comfort that a site can be drained effectively, without any need for it to provide the full details of that drainage solution. In this case the application proposes a viable solution of draining the surface water from the site to the existing watercourse adjacent to it at a controlled rate. The foul drainage is less certain due to capacity concerns with the combined sewer that the Kings Close sewer will link to, but given the clear lack of objection from United Utilities on this matter it is not appropriate for the council to refuse the application on this basis. Accordingly it is considered that the proposal is in accordance with Policy EP25 and EP30 and criteria 10 of Policy HL2 of the Fylde Borough Local Plan and para 100 and 103 of the NPPF.

Ecology

The site does not contain any ecological or biodiversity designations, although the Marton Mere SSSI is within 2km of the site and so requires that Natural England are a consultee on the application. There is also a Biological Heritage Site at Smithy Farm Pond which is 130m to the northwest of the site boundary and is designated for the pond plants and invertebrates that it supports. The site contains no buildings and is entirely grazing land so limiting its ecological value. There are hawthorn hedges with a mix of trees within them around the rural boundaries of the site.

The application was initially supported by an Arboricultural Survey and a Phase 1 Habitat Survey, and further survey work has been provided during its consideration. These have been assessed by the relevant consultees and the views on the various issues are reported below.

Habitat

The development site itself is species poor habitat, but there is the potential for surrounding land to support protected and priority species and for them to use this site. Natural England assessed the application and have confirmed that they do not consider it will have any impact on Marton Mere or the species that contribute to its importance as an SSSI. County Ecology were refer to the ecological

importance of the native hedgerows around the site and request that these be protected and managed by planning condition.

The BHS pond is some distance from the site and so implications for it are negligible. The application suggests that this could be fenced off to limit cattle access and this is considered to be a benefit to its ecological value that could be required by a planning condition as it is within the applicant's wider landholding. The illustrative layout also indicates ponds across the site and their appropriate provision will also benefit biodiversity habitat.

Great Crested Newts

There are no ponds currently within the site, but there are a series of ponds within the commuting distance of Great Crested Newts which are a species protected by national and European legislation. The application provided an initial report of the likelihood of the development impacting on Great Crested Newt, and following criticism of this by County Ecology, they have undertaken further work which has been assessed by County Ecology. The position remains that they are not satisfied that the survey work to examine the ponds around the site is sufficiently robust due to the nature of the surveys and the failure to secure access to all the surrounding ponds. As such County Ecology remain to be satisfied that the development will not have any impact on the local Great Crested Newt population.

It is an offence for a Great Crested Newt population or their habitat to be damaged, and at present the council's advisor on ecological matters is not satisfied that this will not be the case. Accordingly the applicant should not be granted planning permission until this matter is resolved with conflict with Policy EP18 and para 118 of the NPPF being relevant. However, the site is actually located some distance from these ponds with intervening development providing a barrier, and provides hedgerow and ponds as potential mitigation for the loss of the habitat on much of the site. With these factors it seems more appropriate to allow the applicant the opportunity to provide this further clarification than refuse the application on this basis alone.

If all other matters are resolved it is appropriate that the determination of the application is delayed until the full implications for the development on the Great Crested Newt population/habitat are resolved and any mitigation incorporated into the scheme. If the application is to be refused then the failure to be satisfied of a lack of impacts on Great Crested Newt should constitute a reason for refusal.

Toads

The application confirms a lack of evidence of Common Toad on the site or in the Great Crested Newt surveys of surrounding ponds. The County Ecologist advises that these are a Species of Principal Importance that may present in the wider area as a consequence of the scope of the surveys being less than ideal as referred to earlier. However, the statutory protection to Toads is such that any impacts on this species can be addressed by a suitable condition to require habitat is provided within and around the site.

Bats

There are no buildings within the site to provide any roosting opportunities, and whilst the site will offer foraging space there are extensive areas around the site that are to be retained with the hedgerows, pond and ditches offering enhanced environments for bats. There are no adverse impacts on this species.

Badgers

Although the site does provide foraging opportunities for badgers, no evidence of activity was found on site. The County Ecologist accepts this survey but highlights that a further survey of a wider area would be appropriate.

Water Voles

The ditches and watercourses within and adjacent to the site are not considered to be suitable for Water Vole habitat and so there is not considered to be any potential adverse impact on this protected species.

Barn Owls

The grassland on the site offers foraging habitat for Barn Owls and will be lost as a consequence of the development. The submitted ecology report refers to the potential for the surrounding land within the applicant's control to be managed in a way that would compensate for this loss with wider field margin to provide habitat for small mammals that owls and other raptors prey on. This is an appropriate mitigation and will address concerns with a condition appropriate to secure its implementation.

Nesting Birds

The hedgerows and trees on the site provide the potential to support various species of birds. These are to be retained and enhanced in the scheme and so there will be no adverse impact on these, subject to a condition to require that works are undertaken at a time of year outside the breeding season and that the habitat is to be retained.

Pink Footed Geese

The Fylde Bird Club have objected to the application on the basis that land adjacent to the site is known to provide a feeding ground for Pink Footed Geese who visit the area over winter. They refer to the unsuitability of the August visit by the applicant's ecologist to assess this, or the use of the site for any breeding birds. These concerns were raised with the applicant and statutory ecology consultants as no information on this species was provided as part of the original submission. Pink Footed Geese are one of the species that contribute to the Morecambe Bay SPA and Ribble and Alt Estuaries SPA and so it is important that their populations are not affected when migrating to and from these areas.

The applicant has commissioned their ecological consultants to undertake research on this species using the information recorded by the Fylde Bird Club over the past 5 years. They report that the records indicate that there are 10 occasions in this period when birds have been recorded within 1km of the application site, and it not clear whether these are feeding or merely over-flying, with only 2 of these within 100m of the site. They conclude that this should be regarded as demonstrating that the site is not regularly used by this species. Moreover, they report that Pink Footed Geese favour large areas of open pasture and arable farmland for feeding and so the size of the site and proximity to Staining make it unfavourable habitat for this species.

Natural England have provide a response to this and question the conclusion of the applicant's ecologists. They interpret the data supplied by Fylde Bird Club as evidencing that the surrounding fields to the site are used by a significant proportion of Morecambe Bay SPA Pink Footed Geese population. Whilst they believe that the impacts can be mitigated they have requested further survey work is undertaken to determine the nature and extent of the mitigation. This could be through measures such as management of adjoining land for the species, restricting shooting rights on other land, timing of construction works, etc.

Although the impacts on Pink Footed Geese from the development is considered to be limited this is an area where final consultee comments are awaited, albeit that these are likely to direct mitigation rather than relate to the principle of the acceptability of the development.

Summary

The application and later information presents an examination of the potential ecological impacts from the residential development of the site and concludes that there would be no significant impacts that cannot be mitigated. With the exception of Great Crested Newt impacts, and mitigation measures required for Toads and Pink Footed Geese, this position is generally accepted by the County Ecologist. Further work has been undertaken on these aspects and the consultee views are awaited on it and so the application should not be favourably determined whilst this matter is outstanding.

At the present time this could represent a reason for refusal of the application as the absence of appropriate survey work means that the council cannot be confident that there will not be '*detrimental to the maintenance of the population of the species at a favourable conservation status*', and so is unable to satisfy the requisite tests of the Habitats Directive. As such the scheme cannot comply with

Policy EP18 and Policy EP19 of the Fylde Borough Local Plan which protects natural features and the protected species that may habitat them, and paragraph 118 of the NPPF with which they are consistent. However, as there is a reasonable likelihood that the outstanding concerns will be resolved and it is more appropriate to delegate any approval of the application to officers so that they can continue to work with the applicant and the ecological consultees to resolve the issues.

Affordable Housing Provision

The delivery of affordable housing is an important aspect of all residential development schemes. The Interim Housing Policy refers to the delivery of affordable housing as part of residential development schemes and requires that 30% of the dwellings be provided as affordable units. The application form and supporting statements refer to the intention for 9 of the 30 properties to be socially rented properties and so would meet the 30% policy requirement. The provision of family dwellings for social rent is appropriate to meet the demands of the borough as identified in the Housing Needs Survey.

If the Committee were to resolve to grant planning permission the provision of these affordable units should be secured by a s106 agreement to be signed prior to the grant of planning permission. However, if Committee are to refuse the application due to other issues with the scheme then the absence of any mechanism to deliver the necessary affordable housing provision the application should also be included as a reason for refusal based on conflict with the Interim Housing Policy and national guidance in para 50 of the NPPF.

Public Open Space

The Local Plan requires that open space be provided on site in residential developments of this scale in line with the amount per plot detailed in Policy TREC17, with appropriate provision made for the on-going maintenance of this.

Whilst the outline nature of the application means that there can be no clarity on this matter, the scale of the site and number of dwellings proposed will allow for space to provide some open space around the development. This is confirmed in the submitted illustrative layout plan and referred to in the design and access statement supplied with the application. The applicant argues that this is equivalent to around three times the amount required by Policy TREC17, but accepts that much of this is in the form of amenity / landscaping open space around the ditch, pond and other such features rather than giving any recreational value.

Planning legislation allows for the council to secure a reasonable level of funding from a development to enhance facilities in an area, but the funding must be necessary to make the development acceptable and related in scale to the development. In this case there is a close geographical link between the development site and the open space facilities at the Village Hall, with this improved with the Zebra Crossing that is to be provided. With this connection, and the limited recreational space on site, there is a justification for the development to contribute to the upgrade of the facilities at the village hall. It is understood that there is a local project to enhance the drainage of the playing fields at the Village Hall site, and the developer has agreed to contribute £15,000 towards that or an alternative local scheme instead of any on-site play provision.

This would be a proportionate and reasonable contribution from the development and so its provision would comply with the CIL regulations and Policy TREC17. It would be secured through a s106 agreement to signed prior to the grant of any planning permission.

Public Realm

The council's Interim Housing Policy seeks contributions from developments to assist in the delivery of public realm improvements as are identified in the council's Regeneration Framework 2010. This document identifies projects across the borough and also looks at all conservation areas as being locations for focussing investment in the quality of their public realm. There are no such projects in Staining, and the village does not have a conservation area. As such it would not be appropriate, or compatible with the CIL regulations, for any public realm contributions to be sought from this

development.

Education

The capacity of the village primary school to absorb the children from this site, along with others from schemes recently approved in the village has been raised as a concern by the Parish Council and many residents. Lancashire County Council has provided a consultation response on this matter. They do not look just at the village school, but also examine the other schools in the area that could reasonably be expected to take children from the development, and also at existing and planned developments that those schools would also serve. The same exercise is undertaken with respect of secondary schools, with the schools assessed reported under their comments in that section of this report.

With regard to primary school education they confirmed at the time that the Chain Lane Phase 2 scheme was under consideration in January 2012 that there was sufficient capacity in local schools to take the children from that development. When they undertook their analysis for this application in October 2013 LCC Education took account of the yield of children from that development and the position now is that there is insufficient capacity in the local schools to accommodate the children from this proposal.

With regard to secondary school education the local education authority confirm that there is sufficient capacity in the two local Lancashire schools in Poulton to accept the anticipated yield of children from this development and others which have planning permission in the area. As such no education contribution would be appropriate. They do make comment that if the Whyndyke Farm application was to be approved the scale of that development is such that it would use up all the spare capacity in these schools, but that application remains to be determined and would be required to make its own education provision in any event so there is no justification for any secondary education provision in respect of this scheme.

Where there is a shortage of school places Policy CF2 of the Fylde Borough Local Plan allows for the council to secure financial contributions from developments to assist in increasing education provision in an area, and is consistent with para 72 of the NPPF in doing so. That situation exists with respect to primary education, with the contribution request amounting to the anticipated yield of 11 children which is £130,685. This would normally be secured by a s106 agreement, with the Planning Statement submitted with the application referring to this. This would need to be completed prior to any grant of planning permission, or be included as a reason for refusal if the application is to be refused on other grounds so that it is for consideration in any appeal. Subject to the satisfactory completion of any agreement that is required the development would comply with Policy CF2 and it would not be appropriate to refuse the application on the basis of a concern over capacity in local schools.

Relationship to Neighbours

As this is an outline application with only access applied for the illustrative layout submitted with the application is for indicative purposes only. This means that it is not possible to assess how the dwellings would relate to the existing neighbours as this would form part of the consideration of a subsequent reserved matters application. Notwithstanding that, there will be an inevitable impact on the four properties (12-18 Kings Close) which share a boundary with the site and currently have open views from the rear of their houses across the site. There will be other properties on Kings Close, and on Occupation Lane and on Bleasdale Avenue that have more distant views of the development of the site, but these are all well separated from it with intervening agricultural land which prevents these impacts being significant.

The private view impacts suffered by these four properties are not a material planning consideration. The massing and privacy impacts can be most properly assessed as part of the consideration of any reserved matters application, but with the scale of the site and the number of properties proposed, and the relationship of the site to off-site neighbours it will be possible to accommodate the development proposed without causing undue impact to the existing dwellings adjacent to the site.

Conclusions

The application is for outline planning permission for the erection of 30 dwellings on a greenfield site located off Kings Close in Staining. The site is outside of the settlement on land that is allocated as Countryside in the Fylde Borough Local Plan meaning that the proposal is contrary to the saved policy of the development plan, and so should be refused planning permission unless there are material considerations to outweigh that conflict.

In considering these, the most critical is the fact that the council continues to be unable to deliver the five year supply of housing as required by para 47 of the NPPF. As such it is necessary to establish whether this proposal delivers sustainable development and whether there are any significant adverse effects from the proposal that would require it to be refused.

The proposal has an appropriate access, delivers the necessary element of affordable housing and open space, has been revised to improve its appearance in the countryside and to the setting of the village. There are concerns over the scale of the development proposed along with others recently in the village, but Staining has a reasonable level of services and this site is well located to them. As such the balanced officer opinion is that the proposal does deliver sustainable development, and that there are no over-riding negative impacts from the development that should prevent it being recommended for approval.

This position is on the understanding that outstanding ecological matters are resolved, and so the officer recommendation is to delegate the decision to grant planning permission to officers on confirmation that the relevant ecological consultees are satisfied with the mitigation proposed, and on the completion of a s106 agreement to secure affordable housing, education payments and funding to improve open space facilities in the area.

Recommendation

That the power to grant Planning Permission be delegated to the Head of Planning & Regeneration subject to:

1. Resolving outstanding ecological issues relating to Great Crested Newts and Pink Footed Geese in order to comply with ecological protection legislation;
2. The completion of a s106 agreement to secure:
 - The details of the delivery, management and operation of 30% of the properties on site as affordable dwellings
 - The payment, and the phasing of that payment, of a sum of £130,685 towards the enhancement of primary school provision in the area to serve the educational requirements of the pupils that are estimated to occupy the site,
 - The payment, and the phasing of that payment, of a sum of £15,000 to be used for the upgrading of existing open space facilities in the vicinity of the site, and

The above contributions are required unless the applicant provides sufficient financial documentary evidence to robustly demonstrate that their provision would make the development of the scheme unviable. If this demonstrates that only some of the contributions can be viably made then they shall be provided in the priority order agreed by the Head of Planning and Regeneration in consultation with the Chairman of Committee and the Ward Members;

3. The following conditions (or similar as amended to reflect ecological mitigation or other such matters that progress between the Committee date and decision notice being issued):

1. In the case of any 'Reserved Matter', application for approval shall be made not later than the expiration of three years beginning with the date of this permission, and the development shall be begun not later than 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 to be approved.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. Before any works are commenced on site, details of the reserved matters, namely appearance, landscaping, layout and scale, shall be submitted to and approved in writing by the Local Planning Authority and the development thereafter carried out in accordance with such approval.

Reason: The application was submitted in outline in accordance with the provisions of the Development Management Procedure Order (2010) and so these details remain to be agreed by the Local Planning Authority.

3. That the development hereby approved shall relate to the following drawings and reports:

- Location Plan – Broadway Malyan drawing 29869 P-01-001 Rev P2
- Existing Site Plan - Broadway Malyan drawing 29869 P-01-002 Rev P2
- Illustrative Masterplan - Broadway Malyan drawing 29869 P-01-004
- Proposed Access Arrangement – Curtins Consulting TPMA1037_103 Rev. A
- Agricultural Land Classification – Kernon Countryside Consultants Ltd
- Extended Phase 1 Habitat Survey - Middlemarch Environmental Ltd RT-MME-114059-01 Rev 1
- Great Crested Newt Survey – Middlemarch Environmental Ltd RT-MME-114202 Rev C
- Revised Amphibian Mitigation Strategy - Middlemarch Environmental Ltd RT-MME-116142-02 Feb 14
- Additional Pink Footed Goose Information- Middlemarch Environmental Ltd RT-MME-114059-03 March 14
- Design and Access Statement – Broadway Maylan 29869 September 2013
- Landscape Appraisal – Broadway Maylan September 2013
- Supporting Planning Statement – How Planning September 2013
- Flood Risk Assessment – Curtins Consulting TPMA1037/FRA
- Transport Statement - Curtins Consulting September 2013
- Archaeological and Heritage Assessment – edp EDP1994_01b
- Arboricultural Survey - Middlemarch Environmental Ltd RT-MME-114059-02
- Phase 1 Detailed Desktop Study – Curtins Consulting September 2013

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

4. The layout submitted as part of the reserved matters shall be in broad accordance with the Illustrative Masterplan hereby approved (Broadway Malyan drawing Job: 29869 Drawing: P-01-003 Rev: P4)

Reason: To ensure the development is laid out to provide an appropriately softened edge to the settlement and to deliver appropriate areas of on-site landscaping, open space, ecological mitigation and drainage infrastructure.

5. Notwithstanding any denotation on the approved plans, prior to the commencement of any development hereby approved a schedule of all materials to be used on the external walls and roofs of the approved dwellings shall be submitted to and approved in writing by the Local Planning Authority. This specification shall include the size, colour and texture of the materials and shall be supported with samples of the materials where appropriate. Once this specification has been agreed it shall be utilised in the construction of the dwellings and only varied with the prior written consent of the Local Planning Authority.

Such details are not shown on the application and to secure a satisfactory standard of development.

6. Notwithstanding any denotation on the approved plans, prior to the commencement of any development hereby approved a schedule of all hard surfacing materials to be used on the access roads, driveways, paths and any other hard surfaced areas within the development shall be submitted to and approved in writing by the Local Planning Authority. This specification shall include the size, colour and texture of the materials and shall be supported with samples of the materials where appropriate. Once this specification has been agreed it shall be utilised in the construction of the dwellings and only varied with the prior written consent of the Local Planning Authority.

Such details are not shown on the application and to secure a satisfactory standard of development.

7. Prior to the commencement of any development hereby approved, a schedule of all boundary treatments around the site perimeter, between individual neighbouring plots and between plots and the internal roadway shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in full accordance with this approved schedule of boundaries.

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

8. Prior to any on site construction a Construction Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Plan to include method and details of construction; including vehicle routing to the site, construction traffic parking and any temporary traffic management measures, times of construction, access and deliveries. Such a Construction Plan is to be implemented and adhered to during the construction of the development.

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

9. Prior to the commencement of construction of any dwelling hereby approved, a satisfactory programmed landscaping scheme for the area of residential development including hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during the first planting season following the completion of development, and any tree or shrub planted which dies or is felled, uprooted, wilfully damaged or destroyed in the first five year period commencing with the date of planting shall be replaced by the applicants or their successors in title.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality, and in order to comply with saved Policy EP14 of the Fylde Borough Local Plan.

10. Prior to the commencement of any development details of the enhancement, maintenance and management of the existing hedgerows around the northern, southern and eastern boundaries of the site, including the phasing for these works, shall be submitted to and approved in writing by the Local Planning Authority. These works shall be designed to enhance the biodiversity value that these areas offer and include for their on-going management for that purpose and shall be implemented in accordance with the approved scheme timings.

Reason: To ensure the continued and enhanced biodiversity benefit of these features as required by Policy EP18 and Policy EP19 of the Fylde Borough Local Plan

11. Prior to the commencement of any development details of a scheme to protect Smithy Farm Pond and enhance its contribution to local biodiversity, including the phasing for these works, shall be submitted to and approved in writing by the Local Planning Authority. These works shall be implemented prior to the commencement of the development hereby approved and then maintained thereafter in line with the timings contained in the approved scheme.

Reason: To ensure the continued and enhanced biodiversity benefit of these features as required by Policy EP19 of the Fylde Borough Local Plan.

12. Prior to the commencement of any development a scheme for the provision of features that benefit wildlife habitat and biodiversity within the site including proposed landscaping areas, proposed pond, existing and proposed ditch, and any additional surface water drainage features shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the phasing for these works, and the works shall be designed to enhance the biodiversity value that these areas offer and include for their on-going management for that purpose. The approved scheme shall be implemented in accordance with the timings it contains.

Reason: To ensure the continued and enhanced biodiversity benefit of these features as required by Policy EP18 and Policy EP19 of the Fylde Borough Local Plan

13. Prior to the commencement of any development a scheme for the provision of details to mitigate the potential loss of habitat within the site used by Great Crested Newts, and for the construction of the development in a way that minimises the potential for harm to be caused to that protected species shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the aspects included within the Middlemarch Environmental Ltd Revised Amphibian Mitigation Strategy Feb 14 and shall include the phasing for these works, and shall be implemented in accordance with the timings it contains.

Reason: To ensure the continued and enhanced biodiversity benefit of these features as required by Policy EP18 and Policy EP19 of the Fylde Borough Local Plan

14. Within 12 months of, but prior to the commencement of, any development the site shall be surveyed for the presence of badgers in accordance with a survey schedule that has previously been submitted to and approved in writing by the Local Planning Authority. Should this survey reveal any evidence of badger activity then a scheme of mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the phasing for these works, and shall be implemented in accordance with the timings it contains.

Reason: To ensure the continued and enhanced biodiversity benefit of these features as required by Policy EP18 and Policy EP19 of the Fylde Borough Local Plan

15. Prior to the commencement of any development a scheme for the management of areas of the adjacent land edged blue on the approved location plan in a manner that is favourable for Barn Owls shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the phasing for these works, and shall be implemented in accordance with the timings it contains.

Reason: To ensure the continued and enhanced biodiversity benefit of these features as required by Policy EP18 and Policy EP19 of the Fylde Borough Local Plan

16. Prior to the commencement of any development a scheme for the management of areas of the adjacent land edged blue on the approved location plan in a manner that is favourable for Pink Footed Geese shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the aspects included within the Middlemarch Environmental Ltd Additional Pink Footed Goose Information March 14 and shall be implemented in accordance with the timings it contains.

Reason: To ensure the continued and enhanced biodiversity benefit of these features as required by Policy EP18 and Policy EP19 of the Fylde Borough Local Plan

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

To ensure that the development does not have any harmful impact on protected and priority species as required by Policy EP19 of the Fylde Borough Local Plan.

18. Prior to the first occupation of any dwelling on the site, details shall be submitted to and approved in writing by the Local Planning Authority of the on-going maintenance of the communal areas of the site including the internal access roads and footways, areas of landscaping and all associated features such as streetlighting, signage, drains and boundary treatments that lie within these areas. The development shall thereafter be maintained in accordance with the approved schedule of maintenance.

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

19. That prior to the commencement of any development details shall be submitted to and approved in writing by the Local Planning Authority of the existing and proposed ground levels across the site, and the proposed Finished Floor Levels of the proposed dwellings. The development of the site shall be undertaken in accordance with these approved details unless any deviations are submitted to and agreed in writing by the Local Planning Authority prior to the commencement of construction of the plot in question.

To ensure the site is constructed with a satisfactory appearance in the Countryside as required by Policy HL2 of the Fylde Borough Local Plan.

20. Prior to the commencement of the development hereby approved, full details of the means of surface water drainage of the site shall be submitted to and approved in writing by the Local Planning Authority. This system must follow the principles outlined in the Flood Risk Assessment submitted to support this application (by Curtins Consulting Ref: TPMA1037/FRA Dated: September 2013 and Drainage Statement TPA1037 Dated 7 February 2014) with surface water attenuated on site and discharged into the existing sewer system at a rate that is no greater than that described in the report.

The surface water drainage shall not include any connections to the public foul sewer system and should it involve a Sustainable Urban Drainage System (SUDS) then details of the future management of the SUDS and a management company that will be established to oversee the maintenance of the drainage system shall form part of the submitted scheme. The approved works shall thereafter be implemented, fully commissioned and maintained on site during the development.

Reason: To ensure a satisfactory means of drainage is provided and that there is no increase in the volumes of surface water discharged from the site.

21. Prior to the commencement of the development hereby approved, full details of the means of foul water drainage of the residential development area shall be submitted to and approved in writing by the Local Planning Authority. This approved scheme shall be implemented during the development and shall include that the development is drained on a separate system with only foul drainage connected into the foul or combined sewer, and then restricted to a maximum pass forward flow of 5 l/s.

Reason: To ensure that appropriate measures are taken to provide suitable drainage from the site as required by Policy EP25 of the Fylde Borough Local Plan.

22. Prior to the commencement of the development, the developer shall commission the highway authority, or other such competent highway consultancy, to undertake a survey to establish the condition of Kings Close between Chain Lane and the application site. A similar survey shall be undertaken within six months of the completion of the dwelling houses, and the developer shall make good any damage to Kings Close to return it to the pre-construction situation.

Reason: To maintain the construction of Kings Close in the interest of maintaining highway safety as required by Policy HL2 of the Fylde Borough Local Plan.

23. No part of the development hereby approved shall commence until a scheme for the provision of the following highway improvement works (including their phasing of construction and on-going maintenance) has been submitted to and approved in writing by the Local Planning Authority:

- a Zebra Crossing of Chain Lane in the vicinity of the junction of Kings Close, i This scheme shall be implemented in line with the agreed detail, phasing and maintenance.
- the improvement of the two closest bus stops to the site on Chain Lane to LCC's Quality Bus Standard

The approved scheme shall be implemented in accordance with the timings it contains.

Reason: To improve the accessibility of the site to local facilities and to benefit pedestrian safety as required by Policy HL2 of the Fylde Borough Local Plan and para 32 of the NPPF.



Development Services Fylde Council		(c) Crown Copyright and database right (2014). Ordnance Survey (100006084).	
Application No. 5/13/0590	Address Land at Kings Close, Staining	Grid Ref. E.3353 : N.4362	Scale 0 15 30 45 60 m

Application Reference:	13/0757	Type of Application:	Variation of Condition
Applicant:	Mr Peter Whiteley	Agent :	
Location:	WESTBROOK NURSERIES, DIVISION LANE, LYTHAM ST ANNES, BLACKPOOL, FY4 5EB		
Proposal:	VARIATION OF CONDITION 1 OF PLANNING PERMISSION 11/0532 TO ALLOW PERMANENT RETENTION AND RESIDENTIAL OCCUPATION OF MOBILE HOME		
Parish:	HEYHOUSES	Area Team:	Area Team 2
Weeks on Hand:	15	Case Officer:	Ruth Thow
Reason for Delay:	Delays in consultation replies		

Summary of Recommended Decision: Refuse

Summary of Officer Recommendation

Members will recall application 11/0532 which sought a variation of condition attached to an earlier planning permission to allow the applicant, Mr Whiteley, to occupy a residential caravan on the site for a temporary period to allow the development a new horticulture business.

This application now seeks approval for the removal of this temporary condition and so to allow permanent retention and residential occupation of the 'caravan' on the site.

The extent of the horticultural use on the site remains limited and it is considered that the applicant has failed to demonstrate that there has been sufficient attempts to develop this business. It is therefore considered that the requirements of Policies SP3 and SP11 of the Fylde Borough Local Plan, as altered (October 2005) and Paragraphs 55, 87-89 of the National Planning Policy Framework have not been met, and the application is recommended for refusal.

Reason for Reporting to Committee

This application is on the agenda as the condition the applicants are seeking to vary was imposed by Committee at the meeting on 14 December 2011, and under the Council's scheme of delegation such applications are to be referred back to the Committee for determination.

Site Description and Location

The site is Westbrook Nurseries, on the south side of Division Lane, Lytham St. Annes. The site consists of an existing timber structure under a tiled roof (the mobile home referred to in the application), with several greenhouses, a garage/store building and a static caravan.

The site is adjacent to an animal care facility and residential properties on the south side of Division Land and opposite open fields on the other side of the lane. It has a gated and recessed vehicular access from the highway which is single track with passing places. It is well screened to its frontage by established trees and a high hedge. There is also a narrow verge and ditch.

The site is designated as Green Belt on the Fylde Borough Local Plan, As Altered, October 2005.

Details of Proposal

This application seeks permission for a variation of condition 1 of planning permission 11/0532 to allow the permanent retention and residential occupation of the existing mobile home on the site.

The application is supported with a brief supporting statement that refers to the historical existence of the mobile home on the site, the green energy devices that have been installed and copies of recent accounts to indicate the income and expenditure at the site.

Relevant Planning History

Application No.	Development	Decision	Date
12/0461	NEW ROOF TO MOBILE HOME	WITHDRAWN	22.9.12
11/0532	VARIATION OF CONDITION 1 ON APPLICATION NUMBER 95/0796 TO ALLOW OCCUPATION OF MOBILE HOME OTHER THAN BY MR & MRS WEBSTER AND CONSTRUCTION OF REPLACEMENT GLASSHOUSES (AS AMENDED)	Granted	22/12/2011
08/0667	NEW DWELLING TO REPLACE EXISTING MOBILE HOME	Refused	10/09/2008
02/0118	ERECTION OF AGRICULTURAL BUILDING FOR STORAGE OF STRAW	Granted	15/05/2002
99/0058	REMOVAL OF CONDITION NO.1 ON APPLICATION NO. 5/95/0796 RELATING TO TEMPORARY CONSENT	Granted	24/03/1999
95/0796	RENEWAL OF TEMPORARY CONSENT RE: APP. NO. 5/89/83 & 5/92/772 FOR MOBILE HOME	Granted	28/02/1996
92/0772	RENEWAL OF APPLICATION 5/89/0083 FOR A MOBILE HOME	Granted	21/12/1992
90/0076	SITING OF MOBILE HOME	Refused	25/04/1990
89/0083	SITING OF MOBILE HOME	Granted	17/05/1989
87/0664	SITING OF CARAVAN.	Granted	27/01/1988

Relevant Planning Appeals History

5/08/0667 - New dwelling to replace mobile home - APPEAL DISMISSED (06.03.09)

Parish Council Observations

St Anne's on the Sea Town Council and respond with no specific comments.

Statutory Consultees

Principal Land Agent

No formal comments have yet been received but they have verbally indicated they are unable to support the application. The Land Agents are aware of the committee date and have promised to provide their comments in time to be included in late observations report.

Observations of Other Interested Parties

None to report.

Neighbour Observations

Neighbours notified: 20 December 2013
No. Of Responses Received: none received

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
SP03	Development in green belt
SP11	Temporary agricultural workers dwellings

Other Relevant Policy:

NPPF:	National Planning Policy Framework
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Site Constraints

Environmental Impact Assessment

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

Comment and Analysis

The main issues to consider in the determination are those within Policies SP3 and SP11 of the Fylde Borough Local Plan, as altered (October 2005) and the aims of The National Planning Policy Framework relating to the need for a residential presence on the site and the impact of the residential unit on the open character of the Green Belt.

Background

This site was formerly owned by Mr and Mrs Webster who operated a small horticultural business on the site. Planning permission was granted for a caravan on the site in 1988 in association with this business, this was followed in 1989 by a temporary 3 year approval for a larger caravan at the entrance to the site, which is the mobile home referred to in this application.

Between 1989 and 1995 the Websters had several renewals of temporary permission for the retention of the caravan. In 1999 permission was sought and granted by Committee for the removal of the condition relating to the temporary permission, but this was replaced by a condition which restricted the occupation of the caravan to the named applicant's only.

Following retirement from the business Mr and Mrs Webster applied for a dwelling on the site. This was refused and dismissed at appeal. They subsequently sold the site to the current applicant.

Permission was sought by Mr Whiteley for a variation of the personal permission to allow his occupation under application 11/0532. When this was presented to Committee members were advised that *"The new owners intend to continue the horticultural use of the site but they are currently engaged in a comprehensive clear up operation and their business intentions are yet to be implemented. Nonetheless, the proposal is not in conflict with green belt policy. In line with the spirit of guidance within PPS7, it is considered appropriate to afford the proposal a trial run basis and to reassess the position at the end of the trial period, by which time replacement glasshouses should have been constructed and a cash crop produced. There is no suggestion in that process that the local planning*

authority would be prepared to grant planning permission for anything other than the retention of the mobile home or replacement park type home on the site."

On this basis planning permission was granted for the change of the personal permission to allow Mr Whiteley to occupy the caravan. This permission included the following conditions:

- 1. This permission shall enure solely for the benefit of Mr Peter and Mrs Jillian Whiteley, and their dependant children, and shall be limited to the period expiring on 31 December 2013, immediately on the expiry of which the mobile home/caravan the subject of this permission shall be removed from the site and the land restored to its original condition, unless in the meantime a further planning permission has been granted.*
- 2. No replacement glasshouses granted by this permission shall be erected on the site unless and until full elevational plans and constructional details, including the solar panels and rain water harvesting, have been submitted to and approved by the Local Planning Authority. Once approved, the development shall be carried out in accordance with such approval unless otherwise agreed in writing therewith..*

Current application and policies

Policies SP3 and SP11 are relevant to this application.

Policy SP3 refers to development in Green Belt areas. In regards to this policy although the site is located in the Green Belt, the 'mobile home' the subject of the application is an existing one and the continued occupation will not further compromise the openness of the green belt or the purposes of including land within it. However, if the need for the 'mobile home' is found to be no longer essential its removal will improve the overall openness of the site. This is consistent with guidance in paras 87-89 of NPPF.

Policy SP11 refers to accommodation for an agricultural worker. Criterion 1 of this policy requires that there is a clearly established functional need for a dwelling on the site. Criterion 2 of Policy SP11 requires that there is clear evidence that the proposed enterprise has been planned on a sound financial basis and that there is a firm intention and ability to develop the enterprise. . This is consistent with guidance in para 55 of NPPF which requires there to be an essential need for a rural worker to live at or near their place of work to justify a residential use of an isolated site in the countryside.

Merits of agricultural use

Members granted permission for the change of condition in respect of application no. 11/0532 to allow the new owners to carry out "*a programme of replacement of the derelict glasshouses on the site, utilising rain water harvesting and solar panels for both electricity generation and hot water, and their use for growing chilli plants along with aubergines and peppers.*"

During the course of the current permission the applicant has carried out several alterations to the 'mobile home', without permission including the formation of a substantial pitched roof over it (so rendering it no longer 'mobile'), the formation of a veranda and the installation of some green energy devices. With regard to the remainder of the site some attempts have been made to clear some of the land of glass from the derelict greenhouses left by the former owners and has submitted photographs to demonstrate clearing and re-building of the greenhouses. However, this appears to have only occurred with one of the greenhouses with the remainder still in a derelict state.

This single greenhouse and a small area of land outside of the greenhouse showed evidence of horticultural activity at the case officer's site visit, and this is also supported by photographs submitted by the applicant. However, this is on a very small scale and more in line with an allotment type/personal use and not on any sizable commercial scale. The applicant has also submitted photographs of an alternative venture at the site in the keeping of around 6 chickens and the production of concrete garden ornaments which is clearly not a horticultural use.

With the site being located in the green belt the establishment of new residential uses is inappropriate development unless it meets certain strict exceptions. One of these allows agricultural development, but this must then comply with Policy SP11 of the Fylde Borough Local Plan when that agricultural development is a residential unit. The first requirement of this Policy is that there is a clearly established functional need for a full time agricultural worker that cannot be met by other accommodation in the locality.

The circumstances of the grant of the temporary permission in 2011 described above were such that the council accepted the applicant's arguments that they were to use the time permitted by that temporary permission to tidy the land and establish a viable horticultural / agricultural operation. From the officer visit, and discussions with the County Land Agent who has also visited the site, the activity which is taking place is well deficient of demonstrating this functional need for a full time worker at the site. Accordingly, the proposal fails to comply with criterion 1 of Policy SP11.

The second test of Policy SP11 is that the agricultural operation is based on a sound financial basis. A supporting statement submitted with the application includes financial details and profit made for the year 2012-2013 and projected figures for the year 2013-2014 (not finalised figures). The majority of the income from the applicant's business as shown in these figures, comes from the applicant's landscape gardening enterprise. These figures indicate the profit which is made is very limited and is considered insufficient to satisfy this criterion of Policy SP11. Notwithstanding the lack of income to support a dwelling on the site, a landscape gardening business is not one that requires occupation of a residential unit on a full time basis within a Green Belt site. The proposal therefore fails to comply with criterion 2 of Policy SP11.

Visual impact/openness

In the absence of any agricultural justification for the retention of any residential unit on the site it must be considered to be inappropriate development in the green belt.

Since the granting of permission for app. 11/0532 the applicant has carried out alterations to the 'mobile home' on the site. These alterations included the addition of a pitched, tiled roof significantly increasing the height of the original structure. This new roof extends over the 'mobile home' and forms a veranda surrounding the property, with a raised decked area to the front of the structure having also been added.

These additions have altered the original simple structure to something of a more permanent, 'dwelling like' structure covering a wider area on the site. Consequently the structure compromises the openness of the Green Belt to the detriment of the visual amenity.

Whilst there has been a 'caravan' on the site for many years this is not considered to be an exceptional circumstance that could justify the retention of the current structure on the site. Accordingly the proposal is in conflict with Policy SP3 of the Fylde Borough Local Plan and guidance in paras 87-89 of the NPPF with which that Policy is consistent. It must also conflict with criterion 4 of Policy SP11 which requires that any temporary agricultural workers dwelling does not prejudice the visual amenity or character of the countryside.

Other matters

The supporting statement submitted with this application and also supplied to committee in the previous application refers to renewable energy devices and other environmental improvements that the applicant was intending to carry out on the site. The NPPF supports the use of renewable energy on a commercial scale and energy efficiency improvements to existing buildings in an effort to provide lower carbon developments in the future.

In this regard the applicant has made a 'solar panel' which is fixed to the side elevation of the 'mobile home' using an old radiator and a sheet of glass. This supplies hot water for the shower and he claims

that there is on-site rain water collection, ground source heat pump and manure recycling. Whilst these are forms of green energy that will contribute towards a lower carbon home, they are not sufficient to outweigh the above concerns in regards to the principle and visual / openness harm of the development.

Conclusions

When committee granted Mr Whiteley permission to occupy the caravan in 2011 it was on a temporary basis to provide the opportunity to establish a horticultural business on the site.

It is considered that the business has not been sufficiently established in this timescale, and it does not appear that such a growth is likely with the diversification into producing other products and his work in the landscaping side of the business. Both of these alternatives do not require an onsite presence which warrants retention of the caravan on site. The growing of the horticultural products is on the scale of a hobby basis and the use of the caravan allows the applicant to visits the borough on a holiday basis as the applicant does not occupy the site on a full time basis he also lives at another property outside of the borough.

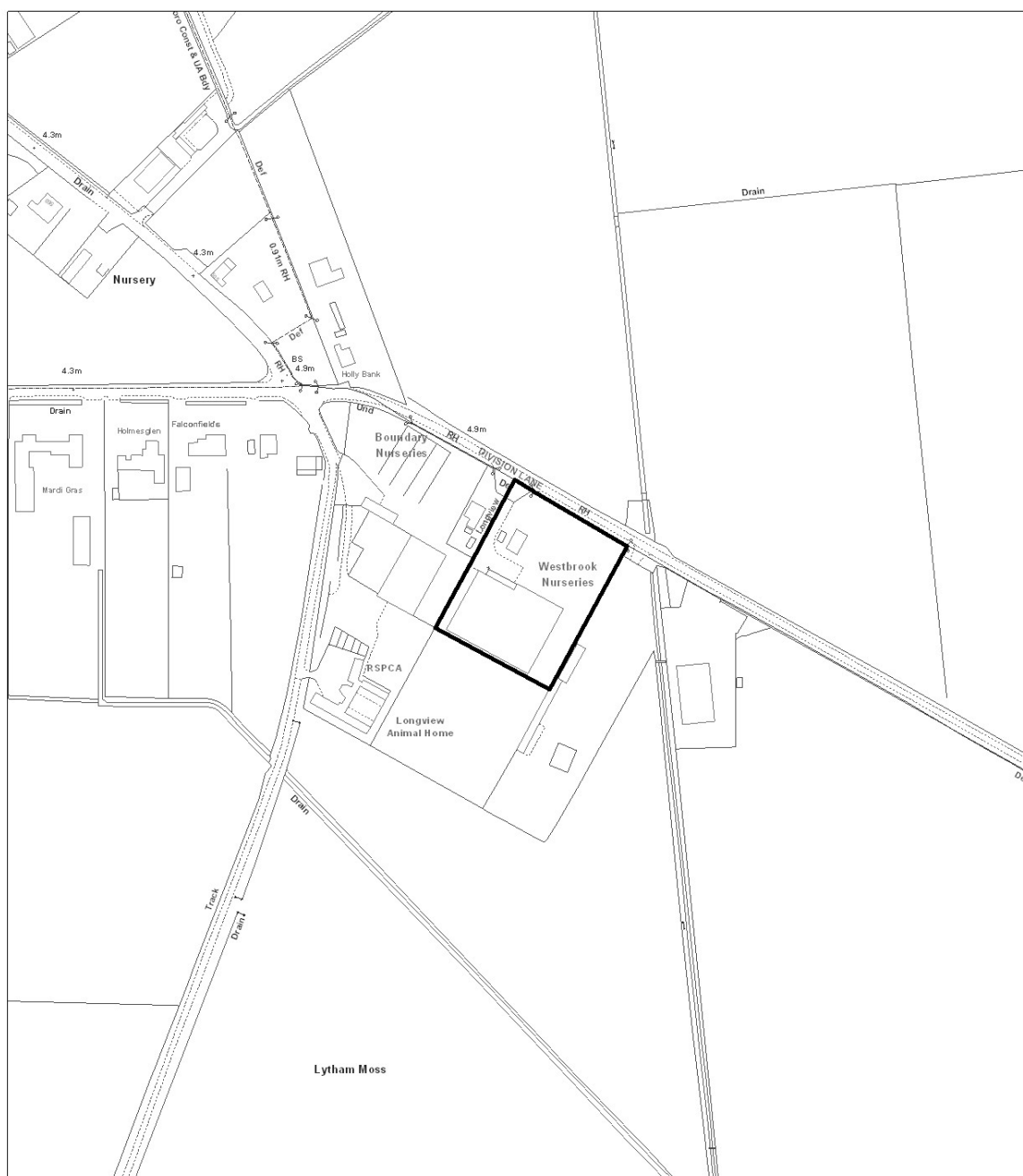
It is therefore considered that the applicant has failed to demonstrate that there is a functional or financial need for a residential use of the 'mobile home' to remain on site, or to justify the impact it has to the openness of the green belt. Accordingly the proposal fails to comply with Policies SP3 and SP11 of the Fylde Borough Local Plan, as altered (October 2005) and Paragraphs 55, 87, 88 & 89 of National Planning Policy Framework with which they are consistent.

Regard to National Planning Policy Guidance has also been taken account of in respect of rural housing in putting forward this recommendation.

Recommendation

That Planning Permission be REFUSED for the following reasons:

1. The proposal fails to demonstrate that an existing or anticipated functional or financial need exists for a fulltime worker to be present on the site associated with the agricultural, horticultural or other rural activity undertaken at the site. As such the proposed permanent retention of the mobile home conflicts with the requirements of Policy SP11 of the Fylde Borough Local Plan, as altered (October 2005).
2. The proposed permanent retention of the altered mobile home at the site constitutes inappropriate development in the Green Belt. In the absence of any essential need for the development having been demonstrated, or the existence of any other very special circumstances to outweigh the harm caused by reason of inappropriateness, the proposal is contrary to the NPPF at paragraphs 87, 88 and 89 and to Policy SP3 of the Fylde Borough Local Plan (as altered 2005) which seek to control development in the Green Belt.



Strategic Planning & Development Fylde Borough Council		(c) Crown Copyright and database right (2011). Ordnance Survey (100006084).	
Application No. 5/11/0532	Address Westbrook Nurseries, Division Lane, Lytham St Annes	Grid Ref. E.3345 : N.4312	Scale N.T.S.

Application Reference:	13/0786	Type of Application:	Reserved Matters
Applicant:	Barratt Homes Manchester	Agent :	Cass Associates
Location:	FORMER GEC MARCONI SITE, MILL LANE, BRYNING WITH WARTON		
Proposal:	APPLICATION FOR RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR ERECTION OF 254 DWELLINGS AND ASSOCIATED ACCESS ROADS, PEDESTRIAN/CYCLE LINK TO MILL LANE, OPEN SPACE AND LANDSCAPING PURSUANT TO OUTLINE PLANNING PERMISSION 12/0550		
Parish:		Area Team:	Area Team 1
Weeks on Hand:	15	Case Officer:	Mr M Atherton
Reason for Delay:	Design Improvements		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application was deferred at the last meeting of the meeting in order to address Member's concerns relating to public open space, the position of three storey houses and the density of development.

Subsequently, amended plans have been received which show a reduction in the number of dwellings from 258 to 254, an increased area of centrally located public open space and the relocation of 10 out of the 13 three storey houses which were originally proposed to be sited facing the proposed Spine Road, towards more central locations within the site.

The application is for the approval of reserved matters on a residential development proposal on land at Warton between BAE Systems and surrounding residential development. The scheme proposes 254 dwellings and the formation of areas of public open space following the approval of the outline application in 2013.

The scheme delivers the affordable houses, on site public open space, vehicular access and an appropriately designed layout. As such the proposal is in full accordance with the relevant policies of the Fylde Borough Local Plan and other material considerations. Therefore it is recommended that the reserved matters be approved subject to a series of conditions relating to matters not included in the outline planning permission.

Reason for Reporting to Committee

This is a major application as it is for more than 10 houses and as such, falls outside the scheme of delegation.

Site Description and Location

The former GEC Marconi Factory forms part of the BAE Systems Aerodrome site on the south side of Lytham Road, Warton. Although the application site is currently unused by BAE Systems it has previously been used for industrial and employment uses. All of the site has now been cleared of industrial buildings.

The site amounts to 7.82 hectares, is of an irregular shape and is surrounded by BAE Systems buildings to the south and south west, the watercourse known as Pool Stream to the east and further residential properties to the north and west. The site is essentially flat with only a slight north to south and west to east fall. The land around Pool Stream, which runs along the site's eastern boundary, is occupied by a group of trees and shrubs.

There is an access off Lytham Road serving the former cinema site which also leads into the remainder of the site. There is also one point of access to the west of the site, along Mill Lane to the south of Mill House. This is no longer in use and is currently bollarded and gated off.

Within the Adopted Fylde Borough Local Plan, the front of the site closest to Lytham Road is allocated as being within the settlement of Warton, the remainder of the site is allocated as an Employment Area.

Details of Proposal

Planning application ref 12/0550 was a hybrid proposal which granted outline approval for a residential development on this site and full approval for means of access.

The access road is 7.3m wide with a pavement on either side of the carriageway, it would extend southwards for a distance of around 390m for the length of the application site up to the boundary with the BAE Systems site. The proposed junction at the entrance to the development site from Lytham Road would be signalised with toucan crossings on both a north-south and east-west access, in order to provide enhanced pedestrian & cycle crossing.

The current application is for the reserved matters approval of appearance, landscaping, layout and scale.

It is for 254 dwellings, with a mix of mews houses, semi-detached houses and detached houses. The development includes 2, 3 & 4 bed houses, over 2, 2.5 & 3 storeys. These are from the Developer's standard range of house types of a typical style, design and materials to others constructed by these developers on new sites.

The proposal also includes 26 no. 2 bedroomed affordable houses in accordance with the parameters agreed at the outline stage.

The scheme also delivers significant areas of Public Open Space. In the centre of the site this would be laid out as a formal park with play provision. There are other areas of open space at the northern, eastern and south western boundaries which would be informally laid out as grassland with planting.

There is also a landscaped footpath/cycle link proposed linking the development to Mill Lane

A comprehensive package of supporting information has been provided with the application including a Design & Access Statement, a Planning Statement, an updated Flood Risk Assessment, an Ecological Management Plan, an Addendum Transport Assessment, a Tree Survey & a Consultation Statement.

Relevant Planning History

Application No.	Development	Decision	Date
12/0550	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED) ALONG WITH FULL APPLICATION FOR THE FORMATION OF NEW ACCESS TO LYTHAM ROAD TO	Approved with 106 Agreement	09/07/2013

07/1154	SERVE BAE SYSTEMS WARTON REPLACEMENT OF RELOCATABLE BUILDING.	Granted	21/12/2007
07/0895	OUTLINE APPLICATION FOR MIXED USE EMPLOYMENT AND RETAIL DEVELOPMENT - COMPRISING OF BUSINESS PARK, HOTEL, PUB, RESTAURANT, FOOD AND NON-FOOD RETAIL UNITS, INCLUDING ASSOCIATED ROAD INFRASTRUCTURE IMPROVEMENTS.	Refused	20/06/2008
03/1103	RENEWAL OF TEMPORARY PLANNING PERMISSION 98/636 FOR CAR PARK & ASSOCIATED CABIN PLUS ADDITIONAL GARAGE & SITE OFFICE	Granted	23/01/2004
00/0723	ERECTION OF 2.4 METRE HIGH SECURITY FENCE AND GATES TO SITE FRONTAGE	Granted	29/11/2000
00/0652	CONSTRUCTION OF 3 ARM HIGHWAY ROUNDAABOUT; ALTERATIONS TO HIGHWAY UP TO FRECKLETON BY-PASS ROUNDAABOUT; NEW SITE ACCESS ROAD; SECURE BOUNDARY FENCE, GATEHOUSE & VISITOR CAR PARK	Withdrawn by Applicant	06/06/2002
00/0599	PROPOSED STORAGE CONTAINER (EX G.E.C. SITE)	Granted	26/09/2000
98/0636	CONTINUATION OF PLANNING PERMISSION REF 5/97/588 FOR TEMPORARY CAR PARK AND ASSOCIATED SITE CABIN PLUS ADDITIONAL GARAGE AND SITE OFFICE.	Granted	04/11/1998
97/0746	INSTALLATION OF 5 PORTASTORES FOR STORAGE	Granted	25/11/1997
97/0588	CONSTRUCTION OF TEMPORARY CAR PARK ALSO ERECTION OF SITE CABIN FOR AVIS 'RENT-A-CAR'	Granted	08/10/1997
87/0220	EXT'N TO FORM OFFICES, PAINT SHOP AND UNLOADING BAY, NEW CAR PARK AND DESPATCH FACILITIES	Granted	20/05/1987
83/0820	TWO STORAGE BUILDINGS.	Granted	07/12/1983
85/0037	STORAGE AND JOINERS MAINTENANCE SHOP BUILDING.	Granted	27/02/1985
74/0567	SERVICE UNIT AND DIESEL STORAGE INSTALLATION.	Granted	23/10/1974
78/0251	KITCHEN AND CANTEEN.	Granted	26/04/1978
85/0077	EXTENSION TO FORM LOADING BAY.	Granted	27/03/1985
85/0468	GATEHOUSE.	Granted	14/08/1985
75/0676	ALTERATIONS TO FORM FLAT.	Granted	15/10/1975

Relevant Planning Appeals History

APP/M2325/A/08/2083308 in respect of application number 07/0895 for a mixed commercial and retail proposal and new access roundabout. Dismissed 24/6/2009.

Parish Council Observations

Bryning with Warton Parish Council notified on 17 December 2013

Summary of Response:

The Parish Council have issue with the lack of Public Space and nature of which that space may be used. As mentioned the central grassed area was originally a lot larger in size in the draft outline. It has been expressed that the provision of recreational land should be far more imaginative in these respects with it being a major scaled residential development and one idea was to incorporate some space for allotments as many of the garden areas are so small. The use of the surrounding sections of greenspace to meet the TREC 17 just seems to taking advantage and not in keeping with the ideals promoted by BAE. Ideally the Councillors would like Barratts to come up with something better and are obviously asking that perhaps the decision could be deferred with Barratts being approached to review these issues. Obviously while not wishing to object to the development on the brownfield site if it progresses as is they would ask it goes before the development committee.
Freckleton Parish Council notified on 17 December 2013

Summary of Response:

No response received

Statutory Consultees

Lancashire County Council - Highway Authority

The scale of the development is slightly larger than what was assessed in the Transport Assessment for the outline application. Given that there are highway capacity concerns on Lytham Road I have concerns about allowing a larger development than what was assessed at outline stage. These concerns would be alleviated on the completion the spine road to the BAE / Enterprise Zone as this provides the mechanism for reducing congestion on Lytham Road to the west of the development, therefore I would suggest that a condition limiting development be imposed until the completion of the spine road.

The internal layout of the development is generally acceptable and only minor amendments to kerblines and radii are likely to be required in order for the developer to enter into a S38 agreement with the County Council for the roads and footways to be adopted.

The level of car parking proposed is acceptable, however, the plans do not show that cycle parking is available. Cycle parking should be covered and secure for all dwelling. The developer is required to provide a Travel Plan for this development (secured at outline) which should be sufficient to negate the need for an additional planning condition to cover this matter.

I can confirm that there are no highway objections to the reserved matters application and would ask that the following condition is imposed.

No more than 240 dwellings shall be occupied prior to the completion of the spine road. Reason:- In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions.

United Utilities Group Plc

With reference to the above planning application, United Utilities will have no objection to the proposal provided that the following conditions are met: -

Drainage

- 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 sewerage systems. The development shall be completed,

maintained and managed in accordance with the approved details.

Reason: 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.

- Public sewers cross this site and we will not permit building over them. We will require access strips, which are in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.
- As public sewers cross the site, a modification of the site layout, or a diversion of the affected public sewers at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with Developer Engineer, as a lengthy lead in period may be required if a sewer diversion proves to be acceptable.
- Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

To promote sustainable development we would encourage the developer to take any opportunity to provide soft landscaping where possible on site to assist in minimising surface water run-off and we would suggest that they consider planting suitable shrubs and broad leaf trees. Added benefits of this include biodiversity and visual enhancements. To promote sustainable development we would encourage the developer to drain the site through soakaway and to construct the car park using permeable paving on a permeable base. In line with Building Regulation H3, this will mimic the existing drainage strategy and will avoid the need to drain and export surface water from the site to the public surface water sewer.

Water

Our water mains will need extending to serve any development on this site. The applicant, who may be required to pay a capital contribution, will need to sign an Agreement under Sections 41, 42 & 43 of the Water Industry Act 1991.

A separate metered supply to each unit will be required at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999.

Environment Agency

We have no objection in principle to the proposed development subject to the inclusion of conditions which meet the following requirements:-

Flood Risk

Although Outline application 12/0550 was accompanied by a Flood Risk Assessment (FRA) which was appropriate to the nature and scale of the proposed development, an additional FRA has been submitted with the Reserved Matters application.

The new FRA, prepared by SCP dated December 2013 and referenced JGM/12535/FRA/1, provides more detailed information in relation to the management of surface water from the site. The report concludes that surface water run-off up to the 1 in 100 year flood event including climate change allowance would not exceed the existing run-off rates from the site based on the impermeable areas being taken as 50% of each proposed in-site development. The storage ponds that were suggested in the original FRA prepared by Wardell Armstrong and submitted with 12/0550 are no longer required.

We have discussed the conclusions of the report with SCP, and further clarification as to how the impermeable areas have been reduced was provided by e-mail to us on 9 January 2014 (copy attached). The e-mail proposes that the increase in porous surfaces on site will include at least 25m² of permeable paving around each dwelling, although this recommendation has not been included in the FRA.

Based on the conclusions of the revised FRA and supporting information, we recommend that any subsequent approval of the application is conditioned as follows:-

CONDITION Surface water run-off from the proposed development will be managed in accordance with the conclusions of the Flood Risk Assessment (FRA) prepared by SCP dated December 2013 and referenced JGM/12535/FRA/1 and the site shall include at least 25m² of permeable paving within the driveways of each dwelling as recommended in the e-mail dated 9 January 2014 from SCP to the Environment Agency.

REASON To prevent flooding by ensuring the reduction of and satisfactory disposal of surface water from the site.

Pool Stream, the watercourse adjoining the site, is designated as a "Main River" and is therefore subject to Land Drainage Byelaws. In particular, no trees or shrubs may be planted, nor fences, buildings, pipelines or any other structure erected within 8 metres of the top of any bank or retaining wall of the watercourse without the prior consent of the Agency. Full details of such works, together with details of any proposed new surface water outfalls, which should be constructed entirely within the bank profile, must be submitted to us for consideration. The Agency has a right of entry to Pool Stream by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act.

Parks Manager

The open space provision looks fine. The formal play area will serve many properties on the new development and ideally would be a LEAP having at least 4-5 pieces of play equipment aimed at younger children.

Further response received 20 March 2014.

- The proposed provision of public open space on this development of around 1.8 hectares and is to an acceptable level. The Open Space, Sport and Recreation Study 2008, found that there is no deficiency in the provision of public open space and formal play areas in Warton and Freckleton. With regard to new developments in Warton the recommended aspirational standard for new public open space is 0.55 hectares per 1000 population. Therefore surpassing the aspirational standard.
- The Council's Playing Pitch Study 2003 found no projected deficiency in pitch provision within Warton & Westby.
- The play provision should be to LEAP 1 standard (5 types of play equipment) as classified in the Play Area Strategy of 2007, that would be suitable for the location.

Lancashire County Ecology Service

The current proposed layout does appear similar (in terms of impacts on biodiversity) to the layout approved at the outline stage and I have no comments to make, other than to say that it is obviously disappointing that more of the existing habitat (most notably the woodland area on the eastern side) could not be retained within the proposed development. It is to be hoped that the proposed mitigation (habitat enhancements) are sufficient to offset the losses.

In terms of the Ecological Management Plan, this appears essentially unchanged from that

approved under the earlier application (12/0550) and must presumably therefore be considered acceptable in principle.

However, the meadow mix proposed on the planting plan is strange mixture of species which does not bear any resemblance to species-rich grassland and does not appear to include grassland species appropriate to the local area (the grassland mix which would form the basis comprises cultivars, not native grass species). It would be preferable if the mixture could be substituted with a more appropriate meadow mixture (locally appropriate wildflowers and grasses).

The proposed grassland sowing rate is also inappropriate for a species-rich grassland: grassland at 35g/m² and oversown with meadow mix at 5g/m². This is far too high - a sowing rate of maximum 4g/m² would be more normal. Given the high sowing rate (heavily weighted to agricultural grass cultivars which are likely to be competitive) it seems likely that a closed grass sward will develop, preventing the establishment of any wildflowers. This is likely to be an issue in any case, even with a lower sowing rate, unless the substrate proposed is nutrient poor (for example, subsoil).

The proposed management also seems unlikely to be suitable for the establishment or maintenance of a species-rich meadow. In at least the first year of establishment, more than one cut (arising removed) will be required. In the aftercare period, and depending upon grass species and substrate, more than one cut (*i.e.* spring and late summer) may be necessary. Arisings would need to be removed, but the late summer cut would need to be treated as a hay cut and left on the ground for seed to fall before arisings were removed (some of the species proposed are annual, and will not persist without recharge of the seedbank). Moreover, given the small extent of meadow proposed, and proximity of hedgerows and trees, it seems likely that leaf fall would be an issue for meadow maintenance.

The ecological assessment report submitted in support of application 12/0550 included a number of recommendations for mitigation during works (section 6.0 Avoidance, mitigation and enhancement). These included an ecological clerk of works (paragraph 6.2.1), dust management (6.2.3), noise control (6.2.4), protection of retained habitats (section 6.3), control of species listed under Schedule 9 Wildlife and Countryside Act 1981 (as amended) (paragraph 6.3.8), precautionary tree felling measures for the avoidance of impacts on bats (6.4.5 – 6.4.7), and avoidance of impacts on nesting birds (6.4.8). These are appropriate and should obviously be implemented as part of any planning approval.

I appreciate that nest and roost boxes will be installed on retained trees, but the development also offers the opportunity to incorporate bird nesting and bat roosting opportunities into the fabric of the development (*i.e.* in buildings). This is a more permanent approach to provision of opportunities for wildlife that largely depend on the built environment (birds such as house sparrows, swallows, swifts, martins, and bats). Further details of such provision (for approval, subsequent implementation and retention) could be a requirement of planning condition.

It should be ensured that lighting proposals avoid artificial illumination/ light pollution of features of nature conservation value (including trees, woodland edges, hedgerows, bat roosting features, etc) (see NPPF paragraph 125).

Lastly, if it is not dealt with elsewhere, it should be ensured that all boundary treatments are permeable to the passage of wildlife (such as hedgehogs and amphibians). In practice this means that close boarded fencing should be avoided or, where used, that the fence is not flush to the ground for the entirety of its length or that appropriately sized gaps are left to

enable wildlife to pass through garden spaces.

BAE Systems Ltd

No response received

Ministry of Defence - Safeguarding

No response received

Environmental Protection Team

There are no objections to the above proposals as all issues relating to noise, air quality and contaminated land are currently being attended to.

Observations of Other Interested Parties

Lancashire Constabulary:

I note from the Design and Access statement that considerable detail has been given to reducing crime and anti-social behaviour. In particular paragraphs **4.4 By Design (DETR/CABE), 4.5 Safer Places, 4.6 Secured by Design Part 1 and 10 Designing Out Crime.** It appears clear that it is the intention of the Developer to complete the site to Secured by Design standard, however I have had no direct request from them. Should the application be granted I would ask that completion to Secured by Design is made a condition of the application.

Neighbour Observations

Neighbours notified: 17 December 2013& site notice displayed

No. Of Responses Received: 10 letters of SUPPORT/OBJECTION

Nature of comments made:

Concern re;

1. The amount of public open space is less than the policy requirement.
2. The size of the affordable dwellings at 2 bedrooms is too small, there should be a mix of 2-3 bed accommodation.
3. The proposed 2.5 & 3 storey houses are out of character with the village.
4. Tall buildings are out of scale and inappropriate in this location.
5. The development should provide for housing for the elderly, e.g. 2 & 3 bed bungalows or sheltered accommodation.
6. The need for 4 bed houses is questioned. This is contrary to the Bryning with Warton Parish Plan 2013 which states no respondents indicated any requirement for further executive style homes.
7. The density of development is too great.
8. Additional school places are needed.
9. Massive impact on infrastructure without any improvements to services.
10. Consideration should be given to an ecological approach to energy provision to help eradicate fuel poverty.
11. Proposal will have a significant negative impact on traffic & safety issues will need to be considered.
12. Proper surface water disposal facilities must be considered. Surface water drainage facilities must be of sufficient capacity to accommodate the greatly increased run off.
13. Additional noise and fumes from vehicles will be harmful to amenity & health.
14. Potentially harmful impact on Pool Stream, flooding and the local ecology. Protective fencing should be considered.
15. Removal of trees has had a harmful impact on visual amenity.
16. Property devaluation.
17. Are the developers aware of the potentially harmful impact fracking & the proposed supermarket nearby with late night opening hours could have on this scheme?

18. Secondary vehicle access off Mill Lane should be implemented to relieve congestion.
19. The original proposal was for 240 dwellings, not 258 as now stated.
20. Overlooking & loss of privacy.

Relevant Planning Policy

Fylde Borough Local Plan:

EMP2	Existing business & industrial uses
EMP4	Buffer zones and landscaping
EP12	Conservation trees & woodland
EP19	Protected species
EP23	Pollution of surface water
EP24	Pollution of ground water
EP25	Development and waste water
EP27	Noise pollution
EP29	Contaminated land
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
SP01	Development within settlements
SP15	British Aerospace airfield
TR01	Improving pedestrian facilities
TR03	Increasing provision for cyclists
TR05	Public transport provision for large developments
TR09	Car parking within new developments
TREC17	Public Open Space within New Housing Developments

Other Relevant Policy:

NPPF:	National Planning Policy Framework
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Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended. Officers have screened the development for any potential environmental impact and concluded that the application need not be accompanied by a formal Environmental Statement.

Comment and Analysis

Principle of Development

The principle of the development has been accepted with the granting of the outline application, which approved a residential development and the access road.

Design and Scale of Dwellings

The site sits between the existing office and industrial buildings at British Aerospace and residential developments within Warton & Freckleton. The dwellings are of a range of styles and vary between 2 and 3 storeys. The neighbouring residential development is largely at 2 storey, however, the neighbouring commercial buildings at British Aerospace are of a much greater size, therefore, it is considered that the 3 storey dwellings are of an acceptable scale. The proposal contains a mixture of dwelling designs from this developer's standard portfolio, which is considered to be acceptable given that the area has no particular established residential style. Amended plans have been received following negotiations between Council Officers & the Applicant's Design team in order to enhance the layout and cluster house types together in order to add character to the development.

Layout of Dwellings

The layout has also been improved since first submission with the dwellings having better relationships

to each other. The proposed dwellings are also a sufficient distance from the existing dwellings situated around the perimeter of the site, so as not to lead to any harmful impact on residential amenity. The layout is largely geometric to follow the pattern established by the design parameters of the outline approval and to facilitate access through the site. Further amended plans have been received following the decision to defer the application at the last Planning Committee and these plans show the position of the majority of the originally proposed three storey houses facing the spine road moved to different locations, so they are more centrally located within the site.

Residential Amenity

The revised position of the majority of 3 storey houses ensures there will be less potential for overlooking of the existing bungalows in Rydal Avenue. However, the Applicant has submitted cross sections which show the distance between the proposed dwellings nearest to the Spine Road and the existing bungalows in Rydal Avenue. The distances vary from 44 to 51 metres, which is significantly in excess of the Council's preferred overlooking distances of 21 metres from 2 storey dwellings and 26 metres for 3 storey dwellings. As such it is not considered the proposal will give rise to issues of loss of privacy at a level which would prejudice neighbouring residential amenity.

Affordable Housing

The section 106 agreement under the outline approval required 10% affordable housing provision. This reserved matters application proposes 26 affordable houses (all 2 bed, 2 storey dwellings) to be constructed by Barratts. The dispersal of these dwellings in 3 locations within the site is considered to be a benefit. There is a demand for affordable housing in this part of the borough and the units which this development would provide will be beneficial in meeting the identified demand for affordable housing in the area and the borough as a whole in the time scale of its development.

Public Open Space

A condition on the outline planning permission requires that the reserved matters application includes the provision of public open space and play facilities in line with Policy TREC17 of the Local Plan. This scheme proposes a play area within an area of open space in the centre of the site. It is also proposed to develop a landscaped pedestrian/cycle link to Mill Lane & significant areas of landscaped open space elsewhere within the development.

The centrally located open space & play area is easily accessible and is overlooked by a number of dwellings. The use of this area for the siting of the open space in this area is an obvious benefit of the layout. This area of public open space has been significantly increased in size through the omission of 4 dwellings, since the decision to defer the application at the last meeting of the Development Management Committee on the 26th of February. As such, the level of on site open space provision accords with policy TREC 17 of the Adopted Fylde Borough Local Plan.

The Applicant proposes the management & maintenance of open space and play areas through the formation of a Management Company, therefore, a condition is required regarding the ongoing maintenance of the open space, to ensure the management of the open space continues in perpetuity.

Highways

With regard to the previous application (ref: 12/550) for the access road which also established the principle of the residential development, the County Highway Authority raised no objection. They concluded there is adequate capacity on the existing highway network to safely accommodate the traffic that will be associated with the proposal and raise no objection, subject to the proposed junction improvements at the main entrance to the site. It was concluded that there was sufficient capacity for the highway network to cope with the altered traffic flow.

The proposed development will undoubtedly increase traffic in the locality as can be seen from the Traffic Assessment that has been submitted. Whilst some properties will be more affected by the revised access to BAE Systems, a greater number of properties will benefit from the revised arrangements that will route traffic away from Mill Lane and Lytham Road. Therefore, it is considered

that the proposal will have an overall beneficial impact on residential amenity.

The internal layout of the development is considered acceptable with a satisfactory network of primary and secondary routes and car parking provision within the site.

An emergency access route is to be provided in the location of the access to the former GEC factory off Mill Lane. This also provides a dedicated route for cyclists & pedestrians with a link to Holy Family School via Westfield Drive. The aim is to develop pedestrian and cycle links through and out of the site which link the development to existing facilities of BEActive & Holy Family School.

Noise

A Noise Assessment was undertaken as part of the outline application & background noise levels were measured at the nearest houses to the site to establish the situation. Noise levels associated with both operational & traffic flows were measured and compared against the background levels. The Assessment showed that the adjacent dwellings will experience a negligible & non-perceptible increase in noise levels. No objection has been received from the Council's Consumer Wellbeing Officer subject to the recommendations of the noise report being implemented into the design & construction of the dwellings.

Flood Risk

The site is not within an area at risk of flooding according to the Flood Risk Map & the Environment Agency are satisfied that the proposed development will not be at an unacceptable risk of flooding, nor will it exacerbate flood risk elsewhere, subject to an appropriately worded condition relating to surface water run off. Overall, there are considered to be no significant increased off site flooding risks as a result of the proposed development.

Drainage

United Utilities have no objection to the proposed development providing the site is drained on a separate system with only foul drainage connected into the public sewer. Surface water should discharge to a soakaway or suds (sustainable urban drainage system) or directly to the nearby watercourse. Surface water should not be allowed to drain to the existing sewer as there are sufficient alternatives available.

The previous industrial buildings have been demolished and the site cleared. If the development proceeds, there will be more landscaped areas created by gardens which will improve the quality of the environment. It will reduce surface water run off and provide more permeable surfaces to capture and retain peak rainfall events. If the Committee are minded to approve the application, full details of the surface & foul water drainage connections would be required by planning condition.

Ecology

The layout of the development provides the opportunity for enhancement to habitat and improved management measures for ongoing ecological and biodiversity improvements. The landscaped area around Pool Stream would be retained and the planting would be enhanced to improve its ecological value. Lancashire County Council's Ecologist has assessed the proposal on behalf of the Council and raised no objections.

Section 106 Contributions

The decision on the outline application (ref:12/550) required contributions of £75,000 towards Public Realm improvements in Warton and £60,000 towards public transport enhancements in the vicinity of the site and the Applicant remains committed to this level of funding.

Conclusions

The application is for the approval of reserved matters on a residential development proposal on land at Warton between BAE Systems and surrounding residential development. The scheme proposes 254

dwelling and the formation of areas of public open space following the approval of the outline application in 2013.

The scheme delivers the affordable houses, on site public open space, vehicular access and an appropriately designed layout. As such the proposal is in full accordance with the relevant policies of the Fylde Borough Local Plan and other material considerations. Therefore it is recommended that the reserved matters be approved subject to a series of conditions relating to matters not included in the outline planning permission.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. Notwithstanding any denotation on the approved plans samples of the roof treatment and wall cladding [both inclusive of colour] shall be submitted to and approved by the Local Planning Authority prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

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

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

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

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

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

4. That prior to the occupation of any dwelling hereby approved, details of the on-going maintenance of the communal areas of the site, the areas of public open space and any other areas that are not part of the domestic curtilage to any dwelling shall be submitted to and approved in writing by the Local Planning Authority. These details shall then be implemented and operated thereafter.

To ensure the on-going maintenance and management of these public areas in the interests of the character of the area and the amenity of the occupiers of the development.

5. No more than 240 dwellings within the development hereby approved shall be occupied prior to the completion & permanent opening of the vehicular access from the proposed Spine Road to the Enterprise Zone at BAE Systems, Warton.

In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions.

6. 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 sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

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.

7. Surface water run-off from the proposed development will be managed in accordance with the conclusions of the Flood Risk Assessment (FRA) prepared by SCP dated December 2013 and referenced JGM/12535/FRA/1 and the site shall include at least 25m² of permeable paving within the driveways of each dwelling as recommended in the e-mail dated 9 January 2014 from SCP to the Environment Agency.

To prevent flooding by ensuring the reduction of and satisfactory disposal of surface water from the site.

8. This consent relates to the revised plan[s] received by the Local Planning Authority on the 17th March 2014.

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



Development Services Fylde Council		(c) Crown Copyright and database right (2014). Ordnance Survey (100006084).	
Application No. 5/13/0786	Address Former GEC Marconi Site, Mill Lane, Warton	Grid Ref. E.3418 : N.4284	Scale 0 15 30 45 60 m

Item Number: 6

Committee Date: 2 April 2014

Application Reference: 13/0792		Type of Application: Change of Use	
Applicant:	Chameleoco Exotics	Agent :	Planning Problems Solved
Location:	UNIT 27, PROGRESS BUSINESS PARK, ORDERS LANE, KIRKHAM, PRESTON, PR4 2TZ		
Proposal:	PROPOSED CHANGE OF USE TO A MIXED USE OF CLASS B8 (STORAGE AND DISTRIBUTION) AND RETAIL SALES (CLASS A1) ASSOCIATED WITH THE BREEDING, SALE AND DISTRIBUTION OF REPTILES, INSECTS AND OTHER SUCH EXOTIC SPECIES		
Parish:		Area Team:	Area Team 1
Weeks on Hand:	12	Case Officer:	Amy Aspinall
Reason for Delay:	Need to determine at Committee		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to the change of use of a double fronted unit within the Progress Business Park which is a former mill complex that now operates as an employment site. The Business Park is designated under Local Plan policy EMP2 which allows proposals for B1, B2, and B8 uses.

The application proposes that the unit be used as a mixed storage and retail use associated with a business that imports, breeds and sells reptiles, insects and other exotic pets. This use is a Class B8 / Class A1 mix and therefore does not properly fall within the defined use classes of Policy EMP2. The NPPF at paragraph 19 however states that significant weight should be placed on the need to support economic growth through the planning system, and is therefore highly relevant to this application. As the proposal involves a mixed use of a particular nature, and is not solely an A1 retail use, it is not considered that the proposal would undermine the vitality and viability of the nearby Kirkham town centre. The proposal is considered to deliver a sustainable form of development and is therefore recommended for approval.

Reason for Reporting to Committee

The application has been referred to Development Management Committee for a decision as the officer recommendation for approval is in conflict with the objection from Kirkham Town Council.

Site Description and Location

The application site is comprised of 2No adjoining units (units 27 and 14a) within Progress Business Park which is situated within an existing industrial area, as designated by the Fylde Borough Local Plan (as altered 2005). The site also falls within the settlement boundary of Kirkham.

Details of Proposal

The application seeks a change of use of the industrial unit to a B8 / A1 use. The proposed use involves

the breeding, storage and distribution of reptiles and a sales area for reptiles and associated merchandise.

The premises are largely single storey with a small first floor office and have most recently been in use as a bathroom showroom but had been vacant for some years prior to the applicant taking them in October 2013. There are no external changes to the premises although the former internal bathroom display area has been sub-divided to allow for a breeding area, a sales area and a small entrance lobby.

The application is accompanied by a detailed supporting statement with the key elements being re-emphasised by the agent on receipt of the Town Council's objection. This states:

"The retail business element is one that would not be of interest to most every day shoppers frequenting the high street. The sales element of the business would primarily be conducted via internet sales, maybe with an initial viewing of the species, and then subsequent collection from the rear of the unit. Internet sales would account for over half of the business undertaken, and much of this would be wholesale.

Enquires with the company's wholesale supplier, Monkfield Nutrition, reveals that they will allow the application company, 'Chameleoco' to take the orders and then for them to be shipped directly to the customer. This would be a 'drop shipping account' that will limit customer activity at unit 27. The residue of sales would from mail order, telephone enquires at around 30%. It is estimated that only around 10% - 15% would be from casual callers at the premises, for which there may be some sort of curiosity factor for those first visiting the premises".

"Clearly nearly all of the exotic creatures sold would not be found for sale on the high street, and it is strongly contended that the proposed use would not be a source of competition for any other shops in Kirkham Town Centre. In addition, the applicants hope to be able to sell a range of ancillary merchandise that would enable customers to keep and look after their purchases, and again the sale of these items would not be a source of competition for other local retailers". These would not be typical pet shop supplies.

"Breeding on the premises on site is fundamental to the success of the business given the costs and time scales of importing major exotic species such as a chameleon. It is an important ancillary element to the main business use which is the sales and distribution of the animals/insects. It was also noted that "the business and the two business partners are well known through 'Practical Reptile Keeping' and as such their national profile in the breeding of reptiles is very high". This will ensure that the level of animal sales nationally will be greater overall thereby limiting, to some extent, just to sell locally. It is not clear why the Town Council would find an employment site would be an unsuitable environment for the breeding of small reptiles and exotic small pets. The unit in question is purpose built and self-contained and could be used for a variety of employment uses, including B2 general industrial uses. The breeding of animals involves occupation by 2 persons in the breeding programme as an employment use on an employment site, and it is logically suited to the unit and the location. It would not be a use suited to high street retail premise, which should be geared towards 100% retail activity. The applicants cannot afford, or be expected to source separate premises for both strands of their business."

Relevant Planning History

None to report since units began operating as employment site.

Relevant Planning Appeals History

None

Parish Council Observations

Kirkham Town Council object to the change of use to allow retail sales and the detrimental effect to the high street. They also raise concern over the breeding and storage of live animals in an industrial environment.

Statutory Consultees

Lancashire County Council - Highway Authority

No objection.

Planning Policy Team

No comments received at the time of report preparation.

Observations of Other Interested Parties

N/A

Neighbour Observations

Neighbours notified: 23 December 2013

No. Of Responses Received: No comments received at the time of report preparation.

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
EMP3	Business & industrial uses outside defined area

Other Relevant Policy:

NPPF: National Planning Policy Framework

Site Constraints

Existing industrial area

Environmental Impact Assessment

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

Comment and Analysis

Principle of Use

The site is a designated industrial area under Fylde Borough Local Plan policy EMP2. This policy states that within existing business and industrial areas proposals for business and industrial development or redevelopment will be permitted subject to the particular use class indicated for each site, with that for the Progress Mill site being specified as Classes B1, B2 & B8.

The proposed use in this application involves a mix of B8 and A1 and therefore does not fall properly within the use classes indicated for the site under Local Plan policy EMP2, although clearly relates to it with over half of the unit being related to the importing, breeding, storing of the animals and the office use to support the business. The retail element accounts for around one third of the total area.

The NPPF at paragraph 19 states that *'the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system'*.

The supporting statement which accompanies the planning application explains that the unit has been empty for several years. Although the proposed use does involve retail sales and a showroom, a B8 element would remain which is consistent with policy EMP2. Given that the use is not solely A1, and given the nature of the proposed business, it is not considered that the approval of this application would undermine the vitality and viability of the nearby Kirkham town centre. The applicant also makes a valid point that the scale and nature of the equipment required to support the species housed at the site restrict the ability for it to be housed in a unit that would typically be available on a high street. As an existing industrial and business park the proposal would provide sustainable development and would support economic growth, albeit on a small-scale level.

The application details that the applicant would be willing to accept a personal permission, however it is considered that the development could be controlled by removing permitted development rights so that there are no permitted changes allowed under the use class order, without the control of the Local Planning Authority.

No external alterations are proposed and as such there are no design issues.

Due to the location of the application site within an established business / industrial park, it is not considered that there would be any adverse impacts on neighbouring residential amenity, over and above the existing site arrangements.

In terms of highways issues, the LCC Highways Officer has raised no objection to the application and the site already benefits from parking provision. It is considered that the proposal is acceptable in highways terms.

Other Matters

Concerns over the suitability of an industrial site for the breeding and storing of live animals has been raised by the Town Council in animal welfare terms. This activity requires the grant of licences from the council in respect of the sale of animals as with any 'pet shop' and from DEFRA relating to the importation and breeding of exotic animals. These would be subject to the Animal Welfare Act and other relevant legislation outside the perimeters of planning law.

Conclusions

Although the proposal does not fully comply with Local Plan policy EMP2, the NPPF provides that significant weight should be attached to economic growth and the proposal would provide some benefits in this regard. The application is recommended for approval, subject to a condition restricting the use.

Recommendation

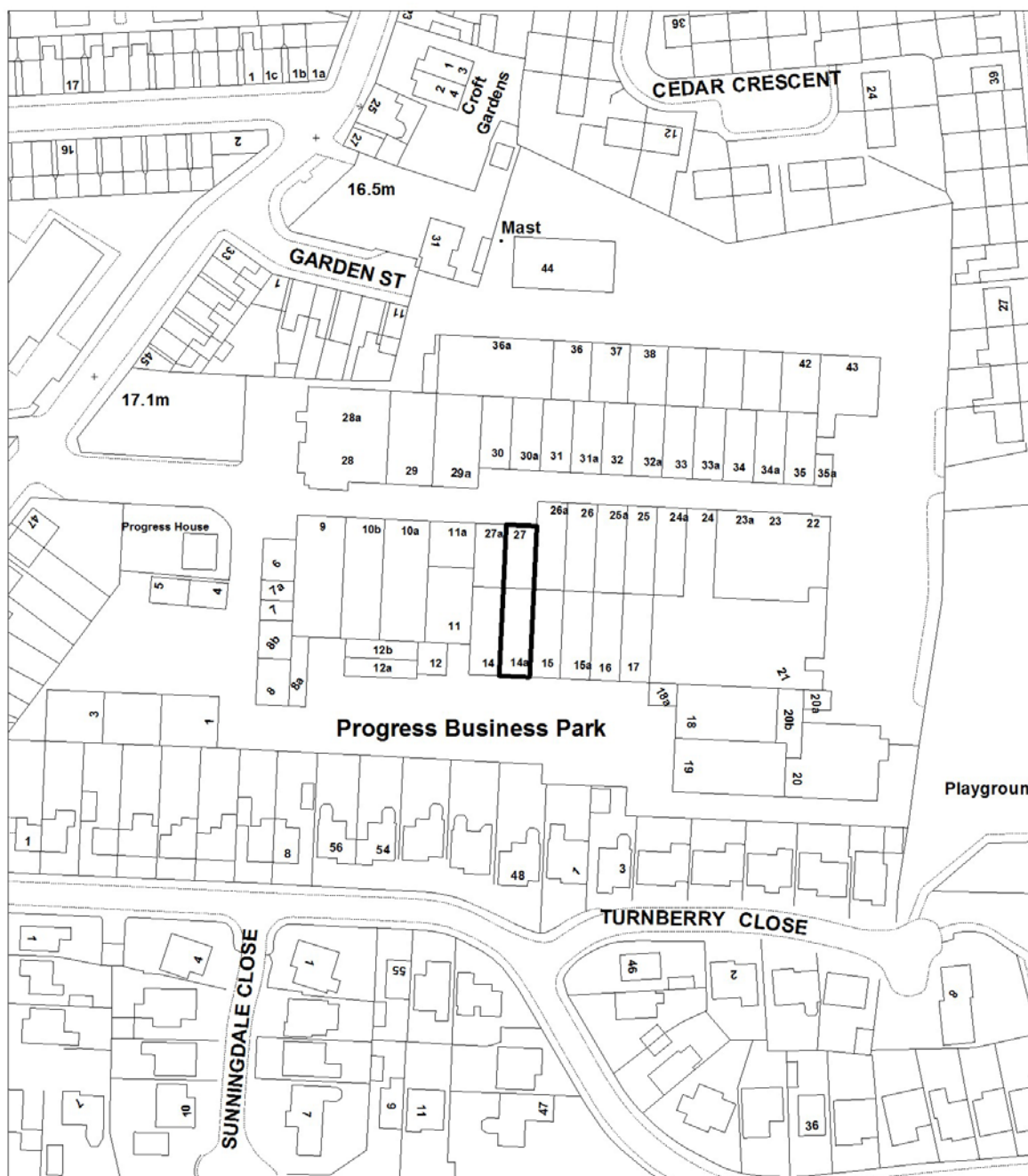
That Planning Permission be GRANTED subject to the following conditions:

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

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

2. Notwithstanding the Town & Country Planning (Use Classes) Order 1987 (or any subsequent Order that amends it) there shall be no permitted changes from the use hereby approved, without the subsequent approval of the Local Planning Authority.

Reason: The Local Planning Authority wish to retain control over any further uses having regard to the B1, B2 and B8 use of the Business Park and policy EMP2 of the Fylde Borough Local Plan (as altered 2005); and the potential impacts that other A1 uses might have on the viability and vitality of nearby town centres.



Development Services Fylde Council		(c) Crown Copyright and database right (2014). Ordnance Survey (100006084).	
Application No. 5/13/0792	Address Unit 27, Progress Business Park, Orders Lane, Kirkham	Grid Ref. E.3423 : N.4318	Scale 0 6 12 18 24 m

Application Reference:	14/0021	Type of Application:	Full Planning Permission
Applicant:	Weatheroak Farm	Agent :	
Location:	WEATHEROAK, BACK LANE, WEETON WITH PREESE, PRESTON, PR4 3HS		
Proposal:	CHANGE OF USE AND CONVERSION OF REDUNDANT LIVESTOCK BUILDING INTO 15 INDOOR DOG DAY CARE AND BOARDING KENNELS WITH FEED ROOM, KITCHEN AND GROOMING AREA WITH HYDROTHERAPY POOL. PROPOSED VARIATION OF CONDITION 12 OF PLANNING PERMISSION 01/0178 TO REPLACE AGRICULTURAL TIE ON OCCUPATION OF DWELLING WITH A TIE TO PROPOSED BOARDING KENNELS.		
Parish:	STAINING AND WEETON	Area Team:	Area Team 1
Weeks on Hand:	12	Case Officer:	Alan Pinder
Reason for Delay:	Need to determine at Committee		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

Planning permission is sought for the conversion and change of use of the open sided former livestock building into a dog day care centre and boarding kennels. The application also seeks a variation of condition 12 of planning permission 03/0208 to remove the agricultural tie requirement and change it so the occupancy of the dwelling is instead tied to the dog kennel operation.

The application site benefits from an existing agricultural dwelling that was previously justified on the basis of the then ongoing agricultural activity (Ostrich breeding and rearing) at the site. The economic downturn and subsequent lack of consumer demand for ostrich meat has resulted in this agricultural activity ceasing and the applicant now seeks an alternative income from the conversion of a former livestock building to dog kennels. Policy SP13 of the Fylde Borough Local Plan recognises dog kennels as being an appropriate form of development in a countryside area and given that the site benefits from an existing dwelling it is considered that the proposed change of use and variation of the agricultural condition to tie the occupancy of the dwelling to the running of the dog kennels are both acceptable and accord with the aims of policies SP2 and SP13 of the local plan, and paragraph 55 of the National Planning Policy Framework. Members are therefore recommended to approve the application.

Reason for Reporting to Committee

The parish council's objection is at odds with the officer's recommendation for approval.

Site Description and Location

The application site is Weatheroak Farm located close to the junction of Back Lane and Weeton Road. The application site consists of a detached dwelling, a sand paddock to the front of the dwelling, a 1 acre area of grassland adjoining the eastern site boundary, and a small grouping of agricultural buildings close to the dwelling consisting of:

- An open sided former livestock building, with an adjoining stable building (used for storage of straw bales)
- A lean-to building, used for sheep handling and lambing, adjoining the northern elevation of the above stable building
- A further stable building used for the stabling of the applicant's four horses

Up until the beginning of 2010 the farm was used for the breeding and rearing of ostriches and sheep, and the private stabling of horses. Due to the downturn in the economy the market for ostrich meat has severely declined and hence as a result the ostrich rearing has ceased, but sheep rearing still continues (with the applicant keeping 20 breeding ewes and one tup) and four horses are stabled on the site.

The dwelling was granted planning permission in 2003 under planning permission ref.03/0208. Condition 12 of this permission ties the occupancy of the dwelling to a person mainly employed in agriculture or forestry.

Details of Proposal

Planning permission is sought for the conversion and change of use of the open sided former livestock building into a dog day care centre and boarding kennels. The application also seeks a variation of condition 12 of planning permission 03/0208 to remove the agricultural requirement and change it so the occupancy of the dwelling is tied to the dog kennel operation.

A noise assessment has been submitted in support of the application.

Relevant Planning History

Application No.	Development	Decision	Date
13/0647	PROPOSED ALTERATIONS AND CHANGE OF USE OF REDUNDANT LIVESTOCK BUILDING TO 15 INDOOR DOG DAY CARE AND BOARDING KENNELS WITH FEED ROOM, KITCHEN AND GROOMING AREA WITH HYDROPOOL.	Withdrawn by Applicant	09/01/2014
12/0039	PROPOSED DOUBLE GARAGE AND GARDEN STORE	Granted	06/03/2012
05/0480	CHANGE OF USE FROM GARAGE INTO FARM SHOP.	Granted	23/06/2005
03/0208	RE-SUBMISSION OF APP. NO. 01/178 FOR DETACHED DWELLING	Granted	17/09/2003
02/0167	RE-SUBMISSION OF 5/98/720 FOR MOBILE HOME	Granted	24/04/2002
01/0179	GENERAL PURPOSE AGRICULTURAL BUILDING	Granted	15/08/2001
01/0178	PROPOSED NEW DETACHED DWELLING	Refused	27/03/2002
98/0720	RESUBMISSION OF APPLICATION NO.5/98/399 FOR TEMPORARY CONSENT FOR MOBILE HOME.	Granted	24/03/1999
98/0399	RENEWAL OF TEMPORARY CONSENT 5/95/402 FOR MOBILE HOME ; ALSO ERECTION OF THREE 5 METRE HIGH FLOODLIGHTING PYLONS TO ALL WEATHER PADDOCK.	Refused	09/09/1998
96/0367	ERECTION OF OPEN FRONTED BARN	Granted	17/07/1996
95/0402	MOBILE HOME/CARAVAN AND ALL WEATHER PADDOCK	Granted	19/07/1995
92/0862	ERECT STABLE BLOCK WITH TACK/FEED	Granted	27/01/1993

92/0099	ROOM ERECTION OF AGRICULTURAL BUILDING Granted FOR USE AS BARN AND HOUSING LIVESTOCK (RETROSPECTIVE APPLICATION)	22/04/1992
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Relevant Planning Appeals History

None.

Parish Council Observations

Weeton with Preese Parish Council notified on 16 January 2014

Summary of Response

Objects to the proposal on the grounds of highway safety as the site access is located close to the junction of Back Lane and Weeton Road, and if the site is running at full capacity there would be 15 vehicles entering and exiting the site every day.

Statutory Consultees

Principal Land Agent

I am satisfied that the building subject to this application is no longer required for agricultural use and that the conversion of this building should not give rise to the need for additional agricultural buildings on the holding.

The proposed conversion would utilise the whole of the redundant building and does not give rise to any substantial structural alteration as such, the building will maintain its existing structural design. It is not proposed to extend the building beyond the existing floor area. The building, although falling into disrepair, appeared to be suitable for conversion to the proposed used. In addition, the proposed cladding of the elevations is in keeping with the existing buildings. The building is well screened by the existing hedgerow and set in an existing yard area.

The position of the building is well related to the other existing buildings however does allow for the separation of the proposed business from the existing agricultural enterprise and is therefore well situated for its proposed use from an operational point of view.

It appears that the current proposal would form the main activity undertaken at the site and the cessation of Ostrich farming at the site means that the applicant no longer complies with the occupancy condition on the dwelling. I consider that the issue of the occupancy condition should be addressed in advance of a proposed change of use of the premises to non agricultural activities.

Environmental Protection Team

No objection to the proposal. The potential noise issue would be mitigated to an acceptable level by the structure of the premises. The ambient sound level as a result of the motorway will disguise any barking and the future licence can be used to add conditions to limit the number of animals outside at any one time should this be necessary.

Observations of Other Interested Parties

N/A

Neighbour Observations

Neighbours notified: 16 January 2014

Amended plans notified:

No. Of Responses Received: One letter of objection from nearest neighbour at Windmill Farm

Nature of comments made:

Object on the grounds of potential of noise nuisance from barking dogs

Relevant Planning Policy

Fylde Borough Local Plan:

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

Other Relevant Policy:

NPPF:	National Planning Policy Framework
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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

Kennel Element

The issues to consider in the determination of this aspect of the application are contained in policies SP2, SP13 and EP27. Policy SP2 permits development in countryside areas that is appropriate to a rural area and which helps diversify the rural economy. The nature and characteristics of dog kennels is such that it is not considered an inappropriate use for this rural area, and as it would utilise an existing redundant agricultural building the proposal would have no detrimental impact on the visual character of the area.

Policy SP13 relates specifically to the provision of commercial dog kennels in the countryside and permits such development subject to its five criteria, these being:

- 1. The proposed development is located where an existing dwelling can provide accommodation for supervision and security** - The application site has an existing dwelling, albeit with an agricultural occupancy condition. The variation of this condition forms a part of this application and will be considered later in the report.
- 2. Any new buildings are appropriately designed** - The proposal involves the conversion of an existing agricultural building and whilst this would involve some external structural and facilitating works, in the form of window/door openings and refurbishment of the elevations, the main structure would remain the same and hence is not considered to have any greater visual impact than the existing building.
- 3. The buildings would not have a significant prejudicial effect on the character and visual amenity of the area** - as discussed above the proposal involves the conversion of an existing building with no new buildings proposed and as such it is not considered that any visual harm to the character of the area would result.

- 4. Adequate and safe access to the site, and adequate parking facilities** - The site access lies close to the junction of Back Lane and Weeton Road, and as such the Parish Council have raised an objection to the proposal on the grounds that the increase in traffic entering and exiting the site in connection with the dog kennels would adversely impact highway safety due to this proximity. The dog day care element and boarding kennel element will involve some additional traffic movements to the site over the existing and with those that are unfamiliar with its location, however, at only 15 kennels these numbers are not particularly high and the access point is well formed with good separation from the carriageway edge. It is not considered that there will be any significant implications for highway safety. It is also noted that planning permission was granted (but not implemented) in 2005 for a farm shop; this shop would likely have generated a greater number of vehicular visits to the site and the access was considered acceptable in that instance. Hence it is not considered that a refusal of permission on the grounds of inadequate access would be sustainable.
- 5. The enterprise is located satisfactorily in relation to other dwellings so as not to cause nuisance by reason of noise, smell or general activity** - Dog kennel operations are known to have the potential for generating a noise nuisance and the neighbouring property at Windmill Farm (approximately 90 metres distant from the proposed kennel building) has raised an objection on the grounds of potential noise nuisance. As a result, and at the request of the Council's Environmental Protection Team (EPT), a noise survey was commissioned by the applicant and submitted in support of the application. The EPT is in agreement with the findings of the survey and are of the opinion that the structure of the building will mitigate any likely noise to an acceptable level, with the ambient background noise from the nearby motorway helping to disguise any barking. Furthermore the licence required for use as dog kennels can limit the number of dogs outside at any one time should it be necessary. Hence given the absence of any objection from the Council's EPT, and the ability of environmental legislation to take appropriate action should noise nuisance ever occur, it is considered that a refusal on the grounds of potential noise nuisance would likely not be sustainable.

The Occupancy Condition attached to the Dwelling

In 2003 planning permission was applied for a new dwelling at the application site at a time when the main activity on the site was Ostrich breeding and rearing. Prior to 2003 the site had a temporary consent for the use of a residential caravan to provide accommodation. In determining that application the Council was advised by the County Land Agent that the Ostrich operation was sufficiently viable to justify the provision of a permanent new dwelling and consequently permission for a permanent dwelling was granted. To prevent the creation of a new market dwelling in this countryside area condition 12 of that permission restricted its occupancy to a person or persons who's main or last employment was in agriculture.

Ostrich breeding has now ceased at the site due to the economic downturn and subsequent lack of consumer demand for ostrich meat. As such the owners now seek to generate a main income by operating commercial dog kennels on the site, utilising a former livestock building. The kennelling of dogs does not fall within the legal definition of agriculture and hence as this would now be the main activity, and applicant's main source of income, the applicant would no longer comply with the requirements of this condition.

Paragraph 55 of the National Planning Policy Framework (NPPF) advises that new permanent dwellings in countryside should only be permitted where there is an essential need for a rural worker to live permanently at or near their place of work. This is a change from the previous guidance which related to agricultural workers, not rural workers. This change seems to reflect the more diverse range of employment activity that is now undertaken in rural areas.

The preamble to policy SP13 of the Fylde Borough Local Plan recognises that dog kennels are appropriate for a rural area and can help the rural economy. Furthermore SP13 requires any new dog

kennels to be associated with an existing dwelling in order to avoid the need for an additional and unnecessary residential development in the countryside. Hence taking into account the guidance of the NPPF and the current circumstances of the site it is considered that a variation of condition 12 to planning permission ref. 03/0208 tying the running of the dog kennels to the dwellings is appropriate.

Conclusions

The application site benefits from an existing agricultural dwelling that was previously justified on the basis of the then ongoing agricultural activity (Ostrich breeding and rearing) at the site. The economic downturn and subsequent lack of consumer demand for ostrich meat has resulted in this agricultural activity to cease and the applicant now seeks an alternative income from the conversion of a former livestock building to dog kennels. Policy SP13 of the Fylde Borough Local Plan recognises dog kennels as being an appropriate form of development in a countryside area and given that the site benefits from an existing dwelling it is considered that the proposed change of use and variation of the agricultural condition to tie the occupancy of the dwelling to the running of the dog kennels are both acceptable and accord with the aims of policies SP2 and SP13 of the local plan, and paragraph 55 of the National Planning Policy Framework. Members are therefore recommended to approve the application.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

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

In the interests of visual amenity.

3. All dogs shall be kept in the enclosed part of the kennels, designated as sleeping areas on the licence issued under Animal Boarding Establishment Act 1963, during hours of 9pm to 7am.

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

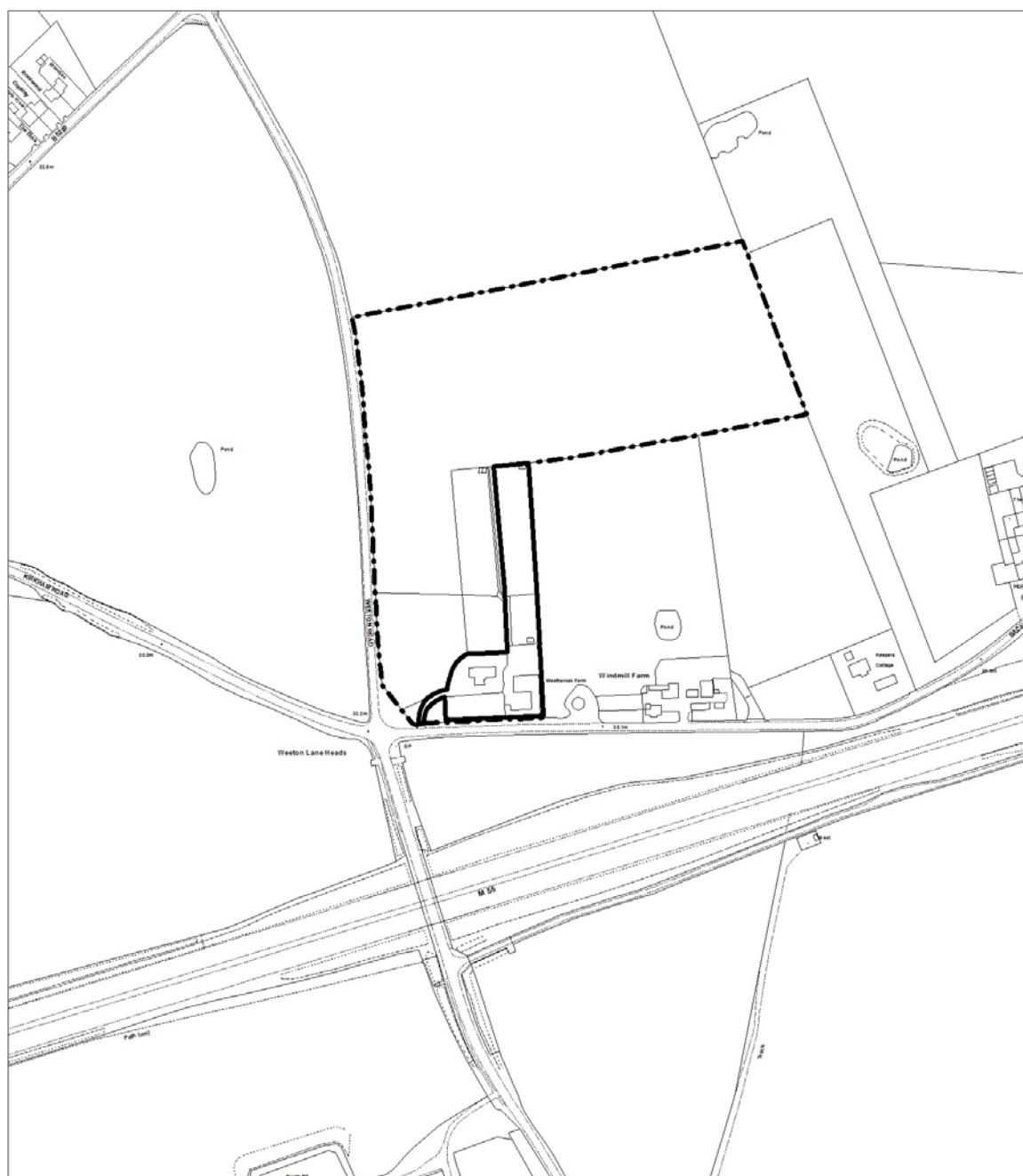
4. Prior to the commencement of the development hereby approved a Management Plan for the operation of the kennels shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the numbers of dogs to be boarded at any one time, the method of exercising the dogs, the numbers of dogs to be exercised at any one time, the times of exercise, the number of dogs in the external runs at any one time, and the operating times of the kennels. Thereafter the kennels shall be operated in full accordance with the approved Management Plan at all times.

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

5. The occupancy of the dwelling previously approved under planning permission ref. 03/0208 shall be

limited to a person or persons managing or employed full time by the approved dog kennels at Weatheroak, together with the family of such a person(s) residing with the manager/employee

The Local Planning Authority would not be prepared to permit the erection of a dwelling on the site unconnected with the use of the adjoining land for the purpose approved by this permission and the condition is imposed in order to preserve the character and nature of this rural area.



Development Services Fylde Council		(c) Crown Copyright and database right (2014). Ordnance Survey (100006084).	
Application No. 5/14/0021	Address Weatheroak, Back Lane, Weeton	Grid Ref. E.3390 : N.4345	Scale 0 20 40 60 80 m

Application Reference: 14/0066		Type of Application: Change of Use
Applicant:	Mr Paul White	Agent :
Location:	WILLOW GLEN, 96 DOWBRIDGE, KIRKHAM, PRESTON, PR4 2YL	
Proposal:	RETROSPECTIVE APPLICATION FOR ERECTION OF OUTBUILDING, AND FOR CHANGE OF USE OF PADDOCK AND BUILDINGS FOR REARING OF KOI AND SALES OF KOI AND ASSOCIATED GOODS. PROPOSED FORMATION OF PARKING AREA AND ACCESS TRACK ASSOCIATED WITH THIS USE	
Parish:	Area Team:	Area Team 2
Weeks on Hand: 9	Case Officer:	Alan Pinder
Reason for Delay:	Need to determine at Committee	

Summary of Recommended Decision: Grant**Summary of Officer Recommendation**

This application relates to a change of use (and associated operational development) of paddock land for a Koi Carp rearing and sales operation. The site is associated with the dwelling known as 'Willow Glen' which fronts onto Dowbridge. Whilst the property is located within the settlement boundary of Kirkham, the land of this application site is across the brook and outside the settlement in Countryside.

Paragraph 28 of the National Planning Policy Framework seeks to support all forms of rural businesses. Having due regard to the NPPF and the provisions of the local plan the proposed change of use to Koi rearing and retail is not considered to be an inappropriate use at this rural location just outside the settlement boundary of Kirkham. The specialised nature of the proposed use is such that it is not considered to generate a level of activity that would result in an unacceptable detriment to neighbour amenity or attract significant numbers of vehicles. As such the proposal is considered to accord with the aims of policies SP2 and SP9 of the Fylde Borough Local Plan and members are recommended to approve the application.

Reason for Reporting to Committee

The Town Council have raised objection to the proposal and as this is at odds with the officer recommendation for approval it is necessary for the application to be determined at Committee.

Site Description and Location

This application relates to an area of previously unused paddock area to the side of Willow Glen and located behind the frontage properties to Blackpool Road. It runs between Blackpool Road and the A583 Kirkham by-pass close to their junction. The site lies just outside, and adjoining onto, the settlement boundary of Kirkham.

Details of Proposal

Planning permission is sought for the change of use of garden area to the rearing and sale of Koi Carp, and associated goods. The development involves the following:

- The erection of a polytunnel measuring 10.7 metres in length, 6.6 metres in width, and 3.2 metres in height
- The erection of a polytunnel measuring 12.7 metres in length, 8.4 metres in width, and 3.4 metres in height
- The erection of an agricultural style building used as a display area and base for the retail sales of the fish. This measures 9.1 metres in length, 8.1 metres in width, and 3.5 metres high
- The erection of a storage shed measuring 5 metres in length, 2.6 metres in width, and approximately 2.5 metres in height
- The formation of a 2.5 metre wide and approximately 110 metres long access track leading from an existing field access on Blackpool Road between Dowbridge Farm and The Barn House
- The formation of a small parking area (6 parking spaces)

The application is part retrospective as the polytunnels, business base and storage building are already in-situ, and the Koi business has been operating since May 2013.

Relevant Planning History

Application No.	Development	Decision	Date
09/0826	ERECTION OF 2 DETACHED DWELLINGS (RE-SUBMISSION OF 08/0733)	Approved with 106 Agreement	13/05/2011
08/0733	ERECTION OF 2 DETACHED DWELLINGS (AS AMENDED)	Refused	09/12/2009
04/0139	RE-SUB OF 03/916 FOR O/L FOR RESIDENTIAL DEVELOPMENT	Refused	25/06/2004
03/0916	OUTLINE APPLICATION FOR 3 DETACHED DWELLINGS	Refused	17/12/2003
89/0201	RAISE HEIGHT OF SIDE BOUNDARY WALL WITH BRACKETS & BARBED WIRE	Refused	17/05/1989

Relevant Planning Appeals History

None to report

Parish Council Observations

The dwelling at Willow Glen is within the area covered by **Kirkham Town Council** who have raised objection on the basis of concerns regarding entering and exiting the site onto a busy road next to a bus stop, and over the establishment of a retail outlet in a residential area.

The actual application site is within the area covered by **Newton with Clifton Parish Council** who were notified on 30 January 2014 but have not made comment. A further consultation has been sent and any comments received will be reported as part of the Late Representations Schedule.

Statutory Consultees

Lancashire County Council - Highway Authority

No highway objections

Environmental Protection Team

No objections

Observations of Other Interested Parties

N/A

Neighbour Observations

Neighbours notified: 30 January 2014

No. Of Responses Received: Two

Nature of comments made:

- No objection in principle but would strongly object if the access were via Glebe Lane / Manor Drive which is purely a residential area.
- No objection in principle but concerned about loss of privacy and noise nuisance if the business were to expand beyond its current level of operation. Also concerned that signage will be put up at the site access to attract passing trade and thus potentially increase level of traffic.

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
SP09	Diversification of rural economy

Other Relevant Policy:

NPPF:	National Planning Policy Framework
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Site Constraints

Pipelines

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 application site lies just outside the settlement boundary of Kirkham, within designated countryside, and as such policy SP2 is relevant. SP2 permits development that is appropriate to a rural area and which accords with the criteria of policy SP9, which relates to the rural economy. In this instance the proposed development is the creation of a specialised Koi Carp rearing and sale centre. Although retail uses are generally considered to be more appropriately located within designated retail centres it is considered that in this instance the specialised nature of Koi rearing and sales is such that locating it within a retail centre would not be appropriate. The application site lies just outside the settlement boundary of Kirkham and within an area that retains visual characteristics of the settlement rather than characteristics of the more generally thought of open countryside. Given the combination of the site's close proximity to the settlement boundary and the specialist nature of this retail proposal (i.e. non-reliance on passing trade and requirement for rearing ponds) it is considered in this instance that the location is not inappropriate for this proposed activity.

With regard to policy SP9 this permits new commercial operations and buildings within rural areas provided that the proposal accords with its five criteria. Of these five only three are relevant to this proposal and considering each in turn:

Proposed new buildings are of an appropriate scale, design and materials, and relate well to other existing buildings and the character of the area – The built development associated with the

proposed use is low key in both scale and size, and are of an appropriate design that reflects the visual character of typical agricultural buildings albeit on a much smaller scale. This notwithstanding the buildings and general area of the site is well hidden from public view by the high wall that runs along the southern boundary with the A583 and by the existing dwellings located along the northern boundary on Dowbridge/Blackpool Road. Hence the buildings associated with the Koi rearing and sales would have no impact on the visual amenity or character of the area.

Adequate vehicular access, parking, loading and manoeuvring areas for vehicles can be provided

– Access to the site is proposed to be via an existing gated field access located between two dwellings on Blackpool Road. The application proposes the formation of a 2.5 metre wide access track (finished with tarmac planings). This track would lead to a small customer parking area for up to six cars, from where a footpath would lead to the retail area. Given the small scale and specialised nature of the proposal it is considered that these access and parking arrangements are sufficient and acceptable. LCC Highways have been consulted on the details and have raised no objections or concerns regarding potential impacts on highway safety.

It is noted that the Parish Council have objected to the proposal on the grounds that the site access is in close proximity to a bus stop and its use would be detrimental to highway safety. The actual fact is that no bus stop exists within the vicinity of the site access and it is believed that the parish council have confused the proposed access with the existing domestic access to Willow Glen and which is in close proximity to the bus stop. This likely confused interpretation of the scheme has been pointed out to the parish council however they wish to retain their objection on this ground.

The proposal would not adversely affect the amenities enjoyed by nearby residents – Two neighbouring properties have submitted comments on the application which although not objecting to the proposal have raised concerns regarding the potential for loss of amenity from customer traffic. The first letter is from a resident of Manor Drive who is concerned that an access will be formed from Glebe Lane/Manor Drive. The access would not be from this area and hence there is no concern to address.

The second letter is from the occupant of Dowbridge Farm, which together with The Barn House is one of the two dwellings where the access from Blackpool Road is located. Their concerns relate to noise nuisance and loss of privacy due to customers cars, and the erection of large signage at the entrance to attract passing trade. With regard to vehicle traffic from customers the Koi business has been open since May 2013 and due to its specialised nature has been operating on an appointment basis with the business' website requesting that prospective visitor's phone beforehand to arrange an appointment. In support of the application the applicant has submitted a record of customer visits since opening in May 2013 showing that since that time a total number of 110 customer visits to the site have occurred, which averages at less than 3 each week. Furthermore, the proposed hours of opening are limited to day time hours and the customer parking area is located approximately 110 metres away from Dowbridge Farm and its neighbour, The Barn House.

Taking these together it is considered that the amenity of the occupiers of these two properties would not be unduly prejudiced by the change of use given the relatively low level of additional vehicle traffic that the use would attract. With regard to the possibility of large signage being erected at the entrance the applicant has stated that as the business operates on an appointment only basis there will be no need for any signage, apart from maybe a discreet low level sign on the gate indicating that it is the correct access. This notwithstanding any advertisements or signage would require advertisement consent and any impacts from signage would be assessed as part of any future application for consent.

With regard to other neighbouring properties the only others that could potentially be affected are Westlee, Brookside Cottage and Rydal Mount, which are located on Blackpool Road approximately 30, 50 and 70 metres distant respectively to the north of the site. It is not considered that their amenity would be unduly affected due to the separation distance between the properties and the site and the low level of activity due to the nature of the proposed use.

It is considered that the proposed use at this location would have no undue impact on the amenity of neighbouring properties.

Conclusions

Paragraph 28 of the National Planning Policy Framework seeks to support all forms of rural businesses. Having due regard to the NPPF and the provisions of the local plan the proposed change of use to Koi rearing and retail is not considered to be an inappropriate use at this rural location just outside the settlement boundary of Kirkham. The specialised nature of the proposed use is such that it is not considered to generate a level of activity that would result in an unacceptable detriment to neighbour amenity. As such the proposal is considered to accord with the aims of policies SP2 and SP9 of the Fylde Borough Local Plan and members are recommended to approve the application.

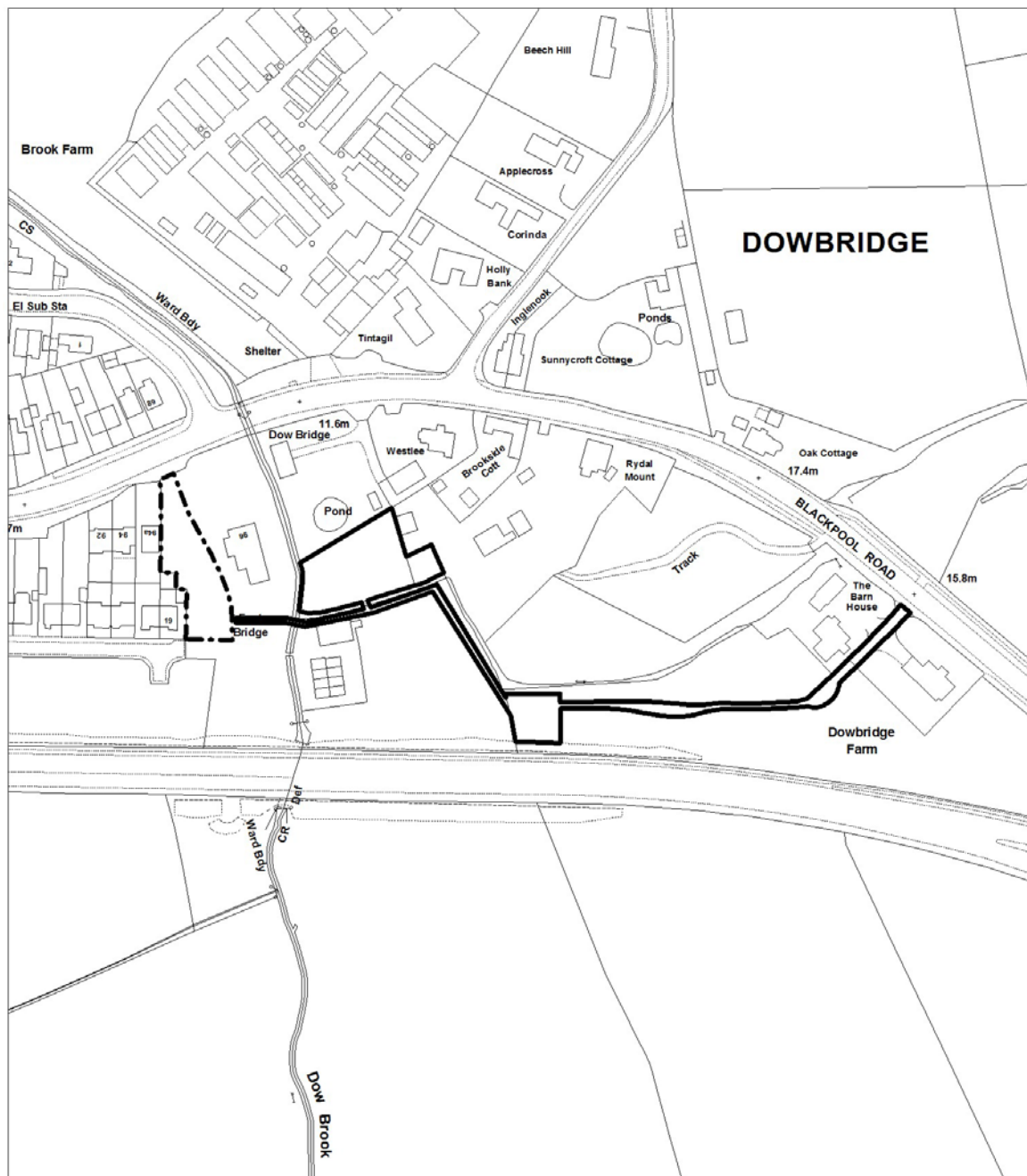
Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. That visits to the site by customers or for deliveries shall be limited to between 1000 and 1700 hours on any day.

To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.
2. The premises hereby approved shall only be used only for the purpose of rearing Koi and the sale of Koi and associated goods, and for no other purposes including any other retail use within Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended.

To ensure that no other use commences without the prior permission of the Local Planning Authority and to enable other uses to be considered on their merits.



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Application No. 5/14/0066	Address Willow Glen, 96 Dowbridge, Kirkham	Grid Ref. E.3436 : N.4317	Scale 0 10 20 30 40 m

LIST OF APPEALS DECIDED

The following appeal decision letters were received between 14/02/2014 and 21/03/2014. Copies of the decision letters are attached.

Rec No: 1			
09 January 2014	13/0524	24 CHURCH ROAD, LYTHAM, LYTHAM ST ANNES, FY8 5LN PROPOSED TWO STOREY EXTENSION TO SIDE, SINGLE STOREY EXTENSION TO REAR, AND DOUBLE GARAGE TO REAR.	Householder Appeal
Appeal Decision:	Part allowed: 18 February 2014		



Appeal Decision

Site visit made on 10 February 2014

by Peter D Biggers BSc Hons MRTPI

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

Decision date: 18 February 2014

Appeal Ref: APP/M2325/D/14/2211316

24 Church Road, Lytham, Lancashire, FY8 5LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Burn against the decision of Fylde Borough Council.
 - The application Ref 13/0524 was refused by notice dated 14 November 2013.
 - The development proposed is proposed two storey extension to side, single storey extension to rear and double garage to rear.
-

Decision

1. The appeal is dismissed insofar as it relates to the two storey extension to the side and single storey rear extension.
2. The appeal is allowed insofar as it relates to the double garage. Planning permission is granted for the double garage at 24 Church Road, Lytham, Lancashire, FY8 5LN in accordance with the terms of the application, Ref 13/0524, dated 26 July 2013 and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 171.1 and 171.2 insofar as these relate to the double garage.

Procedural Matter

3. I have taken the description of development from the decision notice for the purpose of my decision as it more accurately describes the proposed alterations and extensions at the property.

Main issue

4. The main issue is the effect of the proposed development on the character and appearance of the property, Church Road and the Lytham Conservation Area.

Reasons

5. Church Road lies within the Lytham Conservation Area which, in the vicinity of the appeal site, is characterised by large 2 and 3 storey residential properties principally semi-detached and detached on the north side of the road and terraced and semi-detached on the south side. Most are built in a traditional Victorian style with a common suite of materials, mainly brick and slate. Although the properties

demonstrate individual styling, the materials and some elements of architectural detailing do provide a coherent character to this part of the Conservation Area.

6. The appeal property is one of a pair of semi-detached houses characterised by a steeply pitched and dominant gable detail to each property on the road frontage and with a clearly designed and pleasing symmetry to the pair. A large side garden to No 24 with holly and other garden trees along its boundary provides an attractive element of openness in the streetscape which otherwise, in the vicinity of the site, is fairly closely developed with frontage housing.
7. I acknowledge that the proposed side extension is designed so that it would reflect the materials and gabled form of the existing semi-detached pair. However the extension would be a large addition to the property nearly doubling the frontage width and at full ridge height. The result would be an asymmetric appearance with little regard to what is an attractively designed semi-detached pairing. It has been put to me that the variety of dwelling styles within the Conservation Area in the vicinity means that symmetry is not an important characteristic and that there should be a freer hand and that the proposal would simply appear as a terrace of 3 properties rather than the current semi-detached pair. However, in respect of the pair at No 22 and 24 the symmetrical design is its key characteristic. The scale and height of the extension would harm this and the appearance of the pair which is an attractive feature in Church Road and highly visible at its junction with Ashton Street.
8. I have been referred to a number of other extended properties in the vicinity which the appellant considers justifies the proposal in this case. However having viewed these during my site visit I am not persuaded that any are sufficiently similar to the appeal site proposal and therefore I will determine the appeal case on its own merits.
9. As stated above the open effect provided by the side garden to No 24 and the separation between the existing house and St Cuthbert's Court is an important feature in the Conservation Area. Notwithstanding that there would still be some stand-off from the boundary with St Cuthbert's Court the full height of the extension and its width, taking up nearly 2/3rds of the garden, would result in a loss of spaciousness on the plot and development in close proximity to the side elevation of St Cuthbert's Court. It has been put to me that other properties in the Conservation Area are quite closely spaced and therefore it is of little consequence that this garden space is lost. However, on the contrary, I find the fact that this is one of few larger side gardens (certainly heading east towards the town centre) all the more reason to resist such a loss of garden space. Viewed along the street and from Ashton Street the proposal would substantially close the gap.
10. In respect of the garage, although the scale and height would increase and the proposal would require the removal of one semi-mature tree the positioning would be on virtually the same footprint of the existing garage accessed off school Lane. The siting of the garage 'tucked into' the corner of School Lane would be unobtrusive. The design of the garage and use of second hand materials would be in keeping with the house and surroundings.
11. In coming to a view on this proposal, I have had regard to the Framework. I accept that the appellants, in proposing the side extension, would be seeking to make sustainable and effective use of their existing home, an objective which is encouraged by the Framework. However, the Framework attaches great importance to seeking a high quality of design. At Paragraph 64 it states that

"..permission should be refused for development of poor design that fails to take the opportunities available to improve the character and quality of an area.." The Fylde Borough Local Plan (FBLP) policies are consistent with the Framework. Policy EP3 requires development to be appropriately designed and respect the quality of the total environment. Policy HL5 requires house extensions in terms of scale, design and external appearance to be in keeping with the existing building and not adversely affect the street scene. For the reasons above the side extension would fail to achieve these objectives.

12. I conclude, that, in the context of the property and the Conservation Area, the side extension would appear as an insensitive alteration to the property. There would be harm to the character and appearance of No 24 and its semi-detached neighbour on Church Road particularly in views up Ashton Street and the scale of the proposal taking up much of the side garden would fail to preserve or enhance the character or appearance of the Conservation Area. As such it would be contrary to Paragraph 131 and 132 in the Framework, and FBLP policy EP3 seeking to preserve or enhance the Conservation Area. I accept that in this case the harm to the significance of the heritage asset would be less than substantial and, in these cases, Paragraph 134 of the Framework requires that the harm is weighed against any public benefit. The proposal would provide additional living space, which would otherwise not be available at the property. However, I am not persuaded that there would be any public benefit arising out of the proposal to outweigh the harm to the significance of the Conservation Area. As such the proposed side extension would also be contrary to FBLP policy EP3.
13. However the proposed garage would be acceptable in respect of the main issue and would be clearly severable both physically and functionally from the side and rear extension works. I will therefore issue a split decision allowing the appeal insofar as it relates to the garage and grant permission. However I will dismiss the appeal in relation to the side and linked rear extension.
14. I have considered the conditions suggested by the Council against the advice in Circular 11/95 and for their clarity. In respect of the garage, a condition requiring development to be carried out in accordance with the submitted plans is necessary for the avoidance of doubt and in the interests of proper planning.

P. D. Biggers

INSPECTOR

REPORT

REPORT OF	MEETING	DATE
RESOURCES	DEVELOPMENT MANAGEMENT	2 APRIL 2014

PLANNING CODE

PUBLIC ITEM

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

SUMMARY

The report sets out a suite of revisions to update and refresh the present member/officer protocol for planning. The revisions take into account changes made by the Localism Act 2011, restate the roles of members and officers in the planning process and introduce a “pause for thought” where a decision is proposed to be taken contrary to officer recommendation.

RECOMMENDATIONS

1. Recommend to the Audit Committee that it recommends that the council adopt the revised Member/Officer Protocol for Planning as set out with this report to replace the existing protocol as part 5d of its constitution.

CABINET PORTFOLIO

This item falls within the following cabinet portfolio(s):

Planning & Development:

Councillor Dr Trevor Fiddler

SUMMARY OF PREVIOUS DECISIONS

Audit Committee, 21 March 2013: Consideration of the report be deferred until the next available Audit committee meeting to enable consultation with members of the Development Management Committee regarding the proposed revised protocol for planning.

REPORT

BACKGROUND

1. In July 1997, the Committee on Standards in Public Life (Nolan Committee) published “*Standards of Conduct in Local Government in England, Scotland and Wales*”. Recommendation 35 said that “*Planning committees should consider whether their procedures are in accordance with best practice, and adapt their procedures, if necessary, setting them out in a code available to councillors, council staff and members of the public*”.

2. Fylde subsequently adopted a local code of good practice in planning matters. The code is now known as the Member/Officer Protocol for Planning. Apart from minor changes in wording, the protocol has been in its present form for at least eleven years. The code appears as part 5d of the council's constitution.
3. The passage of time, changes to the wider ethical framework and particular issues in connection with the decision-making process in planning made it appropriate to look again at the protocol and recommend changes for the Audit Committee to consider recommending to the council.
4. The Audit Committee considered a draft revised protocol at its meeting on 21 March 2013 and recommended that the proposals be discussed by members of Development Management Committee before being further considered by Audit Committee and passed to the council for formal endorsement.

THE PROPOSALS

5. Proposals for a revised protocol have been worked up through a process involving input from the chairman and vice-chairman of the Development Management Committee, the portfolio holder for Planning and Development, other leading councillors, the Monitoring Officer, the Director of Development Services and other officers from the Resources and Development Services directorates. The proposed new protocol is set out below. The existing protocol is also shown to assist members to identify the proposed changes.
6. Some of the changes are intended to correct outdated references to the previous ethical framework, which has been replaced by changes under the Localism Act 2011. Other changes are intended to restate and reinforce the distinct but complementary roles of members and officers at Development Management Committee. Paragraphs 8 and 10 of the proposed revised protocol are the core parts dealing with those roles.
7. Paragraph 8 sets out the role of officers in providing information, giving impartial professional advice, and assisting members to articulate and record their decisions. Paragraph 10 sets out the role of members as decision-makers and the parameters and processes within which they must operate.
8. Sub-paragraph 10.7 would require the meeting to adjourn for a few minutes before taking a decision contrary to officer recommendation to allow the reasons for the proposed decision to be discussed and agreed. The provision would also require the committee to consider deferring a decision where there was concern about the validity of the reasons. This proposal flows from recommendations in the peer review carried out last year with the Planning Advisory Service, and was not in the draft code when the Audit Committee considered it.

PROCEDURE

9. The committee is asked to consider the proposed revised protocol and make observations to the Audit Committee. The Audit Committee would then consider recommending the council to adopt it to replace the current version of the protocol in the constitution.

IMPLICATIONS	
Finance	No financial implications
Legal	A breach of the protocol may be relevant in determining whether a member or officer has breached the wider code of conduct that applies to them.
Community Safety	No implications.
Human Rights and Equalities	The code is compatible with the European Convention on Human Rights
Sustainability and Environmental Impact	No implications
Health & Safety and Risk Management	No implications

REPORT AUTHOR	TEL	DATE	DOC ID
Ian Curtis	01253 658506	10 March 2014	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Member/Officer Protocol for Planning	July 2012	Within the constitution at www.fylde.gov.uk/council/constitution
Draft revision of the Member/Officer Protocol for Planning	March 10 2014	Town Hall, Lytham St Annes, and attached below

Attached documents

1. Draft revision of the Member/Officer Protocol for Planning
2. Existing Member/Officer Protocol for Planning.

DRAFT PROPOSED Planning Code

1. INTRODUCTION

- 1.1 This Local Code of Good Practice represents the standard against which the conduct of members and officers will be judged. Failure to follow this Local Code of Good Practice without good reason may be taken into account in investigations into possible maladministration by the council and might result in allegations that a member or officer has breached the council's local code of conduct that applies to them.
- 1.2 This Local Code of Good Practice is concerned primarily with the integrity of the planning system and the conduct of members of the Development Management Committee and officers in its processes and procedures. However, it equally applies to members of the executive and all other members of the Council when dealing with planning issues.

2 THE GENERAL ROLE AND CONDUCT OF COUNCILLORS AND OFFICERS

- 2.1 Instructions to officers may only be given through a council or committee resolution or through a formal decision made by an individual executive member. Individual members cannot otherwise give instructions.
- 2.2 Each councillor is obliged to observe the council's local code of conduct adopted under the Localism Act 2011.
- 2.3 Each officer is obliged to observe the Officers' Code of Conduct
- 2.4 The council's Protocol on Member/Officer Relations requires members to respect the impartiality and integrity of council officers and officers to respect the role of members as elected representatives.
- 2.5 Officers who are chartered town planners will also be guided in their conduct by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct.
- 2.6 The conduct of council business will be governed by the council procedure rules.
- 2.7 While councillors have a special duty to their ward constituents, their overriding duty is to the whole community. Councillors must represent their constituents as a body and vote in the interests of the whole borough.
- 2.8 Members must take account of views expressed but, as required by paragraph 6.(a) of the code of conduct, must not use their position as a member, improperly to confer on or secure for themselves or any other person, an advantage or disadvantage.
- 2.9 Councillors should be cautious about accepting gifts and hospitality. Under paragraph 13(c) of the members' code of conduct, a councillor may have an interest in any business of the authority where it relates to or is likely to affect the interests of any person from whom the councillor has received a gift or hospitality with an estimated value of at least £25, and will need to register that interest.
- 2.10 Officers must always act impartially. With regard to hospitality, if hospitality is offered by anyone with an interest in a planning proposal it should, if

possible, be politely declined. If hospitality is accepted, it should be declared in the council's register of gifts and hospitality.

3 TRAINING

- 3.1 The council acknowledges the importance of training for members, particularly initial training for members when first serving on the Development Management Committee. Training will be provided, and members will be updated on changes in legislation, procedure and national policy in relation to planning matters.
- 3.2 If a member of the Development Management Committee consistently fails to undertake training, their group leader will be asked to remove them from the committee.
- 3.3 If a reserve DM member consistently fails to attend meetings of the Development Management Committee or to undertake training, the committee will consider removing them as a reserve DM member.

4 DECLARATION OF INTERESTS

Members must follow scrupulously the requirements placed upon them as laid down by the Localism Act 2011 (including regulations made under it) and the council's code of conduct in relation to the registration and declaration of interests.

5 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS AND COUNCIL DEVELOPMENTS

It is legitimate for former and serving members and officers (and their close friends and relatives) to submit planning applications or development plan proposals. The council may also submit planning applications or proposals for its own land. They, i.e. members, officers or the council itself, may also own or have an interest in land for which a planning application or development plan proposal is made by a third party. To ensure that all of these applications and proposals are handled in a way that gives no grounds for accusations of favouritism, the following will apply:

- 5.1 Proposals for the council's own development should be treated in the same way as those by private developers, in accordance with circular 19/92, particularly in relation to the officers' advice.
- 5.2 Serving members who submit their own proposal to the council, or who act as agents for people pursuing a planning matter within this authority's area, or own or have an interest in land for which a planning application or development plan proposal is made by a third party should play no part in the decision-making process for the proposal.
- 5.3 Similarly, serving officers who submit a planning application or proposal to the council, or own or have an interest in land for which a planning application or development plan proposal is made by a third party should play no part in the decision-making process of that application or proposal.
- 5.4 The council's [monitoring officer](#) should be informed of proposals submitted by members or officers and should certify that the application has been processed normally.
- 5.5 Applications or proposals by the council, by (or on behalf of) serving members and officers (including members of their family or any person with whom they have a close association) or by a third party involving land which

they may own or have an interest in will be reported to the [Development Management Committee](#) for determination.

6 LOBBYING OF AND BY MEMBERS

- 6.1 Members of the council, and importantly those members serving on the Development Management committee when being lobbied about a particular planning application/issue should take care about expressing an opinion which may be taken as indicating they have closed their mind to further arguments on the application/issue.
- 6.2 Additionally, members should restrict themselves to giving procedural advice including suggesting to those who are lobbying that they should speak or write to the Director of Development Services in order that their observations can be included in the relevant report to committee.
- 6.3 Given that the point at which a decision on a planning application is made cannot occur before the Development Management Committee meeting, when all available information is to hand, and has been duly considered, any political group meeting prior to the committee meeting should not be used to decide how members should vote.
- 6.4 Members should avoid organising support for or against a planning application, and avoid lobbying other members.
- 6.5 Members should not put any pressure on officers for a particular recommendation and, as required by the [code of conduct](#), should not do anything which compromises, or is likely to compromise, their impartiality.

7 PRE-APPLICATION DISCUSSIONS WITH POTENTIAL APPLICANTS

- 7.1 The council encourages, in accordance with the advice of auditors and the National Planning Forum, early discussions between a potential applicant and council representatives prior to the submission of an application.
- 7.2 Pre-application discussions can involve councillors as well as officers, applicants and their representatives.
- 7.3 Administrative arrangements for pre-application discussions should be made by officers. Except for any site visit, discussions should take place at a venue arranged by the council.
- 7.4 In order for such meetings not to become, or be seen to become, part of a lobbying process, the following guidelines should be followed.
 - 7.4.1 It should always be made clear at the outset that the discussion will not bind the council to making a particular decision and that any views expressed are personal and will in any case be provisional.
 - 7.4.2 No firm or final view can be offered in such early discussions since by the very nature of such meetings, not all relevant information will be to hand, nor will formal consultations with statutory bodies and interested parties be to hand.
 - 7.4.3 Advice given by officers should be based upon the development plan and other material planning considerations. There should be no significant difference of interpretation of planning policies amongst planning officers. In addition, all

officers taking part in such discussions should make it clear whether or not they expect to be the decision-maker.

- 7.4.4 Councillors can ask questions to better inform themselves about the proposed development, and can give their opinions about potential public and political reaction to the proposals.
- 7.4.5 Planning officers should prepare a written note of pre-application discussions, whether carried out in person or by telephone.
- 7.4.6 When plans or documentary material have been left with the council for comments, a letter may be sent confirming the officers' provisional views on such material.
- 7.4.7 Care must be taken to ensure that advice is not partial, nor seen to be.

8 DEVELOPMENT MANAGEMENT COMMITTEE: OFFICERS

- 8.1 Officers who serve the Development Management Committee can only act in accordance with collective decisions of the committee, not instructions of individual members of the committee.
- 8.2 In advising and assisting elected members in their determination of planning applications, officers should:
 - 8.2.1 Offer impartial professional advice including advice on possible implications;
 - 8.2.2 interpret planning policies consistently;
 - 8.2.3 Prepare written reports which include:
 - 8.2.3.1 a brief written description of the proposed development and the relevant site history or related history
 - 8.2.3.2 a clear and accurate analysis of the issues in the context of the relevant development plan policies and all other material considerations
 - 8.2.3.3 the substance of any observations representations, objections, or views of all those who have been consulted or who have made comments, whether or not such observations are considered to be material
 - 8.2.3.4 a clear written recommendation of action and, where that recommendation is contrary to the development plan, the material considerations which justify the departure
 - 8.2.3.5 all necessary information for the decision to be made;
 - 8.2.4 Assist members to articulate and record their decisions and reasons for their decisions, even if the officer disagrees with them (but this does not extend to suggesting reasons where a proper planning reason for a proposed decision has not emerged in discussion); and
 - 8.2.5 Advise on appropriate drafting for conditions that members wish to add or amend.

- 8.3 To ensure that all procedures are strictly followed procedural guidance will be given by the Director of Resources or her representative in attendance at each meeting of the Development Management committee.

9 PUBLIC SPEAKING AT THE DEVELOPMENT MANAGEMENT COMMITTEE

In accordance with the public speaking protocol, applicants, objectors/supporters will be permitted to speak at any meeting of the Development Management committee on any application placed before the committee. These arrangements reflect national best practice and are intended to provide more open, transparent and informed decision making.

10 DEVELOPMENT MANAGEMENT COMMITTEE: MEMBERS

In making decisions on planning applications and planning matters, members should:

- 10.1 Act fairly and openly and without prejudice;
- 10.2 take care about expressing an opinion which may be taken as indicating they have closed their mind to further arguments;
- 10.3 Not accept or seek to impose group discipline, whether in the form of a party whip or otherwise;
- 10.4 Use the officer presentation, questions and debate to test any provisional view that they have formed;
- 10.5 Ensure that they understand the implications of any proposed decision, including possible appeals and costs awards;
- 10.6 Not vote if they have missed any part of the officer presentation, public speakers or discussion;
- 10.7 Not take a decision contrary to the officers recommendation without adjourning for a few minutes so that the reasons for the proposed decision can be discussed and then agreed by the committee and, where there is concern about the validity of reasons, considering deferring the decision to another meeting to have them tested and discussed;
- 10.8 Analyse all relevant development plan policies and other material considerations and, where the development plan is relevant, determine each application in accordance with the development plan unless material considerations indicate otherwise;
- 10.9 Ensure that clear, precise reasons for their decisions, based on material planning considerations, are clearly recorded, particularly where the committee's decision conflicts with officer recommendations; and
- 10.10 Where the decision is not in accordance with the development plan, ensure that the reasons that justify overriding the development plan are clearly demonstrated and explained.

11 SITE VISITS

- 11.1 The council's code of conduct applies as much to site visits as to any other area of conduct.
- 11.2 Organised committee site visits to application sites will be held where the committee has, by a majority, requested such a visit or where requested by

officers, in consultation with the chairman or vice chairman of the committee.

11.3 Site visits should only be held:

11.3.1 Where the expected benefit is substantial; and/or

11.3.2 The impact of the proposed development is difficult to visualise from the plans and supporting material, including photographs/video footage taken by officers.

11.4 Site visits will be primarily to view the site and appreciate how the proposed development relates to the site and its surroundings. An officer(s) would be in attendance with the members. No discussion of the merits of the proposal will take place as the site visit is purely to assess the effect of the proposed development on the surroundings. However, members may ask factual questions to confirm their understanding of physical features of the site or its surroundings.

11.5 Planning applications will not be determined at site visits but will be reported back to the Development Management Committee (following the site visit) for determination in the normal way.

11.6 If an applicant/agent or objector is present at the time of the visit, members should explain the purpose is to see the site and surroundings, and not to hear representations, and should not offer any opinion whatsoever and in particular should not indicate that they have already made up their mind on the application/issue.

11.7 It is not expected that members will make personal site visits which would result in contact with an applicant, agent or objector. Exceptionally, members who wish to view sites prior to a meeting of a committee, other than authorised and arranged visits in accordance with 11.2 to 11.6 should bear in mind at all times that the sole purpose is to view the site and its surroundings.

11.8 A member should declare at the Development Management committee at which the application is considered that a personal site visit has been made by them which has resulted in contact with the applicant, agent or objector.

12 REVIEW OF DECISIONS

12.1 The Development Management Committee will review its decisions from time to time.

12.2 In particular, the committee will examine the way development which has been permitted has turned out and will have an organised tour of selected recent developments, at least annually.

12.3 Following the consideration of such developments, officers and members will be encouraged to review the good and bad points of permitted schemes and decide whether such review gave rise to the need for any policies or practices to be reconsidered.

13 COMPLAINTS

All complaints received will be dealt with by way of the council's approved complaints procedure.

Planning Code

1 INTRODUCTION

- 1.1 The Local Code of Good Practice represents the standard against which the conduct of members and officers will be judged. Failure to follow the Local Code of Good Practice without good reason may be taken into account in investigations into possible maladministration by the Council and might result in allegations that a member has breached the statutory local code of conduct.
- 1.2 The Local Code of Good Practice is concerned primarily with the integrity of the planning system and the conduct of members of the Development Management Committee and officers in its processes and procedures. However, it equally applies to members of the executive and all other members of the Council when dealing with planning issues.

THE GENERAL ROLE AND CONDUCT OF COUNCILLORS AND OFFICERS

- 1.3 Instructions to officers may only be given through a Council or Committee resolution, and cannot be given by individual members.
- 1.4 Each Councillor has given a written undertaking that they will observe the Council's local code of conduct as required by the Local Elections (Declaration of Acceptance of Office) Order 2001.
- 1.5 Officers who are Chartered Town Planners will be guided in their conduct by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct.
- 1.6 The Conduct of Council business will be governed by the council procedure rules.
- 1.7 While Councillors have a special duty to their ward constituents, their overriding duty is to the whole community. Councillors must represent their constituents as a body and vote in the interests of the whole Borough.
- 1.8 Members must take account of views expressed but, as required by paragraph 6.1 of the code of conduct, must not in their official capacity, or in any other circumstances, use their position as a member, improperly to confer on or secure for themselves or any other person, an advantage or disadvantage.
- 1.9 Councillors should be cautious about accepting gifts and hospitality. Under paragraph 14.1 of the code of conduct, a councillor will have a personal interest in any business of the authority where it relates to or is likely to affect the interests of any person from whom the councillor has received a gift or hospitality with an estimated value of at least £25, and will need to register that interest under paragraph 13(c) of the code.
- 1.10 Officers must always act impartially. With regard to hospitality, if hospitality is offered by anyone with an interest in a planning proposal it should, if possible, be politely declined. An officer must never accept hospitality valued at above £25. If hospitality is accepted, it

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should be declared in the directorate's Register of Gifts and Hospitality.

3 TRAINING

The Council acknowledges the importance of training for members, particularly initial training for members when first serving on the Development Management Committee. Training will be provided, and members will be updated on changes in legislation, procedure and national policy in relation to planning matters.

4 DECLARATION OF INTERESTS

Members must follow scrupulously the requirements placed upon them as laid down by the Local Government Act 2000 and the council's code of conduct in relation to the registration and declaration of interests.

5 DEVELOPMENT PROPOSALS SUBMITTED BY COUNCILLORS AND OFFICERS AND COUNCIL DEVELOPMENTS

- 5.1 It is legitimate for former and serving members and officers (and their close friends and relatives) to submit planning applications or development plan proposals. The council may also submit planning applications or proposals for its own land. They, i.e. members, officers or the council itself, may also own or have an interest in land for which a planning application or development plan proposal is made by a third party. To ensure that all of these applications and proposals are handled in a way that gives no grounds for accusations of favouritism, the following will apply.
- 5.2 Proposals for the council's own development should be treated in the same way as those by private developers, in accordance with circular 12/92, particularly in relation to the officers' advice.
- 5.3 Serving members who submit their own proposal to the council, or who act as agents for people pursuing a planning matter within this authority's area, or own or have an interest in land for which a planning application or development plan proposal is made by a third party should play no part in the decision-making process for the proposal.
- 5.4 Similarly, serving officers who submit a planning application or proposal to the council, or own or have an interest in land for which a planning application or development plan proposal is made by a third party should play no part in the decision-making process of that application or proposal.
- 5.5 The council's monitoring officer should be informed of proposals submitted by members or officers and should certify that the application has been processed normally.
- 5.6 Applications or proposals by the council, by (or on behalf of) serving members and officers (including members of their family or any person with whom they have a close association) or by a third party involving land which they may own or have an interest in will be reported to the Development Management committee for determination.

MEMBER/OFFICER PROTOCOL FOR PLANNING

- 5.7 For the purposes of paragraph 5.6, a serving member or officer includes anyone who is a relevant person (as defined in paragraph 8(c) of the members' code of conduct) in respect of that member or officer.

6 LOBBYING OF AND BY MEMBERS

- 6.1 Members of the council, and importantly those members serving on the Development Management committee when being lobbied about a particular planning application/issue should take care about expressing an opinion which may be taken as indicating they have closed their mind to further arguments on the application/issue.
- 6.2 Additionally, members should restrict themselves to giving procedural advice including suggesting to those who are lobbying that they should speak or write to the Director of Development Services in order that their opinion can be included in the relevant report to committee.
- 6.3 Given that the point at which a decision on a planning application is made cannot occur before the Development Management committee meeting, when all available information is to hand, and has been duly considered, any political group meeting prior to the committee meeting should not be used to decide how members should vote.
- 6.4 Members should avoid organising support for or against a planning application, and avoid lobbying other members.
- 6.5 Members should not put any pressure on officers for a particular recommendation and, as required by the code of conduct, should not do anything which compromises, or is likely to compromise, their impartiality.

7 PRE-APPLICATION DISCUSSIONS

- 7.1 The council encourages, in accordance with the advice of the National Planning Forum, early discussions between a potential applicant and council representatives prior to the submission of an application.
- 7.2 Pre-application discussions can involve councillors as well as officers, applicants and their representatives.
- 7.3 Administrative arrangements for pre-application discussions should be made by officers. Except for any site visit, discussions should take place at council offices.
- 7.4 In order for such meetings not to become, or be seen to become, part of a lobbying process, the following guidelines should be followed.
- 7.5 It should always be made clear at the outset that the discussion will not bind the council to making a particular decision and that any views expressed are personal and will in any case be provisional.
- 7.6 No firm or final view can be offered in such early discussions since by the very nature of such meetings, not all relevant information will be to hand, nor will formal consultations with statutory bodies and interested parties be to hand.
- 7.7 Advice given by officers should be based upon the Development Plan and other material planning considerations. There should be no significant

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difference of interpretation of planning policies amongst planning officers. In addition, all officers taking part in such discussions should make it clear whether or not they are the decision-maker.

- 7.8 Councillors can ask questions to better inform themselves about the proposed development, and can give their opinions about potential public and political reaction to the proposals.
- 7.9 A written note should always be made of pre-application discussions where members are present, and of any contentious or potentially contentious meetings, or of similarly contentious or potentially contentious telephone conversations.
- 7.10 When plans or documentary material have been left with the council for comments, a letter may be sent confirming the officers' provisional views on such material.
- 7.11 Care must be taken to ensure that advice is not partial, nor seen to be.

8 OFFICERS' REPORT TO THE COMMITTEE

- 8.1 Reports should be accurate and contain a brief written description of the proposed development; the substance of written views submitted by consultees, objectors and others with an interest in the proposal; the relevant site history or related history.
- 8.2 The report should include a clear exposition of the relevant development plan policies and proposals, in order that the council's statutory duty under section 38(6) of the Planning and Compulsory Purchase Act 2004 can be considered. Other material planning considerations should also clearly be set out.
- 8.3 Reports should have a written recommendation; oral reporting (except to update a report where necessary) should be rare, only when necessary in view of the urgency of the item, and should be carefully minuted when it does occur.
- 8.4 The reports should have a clear reasoning which itself clearly justifies the recommendation.
- 8.5 If the report has a recommendation which is contrary to the provisions of the development plan, the material considerations which justify this must be clearly stated.

9 PUBLIC SPEAKING AT THE DEVELOPMENT MANAGEMENT COMMITTEE

Applicants, objectors/supporters will not be permitted to speak at any meeting of the Development Management committee on any matter placed before the committee for consideration except upon the invitation of the chairman and in accordance with any procedure applied by the committee.

10 DECISIONS CONTRARY TO OFFICER RECOMMENDATION AND/OR THE DEVELOPMENT PLAN

- 10.1 Adequate weight should always be given to the development plan. The law requires that where the development plan is relevant, decisions should be taken in accordance with the development plan unless material

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considerations indicate otherwise (section 38(6) of the Planning and Compulsory Purchase Act 2004).

- 10.2 Where the council intends or is minded to approve an application which is not in accordance with the development plan, the material considerations which lead to this conclusion must be clearly identified and how they justify overriding the development plan must be clearly demonstrated.
- 10.3 If the officers' report recommends approval of an application which is a departure from the development plan, the justification for this should be included, in full, in the report.
- 10.4 If the Development Management committee takes a decision contrary to the officers' recommendation (whether for approval or refusal), a detailed minute of the committee's reasons should be made and a copy placed on the application file.
- 10.5 Where the Development Management committee is minded to take a decision contrary to the officers' recommendation, particularly where that decision would be contrary to development plan policies, the officers should be given the opportunity to explain the implications of the contrary decision.
- 10.6 Where the committee is minded to approve an application which is a material departure from the development plan, the application should be advertised in accordance with the requirements of the Town and Country Planning (General Development Procedure) Order 1995 and (where the scale and nature of the proposal require it) be referred to the Secretary of State.
- 10.7 The substance of conditions and reasons for refusal where members depart from the recommendations of officers should be made clear during the relevant committee meeting although detailed wording may be delegated to officers in consultation, if deemed necessary, with the chairman and vice-chairman of the committee.
- 10.8 To ensure that all procedures are strictly followed procedural guidance will be given by the Director of Resources or her representative in attendance at each meeting of the Development Management committee.

11 SITE VISITS

- 11.1 The council's code of conduct applies as much to site visits as to any other area of conduct.
- 11.2 Organised committee site visits to application sites will be held where the committee has, by a majority, requested such a visit or where requested by officers, in consultation with the chairman or vice chairman of the committee.
- 11.3 Site visits should only be held:
 - (i) where the expected benefit is substantial; and/or
 - (ii) the impact of the proposed development is difficult to visualise from the plans and supporting material, including photographs/video footage taken by officers; and

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(iii) there is good reason why the comments of the applicant and objectors cannot be expressed adequately in writing, or the proposal is particularly contentious.

- 11.4 Site visits will be primarily to view the site and appreciate how the proposed development relates to the site and its surroundings. An officer(s) would be in attendance with the members.
- 11.5 In order to avoid lobbying and to maintain impartiality, the applicant/agent, supporters and objectors would not normally be invited to site meetings nor would they be permitted to speak on the merits or otherwise of the proposal.
- 11.6 Planning applications will not be determined at site visits but will be reported back to the Development Management committee (following the site visit) for determination in the normal way.
- 11.7 It is not expected that members will make personal site visits. Exceptionally, members who wish to view sites prior to a meeting of a committee, other than authorised and arranged visits in accordance with 11.2 to 11.6 should bear in mind at all times that the sole purpose is to view the site and its surroundings.
- 11.8 If an applicant/agent or objector is present at the time of the visit, members should explain the purpose is to see the site and surroundings, and not to hear representations, and should not offer any opinion whatsoever and in particular should not indicate that they have already made up their mind on the application/issue.
- 11.9 A member should declare at the Development Management committee at which the application is considered that a personal site visit has been made by them which has resulted in contact with the applicant, agent or objector.

12 REVIEW OF DECISIONS

- 12.1 The Development Management committee, in accordance with the views of the National Planning Forum, will review its decisions from time to time.
- 12.2 In particular, the committee will examine the way development which has been permitted has turned out and will have an organised tour of selected recent developments, at least annually.
- 12.3 Following the consideration of such developments, the committee will be encouraged to review the good and bad points of permitted schemes and decide whether such review gave rise to the need for any policies or practices to be reconsidered.

13 COMPLAINTS

All complaints received will be dealt with by way of the council's approved complaints procedure.