



Agenda

Planning Committee

Date:	Wednesday, 6 December 2017 at 10:00am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman)</p> <p>Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Christine Akeroyd, Jan Barker, Michael Cornah, Neil Harvey, Kiran Mulholland, Barbara Nash, Linda Nulty, Liz Oades, Heather Speak, Ray Thomas.</p>

Public Speaking at the Planning Committee

Members of the public may register to speak on individual planning applications: see [Public Speaking at Council Meetings](#).

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 8 November 2017 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 25.	1
	DECISION ITEMS:	
4	Planning Matters	3-116
	INFORMATION ITEMS:	
5	List of Appeals Decided	117-153

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

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Background Papers

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

- Fylde Borough Local Plan (As Altered) October 2005 (Saved Policies)
- Joint Lancashire Minerals and Waste Local Plan
- Fylde Local Plan to 2032 (Submission Version) December 2016
- Bryning-with-Warton Neighbourhood Plan
- Saint Anne's on The Sea Neighbourhood Development Plan
- National Planning Policy Framework
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- Strategic Housing Market Assessment (SHMA) 2014 and Addendum I and II November 2014 and May 2015 and Housing Market Requirement Paper 2016
- Five Year Housing Land Supply Statement at 31 March 2017 (as amended July 2017)
- Strategic Housing Land Availability Schedule (SHLAA)
- Consultation on Additional Evidence in Support of Fylde Local Plan to 2032 – August 2017

- Other Supplementary Planning Documents, Guidance and evidence base documents specifically referred to in the reports.
- The respective application files
- The application forms, plans, supporting documentation, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
- Any additional information specifically referred to in each report.

These Background Documents are available either at www.fylde.gov.uk/resident/planning or for inspection by request at the Town Hall, St Annes Road West, St Annes.

Planning Committee Schedule

06 December 2017

Item Number: 1 **Committee Date:** 06 December 2017

Application Reference:	17/0347	Type of Application:	Full Planning Permission
Applicant:	J Tomlinson & Son	Agent :	Ian Pick Associates Ltd
Location:	CLIFTON MARSH FARM, PRESTON NEW ROAD, NEWTON WITH CLIFTON, PRESTON, PR4 0XE		
Proposal:	ERECTION OF AN ADDITIONAL BROILER REARING UNIT FOR UP TO 18,000 BIRDS WITH ASSOCIATED FEED BINS, HARDSTANDING AREA AND SURFACE WATER ATTENUATION POND (RESUBMISSION OF APPLICATION REF: 16/0813)		
Parish:	NEWTON WITH TREALES	Area Team:	Area Team 2
Weeks on Hand:	31	Case Officer:	Claire Booth
Reason for Delay:	Negotiations to resolve difficulties		

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

<https://www.google.co.uk/maps/@53.7549631,-2.8106884,1363m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The application relates to the erection of a building on land at Clifton Marsh Farm in Newton and accessed off the A584 at a point between its junction with the A583 and the Clifton marsh landfill access junction. The building is associated with an expansion of the chicken rearing operations at the site, which is used in part for that purpose and in part as a mixed employment area in converted former agricultural buildings.

In addition to the normal planning issues of land use, design, scale, access, etc. the site is in an area of flood risk that is adjacent to a range of ecological designations and is on the approach to the runway at BAe System in Warton. These have raised a series of issues that have required extensive discussions involving the applicant and consultees, but have now been adequately resolved.

The development is therefore now considered to comply with the requirements of the local plan policies in respect of the agricultural need for the development, and with the various environmental protection and conservation policies of the plan. It also complies with the aims of the NPPF which supports the growth and expansion of rural business.

In the absence of any demonstrable harm from this development the application is likely to be one which should be supported. However, there is an outstanding requirement for additional information to address concerns of Natural England regarding the potential for harm to the surrounding ecological designations, and there was an omission in the consultation process that came to light at the time of the preparation of this report.

To allow these matters to be addressed it is recommended that Committee delegate the decision to the Head of Planning and Housing to determine the application, including securing revised plans and agreeing conditions, once these matters have been further investigated and consultations undertaken.

Reason for Reporting to Committee

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

Site Description and Location

The application site is located within open countryside to the south of Preston New Road, Newton and the complex of a former farm where the outbuildings that have been converted to business purposes.

A poultry building approved by application 94/0426 is positioned down the farm track approximately 100m south from the yard areas associated with the converted farm buildings.

Approximately 720m to the north-west of the site Newton Marsh Site of Special Scientific Interest (SSSI) exists. 90 metres north-east of the site, a Biological Heritage Site (BHS); 'Poppy Lane Banks' is present, Clifton Marsh and the River Ribble exists to the south, part of which is a SSSI, part of which is a BHS, with a Sewage Works located to the south-west.

The farm is within the countryside area as designated on the Fylde Borough Local Plan, as altered (October 2005) and this designation is carried forward in the submission version of the Fylde Local Plan to 2032.

Details of Proposal

The proposals seek to erect one broiler rearing unit extending to 73.3m x 18.3m with an eaves height of 2.89m, and a ridge height of 5.6m, together with a small control room measuring 3.0m x 6.0m, two x 24 tonne capacity feed bins and associated hard surfacing. These would be positioned parallel with the existing broiler unit.

The proposed building would be of timber construction with the walls being a stained timber cladding. The roof covering would be polyester coated profile sheeting in Slate Blue. The building will be fitted with high velocity ridge mounted ventilation fans and side inlet vents.

The use of the proposed building is for the rearing of broilers from day old chicks through to finishing weight as is the existing building which would be positioned adjacent. The proposed building would result in both units at Marsh Farm (existing and proposed) being stocked at a lower density, resulting in higher welfare conditions for the chickens. The overall site will stock 36,000 broilers in total during a cycle rearing cycle.

Relevant Planning History

Application No.	Development	Decision	Date
16/0813	ERECTION OF ADDITIONAL BROILER REARING BUILDING AND ASSOCIATED INFRASTRUCTURE	Withdrawn by Applicant	31/01/2017

	INCLUDING FEED BINS, HARDSTANDINGS AND OFFICE		
12/0714	ADVERTISEMENT CONSENT FOR A NEW FLOOR MOUNTED ILLUMINATED SIGN FOR SHARED USE OF COMPANIES RESIDENT AT CLIFTON FIELDS INDUSTRIAL ESTATE.	Granted	22/01/2013
07/0694	INSTALLATION OF BIOMASS BOILER WITH ASSOCIATED FLUE	Granted	16/08/2007
05/0846	TWO STOREY OFFICE UNIT WITH ASSOCIATED PARKING SPACE	Granted	07/11/2005
02/0653	CHANGE OF USE OF SILAGE/GRAIN/POTATO STORE TO INDOOR RIDING SCHOOL FROM 1ST OCTOBER TO 30TH APRIL	Granted	10/10/2002
01/0057	RETROSPECTIVE ADVERTISEMENT CONSENT FOR ILLUMINATED STATIC ENTRANCE SIGN	Granted	28/02/2001
01/0059	PROPOSED REFURBISHMENT AND EXTENSIONS TO DWELLING TO INCORPORATE FIRST FLOOR SIDE EXTENSION, ATTACHED SINGLE STOREY SIDE EXTENSION AND REAR CONSERVATORY.	Granted	08/05/2001
00/0536	OUTLINE APPLICATION FOR ERECTION OF TWO NEW BUILDINGS (350SQ.M) FOR B1 OFFICE USE TO REPLACE REDUNDANT PIG FATTENING HOUSE (350SQ.M)	Granted	06/09/2000
00/0482	CONVERSION OF REDUNDANT FARM BUILDING TO 7 NO. UNITS. OFFICE ACCOMMODATION CLASS B1/LIGHT INDUSTRIAL	Granted	06/09/2000
00/0308	CHANGE OF USE OF COVERED COW YARD TO HORSE STABLES	Granted	09/08/2000
98/0801	CONSTRUCTION OF PRIVATE ACCESS ROAD TO SERVE EXISTING FARM LAND & NEW INDUSTRIAL UNITS.	Withdrawn by Applicant	15/09/2000
98/0354	REVISED SUBMISSION OF 93/357 FOR CHANGE OF USE OF FARM BUILDINGS TO 15 CLASS B1 BUSINESS AND LIGHT INDUSTRIAL USES ALSO CONSTRUCTION OF ACCESS ROAD BETWEEN A584 CLIFTON DEPOT AND CLIFTON MARSH LANDFILL ROAD.	Granted	04/11/1998
95/0207	ADVERT CONSENT FOR POST MOUNTED ILLUMINATED SIGN	Granted	06/12/1995
94/0426	POULTRY CABIN FOR REARING BROILER CHICKENS AND EXTERNAL STORE	Granted	17/08/1994
94/0099	CHANGE OF USE OF FORMER AGRICULTURAL BUILDINGS TO CLASS B1/B8 LABORATORY AND DISTRIBUTION SERVICES	Granted	02/03/1994
93/0357	CHANGE OF USE OF FARM BUILDINGS TO 14 RURAL WORKSHOPS	Granted	30/03/1994
81/0312	CHANGE OF USE FROM AGRICULTURAL BUILDING TO FARM SHOP.	Granted	22/07/1981

Relevant Planning Appeals History

None

Parish/Town Council Observations

Newton with Clifton Parish Council notified on 05 May 2017 and comment that they support the

proposal.

Statutory Consultees and Observations of Other Interested Parties

National Grid

No objections to the proposal.

HSE

Due to the site being within the outer consultation zone of 3 major incident pipelines an assessment of the risks has been undertaken using the HSE assessment tool. This confirms that the HSE do not advise against the development on safety grounds.

Natural England

Initially commented that further information was required regarding the storage of machinery from the site and to ensure that the lighting proposals were designed to avoid spill into surrounding fields. These areas were requested given the proximity of the site to two SSSIs, a RAMSAR site and the Estuary SPA.

This information remains outstanding and so it will be necessary to undertake further consultations when received.

Lancashire County Council - Highway Authority

No objections to the proposal.

Greater Manchester Ecology Unit

Raises no objections, but requests a number of conditions be imposed relating to an appropriate SUDS being secured and implemented to prevent the nearby drains being polluted by dirty run off water, Great Crested Newts and nesting birds being protected when necessary and also biological enhancement measures in the form of landscaping being secured.

Environment Agency

No objections, subject to the applicants compliance with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 and The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA).

Lancashire CC Flood Risk Management Team

Raise no objections subject to conditions requiring an appropriate surface water drainage scheme and the completion of a Sustainable Urban Drainage System (SuDS) along with a management and maintenance plan.

Environmental Protection (Pollution)

There are no objections to the above proposals. The premises is sufficiently distant from any dwellings for them to be affected by any potential odour release.

BAE Systems

Initially raised objection to the proposal on the basis of air safety. This did not relate to the presence of the chickens as these are contained within the building, but was associated with the proposed creation of a pond on site to manage the surface water drainage from the building. The objection stems from the possibility that this would be

an attractant to birds on the approach to the runway and so could endanger air safety.

Since that objection the scheme has been revised to remove this pond so that water drains direct into the existing drainage system in the area, and meetings have been held with the Air Safety Controller at Warton to discuss the implications of this proposal. As a consequence he has been able to withdraw his objection to the application.

Ministry of Defence - Safeguarding

No objections.

Neighbour Observations

Neighbours notified:	05 May 2017
Amended plans notified:	11 August 2017
Site Notice Date:	24 November 2017
Press Notice Date:	30 November 2017
Number of Responses	None received at time of report preparation but period on-going
Summary of Comments	Not applicable

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
EP11	Building design & landscape character
EP16	Development in or near SSSI's
EP17	Devt in or near Biological & Geological Heritage Sites
EP18	Natural features
EP19	Protected species
EP23	Pollution of surface water
EP24	Pollution of ground water
EP28	Light pollution
EP30	Development within floodplains

Fylde Local Plan to 2032:

GD4	Development in the Countryside
ENV1	Landscape
ENV2	Biodiversity
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage

Other Relevant Policy:

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

Environmental Impact Assessment

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

Comment and Analysis

Principle of development

The site is located in the Countryside where Policy SP2 of the Fylde Borough Local Plan and Policy GD4 of the Fylde Local Plan to 2032 apply. These each ensure that development in countryside areas is only allowed where it is essentially required for the purposes of agriculture, or for other limited forms of development. This proposal expands on the applicants existing broiler rearing business and provides a more stable 'year-round' operation than his existing poultry and arable farming enterprise.

This proposal represents sustainable growth and expansion of an existing agricultural business and is therefore supported by the aims of the NPPF and these adopted and emerging local plan policies.

Siting, scale and design; impact on landscape character

The proposed poultry shed is a sizeable building having dimensions of 73m x 18m and as it is sited in a flat landscape there is a clear potential for it to be harmful due to the impact on distant views across that landscape. However, in this case the proposal is considered to be acceptable due to a combination of mitigating factors. Firstly it is to be positioned parallel to an existing shed which it matches in terms of orientation, design, appearance and height. Whilst it is longer in length than hat building, this location prevents it being a new feature in the landscape and in reality it will be seen as an extension to that building in the views that are available of it. Secondly, these views are relatively limited by virtue of its separation from public vantage points (including those across the River Ribble), and the intervening landscaping in the form of tree cover, buildings and hedgerows that will screen it in many aspects.

As a result it is considered that the building is of an appropriate scale, design and position on the site to avoid undue harm to the countryside. Conditions are appropriate to secure details of the materials of the building and appropriate enhancement of the landscaping for visual and ecological biodiversity benefits.

Residential and local amenity considerations

The application site is located more than 400 metres from the nearest residential properties which are to the north of the site, and it is considered that this distance would result in significant attenuation of noise and odour which may be generated by the proposed building and associated activity.

Biodiversity

The application site is outside of any specially designated site but is adjacent to Clifton Marsh, part of which is designated a SSSI, part of which is a LCC Biological Heritage Site, and is within 700 metres of Newton Marsh SSSI and a second LCC Biological Heritage Site. With Ribble Estuary being a Ramsar site and Special Protection Area (SPA), the habitats around Clifton Marsh Farm are ecologically important. Natural England have advised that the proposal is unlikely to have a significant effect on any European site, or SSSI's subject to any illumination subsequently required, being controlled.

In regard to local biodiversity, priority habitats and protected species the applicants have submitted a 'Habitat Suitability Assessment' dated April 2017. The site at Clifton Marsh Farm was surveyed for its ecological interest by means of a desk study and field survey. This has been assessed by the council's ecological consultants who concur with its findings that there will be no harmful impacts on biodiversity or habitat. They do recommend appropriate mitigation measures are taken and species enhancing vegetation is planted as part of a landscaping scheme which is a matter that can be addressed by condition.

The submitted ecology reports indicate that there will be no net loss to biodiversity and no unacceptable adverse impact on the ecosystem. On this basis the development is considered to comply with Policy EP19 of the Fylde Borough Local Plan, as altered (October 2005), Policy ENV2 of the submission version of the Local Plan to 2032 and Paragraphs 118 and 119 of the NPPF.

Safeguarding Aerodromes

The site falls within the safeguarding area for the runway at BAe System in Warton, and so they are a statutory consultee on the application. Aerodrome safeguarding covers a number of aspects and includes protecting the airspace around an aerodrome to ensure no buildings or structures may cause danger to aircraft either in the air or on the ground.

BAe initially raised objections to the proposed surface water attenuation pond as the pond would be a bird attractant and the chances of bird strike increasing, thereby adversely affecting the operations of the local military aerodrome. To overcome this concern the applicants removed the attenuation pond (needed for drainage) and proposed drainage in to an existing wetland area. Following further discussions BAe have recently confirmed that they are now satisfied that the risk to air safety has been sufficiently mitigated by the utilising of the existing drainage network for the surface water from the building and so this does not present a reason to resist the development.

Drainage and Flood Risk

The proposal will result in both dirty water and surface water run off and is located in Flood Zone 2 and so is at a high risk if flooding. Consequently, all relevant statutory and local consultees have been consulted. Natural England were concerned where the agricultural machinery stored on site would be relocated. BAE raised concerns that the initially proposed surface water attenuation pond would cause the number of bird strike incidents to rise to the detriment of the safe operation of Warton Aerodrome and the Greater Manchester Ecology Unit were concerned that dirty water runoff could adversely affect local biodiversity.

The proposals initially sought to deal with dirty water run off by underground storage and surface water by creating a surface water attenuation pond to the rear of the building. In light of the above objections, particularly BAE's objections, an alternative drainage scheme has been proposed in order to address all of the above concerns.

This alternative drainage scheme seeks to drain the surface water to an existing wetland area adjoining the south-west of the site. The area was the subject of a Countryside Stewardship Scheme (CSS) agreement between 2005 and 2015 to encourage an extension to Clifton Marsh. This CSS scheme was supported by Natural England and the RSPB. The scheme was designed to recreate part of the wetland that formerly extended along the southern margin of Clifton Marsh Farm and involved lowering the land. Work included scraping and lowering the former wetland area to the south-west of the farm.

Whilst the site is Flood Zone 2, in reality it is protected by sea defences and with the building being for a 'less vulnerable' use in that it does not provide any form of residential accommodation it is acceptable to be sited in this area. The Sequential Test required for such development is satisfied by virtue of the building being an extension of the existing operation on site rather than a new facility that could be sited anywhere. It is also considered that the increased rate of surface water runoff from the proposed building compared to the existing situation will not alter the water within the wetland to any significant degree, and so these arrangements are likely to be acceptable. However, the views of Lancashire County Council as Lead Local Flood Authority remain outstanding on this latest scheme and should be received in advance of any planning permission being issued.

The foul water drainage arrangements are that the water is to be drained to an underground tank that is to be installed on site as part of this proposal and will be taken off-site in accordance with the relevant legislation for such matters. This is an appropriate solution to this aspect of the development and can be secured through condition.

Access and highway issues

The development is proposed to be accessed via the existing private track from Preston New Road, serving two former farm cottages, the farmhouse, the business units occupying the former farm buildings on the historic farm complex and the existing poultry building.

In terms of traffic generation, the proposed development will create an additional six movements every flock cycle (each cycle is 45 days). Requirements relating to feed and chick deliveries will utilise the farms existing HGV traffic which currently carries half loads to the existing poultry building. LCC Highway Engineers have not objected to the proposal and therefore the highway and transportation impacts of the development are assessed as negligible. As such, the proposal is considered to comply with Policy SP2 of the Fylde Borough Local Plan, as altered (October 2005) and Policy GD4 of the Fylde Local Plan to 2032 (Submission Version).

Conclusions

The application relates to the erection of a building on land at Clifton Marsh Farm in Newton and accessed off the A584 at a point between its junction with the A583 and the Clifton Marsh landfill access junction. The building is associated with an expansion of the chicken rearing operations at the site, which is used in part for that purpose and in part as a mixed employment area in converted former agricultural buildings.

In addition to the normal planning issues of land use, design, scale, access, etc. the site is in an area of flood risk that is adjacent to a range of ecological designations and is on the approach to the runway at BAe System in Warton. These have raised a series of issues that have required extensive discussions involving the applicant and consultees, but have now been adequately resolved.

The development is therefore now considered to comply with the requirements of the local plan policies in respect of the agricultural need for the development, and with the various environmental protection and conservation policies of the plan. It also complies with the aims of the NPPF which supports the growth and expansion of rural business.

In the absence of any demonstrable harm from this development the application is likely to be one which should be supported. However, there is an outstanding requirement for additional information to address concerns of Natural England regarding the potential for harm to the surrounding ecological designations, and there was an omission in the consultation process that came to light at the time of the preparation of this report.

To allow these matters to be addressed it is recommended that Committee delegate the decision to the Head of Planning and Housing to determine the application, including securing revised plans and agreeing conditions, once these matters have been further investigated and consultations undertaken.

Recommendation

That the decision on the application be delegated to the Head of Planning and Housing on:

- conclusion of the statutory site and press notification period required for major applications and the consideration of any comments received as a result
- confirmation from Natural England that they are satisfied with lighting and site operation processes
- confirmation from the Lead Local Flood Authority that they are content with the foul and surface water drainage solution proposed
- the consideration of any additional comments and inclusion of additional or revised conditions as a consequence of these matters.

In the event that the Head of Planning and Housing determines that the application should be approved then the following suggested conditions are proposed:

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

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

2. This permission / consent relates to the following details:

Approved plans:

- Location Plan - Ian Pick Associates drawing IP/JT/01 Rev B
- Site Plan - Ian Pick Associates drawing IP/JT/02 Rev D
- Elevation, Section and Layout Plan - Harlow 16 037 01
- Feed Bin Elevations - Ian Pick Associates drawing IP/TW/03

Supporting Reports:

- Design and Access Statement - Ian Pick Associates
- Habitat Suitability Assessment for Birds - Craig Emms and Linda Barnett (April 2017)
- Method Statement for Great Crested Newts - Craig Emms and Linda Barnett (April 2017)
- Attenuated Wetland Area letter - Hydro-Logic Services (16 October 2017)

Reason: To provide clarity to the permission.

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

In the interests of visual amenity.

4. Prior to the commencement of any development hereby approved, a scheme of landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include the retention of all the hedges on site and the establishment of additional biodiversity benefiting landscaping around the site, and shall include a implementation phasing and maintenance schedule that is appropriate for the scheme proposed. The approved landscaping scheme shall be implemented and maintained in accordance with these approved details, with maintenance continuing for at least 5 years following the completion of the landscaping.

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

5. Prior to the commencement of development a scheme for the drainage of the site shall be submitted to and approved in writing by the local planning authority. This scheme shall include:
- the discharge of surface water to the ditch as approved in condition 2
 - the design and routeing of a means of connecting the surface water drainage from the building to the ditch
 - details of the mechanism by which pollutants will be prevented from entering the surface water drainage system from the site at any time
 - details of the foul water treatment / storage arrangements
 - a time scale for the implementation of the agreed works
 - a schedule for the maintenance of the approved works.

This scheme shall be implemented and maintained in accordance with the agreed details at all times.

Reason: To ensure adequate arrangements are in place for the appropriate foul and surface water drainage of the site so as to prevent pollution of the water environment in accordance with Policy EP25 of the Fylde Borough Local Plan, and the avoidance of harm to designated sites in accordance with Policy EP16, EP17 and EP19 of the Fylde Borough Local Plan.

6. No construction works for the building shall commence until details of the finished floor levels of that building, and the works to be undertaken to ground levels elsewhere on the site to accommodate those floor levels, have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

Reason: To ensure a satisfactory standard of development that will not cause any potential risk of flooding to the building or elsewhere as a consequence of its construction given the position of the site in Flood Zone 2.

7. That the development hereby approved shall be undertaken in strict accordance with the methodology and supervisory arrangements explained in the Method Statement for Great Crested Newts as approved in condition 2 of this planning permission.

Reason: To minimise the risk of harm to the population or habitats of this protected species in accordance with Policy EP18 of the Fylde Borough Local Plan.

8. In the event that the presence of any protected species is identified or suspected during works, works must cease and Natural England/a licenced ecologist should be contacted immediately for advice, thereafter a Method Statement shall be agreed with and subsequently implemented and monitored to the satisfaction of the Local Planning Authority.

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

9. Prior to the commencement of works a Construction Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following elements and shall be implemented during the construction works:

- a. In the event that works that may affect nesting birds are to be undertaken between March and August inclusive a survey of the site shall have first been undertaken by a suitably

qualified ecologist and the result submitted to the Local Planning Authority to confirm the absence of nesting birds.

- b. Details of the site compound and vehicle storage areas to ensure that these do not pose any risk to ecologically sensitive habitat
- c. Details of any lighting to be used on site to support the construction work including its direction and levels of illuminance

Reason: To ensure that the risk of harm to matters of ecological importance is minimised during the construction phase of the development in accordance with Policy EP18 of the Fylde Borough Local Plan

10. Prior to commencement of the development hereby approved, a scheme for any external lighting associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to avoid excessive light spill and shall not illuminate potential bat habitat (e.g. hedgerow, trees/woodland) and or/ bird breeding places. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance *Bats and Lighting in the UK, 2009*).

The development shall be constructed in accordance with the approved scheme.

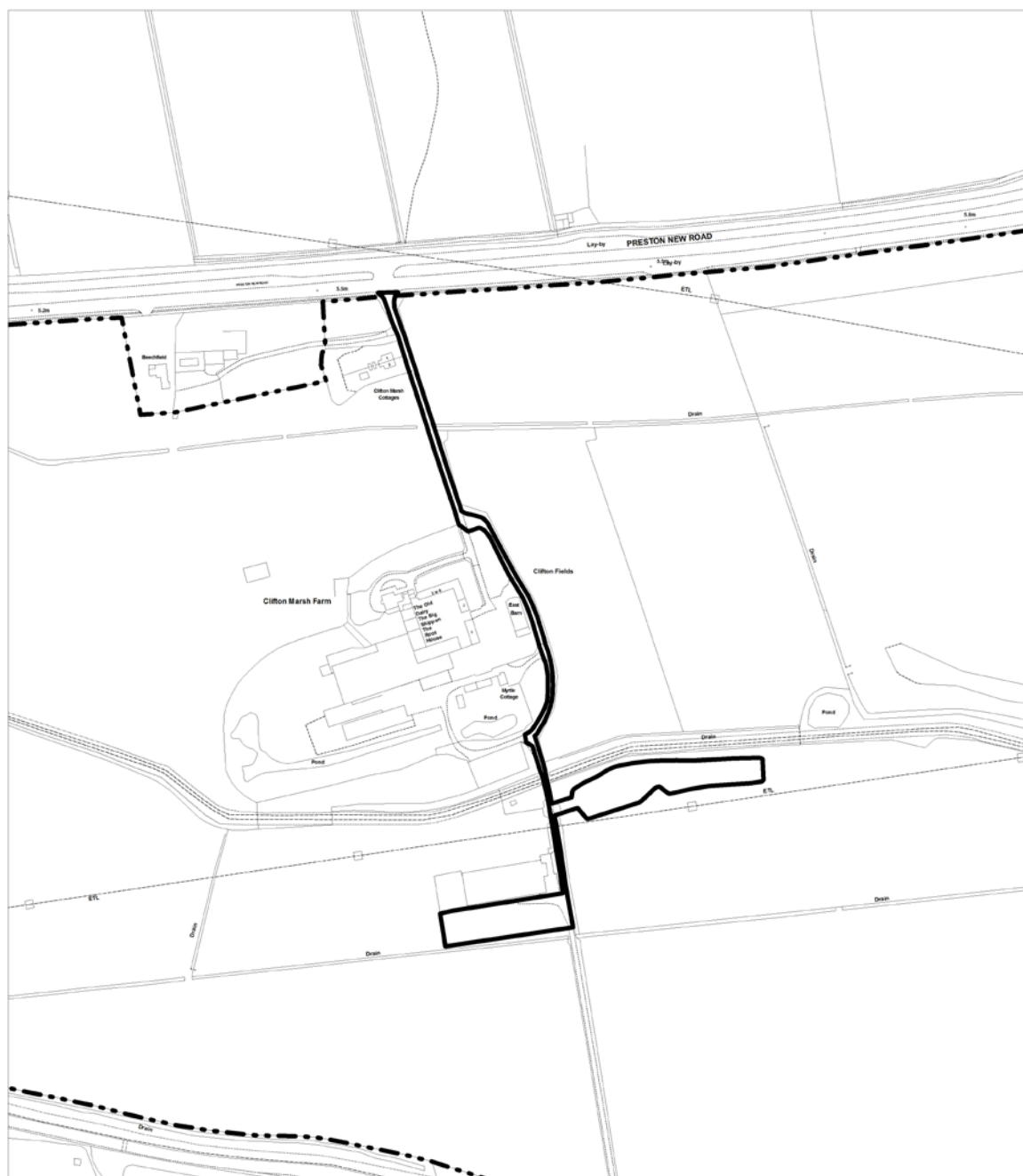
Reason: The above are protected by The Conservation of Habitats and Species Regulations 2010 (as amended), The Wildlife and Countryside Act 1981 (as amended), and The Natural Environment and Rural Communities Act 2006.

11. Prior to the commencement of any development hereby approved, a scheme for the storage and collection of refuse generated within the site shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include the location of any refuse storage facility and the arrangements for its collection and the frequency of that collection. This scheme shall be implemented and arrangements put in place prior to the first use of the building hereby approved.

Reason: To provide for suitable refuse collection arrangements for the site in the interests of general environmental protection needs and the character of the area.

12. Notwithstanding the permitted development rights available within the Town and Country Planning (General Permitted Development) (England) Order 2015 the building hereby approved shall be used for the rearing of chickens or other agricultural purposes only.

Reason: To retain appropriate control over the use of the building given the sensitive environmental, ecological, visual and hydrological location of the site.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0347	Address Clifton Marsh Farm, Preston New Road, Clifton	Grid Ref. E.3464 : N.4292	Scale 0 20 40 60 80 m

Item Number: 2

Committee Date: 06 December 2017

Application Reference:	17/0572	Type of Application:	Full Planning Permission
Applicant:	Mr Young	Agent :	Gary Hoerty Associates
Location:	FYLDE TROUT FISHERY, BACK LANE, WEETON WITH PREESE		
Proposal:	RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF THE LAND FOR CAMPING AND SITING OF 25 CAMPING PODS FOR EITHER HOLIDAY USE OR USE ASSOCIATED WITH THE EXISTING FISHERY, THE GENERAL USE OF THE FACILITIES BUILDING TO SUPPORT THE FISHING AND HOLIDAY USES, AND THE USE OF ANCILLARY FACILITIES ON SITE (CAR PARKING AREAS, OFFICE BUILDING, TOILET) TO SUPPORT THE FISHING AND HOLIDAY USES. EXCAVATION OF ADDITIONAL FISHING LAKE AND PROVISION OF LANDSCAPING TO SITE.		
Parish:	STAINING AND WEETON	Area Team:	Area Team 1
Weeks on Hand:	20	Case Officer:	Rob Buffham
Reason for Delay:	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.8173791,-2.9124174,680m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The proposal for consideration by Members is a part-retrospective application for change of use of land for camping and siting of 25 camping pods for either holiday use or associated to the existing fishery, and associated use of ancillary buildings including a facilities block, office, toilet and parking area. Consent is also sought for excavation to form an additional fishing lake and 3m high bund.

This application site is located in the countryside at Weeton and has been established for some years as a commercial fishery. Use of the site has been granted for the siting of overnight pods and other supporting accommodation associated with the fishing lake on site. In the last few ears the pods and other supporting accommodation have been used as holiday accommodation, and the site in general for camping purposes.

An application (15/0593) for this general camping use was refused by the Planning Committee against officer recommendation, and was subsequently dismissed by an Inspector at appeal. The Inspectors main findings stating that *'I am not satisfied by the evidence that the type of camp site proposed and marketed, in such close proximity to the neighbouring uses, could be adequately managed to prevent unacceptable levels of noise'* concluding that the proposal would be harmful to the adjoining users and the peaceful character of the countryside and is therefore not sustainable.

Turning to this application, the principle of a holiday/ camping use and fishing lake in this location is supported as it is considered to support sustainable rural tourism that benefit

businesses in rural areas, communities and visitors. With the exception of the bund, the proposal would not have any significant visual impact on the countryside.

The vicinity is very quiet in general due to its rural location and a neighbouring caravan park is marketed on this basis. In this circumstance the main issue for Members to consider is whether the noise from people is excessive and unreasonable or natural to warrant refusal of the proposal. Controlling people noise and behaviour is difficult, but the application contains a Camping Management Plan (CMP) which is intended to control any disturbance and will do so if implemented.

It is acknowledged that there have been amenity concerns raised by events held at the site in the past, but it is considered that camping is an acceptable use for a rural site subject to implementation of the submitted CMP and with the imposition of suitable conditions. No objections are raised by the Environmental Protection officer subject to condition.

There are no other technical issues which would warrant refusal of the proposal.

The proposal is therefore considered to accord with relevant development plan policies and the aims of the National Planning Policy Framework and is therefore recommended for approval by Members.

Reason for Reporting to Committee

The application is referred to the Planning Committee for determination for consistency as previous applications on the site have also been considered by Committee.

Site Description and Location

The application site is Fylde Trout Fishery, Back Lane, Weeton and is situated on the west side of Back Lane. The site was granted permission for a leisure fishing lake in 1993. Permission was granted for a timber 'facilities' building alongside the lake in March 2010 to provide supporting accommodation for those using the fishing lake, with a further permission obtained in October 2012 for the siting of 25 camping 'pods' in association with the use of the site as a fishery. There are currently 24 pods on site which provide basic overnight shelter and each measures 3.7m x 2.4m x 2.8m high to the peak of the roof.

There are other structures on the site including a timber building and a 'porta cabin' that serve as office and storage accommodation for the site alongside a gravel surfaced parking area.

The area around the lake is generally flat with some wooded areas in the wider countryside. Surrounding land uses are predominantly in agricultural use with the Little Orchard Caravan Park located adjacent to the western boundary of the site which provides touring caravan pitches. In addition there are a small number of other residential properties in the immediate vicinity.

The site is within designated countryside on the Fylde Borough Local Plan and submission version Fylde Local Plan to 2032.

Details of Proposal

The authorised use of the site is a fishing lake, and the other accommodation around it such as the

camping pods, facilities building and car parking area should be used in association with that use.

The site, including camping pods, are currently used to provide accommodation for visitors that are not undertaking any fishing activity at the site. This application seeks permission to regularise that use and to allow the use of the existing pod accommodation for holiday and camping use, with use of facilities building, car park and other ancillary elements to support that use. This would allow overnight stay by any visitor irrespective of whether they are intending to use the fishing facilities or not.

The planning application is supported by a Camping Management Plan (CMP) which outlines how the campsite will be managed to ensure a '*campsite environment which works well for our visitors and sits well with our neighbouring land uses.*' The CMP specifies that there will be no events e.g. weddings at the site, and that the whole site cannot be booked by any one person, group or organisation, and, no more than 3 pods will be able to be booked as part of any one booking. In addition noise should be kept to a minimum after 22:30, and call outs/ complaints could result on a £50 fine, heavy alcohol consumption is not appropriate, open air music is not allowed at any time, unsupervised under 18 year olds are not allowed on the site, fire pits are only permitted in fire pits/ bbqs.

The current application also includes a proposal to excavate a further lake at the site which is proposed for an area of land that lies between the access track and pods and the southern site boundary which is shared with the Little Orchard site. That lake is kidney shaped and has approximate dimensions of 100m x 40m. It is proposed that this is to be used exclusively for fishing. The spoil from the excavation of the link is to be spread around the site, including a bund on the southern boundary, with this area also to be landscaped.

Relevant Planning History

Application No.	Development	Decision	Date
15/0593	CHANGE OF USE OF LAND AND EXISTING POD ACCOMMODATION FOR CAMPING USE, WITH USE OF FACILITIES BUILDING, CAR PARK AND OTHER ANCILLARY ELEMENTS TO SUPPORT THAT USE - RETROSPECTIVE APPLICATION.	Refused	06/11/2015
14/0190	RESUBMISSION OF APPLICATION 13/0197 FOR PROPOSED CHANGE OF USE FOR SITING OF LODGE TO PROVIDE MANAGERS ACCOMMODATION (TEMPORARY FOR ONE YEAR)	Withdrawn by Applicant	24/11/2014
14/0191	RESUBMISSION OF APPLICATION 13/0198 FOR PROPOSED CHANGE OF USE OF LAND FOR SITING OF TWO HOLIDAY LODGES	Withdrawn by Applicant	24/11/2014
13/0198	PROPOSED CHANGE OF USE OF LAND FOR SITING OF TWO HOLIDAY LODGES	Refused	11/02/2014
13/0197	PROPOSED CHANGE OF USE FOR SITING OF LODGE TO PROVIDE MANAGERS ACCOMMODATION (TEMPORARY FOR ONE YEAR)	Refused	11/02/2014
12/0247	CHANGE OF USE OF LAND FOR SITING OF 25 UNITS OF MOBILE "POD" ACCOMMODATION ALONG WITH COOKING AREA, FOR USE ASSOCIATED WITH FISHERY- (PART RETROSPECTIVE).	Granted	10/10/2012

11/0421	VARIATION OF EXISTING CONSENT FOR FISHING LAKE, APPLICATION NO. 09/0839 TO RE-SITE SEPTIC TANK.	Granted	15/11/2011
09/0839	PROPOSED FACILITIES BUILDING, OVERFLOW CAR PARK AREA AND WATER TREATMENT WORKS.	Granted	17/03/2010
07/1143	RETROSPECTIVE APPLICATION FOR BALANCING POND ADJACENT TO EXISTING FISHING LAKE	Raise No Objection	23/11/2007
06/0174	SIX TIMBER CHALETs	Refused	09/10/2006
05/0440	RE-SUBMISSION OF 04/1066 - PROPOSED ERECTION OF 6 TIMBER CHALETs.	Refused	13/06/2005
04/1066	SIX TIMBER CHALETs	Refused	23/12/2004
04/0369	COUNTY MATTER FOR PROPOSED EXTENSION TO A FISHING POND	Raise No Objection	26/05/2004
04/0034	EXTENSION TO EXISTING FISHING LAKE, CAR PARK & LANDSCAPING	Withdrawn by Applicant	09/03/2004
93/0742	LINKING TWO PONDS TO FORM LEISURE FISHING LAKE	Granted	12/04/1994

Relevant Planning Appeals History

Application No.	Development	Decision	Date
15/0593	CHANGE OF USE OF LAND AND EXISTING POD ACCOMMODATION FOR CAMPING USE, WITH USE OF FACILITIES BUILDING, CAR PARK AND OTHER ANCILLARY ELEMENTS TO SUPPORT THAT USE - RETROSPECTIVE APPLICATION.	Dismiss	12/05/2016
13/0197	PROPOSED CHANGE OF USE FOR SITING OF LODGE TO PROVIDE MANAGERS ACCOMMODATION (TEMPORARY FOR ONE YEAR)	Dismiss	19/08/2014
13/0198	PROPOSED CHANGE OF USE OF LAND FOR SITING OF TWO HOLIDAY LODGES	Dismiss	19/08/2014

Parish/Town Council Observations

Weeton with Preese Parish Council notified on 21 July 2017 and have no objection to the application and point out that all required restricted conditions must be adhered to.

Greenhalgh with Thistleton Parish Council notified on 21 July 2017 and have no specific observations to make but request that conditions imposed must be vigorously adhered to and monitored with no deviation from the approved planning guidelines, noise levels must be monitored and controlled, screening/ buffer landscaping to be sited between this and the adjoining site.

Statutory Consultees and Observations of Other Interested Parties

Environmental Protection (Pollution)

Original Comments

No objection to the site being used for camping but complaint have been received alleging noise nuisance during the last three years under the current management.

In August 2014 a noise abatement notice was served on the site owner as a result of excessive noise from amplified music performed in the open air or within marquees

resulting from wedding celebrations held on site.

In 2014 there were a number of weddings booked to be held on the site and following the service of the noise abatement notice there were 8 events that were honoured for 2015.

From August 2014 to September 2015 there were a total of 8 separate complaints regarding noise from loud music and 10 recorded complaints of noise from behavioural activity (shouting, screaming etc). The music events held in 2015 did not result in any complaints other than the last event on 4th September 2015. In my opinion it was not in the public interest to take formal action under noise legislation as we only have evidence of one breach and this was the last event of this kind. The owner did agree not to have any more functions of this kind after these 8 had taken place and this has been the case.

During 2014 and 2015 other complaints have been received to this department relating to the activities on site. All have originated from Mrs Johnson and her family. They own and reside at Little Orchard Caravan Park which shares the boundary with Stanley Villa camping. From 2015 to date the complaints from the Johnson's have been more generic "people" noise as a result of camping taking place.

The issues that have been complained about are noise from children playing (shouting screaming singing), adults singing around campfires; adults laughing and shouting when camping late at night.

In 2017 a total of four further complaints have been received alleging noise from the guests at the campsite. A number of visits made have not been able to confirm a statutory noise nuisance. It is noted though that the guests talking, laughing and children playing noise does travel some distance and is clearly audible at the neighbouring caravan site. Indeed, noise from the guests of Little Orchard caravan site can be heard from Stanley Villa Farm Camping.

What has not been established is whether the noise from people is excessive and unreasonable or natural as part of a holiday set up. The vicinity is very quiet in general due to its rural and remote location and Mrs Johnson's site is marketed as such. In my opinion the two sites are run in conflict with each other. Mrs Johnson promotes peace and tranquillity whereas Stanley Villa is more family orientated.

Therefore if it is minded to grant permission, I would agree that noise as a result of amplified entertainment taking place on site is not in keeping with the locale and should be conditioned which the management of Stanley Villa Farm Camping has accepted and adhered to since the last wedding in 2015. I would ask that no amplified entertainment takes place on site either formally as part of an event or from individual guests who bring their own entertainment.

I am aware that Stanley Villa Farm Camping now only accepts maximum groups of 3 Pods and makes it clear that guests be respectful at all times and there is no noise past 10.30pm in accordance with their management plan.

People noise is difficult to control and manage. The applicant has introduced measures that can control the guests on site and there must be away for this to be enforced. I would ask that the proposed curfew in the management plan of 22.30 is conditioned and any substantiated noise disturbance as a result of activity by the guests

can be actioned under breach of condition.

I note that there is a proposal for a 5m wide bund. Whilst I have no observations with regard to the aesthetic appearance I do not think it would be effective in reducing the sound level of the type of noise produced on site at the proposed location. A barrier is more effective if it was closer to a noise source. Therefore I do not think it is a necessary requirement if its intention is to reduce noise escape.

It would be for the committee to decide whether this campsite with different business model to an already established site is approved.

Additional Comment:

Since the application has been received there has been an increase in noise complaints received. The timing of the application is during the school Summer Holidays but will demonstrate the site operating at "worst case" scenario when visiting.

Three complaints have originated from guests who have stayed at the neighbouring Little Orchard caravan site. Unfortunately they have been general in terms of describing dates and times but relate to noise from children playing.

A further email from a regular guest at the neighbouring site refers to noise from music, parties and children playing. However they cannot be specific about dates and times and maybe referring to past issues.

There has also been a number of contacts made by the neighbour detailing noise issues over the weekends of 4th, 5th, 9th and 12th August 2017 as well as earlier in the holiday season. Recordings were forwarded made by the complainant in their garden and neighbouring caravan site. The noise was children playing shouting and cheering - no anti-social behaviour was detected but clearly audible.

A letter was received to this Department dated 14th August 2017 that alleged loud music emanating from the applicant site. However it was demonstrated that on the night in question the music was originating from an event at Weeton Barracks.

To conclude - there are two aspects of noise – one is noise from amplified music and the other is noise from guests/children. Noise from amplified music/entertainment in this location when considering the elements of Nuisance is likely to be considered a statutory nuisance.

I would ask that a condition should be attached worded as such – no guests shall be permitted to use amplified entertainment on site at any time. Amplified music is likely to be deemed a Nuisance under these circumstances so shall be restricted.

Noise from children or even adult guests is unlikely to be determined as a statutory nuisance though is clearly audible off site. In my opinion it would be deemed more of an annoyance rather than a Statutory Nuisance.

Children are on holiday and will be playing games, shouting, cheering and laughing. It will be for the committee to determine whether this noise which results directly as a consequence of a child friendly site is suitable development for this environment.

If permission is minded to be granted then the most appropriate means to limit this type of noise is by a time restriction. The curfew should be implemented as described in the management plan and backed up by a condition.

The complaints received would support the requirement of the two conditions to control both types of noise from the site.

Commercial & Licensing (Caravans)

No objection made, but since the current site license is for the siting of a total of 21 camping pods, subject to planning approval, the site license holder must make an application to the Licensing Department of Fylde Borough Council, to vary the conditions of a current site license for a site license, under Section 8 of The Caravan Sites Control & Development Act 1960.

Lancashire CC Flood Risk Management Team

Initial objection removed in light of the submitted Flood Risk Assessment, subject to conditions relating to implementation of principles contained within the Flood Risk Assessment, management/ maintenance of SuDS, provision of attenuation basins and flow control devices.

Lancashire County Council - Highway Authority

No objections to the application.

BAE Systems

Initial objection relating to potential increased opportunity for bird strike from the new lake has been removed in light of the ecological information provided by the applicant:

It is considered that the proposed site is too enclosed to be likely to attract a significant number of over wintering goose and swan species. Creation of a fishing pond in this area would result in increased human presence and disturbance levels and would likely deter an increase in the number of this species. The majority of goose and duck species which frequent the local area are listed as quarry species and may be shot. This leads to an aversion of the proximity of humans for most species and proximity of the campsite as well as proposed fishing activity would further reduce the potential for future use of the new lake by these quarry species. The creation of an additional water body in an area where standing water naturally accumulates is not considered likely to create any significant increase in the level of birds utilising the landscape. The proximity of the proposed pond to existing ponds would indicate that an alteration in bird flight paths is unlikely to occur.

In summary, it is not considered that the creation of the proposed pond is likely to have a significant affect on the local bird population. Increased disturbance levels and human presence would likely deter bird species.

Blackpool Airport

No comments received.

Neighbour Observations

Neighbours notified:	28 July 2017
Site Notice Date:	21 July 2017

Number of Responses

21 (9 response of objection, 12 responses in support).

Summary of Comments:Objection Summary:

- Information on the location plan and Site Plan A is inaccurate since it omits Little Orchard Caravan Park and is misleading since it does not reflect the sites relationship with its neighbours. Withdrawal of the application is requested.
- Contrary to the NPPF – para 28, and Local Plan policies SP02, SP08, TREC7, TREC10, and submission version Fylde Local Plan policies GD4, EC6, EC7 and ENV1.
- NPPF Ministerial foreword ‘Our natural environment is essential to our wellbeing, and it can be better looked after than it is.’ Who has been looking after the countryside and the well-being of myself, family, residents and patrons of the caravan park?
- Business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. The caravan park should not be forced to change its business model to accommodate a new development. Noise complaints are well documented and complaint has been received from patrons of the caravan park with refunds being issued in compensation due to noise from Fylde Fishery. Repeat business has declined due to disturbance from Fylde Fishery.
- The pods can sleep up to 4 adults, a maximum capacity of 100 people based on 25 pods.
- Noise complaints on 4, 5 and 7 August 2017, adults shouting and laughing, as well as children shouting and screaming late into the evening. The tranquil character of the countryside should not be punctured by high pitched shouting and screaming just to accommodate a business which should be in a more suitable location.
- Noise disturbances occur during the day and late evening at odds with what you expect from the rural countryside.
- I have been woken for too many times in the early hours of the morning by drunken revellers and extremely loud music.
- I avoid going outside and do not spend as much time in my garden due to the noise disturbance, as do my parents. People live in the countryside to escape noise disturbance.
- Better situated closer to Blackpool where noise would not be as noticeable.
- On opening the establishment was promoted as a venue for wedding receptions, stag and hen parties, birthday celebrations and corporate events. In 2014 several large weddings were held with loud music being played past 01:30. The pods should have reverted back to their authorised use, but did not and the Council has not stopped them.
- In 2015 further complaints were made about excessive noise generated at the pods throughout the spring and summer. FBC advised that the applicant was submitting a planning application to regularise use of the site which was rejected by the Planning Committee and dismissed on appeal. The pods should have reverted back to their authorised use, but did not and the Council has not stopped them.
- Group bookings have not stopped taking place throughout 2015, 2016 and 2017 with additional tent and camping equipment pitched on the site. It is very easy to circumnavigate a group booking restriction if people make separate bookings.
- In 2016 a 3 bale high wall was constructed as an acoustic barrier, which is now played on by children and fails as an acoustic barrier. There is no need for an earth bund as the existing bale wall fails this purpose. The bund height will encourage overlooking, increase noise from children playing on it, and appear as a manmade feature in the landscape.
- The bale bund is degrading and collapsing, and is a threat to the environment given the amount of black plastic within its construction.
- The applicant has not been permitted to host any large events since the Council served a noise abatement notice in 2014.
- There have been in excess of 40 instances of noise related issues that I have reported since August 2015 to August 2017, witnessed by representatives of the Council (Phil Dent and Andrew

Stell).

- In comparison, Little Orchard Caravan Park has received planning consent for all works on their site, which have been done in harmony with the ambience of the countryside, maintaining its character without impacting upon the environment or neighbours.
- The 2016 appeal reject camping at the site, the Inspector made 3 conclusions stating that the use would be difficult to manage, represents a materially different use, evidence provided does not satisfy that the site could be adequately managed to prevent unacceptable noise levels, condition suggested by Planning Officers are not sufficient, and would be harmful to the adjoining users and the peaceful character of the countryside.
- Need for another fishing lake, there are already too many commercial fisheries within a 20 mile radius.
- No evidence to demonstrate need for camping provision.
- Previous consents limited the siting of pods and tents adjacent to the lake and bounded by a red edge line on the plans. This red line is now absent and this current application covers the whole site, implying there will be even greater numbers of people, adding to noise and closer the adjacent caravan site.
- Lack of understanding on the part of the applicant, on the differences between light and sound, and acoustic barriers.
- The applicant claims that all problems have been addressed, referring to an email from the Environmental Health officer confirming lack of complaint for 4 months. This period covers December when the pods are closed, or used more infrequently. Activity on the site increased in Spring 2017 and complaints relative to noise also increased, with group bookings taking place despite it being asserted that that they have stopped. The robust management system is not working, and never will.
- Significant amount of photographs have been provided which depict operation of the proposal and its relationship to other receptors and businesses. All photos have been taken since August 2015.
- Videos have also been issued to the Council to demonstrate the noise disturbance.
- A curfew would still allow noise to be made throughout the day until 22:30, 7 days a week and this noise would be permanently introduced and damage the Fylde countryside for residents and visitors.
- Tent accommodation would further increase occupancy on the site and exacerbate noise disturbance.
- Landscape features (woodland) funnels noise disturbance towards Little Orchard Caravan Park.
- The applicant claims a close connection between the fishing and camping activities though this is not as close as the applicant claims, and promotion of the camping offer significantly outweighs that of its fishery use.
- No objection to appearance of the pods which are screened by existing hedge planting. No additional visual barriers have ever been required.
- There is no information with regards to foul sewage disposal within the application.
- Where are the additional parking areas?
- If approved, the applicant will be rewarded for 5 years of unlawful development in the countryside and extensive and documented breaches of planning with various degrees of environmental disturbances.

Support Summary:

- The existing camp site is well used and in demand, it therefore makes sense to add additional facilities.
- In the current climate, the growth of businesses in general can only be positive.
- Campers will use other local facilities such as shops which will be of benefit to the surrounding area.

- Marketing Lancashire would support proposals for the development of rural tourism that offer quality, sustainable developments that are sensitive to the needs of the surrounding landscape and rural communities. The proposal will help support Lancashire's Visitor Economy strategy. The outdoors offer is one of the main reasons that visitors choose to come to the county, and visitors staying within non serviced accommodation are known to support wider businesses such as retail, food and drink.
- The proposal will clearly enhance the visitor experience and help support sustainable growth.

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
SP08	Expansion of existing business & commercial operations
TREC06	Static Caravans and Chalets
TREC10	Countryside Recreation
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

Fylde Local Plan to 2032:

GD4	Development in the Countryside
EC6	Leisure, Culture and Tourism Development
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV2	Biodiversity

Other Relevant Policy:

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

Site Constraints

Within countryside area

Environmental Impact Assessment

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

Comment and Analysis

The main issues pertinent in the assessment of this proposal are principle of a camping use, impact on the character and appearance of the countryside, neighbouring amenity, highways, drainage and ecology.

The principle of a holiday and camping use

Retrospective consent is sought for use of the land for holiday and/ or camping, including mobile pod accommodation and other ancillary buildings (facilities building, building, mobile toilet, car park)

on the site, in association with the general camping and fishery uses on the site, and, a new fishing lake. The red edge location plan submitted with application envelops the site in its entirety and the site plan identifies the location of pods, ancillary structures and new pond. It does not indicate any other area on the site for camping, indeed the Planning Statement does not indicate any intent for areas outside of the pod area to be used for camping purposes.

The site is located in the Countryside Area as defined by the FBLP and SV. Policies Policy SP2 and GD4 are of relevance and restrict development to those uses appropriate in a rural area as set out in a series of criteria. These allow for development which helps to diversify the rural economy and development that allows existing enterprises to continue where that does not harm the character of the rural area. Policy SP8 provides guidance to assess applications for the expansion of businesses in countryside areas, principal to this is that the development does not cause any harm to the character, appearance or nature conservation value of the countryside and this is assessed below.

This policy approach is consistent with para 28 of the NPPF which “supports the sustainable growth and expansion of all types of business enterprise in rural areas”, and “support sustainable rural tourism and leisure development that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside”.

It is considered that the proposal would be directly supported by para 28 of the NPPF, and aforementioned development plan policies, subject to assessment of character, appearance and conservation value.

The site is slightly remote from local services, but this is common for the majority of camping sites in the borough, including the adjacent Little Orchard site, and it is not considered that this separation from amenities is an issue that prevents the location from being considered appropriate or unsustainable.

Impact on the character and appearance of the countryside

Policy EP11 states that new development in rural areas should be sited so that it is in keeping with landscape character, development should be of a high standard of design and matters of scale, features and building materials should reflect the local vernacular style. Policy EP12 states that trees and hedgerows which make a significant contribution to townscape or landscape character, quality and visual amenity will be protected. TREC6 also seeks to protect the countryside and states that development having a significant prejudicial effect on character, visual or other amenities will not be permitted. These requirements are carried forward in equivalent policies of the SV.

The application site is located on the west side of Back Lane and is served by a gravelled access road leading off Back Lane which separates the site into two parts. On the right-hand side is the lake, facilities building and car park, on the left the open grassed area of the camping pods and further car parking areas. The pods are arranged in an approximate 'kidney shape', segregated from the adjacent Little Orchard Caravan Park by landscaped mounds and a grassed field used for grazing. The site has good screening to Back Lane formed by mature hedge planting and trees, a high hedgerow now forms the boundary to the adjacent caravan park.

In terms of visual amenity, other than formation of the lake and grass bund, the application does not propose any additional development on the site beyond that which currently exists. As well as the pod proposal, the application form refers to general camping though has not identified a specific area on the submitted site plan. It is therefore assumed that any use of tents will be contained within the pod area and would not expand to the wider site. Consequently there is no increase in the developed portion of the site. A condition is suggested to ensure that any general camping is

restricted to the pod area only.

The new fishing lake whilst being man made is a naturally occurring feature which would enhance the landscape quality of the locality. The applicant has confirmed that spoil from excavation of the lake will be used to form the proposed bund adjacent to Little Orchard Caravan Park. The bund is indicated to be 5m wide and 3m, grassed and planted with trees. The objector suggests that the bund is for acoustic mitigation, but states that it would be of little merit and refers to this structure appearing as a manmade feature in the landscape.

It is considered that the bund would be out of character with the relatively flat landscape surrounding and bares no relationship to existing land topography, contrary to SP08 and EP11. Whilst the bund may soften views of the application site from the adjacent caravan park, existing hedgerow planting and landscaping on the site afford a similar means. In addition, the Environmental Protection Officer has confirmed that there is no acoustic benefit of the bund. On this basis it would appear that there is no requirement for the bund, other than as a means of disposing of spoil resultant from excavation of the lake, as confirmed by the applicant. Given the size of the site, it is considered that there is sufficient scope to dispose of spoil without the need to create this bund, indeed existing earth mounds adjacent to the pods could be enhanced. This matter alone is not considered sufficient to warrant refusal of the application, on this basis it is considered necessary to ensure that the bund does not form part of the approved scheme and that spoil from the lake is distributed about the site in a way that safeguards the character of the area. This can be controlled by condition.

Landscaping of the additional lake is required, and should form part of a more coherent landscape strategy for the south of the site. This can be controlled by condition.

With regard to the character of the countryside, it has also been argued that the tranquillity of the area is harmed by this development. Notwithstanding, camp sites are not an unusual occurrence in the countryside and their presence is unlikely to undermine the character of the locality provided they are managed appropriately. This matter is addressed in more detail below.

Relationship with surrounding development:

Policy TREC6 refers to the development of static holiday caravan and holiday chalet sites. Whilst this application does not propose any extension of the physical aspects of the site it does seek to broaden its use to camping in general and so TREC6 is relevant to the assessment of this application. In particular, criteria 6 states that development that would be detrimental to the amenity of adjacent premises or land uses would not be supported. Policy GD7 of the SV similarly seeks to safeguard neighbouring amenity.

In addition, with regards to countryside character Policy TREC 10 states "development proposals for rural recreational purposes in the countryside areas will be permitted provided that they do not prejudice agriculture, nature conservation and other environmental interests, or conflict with the quiet enjoyment of other recreational users of the countryside".

It is obvious from objections received that the use of the site has caused distress to the neighbours and operators of the adjacent Little Orchard Caravan site due to noise disturbance. This site is a family run business which has won national awards and prides itself on running a quiet, tranquil site.

This application seeks permission for the use of the pods for general camping. The pods are very basic and are in effect timber tents and offer limited facilities having two beds in each pod with little additional space around the beds. Cooking can be undertaken outdoors or in the facilities building.

Washing/toilet provision is again available in the facilities building.

The complaints received relates to both the wider use of the site for events which have included weddings, music festivals, parties, etc. as well as disturbance from users of the pods and campers. Photographic and video evidence has been provided to justify these claims.

The subject of events at the site was considered in the assessment of the previous application, with reference being made to these events being undertaken using the permitted development allowance that allows for temporary uses of land for up to 28 days in any calendar year and so are outside of planning control. However, there is a requirement under the licensing legislation for them to be subject to a 'temporary events notice', with the events that generated complaints being granted such Notices in a block in advance of their taking place. As a consequence of the level of complaints received from neighbours and the observations of officers who have attended to monitor events, the council's Environmental Protection Team served a noise abatement notice on the owner of the site in August 2014 relating to the excessive noise from amplified music performed.

As these events are outside of planning control and are unrelated to the proposed camping use of the pods under consideration they are not relevant to this decision, but the above information sets the context of the historic use of the site. Notwithstanding, it would appear that disturbance associated with events held at the site is a historic problem, indeed the Environmental Protection officer comments that 8 events were held between August 2014 and September 2015, but that subsequent to the complaints being made the site owner agreed to not have any more functions and that this has been the case. Members should note that reference to having no events is made within the Camping Management Plan submitted with the current application and so could be enforced under a condition that secures that Plan.

Objection has also been received in regard to the behaviour and noise from campers, and this correlates with complaints received by the Environmental Protection officer from 2015 onwards whom refers to 'more generic people noise as a result of camping taking place' in their consultation response.

In addition, since the application has been received there has been an increase in noise complaints received to the Environmental Protection officer. The timing of the application is during the school Summer Holidays and demonstrates the site operating at "worst case" scenario. Noise disturbance relates to music, children playing shouting and cheering, as well as adults singing around campfires and adults laughing and shouting when camping late at night. The Environmental Protection officer made a number of visits but was unable to confirm a statutory noise nuisance, but does confirm that guests talking, laughing and children playing noise is clearly audible at the neighbouring caravan site. Indeed, noise from guests of the neighbouring caravan site can also be heard from the application site. The Environmental Protection officer concludes that there are two aspects of noise disturbance, from amplified music and from adults/ children using the pods/ camping area.

The applicant has submitted a Camping Management Plan (CMP) in support of their proposal, which importantly imposes restrictions on the camp site in order to reduce noise levels and disturbance to neighbours. The CMP states that there will be no events at the site, that the whole site cannot be booked with a restriction of 3 pods for any single booking, minimum noise levels after 22:30 with fixed fines for any call outs or complaints received, heavy alcohol consumption is not appropriate, no open air music and no unsupervised under 18's.

As per previous recommendation, it is considered that the submission of a CMP with this current application, in particular a commitment by the applicant to continue not to allow events and impose

a curfew, would satisfactorily mitigate the concerns raised. It is recognised that there are some short comings to the CMP, including how the 3 pod booking restriction will be managed, however disturbance would still be controlled by the curfew time. The CMP does refer to use fire pits being permitted, and it is considered that this should also be time restricted in order to minimise opportunity for late night disturbance. The Environmental Protection officer has not raised objection to the proposal, and has requested that the curfew time and no amplified music be conditioned. Accordingly the proposal is considered to comply with criterion 6 of Policy TREC6 and GD7.

The vicinity is very quiet in general due to its rural location and the neighbouring caravan park is marketed on this basis. In this circumstance the main issue for Members to consider is whether the noise from people is excessive and unreasonable or natural to warrant refusal of the proposal. Controlling people noise and behaviour is difficult, but the CMP will act to control any disturbance if implemented and enforcement action can be taken against any breach of the CMP if necessary.

Highways

Paragraph 32 of the NPPF states that decision makers should take account of whether safe and suitable access to the site can be achieved for all people, and, improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Policies TREC6 and TREC7 supports holiday chalet and camping sites which provide safe and satisfactory vehicular access. SV Policy GD7 refers to similar highway safety matters and T5 requires provision of parking on site and that a flexible approach to parking will be applied, dependent on location of the development.

Vehicular access will remain as existing from Back Lane and no additional car parking other than the current informal arrangements on the site is provided within the development. The retrospective use applied for and creation of an additional fishing lake is likely to encourage additional vehicular movements to and from the site though it is considered that existing parking and access arrangements can accommodate the proposal. Indeed the Highway Authority has not raised objection to the development.

Drainage

The site is located within Flood Zone 1. Policy EP25 and EP30 of the FBLP states that development will not be permitted which would be subject to an unacceptable risk of flooding or create an unacceptable increase in the risk of flooding within the development site, or elsewhere, foul sewers and sewerage treatment facilities should be of adequate design and capacity to meet additional demand or their provision can be secured as part of the development. Policies CL1 and CL2 of the SV reflect EP25 and EP30, and encourage use of sustainable urban drainage systems.

A Flood Risk Assessment (FRA) has been submitted with the application. The FRA concludes that the site is within Flood Zone 1 which is the lowest flood risk area and there is no increase in flood risk on the site or downstream resultant from the development. SuDS will be employed on the site to deal with surface water.

The LLFA have not raised objection to the proposal, subject to conditions requiring implementation of the FRA and management/ maintenance of SuDS on the site. Therefore, adequate measures can be put in place in order to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the requirements of FBLP policies EP25 and EP30, and the NPPF.

Ecology

Paragraph 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity, if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused, opportunities to incorporate biodiversity in and around developments should be encouraged.

The site has no specific nature conservation designation in the Local Plan. Policy EP 19 seek to safeguard protected species and their habitats from development, requiring mitigation where appropriate, as well the retention/ enhancement of existing natural features and the introduction of additional features as part of the development in order to provide biodiversity enhancements. Policies ENV1 and ENV2 of SV reflect this current policy position.

The new build elements of the proposal relates to the new pond which is sited on a grassed parcel of land to the south of the site used for grazing purposes only. The presence of amphibians on the site is deterred by the intervening land uses on the site including road, car park and camping pods. On this basis it is considered that the site has low biodiversity importance, the inclusion of a pond and increased landscaping on the site will only serve to enhance biodiversity value in accordance with the development plan and NPPF.

Other Matters

Objection has been made with regards to in accurate Location and Site Plan drawings submitted with the application. In particular the full extent of a neighbouring caravan park is not indicated and it is argued that this could influence consultation responses. It is accepted that the submission does not detail the full extent of the neighbouring caravan site, notwithstanding impact to neighbours is considered as part of the assessment and the presence of the caravan park has been included within that assessment.

Conclusions

The decision on a planning application is to be made in accordance with the development plan unless there are material considerations that dictate otherwise. In this case the principle of a holiday/ camping use and fishing lake in this location is supported as it is considered to support sustainable rural tourism that benefit businesses in rural areas, communities and visitors and with the exception of the bund (which is to be removed from the proposal by condition) there are no significant visual impacts on the countryside. This provides development plan support for the application.

One of the key material considerations in the determination of the application in this case is the Inspector's decision to dismiss an appeal on the site for general camping in 2016. That decision was essentially made on the basis that the noise that had occurred at the site could continue and that this would be harmful to the tranquillity of the rural area. This scheme has obvious similarities with the appeal scheme, but also has key differences: the application is supported with the Camping Management Plan which specifies the operational measures that the applicant will take to control activity, that these measures appear to have been implemented voluntarily in many cases over recent years as the Environmental Protection Officer has not witnessed any nuisances at the site in his regular monitoring visits, and that the scheme includes a pond and fence that will provide a physical separation of the camping use from the boundary with the nearest neighbour. It is officer view that these measures are sufficient to address the concerns which the Inspector expressed.

It is acknowledged that there have been some amenity concerns raised by events held at the site in

the past, but it is considered that camping is an acceptable use for a rural site subject to implementation of the submitted Camping Management Plan and with the imposition of suitable conditions. There are no other technical issues which would warrant refusal of the proposal, and accordingly the benefits to enhancing the rural tourism offer in this part of the borough justify a recommendation for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This consent relates to the following plans and / or reports:
 - Location plan - drawing no. YOU.708.2178/02
 - Site plan - drawing no. YOU.708.2178/01 amendment B.
 - Cross Section Information Elevations of Existing Pods - drawing no. You/708/2178/03
 - GHA supporting statement - June 2017
 - Stanley Village Farm Camping - Camping Management Plan.

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

2. The use of the site for camping hereby approved shall be limited to the area annotated as camping pods as detailed on drawing number You/708/2178/01 amendment B. Overnight stays shall only be undertaken within the 25 camping 'pods' or tents within this area, with no additional forms of camping on the site such as within caravans or motorhomes etc.

Reason: To define the permission and layout the site in the interests of clarity, and to control the scope of the permission to ensure that the visual impact of the development on the character and visual amenity of the rural area is maintained.

3. No 'pods' or other building/structure on the site shall be occupied as a persons permanent, sole or main place of residence.

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

4. Notwithstanding the approved drawings or provisions of the General Permitted Development Order 2015, the use of the facilities building shall be limited to purposes which are incidental to the use of the site as a fishery and/or camping site only and shall not be used as a venue for functions, parties, or other such events.

Reason: To provide appropriate control over the level of activity undertaken at this rural site so as to preserve the character of the rural area and to avoid undue traffic movements to the site, in accordance with Policy TREC6, SP08 and EP11 of the adopted Fylde Borough Council Local Plan and Policy GD7 of the submission version of the Fylde Local Plan to 2032.

5. Prior to construction of the pond hereby approved and notwithstanding any details shown on the approved plans, a hard and soft landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for surface finishes of all new hardstanding areas, and, ensure retention of all trees and hedgerows on the site as well as the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs for additional landscaping within the development.

The approved landscaping scheme shall be implemented in accordance with a timetable 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.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements, in accordance with Policy HL2, EP14 and EP18 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

6. Notwithstanding detail of the approved drawings, this approval notice does not grant consent for the 5 metre wide bund located to the southern boundary of the site as detailed on drawing number You/708/2178/01 Amendment B.

Prior to construction of the additional lake hereby approved, a scheme detailing how spoil from the excavated lake will be disposed of shall be submitted to and approved in writing by the Local Planning Authority. If being disposed of on site, the scheme shall detail changes to ground levels and landscaping there of. Construction of the lake shall be undertaken in accordance with the approved scheme.

Reason: To minimise visual impact of the proposal and ensure a satisfactory appearance to the development, in accordance with Policy SP2 of the Fylde Borough Local Plan and Policy GD4 of the Fylde Local Plan to 2032.

7. Within 2 months of the date of this decision hereby approved, a 'Management Plan' shall be submitted to the Local Planning Authority and agreed in writing. This management plan shall include details of the time periods the 'Manager's office' will be manned, security arrangements for the site, contact details (including out of hours) for the Manager and emergency procedures.

Reason: To provide adequate supervision and security on the site.

8. There shall be no amplified music or any other form of amplified entertainment played outdoors, or permitted to take place, on the site either formally as part of an event or from individual guests who bring their own entertainment.

Reason: In the interests of preserving the character of the countryside and protecting neighbour amenity.

9. The development hereby approved shall be managed in strict accordance with the submitted Stanley Villa Farm Camping - Camping Management Plan'.

Reason: In the interests of preserving the character of the countryside and protecting neighbour amenity.

10. Notwithstanding details contained within the submitted Stanley Villa Farm Camping - Camping Management Plan, there shall be no external fires, including bbq's, after 22:30.

Reason: In the interests of preserving the character of the countryside and protecting neighbour amenity.

11. Notwithstanding the approved drawings or provisions of the General Permitted Development Order 2015, the lake hereby approved shall be used as a fishing lake only.

Reason: To provide appropriate control over the level of activity undertaken at this rural site so as to preserve the character of the rural area and to avoid undue traffic movements to the site, in accordance with Policy TREC6, SP08 and EP11 of the adopted Fylde Borough Council Local Plan and Policy GD7 of the submission version Fylde Local Plan to 2032.

12. There shall be no public access to the land located south of the camping pods and hatched brown on drawing titled 'Public Access Restriction' You/708/2178/01 Amendment C, other than for the purposes of access to the fishing lake.

Reason: To provide appropriate control over the level of activity undertaken at this rural site so as to preserve the character of the rural area and to avoid undue traffic movements to the site, in accordance with Policy TREC6, SP08 and EP11 of the adopted Fylde Borough Council Local Plan and Policy GD7 of the submission version Fylde Local Plan to 2032.

13. Prior to commencement of any works on the site, wheel wash facilities shall be provided within the site which will be used to clean the wheels of vehicles before leaving the site and a street cleaning vehicle shall be employed when required to clear surrounding roads from mud and debris resultant from works on the site. The wheel wash facilities shall be available for use throughout the construction period.

Reason: To avoid the spread of mud and debris from the application site on to the road network, in the interests of highway safety and general amenity of the area, in accordance with Policy HL2 of the adopted Fylde Borough Council Local Plan (October 2005).

14. The development permitted by this planning permission shall be carried out in accordance with the approved FRA (November 2017, Ref 17050-FRA, Rutter Johnson) and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the critical storm events (sec 4.4, paragraph 12) so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

2. Provision of compensatory flood storage, (new pond No 3).

3. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven (sec 4.4, paragraph 19)

4. Finished floor levels are set no lower than 150mm above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

Reason: To ensure satisfactory drainage of the development.

15. The development permitted by the planning permission shall be implemented in accordance with the sustainable drainage scheme for the site contained within the Flood Risk Assessment (November 2017, Ref 17050-FRA, Rutter Johnson). The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reasons: To ensure that the drainage for the proposed development can be adequately maintained and to ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.

16. Within 2 months of the date of this approval notice, a Management and Maintenance Plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The Plan, as a minimum, shall include:
- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Management Company

b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all

elements of the sustainable drainage system (including mechanical components) and will include elements such as:

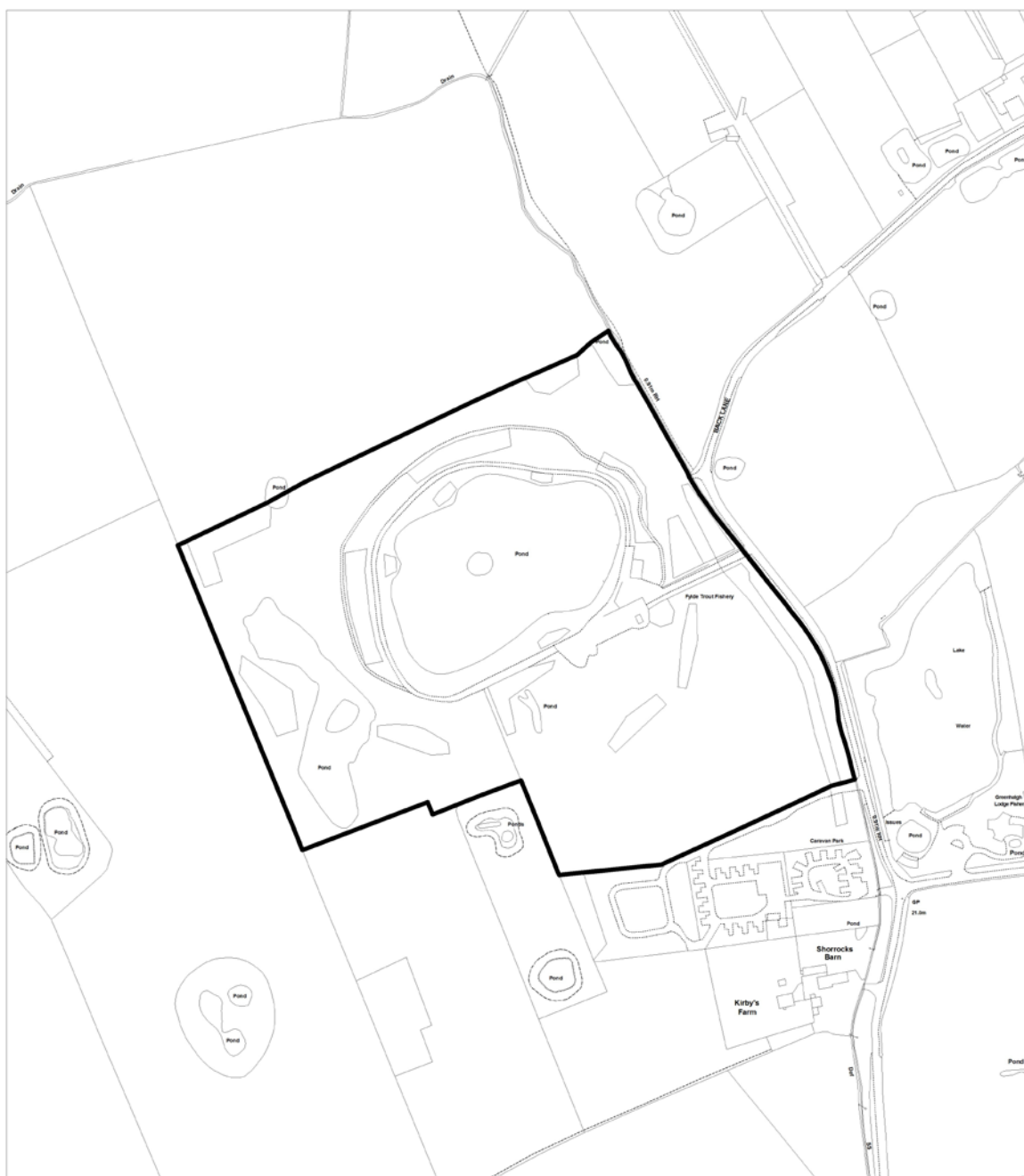
- i. on-going inspections relating to performance and asset condition assessments
- ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) Means of access for maintenance and easements where applicable.

The sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reasons: To ensure appropriate management and maintenance of SuDS on the site.

17. All attenuation basins and flow control devices/structures are to be constructed and operational prior to the commencement of any other development and prior to any development phase.

Reason: To ensure site drainage during the construction process does not enter the watercourses at un-attenuated rate and to prevent a flood risk during the construction of the development.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0572	Address Fylde Trout Fishery, Back Lane, Weeton	Grid Ref. E.3397 : N.4360	Scale 0 20 40 60 80 m

Item Number: 3

Committee Date: 06 December 2017

Application Reference:	17/0738	Type of Application:	Full Planning Permission
Applicant:	Gladman Care Homes Ltd	Agent :	
Location:	AXA DATA CENTRE, WEST CLIFFE, LYTHAM ST ANNES, FY8 5DR		
Proposal:	DEVELOPMENT OF SPECIALIST ACCOMMODATION FOR THE ELDERLY CONSISTING OF 65 APARTMENTS WITH CARE, COMMUNAL FACILITIES, PARKING AND ASSOCIATED PRIVATE AMENITY SPACE		
Parish:	CLIFTON	Area Team:	Area Team 1
Weeks on Hand:	14	Case Officer:	Rob Buffham
Reason for Delay:	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.7387843,-2.9540746,170m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The proposal for consideration by Members is a Full planning application for specialist accommodation for the elderly consisting of 65 apartments on the former AXA site with access from Wharf Street, Lytham.

Gladman Care Homes have built over 40 Care and Nursing Homes throughout the UK. This facility enables older people to retain control over their own lives while receiving the care and support they need, allowing residents to remain as independent as possible for as long as possible. Importantly, residents are required to be 55 years of age and/or in need of some form of care package.

The site is located within the urban area of Lytham St Annes and has no specific allocation in the adopted Fylde Borough Local Plan, but is allocated for housing in the submission version Fylde Local Plan to 2032. The principle of the proposed development on the site is considered acceptable due to the sites housing allocation.

The proposal will enhance the locality through removal of a large and unsightly building and construction of an appropriately designed development. The development provides for satisfactory access to the site and there is sufficient capacity to ensure that the proposal would not have a severe impact on the safe and efficient operation on the local highway network. Appropriate parking for the end user has been demonstrated in the submission. The scheme would result in an acceptable relationship with surrounding uses, and would have no adverse impacts in terms of ecology, flooding and drainage subject to conditions.

There are no other technical issues which would warrant refusal of the proposal.

On balance, the officer recommendation is that Members support the application, subject to

conditions and a legal agreement to secure:

- £1000 per apartment (£65000) contribution toward public realm enhancements in Lytham Town Centre, with 50% payable prior to construction of the development and remainder prior to first occupation of the development.
- £5000 contribution to cover the costs of investigation and possible future changes to the existing waiting restrictions on Wharf Street, to cover staff costs, the advertising and implementation of traffic regulation orders for the changes to the waiting restrictions – payable prior to construction of the development.
- Occupancy restriction to aged 55 years or older, and, those assessed to be in need of care.

Reason for Reporting to Committee

The proposal is a 'Major' scale application that is recommended for approval and so it is necessary for the application to be presented to Committee for determination.

Site Description and Location

The application site is located within the settlement boundary of Lytham St Annes, immediately east of Lytham Town Centre. It has no formal allocation in the adopted Fylde Borough Local Plan (FBLP) and is a housing allocation in the submission version Fylde Local Plan to 2032 (SV).

The site is approximately 0.79 hectares in size and is occupied by a vacant building, formerly used by AXA for Technologies Services, and car park hardstanding area. The existing building is of industrial size and proportion, and has boarded up due to it being subject to anti-social behaviour. Vehicular access points to the site are currently via West Cliffe and Wharf Street.

The site is located within a predominantly residential area, being bound by housing to the south and east, Booths supermarket to the west, and, rail corridor with housing beyond to the north.

Details of Proposal

Full planning consent is sought for specialist accommodation for the elderly (age 55 or older) consisting of 65 apartments. The apartments will be self-contained consisting of 12 one bedroom, 44 two bedroom and 9 three bedroom units. Submitted floor plan drawings also indicate communal use areas including two lounge areas, restaurant, hair salon, activities/ crafts room and spa.

Gladman Care Homes have built over 40 Care and Nursing Homes throughout the UK. Their aim is to meet the current and future needs of older people who are in need of care, by constructing specialist developments that will enhance the local environment and contribute to the attainment of mixed and balanced communities. The scheme offers an alternative to residential care for older people by combining the advantages of high quality, self-contained and secure accommodation, with the provision of flexible care services on a day to day basis to those in need of care. The service enables older people to retain control over their own lives while receiving the care and support they need allowing residents to remain as independent as possible for as long as possible. The scheme allows residents to receive more acute care as their needs intensify. Importantly, residents are required to be 55 years of age and/or in need of some form of care package. Experience shows that the average age of occupants to be 81, with the relatively young age of 55 relating to those unfortunate enough to be suffering with medical issues such as early onset dementia, Multiple Sclerosis or other such debilitating diseases.

The building is 3 storey in appearance, set beneath a hipped roof form with projecting gable detail to all elevations, being constructed of red brick with a contrasting plinth, render and a grey tile. Detailed design includes heads and cills to prominent windows, contrasting brick banding to the eaves of the building, and dark grey framed windows. Apartments above ground floor level have their own balcony, which is a simple metal framed structure attached to the main building on 'stilts'. The development will be set in landscaped gardens located to the north and eastern areas of the site, tree planting will be provided as part of an overall landscape strategy and will include additional planting to the eastern boundary with houses on West Cliffe.

Vehicular access to the development will be solely via that existing on Wharf Street. The Wharf Street/ North Warton Street junction will be improved to enable the prioritisation of Wharf Street. The submitted layout makes provision for 42 parking spaces (65%), 6 of which are to be for disabled users, in addition 10 spaces have also been provided for existing residents on Wharf Street. A service vehicle turning area has been provided adjacent to the bin store areas. Footpaths through the site are delineated by a colour changed surface and link up to the existing network on Wharf Street, a footpath access to Booths is also provided.

Planning consent (17/0411) has been granted for demolition of the existing building on the site, but this has not occurred as yet.

Relevant Planning History

Application No.	Development	Decision	Date
17/0411	APPLICATION FOR PRIOR NOTIFICATION FOR PROPOSED DEMOLITION OF THE FORMER WEST CLIFFE CENTRE/AXA TECHNOLOGY SERVICES BUILDING	Approve Prior Determination	10/08/2017
13/0152	OUTLINE APPLICATION FOR ERECTION OF UP TO 45 DWELLINGS FOLLOWING DEMOLITION OF EXISTING BUILDINGS (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Approved with 106 Agreement	
88/0547	VEHICULAR & PEDESTRIAN ACCESS TO WHARF STREET	Granted	10/08/1988
88/0060	USE OF VACANT PREMISES & LAND AS COMPUTER FACILITY,	Granted	24/02/1988
87/0071	C/U TO HEALTH CENTRE SHOPPING AND BUSINESS CENTRE WITH RESTAURANT AND BAR	Refused	22/07/1987
85/0692	CHANGE OF USE: PART OF PREMISES TO FORM PUBLIC TRANSPORT BUS DEPOT.	Refused	03/01/1986
83/0467	RESERVED MATTERS: SPORTS CENTRE.	Granted	20/07/1983
83/0248	OUTLINE: SHELTERED HOUSING SCHEME 1. 44 FLATS, WARDENS ACCOMMODATION AND COMMUNITY BLOCK.	Granted	20/06/1983
83/0249	OUTLINE: SHELTERED HOUSING SCHEME 2. 22 FLATS, WARDENS ACCOMMODATION AND COMMUNITY BLOCK.	Granted	20/06/1983
83/0273	OUTLINE: SPORTS AND LEISURE CENTRE.	Granted	25/05/1983
81/0924	CHANGE OF USE FROM STORAGE TO LIGHT/GENERAL INDUSTRIAL PURPOSES.	Granted	18/03/1982

Relevant Planning Appeals History

None

Parish/Town Council Observations

Not applicable.

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

Raise no objection and conclude that the development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site, subject to conditions and £5000 contribution toward investigation and possible changes to existing waiting restrictions on Wharf Street.

The key elements of their consultation response are:

Highway Capacity

To determine the estimate traffic generation of the 65 apartments, Ashley Helme carried out a traffic count at a similar development in Heaton Chapel, Stockport for 52 apartments providing specialist accommodation for the elderly.

The Ashley Helme am and pm peak period predicted traffic generation from the site between 8.30am and 9.30pm is an estimated peak flow of 28 two-way traffic movements and between 4pm and 5pm the estimated two-way traffic movements is 19 two-way traffic. TRICS is the national standard system used to predict trip generation and analysis of various types of development. (LCC) Highways have tried to replicate these figures using the TRICS data base and agree the Ashley Helme assessment for future traffic generation for the 65 apartments is robust.

The estimated traffic generation for the proposed new development at the junction of Wharf Street and North Warton Road equates to approximately 1 additional vehicle every two minutes during the am and pm peak periods.

(LCC) Highways also agree with the Ashley Helme conclusion that the proposed development for 65 apartments will generate less traffic movements than the existing use of the site, although this traffic was onto West Cliffe.

The National Planning Policy Framework states in paragraph 32 "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. (LCC) Highways are of the opinion that the proposed 65 apartments for providing specialist accommodation for the elderly will not have a severe impact on highway capacity in the immediate vicinity of the site.

Highway Safety

The Lancashire County Councils five year data base for Personal Injury Accident (PIA), was checked on the 10th July 2013. The data indicates there has not been any been reported incidents on Wharf Street or at the junctions with Wharf Street and North Warton Street or Warton Street. The highway network surrounding the site is therefore considered to have a good accident record and indicates there are no underlying issue which the proposed development would exacerbate.

Due to increased traffic movements along Wharf Street (LCC) Highways raised concerns

regarding existing parking fronting 7 to 15 Wharf Lane (odds only), the restricted sight lines from Wharf Lane onto North Wheaton Street. The Ashley Helme drawing 155/05 rev B "Proposed Site Access Arrangements" shows a proposed off road car-parking for the residents 7 to 15 Wharf Street (odds only) to remove parked cars along this section of road. The drawing also shows a proposed remodelling of the junction with Wharf Street and North Warton Street. (LCC) Highways are of the opinion that the proposed off road car parking and remodelling of the site access is acceptable and would provide a safe access for all users of Wharf Street, including pedestrians, cyclists, cars, delivery vehicle, refuse and emergency vehicles etc. with improved sight lines and possible reduction in traffic speeds passing the junction.

From observations on site and the details provided by the applicant the street light on Wharf Street will need to be relocated to allow safe manoeuvring in and out of the proposed off road car parking bays.

The off-road car parking bays for 7 to 15 Wharf Street (Odds only) would not be considered for highway adoption and the future ownership and maintenance of these parking bays should be considered.

The National Planning Policy Framework states in paragraph 32 "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe" and "safe and suitable access to the site can be achieved for all people". (LCC) Highways are of the opinion that the proposed development should not have a severe impact on highway safety in the immediate vicinity of the site and a safe and suitable access to the site has been provided for all road users

Sustainable Transport

To aid with the sustainability of the site the applicant has shown a pedestrian route with Booths for the residents of the apartments and (LCC) Highways supports this route.

Section 106 Contributions

While the applicant is proposing to provide off-road car parking for 7 to 15 Wharf Street (odds only) (LCC) Highways are of the opinion that other neighbouring property owners may wish to park on-road fronting these properties. (LCC) Highways therefore recommends a section 106 contribution of £5,000 to cover the costs of investigation and possible future changes to the existing waiting restrictions on Wharf Street, to cover staff costs, the advertising and implementation of traffic regulation orders for the changes to the waiting restrictions.

Internal Layout

(LCC) Highways is of the opinion that the proposed internal highway layout is to acceptable design standards for all road users.

Based on the car parking recommendations in the Joint Lancashire Structure Plan and the Car parking assessment in the Ashley Helme Transport Statement, (LCC) Highways is of the opinion that the applicant has provided adequate off-road parking provision for this type and size of development.

Lancashire CC Flood Risk Management Team

Verbal comments received raising no objection to the proposal subject to inclusion of standard conditions relating to surface water drainage scheme, maintenance/

management of SuDS.

United Utilities - Water

Provided advice that the proposal are acceptable in principle, subject to drainage of the development in accordance with principles of the Flood Risk Assessment, and a condition relating to management and maintenance of sustainable drainage systems.

Environmental Protection (Pollution)

No objection subject to control of refuse collections (07.00 – 21.00) to safeguard existing neighbours from the service yard proposed.

Initial concern was raised to proximity of the development to the Booths service yard and potential for noise disturbance to residents of the development, a noise survey was requested by the Environmental Protection officer. Following further assessment of the proposed floor plans this request was removed.

Regeneration Team (Heritage)

The redevelopment of the former Axa site is in principle to be welcomed. The site is presently occupied by the portal framed steel clad building that was originally designed as a sports centre in the early 1980's. It was subsequently used as office accommodation. In view of its floor area, scale and overall height it significantly dominates the surrounding townscape. This is all the more marked since the redevelopment of the Booths site and other adjoining former industrial sites (now residential) has 'opened up' the site such that the present building is all the more prominent – and dominant. In conclusion, therefore, the development of the site has the potential to significantly enhance the site and its relationship with the wider townscape of this part of Lytham, including the nearby designated conservation area.

The proposed residential development as now proposed as emerged through an iterative process with the developer following and initial meeting some months ago. One of the challenges with the development of this site is one of ensuring that it relates in scale with the particular parts of the local townscape with which it will relate. This varies between (and includes) the properties on Wharf Street, through which the development will be viewed - 2 storey terraced housing, - West Cliff, which backs on to the site and, the broader open character of Booths supermarket and its car park. It is then essential that the building mass, as proposed, is sufficiently 'broken down' to give interest since the development is one of a combined mass etc. effectively forming a single elongated block.

As a result of these discussions the scale of the development is considered acceptable, being lower where it adjoins Wharf Street but taller where such an increase can be satisfactorily accommodated, notably adjoining the Booths car park. Parts of the building will be shielded from view and in other cases seen at a distance e.g. from Badgers Walk and Westby Street. The design contains a series of projections and recessions to give form and structure to the design with the use of characteristic gables and feature hipped roofs which are characteristic of Lytham. Of note, and again following discussions with the developer's architect, the upper portions of some of the outer walls for the block are surmounted by sweeping roofs with prominent eaves detail, supported on projecting brackets, which helps to anchor the building to the ground, The proposal to use a dark grey brick under the eaves for the upper section of the walls will also help in creating a relationship with the roof and diminishing the apparent height of the building.

The introduction of a masonry plinth to the ground floor is welcomed which will highlight the central section of the main brick façade which will remain the dominant element – a deep red brick to compliment the predominant brick of Lytham. The details including vertically proportioned windows with the heads and cills, windows frames (that should be in a deep reveal of one brick depth) with the grey fenestration, will add a contemporary touch to the design. The inclusion of a variety of roof planes, which match the projections and recession of the building, will add some element of variety to the roofscape with the added chimney features enlivening the roofline. The relatively small dormer windows as proposed to form part of the top storey will appear as subservient features set against the mass of the roof itself. This approach is supported.

Overall, the development as now proposed should make a welcome contribution to this part of Lytham, particularly in view of the removal of the former steel clad building. It is inevitably a contemporary intervention into the townscape of Lytham but, in keeping within the spirit and distinctive design traditions, appropriately applied to a large scale building to accommodate a particular type of use. The detailing of the development will be important and the schedule of finishes as proposed is generally supported. The detailing of the window framing and the balconies along with their frontage screens will be important. Many of these matters can be dealt with through the appropriate conditions.

Environment Agency

No objection subject to land contamination condition.

The application site lies partially within Flood Zone 2 (medium probability of flooding) and is classed as a 'more vulnerable' development in the national Planning Practice Guidance to the NPPF. As such, any issues relating to flood risk should be considered by the LPA using our Flood Risk Standing Advice.

In accordance with the NPPF paragraph 101, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the Sequential Test has to be applied and whether or not there are other sites available at lower flood risk as required by the Sequential Test in the NPPF. Our flood risk standing advice reminds you of this and provides advice on how to do this.

If the LPA determines that the Sequential Test has not been met then the Environment Agency would not support this application. The Sequential Test is applied to ensure that development is firstly placed in areas at lowest risk of flooding. If the Test is not met then the application will not be in compliance with the NPPF.

Greater Manchester Ecology Unit

No objection subject to conditions.

Bats - No signs of bats were found during the external inspection and three of the buildings were considered to have a negligible potential to support roosting bats. No bats were seen to emerge from any of the buildings and only a low level of bat activity was recorded within the locality. None of the trees on site were considered to have any bat roosting potential.

If bats are found at any time during works, then work should cease immediately and

advice sought from a suitably qualified bat worker. We would suggest that an informative to this effect be placed on any permission.

Birds - The hedgerows, trees, ornamental planting and buildings have the potential to support nesting birds, although no evidence of nesting birds was observed at the time of survey. On site works should be avoided during the bird nesting season by condition.

Biodiversity Enhancement - line with Section 11 of the NPPF, we would recommend that opportunities for biodiversity enhancement be incorporated into the new development. These should include bat and bird boxes, sensitive lighting, native tree and shrub planting.

Regeneration Team (Landscape)

No objections.

The site is relatively contained within by mixed age, low density residential development, however the existing data centre (former sports centre) which is located on the site is unsightly and monolithic in character. Redevelopment of the site presents a great opportunity to provide a more appropriate development which fits with the adjacent settlement pattern and delivers an attractive residential space.

I am satisfied that the proposed scheme has resulted from the consideration of the visual impact of any new development on the adjacent areas around the site and that it addresses boundary treatments and visual appearance of the development appropriately.

Changes to the layout are suggested including more formal recreational activity within the gardens, boundary treatments to be uniform in design and consistent in height, surfaces for footpaths should be carefully considered for durability and ease of access, landscaping by condition, a comprehensive Maintenance and Management Plan shall also be produced which details the ongoing maintenance operations and long term management of the site for a minimum of 10 years.

Network Rail

Raise no objections, but make a series of comments associated with the protection of the integrity and safe operation of the railway associated with:

- Drainage to take water away from the railway.
- The boundary fence and foundations must be on the applicants land.
- The demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land.
- Network Rail will need to review and agree all excavation and earthworks within 10m of the railway boundary to determine if the works impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway.
- Network Rail would need to review and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. maintained by the developer.
- Network Rail expects the developer to mitigate any noise and vibration for future occupiers.

- A Risk Assessment and Method Statement is needed to ensure safe construction.
- Any vibro-compaction machinery / piling machinery or piling and ground treatment works should only be done with the agreement of Network Rail's Asset Protection Engineer.
- A BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail.

Cadent Gas

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Lytham St Annes Civic Society

We see this as an intrusion into the otherwise domestic small scale of Lytham's east end. The overall massing is too great and dominating, we would like to see a maximum of three floors in order to relate at all to neighbouring properties. The design layout itself should be modulated in a smaller scale manner to reflect the residential grain of the streets around it, including West Cliffe.

We see this approach as vital in the long term rather than the imposition of a large mass in this desirable and attractive area of residential Lytham. This proposal will not enhance the area.

Neighbour Observations

Neighbours notified: 07 September 2017

Site Notice Date: 18 September 2017

Press Notice Date: 21 September 2017

Number of Responses 22

Summary of Comments:

- Noise, traffic and sight pollution will have a damaging impact on an adjoining holiday let business.
- Damage to property during construction, including piling, as well as once in operation due to road vibration.
- Removal of wall and trees which is a pleasant outlook, being replaced by parking.
- Disturbance during construction.
- Access to the side of the property for maintenance would be restricted.
- Amenity – 3 to 4 stories is far too high. Overshadow neighbours, light blockage, blocking sun light
- Dominance of the structure 'living in a bricked up prison'.
- Lack of privacy due to overlooking of neighbouring gardens.
- Noise from the service yard area, adding to existing problems with Booths supermarket.
- Noise from cars using the access road.
- Pollution from additional cars accessing the site.
- Loss of present unobstructed view.
- Removal of our right to have a lovely quiet and peaceful life in our home.
- Construction access via West Cliffe, this could mean disturbance for a number of years especially if the remainder of the site is also developed.
- Loss of house prices.
- Bulk would be a detriment to the street scene.
- Design – no attempt to blend in with older Victorian housing surrounding, or newer housing. Iron

balconies are out of place with the Victorian Edwardian street scene. Contrary to the Council's own development plan under HL2 for housing in the centre of Lytham, housing should enhance and not be a detriment to the street.

- Design – poorly design project which has been copied and pasted, with no consideration for neighbours or tenants.
- Lack of parking - underestimates the number of staff, residents, visitors and care workers who will need parking. Some of the apartments are 3 bedroom. How can they enforce staff travel to work by bus? Expectation that visitors will use Booths car park or surrounding streets which are both congested.
- Displacement of parking from the site which are heavily utilised.
- Where will residents park if yellow lines go down?
- What parking restrictions will be in place for resident parking.
- What safety measures will be put in place to access the resident parking bays.
- Access – access/ egress is poor and dangerous due to parked cars, edge of pavement housing and a high wall. Why cant the present access from West Cliffe be used?
- It is understood that emergency services were not allowed to use Wharf St when AXA date centre was open, does this still apply?
- North Warton St is narrow and one lane with parked cars for much of its length. It is already used as a rat run and is unsuitable for use by the elderly or disability scooters, without the added pressure of the development.
- Can the pedestrian entrance to Booths be available to everyone?
- 10 parking spaces created for residents on Wharf Street, but would only meet some of their needs and would not be designated to them.
- Will Wharf St be used for access during construction?
- Development of 2/3 of the site only, concern for redevelopment of the remainder of the site.
- Concern for the final number of dwellings on the site. Original plans for 45 dwellings on the larger site, this proposal is for 65 dwellings on a portion of that site.
- What will stop the development evolving into private, second or holiday homes?
- There is a greater requirement for affordable housing for younger people in Lytham, which would be a more appropriate use fir the site.
- Community consultation event – strongly disagree by the statement from Adlington that ‘the majority of comments were supportive in principle’ as this was not a true reflection, everyone attending had concerns and anger with several elements of the plans.

Relevant Planning Policy

Fylde Borough Local Plan:

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
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
TR09	Car parking within new developments
TREC17	Public Open Space within New Housing Developments

Fylde Local Plan to 2032:

S1	Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
SL1	Lytham and St Annes Strategic Location for Development
ENV2	Biodiversity
ENV4	Provision of New Open Space
GD7	Achieving Good Design in Development
H2	Density and Mix of New Residential Development
H4	Affordable Housing
HW1	Health and Wellbeing
INF1	Service Accessibility and Infrastructure
INF2	Developer Contributions
SL5	Development Sites outside Strategic Locations for Devt

Other Relevant Policy:

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

Environmental Impact Assessment

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

Comment and Analysis

The main issues pertinent in the assessment of this proposal are the principle of development, design, amenity, highways, trees, drainage and ecology.

Principle of Development

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF advocates a presumption in favour of sustainable development. In terms of decision taking, this means approving development proposals that accord with the development plan without delay. 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 when assessed against the policies in Framework. It advises that planning decision takers should seek to approve applications for sustainable development where possible.

The site is located with the settlement boundary of Lytham St Annes and has not specific designation in the FBLP. The site is allocated as a housing site in the SV and has been allocated in that plan to enable Fylde to meet and maintain a 5 year supply of housing. Policies H1 and H2 of the SV supports the new housing on such allocations, including specialist accommodation for the elderly in order to meet the need of an ageing population. The Fylde Local Plan to 2032 is now at an advanced stage in the process and as such can be afforded moderate weight in this decision. Therefore given this allocation the site has clearly been found to be in a sustainable location and would comply with the NPPF requirement that housing applications should be considered in the context of the presumption in favour of sustainable development.

The proposal would, therefore, contribute to meeting an identified need in the SV. The site is

considered to be a suitable location for development and the principle of developing the site for the purposes applied for is supported.

Design

Policy HL2 of the FBLP outlines the design criteria against which housing proposals will be allowed. In particular HL2 supports new development which is compatible with adjacent land uses, would be in keeping with the character of the locality in terms of scale, space around buildings, materials and design, and, would not prejudice the future development of a larger area of developable land.

In addition, Policy HL6 requires residential estates to be well-designed, to respect the character of the area and provide an attractive, safe and crime free environment for residents, proposals which involve poor designs and/or layouts which would prejudice the character of the area or public safety, or increase the potential for crime will not be permitted. Policy GD7 of the SV expects development to be of a high standard of design ensuring densities reflect and wherever possible enhance the local character of the surrounding area, relates well to the surrounding context and character of the area, conserve/ enhance the built and historic environment, sympathetic to surrounding land uses and avoids demonstrable harm to the visual amenities of the area.

The site is currently occupied by a vacant industrial building which has been subject to anti-social behaviour. The structure and site in general have deteriorated over time and are considered to detract from the local area. Portions of the building are exposed to distance views from adjacent public vantage points exacerbating the current visual impact concern. Redevelopment could therefore greatly improve and enhance the visual quality of the site and locality, subject to an acceptable design solution.

Loss of the existing building on site has previously been accepted by approval of 17/0411.

The existing building is industrial in appearance and scale, occupying a majority of the application site. The proportions of the existing building are considered to form a precedence for an acceptable scale of development on the site. The scheme has emerged through a series of pre-application meetings with the Planning Authority. As a result of these discussions the scale of the development has been revised, being lower where it adjoins Wharf Street but taller where such an increase can be satisfactorily accommodated, notably adjoining the Booths car park. Parts of the building will be shielded from view and in other cases seen at a distance e.g. from Badgers Walk and Westby Street. The submission includes a height comparison between the existing structure and that proposed, indicating that the height of the building proposed is comparable. In addition, there are some larger scale buildings immediately adjacent to the site including Booths Supermarket and 3 storey apartments on Haven Road. On balance the scale of development proposed is considered acceptable.

The layout makes provision for landscaped garden grounds, parking and servicing arrangements, and would result in a reduced developed area on the site when compared to that existing. The proposal is not therefore considered to be an overdevelopment of the site.

The proposed elevations contain a number of projections and recessions through the use of gables and feature hipped roofs which are characteristic of Lytham and give depth to the structure. The upper portions of some of the outer walls are surmounted by sweeping roofs with prominent eaves detail, supported on projecting brackets, which help to anchor the building to the ground. The proposal to use a dark grey brick under the eaves for the upper section of the walls will also help in creating a relationship with the roof and act to diminish the apparent height of the building. The

introduction of a masonry plinth to the ground floor is supported and will highlight the central section of the main brick façade which will remain the dominant element – a deep red brick to compliment the predominant brick of Lytham. The inclusion of a variety of roof planes, which match the projections and recession of the building, will add some element of variety to the roofscape with chimney features adding visual interest to the roofline. Detailed design includes vertically proportioned windows with heads and cills, use of grey window frames will add a contemporary touch to the design.

Overall, the development is considered to make a positive contribution to this part of Lytham, particularly in view of the removal of the former steel clad building. It is a contemporary intervention into the townscape but, is considered to be in keeping within the spirit and distinctive design traditions of Lytham which have been appropriately applied to a large scale building to accommodate a particular type of use. Design of the development is therefore considered acceptable, in accordance with the development plan.

Amenity

Policy HL2 of the FBLP and GD7 of the SV support new residential development that would have no adverse effect on the amenity and privacy of neighbouring properties. This amenity impact includes privacy, dominance, loss of light, over shadowing or disturbance resultant from the development itself on neighbours, or during the construction period.

Existing neighbours which could be affected by the proposal adjoin the application site to the east on West Cliffe, south on North Warton Street and Wharf Street, and west on Haven Road.

The existing building is sited within close proximity of neighbouring dwellings on West Cliffe, appearing as a dominant and oppressive structure. The siting of the proposed building has increased separation to the majority of neighbours on West Cliffe when compared to that existing, resulting in improved light levels and a less dominant structure. Where habitable rooms and balconies within the development oppose the rear elevation of dwellings on West Cliffe, separation varies between 35m-40m and is considered sufficient distance to minimise overlooking from the proposal.

The rear elevation of 27-31 West Cliffe currently look out over the existing car park. The footprint of the proposed building will extend beyond that existing resulting in these properties opposing the eastern side elevation of the development. Separation between these houses and this element of the scheme is approximately 21m. Scale of the building opposing these neighbours has been reduced to 2 ½ stories through inclusion of an extended eaves line to the hipped roof. Floor plans also ensure that any windows opposing 27-31 West Cliffe are either secondary bedroom windows or serving a study. Tree planting is also proposed to this boundary, which would act to soften and break up the built form. It is acknowledged that the existing open view from the rear of 27-31 West Cliffe would be lost, however, on balance, it is considered that the development would not result in an unacceptable impact to these neighbours. To minimise opportunity for overlooking it is considered necessary to condition the affecting side windows to be obscured and top hung.

Dwellings to the west on Haven Road (The Mariners) are rear facing to the application site and currently have a relatively open aspect, facing out over the car park and single storey element of the existing building. These neighbours have rear habitable room windows opposing the proposed car park and to habitable room windows within the development. At its closest point, separation to the development is 29m, but does increase to 32m. This degree of separation is considered sufficient to ensure that the development would not have an unacceptable impact on these neighbours.

15 Wharf Street is the closest dwelling located to the south and has a side gable relationship to the development and a separation distance of approximately 27m. Further afield, dwellings on North Warton Street have a front facing aspect to the development and separation of approximately 55m. This separation and orientation to the building proposed ensures no unacceptable impact to the amenity of these neighbours.

The proposed vehicular access is to be via Wharf Street, and provides the single point of entry for both cars and service vehicles. Inevitably there will be some noise disturbance from the passage of vehicles to the site, though it is considered that the level of activity would not be significant to warrant refusal of the proposal. Members should also note that the existing site has two points of vehicular entry, from West Cliffe and Wharf Street which would have caused disturbance when in use.

Residents have raised concern to existing noise disturbance resultant from the Booths Supermarket service yard, and how the service yard proposed would act to exacerbate this current problem. There is no service yard area within the scheme, though a turning head located adjacent to the bin store is likely to be used for such means. The turning head is within proximity of houses on Haven Road (The Mariners) and could give rise to noise disturbance if servicing of the development was at an unsociable hour. On this basis it is considered necessary to impose an hours of use restriction on the servicing of the site, the Environmental Protection officer suggests between the hours of 07:00 – 21:00.

It is inevitable that there will be some disruption for residents during the construction period. This disruption however is temporary, for duration of the build and is therefore acceptable. Conditions can be imposed to reduce this disruption for neighbours including construction hours restriction, wheel wash facility, noise/ dust/ vibration controls. Damage to neighbouring dwellings resultant from the construction of development is a private matter and not something that can be taken into consideration when determining this application. For information purposes, a construction company or contractor must carry insurance to cover the unfortunate circumstances where damage does occur to neighbouring property. This insurance would be used to make good any damage. It is recommended that any neighbours concerned take private professional advice on this matter as the Council cannot be held accountable or liable for the actions of private building companies.

The layout of the development provides for an acceptable level of amenity space through provision of communal landscaped gardens, patio areas and balconies. The amenity needs of prospective residents is considered to be catered for within the development.

On this basis it is considered that the development would not unacceptably impinge on the amenity of existing or prospective residents, in accordance with Policy HL2 and GD7.

Highways

Paragraph 32 of the NPPF states that decision makers should take account of whether safe and suitable access to the site can be achieved for all people, and, improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Policy HL2 supports new residential development provided satisfactory access and parking arrangements are provided, and do not adversely affect the safe and efficient operation of the highway network, either individually or cumulatively with other permitted developments. Policy TR1 also encourages the improvement of facilities for pedestrians to encourage walking as an alternative

means of travel. SV Policy GD7 refers to similar highway safety matters and T5 requires provision of parking on site and that a flexible approach to parking will be applied, dependent on location of the development.

There are currently two points of vehicular access to the site via Wharf Street and West Cliffe.

Vehicular access to the development is proposed solely via Wharf Street. The current priority for the flow of traffic on Wharf Street stops at the junction with North Warton Street, the scheme proposes to alter this arrangement with Wharf Street having the priority for vehicles through this junction. 42 parking spaces are provided within the development, this equates to less than 1 space per apartment (65%), and is based on the operational experiences of similar developments run by the applicant. A turning area for larger service vehicles is provided adjacent to the bin store area. Footpaths are demarked through the car park by contrast colour surfacing and link up to the existing footpath network on Wharf Street, a footpath link from the development to Booths Supermarket is also provided. In addition, 10 resident parking spaces have been formed opposite 7-15 Wharf Street and ensures that residents have access to parking spaces in the event that parking restrictions are required on this part of Wharf Street.

A Transport Statement (TS) was submitted with the application which concluded that the site is in accessible location being close to Lytham Town Centre and opportunity therein for public transport such as bus and train services. The TS reports that vehicular movements during peak times will be 28 two way trips in the Am (less than 1 vehicle every 2 minutes) and 19 in the PM (less than 1 vehicle every 3 minutes), and that this is less than that estimated traffic flows and parking arrangements for the former occupier of the site. The TS concludes that the proposed development will have no material traffic impact on the local highway network and that there are no transport/ highway reasons for refusal of planning permission.

The Highway Authority (HA) has considered the proposal and concur with the findings of the TS, stating that the proposal will generate less traffic movements than the former use on the site though acknowledge that this traffic was onto West Cliffe. Notwithstanding, the HA conclude that highway capacity impact would not be severe. The HA also comment that the highway surrounding the site is considered to have a good accident record with no reported incidents and that this indicates no underlying issue which the proposal would exacerbate.

With regards to the physical works proposed, the HA are of the opinion that the resident car parking and junction improvements would provide a safe means of access for all users of Wharf Street with improved sight lines and reduction in traffic speeds through the junction.

The applicant has provided a Parking Statement (PS) with their application. The PS provides details of the applicant's completed and consented Specialist Accommodation for the Elderly schemes and associated level of parking provision. Occupation of the development is restricted by age and most importantly for those to be assessed to be in need of care. The restrictions result in an average age of residents being over 80. Facilities such as a pool car and mobility scooters are also available to residents. The PS provides details of the levels of known resident parking of 16 consented schemes and the demand for resident, staff and visitor parking. The level of parking demand reduces over time for a number of reasons including awareness of other modes of transport, increased use of on site pool car/ mini bus, health issue precluding car usage and increased use of on site facilities (restaurant, hair salon, gardens etc). From their experiences of other schemes, the applicant considers that the amount of parking proposed will provide an appropriate balance, providing sufficient spaces for the initial needs of residents, regular needs in the long term, the aspirations of sustainable development and, avoiding under provision which can create pressure and conflict on

existing off site parking.

The Highway Authority has not raised objection based on the amount of parking spaces provided, or the internal layout of the development. The applicant is proposing to provide off-road car parking for 7 to 15 Wharf Street, the Highway Authority considers that other neighbouring property owners may wish to park on-road fronting these properties, and therefore consider it necessary to investigate the need for traffic regulation orders to alter the waiting restrictions. A £5000 contribution to enable investigation of the traffic regulation order has been requested.

The parking allowance is only acceptable based on the Specialist Elderly Accommodation proposed and is unlikely to be supported for a private housing development. On the basis it is advised that there is an occupancy restriction which relates to the type of accommodation applied for, namely 'specialist accommodation for the elderly' with residents being aged 55 years or over and assessed to be in need of care.

It is considered that the development provides for satisfactory access to the site and there is sufficient capacity to ensure that the level of traffic generated by the development would not have a severe impact on the safe and efficient operation of the surrounding highway network. Appropriate parking for the end user has been demonstrated in the submission.

Trees

Policy EP12 states that trees and hedgerows which individually or in groups make a significant contribution to townscape or landscape character will be protected. Policy GD7 of the SV seeks to protect existing landscape features.

There are a number of peripheral trees on the site which are not protected by Tree Preservation Order, but do afford some amenity value for residents on Badgers Walk, as well as a softening landscape feature of the existing site for residents on West Cliffe and Wharf Street. Existing trees are therefore considered to be of importance and should be retained within the scheme where possible.

The submitted Tree Survey (TS) indicates retention of the majority of trees, though the group adjacent to Wharf Street must be removed to facilitate the resident parking spaces. The TS also identifies protection of retained trees during the construction process. The proposed layout provides for replacement planting in this location and indeed throughout the development, including the bolstering of boundaries especially to housing on West Cliff.

On balance the loss of trees is supported in order to facilitate development of the site, subject to retention and protection of trees as per the submitted TS and layout drawing.

On this basis the proposal is considered to accord with Policies EP12 and GD7, subject to protection of retained trees and hedgerows, and provision of additional tree planting within the development which can be controlled by condition.

Drainage

The site is located predominantly within Flood Zone 1, with the northern most part of the site in Flood Zone 2. Policy EP25 and EP30 of the FBLP states that development will not be permitted which would be subject to an unacceptable risk of flooding or create an unacceptable increase in the risk of flooding within the development site, or elsewhere, foul sewers and sewerage treatment facilities should be of adequate design and capacity to meet additional demand or their provision can be secured as part of the development. Policies CL1 and CL2 of the SV reflect EP25 and EP30, and

encourage use of sustainable urban drainage systems.

A Flood Risk Assessment and Preliminary Drainage Strategy (FRA) has been submitted with the application. The FRA concludes that the site is not at risk from coastal flooding and there has been no historic flood events within 250m of the site. A part of the site is at high risk from surface water flooding which can be mitigated by appropriate floor levels of the building if required. As the existing site is entirely surfaced using impermeable materials, there are no anticipated increases in peak runoff rates as a result. The site is not appropriate for infiltration and is detached from a watercourse, on this basis discharge of surface water is proposed to discharge as per the existing connection to United Utilities sewers.

The Sequential Test is not considered necessary in this instance since the footprint of the building is within Flood Zone 1, with landscaping to the northern boundary within Flood Zone 2 only. The FZ2 designation is recognised in the FRA, which states that floor levels should be raised by a minimum of 300mm above surrounding ground levels or 600mm above the predicted flood level (whichever is the greater) if works are within this area of the site.

United Utilities, the EA and the LLFA have not raised objection to the proposal, subject to conditions requiring implementation of the FRA and management/ maintenance of SuDS on the site. Therefore, adequate measures can be put in place in order to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the requirements of FBLP policies EP25 and EP30, and the NPPF.

Ecology

Paragraph 118 of the NPPF states that local planning authorities should aim to conserve and enhance biodiversity, if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused, opportunities to incorporate biodiversity in and around developments should be encouraged.

The site has no specific nature conservation designation in the Local Plan. Policy EP 19 seek to safeguard protected species and their habitats from development, requiring mitigation where appropriate, as well the retention/ enhancement of existing natural features and the introduction of additional features as part of the development in order to provide biodiversity enhancements. Policies ENV1 and ENV2 of SV reflect this current policy position.

It should be noted that any ecological impact associated with the existing building on the site has been considered under separate application for demolition of the building.

The submitted Ecology Survey concludes that the development would have no adverse impact on any statutory no statutory designated sites, and that there is an absence of bats on site. Removal of vegetation from the site should avoid the bird nesting season, landscaping should be native and provision of bat and bird boxes should be made.

The ecology survey demonstrates that development of the site can be achieved without adversely affecting important habitats and species on/adjacent to the site. Indeed GMEU have no objection to the proposal, subject to condition. On this basis the proposal is therefore in accordance with the objectives of the development plan.

Affordable Housing

Policy H2 states that where 100% specialist accommodation for the elderly is proposed, affordable housing contributions will not be sought. The supporting information submitted with the planning application clearly demonstrates that the proposal is intended for elderly accommodation and this is to be secured by the legal agreement. It is not therefore necessary for the scheme to contribute toward affordable housing provision.

Public Realm

Policy INF2 requires development to contribute towards the requirements of the community, including the public realm. In this circumstance, the application site lies adjacent to and within easy walking distance of Lytham Town Centre for prospective occupants. Contributions towards town centre regeneration, as per the Regeneration Framework, are considered appropriate and the applicant has agreed to a figure of £1000 per apartment (£65000). This shall be required by S106 Legal Agreement, with 50% payable prior to works commencing and the remainder prior to first occupation of the development.

Conclusions

The principle of the proposed development is considered acceptable due to the sites housing allocation in the submission version Fylde Local Plan to 2032.

The development provides for satisfactory access to the site and there is sufficient capacity to ensure that the level of traffic generated by the development would not have a severe impact on the safe and efficient operation of the surrounding highway network. Appropriate car parking is provided, and, design and layout of the scheme is acceptable. The proposal is considered to have an acceptable relationship with neighbours, and the development would have no adverse impacts in terms of ecology, flooding and drainage.

There are no other technical issues which would warrant refusal of the proposal.

Recommendation

That, planning permission be GRANTED subject to the completion of a Section 106 agreement in order to secure:

- £1000 per apartment (£65000) contribution toward public realm enhancements in Lytham Town Centre, with 50% payable prior to construction of the development and remainder prior to first occupation of the development.
- £5000 contribution to cover the costs of investigation and possible future changes to the existing waiting restrictions on Wharf Street, to cover staff costs, the advertising and implementation of traffic regulation orders for the changes to the waiting restrictions – payable prior to construction of the development.
- Occupancy restriction to aged 55 years or older, and, those assessed to be in need of care.

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

And, subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make

otherwise unacceptable development acceptable):

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

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

2. This permission relates to the following plans:

- Location Plan drawing number 09992-P1-101.
- Site Plan drawing number 09992-P1-103 rev A.
- Building Elevations drawing number 09992-P1-131 rev A.
- Floor Plans 1 General Arrangement drawing number 09992-P1-121.
- Floor Plans 2 General Arrangement drawing number 09992-P1-122.

Reason: The application is granted in outline only in accordance with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015. Access has been applied for and any application for reserved matters must be in accordance with and/or not exceed the parameters established as part of this permission.

3. Notwithstanding the submitted details, prior to commencement of the development hereby approved, representative samples of the external construction materials shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be used in construction of the development.

Reason: To provide sufficient clarity over the construction materials and in the interests of visual amenity for the development, in accordance with Policy HL2 of the Fylde Borough Local Plan.

4. Notwithstanding the submitted details, details of finished floor levels and external ground levels for each plot shall be submitted to and approved in writing by the Local Planning Authority before any development at that plot takes place. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: In order to ensure a satisfactory relationship between the new dwellings and their surroundings (including buildings and the street scene) and to ensure that the development is not at risk of flooding, in accordance with Policy HL2 and EP30 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

5. Notwithstanding the submitted details, prior to commencement of the development hereby approved, detailed design of the external balcony structures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To provide sufficient clarity over the construction materials and in the interests of visual amenity for the development, in accordance with Policy HL2 of the Fylde Borough Local Plan.

6. Notwithstanding the submitted details, prior to commencement of the development hereby approved, detailed design of the external bin store shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To provide sufficient clarity over the construction materials and in the interests of visual

amenity for the development, in accordance with Policy HL2 of the Fylde Borough Local Plan.

7. Notwithstanding the submitted details, prior to commencement of the development hereby approved, detailed design of all windows within the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details should provide for frame size and colour, heads and cills, and, a 1 brick depth reveal. The development shall be constructed in accordance with the approved details.

Reason: To provide sufficient clarity over the construction materials and in the interests of visual amenity for the development, in accordance with Policy HL2 of the Fylde Borough Local Plan.

8. Prior to commencement of the development hereby approved, a scheme for construction of the site access and off site highway improvements works shall be submitted to and approved in writing by the Local Planning Authority. The off site highway works shall include:

1. improvements to facilitate the re-prioritisation of the Wharf Street and North Warton Street junction.

The approved scheme shall be implemented prior to first occupation of the development and retained thereafter

Reason: In order to secure improvements to the highway network to ensure safe and convenient access and circulation for vehicle traffic in the interests of road safety , in accordance with Policy HL2 and TR1 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

9. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include details of the following: -

- the parking of vehicles of site operatives and visitors.
- loading and unloading of plant and materials.
- storage of plant and materials used in constructing the development.
- provision of any portacabins on the site.
- the erection and maintenance of security hoarding.
- Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made).
- Routes to be used by vehicles carrying plant and materials to and from the site.
- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.
- Wheel was facilities.
- Measures to control noise, dust and vibration.

The duly approved CMS shall be adhered to throughout the construction period.

Reason: In order to ensure that appropriate measures are put in place to limit noise, nuisance and disturbance to the occupiers of neighbouring dwellings during the construction of the development, in accordance with Policy HL2 and EP27 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

10. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before any development commences and a suitable turning area is to be maintained thereafter.

Prior to first occupancy of the development hereby approved, the private car parking and manoeuvring areas must be marked out in accordance with the approved plan, and permanently maintained thereafter.

Reasons: In the interests of highway safety, in accordance with Policy HL2 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

12. The level of the new driveways fronting 7 to 15 Wharf Street (odds only), shall be constructed 0.150m above the carriageway channel line of Wharf Street.

Reasons: To safeguard the future reconstruction of the highway, in accordance with Policy HL2 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

13. The 10 resident parking spaces opposing 7 to 15 Wharf Street (odds only), as detailed on the Site Plan drawing number 09992-P1-103 revision A, shall be provided prior to occupation of the development hereby approved. Signage requiring use of these spaces for sole use of these parking spaces by residents of Wharf Street shall also be erected prior to occupation of the development hereby approved.

The pedestrian link to the adjacent site to the west, as detailed on the Site Plan drawing number 09992-P1-103 revision A, shall be provided prior to first occupation of the development hereby approved and retained thereafter, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure satisfactory parking arrangements for residents adjacent to the site, and, access arrangements, in accordance with Policy HL2 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

14. Prior to commencement of the development hereby approved, a scheme of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the development and retained thereafter.

Reason: In the interests of visual amenity, in accordance with Policy HL2 and HL6 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

15. Notwithstanding any details shown on the approved plans, prior to commencement of the development hereby approved, a hard and soft landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure retention of all trees and hedgerows identified on the Tree Retention Plan drawing number 7795-A-03 (Arboricultural Assessment, FPCR, August 2017), as well as the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs for additional landscaping within the development.

The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements, in accordance with Policy HL2, EP14 and EP18 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

16. There shall be no lopping, topping or felling of any trees or hedgerow on or overhanging the site unless details have first been submitted to and approved in writing by the Local Planning

Authority.

Reason: In order to protect the existing trees on the site and to ensure satisfactory landscaping of the site in the interests of visual amenity, in accordance with Policy EP12 and EP14 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

17. No clearance of trees and shrubs in preparation for or during the course of development shall take place during the bird nesting season (March to July inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of trees and shrubs shall take place until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with Fylde Borough Local Plan policy EP19, the provisions of the Wildlife and Countryside Act 1981 (as amended) , in accordance with Policy EP19 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

18. During construction of the development works on site shall be restricted to between the hours of:
- 08:00 - 18:00 Monday to Friday.
09:00 - 13:00 Saturday.
No on site works on Sundays or Bank Holidays.

Reason: To safeguard the amenity of neighbouring residents, in accordance with Policy HL2 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

19. Prior to commencement of the development hereby approved, a scheme for provision of bat and bird boxes within the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to occupation of the development and retained thereafter.

Reason: To enhance the biodiversity value of the site, in accordance with Policy EP19 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

20. Prior to commencement of the development hereby approved, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

Those details shall include, as a minimum:

1. Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding

and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD.

2. The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate.
3. Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).
4. Flood water exceedance routes, both on and off site.
5. A timetable for implementation, including phasing as applicable.
6. Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates.
7. Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water, in accordance with Policies EP25 and EP30 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

21. None of the dwellings hereby approved shall be first occupied until details of a management and maintenance scheme for the surface water drainage system to be installed has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover the full lifetime of the drainage system and, as a minimum, shall include:
 1. arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents Management Company.
 2. arrangements concerning funding mechanisms for the ongoing maintenance of all elements of any sustainable drainage system (including mechanical components) to include details such as:
 - on-going inspections relating to performance and asset condition assessments;
 - operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and
 - any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
 3. means of access and easements for maintenance purposes;
 4. A timetable for implementation.

The drainage system shall thereafter be installed in accordance with the details and timetable contained within the approved scheme, and shall be managed and maintained as such thereafter.

Reason: To ensure that satisfactory measures are put in place for the management and maintenance of any surface water drainage system throughout the lifetime of the development, to minimise the risk of flooding and to limit the potential for surcharging of the sewer network, in accordance with Policies EP25 and EP30 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

22. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
 1. A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers, in accordance with Policy EP29 of the adopted Fylde Borough Local Plan (October 2005).

23. Once the development is operational, deliveries to or from the site, and, refuse collection from the site shall only take place between the hours of 07:00 - 21:00 Monday to Sunday.

Reason: To safeguard the amenity of neighbouring residents, in accordance with Policy HL2 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

24. All secondary bedroom windows and study room windows within the eastern elevation of the development hereby approved shall be obscure glazed to a minimum Pilkington Level 3 and non opening and shall thereafter be retained. Any replacement glazing or window shall also be obscure glazed to a minimum Pilkington Level 3 and top hung.

Reason: To safeguard the amenity of neighbouring residents, in accordance with Policy HL2 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

25. The restaurant, hair salon and Spa uses shall remain ancillary to the specialist elderly accommodation hereby approved and shall only be available for use by those working at the premises, occupants of the development and their visitors.

Reason: In order to avoid conflict with town centre retail policies and substandard car parking provision on the site to cater for any general use by the public, in accordance with Policies HL2 and SH15 of the adopted Fylde Borough Council Local Plan (October 2015).



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0738	Address AXA Data Centre, West Cliffe, Lytham St Annes	Grid Ref. E.3371 : N.4273	Scale 0 6 12 18 24 m

Item Number: 4

Committee Date: 06 December 2017

Application Reference:	17/0818	Type of Application:	Full Planning Permission
Applicant:	RG & JM Towers	Agent :	Ian Pick Associates Ltd
Location:	THREE NOOKS WOOD, WEETON ROAD, MEDLAR WITH WESHAM, PRESTON, PR4 3WA		
Proposal:	ERECTION OF AGRICULTURAL BUILDING FOR USE AS GRAIN STORE WITH ASSOCIATED ACCESS TRACK AND RETROSPECTIVE APPLICATION FOR ALTERATIONS OF GROUND LEVELS TO PROVIDE LEVEL AREA FOR BUILDING		
Parish:	MEDLAR WITH WESHAM	Area Team:	Area Team 2
Weeks on Hand:	10	Case Officer:	Ruth Thow
Reason for Delay:	Not applicable		

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

<https://www.google.co.uk/maps/@53.7996472,-2.9096534,1361m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The application site is 'Three Nooks Wood', Weeton Road, Wesham. The site is located on the southern side of the road around 1km from its junction with Fleetwood Road and is part of the land associated with Bradkirk Hall Farm within the designated countryside where the applicants operate an established intensive poultry rearing business.

This application seeks permission for a grain store building to enable the applicants to grow and store their own chicken feed on the site rather than importing grain from elsewhere.

The development is considered to comply with the requirements of Policies SP2 and EP11 of the Fylde Borough Local Plan, as altered (October 2005), Policy GD4 and GD7 of the submission version of the Local Plan to 2032. In addition the proposal is supported by the aim of Chapter 3 of the NPPF which supports the growth and expansion of rural business.

In the absence of any demonstrable harm from this development the application is recommended for approval by Members. However, an oversight on the notification of the application as a 'major' development requires press and site notification which has been undertaken but will not have expired by Committee and so the officer recommendation is to delegate the decision to officers on completion of that period and consideration of any comments received.

Reason for Reporting to Committee

This application is on the agenda as the building has a floor area greater than a 1,000m² and is therefore classed as a major application. The council's scheme of delegation requires that such applications are determined by the Planning Committee if the recommendation is a favourable one.

Site Description and Location

The application site is 'Three Nooks Wood', Weeton Road, Wesham and is part of land associated with Bradkirk Hall Farm which sits within a wider area of land that is a 'triangle' within three significant roads: the M55 motorway to the north of the site, the A585 Fleetwood Road and Weeton Road.

The site is formed by sloping grassland which falls towards the north side where there are now four buildings used for intensive poultry rearing with their associated feed hoppers, a building containing a biomass boiler, and a building used for the storage of hay. The site also has two attenuation ponds created to accommodate surface water from the concrete aprons around the buildings.

New tree planting has been carried out along the access road and around the boundaries.

The site is designated as countryside on the Fylde Borough Local Plan, as altered (October 2005) and this designation has been carried through in the submission version of the Fylde Local Plan to 2032.

Details of Proposal

This application seeks permission for the erection of a building with associated access track and also seeks permission for alterations to the ground level in the area around the site proposed for the building.

The building is proposed for agricultural use for the storage of grain for use as poultry feed. As the access track and the level alterations have taken place, this aspect of the application is applied for retrospectively.

The building is to be sited with the ridge running north to south and set within the banking to the south side of the site with a floor area measuring 36 metres by 42 metres and having an eaves height of 7 metres and an overall ridge height of 11.85 metres.

The building is to be constructed in concrete walling and profile metal sheeting in 'Juniper Green' to match the existing buildings on the site.

Relevant Planning History

Application No.	Development	Decision	Date
16/0635	ERECTION OF AN AGRICULTURAL STORAGE BUILDING FOR STRAW	Granted	13/10/2016
16/0615	ERECTION OF A BIOMASS BOILER BUILDING	Granted	10/10/2016
16/0602	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS 6, 7, 8, 9 OF PLANNING PERMISSION 16/0211 RELATING TO SUSTAINABLE DRAINAGE, BIODIVERSITY MANAGEMENT, AND FINISHED FLOOR LEVELS	Advice Issued	31/10/2016
16/0211	ERECTION OF TWO ADDITIONAL BROILER REARING BUILDINGS AND ASSOCIATED INFRASTRUCTURE INCLUDING FEED BINS, HARDSTANDINGS AND ATTENUATION POND	Granted	01/08/2016
15/0644	PRIOR NOTIFICATION FOR INSTALLATION OF SOLAR PANELS ON SOUTH FACING ROOF OF	Approve Prior Determination	17/11/2015

15/0059	POULTRY HOUSE UNDER PART 14 CLASS J OF GENERAL PERMITTED DEVELOPMENT ORDER RETROSPECTIVE APPLICATION FOR RETENTION OF 3 NO. BULK BINS	Granted	25/03/2015
13/0319	PROPOSED ERECTION OF 2 NO AGRICULTURAL BUILDINGS FOR BROILER REARING, LINK CONTROL ROOM, 3 NO. FEED BINS, HARDSTANDING, ACCESS ROAD AND NEW HIGHWAY ACCESS TO WEETON ROAD.	Granted	11/09/2013

Relevant Planning Appeals History

None

Parish/Town Council Observations

Medlar with Wesham Town Council notified on 03 October 2017 and comment:

At a recent meeting of Medlar-with-Wesham Town Council it was proposed and agreed that as the Council supports agricultural activity in the area and therefore supports the applications.

However the Council are concerned that this building will like many others in the area be within a short space of time, be subject to an application for change of use to non-agricultural. Could we therefore request the Committee, should they approve the applications, place a condition on the building and extension that they can only be used for agricultural purposes.

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

The Highway Development Support Section does not have any objections regarding the proposed erection of an agricultural building with access track and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Neighbour Observations

Neighbours notified: 03 October 2017
Site Notice Date: 06 October 2017
Number of Responses None received

Relevant Planning Policy

Fylde Borough Local Plan:

SP02 Development in countryside areas
EP11 Building design & landscape character

Fylde Local Plan to 2032:

GD4 Development in the Countryside
GD7 Achieving Good Design in Development

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

This application seeks permission for a building to store grain grown on the farm and some which is imported. The grain is to be used for the feeding of the poultry reared on the site.

Policies

Policies SP2/GD4 and EP11/GD7 of the Fylde Borough Local Plan, are relevant to this application together with the aims and guidance of the National Planning Policy Framework (NPPF).

Policies SP2/GD4 refer to development in countryside locations.

Policies EP11/GD7 refer to good design.

Principle of development

Criterion 1 of Policy SP2 advises that in countryside areas development will not be permitted except where proposals are essentially required for the purposes of agriculture, horticulture, or forestry. There is therefore a need to assess whether the proposal is 'essentially required'.

Permission has been granted for four buildings on this site for the intensive rearing of poultry. The applicant has contracts with the '2 Sisters Food Group' who supply chicken to supermarkets. As part of their operation the company supplies both the chicks and the chicken feed to farmers.

In order to ensure that the enterprise is sustainable with a ready supply of feed the applicant is proposing to buy in his own chicks and to grow his own grain for feeding to the chickens. This grain is to be mixed with imported soya, which is not grown in this country due to climatic restrictions, and both are proposed to be stored in the building.

Given the existing established use of this site for agricultural purposes and this grain store is associated with that, it is considered that the grain store building is 'essential required' for the purposes of agriculture.

Landscape and visual impact

Three Nooks is a site which has been developed as a chicken farm with the construction of four buildings for intensive poultry rearing, together with their associated grain hoppers, biomass boiler building, and a building for the storage of straw to serve the biomass boiler.

The site chosen to establish this enterprise is located off Weeton Road on land belonging to Bradkirk

Hall Farm but to the north of the farm site and remote from the main farm buildings. A remote site is required in order to avoid contamination from other animals and due to the difference in land levels provides screening of the buildings from wider views.

The site has a variation in land levels with the buildings sited where the land is at the lowest point. As the site has been developed and extended the land has been excavated to main the level, including the area proposed for the grain store building. This building is to be set with the ridge line running north/south as opposed to the east/west layout of the existing buildings here. Whilst, this arrangement will provide screening of the building from Weeton Road, views of the building will be obtainable from Bradshaw Lane and at other points in the open countryside.

Notwithstanding this, the site is an established agricultural enterprise in the countryside, the buildings are all constructed using matching materials to blend with each other and the surrounding land. In addition the applicant has carried out extensive tree planting to the north, south and west, it is considered that this could be supplemented with additional planting to the east side which over time, would help to assimilate the building into the landscape.

As a consequence, it is considered that the proposal will have no significant impact on the landscape character of the site and surrounding areas and accordingly the proposal complies with policies SP2 and EP11 of the Fylde Borough Local Plan, as altered (October 2005) Policies GD4 and GD7 of the submission version of the local plan and the aims of the NPPF, in this regard.

Traffic issues

The grain is proposed to be grown on the applicant's farm, any vehicles entering the site would use the existing hard surfaced access track from the highway which serves the existing buildings and which has good visibility at the entrance so is unlikely to raise any highway issues.

Conclusions

This application seeks permission for the erection of a grain store building to store feed for use in the applicant's poultry rearing enterprise undertaken at this site. It is the applicant's intention to operate a business independent from the current feed providers and to provide a more sustainable form of business.

The development is sited in an area that will result in some views of the development however, significant landscaping has taken place and additional planting is condition of this recommendation to limit the impact of the building in the wider landscape.

The development is therefore considered to comply with the requirements of Policies SP2/GD4 in respect of the agricultural need for the development and is supported by the aims of the NPPF which supports the growth and expansion of rural business.

In the absence of any demonstrable harm from this development it is supported and recommended for approval subject to conditions. One of those conditions will be to require that the building is used for the storage of grain as described in the application and so should satisfy the concerns of the Town Council on this. This will reinforce the controls already in place through the General Permitted Development Order that only allow a change of use of an agricultural building away from that use if it was erected prior to March 2013 alongside other criteria.

Recommendation

That the decision on the application be delegated to the Head of Planning and Housing on:

- conclusion of the statutory site and press notification period required for major applications and the consideration of any comments received as a result
- the consideration of any additional comments and inclusion of additional or revised conditions as a consequence of these matters.

In the event that the Head of Planning and Housing determines that the application should be approved then the following suggested conditions are proposed:

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

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

2. This permission / consent relates to the following details:

Approved plans:

- Location Plan - drawing no. IP/RT/01
- Site layout plan - drawing no. IP/RT/02
- Proposed floor plans and elevations - drawing no. IP/RT/03
- Proposed topographic plan - drawing no. IP/RT/05
- Proposed section - drawing no. IP/RT/06

Supporting Reports:

- Design and Access Statement - Ian Pick Associates Ltd

Reason: To provide clarity to the permission.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the building shall be used for the storage of grain or other agricultural purposes associated with the chicken rearing operation undertaken at Three Nooks Wood.

Reason: To restrict the use of the building to an operation which is compatible with the nature of surrounding uses and to prevent future changes of use which have the potential to detract from the character and proper planning of the area.

4. 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.

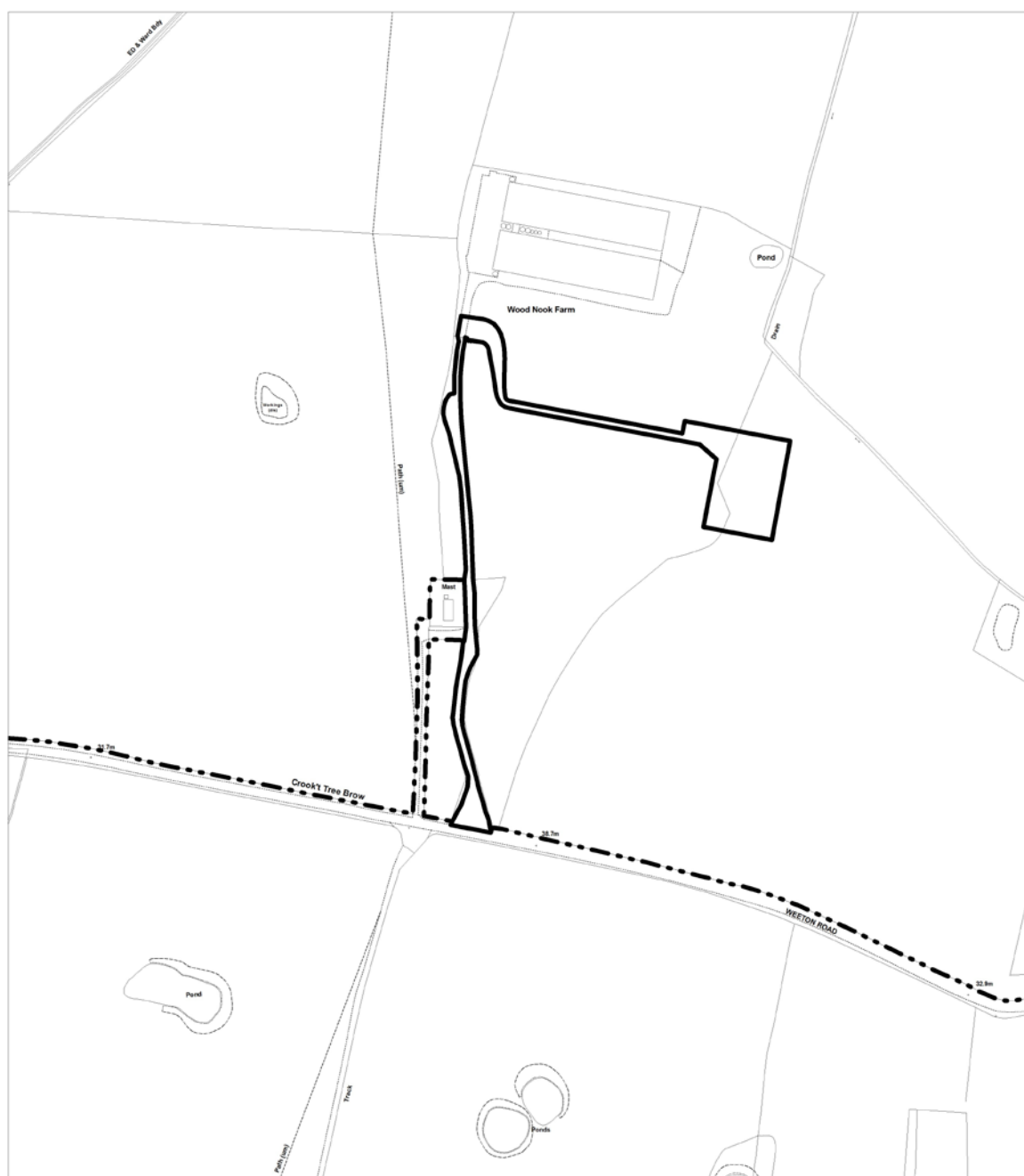
In the interests of visual amenity.

5. No site clearance, site preparation or development work shall take place until a landscaping scheme incorporating ecological habitat creation (bat bricks and/or tubes, bat boxes, bird boxes etc) and retention, enhancement and management schemes has been submitted and approved in writing. The scheme shall demonstrate maintenance of wildlife habitat (quantity and quality), including hedgerows and shall demonstrate that the development will be permeable to the passage of wildlife. Specific details shall also include finished levels and means of enclosures. Soft landscape works shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

To enhance the quality of the development in the interests of the amenities of the locality and in the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework, Section 11.

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

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



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0818	Address Three Nooks Wood, Weeton Road, Wesham	Grid Ref. E.3404 : N.4338	Scale 0 15 30 45 60 m

Item Number: 5

Committee Date: 06 December 2017

Application Reference:	17/0829	Type of Application:	Variation of Condition
Applicant:	Mrs Anne Pratt	Agent :	David Bolton (Building Designer)
Location:	THE GUARDHOUSE SANDRINGHAM ROAD, REAR OF 205 CLIFTON DRIVE SOUTH, LYTHAM ST ANNES, FY8 1EY		
Proposal:	APPLICATION FOR THE REMOVAL OF CONDITION 2 ON PLANNING PERMISSION 10/0723 TO ALLOW RESIDENTIAL ANNEX TO BE OCCUPIED SEPARATE TO EXISTING DWELLING.		
Parish:	FAIRHAVEN	Area Team:	Area Team 2
Weeks on Hand:	10	Case Officer:	Alan Pinder
Reason for Delay:	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.7443351,-3.0115128,170m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

Planning permission is sought for the change of use of a single storey structure that is attached to the rear of the dwelling and is currently in lawful use as a residential annex incidental to the use of No.205 Clifton Drive South. The application proposes the use of the annexe as an independent dwelling.

The proposal is not considered to unduly impact on the amenity of No.205 or any neighbouring properties, and the use is in keeping with both the visual and residential character of the area. The proposal is considered to accord with the relevant policies of the Fylde Borough Local Plan, the emerging Fylde Local Plan to 2032, and the St Annes Neighbourhood Plan. Accordingly the application is recommended for approval.

Reason for Reporting to Committee

This application is on the agenda as the officer recommendation for approval conflicts with the representation from St Annes Town Council and so the Scheme of Delegation requires that the application be determined by Committee.

Site Description and Location

The application site refers to an attached cottage to the rear of 205 Clifton Drive South, Lytham St. Annes. The property is a former garage, that was initially converted to a holiday cottage and is now in lawful use as a residential annexe incidental to 205 Clifton Drive South. There is a hard surfaced area to the front of the cottage and vehicular access from Sandringham Road. There are garden areas to the front, rear and side of the property. The site is within the main settlement of Lytham St. Annes as designated on the Fylde Borough Local Plan, as altered (October 2005).

Details of Proposal

Planning permission is sought for the change of use of the building from residential annexe to an independent dwelling. No physical changes or operational development is proposed by the application.

Relevant Planning History

Application No.	Development	Decision	Date
15/0595	DISCHARGE OF CONDITION 4 - LANDSCAPING DETAILS FOR REMEDIATION WORK ON APPLICATION 15/0293	Advice Issued	
15/0293	PROPOSED SINGLE STOREY SIDE AND REAR EXTENSION TO EXISTING ANNEX.	Granted	26/06/2015
10/0723	CHANGE OF USE FROM HOLIDAY COTTAGE TO RESIDENTIAL ANNEXE INCIDENTAL TO MAIN DWELLING.	Granted	15/12/2010
06/1044	AMENDED ROOF DESIGN TO CONSERVATORY AND ERECTION OF PITCHED ROOFS TO EXISTING FLAT ROOFED BAY WINDOWS	Granted	02/01/2007
06/0098	RE-SUBMISSION OF 05/769 - NEW VEHICULAR ENTRANCE AND EXIT AND GARAGE TO SIDE	Granted	19/04/2006
05/0769	CHANGE OF USE OF GARAGE TO HOLIDAY ACCOMMODATION, NEW VEHICULAR ACCESS TO CLIFTON DRIVE SOUTH, NEW GATES AND ALTERATIONS TO DRIVE. ERECTION OF GARAGE TO SIDE OF DWELLING	Refused	03/11/2005
04/0928	DORMER TO SIDE AND REAR ELEVATION & CONSERVATORY TO SIDE ELEVATION	Granted	08/11/2004

Relevant Planning Appeals History

Application No.	Development	Decision	Date
05/0769	CHANGE OF USE OF GARAGE TO HOLIDAY ACCOMMODATION, NEW VEHICULAR ACCESS TO CLIFTON DRIVE SOUTH, NEW GATES AND ALTERATIONS TO DRIVE. ERECTION OF GARAGE TO SIDE OF DWELLING	Allowed	31/08/2006

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 29 September 2017 and comment:

The town council objects to the proposal on the grounds that it is contrary to criterion 'd' of policy HOU2 of the St Annes Neighbourhood Plan.

Statutory Consultees and Observations of Other Interested Parties

N/A

Neighbour Observations

Neighbours notified: 29 September 2017
Number of Responses None

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL02	Development control criteria for new housing proposals

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
H2	Density and Mix of New Residential Development
H3	Conversions and Change of Use to Residential

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
	St Annes on Sea Neighbourhood Plan

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 principal issues to consider in the determination of this application are contained in policy HL2 of the Fylde Borough Local Plan and policies H2 and H3 of the submission version of the emerging Fylde Local Plan to 2032.

Relevant planning history

The application building was originally a detached garage associated with No.205 Clifton Drive South which gained planning permission on appeal in 2006 (ref. 05/0769) for use as a holiday cottage. In 2010 a further permission was granted for a change of use of the building from a holiday cottage to a residential annexe incidental to the main dwelling.

The Principle of the Use

The characteristics of a sole residential use of the building differs little, if any, from those of the former holiday cottage use and current residential annexe use. The proposed residential use is compatible with the residential character of the surrounding area and neighbouring properties, and would utilise the same garden curtilage area and vehicular access arrangements approved under the previous permissions and in use for the previous 11 years. The application proposes no operational development to the building that might otherwise cause harm to the amenity of neighbouring properties. The principle of the residential use has been established by the previous permissions and its use as an independent residential unit would have no greater impact on any aspect of the locality than existed from the former holiday cottage use and the current residential annexe use. As such the proposal is considered to accord with the relevant policies of both the Fylde Borough Local Plan and the submission version of the emerging Fylde Local Plan to 2032.

The town council has objected to the proposed change of use on the grounds that it conflicts with criterion (d) of policy HOU2 of the St Annes Neighbourhood Plan. Criterion (d) states the council will have regard for "*general effects on the character of the neighbourhood, including the extent to which flat conversion schemes are a new or an established feature of the immediate area, avoiding the loss of front gardens and the retention of existing trees and shrubs*". Policy HOU2 relates specifically to flat conversions and HMOs, with the justification for HOU2 recognising that "*...the conversion and subdivision of properties within established family residential areas can play a role in providing new housing...* ".

This application relates to the change of use of an established former holiday cottage, which is now lawfully in use as a detached residential annexe. The property is located within an established residential area of dwellings that provide family accommodation of varying sizes and hence it is the officer opinion that policy HOU2 does not apply to the circumstances of this application. This notwithstanding, the application building is a well-established built form in the area and the proposal does not require the construction of a new building nor any operational works to the existing building to facilitate the change of use.

Whilst some garden has inevitably been lost to No.205 Clifton Drive South it still retains an ample curtilage that would readily serve the needs of No.205's occupiers without the need for any trees or shrubs to be removed to facilitate the change of use. Hence, whilst Policy HOU2 is not considered to be a directly applicable policy in the circumstances of this application, it is the considered opinion that the proposal complies with criterion (d) of policy HOU2 of the St Annes Neighbourhood Plan anyway.

Conclusions

This application relates to the change of use of a detached residential annexe to an independent dwelling. The use of the building as an independent dwelling would have no greater impacts on the locale than the previous lawful uses as a holiday cottage and residential annexe and overall is considered to accord with the relevant policies of the Fylde Borough Local Plan, emerging local plan (to 2032), and the St Annes Neighbourhood Plan (to 2031). The application is therefore recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission / consent relates to the following details:

- Location Plan - Produced by 'Buy A Plan', dated 22 September 2017 and scale 1:1250
- Design and Access Statement - Produced by David Bolton (Building Designer)

Reason: To provide clarity to the permission.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0829	Address The Guardhouse, Sandringham Road, Rear of 205 Clifton Drive South, Lytham St Annes	Grid Ref. E.3333 : N.4280	Scale 0 6 12 18 24 m

Item Number: 6

Committee Date: 06 December 2017

Application Reference:	17/0830	Type of Application:	Householder Planning Application
Applicant:	Mr K Velivela	Agent :	
Location:	223 CLIFTON DRIVE SOUTH, LYTHAM ST ANNES, FY8 1ES		
Proposal:	WIDENDING OF EXISTING PEDESTRIAN ACCESS TO PROVIDE VEHICULAR ACCESS (4 METRES IN WIDTH), PROVISION OF GATE POSTS AND GATES TO 1.6 METRES IN HEIGHT AND REPLACEMENT BOUNDARY WALLS TO 0.8 METRES HIGH TO FRONT BOUNDARY.		
Parish:	FAIRHAVEN	Area Team:	Area Team 2
Weeks on Hand:	10	Case Officer:	Ruth Thow
Reason for Delay:	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.7457139,-3.0173383,170m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to a domestic dwelling located on Clifton Drive South in St Annes. The proposal is to form a vehicular access to the property from that road along with the erection a replacement front boundary wall and an area of hardstanding to facilitate parking. These works require planning permission as the access being formed is to a classified road and the front boundary exceeds the 1m height limit that can be constructed as permitted development.

There are no highway safety objections from the formation of the access point at this straight part of the road where good visibility is available in both directions. The works proposed are sympathetic to the appearance of the property and reflect those at other dwellings in the surrounding area. As such there is no harm caused to the character of the surrounding streetscene as a consequence of the development.

On this basis the application accords with requirements of Policy HL5 of the Fylde Borough Local Plan, with Policy GD7 of the emerging Fylde Local Plan to 2032 and with the St Annes Neighbourhood Plan and accompanying design guide.

It is recommended that planning permission be granted.

Reason for Reporting to Committee

This application is on the agenda as the officer recommendation for approval conflicts with the representation from St Annes Town Council and so the Scheme of Delegation requires that the application be determined by Committee.

Site Description and Location

The application site is 223 Clifton Drive South, Lytham St. Annes. In particular the application relates to a detached bungalow on the north side of Clifton Drive South. The location of the property is one where there is a varied mix of bungalows and larger two and three storey properties to establish the character of the streetscene. The site is located within the settlement of Lytham St. Annes as designated on the Fylde Borough Local Plan, as altered (October 2005) and this designation is carried forward in the submission version of the Local Plan to 2032.

Details of Proposal

This application seeks permission for the widening of the existing pedestrian access to provide vehicular access, the provision of hardstanding areas in the front garden area, and the construction of a replacement boundary wall.

The new access is proposed at 4 metres in width with 1.6 metre high brick pillars each side. The new boundary wall is 0.8 metres high extending for 5.65 metres either side of the new entrance. Wooden gates are also proposed.

Work has commenced on the development and so the application is part retrospective.

Relevant Planning History

Application No.	Development	Decision	Date
13/0784	PROPOSED FORMATION OF VEHICULAR ACCESS TO FRONT	Granted	04/03/2014

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 29 September 2017 and comment:

Object. The plans are very poor – unable to compare existing with proposed, no north point, no scale, insufficient surrounding detail to identify impact on highways and neighbours. (We suggest FBC reject this application).

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

The Highway Development Control Section does not have any objections regarding the proposed new driveway and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

They then suggest conditions to ensure that gates do not impact on the highway and that there is an area within the site to allow turning of vehicles. They also refer to the need for the highway authority to undertake the alterations to the footway and kerb.

Neighbour Observations

Neighbours notified:	29 September 2017
Number of Responses:	1 letter received
Summary of Comments:	<ul style="list-style-type: none">• happy for new access• avoids parking in waiting bay

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL05	House extensions

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development

Other Relevant Guidance:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
	Residential Design Guides in Extending Your Home SPD
JHE	Joint House Extensions SPD
	St Annes Neighbourhood Plan and Design Guide

Site Constraints

Environmental Impact Assessment

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

Comment and Analysis

Background

This application seeks permission for the creation of a vehicular access by the widening the existing pedestrian access and the re-building of the boundary walls to the front boundary of the property.

The applicant was granted approval for a similar scheme under application no. 13/0784 but that application has lapsed and does not accord with the current proposal as the opening is wider, has higher posts and gates, and is located centrally whereas the previous scheme had an off set entrance.

Principle

The application site is located within the settlement area under Policy SP1 of the adopted Fylde Borough Local Plan, As Altered, October 2005, and Policy GD1 of the emerging Fylde Local Plan to 2032 (Submission Version). In these areas the principle of residential extensions is acceptable subject to the normal planning criteria as examined below with reference to Policy HL5 and Policy

GD7 of the aforementioned plans.

Design and Appearance in Streetscene

This application relates to a new front boundary wall and the widening of the existing pedestrian access to provide a vehicular access.

The low height of the proposed walls will continue those of the adjacent neighbour's boundary walls. Whilst the gates and posts being proposed are higher than the wall at 1.6 metres there is a variety of heights of gate posts along the street and the proposed height will not be incongruously high.

New paving is proposed to facilitate the new driveway and parking areas however, two soft landscape beds are to be retained either side of the access which will soften the appearance of paving and retains the appearance of a garden to the property. The design and materials respect those of the neighbouring properties and retains the garden character as promoted by the St Annes Neighbourhood Plan and its accompanying design guide. The scheme also provides off-street parking to the property so accords with that aspect of the Plan.

It is therefore considered that the proposed access and garden alterations are acceptable and will not result in a detriment to the visual amenity of the area.

Relationship to Neighbours

Given the location and the nature of the development the proposal has no impact on the amenity of neighbours.

Parking and Access Arrangements

Clifton Drive South is a classified road and as such the views of LCC Highway engineers are sought on such applications. They have not objected to the scheme subject to conditions as reported in the consultation section of this report, with these to be imposed in this decision albeit in a form that will meet the statutory tests for conditions.

Conclusion

The application relates to the formation of an access to Clifton Drive South to serve an existing dwelling along with an associated driveway and replacement boundary wall and gates. The works are typical of others in the area and are appropriately designed to meet the relevant policy tests of the adopted and emerging Fylde Local Plans and the St Annes neighbourhood Plan. Accordingly the scheme is recommended for approval.

The plans that have been submitted are not professionally drawn and the concerns of the Town Council are noted in that respect. However, the plans do provide details of the dimensions of the work proposed and the materials to be used and it has been accepted that they give sufficient clarity over the works to allow an assessment of the merits to be made. A refusal of the application on that basis is not considered to be justified.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This permission / consent relates to the following details:

Approved plans:

- Location Plan
- Plan view submitted 25/09/2017
- Elevation view submitted 25/09/2017

Reason: To provide clarity to the permission.

2. That the gates and their associated mechanisms shall be located outside the adopted highway, and the gates shall be designed to prevent the gates from opening onto the adopted highway and footway.

Reason: To ensure there is no obstruction to the adopted highway in accordance with Policy HL5 of the Fylde Borough Local Plan, as altered (October 2005), Policy GD7 (i) and the aims of the National Planning Policy Framework.

3. Prior to its first use by vehicles the driveway shall be completed in accordance with the approved plans so as to ensure that provision is available for vehicles to turn within the site so that they can enter and leave the highway in forward gear. This arrangement shall be retained thereafter.

Reason: To avoid the need for vehicles reversing to and from the highway as this represents a hazard to other road users, for residents and pedestrians in accordance with Policy HL5 of the Fylde Borough Local Plan, as altered (October 2005), Policy GD7 (i) and the aims of the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0830	Address 223 Clifton Drive South, Lytham St Annes	Grid Ref. E.3330 : N.4281	Scale 0 6 12 18 24 m

Application Reference:	17/0858	Type of Application:	Variation of Condition
Applicant:	Mr PICKERVANCE	Agent :	ML Planning Consultancy Ltd
Location:	NEW HALL FARM, ROSEACRE ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3XE		
Proposal:	MINOR MATERIAL AMENDMENT APPLICATION TO VARY THE APPROVED PLANS UNDER CONDITION 2 OF PLANNING PERMISSION 17/0014 TO REFLECT AN AMENDED LOCATION OF BUILDING		
Parish:	NEWTON WITH TREALES	Area Team:	Area Team 2
Weeks on Hand:	8	Case Officer:	Ruth Thow
Reason for Delay:	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.8177148,-2.8445111,340m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is New Hall Farm which is an active dairy farming enterprise that operates from a site located in the countryside on the Fylde Borough Local Plan in Wharles.

Planning permission was granted by Committee earlier this year for a pair of cattle housing buildings at the site for housing for young beef and dairy stock to help the enterprise meet modern standards. Construction has commenced but does not accord with the approved plans in that the buildings are in a different location and have different dimensions. This application is for a variation of condition 2 of the planning permission (Ref: 17/0014) in an attempt to regularise the variation in the 'as built' building from the approved building.

It is submitted in tandem for a second application for variation of condition no. 2 on application 17/0015 for an identical building which is sited alongside this one.

Given the context of the approved development, the variations proposed are relatively minor and will not lead to any greater impact on the rural character of the area, particularly as they relate to the expansion of existing farming activity and are now to be implemented with a landscaping scheme that is intended to filter views from critical off-site locations.

The development is considered to comply with the requirements of Policies SP2 and EP11 of the Fylde Borough Local Plan, as altered (October 2005) and Policies GD4 and GD7 of the submission version of the emerging Fylde Local Plan to 2032 in respect of the agricultural need for the development. It is considered that the proposal would allow for sustainable growth and expansion of an existing agricultural business and is therefore supported by the aims of the NPPF.

In the absence of any demonstrable harm from this development it is supported and recommended for approval subject to conditions.

Reason for Reporting to Committee

This application is on the agenda as the Parish Council have objected to the application and under the council's scheme of delegation such applications are to be determined by Members.

Site Description and Location

The application site is New Hall Farm, Roseacre Road, Wharles. The site is to the north side of Roseacre Road and consists of the farmhouse and a group of agricultural buildings of a mix of traditional brick built buildings and modern style, Yorkshire boarded buildings.

The enterprise undertaken at New Hall Farm is run by the Pickervance family in conjunction with Roseacre Hall Farm in Roseacre. New Hall Farm is predominantly utilised for rearing young stock in association with the dairy herd housed and milked at Roseacre Hall Farm.

The application site is located in an area designated as countryside in the Fylde Borough Local Plan, as altered (October 2005) and this designation is carried forward to the submission version of the Fylde Local Plan to 2032.

Details of Proposal

The application is a variation of condition no. 2 of application 17/0014 which sought permission for further livestock buildings for housing for young beef and dairy stock.

The buildings were originally applied for in two separate applications under 17/0014 and 17/0015 and as the variation applies to both buildings a variation application is submitted for each building. This variation relates to the alternative siting and a change to the scale of the building approved under application 17/0014.

Whilst the building is proposed in same general area as that previously approved it is at a greater separation distance from the existing buildings increasing this from the 8 metres as approved to 12 metres and so pushing the building further into the countryside.

The approved building measured 13.7 metres in width by 36 metres in length with eaves height of 4.5 metres and a ridge height of 6.3 metres. The building being proposed in this variation has been reduced in width and height however the length has increased. The building now measures 10.6 metres in width by 41 metres in length with the eaves height remaining the same at 4.5 metres with the ridge reduced to 5.9 metres. To compare the respective volumes the 'as built' is 2,259m³ compared to the approved 2,663m³.

As construction of the buildings has commenced the application is applied for retrospectively.

Relevant Planning History

Application No.	Development	Decision	Date
17/0351	DEMOLITION OF FORMER CATTLE BUILDING AND ERECTION OF TWO STABLE BLOCKS FOR LIVERY USE (8 STABLES IN TOTAL)	Granted	10/07/2017
17/0014	ERECTION OF AGRICULTURAL LIVESTOCK BUILDING	Granted	16/03/2017

17/0015	ERECTION OF AGRICULTURAL LIVESTOCK BUILDING.	Granted	16/03/2017
16/0804	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITION 3 (LANDSCAPING) AND CONDITION 5 (FENCING) ON PLANNING PERMISSION 14/0619	Advice Issued	23/11/2016
16/0143	RETROSPECTIVE APPLICATION FOR FORMATION OF NEW ACCESS FROM ROSEACRE ROAD INCLUDING INSTALLATION OF ASSOCIATED GATING	Granted	11/05/2016
15/0862	REMOVAL OF CONDITION 2 ON APPLICATION 14/0619 NOT TO IMPLEMENT THE RAISED EARTH BUNDING TO THE PERIMETER OF THE LAGOON.	Withdrawn by Applicant	21/01/2016
15/0265	PROPOSED SINGLE STOREY SIDE EXTENSIONS TO BOTH SIDES AND REAR OF DWELLING.	Granted	07/07/2015
14/0619	PROPOSED EXCAVATIONS AND BUNDING TO FORM EARTH BANKED SLURRY LAGOON	Granted	13/01/2015

Earlier agricultural history omitted as not considered relevant.

Relevant Planning Appeals History

There are no appeals to report relating to relevant applications.

Parish/Town Council Observations

Treales, Roseacre & Wharles Parish Council notified on 12 October 2017 and comment:

The Treales, Roseacre & Wharles (TRW) Parish Council (PC) OBJECTS to the creation of this substantial building with its uncharacteristic and intrusive lighting in a more prominent position without the mitigation of the lighting and landscaping/planting scheme to break up the mass of this very large building visible from both Roseacre Road and Inskip Road. This is in conflict with Policy SP2 as the proposed development is considered – by local knowledge – to be of a scale which would harm the character of the surrounding countryside.

TRW PC would be happy to consider revising this view if it were to receive a suitable proposal to screen out emitted lighting and a landscaping and planting scheme to break up the mass of the development. This may include evergreen trees to provide year round effect, such as Scot's pine or similar which are characteristic of a number of woodland settings locally.

The Treales, Roseacre & Wharles (TRW) Parish Council would wish this application to be determined by the Fylde Borough Council's Development Management Committee if the case officer's view is at variance to TRW Parish Council's recommendation.

Statutory Consultees and Observations of Other Interested Parties

Cllr Speak: raised concerns in respect of the overall massing of the buildings, light pollution and lack of landscaping.

Neighbour Observations

Neighbours notified: 12 October 2017

Site Notice Date: 20 October 2017
Number of Responses: None

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
EP11	Building design & landscape character
EP28	Light Pollution

Fylde Local Plan to 2032:

GD4	Development in the Countryside
GD7	Achieving Good Design in Development

Other Relevant Policy:

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

Site Constraints

Within countryside area
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

This application is submitted for a variation of condition no. 2 of application no. 17/0014 which granted approval for an agricultural building for livestock housing. Condition no. 2 refers to the list of plans submitted with the application and this application seeks a substitution of the approved location and elevation plans of the building previously approved.

The application is in tandem with that under reference 17/0859 on this agenda that relates to similar changes to the building that sits alongside this one and was approved under reference 17/0015.

The Principle of development

The principle of the development has been established by the previous approval and found to be 'essentially required' for the purposes of housing young livestock in order to expand the applicant's existing enterprise and to meet the DEFRA requirements for animal welfare.

Impact on visual amenity

Since the permissions were granted the applicant has commenced construction of both buildings with one almost complete and the steel erected for the other at the time of the writing of this report, with construction continuing.

The new buildings are positioned further northwards into open countryside from the approval,

increasing the separation distance from the existing farm buildings from 8 metres to 12 metres.

The applicant has advised that he has relocated the development in order to improve air circulation between and within the buildings as assists in the prevention of bovine pneumonia which occurs in young calves reared indoors.

The new location results in the buildings being more slightly evident in the landscape, particularly when viewed from Roseacre Road and concerns have been raised in respect of their prominence, massing and light emitting from the buildings, although the buildings are both physically smaller in overall size with the reduced width and height reducing the extent of the increased northward positioning. The perceived outward expansion of the buildings will therefore not be particularly noticeable at the distances involved with the highway at Roseacre Road being 230m from the buildings.

The buildings are in a location that is consistent with the natural development of the farm with expansion occurring outwards of the original nucleus of farm buildings which often arises as a result of the need for more buildings which meet DEFRA welfare standard increases. The buildings are no nearer to any neighbours and are still 'read' as belonging to the farm and its associated buildings.

The possibility of landscaping the site has been suggested by the Parish Council with trees such as 'Scots Pine'. Whilst this is an evergreen tree it is not suitable for screening due to the ultimate height the species grows to and the formation and position of its branches on the tree i.e. very tall with sparse branches. Alternative forms of landscaping have been discussed with the applicant who is willing to provide some tree planting along a field boundary which will provide a softening of the views of the buildings from the Roseacre Road viewpoint. However, further woodland planting between the development and Roseacre Road to west of the site would limit the agricultural use of the field and is therefore not considered a sustainable option. It is noted that tree planting has taken place in the grass verge alongside Roseacre Road in front of the near neighbours and will also provide screening as it becomes established. However, the new buildings in the landscape are of a typical agricultural style, and of an appropriate scale for their intended use and as such are not considered an incongruous feature on a farm and are not so detrimental to the visual appearance and character of the countryside as to warrant a refusal of the application.

Accordingly the application is considered to comply with the criteria of Policies SP2 and EP11 of the Fylde Borough Local Plan, as altered (October 2005), Policies GD4 and GD7 of the submission version of the Local Plan to 2032 and the aims of the NPPF which support rural growth.

Light Pollution

Reference has been made in respect of the lighting of the buildings.

It is understood that the applicant has commenced work on the construction of the buildings, albeit not in the approved location, however he is keen to move his animals into the buildings to improve their welfare and conditions and so work is continuing to erect the steelwork. Due to the present short hours of daylight the buildings are being constructed under artificial lighting and as the buildings are not yet clad this lighting is visible from neighbouring properties. It is understood that any light spillage will be temporary during construction phase only.

Any permanent external lighting should be fitted in such a manner as to prevent light spillage into the wider countryside, and this will be a condition of this application.

Conclusions

This application is a variation of the plans condition which seeks permission to vary the location and scale of buildings previously approved under application no. 17/0014. The new siting results in the buildings being located four metres more into the open countryside with the scale of the buildings varied such that the buildings now have less of a presence in the countryside.

Overall the changes are considered to be minimal and do not result in a detriment to the character and appearance of the countryside.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This permission / consent relates to the following details:

Approved plans:

- Location Plan - 'Standfords' (Revised 20 November 2017)
- Proposed Plans and Elevations - drawing no. ML/TP/5610A (Revised 20 November 2017)

Supporting Reports:

- Design and Access Statement

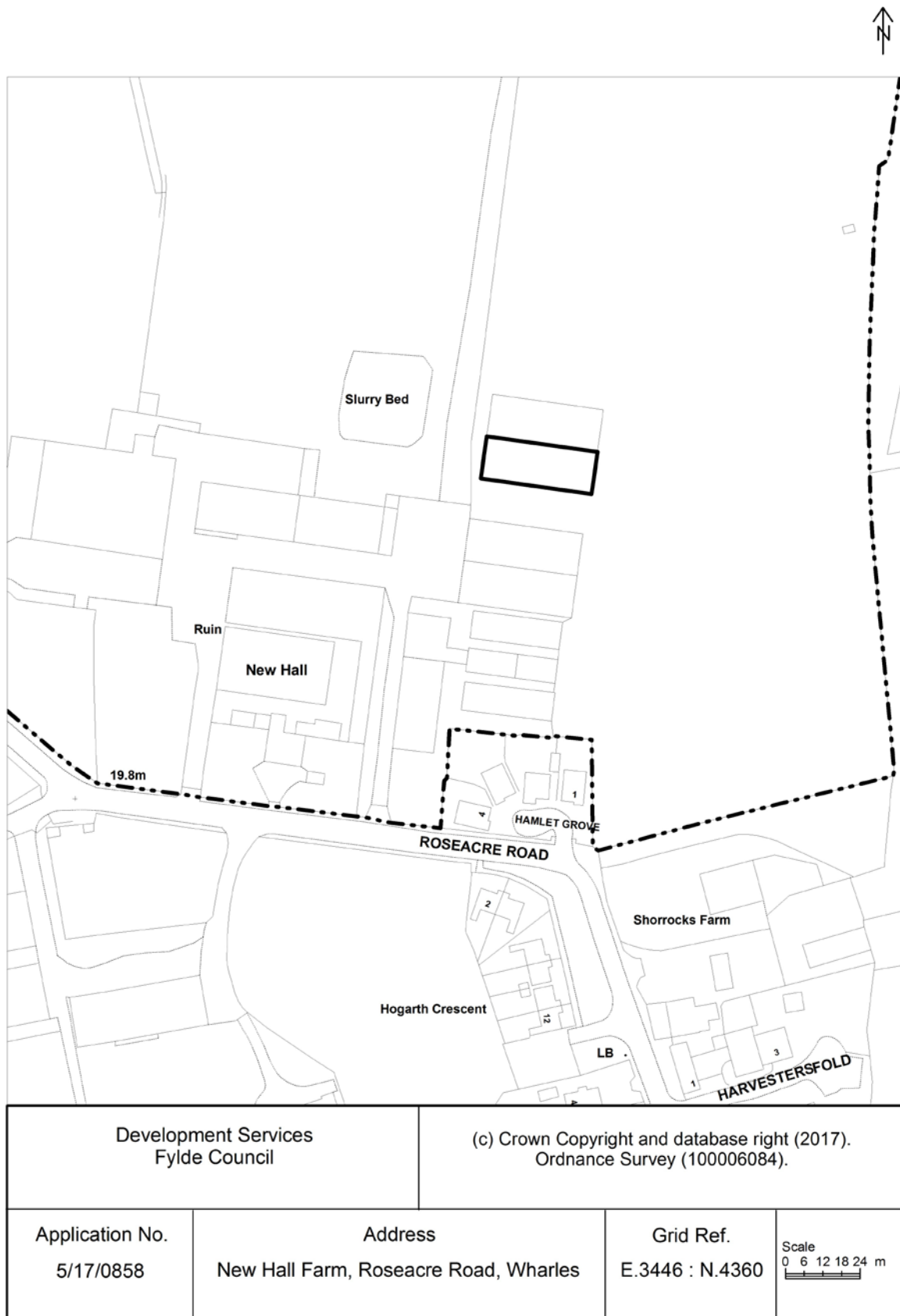
Reason: To provide clarity to the permission.

2. That within 1 month of the date of this permission a scheme and programme for landscaping, shall be submitted to and approved in writing by the Local Planning Authority. Specific details shall include the species, plant size, number and densities and an implementation and maintenance programme for the area indicated as landscaping by the green line on the location plan approved under condition 1 of this planning permission. The scheme and programme shall thereafter be carried out in accordance with the approved details during the first available planting season and shall be maintained for a period of not less than five years in accordance with the approved maintenance regime.

Reason: To enhance the quality of the development in the interests of the amenities of the locality in accordance with Policies SP2 and EP11 of the Fylde Borough Local Plan, as altered (October 2005), Policies GD4 and ENV1 of the submission version of the Local Plan to 2032 and the aims of the NPPF.

3. Any illumination of buildings, canopies and other features of the premises hereby approved shall be diffused or baffled to the satisfaction of the Local Planning Authority to prevent any spread of direct light or glare over the public highway, the wider countryside or into neighbouring properties.

Reason: To ensure that such illumination does not prejudice the rural character of the area, local amenity or safety on the neighbouring highway in accordance with Policy EP28 of the Fylde Borough Local Plan, as altered (October 2005) and the aims of the NPPF .



Application Reference:	17/0859	Type of Application:	Variation of Condition
Applicant:	Mr PICKERVANCE	Agent :	ML Planning Consultancy Ltd
Location:	NEW HALL FARM, ROSEACRE ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3XE		
Proposal:	MINOR MATERIAL AMENDMENT APPLICATION TO VARY THE APPROVED PLANS UNDER CONDITION 2 OF PLANNING PERMISSION 17/0015 TO REFLECT AN AMENDED LOCATION OF BUILDING		
Parish:	NEWTON WITH TREALES	Area Team:	Area Team 2
Weeks on Hand:	8	Case Officer:	Ruth Thow
Reason for Delay:	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.8177148,-2.8445111,340m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is New Hall Farm which is an active dairy farming enterprise that operates from a site located in the countryside on the Fylde Borough Local Plan in Wharles.

Planning permission was granted by Committee earlier this year for a pair of cattle housing buildings at the site for housing for young beef and dairy stock to help the enterprise meet modern standards. Construction has commenced but does not accord with the approved plans in that the buildings are in a different location and have different dimensions. This application is for a variation of condition 2 of the planning permission (Ref: 17/0015) in an attempt to regularise the variation in the 'as built' building from the approved building.

It is submitted in tandem for a second application for variation of condition no. 2 on application 17/0014 for an identical building which is sited alongside this one.

Given the context of the approved development, the variations proposed are relatively minor and will not lead to any greater impact on the rural character of the area, particularly as they relate to the expansion of existing farming activity and are now to be implemented with a landscaping scheme that is intended to filter views from critical off-site locations.

The development is considered to comply with the requirements of Policies SP2 and EP11 of the Fylde Borough Local Plan, as altered (October 2005) and Policies GD4 and GD7 of the submission version of the emerging Fylde Local Plan to 2032 in respect of the agricultural need for the development. It is considered that the proposal would allow for sustainable growth and expansion of an existing agricultural business and is therefore supported by the aims of the NPPF.

In the absence of any demonstrable harm from this development it is supported and recommended for approval subject to conditions.

Reason for Reporting to Committee

This application is on the agenda as the Parish Council have objected to the application and under the council's scheme of delegation such applications are to be determined by Members.

Site Description and Location

The application site is New Hall Farm, Roseacre Road, Wharles. The site is to the north side of Roseacre Road and consists of the farmhouse and a group of agricultural buildings of a mix of traditional brick built buildings and modern style, Yorkshire boarded buildings.

The enterprise undertaken at New Hall Farm is run by the Pickervance family in conjunction with Roseacre Hall Farm in Roseacre. New Hall Farm is predominantly utilised for rearing young stock in association with the dairy herd housed and milked at Roseacre Hall Farm.

The application site is located in an area designated as countryside in the Fylde Borough Local Plan, as altered (October 2005) and this designation is carried forward to the submission version of the Fylde Local Plan to 2032.

Details of Proposal

The application is a variation of condition no. 2 of application 17/0015 which sought permission for further livestock buildings for housing for young beef and dairy stock.

The buildings were originally applied for in two separate applications under 17/0014 and 17/0015 and as the variation applies to both buildings a variation application is submitted for each building. This variation relates to the alternative siting and a change to the scale of the building approved under application 17/0015.

Whilst the building is proposed in same general area as that previously approved it is at a greater separation distance from the existing buildings increasing this from the 8 metres as approved to 12 metres and so pushing the building further into the countryside.

The approved building measured 13.7 metres in width by 36 metres in length with eaves height of 4.5 metres and a ridge height of 6.3 metres. The building being proposed in this variation has been reduced in width and height however the length has increased. The building now measures 10.6 metres in width by 41 metres in length with the eaves height remaining the same at 4.5 metres with the ridge reduced to 5.9 metres. To compare the respective volumes the 'as built' is 2,259m³ compared to the approved 2,663m³.

As construction of the buildings has commenced the application is applied for retrospectively.

Relevant Planning History

Application No.	Development	Decision	Date
17/0351	DEMOLITION OF FORMER CATTLE BUILDING AND ERECTION OF TWO STABLE BLOCKS FOR LIVERY USE (8 STABLES IN TOTAL)	Granted	10/07/2017
17/0014	ERECTION OF AGRICULTURAL LIVESTOCK BUILDING	Granted	16/03/2017

17/0015	ERECTION OF AGRICULTURAL LIVESTOCK BUILDING.	Granted	16/03/2017
16/0804	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITION 3 (LANDSCAPING) AND CONDITION 5 (FENCING) ON PLANNING PERMISSION 14/0619	Advice Issued	23/11/2016
16/0143	RETROSPECTIVE APPLICATION FOR FORMATION OF NEW ACCESS FROM ROSEACRE ROAD INCLUDING INSTALLATION OF ASSOCIATED GATING	Granted	11/05/2016
15/0862	REMOVAL OF CONDITION 2 ON APPLICATION 14/0619 NOT TO IMPLEMENT THE RAISED EARTH BUNDING TO THE PERIMETER OF THE LAGOON.	Withdrawn by Applicant	21/01/2016
15/0265	PROPOSED SINGLE STOREY SIDE EXTENSIONS TO BOTH SIDES AND REAR OF DWELLING.	Granted	07/07/2015
14/0619	PROPOSED EXCAVATIONS AND BUNDING TO FORM EARTH BANKED SLURRY LAGOON	Granted	13/01/2015

Earlier agricultural history omitted as not considered relevant.

Relevant Planning Appeals History

There are no appeals to report relating to relevant applications.

Parish/Town Council Observations

Treales, Roseacre & Wharles Parish Council notified on 12 October 2017 and comment:

The Treales, Roseacre & Wharles (TRW) Parish Council (PC) OBJECTS to the creation of this substantial building with its uncharacteristic and intrusive lighting in a more prominent position without the mitigation of the lighting and landscaping/planting scheme to break up the mass of this very large building visible from both Roseacre Road and Inskip Road. This is in conflict with Policy SP2 as the proposed development is considered – by local knowledge – to be of a scale which would harm the character of the surrounding countryside.

TRW PC would be happy to consider revising this view if it were to receive a suitable proposal to screen out emitted lighting and a landscaping and planting scheme to break up the mass of the development. This may include evergreen trees to provide year round effect, such as Scot's pine or similar which are characteristic of a number of woodland settings locally.

The Treales, Roseacre & Wharles (TRW) Parish Council would wish this application to be determined by the Fylde Borough Council's Development Management Committee if the case officer's view is at variance to TRW Parish Council's recommendation.

Statutory Consultees and Observations of Other Interested Parties

Cllr Speak: raised concerns in respect of the overall massing of the buildings, light pollution and lack of landscaping.

Neighbour Observations

Neighbours notified: 12 October 2017

Site Notice Date: 20 October 2017
Number of Responses None

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
EP11	Building design & landscape character
EP28	Light Pollution

Fylde Local Plan to 2032:

GD4	Development in the Countryside
GD7	Achieving Good Design in Development

Other Relevant Policy:

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

Site Constraints

Within countryside area
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

This application is submitted for a variation of condition no. 2 of application no. 17/0015 which granted approval for an agricultural building for livestock housing. Condition no. 2 refers to the list of plans submitted with the application and this application seeks a substitution of the approved location and elevation plans of the building previously approved.

The application is in tandem with that under reference 17/0858 on this agenda that relates to similar changes to the building that sits alongside this one and was approved under reference 17/0014.

This report presents an identical analysis to that application.

The Principle of development

The principle of the development has been established by the previous approval and found to be 'essentially required' for the purposes of housing young livestock in order to expand the applicant's existing enterprise and to meet the DEFRA requirements for animal welfare.

Impact on visual amenity

Since the permissions were granted the applicant has commenced construction of both buildings with one almost complete and the steel erected for the other at the time of the writing of this report, with construction continuing.

The new buildings are positioned further northwards into open countryside from the approval, increasing the separation distance from the existing farm buildings from 8 metres to 12 metres.

The applicant has advised that he has relocated the development in order to improve air circulation between and within the buildings as assists in the prevention of bovine pneumonia which occurs in young calves reared indoors.

The new location results in the buildings being more slightly evident in the landscape, particularly when viewed from Roseacre Road and concerns have been raised in respect of their prominence, massing and light emitting from the buildings, although the buildings are both physically smaller in overall size with the reduced width and height reducing the extent of the increased northward positioning. The perceived outward expansion of the buildings will therefore not be particularly noticeable at the distances involved with the highway at Roseacre Road being 230m from the buildings.

The buildings are in a location that is consistent with the natural development of the farm with expansion occurring outwards of the original nucleus of farm buildings which often arises as a result of the need for more buildings which meet DEFRA welfare standard increases. The buildings are no nearer to any neighbours and are still 'read' as belonging to the farm and its associated buildings.

The possibility of landscaping the site has been suggested by the Parish Council with trees such as 'Scots Pine'. Whilst this is an evergreen tree it is not suitable for screening due to the ultimate height the species grows to and the formation and position of its branches on the tree i.e. very tall with sparse branches. Alternative forms of landscaping have been discussed with the applicant who is willing to provide some tree planting along a field boundary which will provide a softening of the views of the buildings from the Roseacre Road viewpoint. However, further woodland planting between the development and Roseacre Road to west of the site would limit the agricultural use of the field and is therefore not considered a sustainable option. It is noted that tree planting has taken place in the grass verge alongside Roseacre Road in front of the near neighbours and will also provide screening as it becomes established. However, the new buildings in the landscape are of a typical agricultural style, and of an appropriate scale for their intended use and as such are not considered an incongruous feature on a farm and are not so detrimental to the visual appearance and character of the countryside as to warrant a refusal of the application.

Accordingly the application is considered to comply with the criteria of Policies SP2 and EP11 of the Fylde Borough Local Plan, as altered (October 2005), Policies GD4 and GD7 of the submission version of the Local Plan to 2032 and the aims of the NPPF which support rural growth.

Light Pollution

Reference has been made in respect of the lighting of the buildings.

It is understood that the applicant has commenced work on the construction of the buildings, albeit not in the approved location, however he is keen to move his animals into the buildings to improve their welfare and conditions and so work is continuing to erect the steelwork. Due to the present short hours of daylight the buildings are being constructed under artificial lighting and as the buildings are not yet clad this lighting is visible from neighbouring properties. It is understood that any light spillage will be temporary during construction phase only.

Any permanent external lighting should be fitted in such a manner as to prevent light spillage into the wider countryside, and this will be a condition of this application.

Conclusions

This application is a variation of the plans condition which seeks permission to vary the location and scale of buildings previously approved under application no. 17/0015. The new siting results in the buildings being located four metres more into the open countryside with the scale of the buildings varied such that the buildings now have less of a presence in the countryside.

Overall the changes are considered to be minimal and do not result in a detriment to the character and appearance of the countryside.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This permission / consent relates to the following details:

Approved plans:

- Location Plan - 'Standfords' (Revised 20 November 2017)
- Proposed Plans and Elevations - drawing no. ML/TP/5610A (Revised 20 November 2017)

Supporting Reports:

- Design and Access Statement

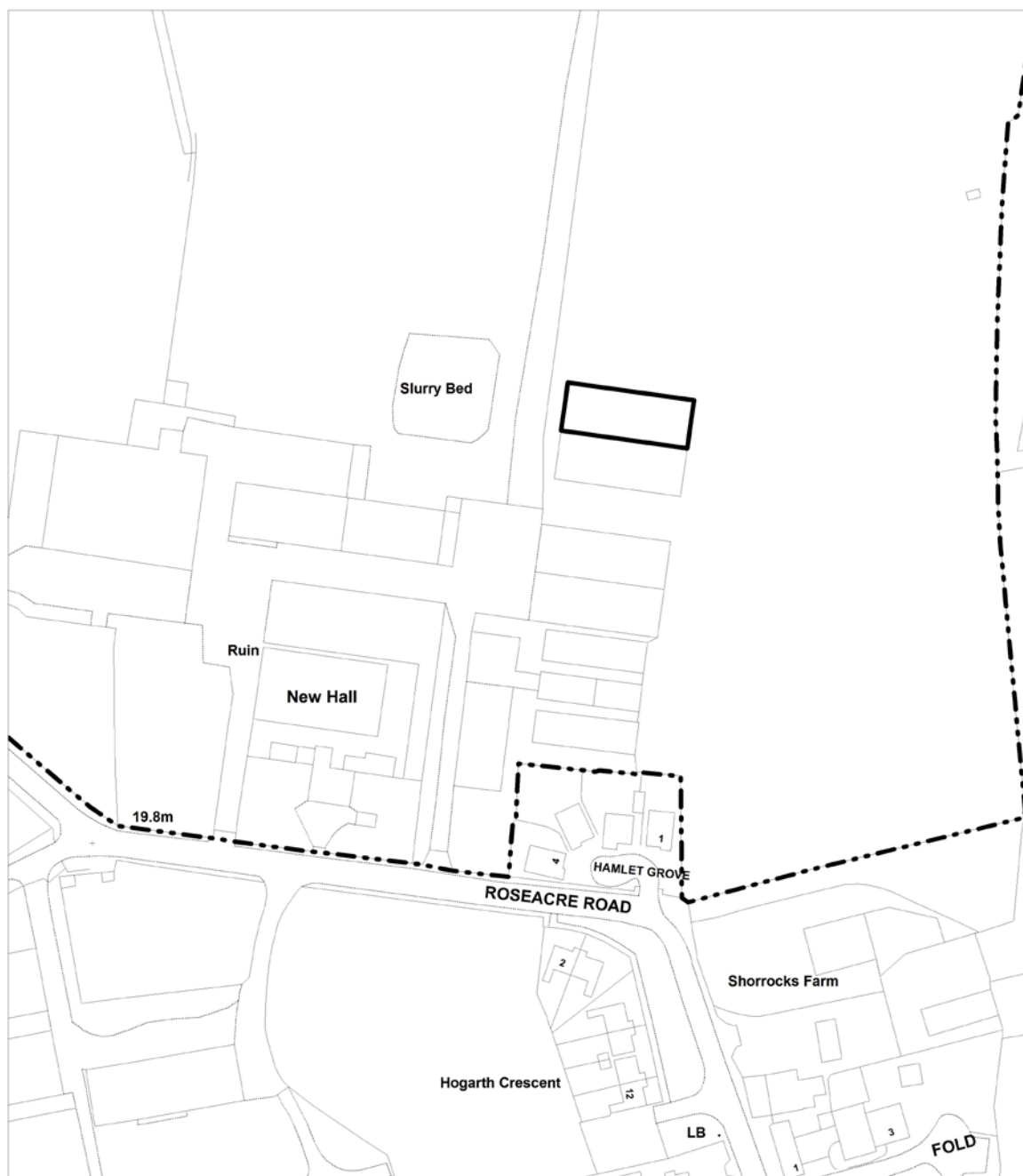
Reason: To provide clarity to the permission.

2. That within 1 month of the date of this permission a scheme and programme for landscaping, shall be submitted to and approved in writing by the Local Planning Authority. Specific details shall include the species, plant size, number and densities and an implementation and maintenance programme for the area indicated as landscaping by the green line on the location plan approved under condition 1 of this planning permission. The scheme and programme shall thereafter be carried out in accordance with the approved details during the first available planting season and shall be maintained for a period of not less than five years in accordance with the approved maintenance regime.

Reason: To enhance the quality of the development in the interests of the amenities of the locality in accordance with Policies SP2 and EP11 of the Fylde Borough Local Plan, as altered (October 2005), Policies GD4 and ENV1 of the submission version of the Local Plan to 2032 and the aims of the NPPF.

3. Any illumination of buildings, canopies and other features of the premises hereby approved shall be diffused or baffled to the satisfaction of the Local Planning Authority to prevent any spread of direct light or glare over the public highway, the wider countryside or into neighbouring properties.

Reason: To ensure that such illumination does not prejudice the rural character of the area, local amenity or safety on the neighbouring highway in accordance with Policy EP28 of the Fylde Borough Local Plan, as altered (October 2005) and the aims of the NPPF.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0859	Address New Hall Farm, Roseacre Road, Wharles	Grid Ref. E.3446 : N.4360	Scale 0 6 12 18 24 m

Item Number: 9

Committee Date: 06 December 2017

Application Reference:	17/0862	Type of Application:	Full Planning Permission
Applicant:	Kensington Developments Ltd	Agent :	
Location:	LAND FORMING KENSINGTON DEVELOPMENTS SITE, QUEENSWAY, LYTHAM ST ANNES		
Proposal:	APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING OF 66 NO. DETACHED DWELLINGS AND GARAGES.		
Parish:	HEYHOUSES	Area Team:	Area Team 2
Weeks on Hand:	5	Case Officer:	Rob Buffham
Reason for Delay:	Not applicable		

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

<https://www.google.co.uk/maps/@53.7652646,-3.0139639,681m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The proposal for consideration by Members is a Full application for 66 dwellings on land located to the north eastern edge of St Annes. The development relates to Site A of a much larger housing development which has the benefit of outline planning consent for up 1150 dwellings (08/0058), with Reserved Matters being granted on the current application site for 110 dwellings (13/0257) and 889 dwellings (15/0400) on the remainder of the allocation. Given the housing allocation and planning approvals on the site, the principle of residential development is considered acceptable.

The application proposes a combination of several house types all of which are detached 2 storey dwellings ranging from 3 to 5 bedrooms. The layout is similar to that of the approved scheme on the site, the main change being the incorporation of a landscaped buffer to Heyhouses Lane and removal of a 3 storey apartment block adjacent to the proposed roundabout at the junction of Heyhouses Lane and Kilnhouse Lane.

In addition, it is proposed to use the existing construction access point on Heyhouses Lane as a means of access to housing once occupied. This is a temporary arrangement to enable houses within this first phase to be occupied whilst the permanent access arrangement from the new link road is constructed. Once no longer required the temporary access will be removed, and landscaping and a footpath/ cycle link to Heyhouses Lane will be formed in its place.

Removal of the apartment block and replacement with lower density housing set within a landscape frontage will greatly enhance the visual appearance of the development, particularly when viewed externally, and will result in a high quality gateway entrance to St Annes.

The provision of smaller 1-3 bedroom properties (11%) is below the 50% requirement of

Policy H2. Notwithstanding, the planning approval for the remainder of the housing allocation provides for an average of 58% 2 or 3 bedroom properties and is consistent with the policy requirement. On balance the mix of dwellings is supported, and would contribute toward meeting the demographic needs of the borough.

The development provides for satisfactory access to the site and there is sufficient capacity to ensure that the level of traffic generated by the development would not have a severe impact on the safe and efficient operation of the surrounding highway network. The scheme would result in an acceptable relationship with surrounding uses.

The application is subject to a Habitats Risk Assessment which has been assessed by Natural England who comment that the development would have no adverse impact on designated sites provided that mitigation measures are being implemented as per consents on the site.

Consultation responses from the Lead Local Flood Authority and United Utilities are outstanding, though it is hoped that comments will be reported by Late Observations. Members should note that the existing planning approvals on the site supported development for residential purposes, subject to appropriate mitigation.

Accordingly, Members of the Planning Committee are recommended to delegate approval of this application to the Head of Planning & Housing subject to conditions, and, receipt and consideration of comment from the Lead Local Flood Authority and United Utilities, and, that any planning permission granted be subject to any necessary revision and conditions resultant of these comments, and, completion of a Section 106 agreement that will secure:

1. A tie of the planning approval to the Legal Agreement attached to the outline planning approval on the site (08/0058).
2. Contribution toward Travel Plan monitoring – amount to be determined.

or any revision to the Section 106 Legal Agreement as considered necessary by the Head of Planning & Housing.

Reason for Reporting to Committee

The application is a Major application and as such needs to be determined by Planning Committee given the favourable recommendation.

Site Description and Location

The application relates to an irregularly-shaped parcel of land, approximately 4.27 hectares in area, located to the north eastern edge of St Annes. The development relates to Site A of a much larger housing development which has the benefit of outline planning consent for up 1150 dwellings (08/0058). Reserved matters has previously been granted on the site for 110 dwellings (13/0257) in April 2015 with works having recently commenced on site.

The site is bounded by housing to the north, a wooded area to the west on Heyhouses Lane, and open fields to the south and east. Further afield, Blackpool Airport is located beyond housing/ industrial premises to the north.

The land falls within the Countryside Area as defined by the adopted Fylde Borough Local Plan,

though is designated as a Housing Allocation in the submission version of the Fylde Local Plan to 2032.

Details of Proposal

This is a Full application for construction of 66 dwellings on the first phase of development at the Queensway site, and will replace the 110 dwelling scheme approved on the application site.

The application proposes a combination of several house types all of which are detached 2 storey dwellings ranging from 3 to 5 bedrooms. The layout mimics that of the approved scheme on the site, the main change being the incorporation of a landscaped buffer to Heyhouses Lane and removal of a 3 storey apartment block adjacent to the proposed roundabout at the junction of Heyhouses Lane and Kilnhouse Lane.

In addition, it is proposed to use the existing construction access point on Heyhouses Lane as a means of access to housing on Phase 1 once occupied. It should be noted that this will be a temporary arrangement to enable houses within this first phase to be occupied whilst the permanent access arrangement from the new Bypass road is constructed. Once no longer required the temporary access will be removed, and landscaping and a footpath/ cycle link to Heyhouses Lane will be formed.

Relevant Planning History

Application No.	Development	Decision	Date
16/0511	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITIONS 10, 11, 13, 14, 15, 17, 23, 24, 26, 27 AND 29 ON PLANNING PERMISSION 08/0058 RELATING TO LANDSCAPING, SOIL CONSERVATION, DRAINAGE, FLOOD STORAGE, MOVEMENT STRATEGY, SITE PREPARATION, CONSTRUCTION MANAGEMENT PLAN AND RENEWABLE ENERGY PRODUCTION.	Advice Issued	29/09/2016
16/0513	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITION 13 ON PLANNING PERMISSION 13/0257 PHASE ONE CONSTRUCTION PLAN, RECYCLED AGGREGATES REPORT, SITE PREPARATION PLAN.	Advice Issued	22/09/2016
15/0400	APPLICATION FOR APPROVAL OF RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION 08/0058 FOR THE LAYOUT, SCALE, APPEARANCE AND LANDSCAPING OF A DEVELOPMENT FOR 882 DWELLINGS AND ASSOCIATED INFRASTRUCTURE	Granted	13/10/2017
13/0767	APPLICATION FOR REMOVAL OF THE AFFORDABLE HOUSING REQUIREMENT FOR THE FIRST 300 DWELLINGS ON THE SITE WITH A REQUIREMENT TO UNDERTAKE VIABILITY REAPPRAISAL BEFORE 300TH, 600TH, 900TH AND 1150TH OCCUPATIONS TO ALLOW POTENTIAL FOR THE FUTURE AFFORDABLE HOUSING CONTRIBUTION TO BE ASSESSED	Granted	24/12/2013
13/0257	APPLICATION FOR APPROVAL OF RESERVED	Granted	02/04/2015

	MATTERS FOR CONSTRUCTION OF 110 DWELLINGS AND ASSOCIATED WORKS FORMING PHASE 1 OF DEVELOPMENT APPROVED UNDER OUTLINE PLANNING PERMISSION 08/0058.		
13/0261	PROPOSED CHANGE OF USE AND CREATION OF AN ORNAMENTAL GARDEN	Withdrawn by Applicant	21/10/2013
13/0275	APPLICATION TO DISCHARGE CONDITIONS 4, 7, 8, 9, & 16 OF OUTLINE PLANNING PERMISSION 08/0058 FOR ERECTION OF 1,150 DWELLINGS, PROVISION OF A SCHOOL SITE, AND PARKLAND	Advice Issued	
08/0058	THE DEVELOPMENT OF 1150 DWELLINGS, PROVISION OF A 1.1HA SCHOOL SITE AND A 34HA PARKLAND	Withdrawn - Appeal against non-determine	29/04/2009

Relevant Planning Appeals History

Application No.	Development	Decision	Date
08/0058	THE DEVELOPMENT OF 1150 DWELLINGS, PROVISION OF A 1.1HA SCHOOL SITE AND A 34HA PARKLAND.	Allowed	21/06/2012

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 03 November 2017 and object to the proposal for the following reasons:

- 1. Only one access/ exit to these properties doesn't appear to be any access to the proposed new link road T5.*
- 2. No reference to HOU4 – sustainable energy generation.*
- 3. Traffic figure referred to are for 2011 – these are out of date figures and take no account of increased traffic flows as a result of the Heyhouses development (Houses/ public house/ restaurant/ supermarket).*

Statutory Consultees and Observations of Other Interested Parties

Greater Manchester Ecology Unit

Raise no objection, subject to conditions. Their views are summarised as follows.

The application site is a part of the planned wider development of this area, and already has outline permission. The Environmental Statement prepared for the Outline permission and submitted with this application has established that the application site has not substantively changed since the outline application was approved and that the ecological impacts of the development of this part of the site are not very different from those which have already been accounted for. In particular the site does not appear to have substantive value for wading and water birds and therefore I would agree that the application will not cause direct harm to the special nature conservation interest of the nearby Biological Heritage Site or the European site (the Ribble and Alt Estuaries) but may cause indirect harm through increased disturbance, and as a part of the wider development.

Mitigation and compensation for the ecological impacts of the whole site, including the

area included in this application and including mitigation for harm caused to the European site, has already been secured by Conditions attached to the outline permission. I would regard these measures as relevant to the current application. This mitigation took the form of:

- Advanced off-site habitat creation, in the form of a Farmland Conservation Area (FCA) and a Nature Park;
- A Construction-stage Ecological Management Plan (CEMP);

The creation of the FCA and Nature Park has been completed and therefore like-for-like compensation for the loss of habitats is already in place. These areas also enhance the site for the species affected by the development. The FCA should continue to be managed in accordance with the FCA management plan (Ref 3552.018C, May 2017); I would assume that a suitable financial mechanism is in place for the ongoing management of the FCA and that this application will make a proportionate contribution to future management. If this is not the case then this should be a consideration in the determination of this application.

The mitigation measures outlined within the Queensway Construction Ecological Management Plan (Ref 4996.006, June 2015) are also relevant should be applied to this application site - this includes the translocation of amphibians and the translocation of substrates from the ditches to ditches within the FCA.

I would recommend that the Landscaping proposed for the application site be supported by a Landscape Management Plan; a particular concern is the open drainage ditch through the site and the flood attenuation features at the site margins. Such features will have a tendency to silt up relatively rapidly and can sometimes attract tipping. They will need active management going forward.

Natural England

Based on the plans submitted, and providing the mitigation measures are being implemented as per the previous approval (13/0257) Natural England considers that the proposed development will not have a significant adverse impact on designated sites and has no objection.

Lancashire County Council - Highway Authority

No objection subject to conditions. Key elements of response are:

Background

Congestion is experienced at times on Heyhouses Lane and St Annes Road East. The Highway Authority has received an increasing number of complaints highlighting the deteriorating traffic conditions, the level of committed development and that planned major infrastructure changes (M55 to Heyhouses Link Road) have yet to be delivered.

The M55 to Heyhouses Link Road will provide a new link between Lytham St Annes and the Strategic Road network. The proposals also deliver significant provision for sustainable transport modes including a shared Bridleway/ footway/ cycleway along the existing Moss Road. The delivery of the M55 to Heyhouses Link and the East/West access road (which connects to Queensway) will provide the necessary traffic relief to congested parts of the local network. Discussions have been ongoing for some time between key stakeholders to secure agreement and funding to deliver the infrastructure

in advance of the triggers set by condition when the Kensington site was approved. Significant funds have been secured and committed to deliver the link road scheme as a single contract and will take about 30 months to deliver.

Internal Layout

The scheme provides for an acceptable layout in line with the wider strategy and an adequate number of parking spaces. Garaging should measure 3m x 6m to be considered as parking provision. *Provision of trees within the adopted highway can create issues for the local highway authority with regard to maintenance issues.*

Site Sustainability

This site forms part of the wider site, with this, the wider sustainable provision applies such as that for Public Transport service provision. As a temporary solution to satisfy PT demand, the existing services and bus stops on Kilnhouse Lane will be used for these dwellings.

The site does include pedestrian/cycle access to the existing Queensway corridor at 2 locations of which one will be delivered when the temporary access is removed. The layout includes a 3.5m foot/cycleway on the development side of the Queensway road towards the existing Queensway signalised junction and to the wooded area.

As part of this application pedestrian/cycle crossing provision including a refuge island to be provided at a point south of the Queensway signalised junction and north of the temporary access. This provision will provide direct access to bus stops on Kilnhouse Lane.

In addition to the south, combined foot/cycleway provision to be provided to a new toucan crossing (previously agreed in the original application) which will be located at a position which satisfies the required shared use width, inter-visibility between sustainable users and motorised vehicles and illumination requirements, this sustainable provision to continue to No3 Heyhouses Lane. Delivering this required infrastructure will require lighting columns to be moved as well as other aspects to deliver suitable provision. Both crossing points to be conditioned and delivered prior to first occupation.

The outline application included an Interim Travel Plan. The Interim Travel Plan sets out various measures which aim to encourage sustainable travel, an approach to monitoring and review, and an Action Plan. Similarly, this current development is expected to provide a Travel Plan. LCC Highways would request a financial contribution to enable LCC to provide a range of Travel Plan services. The level of contribution has yet to be agreed with KDL, regard to be a proportion of the total development requirement.

It will be expected that appropriate s278 works will be required and controlled by condition if the LPA were minded to approve this proposal:

- Foot/cycle way on Queensway from a point south of the existing Queensway junction to 3 Heyhouses Lane. Trigger Point: Prior to 1st occupation
- Toucan crossing to the south of the frontage of this application linking the new foot/cycle way to the existing/modified provision on the opposite side of road. In line with Unilateral - Annexure – 4 – plans– 33 30-213 Proposed Highways produced by Cole Easdon. Trigger Point: Prior to 1st occupation
- A temporary crossing towards the existing Queensway junction with a temporary

refuge island. To provide safe access to the existing bus stops on Kilnhouse Lane.
Trigger Point: Prior to 1st occupation.

Should the LPA be minded to approve this application, it is considered appropriate to seek planning contributions where required in line with the original UU. Together with the contribution to allow the county council support KDL's travel plan coordinator.

It is agreed with KDL that:

- The Section 278 agreement for the Signalised Junction and the initial section of T5 to the second access point must have been executed prior to occupation of the 65th unit of the whole Kensington Site.
- The Roundabout/Signalised Junction and the initial section of T5 to the second access point will have to be completed prior to the occupation of the 66th unit (and available for public use including motorised access from these dwellings).
- The temporary access must be closed off (and replaced with arrangements as per Drg KD63/10 Rev. E following the completion of the Roundabout/Signalised Junction and the initial section of T5 to the second access point.

It is suggested that the above form planning conditions attached to any permission granted.

It is important that all residents who purchase a dwelling in this phase of development are fully aware that the access is temporary and that it will be removed. It is suggested that the properties are sold on a either a leasehold or freehold basis with a clause within the leasehold/freehold title deeds identifying the planning permission and interim and future access arrangements. This should form part of a planning condition and or within a s106/UU.

Environment Agency

Standing advice should be applied.

Lancashire CC Flood Risk Management Team

No comment received at time of writing report.

Lancashire Archaeological Advisory Service

No objection subject to condition requiring agreement and implementation of a scheme of archaeological works.

National Air Traffic Services

No objection subject to condition requiring further details on the development and mitigation relative to the radar operation.

The technical assessment shows the potential for a loss of cover on the Primary radar (PSR) due to the obstruction presented by the development. However, insufficient details are currently available in order to accurately model the impact. This impact could be mitigated by a further configuration of the radar parameters. In order to do so however, more accurate details of the proposal would be required.

Environmental Protection (Pollution)

No objection to the proposal.

Blackpool Airport

No comment received at time of writing report.

United Utilities - Water

No comment received at time of writing report.

Blackpool Enterprise Zone, Blackpool Council

No comment received at time of writing report.

BAE Systems

No comment received at time of writing report.

Neighbour Observations

Neighbours notified:	03 November 2017
Site Notice Date:	8 November 2017.
Press Notice Date:	16 November 2017
Number of Responses	0
Summary of Comments	n/a

Relevant Planning Policy**Fylde Borough Local Plan:**

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TR01	Improving pedestrian facilities
TREC17	Public Open Space within New Housing Developments
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP18	Natural features
EP21	Archaeology
EP19	Protected species
EP22	Protection of agricultural land
EP30	Development within floodplains

Fylde Local Plan to 2032:

NP1	Presumption in favour of Sustainable Development
S1	Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
SL5	Development Sites outside Strategic Locations for Devt
GD1	Settlement Boundaries
GD4	Development in the Countryside
GD7	Achieving Good Design in Development
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
T5	Parking Standards

CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV2	Biodiversity
ENV4	Provision of New Open Space

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
STANP	St Annes on Sea Neighbourhood Plan & Design Guidance

Site Constraints

Within countryside area

Environmental Impact Assessment

The outline application 08/0058 was EIA development and was supported with an Environmental Statement. The data and mitigation proposals relating to this site have been reappraised and amended to reflect the latest situation.

Comment and Analysis

The main issues pertinent in the assessment of this proposal are:

- Principle of residential development on the site.
- Design and layout.
- Amenity.
- Highways.
- Ecology.
- Drainage.

Principle of Development

The application site is designated as a Countryside Area in the adopted Fylde Borough Local Plan (FBLP) and part of a housing allocation in the submission version Fylde Local Plan to 2032. In addition the application site has outline (08/0058) and reserved matters (13/0752) consent for 110 dwellings, forming part of a much larger housing approval on the housing allocation. The principle of residential development on the site has therefore been established by the housing allocation, and, outline and reserved matter consents.

Accordingly the principle of residential development on the site is supported.

Design and Layout

Policy HL2 of the FBLP supports new housing development which would be in-keeping with the character of the locality in terms of scale, space around dwellings, materials and design, and retains features such as trees and hedges. Policy HL6 requires new housing schemes to respect the character of the area and provide an attractive, safe and crime free environment for residents. This reflects criteria contained within Policy GD7 of the SV, Policy H2 also requires the mix of dwellings to provide at least 50% 1, 2 or 3 bedroom properties.

Policy DH1 of the Neighbourhood Plan requires all development to be of a high standard, appropriate and sympathetic to the character of the town and its neighbourhoods. Policy HOU4 states that design should be based upon principles of the Design Guide SPD importantly the West Coast Garden Neighbourhood, and encourages the use of renewable energy within residential developments. DH2 seeks to create distinct high quality access corridors and gateways to the town. DH4 specifies that garaging should be set back from the street frontage and be reflective of the house style. The Design Guide requirement for West Coast Garden Neighbourhoods refers to such things as well planned layouts with definition of blocks and routes for movement, green and tree lined streets, well designed groups of homes, mix of homes, linkage to pedestrian cycle networks. The Town Council has raised concern to design since it does not meet the criteria of Garden Town by the Sea, no reference is made to the Design Guide in supporting documentation and lack of renewables in the scheme.

Paragraph 56 of the NPPF attaches great importance to the design of the built environment and is a key aspect of sustainable development.

The application proposes 66 dwellings forming the first phase of development of the larger housing allocation and seeks to modify the house types and layout that has been previously been approved on this portion of the allocation. The previous consent (13/0257) granted consent for 110 dwellings on the site.

The proposal provides for a similar road layout as that already approved on the site. The only exception to this being use of the existing construction access point as a temporary means of access to housing. This will enable occupation of houses whilst the main access to the site is formed following implementation of the upgraded junction at Heyhouses Lane/ Kilnhouse Lane. In addition, the developed area of the site has been reduced through provision of a deeper landscape buffer to Heyhouses Lane which has required removal of a 3 storey apartment block from the original approval.

Development is outward facing to all external vantage points including Heyhouses Lane to the north and countryside edge to the east, internally reflects the character of existing housing in the locality, providing for a traditional form of back-to-back or side-on relationships. Property frontages will be open, having garden areas set back from the road edge providing a sense of greened openness within the scheme. Removal of the apartment block and replacement with lower density housing set within a landscape frontage will greatly enhance the visual appearance of the development, particularly when viewed externally, and will result in a high quality gateway entrance to St Annes.

The existing locality is comprised of a range of housing styles and designs, ranging from bungalows to two storey dwellings, with larger three storey properties towards St Anne's Road East; and also the commercial units to the edge of the settlement (Everest / Snowdon Road). The application proposes a several house types which are consistent with those approved for the larger housing scheme, being 2 storey in scale. The dwellings are standard house types within the applicant's portfolio and so are not specifically designed to accord with the local vernacular. However, the properties immediately adjacent to the application site also present a standardised design through a mix of construction materials including brick, render, and tile and mix of dual/ hipped roof design and have little architectural distinctness. As such the design approach is acceptable. The dwellings proposed are to be constructed of brick, render and tile, with a mix of hipped/ pitched roofs, front gable detail and porches incorporated in some designs and their appearance would be consistent with character features of existing dwellings in the locality. Some dwellings will be required to be dual aspect in circumstances where side elevations are exposed to the main external

vantage points, this can be controlled by condition.

Given the mix of building styles in the locality it is considered that the proposed dwellings are of an acceptable scale and appearance in this location. Details of materials would be conditioned accordingly.

Landscaping within the site includes open plan garden fronted dwellings, the main access roads are tree planted, some with landscaped swales and/ or grass verges. The proposed landscaping is considered acceptable.

Policy H2 of the SV requires new housing development of 10 units or more to provide at least 50% 1, 2 or 3 bedroom homes. The development is to deliver 66 dwellings, 7 (11%) are indicated to be 3 bedroom properties and is below the threshold required by policy H2. Notwithstanding, the planning approval for the remainder of the housing allocation provides for an average of 58% 2 or 3 bedroom properties. Whilst this current application is below the requirement of policy H2, the average over the larger site is consistent with the policy requirement. It is important that there is a link to the wider development in the decision to ensure that this matter remains policy compliant, but with that link the mix of dwellings is supported, and would contribute toward meeting the demographic needs of the borough.

On this basis, the proposal is considered to be of an appropriate design and layout, and would accord with the main principles of the Neighbourhood Plan, Development Plan and NPPF.

Amenity

Policy HL2 of the FBLP and GD7 of the SV support new residential development that would have no adverse effect on the amenity and privacy of neighbouring properties. This amenity impact includes privacy, dominance, loss of light, over shadowing or disturbance resultant from the development itself on neighbours and prospective occupants, or during the construction period.

Existing neighbours which could be affected by the proposal adjoin the application site to the north on Heyhouses Lane and have habitable room windows opposing the frontage of dwellings proposed. The submitted layout drawing indicates that separation distances from proposed dwellings to adjacent neighbouring properties comply is a minimum of 40m.

The layout of the housing provides an acceptable level of private amenity space for future occupiers and the separation distances and relationships between the buildings would provide an acceptable standard of amenity. Each dwelling proposed has an appropriate amount of external amenity space and off street parking, the amenity needs of prospective residents is catered for within the development.

It is inevitable that there will be some disruption for residents during the construction period. This disruption however is temporary, for the duration of the build and is therefore acceptable. Conditions can be imposed to minimise amenity impact including hours of site works, wheel wash facilities and measures to control dust/ dirt.

On this basis it is considered that the development would not unacceptably impinge on the amenity of existing or prospective residents, in accordance with Policy HL2 and GD7.

Highways

Policy HL2 of the FBLP supports new residential development provided satisfactory access and parking arrangements are secured, and do not adversely affect the safe and efficient operation of

the highway network, either individually or cumulatively with other permitted developments. Policy TR1 also encourages the improvement of facilities for pedestrians to encourage walking as an alternative means of travel. Policy GD7 and T5 of the SV reiterate the above highway policy position.

Policy TR3 requires parking to be accommodated within curtilage, specifying a minimum size for garaging and requiring parking courts to have good surveillance. Policy TR4 of the Neighbourhood Plan states that new development should make provision to link into existing networks for pedestrians and cyclists.

The Outline consent approved the vehicular access to the site via an arm off a new roundabout junction at Kilnhouse Lane/ Heyhouses Lane and includes footpath linkages to the existing network as well as requirement for offsite highway works including provision of the roundabout prior to occupation of the development, the Heyhouses Bypass link to the Moss Road, and, junction and signalisation improvements in the area. Financial contributions toward provision of the M55 Link Road (Moss Road) are required by Legal Agreement. The outline planning consent considered the acceptability of the new roundabout access arrangement, as well as the impact that additional vehicles resultant from the development would have on the road network. Given that this proposal provides for a reduced number of dwellings on the site, it is considered that this proposal would not place additional pressure on the network or roundabout junction.

The application seeks consent to use the existing construction access point on Heyhouses Lane as a means of access to housing proposed once occupied. It should be noted that this will be a temporary arrangement to enable houses within this first phase to be occupied without dependency on delivery of the new bypass. The temporary access will be removed following implementation of the permanent access arrangement, and landscaping and a footpath/ cycle link to Heyhouses Lane will be formed.

The proposed road layout within the application site is of standard design, providing for a wider boulevard to the main access road, and reduced width carriageway to secondary roads. Footpaths are provided to the majority of roads, though some are only to one side of the carriageway with grass service verges used in compensation. Turning heads are provided to the end of each dead end road. The development will also connect to existing pedestrian/ cycle linkages on Heyhouses Lane following removal of the temporary vehicular access. Parking for each dwelling is a mix of garaging and/ or driveway spaces.

The Highway Authority has not raised objection to the proposal, stating that the access has suitable visibility and are satisfied by the internal layout of the development. Off site highway works are required, including provision of a foot/ cycle way on Queensway to 3 Heyhouses Lane, Toucan crossing on south of the application frontage, and temporary crossing point towards the Queensway junction. The Highway Authority have also suggested trigger points for delivery of S278 works, importantly the new junction and initial section of the bypass, which requires further consideration by officers.

There is a need to ensure that this development is delivered in accordance with the highway improvements and trigger points agreed by the Legal Agreement associated with the outline and reserved matters consent. Any subsequent approval should be linked to the Legal Agreement which exists on the site. This is a key matter in the decision and needs further discussion with all parties, hence the need to delegate authority to the Head of Planning and Housing at this time to allow the mechanism for this and suitable triggers to be agreed.

Ecology

Ecological matters associated to the sites development were considered during assessment of the Outline and Reserved Matters application which related to the larger housing allocation as well as the current application site. Condition of these consents required mitigation, including lost habitat, updated surveys for biodiversity features and method statements to safeguard water voles during construction of the development. A Unilateral Undertaking also required provision, establishment and management in perpetuity of a Nature Park.

The applicant has provided a Shadow Habitats Risk Assessment, updated Environmental Statement and Ecology Assessment as part of their submission, and confirms that the this current proposal would be subject to the same ecological protection measures applicable to the other consents on the site. Natural England has no objection to the proposal, commenting that development would have no adverse impact on designated sites provided that mitigation measures are being implemented as per the reserved matters consent. A link to the Legal Agreement of the outline approval is therefore required.

Similarly, the Ecologist (GMEU) has not raised any objection to the proposal, commenting that information supplied demonstrates that ecological impact resultant from the development has not substantively altered since original assessment for the outline consent, and that mitigation/compensation (Farmland Conservation Area and Nature Park, and, construction stage ecological management plan) for the wider site development has been completed.

GMEU advise that mechanisms should be in place for the ongoing maintenance of this mitigation and the current application should make a proportionate contribution to this, and, that the Queensway Ecological Management Plan should be applied to the application site. Landscaping of the site should be managed to ensure the open drainage ditch does not become silted.

The in perpetuity management of the Farmland Conservation and Nature Park is required by the Legal Agreement of the outline consent, necessitating that this proposal also be attached to that Agreement if approved. The requirement for an Ecological Management Plan and Landscape Management can be controlled by condition.

The submission demonstrates that adequate mitigation has been provided to offset the any adverse effect to habitats and species on/adjacent to the site. Indeed GMEU and Natural England has no objection to the proposal subject to condition. The proposal is therefore in accordance with the objectives of the development plan and the NPPF.

Flood Risk and Drainage

Flood risk and drainage matters associated to the site's development were considered during assessment of the Outline and Reserved Matters approval, which required a number of conditions, including agreement of the surface water drainage design, foul drainage to the existing public sewer, details of piling, measures to prevent the drying out of underlying peat, and, agreement of flood storage works and flood flow culverts. On this basis it is considered necessary to replicate similar conditions to any subsequent approval notice.

The Lead Local Flood Authority (LLFA) and United Utilities (UU) consultation response is outstanding though it is hoped that comments will be provided by Late Observation to Members. In the event that a response is not received it is recommended to delegate the authority to determine the application to the Head of Planning and Regeneration to consider the LLFA and UU response.

Other Matters

Affordable Housing

Paragraph 50 of the NPPF requires affordable housing to be provided where needs have been identified. Policy H4 of the SV requires a 30% provision of affordable housing in new development, being based on The Fylde Coast SHMA 2014 which sets out the need for affordable housing in the Borough. The delivery of affordable housing on the overall housing site is required by Legal Agreement attached to planning approval 08/0058. The current proposal is a Full application and is separate from the outline and reserved matters approvals on the site, nonetheless it is expected that delivery of affordable housing on the site comes forward in accordance with that already specified. On this basis there is a requirement to link any subsequent planning approval to the existing Legal Agreement associated with the outline consent which will need to ensure that the overall affordable housing obligations are met.

Education

It is expected that development provides for any identified shortfall in local education provision. Policy CF2 of the FBLP and INF2 are of relevance and place such a requirement on development. As per the affordable housing comment above, it is considered necessary to link any subsequent planning approval to the existing Legal Agreement in order to ensure Education provision is provided in accordance with that already specified.

Archaeology

The Archaeological Advisory Service recommend a scheme of archaeological works be required by condition. This condition was not required by any other approval on the site and works have recently commenced on the site. On this basis it is considered unreasonable to impose the suggested condition.

Sustainable Energy

The Town Council comment that there is no reference to the provision of sustainable energy within the application.

This matter is acknowledged by Officers, however the outline consent requires a scheme for the provision of on site renewable energy production. This condition has been discharged by the Planning Authority on the basis of information contained within the submitted Energy Statement, the energy efficiency 'BE LEAN, BE CLEAN & BE GREEN' measures will include enhanced thermal efficiency of building fabric, efficient mechanical ventilation systems., low air leakage rates to reduce heat loss and the installation of PV array to the un-shaded South facing roof areas of the apartments which will assist tenants by reducing the fuel charges from the landlords areas. Such measures will be expected to be provided within this current proposal.

Conclusions

The land falls within the Countryside Area as defined by the adopted Fylde Borough Local Plan, though is designated as a Housing Allocation in the submission version of the Fylde Local Plan. The site has the benefit of outline planning consent for up 1150 dwellings (08/0058), with Reserved Matters being granted on the current application site for 110 dwellings (13/0257) and 889 dwellings (15/0400) on the remainder of the allocation. Given the housing allocation and planning approvals on the site, the principle of residential development is considered acceptable.

The design and layout of the development is considered acceptable and would enhance the visual

quality of a key gateway site into St Annes. The development provides for satisfactory access to the site and there is sufficient capacity to ensure that the level of traffic generated by the development would not have a severe impact on the safe and efficient operation of the surrounding highway network. The scheme would result in an acceptable relationship with surrounding uses.

Comment from the Flood Authority and United Utilities are outstanding, though it should be noted that the existing planning approvals on the site supported development for residential purposes, subject to appropriate mitigation.

Recommendation

That the authority to approve this application be delegated to the Head of Planning & Housing subject to receipt and consideration of comment from the Flood Authority and United Utilities, and any others, that any planning permission granted be subject to any necessary revision and conditions resultant of these comments, and, completion of a Section 106 agreement that will secure:

1. A tie of the planning approval to the Legal Agreement attached to outline planning consent on the site (08/0058).
2. Contribution toward Travel Plan monitoring – amount to be determined.

And the following conditions (or any amendment to the wording of these conditions, additional conditions, or Legal Agreement that the Head of Planning & Housing believes is necessary to make otherwise unacceptable development acceptable):

1. **It is expected that additional conditions may be required relating to ecology, drainage and construction restrictions, as well as duplication of some contained within the outline and reserved matters approval notices.**
2. The development must be begun not later than the expiration of three years beginning with the date of this permission.

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

3. This permission relates to the following plans:

- Location Plan drawing number KD63/ 54 rev. B.
- Site A drawing number KD63/10 rev. E.
- Springfield house type drawing number 1880.H.09.
- Portland house type drawing number 1880.H.08.
- Mayfair house type drawing number 1880.H.07.
- Louisiana house type drawing number 1880.H.06.
- Grosvenor house type drawing number 1880.H.05.
- Charleston house type drawing number 1880.H.04.
- Buckingham house type drawing number 1880.H.03.
- Bridgeport C house type drawing number 1880.H.02.
- Baltimore house type drawing number 1880.H.01.
- Garages drawing number 1880.H.11.

Reason: The application is granted in outline only in accordance with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015. Access has been applied for and any application for reserved matters must be in accordance with and/or not

exceed the parameters established as part of this permission.

4. Notwithstanding the submitted details, prior to the first construction of any dwelling hereby approved, representative samples of the external construction materials shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be used in construction of the development.

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

5. Notwithstanding the approved drawings detailed by condition 2 and prior to the first construction of any dwelling hereby approved, drawings which indicate dual aspect dwellings to dwellings on Plot numbers 101, 104, 115, 125, 133,134, 136 and 155 34 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy HL2 of the adopted Fylde Borough Local Plan (October 2005) and National Planning Policy Framework.

6. Prior to the first construction of any dwelling hereby approved, details of finished floor levels and external ground levels for each plot shall be submitted to and approved in writing by the Local Planning Authority before any development at that plot takes place. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: In order to ensure a satisfactory relationship between the new dwellings and their surroundings (including buildings and the street scene) and to ensure that the development is not at risk of flooding, in accordance with Policy HL2 and EP30 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

7. Prior to the first construction of any dwelling hereby approved and notwithstanding any details shown on the approved plans, a scheme of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of siting, height and construction materials and ensure provision of masonry boundary walls where visible in the street scene. The development shall be constructed in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure the safety of future residents of the development, in accordance with Policy HL2 and HL6 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

8. Prior to the first construction of any dwelling hereby approved and notwithstanding any details shown on the approved plans, a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs for landscaping within the development.

The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within ten years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements, in accordance with Policy HL2, EP14 and EP18 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

9. Prior to the first construction of any dwelling hereby approved and notwithstanding any denotation on the approved plans, a scheme of street lighting design shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme and be retained thereafter.

Reason: In the interests of visual amenity and the appearance of the development in the locality, in accordance with Policies HL02 and HL06 of the adopted Fylde Borough Council Local Plan (October 2005) and Policy GD7 of the submission version Fylde Local Plan to 2032.

10. Prior to the first construction of any dwelling hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority of the on-going maintenance of the communal areas of public open space / amenity landscaping. The development shall thereafter be maintained in accordance with the approved schedule of maintenance.

Reason: To ensure that the development is implemented and maintained to a satisfactory degree into the future, in accordance with Policy HL2 of the adopted Fylde Borough Local Plan (October 2005).

11. There shall be no lopping, topping or felling of any trees or hedgerow on or overhanging the site unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the existing trees on the site and to ensure satisfactory landscaping of the site in the interests of visual amenity, in accordance with Policy EP12 and EP14 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

12. Construction works on the site and deliveries to/ from the site shall only take place between the hours of:

08:00 - 18:00 Monday to Friday.

09:00 - 13:00 Saturday.

No on site works on Sundays or Bank Holidays.

Reason: To safeguard the amenity of neighbouring residents, in accordance with Policy HL2 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

13. All garages within the development hereby approved shall be made available for use prior to the occupation of each associated dwelling and be retained for use as a garage thereafter.

Reason: To ensure provision and retention of required parking within the development, in accordance with Policy T5 of the adopted Fylde Borough Local Plan (October 2005) and the National Planning Policy Framework.

14. Prior to the first construction of any dwelling hereby approved, the following information shall be submitted to and approved in writing by the Local Planning Authority:

1. A detailed plan for the proposed buildings of that phase demonstrating that there would be no detrimental impact upon the operation of St Annes Radar, and,
2. Details of a scheme to mitigate any detrimental impact upon the St Annes Radar, including any associated timescales for implementation of the mitigation works.

The approved scheme of mitigation shall be implemented in accordance with the approved details and within the approved timescales, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of aircraft and public safety.

15. Unless permission to vary this condition is formally approved in writing by the local planning authority, the development hereby approved shall be carried out in full accordance with the approved drawings and the following supporting documents:

- Habitats Regulation Assessment (update October 2017).
- Environmental Statement Addendum (Ecology Matters) (TEP, November 2017).
- Ecological Assessment (TEP, October 2017).

Reason: In order to ensure the development is carried out in a manner that will not cause any adverse impacts on matters of ecological importance.

16. Prior to the first construction of any dwelling hereby approved, a scheme for the construction of all highway works applied for including permanent, temporary and any remediation works post-delivery have been submitted to, and approved by the Local Planning Authority in consultation with the appropriate Highway Authority. The development shall be constructed in accordance with the agreed details.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

17. Prior to the first construction of any dwelling hereby approved, the developer shall submit a construction phasing plan including off-site highways works and other highway works for approval by the Local Planning Authority and the appropriate Highway Authority. Development should not commence until this is approved in writing. This to include remediation works post removal of the temporary access point.

Reason: In order to maintain flow of traffic on local roads during site preparation and construction.

18. Prior to occupation of the development hereby permitted, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan shall include objectives, targets, mechanism and measures to achieve and maintain targets, monitoring, implementation timescales and have a travel plan co-ordinator in post prior to first occupation and to remain for the full build out or 5 years per dwelling. The approved plans shall be implemented, audited and updated at intervals as approved.

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

19. Prior to the first construction of any dwelling hereby approved, a scheme for the construction of off site highway works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include the following:

1. Foot/cycle way on Queensway from a point south of the existing Queensway junction to 3 Heyhouses Lane.
2. Toucan crossing to the south of the frontage of this application linking the new foot/cycle way to the existing/modified provision on the opposite side of road. In line with Unilateral - Annexure – 4 – plans– 33 30-213 Proposed Highways produced by Cole Easdon.
3. A temporary crossing towards the existing Queensway junction with a temporary refuge island. To provide safe access to the existing bus stops on Kilmhouse Lane.

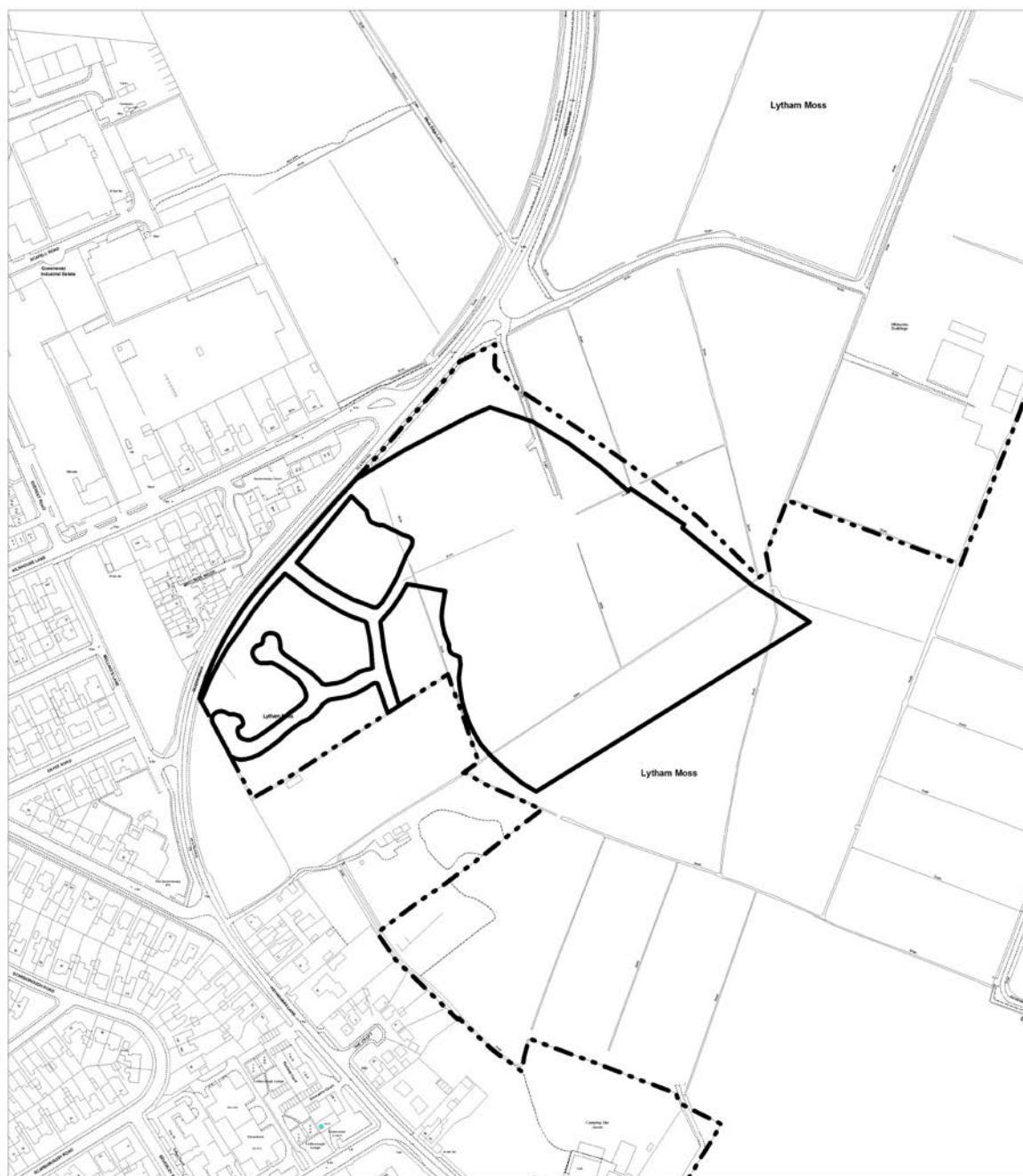
The approved scheme of off site highway works shall be implemented prior to first occupation of the development.

Reason: To safeguard highway safety and ensure the efficient and convenient movement of all highway users, in accordance with Policy HL2 of the adopted Fylde Borough Council Local Plan

(October 2015).

20. Prior to the commencement of the development hereby approved, a scheme of energy efficiency and renewable energy generation to be provided for each dwelling shall be submitted to, and approved in writing by, the Local Planning Authority. The identified measures shall be implemented in accordance with the approved details prior to the occupation of each dwelling.

Reason: In order to ensure that the development is carried out in accordance with the provisions of Policy HOU4 of the St Anne's on the Sea Neighbourhood Development Plan 2016-2031.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0862	Address Land forming Kensington Developments Site, Queensway, Lytham St Annes	Grid Ref. E.3336 : N.4303	Scale 0 20 40 60 80 m

INFORMATION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	6 DECEMBER 2017	5
LIST OF APPEALS DECIDED			

PUBLIC ITEM

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

SUMMARY OF INFORMATION

The council received the following attached appeal decisions between 27/10/17 and 24/11/2017.

SOURCE OF INFORMATION

Development Services

INFORMATION

List of Appeals Decided attached.

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members on appeals that have been decided.

FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

PLANNING APPEALS

In the period 27 October 2017 to 24 November 2017 the council received the following appeal decisions.

Rec No: 1

16 January 2017	16/0524	LAND ADJACENT KILNHOUSE LANE AND, QUEENSWAY, LYTHAM ST ANNES OUTLINE APPLICATION FOR THE ERECTION OF 115 DWELLINGS (ACCESS, SCALE AND LAYOUT APPLIED FOR) WITH ACCESS FROM NEW VEHICULAR ACCESS FROM QUEENSWAY	Public Inquiry Case Officer: KPB
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Fylde Dec. Level Appeal Decision:	DEL Dismiss: 16 November 2017
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Rec No: 2

18 August 2017	16/1006	LAND ADJ. 195 MAINS LANE, SINGLETON, POULTON LE FYLDE, FY6 7LB OUTLINE APPLICATION FOR UPTO 9 DWELLINGS WITH ACCESS APPLIED FOR AND ALL OTHER MATTERS RESERVED	Informal Hearing Case Officer: RB
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Fylde Dec. Level Appeal Decision:	DEL Allowed: 06 November 2017
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Rec No: 3

31 August 2017	16/1007	LAND ADJ. 15 GRANGE ROAD, ELSWICK, PR4 3UA OUTLINE APPLICATION FOR THE ERECTION OF TWO DWELLINGS (ALL MATTERS RESERVED)	Written Representations Case Officer: CB
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Fylde Dec. Level Appeal Decision:	COMM Dismiss: 22 November 2017
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Appeal Decision

Inquiry opened on 3 October 2017

Site visit made on 11 October 2017

by Martin Whitehead LLB BSc(Hons) CEng MICE

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

Decision date: 16 November 2017

Appeal Ref: APP/M2325/W/16/3164516

Land north of Kilnhouse Lane, Lytham St Annes

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by the Joint Administrators of Greenhurst Investments Limited against the decision of Fylde Borough Council.
 - The application Ref 16/0524, dated 1 July 2016, was refused by notice dated 3 November 2016.
 - The development proposed is the erection of 115 dwellings agreeing access, scale and layout, together with associated works, open space and the construction of a new vehicular access from Queensway.
-

Decision

1. The appeal is dismissed.

Procedural and Preliminary Matters

2. I opened the Inquiry on 3 October and it sat for 6 days, closing on 11 October. I conducted an accompanied site visit on 11 October between 0630 hours and 0820 hours, during an adjournment of the Inquiry, at which I observed activities on the adjacent Industrial Estate and traffic on the nearby highway network.
3. The application was submitted in outline form with all matters of detail, except access, scale and layout, reserved for subsequent determination and included 'Proposed Site Plan' Drawing No 2099-P.003 Rev B. However, prior to the Inquiry, the appellant requested that the appeal proposal be changed to that refused in planning application Ref 17/0296, described as: '*outline application for the erection of 115 dwellings*'. The main differences between this subsequent application and the current appeal application are that all matters of detail are reserved for subsequent determination and the Proposed Site Plan has been replaced by 'Illustrative Site Plan' Drawing No 2099-P.005.1 Rev B. The Council has not objected to the appeal proposal being revised in this way, subject to a clear consultation exercise being undertaken to inform interested parties of the intended change and sufficient time being allowed to update the evidence.
4. I have considered the submissions made with regard to the proposed alterations to the appeal proposal, including the appellant's consultation exercise carried out on 1 September 2017. Based on this, I find that the revision to the proposal is within the scope of this appeal outline planning

application; it has been adequately consulted upon; it would not materially change the nature of the appeal proposal to that considered when the Council made its decision; and the appellant has given the Council sufficient notice of its intentions to allow the Council to adequately consider the amended proposal. Therefore, applying the 'Wheatcroft Principles'¹, I am satisfied that the revisions do not prejudice the interests of any of the parties and I have determined the appeal on the basis of all matters of detail being reserved for subsequent determination, but using Illustrative Site Plan Drawing No 2099-P.005.1 Rev B as being indicative of the proposed development. I have amended the description to the following, as agreed at the Inquiry: *'the erection of 115 dwellings, together with associated works, open space and the construction of a new vehicular access'*.

Main Issues

5. At the Inquiry the parties accepted that part of the appeal site is outside the settlement boundary and within the Green Belt. However, the Illustrative Site Plan shows that there would be no buildings in the Green Belt and the part of the site that is within the Green Belt would be used for recreational open space. I agree with the Council and appellant that the use of this land for recreational open space would not represent inappropriate development and would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.
6. Therefore, based on the reasons for refusal of application Ref 16/0524 and other matters raised in the evidence, I consider the main issues to be the following:
 - i. whether the Council can demonstrate a five-year housing land supply;
 - ii. whether the proposed development would provide acceptable living conditions for future occupants of the proposed dwellings, with particular regard to matters of noise and dust;
 - iii. the effect of the proposal on the operation of established industrial land uses in the area;
 - iv. the effect of the proposal on the provision of employment land in the area;
 - v. the effect of the proposal on the character and appearance of the surrounding area;
 - vi. the effect of the proposal on highway safety and the flow of traffic on the local highway network; and
 - vii. the effect of the proposal on the public realm, the provision of affordable housing, public open space, educational facilities and public transport.

Reasons

7. The Statutory Development Plan includes the Fylde Local Plan Alterations Review, October 2005, (Local Plan) and St Annes-on-Sea Neighbourhood Plan (NP), made in May 2017. I accept that there are no relevant policies in the NP to this appeal proposal. The weight that I have given to the saved policies in the Local Plan are according to their degree of consistency with the National

¹ Bernard Wheatcroft Ltd v Secretary of State for the Environment (1982) 43 P&CR 233

Planning Policy Framework (the Framework), as required in paragraph 215 of the Framework. Therefore, although the Local Plan is time-expired, some weight can still be given to relevant policies.

8. The Council has referred to policies in the Publication Version of the emerging Fylde Council Local Plan to 2032 (emerging Local Plan). I have given weight to the policies in the emerging Local Plan in accordance with paragraph 216 of the Framework. In terms of its progress towards adoption, Stage 1 and Stage 2 hearings have been held as part of the Examination in Public (EiP) and, following these, a 'Consultation on Additional Evidence' was concluded on 14 September 2017. There are a significant number of objections to relevant policies that are unresolved. The Council has suggested an anticipated adoption date in April 2018. I have accordingly reduced the weight that I have given to policies in the emerging Local Plan.

Planning Obligations

9. At the Inquiry, S106 planning obligations requested by the Council and included in the Unilateral Undertaking (UU) submitted by the appellant were discussed in relation to their compliance with the tests in Community Infrastructure Levy Regulations (CIL) Regulation 122 and paragraph 204 of the Framework. These are that the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. I have also examined whether the planning obligations contravene CIL Regulation 123(3), with regard to the extent that five or more separate planning obligations that relate to planning permissions granted for development within the area of the charging authority and which provide for the funding or provision of that project or type of infrastructure have been previously entered into.
10. The obligation to secure 30% of the dwellings to be constructed as part of the development to be Affordable Housing is necessary to help meet the Borough's identified needs. This requirement is supported by emerging Local Plan Policy H4, which states that all market housing schemes of 10 or more homes will be required to provide 30% affordable housing/starter homes, unless robust viability testing has demonstrated that the cost of the affordable housing provision would prevent the development from being delivered. The appellant has provided evidence to show that the appeal proposal with the provision of 115 dwellings, including 30% to be affordable, would be viable.
11. The obligations to secure contributions towards primary and secondary education would be necessary as Lancashire County Council (LCC), as the Education Authority, has demonstrated a shortage of capacity in local primary and secondary schools to serve children that would occupy the proposed development. As the money would be directed to nearby schools and would be calculated on the basis of an agreed methodology as prescribed in the LCC Methodology for Education Contributions in Lancashire, updated in May 2016, it would be directly related to the development.
12. The obligations to secure contributions towards public right of way enhancements and a travel plan would be used towards identified projects to encourage the use of sustainable means of transport and reduce the reliance on the private car by future residents of the development. The money would

- be targeted towards the infrastructure that would be relatively close to the development and therefore likely to be used by its occupants.
13. An obligation to secure £250,000 of funding towards the M55 to Heyhouses Link Road, phased in relation to the number of dwellings occupied on the site, has been requested by LCC, as the Highway Authority (HA), to ensure the delivery of this infrastructure. The HA has justified the need for a contribution on the basis of the construction of that Link Road being required to relieve congestion on the surrounding highway network, which would be made worse by the traffic that would be generated by the development. However, insufficient evidence has been submitted to demonstrate that such a contribution would be fairly and reasonably related in scale and kind to the development, based on the level of contributions sought from other development that would affect the traffic in the area. Furthermore, given the estimated cost of the scheme and the identified funding sources, no mechanism has been put forward to ensure that these phased contributions would be spent on the identified scheme.
 14. The Public Realm contribution would be phased in relation to the number of dwellings occupied and would be spent in accordance with the Fylde Borough Council Regeneration Framework 2010 between the site and town centre. The Council has shown that contributions towards the public realm have been included in a UU for a previously permitted residential scheme, but they are stated as a 'sustainable transport contribution'. No specific projects have been identified to show whether the current appeal contribution would be directly related to the impact of the development, given that the regeneration would be likely to take place regardless of the appeal development and that the sum of £1,000 per dwelling has not been substantiated in any document presented to the Inquiry.
 15. For the reasons given above, I have found that the planning obligations to secure contributions towards the public realm and the M55 to Heyhouses Link Road do not meet the tests in CIL Regulation 122 and have therefore not considered them in my determination of this appeal. However, I am satisfied that the other planning obligations in the S106 UU, including that regarding the on-site open space management plan, meet the tests in CIL Regulations 122 and 123(3) and paragraph 204 of the Framework. I have therefore taken them into account.

Five-Year Housing Land Supply

16. At the Inquiry the Council provided evidence to demonstrate a 4.9 year housing land supply using the 'Sedgefield' method, which includes the past shortfall in the first 5 years. However, its preferred method that it has requested the Inspector for the EiP of the emerging Local Plan to adopt is based on the 'Liverpool' method, which distributes the past shortfall over the plan period to 2032, but applying the 20% buffer for persistent under supply over the first 5 year period. On this basis, the Council has calculated a 6.2 year housing land supply. During the course of the Inquiry, the appellant increased its amount that it had previously calculated for the housing land supply to be 3.8 years using the Sedgefield approach and 4.8 years using the Council's Liverpool based approach, partly due to its acceptance of the Council's position not to allow an additional 10% for non-delivery on sites over 10 dwellings.

17. The EiP Inspector has yet to decide upon the appropriate method for calculating the housing land supply, having requested further evidence to support the 'Liverpool' approach, and does not appear to me to have examined the latest evidence regarding the delivery of housing in any great detail. Whilst the Objectively Assessed Need (OAN) of 415 dwellings per annum was agreed by both the parties at this appeal Inquiry, I have considered the evidence presented to determine whether the Council's forecast housing land supply figures are realistic.
18. In the absence of a firm conclusion from the EiP Inspector on the approach to considering the shortfall that she would apply to the emerging Local Plan and based on the evidence available to me, I consider that the Sedgefield approach would be the most appropriate to satisfy the need to boost significantly the supply of housing, identified as a Government aim given in paragraph 47 of the Framework and supported by the National Planning Practice Guidance (NPPG). I accept that the EiP Inspector may agree with the Council that a Liverpool based approach would be most appropriate to ensure that the emerging Local Plan would be sound, but I have been given insufficient evidence at this Inquiry to justify delaying the housing needed to address the shortfall beyond the first 5 year period. In my opinion, this urgent need for housing outweighs the arguments put forward by the Council with regard to the seriousness of the shortfall, a past housing moratorium, the unlikelihood of neighbouring authorities assisting with addressing the housing need and the requirement for Local Plans to be realistic.
19. Whilst I have accepted the Council's approach to demolitions and other losses as well as to the reuse of empty homes, as I am not satisfied that the appellant has provided sufficient substantive evidence to show that this is wrong, I am concerned that the Council has been over optimistic regarding the delivery of housing in the relevant 5 year period. In this regard, having heard the evidence at the Inquiry concerning specific sites, some of the smaller sites that have been included do not appear to me to have been justified for inclusion and the appellant has suggested different start dates and/or build rates on some of the larger sites included.
20. In terms of the smaller sites, the evidence provided does not justify including Fairways (HS12), Whitehalls (HSS6), Sunnybank Mill (HS28), Thornhill Caravan Park (HS41), Wrea Green (HS47) and Newton Hall (HS51) in the first 5 years supply, particularly as these sites have not been shown to have either progressed or to have been acquired or promoted for residential development. The Council has suggested that it has updated its trajectory for the larger sites based on evidence provided by developers. In this respect, the Queensway site (HSS1) has yet to have an agreed means of access and a build rate of 100 units per year has rarely been shown to have been achieved by the developer of that site in the past. Although I have insufficient evidence to demonstrate that the start dates or build rates assumed by the Council for the other contested larger sites would not be achievable, the above concerns indicate to me that the Council's 4.9 year housing land supply should be further reduced.
21. Based on the above, and applying the Sedgefield approach for the purposes of this appeal, the Council has not been able to demonstrate a five-year supply of housing land in accordance with the Framework. Therefore, relevant planning policies for the supply of housing are out-of-date in accordance with paragraph 49 of the Framework and paragraph 14 of the Framework is engaged.

Living Conditions

22. The western boundary of the appeal site abuts Queensway Industrial Estate, which has established Class B1, B2 and B8 uses on it. The Council has stated that it has no control over the hours of working or changes of use within the same Use Classes at any of the premises on the Estate. Although at my site visit I observed very little activity on the Estate prior to 0700 hours, the Council's Environmental Health Officer indicated that Moore Readymix's concrete batching plant, adjacent to the north-west corner of the appeal site, has been known to start its operations before 0700 hours. No evidence has been provided to show that this has not occurred and there are no restrictions on working times to prevent the occupants from carrying out their activities during 'night-time' hours.
23. The Noise Impact Assessment, March 2017, carried out for the appellant, has identified that the key sources of noise that would impact upon the proposed development would be from Queensway (B5261) to the south and east, aviation traffic associated with Blackpool Airport to the north and existing industrial units to the west. The Assessment concludes that, subject to the incorporation of the identified mitigation measures, it is anticipated that a commensurate level of protection would be incorporated into the scheme for residential development. However, this protection, which would be secured by planning condition, would be likely to involve upgraded glazing and ventilation without the need to open windows, particularly in most of the dwellings shown on the Illustrative Site Plan adjacent to the western boundary.
24. The Council has referred to the World Health Organisation's Guidelines for Community Noise, which indicates that appropriate night-time sound levels require people to be able to sleep with bedroom windows open. The appellant's expert witness accepted at the Inquiry that, unless future occupants of some of the proposed dwellings keep their windows closed during the night, they could suffer a 'Significant Observed Adverse Effect', based on the measurements in the Noise Impact Assessment and the Noise Exposure Hierarchy table in the Noise Policy Statement for England. The table indicates that these circumstances should be avoided, as the noise would be 'noticeable and disruptive'. I find that this would be contrary to paragraph 123 of the Framework. Whilst there are measures that can be taken under the Environmental Protection Act to control the noise from the Industrial site, they would only be able to be taken after the event, if any resulting complaint has been substantiated.
25. Since the submission of the application, a Dust Risk Assessment, dated September 2016, has been completed for the appellant in line with the Institute of Air Quality Management 'Guidance on the Assessment of Mineral Dust Impacts for Planning'. The Assessment has identified that the appeal site is located within the immediate vicinity of a concrete batching plant and, subsequently, there are concerns that the proposal would introduce future site users to elevated levels of dust and give rise to complaints. In this respect, it concludes that dust emissions associated with the facility are not predicted to be significant at any sensitive location within the proposed development site and that the site is considered suitable for the proposed end-use without the inclusion of mitigation methods.

26. Paragraph 122 of the Framework requires local planning authorities to assume that pollution control regimes operate effectively. In this respect, the Environmental Permit (EP) conditions for the operation of Moore Readymix's batching plant should ensure that there would be no escape of dust from that site. However, at my site visit I observed that the site includes materials stored against the boundary with the appeal site and skips to dispense the materials used for mixing concrete at a high level near to the boundary. Whilst the appellant has referred to works that have been proposed by the operators of the plant to enclose the storage bays, I have not been given any substantive evidence to show that these works would be carried out. Also, the Council has provided details of 5 complaints from April 2007 regarding dust from the batching plant. The latest complaint in September 2015 from one of the nearby businesses indicates that dust and sand had been noticeable in the air, especially when windy and dry.
27. The proposed dwellings and their gardens would be classed as 'sensitive receptors'. In this respect, the future occupants of the proposed 14 dwellings that the appellant has indicated on the Illustrative Site Plan as being those within an area that *'could potentially be kept clear of dwellings to avoid any concerns with dust'* could experience an unforeseen event that would result in unacceptable levels of dust on their cars, garden plants, washing or windows. Any complaints would be after the event and action would only be taken to remedy the situation after thorough investigation, as it could result in cost implications against the offender.
28. Local Plan Policy EMP4 requires a buffer of greater than 30m between dwellings and Class B2 land uses. The accompanying text in paragraph 4.35 indicates that this buffer should be used to protect the amenities of residential areas. Although the width of the buffer has not been justified by any substantive evidence, the reasons behind the inclusion of such a buffer are in line with one of the core planning principles in paragraph 17 of the Framework which seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. I have therefore given this policy moderate weight in my determination of this appeal.
29. I conclude on this main issue that the proposed development as shown on the Illustrative Site Plan would not provide acceptable living conditions for future occupants of the proposed dwellings. As such, it would fail to accord with Local Plan Policy EMP4 and the Framework in this respect.

Operation of Established Industrial Land Uses

30. Moore Readymix Ltd has not objected to the proposed residential development and appears to me to have responded in the past to complaints about dust, which is controlled by a condition on its EP. There are existing dwellings adjacent to Everest Road, which provides access to the Estate, and adjacent to some of the premises on the Estate. The appellant has also pointed out that a children's nursery has been operating on the Estate, having recently been permitted. I have not been provided with any evidence to show that there have been complaints from occupants of these buildings about dust or noise due to activities at any of the business premises on the Industrial Estate.
31. Noise from occupiers of the Industrial Estate is controlled by the Environmental Protection Act. At my site visit I observed the activities at the Moore Readymix concrete batching plant, which the Council has expressed most concern about.

I found that the noise from the machinery used for the batching and the lorries delivering and collecting the materials, including reversing alarms, was clearly audible from the appeal site. Without measures to significantly reduce this level of noise, I consider that it would cause a high degree of disturbance to any occupants of future dwellings located close to the batching plant, particularly at night-time. This would make it more likely than at present for complaints to be received and action needed to be taken to control the noise, which could result in greater restrictions being placed on the operation of the batching plant.

32. In terms of dust from the concrete batching plant, there could well be concerns from future residents of some of the proposed dwellings. The likelihood of complaints would be greater than from any of the existing adjacent business premises, as dwellings would be occupied for longer periods and residents would expect a greater level of cleanliness. As a result of any investigations into these complaints, it could be necessary to take action that could result in restrictions on the use of the plant and/or additional costs to the operator.
33. I have taken account of the use of regulatory regimes to control noise and dust from the existing activities, as well as the use of measures to mitigate any potential nuisance arising to future occupants of the proposed dwellings. However, the illustrative layout locates dwellings very close to existing Industrial activities on the Estate. In these circumstances, I am concerned that the proposed development could result in the use of premises on the existing Queensway Industrial Estate being more restrictive and less attractive for businesses due to the potential for a greater level of complaints. As such, I find on this main issue that the proposal as shown on the Illustrative Site Plan would have an adverse effect on the operation of established industrial land uses.

Provision of Employment Land

34. Approximately 3.8 hectares (ha) of the appeal site, which excludes the area of the site within the Green Belt, has been allocated for business and industrial development in Local Plan Policies EMP1 and EMP2 and its allocation for these purposes is retained in emerging Local Plan Policy EC1. The site abuts the eastern boundary of the existing Queensway Industrial Estate and is close to Blackpool Airport, which restricts the design of buildings on it in relation to materials and height. The site investigation report produced by REC identifies that the site has abnormal ground conditions and the construction costs to deal with these conditions have been priced by DLP at £1,251,255. These costs have not been disputed by the Council.
35. Paragraph 22 of the Framework seeks to avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Although Local Plan Policies EMP1 and EMP2 are inconsistent with this approach, emerging Local Plan Policy EC1 reflects this approach in its wording. Nonetheless, these are the Council's adopted and emerging policies that seek to ensure an adequate future supply of employment land. I have therefore attached some, but limited, weight to these adopted policies, due to them being time expired and inconsistent with policies in the Framework, and to the emerging policy, due to the stage of preparation of the emerging Local Plan and the number of unresolved objections.

36. The Council has arrived at an overall need for employment land in the emerging Local Plan period up to 2032. The Local Plan identified employment needs to 2006, but the Council has demonstrated that the position was reviewed in 2006 and then in 2012 by the Employment Land and Premises Study (ELPS) by AECOM/BE Group. This more recent study has been used to inform the emerging Local Plan and includes an assessment of much of the appeal site, identified as Site References EMP1(4) and 10. A site scoring system, which has been used to show the attractiveness of sites for employment use, gives a relatively high score for these sites. However, the site development constraints given in the details of the sites do not include any costs associated with abnormal ground conditions, which would be likely to significantly reduce their score.
37. Whilst the ELPS recommended that the position should be reviewed and monitored and the study undertaken again in five years, which the Council accepted has not been carried out, the ELPS still remains the most up-to-date comprehensive assessment of employment land available. In my opinion, it would be wrong to discount the findings of the ELPS on the basis that it was undertaken over 5 years ago in the absence of any acceptable alternative assessment of employment need and future potential employment sites.
38. The ELPS bases the requirement for future employment land on the evidence of the annual average take-up rate experienced by the Council since 1989. This has subsequently been monitored up to a base date of 31 March 2015 and corrected to exclude sui generis development to arrive at an annual average take-up rate of 2.22ha and a requirement of 46.6ha for the plan period. The Council has added a requirement from Blackpool Council of 14ha to reach an overall net requirement of 62ha over the plan period. There is nothing to show that the EiP Inspector has questioned these figures, even though she has asked whether the site allocations are justified and deliverable.
39. Although the appellant has suggested that the annual average take-up should be 0.98ha, based on a shorter period of time to avoid the 'spikes' in the 1980s and 1990s, there is insufficient evidence to show that this would provide a more realistic assessment, given the position taken in the emerging Local Plan. I therefore find that the most appropriate place to examine the future employment need is at the EiP and for the purposes of this appeal I have accepted the Council's figures used in the emerging Local Plan.
40. The Council's employment land provision in the emerging Local Plan relies upon the appeal site contributing 3.8ha. It also includes allocated sites on which the Council has granted planning permission for housing as well as employment, which would reduce the amount of land available for future employment. As such, I find that much of the appeal site makes an important contribution to the overall provision of employment land in the emerging Local Plan.
41. In examining whether there is no reasonable prospect of the appeal site being used for employment purposes, I have taken this as being over the period of the emerging Local Plan, up to 2032, as the site is included as an allocation. In respect of the viability of the site for employment use, Keppie Massie (KM) produced an independent Financial Viability Report, dated July 2017, of an employment scheme that the appellant has shown not to be viable. KM has concluded that the development of the site for employment uses based on the assumed scheme is not currently viable, as it produced a negative residual land

value. However, the Report indicates that no alternative financial appraisals to illustrate viability based on other schemes or mixes of employment uses have been submitted and that the site is more likely to be brought forward as serviced plots for sale to developers or owner occupiers, even though it concludes that at the current time development on this basis is unlikely to be viable.

42. Factors that could increase the viability of the site for employment uses over the emerging Local Plan period include the completion of the M55 to Heyhouses Link Road and the completion of the 1,150 dwellings permitted on the Queensway site, opposite the appeal site. The appellant has suggested that the nearby Blackpool Airport Enterprise Zone would offer more attractive sites for future employment use than the appeal site in this respect. Although that site is identified in emerging Local Plan Policy EC1 as providing 14.5ha of employment land provision over the plan period, the Council has indicated that it relies upon the relocation of existing land uses and would not be as suitable as the appeal site for certain employment uses. Furthermore, any benefits from Business Rate Relief would only be available over the first 5 years and would be restricted to specific types of employment use. As such, it may not be attractive, or even available, to some types of industrial use.
43. In terms of marketing, Section 6 of the appellant's Employment Statement, July 2016, updated by a letter from CBRE, dated 12 September 2016, has been agreed by the Council as being an accurate and up-to-date reflection of the commercial property market at both the North West and Fylde Coast level. I am satisfied that the marketing of the site by CBRE since March 2015 is in line with the requirements of Policy GD8 of the emerging Local Plan. The appellant has provided details of offers made since March 2015 and I accept that very few reasonable offers have been made and none have been followed up. However, this is insufficient to show that there is no reasonable prospect of the site being used for employment.
44. The EiP for the emerging Local Plan would be the best forum to examine in detail the employment need and specific sites that have been allocated for employment use. I find that the evidence submitted for this appeal is insufficient to demonstrate conclusively that there would be no reasonable prospect over the plan period to 2032 of the site being used for employment, given that the Council is relying upon the land included in the appeal site as a major contributor to its employment land supply in the emerging Local Plan. I therefore conclude on this main issue that the proposal would have an adverse effect on the provision of employment land and would fail to accord with Local Plan Policies EMP1 and EMP2 and emerging Local Plan Policy EC1.

Character and Appearance

45. The appeal site is located on the edge of the built-up area of Lytham St Annes. A bridleway, known as Moss Edge Lane, runs across the site between the southern and northern boundaries. The bridleway is on the defined settlement boundary and to the east of the bridleway the site is within the Green Belt, which also bounds the north of the site. Although the site abuts development to the west in the form of Queensway Industrial Estate and housing fronting Kilnhouse Lane, it gives the appearance of open grassland with no built development on it. Queensway, which is a busy route into Lytham St Annes, abuts the southern and western boundaries of the site with much of that

- boundary being hedgerow. I find that these factors give the appeal site an open, green and rural character and appearance.
46. The appellant has submitted a Note by 'fpcr' in relation to landscape character and visual amenity, dated September 2017, which assesses the potential landscape and visual impact of the appeal proposal, based on the proposals shown on the Illustrative Site Plan. The Note suggests that the immediate context of the site is already heavily influenced by adjacent urban land uses and features and concludes that appropriately designed residential development in the location of the site would result in no unacceptable landscape or visual impact.
47. The Council has criticised the illustrative layout, but I am satisfied that much of this criticism would be able to be overcome at the reserved matters stage when details of appearance, landscaping, layout, and scale would be considered. However, I am concerned that the appellant has not provided an illustrative layout to show how the proposed 115 dwellings would be accommodated to avoid the unacceptable living conditions for future occupants that I have previously identified. Without such a layout, I am unable to come to any firm conclusion over the effect of the proposal on the character and appearance of the surrounding area, even though the appellant has suggested that the development could be provided at a higher density than that shown without causing any harm.
48. The appeal proposal is based on the provision of 115 dwellings and therefore I have insufficient evidence to determine this appeal on fewer dwellings, given that the viability evidence and the provision of affordable housing are relying upon this number of dwellings to be included in the development. Whilst it is likely that an employment scheme would have a greater adverse impact on the appearance of the area than a residential scheme, I do not have any details to make such a comparison.
49. I conclude on this main issue that I have not been provided with sufficient evidence to demonstrate that a development of 115 dwellings could be provided on the appeal site to ensure that there would be acceptable living conditions for future residents and that it would not have an unacceptable adverse effect on the character and appearance of the surrounding area.

Highway Safety and the Flow of Traffic on the Local Highway Network

50. Although details of the access to the site have now been agreed to be reserved for subsequent consideration, the layout shown on the Illustrative Site Plan indicates that access would be from a proposed signalised roundabout junction that would be constructed as part of a permitted residential development on the opposite side of Queensway (Queensway site). In this regard, I accept the views of the Council that access would no longer be a reason for refusing this appeal proposal, based on the acceptance of the HA. However, at the Inquiry, it became apparent to me that the form of the access to the permitted development may be amended to a 5 arm traffic signal junction to include an access to this appeal development. This has to be agreed and would require amendments to that planning permission, which could well result in delays to the completion of this new junction and provide a degree of uncertainty about the layout of the appeal proposal to ensure that an acceptable access would be provided.

51. In terms of the impact on the local highway network, the HA and the appellant's expert witness have agreed that their evidence shows that there are existing capacity constraints on the local highway and the most notable and significant to the consideration of the appeal development is the School Road/Common Edge Road north junction. Although I observed very little build-up of queues at this junction when I carried out my site visit, the appellant's expert has agreed with the HA that the traffic flows surveyed on 27 April 2016 and 26 September 2016 are representative. These surveys indicate significant levels of queuing at this traffic signal junction, particularly on Common Edge Road south between 0800 hours and 0900 hours where there is evidence in the survey that the queue extended back to the Queensway/Kilnhouse Lane junction by about 0800 hours and remained this long until 0900 hours. This represents a distance of about 1.5 km. The appellant has suggested that similar, but not quite as long, queues were surveyed on Common Edge Road south after 1610 hours until 1650 hours.
52. The appellant has applied the TRICS based trip rates to the proposed 115 dwellings to arrive at traffic generation. However, the HA has questioned the trip rates used as being lower than what would be expected, based on a comparison with other sites in the area. Assigning the trip rates used by the appellant to the existing highway network, using a trip distribution based on the 2011 census journey to work information, the appellant has calculated 30 additional vehicles would use the Common Edge Road/School Road junction in the morning peak hour as a result of the development, or 34 additional vehicles based on trip rates used for a Transport Assessment (TA) in Burscough.
53. The appellant has modelled the impact of the proposed development, together with that from other permitted development, using a 'LINSIG' model for the traffic signal junction. Whilst there are some differences of opinion between the HA and the appellant's expert regarding how the traffic should be modelled, the use of LINSIG to model the junction traffic flows has been agreed. I have considered the appellant's modelling, which the appellant has suggested is based on 2016 traffic figures, not allowing for any general growth in traffic but including all of the traffic that would be likely to be generated from other committed development in the area. Even though all the committed development would be unlikely to be completed by 2022, the results are comparable with those calculated by the HA, which have allowed for traffic growth due to all likely development that would occur by a projected date of 2022.
54. The LINSIG results for the Common Edge Road/School Road junction, not allowing for the traffic that would be constrained during the morning peak hour due to the time taken queuing, show the worst queuing would be on Common Edge Road south. This is calculated as being above saturation level, with a Degree of Saturation (DoS) of 100%, in the existing situation in 2016, at 117% DoS with all the committed development, and at 119% DoS with the committed development and the appeal development. It is even higher when the constrained demand is included, rising to 140% DoS. Whilst at this DoS calculated queue lengths are unlikely to be accurate, the model indicates that it would represent 239 vehicles. This queue would be such that it would probably extend through the Queensway/Kilnhouse Lane junction, which would be used for the proposed location of the access to the appeal site, and cause significant delays to traffic in the area. I have not been shown any alternative existing available routes for vehicles to take to avoid the junction.

55. The resulting additional delays would extend the congestion over a longer period of time, increase the number of vehicles that would be queuing, causing air pollution, and could well have a knock on effect on the risks that drivers would be likely to take, to the detriment of highway safety. In addition, the bus services would take longer and emergency vehicles would find it harder to negotiate the traffic. This would be contrary to Government aims to support reductions in greenhouse gas emissions and reduce congestion given in paragraph 30 of the Framework. I find that the evidence provided demonstrates that the residual cumulative impacts of the development on transport would be severe without any improvements to the highway network.
56. The HA has accepted that the completion of the proposed M55 to Heyhouses Link Road would ensure that the highway network would be able to accommodate impacts from the appeal site and other committed development. The Link Road is identified in the Infrastructure Delivery Plan, August 2016, which seeks to establish what additional infrastructure and service needs are required to support and accommodate the quantum and distribution of development proposed in the emerging Local Plan. The HA has provided evidence to show the contributions to its estimated cost of £25.3 million. Some of this funding has been shown to yet be approved, with dates given as March 2018 for the £1.7 million from LCC, April 2018 for the £1.98 million from Lancashire Enterprise Partnership and June 2018 for the £5 million from the Department for Transport National Productivity Investment Fund.
57. At the Inquiry, the HA expressed its confidence that it would secure the necessary funding for the M55 Link Road scheme and that it would be completed in early 2021. However, the contract has not yet been put out to tender and the resulting tenders could be significantly above the estimated cost, given that the HA suggested that it had applied a 3% contingency allowance in its estimate. Also, the Infrastructure Delivery Plan includes the scheme as one that has '*uncertain capital available, or uncertain timescales*'. Based on this, and the level of funding that has not yet been approved, I am concerned that the M55 Link Road would not be completed by the time that the appeal development would be occupied should planning permission be granted.
58. The Council has suggested a planning condition to restrict the occupancy of the proposed dwellings to 50 until a contract has been awarded for the Link Road, with the reason given as being '*to maintain network reliability and safety*'. However, I am not satisfied that such a condition would be reasonable, given the uncertainty that I have expressed over the funding and timescale for delivery of that scheme, or could be justified as necessary as there is nothing to stop all the dwellings from being occupied before the Link Road would be open to traffic. Although the UU has included a planning obligation to secure a sum of £250,000 towards the cost of the Link Road, I have found that it does not satisfy the CIL tests and have not taken it into account in the determination of this appeal. Therefore, I find that there would be no acceptable mechanism in place to ensure that the necessary infrastructure would be completed to prevent the proposal when combined with other committed development from having a significant harmful impact on the operation of the highway network.
59. The appellant has referred to housing development at Wildings Lane and the Queensway site that have recently been permitted. Of these, the HA has shown that only the site at Roseacre on Wildings Lane has not included a S106 planning obligation to secure a contribution that has been included in the sum

of money required to construct the Link Road. The HA has claimed that the Roseacre development includes a S106 planning obligation to secure other highway improvements. I understand that each of the Wildings Lane developments involve the construction of fewer dwellings than the appeal proposal and the Queensway site development has conditions controlling the level of completions until the Link Road has been completed. Nonetheless, I find that the approval of this previous development does not justify granting planning permission for the appeal development without including measures to mitigate its impact on traffic congestion.

60. The appellant has suggested that the relative increase in traffic as a result of the development would be small and therefore its residual cumulative impact would not be severe. However, it has carried out a TA, which indicates to me that it has considered that the development would generate significant amounts of traffic movement, in accordance with paragraph 32 of the Framework. Whilst it has shown that the development traffic would represent less than 2% of the existing flow and that other development has recently been permitted that would add to the traffic, I am satisfied that the level of development proposed would be sufficient to make a material impact on traffic flows in the area. Given that the appellant has demonstrated that the Common Edge Road/School Road junction is already over its saturation level at peak times, this relatively small increase in traffic, combined with the growth in traffic from other development, would represent a severe impact up to 2022 should the proposed Link Road not be completed in that time.
61. The appellant has referred to a Secretary of State decision regarding two appeals at Hartland² in support of its stance that the residual cumulative impacts of the development on transport would not be severe. Based on the limited information that has been provided regarding these appeals, I consider that they involve significantly different circumstances from those of the current appeal, and in particular with regard to the level of congestion that has been observed and the amount of additional traffic from new development that would need to be allowed for in the cumulative impact. Whilst I have noted the points raised, I find that no direct comparisons can be made and I have determined the current appeal on its own individual planning merits in the light of prevailing policies and guidance.
62. My conclusions on this main issue are that, in the absence of suitable mitigation, the proposal would have an adverse effect on highway safety and the flow of traffic on the local highway network and would result in a severe residual cumulative transport impact, contrary to paragraph 32 of the Framework.

Public Realm and the Provision of Affordable Housing, Public Open Space, Educational Facilities and Public Transport

63. The UU would secure the provision of an acceptable level of affordable housing on the site; maintenance arrangements for the on-site public open space, much of which would be on the area of Green Belt; contributions towards educational facilities; and contributions towards improvements to the part of the public bridleway that crosses the site that is outside the site boundary. Planning conditions would secure improvements to the bridleway and the provision of public open space. The UU would also secure a contribution towards the

² Inquiry Document 26

approval, supervision and monitoring of a travel plan, which would be implemented through a planning condition. In addition, the site is adjacent to bus stops providing connections to the centre of Lytham St Annes and to Blackpool.

64. Although I have found the planning obligation to secure the requested public realm contribution to not meet the CIL tests and have therefore not taken it into account, there is insufficient supporting evidence to show that the appeal proposal would cause any significant harm to the public realm in Lytham St Annes. Therefore, based on the above, I conclude on this main issue that the proposal would not have a significant adverse effect on the public realm, the provision of affordable housing, public open space, educational facilities or public transport.

Other Matters

65. The appellant has provided evidence that was presented at a S78 appeal hearing held in July 2017 regarding residential development at Newton with Scales. In particular, the appellant has referred to matters agreed with the Council in the Statement of Common Ground (SoCG). However, I do not know the whole background behind the Council's agreement to matters in the SoCG and do not necessarily agree with the reasons why the relevant policies of the development plan were considered to be out-of-date. Whilst that Inspector found the policies in the emerging Local Plan to carry limited weight, I consider that she is only referring to those policies that she has mentioned as being relevant to that appeal. I have based my determination of the current appeal on the evidence presented before me.
66. I have noted the representations made in support of the need for additional housing, and in particular affordable housing. However, I have also noted the representations made at the Inquiry regarding the need for additional employment land. I have taken these into account in my determination of this appeal.

Planning Balance and Overall Conclusions

67. As I have found that relevant development plan policies are out-of-date, I have determined this appeal on the basis of the balance given in paragraph 14 of the Framework. Therefore, planning permission should be granted 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, as there are no specific policies in the Framework that indicate development should be restricted other than on the Green Belt.
68. The appeal site is in a location that would provide any future occupants of the proposed development with adequate access to shops and services. There is a combined footway and cycleway on Queensway, adjacent to the site, and Kilnhouse Lane forms part of a signed cycle route which links to Lytham St Annes town centre. A bridleway runs through the site, providing an alternative pedestrian access to using Queensway. Also, there are primary schools, shops, employment facilities and bus stops providing access to regular services to Lytham St Annes town centre and Blackpool within reasonable walking distances of the site. There is no objection from the HA on accessibility grounds. However, this would not only be a benefit to its use for residential development but also would benefit its use for employment.

69. In examining the three dimensions to sustainable development given in the Framework, I accept that the proposed development would support the economic role through employment during its construction, increased expenditure from future residents and increased revenue to support services. However, the use of the land for employment purposes would also include benefits from employment during construction, as well as benefits to the economy from employment after completion which would be lost should the appeal proposal be implemented.
70. With regard to the social role, the proposal would not only provide market housing but would also provide much needed affordable housing. These benefits carry substantial weight, based on the need to boost significantly the supply of housing. However, the appellant has provided very limited evidence to show that a developer would come forward should permission be granted, which could potentially be a problem due to the acknowledged abnormal costs of developing the site and the need to provide an acceptable means of access. As such, I am concerned about the deliverability of the proposed housing within the next 5 years, should I allow the appeal.
71. The environmental benefits of providing public open space and having the potential through landscaping to improve the appearance of the site must be weighed against the resulting built development on the site, affecting its openness and rural character, and the harm due to the environment as a result of pollution from an increase in vehicles queuing on the highway network, without any contribution towards mitigation. Furthermore, I have found that the layout shown on the Illustrative Site Plan would not provide a good standard of amenity for future occupants of the development.
72. Based on the evidence before me, I have concluded that the Council cannot demonstrate a five-year housing land supply and the UU would ensure that the proposal would not have an adverse effect on the provision of affordable housing, public open space, educational facilities and public transport. However, I have found against the proposal with regard to its effect on the provision of employment land, its effect on the character and appearance of the surrounding area and its effect on highway safety and the flow of traffic on the local highway network. In addition, it would not provide acceptable living conditions for future occupants of the proposed dwellings and would have an adverse effect on the operation of established industrial land uses in the area.
73. Taking the above into account, I find that the proposed development would be in conflict with the development plan as a whole, with particular reference to Policies EMP1, EMP2 and EMP4, and this, together with the harm that I have identified, would significantly and demonstrably outweigh the benefits, even when considering the appellant's calculated shortfall in the five-year housing land supply. The proposal would not represent sustainable development in accordance with the Framework. There are no material considerations that are sufficient to justify the grant of planning permission. Therefore, for the reasons given and having regard to all relevant matters raised, I conclude that the appeal should fail.

M J Whitehead

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Jonathan Easton	of Counsel, instructed by Legal Services, Fylde Borough Council
He called:	
Neil Stevens BEng MSc	Highways Development Control Manager, Lancashire County Council
Philip Dent Dip A&NC	Principal Environmental Health Officer, Fylde Borough Council
Steve Smith BA(Hons) MSc	Principal Planning Policy Officer, Fylde Borough Council
Kieran Birch BA(Hons) MCD	Senior Development Officer, Fylde Borough Council
For round table session on Housing Land Supply	
Mark Evans	Head of Planning and Housing, Fylde Borough Council

FOR THE APPELLANT:

John Barrett	of Counsel, instructed by Indigo Planning
He called:	
Steve Capper BA(Hons) MSc MRICS	Director, CBRE Ltd Advisory & Transactions (Industrial & Logistics)
Simon Padgett	Simon Padgett & Co
John Goodwin BSc(Hons) MIA	Regional Director, Resource and Environmental Consultants
Conal Kearney BSc(Hons) MSc MIAQM MIES	Principal Air Quality Consultant, Resource and Environmental Consultants
Paul Corbett MEng CEng MICE MIHT	CBO Transport
Daniel Jackson BSc(Hons) MPLAN MRTPI	Associate Director, Indigo Planning
For round table session on Housing Land Supply	
Matthew Dugdale	Indigo Planning

INTERESTED PERSONS:

Chris Hibbert	Henco International Ltd
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DOCUMENTS SUBMITTED AFTER OPENING THE INQUIRY:

- 1 Appellant's Rebuttals, submitted at the Inquiry by the appellant on 3 October
- 2 Statement of Common Ground between the appellant and Fylde Borough Council, submitted at the Inquiry by the appellant on 3 October
- 3 Highways Statement of Common Ground between the appellant and Lancashire County Council, submitted at the Inquiry by the appellant on 3 October
- 4 Opening on behalf of the appellant, submitted at the Inquiry by the appellant on 3 October
- 5 Opening points on behalf of the local planning authority, submitted at the Inquiry by the Council on 3 October
- 6 Extract from Property Registry, submitted at the Inquiry by the Council on 3 October
- 7 Draft S106 Unilateral Undertaking, submitted at the Inquiry by the appellant on 3 October
- 8 Copy of Appeal Decision Ref APP/N2345/A/12/2169598: Land at Whittingham Road, Longridge, Preston (J S Nixon), submitted at the Inquiry by the Council on 3 October
- 9 Extracts from Appendices to Employment Land and Premises Study 2012, submitted at the Inquiry by the Council on 4 October
- 10 Supporting information from Lancashire County Council: Table of comparison of trip generation at a point south of School Road signalised junction, submitted at the Inquiry by the Council on 4 October
- 11 Plan of occupants of Queensway Industrial Estate, submitted at the Inquiry by the Council on 4 October
- 12 Record of complaints due to Moore Readymix, submitted at the Inquiry by the Council on 4 October
- 13 Note of correction Evidence in Chief of Mr Smith, submitted at the Inquiry by the Council on 5 October
- 14 Committee Reports Ref 15/0114, 15/0472 and 12/0465 regarding approval of non-employment use on allocated employment sites, submitted at the Inquiry by the Council on 5 October
- 15 High Court Judgment Wokingham Borough Council v Secretary of State for Communities and Local Government and Copper Estates Strategic Land Limited [2017] EWHC 1863 (Admin), submitted at the Inquiry by the Council on 5 October
- 16 Extract from the Guidelines for Community Noise (WHO), submitted at the Inquiry by the Council on 5 October
- 17 E-mails from developers to the Council regarding development sites, submitted at the Inquiry by the Council on 5 October
- 18 Application Ref 17/0738 documents for housing development site Ref HS14 Land off Wharf St, Lytham, submitted at the Inquiry by the appellant on 5 October
- 19 Photograph of occupation details for Sunnybank housing development site Ref HS28, submitted at the Inquiry by the appellant on 5 October
- 20 Fylde Borough Local Plan saving directions, dated 18 September 2007 and 2 October 2008, submitted at the Inquiry by the Council on 5 October
- 21 Fylde Borough Local Plan As Altered, October 2005, submitted at the Inquiry by the Council on 5 October
- 22 Extract from the National Planning Practice Guidance regarding viability, submitted at the Inquiry by the Council on 6 October

- 23 Amended draft S106 Unilateral Undertaking, submitted at the Inquiry by the appellant on 6 October
- 24 Draft conditions list, submitted by the Council on 9 October
- 25 Statement of compliance with Community Infrastructure Levy Regulations 2010 and areas of disagreement, submitted by the Council on 9 October
- 26 Copy of Secretary of State decision, dated 18 November 2013, and extract from accompanying report regarding appeals Ref APP/A0665/A/12/2/2179410 and APP/A0665/A/12/2179374 at Hartford, Cheshire, submitted at the Inquiry by the appellant on 10 October
- 27 Certified Copy of S106 Unilateral Undertaking, submitted at the Inquiry by the appellant on 10 October
- 28 Indigo Briefing Note: Housing Land Supply Position Statement, submitted at the Inquiry by the appellant on 11 October
- 29 Copy of S106 Unilateral Undertaking relating to land at Brook Farm, Dowbridge, submitted at the Inquiry by the Council on 11 October
- 30 Fylde Borough Council Regeneration Framework, September 2010, submitted at the Inquiry by the Council on 11 October
- 31 Lytham St Annes 2020 Vision, submitted at the Inquiry by the Council on 11 October
- 32 Table of sites with public realm contributions to be paid, submitted at the Inquiry by the Council on 11 October
- 33 Closing Submissions on behalf of the local planning authority, submitted by the Council on 12 October
- 34 Closing on behalf of the appellant, submitted by the appellant on 13 October

Appeal Decision

Hearing Held on 17 October 2017

Site visit made on 17 October 2017

by S Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 6th November 2017

Appeal Ref: APP/M2325/W/17/3174723

Land to the south of Mains Lane, Poulton le Fylde. Situated between the existing properties of 185 Mains Lane and Rycroft Farm to the east and the cluster of properties including the Farmhouse, the Old Cottage, the Old Barn and Meadow View Barn which comprise 195 Mains Lane.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Carrington Group Ltd., against the decision of Fylde Borough Council.
 - The application Ref 16/1006, dated 14 December 2016, was refused by notice dated 8 February 2017.
 - The development proposed is residential development of circa 9 dwellings with access from Mains Lane. All other matters reserved for a later date.
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Decision

1. The appeal is allowed and planning permission is granted for residential development of up to 9 dwellings with access from Mains Lane on land between 185 and 195 Mains Lane, Singleton, Poulton-le-Fylde FY6 7LB in accordance with the terms of the application Ref 16/1006, dated 14 December 2016 and the attached Schedule of Conditions.

Procedural Matters

2. The location of the site and the description of development, as stated on the planning application form, are set out above. As discussed at the Hearing the address could more usefully be described as "Land between 185 and 195 Mains Lane, Singleton, Poulton-le-Fylde FY9 7LB" and the development would be more precisely described as "residential development of up to 9 dwellings with access from Mains Lane". The application is in outline with all matters reserved for future consideration except access onto Mains Lane. The internal road layout is for consideration at reserved matters stage. I have determined the appeal on the basis of the above treating the illustrative layouts as indicative of ways in which the development could take place.
3. The Design and Access Statement provides for an area of Public Open Space and a buffer zone to the east and south of the proposed properties. These areas are shown on the illustrative plans and I have taken account of them in reaching my decision.

4. The emerging Fylde Local Plan¹ was submitted to the Secretary of State for examination in December 2016. Stage 1 and 2 Hearings have been held. The Council has carried out a further round of consultation on a range of matters including Objectively Assessed Need (OAN), the housing requirement figure, housing land supply (HLS) and settlement hierarchy. This consultation ended on 14 September 2017. At the Appeal Hearing, the Council advised that it anticipates a further Local Plan Hearing is likely to be necessary. Such a Hearing would be unlikely to commence until December 2017 at the earliest.
5. The parties submitted an agreed updated position of a 4.9 year HLS for the purposes of this appeal and consider that the Housing Supply Statement can only be afforded limited weight at the present time. The main parties agreed that, in the context of Paragraphs 14 and 49 of the National Planning Policy Framework (the Framework), relevant policies for the supply of housing should not be considered up-to-date. Furthermore, in the Statement of Common Ground, the parties agreed that Paragraph 14 of the Framework is engaged due to the Fylde Borough Local Plan (As Altered) October 2005 (the FBLP) and its evidence base in respect of development needs being time-expired. From all I have seen, heard and read I see no reason to come to a different view.

Background and Main Issue

6. The appeal site is a field near the market town of Poulton le Fylde between Skippool and Little Singleton. It is outside defined settlement boundaries. There are bus services along Mains Lane to nearby centres including Blackpool. There are services within Poulton, Singleton and Little Singleton and the parties agree that there would be appropriate access to services from the appeal site.
7. No objections have been raised in principle by statutory consultees in respect of ecology, trees, contamination, noise, air quality, flood risk or drainage. Highways England (HE) has accepted the principle of the proposed access onto Mains Lane subject to appropriate conditions regarding detailed design.
8. Taking the above into account and from all that I have seen, read and heard, I consider the main issue for this appeal to be whether or not the site is a suitable location for residential development taking account of national and local planning policy and guidance including the effect of the proposed development on the character and appearance of the area.

Reasons

9. Planning applications and appeals should be determined in accordance with the development plan unless material considerations indicate otherwise². However, the weight to be attached to policies in the development plan, whatever their chronological age, should be according to their degree of consistency with the Framework which sets out the Government's planning policies and is a material consideration.
10. The appeal site is within the designated countryside area. It does not adjoin any defined settlement boundary and the proposal would be contrary to Saved Policy SP2 which seeks to restrict development in the countryside. This Policy together with settlement boundaries were established several years before the Framework was published. The application of Saved Policy SP2 and that part of

¹Fylde Local Plan Publication Version June 2016 (the Emerging LP)

² Section 38 of the Planning and Compulsory Purchase Act 2004

Saved Policy HL2 concerned with the supply of housing are not achieving a five-year supply of deliverable housing in accordance with the objectives of paragraph 47 of the Framework. Consequently these carry limited weight.

11. Saved Policy HL2 also establishes a series of criteria for assessing new housing development and Saved Policy HL6 seeks well designed schemes. These are consistent with the Framework insofar as they seek to direct development towards sustainable locations, take account of the different roles and character of different areas, ensure a good standard of amenity for existing residents and seek good design. They therefore carry substantial weight.
12. Saved Policies EP10 and EP11 seek to protect the distinct landscape character types identified in the Landscape Strategy for Lancashire. They are consistent with the Framework in seeking to recognise the intrinsic character and beauty of the countryside and to secure development of a high quality design that reflects the local vernacular style. There is a degree of conflict with the Framework, due to the absence of any scope to weigh benefits against harm and so I attach some weight to them.
13. In the decision notice, the Council also cites conflict with Emerging Policies ENV1 and GD7³. Emerging Policy ENV1 requires development to have regard to its visual impact within its landscape. The Council advised at the Hearing that there have been little or no objections to ENV1 and no modifications are expected. I consider this to be a more up to date position than at the time of the Newton with Scales Appeal Decision⁴ on 18 August 2017 due to the completion of the latest round of Consultations in respect of the Emerging LP. On this basis I give it some weight.
14. Emerging Policy GD7 seeks to achieve good design and Emerging Policy GD4 restricts development in the countryside. Both would accord with similar principles in the Framework. I am told there are unresolved objections in relation to Emerging Policy GD7 and the extent of countryside cannot be determined as the housing requirement and settlement boundaries are subject to further consideration and may be modified. Accordingly, I give limited weight to Emerging Policies GD4 and GD7.
15. The appeal site is a long, narrow field which forms part of an area of ancient field enclosure and is classified Grade 2 agricultural land. There are fields forming open countryside to part of the west and east boundaries and to the south. Land close to the western and southern boundaries of the appeal site is safeguarded under Emerging Policy T1 for the future provision of the A585 Skippool – Windy Harbour Improvements (Singleton Bypass).
16. There are no landscape designations that apply to the appeal site or the immediate surroundings. It is within the Lancashire and Amounderness Plain (NCA32)⁵ and 'The Fylde 15d' of the Coastal Plain Local Character Area⁶. The local area exhibits some of the characteristics of NCA32 and The Fylde including gently undulating medium-sized pasture, drainage ditches, field ponds and blocks of woodland. High hawthorn hedgerows lie along narrow lanes and tracks, and occasional groups of mature trees are interspersed within

³ At the Hearing it was confirmed that Policy NP1 (also cited on the decision notice) has been deleted from the Emerging LP

⁴ APP/M2325/W/17/3166394

⁵ National Landscape Character Area (NLCA, Natural England 2014)

⁶ Lancashire Council Council's Landscape Character Assessment (December 2000)

the field pattern and at the boundaries of development. There are many man-made elements such as pylons, communications masts and busy roads within The Fylde as well as buildings. The ancient field enclosures which lie beyond, and sometimes touch, the roadside are reminders of the agricultural heritage of this area.

17. The A585 (Mains Lane) is busy road corridor with street lighting which runs south of the River Wyre, following a gentle ridgeline. Development along Mains Lane is predominantly of a ribbon format with main buildings in each property directly fronting Mains Lane. Dwellings are generally setback on spacious plots with generous gardens. There are mature trees along the roadside and in private gardens resulting in a wide and leafy appearance to the corridor. The properties together do not form part of a coherent settlement and the leafy greenery and spaces between many of the buildings create a semi-rural quality distinct from the built up confines of a settlement. To the western end of Mains Lane are a petrol filling station, a caravan park, a site under development for offices and the outskirts of Skippool. Occasional field gaps allow views from the road towards the open countryside beyond.
18. The appeal site constitutes one of the gaps in development. However views of and across it from Mains Lane, other than at the gateway, are limited by the high boundary hedgerow with mature trees including two ash trees which are in poor health. Most views from passing vehicles would be momentary ones of the vegetation. The ash trees are likely to be removed for safety reasons whether or not the proposed development takes place.
19. A dense woodland group of native trees and scrub is located in the north-west corner of the site close to the hedgerow. The species mix would suggest that this woodland area has been associated with a small pond which has become overgrown. The trees/shrubs and hedges provide a degree of screening to the site and have some ecological value although many individual species are in relatively poor condition with no specimen trees of significant landscape value.
20. The proposed access would result in the loss of part of the hedgerow. However, part of the hedge and the dense woodland group is shown as being retained with additional substantial areas of buffer zone planting. The open space and buffer zone together would enhance the visual amenity of the landscape; provide biodiversity opportunities and provide screening for future residents from the proposed Singleton Bypass. Overall, whilst acknowledging that landscaping can take time to mature I conclude that the proposed development would not have an unacceptable effect on trees and hedgerows or the leafy environment of Mains Lane.
21. Much of Mains Lane is lined with a mixture of hedgerows and timber post and rail fences, with more formal walls and garden boundaries associated with some private dwellings including at properties near to the appeal site. There are a variety of styles and sizes of buildings and examples of more formalised boundary treatments. For example, directly opposite the appeal site are large dwellings at Normandy (178), Hillcrest (174) and Southolme and associated decorative railings/walls and more formal hedges which could equally be found in a suburban area. The piece of land between Normandy and Hillcrest has planning permission for a dwelling Ref 14/0804.
22. To the east the site is partly adjoined by No 185 Mains Lane and large agricultural buildings at Ryecroft Farm. To the west is No 195 Mains Lane which

is a cluster of former farm buildings now converted to dwellings arranged around a courtyard with a single point of access onto Mains Lane. Taking the above into account I consider that the immediate environs of the site could not be fully described as traditional open rural countryside.

23. The proposed dwellings would not front onto Mains Lane. Whilst the internal access remains to be determined at a later date it seems likely that the proposed dwellings would be arranged with some behind others around a road way. This would be out of character with many frontages on Mains Lane but it would not amount to back land development as all the proposed dwellings would have direct vehicular access to a road. As indicated in the Design and Access Statement the access would be designed to adoptable standard. There are examples along Mains Lane where dwellings, as well as ancillary buildings, are set behind others including at Nos 185 and 195 and as shown on the plan D10 which was submitted at the Hearing. Overall I consider that up to 9 dwellings could be satisfactorily accommodated by careful attention to spacing and arrangement of buildings at Reserved Matters stage even though the dwellings would not front onto Mains Lane.
24. The appeal site is part of a roughly rectangular grassed field. Land levels slope up gently from the shallow valley of Main Dyke to Mains Lane and further north before dropping away to the Wyre estuary. There are distant views of the buildings on Mains Lane between existing trees from Footpath 2-2 FP1 on the further side of Main Dyke and to a lesser extent from properties beyond. The proposed buildings would project further south than the existing buildings. Although a few more buildings would be evident they would be seen in the distance in a similar way to the existing ones from the Public Footpath along Main Dyke and the proposed planting would, in due course, provide a leafy setting. Moreover, the proposed Singleton Bypass, now the preferred improvement route, would interrupt any such views and its construction is currently expected to start on site by March 2020.
25. The proposed development would diminish the open gap between Ryecroft Farm and 195 Mains Lane resulting in coalescence between the two groups of buildings even if not between defined settlements. It would inevitably adversely affect the openness of the land between the existing buildings and, with the more formal junction, would result in moderate harm to the leafy character of this section of Mains Lane contrary to Saved Policies EP10 and EP11.
26. The proposed development would result in a modest erosion of landscape character mainly restricted to the area relatively close to the site but the defining landscape characteristics of the wider area would not be adversely affected. There would be a moderate amount of visual harm. Also, the development would contribute to the coalescence of buildings if not settlements. Consequently, it would not comply with saved Policies HL2, EP10 and EP11, and emerging Policies ENV1 and GD7 which, amongst other things, seek to protect the distinct landscape character of the area.

Other matters

27. Third parties and Wyre Borough Council have expressed concern about the effect of the proposed access on highway safety and convenience particularly in the light of the amount of vehicular traffic using Mains Lane and the speed of passing vehicles. As Mains Lane is a trunk road HE is the strategic highway authority.

28. Mains Lane is of single carriageway standard with a 40 mph speed limit. HE considers that the impact of the additional vehicles generated by the proposed development on the strategic highway network would not be severe. Although every additional access point presents another potential accident location it is considered that the proposed junction would be at one of the better locations along Mains Lane. A 'ghost island' right turn lane would be preferred by HE, but due to traffic flows the proposed access, with suitable radii, would not conflict with the appropriate Design Manual for Roads and Bridges standard for this type of development. Accordingly HE does not object subject to conditions regarding the detailed design and provided the final design satisfies an independent Road Safety Audit. In the absence of any detailed evidence to the contrary I see no reason to reach a different conclusion.
29. Local residents have expressed concern about the effect on their living conditions in particular loss of privacy, loss of view and the removal of trees which are considered to help screen moving traffic and associated traffic noise. The particular relationship of proposed dwellings with neighbouring properties would be considered as part of an application for reserved matters.
30. I appreciate the desire of local residents to retain their current outlook. However, whilst the view of the appeal site from neighbouring properties would change, should the proposed development take place, the view from one dwelling towards another would not be unreasonable in planning policy terms. Some vegetation would be removed to enable formation of the access and two trees have been identified as dangerous and to be felled in any case. However, the proposals include retention of some existing trees and shrubs and additional screen planting. Overall I see no reason to suppose that a scheme acceptable in planning terms in relation to the effect on living conditions of nearby residents could not be achieved. Therefore withholding permission on such grounds would not be justified.
31. There is currently no mains sewer on this part of Mains Lane. However, I am told that sewer improvements have taken place a little further along Mains Lane. In any event appropriate provision could be secured by conditions requiring approval and implementation of a drainage scheme.

Planning Balance

32. The Framework is a material consideration of substantial weight. As set out above Paragraph 14 of the Framework is engaged. Moreover the Framework seeks to boost significantly the supply of housing.
33. The site is beyond any defined settlement boundary and is in the countryside for development plan purposes. The proposal would result in the loss of an open field; there would be a modest erosion of landscape character; and a modest visual harm due to the introduction of built development into an otherwise open gap between buildings. The site is in an accessible location and there would be economic benefits in the form of jobs within the construction industry and the associated supply chain, and increased spending in local shops and businesses. The proposal would provide a moderate contribution to much needed housing.
34. The balancing exercise in paragraph 14 of the Framework is a 'tilted balance' because planning permission must be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed

against the policies in the Framework taken as a whole. In this case, I conclude that the adverse impacts identified would not significantly and demonstrably outweigh the benefits. The site would not be an unsuitable location for residential development taking account of national and local planning policies including the effect of the proposed development on the character and appearance of the area.

Conditions

35. The conditions proposed by the Council were discussed during the Hearing and subsequently a revised schedule was submitted. I have made some minor revisions to take account of the discussions and to ensure the conditions meet the tests of the Framework and the Planning Practice Guidance. In addition to the standard time limits and the requirement for the submission of reserved matters, a condition specifying the approved plans is necessary as this provides certainty.
36. Conditions requiring the implementation of the landscaping strategy, tree and hedgerow protection/retention; the provision of public open space and future maintenance and management are necessary in the interests of the appearance of the area. Conditions to protect and enhance ecological interests on the site and to control lighting are necessary in the interests of biodiversity.
37. Details of the design and construction of the proposed access, implementation and retention are necessary in the interests of highway safety and as required by HE. Finished floor and ground levels are required to ensure a satisfactory relationship with adjoining development and to minimise flood risk. Details of drainage and the implementation of approved details are necessary in the interests of preventing flooding and public health and safety. A condition to address any potential contamination that may be present is required in the interests of the health of future occupiers of the proposed dwellings. A construction method statement, restrictions on the hours of construction, deliveries during the construction period and sound insulation are necessary to mitigate the effects of noise and disturbance on existing and future residents.

Conclusion

38. For the reasons set out above and taking into account all other relevant matters raised I conclude the appeal should be allowed.

SHarley

INSPECTOR

Schedule of Conditions

- 1) Details of the access road(s) within the site, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 'ProMap' Location Plan; Proposed Access Arrangements (Optima, Drawing No. 16101/GA/01)
- 5) Any application which seeks approval for the reserved matter of layout pursuant to condition 1 of this permission shall be in general accordance with the illustrative layout drawing number SK01 in respect of:
 1. The developable areas of the site.
 2. Woodland buffer to the south and west of the site.
- 6) Any application which seeks approval for the reserved matter of landscaping pursuant to condition 1 of this permission shall provide for a development which is in general accordance with the landscape strategy shown on drawing number SK01. Details of landscaping shall include, but not be limited to, the following:
 1. Retention of existing trees in accordance with the Arboricultural Report (13167/AJB) and hedgerows on the site.
 2. A compensatory planting scheme to replace any trees or hedgerows to be removed as part of the development.
 3. The introduction of a woodland buffer and landscape buffer in general accordance with drawing number SK01.
 4. The introduction of additional tree and shrub planting within the site which forms part of the internal development layout and does not fall within (1) to (3).
 5. The type, size, species, siting, planting distances and the programme of planting of hedgerows, trees and shrubs.

The approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.
- 7) No development shall commence until design and construction details of the proposed access improvements between the site and the A585 trunk

road have been submitted to and approved in writing by the local planning authority. The details to be submitted shall include:

- a) Final details of how the scheme interfaces with the existing highway alignment.
 - b) Full signing and carriageway marking details.
 - c) Full construction details.
 - d) Confirmation of compliance with current departmental standards (as set out in the Design Manual for Roads and Bridges) and policies (or approved relaxations/departures from standards).
 - e) An independent Stage 1 & Stage 2 Road Safety Audit carried out in accordance with current departmental standards and current advice notes.
 - f) Confirmation that the applicant is legally able to transfer ownership of any land, not within the ownership or control of the Highways England Company Limited and that is required for the said improvements, to the Highways England Company Limited.
- 8) None of the proposed dwellings shall be occupied until the access has been completed in accordance with the approved details referred to in Condition 7.
- 9) Prior to commencement of the development hereby permitted, details of finished floor levels and external ground levels for each plot shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details.
- 10) Foul and surface water shall be drained on separate systems.
- 11) Prior to commencement of the development hereby permitted, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.
- The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and no surface water shall discharge to the public sewerage system either directly or indirectly.
- The development shall be constructed in accordance with the approved details.
- 12) None of the dwellings hereby permitted shall be occupied until details of a management and maintenance scheme for the surface water drainage system has been submitted to and approved in writing by the local planning authority. The scheme shall cover the full lifetime of the drainage system and shall include:
- a) Arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' or other Management Company.

- b) Arrangements for inspection and ongoing maintenance of all elements of any sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The drainage system shall thereafter be installed in accordance with the details and timetable contained within the approved scheme, and shall be managed and maintained as such thereafter.

- 13) There shall be no on site works, including no site set up or the removal of any trees or shrubs, until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall include:

- 1. Construction vehicle routes to and from the site.
- 2. Arrangements for the parking of vehicles for site operatives and visitors.
- 3. Details of areas designated for the loading, unloading and storage of plant and materials.
- 4. Wheel wash facilities.
- 5. Measures for the control of noise, vibration and dust disturbance created during any on site works.

The development shall take place in accordance with the approved CMS.

- 14) On site works and receipt of deliveries shall only take place between the hours of:

08:00 - 18:00 Monday to Friday.

09:00 - 13:00 Saturday.

There shall be no on site works on Sundays or Bank Holidays.

- 15) Prior to commencement of the development, a scheme to protect retained trees and hedgerows during the construction period shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall indicate trees and hedgerows for retention and provide for a Construction Exclusion Zone around the Root Protection Areas of those trees/hedgerows identified as being retained. The Construction Exclusion Zone shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012 and shall be maintained as such during the entirety of the construction period.
- 16) No clearance of trees and shrubs in preparation for or during the course of development shall take place during the bird nesting season (1st March - 31st August inclusive) unless an ecological survey has first been submitted to and approved in writing by the local planning authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of trees and shrubs shall take place until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the local planning authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

- 17) The development shall be constructed in accordance with the RAMS Method Statement outlined in Section 5.0 of the Reasonable Avoidance Measures for Great Crested Newts Report (ref: CAG001, Haycock & Jay Associates Ltd, January 2017).
- 18) The felling of trees on the site shall be implemented in accordance with the Conclusions and Recommendations of the Aerial Inspection of Bat Roosting Survey (ref: CAG001, Haycock & Jay Associates Ltd, 23rd January 2017).
- 19) Prior to the commencement of the development hereby permitted, details shall be submitted to and approved in writing by the local planning authority of provision for the on-going maintenance of the communal areas of public open space and amenity landscaping. The development shall thereafter be maintained in accordance with the approved details.
- 20) Prior to the commencement of the development hereby permitted, an Ecological Management Plan (EMP) shall be submitted to and approved in writing by the local planning authority. The EMP shall include:
 1. Provision for bat and bird boxes within the development.
 2. Lighting scheme.The approved EMP shall be implemented prior to occupation of the final house to be constructed and shall be retained on the site in perpetuity.
- 21) Prior to the commencement of the development hereby permitted, a scheme to safeguard the internal noise environment of occupants of the development shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved scheme.
- 22) Any contamination that is found during the course of construction of the permitted development that was not previously identified shall be reported be reported in writing to the local planning authority within 14 days of discovery. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

End of Schedule

APPEARANCES

FOR THE APPELLANT:

Richard Mowat	Johnson Mowat
Nigel Rockcliff	DRaW (UK) Ltd
Ian Ponter	Kings Chambers
Jerome Roich	Carrington Group Ltd
Stephan Mouzrui	Carrington Group Ltd
Peter Leonard	Carrington Group Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Eddie Graves	Principal Planning Policy Officer
Robert Buffam	Senior Planning Officer
Kate Lythgoe	Landscape and Urban Design Officer

INTERESTED PERSONS:

Billy Grace	Resident
Rod Barnes	Resident
Mrs Barnes (attended site visit)	Resident

DOCUMENTS Submitted at or after the Hearing

- 1 Email from the Council dated 16 October 2017 with Statement of Common Ground and Summary of Appeals table
- 2 Drawing No D10 Existing and Proposed Land Use 'Building Clusters' and 'Gaps' on Mains Lane
- 3 Drawing No 01 Red and Blue lines showing land in the ownership or control of the appellant
- 4 Development Plan Policies SP2; S1; GD4; T1
- 5 Email from the Council dated 19 October 2017 with "Final Statement of Common Ground Version:18 October 2017"; Appeal Decision APP/M2325/W/16/3158103; Final Table of Appeals corrected with regard to APP/M2325/W/16/3158103
- 6 Annex E Suggested Conditions
- 7 Appeal Decision APP/X1355/W/16/3165490
- 8 Highways England "Preferred route announcement" October 2017

Appeal Decision

Site visit made on 31 October 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 22nd November 2017

Appeal Ref: APP/M2325/W/17/3180107

Land north of Grange Road, Elswick, Preston, PR4 3UA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr David Hollingworth against the decision of Fylde Borough Council.
 - The application Ref 16/1007, dated 14 December 2016, was refused by notice dated 24 May 2017.
 - The development proposed is described as "outline application for the erection of two dwellings (all matters reserved)".
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is in outline with all matters reserved for future consideration. Drawings showing an indicative layout and access were submitted with the application, and I have had regard to these in determining this appeal.

Main Issues

3. The main issues are, firstly, whether the Council can demonstrate a 5 year housing land supply and, secondly, the effect of the development on the character and appearance of the area.

Reasons

Housing land supply

4. The most recent 5 year supply assessment provided by the Council sets out 2 approaches for addressing past under-delivery of housing. The first approach uses the 'Sedgefield' method, which incorporates the entirety of the past shortfall of housing into the first 5 years. This would result in a 4.9 year housing land supply. The second approach uses the 'Liverpool' method, which distributes the past shortfall over the remaining plan period. This would result in a 6.2 year housing land supply.
5. The Council's housing requirement and supply assumptions are currently being tested at the emerging Fylde Local Plan to 2032 Examination in Public. However, I have not been provided with any conclusion that the Inspector may have reached regarding how the past housing shortfall should be addressed. In the absence of this, I consider that the Sedgefield approach would be the

most appropriate way to boost significantly the supply of housing, as set out in paragraph 47 of the National Planning Policy Framework ('the Framework'). Whilst I acknowledge that the Local Plan Inspector may come to a different view on this matter, there is insufficient evidence before me to justify deferring the meeting of housing needed. Accordingly, on the Council's figures, there is a 4.9 year supply which is below the 5 year requirement.

6. The Council has drawn my attention to an appeal in Hambleton (ref APP/G2713/A/13/2194376). In that case, the Inspector found that the Council was less than two months short of a five year supply. As this was within the margins of error for such a calculation, they concluded that significant weight could not be given to the outcome of the housing land supply analysis and its supporting evidence. However, in that case, the ability of the Council to identify a 5 year supply was in dispute. Whilst that Inspector accepted that some of the Council's assumptions were flawed, this resulted in a 5 year supply position that was marginal. Those circumstances do not apply here, as the Council has acknowledged that it cannot demonstrate a 5 year supply if the 'Sedgefield' method is used.
7. For the above reasons, I conclude that the Council is unable to demonstrate a 5 year housing land supply, as required by the Framework. In these circumstances, paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up-to-date. Where paragraph 49 of the Framework applies, paragraph 14 states (unless material considerations indicate otherwise) that permission should be granted 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. I return to this matter in the overall balance, below.

Character and appearance of the countryside

8. The appeal site comprises an area of open agricultural land on the edge of Elswick. It adjoins a short of ribbon of development on the northern side of Grange Road that projects outwards to the west of the settlement. A relatively tall hedgerow runs along the frontage to Grange Road.
9. The appeal site is set within a relatively flat, open landscape and is prominent in views from the B5269 to the north and west. The development would be clearly visible when entering or leaving the settlement from this direction, and would only be partly screened by nearby hedgerows, which are relatively low in height. It would extend the existing ribbon of development along Grange Road out into countryside, and would be surrounded by open fields on 3 sides. In this regard, it would be poorly contained, and would extend a finger of development out onto open land. The ribbon form of the development would also relate poorly to the existing settlement, and would visually intrude into its rural setting.
10. There is currently no significant physical boundary that contains the site to the west, other than a post and wire fence. Allowing this appeal would therefore make it more difficult to resist applications to further extend the ribbon of development outwards along Grange Road. Whilst boundary hedgerows and landscaping could be provided at reserved matters stage, these would take time to mature, and in any case, would be unlikely to provide a robust urban boundary. Moreover, the presence of an ownership boundary is not in itself a

barrier to further outward encroachment. Whilst the development would partly conceal a concrete fence around the perimeter of the adjoining property, the most prominent section of that fence would remain visible.

11. Grange Road is currently flanked by mature hedgerows that serve as boundaries to the adjoining agricultural fields. These hedgerows contribute significantly to the pleasant country lane character of Grange Road. Whilst access is a reserved matter, the Council estimate that a 20 metre section of this hedgerow would need to be removed in order to access the site and extend the footway along its frontage. The appellant does not dispute this. In my view, the removal of a significant section of this hedgerow would be harmful to the rural character of Grange Road. This would not be adequately compensated for by any new planting to the side and rear boundaries, that would be mostly positioned away from the road frontage.
12. The appellant has drawn my attention to a recent approval by the Council for 24 dwellings on the edge of Elswick (ref 16/0846). The full details of that case, including its precise location, are not before me. It is therefore unclear whether this development comprised ribbon development or otherwise raised the same issues as the current proposal. I have therefore come to my own view on the appeal.
13. Separately, I concur with the appellant that the development does not comprise an 'isolated homes in the countryside' for the purposes of paragraph 55 of the Framework, as it adjoins an existing settlement.
14. For the above reasons, I conclude that the development would significantly harm the character and appearance of the area. It would therefore be contrary to Policies HL2, EP10 and EP11 of the Fylde Borough Local Plan (2005). These policies seek to ensure, amongst other things, that new development is in keeping with the character of the locality and the landscape.
15. The appellant states that Policies HL2, EP10 and EP11 should be afforded very limited weight as the Fylde Borough Local Plan (2005) is time expired. However, I note that paragraph 211 of the Framework states that policies in the Local Plan "*should not be considered out of date simply because they were adopted prior to the publication of this Framework*". Paragraph 215 of the Framework further states that "*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework*". Insofar as these policies relate to the impact of a development on the character and appearance of an area, I consider that they are broadly consistent with the Framework. I therefore attached significant weight to them.
16. The Council's Decision Notice also refers to Policies GD7 and ENV1 of the Submission Version of the Fylde Local Plan to 2032. With regards to paragraph 216 of the Framework, the emerging Local Plan is at a relatively advance stage and is currently being examined. However, there is no information before me regarding the extent of any unresolved objections to these policies. Accordingly, I attach only limited weight to them at this stage.

Other Matters

17. Elswick Parish was designated as a Neighbourhood Area on 1 August 2016. However, at present the Neighbourhood Plan for Elswick is only an emerging

document, and there is no draft before me. Accordingly, no weight can be attached to it in the determination of this appeal.

18. It is common ground that the proposed settlement hierarchy set out in the emerging Local Plan is subject to unresolved objections, and should therefore be afforded only limited weight. I see no reason to take a different view.
19. A neighbour has objected to the development on the basis that the indicative layout would result in overshadowing to their rear garden. However, layout is a reserved matter and this plan is indicative only. Accordingly, this consideration would be capable of being addressed at reserved matters stage.
20. The width of the road would be appropriate in order to accommodate the additional traffic associated with the development. There would also be scope to ensure that adequate off-street parking was provided at reserved matters stage. In this regard, I note that the Highway Authority has not objected to the development on these grounds.

Planning Balance and Conclusion

21. The appeal site is designated as open countryside under Policy SP2 of the Fylde Borough Local Plan (2005). This policy seeks to restrict new housing development in the open countryside unless one of a limited number of exceptions are met. The development would not meet any of these exceptions and would therefore be contrary to Policy SP2. However, I have found that the Council is unable to demonstrate a 5 year supply of housing sites. In these circumstances, I attach only limited weight to the conflict with Policy SP2.
22. As set out above, I have concluded above that the proposal would be contrary to Policies HL2, EP10 and EP11 of the Fylde Borough Local Plan (2005) and that it would cause significant harm to the rural character and appearance of the site and the surrounding area. Balanced against this, the development would provide a small contribution to the supply of housing, in a relatively accessible location, to which I attach moderate weight. Moreover, there would be some limited economic benefits including the creation of employment, and the purchasing of materials and furnishings.
23. Overall, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 14 of the Framework does not indicate that permission should be granted and the proposal would not represent sustainable development. In the circumstances of this appeal, the material considerations considered above do not justify making a decision other than in accordance with the development plan.
24. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR