

Agenda



Development Management Committee

Date:

Wednesday, 7 May 2014 at 10:00 am

Venue:

St Margaret of Antioch, Parish Church, St Leonard's Road West,
St Annes, FY8 2JW

Committee members:

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

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

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| 2 | Confirmation of Minutes: To confirm the minutes of the meetings held on 2 April 2014 as a correct record (as previously circulated). | 1 |
| 3 | Substitute Members: Details of any substitute members notified in accordance with council procedure rule 24. | 1 |
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Contact: Lyndsey Lacey - Telephone: (01253) 658504 - Email: lyndseyl@fylde.gov.uk

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| 2 | 13/0754 | LAND EAST OF FLEETWOOD ROAD AND NORTH OF, MOWBRECK LANE, MEDLAR WITH WESHAM OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLINGS AND REDEVELOPMENT OF THE SITE FOR UP TO 264 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, OPEN SPACE, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION. (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED) | Approve Subj 106 | 39 |
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Development Management Committee Schedule

07 May 2014

Item Number: 1 **Committee Date:** 07 May 2014

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|-------------------------------|---|-----------------------------|--------------------------|
| Application Reference: | 13/0526 | Type of Application: | Full Planning Permission |
| Applicant: | Prospect (GB) Ltd | Agent : | GL Hearn |
| Location: | RIVERSLEIGH FARM, 246 LYTHAM ROAD, BRYNING WITH WARTON, PRESTON, PR4 1AH | | |
| Proposal: | ERECTION OF 83 RESIDENTIAL DWELLINGS WITH ASSOCIATED ACCESS, LANDSCAPING AND PUBLIC OPEN SPACE FOLLOWING DEMOLITION OF EXISTING STRUCTURES. | | |
| Parish/Ward: | WARTON AND WESTBY | Area Team: | Area Team 1 |
| Weeks on Hand: | 37 | Case Officer: | Mr M Atherton |
| Stat. Expiry Date: | 18 November 2013 | | |
| Reason for Delay: | In order to secure amended plans. | | |

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

The application is for full planning permission for the erection of 83 dwellings on a greenfield site located to the north of Lytham Road in Warton. The site is outside of the settlement on land that is allocated as Countryside in the Fylde Borough Local Plan meaning that the proposal is contrary to the saved policy of the development plan, and so should be refused planning permission unless there are material considerations to outweigh that conflict.

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

The proposal has an appropriate access, delivers the necessary element of affordable housing and open space and has been revised to improve its layout and connectivity with potential adjoining sites. The settlement of Warton offers a reasonable level of services and this site is well located in relation to them. As such it is considered that the proposal delivers sustainable development and that there are no significant over-riding negative impacts from the development that should prevent the application being recommended for approval subject to the completion of a s106 agreement to secure affordable housing, transport improvements and funding to improve open space facilities & public realm in the area.

Reason for Reporting to Committee

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

Site Description and Location

This is a liner site situated due west of the settlement of Warton and to the north of the A584, Lytham Road.

The site contains a vacant dwelling and a further disused building but is predominantly agricultural land. The site area amounts to 3.5 hectares.

The site is allocated as a Countryside Area in the Adopted Fylde Borough Local Plan and in the Preferred Options Consultation Document it is included as part of the wider area of land being indicated for potential development at Warton.

Surrounding land uses include Oaklands Caravan Site to the west, agricultural land to the north, an overgrown field to the east & residential development to the south on the opposite side of Lytham Road, which is within the settlement boundary of Warton.

Details of Proposal

This is a full application for the erection of 83 dwellings at Warton. A new T junction would be formed onto Lytham Road to create the new site access. The access road would head in a northerly direction through the site with a number of cul-de-sacs situated off it. Potential vehicular connectivity is shown to the land to the east and west & a footpath/cycleway link is shown to land to the north. Since the original application was made it has been revised from 85 to 83 dwellings to accommodate the altered vehicular/pedestrian and cycle links.

The accommodation schedule comprises:

- 9 no. 2 bed mews houses
- 16 no. 3 bed mews houses
- 13 no. 3 bed detached houses
- 45 no. 4 bed detached houses

The application makes provision for 30% on site affordable housing and contains a large area of open space at the northern end of the site and a smaller area around a preserved tree on the western boundary. Tree Preservation Order (TPO) 13/02 has been made since the submission of the application and preserves an area of woodland at the northern end of the site and two other individual trees within the site.

The application is accompanied by a full suite of supporting documents including: Design & Access Statement; a Planning Statement; a Transport Assessment; a Travel Plan; an Arboricultural Impact Assessment and Method Statement; Tree Survey Report; a desk study regarding contamination; a Flood Risk Assessment & Drainage Strategy; a Utility Infrastructure Report; an Ecological Survey & Assessment; a Noise Assessment and a Consultation Statement.

Relevant Planning History

| Application No. | Development | Decision | Date |
|------------------------|---|-----------------|-------------|
| 90/0620 | OUTLINE FOR APPROX 85 3/4 BEDROOM DETACHED HOUSES AND BUNGALOWS | Refused | 10/10/1990 |
| 83/0894 | OUTLINE - 5- 2 STOREY BLOCKS "SOLITAIRE" STUDIO FLATS (40 | Refused | 29/02/1984 |

UNITS).

Relevant Planning Appeals History

N/A

Parish Council Observations

Bryning with Warton Parish Council notified on 27 August 2013

Summary of Response: OBJECT & recommend refusal

In consideration under the existing Fylde Borough Plan (as amended) 2005

Under the existing Fylde Borough Local Plan (as amended) 2005 this application concerns land that falls outside the limits of development SP1 and is thus indicated as Countryside area SP2. The proposed development does not meet any of the 5 categories within the policy SP2, Chapter 2, Sections 2.16 – 2.24, Development in countryside areas. And on this basis alone should be refused in any consideration under this local plan. In addition to which the application does not conform to the requirements of TREC 17, Chapter 6, Tourism and Recreation, Section 6.80 – 6.85, Public Open Space with new housing developments under this policy require provision in regard to open space particularly central to the development. This application does not meet the requirements of this policy, The open space in the application, which is not suitably large enough to comply with the policy, is a small copse which is already in existence, all be on private land, which is neither central to the development nor the Village. Any future maintenance plans for this ‘open space’ should have a clear and precisely outlined mechanism in place prior to any consideration of approval to ensure it did not become an unsustainable burden on the Borough or the Parish.

In consideration under the proposed Local Plan Preferred Options -2030

This application, for a major housing development of 85 houses has been submitted in advance of completion of the consultation period of the Fylde Local Plan Preferred options 2013 – 2030 and thus acceptance and approval would seriously undermine the strategy and proposals of Fylde Borough Council, which following the revocation of the Regional Spatial Strategy, seeks to address planning legislation and set policy for future planning in the borough of Fylde.

The application is seriously flawed in that it is based on the preliminary draft document proposals and makes assumption that it should be granted as its necessity and provision seeks to meet the specifications of this plan in addition to the principles of the National Planning Policy Framework. The substance of factual evidence used in the local plan and conclusions drawn are strongly contested by local representation, Resident action groups, Parish Council, Borough Councillors and the Member for Parliament. It is anticipated that there will be revision to the draft local plan and any large scale housing development based on that plan should not be approved until after the final approval by the Secretary of State of the said document if not the proposed subsequent Neighbourhood plan being prepared locally.

The applicants make great emphasis on this proposed development being ‘Sustainable’ and in accordance with the principles of the NPPF and therefore meeting the proposals of both this and future planning policy for developments in the Fylde. It seems that by repeating this assertion time and time again it must be accepted that it is true, Planning statement, 7, Conclusions section 7.2 “The NPPF is the most up to date guidance and this clearly promotes the delivery of housing, the provision of sustainable development and advises Local Planning Authorities to grant planning permission unless the adverse

impacts of doing so would significantly outweigh the benefits". The application however seems to ignore most of the 12 principles of the Core planning in the National Planning Policy Framework, Page 5, Section 17. The NPPF should rightly be considered in regard to this application but the Introduction alone indicates that should this application be granted in advance of approval of the Borough local plan and the Neighbourhood plan, both being developed in accordance these legislative changes, it would wholly undermine its principles and objectives.

"1. The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities."

"2. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions."

There are no material considerations to grant this application in advance of approval of the Fylde Borough Local Plan or the Neighbourhood Plan.

The following extracts are taken from the Minister for Planning Rt Hon Greg Clark MP in his foreword: "Sustainable development is about change for the better, and not only in our built environment."

"This should be a collective enterprise. Yet, in recent years, planning has tended to exclude, rather than to include, people and communities introducing neighbourhood planning addresses this."

In part, people have been put off from getting involved because planning policy itself has become so elaborate and forbidding – the preserve of specialists, rather than people in communities.

"This National Planning Policy Framework changes that. By replacing over a thousand pages of national policy with around fifty, written simply and clearly, we are allowing people and communities back into planning."

Additional Matters

The Desk Study Report 13PRS006/DS January 2013 outlines in the Executive Summary possible contamination and/or biogenic ground gas risk from existing dwelling, greenhouse, former buildings and potential made ground (elevated area) – Heavy metals, asbestos PAH's and TPH potential. In section 5, 5-1 these risks are classed as significant. Section 6, 6.4 WW2 bomb maps and risk a potential low risk of explosives. Guarantees must be obtained that full investigations and surveys would be carried out and any risks removed before any development of the site is undertaken.

There is much anecdotal evidence to support extensive surface water flooding in the area and particularly on the site of the proposed development despite the respective data and flood risk predictions submitted in the application. The Borough Council has acknowledged (Draft Local Plan – preferred Options – 2013, part 1) that additional water and sewerage measures are required for further large scale development in Warton. It is obviously crucial to members of the community that this is carried out before any site development is undertaken should approval be granted.

The Parish Council would make the strongest representations that this application should be refused. If proposed to grant regardless of the extensive representation against this development No site development should be permitted to commence until 2021 in line with the draft Fylde Local Plan on which this application relies and draws its evidence base.

Statutory Consultees

BAE Systems

No objection

Ministry of Defence - Safeguarding

No response received

Lancashire County Council - Highway Authority

Lancashire County Council (LCC) as the Local Highway Authority (LHA) is responsible for providing and maintaining a safe and reliable highway network. With this in mind, the present and proposed highway systems have been considered and areas of concern that potentially could cause problems for the public, cyclists, public transport, motorists and other vehicles in and around the area have been identified.

The A584 Lytham Road is a strategic route providing a link between the A583 at the western edge of Preston through to Lytham. The development site is located to the north of the A584 with access to the site proposed from the A584 via a simple priority junction.

Whilst considering this application it is important to understand the emerging development of the proposed Enterprise Zone, the existing and future operation of BAE Systems Ltd (BAES), and other committed developments that may influence the local and strategic highway network in the vicinity of the site. The LHA does have concerns as the existing local network does suffer from congestion at peak times, in particular periods within the peaks when BAES staff are entering and exiting their site. It is critical that further development does not compromise the safe movement of people and goods by any mode within and through this network.

The Fylde Borough Local Plan (as altered October 2005) identified the development site as countryside, however, the draft Fylde Local Plan (to 2030) identifies the site and surrounding land for possible housing development.

Lancashire County Council follow and support a one team approach facilitating appropriate development within Lancashire by working closely with LPA's and developers.

1. Site Location

The proposed residential development is located to the north of the A584 Lytham Road at the western edge of the village of Warton. The site is bordered to the west by a caravan park with caravan storage and a residential estate to the east, to the north is open farmland.

2. Development Description

The development comprises of 85 dwellings served off a new access to the A584 Lytham Road. The proposed junction will have sightlines significantly greater than 2.4m x 43m (2.4m x 43m is the recommended sightline for an access onto a road where the 85th percentile speed of vehicles is 30mph). The proposed access will be slightly off-set from the service road access opposite the proposed development.

The proximity of the two junctions raises a concern, however, the limited number of turning movements at the service road access is unlikely to lead to any significant highway issues.

3. Site Layout

The development is to be served off a single access from the A584 Lytham Road. The access road will have a 5.5m carriageway with 2.0m footways on both sides and 6m radii. Manual for Streets states that tighter radii can be provided at certain locations, however, in view of the nature of Lytham Road and the need to reduce vehicles entering the lane

containing opposing traffic 6m radii are considered appropriate, this is borne out with the swept path analysis in the Transport Assessment.

The layout of the development generally conforms to the guidance provided in Manual for Streets and Creating Civilised Streets. LCC discourage the use of vertical traffic calming on new residential estate roads and although none is shown on the submitted plans the developer should be aware of this should they require the roads to be adopted under a section 38 agreement, further, residential estate roads should be designed with the aim of limiting traffic speeds to a maximum of 20mph.

The developer is proposing 172 car parking spaces in total with 50 of these in garages. No spaces for cycles are indicated as being available.

Garages should have minimum dimensions of 6m x 3m so that they can accommodate cycle parking. Where garages are not provided secure covered cycle parking should be provided.

4.0 Transport Assessment

4.1 Accessibility

Section 4.0 of the transport assessment (TA) considers the accessibility of the site. SCP has produced an 'Accessibility Questionnaire (Residential)' for the proposed development, indicating that the site scores 30. LCC do not concur with this score and although it would still remain in the 'medium accessible' category albeit towards the lower end. It is important to improve the accessibility of the site through the design and provision of facilities such as improved infrastructure and public transport provision to the satisfaction of LCC.

The following measures are considered reasonable for the developer to deliver to improve the accessibility of the site, its sustainability, and its integration into the surrounding community;

- Upgrading of the existing 2 bus stops located to the east of the development site on A584 Lytham Road. These bus stops currently have shelters but require raised kerbs and improved signage to bring them up to 'Quality Bus' standard and be DDA compliant,
- LCC currently subsidise the 68 and 78 evening services as the service during these periods is poor. A contribution of £22k each year for 5 years is required to provide greater certainty that this service can continue and may be improved. It should be noted that the sustainability of a development should cover all periods and not just the peak hour periods.

4.2 Travel Plan

The development site is in excess of the Travel Plan submission threshold. The following general comments on Travel Plans should be noted.

A Framework Travel Plan covering all elements of the development should be submitted prior to 1st occupation as a condition of planning.

The Framework Travel Plan which accompanies this application includes most of the required minimum content i.e.

- *Commitment and timescale for the appointment of a Travel Plan Coordinator (we*

- would request at least 1 month prior to first occupation).*
- *A commitment and timescale to undertake travel surveys (recommend within 3 months of 50% occupation)*
- *Details of cycling, pedestrian and public transport links to and within the site*
- *Details of the provision of cycle parking for those properties where suitable space is not available*
- *Outline Objectives*
- *Outline Targets*
- *List of proposed measures to be introduced*
- *Details of arrangements for monitoring and review of the Travel Plan for a period of at least 5 years.*

The submitted Travel Plan does not however meet the following important criteria, and is not therefore acceptable:

- A commitment and timescale for the development of a Full Travel Plan (recommend within 3 months of 1st travel survey)

The Framework Travel Plan references a 'detailed travel plan' at 4.1 'This TP forms a framework for future development of a detailed travel plan once the development is occupied'. But thereafter in the Framework TP there is no reference to a 'detailed travel plan'. 4.5 refers to submitting a 'survey report' to the LHA within 3 months of 50% occupation, and the Action Plan at 9.1 refers to submitting a progress report to LPA within 3 months of completing the survey. There is then a reference to regular monitoring being carried out '@ 100%, annually for 3 years, bi-annually thereafter'.

The Full Travel Plan when developed would need to include the following as a minimum:

- Contact details of a named Travel Plan Co-ordinator
- Results from residents travel survey
- Details of cycling/pedestrian/public transport links to and through the site
- Details of the provision of secure, covered cycle parking for those properties where suitable storage space is not available.
- Objectives
- SMART Targets for non-car modes of travel, taking into account the baseline data from the residents survey
- Action plan of measures to be introduced, and appropriate funding
- Details of arrangements for monitoring and review of the Travel Plan for a period of at least 5 years

On a development of this size we would normally request a contribution of £6,000 to enable Lancashire County Council Travel Planning team to provide a range of services as described in 2.1.5.16 of the Planning Obligations in Lancashire paper dated September 2008. This could include:

- Provision of leaflets and maps for the residents packs
- Design travel survey and analyse results
- Advice and Guidance on Travel Plan development
- Support meetings
- Monitoring the development of the Plan for a period of 5 years

To support the delivery of the travel plan it is requested that personal travel planning is provided for all residents should the travel plan targets fail to materialise. A sum of £210 per household is requested to deliver this service (if required). Based on the 85 dwellings on the site this sum totals to £17,850.

Note: This approach has been requested and supported previously for residential

development, at a level of funding at £210 per dwelling to fund initiatives such as to purchase PT and/or bicycle vouchers to support/promote the travel plan should targets not be reached. The level of funding will be as follows: £210 x 85 dwellings = £17,850.00 and only used **if required following discussion with the LCC Travel Planning Team.**

If the measures are not needed as targets have been met (and maintained) the funds would not be used.

These funds could be used to deliver a range of measures as set out below:

- Public Transport Smartcards/NOWcards or similar for households to encourage sustainable patterns from the outset of the development.
- Provision of cycles and associated safety equipment for households.

The Transport Assessment (TA), submitted as part of the evidence base for the planning application, adopted trip rates which consider typical levels of car usage from this site. If it is demonstrated that this site does not achieve the forecast modal usage for sustainable choices, then the level of private vehicle generated trips will be higher than that assessed as will the impacts locally and strategically.

LCC are satisfied that this request meets the requirements of the CIL regulations, and support an overall package of measures that is appropriate and necessary to minimise the impact of this proposal and support sustainable development. Agreement of the targets to be set within the Full Travel Plan should be made as soon as possible to support this approach.

4.3 Committed Developments

The following developments have been included as committed developments in the transport assessment;

- Enterprise Zone – estimated 1200 jobs associated with short to medium forecasts of development,
- Residential development on the former GEC Marconi site for up to 230 dwellings
- Georges Garage on Lytham Road
- Nursery site located off Harbour Lane
- Dock Road mixed use phase 2 development
- Queensway located south east of Blackpool Airport

4.4 Traffic growth and committed development

The TA considers 'with development' scenario at 2019. SCP has applied standard growth factors using NTM with Temprow adjustment factors applied for Fylde.

No scenario for 2024 has been provided on this occasion and as such differs from the TA provided by SCP for the development at the GEC Marconi site.

4.5 Local Highway Network

The TA considers one junction in the vicinity of the proposed development and new site access.

The analysis of the new site access and the A584 Lytham Road junction shows that there would be no capacity issues and that a simple priority junction is the appropriate form for the junction.

Analysis of the High Gate Lane / Lytham Road / Church Road junction shows the junction to be nearing capacity when the traffic from committed developments is added to the base traffic. However, when traffic from this development is added to the analysis it shows a

very small (0.3%) reduction in the reserve capacity and as such it would be difficult to argue that mitigation was necessary.

5.0 Overview of development proposals

The development site is on land that is currently designated as countryside and as such there are policies which would prevent development. However, under the draft Fylde Local Plan this land is identified as housing land together with significant neighbouring parcels of land.

With the significant areas of land around Warton proposed for housing it is imported to establish a delivery strategy or a comprehensive masterplan. As part of that strategy / masterplan the transportation implications of large scale development needs to be fully assessed.

A comprehensive masterplan will maximise the level of development that can be suitably accommodated within the local and wider network; there will be a requirement to support phasing with the necessary infrastructure.

The masterplan approach will identify ways to overcome issues of connectivity to the wider network (for all modes), sustainability, accessibility and amenity (shops, education health and recreation)

Without a comprehensive master plan, supported and delivered by all developers, there is a great risk that further development proposals of significance will not satisfy the aims and objectives of the National Planning Policy Framework.

6.0 Summary

As the existing local network suffers a degree of congestion at peak times, it is critical that development-related increases in movement (demand) and alternative distribution on the network can be accommodated and appropriately mitigated against.

Lancashire County Council, as Highway Authority, would not object to the development provided that the improvements identified above are dealt with by way of planning conditions and / or through a s106.

7.0 Funding Mechanisms

7.1 Section 278 Agreement

Section 278 agreements (s278) are appropriate where improvements are required in the public highway, paid for by the developer (costs to include design fees, safety audits, amendments to street lighting and traffic signalling equipment and all other risks associated with the highway improvements required by the development so that public funds are not used in the provision of these features).

For this development to be acceptable in highway and transport terms, works that must be secured through the s278 need to be agreed following further discussion, but will include;

- Upgrading of two existing bus stops on A584 Lytham Road to LCC quality bus standard.

7.2 Planning Contributions (s106)

Planning Obligation requirements are applicable to this site, forming the basis of the Highway Authority response and a material planning consideration. Planning contributions will be used to fund and provide for measures which support sustainable communities and developments and to reduce the level of negative impact that would otherwise be produced by the development by providing infrastructure that facilitates/supports necessary change in travel behaviour.

The developer is asked to fund the delivery of the following necessary measures under a section 106 of the Town and Country Planning Act (or an alternative mechanism to ensure that agreed travel plan targets which are met and maintained):

- Travel Plan support £6,000
- Personal Travel Planning £17,850 if required if travel plan targets are not met.
- Subsidy of bus services at £22k per annum for five years. Total sum £110k.

8.0 Matters to be covered by appropriate Conditions in the planning permission

If Fylde Council grants planning permission, LCC would want the following matters covered by appropriate planning conditions:

- No part of the development commences until a scheme for the construction of the site access and the off-site highway improvement works has been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority, with all necessary legal agreements in place to deliver and maintain the measures.
- No part of the development shall be occupied until the approved scheme referred to above has been constructed and completed in accordance with the scheme details.
- Site clearance and construction will inevitably cause local disturbance. A programme and method of construction, including vehicle routing to the site, hours of movement to and from the site for all construction related traffic, parking and the proposed temporary closing of any roads or streets, the delivery/removal of materials to the site, wheel washing and all other practical measures to minimise disruption and safety risk must be agreed prior to work starting on site.
- Prior to the first use of the development hereby permitted, a TP shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority, to achieve all the requirements set out in the report above.
- Any retaining walls or other highway related structures adjacent to the development require approval by Lancashire County Council and must be subject to a technical approval procedure. The technical approval requires that all the county council's costs in relation to the approval are to be reimbursed by the developer.

The following informative note should be added to any approval granted:

- The grant of planning permission will require the applicant to enter into appropriate Legal Agreements with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works.

Lancashire County Ecology Service

Response dated 30th January 2014:

Following my initial comments (letter dated 24th September 2013) additional information has been submitted:

- Updated Licensed Bat Survey, including a Bat Activity Survey and Barn Owl Survey (ERAP Ltd, October 2013, ref: 2013_095b)
- Plan showing locations of bird boxes and bat roosting opportunities

I have reviewed this additional information.

Bats and buildings

The results of an internal inspection of the bungalow (to be removed), along with results of a bat dawn re-entry survey of the buildings has been submitted. Based on this and information previously submitted (*Ecological Survey and Assessment*, ERAP Ltd, July 2013, ref 2013_095) it seems reasonably unlikely that bats use the buildings to be affected.

ERAP recommend that as a best practice precautionary measure the slates on the bungalow roof are removed carefully and by hand. This is appropriate and can be subject to the following planning condition:

- The Bungalow roof slates shall be removed carefully (by lifting up and away) by hand. In the unlikely event that bats are suspected or detected to be using the buildings for roosting at any point prior to or during the works then all works shall cease until advice has been sought regarding a Natural England licence.

In addition, the ecological reports recommend that bat roosting opportunities be installed within the re-developed site. This is appropriate and in line with the NPPF core planning principal that planning should contribute to conserving and enhancing the natural environment (Para 14). I recommend that this be subject to a planning condition such as:

- The recommendations to install roosting opportunities for bats within the re-developed site detailed in sections 5.4.2 & 5.4.3 of the *Ecological Survey and Assessment* (ERAP Ltd, July 2013, ref: 2013_095) shall be implemented in full.

Barn Owl

The ecology report states that no signs of use of the buildings by Barn Owl have been observed and that there is no access for Barn Owl into the outbuilding (sections 3.2.1 & 3.2.2, *Updated Licensed Bat Survey, including a Bat Activity Survey and Barn Owl Survey*).

The report does not appear to state whether or not the bungalow is suitable for use by barn owls, although based on the submitted information and photographs it appears that there is suitable access into the bungalow and there appears to be possible suitable places for use by barn owls (such as the floor of the roof void).

It therefore appears possible that barn owls could start to use the bungalow between the surveys and commencement of works. Unless it can be confirmed that there is no suitable access and/or nesting places for Barn Owl in the bungalow, it would therefore be appropriate for a further precautionary check for nesting barn owls to be carried out immediately prior to commencement of works. This can be subject to the following planning condition:

- A further precautionary survey/check of the bungalow for Barn Owl shall be carried out immediately prior to commencement works. No works shall commence until evidence has been provided to, and judged sufficient by, Fylde Borough Council that Barn Owl are not nesting at the site.

Impacts on semi-natural habitat, including habitat for Species of Principal Importance

The applicant does not appear to have provided any information to address my previous

comments regarding replacement planting or protection of retained habitats.

The proposed provision of replacement nesting opportunities for House Sparrow (recorded on the site) has been increased and it is now also proposed that nest boxes suitable for other passerines are installed within the trees at the northern end of the site. This is appropriate. However, as stated in my previous letter this does not provide compensation for loss of habitat or permanent compensation for loss of nesting habitat.

The proposals would appear to result in a loss of approximately 0.5ha of semi-natural habitat (scrub, shrubs, rough grassland etc) which is suitable for foraging and sheltering birds and suitable for other wildlife such as small mammals, invertebrates and foraging bats. In addition the introduction of people and pets on to the site and the proposals to have gardens backing onto existing hedgerows is likely to result in increased disturbance and pressures, and a resulting reduction in biodiversity value.

There is potential for the northern end of the site (currently scattered trees over grassland) to be suitably enhanced for wildlife through shrub and scrub planting and by allowing rough grassland and scrub to develop, whilst preventing public access. In addition there is scope to strengthen the biodiversity value of the boundaries of the site, for example through hedgerow planting along the northern and western boundaries. However, the submitted plans show the northern area of trees to be used for public access.

The submitted updated ecology report states that the provision of greater amounts of replacement planting will be dealt with by another document (Para 5.1.2), however there does not appear to be any additional information submitted to address this matter.

Although this loss on its own may not be significant in a wider context, one of the key principles of the NPPF is to conserve and enhance the natural environment (NPPF Para 17) by minimising impacts on biodiversity and to provide net gains in biodiversity, and in my opinion the proposals have not demonstrated this would be the case.

Fylde Borough Council should be satisfied that adequate compensation will be provided firstly on site, with remaining residual impacts compensated for offsite or as a last resort a commuted sum.

Natural England

Considers it unlikely that the proposal will have a significant effect on the Ribble and Alt Estuaries Special Area of Conservation (SAC), Special Protection Area (SPA) and site.

The application is in close proximity to the Ribble Estuary SSSI. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that the SSSI does not represent a constraint in determining this application.

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

United Utilities - Water

I will have no objection to the proposal provided that the following conditions are attached to any approval

- Notwithstanding any indication on the approved plans, no development approved

by this permission shall commence until a scheme for the disposal of foul and surface waters for the site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 5 l/s or Qbar, which is based on Greenfield runoff rates, whichever is the greater. The development shall be completed, maintained and managed in accordance with the approved details.

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

This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system we will require the flow to be attenuated to a maximum discharge rate equivalent to Greenfield runoff rates.

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

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

Environment Agency

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

The application site is located in Flood Zone 1 which is defined as having a low probability of flooding in the National Planning Policy Framework (NPPF) Technical Guide. The site area exceeds 1 hectare and in accordance with the NPPF the application is accompanied by a Flood Risk Assessment (FRA) prepared by Ironside Farrar (reference 3979/SRG, dated May 2013).

We are satisfied that the proposed development will not increase flood risk off site provided that any subsequent development proceeds in accordance with the conclusions and recommendations of the FRA. Detailed drainage proposals have not been submitted as part of the application and we therefore recommend that any subsequent approval is conditioned as follows:-

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

REASON To prevent the increased risk of flooding, both on and off site

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS).

SUDS are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on or near the site as opposed to traditional drainage approaches which involve piping water off site as quickly as possible. SUDS involve a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, green roofs, ponds and wetlands. SUDS offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge absorbing diffuse pollutants and improving water quality. Ponds, reedbeds and seasonally flooded grasslands can be particularly attractive features within public open spaces.

The variety of SUDS techniques available means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs. We note that the FRA indicates that ground conditions are not appropriate for the majority of SUDS, but any systems that could be used on site should be considered as part of the detailed drainage design.

Any development of this site must be drained on separate foul and surface water systems. All foul drainage must be connected to the foul sewers and only clean uncontaminated surface water should be connected to the surface water systems.

We also recommend that the developer considers the following, as part of the scheme:-

- Water management in the development, including, dealing with grey waters
- Use of sustainable forms of construction including recycling of materials
- Energy efficient buildings.

Landscape Officer

Suggests Tree Preservation Order be made and retention of hedgerows on site perimeter where feasible.

Officer: Note a Tree Preservation Order has been made as recommended.

Environmental Protection Team

No objection subject to the implementation of a condition relating to sound insulation.

Strategic Housing

I have looked at the proposed heads of terms to a s106 agreement. They seem generally acceptable in respect of affordable housing and confirm the intention to deliver 30% of the development numbers as affordable housing.

The planning statement suggests that further discussions will be needed to cover the detail to be contained in the s106. These discussions remain to be had and will need to clarify the type, sizes, tenure, location, compliance with design and quality standards etc. of the affordable housing.

Parks Manager

We are working with the Parish Council and the local friends group 'Make Bridges Brilliant' with the aim of improving/refurbishing the play facilities and landscape on Bridges Playing Fields in Warton. An off site contribution to this project would be required.

The on site open space proposal is suitable as is the retention of the oak tree.

Observations of Other Interested Parties

Lancashire County Council Planning Contributions

An education contribution is not required from this development.

CPRE

Object

The application site is in Countryside Area outside the limits of development of Warton so development would conflict with saved Local Plan Policy SP2.

The application site is part of site H8 proposed for strategic development in the Local Plan to 2030: Part 1 Preferred Options. But approval now:

would conflict with the delivery constraints identified for H8 concerning wastewater infrastructure and traffic congestion, and

could prejudice comprehensive plan-led development of the large H8 site, contrary to saved Local Plan Policy HL2, criteria 8. (This was one reason for recent refusal by the Council of permanent residential use on the adjacent Oaklands Caravan Park).

In any event CPRE Fylde District Group, along with other local groups, considers the housing land use proposals of the Preferred Options to be fundamentally unsound. In our opinion until a new local housing requirement for Fylde is produced no weight should be given to the proposed strategic locations in the Preferred Options: there is no certainty that H8 will eventually be allocated in the Local Plan.

Our revision of the Council's latest 5-Year Housing Supply Statement shows a supply of 5.1 years, including the 20% additional supply buffer, using the ONS 2011-based household projections for Fylde to replace the revoked RSS housing requirement, but still including recovery of the RSS shortfall since 2003. The assessment accounts for new planning permissions since the base date. In fact there are now planning permissions for over (*) 1,400 3,400 new homes either under construction or not started in Fylde. For these reasons inadequate supply of housing land is not a reason for approval.

DETAILED REPRESENTATION

Our detailed grounds for objection cover:

1. Conflict with saved Local Plan Policy SP2
2. Unsound housing land use proposals in the Preferred Options
3. Conflict with Preferred Options Site H8 delivery constraints
4. Prejudice of possible plan-led development of Site H8
5. Revision of the Council's 5-Year Housing Supply Statement

1 CONFLICT WITH SAVED LOCAL PLAN POLICY SP2

The application site is in Countryside Area outside the limits of development of the settlement of Warton so development would conflict with saved Local Plan Policy SP2 which aims to promote environmental sustainability and protection of the countryside for its own sake. A core planning principle of the NPPF is to recognise the intrinsic character and beauty of the countryside which is an important environmental characteristic and asset of Fylde Borough.

2 UNSOUND HOUSING LAND USE PROPOSALS IN THE PREFERRED OPTIONS

The application site is part of site H8 proposed for strategic development in the Local Plan to 2030: Part 1 Preferred Options (*Reference 1*). CPRE Fylde District Group, along with

other local groups, considers the housing land use proposals of the Preferred Options to be fundamentally unsound. (See *Addendum 1*). In our opinion until a new local housing requirement for Fylde is produced no weight should be given to any proposals for strategic locations in the Preferred Options. Consequently there is no certainty that the proposed site H8 will eventually be allocated in the new Local Plan.

3 CONFLICT WITH PREFERRED OPTIONS SITE H8 DELIVERY CONSTRAINTS

Approval now would conflict with the delivery constraints identified in the Preferred Options for site H8 concerning wastewater infrastructure and traffic congestion. (*Reference 1*, 7.64).

Significantly, we note that the applicant's Utility Infrastructure Report (*Reference 4*) states that: '*Drainage and sewers have not been considered within the scope of Utility connections works.*'

4 PREJUDICE OF POSSIBLE PLAN-LED DEVELOPMENT OF SITE H8

Approval now could prejudice comprehensive plan-led development of the large H8 site in the Preferred Options, contrary to saved Local Plan Policy HL2 criteria 8, if in fact H8 is eventually allocated in the new Local Plan.

Possible prejudice of the bringing forward of a comprehensively planned development of site H8 was one of the reasons for recent refusal by the Council of variation of conditions to allow permanent residential use on the adjacent Oaklands Caravan Park. This was a delegated planning decision. (*Reference 2*).

(Note: Approval of the Oaklands Caravan Park application would have contributed 36 additional residential homes to the Council's housing supply).

5 REVISION OF THE COUNCIL'S 5-YEAR HOUSING SUPPLY STATEMENT

The Council's latest 5-year Supply Statement at base date 31st March 2013 gives a supply of 3.1 years (*Reference 3*). However, this assessment is based on the revoked RSS housing requirement for Fylde.

We have revised this Housing Supply Statement using the 2011-based Household Interim Projections for Fylde as an indication of the new local housing requirement. Also permissions granted since 31st March 2013 are accounted for. All other assumptions made in the Council's statement are retained, i.e. the 20% NPPF Additional Supply Buffer, 10% allowance for permissions not coming forward and the need to recover the shortfall since 2003 against RSS requirement (1,073 homes).

(Note. CPRE does not believe that the shortfall against the revoked RSS needs to be recovered. ONS household projections from a 2011 baseline must include any need to accommodate households resulting from homes not having been built since 2003).

Our revised assessment shows a supply of 5.1 years. (See *Addendum 1*). Also there are now planning permissions for over (*) 1,400 3,400 new homes either under construction or not started in Fylde.

Therefore lack of a 5-year supply of land for new housing in Fylde should not be a reason to grant permission.

6 CONCLUSION

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

Neighbour Observations

Neighbours notified: 05 September 2013
Amended plans notified: 17 April 2014
No. Of Responses Received: 112 letters of OBJECTION

Nature of comments made:**Concern re:**

1. There are brownfield sites within Warton available for development, which are more suitable.
2. Brownfield land should be built on before countryside.
3. Insufficient demand for market & affordable housing in Warton.
- Greenfield site outside the settlement boundary.
- Facilities, the village centre & employment in Warton will not support the increased population & need to be improved.
4. Infrastructure of Warton has not been improved.
5. Lytham Road is very busy at peak times.
6. This development will cause major highway disruption & will lead to accidents. The proximity to St. Paul's Primary School is also a concern in this regard.
7. More cars will use surrounding residential roads as a cut through
8. The drainage system cannot cope & the development will increase the risk of flooding.
9. Damage to the environment would be devastating, there are many different species of wildlife in the area, some of which are protected.
10. Will the open space be landscaped and maintained.
- Many roads in the vicinity of the site are narrow and cannot cope with increased traffic.
11. Overlooking
12. Loss of view
13. Warton not a suitable place to build more houses because of the high levels of noise intrusion
14. Increased commuting & congestion
15. No development before wastewater infrastructure & transport links have been improved as per the Preferred Options.
16. It would be wrong to grant approval at this stage of the Local Plan process.
17. Approval would set a precedent for other developments in the area.
18. Loss of agricultural land, fields & hedgerow.
19. There is evidence there is no further demand for affordable/social housing in Warton.
20. No need for further development in Warton.
21. Ruining the village feel with extra development.
22. There is a lack of new employment in the area. Many people having to travel outside the area to work, adding to commuting, traffic congestion & highway safety issues.
23. Not a suitable location to build houses due to noise issues from BAE.
24. Change in size & character of the village.
25. The Ecology Survey took place over a short time and has not provided enough detail.
26. Don't need as many houses as people are having less children.
27. Detrimental visual impact
28. Peace & tranquillity lost
29. Why is the proposed percentage enlargement of Warton higher than elsewhere in the Fylde?
30. Existing affordable housing in Warton is already being offered to people from Blackpool, with no local connections, which is unacceptable.
31. There needs to be play facilities for children
32. Increased graffiti, vandalism & possible gang culture if children are not catered for.
33. The proposed secondary school would be better built in Lytham St. Anne's.
34. Existing home owners will see the value of their properties devalued.
35. The planning application has been submitted in isolation without taking the impact on Warton as a whole into consideration.
36. Consultation on the Local Plan is yet to be approved.
37. The well being of local people should be an objective for Council's as well as wealth creation.
38. Boosting development around Warton would not boost long term economic growth.
39. Warton already has a good mix of house types.

40. Lytham Road already suffers congestion at peak times, the proposed entrance to this site is too close to the BAE entrance, Ash Drive, Cardwell Close & Bank Lane.
41. The housing figures on which the need for this development is predicated are suspect.
42. Proposal does not conform with Adopted Local Plan Policy
43. Reasons for refusal on the adjoining Oaklands Caravan Park relating to comprehensive development should apply equally to this scheme.

Relevant Planning Policy

Fylde Borough Local Plan:

| | |
|--------|--|
| EP11 | Building design & landscape character |
| EP13 | Planting of trees, hedgerows and woodland |
| EP18 | Natural features |
| EP14 | Landscaping of new developments |
| EP19 | Protected species |
| EP23 | Pollution of surface water |
| EP25 | Development and waste water |
| HL02 | Development control criteria for new housing proposals |
| TREC17 | Public Open Space within New Housing Developments |
| SP02 | Development in countryside areas |
| EP22 | Protection of agricultural land |
| EP24 | Pollution of ground water |
| HL06 | Design of residential estates |
| TR05 | Public transport provision for large developments |
| TR09 | Car parking within new developments |
| CF01 | Provision of community facilities |
| CF02 | Provision of new primary schools |

Other Relevant Policy:

| | |
|-------|-------------------------------------|
| NPPG: | National Planning Practice Guidance |
| IHP | Interim Housing Policy |

Environmental Impact Assessment

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

Comment and Analysis

Policy Background

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

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

The Fylde Borough Local Plan is dated, and work is advancing on its replacement which will look at the period to 2030. A consultation exercise was undertaken over summer 2013 on the 'Preferred Option' of the Part 1 to this Plan which included strategic locations for development including Warton. This replacement Local Plan document is at such an early stage that it can have only limited weight in the determination of this application, although the evidence base that has been collected to inform it is a material consideration in the determination of this application. A key part of this is the level of housing land need and the available supply.

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

Need for Residential Development

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

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

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

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

Does the Proposal Deliver Sustainable Development?

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

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

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

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

On this basis the proposal is considered to be sustainable development and so supportable irrespective of the council's current shortage of housing land supply.

Accessibility of Site

The accessibility of the location where development is proposed is a key aspect of its sustainability. The Applicant's Travel Plan lists the distances to the nearest services from the site. They refer to the local village services being within a convenient walking distance, that there is a cycle route along Lytham Road which gives the site a good connectivity to other services in a wider area, and the availability of bus stops and the Nos. 68 & 78 services that give good connections to Lytham St. Annes and Preston for higher order facilities.

The distances to the nearest local facilities are shown in the table below.

| Type | Facility | Walk Distance (metres) |
|-------------|---|------------------------|
| Education | Busy Bees Children's Day Nursery | 110 |
| | Bryning with Warton St Paul's C of E Primary School | 260 |
| | Holy Family Catholic Primary School | 750 |
| | Busy Bees Lilliputs Children's Day Nursery | 1000 |
| | Silverdawn Day Nursery | 1300 |
| Food/Retail | Petrol Filling Station (Townsend's Garage) | 350 |
| | McColl's Newsagents | 510 |
| | Sandwich Bar - Whites | 560 |
| | Fish & Chip Shop - The Frying Squad | 560 |
| | Public House | 560 |
| Other | Post Box | 150 |
| | Jaguar Hair Studio | 160 |
| | Village Hall | 500 |
| | Warton Fitness (on BAE site) | 1200 |
| | Holy Family Church | 1300 |
| | Freckleton Health Centre | 2000 |
| | Rawstorne Sports Centre | 2200 |

Lancashire County Council Highways department have considered the proposal and given it a score within the medium accessibility range, which is the level that has been acknowledged previously as providing an acceptable level of accessibility to such services. It is accepted, therefore, that the site is sufficiently accessible to local services. The Applicant has also verbally indicated their acceptance of the County Highway Authority's public transport improvements comprising contributions to upgrading bus stops, subsidy of bus services & Travel Plan support. In practical terms this will improve the ease of access to public transport.

There is an existing pedestrian infrastructure along Lytham Road and within the residential developments to the east and south. There is also an existing cycle route along Lytham Road passing the frontage of the site.

The nearest bus stops are on Lytham Road between 200 and 270 metres from the proposed access to the site. There are 2 bus services from these stops with a combined frequency of up to 6 per hour to Lytham & Preston during the week.

Within a maximum distance of 600 metres to the east are the village hall, the newsagents, a take away, a public house, a convenience store and a petrol filling station.

Connectivity to adjoining sites

Since the application was received, amended plans have been submitted showing potential highway/pedestrian/cycle connectivity to adjoining land to the east and west and a pedestrian/cycle link to the land to the north if these neighbouring sites were to be developed in the future. This has been achieved as part of a master planning approach to attain sustainable development & ensure neighbouring land does not become sterilised.

Visual Impact of Development Proposed

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

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

With regard to direct visual impact, these will be significant to a number of properties on Lytham Road, Lilac Close & Oaklands Caravan Park that face or back onto the site. There will also be some impact for a number of residents on Cedar Avenue, Beech Avenue & Fir Grove.

However, it is considered that the topography, boundary hedgerow planting and scale of the development proposed combine to ensure that the development can be assimilated into the landscape. The council's Landscape Officer has assessed this Appraisal and raised no objection subject to the preservation of trees and the retention of certain lengths of hedgerow. Therefore, your officers conclude that the development will protrude from the Warton settlement boundary into open countryside, but that with sensitive and appropriate levels of native planting the existing boundary hedgerows can be enhanced so that the short term visual impact of the development can be mitigated.

Impact on Urban Form

Parts of the site are adjacent to Lytham Road and also adjoin the settlement boundaries to the south and partially to the east. The remainder of the boundary to the east is between 25 & 40 metres from this site, across the intervening narrow strip of field, which the applicant has not been able to acquire.

To the west of the site is Oaklands Caravan Park which is occupied by a large number of caravans and the land to the north of the site is agricultural land which has been the subject of a further planning application and is now at appeal for residential development of up to 360 houses (ref: 13/0674).

Therefore, it is considered that the proposal would relate well to the existing urban form as predominantly it is sited in close proximity to existing buildings and amounts to a logical extension of Warton. This is a positive impact of the development which needs to be weighed in the balance of the overall decision on this application.

Loss of Agricultural Land

According to the Agricultural Land Classification map the application site is situated within the urban area due to its close proximity to Warton. Therefore, the loss of agricultural land is not regarded as an issue which can weigh against this development.

Density

The density of development proposed in the development of 83 dwellings on a 3.5 hectare site is almost 24 dwelling per hectare. This is a reasonable density in an edge of settlement location. Whilst this is not the best possible use of the greenfield land of the application site, it is considered appropriate given the nature of the surrounding development, the edge of village location and the anticipated requirements for the site to accommodate the new access roads, footpaths/cycleways, landscaping, the public open space and the areas of protected trees which all reduce the available developable area of the site.

Summary to Sustainable Development Assessment

The council has previously sought to resist the principle of residential development on all out of settlement sites that are allocated as Countryside in the Local Plan on the basis that such development is contrary to Policy SP2. However, the emphasis on delivering sustainable residential development in the NPPF and more recent ministerial statements and appeal decisions are material considerations that need to be assessed alongside this development plan policy.

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

- That the site is a greenfield site which is available for agricultural use and lies outside of the settlement and so is given protection from development Fylde Borough Local Plan Policy SP2.

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

- The development will provide for housing on the edge of one of the larger village settlements in the borough. This will assist in reducing the shortfall in the housing supply which the Council needs to provide to meet the requirements of the NPPF
- The site is in close proximity to the main transport route through the village and to the services which are available to the village. The assessment of accessibility to services demonstrates that the site is accessible.
- This in turn, leads to greater potential for accessibility to the nearest larger settlements that provide a higher order of services.
- The application delivers a density of development on the site that represents an efficient use of the land to sit alongside the nearest existing development.
- The layout assists in assimilating the development into the surrounding area.
- The proposal amounts to a logical extension to the settlement.
- There are anticipated to be no 'technical' issues that would justify a reason for refusal of this application (These are fully assessed in the following sections of this report)

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

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

Access Arrangements

This is one of the key considerations with any planning application, and as this is a full application with all details of the site layout provided, access is a matter for consideration & the access details are to be assessed at this time. The application proposes a single vehicular access to Lytham Road which is in the form of a T Junction from Lytham Road and this will continue as a Spine Road in a northerly direction into the development, terminating before an area of public open space towards the northern end of the site. From this central spine road, a number of short cul-de-sacs are proposed in each direction which would serve the proposed dwellings and some of these are shown as potential linkages to neighbouring land to the east and west, if they were to come forward for development in the future.

Network Capacity

Lytham Road is classified as the A584 and is subject to a 30mph limit throughout Warton. The Transport Assessment includes an assessment of the accident record and road capacity issues in the area and has applied growth factors using standard methodology to anticipate the vehicle movements associated with the proposal and other committed developments in this area. Although the existing local network suffers a degree of congestion at peak times, Lancashire County Council have not objected to the proposal and accept the additional vehicle movements can be accommodated onto the network without detriment to the safety or efficiency of its operation, provided the local mitigation they have identified is delivered.

Location and Design of Access

Lancashire County Council as advisors on highway matters have concluded that there would not be capacity issues and that a simple priority junction is appropriate. The existing carriageway of Lytham Road has a suitable width and design to accommodate the additional traffic that would be generated by this development.

Pedestrian & Cycle Connections

The access proposes direct connections to the existing footway on Lytham Road and a proposed pedestrian/cycleway through the area of proposed open space with a potential link to land to the north. The proposed site layout plan also shows potential for connections to the adjoining land to the east and west if they were to ever come forward for development in the future. There is an existing cycle route delineated on the carriageway of Lytham Road immediately to the front of the site in an easterly direction and also opposite the site (westerly) that continues through Warton and provides links towards Lytham St. Annes & Preston. The residents of the development would have good pedestrian/cycle access to the local shops, village hall, bus stops, and other services in Warton.

Summary

The proposal will be served from a new vehicular access on Lytham Road which is designed to modern standards and would be constructed on an adopted highway that can accommodate the additional traffic from the development. The new junction offers good visibility in both directions and is designed to handle the level and nature of traffic that will result from the development proposed. The site also has good quality direct pedestrian and cycle links to the main routes through Warton.

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

Drainage Matters

The site is located in Flood Zone 1 with a low probability of flooding and is at a low risk of flooding from other sources. The application is supported with a Flood Risk Assessment (FRA) as the site area exceeds 1 hectare. The FRA has been assessed by the Environment Agency and United Utilities as the two key consultees on such matters. They are satisfied that the proposed development will not increase flood risk off site provided that the development proceeds in accordance with the recommendations of the FRA, which are:

1. exploring the potential for connectivity to the existing foul & surface water sewers;
2. attenuation will need to be incorporated into the surface water drainage to ensure flows are limited to the rate agreed with United Utilities;
3. the external levels shall be designed to ensure overland flood routes exist through the development for use in exceptional circumstances.

There are combined & surface water sewers across the front of the site in Lytham Road. The surface water sewer runs from east to west & outfalls to the open tributary of Wrea Brook to the south of Lytham Road, approximately 300 metres to the west of the site.

Therefore, the site is not considered to be at significant risk of flooding and it is considered that the proposal is in accordance with Policies EP25 and EP30 & criteria 10 of Policy HL2 of the Fylde Borough Local Plan, subject to the imposition of the drainage conditions recommended by the Environment Agency & United Utilities.

Landscaping & Tree Preservation

The application is accompanied by a detailed landscaping plan for proposed tree and shrub planting. Since the application was submitted, your officers have assessed the trees on site and a Tree Preservation Order (TPO) ref 2013/02 has been made with respect to an area of mature Oak Woodland at the northern end of the site, a centrally located oak tree and a beech tree on the site frontage.

Ecology

As part of the submitted Ecological Assessment, an Extended Phase 1 Habitat Survey of the site was undertaken which assessed the existing vegetation and habitats on the site, in addition to considering protected species and other wildlife & the impact of the development on ecology. This has been assessed by the relevant consultees and the views on the various issues are reported below.

Habitat

The site contains common and widespread plant species. The mature trees & shrubs are of local value and support breeding birds. The hedgerows are Habitats of Principal Importance for Conservation/UK BAP Priority Habitat. The habitats within the site regarded as species - poor are of common and widespread occurrence throughout the UK, no rare species are present within the site. The trees at the northern boundary of the site are of local value for foraging & nesting birds and support features suitable for roosting bats, which will be retained by the proposed development. The trees, shrubs and buildings provide favourable foraging and nesting habitat for the species of birds detected within the site and the wider area. Habitat management is recommended as part of the redevelopment which includes the installation of bat and bird boxes. Lancashire County Ecology refer to the ecological importance of the native hedgerows around the site and request that these be protected and managed by planning condition.

Hedgehogs & Amphibians

There are no ponds within the site and based on the distance to ponds and the scale of development, it would be disproportionate to require further Great Crested Newt Surveys. Habitats on the site appear suitable to support hedgehogs and amphibians such as Common Toad and it would be appropriate for working measures during the site clearance to be adopted in order to avoid adverse impacts on these species, to be secured by condition.

Bats

The results of an internal inspection of the bungalow to be demolished, along with the results of a bat dawn re-entry survey of the buildings has been submitted. Based on this & the Ecological Assessment, it seems reasonably unlikely that bats use the buildings to be affected. Habitats within and adjacent to the site are suitable for foraging and commuting bats and it is recommended that features suitable for foraging bats are retained and that the slates are removed by hand during the demolition of the bungalow. It is also suggested that roosting opportunities for bats will be installed in the redeveloped

part of the site and a planning condition is required to this effect.

Badgers

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

Water Voles

There are no watercourses within the site and the County Ecologist is of the view that it is unlikely that Water Voles are present or would colonise the site.

Barn Owls

It is possible that barn owls could start to use the bungalow between the surveys and commencement of works. Therefore, it would be appropriate for a condition requiring further precautionary check for nesting barn owls to be carried out immediately prior to commencement of development.

Nesting Birds

The hedgerows and trees on the site provide the potential to support various species of birds and there will be some loss of habitat. However, a significant number of trees (TPO) and boundary hedgerows are to be retained with new tree planting in the proposed development. Consequently, the impact on nesting birds will be limited subject to conditions requiring that works are undertaken at a time of year outside the breeding season, bird boxes are installed and that habitat is to be retained.

Summary

There is nothing sensitive in terms of ecology in this location and the features identified as being of ecological value at this site will be protected by the proposed development. The proposals present an opportunity to enhance the wildlife potential of the site for foraging and commuting bats, UK BAP Priority Species of bird associated with the habitats present within the site by the planting of trees and shrubs and by incorporating bat boxes and bird boxes into the design of the development.

As such the scheme complies with Policies EP18 and Policy EP19 of the Fylde Borough Local Plan which protects natural features and the protected species that may habitat them.

Affordable Housing Provision

The delivery of affordable housing is an important aspect of all residential development schemes. The Interim Housing Policy refers to the delivery of affordable housing as part of residential development schemes and requires that 30% of the dwellings be provided as affordable units. The application supporting statements and draft heads of terms refer to the intention for 30% of the properties to be affordable dwellings and so would meet the 30% policy requirement. The provision of dwellings for social rent is appropriate to meet the demands of the borough as identified in the Housing Needs Survey. If the Committee were to resolve to grant planning permission the provision of these affordable units should be secured by a s106 agreement to be signed prior to the grant of planning permission.

Public Open Space

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

This development provides a significant area of open space around the protected woodland at the northern end of the site with potential for connectivity to the adjoining land to the north if this site was to be developed. There would also be a smaller area of open space proposed around a mature tree which is the subject of a TPO.

Planning legislation allows for the council to secure a reasonable level of funding from a development

to enhance facilities in an area, but the funding must be necessary to make the development acceptable and related in scale to the development. In this instance, the Parks Department have requested the Developer contribute towards the identified improvements at Bridges Playing Fields in Warton with the aim of improving/refurbishing the play facilities.

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

Noise

The greatest noise source for future residents of this development would be from road traffic noise along Lytham Road. The Noise Assessment submitted with the application indicates that windows in habitable rooms of the proposed dwellings facing Lytham Road would be ventilated & thermally insulated in order to mitigate the impact of noise. Subject to a condition requiring noise insulation measures, then this development would not have a harmful effect on the amenities of future residents.

Public Realm

The Council's Interim Housing Policy seeks contributions from developments to assist in the delivery of public realm improvements as are identified in the council's Regeneration Framework 2010. This document identifies projects across the borough for focusing investment in the quality of their public realm. There is a designated scheme in Warton, for which other significant housing developments in the locality such as the former GEC Marconi/BAE site (ref:12/550) have made contributions. The Applicant for this development has indicated their willingness to contribute to the declared scheme in Warton. As such it would be appropriate for a public realm contribution to be sought from this development and secured as part of a section 106 agreement if Members are minded to grant approval.

Education

Lancashire County Council has provided a consultation response on this matter. They do not look just at the village schools, but also examine the other schools in the area that could reasonably be expected to take children from the development, and also at existing and planned developments that those schools would also serve. The same exercise is undertaken with respect of secondary schools.

Due to the current levels of capacity within local primary & secondary schools, the Education Authority have not requested a contribution from this scheme towards education provision, therefore, there is no conflict with Policy CF2 of the Adopted Fylde Borough Local Plan.

Conclusions

The application is for planning permission for the erection of 83 dwellings on a greenfield site located to the north of Lytham Road in Warton. The site is outside of the settlement on land that is allocated as Countryside in the Fylde Borough Local Plan meaning that the proposal is contrary to the saved policy of the development plan, and so should be refused planning permission unless there are material considerations to outweigh that conflict.

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

The proposal has an appropriate access, delivers the necessary element of affordable housing and open space and has been revised to improve its layout and connectivity with potential adjoining sites. Warton has a reasonable level of services and this site is well located to them. As such it is considered that the proposal could deliver sustainable development and that there are no significant over-riding negative impacts from the development that should prevent it being recommended for approval subject

to the completion of a s106 agreement to secure affordable housing, transport improvements and funding to improve open space facilities & public realm in the area.

Recommendation

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

- provision, retention and operational details for 30% of the proposed dwellings to be affordable properties,
- an appropriate financial contribution towards securing off site public open space,
- an appropriate financial contribution towards securing public realm works in the vicinity of the site,
- a financial contribution of £110,000 towards the subsidy of bus services and/or sustainable transport initiatives in the vicinity of the site,
- financial contributions of £6,000 & £17,850 towards travel plan support.

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

Planning permission be granted subject to the following conditions:

(Where the Section 106 agreement is not signed within a reasonable period of time, authority to refuse planning permission is delegated to the Head of Planning & Regeneration to refuse the application as being contrary to the provisions of the Interim Housing Policy)

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

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

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

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

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

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

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

proposed lighting shall be directional and designed to avoid excessive light spill and shall not illuminate bat roosting opportunities within the site, the roofs or eaves of the nearby buildings, or trees and hedgerows on the site and in the local area.

In the interests of visual / residential amenity.

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

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

6. The whole of the landscape works, as approved shall be implemented during the first available planting season following the completion of each phase of the development, as identified in the approved landscaping scheme and subsequently maintained for a period of 5 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.

7. No part of the residential development shall commence until a scheme including the detailed design (dimensions, surfacing, landscaping, signage, marking, boundary details & lighting) & a timetable for the construction of the proposed pedestrian and cycle access into the site, shown on the site layout plan ref: 3550/P/002 Rev C has been submitted to and approved in writing by the Local Planning Authority. The approved pedestrian and cycle access shall be implemented in accordance with this timetable, unless approved in writing by the Local Planning Authority.

In order to ensure full integration of the site into the wider area, allowing access for all modes of transport.

8. Prior to the first occupation of any dwelling on the site, details shall be submitted to and approved in writing by the Local Planning Authority of the on-going maintenance of the

communal areas of the site including the internal access roads and footways, areas of landscaping and all associated features such as streetlighting, signage, drains and boundary treatments that lie within these areas. The development shall thereafter be maintained in accordance with the approved schedule of maintenance unless otherwise agreed in writing with the Local Planning Authority.

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

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

To safeguard the visual amenities of the neighbourhood.

10. All existing lengths of hedgerow within the proposed development shall be retained except for where their removal is required for the formation of access points or visibility splays or in other limited circumstances where an equivalent or greater length or hedge is provided as a replacement and has been previously agreed in writing by the local planning authority. No removal, relaying or works to existing hedgerows shall be carried out between March and July inclusive in any one year unless otherwise agreed in writing by the local planning authority.

In order to protect habitats which have the potential to support breeding birds and to respect the rural characteristics of the application site.

11. No part of the development shall commence until a scheme for the construction of the site access and the off-site bus stop works has been submitted to and approved by the Local Planning Authority, with all necessary legal agreements in place to deliver and maintain the measures. No part of the development shall be occupied until the approved scheme referred to above has been constructed and completed in accordance with the scheme details, unless otherwise agreed in writing with the Local Planning Authority.

In order to satisfy the Local Planning Authority that the final details of the highway works are acceptable prior to work commencing on site.

12. The new estate roads/access within the site shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before the first dwelling is occupied unless otherwise agreed in writing by the Local Planning Authority.

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

13. Before the use of the site hereby permitted is brought into operation, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

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

14. Prior to first occupation of any dwelling hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in accordance with a timescale set out in the approved plan and will be audited and updated at intervals as approved.

To ensure the preparation and implementation of a Travel Plan in order to encourage access to the site by means other than the car.

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

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

16. Prior to the commencement of construction on any of the dwelling houses full details of the means of foul water drainage of the site shall be submitted to and approved in writing by the Local Planning Authority. This approved scheme shall be implemented during the development and shall include that the development is drained on a separate system with only foul drainage connected into the foul sewer.

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

17. The roof slates of the bungalow to be demolished shall be removed carefully (by lifting up and away) by hand. In the event that bats are suspected or detected to be using the buildings for roosting at any point prior to or during the works then all works shall cease until advice has been sought regarding a Natural England licence.

In order to ensure the continued and enhanced biodiversity benefit of these protected species as required by policies EP18 & EP19 of the Fylde Borough Local Plan.

18. The recommendations to install roosting opportunities for bats within the re-developed site, detailed in sections 5.4.2 & 5.4.3 of the *Ecological Survey and Assessment* (ERAP Ltd, July 2013, ref: 2013_095) shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

In order to ensure the continued and enhanced biodiversity benefit of these protected species as required by policies EP18 & EP19 of the Fylde Borough Local Plan.

19. A further precautionary survey/check of the bungalow for Barn Owls shall be carried out immediately prior to demolition or commencement of development. No works shall commence until evidence has been provided to, and judged sufficient by, Fylde Borough Council that Barn Owls are not nesting at the site.

In order to ensure the continued and enhanced biodiversity benefit of these protected species as required by policies EP18 & EP19 of the Fylde Borough Local Plan.

20. Plants listed on schedule 9 of the Wildlife & Countryside Act 1981 (as amended) which occur on the site, including Rhododendron, shall be eradicated from the site and working methods shall be adopted to prevent their spread.

In order to protect the natural environment from an invasive, non native plant species.

21. Prior to the commencement of works there shall be a repeat survey for the presence of badgers. The report of the survey (together with proposals for mitigation/compensation, if required) shall be submitted to Fylde Borough Council for approval in writing. Any necessary and approved measures for the protection of badgers will be implemented in full.

In order to ensure the continued and enhanced biodiversity of these protected species as required by policies EP18 & EP19 of the Fylde Borough Local Plan.

22. No vegetation clearance works, demolition work or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections.

In order to protect habitats which have the potential to support breeding birds.

23. Works affecting any features likely to provide shelter for amphibians and/or hedgehogs (for example, rubble piles, log piles, piles of leaf litter, dense vegetation) will be avoided when amphibians and hedgehogs are likely to be hibernating.

All areas of suitable terrestrial habitat, including likely places of shelter, shall be carefully searched immediately prior to removal/development works. If clearance works are unavoidably carried out at the time of year when amphibians may be hibernating or breeding, any amphibians and/or hedgehogs found should not be disturbed and advice should be sought from an appropriately qualified person. Otherwise any amphibians and/or hedgehogs encountered shall be moved to a safe area of suitable habitat, which will then remain undisturbed.

If the presence of Great Crested Newts is detected or suspected at any stage before or during development works, then works must not proceed until advice has been sought from Natural England regarding the need for a licence.

In order to avoid impacts on hedgehogs and amphibians (Species of Principal Importance).

24. No works shall commence until details of replacement habitat for birds has been submitted and approved in writing by Fylde Borough Council. Replacement habitat shall include sufficient replacement planting and installation of nest boxes including for House Sparrow and other birds which use the site. The approved details shall be implemented in full.

In order to ensure the continued and enhanced biodiversity of the site.

25. No site clearance, site preparation or development work shall take place until a fully detailed habitat creation/landscaping and management plan has been submitted and approved in writing by Fylde Borough Council. The scheme shall demonstrate adequate extent of planting and appropriate native species to compensate for losses and will demonstrate maintenance and enhancement of the biodiversity value of retained and established habitats. The approved plan shall be implemented in full.

In order to ensure the continued and enhanced biodiversity of the site.

26. Prior to commencement of development a scheme that provides proposed dwellings adjacent to the A584 (Lytham Road) to be acoustically insulated to achieve an internal sound pressure level typically of not more than 45 dB LA max in bedrooms at night (23:00 – 07:00), with windows shut and other means of ventilation provided shall be submitted to and approved in writing by the Local Planning Authority. It shall include detailed specifications for the building envelope of the proposed dwellings. The approved scheme shall be implemented in accordance with the approved details prior to the first occupation of any dwelling.

In order to safeguard the environment and the future occupiers of the dwelling from excessive noise by ensuring a satisfactory degree of noise mitigation and sound insulation in accordance with the guidance contained within the National Planning Practice Guidance and Local Plan Policy EP27.

27. This consent relates to the revised plan[s] received by the Local Planning Authority on the 3rd April & 21 February 2014

Location plan – (GSA Architecture) 3550/P/001

Planning layout – (GSA Architecture) 3550/P/002/C

House Type B Plots 4,5 & 6 floor plans – (GSA Architecture) 3550/P/003/A

House Type B Plots 4,5 & 6 elevations – (GSA Architecture) 3550/P/004/B

House Type B Plots 7-10 & 16-19 floor plans – (GSA Architecture) 3550/P/005

House Type B Plots 7-10 & 16-19 elevations – (GSA Architecture) 3550/P/006/B

House Type B Plots 11-15 floor plans – (GSA Architecture) 3550/P/007

House Type B Plots 11-15 elevations – (GSA Architecture) 3550/P/008/B

House Type B Plots 11-15 elevations – (GSA Architecture) 3550/P/009

House Type A Plots 33-36 floor plans – (GSA Architecture) 3550/P/010

House Type A Plots 33-36 elevations – (GSA Architecture) 3550/P/011/B

House Type A Plots 37-39 floor plans – (GSA Architecture) 3550/P/012

House Type A Plots 37-39 elevations – (GSA Architecture) 3550/P/013/B

House Type A Plots 40 and 41 floor plans and elevations – (GSA Architecture)
3550/P/014/B

House Type C Plots 79 and 80 floor plans and elevations – (GSA Architecture)
3550/P/015/A

House Type D Plots 64-66, 74-78 & 81 floor plans and elevations – (GSA Architecture)
3550/P/016/A

House Type E Plots 30-32, 56, 57, 72, 73 & 84 floor plans and elevations – (GSA
Architecture) 3550/P/017/A

House Type F Plots 20, 23, 25, 26, 29, 42, 43, 49, 52, 61, 62, 68, 71 & 83 floor plans and
elevations – (GSA Architecture) 3550/P/018/A

House Type G Plots 2, 3, 22, 27, 28, 44-46, 48, 51, 53, 54, 67, 69, 70 & 85 floor plans and

elevations – (GSA Architecture) 3550/P/019/A

House Type H Plots 1, 21, 24, 47, 50, 55, 63, 82 floor plans and elevations – (GSA Architecture) 3550/P/020/A

Single garage details Plots 22, 48, 51, 53, 54 & 67 – (GSA Architecture) 3550/P/021

Double garage details Plots 46 and 85– (GSA Architecture) 3550/P/022

Shared Double garage details Plots 2, 3, 27, 28, 44, 45, 69, 70, 79 & 80– (GSA Architecture) 3550/P/023

Street Scenes – (GSA Architecture) 3550/P/024

Boundary Treatment Details – (GSA Architecture) 3550/P/025

House Type G1 Floor Plans and Elevations Plots 3, 21, 22, 42, 53, 54, 67 & 85 (GSA Architecture) 3550/P/026

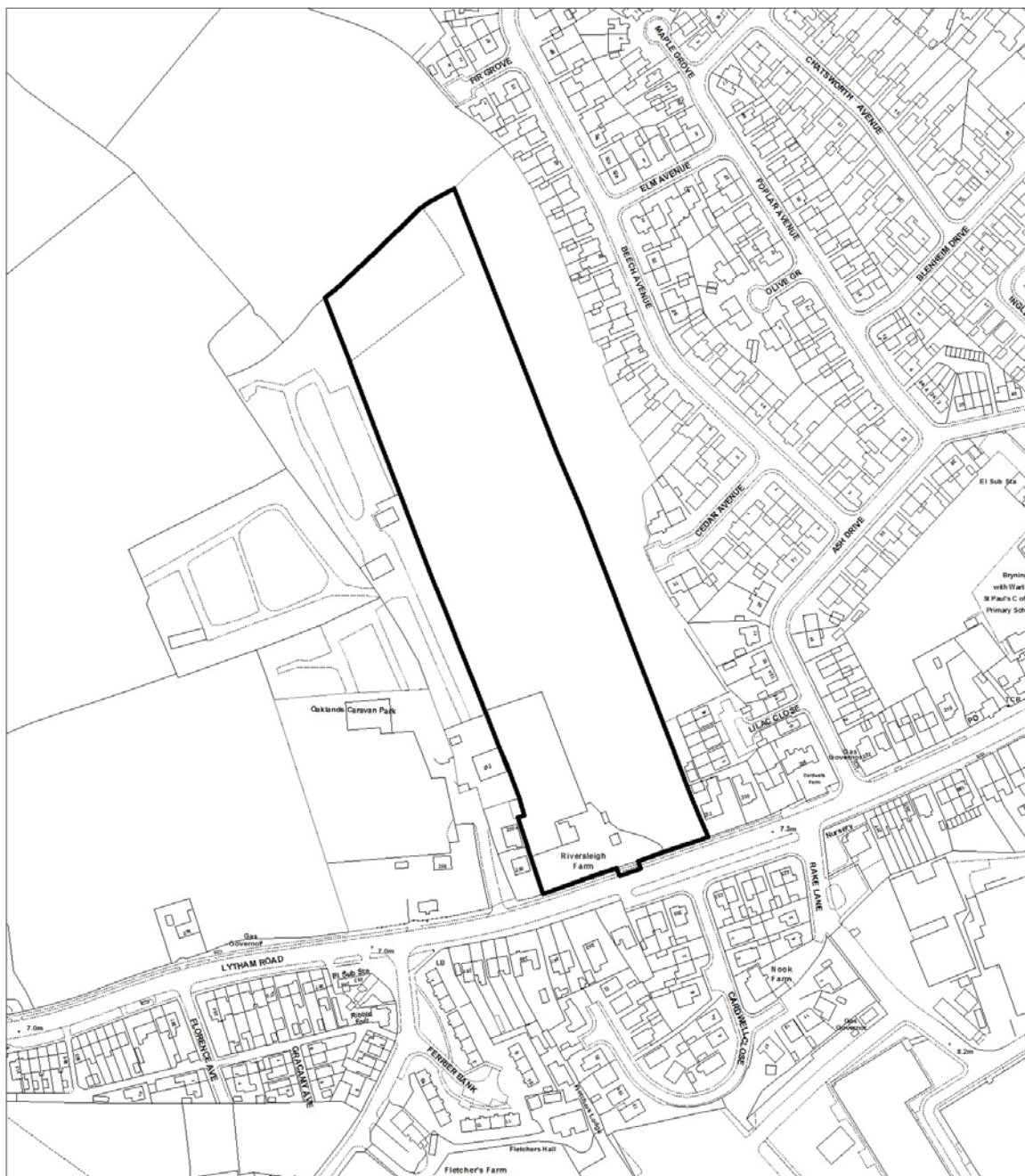
House Type D1 Floor Plans & Elevations Plots 66 & 81 – 3550/P/027

House Type F1 Floor Plans and Elevations Plot 49 – 3550/P/028

House Type B Plots 16-19 Floor Plans – 3550/P/029/A

House Type B Plots 16-19 Elevations – 3550/P/030/A

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



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|---------------------------------------|--|---|------------------------------|
| Development Services Fylde Council | | (c) Crown Copyright and database right (2014). Ordnance Survey (100006084). | |
| Application No. 5/13/0526 | Address Riversleigh Farm, 246 Lytham Road, Warton | Grid Ref. E.3406 : N.4285 | Scale 0 15 30 45 60 m |

| | | | |
|-------------------------------|--|-----------------------------|-----------------------------|
| Application Reference: | 13/0754 | Type of Application: | Outline Planning Permission |
| Applicant: | Metacre Ltd | Agent : | De Pol Associates Ltd |
| Location: | LAND EAST OF FLEETWOOD ROAD AND NORTH OF, MOWBRECK LANE, MEDLAR WITH WESHAM | | |
| Proposal: | OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLINGS AND REDEVELOPMENT OF THE SITE FOR UP TO 264 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, OPEN SPACE, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION. (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED) | | |
| Parish: | MEDLAR WITH WESHAM | Area Team: | Area Team 2 |
| Weeks on Hand: | 21 | Case Officer: | Andrew Stell |
| Reason for Delay: | Delays in consultation replies | | |

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

This proposal is an outline application for the erection of 264 dwellings on an 18 hectare site that lies entirely outside of the northern edge of Wesham and so is allocated as Countryside in the Fylde Borough Local Plan. The application also seeks approval of the access arrangements which are a new priority junction to Fleetwood Road and a new priority junction to Mowbreck Lane, with a further pedestrian / cycle connection to that road. In addition to the dwellings, the proposal includes a biodiversity area which forms a buffer between the proposed dwellings and the Wesham Marsh Biological Heritage Site that lies to the north of the site.

The site has been the subject of previous appeal decisions with the overall development of the site dismissed but planning permission granted for 100 dwellings on the western part. These decisions are an important consideration in the assessment of the application as they form a partial fall-back position and have involved a thorough analysis of the issues that the application raises. The whole application site also forms site H13 in the draft Fylde Local Plan to 2030 which proposes it be allocated for residential development, but given the early stage and level of objection to this document it can have no real weight in this decision.

The residential development of Countryside land is contrary to Policy SP2 of the Fylde Borough Local Plan. However, a key material consideration in the determination of residential planning applications is the need for the council to deliver a supply of housing land equivalent to 5 years of its agreed annual target. The council's latest information (from December 2013) is that it is unable to deliver the necessary housing supply and so a proposal that delivers sustainable development must be supported unless it is proved that it will cause significant and demonstrable harm.

Having assessed the relevant considerations that are raised by this proposal it is officer opinion that the development is of an acceptable scale, is in a suitable location and can deliver and appropriate accessibility to the services and facilities that are necessary to support residential development. As such it is considered that it does deliver sustainable development and so it is recommended that the application be supported by Committee and so assist in delivering the housing supply requirements of para 17 of NPPF. The progression of planning policy guidance

since the original appeal decision, in particular the weight given to sustainable residential development and housing supply delivery by the NPPF, is such that the reasons that that appeal was dismissed cannot be sustained in the determination of this application.

The authority to grant planning permission should be delegated to officers so that they can issue the decision on satisfactory conclusion of a s106 agreement that provides for affordable housing, funding for investment in local education capacity and improvements to the accessibility of the site.

Reason for Reporting to Committee

The application involves major development and so falls outside the approved scheme of delegation.

Site Description and Location

The application site is a 14.7 hectare area of land that is to the north and east of the settlement boundary of Wesham. It is of an irregular shape and has frontages to Fleetwood Road to the west and runs to the rear of properties on Chapel Close to the south which are accessed from Mowbreck Lane, and then direct to Mowbreck Lane itself to a point opposite Park Lane. The land to the north and east of the site is in agricultural use. The land of the application site is predominantly agricultural land with the exception of two properties and their gardens on Fleetwood Road that are indicated for demolition to achieve an access to the site. The land is undulating and comprises of several fields that are mainly separated by hedge and ditch boundaries with occasional trees. The Hodder Aqueduct which supplies the Fylde Coast with water from the Forest of Bowland crosses the site and so has a protective easement.

Fleetwood Road is one of the main routes connecting Wesham to the M55 junction and settlements to the north. Mowbreck Lane is a narrower rural type lane that serves residential properties, a caravan park and becomes a track as it connects to Treales to the east.

Surrounding land uses are mixed, with agricultural land and Wesham Marsh Biological Heritage Site to the north, further agricultural land to the east, residential properties and Wesham Park Hospital across Mowbreck Lane to the south. To the west of the site are residential properties off Mowbreck Lane, St Joseph's Church and Primary School and Cemetery off Fleetwood Road along with an allotment site and the Recreation Ground. The Fire Station, Ambulance Station and recent residential development are also to the west on the opposite side of Fleetwood Road.

Details of Proposal

The Submission

The application seeks outline planning permission for the erection of up to 264 dwellings, with all matters reserved other than the access. This is provided by a new access point to Fleetwood Road to the south of its roundabout junction with the A585 on the bypass to the west of Kirkham and Wesham, and an access to Mowbreck Lane opposite the existing junction with Park Lane. In addition a pedestrian access point is shown to the existing playing field and public open space off Fleetwood Road and to Mowbreck Lane.

The application includes the whole site that has outline planning permission under reference 11/0763 for 100 dwellings which was allowed on appeal following the council's refusal of the application, but extends this site to the east.

The application is supported with a parameters plan which identifies the main spine road route to connect the two vehicular access points and the residential development areas which is then split into 2

phases. An area of land to the northern part of the site is designated as a Biodiversity / Open Space Area on this plan.

Original Supporting Information

In addition to the parameters plan the application is supported with the suite of documents that are appropriate for an application of this nature. In this case these are:

- Application forms
- Location Plan
- Illustrative site layout
- Access plans
- Supporting Planning Statement
- Design and Access Statement
- Transport Statement
- Flood Risk Assessment
- Ecological Assessment including enhancements of Biodiversity

The supporting planning statement has a conclusion that states:

“The NPPF, as adopted Government Policy, must be taken into account as a material consideration in the determination of planning applications and appeals under the terms of s.38(6). The clear advice from the NPPF in paragraphs 14 and 215 is that where there is conflict with the development plan consideration is to be given to whether the policies are up to date and in compliance with the NPPF. If the development plan is found to be absent, silent or relevant policies are out-of-date, and the proposed development is deemed to be sustainable, then irrespective of the development plan conflict planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Recent appeals within Fylde have established that the FBLP is out of date and the NPPF paragraph 14 presumption in favour of sustainable development is triggered. It has also previously been established that the proposals comprise sustainable development and that the loss of countryside and agricultural land, include BMV land, does not represent an impact which significantly and demonstrably outweighs the benefits of helping to address the Borough’s housing shortfall and five year housing deficit, delivering much needed affordable housing, delivering biodiversity benefits as well as helping to support the local economy and economic growth, all of which are key objectives of the NPPF.

Whilst the previous application for 264 dwellings was considered to conflict with FBLP policy HL2 in terms of scale, the weight to be given to this is limited as the 2030 Local Plan Preferred Options clearly indicates a need for settlements such as Kirkham / Wesham to accommodate this level of development if the Borough’s housing needs are to be met in a sustainable manner. Indeed the entire subject site is now proposed for a housing allocation by the Council. As such this previously perceived conflict with Policy HL2 does not significantly and demonstrably outweigh the aforementioned benefits.

Other concerns previously raised by third parties in relation to impacts on food security, the viability and operation of Mowbreck Hall Farm, highway safety and movement, drainage, flood risk, ecology, infrastructure and the weight of local opposition have also been found by past Inspectors to either be without substance or to carry no weight. Similarly, issues relating to prematurity have not been found by the appeal Inspectors considering the Queensway, Phase 1 or Little Tarnbrick Farm appeals to represent impacts which outweigh the aforementioned benefits and the NPPF need to immediately address housing deficits.

The proposed development therefore benefits from the NPPF presumption in favour of sustainable development and outline planning permission should be granted under the terms of NPPF paragraph 14.”

Further Information

Further information in respect of the capacity of the strategic highway network has been provided in response to comments from the Highways Agency on the application.

Further information in respect of the potential impacts on Water Voles has been provided in response to comments on this aspect from the Environment Agency.

Further information in respect of the planning merits of the development have been provided by the applicant's agent in response to comments made by a number of consultees. The points raised are:

- Impact on Character of Countryside on conflict with Policy SP2 – The previous appeals considered this and found that there was nothing sensitive or critical in the landscape at the site, and that the need to deliver housing will need to extend settlement boundaries in such locations.
- Loss of BMV and impacts on Mowbreck Hall Farm – The site only contains a small area of BMV, with much of that in the part of this site that has planning permission already, and current guidance bring clear on the weight that should be given to the loss of small areas of BMV. The previous appeal also assessed and dismissed the loss of the land to the viability of the Farm.
- BHS impact – This was considered at both appeals and both Inspectors concluded that the development would not detrimentally harm the BHS.
- Highways impacts – The access arrangements are as previously approved and the submitted Transport Assessment confirms that there are no issues with network capacity. No objections from the statutory consultees are anticipated.
- Not sustainable development – The Inspector looking at the Phase 1 appeal recently concluded that there was a good range of shops, services and facilities within Kirkham and Wesham to support additional development and that these were well connected to the site.
- Brownfield land availability – The council's SHLAA and FLP to 2030 confirm that there is not sufficient land in settlements to meet housing needs and so the development of out of settlement sites will be necessary, with the council's allocation of this site in its FLP indicating the suitability of the site for development.
- Scale of Development & Infrastructure issues – The original Inspector concluded that the development of the site would be an unacceptable increase in the number of households in the locality, which he took to be Wesham for the purposes of the wording of Policy HL2. Since then the council has failed to demonstrate a 5 year housing supply and has indicated that the development of sites around Kirkham and Wesham will be promoted to provide a notable share of that. He refers to the towns being as well placed as anywhere in the borough to receive residential expansion, and draws a comparison with the council's allocation of land around Warton that would result in a 70% growth over the existing households in that village.
- Housing Supply – The council remains unable to deliver its 5 year housing supply and as allocated this site in the FLP to 2030, and suggested that it be brought forward this year, in an attempt to ensure that it does deliver this required housing supply.

Relevant Planning History

| Application No. | Development | Decision | Date |
|-----------------|---|----------|------|
| 14/0041 | APPLICATION FOR APPROVAL OF RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR ERECTION OF 100 DWELLINGS ASSOCIATED WITH OUTLINE PLANNING PERMISSION 11/0763 | | |

| | | | |
|---------|--|------------------------|------------|
| 12/0589 | RESUBMISSION OF PLANNING APPLICATION FOR 11/0763 FOR OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLINGS AND DEVELOPMENT OF THE SITE FOR UP TO 100 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION. | Declined to Determine | 10/01/2013 |
| 11/0763 | OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLINGS AND DEVELOPMENT OF THE SITE FOR UP TO 100 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION. | Refused | 11/10/2012 |
| 08/1072 | DEMOLITION OF EXISTING DWELLINGS AND REDEVELOPMENT OF THE SITE FOR UP TO 264 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, OPEN SPACE, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION. | Refused | 26/03/2010 |
| 08/0856 | DEMOLITION OF EXISTING DWELLINGS AND REDEVELOPMENT OF THE SITE FOR 215 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, OPEN SPACE, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION. | Withdrawn by Applicant | 11/12/2008 |

Relevant Planning Appeals History

Application 08/1072 was the subject of an appeal that was dismissed by the Secretary of State following a Public Inquiry. The main factors in the decision were that the location of the site outside of a settlement boundary on land allocated as Countryside, the need for the new development to be in keeping with the character of the locality in terms of scale, and the need to avoid the loss of best and most versatile agricultural land were found to outweigh the benefits of delivering housing and affordable housing supply for the borough.

Application 11/0763 was the subject of an appeal that was allowed by the Planning Inspectorate following a Public Inquiry. The main factors in the decision were that the development plan policies that led to the refusal of 08/1072 were found to be out of date following publication of the NPPF and the council's inability to deliver a 5 year supply of housing without using land outside of settlements, and that the application offered a high quality development proposal that would assist with the borough's housing supply needs.

Parish Council Observations

Medlar with Wesham Town Council object to the development and have submitted a detailed letter to explain their reasons which is enclosed in full below.

“Medlar with Wesham Town Council object to the development on greenfield farmland north of Mowbreck Lane, Wesham. The application (13.0754) is a re-submission of the application for 264 houses made in 2008 (08/1072), and application which was declined by FBC Development Control Committee, then dismissed on appeal by the Secretary of State, a judgement which was then deemed lawful by the High Court.

The Town Council recognise there have been changes in the current situation regarding housing supply since application 08/1072. However, these changes only strengthen the reasons to decline permission, based on the following existing policies:

- *SP2 of the Local Plan*
- *EP22 of the Local Plan*
- *EP17 of the Local Plan*
- *HL2 of the Local Plan*
- *NPPF policy 111*
- *NPPF policy 112*

Environmental Sustainability

The application would negatively impact on the surrounding countryside of Wesham. To follow policy set out in the saved Local Plan, FBC need to seek to promote environmental sustainability and protect countryside areas. Granting permission of this application would be contrary to policy SP2 of the Local Plan and core planning principles as set out in the NPPF.

Disruption to Agricultural Industry

The Town Council actively support one of the main industries in Fylde. The council recognises the economic importance of farming within the area as well as the valued custodianship of our countryside this role demands. The application would affect the viability of the farming operation currently in tenancy on land north of Mowbreck Lane, Wesham. The Town Council agree with the issues raised by the tenant farmer in past applications to build on this land. FBC would be in direct contravention of Local Plan policy EP22, also NPPF policy 111 and 112, in that current housing supply has been positively affected by recent permissions on sites at Queensway, Warton, Wrea Green and Kirkham. These sites (or parts thereof), although classed as agricultural land were not in constant use as such, nor intrinsically necessary in crop / grazing rotation, nor were graded as Best and Most Versatile agricultural land as is needed in this dairy operation. To this end, the land should not be treated within the same minimal necessary use of land for housing supply.

Protection of Biological Heritage Site

*The proposed site is situated next to the BHS Wesham Marsh the aims of the BHS project are firstly to compile and maintain a definitive of non-statutory sites which make a significant contribution to the biodiversity of Lancashire, and secondly to conserve and protect those sites through the planning system and by cooperation with the site owners, occupiers and managers. Policy EP17 of FBC's Local Plan is designed to protect these important areas. Policy EP17 of FBC's Local Plan states “development of which is likely to impact significantly or fundamentally on the biological / geological resources of sites defined as Biological Heritage Sites, **will not be permitted**”. The Town Council are resolute in the opinion that due to the close proximity of the BHS to the application site and the proposed mitigation involving heavy landscaping directly adjacent to the boundary, would significantly impact on the BHS, both from the construction phase and in the future because of the lack of a sizeable buffer between the urban boundary which farmland currently serves as. This will increase disturbance by people using the BHS as a rural recreation area due to the ease of access to what is currently a remote haven for wildlife. The inherent dangers associated with marshland and ease of access to*

children is also a concern to the Town Council.

Scale of Development

The Town Council are concerned the 'up scaling' of application 11/0763 to, in general terms, raises the same issues which were evident in the 2008 application (08/1072). 264 houses built outside the settlement boundary on the edge of a local service centre will result in the degradation and over-subscription of local services in Wesham. This will directly affect existing residents, and residents of any homes built on this application site. Although outline permission was granted on appeal for 100 houses (11/0763) the Town Council remain concerned for the reasons above, if only for 100 houses. Recent development within Wesham must also be taken into account.

Re-development of land not previously used for housing over the past few years, has undeniably increased the population of this geographically small town exponentially. With Crossing Gates recently completed, Willowfields due for completion shortly along with sites such as Arundel Lodge (12), Sternes Nurseries (12), and Civic Offices on Derby Road (26) shows that Wesham has already grown on a huge scale. Local Plan Policy H:" is in place to protect communities such as Wesham from the harmful effect so of excessive development.

Fylde Local Plan to 2030

The Town Council are concerned that the approval of this site on the basis of the area appearing in the preferred option part 1, which is as yet unadopted and is not yet ratified as the Fylde Local Plan to 2030. An approval of this application would be seen as an acceptance of an incomplete document. The Local Plan to 2030 is still in the evaluation phase and the approval would show disregard to the public consultation carried out in Fylde. The Town Council fear approval of this application would set a damaging and dangerous precedent, harmful to a democratic process. No weight should be given to any preferred options until ratified in the right and proper manner and the Fylde Local Plan to 2030 is actually produced.

Housing Supply

It has always been clear to the Town Council that concern to meet housing supply numbers by FBC is a priority for planning. A fair analysis would show weight has been given to this priority on numerous occasions, particularly large scale applications such as previous applications for this site. It is also a fair analysis that housing supply numbers are ever changing due to permissions being given throughout Fylde. The Town Council agree with CPRE Fylde on their latest revision of housing supply numbers (included in CPRE Fylde District Group representation 20/1/14), which although contradicts FBC's current housing supply statement showing 4.5 years supply, is a more current forecast. When this disparity is taken into account, along with the vast potential delivery of housing supply at Whyndyke Farm by 2030, Fylde Council could well have an over-supply within planned periods. Application 13/0754 may also serve to compound issues relating to over-supply such as brownfield sites standing idle or stalling causing developers to be reluctant to invest in future applications.

Conclusion

- The application is not environmentally sustainable
- Development on this land would have a detrimental effect on agriculture
- The neighbouring Biological Heritage Site would be irreversibly damaged
- The scale of development would degrade the community of Wesham
- Obsolete housing forecasts should hold no weight in any decision
- Reference to unadopted policy documents would be harmful to the planning process

Medlar with Wesham Town Council had, in November 1995, an informal approach from Metacre Ltd. who wished to submit a similar application. The majority of the then Town Council expressed objection to the proposal. As a result the application was never actioned. However, the Town Council has proved resolute in their objection to the development of the site in the last 18 years. Medlar with Wesham town council object to this application and respectfully request that Fylde Borough Council Development Management Committee carefully consider the concerns set out in this

document. *Please refuse permission for application 13/0754 Land North of Mowbreck Lane.*”

Kirkham Town Council raise objection to the development on the basis that:

1. *“Lack of infrastructure to support the plan*
2. *There are areas of brownfield available within the existing boundary*
3. *No demonstrable need*
4. *Unsold new build available on existing developments*
5. *Unsustainable”*

Statutory Consultees

Lancashire County Council - Highway Authority

They have considered the proposal and provided a verbal confirmation that they will not be raising objection to the proposal subject to conditions and the inclusion of accessibility improvement measures in a planning obligation. Unfortunately their written comments have not been received to confirm this, but are anticipated in time for inclusion in the Late Representations Schedule to Committee.

Lancashire County Ecology Service

They have provided comments on the application that refer to the planning history of the site and the comments made previously by the County Ecologist. They raise no objections to the development but highlight that there will be a need to ensure that there will be no adverse impact on trees with a bat roosting potential (which may require further surveys), that there is no impact on ground nesting birds, and that all works are confirmed to be more than 5m from any watercourse to void impacts on any Water Voles. They then suggest a series of conditions to ensure that the development is undertaken in a manner that will not cause any harm to matters of ecological importance.

Environment Agency

Raise no objection to the development subject to the imposition of conditions.

They have reviewed the submitted Flood Risk Assessment and are satisfied that the development will not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere providing the recommendation in section 11 of the report are implemented.

They refer to the lack of a detailed drainage strategy and suggest a condition to require that this is resolved prior to the commencement of any development, and that the drainage shall use SUDS wherever possible.

They make reference to the biodiversity implications of the development, particularly given that the most recent survey of the site for Water Voles is 4 years old and so the site may have been colonised since that time. They highlight the protection given to that species.

Strategic Housing

Whilst no comments have been received, the application has been discussed with the Housing Officer who confirms that there is a need for strategic developments of this nature to provide affordable housing to meet the continuing shortage of affordable housing in the borough.

Planning Policy Team

No comments have been provided on the application as their resources are entirely directed at delivering the Fylde Local Plan to 2030.

Lancashire County Archaeology Service

They have assessed the Archaeology Assessment of the site that is submitted with the application. They agree with its findings that any surviving remains of post-medieval farm buildings on the site are not considered to be of such significance to merit preservation in situ. A standard recording condition is appropriate to ensure any finds are appropriately recorded.

Natural England

With regard to statutory nature conservation sites they raise no objection as none are likely to be affected from the information in the application.

They have not assessed the application with regard to the potential impact on protected species. Instead they direct the local planning authority to the standing advice on such matters and highlight that this advice should be examined and implemented.

They stress the importance of examining potential impacts on locally designated sites such as the Wesham Marsh Biological Heritage Site.

Finally they advise that the local planning authority should examine whether the scheme offers an opportunity to secure biodiversity and landscape improvements.

United Utilities

Raise no objection to the development subject to a condition that will require that no development commences prior to the approval of a scheme for the disposal of foul and surface water on separate systems, with the foul water discharging direct to the 300mm combined sewer at Mowbreck Lane / Garstang Road North junction. They also refer to the need to respect an easement around the large diameter water main that crosses the site, and standard requirements about properties having water meters, etc.

Electricity North West

They refer to the proximity of their apparatus to the site and so highlight the need for it to be considered in the development of the site on safety and operational grounds. They refer to the relevant legislation in place to enforce that and highlight that any works to divert this apparatus must be undertaken at the developer's cost.

Highways Agency

Their initial comments were that the scheme did not provide any consideration of the potential impact on the strategic road network, in particular with regard to the impacts regarding traffic distribution around junction 3 of the M55. They issued a holding direction under the Town and Country Planning (Development Management Procedure) Order 2010 that prevented the council from granting planning permission whilst this was unresolved.

The applicant's highway consultants have provided further information on this in an addendum to their transport assessment. In turn, this has been assessed by the Highways Agency who confirm that they now have no objection and have lifted the holding direction.

Lancashire Education Authority

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

With regard to primary education they have looked at the capacity in the 7 schools within 2 miles of the site which is all primary schools in Wesham, all in Kirkham, Wrea Green Primary and Treales Primary). They have looked at the planning permissions that are anticipated to come forward and so provide additional children to these schools. In looking at the yield of children from this scheme they have discounted the 100 dwellings approved under 11/0763 and worked on the additional 164 involved in this scheme which is anticipated to yield 62 primary school age children.

The outcome of this is that there is an existing surplus of 78 places predicted in 5 years, but that this to be taken up by the 105 children to be yielded from other existing permissions leaving a shortfall of places even without the additional children from this development. As such there is anticipated to be insufficient local capacity to serve the primary education needs of this development. On that basis they make a request for an education contribution from the development to meet the whole anticipated yield of pupils which is £745,836.

They have undertaken the same exercise with regard to secondary education and looked at the capacity available at Carr Hill High School being the sole secondary school within 3 miles of the site. The additional development is expected to generate demand for 25 extra places. At present there is anticipated to be a capacity of 140 spaces at the schools in 5 years' time, with this development and others with planning permission reducing that, but not to a degree that would use up the capacity available. As such no education claim is made in respect of secondary education.

Observations of Other Interested Parties

Wesham Action Group

Local residents are organised into a group known as the **Wesham Action Group (WAG)**. They have presented a detailed objection, and an Addendum, which covers the following matters:

- Highways – The scheme does not assess safety at the Wesham roundabout. Despite signalling works at the M55 junction there are still heavy queues at peak times. There is no account of the Kirkham Triangle or other development traffic. The traffic levels using the route to the M55 will be higher than predicated as most employment opportunities are out of the area. The applicant's traffic figures are inconsistent with their earlier submission and those of other developers. Out of date information is used.
- Sustainability – The nearest bus stop on Fleetwood Road is to be relocated away from the access to a point further from the dwellings so will reduce its usefulness. Bus services in the area are reducing in number and the times they run. Evidence shows an almost doubling of car use for journeys to work in the area. With the increase in population and a lack of increase in local jobs and services this trend can only continue. The applicant's accessibility score is 25, but should actually be 17 which is only a low accessibility. The site is too far distant from Kirkham for it to be considered local using currently relevant statistics not the revoked PPG13 that the applicant uses. The conclusion here is that the population is increasing and that the only locally accessible centre (Wesham) cannot offer the services they need with reducing sustainable choices to access more distant centres. They support this with reference to various NPPF paragraphs, and to the High Court judgement on the earlier appeal which confirmed that the Inspector was right to separate Kirkham and Wesham when looking at the scale of development.
- Housing – they argue that the council should not continue to use the RSS figures as the base for its housing supply as that has been revoked, but should use the ONS household projections as stated in para 159 of NPPF. They suggest a figure of 275 per annum would be more appropriate using this method. There are also many empty properties in the borough that should be used first. They also criticise the methodology for including a windfall allowance in the housing figure with

reference to the approach taken by some other council's. If this was removed they argue that Fylde would have had a 5 year supply at the end of 2013. They also refer to the potential for the Whyndyke Farm site to make a significant contribution to housing supply.

- Farming – they refer to national food security and the loss of any valued part of BMV in contributing towards that. Reference is made to the High Court challenge to a previous appeal decision on this point which confirmed that the Inspector was right to consider the loss of BMV on a site irrespective of whether it was all in a single area or spread across it in pockets. The Local Plan protection to BMV is highlighted.
- S106 agreement – they refer to measures that should be included in any agreement of the application is to be approved. These are: a commitment to provide a continuous funding for bus services not to allow LCC to cut them after 5 years, the diverted buses must use the nearest existing stops to the site, references to highway markings and signage, a surfaced and lit pedestrian footway being provided around the Fleetwood Road playing field, and funding for policing in the area.
- Flood Risk – they refer to there being no linkages between the drainage scheme for the Mill Farm scheme and that for this proposal and argue that the two are interlinked. They illustrate this with photos of full ditches in the area.

The conclusion to their submission is reported in full here:

“It is clear that the area is not as sustainable as required by the NPPF. This is demonstrated by:

- *A large increase in housing in Wesham with*
 - *Increasing unemployment,*
 - *A massive reliance on private vehicles to get to work*
 - *Increased car ownership*
 - *Stagnant facilities with diminishing public transport to other areas.*
 - *Low accessibility scoring and large walking distances to other town centres.*
 - *Flood risk to be reassessed in light of the Mill Farm site.*
- *It is outside the local boundary of Wesham.*
- *Fylde can demonstrate a 5 year supply if it used a methodology in line with the NPPF and not a combination of outdated planning policy and the NPPF*
- *The 6- 15 year supply can be supplemented with housing allocated for Whyndyke farm*
- *Using the RSS figures which are based on inaccurate projections from 2004 is an unsound methodology for deciding Fylde's future housing requirement's*

Traffic matters are also of issue;

- *With committed developments and the Mill Farm site considered by the Applicant, the capacity issues at the Wesham roundabout are contradictory over previous applications by the Applicant and committed developments.*
- *Other committed sites and those locally at the “pending stage” are not considered.*
- *Other traffic surveys appear more robust*
- *The Highways Agency have issues on queues along the A585 stretch under assessment up to the M55.*
- *The safety of the Wesham roundabout must be reassessed in light of the Mill farm proposal.*

The scale of the development disproportionate for the community. It is clear that the farm land is BMV and coupled with food security, it must be protected.”

Their addendum focusses on highway matters and reiterates concerns over the capacity of the highway network in the area with particular reference to incidences of queuing that they report in peak times on the A585 between the site and the M55 roundabout. They argue that the previously committed developments in the area will increase this congestion but have never been assessed or factored into the information submitted with this application.

Save Wesham and Kirkham

Local residents are also organised into a group known as **Save Wesham and Kirkham (SWAK)**. They have engaged a planning consultant to make the following points:

- Fylde Borough Local Plan – The site is outside of the settlement boundary defined by Policy SP1, but within the Countryside defined by SP2 and is for a purpose that does not fall within the acceptable uses in the countryside. They argue that the development is contrary to several other policies of the plan most notably HL2 as it is not in keeping with the rural locality and will adversely affect neighbours, highway safety and drainage. Reference is also made to conflict with Policy EP11 relating to landscape character, EP13 relating to trees, EP22 relating to the loss of agricultural land and various other policies relating to matters of ecological importance and drainage.
- NPPF – They refer to the support that this guidance provides for sustainable development, but argue that the loss of countryside land, the visual intrusion of the development, the adverse highway impacts, and the loss of neighbouring residential amenity mean that the scheme will not represent sustainable development. A critique of the various aspects of sustainable development is provided.
- Fylde Local Plan to 2030 – they highlight that this Plan is not adopted and needs to be the subject of further consultation and examination. Any development proposals that rely on it for their acceptability must be considered to be premature, as there is the possibility that this allocation would be removed prior to the final adoption of the plan. Reference is made to the 264 dwellings involved in the application representing a 16% increase on the households in Wesham.
- Housing Numbers – reference is made to Queensway, Kirkham triangle, Whyndyke and other sites that have recently or are expected to shortly, secure planning permission. With these sites coming forward the need for the additional dwellings on this site is questioned.
- Traffic Matters – Reference is made to the combination of increased vehicular traffic in the area from the Kirkham triangle, Mill Farm football stadium and increased scale of this application. The accuracy of the statement is questioned as a consequence of its assurance that none of the vehicles from the development will utilise the Mowbreck Lane / Garstang Road north junction, with the reality more likely that there will be an increase in the use of the junction that suffers poor visibility. The estimates over vehicle movements are considered to be low and the links to public transport over-exaggerated.
- Conclusion – refer to the conflict with the adopted Fylde Borough Local Plan a reliance on an emerging plan that has no weight at this stage, they refer to the objections from local residents and some consultees and that the development will not be sustainable. They ask that the application be refused to protect the countryside for ever.

CPRE

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

- Summary – They refer to the application being a re-submission of an application in 2008 that was dismissed on appeal, that the council has an adequate housing supply and so that cannot be used as a justification to support this development, that approving the proposal would pre-empt the progression of the Fylde Local Plan, and the application will involve the loss of attractive countryside that is in productive agricultural use.
- Planning Balance – They highlight that the decision on the application needs to balance the NPPF requirement for housing supply against the requirement for development to be sustainable, and they argue that for the reasons expressed elsewhere in their submission that the scheme should be refused.
- Five Year Supply – They argue that the council's housing supply is actually 6.1 years, and is bolstered above what the council publishes by approvals at Kirkham triangle, and the likely development of 1,500 homes at Whyndyke Farm.

- Prematurity – They refer to the importance placed on the plan-led system in the NPPF. Whilst this site is allocated in the draft Fylde Local Plan to 2030 they argue that the approval of this application would pre-empt the evaluation of comments made on the draft version.
- FLP is unsound – They argue that the council has followed flawed logic in its allocations in this document. Firstly this is due to the use of the RSS annual supply figure given that this is obsolete and includes the shortfall from 2003 which is unreasonable. Secondly the FLP quotes only 560 homes at Whyndyke when the applicant proposes 1,500 which would remove the need for a number of large allocations elsewhere in the borough
- Housing Land Supply – They refer to the council's housing supply calculation as being outdated as it uses the RSS figure rather than the 2011 ONS household projections. They present their own assessment which indicates a 6.1 year supply with planning permission for 3,849 dwellings currently available in the borough.
- Countryside – They refer to Policy SP2 of the Local Plan being introduced to protect the countryside and that this remains an important environmental characteristic of the borough. They also highlight that there are other areas across the borough where the countryside does not have the same landscape quality (Kirkham triangle, Wrea Green, Whyndyke Farm) and so could be developed without causing the same harm.
- Agricultural Land – They argue that this site is in active agricultural use under a long tenancy and so is different to other sites in the borough (Wrea Green, Warton, Kirkham Triangle) that have been granted planning permission. They suggest that the council should support its farming industry and refer to the protection given to agricultural land in Policy EP22. Reference is also made to the previous assessments of the land quality, but highlight the crop records from the farmer as a more appropriate form of evidence as to the quality of the site. Reference is made to the NPPF protection for best and most versatile agricultural land.
- Wesham Marsh – They highlight that this is a protected BHS, and that the development will cause harm to it by bringing residential development and so people closer to it, by reducing its ecological value due to these intruders and by alterations to the drainage arrangements in the area
- Landscape Character – They present a separate Landscape Character Assessment that was produced in 2010 to support the appeal against the refusal of the earlier application for this scheme. This provides a largely pictorial documentation of the application site as it sits in the Wesham landscape and how that impacts on its perception by the local community. The key issues being how the landscape will be harmed by the development as the character is distinctive in its own right, is greatly valued, provides tranquillity for residents, is good quality farmland, had high biodiversity value, protects the BHS and is one of the finest landscapes in the Fylde.
- Scale of Development – The Fylde Local Plan defines Kirkham as a Key Service Centre and Wesham as a Local Service Centre. This site is in Wesham which has a lower level of services available, and as was a key issue in the dismissal of the initial appeal on this site, these services are inadequate to support the population that would be increased by a development of this scale.

Lancashire Constabulary

They have referred to the need for any detailed layout of the site to be designed following the Secured By Design principles to assist in reducing the opportunities for crime.

Neighbour Observations

Neighbours notified: 06 January 2014

No. Of Responses Received: 14

Nature of comments made:

All the letters are in objection to the development with the points similar to those reported earlier and attributed to the resident groups. They are briefly summarised as:

- The site contains best and most versatile agricultural land and it is protected

- The site does not have a good access to services due to the distance from Kirkham, the planned reduction in bus services, and the limited local services.
- The drainage from this site should be considered alongside that for Mill Farm as the combined impacts will likely lead to flooding
- The highway reports do not consider all developments such as those at Kirkham Triangle and Wrea Green that could impact on capacity
- The council already has a 6.1 year housing supply so does not need more
- There is a planning history of refusals and dismissed appeals
- Local opposition to development should be taken into account
- Pre-empting the local plan process
- Highway capacity is inadequate to accept additional vehicles involved in this scheme
- The council promotes Wesham as a village yet seems like it wishes to expand it to a town.
- The drainage systems for surface water and foul water in the area are inadequate
- There are many empty properties in the area so no need for additional dwellings
- Local services (schools, doctors, etc.) are unable to cope with any additional residents
- Development outside of the settlement boundary on land protected as countryside
- Loss of best value countryside which is important to local industry
- That there are many brownfield sites available
- The development will harm the Biological Heritage Site at Wesham Marsh
- There will be a loss of views for many residents
- The increase in the population of Wesham involved will harm its character
- There will be overlooking and loss of privacy to existing neighbours
- The council would be acting against the will of its residents if this was approved
- The loss of the site will impact on the viability of the farm
- The development will remove the opportunity for wildlife to use the land
- Residents are being worn down by the repeated applications on this site
- Wesham has seen 2 large developments in recent years and does not need more
- The road system is at a standstill for long periods of the day
- There will be a loss of habitat for Lapwings
- The developer misled the Inquiry in stating the 100 was all they wanted to build

Relevant Planning Policy

Fylde Borough Local Plan:

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

| | |
|--------|---|
| TR09 | Car parking within new developments |
| TREC17 | Public Open Space within New Housing Developments |
| CF01 | Provision of community facilities |
| CF02 | Provision of new primary schools |

Other Relevant Policy:

| | |
|---------|-------------------------------------|
| NPPF: | National Planning Policy Framework |
| NPPG | National Planning Practice Guidance |
| FLP2030 | Draft Fylde Local Plan to 2030 |

Site Constraints

Within countryside area

Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended. Officers have previously screened the development for any potential environmental impact and concluded that the application need not be accompanied by a formal Environmental Statement. Given the similarity of the proposal to previous submissions that have been screened, and the absence of any material change in circumstances around the site since, it is considered that the previous Opinion remains valid and so the application is not EIA development.

Comment and Analysis

Introduction

The site has been the subject of a previous application for the residential development of 264 dwellings as proposed in this application using the same access points and over the same site area. This was under reference 08/1072 and was refused by the council and dismissed at appeal following a public inquiry. This is an important part of the planning history.

Equally important is the later planning permission that was allowed on appeal under reference 11/0763. This covers the western half of the site towards Fleetwood Road and relates to the erection of 100 dwellings. This planning permission was granted on appeal following a public inquiry that followed the council's refusal of the planning application.

Both decisions were made against the backdrop of the site being allocated as Countryside in the Fylde Borough Local Plan where residential development is generally resisted, but where the council was unable to demonstrate the necessary housing supply requirement of PPG3 / NPPF so this represented a material consideration in favour of the development.

Given the existence of the second appeal decision to grant planning permission for the development of broadly half of the site, the relevance of this planning history is to examine whether the policy considerations in place at the time of the decisions have changed significantly, whether the reasons for the dismissal of the appeal over this site area remain valid, and whether there are any other material considerations that would influence the decision.

Appeal History

The first appeal was against application 08/1072 which was refused by the council at the March 2010 meeting of the Development Control Committee for reasons that related to 1) loss of best and most versatile agricultural land, 2) impacts that the scale of development would have on Wesham as a town and the character of the countryside at the application site, 3) the access arrangements to Fleetwood Road, 4) the potential for an adverse impact on Wesham Marsh BHS.

Prior to the public inquiry the council revised its case on these matters following legal advice and only sought to defend the first two reasons listed, with only the scale element of reason 2 defended. Additional concerns relating to the need for greenfield land to be released to satisfy housing requirements was also raised.

The Inspector and Secretary of State considered these matters and others raised by third parties who were represented at the appeal. The conclusion reached was that whilst the impacts of the development was in many respects acceptable (highway safety, ecology, drainage, Biological Heritage Site, etc.), the scale of development was excessive for Wesham as a distinct locality, and that the loss of best and most versatile agricultural land involved in the development outweighed the benefits of housing delivery when it could be possible for that housing to be provided elsewhere.

The second appeal was against application 11/0763 which was refused by the council at the September 2012 meeting of the Development Management Committee. This refusal was based on two reasons: the first highlighted the conflict with Policy SP2 and that there were alternative sites available to meet the council's housing land supply requirements, and the second related to the loss of best and most versatile agricultural land.

In allowing the appeal the Inspector concluded that the importance of the council being able to deliver a sufficient housing supply in the NPPF was a critical factor in the determination of the appeal. He accepted that the council would need to release greenfield sites outside of settlement boundaries to meet its housing land supply requirement, and that the appeal site was of a scale and location that delivered the sustainable development required by NPPF. He also referred to other benefits such as affordable housing delivery and concluded that the housing supply requirement outweighed the loss of areas of best and most versatile agricultural land that the scheme involved.

Taking the thorough assessment that has been made of the merits of the residential development of this area, and the consistency in the conclusions reached by the two appeal Inspector's over many issues, it is proposed that the assessment of this application be focussed on whether the scale of the development proposed over that with planning permission will cause harm to the locality, before covering the other material considerations in lesser detail.

Policy Background

Before presenting that analysis, it is useful to explain the latest position in respect of development plan and other policies.

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

Under the Fylde Borough Local Plan the whole of this application site is outside of the settlement boundary of Wesham which runs along Fleetwood Road and Mowbreck Lane but includes the dwellings on Chapel Close, St Josephs School and Church and Cemetery which are located at their junction. The application site is all allocated as Countryside under Policy SP2. This Policy restricts the majority of development to preserve its rural character, with the exceptions generally limited to agricultural or other such uses. New residential development is clearly contrary to this Policy and so it is important to assess whether there are any material considerations that would justify overruling this Policy objection.

Need for Residential Development

The NPPF requires that the council is able to provide for housing land equivalent to at least a 5 year supply of the council's housing target. Para 47 of the NPPF states that "*local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing land against their housing requirements ...*", and then refers to additional

amounts being required where there has been consistent under-delivery. The council has recognised that there is a need for greenfield sites outside of settlements to be granted planning permission in order to provide that housing supply.

The council's housing supply calculation uses the RSS annual supply figure of 306 dwellings per annum as that is the most up-to-date figure that has been the subject of public consultation and examination. The most recent assessment of the council's delivery against that target is from December 2013 and indicates that the council is able to deliver a supply equivalent to 4.5 years of the 306 target. As this is below the necessary 5 years supply the guidance in para 14 of NPPF is relevant and this is a strong factor to be weighed in favour of residential development proposals. If a scheme is considered to deliver sustainable development and not have any adverse impacts that would significantly and demonstrably outweigh the benefit in housing supply, that guidance is clear that planning permission should be granted.

It is noted that the CPRE, WAG and some residents argue that the council's housing land supply position is actually such that it is able to deliver the 5 year supply. However, the council is confident that its approach is correct, with this having recently been supported by the Inspector considering the appeals for various sites around Wrea Green.

Since the housing supply figure was calculated the government has issued the National Planning Practise Guidance. This replaces large amounts of previous guidance and may have implications for how a local authority should calculate its housing supply. At the time of writing this report the council is assessing how this may impact on the 5 year supply calculation, but the December 2013 figure of 4.5 years remains the relevant figure to be used.

The council is progressing work on the replacement to the Fylde Borough Local Plan. This is known as the Fylde Local Plan to 2030 and contains a series of Strategic Locations for Development which are intended to provide for the majority of the housing development in the borough over the period of the plan. This was the subject of public consultation in summer 2013 and the comments received are still under consideration. Given the early stage of this Plan's preparation it can only be afforded limited weight in the consideration of residential planning applications.

It does have some relevance to this site as Kirkham and Wesham is identified as one of the Strategic Locations for Development under Policy SL4 of the Plan. A series of sites around the towns are suggested for residential, employment and mixed uses with this application site being site H13 in the Plan. The commentary with the policy references the existing planning permission for 100 dwellings, the proximity to the BHS and suggests that it could come forward at an early stage in the plan period. The public consultation stage on this Plan generated 290 representations to this Policy with over 90% objecting, and so this tempers further the weight that can be attached to the allocation in this draft document.

Scale Considerations

The council's refusal of the original application for 264 dwellings on this site related to criteria 2 of Policy HL2 which states that planning permission for housing will only be granted where it "2) *would be in keeping with the character of the locality in terms of scale, space around buildings, materials and design.*" The council's argument was that the 264 dwellings was an excessive increase in the population and so would overwhelm the services that are available in Wesham as a locality. The appellant argued that the development should be considered in the context of Kirkham and Wesham combined as a single settlement. The Inspector agreed with the council's position that the reference in the Local Plan to 'locality' should be taken as Wesham, and that the 16% increase in the scale of the settlement that the 264 dwellings would bring was excessive. Accordingly the appeal was dismissed.

This matter has recently been tested at appeals in Wrea Green where four schemes proposed a combined 33% increase in the households of the village. The Inspector ruled that there was scope for some further expansion providing it was not excessive with a 100 dwelling limit quoted which relates to a

14% increase in the settlement.

Using the figures from the Public Inquiry against the refusal of 08/1072 the number of households in Wesham would be subject to a 16% increase under this proposal, with that increased if the other developments approved since that time such as the 24 houses on the former council offices at Derby Road and the conversion of the Arundel Nursing Home on Station Road to 12 apartments are included, although it would be less if the 100 dwellings approved on part of this site were excluded. This is clearly above the limit quoted in the Wrea Green decisions, but only by a small margin. The Inspector in Wrea Green accepts the council's arguments about the limited scope for expansion of the services that are available in that village due to constraints caused by the conservation area around the shops and school and the employment area being along the railway line edge. These constraints are less of an issue in Wesham, and the town has other locational and accessibility benefits in that it is closer to the higher order settlement of Kirkham, and has good access to a rail station that is well served by services and subject to ongoing improvements associated with the electrification of the line.

The concerns over the scale of development are twofold: that the services that do exist in the area would be overwhelmed by the scale of the population involved in an application of this scale, and that there is inadequate accessibility to higher level services by methods other than private car so there will be an increase in number and distance of journeys by less sustainable methods. On this latter point the applicant refers to the proximity of their site to Kirkham and Wesham Station and the number and quality of services that use it. Those are valid points, but there is a limit to their usefulness given that the platforms at this station have no level access so it is inaccessible to wheelchair users or those with prams / buggies. This is a significant issue in reducing accessibility, and one that has been discussed with the applicant's agent. There are long-standing proposals to reinstall a lift to serve the platforms and it is considered appropriate that the development of this site be required to make a proportionate contribution towards that facility. The scale of that contribution is the subject of ongoing discussions with the station operators (Network Rail) and the applicant's agent, but should be secured by a clause in any s106 agreement. It is anticipated that the consultation reply from County Highways will add further clarity on this matter as it is one of the reasons it has been delayed.

It is also important to note that the Inspector's decision on this site was made prior to the publication of the NPPF. This document increased the weighting to be applied to the need to deliver sustainable residential development irrespective of the allocation of a site in the development plan. This site is considered to be a suitable location for development, and the scheme of a scale that can be accommodated without causing harm to the settlement of Wesham as a whole, or as part of the combined settlement of Kirkham & Wesham. On this basis the proposal is considered to be sustainable development and so supportable irrespective of the council's current shortage of housing land supply.

Other Material Considerations

Given that part of the site already has planning permission and the issues raised by the larger site have been thoroughly assessed at the public inquiries it is considered that they can be assessed relatively briefly in this report, with reference to updated guidance and changes in circumstances where appropriate.

Loss of Agricultural Land

The site contains areas of Best and Most Versatile agricultural land as is protected by Policy EP22 of the Fylde Borough Local Plan and para 112 of the NPPF. The loss of this land involved in the development was one of the reasons that the original appeal Inspector decided was of sufficient weight to contribute towards his dismissal of the appeal. As such it needs to be given careful consideration in this decision.

As part of the appeal process the council and the appellant both undertook intrusive surveys of the site in an attempt to establish the actual quality of the land. It was accepted that of the 14.7 hectare site around 3 hectares is of a best and most versatile grade, with 1.9 hectares in the part of the site with planning permission. This means that the development of the site now under consideration will lead to

a loss of an additional 1.1 hectares of BMV land.

At the time of the original appeal Policy EP22 had greatest weight being the up to date development plan policy. That position has now changed with the publication of the NPPF and the NPPG. Like Policy EP22, the NPPF seeks to avoid the loss of BMV, but refers to seeking the use of poorer quality land where “*significant development of agricultural land*” is involved. There is no definition of what constitutes a ‘significant’ area, but the NPPG refers to the 20 hectare threshold at which Natural England are a statutory consultee on planning application in this respect. As such it is not considered that the overall loss of 3 hectares of agricultural land involved in this scheme would be significant, especially as over half that area already has planning permission.

Accordingly it is not considered that a reason for refusal based on the loss of this amount of best and most versatile agricultural land can be sustained.

Access Arrangements

The current application proposes two principal access to the site: one from Fleetwood Road in the same location and design as that providing the sole access to the 100 dwelling scheme, and one to Mowbreck Lane opposite the existing junction with Park Avenue. This is a change from the 2008 scheme which proposed a second access to Mowbreck Lane in the position of a farm track that runs alongside the property known as Medlar House. An access to Mowbreck Lane for pedestrian and cycle but not vehicle access is retained in this scheme alongside this farm track.

County Highways have consistently raised no objection to the development of the site and so considered that the access arrangements, impact of traffic on the network and other such issues are all acceptable. These matters were all assessed in detail by the Inspectors who also concluded that the access arrangements were acceptable in their deliberations on the appeal.

This application introduces new factors in that there have been further planning permissions granted for residential development in Kirkham and an application for development at Mill Farm which will feed into the roundabout close to the Fleetwood Road access proposed in this scheme. These have been considered by County Highways who have (verbally only at this stage) confirmed a lack of objection. The Highways Agency has also considered the proposal with respect to the impacts on the motorway and trunk road network and confirm a lack of objection by lifting of a holding direction that they had initially imposed.

A series of planning conditions and minor highway works such as a new bus stop were proposed at the appeals, and are carried through to this recommendation as there are not considered to be any sustainable highway reasons for refusal of this application.

Landscape Character

The initial application was refused by the council for a reason that stated that the development would “*detract from the urban form and character of this part of the town which is situated in a critically sensitive transitional location where the character of the open countryside predominates*”. This was an issue that the council sought to sustain to the appeal, but was dropped from its case when it was unable to provide evidence to justify that position. Nevertheless it was a matter that other parties progressed, with the CPRE presenting a Landscape Appraisal as has been submitted in their representation to this application.

Accordingly this was an issue that was considered at the public inquiry and so is a matter that the Inspector provided an opinion on. This opinion was that there was nothing critical or sensitive in this landscape and that it is similar to the landscape all around Kirkham and Wesham. He then referred to the biodiversity area as bring a benefit in this regard by presenting a smoother transition between the urban and rural land uses than currently exists.

The part of the site that has planning permission is behind existing development when viewed from

Mowbreck Lane and largely beyond open space from Fleetwood Road, whereas the area that this application extends the site into is an agricultural field that bounds a rural type lane in Mowbreck Lane. It is easier to see how an argument for the development of this extended area would have an adverse impact on the countryside than exists with the part that has planning permission. This also seems to draw parallels with the recent Wrea Green appeal decisions where the two schemes that were allowed were set behind frontage development on the main road into that village, whilst that two that directly fronted those roads were both dismissed with the Inspector relating this to their visual impact on that rural settlement.

However, there are key differences between Wrea Green and Wesham in that Wrea Green is a smaller rural village that is entirely surrounded by countryside whereas Wesham has much less of a village 'feel' by virtue of its scale and the nature of its highway connections and industry, and the fact that a large part of its boundary is within the adjacent urban area of Kirkham. Wesham has a Town Council whilst Wrea Green is in a Parish is another more simplistic difference. It is also again the case that the landscape impact of this whole development was assessed by the original appeal Inspector who was clear on the lack of adverse impact that he thought the residential development with its biodiversity area beyond would have on the character of the landscape. With that most in mind it is officer opinion that a reason for refusal on this basis cannot be sustained, as was the case when the council's case on this was previously dropped prior to the Public Inquiry.

Drainage Matters

The application is supported with a Flood Risk Assessment that has been assessed by the Environment Agency who confirm that they are satisfied with its content. United Utilities also raise no objection to the proposal subject to conditions relating to the location and nature of foul water discharges as are usual for developments of this nature.

The council included a reason for refusal based on the drainage arrangements in its decision on the initial application as a consequence of concerns over the relationship to the adjacent Biological Heritage Site which is a marsh and so relies on water levels remaining high for its biodiversity value. This matter was explored further as part of the preparation work to that appeal and the reason for refusal was dropped from the council's case as a result. Both Inspectors have been satisfied with the drainage arrangements when assessing the appeals, and with the lack of any objection on this basis from the relevant consultees it is considered that there can be no justification for any reason for refusal in this case.

Ecology

The site's open countryside nature and particularly its proximity to the Wesham Marsh Biological Heritage Site has meant that ecological matters have been important considerations in all applications. These were such that a reason for refusal on the impact on biodiversity and the BHS was included in the council's determination of the original application. However, this was also withdrawn prior to the Inquiry as a consequence of discussions between the main parties and the council's specialist ecological advisors. When the Inspector considered this matter he concluded that the biodiversity area proposed in the application, and range of mitigation measures that he could impose by condition, were sufficient to ensure that there was no overriding harm to general biodiversity interests of the BHS in particular. The appeal Inspector assessing the second appeal concurred with this approach.

This application repeats the proposed biodiversity area in the Parameters Plan with this intended as an area of land that is generally closed off from public access to provide a buffer between the dwellings and the BHS to the north so that the concerns over wildlife disturbance and safety that are raised by objectors will not be realised. It is also appropriate that a series of conditions be imposed to ensure that this area is properly managed and the other mitigation, including that for potential Water Vole habitat as raised by the Environment Agency, are imposed.

With this biodiversity area and the mitigation conditions the ecological implications are the same as with the previous appeal schemes, and as the Inspectors found no issue with the ecological implications

of the development in those circumstances it is not considered that a sustainable reason for refusal can be introduced at this stage.

Affordable Housing Provision

The application discusses affordable housing provision in some detail in the Supporting Planning Statement and highlights that the borough has a significant need for such housing, but that provision is remaining low due to the underperformance in general housing supply. The application proposes that 30% of the dwellings be delivered as affordable housing, and argues that this is a significant benefit to be weighed in favour of granting planning permission. Whilst the site is in the Countryside, it is immediately adjacent to the urban area of Wesham and so should be assessed against the Urban Option of the Interim Housing Policy. This seeks provision of 30% affordable on site as is offered and so this will be a benefit from the development given the on-going need for affordable housing.

The reserved matters application which is under consideration for the 100 dwelling part of this site that already has planning permission includes a requirement for 30% of those properties to be affordable and that has been included in the submitted layout. That application is for consideration later on this Committee agenda but it demonstrates the feasibility and appropriateness of this approach to delivering affordable housing. It is appropriate that the delivery, tenure, phasing, occupancy, etc. of these affordable dwellings be included as a clause to the s106 agreement to be signed prior to the issuing of any planning permission. With this in place the scheme satisfies the council's requirements in respect of affordable housing and secures this benefit from the development of the site.

Education

New residential development in an area creates the potential for an increased demand to be placed on local schools. Policy CF2 of the Local Plan allows for the council to pursue contributions from developers to assist in meeting this increased demand where there is an identified anticipated shortfall of places around a development site. Due to the time that they were submitted the previous schemes were not assessed for the impacts that they could have on local education capacity, which is clearly an omission. Similarly, the planning permission for the 100 dwellings on part of this site that was allowed on appeal was not factored into calculations for education capacity when the Kirkham Triangle applications were being assessed. As a consequence of this when LCC have undertaken the education capacity assessment on this scheme it has revealed that there will be a shortfall in education capacity in the local primary schools around the site even without the yield of children from this development. Obviously the 62 children that are anticipated to be yielded from the 164 additional dwellings involved in this scheme will compound that shortfall.

Policy CF2 allows the council to seek financial contributions from developers to assist in addressing any identified shortfall in education capacity resultant from their development. This is consistent with guidance at para 72 of the NPPF, and is a mechanism that has been used in a number of applications across the borough, and was supported by the Wrea Green appeal inspector very recently. In this case the County Council have made a request for £745,836 to assist in addressing that shortfall, with this to be secured by a clause in a s106 agreement to be completed prior to the grant of any planning permission.

The payment of such contributions is an accepted mechanism to address education capacity shortfalls and will ensure compliance with Policy CF2 of the Fylde Borough Local Plan and para 72 of the NPPF.

Public Realm

The previous schemes have not made any reference to public realm improvements, and whilst there are aspirations for works in the town it is not clear that there are any approved projects that would relate directly to this development proposal. It is also possible that the extent of other contributions required could impact on viability and so there should be a priority given the affordable housing, accessibility and education improvements as already discussed over any contributions towards public realm.

Public Open Space

There is a requirement for all new development to meet the obligations of Policy TREC 17 of the Fylde Borough Local Plan which relates to public open space provision on site. This scheme delivers that in two ways: the biodiversity area that provides a buffer between the development and the BHS will serve a passive open space function and soften the edges of the development site, with parts of it also being available for an active open space use; and there are opportunities within the development for a formal play area and other landscaping to be provided. The layout for the reserved matters of the first 100 dwellings includes a Locally Equipped Area for Play which would meet the provision for that aspect of the development. The application refers to the potential for flexibility in the open space provision which could allow for this to be relocated to the remaining part of the site (and so be better separated from the existing facility on Fleetwood Road) or for a financial contribution to be agreed to allow alternative provision elsewhere in the locality.

It is considered that this can best be progressed by further negotiations between officers, local councillors and the applicant once the position with regard to the acceptability of the principle of this proposal, and the reserved matters layout, has been clarified. To protect the council's position on this it is appropriate to include a condition that requires the provision of a further play area on the larger site as is associated with the space demands of Policy TREC17, but word the condition to allow for alternative provision if that is subsequently agreed.

Summary

None of these other material considerations raise any justification for a refusal of the application, as the development can be made to comply with the relevant development plan policies and national guidance through the imposition of planning conditions or clauses to a s106 agreement.

Overall Conclusion

This proposal is an outline application for the erection of 264 dwellings on an 18 hectare site that lies entirely outside of the northern edge of Wesham and so is allocated as Countryside in the Fylde Borough Local Plan. The application also seeks approval of the access arrangements which are a new priority junction to Fleetwood Road and a new priority junction to Mowbreck Lane, with a further pedestrian / cycle connection to that road. In addition to the dwellings, the proposal includes a biodiversity area which forms a buffer between the proposed dwellings and the Wesham Marsh Biological Heritage Site that lies to the north of the site.

The site has been the subject of previous appeal decisions with the overall development of the site dismissed but planning permission granted for 100 dwellings on the western part. These decisions are an important consideration in the assessment of the application as they form a partial fall-back position and have involved a thorough analysis of the issues that the application raises. The whole application site also forms site H13 in the draft Fylde Local Plan to 2030 which proposes it be allocated for residential development, but given the early stage and level of objection to this document it can have no real weight in this decision.

The residential development of Countryside land is contrary to Policy SP2 of the Fylde Borough Local Plan. However, a key material consideration in the determination of residential planning applications is the need for the council to deliver a supply of housing land equivalent to 5 years of its agreed annual target. The council's latest information (from December 2013) is that it is unable to deliver the necessary housing supply and so a proposal that delivers sustainable development must be supported unless it is proved that it will cause significant and demonstrable harm.

Having assessed the relevant considerations that are raised by this proposal it is officer opinion that the development is of an acceptable scale, is in a suitable location and can deliver and appropriate accessibility to the services and facilities that are necessary to support residential development. As such it is considered that it does deliver sustainable development and so it is recommended that the application be supported by Committee and so assist in delivering the housing supply requirements of

para 17 of NPPF. The progression of planning policy guidance since the original appeal decision, in particular the weight given to sustainable residential development and housing supply delivery by the NPPF, is such that the reasons that that appeal was dismissed cannot be sustained in the determination of this application.

The authority to grant planning permission should be delegated to officers so that they can issue the decision on satisfactory conclusion of a s106 agreement that provides for affordable housing, funding for investment in local education capacity and improvements to the accessibility of the site.

Recommendation

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

The completion of a s106 agreement to secure:

- The details of the delivery, tenure, phasing, management and operation of 30% of the properties on site as affordable dwellings
- The payment, and the phasing of that payment, of a sum of £745,836 towards the enhancement of primary school provision in the area to serve the educational requirements of the pupils that are estimated to occupy the site,
- The payment, and the phasing of that payment, of a sum that is yet to be agreed to relate to accessibility improvements for the site including the routing of a bus through the development, relocation of bus stops and shelters to Quality Bus Standards and accessibility improvements to Kirkham and Wesham Station to allow level access the platform level

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

And the following conditions (or similar as amended to any matters that arise between the Committee date and decision notice being issued):

1. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

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

2. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters.

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

3. Details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) relating to the site or phase as the case may be, shall be submitted to and approved in writing by the local planning authority before any development begins on the relevant

phase. The development shall also be carried out as approved.

Reason: The application was submitted in outline in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 as amended.

4. The development hereby permitted shall be carried out in regard to the provision of the access to the site area in accordance with approved plan NT/MLW/PP/01 rev. A, entitled Parameters Plan.

Reason: In order that traffic generated by the development may safely access and egress the development without adverse impact on the roundabout junction of the A585 and Fleetwood Road.

5. The reserved matters shall include details of dwellings in a range of scales and designs with no dwelling or residential building exceeding 3 storeys in height.

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

6. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of programmed landscaping for the area if residential development. The scheme shall include details of: all existing trees and hedgerows and those that are to be retained, together with measures for their protection during the course of the development; all planting and seeding; hard surfacing and the materials to be used; and, means of enclosure. All hard and soft landscape works shall be carried out in accordance with the approved programme and details. Any trees or plants which within a period of 5 years commencing with the date of their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

7. All existing lengths of hedgerow within the proposed residential development area shall be retained, except for where their removal is required for the formation of access points or visibility splays or in other limited circumstances where an equivalent or greater length of hedge is provided as a replacement and has been previously agreed in writing by the Local Planning Authority. No removal, relaying or works to existing hedgerows shall be carried out between March and August inclusive in any one year unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect habitats which have the potential to support breeding birds.

8. No development shall take place until there has been submitted to and approved in writing by the local planning authority a fully detailed scheme for habitat creation and management. The scheme shall include details of mitigation and compensation measures, the management of public access, and on-going monitoring regimes, and follow the principles established in section 3.9 of the Ecological Assessment of the Proposed Development Site, ERAP ref:

2013_102, dated November 2013. The development shall be phased, implemented, monitored and managed in accordance with the approved scheme for habitat creation and management.

Reason: In order to secure adequate compensatory and mitigation habitat and species in the proposed Biodiversity Area to address potential impacts on protected species or the adjacent Biological Heritage Site.

9. The development hereby approved shall be implemented in full accordance with the bat mitigation steps outlined in section 5 of the Bat Survey (ref 2011/269 dated August 2013) attached to the ERAP ecology assessment entitled Ecological Assessment of the Proposed Development Site (or any replacement survey that is undertaken and subsequently approved by the Local Planning Authority).

Reason: To safeguard the population of bats during development as they are a protected species in accordance with Policy EP19 of the Fylde Borough Local Plan.

10. No development shall take place until there has been submitted to and approved in writing by the local planning authority a Method Statement detailing Reasonable Avoidance Measures for the protection of amphibian species during site clearance and construction. Unless otherwise agreed with the local planning authority this Method Statement will follow the principles set out in section 3.8 of the ERAP Ecological Assessment of the Proposed Development Site, ERAP ref: 2013_102, dated November 2013.

Reason: To safeguard amphibian species during site clearance and construction.

11. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme for surface water drainage that shall include:
- attenuation of surface discharges from the development which shall comply with existing 'greenfield rates'
 - proposals for the protection of the integrity of the wetland habitat of the Wesham Marsh BHS
 - full details of the means of surface water drainage of the residential development area which shall not provide for any connections to the public sewer system
 - full details of any Sustainable Urban Drainage System (SUDS) and future management of the SUDS.

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

Reason: To ensure that the development is properly drained, that there is no increase in the volumes of surface water discharged from the site and that drainage arrangements do not lead to any damage to the neighbouring wetland habitat and its ecological value as required by Policy EP17 and EP23 of the Fylde Borough Local Plan.

12. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme for foul water drainage to service the residential development area hereby permitted. None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage have been provided in accordance with the approved scheme.

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

13. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
1. the identification of the site access for construction traffic
 2. the parking of vehicles of site operatives and visitors
 3. loading and unloading of plant and materials
 4. storage of plant and materials used in constructing the development
 5. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 6. wheel washing facilities
 7. measures to control the emission of dust and dirt during construction
 8. a scheme for recycling/disposing of waste resulting from demolition and construction works

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

14. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme, which shall include phasing details, for the provision of vehicular access from Fleetwood Road, based on Figure 7.1 of the Transport Assessment, dated 8 November 2013, and associated works. The approved scheme for the provision of vehicular access from Fleetwood Road and associated works shall be implemented in full prior to the occupation of the first dwellings hereby permitted.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme are acceptable before works commence on site.

15. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme, which shall include phasing details, for the provision of junction improvements at the roundabout junction with the A585 and Fleetwood Road based on Figure 7.1 of the Transport Assessment, dated 8 November 2013. The approved scheme for the provision of junction improvements at the roundabout junction with the A585 and Fleetwood Road shall be implemented in full prior to the occupation of the first dwellings hereby permitted.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme are acceptable before works commence on site.

16. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme, that shall include an implementation timetable, for the provision and/or upgrading of bus stops and bus shelters on Fleetwood Road, based on Figure 5.3 of the Transport Assessment, dated 8 November 2013 and its supporting text. The scheme for the provision and/or upgrading of bus stops and bus shelters on Fleetwood Road shall be implemented in accordance with the approved details and implementation timetable.

Reason: To promote the use of public transport by residents of the development.

17. The details submitted for approval as reserved matters shall include for the provision and maintenance of public open space. Unless otherwise agreed with the local planning authority the on-site provision of public open space shall include a Locally Equipped Area for Play which shall be constructed and made available for use no later than the occupation of the 150th dwelling and retained thereafter.

Reason: In order to secure the provision of public open space in accordance with Development Plan policy.

18. No development shall take place until a site investigation has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins.

If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site, including the timing and phasing of the remediation, to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority before any development begins.

The site shall be remediated in accordance with the approved details, including any measures that would form part of the development, such as the provision of gas vents or membranes within buildings and other structures.

If, during the course of development, any contamination is found which has not been identified in the site investigation, then additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

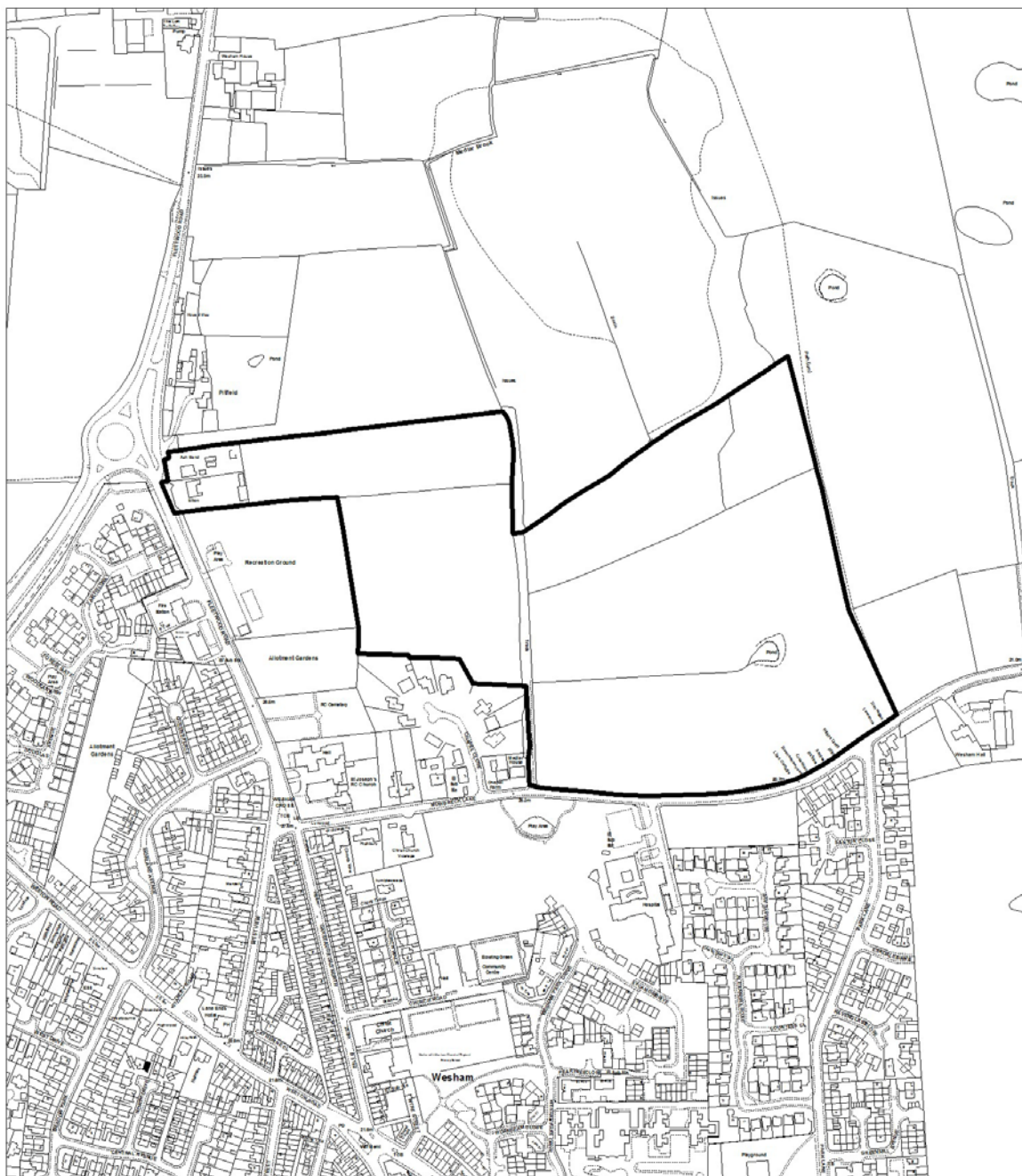
Reason: To provide an appropriate level of protection against the potential for future occupiers of the dwellings to be affected by pollution or contamination

19. Prior to the occupation of any dwelling hereby permitted a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall include objectives and targets and shall make provision for monitoring as well as promotion, marketing, and provision of a travel coordinator for at least for an initial five year period. The approved Travel Plan shall be implemented, audited and updated at intervals as approved.

Reason: In the interests of promoting sustainable transport initiatives as required by para 36 of NPPF

20. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the local planning authority.

Reason: To ensure and safeguard the recording and inspection of any matters of archaeological importance associated with the site.



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|---------------------------------------|--|---|-------------------------------|
| Development Services Fylde Council | | (c) Crown Copyright and database right (2014). Ordnance Survey (100006084). | |
| Application No. 5/13/0754 | Address Land East of Fleetwood Road and North of Mowbreck Lane, Wesham | Grid Ref. E.3419 : N.4334 | Scale 0 25 50 75 100 m |

| | | | |
|-------------------------------|--|-----------------------------|------------------------|
| Application Reference: | 13/0757 | Type of Application: | Variation of Condition |
| Applicant: | Mr Peter Whiteley | Agent : | |
| Location: | WESTBROOK NURSERIES, DIVISION LANE, LYTHAM ST ANNES, BLACKPOOL, FY4 5EB | | |
| Proposal: | VARIATION OF CONDITION 1 OF PLANNING PERMISSION 11/0532 TO ALLOW PERMANENT RETENTION AND RESIDENTIAL OCCUPATION OF MOBILE HOME | | |
| Parish: | HEYHOUSES | Area Team: | Area Team 2 |
| Weeks on Hand: | 20 | Case Officer: | Ruth Thow |
| Reason for Delay: | Delays in consultation replies & deferral at April Committee | | |

Summary of Recommended Decision: Refuse

Summary of Officer Recommendation

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

This current application was on the agenda for the April meeting but was deferred at the request of the applicant to allow him additional time to consider the officer's report. In the meantime the Land Agent's report has been received and included in this report to committee. The Land Agent's report reiterates the officer's comments on the applicant's proposal which seeks approval for the removal of the temporary condition imposed under 11/0532, to allow permanent retention and residential occupation of the 'caravan' on the site.

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

Reason for Reporting to Committee

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

Site Description and Location

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

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

established trees and a high hedge. There is also a narrow verge and ditch.

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

Details of Proposal

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

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

Relevant Planning History

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

Relevant Planning Appeals History

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

Parish Council Observations

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

Statutory Consultees

Principal Land Agent

The comments of the County Land Agent are reproduced in full below:

Introduction

A planning application has been submitted by Mr Peter Whiteley for the variation of condition 1 of planning permission 11/0532 to allow permanent retention and residential occupation of a mobile home. A site visit was made whilst the applicant and his wife were present, and the information provided at this meeting, together with the written submissions, forms the basis of this appraisal.

Background information and previous planning applications

The applicant purchased the site in March 2011. At that the time of purchase, I understand that there was a mobile home on site which was occupied by the former owner, Mr Webster. The site had formerly been used as a nursery but had become overgrown and I understand was not be in used in any way other than occupation by Mr Webster.

Mr Whiteley and his wife explained that despite living in Stockport, before acquiring the site, they would regularly visit Lytham due to the fact that their daughter competes in kite surfing to a high standard and would visit Lytham St Annes beach in order to practice.

Mr Whiteley is a self-employed landscape gardener and the acquisition of the site was seen as an opportunity to acquire some land in an area which they love, and would allow some plants to be grown that could be used for the landscaping business.

Subsequent information submitted by the applicant and his wife following my visit explains that the property was purchased for a number of reasons including: replacing allotment land that Mrs Whiteley had lost; acting as a base for their daughter for kite surfing; producing an income for products growing on the land; and to provide a base for their son to establish a stone cast garden business.

I understand that after acquiring, the site, the applicant obtained temporary consent for the retention of the mobile home as an agricultural workers dwelling. From discussions with the applicant, the current application is intended to seek permanent retention of the mobile home as an agricultural workers dwelling.

I was told that since acquiring the site, Mr Whiteley has spent time clearing the old glasshouses and brambles etc.

Whilst the applicant's house is in Stockport, the intention is for him and his wife to live in the mobile home during the summer, with Mr Whiteley also living at the site outside this period.

Land and activity

Mr Whiteley informed me that the area at the site extends to approximately 1 acre (0.4 hectares). This consists of grassland and areas of former glasshouses that are still to be cleared.

There is one small glasshouse that has recently been completed but at the time of inspection limited plants were being grown.

As mentioned above, the applicant has his own landscaping business which is his main source of income, together with income from rental properties. Last year I was told that some fruits and vegetables were grown on the site but these were primarily for friends and family.

I was told that the applicant would like to be able to grow shrubs and plants that could be used within the landscaping business.

In addition to this, the applicant's son would like to manufacture stone cast garden products on the site.

Existing buildings

I understand that the mobile home subject to this application has been modified over a number of years. Recently, this includes the erection of a dual pitched tiled roof. The mobile home therefore does not have the appearance of a typical mobile home.

In addition to the above, the applicant has repaired/replaced a greenhouse and also has a small workshop area.

Assessment

Paragraph 55 of the National Planning Policy Framework provides some guidance concerning the provision of housing in rural areas and refers to the provision of homes where there is an essential need for a rural worker.

Detailed guidance for the provision of permanent agricultural workers dwellings is provided in the adopted local plan at Policy SP10. This policy echoes the guidance provided in Annex A of PPS 7 which in my opinion remains relevant.

In relation to this guidance, I comment on the criteria as follows:

1) THERE IS A CLEARLY ESTABLISHED EXISTING FUNCTIONAL NEED WHICH COULD NOT BE MET BY ANY EXISTING DWELLING OR OTHER ACCOMMODATION ON THE UNIT OR IN THE GENERAL LOCALITY WHICH WOULD BE AVAILABLE FOR OCCUPATION BY THE AGRICULTURAL WORKER CONCERNED;

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

(i) in case animals or agricultural processes require essential care at short notice;

(ii) to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems'.

I recognise that since acquiring the site the applicant has spent time clearing former glasshouses/brambles, with just over half the site having been cleared. The applicant is a self-employed landscape gardener and the intention is for plants to be grown on the site to be used for this purpose. However, to date, the number of plants grown is very limited, with produce being used by friends and family. In my opinion, the activities undertaken are more akin to a hobby activity. There are no activities undertaken from the site or any that are intended to take place, which in my mind would give rise to a functional need.

Notwithstanding this, the scale of nursery activities that could be undertaken would not give rise to full-time employment, and the applicant himself admits that the main income is from his landscaping business. Also, as set out above, the applicant's main address is in Stockport, and the mobile home would not in reality be a permanent dwelling.

As outlined above, the applicant acquired the property for a number of reasons, including to provide a base for his daughter when kite surfing but also to provide a location for his son to establish a stone cast garden product business.

I do not consider there to be any horticultural justification for on-site accommodation on the site.

Observations of Other Interested Parties

None to report.

Neighbour Observations

Neighbours notified: 20 December 2013

No. Of Responses Received: None received

Relevant Planning Policy

Fylde Borough Local Plan:

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

Other Relevant Policy:

NPPF: National Planning Policy Framework

Site Constraints

Environmental Impact Assessment

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

Comment and Analysis

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

Background

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

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

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

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

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

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

Current application and policies

Policies SP3 and SP11 are relevant to this application.

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

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

Merits of agricultural use

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

During the course of the current permission the applicant has carried out several alterations to the 'mobile home', without permission including the formation of a substantial pitched roof over it (so rendering it no longer 'mobile'), the formation of a veranda and the installation of some green energy

devices. With regard to the remainder of the site some attempts have been made to clear some of the land of glass from the derelict greenhouses left by the former owners and has submitted photographs to demonstrate clearing and re-building of the greenhouses. However, this appears to have only occurred with one of the greenhouses with the remainder still in a derelict state.

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

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

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

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

Visual impact/openness

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

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

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

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

which requires that any temporary agricultural workers dwelling does not prejudice the visual amenity or character of the countryside.

Other matters

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

In this regard the applicant has made a 'solar panel' which is fixed to the side elevation of the 'mobile home' using an old radiator and a sheet of glass. This supplies hot water for the shower and he claims that there is on-site rain water collection, ground source heat pump and manure recycling. Whilst these are forms of green energy that will contribute towards a lower carbon home, they are not sufficient to outweigh the above concerns in regards to the principle and visual / openness harm of the development.

Conclusions

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

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

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

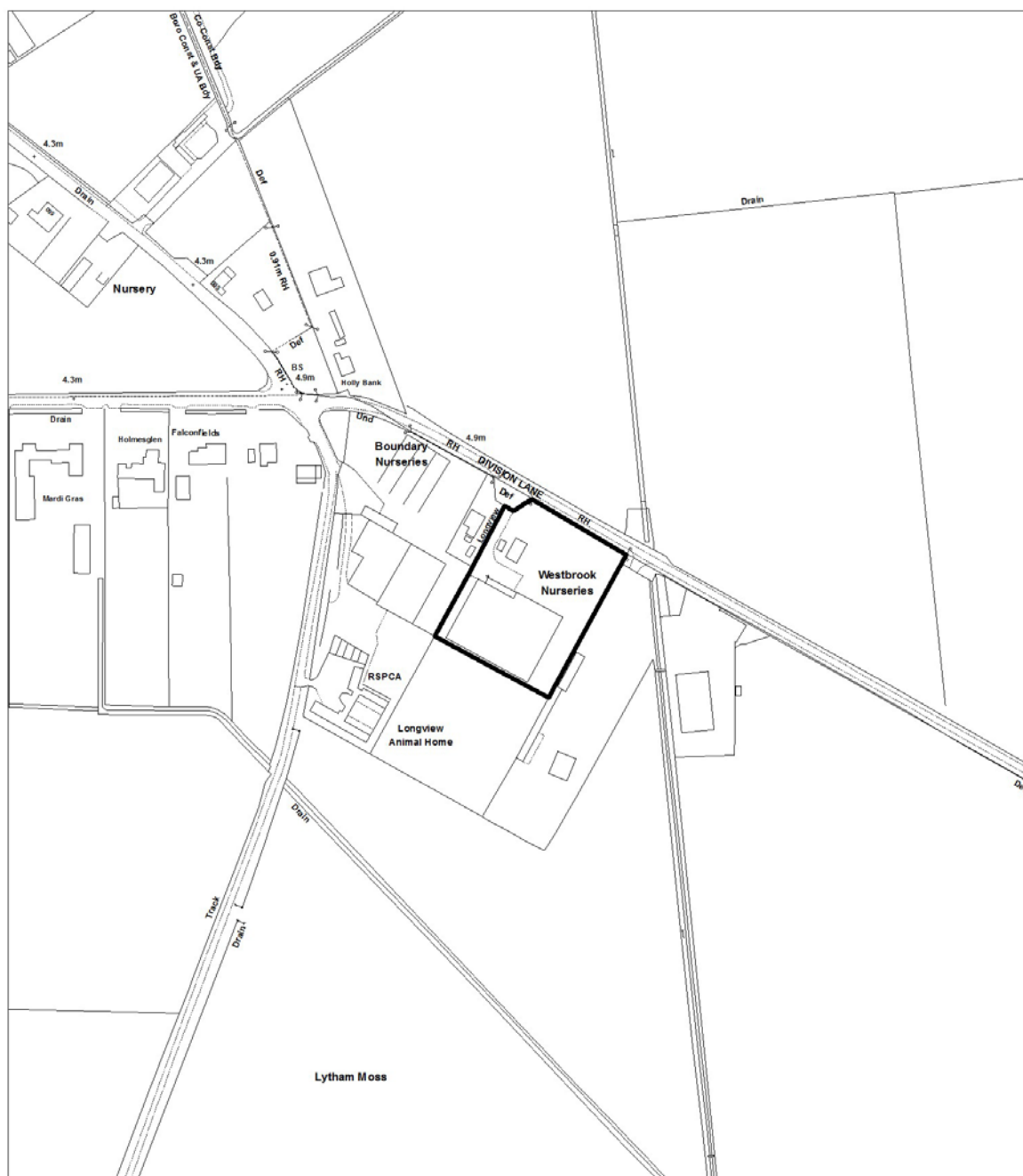
Regard to National Planning Policy Guidance has also been taken account of in respect of rural housing in putting forward this recommendation.

Recommendation

That Planning Permission be REFUSED for the following reasons:

1. The proposal fails to demonstrate that an existing or anticipated functional or financial need exists for a full time worker to be present on the site associated with the agricultural, horticultural or other rural activity undertaken at the site. As such the proposed permanent retention of the mobile home conflicts with the requirements of Policy SP11 of the Fylde Borough Local Plan, as altered (October 2005) and para 55 of the NPPF relating to dwellings in rural areas with which this Policy is consistent.
2. The proposed permanent retention of the altered mobile home at the site constitutes inappropriate development in the Green Belt. In the absence of any essential need for the development having been demonstrated, or the existence of any other very special

circumstances to outweigh the harm caused by reason of inappropriateness, the proposal is contrary to the NPPF at paragraphs 87, 88 and 89 and to Policy SP3 of the Fylde Borough Local Plan (as altered 2005) which seek to control development in the Green Belt.



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|---------------------------------------|---|---|------------------------------|
| Development Services Fylde Council | | (c) Crown Copyright and database right (2014). Ordnance Survey (100006084). | |
| Application No. 5/13/0757 | Address Westbrook Nurseries, Division Lane, Lytham St Annes | Grid Ref. E.3345 : N.4312 | Scale 0 10 20 30 40 m |

| | | | |
|-------------------------------|---|-----------------------------|-----------------------|
| Application Reference: | 14/0041 | Type of Application: | Reserved Matters |
| Applicant: | Rowland Homes | Agent : | De Pol Associates Ltd |
| Location: | LAND EAST OF FLEETWOOD ROAD AND NORTH OF, MOWBRECK LANE, MEDLAR WITH WESHAM | | |
| Proposal: | APPLICATION FOR APPROVAL OF RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR ERECTION OF 100 DWELLINGS ASSOCIATED WITH OUTLINE PLANNING PERMISSION 11/0763 | | |
| Parish: | MEDLAR WITH WESHAM | Area Team: | Area Team 2 |
| Weeks on Hand: | 13 | Case Officer: | Andrew Stell |
| Reason for Delay: | Awaiting consultation replies | | |

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

This application is for the outstanding reserved matters associated with the residential development of a site for 100 dwellings on land north of Mowbreck Lane in Wesham. The site was granted planning permission on appeal in 2013 and this application seeks approval of the scale, appearance, layout and landscaping of the site.

The proposal offers an appropriately designed development that meets all the obligations of the planning permission in respect of the delivery of affordable housing, open space and the biodiversity area. The dwellings are of an appropriate scale and design and have an acceptable relationship with each other and with their off-site neighbours. As such the proposal is considered to comply with all relevant elements of Policy HL2 and Policy HL6 of the Fylde Borough Local Plan and the guidance in NPPF relating to housing design with which those Policies are consistent. It is therefore recommended that the reserved matters be approved and so allow this development to contribute towards the borough's housing needs once confirmation over the design of the biodiversity area for ecological benefit has been received.

Reason for Reporting to Committee

The proposal involves major development and so the Scheme of Officer Delegation requires that it be determined by the Development Management Committee.

Site Description and Location

The application site is a 4.8 hectare area of land that is to the north and east of the settlement boundary of Wesham. It is of an irregular shape and has frontages to Fleetwood Road to the west and runs to the rear of properties on Chapel Close to the south which are accessed from Mowbreck Lane. The land to the north and east of the site is in agricultural use. The land is predominantly agricultural land with the exception of two properties and their gardens on Fleetwood Road that are indicated for demolition to achieve an access to the site. The land is undulating and comprises of several fields that are mainly separated by hedge and ditch boundaries with occasional trees. The Hodder Aqueduct which supplies the Fylde Coast with water from the Forest of Bowland crosses the site and so has a protective easement.

Fleetwood Road is one of the main routes connecting Wesham to the M55 junction and towns to the north. Mowbreck Lane is a narrower rural type lane that serves residential properties, a caravan park and becomes a track as it connects to Treales to the east.

Surrounding land uses are mixed, with agricultural land and Wesham Marsh Biological Heritage Site to the north, further agricultural land to the east, residential properties and Wesham Park Hospital across Mowbreck Lane to the south. To the west of the site are residential properties off Mowbreck Lane, St Joseph's Church and Primary School and Cemetery off Fleetwood Road along with an allotment site and the Recreation Ground. The Fire Station, Ambulance Station and recent residential development are also to the west on the opposite side of Fleetwood Road.

Details of Proposal

This application proposes the reserved matters of Appearance, Layout, Landscaping and Scale with respect to outline planning permission 11/0763 which relates to the erection of 100 dwellings and associated biodiversity area and landscaping. This outline planning permission confirms the approval of the access to the site from Fleetwood Road and was allowed on appeal in 2013 following the refusal of the application at the September 2012 Development Management Committee meeting.

The application proposes the erection of 100 dwellings, of which 71 are for market sale and the remained affordable within the areas of residential development indicated on the Parameters Plan approved as part of the outline planning permission. These dwellings are all at two storey with some amendments made to their layout and design throughout the consideration of the application. The 29 affordable houses are mainly for social rent, with the remainder likely to be for a mixture of shared ownership and discount to market sale.

The access road runs from the new access to Fleetwood Road through to the eastern boundary of the site where it would allow access to the further phase of development that is part of outline planning application 13/0754 which is also on the agenda for consideration at this Committee. A pedestrian / cycle route is shown to Mowbreck Lane close to this eastern boundary along with a link to the Fleetwood Road Playing Fields. A Locally Equipped Area for Play is provided within the site as the public open space element required by the outline planning permission.

The application is supported with an updated Ecological Report, a landscaping scheme and a Drainage Statement that explains that foul water is to be connected to the existing sewer on Mowbreck Lane and that the surface water will be stored on site through ponds or pipes to ensure that it is released off site at the previously agreed greenfield rates.

Relevant Planning History

| Application No. | Development | Decision | Date |
|------------------------|--|-----------------------|-------------|
| 12/0589 | RESUBMISSION OF PLANNING APPLICATION FOR 11/0763 FOR OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLINGS AND DEVELOPMENT OF THE SITE FOR UP TO 100 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / | Declined to Determine | 10/01/2013 |

| | | | |
|---------|--|---------------------------|------------|
| 11/0763 | PROTECTION. OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLINGS AND DEVELOPMENT OF THE SITE FOR UP TO 100 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION. | Refused | 11/10/2012 |
| 08/1072 | DEMOLITION OF EXISTING DWELLINGS AND REDEVELOPMENT OF THE SITE FOR UP TO 264 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, OPEN SPACE, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION. | Refused | 26/03/2010 |
| 08/0856 | DEMOLITION OF EXISTING DWELLINGS AND REDEVELOPMENT OF THE SITE FOR 215 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, OPEN SPACE, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION. | Withdrawn by Applicant | 11/12/2008 |

Relevant Planning Appeals History

| Application No. | Development | Decision | Date |
|------------------------|---|-----------------|-------------|
| 11/0763 | OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLINGS AND DEVELOPMENT OF THE SITE FOR UP TO 100 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION. | Allowed | 01/08/2013 |
| 08/1072 | DEMOLITION OF EXISTING DWELLINGS AND REDEVELOPMENT OF THE SITE FOR UP TO 264 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, OPEN SPACE, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION. | Dismiss | 23/03/2011 |

Parish Council Observations

Medlar with Wesham Town Council have made the following observations:

- *“There should be at least 2 access points to Fleetwood Road Playing Fields*
- *The points of access to Fleetwood Road Playing Fields should be integrated to give the appearance of one large well-designed open space*
- *A path should be built around Fleetwood Road Playing Fields, ideally adjacent to the trim trail. This would provide safe pedestrian access to all the facilities on the playing field, the schools, bus routes and the main highway*
- *The public open space area within the development would be better situated adjacent to Fleetwood Road Playing Fields i.e. plots 77-90.*
- *The size of the public open space area within the development is limited*
- *The junction onto Fleetwood Road specifically in relation to vehicles turning right onto the main highway appears hazardous”*

Statutory Consultees

Lancashire County Council - Highway Authority

No comments have been received at the time of writing this report.

Environmental Protection Team

Confirm a lack of objection to the proposal.

Environment Agency

Confirm that they do not wish to make any additional comments to those submitted with the outline.

Lancashire County Ecology Service

The County Ecologist has introduced a quota of consultation responses they will consider each year and the council had used its quota by the time of the submission of this application. It is now being assessed using the 2014/15 quota, but the comments have yet to be received.

Strategic Housing

The proposal has been discussed with the relevant officer. He confirms that the requirement from the outline planning permission s106 for 80% of the affordable dwellings to be for social rent is in line with the need, and that negotiations are to be progressed further over the tenure of the remaining 20% of the affordable dwellings dependent on the finalised layout that is approved and discussions with the delivery RSL.

Parks Manager

No comments have been received at the time of writing this report.

United Utilities Group Plc

Make standard comments about the need for the site to be drained on separate systems and that surface water be handled through sustainable drainage systems wherever possible. They also refer to the need for the water supply to be extended to serve the site at the developers cost, and that there is a large diameter water supply main crossing the site that will need to be avoided and protected.

Electricity North West

They have highlighted the presence of their operational land and electricity assets in the area and the need for these to be respected for operational and safety reasons in the development. They also refer to the need to make appropriate connections to serve the development at the applicant's cost should planning permission be granted.

National Grid (Gas)

No comments have been received at the time of writing this report.

Lancashire Constabulary

They have assessed the layout and the crime figures in the area, which are reported as being low. They raise no issues with the layout of the site, arrangement of the dwellings and the parking arrangements, and offer advice over the benefits of Secured By Design such as the standard of locks to be fitted to doors, the benefits of lockable gates to garden areas and the benefits of street lighting in allowing surveillance of parking areas, etc.

Observations of Other Interested Parties

None to report.

Neighbour Observations

Neighbours notified: 06 February 2014

No. Of Responses Received: 2

Nature of comments made:

Both letters raise objection to the development. One repeats their objections to the outline application for the extension of the development and so is not relevant to this application despite being submitted against it.

The other letter is specific to the application and refers to:

- The layout should include a paved and lit path to connect the site to Fleetwood Road via the recreation ground
- The hard surface areas should be designed to integrate into a SUDS system
- The internal roads should be designed to limit speeds to 20mph and include appropriate Give Way and other markings
- A pedestrian crossing point for Mowbreck Lane is required
- There should be screening to prevent overlooking of Chapel Close properties
- The right turn of the site to Fleetwood Road should be designed so it is not dangerous

Relevant Planning Policy

Fylde Borough Local Plan:

| | |
|------|---|
| SP01 | Development within settlements |
| SP02 | Development in countryside areas |
| EP01 | Environmental Improvement Schemes |
| EP10 | Protection of important landscape and habitat features |
| EP11 | Building design & landscape character |
| EP13 | Planting of trees, hedgerows and woodland |
| EP14 | Landscaping of new developments |
| EP17 | Development in or near Biological & Geological Heritage Sites |
| EP18 | Natural features |
| EP19 | Protected species |
| EP21 | Archaeology |
| EP22 | Protection of agricultural land |
| EP23 | Pollution of surface water |
| EP24 | Pollution of ground water |

| | |
|--------|--|
| EP30 | Development within floodplains |
| HL02 | Development control criteria for new housing proposals |
| HL06 | Design of residential estates |
| TR05 | Public transport provision for large developments |
| TR09 | Car parking within new developments |
| TREC17 | Public Open Space within New Housing Developments |
| CF01 | Provision of community facilities |
| CF02 | Provision of new primary schools |

Other Relevant Policy:

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

Site Constraints

Within countryside area

Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended. Officers have previously screened the development at the outline planning application stage for any potential environmental impact and concluded that the application need not be accompanied by a formal Environmental Statement. No further screening is required for this application.

Comment and Analysis

Principle

The principle of the development and its means of access is established by the grant of planning permission 11/0763 on appeal. This application is for the reserved matters associated with that planning permission and so there can be no issue with the principle of the development involved here, only whether the submitted details are acceptable.

As such the land's designation as Countryside in the Fylde Borough Local Plan is an irrelevance to this decision. Similarly, its allocation as a development site under the draft Fylde Local Plan to 2030 can have no weight in this decision notwithstanding the limited weight that that Plan has anyway at this early stage in its preparation.

Access

The application includes a single vehicle access to the highway network which is to Fleetwood Road midway between the access to the Fleetwood Road Playing Fields and the roundabout junction. This access involves a right turn lane being formed into the site and a pedestrian refuge to assist with the crossing of Fleetwood Road and associated alterations to the footpath connections and roadway widths to accommodate these. This arrangement is as approved as part of the outline planning permission. Whilst residents and the Town Council have expressed reservations over the safety of this for those leaving the site, it is not a matter for consideration with this application.

The access leads to a central spine road that runs through the site at a standard 6.5m wide carriageway width with footways on both sides. A series of cul-de-sacs leave this to serve the residential properties, with a number also served off this road and give it a residential feel. The spine road terminates at the eastern edge of the site where it will allow access to any future development beyond that boundary.

A pedestrian access to the existing farm track that leads to Mowbreck Lane from this point is provided. This track is within the site and so it is appropriate that it be upgraded to provide a pedestrian / cycle link to that road at an agreed time in the development should the Phase 2 scheme under application 13/0754

not progress. A condition is to be imposed to secure that.

A pedestrian link is provided from the new spine road to the Fleetwood Road Playing Fields close to their northern boundary. This is positioned to allow direct access from the road and to access the Playing Fields where it would have least impact on existing landscaping and the football pitch and so is an appropriate access point to this facility. The Town Council have suggested that it should lead to a surface and lit path to connect to Fleetwood Road at this point, but as the land is outside of the applicant's control they are unable to offer that. The Fleetwood Road Playing Fields are owned by Fylde Borough Council and managed on its behalf by Wesham Town Council. It is understood that the Town Council has proposals for the upgrade of this facility and it could be that further negotiations with the developer enable such a link to be included.

Layout / Appearance / Scale

The layout of the development is largely constrained by the shape of the site that dictates the access to Fleetwood Road, the requirements of the biodiversity area to protect Wesham Marsh Biological heritage Site and the Thirlmere Aqueduct which runs east to west through the site has a 10m easement that cannot be built in.

The layout respects these constraints and delivers an appropriate mix of detached, semi-detached, short terraces and a block of flats. These are all at two storey and generally face outwards to the public vantage points, with the exceptions being close to Fleetwood Road where the site width and requirements of the biodiversity area result in properties backing onto the Playing Fields, and where they back onto the allotments to the south west corner. Notwithstanding these areas the layout is considered to be acceptable within these constraints. The house designs are suitably mixed, but follow a 'theme' that will give a consistency in their appearance and quality that is also acceptable.

The three reserved matters discussed in this section are all considered to be appropriate and comply with the requirements of criteria 1 & 2 of Policy HL2 and Policy HL6 of the Fylde Borough Local Plan and the paragraphs in the design chapter of the NPPF which they relate to.

Affordable

The outline planning permission confirms that the scheme needs to be provide 30% of the dwellings on site as affordable with 80% of these to be social rent and the remainder of a tenure to be agreed. The application provides 29 affordable dwellings within the layout which meets the required percentage and provides these throughout the development as a mixture of house types with 4 x 1 bedroomed flats, 14 x 2 bedroomed houses and 11 x 3 bedroomed houses. The majority of these are positioned where they back onto the existing Chapel Close properties and the Fleetwood Road Playing Fields with a number spread in the development.

This layout and arrangement has been discussed with the council's Strategic Housing Officer who confirms that it is an appropriate mix of dwellings to meet the affordable housing needs of the area. The planning obligation associated with the planning permission allows the tenure of 20% of the properties to be agreed, with these likely to be for a mixture of discounted sale and affordable rent. This is yet to be finalised and will be resolved as part of the normal negotiations over such matters when the finalised layout and houstypes are known, and the RSL delivery partner has been agreed.

Relationships between dwellings

The layout of the site and the houstypes has been assessed for their relationship to each other, and the relationship to the off-site neighbours. With regard to the former there have been some minor amendments made to the layout and to some of the houstypes to resolve issues where there were unacceptable massing and privacy loss implications.

With regard to the relationships to off-site neighbours, the site has relatively few of these, with the dwellings on Chapel Close off Mowbreck Lane being the only such properties. These are large detached houses in generous plots, but looking at the relationships specifically:

- 3 Chapel Close is faced by a terrace of 4 properties and 2 pairs of semis in the site. These have 11m deep back gardens and face the well-established tree screen in the garden of No. 3 with that property sited on a 45 degree angle to the properties and a further 13m from the boundary.
- 4 Chapel Close is faced by a parking area and the side gable of a detached house around 25m from its rear elevation, with intervening trees within their garden inside the boundary
- 5 Chapel Close is faced with the rear of a detached house and the garden of another with the house 35m from its rear elevation
- 6 Chapel Close is faced with the rear elevation of a detached house at a 35m separation and the side gable of a terrace at a 39m separation with these set well inside the application site boundary.

These separation distances all well exceed the 21m minimum and give an acceptable relationship between the new and the existing so that there will be no adverse overlooking or massing issues with houses also due north of the Chapel Close neighbours so avoiding any impacts on direct sunlight.

Open space

The outline planning permission requires that a play area is provided within the development. This is provided in an area of open space in the south west corner of the site where it is overlooked by dwellings on all sides and is easily accessible from the spine road to all residents. This is of a scale and location that will meet the requirements of the condition for its provision included in the outline planning permission.

Notwithstanding this view and the requirement for its provision, the play area is close to the existing facility on the Fleetwood Road Playing Fields and is at the same side of the spine road as that facility. The potential for the formal play element of the open space obligation from this development to be satisfied by alternative means has been discussed with the applicant and they are open to a suitable revision of provision, but this is a matter to be progressed further once the position with the development proposed under application 13/0754 on this agenda is clarified. Until that point, this scheme needs to make its own provision for formal play and does that on the submitted layout, with a condition appropriate to agree the final details.

Landscaping

This is the final of the reserved matters and is complicated here with the needs of the biodiversity area to provide for specific landscaping for that part of the site. That is provided in a separate detail that indicates the species that are provided in this area and the formation of a series of ponds and mounded area to provide the buffer between the residential development and the Wesham Marsh BHS to the north. This requirement from the outline planning permission also dictates that the area has no direct public access and so the properties are backed onto it and fences erected at each side to secure the area from ease of public access. The views of the County Ecologist on this area are outstanding due to the council's annual quota of consultations having been used at the time that this application was submitted, but they are anticipated soon from the current year's quota. It is appropriate that the approval of the application be delegated to officers to ensure that their views on this specialist area are received and any issues raised resolved prior to the issuing of any approval of these reserved matters.

The remainder of the site landscaping is typical for a residential development of this nature with a series of ornamental trees in the majority of front gardens on public view and the provision of a landscaped and hedged entrance from Fleetwood Road. Hedges are also provided around the area of open space containing the play area and in other locations.

Conclusions

This application is for the outstanding reserved matters associated with the residential development of a site for 100 dwellings on land north of Mowbreck Lane in Wesham. The site was granted planning

permission on appeal in 2013 and this application seeks approval of the scale, appearance, layout and landscaping of the site.

The proposal offers an appropriately designed development that meets all the obligations of the planning permission in respect of the delivery of affordable housing, open space and the biodiversity area. The dwellings are of an appropriate scale and design and have an acceptable relationship with each other and with their off-site neighbours. As such the proposal is considered to comply with all relevant elements of Policy HL2 and Policy HL6 of the Fylde Borough Local Plan and the guidance in NPPF relating to housing design with which those Policies are consistent. It is therefore recommended that the reserved matters be approved and so allow this development to contribute towards the borough's housing needs once confirmation over the design of the biodiversity area for ecological benefit has been received.

Recommendation

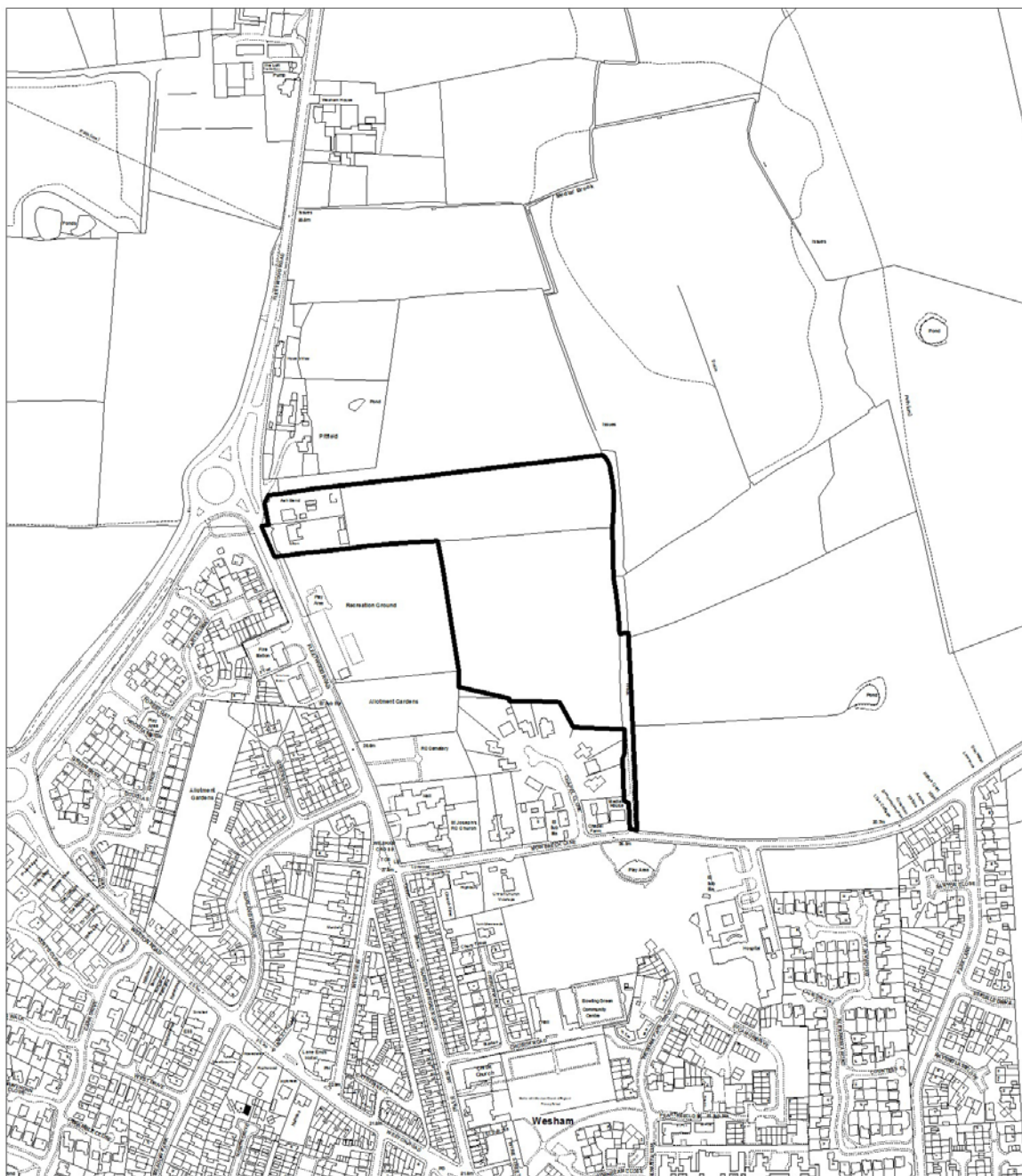
That the authority to Approve these Reserved Matters be delegated to the Head of Planning & Regeneration subject to the satisfactory assessment of the landscaping of the biodiversity area, and the imposition of any further planning conditions to those listed below that may be appropriate as a result.

1. That prior to the commencement of construction of the 30th dwelling hereby approved a scheme to provide for the delivery of a surfaced and lit pedestrian / cycle connection between the eastern edge of this site and Mowbreck Lane shall be submitted and approved in writing by the Local Planning Authority. This scheme shall include the phasing of the construction of this link, and its on-going maintenance. The link shall then be constructed in accordance with the agreed phasing and retained thereafter available for pedestrian and cycle use.

Reason: To provide for a safe and convenient pedestrian link between the site and Mowbreck Lane and other destinations in the interests of improving the connectivity of the site.

2. Prior to the commencement of any development hereby approved full details of the equipment to be provided on the play area shown on the Landscaping Plan hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The nature and number of pieces of equipment shall be sufficient to allow this facility to be classed as a Locally Equipped Area of Play. This facility shall be provided no later than the occupation of the 50th dwelling on this site.

Reason: To ensure that the play provision on the site is of an appropriate design as required by Policy TREC17 of the Fylde Borough Local Plan.



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|---------------------------------------|--|---|-------------------------------|
| Development Services Fylde Council | | (c) Crown Copyright and database right (2014). Ordnance Survey (100006084). | |
| Application No. 5/14/0041 | Address Land East of Fleetwood Road and North of Mowbreck Lane, Wesham | Grid Ref. E.3417 : N.4334 | Scale 0 25 50 75 100 m |

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

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

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

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

Reason for Reporting to Committee

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

Site Description and Location

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

Details of Proposal

Planning permission is sought for the change of use of garden area to the rearing and sale of Koi Carp,

and associated goods. The development involves the following:

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

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

Relevant Planning History

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

Relevant Planning Appeals History

None to report

Parish Council Observations

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

The actual application site is within the area covered by **Newton with Clifton Parish Council**. They support the proposal but request that the council undertake a consultation with County Highways and ensure that any issues that they raise associated with the vehicle access, egress, loading, manoeuvring and parking areas are addressed.

Statutory Consultees

Lancashire County Council - Highway Authority

No highway objections
Environmental Protection Team
No objections

Observations of Other Interested Parties

N/A

Neighbour Observations

Neighbours notified: 30 January 2014

No. Of Responses Received: Two

Nature of comments made:

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

Relevant Planning Policy

Fylde Borough Local Plan:

| | |
|------|----------------------------------|
| SP02 | Development in countryside areas |
| SP09 | Diversification of rural economy |

Other Relevant Policy:

NPPF: National Planning Policy Framework

Site Constraints

Pipelines

Environmental Impact Assessment

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

Comment and Analysis

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

With regard to policy SP9 this permits new commercial operations and buildings within rural areas

provided that the proposal accords with its five criteria. Of these five only three are relevant to this proposal and considering each in turn:

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

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

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

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

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

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

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

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

Conclusions

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

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

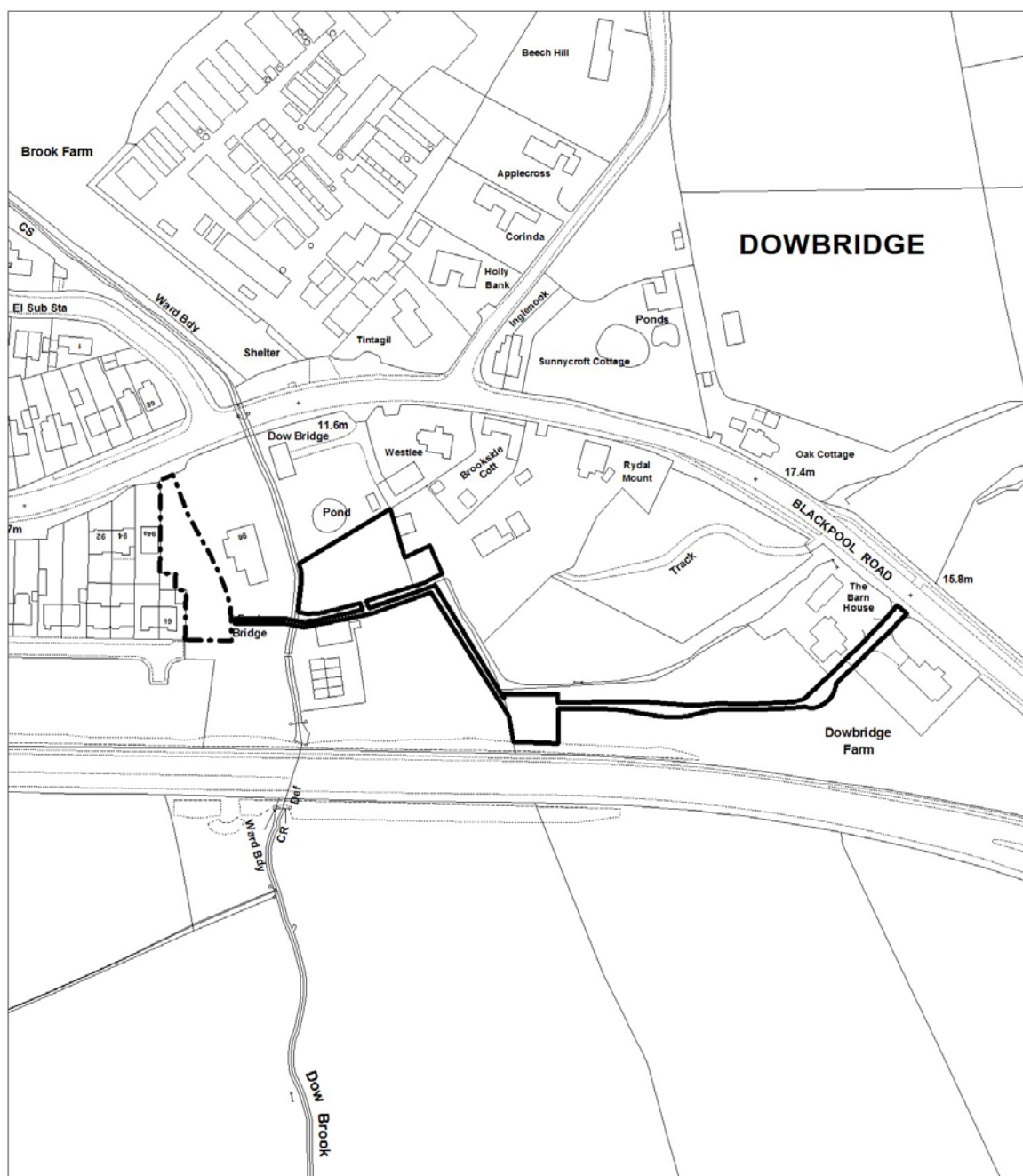
Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

2. The premises hereby approved shall only be used only for the purpose of rearing Koi and the sale of Koi and associated goods, and for no other purposes including any other retail use within Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended.

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

3. Within 6 months of the date of this planning permission, the access track and car parking area indicated on the approved plans shall be formed and surfaced to the reasonable satisfaction of the local planning authority and, thereafter, the access track and parking area shall be made available for use by visitors at all times that the premises are open to the public.

Reason: In order to ensure that a satisfactory vehicular access and parking area is made available, in the interests of highway safety.



| | | | |
|---------------------------------------|---|---|--------------------------|
| Development Services Fylde Council | | (c) Crown Copyright and database right (2014). Ordnance Survey (100006084). | |
| Application No. 5/14/0066 | Address Willow Glen, 96 Dowbridge, Kirkham | Grid Ref. E.3436 : N.4317 | Scale 0 10 20 30 40 m |

| | | | |
|-------------------------------|---|-----------------------------|--------------------------|
| Application Reference: | 14/0127 | Type of Application: | Full Planning Permission |
| Applicant: | Mr Thompson | Agent : | Abito Architects |
| Location: | SAXON HOUSE, PLUMPTON LANE, WESTBY WITH PLUMPTONS, PRESTON, PR4 3WD | | |
| Proposal: | PROPOSED ERECTION OF TWO SINGLE STOREY EXTENSIONS TO REAR (ONE WITH BALCONY OVER), DETACHED DOUBLE GARAGE AND STORE TO REAR, AND CONVERSION OF EXISTING BRICK STABLE BLOCK TO SUMMERHOUSE | | |
| Parish: | | Area Team: | Area Team 1 |
| Weeks on Hand: | 11 | Case Officer: | Ruth Thow |
| Reason for Delay: | Need to determine at Committee | | |

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application seeks permission for a single storey rear extension, a detached garage and conversion of an existing stable/garage block to a 'summer house'. The proposed development is considered to be of an appropriate scale for the host dwelling and will not result in a detriment to the character and appearance of the countryside or the amenity of the neighbours. Accordingly the scheme is in compliance with Policies SP2, HL5, HL4 and EP11 of the Fylde Borough Local Plan, as altered (October 2005) and the aims of The National Planning Policy Framework, the proposal is therefore recommended for approval by Members.

Reason for Reporting to Committee

The application is on the agenda as the Parish Council's comments on the application are contrary to officer recommendation and under the Council's Scheme of Delegation such applications are to be determined by the Development Management Committee.

Site Description and Location

The application site is Saxon House, Plumpton Lane, Westby. The property is one of pair of detached, two storey properties, both with rooms in the roof space, which were granted planning permission in 2001. Whilst the properties are of a similar scale and design Saxon House, the application property, retained a large rear garden area and permission was also granted under the parent permission for a detached double garage and stable block, planning permission 01/0247 refers.

The area contains a mix of semi-detached and detached properties with a wide range of scales from smaller, older 'character' cottages to larger detached dwellings.

The site is within a countryside area as designated on the Fylde Borough Local Plan, as altered (October 2005).

Details of Proposal

This application seeks permission for several elements:

1. two single storey rear extensions, to form a combined sitting/dining room, with a balcony at first floor level over part of the extension
2. a detached double garage located within the rear garden area
3. conversion of the existing brick stable block to a 'summer house'

The single storey rear extension replaces an existing conservatory, approved at the time of the original dwelling and of the same rear projection as this proposal, which is situated along the boundary with 'Beech Tree House'. This results in an extension measuring 5 metres in rear projection (along the 'Beech Tree House' boundary) and 7.6 metres projection to the east side boundary, with an overall width of 9.1 metres.

The dining area has a pitched roof to an overall height of 3.6 metres with the sitting room having a height of 3 metres and a flat roof to provide a balcony at first floor with screening to the west side at a height of 1.8 metres.

The extension is to be constructed using facing brick with a stone plinth to match the existing dwelling under a grey tile roof with timber framed windows. The balcony screen is constructed with dwarf brick wall with obscure glass along the side elevation with metalwork railings to the rear elevation.

A detached garage is to be provided, situated in the garden area located to the rear of nos 5 and 6 The Croft. The garage measures 7.2 metres in width by 9.1 metres in depth with an eaves height of 2.3 metres and a ridge height of 4 metres. The garage provides parking for two cars with an internal storage area to the rear. The garage is to be constructed using facing brick to match the dwelling under a grey tile roof.

The existing garage and stable block located to the southern boundary of the property is to be converted to provide a 'summer house'. This building is 'L' shaped and currently provides 4 stables and a double garage, the conversion will provide a gym/studio, lounge/dining area, WC/shower and a store. Roof lights are proposed on the roof slope to the rear of the summer house. The conversion works involve removing the existing stable and garage doors which are to be replaced with full height windows and doors in timber, and undertaking some internal alterations.

Relevant Planning History

| Application No. | Development | Decision | Date |
|------------------------|--|-----------------|-------------|
| 01/0247 | TWO DETACHED DWELLINGS, DETACHED DOUBLE GARAGE AND DETACHED STABLE BLOCK | Granted | 20/06/2001 |

Relevant Planning Appeals History

None.

Parish Council Observations

Westby with Plumpton Parish Council notified on 20 February 2014

Summary of Response

Parish Council has no objections to the proposed extension on the house. However, they do object to the double garage and conversion of the stable block to summer house.

1. Proposed garage/store to rear is sited too near surrounding properties creating visual impact on existing residents.
- Proposed conversion of stable/garage considered it is making it into a habitable dwelling rather than a summer house.

Statutory Consultees

None to report.

Observations of Other Interested Parties

None to report.

Neighbour Observations

Neighbours notified: 20 February 2014

No. Of Responses Received: 3 letters received

Nature of comments made:

- propose changes have no direct visual impact
- concern about existing drains and proposed summer house as have same drainage system
- noise and disturbance from use of summer house
- loss of privacy for occupiers of properties on The Croft as result of use of summer house
- could be turned into permanent residence
- object to stable block in proximity to farming operations
- garage may block light to properties on The Croft
- trees presently block light to the back of The Croft

Relevant Planning Policy

Fylde Borough Local Plan:

| | |
|------|--|
| SP02 | Development in countryside areas |
| HL04 | Replacement and extension of rural dwellings |
| HL05 | House extensions |
| EP11 | Building design & landscape character |

Other Relevant Policy:

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

Site Constraints

Environmental Impact Assessment

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

Comment and Analysis

Background

This particular property was originally granted permission in outline form on appeal in place of an existing bungalow. A subsequent application was submitted under reference 01/0247, this was a full application and not a Reserved Matters application due to addition of conservatories to both dwellings and the stable block/garage within the garden area of the application property.

The application property retained the largest proportion of garden area when the dwellings were approved.

Policies

The main issues to consider in determining this application are the criteria set out in policies SP2, HL4, HL5 and EP11 of the Fylde Borough Local Plan, as altered (October 2005) and the supplementary planning document 'Extending Your Home'.

Policy SP2 refers to development in countryside areas and allows for the limited extension or alteration of existing dwellings.

Policy HL4 goes further and requires that proposals to enlarge or replace dwellings in the countryside should not result in a dwelling, which is substantially larger than the original dwelling. Furthermore, the preamble to the policy requires that extensions should not normally exceed 25% of the volume of the original premises, but in no circumstances exceed 33%.

Policy EP11 refers to new development in rural areas and states that this should be sited in keeping with the distinct landscape character types and requires that the development must be of a high standard of design. Matters of scale, features and building materials should reflect the local vernacular style.

Policy HL5 and the SPD 'Extending Your Home' provides the development control criteria for house extensions. The principal issues to consider are the impact of the development on the street scene and the character of the area and its impact upon the amenity of occupiers of neighbouring properties.

The Joint House Extensions document advises that the bulk and scale of extensions should appear subordinate to the original property and should not change the general character of the area and should not form an overly dominant feature in the street or as seen from neighbouring homes or garden areas.

Current application

The starting point is that which has previously been granted permission. In this instance the rear extension replaces an existing conservatory of the same projection however, in this proposal it is intended to extend the full width of the property with the dining area slightly longer to wrap around and tie in with the new sitting room.

Views of the rear extensions would be restricted by the properties either side of the application property. As a result of the position and overall scale of the extensions the proposal is considered to be acceptable and does not create a dwelling which would be out of keeping with others in the vicinity and the rural character and appearance of the area is protected.

The Parish Council have not objected to the application on the basis of the scale of the proposed extension however, they have concerns with regard to the proposed garage and the change of use of the stable block.

The current garage facility is located as part of the stable building to the rear boundary of the property and so is some distance from the house. The original outline permission for this dwelling was allowed with a large garden curtilage and which has been used as such. The siting of the new garage is to the rear of properties on The Croft and will be screened from street views by these neighbours and from the

neighbours themselves by the existing mature Leylandii hedge. Whilst the proposed garage includes the addition of a 'store' it is not considered to be over large or out of keeping with the scale of the dwelling and its location is not detrimental to the visual amenity of the area.

Policy HL4 seeks to avoid overlarge dwellings in countryside areas, out of keeping with the rural character or other traditional dwellings in the location. Whilst this proposal adds to the volume of the original dwelling, in regards to the rear extensions, it does not propose a significant increase, due to the existence of the conservatory. Overall the volume increase as a result of the extensions to the rear is 14.73% on the original dwelling.

Should the volume of the new garage be included in the above calculation this would amount to an increase of 41% in total, however the garage is detached and will not increase the scale of the dwelling.

The proposed 'summer house' is a conversion of the stable/garage block, no further extensions are proposed for this building. The original permission included a condition which stated "*The stables shall be used to keep horses for private use only and shall not be used for any livery, trade or business purposes*". The reason for the condition is "*In the interests of the amenities of neighbours*". Given that the building is within the residential curtilage it could be argued that the above condition does not restrict its change of use to a use incidental to the use of the dwelling and that the purpose of the condition was to restrict a commercial use of the stables. However, the applicant has chosen to include the new use in this application. Should Members grant permission a condition requiring its occupation as part of the main planning unit will be imposed, to prevent separate residential occupation.

On this basis it is considered that the change of use of the stable block/garage is acceptable. The proposed physical works are acceptable and given the location of the building will not result in a detriment to the character and appearance of the countryside.

Impact on neighbours

The proposed rear extension is of the same projection and position as the previous conservatory and is the same as that on the adjacent property. This projection is considered acceptable and will not result in a detriment for the neighbours. The proposal also includes a balcony at first floor over the section of the ground floor closest to the boundary with 'Beechtree House'. The current layout includes two windows on the first floor from which views over the neighbour's conservatory and part of the garden area can be obtained.

The proposed balcony includes a dwarf wall with an obscure glazed screen to be positioned along the side elevation facing the boundary with 'Beechtree House'. The height and position of the screen will prevent overlooking and loss of privacy for the occupiers of this neighbouring property.

The neighbours to the east side are those at no. 6 The Croft which has also benefited from a single storey rear extension, given the separation distance and the projection of the extension in comparison to that of the neighbours it is considered that the proposed ground floor rear extension will not result in any detriment for the occupiers of no. 6.

The proposed garage is located at the rear of nos 5 and 6 The Croft however, there is some land level difference lowering towards the southern boundary of the application site. The garage is between 2 metres and 2.6 metres from the rear boundaries of the above properties and would be 'Permitted Development' in regards to its siting but is slightly higher at 4.1 metres than the permitted height of 4 metres (with a pitched roof). Given the land level slope, the distance between the proposed garage and the neighbours and the scale of the building, it is considered that the proposal is acceptable and will not result in any detriment to the amenity of the neighbours.

A letter of objection has been received in respect of the conversion of the stable block, from the land owner to the rear of the site. However this land is used for the external storage of caravans and storage of hay within portal framed agricultural style buildings. There is no dwelling on the site where the

residential amenity could be prejudiced by the conversion of this building. It is considered that the proposed domestic use is unlikely to impact upon any activities undertaken on the neighbouring site.

Access and parking

The proposed development will utilize the existing access to the garage. The new garage will create additional off road parking with the provision of the garage and the parking area in front of the building.

Conclusions

In conclusion it is considered that the development is considered to be of an acceptable scale and design given the scale, design and location of the extensions, the garage and the conversion and will not result in an over large property in a countryside area. Nor will the development cause any detriment to the visual amenity or amenity of the occupiers of the adjacent neighbours. Accordingly it is considered to comply with the criteria of Policies SP2, HL4, EP11 and HL5 of the Fylde Borough Local Plan as altered (October 2005) and Paragraph 215 of the NPPF which requires that due weight should be given to the relevant policies of the development plans according to their degree of consistency with the NPPF. In this instance it is considered that significant weight should be afforded to the above policies of the Fylde Borough Local Plan, as altered (October 2005) as this is consistent with the aims of Paragraph 17 of the NPPF which seeks to secure high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

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

To ensure visual harmony in respect of the overall development.

3. The screening on the balcony facing the boundary with 'Beechtree House' shall be of a height of no less than 1.8 metres from finished floor level and no higher than 2 metres and shall be fitted with obscure glazing and thereafter retained at the approved height.

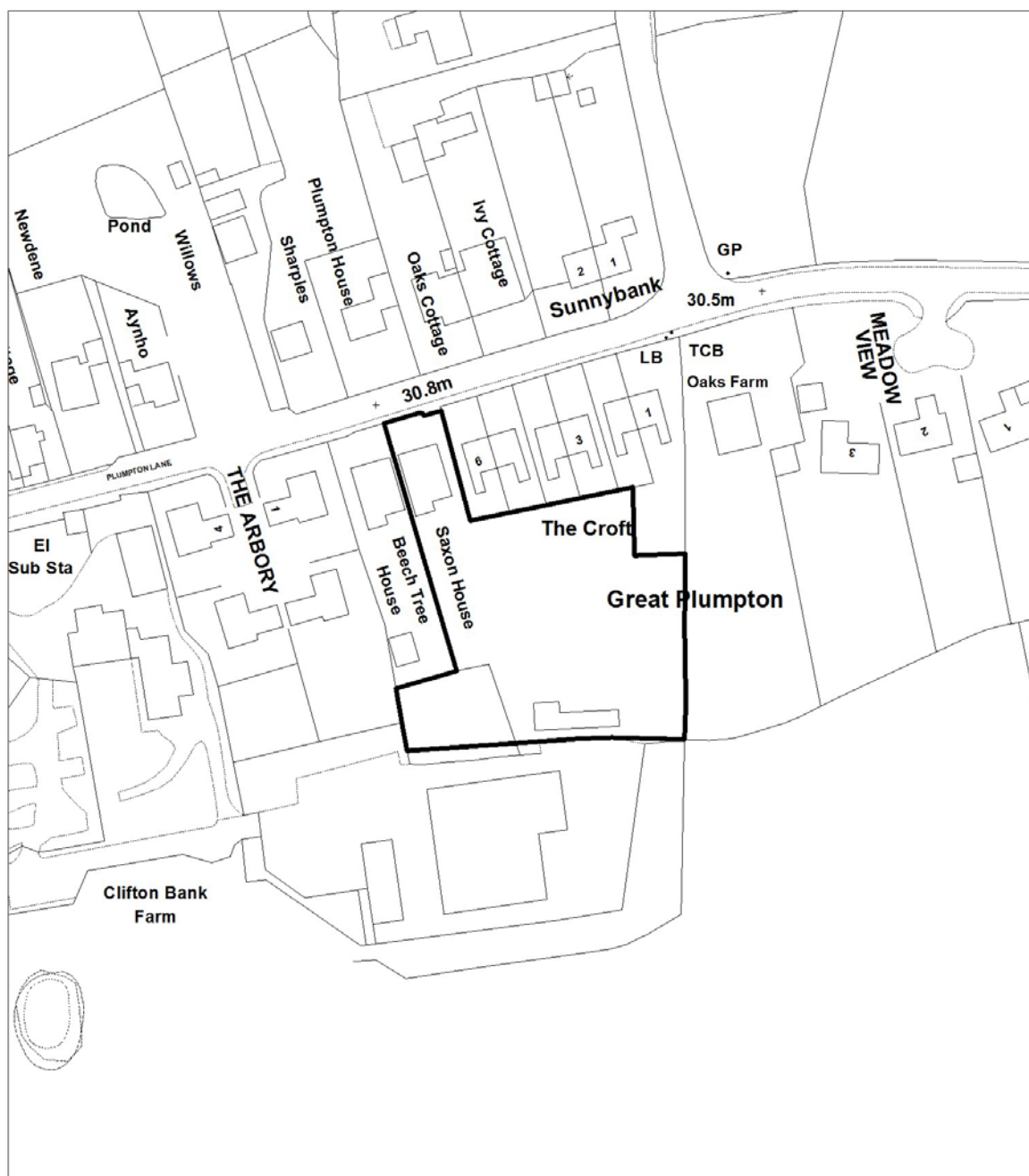
To safeguard the amenities of the occupants of adjacent residential properties and in accordance with Policy HL5 of the Fylde Borough Local Plan, as altered (October 2005) and Paragraph 58 of The National Planning Policy Framework.

4. The converted accommodation hereby permitted shall only be used in association with the enjoyment of the application dwellinghouse and shall not be sold off or sublet as a separate unit of accommodation.

The proposed development site lies in a countryside area and any additional, separate dwelling units may be contrary to the adopted countryside policies in the Fylde Borough Local Plan and would require separate consideration.

5. The garage hereby approved shall be for the purposes of housing a motor vehicle and domestic storage only and shall not be modified or converted for any other purpose without the prior approval of the Local Planning Authority.

In the interests of residential amenity.



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|---------------------------------------|---|---|-----------------------------|
| Development Services Fylde Council | | (c) Crown Copyright and database right (2014). Ordnance Survey (100006084). | |
| Application No. 5/14/0127 | Address Saxon House, Plumpton Lane, Westby | Grid Ref. E.3384 : N.4332 | Scale 0 6 12 18 24 m |

| | | | |
|-------------------------------|--|-----------------------------|--------------------------|
| Application Reference: | 14/0138 | Type of Application: | Full Planning Permission |
| Applicant: | Mr Holt | Agent : | |
| Location: | ST LEONARDS BRIDGE GARAGE, ST LEONARDS ROAD EAST, LYTHAM ST ANNES, FY8 2JP | | |
| Proposal: | CHANGE OF USE OF FORMER GARAGE PREMISES TO A DOG DAY CARE CENTRE | | |
| Parish: | ST LEONARDS | Area Team: | Area Team 2 |
| Weeks on Hand: | 10 | Case Officer: | Amy Aspinall |
| Reason for Delay: | Need to determine at Committee | | |

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

The application relates to former garage showroom premises located at the junction of St David's Road north and St Leonards Road West in the built up area of St Annes. The proposal is that part of the premises be changed to a 'dog day care' establishment which provides for the day-time only care of up to 25 dogs. The remainder of the garage is unaffected with a car sales operation being undertaken at site visit.

NPPF is clear that there is a presumption in favour of sustainable development and that significant weight should be attached to proposals which deliver sustainable economic growth.

The proposal would re-use an existing redundant building and would deliver economic growth, albeit on a small scale. The proposed use would be compatible with surrounding land uses and would comply with Local Plan policy EMP3. The recommendation is therefore to delegate authority to approve the application to the Head of Planning and Regeneration following the submission of a drawing to demonstrate parking / manoeuvring space to the satisfaction of the Highways Authority.

Reason for Reporting to Committee

The application has been referred to Development Management Committee as St Annes Town Council have objected to the proposal and the officer recommendation is for approval.

Site Description and Location

The application site is comprised of a large building formerly used as a car garage, with forecourt to St Leonards Road frontage. The site is situated at the junction of St Leonards Road and St Davids Road North, with surrounding land uses being commercial properties such as the adjacent car sales garage and local shopping centre, and residential properties. The site falls wholly within the Lytham St Annes settlement boundary as defined by the Fylde Borough Local Plan (as altered 2005).

Details of Proposal

The application seeks a change of from the redundant garage to a dog daycare centre.

The supporting documentation provides that the facility would accommodate up to a maximum of 25 dogs and would operate between the hours of 8am to 6pm Monday to Friday. The dogs would be dropped off by owners or alternatively travel arrangements would be provided by the dog daycare taxi service. The service would provide an exercise and training environment for dogs, unlike typical kennels.

Relevant Planning History

None to report.

Relevant Planning Appeals History

None to report.

Parish Council Observations

St Anne's on the Sea Town Council notified on 28 February 2014.

They object to the application due to:

- Parking – known accident black spot. Not enough parking. Surrounded by double yellow lines. Busy junction and on a bus route.
- Noise – Possibility of barking (despite so-called no barking policy) and therefore a noise nuisance for close neighbouring properties.

Statutory Consultees

Lancashire County Council - Highway Authority

No objection subject to a plan being submitted detailing car parking spaces and manoeuvring spaces in order to address vehicle/vehicle and pedestrian/vehicle conflict.

Environmental Protection Team

No objection subject to the applicant obtaining an appropriate licence; a noise survey including any mitigation; adequate storage for waste; the swilling of outdoor areas into a foul/combined sewer and not a surface water drain

Observations of Other Interested Parties

NA

Neighbour Observations

Neighbours notified: 28 February 2014

No. Of Responses Received: 4

Nature of comments made:

At the time of report preparation 4 objections have been received in relation to the application. These are summarised below:

- Highways safety – increased congestion and accidents
- Personal safety of resident of 121 St David's Road North – due to previous accidents and the boundary wall being knocked down and cars landing in the garden

- Danger of dogs escaping
- De-value surrounding properties
- Noise pollution – dogs barking is an issue locally with dogs tied up outside shops so would be considerably increased by the dogs at this establishment
- Increased dog fouling in the area is likely
- The lack of any garden would seem to make the property unsuited to this type of use.

Relevant Planning Policy

Fylde Borough Local Plan:

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

Other Relevant Policy:

| | |
|-------|-------------------------------------|
| NPPF: | National Planning Policy Framework |
| 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

The site is situated within the settlement boundary where the principle of development is accepted under Local plan policy SP1. Policy EMP3 provides that *outside the defined existing and proposed business and industrial areas, industrial and business development within the defined settlements will be permitted providing that the following criteria can be met:*

- i. *The site is suitably related to the highway network*
- ii. *In the case of uses likely to employ large numbers of people, the site is well served or is capable of being well served by public transport*
- iii. *The proposal would not prejudice the amenities of adjacent residential areas*
- iv. *The proposal would not conflict with the other policies of the plan*
- v. *The proposal is of a scale appropriate to the character, location, and setting of the area and is otherwise acceptable in environmental terms*

At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as the golden thread running through both plan-making and decision-taking. Paragraph 14 provides that development proposals which accord with the development plan should be approved without delay.

As a proposed commercial use paragraph 19 is also relevant in terms of sustainable economic development. This states that *'the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system'*.

Appraisal

The proposal relates to the provision of a dog day care centre within the existing building which is a former garage premises, and therefore already has an established business use as a fall-back position, but needs permission as the dog day care use is a sui generis use outside of any use class albeit having similarities to a children's day nursery which would be within Class D1. The site is situated within a

sustainable location and benefits from a choice means of local amenities and transport options which are provided within the settlement boundary.

The council's Environmental Health Officers have been consulted on the application and have raised no objections subject to the applicant obtaining an appropriate licence; a noise survey including any mitigation; adequate storage for waste; the swilling of outdoor areas into a foul/combined sewer and not a surface water drain. In order to legally operate the facility the applicant will need to obtain a licence from the Council, and it is therefore not necessary for the Local Planning Authority to condition this requirement. Noise surveys and details of waste storage would be conditioned accordingly; however the condition for the swilling of outdoor areas is not necessary as the facility is self-contained indoors. Subject to the relevant conditions referred to above, it is considered that the proposal would be compatible with neighbouring uses and would not give rise to adverse amenity impacts.

Although highways safety has been raised in the neighbour representations, the Highways Authority has raised no objection subject to a plan being submitted detailing car parking spaces and manoeuvring spaces in order to address vehicle/vehicle and pedestrian/vehicle conflict. At the time of report preparation such details have not been received and an update on this matter will be provided to the Development Management Committee. If the information received is satisfactory, the parking arrangements shown on the drawing would be conditioned accordingly.

No external alterations are proposed and as such there are no design or streetscene issues and will allow this vacant property to be brought into economic use.

The proposal would comply with Local Plan policy EMP3 and the NPPF at paragraph 19.

Other Matters

De-valuing of properties – this is not a material planning consideration

Animal welfare – this is covered by separate legislation and the licensing regime

Dog fouling – this is a dog owner's responsibility and is covered by existing bylaws

Dogs escaping – the application proposes an indoor facility and the health and safety requirements of such an establishment is outside the remit of planning.

Conclusions

The application would deliver a sustainable form of development and would deliver economic growth, albeit on a small-scale level. The proposal is to use an existing commercial property in an area of mixed residential / commercial use for a commercial use that is outside of any use class and so needs planning permission. However, the use proposed is limited in scale by the size of the building and is considered to be compatible with surrounding land uses. The recommendation is therefore to delegate authority to approve the application to the Head of Planning and Regeneration following the submission of a drawing to demonstrate parking / manoeuvring space to the satisfaction of the Highways Authority.

Recommendation

Planning permission be granted subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable):

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

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

2. The hours of operation of the use of the premises hereby approved shall be restricted to between 08:00 to 18:00 Monday to Friday only.

Reason: In the interests of neighbouring residential amenity

3. Prior to the commencement of the use hereby approved an acoustic report shall be submitted to and approved in writing by the Local Planning Authority. The report shall identify noise sources, the predicted level and extent of noise levels that will be identified at appropriate surrounding critical receptors, and any remedies to be incorporated into the structure of the premises or management practises to be imposed to ensure that the noise emissions do not lead to nuisance. Any identified measures shall be implemented prior to the use commencing, and retained thereafter. The premises shall be managed in line with any agreed practises.

Reason: To ensure that the proposed use does not lead to an unacceptable level of noise in the interests of neighbouring residential amenity

4. Prior to the commencement of the use hereby approved details of waste storage, (including its location, pest proofing measures, and prevention of foul odours escaping) shall be submitted to and approved in writing by the Local Planning Authority. The use shall be carried out in accordance with the approved details.

Reason: In the interests of amenity and to ensure adequate storage of waste



| | | | |
|---------------------------------------|---|---|-----------------------------|
| Development Services Fylde Council | | (c) Crown Copyright and database right (2014). Ordnance Survey (100006084). | |
| Application No. 5/14/0138 | Address St Leonards Bridge Garage, St Leonards Road East, Lytham St Annes | Grid Ref. E.3318 : N.4296 | Scale 0 6 12 18 24 m |

| | | | |
|---------------------------------------|--|--|--------------|
| Application Reference: 14/0177 | | Type of Application: Variation of Condition | |
| Applicant: | Dr & Mrs R Johnson | Agent : | |
| Location: | THE GRANARY, SHORROCKS BARN, BACK LANE, WEETON WITH PREESE, PRESTON, PR4 3HN | | |
| Proposal: | REMOVAL OF CONDITION 2 ON PLANNING PERMISSION 97/0888 SO AS TO ALLOW RESIDENTIAL ANNEX TO BE OCCUPIED AS AN INDEPENDENT DWELLING | | |
| Parish: | STAINING AND WEETON | Area Team: | Area Team 1 |
| Weeks on Hand: | 8 | Case Officer: | Andrew Stell |
| Reason for Delay: | Not applicable | | |

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to the removal of a condition on a planning permission that requires a two storey brick outbuilding to be occupied as a residential annex to the property known as Shorrocks Barn. The property is of a size, scale, location and layout on the wider site that allows this residential use to be established without causing any harm to neighbouring properties or the general rural character of the area, indeed it would ensure its long term survival as a fine example of a brick built agricultural building that form part of the rural heritage of the borough. There are no justifiable planning objections to the proposal and it is recommended that the condition be removed.

Reason for Reporting to Committee

The application relates to the variation of a condition that was imposed by the Development Control Committee and so it is appropriate for the decision on the application to be made by the Development Management Committee.

Site Description and Location

The Granary is a two storey brick building that was formerly an agricultural building associated with Kirbys Farm. It sits alongside and in the curtilage of Shorrocks Barn which is a dwelling converted from a brick barn that was also formerly associated with that farm. The site is located in the Countryside as allocated in the Fylde Borough Local Plan and is generally surrounded by land in agricultural use, although the applicant operates a touring caravans site which is located to the north of their dwelling and there are a couple of fisheries in the general vicinity.

Details of Proposal

The application building was converted to residential use under planning permission 97/0888 which is described as "*Conversion of Barn into living accommodation for relatives*". This is reinforced by a condition to that permission which states:

“The conversion of the former farm building shall only relate to providing accommodation for an extended family unit from the main converted dwelling on site and shall at no time be let or sold off as a separate dwelling unit and curtilage.

Reason: A subdivision of land and buildings to provide a separate dwelling outside the scope of the family unit would result in a further dwelling unit in the countryside which has not been fully considered under the scope of this application. “

The property has been occupied under this permission since that time by the applicants’ son but he has left the property to live elsewhere.

The application proposes that the condition be removed to allow the property to be occupied independent of the main house. No alterations are proposed to facilitate this, with the property having a small private yard area to the rear, shared use of the access to Back Lane and driveway and parking available to the front.

Relevant Planning History

| Application No. | Development | Decision | Date |
|------------------------|--|-----------------|-------------|
| 12/0701 | REMOVAL OF CONDITION 7 OF PLANNING PERMISSION 09/0095 AND CONDITION 9 OF PLANNING PERMISSION 06/0621 TO ALLOW CARAVANS TO REMAIN ON THE SITE FOR MORE THAN 28 CONSECUTIVE DAYS WITHOUT THE PROVISOR FOR NOT RETURNING WITHIN 48 HOURS. | Granted | 20/02/2013 |
| 09/0095 | CHANGE OF USE OF AGRICULTURAL LAND ADJACENT LITTLE ORCHARD CARAVAN PARK TO EXTENSION OF TOURING CARAVAN PARK | Granted | 10/06/2009 |
| 08/0705 | RESUBMISSION OF APPLICATION 03/0553 TO CHANGE FROM SIDE WINDOWS TO ROOF WINDOWS (RETROSPECTIVE APPLICATION) | Granted | 29/09/2008 |
| 03/0553 | PROPOSED CONVERSION OF EXISTING BUILDINGS INTO 2 NO HOLIDAY COTTAGES | Granted | 23/07/2003 |
| 97/0888 | CONVERSION OF BARN INTO LIVING ACCOMMODATION FOR RELATIVES | Granted | 25/03/1998 |
| 83/0786 | CONVERSION OF EXISTING BARN INTO PRIVATE DWELLING. | Granted | 07/12/1983 |

Relevant Planning Appeals History

None.

Parish Council Observations

Weeton with Preese Parish Council notified on 14 March 2014 and confirm no objection to the application.

Statutory Consultees

The Ramblers Association

A public footpath runs through the former farm yard and so the views of The Ramblers have been sought. No comments have been received.

Observations of Other Interested Parties

None to report.

Neighbour Observations

Neighbours notified: 18 March 2014

No. Of Responses Received: None

Relevant Planning Policy

Fylde Borough Local Plan:

| | |
|------|--|
| SP02 | Development in countryside areas |
| SP06 | Conversion of rural buildings to residential use |
| HL02 | Development control criteria for new housing proposals |

Other Relevant Policy:

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

Site Constraints

Within countryside area

Environmental Impact Assessment

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

Comment and Analysis

The site is located in the Countryside where Policy SP2 seeks to restrict the nature of development to those uses which are appropriate for a rural area. The establishment of new residential properties is generally not such a use, although criteria 2 of the Policy allows for the conversion of existing buildings that have a permanent and substantial construction to other uses as clarified further under Policy SP5 (commercial) and Policy SP6 (residential). This property has been converted to use as a residential annex previously and is capable of independent use without the need for any alterations or extension. As such there would be no conflict with Policy SP2 or SP6 of the Fylde Borough Local Plan.

This is consistent with the guidance in para 55 of the NPPF which states is generally restrictive to new homes in rural areas unless there are special circumstances which would include: "*where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting*".

The condition in question was imposed as the independent residential use of the building would have required an assessment of the planning issues it raises. It has been occupied for over 10 years in line with the condition, but the applicant now explains that they have no other relatives, either young or old, which could realistically be suited to live in the building, and so are looking for the condition to be lifted.

The building has a suitable access, amenity space to the rear, space for parking to the side, full range of

accommodation to support independent residential use, and windows that are positioned where they will not overlook other dwellings. As such it is entirely suited for the independent residential use that the removal of this condition would create.

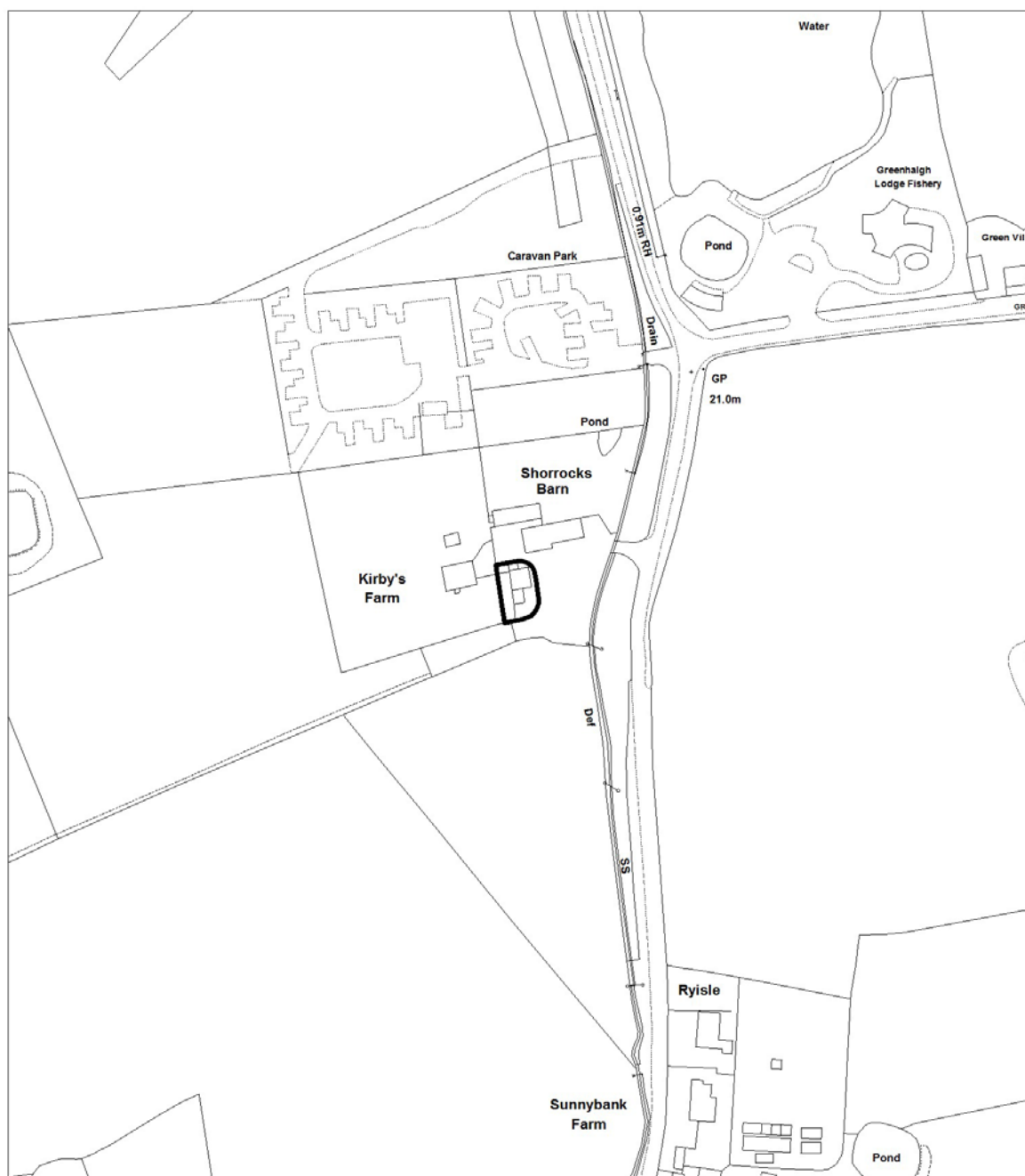
The removal of the condition would also create an additional residential unit and so add to the borough's housing land supply without causing any detriment to the character of the area.

Conclusions

The application relates to the removal of a condition on a planning permission that requires a two storey brick outbuilding to be occupied as a residential annex to the property known as Shorrocks Barn. The property is of a size, scale, location and layout on the wider site that allows this residential use to be established without causing any harm to neighbouring properties or the general rural character of the area, indeed it would ensure its long term survival as a fine example of a brick built agricultural building that form part of the rural heritage of the borough. There are no justifiable planning objections to the proposal and it is recommended that the condition be removed.

Recommendation

That Planning Permission be GRANTED



| | | | |
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| Development Services Fylde Council | | (c) Crown Copyright and database right (2014). Ordnance Survey (100006084). | |
| Application No. 5/14/0177 | Address The Granary, Shorrocks Barn, Back Lane Weeton | Grid Ref. E.3399 : N.4357 | Scale 0 10 20 30 40 m |

| | | | |
|-------------------------------|--|-----------------------------|--------------------------|
| Application Reference: | 14/0188 | Type of Application: | Full Planning Permission |
| Applicant: | Kepak Kirkham | Agent : | JYM Partnership LLP |
| Location: | KEPAK, ST GEORGES PARK, KIRKHAM, PRESTON, PR4 2DQ | | |
| Proposal: | PROPOSED ERECTION OF AN EXTRACTION CHIMNEY TO A HEIGHT OF 23 METRES SITUATED TO REAR OF FOOD PRODUCTION PLANT. | | |
| Parish: | KIRKHAM NORTH | Area Team: | Area Team 2 |
| Weeks on Hand: | 8 | Case Officer: | Ruth Thow |
| Reason for Delay: | Not applicable | | |

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application seeks permission for an extraction chimney to a height of 23 metres to be situated to the rear of 'Kepak' an existing food production factory within an existing industrial estate in Kirkham.

It is considered that the chimney is of an appropriate scale and design given its siting within the context of the industrial estate. Some loss of visual amenity will be incurred as a result of the proposed development but it is considered that this is outweighed by the need to improve odour emission and efficiency at the plant, which is a major employer in the area. The economic benefits that factory brings for the wider area overrides concern over visual amenity in this instance.

Subject to satisfying Environment Agency regulations for emissions the proposal will not result in a detriment by way of odour emission. Accordingly the proposal is considered to satisfy Policies EMP2, EMP4, EP12 and EP26 of the Fylde Borough Local Plan, as altered (October 2005) and the National Planning Policy Framework at Paragraphs 17, 109 which seeks to promote sustainable economic growth, protect amenity and contribute to an enhance the natural and local environment and is recommended for approval by Members.

Reason for Reporting to Committee

This application is on the agenda as the Parish Council's comments on the application are contrary to officer recommendation and under the Council's Scheme of Delegation such applications are to be determined by the Development Management Committee.

Site Description and Location

The application site is 'Kepak', St. Georges Park, Kirkham. The premises are a large industrial building and two storey office accommodation in use as a food manufacturing and distribution business which is situated within St. Georges Park, a mix of existing industrial and residential uses and a public house.

The site falls within an area designated as Existing Industrial Areas on the Fylde Borough Local Plan, as altered October 2005.

Details of Proposal

This application seeks permission for a new chimney for extraction purposes, to the rear of the industrial building in use as a food production plant.

The chimney measures 23 metres in height, from ground level on a base 5 metres by 5 metres, and 2.9 metres diameter and formed from mild steel. The chimney is affixed to a fume scrubber 8 metres in height which is at the rear of the factory which is designed to remove plant odours from the steam vented through the chimney.

The new chimney is proposed as a replacement for the current extraction chimney which is situated partially within the building and has caused operational issues due to the heat within it causing a fire and which is not eliminating all odours from the factory.

Relevant Planning History

| Application No. | Development | Decision | Date |
|------------------------|---|-----------------------|-------------|
| 13/0540 | PROPOSED ERECTION OF SINGLE STOREY SERVER ROOM ADJACENT TO MAIN ENTRANCE | Granted | 08/10/2013 |
| 06/0876 | PROPOSED TWO STOREY LINK AND FIT OUT OF EXISTING PART STORE TO FORM NEW TASTING KITCHEN | Granted | 20/11/2006 |
| 04/0308 | INSTALLATION OF A FLUE TO SERVE THE SCRUBBER EXTRACT, THE CONSTRUCTION OF AN EFFLUENT TREATMENT PLANT BUILDING & NEW BOILER FLUE. | Granted | 25/06/2004 |
| 03/0973 | SINGLE STOREY EXTENSION TO FRONT TO PROVIDE NEW ENTRANCE AND INTERNAL CORRIDOR, TWO STOREY EXTENSION TO REAR AND SINGLE STOREY EXTENSION TO SIDE TO PROVIDE PLANT AND MAINTENANCE ROOMS | Granted | 24/11/2003 |
| 99/0847 | EXTENSION TO EXISTING VEHICLE TURNING AND PARKING AREA | Granted | 05/01/2000 |
| 98/0620 | MODIFICATION TO EXISTING CAR PARK AND CONSTRUCTION OF NEW CAR PARK | Granted | 02/12/1998 |
| 96/0259 | MODIFICATION OF COND NO. 1 ON APP. 5/92/652 TO PERMIT AN EXTENSION OF 2 YEARS FOR THE SUBMISSION OF RESERVED MATTERS APPLICATION | Permitted Development | 12/06/1996 |
| 94/0237 | RELOCATION OF SPRINKLER TANK (RESUBMISSION OF 5/94/009) | Granted | 27/04/1994 |
| 94/0009 | REPOSITIONING AND INCREASE IN SIZE OF SPRINKLER TANK | Refused | 02/02/1994 |
| 93/0027 | MODIFICATION OF CONDITIONS | Granted | 24/02/1993 |

| | | | |
|---------|---|---------|------------|
| | 1,3,4,5,11,13,14,15,16 ON APPLICATION NO. 5/92/0485 FOR CRISP HEADQUARTERS. | | |
| 92/0485 | RESERVED MATTERS ON APP. 5/89/0087: HEADQUARTERS, PRODUCTION AND WAREHOUSING FOR CRISP FACTORY | Granted | 10/12/1992 |

Relevant Planning Appeals History

None.

Parish Council Observations

Kirkham Town Council object to the proposal on the grounds of:

- (i) visual impact adjacent to a residential area
- KTC would like to be informed of the number of residents who have been notified of this development

Medlar with Wesham Town Council notified on 03 April 2014 but do no comments received.

Statutory Consultees

Blackpool Airport

Comments

None to-date

National Air Traffic Services

Comments

No safeguarding objection to the proposal.

Ministry of Defence - Safeguarding

Comments

No safeguarding objections to this proposal.

Environment Agency

Comments

We have no objections in principle to the proposed development and would like to offer the following comments:

We understand that the objective of constructing this taller stack is to improve dispersion of odour from the food production processes. It will be necessary for the applicant to consult with ourselves at the earliest opportunity on their proposals for changes to odour control on the site. The applicant is expected to demonstrate BAT for odour control and install an abatement system that can pre-treat odour from the factory before dispersion via the stack.

An Environmental Permit variation will be required.

Environmental Protection Team

Comments

The Environment Agency are the enforcing authority for any nuisance caused by the site under the permit.

There have been no complaints with regard to odours from this factory since August 2007 (Kepak took control in 2004).

Observations of Other Interested Parties

None to report.

Neighbour Observations

Neighbours notified: 26 March 2014 - 58 neighbour letters and 2 site notices posted
No. Of Responses Received: None

Relevant Planning Policy

Fylde Borough Local Plan:

| | |
|------|-------------------------------------|
| SP01 | Development within settlements |
| EP12 | Conservation trees & woodland |
| EP26 | Air pollution |
| EMP2 | Existing business & industrial uses |
| EMP4 | Buffer zones and landscaping |

Other Relevant Policy:

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

Site Constraints

Tree Preservation Order

Environmental Impact Assessment

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

Comment and Analysis

Policies

This application seeks permission for a new extraction chimney to the existing Kepak food production factory. Kepak manufacture pre-prepared flavoured meat products, these products include beef burgers, flavoured pork products and chicken. All products are prepared and cooked, the food chilled, packaged and sent for distribution.

The site is within an existing industrial area and raises issues which requires that Policies EP12, EP26, EMP2 and EMP4 need to be considered.

Principle

The site is a designated industrial area and Local Plan Policy EMP2 refers to the defined existing business and industrial areas. This policy seeks to ensure that new business and industrial development

or redevelopment remains within the particular use class of the site. The proposed works would relate to the existing use and therefore the proposal is acceptable in principle and in accordance with this policy and Paragraph 19 of The National Planning Policy Framework which states that the significant weight should be placed on the need to support economic growth through the planning system.

Therefore the key issues surrounding the determination of this application is the impact of the proposal on neighbouring amenity and design considerations having regard to the guidance contained in the Framework at paragraph 17.

Design

The application proposes a new 23 metre high chimney stack situated to the rear of the existing factory building and attached to an existing 'fume scrubber'.

The proposed chimney is viewed within the context of the application building and other industrial buildings outside of the application site to the north and the rear which are clearly industrial in scale and form.

Due to its height and position, the new chimney will be readily visible from several distant vantage points such as from Kirkham by-pass, Gillow Road and Selby Road. For some residents of St. Georges Park closer to the site, the stack will be less obvious due to the existing landscape belt alongside of 'Wrongway Brook' and the trees within the estate itself. Notwithstanding its visibility, the design and scale of the chimney are considered appropriate for the industrial nature of the site and given its scale and position will not be unduly detrimental to the visual amenity of the area in its context.

Amenity of neighbours and odour

This application has arisen as a result of several issues with the current arrangement for odour extraction at the plant. These include a fire in the carbon unit and recent tests which indicated that the system is not adequate in abating odours. In order to achieve a successful replacement the applicants were required to relocate the stack externally and to increase its height to improve efficiency and performance.

Cooking of products is undertaken 24 hours a day in 40 hour cooking cycles, interspersed by equipment clean-down. Good engineering practice recommends that stacks should ideally be elevated to twice the highest roof height to minimise the potentially detrimental effects of building turbulence on dispersion. This would require that the chimney is at least 26 metres in height.

The application is accompanied by a full odour assessment. This assessment was performed using mathematical atmospheric dispersion modelling techniques which provided statistical analysis of odour exposure levels that are likely to occur around the site for a typical meteorological year.

In general terms, odour impact is recognised as a symptom that develops as a result of intermittent but regular exposure to odours that are recognisable and have an offensive character. The magnitude of emissions generated by the cooking processes at Kepak varies depending on the type of food being cooked and the stage of cooking at which the air is extracted from the process. The report looks at what level of mitigation is likely to be required to reduce odour exposure levels at potentially sensitive locations with and without the fume extraction scrubber and alternative methods of chemical scrubbing, at variations of stack height.

The report assesses two options to achieve adequate odour control for neighbours by increasing the chimney stack height to 28 metres with cooking odours released untreated, or 23 metres in height if additional odour treatment techniques are undertaken. In order to minimize visual impact it is proposed that the height is reduced from the optimum height of 28 metres to 23 metres and this height in conjunction with the treatment of odours prior to release, will reduce the risk of the impact of emissions for residents in nearby properties.

The council's Environmental Protection Officers have referred the issue of odour to the Environment Agency. An Environmental Permit will be required to assess the impact on air quality and odour control prior to any changes in working practices taking place. The Environmental Protection team have not received any complaints about odours from the plant since August 2007 however, such complaints would be addressed by the Environment Agency.

It is therefore considered that the issue of odour and air quality will be adequately covered by other legislation to ensure minimum impact.

On this basis the proposal is considered to acceptable scale and in compliance with Policy EP26 and Paragraph 17 of The National Planning Policy Framework.

Trees and landscaping

The application site has within its boundaries TPO protected trees, TPO 1989 no. 1 (Kirkham) and 2004 no. 2 (Kirkham). These form a wide tree belt screening the site from St. Georges Park to the south. The proposed development will not impact upon any protected trees.

The retention of this landscaping is sufficient to protect the visual amenity for the occupiers of nearby residential properties within St. Georges Park and this is considered sufficient to satisfy Policy EMP4 of the Fylde Borough Local Plan, which seeks to protect open countryside or other sensitive land uses from commercial and industrial development by the provision of a landscape buffer.

Accordingly the development complies with Policy EP12 and EMP4 of the local plan and Paragraphs 17 and 109 of the NPPF.

Conclusions

It is considered that the proposed development is a compromise that achieves an appropriate balance between the visual impact of the development and the operational requirements of the factory. Whilst the chimney stack is visually unattractive, it is located to the rear of factory which provides some visual protection at lower levels and is screened by trees to nearer neighbours. The impact on the visual amenity is balanced by the need to provide improved operational benefits at the plant and allow them to operate safely. The factory is a major employer bringing economic benefits to the wider community and this is considered to outweigh any loss of visual amenity.

Subject to compliance with odour emissions the proposal will not result in any detriment to the occupiers of residential and other nearby properties.

Accordingly the application complies with Policies EMP2, EMP4, EP12 and EP26 of the Fylde Borough Local Plan, as altered (October 2005) and the National Planning Policy Framework at Paragraphs 17, 109 which seeks to promote sustainable economic growth, protect amenity and contribute to an enhance the natural and local environment and is recommended for approval.

Recommendation

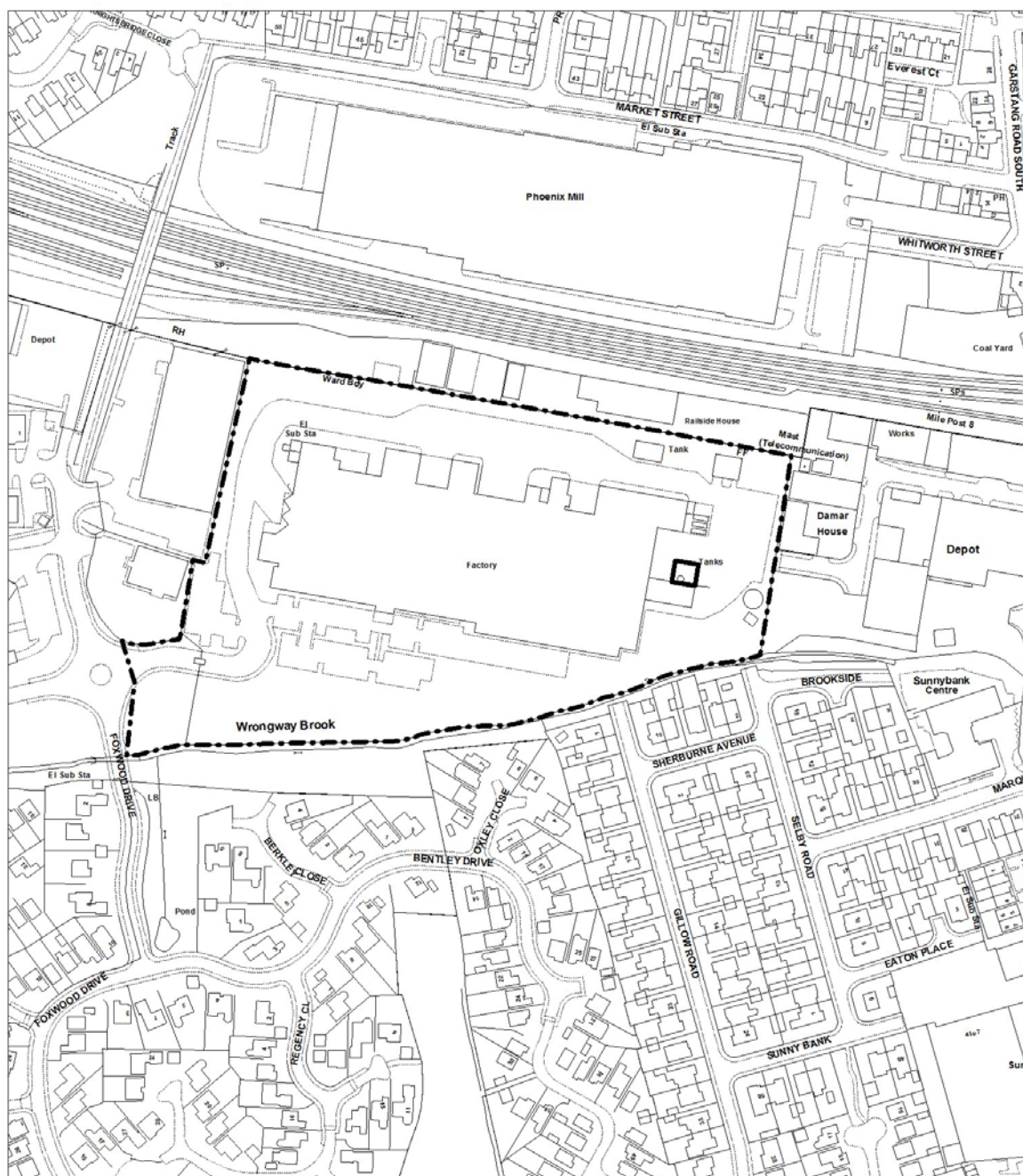
That Planning Permission be GRANTED subject to the following conditions:

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

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

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

In the interests of visual amenity.



| | | | |
|---------------------------------------|--|---|------------------------------|
| Development Services Fylde Council | | (c) Crown Copyright and database right (2014). Ordnance Survey (100006084). | |
| Application No. 5/14/0188 | Address Kepak, St Georges Park, Kirkham | Grid Ref. E.3416 : N.4325 | Scale 0 10 20 30 40 m |

LIST OF APPEALS DECIDED

The following appeal decision letters were received between 19/03/2014 and 24/04/2014. Copies of the decision letters are attached.

| | | | |
|------------------------------|---------|---|-------------------------|
| Rec No: 1 15 May 2013 | 12/0456 | REAR OF 54 BRYNING LANE, RIBBY WITH WREA, PRESTON, PR4 2NL OUTLINE APPLICATION FOR CONSTRUCTION OF 25 NO. DETACHED DWELLINGS INCLUDING 5 RETIREMENT BUNGALOWS (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED) | Written Representations |
| Appeal Decision: | | Allowed: 16 April 2014 | |
| Rec No: 2 26 July 2013 | 13/0137 | LAND (ADJACENT 53), BRYNING LANE, RIBBY WITH WREA OUTLINE APPLICATION FOR THE ERECTION OF UP TO 32 No DWELLINGS (ACCESS ONLY). | Written Representations |
| Appeal Decision: | | Dismiss: 16 April 2014 | |
| Rec No: 3 19 July 2013 | 12/0720 | LAND SOUTH OF (OPPOSITE MARTINDALE), MOSS SIDE LANE, RIBBY WITH WREA OUTLINE APPLICATION FOR APPROXIMATELY 50 DWELLINGS ACCESSED FROM MOSS SIDE LANE WITH ASSOCIATED OPEN SPACE AND LANDSCAPING (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED) | Written Representations |
| Appeal Decision: | | Dismiss: 16 April 2014 | |
| Rec No: 4 20 January 2014 | 13/0507 | NORTH VIEW FARM, 22 RIBBY ROAD, RIBBY WITH WREA, PRESTON, PR4 2NA OUTLINE APPLICATION FOR UP TO 49 DWELLINGS (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED) | Written Representations |
| Appeal Decision: | | Allowed: 16 April 2014 | |
| Rec No: 5 16 January 2014 | 13/0622 | 16 + 18 ST GEORGES ROAD, LYTHAM ST ANNES, FY8 2AE REPLACEMENT OF 17 TIMBER SASH WINDOWS TO REAR & SIDE WITH UPVC TOP HUNG OPENING EQUIVALENTS (PART RETROSPECTIVE) | Written Representations |
| Appeal Decision: | | Allowed: 22 April 2014 | |



Appeal Decision

Site visit made on 25 February 2014

by David Richards BSocSci Dip TP MRTPI

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

Decision date: 16 April 2014

Appeal Ref: APP/M2325/A/13/2196494

54 Bryning Lane, Wrea Green, Preston PR4 2NL

- 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 Tom Heywood against the decision of Fylde Borough Council.
- The application Ref 12/0456, dated 10 October 2012, was refused by notice dated 19 December 2012.
- The development proposed is construction of 25 dwellings including 5 retirement bungalows.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Annex.

Procedural matters

1. This is one of four appeals which concern proposals for housing development on sites outside the settlement boundary of Wrea Green. The references of the four appeals are as follows:

| | |
|------------------------|--|
| APP/M2325/A/13/2196494 | 54 Bryning Lane |
| APP/M2325/A/13/2200215 | Land adjacent 53 Bryning Lane |
| APP/M2325/A/13/2200856 | Land south of Moss Side Road (opposite Martindale) |
| APP/M2325/A/13/2209839 | Land off Ribby Road, Wrea Green |

2. While each proposal has site unique site specific considerations, a number of issues are common to all four appeals, including the policy and land availability context of the appeals. Due to the elapse of time between the first three appeals listed above and the fourth appeal, the local planning authority's position on land availability was updated in respect of the fourth appeal.
3. The Planning Policy Guidance, which is an important material consideration in the determination of the appeals, was issued on 6 March 2014. The main parties to all four appeals and others with an interest in the appeals were given an opportunity to comment on the implications of the planning policy guidance for the outcome of the appeals. At the same time, parties and others with an interest were given an opportunity to comment on the revised land availability position statement presented by the Council in respect of Appeal Ref:

APP/M2325/A/13/2209839. I have taken all responses received to these requests into account in determining the appeals. Given that all parties have had an opportunity to make representations in respect of Fylde Borough Council's latest housing land availability position statement as at 31 December 2013 it is appropriate for me to consider land availability issues in respect of each appeal on a consistent basis.

Main Issues

4. The main issues are whether the proposal would be sustainable development in the light of the advice in the National Planning Policy Framework (the Framework) and the effect of the proposal on the character and appearance of Wrea Green and its setting in the countryside.

Reasons

Policy

5. The application site is outside the current limits of development as set out in the Fylde Local Plan (LP), and the development would be in conflict with Policy SP2 of the LP. While the development plan remains the starting point for decision making, paragraph 49 of the Framework advises that housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
6. The replacement Fylde Local Plan to 2030 is at an early stage and attracts little weight at present. The Council has published a preferred options document which identifies four strategic locations for development which are intended to provide for 69% of the Borough's residential development needs. These do not include any locations within or around Wrea Green, or any other rural village or settlement within Fylde. It is intended that any allocations in these areas are intended to be addressed in part 2 of the plan. The estimated adoption date for part 2 of the plan is 2016.
7. Saved policy HL2 of the Fylde Borough Local Plan identifies criteria against which development proposals will be considered, including that development should be of a scale that is in keeping with the character of the locality, and should be in a sustainable location. The policy is consistent with two of the core planning principles set out in paragraph 17 of the Framework namely: taking account of 'the different roles and character of different areas, promoting the vitality of our main urban areas ... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'; and 'active management of patterns of growth to make the fullest possible use of public transport, walking and cycling, and focusing development in locations which are or can be made sustainable'. I therefore accord it considerable weight.
8. Ribby with Wrea Parish Council has initiated the process of preparing a neighbourhood plan, and a draft document has been produced and consulted on. The opinion of the steering group was that any development within the parish of Ribby with Wrea must meet the needs of current residents. With regard to housing it identifies a limited need for retirement accommodation and affordable housing to meet local needs. It considers that the potential for major growth is limited by lack of supporting utilities, access and sustainability.

However it has not been through all the requirements set out in part 5 of the Localism Act, and so attracts no weight at present.

Housing Land Supply

9. DCLG's Planning Policy Guidance ('the planning policy guidance') was published on 6 March 2014. Paragraph 030 provides advice on the starting point for the five-year housing supply. It advises that considerable weight should be given to the housing requirement in adopted local plans which have successfully passed through the examination process. That does not apply currently in Fylde. It should also be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs. *'Where there is no robust recent assessment of full housing needs, the household projections published by the Department for Communities and Local Government (DCLG), should be used as the starting point, but the weight to be given to these should take account of the fact that they have not been tested (which could evidence a different housing requirement to the projection, for example because past events that affect the projection are unlikely to occur again or because of market signals), or moderated against relevant constraints (for example environmental or infrastructure).'*
10. The Council's position is that it is unable to demonstrate a five year supply of housing as required by the Framework. The Council's latest annual position statement on housing supply gives a figure of 4.5 years as at 31 December 2013 (Housing Supply Statement)¹. This assessment uses Policy L4 of the Regional Spatial Strategy for the Northwest (RSS) which has now been revoked. Work is proceeding on the Fylde Local Plan to 2030, but it has not reached the stage where a replacement figure has been decided. In the circumstances, the Council has used the annual requirement of 306 dwellings per annum from the RSS, along with a buffer of 20% to allow for historic under-delivery as required by the NPPF (para 47). This gives an adjusted five year requirement of 2,626 dwellings, an annual figure of 525 dwellings.
11. On the supply side the Council identifies a total supply of around 2,427 dwellings consisting of 2058 anticipated net commitments identified in the Housing Land Availability Schedule, as phased commitments with outline planning permission, other sites with planning permission subject to S106 (289 units) and all outstanding applications which the Council is minded to approve (80 units). To this has been added a windfall allowance of 200 units giving a projected supply of 2627 units. An allowance has been made for 10% of all sites not coming forward, giving a predicted supply of 2365 dwellings.
12. On this basis, the shortfall against supply would be some 262 dwellings, approximately 0.5 year's supply in relation to the adjusted five year requirement.
13. The Council's approach to the assessment of land supply has been questioned by objectors and developers. Objectors consider that the Council is mistaken in relying on a requirement derived from the now revoked RSS, and has been over cautious in its assessment of the rate at which identified sites will be

¹ This figure reflects the Council's latest position in respect of Appeal Ref: APP/M2325/A/13/2209839. For the 3 earlier appeals, the figure adopted by the Council was 3.1 years (Appeal Refs: APP/M325/A/13/2196494 & 2200215 & 2200856). The revised position primarily reflects the grant of a number of planning permissions since the previous statement of land availability dated 31 March 2013.

- developed. Developers, on the other hand, draw attention to what they consider to be flaws in the methodology, and an over-optimistic approach to the rate at which large sites will be developed in practice.
14. The CPRE and others have raised doubts over the methodology used by the Council to calculate the 5 year supply, and provided a revised assessment which indicates a supply of 6.0 years.² CPRE refer to comments by the Inspector examining the West Lancashire Local Plan 2012 – 2027, which relate to the use of 2011 census data for household growth. Using this approach, the revised household projections³ indicate a need within the Borough for 265 dwellings per annum, as opposed to the 306 dwellings per annum derived from the RSS and used in the Council's Five Year Housing Supply Statement – 31 December 2013. The West Lancashire LP Inspector also considered that, instead of making up for previous underdelivery over the remaining period of the RSS (i.e from the present until 2021), the shortfall should be made up across the whole of the new local plan period, which in the case of West Lancashire was to 2027. The end date for the forthcoming Fylde Local Plan is 2030. If the West Lancashire approach were to be taken in Fylde, the shortfall would be expected to be made up over the longer period to 2030, instead of assuming that it would be made up by 2021. On this basis, CPRE identify an annual requirement of 377 dwellings per year, as against the Council's figure of 525 dwellings per year.
 15. Similar representations were addressed by an Inspector who determined an appeal at Wesham (Ref: APP/M2325/A/12/2186415 decision date 1 August 2013). He concluded that the RSS evidence base was relevant to that appeal. I acknowledge that the RSS evidence base is becoming dated, and therefore that the weight to be given to it is reduced. However the Interim Household projections have yet to be tested through the local plan examination process. In the circumstances I find that the evidence base that underpinned the RSS figures remains relevant due to the absence of any more up-to-date tested figures for Fylde. With regard to the CPRE representations, West Lancashire is a different Council area in Lancashire, where the recently adopted Local Plan has been through the examination process and been found sound. While Fylde Borough Council is working on a replacement local plan, it has yet to undergo examination and its evidence base has not been tested.
 16. The Council's 31 December 2013 statement has taken account of further planning permissions granted between 31 March 2013 and 31 December 2013. It has made an assessment of the likely contribution of these sites. While there has been a significant improvement to the supply position, the Council's position remains that it is unable to demonstrate the required 5 year supply of housing. Site promoters have questioned the evidence base and methodology in respect of making up the shortfall.
 17. The Council's revised position adopts the approach that the housing shortfall since 2003 has been rolled forward and evenly distributed over the period to 2021 (i.e the end of the RSS period). Site promoters argue that the NPPG requires the shortfall should be made up in the first five years of the plan period and not spread out over the life of the plan. However I am mindful that

² This figure represents the CPRE's latest position, in respect of Appeal Ref: APP/M2325/A/13/2209839. For the 3 earlier appeals, the figure adopted by CPRE was 5.4 years (Appeal Refs: APP/M325/A/13/2196494 & 2200215 & 2200856)

³ 2011-based Household Interim Projections for Fylde DCLG 9 Apr 2013
<https://www.gov.uk/government/statistical-data-sets/detailed-data-for-modelling-and-analytical-purposes>

some of the backlog may have arisen as a result of an earlier moratorium on housing consequent upon excess provision in relation to the former Lancashire Structure Plan, and that the effects of the severe downturn in housebuilding activity after 2008 has also contributed to underdelivery. I therefore consider the Council's approach to be reasonable in this respect.

18. Particular criticism was made by site promoters is the Council's reliance on four Strategic Locations for development comprising 13 housing sites, which are proposed to provide for the majority (69%) of the Borough's residential development needs up to 2030, which were expected to deliver 1340 dwellings in the first five years (of the plan preferred options) in the period up to 2017. Given the scale of some of these sites due to the infrastructure required in the current economic climate the site promoters consider that the assumed delivery rates are unrealistic. A number of the larger sites relied on for delivery have yet to secure reserved matters approval, for example Queensway, St Annes; Pontins, St Annes; Kirkham Triangle; and Cropper Road, Whitehill's. Further concerns have been expressed regarding the contribution of sites subject to S106 obligations, with little evident progress having been made towards the signing of obligations on a number of sites, including Fairways, Heeley Road; Georges Garage, Warton; Kingsway Garage, St Annes; and Axa, Lytham. Taking account of the uncertainties around delivery on these sites it is suggested that the supply figure could in reality be as low as 1930, representing a supply of only 3.24 years.
19. Site promoters have also queried the inclusion of 80 units for which the Council is minded to grant permission in the absence of an actual resolution. It is also suggested that there is no compelling evidence to support the proposed reliance on the inclusion of windfall sites totalling 200 units, as required by paragraph 48 of the NPPF. As such it is argued that the Council's estimated supply is exaggerated by at least 280 units.
20. I accept that the assumptions underlying the calculation of the five year supply in Fylde may change in the future. The interim household projections show a decline in the rate of household formation in comparison with the RSS evidence base, though as has been pointed out by site promoters, this may in part reflect past shortfalls in housing completions. However, while they are the starting point for the assessment of land supply, these figures have not been tested through the local plan examination process, which moderates the weight which can be given to them. Such matters are not capable of being addressed through the appeal process, and can only properly be carried out through the preparation of the replacement local plan.
21. The Council acknowledges that since 2003 there has been an underdelivery in Fylde of 1144 dwellings against the RSS requirement. In reaching its assessment that the deliverable supply is some 4.5 years, the Council has addressed the objectives of the Framework in relation to the identification of a supply of specific deliverable sites, including the advice in Footnote 11 of the document, and the SHLAA Practice Guidance. It has not been shown that there are sufficient deliverable sites available within the Borough at the present time that could secure an adequate supply of housing land. In the absence of an adequate supply of such land, the presumption in favour of sustainable development is engaged. Given the objective within the Framework to boost significantly the supply of housing, LP Policy SP2 is considered to be out of date and the weight attributed to it is significantly reduced. Adopting a lower annual

requirement in the absence of a properly tested evidence base to justify it, as proposed by CPRE, would not secure the significant boost which the Framework aims to deliver. The Council does not seek to argue that the advice in Paragraphs 47 and 14 of the Framework is not applicable to the determination of these appeals.

22. I acknowledge the views of Appellants that the Council's assumptions on build rates and deliverability may be over-optimistic, given the scale of some of the developments and the infrastructure required. However I am also mindful that there are a number of recent cases in Fylde, referred to in the representations, of permissions being granted where sites have been promoted on the basis of their deliverability, which have subsequently encountered problems in respect of infrastructure provision or S106 requirements. In the circumstances it is understandable for objectors to feel that granting further permissions may not achieve the objective of an early increase in the supply of housing in sustainable locations, or make a significant immediate contribution to the achievement of a five-year supply.
23. Be that as it may, I conclude that, notwithstanding recent planning permissions, the Council remains unable to demonstrate a 5 year supply of housing in accordance with the advice in the Framework, and the appeals should be determined in accordance with the advice in paragraphs 47 and 14 of the Framework. The settlement boundary for Wrea Green and other settlements in Fylde District were drawn many years before the Framework was published, and do not take into account the current emphasis given to boosting the supply of housing significantly. As such the weight that can be attached to Policy SP2 is limited. Paragraph 14 of the Framework sets out the presumption in favour of sustainable development. For decision taking this means granting planning permission for development where relevant policies are out of date 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 that development should be restricted.

Sustainability

24. Paragraph 7 of the Framework sets out the three dimensions to sustainable development. The economic role is concerned with building a strong, responsive and competitive economy. The development of the site would support prosperity through the creation of jobs in the construction sector during the construction period, and through ongoing maintenance and improvement. This would apply to any housing development in a sustainable location.
25. The development would also perform a social role by contributing to the provision of housing required to meet the needs of present and future generations, including a reasonable proportion of affordable housing, some of which would be provided on-site, but the majority at some unspecified location elsewhere in the Borough. These needs are not directly related to the community of Wrea Green itself, but would contribute to the housing needs of Fylde Borough, of which Wrea Green is an integral part.
26. Support for accessible local services that reflect the community's needs and support its health, social and cultural well-being is a further aspect of the social role. This reflects the advice set out in Section 3 of the framework, which is

- concerned with promoting the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. In rural areas, the Framework advises that local authorities should be responsive to local circumstances and plan housing development to meet local needs, particularly for affordable housing.
27. Objectors to the development, including the Borough Council, consider that there is a risk of development overwhelming key local services, for example the primary school and other community facilities.
 28. Wrea Green is one of the rural villages of Fylde Borough. It is located at the junction of four roads that provide connections to other settlements and has grown around that meeting point, and around the large village green that gives the village its name. The village is set in the countryside which separates it from the nearest settlements, with Kirkham 1.5 km to the east, Warton 2.5 km to the south and Lytham 4 km to the west.
 29. There were 627 dwellings in the village in 2001 and 651 in 2011. When completed the development which the local planning authority has permitted at Richmond Avenue will increase the number of dwellings by some 9%. The Council considers that further growth in addition to this will exceed the capacity of existing services, meaning that residents will be more likely to travel outside of the village. If all four schemes currently at appeal were granted planning permission they would amount to an additional 212 dwellings or 33% of the current number of dwellings in the village. It is argued that the central location of existing services within the conservation area offers little scope for these facilities to expand to cater for increased demand. There are particular locational constraints on the capacity of the primary school and employment area to expand.
 30. There are a range of services available in Wrea Green, including a shop with post office service, primary school, church, pub, village hall, dentist, hairdressers and a café. There is a play facility as well as the Green itself, which is used for recreation. There is also a small employment area near the station. The Council accepts that there is a need for some growth in the village, to ensure it continues to thrive as a rural community. However it is argued that the scale of growth which would result from any one of the appeal schemes, let alone all four, would be excessive and beyond the needs of the community.
 31. Commercial businesses would no doubt welcome the additional custom from further residential development, which would support their profitability and viability. However, the range and diversity of services available is limited. On the other hand there is no evidence any significant threat to the vitality and viability of Wrea Green in the absence of additional development. The recently commenced development at Richmond Avenue will in any event provide early support for village services and contribute significantly towards any local needs for housing arising in the village.
 32. The Appellant considers that there is good pedestrian connectivity to the village services using existing footpaths. In common with all four sites, the Council's committee report states that 'the site is on the edge of one of the larger villages in the Borough, where there is access to a range of social, economic, education, employment, recreational and transport services, and has

- connections to larger neighbouring settlements, where other services can be accessed. As such Wrea Green is a location where such development could be acceptable. It is also accepted that the 'footway from the village connects to the access point on the same side of the road and allows a good connection to the village, albeit these are at a distance'.
33. The nearest bus stop is some 800 m away. The optimal walking distance to a bus stop is considered to be 400 m. While a distance of 800 metres would not preclude bus usage it would be likely to make bus travel a less attractive option for regular commuting, or for shopping trips to larger centres with a greater range of facilities.
 34. The Institute of Highways and Transportation guidelines consider that 1000 m is an acceptable walking distance for commuting, school and leisure trips, whilst for general retail trips the acceptable walking distance is 800 m. 800 m equates to approximately 10 minutes walking distance. There are a number of leisure, education, retail and other facilities, including bus stops within this distance. There are also opportunities for cycling to larger centres. The committee report applied a scoring system for accessibility which derives from the revoked RSS. While the RSS has no policy status, there is no reason to suppose that this did not provide a general indication of the relative accessibility of sites. A score above 35 represents a highly accessible site; a score of 20 – 35 represents low accessibility. The site was assessed as scoring 21 on the basis that a play area would be provided within the site. This would just fall within the category of medium accessibility. However, it has generally been regarded as providing an acceptable level of accessibility.
 35. In my estimation the range of services currently available in Wrea Green are commensurate with the character and function of a village of this size. While a good range of basic local services are available, existing residents already need to travel to larger settlements to access a full range of services. There are bus services which provide a valuable link to other communities including the larger towns and centres nearby. The village is currently served by two bus routes, No 61 which runs between Preston and Blackpool via Kirkham and operates a half hourly service on weekdays and Saturdays and an hourly service in Sundays, and No 76 which runs between Blackpool and St Annes through Poulton and the rural villages of the borough on an hourly service Monday to Saturday only. Nevertheless it is highly unlikely that the majority of new residents would use the bus services as their preferred means of transport, and there would be an increase in private car use by residents travelling to other locations to access services and for recreation and other uses.
 36. However I walked the route in the course of my site visits to Wrea Green, and it was less than 10 minutes walk, at a reasonable pace. The location of the site at the southern end of the village would make it slightly less convenient than land at Moss Side Lane and land off Ribby Road, but in the overall assessment I do not consider that the propensity for residents of any of the sites to use cars would be significantly different. Wrea Green having a limited range of services would mean that car use would be likely to remain important to many occupiers of developments on all sites.
 37. I accept that the appeal site is within reasonable walking distance of the facilities in Wrea Green, including bus services. There is no compelling evidence that granting permission for any one of the four proposals under

consideration would be likely to overwhelm the current services available within the village (the current appeal proposal is for up to 25 dwellings).

38. Having regard to the Framework advice that planning should take account of the different roles and character of different areas, recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it, I do not consider that there is any pressing local justification in terms of a demonstrable need for housing to be provided specifically in Wrea Green which would justify an increase in the number of dwellings in the village of some 33% (including existing commitments) if permission were to be granted for all four appeals.
39. Nevertheless, it is one of the larger villages in Fylde with a range of existing services, including relatively good public transport links. The Council acknowledges that it cannot meet projected housing requirements without some release of greenfield land in the countryside adjoining villages. Taking this into account, I do not consider that a development or developments for up to 100 dwellings in total (in addition to those already permitted at Richmond Avenue), would put undue pressure on existing infrastructure.

Character and appearance

40. The appeal site, which lies outside the defined settlement boundary for Wrea Green, is a generally rectangular area of land that sits to the south of the dwellings on Bryning Avenue and to the west of 54 – 62 Bryning Lane, at the southern end of the village. It extends to some 1.9 hectares in total, including the detached dwelling on the frontage to Bryning Lane, along with its drive and garden. The majority of the site is a former horticultural nursery, with a number of buildings, including a former potting shed and storage building, and hardstandings remaining in place. The eastern and southern boundaries border agricultural land and have established hedgerows. Access would be from Bryning Lane. To achieve the necessary width and splays a side extension to the dwelling would be demolished, and a new garage would be built at the rear. The Council accepts that a 5.5 metre carriageway with 6 metre radii and visibility splays of 2.4 metres x 40 can be achieved, in accordance with drawing NW/DP/WRAE.1/01 dated 19 June 2013. A play area of 0.06 hectares is proposed within the site.
41. In common with the other three sites which are the subject of current appeals in Wrea Green, the development would extend residential development beyond the current settlement boundary into an area defined as Countryside. The previous use for horticulture involved various buildings and other structures such as greenhouses, most of which have been removed, but though a horticultural use is generally more intensive than field crops or grazing, it cannot be considered to be previously developed land.
42. The development would be visible in the landscape setting of Wrea Green, from the higher ground near the equestrian centre to the south. However I consider that it would be reasonably well related to the form of development in this part of the village, being to the rear of the existing residential development fronting Bryning Lane, and Bryning Avenue. While it would change the character of the site, it would be less prominent in the approach to Wrea Green from the south than the site at 53 Bryning Lane on the opposite side. There is an existing hedgerow on the southern site boundary, and the proposal for a landscape/ecological buffer would help to further assimilate new development

into the village framework. For those travelling south out of the village, the development would be visually contained by the houses on the frontage. This assessment reflects the analysis in the SHLAA⁴ which identifies the site as Site WG20, where the site is described as 'Countryside Area, natural extension to settlement boundary' and the effect on landscape/townscape is assessed as 'minimal'.

43. Saved Policy HL2 of the Fylde Local Plan sets out a number of criteria for the assessment of housing proposals. With regard to character and appearance, criteria 1 and 2 require that it should be compatible with adjacent land uses, and in keeping with the character of the locality in terms of scale, space about buildings, materials and design. The application is in outline only, and appearance is a reserved matter. Nevertheless the illustrative material indicates that the density would be generally similar to existing development, and the scale and design of the dwellings would reflect the character of nearby development. The Council's committee report considered that the development would not have any material impact on the scale of the village or the ability of available services to provide for the needs of additional residents. The separation distances and boundary treatment could be designed to ensure that there would be no adverse effects on the privacy or amenity of neighbouring properties. I accept that the outlook from some existing dwellings and rear gardens would change, and the present open character of the land would be lost. However, the planning system is intended to operate in the public interest, where private interests can be outweighed by important objectives of policy, such as promoting sustainable forms of development, including that needed to boost housing supply. Conditions can be imposed to ensure that bio-diversity is protected. There is no evidence of any harm to archaeological or historic features.
44. While the character of the site would clearly change, I consider that the harm to the character and appearance of Wrea Green would be very limited.

Other matters

Agricultural land quality

45. While the Appellant suggests that the site should be considered as previously developed land, and therefore given priority over other sites where permission is sought, the principle use was for horticulture, which is excluded from the definition of agricultural land. The site was originally considered to be Grade II agricultural land. However the Appellant has submitted a report by a specialist consultant which reports on soil examinations undertaken in 2013, including a number of hand auger borings and pit excavations, following a recognised assessment procedure. The conclusion reached is that the poor drainage of the site and the moist local climate are such that the land should be categorised 3b, and not as best and most versatile. The Council now accepts that the report provides a sufficiently robust analysis of land quality. In the light of this I conclude that the agricultural land quality should not be treated as a factor weighing against the proposal.

Unilateral undertaking

46. A unilateral undertaking has been entered into by the Appellant. The owner covenants to pay a commuted sum of £150,000 to provide a contribution to

⁴ Strategic Housing Land Availability Assessment.

off-site provision of affordable housing, being a contribution of broadly equivalent value to the provision of 10% of the dwellings as affordable housing on the site. The developer further covenants to provide 20% of the dwellings on the site as affordable housing, of which 80% shall be social rented units and 20% of a tenure to be agreed in writing by the Council. In the event of the owners being unable to identify a registered provider there is an option to pay the Council a sum equivalent to the number of affordable housing units multiplied by £50,000 (the total not to exceed £250,000). This would satisfy the requirement to provide for affordable housing in the Borough in accordance with the Council's policies. I consider that it would be necessary to make the development acceptable and would comply with the requirements of the CIL⁵ regulations. It therefore attracts significant weight.

47. The undertaking also includes a payment of £13,625.00 towards public realm improvements in Wrea Green. However, the Appellant disputes that the Public Realm contribution would be compliant with the Community Infrastructure Levy Regulations, and specifically requests that this issue is addressed in this appeal decision. The UU is worded so that the contribution will only be paid if it is found to be compliant. The Council relies on saved Policy EP 1 of Fylde local Plan. Policy EP1 states that the within the urban areas, environmental conditions will be maintained and improved through the development control process. It lists locations where environmental improvement schemes will be undertaken, including designated conservation areas, of which the area around the green is one. The site is some distance from the conservation area boundary, and the Council does not provide any information as to why the contribution would be necessary to make the development acceptable. In the circumstances, I do not consider that the contribution would be compliant with the CIL regulations, and therefore no weight can be attached to it in determining the appeal.

Drainage

48. Many objectors are concerned about the capacity of the sewerage system serving Wrea Green to accept further development, and the potential for surface water to exacerbate reported problems of flooding. The Appellant has submitted a Flood Risk assessment and drainage strategy. The strategy proposes to create a new pond to provide a balancing feature to store surface water which would then be released at rates not greater than equivalent surface water run-off. Such sustainable urban drainage systems (SUDS) are a common feature of development where flooding is an issue. The detailed design would be a matter for a reserved matters application. The site is in Flood Risk Zone 1. United Utilities, which is responsible for foul drainage, accepts that a satisfactory solution to the foul drainage can be achieved. Accordingly, I consider that these matters are capable of being addressed by the attachment of suitable worded conditions.

Ecology

49. There are many ponds in the area around Wrea Green, some of which may be capable of supporting Great Crested Newts (GCN), a protected species. Extensive surveys have been undertaken by competing developers of the ponds located to the east of Bryning Lane, where no evidence of use by GCNs was found. However, an assessment carried out in connection with the proposed

⁵ Community Infrastructure Levy

development at Moss Side (Appeal ref. M2325/A/13/2200856) concludes that there is a small population of GCN in one pond in the locality. The Appellant has now commissioned a mitigation strategy, involving the protection of existing ponds on the site and their integration into a proposed landscape buffer along the western and southern site boundaries some 5 – 10 metres wide that will provide additional suitable habitat and linkages to existing ponds outside of the. The mitigation proposals would also provide for the erection of exclusion fencing and trapping/translocation to prevent harm to GCNs during site works.

50. The Council now accepts that subject to the proposed mitigation strategy, any risk of harm to protected species has been addressed. I consider that this matter is capable of being dealt with by the attachment of appropriately worded conditions.

Conclusion

51. The Framework refers to recognising the intrinsic character and beauty of the countryside and recognising the different character and function of areas. However it also emphasises the need for a significant upturn in housing delivery, particularly where a five year supply of housing land cannot be demonstrated. Accordingly, there is a balance to be struck between protecting the countryside and ensuring an adequate supply of housing. I have concluded above that the proposed development would cause very little harm to the setting of Wrea Green in the countryside.
52. The most recent policy guidance is set out in the Planning Policy Guidance released on 6 March 2014. The section 'rural housing' is linked with the relevant paragraphs of the Framework. It emphasises that a thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities. It advises that assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process, and continues 'However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.'
53. While it may be considered preferable for the allocation of sites in Wrea Green and elsewhere to be conducted through the replacement Fylde Local Plan, the Council has indicated that Part 2 of the review is unlikely to be adopted before 2016. With respect to housing land, the Planning Policy Guidance confirms at Paragraph 033 that 'demonstration of a five year supply is a key material consideration when determining housing applications and appeals. As set out in [the Framework], a five year supply is also essential to demonstrating that relevant policies for the supply of housing are up-to-date in applying the presumption in favour of sustainable development'.
54. I acknowledge that, in recognition of the housing supply situation, the Council has been pro-active in seeking to improve the situation and increase the immediate supply. It has granted planning permission for approved a development of 55 dwellings at a site off Richmond Avenue, on the east side of the village and accessed from Bryning Lane. Construction had recently started

on the site at the time of my site visit. The scheme will provide a mixture of affordable and market dwellings, with a play facility and a contribution towards improved public transport provision. Permission has also been granted for 67 dwellings in the countryside on the edge of Warton in 2011 and further permissions on key strategic sites have been granted on appeal.

55. Nevertheless, having regard to the very limited harm which would result to the setting of Wrea Green in the countryside, and the absence of any other significant harm, I conclude that such harm would not significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the Framework taken as a whole. Accordingly the benefits of the scheme, in terms of a useful if modest contribution to the housing needs of the Borough, including affordable housing, are sufficient to justify the grant of planning permission in this instance.

Conditions

56. The permission is in outline, so it is necessary to attach conditions relating to the submission of reserved matters. Conditions regarding the height of buildings, materials, boundary treatments, landscaping and site levels are necessary to secure a satisfactory appearance to the development. A construction plan is necessary to protect the amenity of neighbours. A condition requiring further details of the access arrangements to be submitted for approval is necessary in the interests of highway safety. Conditions addressing hedgerow retention, habitat protection, enhancement and mitigation measures are necessary in the interests of ecology. Conditions requiring details of drainage to be submitted are necessary to prevent flood risk and avoid pollution.

Formal decision

Appeal Ref: APP/M2325/A/13/2196494

57. The appeal is allowed and planning permission is granted for 25 dwellings including 5 retirement bungalows at 54 Bryning Lane, Wrea Green, Preston PR4 2NL in accordance with the terms of the application, Ref 12/0456, dated 10 October 2012, and subject to the conditions set out in the attached Annex.

David Richards

INSPECTOR

ANNEX

Appeal Ref: APP/M2325/A/13/2196494

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) No building on any part of the development shall exceed two storeys in height.
- 5) Prior to the commencement of development details of an on-site Local Area of Play, including maintenance details and a timetable for implementation, shall be submitted to and approved in writing by the local planning authority. The provision, retention and maintenance of this Local Area of Play shall thereafter be carried out in accordance with the approved details.
- 6) No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) Prior to the construction of any dwellings hereby approved a detailed schedule of the materials to be used for any external surfaced areas to the dwellings, roadways and other external surfaces areas to the communal parts of the site shall be submitted to and approved in writing by local planning authority. The development shall be carried out in accordance with this agreed schedule.
- 8) Prior to the commencement of any of the dwellings hereby approved, a schedule of boundary treatments around the site perimeter, between individual neighbouring plots and the internal roadways shall be submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be constructed in accordance with the approved details concurrent with the erection of the dwellings and thereafter retained.
- 9) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of programmed landscaping for the area of residential development. The scheme shall include details of: all existing trees and hedgerows and those that are to be retained, together with measures for their protection during the course of the development; all planting and seeding; hard surfacing and the materials to be used; means of enclosure; and programme of implementation. All hard and soft landscape works shall be carried out in accordance with the approved programme and details. Any trees or plants which within a period of 5 years commencing with

the date of their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 10) Prior to the commencement of any on-site demolition or other development associated with this permission a construction plan shall be submitted to the local planning authority and approved in writing. The plan shall include methods and details of demolition and construction; vehicle routeing to the site; construction traffic parking; any temporary traffic management measures; and times of construction, access and deliveries. The construction plan shall be adhered to during demolition and the construction of the development.
- 11) Prior to the commencement of any development a detailed design for the access to the site 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. The drawing shall provide for a carriageway width, pedestrian footway width and location, junction radii and visibility splays that are at least equivalent in standard to those shown on Mayer Brown drawing NW-DP-WRAE.1.01. The access shall be provided to that specification to at least base course level prior to the commencement of the construction of any dwelling hereby approved.
- 12) The development hereby permitted shall be implemented in full accordance with the Great Crested Newt Mitigation method Statement prepared by Cameron S. Crook & Associates and dated July 2013.
- 13) No works shall be undertaken between the months of March and July inclusive until a walkover survey of the site and its boundary hedges has taken place in order to establish the presence of any breeding birds and the results submitted in writing to the local planning authority. Should the presence of any breeding birds be identified, a mitigation and phasing scheme for demolition and construction work in the vicinity of their nesting sites shall be submitted to and approved in writing by the local planning authority and implemented throughout demolition and construction of the dwellings.
- 14) All existing lengths of hedgerow within the proposed residential development area shall be retained, except for where their removal is required for the formation of access points or visibility splays, or in other limited circumstances where an equivalent or greater length of hedge is provided as a replacement and has been previously agreed in writing by the local planning authority. No removal, relaying or works to existing hedgerows shall be carried out between March and August inclusive in any one year unless otherwise agreed in writing by the local planning authority.
- 15) Prior to the commencement of development a detailed levels plan indicating the existing and proposed ground levels and proposed finished floor levels throughout the site shall be submitted to and approved in writing by the local planning authority. The development thereafter be implemented in full accordance with the approved plan.
- 16) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme for surface water drainage, in general accordance with the Drainage Assessment and

Future Drainage Strategy prepared by Hamilton Technical Services and dated 13 June 2013. Such details shall include:

- (i) Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and (including details of any onsite balancing pond);
- (ii) details of improvements to off-site drainage works, and the measures taken to prevent pollution of the receiving groundwater and/or surface waters.

The scheme shall also specify a timetable for its implementation, and provide a management and maintenance plan for the lifetime of the development, and shall be implemented/maintained in accordance with these details.

- 17) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme for foul water drainage. The scheme shall ensure that the development is drained on a separate system with only foul drainage connected to the foul sewer and shall include details of any on-site pumping station and ongoing maintenance of the foul drainage system. Development shall be implemented in accordance with the approved scheme.



Appeal Decision

Site visit made on 25 February 2014

by David Richards BSocSci Dip TP MRTPI

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

Decision date: 16 April 2014

Appeal Ref: APP/M2325/A/13/2200215

Land adjacent 53 Bryning Lane, Wrea Green, PR4 2NL

- 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 Baxter Homes Limited against the decision of Fylde Borough Council.
- The application Ref 13/0137, dated 1 March 2013, was refused by notice dated 22 May 2013.
- The development proposed is outline application for the erection of up to 32 dwellings (access to be determined).

Summary of Decision: The appeal is dismissed.

Application for costs

1. An application for costs was made by the Appellant against the Council. This application is the subject of a separate Decision.

Procedural matters

2. This is one of four appeals which concern proposals for housing development on sites outside the settlement boundary of Wrea Green. The references of the four appeals are as follows:

| | |
|------------------------|--|
| APP/M2325/A/13/2196494 | 54 Bryning Lane |
| APP/M2325/A/13/2200215 | Land adjacent 53 Bryning Lane |
| APP/M2325/A/13/2200856 | Land south of Moss Side Road (opposite Martindale) |
| APP/M2325/A/13/2209839 | Land off Ribby Road, Wrea Green |

3. While each proposal has site unique site specific considerations, a number of issues are common to all four appeals, including the policy and land availability context of the appeals. Due to the elapse of time between the first three appeals listed above and the fourth appeal, the local planning authority's position on land availability was updated in respect of the fourth appeal.
4. The Planning Policy Guidance, which is an important material consideration in the determination of the appeals, was issued on 6 March 2014. The main parties to all four appeals and others with an interest in the appeals were given an opportunity to comment on the implications of the planning policy guidance

for the outcome of the appeals. At the same time, parties and others with an interest were given an opportunity to comment on the revised land availability position statement presented by the Council in respect of Appeal Ref: APP/M2325/A/13/2209839. I have taken all responses received to these requests into account in determining the appeals. Given that all parties have had an opportunity to make representations in respect of Fylde Borough Council's latest housing land availability position statement as at 31 December 2013 it is appropriate for me to consider land availability issues in respect of each appeal on a consistent basis.

Main Issues

5. The main issues are, and whether the proposal is sustainable development in the light of the advice in the National Planning Policy Framework (the Framework), and the effect of the proposal on the character and appearance of Wrea Green and its setting in the countryside.

Reasons

Policy

6. The application site is outside the current limits of development as set out in the Fylde Local Plan (LP), and the development would be in conflict with Policy SP2 of the LP. While the development plan remains the starting point for decision making, paragraph 49 of the Framework advises that housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
7. The replacement Fylde Local Plan to 2030 is at an early stage and attracts little weight at present. The Council has published a preferred options document which identifies four strategic locations for development which are intended to provide for 69% of the Borough's residential development needs. These do not include any locations within or around Wrea Green, or any other rural village or settlement within Fylde. It is intended that any allocations in these areas are intended to be addressed in part 2 of the plan. The estimated adoption date for part 2 of the plan is 2016.
8. Saved policy HL2 of the Fylde Borough Local Plan identifies criteria against which development proposals will be considered, including that development should be of a scale that is in keeping with the character of the locality and is in a sustainable location. The policy is consistent with two of the core planning principles set out in paragraph 17 of the Framework namely: taking account of 'the different roles and character of different areas, promoting the vitality of our main urban areas ... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'; and 'active management of patterns of growth to make the fullest possible use of public transport, walking and cycling, and focusing development in locations which are or can be made sustainable'. I therefore accord it considerable weight.
9. Ribby with Wrea Parish Council has initiated the process of preparing a neighbourhood plan, and a draft document has been produced and consulted on. The opinion of the steering group was that any development within the parish of Ribby with Wrea must meet the needs of current residents. With regard to housing it identifies a limited need for retirement accommodation and

affordable housing to meet local needs. It considers that the potential for major growth is limited by lack of supporting utilities, access and sustainability. However it has not been through all the requirements set out in part 5 of the Localism Act, and so attracts no weight at present.

Housing Land Supply

10. DCLG's Planning Policy Guidance ('the planning policy guidance') was published on 6 March 2014. Paragraph 030 provides advice on the starting point for the five-year housing supply. It advises that considerable weight should be given to the housing requirement in adopted local plans which have successfully passed through the examination process. That does not apply currently in Fylde. It should also be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs. *'Where there is no robust recent assessment of full housing needs, the household projections published by the Department for Communities and Local Government (DCLG), should be used as the starting point, but the weight to be given to these should take account of the fact that they have not been tested (which could evidence a different housing requirement to the projection, for example because past events that affect the projection are unlikely to occur again or because of market signals), or moderated against relevant constraints (for example environmental or infrastructure).'*
11. The Council's position is that it is unable to demonstrate a five year supply of housing as required by the Framework. The Council's latest annual position statement on housing supply gives a figure of 4.5 years as at 31 December 2013 (Housing Supply Statement)¹. This assessment uses Policy L4 of the Regional Spatial Strategy for the Northwest (RSS) which has now been revoked. Work is proceeding on the Fylde Local Plan to 2030, but it has not reached the stage where a replacement figure has been decided. In the circumstances, the Council has used the annual requirement of 306 dwellings per annum from the RSS, along with a buffer of 20% to allow for historic under-delivery as required by the NPPF (para 47). This gives an adjusted five year requirement of 2,626 dwellings, an annual figure of 525 dwellings.
12. On the supply side the Council identifies a total supply of around 2,427 dwellings consisting of 2058 anticipated net commitments identified in the Housing Land Availability Schedule, as phased commitments with outline planning permission, other sites with planning permission subject to S106 (289 units) and all outstanding applications which the Council is minded to approve (80 units). To this has been added a windfall allowance of 200 units giving a projected supply of 2627 units. An allowance has been made for 10% of all sites not coming forward, giving a predicted supply of 2365 dwellings.
13. On this basis, the shortfall against supply would be some 262 dwellings, approximately 0.5 year's supply in relation to the adjusted five year requirement.
14. The Council's approach to the assessment of land supply has been questioned by objectors and developers. Objectors consider that the Council is mistaken

¹ This figure reflects the Council's latest position in respect of Appeal Ref: APP/M2325/A/13/2209839. For the 3 earlier appeals, the figure adopted by the Council was 3.1 years (Appeal Refs: APP/M325/A/13/2196494 & 2200215 & 2200856). The revised position primarily reflects the grant of a number of planning permissions since the previous statement of land availability dated 31 March 2013.

in relying on a requirement derived from the now revoked RSS, and has been over cautious in its assessment of the rate at which identified sites will be developed. Developers, on the other hand, draw attention to what they consider to be flaws in the methodology, and an over-optimistic approach to the rate at which large sites will be developed in practice.

15. The CPRE and others have raised doubts over the methodology used by the Council to calculate the 5 year supply, and provided a revised assessment which indicates a supply of 6.0 years.² CPRE refer to comments by the Inspector examining the West Lancashire Local Plan 2012 – 2027, which relate to the use of 2011 census data for household growth. Using this approach, the revised household projections³ indicate a need within the Borough for 265 dwellings per annum, as opposed to the 306 dwellings per annum derived from the RSS and used in the Council's Five Year Housing Supply Statement – 31 December 2013. The West Lancashire LP Inspector also considered that, instead of making up for previous underdelivery over the remaining period of the RSS (i.e from the present until 2021), the shortfall should be made up across the whole of the new local plan period, which in the case of West Lancashire was to 2027. The end date for the forthcoming Fylde Local Plan is 2030. If the West Lancashire approach were to be taken in Fylde, the shortfall would be expected to be made up over the longer period to 2030, instead of assuming that it would be made up by 2021. On this basis, CPRE identify an annual requirement of 377 dwellings per year, as against the Council's figure of 525 dwellings per year.
16. Similar representations were addressed by an Inspector who determined an appeal at Wesham (Ref: APP/M2325/A/12/2186415 decision date 1 August 2013). He concluded that the RSS evidence base was relevant to that appeal. I acknowledge that the RSS evidence base is becoming dated, and therefore that the weight to be given to it is reduced. However the Interim Household projections have yet to be tested through the local plan examination process. In the circumstances I find that the evidence base that underpinned the RSS figures remains relevant due to the absence of any more up-to-date tested figures for Fylde. With regard to the CPRE representations, West Lancashire is a different Council area in Lancashire, where the recently adopted Local Plan has been through the examination process and been found sound. While Fylde Borough Council is working on a replacement local plan, it has yet to undergo examination and its evidence base has not been tested.
17. The Council's 31 December 2013 statement has taken account of further planning permissions granted between 31 March 2013 and 31 December 2013. It has made an assessment of the likely contribution of these sites. While there has been a significant improvement to the supply position, the Council's position remains that it is unable to demonstrate the required 5 year supply of housing. Site promoters have questioned the evidence base and methodology in respect of making up the shortfall.
18. The Council's revised position adopts the approach that the housing shortfall since 2003 has been rolled forward and evenly distributed over the period to 2021 (i.e the end of the RSS period). Site promoters argue that the Planning

² This figure represents the CPRE's latest position, in respect of Appeal Ref: APP/M2325/A/13/2209839. For the 3 earlier appeals, the figure adopted by CPRE was 5.4 years (Appeal Refs: APP/M325/A/13/2196494 & 2200215 & 2200856)

³ 2011-based Household Interim Projections for Fylde DCLG 9 Apr 2013

<https://www.gov.uk/government/statistical-data-sets/detailed-data-for-modelling-and-analytical-purposes>

Policy Guidance requires the shortfall should be made up in the first five years of the plan period and not spread out over the life of the plan. However I am mindful that some of the backlog may have arisen as a result of an earlier moratorium on housing consequent upon excess provision in relation to the former Lancashire Structure Plan, and that the effects of the severe downturn in housebuilding activity after 2008 has also contributed to underdelivery. I therefore consider the Council's approach to be reasonable in this respect.

19. Particular criticism was made by site promoters is the Council's reliance on four Strategic Locations for development comprising 13 housing sites, which are proposed to provide for the majority (69%) of the Borough's residential development needs up to 2030, which were expected to deliver 1340 dwellings in the first five years (of the plan preferred options) in the period up to 2017. Given the scale of some of these sites due to the infrastructure required in the current economic climate the site promoters consider that the assumed delivery rates are unrealistic. A number of the larger sites relied on for delivery have yet to secure reserved matters approval, for example Queensway, St Annes; Pontins, St Annes; Kirkham Triangle; and Cropper Road, Whitehill's. Further concerns have been expressed regarding the contribution of sites subject to S106 obligations, with little evident progress having been made towards the signing of obligations on a number of sites, including Fairways, Heeley Road; Georges Garage, Warton; Kingsway Garage, St Annes; and Axa, Lytham. Taking account of the uncertainties around delivery on these sites it is suggested that the supply figure could in reality be as low as 1930, representing a supply of only 3.24 years.
20. Site promoters have also queried the inclusion of 80 units for which the Council is minded to grant permission in the absence of an actual resolution. It is also suggested that there is no compelling evidence to support the proposed reliance on the inclusion of windfall sites totalling 200 units, as required by paragraph 48 of the Framework. As such it is argued that the Council's estimated supply is exaggerated by at least 280 units.
21. I accept that the assumptions underlying the calculation of the five year supply in Fylde may change in the future. The interim household projections show a decline in the rate of household formation in comparison with the RSS evidence base, though as has been pointed out by site promoters, this may in part reflect past shortfalls in housing completions. However, while they are the starting point for the assessment of land supply, these figures have not been tested through the local plan examination process, which moderates the weight which can be given to them. Such matters are not capable of being addressed through the appeal process, and can only properly be carried out through the preparation of the replacement local plan.
22. The Council acknowledges that since 2003 there has been an underdelivery in Fylde of 1144 dwellings against the RSS requirement. In reaching its assessment that the deliverable supply is some 4.5 years, the Council has addressed the objectives of the Framework in relation to the identification of a supply of specific deliverable sites, including the advice in Footnote 11 of the document, and the SHLAA Practice Guidance. It has not been shown that there are sufficient deliverable sites available within the Borough at the present time that could secure an adequate supply of housing land. In the absence of an adequate supply of such land, the presumption in favour of sustainable development is engaged. Given the objective within the Framework to boost

significantly the supply of housing, LP Policy SP2 is considered to be out of date and the weight attributed to it is significantly reduced. Adopting a lower annual requirement in the absence of a properly tested evidence base to justify it, as proposed by CPRE, would not secure the significant boost which the Framework aims to deliver. The Council does not seek to argue that the advice in Paragraphs 47 and 14 of the Framework is not applicable to the determination of these appeals.

23. I acknowledge the views of Appellants that the Council's assumptions on build rates and deliverability may be over-optimistic, given the scale of some of the developments and the infrastructure required. However I am also mindful that there are a number of recent cases in Fylde, referred to in the representations, of permissions being granted where sites have been promoted on the basis of their deliverability, which have subsequently encountered problems in respect of infrastructure provision or S106 requirements. In the circumstances it is understandable for objectors to feel that granting further permissions may not achieve the objective of an early increase in the supply of housing in sustainable locations, or make a significant immediate contribution to the achievement of a five-year supply.
24. Be that as it may, I conclude that, notwithstanding recent planning permissions, the Council remains unable to demonstrate a 5 year supply of housing in accordance with the advice in the Framework, and the appeals should be determined in accordance with the advice in paragraphs 47 and 14 of the Framework. The settlement boundary for Wrea Green and other settlements in Fylde District were drawn many years before the Framework was published, and do not take into account the current emphasis given to boosting the supply of housing significantly. As such the weight that can be attached to Policy SP2 is limited. Paragraph 14 of the Framework sets out the presumption in favour of sustainable development. For decision taking this means granting planning permission for development where relevant policies are out of date 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 that development should be restricted.

Sustainability

25. Paragraph 7 of the Framework sets out the three dimensions to sustainable development. The economic role is concerned with building a strong, responsive and competitive economy. The development of the site would support prosperity through the creation of jobs in the construction sector during the construction period, and through ongoing maintenance and improvement. This would apply to any housing development in a sustainable location.
26. The development would also perform a social role by contributing to the provision of housing required to meet the needs of present and future generations, including a reasonable proportion of affordable housing, some of which would be provided on-site, but the majority at some unspecified location elsewhere in the Borough. These needs are not directly related to the community of Wrea Green itself, but would contribute to the housing needs of Fylde Borough, of which Wrea Green is an integral part.

27. Support for accessible local services that reflect the community's needs and support its health, social and cultural well-being is a further aspect of the social role. This reflects the advice set out in Section 3 of the framework, which is concerned with promoting the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. In rural areas, the Framework advises that local authorities should be responsive to local circumstances and plan housing development to meet local needs, particularly for affordable housing.
28. Objectors to the development, including the Borough Council, consider that there is a risk of development overwhelming key local services, for example the primary school and other community facilities.
29. Wrea Green is one of the rural villages of Fylde Borough. It is located at the junction of four roads that provide connections to other settlements and has grown around that meeting point, and around the large village green that gives the village its name. The village is set in the countryside which separates it from the nearest settlements, with Kirkham 1.5 km to the east, Warton 2.5 km to the south and Lytham 4 km to the west.
30. There were 627 dwellings in the village in 2001 and 651 in 2011. When completed the development which the local planning authority has permitted at Richmond Avenue will increase the number of dwellings by some 9%. The Council considers that further growth in addition to this will exceed the capacity of existing services, meaning that residents will be more likely to travel outside of the village. If all four schemes currently at appeal were granted planning permission (in addition to the 55 at Richmond Avenue) that would amount to an additional 212 dwellings or 33% of the current number of dwellings in the village. It is argued that the central location of existing services within the conservation area offers little scope for these facilities to expand to cater for increased demand. There are particular locational constraints on the capacity of the primary school and employment area to expand.
31. There are a range of services available in Wrea Green, including a shop with post office service, primary school, church, pub, village hall, dentist, hairdressers and a café. There is a play facility as well as the Green itself, which is used for recreation. There is also a small employment area near the station. The Council accepts that there is a need for some growth in the village, to ensure it continues to thrive as a rural community. However it is argued that the scale of growth which would result from any one of the appeal schemes, let alone all four, would be excessive and beyond the needs of the community.
32. Commercial businesses would no doubt welcome the additional custom from further residential development, which would support their profitability and viability. However, the range and diversity of services available is limited. On the other hand there is no evidence any significant threat to the vitality and viability of Wrea Green in the absence of additional development. The recently commenced development at Richmond Avenue will in any event provide early support for village services and contribute significantly towards any local needs for housing arising in the village.
33. In my estimation the range of services currently available in Wrea Green are commensurate with the character and function of a village of this size. While a

good range of basic local services are available, existing residents already need to travel to larger settlements to access a full range of services. There are bus services which provide a valuable link to other communities including the larger towns and centres nearby. The village is currently served by two bus routes, No 61 which runs between Preston and Blackpool via Kirkham and operates a half hourly service on weekdays and Saturdays and an hourly service in Sundays, and No 76 which runs between Blackpool and St Annes through Poulton and the rural villages of the borough on an hourly service Monday to Saturday only. Nevertheless it is highly unlikely that the majority of new residents would use the bus services as their preferred means of transport, and there would be an increase in private car use by residents travelling to other locations to access services and for recreation and other uses.

34. With regard to the travel dimension of sustainability, the Council considers that the appeal site is poorly located in relation to the main concentration of facilities in the northern part of the village and the existing bus stops. The site is some 720 metres from village services. I note that this is less than the distance from the centre of the Richmond Avenue site, which the Council considered to be reasonable as regards access to village services. The decision on the Richmond Avenue site was reached having regard to a S106 obligation contribution to enhanced bus services. The appeal scheme includes a similar financial obligation but there are no firm proposals setting out how the funding would contribute to improved bus services. Accordingly I give it little weight.
35. However I walked the route in the course of my site visits to Wrea Green, and it was less than 10 minutes walk, at a reasonable pace. Traffic conditions were such that I did not encounter any problem in crossing Bryning Lane. While it may well be much busier at peak times, visibility for pedestrians and drivers is good, and the proposed crossing point would allow for the road to be crossed safely. The location of the site at the southern end of the village would make it slightly less convenient than land at Moss Side Lane and land off Ribby Road, but in the overall assessment I do not consider that the propensity for residents of any of the sites to use cars would be significantly different. Wrea Green having a limited range of services would mean that car use would be likely to remain important to many occupiers of developments on all sites.
36. There is no compelling evidence that granting permission for any one of the four proposals under consideration would be likely to overwhelm the current services available within the village (the current appeal proposal is for up to 32 dwellings).
37. Having regard to the Framework advice that planning should take account of the different roles and character of different areas, recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it, I do not consider that there is any pressing local justification in terms of a demonstrable need for housing to be provided specifically in Wrea Green which would justify an increase in the number of dwellings in the village of some 33% (including existing commitments) if permission were to be granted for all four appeals.
38. Nevertheless, it is one of the larger villages in Fylde with a range of existing services, including relatively good public transport links. The Council acknowledges that it cannot meet projected housing requirements without some release of greenfield land in the countryside adjoining villages. Taking this into account, I do not consider that a development or developments for up

to 100 dwellings in total (in addition to those already permitted at Richmond Avenue), would put undue pressure on existing infrastructure.

Character and appearance of Wrea Green

39. The site lies on the southern edge of Wrea Green, on the eastern side of Bryning Lane, and extends to some 1.8 hectares of grassland sloping gradually away from existing residential development to the north and west. Notwithstanding the thorn hedging on the east and west boundaries, the site occupies a prominent position in the approach to Wrea Green from the south, and is clearly visible from the higher ground near Bryning. The southern boundary of the site is marked by a post and wire fence. The development would include a pumping station adjacent to the south western corner of the site.
40. The current edge to development is also quite prominent, with no significant landscaping to soften the urban edge. It is intended that the site boundaries will feature hedgerow planting and some trees of native species. Landscape buffer areas on the southern and eastern boundaries with the countryside are intended to assist in assimilating the development into the landscape, and to provide habitat for wildlife.
41. The Appellant's landscape impact assessment concludes that the sensitivity of the landscape character in this location is low, the magnitude of change resulting from the proposed development would be low beneficial and the overall impact on the landscape character would be slight beneficial.
42. However, in my judgement, the development would occupy a site which is currently open and highly prominent in the landscape. While there is a ribbon of development extending southwards on the opposite side of Bryning Lane, the development would still appear as a substantial urban extension to the village, which would relate poorly to its existing structure and setting. The indicative landscape planting on the southern and eastern boundaries would in time provide some screening, though due to the gentle southward slope of the land the development would still appear intrusive in the landscape.
43. I conclude that due to the open nature of the landscape on this side of Wrea Green, the development would result in serious harm to the setting and character of the village.

Other matters

Drainage

44. Many residents have expressed concerns about the capacity of sewerage in Wrea Green to accommodate further development. The appeal scheme includes proposals for surface water drainage to be addressed by a sustainable urban drainage system (SUDS) which would store surface water on site and then release it at a controlled rate. With regard to foul drainage, the nearest connection to the public sewer is to the north and at a higher level than the site. A pumping station is proposed in the south-west corner of the site. While I understand the concerns of residents, neither the Environment Agency nor United Utilities had any objection to the appeal scheme on drainage grounds, and I am satisfied that such matters are capable of being addressed by conditions.

45. As such there would be no conflict with criterion 10 of Policy HL2 of the LP, nor Policy EP30 of the LP, nor with the provisions of paragraph 103 of the Framework

Pedestrian and vehicle access

46. With regard to access and highways, the scheme proposes a pedestrian link across the frontage of the site from the access road to the northern boundary. There is no footway continuing north towards the village on this side of Bryning Lane. Pedestrians would therefore have to cross the road at this point to use the footpath. The transport assessment indicates that a crossing will be provided, and the illustrative plan shows it would be opposite No 50 Bryning Lane, a little way to the north of the access road, (though the details remain to be determined). The highways consultee considered that a dropped kerb crossing would be acceptable to accommodate pedestrians with mobility issues, given the anticipated traffic levels and potential pedestrian movements. While the need for pedestrians to cross Bryning Lane twice to reach the village services would be less than ideal, I consider that the route could be used safely and would not result in material harm to highway safety.
47. A unilateral undertaking dated 8 November 2013 has been submitted, which includes a public transport contribution. It makes provision for a 'transport contribution' totalling £75,000 be paid in five instalments to the Council. It is intended to be used by the Council 'to provide and implement a scheme for a bus service to and from the development or the vicinity of the development (being the village of Wrea Green) as shall have been agreed in writing by the Council'. As a matter of fact, the Council is not the transport authority for the area and has no authority to provide such a service. It is not clear how such a payment might be used to improve the sustainability credentials of the site, or to provide long term support for a bus service. As such I do not consider that it would comply with the provisions of the Community Infrastructure Levy (CIL) regulations, and should be afforded no weight in assessing the acceptability of the scheme.

Ecology

48. Concern has also been expressed regarding the potential for the site to impact on the habitat of great crested newts, a protected species. The application was supported by an ecological assessment that presented the findings of a desk study and a survey of the site. There is no evidence of protected species using the site itself. The report however drew attention to a series of ponds around the site with potential for providing habitats for Great Crested Newts (GCN). In response to a request for more information to be provided, an amphibian survey was submitted with the Appeal. Most of the ponds east of Bryning Lane had already been surveyed in connection with the now approved housing development off Richmond Avenue. The Appellant's survey by Ecology Services focused on a further four ponds (Ponds 12 – 15) which are within 500 metres of the appeal site. Surveys were made during the peak period of breeding activity. No evidence of GCN was discovered within any of the ponds. The survey concluded that there was no evidence of GCN on any ponds east of Bryning Lane. However, the survey indicates that there is a small population of GCN in a pond within 250 metres to the west of the site, with good hedgerow connectivity with the site. It also has good connectivity with another pond that is closer to the site and identified as having potential to support GCN.

49. The view of the County Ecologist is that the presence of GCN in the vicinity of the application and their potential presence on the site has not been sufficiently addressed in the information submitted. To my mind however, the survey information provided is thorough and has been carried out by appropriately qualified and experienced professionals. It is proportionate and risk based. The County Ecologist's concern that the site may be licensable is based on the existence of a small colony of GCN to the west of Bryning Lane, approximately 180 metres from the appeal site. While the County Ecologist does not consider the road to be a barrier to newt movement, I consider that the appeal site is very unlikely to make any material contribution to the foraging needs of a population of GCN given the presence of the road as a significant barrier, even having regard to low vehicle numbers at night time. In the circumstances I consider that the ecological implications of development on the site would be capable of being addressed by appropriate conditions requiring precautionary measures to be undertaken and provision of suitable habitat on the site boundaries. The evidence of likely impact on protected species is insufficient to require the imposition of a condition that a licence should be obtained from English Nature prior to the commencement of development.

Affordable Housing

50. A final version of a S106 undertaking is dated 7 November 2013. It makes provision of a payment of £200,000 to the Council for off-site provision of affordable housing, together with five two bedroom affordable housing units on the site. In the event that the developer is unable to transfer these units to a registered provider, then there is an option to pay a total of £250,000 for off-site provision. I consider that this would satisfy the requirement to provide for affordable housing in the Borough in accordance with the Council's policies, and with the requirements of the Community Infrastructure Levy regulations. I therefore accord it significant weight.

Public realm

51. The S106 undertaking makes provision for a contribution of £17,500 towards improvements to the public realm. While the Appellant has not raised the issue of compliance with the Community Infrastructure Levy regulations, I do not consider that the Council has provided the evidence to demonstrate that such a contribution would be necessary to make the development acceptable. Accordingly, I attach no weight to it in determining the appeal.

Traffic

52. Many residents commented on the growth in traffic through Wrea Green in recent years, which they consider to be inappropriate in a rural area, and on the potential for congestion to increase as a result of the various developments proposed in Wrea Green and elsewhere, with adverse safety effects on road users and residents. I accept that traffic levels in Wrea Green are likely to be higher at peak times than at mid-late morning when my visits occurred. Evenso, I witnessed a number of incidents of congestion in various locations, including Ribby Road, Moss Side Lane and Bryning Lane caused in the main by inconsiderate (though not illegal) parking. Nevertheless the access arrangements proposed for the various developments were considered acceptable by the highways consultee at the County Council, and individual developments would only add marginally to existing problems experienced in Wrea Green. While additional traffic is a perhaps unwelcome consequence of

development, I do not consider that the general traffic levels from the various developments, considered individually or collectively, would be a sufficient ground to refuse planning permission for development which would otherwise be acceptable.

Conclusion

53. The proposed development would cause serious harm to the setting of Wrea Green in the countryside. The Framework refers to recognising the intrinsic character and beauty of the countryside and recognising the different character and function of areas. However it also attaches emphasise the need for a significant upturn in housing delivery. Accordingly, there is a balance to be struck between protecting the countryside and ensuring an adequate supply of housing.
54. The most recent policy guidance is set out in the Planning Policy Guidance released on 6 March 2014. The section 'rural housing' is linked with the relevant paragraphs of the Framework. It emphasises that a thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities. It advises that assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process, and continues 'However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.'
55. While it may be considered preferable for the allocation of sites in Wrea Green and elsewhere to be conducted through the replacement Fylde Local Plan, the Council has indicated that Part 2 of the review is unlikely to be adopted before 2016. With respect to housing land, the Planning Policy Guidance confirms at Paragraph 033 that 'demonstration of a five year supply is a key material consideration when determining housing applications and appeals. As set out in [the Framework], a five year supply is also essential to demonstrating that relevant policies for the supply of housing are up-to-date in applying the presumption in favour of sustainable development.
56. In recognition of the housing supply situation, the Council has been pro-active in seeking to improve the situation and increase the immediate supply. It has granted planning permission for a development of 55 dwellings at a site off Richmond Avenue, on the east side of the village and accessed from Bryning Lane. Construction had recently started on the site at the time of my site visit. The scheme will provide a mixture of affordable and market dwellings, with a play facility and a contribution towards improved public transport provision. Permission has also been granted for 67 dwellings in the countryside on the edge of Warton in 2011 and further permissions on key strategic sites have been granted on appeal.
57. In conclusion, while the absence of a five-year supply in the Borough points to a pressing need to increase supply, in accordance with the advice in the Framework and the Planning Policy Guidance, and the scheme would provide affordable housing in accordance with the Council's policies, I consider that the adverse effects of granting permission for the development would significantly

and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

58. Accordingly, the appeal is dismissed.

David Richards

INSPECTOR



Appeal Decision

Site visit made on 25 February 2014

by David Richards BSocSci Dip TP MRTPI

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

Decision date: 16 April 2014

Appeal Ref: APP/M2325/A/13/2200856

Land south of Moss Side Lane (opposite Martindale), Ribby with Wrea

- 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 McTaggart and Mickel Homes Ltd against the decision of Fylde Borough Council.
- The application Ref 12/0720, dated 28 November 2012, was refused by notice dated 13 March 2013.
- The development proposed is outline application for approximately 50 dwellings accessed from Moss Side Lane, with associated open space and landscaping.

Summary of Decision: The appeal is dismissed.

Procedural matters

1. This is one of four appeals which concern proposals for housing development on sites outside the settlement boundary of Wrea Green. The references of the four appeals are as follows:

| | |
|------------------------|--|
| APP/M2325/A/13/2196494 | 54 Bryning Lane |
| APP/M2325/A/13/2200215 | Land adjacent 53 Bryning Lane |
| APP/M2325/A/13/2200856 | Land south of Moss Side Road (opposite Martindale) |
| APP/M2325/A/13/2209839 | Land off Ribby Road, Wrea Green |

2. While each proposal has site unique site specific considerations, a number of issues are common to all four appeals, including the policy and land availability context of the appeals. Due to the elapse of time between the first three appeals listed above and the fourth appeal, the local planning authority's position on land availability was updated in respect of the fourth appeal.
3. The Planning Policy Guidance, which is an important material consideration in the determination of the appeals, was issued on 6 March 2014. The main parties to all four appeals and others with an interest in the appeals were given an opportunity to comment on the implications of the planning policy guidance for the outcome of the appeals. At the same time, parties and others with an interest were given an opportunity to comment on the revised land availability position statement presented by the Council in respect of Appeal Ref: APP/M2325/A/13/2209839. I have taken all responses received to these

requests into account in determining the appeals. Given that all parties have had an opportunity to make representations in respect of Fylde Borough Council's latest housing land availability position statement as at 31 December 2013 it is appropriate for me to consider land availability issues in respect of each appeal on a consistent basis.

Main Issues

4. The main issues are whether the proposal would be sustainable development in the light of the Advice in the National Planning Policy Framework (the Framework) the effect of the proposal on the character and appearance of Wrea Green and its setting in the countryside.

Reasons

Policy

5. The application site is outside the current limits of development as set out in the Fylde Local Plan (LP), and the development would be in conflict with Policy SP2 of the LP. While the development plan remains the starting point for decision making, paragraph 49 of the Framework advises that housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
6. The replacement Fylde Local Plan to 2030 is at an early stage and attracts little weight at present. The Council has published a preferred options document which identifies four strategic locations for development which are intended to provide for 69% of the Borough's residential development needs. These do not include any locations within or around Wrea Green, or any other rural village or settlement within Fylde. It is intended that any allocations in these areas are intended to be addressed in part 2 of the plan. The estimated adoption date for part 2 of the plan is 2016.
7. Saved policy HL2 of the Fylde Borough Local Plan identifies criteria against which development proposals will be considered, including that development should be of a scale that is in keeping with the character of the locality, and should be in a sustainable location. The policy is consistent with two of the core planning principles set out in paragraph 17 of the Framework namely: taking account of 'the different roles and character of different areas, promoting the vitality of our main urban areas ... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'; and 'active management of patterns of growth to make the fullest possible use of public transport, walking and cycling, and focusing development in locations which are or can be made sustainable'. I therefore accord it considerable weight.
8. Ribby with Wrea Parish Council has initiated the process of preparing a neighbourhood plan, and a draft document has been produced and consulted on. The opinion of the steering group was that any development within the parish of Ribby with Wrea must meet the needs of current residents. With regard to housing it identifies a limited need for retirement accommodation and affordable housing to meet local needs. It considers that the potential for major growth is limited by lack of supporting utilities, access and sustainability.

However it has not been through all the requirements set out in part 5 of the Localism Act, and so attracts no weight at present.

9. The application was made in outline, with all matters except access reserved for subsequent consideration.

Housing Land Supply

10. DCLG's Planning Policy Guidance ('the planning policy guidance') was published on 6 March 2014. Paragraph 030 provides advice on the starting point for the five-year housing supply. It advises that considerable weight should be given to the housing requirement in adopted local plans which have successfully passed through the examination process. That does not apply currently in Fylde. It should also be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs. *'Where there is no robust recent assessment of full housing needs, the household projections published by the Department for Communities and Local Government (DCLG), should be used as the starting point, but the weight to be given to these should take account of the fact that they have not been tested (which could evidence a different housing requirement to the projection, for example because past events that affect the projection are unlikely to occur again or because of market signals), or moderated against relevant constraints (for example environmental or infrastructure).'*
11. The Council's position is that it is unable to demonstrate a five year supply of housing as required by the Framework. The Council's latest annual position statement on housing supply gives a figure of 4.5 years as at 31 December 2013 (Housing Supply Statement)¹. This assessment uses Policy L4 of the Regional Spatial Strategy for the Northwest (RSS) which has now been revoked. Work is proceeding on the Fylde Local Plan to 2030, but it has not reached the stage where a replacement figure has been decided. In the circumstances, the Council has used the annual requirement of 306 dwellings per annum from the RSS, along with a buffer of 20% to allow for historic under-delivery as required by the NPPF (para 47). This gives an adjusted five year requirement of 2,626 dwellings, an annual figure of 525 dwellings.
12. On the supply side the Council identifies a total supply of around 2,427 dwellings consisting of 2058 anticipated net commitments identified in the Housing Land Availability Schedule, as phased commitments with outline planning permission, other sites with planning permission subject to S106 (289 units) and all outstanding applications which the Council is minded to approve (80 units). To this has been added a windfall allowance of 200 units giving a projected supply of 2627 units. An allowance has been made for 10% of all sites not coming forward, giving a predicted supply of 2365 dwellings.
13. On this basis, the shortfall against supply would be some 262 dwellings, approximately 0.5 year's supply in relation to the adjusted five year requirement.

¹ This figure reflects the Council's latest position in respect of Appeal Ref: APP/M2325/A/13/2209839. For the 3 earlier appeals, the figure adopted by the Council was 3.1 years (Appeal Refs: APP/M325/A/13/2196494 & 2200215 & 2200856). The revised position primarily reflects the grant of a number of planning permissions since the previous statement of land availability dated 31 March 2013.

14. The Council's approach to the assessment of land supply has been questioned by objectors and developers. Objectors consider that the Council is mistaken in relying on a requirement derived from the now revoked RSS, and has been over cautious in its assessment of the rate at which identified sites will be developed. Developers, on the other hand, draw attention to what they consider to be flaws in the methodology, and an over-optimistic approach to the rate at which large sites will be developed in practice.
15. The CPRE and others have raised doubts over the methodology used by the Council to calculate the 5 year supply, and provided a revised assessment which indicates a supply of 6.0 years.² CPRE refer to comments by the Inspector examining the West Lancashire Local Plan 2012 – 2027, which relate to the use of 2011 census data for household growth. Using this approach, the revised household projections³ indicate a need within the Borough for 265 dwellings per annum, as opposed to the 306 dwellings per annum derived from the RSS and used in the Council's Five Year Housing Supply Statement – 31 December 2013. The West Lancashire LP Inspector also considered that, instead of making up for previous underdelivery over the remaining period of the RSS (i.e from the present until 2021), the shortfall should be made up across the whole of the new local plan period, which in the case of West Lancashire was to 2027. The end date for the forthcoming Fylde Local Plan is 2030. If the West Lancashire approach were to be taken in Fylde, the shortfall would be expected to be made up over the longer period to 2030, instead of assuming that it would be made up by 2021. On this basis, CPRE identify an annual requirement of 377 dwellings per year, as against the Council's figure of 525 dwellings per year.
16. Similar representations were addressed by an Inspector who determined an appeal at Wesham (Ref: APP/M2325/A/12/2186415 decision date 1 August 2013). He concluded that the RSS evidence base was relevant to that appeal. I acknowledge that the RSS evidence base is becoming dated, and therefore that the weight to be given to it is reduced. However the Interim Household projections have yet to be tested through the local plan examination process. In the circumstances I find that the evidence base that underpinned the RSS figures remains relevant due to the absence of any more up-to-date tested figures for Fylde. With regard to the CPRE representations, West Lancashire is a different Council area in Lancashire, where the recently adopted Local Plan has been through the examination process and been found sound. While Fylde Borough Council is working on a replacement local plan, it has yet to undergo examination and its evidence base has not been tested.
17. The Council's 31 December 2013 statement has taken account of further planning permissions granted between 31 March 2013 and 31 December 2013. It has made an assessment of the likely contribution of these sites. While there has been a significant improvement to the supply position, the Council's position remains that it is unable to demonstrate the required 5 year supply of housing. Site promoters have questioned the evidence base and methodology in respect of making up the shortfall.

² This figure represents the CPRE's latest position, in respect of Appeal Ref: APP/M2325/A/13/2209839. For the 3 earlier appeals, the figure adopted by CPRE was 5.4 years (Appeal Refs: APP/M325/A/13/2196494 & 2200215 & 2200856)

³ 2011-based Household Interim Projections for Fylde DCLG 9 Apr 2013

<https://www.gov.uk/government/statistical-data-sets/detailed-data-for-modelling-and-analytical-purposes>

18. The Council's revised position adopts the approach that the housing shortfall since 2003 has been rolled forward and evenly distributed over the period to 2021 (i.e the end of the RSS period). Site promoters argue that the Planning Policy Guidance requires the shortfall should be made up in the first five years of the plan period and not spread out over the life of the plan. However I am mindful that some of the backlog may have arisen as a result of an earlier moratorium on housing consequent upon excess provision in relation to the former Lancashire Structure Plan, and that the effects of the severe downturn in housebuilding activity after 2008 has also contributed to underdelivery. I therefore consider the Council's approach to be reasonable in this respect.
19. Particular criticism was made by site promoters is the Council's reliance on four Strategic Locations for development comprising 13 housing sites, which are proposed to provide for the majority (69%) of the Borough's residential development needs up to 2030, which were expected to deliver 1340 dwellings in the first five years (of the plan preferred options) in the period up to 2017. Given the scale of some of these sites due to the infrastructure required in the current economic climate the site promoters consider that the assumed delivery rates are unrealistic. A number of the larger sites relied on for delivery have yet to secure reserved matters approval, for example Queensway, St Annes; Pontins, St Annes; Kirkham Triangle; and Cropper Road, Whitehill's. Further concerns have been expressed regarding the contribution of sites subject to S106 obligations, with little evident progress having been made towards the signing of obligations on a number of sites, including Fairways, Heeley Road; Georges Garage, Warton; Kingsway Garage, St Annes; and Axa, Lytham. Taking account of the uncertainties around delivery on these sites it is suggested that the supply figure could in reality be as low as 1930, representing a supply of only 3.24 years.
20. Site promoters have also queried the inclusion of 80 units for which the Council is minded to grant permission in the absence of an actual resolution. It is also suggested that there is no compelling evidence to support the proposed reliance on the inclusion of windfall sites totalling 200 units, as required by paragraph 48 of the Framework. As such it is argued that the Council's estimated supply is exaggerated by at least 280 units.
21. I accept that the assumptions underlying the calculation of the five year supply in Fylde may change in the future. The interim household projections show a decline in the rate of household formation in comparison with the RSS evidence base, though as has been pointed out by site promoters, this may in part reflect past shortfalls in housing completions. However, while they are the starting point for the assessment of land supply, these figures have not been tested through the local plan examination process, which moderates the weight which can be given to them. Such matters are not capable of being addressed through the appeal process, and can only properly be carried out through the preparation of the replacement local plan.
22. The Council acknowledges that since 2003 there has been an underdelivery in Fylde of 1144 dwellings against the RSS requirement. In reaching its assessment that the deliverable supply is some 4.5 years, the Council has addressed the objectives of the Framework in relation to the identification of a supply of specific deliverable sites, including the advice in Footnote 11 of the document, and the SHLAA Practice Guidance. It has not been shown that there are sufficient deliverable sites available within the Borough at the present time

that could secure an adequate supply of housing land. In the absence of an adequate supply of such land, the presumption in favour of sustainable development is engaged. Given the objective within the Framework to boost significantly the supply of housing, LP Policy SP2 is considered to be out of date and the weight attributed to it is significantly reduced. Adopting a lower annual requirement in the absence of a properly tested evidence base to justify it, as proposed by CPRE, would not secure the significant boost which the Framework aims to deliver. The Council does not seek to argue that the advice in Paragraphs 47 and 14 of the Framework is not applicable to the determination of these appeals.

23. I acknowledge the views of Appellants that the Council's assumptions on build rates and deliverability may be over-optimistic, given the scale of some of the developments and the infrastructure required. However I am also mindful that there are a number of recent cases in Fylde, referred to in the representations, of permissions being granted where sites have been promoted on the basis of their deliverability, which have subsequently encountered problems in respect of infrastructure provision or S106 requirements. In the circumstances it is understandable for objectors to feel that granting further permissions may not achieve the objective of an early increase in the supply of housing in sustainable locations, or make a significant immediate contribution to the achievement of a five-year supply.
24. Be that as it may, I conclude that, notwithstanding recent planning permissions, the Council remains unable to demonstrate a 5 year supply of housing in accordance with the advice in the Framework, and the appeals should be determined in accordance with the advice in paragraphs 47 and 14 of the Framework. The settlement boundary for Wrea Green and other settlements in Fylde District were drawn many years before the Framework was published, and do not take into account the current emphasis given to boosting the supply of housing significantly. As such the weight that can be attached to Policy SP2 is limited. Paragraph 14 of the Framework sets out the presumption in favour of sustainable development. For decision taking this means granting planning permission for development where relevant policies are out of date 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 that development should be restricted.

Sustainability

25. Paragraph 7 of the Framework sets out the three dimensions to sustainable development. The economic role is concerned with building a strong, responsive and competitive economy. The development of the site would support prosperity through the creation of jobs in the construction sector during the construction period, and through ongoing maintenance and improvement. This would apply to any housing development in a sustainable location.
26. The development would also perform a social role by contributing to the provision of housing required to meet the needs of present and future generations, including a reasonable proportion of affordable housing, some of which would be provided on-site, but the majority at some unspecified location elsewhere in the Borough. These needs are not directly related to the

- community of Wrea Green itself, but would contribute to the housing needs of Fylde Borough, of which Wrea Green is an integral part.
27. Support for accessible local services that reflect the community's needs and support its health, social and cultural well-being is a further aspect of the social role. This reflects the advice set out in Section 3 of the Framework, which is concerned with promoting the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. In rural areas, the Framework advises that local authorities should be responsive to local circumstances and plan housing development to meet local needs, particularly for affordable housing.
28. Objectors to the development, including the Borough Council, consider that there is a risk of development overwhelming key local services, for example the primary school and other community facilities.
29. Wrea Green is one of the rural villages of Fylde Borough. It is located at the junction of four roads that provide connections to other settlements and has grown around that meeting point, and around the large village green that gives the village its name. The village is set in the countryside which separates it from the nearest settlements, with Kirkham 1.5 km to the east, Warton 2.5 km to the south and Lytham 4 km to the west.
30. There were 627 dwellings in the village in 2001 and 651 in 2011. When completed the development which the local planning authority has permitted at Richmond Avenue will increase the number of dwellings by some 9%. The Council considers that further growth in addition to this will exceed the capacity of existing services, meaning that residents will be more likely to travel outside of the village. If all four schemes currently at appeal were granted planning permission (in addition to the 55 at Richmond Avenue) that would amount to an additional 212 dwellings or 33% of the current number of dwellings in the village. It is argued that the central location of existing services within the conservation area offers little scope for these facilities to expand to cater for increased demand. There are particular locational constraints on the capacity of the primary school and employment area to expand.
31. There are a range of services available in Wrea Green, including a shop with post office service, primary school, church, pub, village hall, dentist, hairdressers and a café. There is a play facility as well as the Green itself, which is used for recreation. There is also a small employment area near the station. The Council accepts that there is a need for some growth in the village, to ensure it continues to thrive as a rural community. However it is argued that the scale of growth which would result from any one of the appeal schemes, let alone all four, would be excessive and beyond the needs of the community.
32. Commercial businesses would no doubt welcome the additional custom from further residential development, which would support their profitability and viability. However, the range and diversity of services available is limited. On the other hand there is no evidence any significant threat to the vitality and viability of Wrea Green in the absence of additional development. The recently commenced development at Richmond Avenue will in any event provide early support for village services and contribute significantly towards any local needs for housing arising in the village.

33. In my estimation the range of services currently available in Wrea Green are commensurate with the character and function of a village of this size. While a good range of basic local services are available, existing residents already need to travel to larger settlements to access a full range of services. There are bus services which provide a valuable link to other communities including the larger towns and centres nearby. The village is currently served by two bus routes, No 61 which runs between Preston and Blackpool via Kirkham and operates a half hourly service on weekdays and Saturdays and an hourly service in Sundays, and No 76 which runs between Blackpool and St Annes through Poulton and the rural villages of the Borough on an hourly service Monday to Saturday only. Nevertheless it is highly unlikely that the majority of new residents would use the bus services as their preferred means of transport, and there would be an increase in private car use by residents travelling to other locations to access services and for recreation and other uses.
34. With regard to the travel dimension of sustainability, I walked the route in the course of my site visits to Wrea Green. The Appeal site is within some 400 metres of the location of the majority of existing services in the village to the east of the Green, which I consider to be reasonable walking distance. The scheme includes a proposal for a new bus stop which would enhance the convenience of the site for bus users, and would be of benefit in terms of accessibility. The proposals also include provision for a footpath linking the development to the existing footpath on the east side of Moss Side Lane adjacent to 'Five Oaks'. Ownership of the verge was disputed, and currently a beech hedge on the boundary with 'Five Oaks' overhangs it. Despite extensive correspondence between the Appellant and the Highway Authority the position regarding ownership of the hedge remains uncertain. The Highway Authority considered that the verge was indeed part of the highway, and that the hedge on site today 'is the old extent of highway hedge line and is on private land at the extent of the of highway width'⁴. However, the width available within the highway has not been confirmed. In the absence of confirmation that a sufficient width is available to construct the footway as shown in the proposed site access plan, I cannot be confident that the access proposals are within the control of the Appellant. If delivery of the footpath connection cannot be guaranteed then serious concerns would remain in respect of pedestrian safety.
35. I accept that the appeal site is within reasonable walking distance of the facilities in Wrea Green, including bus services. There is no compelling evidence that granting permission for any one of the four proposals under consideration would be likely to overwhelm the current services available within the village (the current appeal proposal is for up to 50 dwellings). I acknowledge that the nature of the settlement is such that residents of the development would still be substantially reliant on car travel to higher order settlements for many services.
36. Having regard to the Framework advice that planning should take account of the different roles and character of different areas, recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it, I do not consider that there is any pressing local justification in terms of a demonstrable need for housing to be provided specifically in Wrea Green which would justify an increase in the number of dwellings in the village of

⁴ Letter from Lancashire County Council dated 23 October 2013.

some 33% (including existing commitments) if permission were to be granted for all four appeals.

37. Nevertheless, it is one of the larger villages in Fylde with a range of existing services, including relatively good public transport links. The Council acknowledges that it cannot meet projected housing requirements without some release of greenfield land in the countryside adjoining villages. Taking this into account, I do not consider that a development or developments for up to 100 dwellings in total (in addition to those already permitted at Richmond Avenue), would put undue pressure on existing infrastructure.

Character and appearance of Wrea Green

38. The site is agricultural land which lies on the south-western side of the village and south of Moss Side Lane. It lies for the most part outside the defined settlement boundary, in an area which is therefore considered to be part of the countryside. The village developed historically around the large Village Green from which its name is taken. The centre of the village focused around the Green is designated as a conservation area. The site lies immediately adjacent to the settlement boundary, separated from the village by residential properties along its south side and Cooksons Farm. The northern boundary of the site broadly follows the conservation area boundary.
39. The site extends to some 3.3 hectares currently in arable use. There are established mature trees along the northern boundary of the site. The eastern boundary is formed by a hedgerow, with a private track and agricultural fields beyond, which separate the site from the rear boundaries of housing along Bryning Lane. Much of the southern boundary comprises mature planting and woodland. The western boundary is formed by a hedgerow about 20 metres to the east of Moss Side Lane, which is bounded by a second hedgerow. The site generally slopes upwards to the east from Moss Side Lane, with lower levels in the south west corner of the site.
40. The site is included within the SHLAA⁵ where it is identified as Site WG15a and identified as 'Developable/A potentially suitable settlement extensions site' which could potentially deliver 79 dwellings.
41. The Appellant's Landscape and Visual Impact Assessment (LVIA) assesses the landscape sensitivity of the site as 'Low-Medium', due to containment by the woodland to the south of the site, so that growth in this direction would only be perceptible from the immediate approaches to the village. It is argued that as most of the trees and woodland on the site are found around the edges they could be retained and used as a framework for new development, giving it an inherent degree of containment and thus capacity to accommodate change. Additional tree planting could be carried out to strengthen these boundaries.
42. I acknowledge that the development would have limited visual impact on the setting of the village when viewed from a distance, as illustrated in LVIA viewpoints 1 to 4. However, to my mind the critical views are from Moss Side Lane itself in the vicinity of the appeal site and from within the village, notably from the green itself looking out towards Moss Side Lane. The appeal site and existing trees and woodland on its boundaries make a very strong contribution to the rural setting of the village, which I consider to be particularly important to the setting of the conservation area, of which the Green is the focal point.

⁵ Strategic Housing Land Availability Assessment 2012

The retention of open countryside on this side of the village, where it can be appreciated from the Green, appears to me particularly important. While planting could mitigate the visual impact of built development to a limited degree, and it would be possible to lessen the impact by restricting development near to Moss Side Lane to single-storey, the proposal would nevertheless involve a substantial urban extension into a sensitive part of the setting of the village.

43. In addition to the urbanising influence of the dwellings themselves, the access arrangements would require substantial changes to the appearance of Moss Side Lane to accommodate visibility splays and a bus stop. The rural character of the locality would be eroded by the removal of a hedgerow and the construction of the new access. This would conflict with criterion 2 of LP Policy HL2 as it would be out of keeping with the character of the area. It would result in significant harm to the setting of the village and the conservation area. The harm to the heritage asset, while it would not amount to substantial harm in terms of the advice in Paragraph 134 of the Framework, would not be outweighed by the wider public benefits of the proposal in terms of the contribution to housing supply, including affordable housing.

Other matters

Ecology

44. In response to the refusal reason the Appellant provided additional information in the form of the Wrea Green – Great Crested Newt (GCN), Badger and Skylark Report by AECOM dated July 2013. The County ecologist has subsequently confirmed that the development was unlikely to impact on any Badger population in the area and that as no ground nesting birds were found there was unlikely to be an impact on those species. However she remained concerned about the potential for Great Crested Newts to travel to the appeal site from a pond where they are known to be present. The Appellant's discussed the situation directly with the County ecologist. Only one pond (Pond 15) some 230 metres from the site was found to contain GCN⁶.
45. The proposals would retain perimeter habitats which are more suitable for foraging, and the loss of the cultivated haylage field would not be considered to be optimal terrestrial habitat for newts. The mitigation proposals in the AECOM report recommend that a GCN development licence is obtained, and that the site is fenced off and trapped out for the duration of the construction period. Landscape planting of peripheral areas could be designed and managed to increase optimal habitat. This would not form part of gardens but would be managed under a long term management plan, which can be required by condition. On this basis the County ecologist concluded that the outline mitigation proposals may be adequate to form the basis of a mitigation method statement to address the issue of maintaining the population of the species at favourable conservation status. As such it was concluded that the application should not be refused on the grounds of impact on European protected species.

⁶ Surveys were also undertaken of a pond (Pond 7) just to the south of the appeal site prior to permission being withdrawn by the landowner, including bottle traps and egg searches. While acknowledging the survey was 'sub-optimal' the considered opinion of the Appellant's consultants was that GCN are highly unlikely to be present and even less likely to use the pond for breeding.

46. I therefore conclude that this matter would be capable of being addressed by the attachment of appropriate conditions in the event of permission being granted.

S106

47. There is an executed obligation dated 28 October 2013. The obligation would provide the following: 3 dwellings on the site as affordable social rented housing, with a commuted sum up to a maximum of £600,000 for off-site provision; a public realm contribution of up to a maximum of £27,250 towards the improvement of the Wrea Green Conservation Area. The affordable housing provisions are consistent with the Council's policies for the provision of affordable housing in the District and are compliant with the CIL⁷ regulations. They should therefore be accorded significant weight. The policy basis for the public realm contribution is somewhat tenuous, and there is no indication of any specific projects on which the money might be spent. It is not clear to me from the evidence which the Council has submitted why the contribution would be necessary to make the development acceptable, and it would therefore be non-compliant with the regulations. As such, no weight can be attached to it in determining the outcome of the appeal.

Drainage

48. While objectors continue to express concern about the ability of the sewage and drainage systems in Wrea Green to accommodate further development, the Appellant has submitted a drainage strategy to address surface water flows from the site. The strategy demonstrates that surface water run-off would be stored on site before being released to an existing culverted water course at a rate no greater than greenfield run-off. The development would accordingly be acceptable in flood risk terms and would not exacerbate any existing problems encountered within and around the village. Existing problems of flooding in Moss Side Lane were found to be most likely to be attributable to private land which was outside the appeal site. However while it is clearly necessary that the proposed development should not make existing problems worse, it would be unreasonable to require that it alleviates existing problems that are unconnected with the site itself. Subject to the inclusion of appropriate conditions the Environment Agency has no objection to the development.
49. United Utilities, which is responsible for foul drainage, had no objection to the development subject to the provision of a separate system for surface water drainage based on sustainable drainage principles, as discussed above. While I understand the concerns of objectors over the capacity of existing drainage infrastructure, the evidence which has been presented leads me to conclude that these matters would be capable of being satisfactorily addressed by conditions.

Highway safety

50. Moss Side Lane is a relatively busy road providing access to the village from the Lytham direction. The highways consultee nevertheless considered that the proposed junction arrangements would not give rise to any capacity issues. The Council raised no issue in respect of access arrangements for the site in its determination of the application. A subsequent concern relating to the ability to provide a footpath link is addressed above in the context of the sustainability

⁷ Community Infrastructure Levy

of the site. Nevertheless, residents and the Parish Council continue to express concerns over the ability of Moss Side Lane to accommodate additional traffic, particularly in respect of its location on a bend which restricts visibility for vehicles travelling towards the Green, and for drivers emerging from the accesses to existing dwellings on the west side of the lane. I saw that the driveways to two dwellings had particularly poor visibility to the right. Be that as it may, the highway consultee had no objection to the proposed access arrangement on safety grounds. The access would be within the 20 mph zone, though the visibility requirements have been assessed on what would be appropriate for a 30 mph zone. Visibility for drivers entering and leaving the site would be adequate. While I acknowledge some concern over the forward visibility for drivers approaching the village along Moss Side Lane of vehicles stopping or slowing to turn right into the site, this matter was addressed to the highway authority's satisfaction by a revision to the access plan which moved the access to the west towards the apex of the bend. I therefore conclude that the access proposals would be acceptable, subject to the ability to provide a safe footpath connection within the boundary of highway land.

Conclusion

51. The proposed development would cause serious harm to the setting of Wrea Green. It would fail to preserve the setting of Wrea Green Conservation area. The Framework refers to recognising the intrinsic character and beauty of the countryside and recognising the different character and function of areas. However it also attaches emphasis to the need for a significant upturn in housing delivery. Accordingly, there is a balance to be struck between protecting the countryside and ensuring an adequate supply of housing.
52. The most recent policy guidance is set out in the Planning Policy Guidance released on 6 March 2014. The section 'rural housing' is linked with the relevant paragraphs of the Framework. It emphasises that a thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities. It advises that assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process, and continues 'However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.'
53. While it may be considered preferable for the allocation of sites in Wrea Green and elsewhere to be conducted through the replacement Fylde Local Plan, the Council has indicated that Part 2 of the review is unlikely to be adopted before 2016. With respect to housing land, the Planning Policy Guidance confirms at Paragraph 033 that 'demonstration of a five year supply is a key material consideration when determining housing applications and appeals. As set out in [the Framework], a five year supply is also essential to demonstrating that relevant policies for the supply of housing are up-to-date in applying the presumption in favour of sustainable development.'
54. In recognition of the housing supply situation, the Council has been pro-active in seeking to improve the situation and increase the immediate supply. It has granted planning permission for approved a development of 55 dwellings at a

site off Richmond Avenue, on the east side of the village and accessed from Bryning Lane. Construction had recently started on the site at the time of my site visit. The scheme will provide a mixture of affordable and market dwellings, with a play facility and a contribution towards improved public transport provision. Permission has also been granted for 67 dwellings in the countryside on the edge of Warton in 2011 and further permissions on key strategic sites have been granted on appeal.

55. In conclusion, while the absence of a five-year supply in the Borough points to a pressing need to increase housing land supply, including provision for affordable housing, in accordance with the advice in the Framework and the planning policy guidance, I consider that the adverse effects of granting permission for the development, with specific reference to the harm to the countryside setting of Wrea Green and the setting of the conservation area, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
56. Accordingly, the appeal is dismissed.

David Richards

INSPECTOR

Appeal Decision

Site visit made on 11 March 2014

by David Richards BSocSci Dip TP MRTPI

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

Decision date: 16 April 2014

Appeal Ref: APP/M2325/A/13/2209839

Land off Ribby Road, Wrea Green, Preston PR4 2NA

- 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 Redrow Homes Ltd (Lancashire Division) against the decision of Fylde Borough Council.
- The application Ref 13/0507, dated 6 August 2013, was refused by notice dated 13 November 2013.
- The development proposed is outline application for up to 49 dwellings (access applied for with all other matters reserved).

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Annex.

Procedural matters

1. This is one of four appeals which concern proposals for housing development on sites outside the settlement boundary of Wrea Green. The references of the four appeals are as follows:

| | |
|------------------------|--|
| APP/M2325/A/13/2196494 | 54 Bryning Lane |
| APP/M2325/A/13/2200215 | Land adjacent 53 Bryning Lane |
| APP/M2325/A/13/2200856 | Land south of Moss Side Road (opposite Martindale) |
| APP/M2325/A/13/2209839 | Land off Ribby Road, Wrea Green |

2. While each proposal has site unique site specific considerations, a number of issues are common to all four appeals, including the policy and land availability context of the appeals. Due to the elapse of time between the first three appeals listed above and the fourth appeal, the local planning authority's position on land availability was updated in respect of the fourth appeal.
3. The Planning Policy Guidance, which is an important material consideration in the determination of the appeals, was issued on 6 March 2014. The main parties to all four appeals and others with an interest in the appeals were given an opportunity to comment on the implications of the planning policy guidance for the outcome of the appeals. At the same time, parties and others with an interest were given an opportunity to comment on the revised land availability position statement presented by the Council in respect of Appeal Ref:

APP/M2325/A/13/2209839. I have taken all responses received to these requests into account in determining the appeals. Given that all parties have had an opportunity to make representations in respect of Fylde Borough Council's latest housing land availability position statement as at 31 December 2013 it is appropriate for me to consider land availability issues in respect of each appeal on a consistent basis.

Main Issues

4. The main issues are whether the proposal would be sustainable development in the light of the advice in the National Planning Policy Framework (the Framework), and the effect of the proposal on the character and appearance of Wrea Green and its setting in the countryside.

Reasons

5. The site is located on the north eastern end of Wrea Green village and is some 2.95 hectares in extent. It would be accessed off Ribby Road (B5259) and is generally surrounded by a mix of residential properties and open agricultural land. To the north of the site is the Wrea Brook with open agricultural land beyond the brook. To the east there is an access track that runs along the boundary of the site between Ribby Road and a public footpath which provides a route through to the fields to the north of the site. Beyond the access track to the east is Wray (sic) Crescent which consists of a group of semi-detached dwellings. Wray Crescent also includes the Wrea Green pre-school which provides childcare for children aged 2 – 5 years. Ribby Road forms the southern boundary of the site where there are a number of substantial properties including Highgate Cottage, September Cottage, Glebe Cottage and North View Farm.

Policy

6. The application site is outside the current limits of development as set out in the Fylde Local Plan (LP), and the development would be in conflict with Policy SP2 of the LP. While the development plan remains the starting point for decision making, paragraph 49 of the Framework advises that housing applications should be considered in the context of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
7. The replacement Fylde Local Plan to 2030 is at an early stage and attracts little weight at present. The Council has published a preferred options document which identifies four strategic locations for development which are intended to provide for 69% of the Borough's residential development needs. These do not include any locations within or around Wrea Green, or any other rural village or settlement within Fylde. It is intended that any allocations in these areas are intended to be addressed in part 2 of the plan. The estimated adoption date for part 2 of the plan is 2016.
8. Saved policy HL2 of the Fylde Borough Local Plan identifies criteria against which development proposals will be considered, including that development should be of a scale that is in keeping with the character of the locality, and should be in a sustainable location. The policy is consistent with two of the core planning principles set out in paragraph 17 of the Framework namely: taking account of 'the different roles and character of different areas,

promoting the vitality of our main urban areas ... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'; and 'active management of patterns of growth to make the fullest possible use of public transport, walking and cycling, and focusing development in locations which are or can be made sustainable'. I therefore accord it considerable weight.

9. Ribby with Wrea Parish Council has initiated the process of preparing a neighbourhood plan, and a draft document has been produced and consulted on. The opinion of the steering group was that any development within the parish of Ribby with Wrea must meet the needs of current residents. With regard to housing it identifies a limited need for retirement accommodation and affordable housing to meet local needs. It considers that the potential for major growth is limited by lack of supporting utilities, access and sustainability. However it has not been through all the requirements set out in part 5 of the Localism Act, and so attracts no weight at present.

Housing Land Supply

10. DCLG's Planning Policy Guidance ('the planning policy guidance') was published on 6 March 2014. Paragraph 030 provides advice on the starting point for the five-year housing supply. It advises that considerable weight should be given to the housing requirement in adopted local plans which have successfully passed through the examination process. That does not apply currently in Fylde. It should also be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs. *'Where there is no robust recent assessment of full housing needs, the household projections published by the Department for Communities and Local Government (DCLG), should be used as the starting point, but the weight to be given to these should take account of the fact that they have not been tested (which could evidence a different housing requirement to the projection, for example because past events that affect the projection are unlikely to occur again or because of market signals), or moderated against relevant constraints (for example environmental or infrastructure).'*
11. The Council's position is that it is unable to demonstrate a five year supply of housing as required by the Framework. The Council's latest annual position statement on housing supply gives a figure of 4.5 years as at 31 December 2013 (Housing Supply Statement)¹. This assessment uses Policy L4 of the Regional Spatial Strategy for the Northwest (RSS) which has now been revoked. Work is proceeding on the Fylde Local Plan to 2030, but it has not reached the stage where a replacement figure has been decided. In the circumstances, the Council has used the annual requirement of 306 dwellings per annum from the RSS, along with a buffer of 20% to allow for historic under-delivery as required by the Framework (para 47). This gives an adjusted five year requirement of 2,626 dwellings, an annual figure of 525 dwellings.
12. On the supply side the Council identifies a total supply of around 2,427 dwellings consisting of 2058 anticipated net commitments identified in the

¹ This figure reflects the Council's latest position in respect of Appeal Ref: APP/M2325/A/13/2209839. For the 3 earlier appeals, the figure adopted by the Council was 3.1 years (Appeal Refs: APP/M325/A/13/2196494 & 2200215 & 2200856). The revised position primarily reflects the grant of a number of planning permissions since the previous statement of land availability dated 31 March 2013.

Housing Land Availability Schedule, as phased commitments with outline planning permission, other sites with planning permission subject to S106 (289 units) and all outstanding applications which the Council is minded to approve (80 units). To this has been added a windfall allowance of 200 units giving a projected supply of 2627 units. An allowance has been made for 10% of all sites not coming forward, giving a predicted supply of 2365 dwellings.

13. On this basis, the shortfall against supply would be some 262 dwellings, approximately 0.5 year's supply in relation to the adjusted five year requirement.
14. The Council's approach to the assessment of land supply has been questioned by objectors and developers. Objectors consider that the Council is mistaken in relying on a requirement derived from the now revoked RSS, and has been over cautious in its assessment of the rate at which identified sites will be developed. Developers, on the other hand, draw attention to what they consider to be flaws in the methodology, and an over-optimistic approach to the rate at which large sites will be developed in practice.
15. The CPRE and others have raised doubts over the methodology used by the Council to calculate the 5 year supply, and provided a revised assessment which indicates a supply of 6.0 years.² CPRE refer to comments by the Inspector examining the West Lancashire Local Plan 2012 – 2027, which relate to the use of 2011 census data for household growth. Using this approach, the revised household projections³ indicate a need within the Borough for 265 dwellings per annum, as opposed to the 306 dwellings per annum derived from the RSS and used in the Council's Five Year Housing Supply Statement – 31 December 2013. The West Lancashire LP Inspector also considered that, instead of making up for previous underdelivery over the remaining period of the RSS (i.e from the present until 2021), the shortfall should be made up across the whole of the new local plan period, which in the case of West Lancashire was to 2027. The end date for the forthcoming Fylde Local Plan is 2030. If the West Lancashire approach were to be taken in Fylde, the shortfall would be expected to be made up over the longer period to 2030, instead of assuming that it would be made up by 2021. On this basis, CPRE identify an annual requirement of 377 dwellings per year, as against the Council's figure of 525 dwellings per year.
16. Similar representations were addressed by an Inspector who determined an appeal at Wesham (Ref: APP/M2325/A/12/2186415 decision date 1 August 2013). He concluded that the RSS evidence base was relevant to that appeal. I acknowledge that the RSS evidence base is becoming dated, and therefore that the weight to be given to it is reduced. However the Interim Household projections have yet to be tested through the local plan examination process. In the circumstances I find that the evidence base that underpinned the RSS figures remains relevant due to the absence of any more up-to-date tested figures for Fylde. With regard to the CPRE representations, West Lancashire is a different Council area in Lancashire, where the recently adopted Local Plan has been through the examination process and been found sound. While Fylde

² This figure represents the CPRE's latest position, in respect of Appeal Ref: APP/M2325/A/13/2209839. For the 3 earlier appeals, the figure adopted by CPRE was 5.4 years (Appeal Refs: APP/M325/A/13/2196494 & 2200215 & 2200856)

³ 2011-based Household Interim Projections for Fylde DCLG 9 Apr 2013

<https://www.gov.uk/government/statistical-data-sets/detailed-data-for-modelling-and-analytical-purposes>

Borough Council is working on a replacement local plan, it has yet to undergo examination and its evidence base has not been tested.

17. The Council's 31 December 2013 statement has taken account of further planning permissions granted between 31 March 2013 and 31 December 2013. It has made an assessment of the likely contribution of these sites. While there has been a significant improvement to the supply position, the Council's position remains that it is unable to demonstrate the required 5 year supply of housing. Site promoters have questioned the evidence base and methodology in respect of making up the shortfall.
18. The Council's revised position adopts the approach that the housing shortfall since 2003 has been rolled forward and evenly distributed over the period to 2021 (i.e the end of the RSS period). Site promoters argue that the Planning Policy Guidance requires the shortfall should be made up in the first five years of the plan period and not spread out over the life of the plan. However I am mindful that some of the backlog may have arisen as a result of an earlier moratorium on housing consequent upon excess provision in relation to the former Lancashire Structure Plan, and that the effects of the severe downturn in housebuilding activity after 2008 has also contributed to underdelivery. I therefore consider the Council's approach to be reasonable in this respect.
19. Particular criticism was made by site promoters of the Council's reliance on four Strategic Locations for development comprising 13 housing sites, which are proposed to provide for the majority (69%) of the Borough's residential development needs up to 2030, and which were expected to deliver 1340 dwellings in the first five years (of the plan preferred options) in the period up to 2017. Given the scale of some of these sites due to the infrastructure required in the current economic climate the site promoters consider that the assumed delivery rates are unrealistic. A number of the larger sites relied on for delivery have yet to secure reserved matters approval, for example Queensway, St Annes; Pontins, St Annes; Kirkham Triangle; and Cropper Road, Whitehill's. Further concerns have been expressed regarding the contribution of sites subject to S106 obligations, with little evident progress having been made towards the signing of obligations on a number of sites, including Fairways, Heeley Road; Georges Garage, Warton; Kingsway Garage, St Annes; and Axa, Lytham. Taking account of the uncertainties around delivery on these sites it is suggested that the supply figure could in reality be as low as 1930, representing a supply of only 3.24 years.
20. Site promoters have also queried the inclusion of 80 units for which the Council is minded to grant permission in the absence of an actual resolution. It is also suggested that there is no compelling evidence to support the proposed reliance on the inclusion of windfall sites totalling 200 units, as required by paragraph 48 of the Framework. As such it is argued that the Council's estimated supply is exaggerated by at least 280 units.
21. I accept that the assumptions underlying the calculation of the five year supply in Fylde may change in the future. The interim household projections show a decline in the rate of household formation in comparison with the RSS evidence base, though as has been pointed out by site promoters, this may in part reflect past shortfalls in housing completions. However, while they are the starting point for the assessment of land supply, these figures have not been tested through the local plan examination process, which moderates the weight which can be given to them. Such matters are not capable of being addressed

- through the appeal process, and can only properly be carried out through the preparation of the replacement local plan.
22. The Council acknowledges that since 2003 there has been an underdelivery in Fylde of 1144 dwellings against the RSS requirement. In reaching its assessment that the deliverable supply is some 4.5 years, the Council has addressed the objectives of the Framework in relation to the identification of a supply of specific deliverable sites, including the advice in Footnote 11 of the document, and the SHLAA Practice Guidance. It has not been shown that there are sufficient deliverable sites available within the Borough at the present time that could secure an adequate supply of housing land. In the absence of an adequate supply of such land, the presumption in favour of sustainable development is engaged. Given the objective within the Framework to boost significantly the supply of housing, LP Policy SP2 is considered to be out of date and the weight attributed to it is significantly reduced. Adopting a lower annual requirement in the absence of a properly tested evidence base to justify it, as proposed by CPRE, would not secure the significant boost which the Framework aims to deliver. The Council does not seek to argue that the advice in Paragraphs 47 and 14 of the Framework is not applicable to the determination of these appeals.
 23. I acknowledge the views of Appellants that the Council's assumptions on build rates and deliverability may be over-optimistic, given the scale of some of the developments and the infrastructure required. However I am also mindful that there are a number of recent cases in Fylde, referred to in the representations, of permissions being granted where sites have been promoted on the basis of their deliverability, which have subsequently encountered problems in respect of infrastructure provision or S106 requirements. In the circumstances it is understandable for objectors to feel that granting further permissions may not achieve the objective of an early increase in the supply of housing in sustainable locations, or make a significant immediate contribution to the achievement of a five-year supply.
 24. Be that as it may, I conclude that, notwithstanding recent planning permissions, the Council remains unable to demonstrate a 5 year supply of housing in accordance with the advice in the Framework, and the appeals should be determined in accordance with the advice in paragraphs 47 and 14 of the Framework. The settlement boundary for Wrea Green and other settlements in Fylde District were drawn many years before the Framework was published, and do not take into account the current emphasis given to boosting the supply of housing significantly. As such the weight that can be attached to Policy SP2 is limited. Paragraph 14 of the Framework sets out the presumption in favour of sustainable development. For decision taking this means granting planning permission for development where relevant policies are out of date 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 that development should be restricted.

Sustainability

25. Paragraph 7 of the Framework sets out the three dimensions to sustainable development. The economic role is concerned with building a strong, responsive and competitive economy. The development of the site would support prosperity through the creation of jobs in the construction sector

- during the construction period, and through ongoing maintenance and improvement. This would apply to any housing development in a sustainable location.
26. The development would also perform a social role by contributing to the provision of housing required to meet the needs of present and future generations, including a reasonable proportion of affordable housing, some of which would be provided on-site, but the majority at some unspecified location elsewhere in the Borough. These needs are not directly related to the community of Wrea Green itself, but would contribute to the housing needs of Fylde Borough, of which Wrea Green is an integral part.
27. Support for accessible local services that reflect the community's needs and support its health, social and cultural well-being is a further aspect of the social role. This reflects the advice set out in Section 3 of the Framework, which is concerned with promoting the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. In rural areas, the Framework advises that local authorities should be responsive to local circumstances and plan housing development to meet local needs, particularly for affordable housing.
28. Objectors to the development, including the Borough Council, consider that there is a risk of development overwhelming key local services, for example the primary school and other community facilities.
29. Wrea Green is one of the rural villages of Fylde Borough. It is located at the junction of four roads that provide connections to other settlements and has grown around that meeting point, and around the large village green that gives the village its name. The village is set in the countryside which separates it from the nearest settlements, with Kirkham 1.5 km to the east, Warton 2.5 km to the south and Lytham 4 km to the west.
30. There were 627 dwellings in the village in 2001 and 651 in 2011. When completed the development which the local planning authority has permitted at Richmond Avenue will increase the number of dwellings by some 9%. The Council considers that further growth in addition to this will exceed the capacity of existing services, meaning that residents will be more likely to travel outside of the village. If all four schemes currently at appeal were granted planning permission (in addition to the 55 at Richmond Avenue) that would amount to an additional 212 dwellings or some 33% of the current number of dwellings in the village. It is argued that the central location of existing services within the conservation area offers little scope for these facilities to expand to cater for increased demand. There are particular locational constraints on the capacity of the primary school and employment area to expand.
31. There are a range of services available in Wrea Green, including a shop with post office service, primary school, church, pub, village hall, dentist, hairdressers and a café. There is a play facility as well as the Green itself, which is used for recreation. There is also a small employment area near the station. The Council accepts that there is a need for some growth in the village, to ensure it continues to thrive as a rural community. However it is argued that the scale of growth which would result from any one of the appeal schemes, let alone all four, would be excessive and beyond the needs of the community.

32. Commercial businesses would no doubt welcome the additional custom from further residential development, which would support their profitability and viability. However, the range and diversity of services available is limited. On the other hand there is no evidence any significant threat to the vitality and viability of Wrea Green in the absence of additional development. The recently commenced development at Richmond Avenue will in any event provide early support for village services and contribute significantly towards any local needs for housing arising in the village.
33. In my estimation the range of services currently available in Wrea Green are commensurate with the character and function of a village of this size. While a good range of basic local services are available, existing residents already need to travel to larger settlements to access a full range of services. There are bus services which provide a valuable link to other communities including the larger towns and centres nearby. The village is currently served by two bus routes, No 61 which runs between Preston and Blackpool via Kirkham and operates a half hourly service on weekdays and Saturdays and an hourly service in Sundays, and No 76 which runs between Blackpool and St Annes through Poulton and the rural villages of the Borough on an hourly service Monday to Saturday only. Nevertheless it is highly unlikely that the majority of new residents would use the bus services as their preferred means of transport, and there would be an increase in private car use by residents travelling to other locations to access services and for recreation and other uses.
34. I accept that the appeal site is within reasonable walking distance of the facilities in Wrea Green, including bus services. With regard to the travel dimension of sustainability, there is a bus stop some 130 metres to the east of the site's entrance which serves services 61 and 76, providing a public transport link to many of the main towns and settlements in this part of Lancashire. The site is within easy walking distance of the services and facilities available in the village.
35. There is no compelling evidence that granting permission for any one of the four proposals under consideration would be likely to overwhelm the current services available within the village (the current appeal proposal is for up to 49 dwellings). I acknowledge that the nature of the settlement is such that residents of the development would still be substantially reliant on car travel to higher order settlements for many services.
36. Having regard to the Framework advice that planning should take account of the different roles and character of different areas, recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it, I do not consider that there is any pressing local justification in terms of a demonstrable need for housing to be provided specifically in Wrea Green which would justify an increase in the number of dwellings in the village of some 33% (including existing commitments) if permission were to be granted for all four appeals.
37. Nevertheless, it is one of the larger villages in Fylde with a range of existing services, including relatively good public transport links. The Council acknowledges that it cannot meet projected housing requirements without some release of greenfield land in the countryside adjoining villages. Taking this into account, I do not consider that a development or developments for up to 100 dwellings in total (in addition to those already permitted at Richmond Avenue), would put undue pressure on existing infrastructure.

Character and Appearance of Wrea Green

38. The site is set back from Ribby Road behind the existing farmyard and other frontage development. The Vicarage to the west is set in large grounds with many mature trees, and is flanked on its western side by the modern development of St Nicholas Close and Vicarage Close to the north-west. An open field provides separation between the appeal site and the Vicarage.
39. Access to the development would require the demolition of agricultural buildings which, although characteristic of a village farmyard, are not listed or within the conservation area. The site itself is currently well maintained open pasture land which at first rises gently from the watercourse on the south western boundary and then falls away to the Wrea Brook, which forms the northern boundary. There are a number of existing trees and hedgerows on the boundaries and within the site, most of which would be retained. There is opportunity for landscaping to assimilate development and maintain and enhance habitat.
40. The sketch layout submitted with the application is indicative only, but provides an illustration of how the site could be developed. It shows a development of predominantly large detached houses, with an area of higher density housing in the south-western part of the site. The development would include buffers along the watercourses and a significant area of public open space. The buffer along the Wrea Brook would provide for a balancing feature as part of a sustainable urban drainage scheme.
41. A previous appeal for housing development was dismissed in 1990⁴. The Inspector concluded that the proposed development would not constitute rounding off but would instead result in a major extension of the existing built-up area of Wrea Green northwards into open countryside, harming the present rural character and appearance of the area because of the intrusive nature of building development. While the Inspector considered that a well-designed scheme could be prepared for the site with dwellings in keeping with the general appearance and character of other dwellings in this part of the village, he did not accept that that this would be sufficient to reduce the visual impact of the buildings to an acceptable level to what are at present pleasant open fields in agricultural use. The Inspector also found that, even with planting along Wrea Brook, the development would be visible as major extension when viewed from the higher ground of the Preston to Blackpool Road, because of the open and flat nature of the site and the adjoining countryside. With regard to the effect on Ribby Road, the Inspector concluded that the necessary removal of buildings to provided an access to the site would clearly open up the development to view from Ribby Road, introducing a significant area of suburban development into a part of Wrea Green that had retained its rural air because of the closeness of the fields and farm buildings to the frontage.
42. While that conclusion remains valid, the circumstances of this appeal are substantially different. In the 1990 appeal, the proposal was being considered as an individual development, in circumstances where the settlement boundary was considered up to date, and where there was no pressing need to identify further housing land. In the present case there is an acknowledged deficiency in housing land supply, and there are other proposals under consideration in related appeals. I acknowledge that there would be harm to the rural

⁴ T/APP/M2325/A/89/130804/P2

character of Wrea Green, as identified by the previous Inspector, which would be particularly apparent to users of the public right of way which passes to the east of the site, and links to the open countryside north of Wrea Green. However I consider that the degree of harm would be very limited. I note that, while maintaining a clear objection to the development, the Council's Committee report states that 'the harm to the form of the village is less of a concern than has been raised by other recent development proposals.' Wray Crescent projects a considerable distance to the north of Ribby Road, and would provide visual containment to the east of the development. Similarly the development around Vicarage Close, to the north-west, would ensure that the development would not appear unduly intrusive in views from that direction. The set back of built development from Ribby Road, the retention of existing boundary trees and the potential for landscaping including an extensive open area on the northern boundary, would provide some scope for mitigation of the visual impact of the development, and assist in the integration of the development in the setting of Wrea Green. The harm to character and appearance is a matter to balance against housing need in the absence of an identified 5 year supply of housing.

Other matters

Section 106

43. An executed unilateral undertaking dated 20 March 2014 has been submitted by the Appellant. It requires the developer to make a financial contribution of £225,729 to the County Council as education authority towards the provision of primary school places in the locality of the site. The contribution has been calculated in accordance with the formula set out in the County Council's methodology: 'Contribution towards education places – Update December 2012' for calculating a contribution for additional places within 3 miles of the centre of the site. It is subject to a conditional clause which states that 'the educational contribution as aforesaid shall be reduced to take into account the expected availability of places in existing and any proposed primary schools for the final year for which the forecasts are available following a review of the most recent annual pupil forecasts and the expected number of pupils in local schools resulting from the implementation of any extant planning permissions and the number of pupil places to be funded by any such extant planning permissions such review to be undertaken as part of the consideration of any reserved matters planning application submitted pursuant to planning permission'.
44. The Council's position in respect of the need for the four development sites under consideration in these appeals to make a contribution to the provision of educational places has evolved over time. No requirement was sought in respect of the appeals at 53 Bryning Lane, 54 Bryning Lane and Land off Moss Side Lane. However, in consequence of other developments which have been permitted, it is now considered by the County Council that a shortfall of primary school places could give rise to a requirement for additional places to be funded through appropriate contributions. I consider that the undertaking would address the concerns of the County Council and others in this respect.
45. The undertaking also provides for a public realm contribution of some £26,705 towards the enhancement of the public realm in the village. While the Appellant has not raised the issue of compliance with the Community Infrastructure Levy regulations, I do not consider that the Council has provided

the evidence to demonstrate that such a contribution would be necessary to make the development acceptable. Accordingly, I attach no weight to it in determining the appeal

46. The undertaking makes provision for 7 two bedroom units to be provided as affordable housing as part of the development, subject to a provision that if the affordable housing cannot be transferred to a registered provider, the developer will pay a commuted sum of £50,000 per dwelling for each affordable dwelling not provided on the site, together with a commuted sum of £8,333 per market dwelling permitted to be constructed on the site, intended for the provision of affordable housing elsewhere in the administrative district of Fylde. I consider that it would satisfy the requirement to provide for affordable housing in the Borough in accordance with the Council's policies, and with the requirements of the Community Infrastructure Levy regulations. I therefore accord it significant weight.

Ecology

47. Lancashire County Council's ecologist has outstanding concerns about the impact of the proposal on bats. It is considered that further surveys need to be carried out to establish the presence or absence of bat roosts in building 9 and any trees with potential for use as bat roosts which might be affected. The Appellant's ecology consultant accepts that, whilst it is recognised that the survey work carried out (one daylight survey and one nocturnal survey), does not conform to the 2012 guidelines⁵, such guidelines are informative but not prescriptive, and expect professional judgment to be applied for each structure or potential roost. With respect to building 9, features of potential value for bats were clearly identified and assessed by daylight. The survey was optimally timed for the detection of a maternity roost, but none was detected. The lack of field signs (particularly the absence of droppings) when the interior was searched is clear evidence that no bats use the interior roof space of the building. The Appellant considers that these results demonstrate that there is no roost of significant conservation status in Building 9. It is recognised by the Appellant's ecologist that the building displays low or moderate potential for roosting bats, and bats could be found to utilise features at other times of year, or that bats could colonise the building in future. In my view the survey effort carried out on behalf of the Appellant is proportionate and reasonable. It has demonstrated that there is no evidence at present of use of the building by protected species. While it is always possible that such colonisation will occur in future, I accept that further survey work at this time is unlikely to yield different results to that carried out by the Appellant in the peak breeding season.
48. With regard to trees, it is acknowledged that there has been no nocturnal survey of trees proposed for removal or pruning, and therefore the presence or absence of bats within any crevice feature or rot cannot be guaranteed. Further surveys would be required in order to inform management works and inform any requirements for mitigation and compensation. However the Appellant points out that, while the tree survey recommends limited removal and pruning works, the trees recommended for removal are boundary trees and could be retained in the event that they prove to have any value in respect of bat conservation. Similarly with pruning works, they are arboricultural recommendations, which could be modified or deleted if necessary. None of the

⁵ Bat Surveys: Good Practice Guidelines – 2nd edition (Bat Conservation Trust 2012)

trees proposed for removal or management are necessary to accommodate the development. If further survey work at the detailed stage indicates that bats would be affected, the works to affected trees could be reviewed and eliminated from the scheme.

49. Accordingly I consider that the level of survey effort carried out provides an adequate basis on which to determine that the application would not have a significant harmful effect on protected species.

Drainage

50. Many residents have expressed concerns about the capacity of sewerage in Wrea Green to accommodate further development, without causing pollution and increasing the risk of flooding. With regard to surface water drainage, the appeal site is located in Flood Zone 1, which is the least likely to suffer tidal or alluvial flooding. The Appellant has submitted a drainage management strategy which sets out a series of natural and artificial features to retain water on site and ensure that it is released at a slow rate after storm events. Such provisions are widely found in developments where flood risk is at issue. Following submission of a revised assessment the Environment Agency is satisfied that the scheme can be implemented without increasing downstream flood risk.
51. The nearest sewer is a combined sewer that runs along Ribby Road. While I understand that residents question the capacity of the network to accept further flows from new development, United Utilities which is responsible for foul drainage confirmed that the foul only discharge from any small to medium sized development will not have a significant impact on the existing network. Neither the Environment Agency nor United Utilities had any objection to the appeal scheme on drainage grounds, and I am satisfied that such matters are capable of being satisfactorily addressed by conditions. As such there would be no conflict with criterion 10 of Policy HL2 of the LP, nor Policy EP30 of the LP, nor with the provisions of paragraph 103 of the Framework.

Traffic

52. Many residents commented on the growth in traffic through Wrea Green in recent years, which they consider to be inappropriate in a rural area, and on the potential for congestion to increase as a result of the various developments proposed in Wrea Green and elsewhere, with adverse safety effects on road users and residents. I accept that traffic levels in Wrea Green are likely to be higher at peak times than at mid-late morning when my visits occurred. Evenso, I witnessed a number of incidents of congestion in various locations, including Ribby Road, Moss Side Lane and Bryning Lane caused in the main by inconsiderate (though not illegal) parking. Nevertheless the access arrangements proposed for the various developments were considered acceptable by the highways consultee at the County Council, and individual developments would only add marginally to existing problems experienced in Wrea Green. While additional traffic is a perhaps unwelcome consequence of development, I do not consider that the general traffic levels from the various developments, considered individually or collectively, would be a sufficient ground to refuse planning permission for development which would otherwise be acceptable.

Conclusion

53. The Framework refers to recognising the intrinsic character and beauty of the countryside and recognising the different character and function of areas. However it also emphasises the need for a significant upturn in housing delivery, particularly where a five year supply of housing land cannot be demonstrated. Accordingly, there is a balance to be struck between protecting the countryside and ensuring an adequate supply of housing. I have concluded above that the proposed development would cause some, though very limited, harm to the rural setting and character of Wrea Green, which must be balanced against the need to provide additional housing land in the absence of a demonstrable five year supply.
54. The most recent policy guidance is set out in the Planning Policy Guidance released on 6 March 2014. The section 'rural housing' is linked with the relevant paragraphs of the Framework. It emphasises that a thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities. It advises that assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process, and continues 'However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.'
55. Whereas it may be considered preferable for the allocation of sites in Wrea Green and elsewhere to be conducted through the replacement Fylde Local Plan, the Council has indicated that Part 2 of the review is unlikely to be adopted before 2016. With respect to housing land, the Planning Policy Guidance confirms at Paragraph 033 that 'demonstration of a five year supply is a key material consideration when determining housing applications and appeals. As set out in [the Framework], a five year supply is also essential to demonstrating that relevant policies for the supply of housing are up-to-date in applying the presumption in favour of sustainable development'.
56. I acknowledge that, in recognition of the housing supply situation, the Council has been pro-active in seeking to improve the situation and increase the immediate supply. It has granted planning permission for a development of 55 dwellings at a site off Richmond Avenue, on the east side of the village and accessed from Bryning Lane. Construction had recently started on the site at the time of my site visit. The scheme will provide a mixture of affordable and market dwellings, with a play facility and a contribution towards improved public transport provision. Permission has also been granted for 67 dwellings in the countryside on the edge of Warton in 2011 and further permissions on key strategic sites have been granted on appeal.
57. Nevertheless I conclude that the harm to the countryside character and setting of Wrea Green in this instance would not be so great as to significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the Framework taken as a whole. Accordingly the benefits of the scheme, in terms of a contribution to the housing needs of the Borough, including affordable housing, are sufficient to justify the grant of planning permission in this instance.

Conditions

58. I have considered the suggested conditions and the comments made in response, and where necessary have made minor amendments to the wording in the interests of clarity. The application was made in outline and conditions requiring the submission of details of reserved matters are therefore necessary. Conditions addressing the height of dwellings, materials used in construction and surfacing, landscaping, boundary treatment and site levels are necessary to ensure a satisfactory appearance to the development. A Construction Plan is necessary to protect the amenity of neighbours during the construction period. Conditions requiring provision of appropriate visibility splays and radii, access arrangements within the site and for the access to be completed to base course level before building work commences on dwellings is necessary in the interests of highway safety and to avoid the transfer of mud onto the road network. A condition requiring improvement of the nearby bus shelter is necessary and reasonable, though I consider it would be unreasonable to require a mechanism for ongoing maintenance. Conditions regarding hedgerow retention, tree protection, ecological surveys, and the removal of non-native plant species are necessary in the interests of wildlife and habitat protection. Conditions requiring the submission of details of foul and surface water drainage are necessary to avoid flood risk and pollution of watercourses.

Decision

Appeal Ref: APP/M2325/A/13/2209839

59. The appeal is allowed and outline planning permission is granted for up to 49 dwellings (access applied for with all other matters reserved) at Land off Ribby Road, Wrea Green, Preston PR4 2NA in accordance with the terms of the application, Ref 13/0507, dated 6 August 2013, subject to the conditions set out in the Annex to this decision.

David Richards

INSPECTOR

ANNEX

Appeal Ref: APP/M2325/A/13/2209839

Conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The reserved matters shall include details of dwellings in a range of scales and designs with no dwelling or residential building exceeding 2¹/₂ storeys in height.
- 5) The reserved matters shall include details of the provision, retention and ongoing maintenance of public open space in accordance with the standards set out in Policy TREC 17 of the Fylde Borough Local Plan, including a timetable for their provision. The provision, retention and maintenance of this open space shall thereafter be carried out in accordance with the approved details.
- 6) The development shall be carried out substantially in accordance with the illustrative layout and Landscape Structure Plan by MCK Associates Drawing NO: 13-048-MP01.
- 7) No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) Prior to the construction of any dwellings hereby approved a detailed schedule of the materials to be used in the external surfaced areas to the dwellings, roadways and other external surfaces areas to the communal parts of the site shall be submitted to and approved in writing by local planning authority. The development shall be carried out in accordance with this agreed schedule.
- 9) Prior to the commencement of any of the dwellings hereby approved, a schedule of boundary treatments around the site perimeter, between individual neighbouring plots and the internal roadways shall be submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be constructed in accordance with the approved details concurrent with the erection of the dwellings. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of programmed landscaping for the area of residential development. The scheme shall include details of: all existing trees and hedgerows and those that are to be retained, together with measures for their protection during the course of the development; all planting and seeding; hard surfacing and the materials to be used; and,

means of enclosure. All hard and soft landscape works shall be carried out in accordance with the approved programme and details. Any trees or plants which within a period of 5 years commencing with the date of their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 10) Prior to the commencement of any on-site demolition or other development associated with this permission a construction plan shall be submitted to the local planning authority and approved in writing. The plan shall include methods and details of demolition and construction; vehicle routeing to the site; construction traffic parking; any temporary traffic management measures; and times of construction, access and deliveries. The construction plan shall be adhered to during demolition and the construction of the development.
- 11) Construction of the dwellings shall not commence until the access to the site from Ribby Road has been constructed to at least base course level in accordance with the design shown on the proposed access plan by SCP reference SCP/13004/F01. This shall include the position of the access, the 10 m radii at both sides, the 5.5 m wide carriageway with 2m wide footways, the 2.4 x 43 m visibility splays in both directions, and any necessary alterations to the highway and street lighting associated with the provision of this access.
- 12) Prior to the commencement of development a scheme for the improvement of the nearest bus stops to the site in both directions on Ribby Road to be improved to the Quality Bus Standard shall be submitted to and agreed in writing by the local planning authority. The scheme shall identify the stops in question, the works proposed to them and the phasing of those works. The scheme shall be implemented in accordance with the approved phasings.
- 13) Prior to the commencement of development the phasing of the construction of the highway access and internal estate roads and the application of their finished surfacing, road markings, street lighting, drainage and other such works shall be submitted to and agreed in writing by the local planning authority. The development shall thereafter be implemented in accordance with the agreed details.
- 14) All existing lengths of hedgerow within the proposed residential development area shall be retained, except for where their removal is required for the formation of access points or visibility splays, or in other limited circumstances where an equivalent or greater length of hedge is provided as a replacement and has been previously agreed in writing by the local planning authority. No removal, relaying or works to existing hedgerows shall be carried out between March and August inclusive in any one year unless otherwise agreed in writing by the local planning authority.
- 15) No development shall take place until there has been submitted to and approved in writing by the local planning authority a fully detailed scheme for habitat creation and management, including details of bat habitat creation. The scheme shall include details of mitigation and compensation measures, the management of public access, and on-going monitoring regimes.
- 16) A tree protection scheme for all trees and retained hedges on the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. No work of any kind shall take place until the protective fences are erected around the retained trees in the

position and to the specification agreed by the local planning authority. Such fencing shall be retained throughout the development where work of any kind is undertaken in proximity to trees and hedging.

- 17) All trees currently on the site shall be retained. If any future management works or tree removal is proposed it should be detailed in any subsequent reserved matters application and supported by appropriate ecological survey assessments in order to assess the potential for bat roosts.
- 18) A further precautionary survey of Building 9 (as identified in the submitted Ecological Survey and Assessment) shall be carried out prior to commencement of demolition works. The survey report shall be submitted to the local planning authority for approval in writing prior to the commencement of demolition works, and the works shall be carried out in accordance with the methodology for any mitigation identified in the further Bat survey.
- 19) Prior to the commencement of the development a scheme for the removal of the invasive non-native plant species identified in the submitted Ecological Survey and Assessment (Montbretia and Himalayan Balsam) shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented prior to the occupation of the development.
- 20) Prior to the commencement of development a precautionary survey of water courses within and adjacent to the site for the presence of water voles shall be submitted to and approved in writing by the local planning authority. This survey shall identify suitable mitigation and preventative measures to be implemented to minimise the opportunity for disturbance or harm to this protected species, and shall be fully implemented in accordance with the scheme as approved.
- 21) Prior to the commencement of development a detailed levels plan indicating the existing and proposed ground levels and proposed finished floor levels throughout the site shall be submitted to and approved in writing by the local planning authority. The development thereafter be implemented in full accordance with the approved plan.
- 22) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme for surface water drainage in line with the details proposed in the Drainage Management Strategy document prepared by Betts Associates and dated July 2013. These details shall be based on sustainable drainage principles and shall include:
 - (i) Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site to the Wrea Brook to 16.3 l/sec (including details of any onsite balancing pond);
 - (ii) details of improvements to off-site drainage works, and the measures taken to prevent pollution of the receiving groundwater and/or surface waters.

The scheme shall also specify a timetable for its implementation, and provide a management and maintenance plan for the lifetime of the development, and shall be implemented/maintained in accordance with these details.

- 23) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme for foul water drainage. The scheme shall ensure that the development is drained on a

separate system with only foul drainage connected to the foul sewer and shall include details of any on-site pumping station and ongoing maintenance of the foul drainage system. Development shall be implemented in accordance with the approved scheme.

Appeal Decision

Site visit made on 25 March 2014

by Matthew Birkinshaw BA(Hons) MSc MRTPI

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

Decision date: 22 April 2014

Appeal Ref: APP/M2325/A/14/2211843

16/18 St. Georges Road, Lytham St. Annes, Lancashire, FY8 2AE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr William Cowburn against the decision of Fylde Borough Council.
 - The application Ref 13/0622, dated 7 October 2013, was refused by notice dated 18 December 2013.
 - The development proposed is the replacement of 17 windows, using upvc frames. All to sides and rear. Front windows to remain.
-

Decision

1. The appeal is allowed and planning permission is granted for the replacement of 17 windows, using upvc frames. All to sides and rear. Front windows to remain at 16/18 St. Georges Road, Lytham St. Annes, Lancashire, FY8 2AE in accordance with the terms of the application, Ref 13/0622, dated 7 October 2013 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Reference J5-1, J5-2, J5-3, J5-4, J5-5, J5-6, J5-7, J5-8, J5-9, J5-10 and J5-11, but only insofar as they relate to the replacement of windows.

Procedural Matters

2. The appellant has indicated that one of the replacement upvc windows has already been installed. However, as retrospection is not an act of development it is not necessary to refer to this in either the description of development or my formal decision.
3. For consistency with the Council's decision notice I have referred to the site address used on the appeal form. However, and as subsequently confirmed by the Council, I have determined the appeal on the basis of the 17 replacement windows as originally applied for, rather than the 8 initially referred to.

Main Issue

4. The main issue is whether or not the proposal would preserve or enhance the character or appearance of the St. Annes (Porritt Houses/Ashton Gardens) Conservation Area.

Reasons

5. The appeal relates to a pair of large, semi-detached townhouses in use as offices and residential accommodation fronting onto St. Georges Road. The building is described as an attractive example of an original 'Porritt House', and combined with the similar group of townhouses along this part of St. Georges Road contributes positively to the character and appearance of the area. This traditional appearance, which includes the use of timber sash windows, is also part of the significance of the conservation area as a designated heritage asset. As a result, I appreciate the Council's concerns regarding the introduction of 17 modern, top hung, upvc windows with much thicker, projecting frames. Compared to the original window openings the modern design proposed would also be accentuated when opened due to the size of the top sections.
6. However, only upvc frames are proposed on the rear elevation and part of each side. From the front the original timber sash windows would be retained, and due to the space in between buildings along this part of St. Georges Road the side windows would be largely screened from view. As a consequence, from the majority of public viewpoints along the street and from Ashton Gardens opposite the traditional appearance of the appeal property, and the positive contribution that it makes to the conservation area would be preserved.
7. That being the case, I appreciate that the appearance of a building and the contribution it makes to the character of an area is not just limited to its principal elevation. However, in this case the character and appearance of the immediate surrounding area is materially different from St. Georges Road at the front to St. Georges Lane at the rear. Whilst the Council describe the latter as a well trafficked public thoroughfare, during my site visit I saw that the one-way street at the back of the appeal property was used primarily for bin storage, car parking and servicing. It also contained a mix of loading bays, shutters and enclosures. As a result, its character and appearance is largely derived from the functional role it plays as a service road, and in doing so, has a much more varied, commercial feel to it.
8. Furthermore, amid the mix of service bays, bin stores and car parking areas I also saw various materials including the use of upvc on both modern, and older properties. Consequently, whereas modern frames would be an incongruous addition on the front elevation, from the rear they would be viewed in a much more varied context, which includes the use of other similar materials. The replacement windows would also have a similar reveal to the existing openings as illustrated on the proposed plans. For these reasons, despite their number, I consider that in this instance the use of modern frames would not be harmfully out of place on the rear of the building.
9. In reaching this view I note that the Council has commented that many of the examples of upvc windows referred to are unauthorised development that will be investigated. However, no further, specific details have been provided. The appellant has also cited numerous examples of windows on several properties throughout the area. Based on the evidence before me, I therefore find no robust evidence to conclude that the proposal would not be broadly consistent with its surroundings.
10. I have also taken into account the Council's *Windows, Doors and Joinery Supplementary Planning Guidance* (SPG). This does not distinguish between the front and rear of a building and encourages the repair and restoration of

timber windows in conservation areas, allowing upvc equivalents only where their form, design and profile do not differ. However, this is only guidance. Moreover, in this particular case the introduction of upvc windows on primarily the rear elevation would not cause any undue loss, or harm to the overall character or appearance of the appeal property when viewed in the context of its surroundings. The positive contribution it makes to the area from St. Georges Road / Ashton Gardens would also be maintained. As a consequence, the scheme would not conflict with the wider aims and objectives of the SPG.

11. The Council has also referred to another appeal decision concerning upvc windows that was dismissed (Ref APP/M2325/A/13/2201660). However, this related to a property in the Lytham Avenues Conservation Area which the Inspector noted was side-on to the road and prominent in the streetscene. Thus, whilst I appreciate that the decision found against the inclusion of upvc frames as a replacement for timber, the circumstances facing the other Inspector were materially different to the situation before me.
12. I therefore conclude that by reason of their position primarily on the rear of the appeal property, and viewed in the context of the built environment along St. Georges Lane the proposal would preserve the character and appearance of the St. Annes (Porritt Houses/Ashton Gardens) Conservation Area. Consequently, there is no conflict with *Fylde Borough Local Plan Policy EP3* which permits new development in conservation areas where character or appearance are appropriately conserved or enhanced. For the same reasons, the significance of the conservation area would also be maintained, and thus, I find no conflict with the National Planning Policy Framework which requires that consideration is given to the impact of a proposal on designated heritage assets.

Other Matters

13. In reaching my conclusion against the main issue I have also taken into account concerns that allowing the appeal may weaken the Council's influence and lead to the deterioration of the historic environment. However, each scheme must be determined on its individual merits. Based on the evidence provided in this case, I consider that the proposal would be acceptable, and without any examples of similar windows proposed elsewhere, this more generalised concern does not justify dismissing the appeal. Finally, I have also considered the publication of national planning practice guidance. However, in light of the facts in this case its content does not alter my conclusions in relation to the main issue.

Conclusion and Conditions

14. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be allowed.
15. Although the Council state that no conditions are required the standard time limit is necessary in order to ensure that the remainder of the development is carried out within a satisfactory time period. For the avoidance of doubt and in the interests of proper planning it is also necessary to list the approved plans insofar as they relate to the new windows hereby permitted.

Matthew Birkinshaw

INSPECTOR