

# Agenda



## Development Management Committee

Date:

Wednesday, 1 April 2015 at 10:00 am

Venue:

Town Hall, St Annes, FY8 1LW

Committee members:

Councillor Ben Aitken (Chairman)  
Councillor Kevin Eastham (Vice-Chairman)  
  
Councillors Tim Armit, Maxine Chew, Peter Collins, Fabian Craig-Wilson, Charlie Duffy, Dr Trevor Fiddler, Peter Hardy, Kiran Mulholland, Barbara Nash, Linda Nulty, Albert Pounder, Richard Redcliffe, Heather Speak, Vivienne M Willder

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1	<b>Declarations of Interest:</b> Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	<b>Confirmation of Minutes:</b> To confirm the minutes of the meeting held on 4 March 2015 as a correct record (as previously circulated).	1
3	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 24.	1
4	<b>Development Management Matters</b>	3 - 136
5	<b>List of Appeals Decided</b>	137

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

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**Item Number: 1    Committee Date: 01 April 2015**

<b>Application Reference:</b>	14/0490	<b>Type of Application:</b>	Change of Use
<b>Applicant:</b>	Mr and Mrs Collins	<b>Agent :</b>	Heine Planning Consultancy
<b>Location:</b>	ANGEL LANE CARAVAN PARK, FIELD 7126, FAIRFIELD ROAD, STAINING, BLACKPOOL, POULTON LE FYLDE, FY6 8DN		
<b>Proposal:</b>	CHANGE OF USE OF LAND TO CARAVAN SITE FOR OCCUPATION BY GYPSY-TRAVELLERS WITH ASSOCIATED OPERATIONAL DEVELOPMENT (including HARD STANDING, UTILITY BLOCKS, SEPTIC TANKS) -PART RETROSPECTIVE		
<b>Parish:</b>	STAINING AND WEETON	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	38	<b>Case Officer:</b>	Mr M Atherton
<b>Reason for Delay:</b>	Awaiting additional information from applicant		

**Summary of Recommended Decision:** Refuse

**Summary of Officer Recommendation**

The proposal would be contrary to policies SP2, HL8, EP11 & EP14 of the Adopted Fylde Borough Local Plan as it would have a detrimental impact on highway safety, visual amenity & the landscape character of the countryside. The application would contribute 6 pitches to the identified need within Fylde Borough and would benefit occupants of the site by allowing them to access education and health care through the benefits of having a settled base. However, these material considerations in favour of the development do not outweigh the identified harm to landscape character, visual amenity & highway safety and consequently, it is recommended that planning permission should be refused.

**Reason for Reporting to Committee**

Due to the previous planning history and the amount of public interest generated by this application.

**Site Description and Location**

The site comprises an area of 0.24 hectares in size and of rectangular proportions located to the south of Fairfield Road, due south east of Poulton - le- Fylde and Hardhorn village, north east of Staining and to the west of Singleton. The site has a frontage to an unmade vehicular access track, which links the site with Fairfield Road, which is situated 60 metres to the north.

Prior to the Travellers moving on to the site it was a flat, open field divided into six plots (one of

which was in use for equestrian purposes) and the field as a whole was surrounded by hedgerows. In one of the fields, there was a mobile field shelter which was being used for the stabling of horses. Since the occupation of the site by the Travellers from November 6th 2009, hard-core has been levelled across approximately half of the site and caravans situated on it. Boundary treatment has also been erected in the form of timber post & rail and close boarded fences around the caravan pitches.

The field boundaries are predominantly formed by hedgerows although there are some timber post and rail fences around and within the site. There is no supplementary planting or screening within the site but there is on adjacent land to the west. The site lies in an area of particularly open, flat landscape and the caravans on the site can be seen from long distances from various vantage points. The immediate area is mostly agricultural land with a scattering of houses, farms & equestrian uses.

Within the Fylde Borough Local Plan, the site is allocated as a Countryside Area and the boundary with the adjoining Authority, Wyre is situated 35 metres to the north of the site.

### **Details of Proposal**

The application is for the retrospective change of use of the land from agricultural and equestrian purposes to the stationing of caravans for occupation by a group of Travellers. The families are related to each other and have travelled together as a group. The application is part retrospective in that the change of use has occurred including the development of hard standing & fencing. However, this proposal is to retain 6 of the existing unauthorised pitches and then remove the other 9 unauthorised pitches, clear the land of hard standing and create a paddock. It is this latter element (the paddock), together with various ancillary structures and utility buildings that are not retrospective.

The land has been split into 15 pitches with each pitch usually occupied by 2 - 3 caravans. Each pitch is served by hard standing extending back approximately 30 metres and the remainder of the plot has been retained as grass. This proposal is for 6 plots, each with 3 - 4 caravans of which at least 3 would be touring caravans. The application contains information relating to their occupation by the families deemed to be of greatest need to remain on the site. If a permanent planning permission was granted, small utility buildings would be erected on each plot, 5m wide x 4m deep x 3.56m high to the ridge of a pitched roof. If the Local Planning Authority were minded to grant permission on a temporary basis, small sheds/containers would be retained to provide utility functions. The applicants advise that the hard standing has been formed from clean sorted, crushed brick/concrete topped with road planings & gravel. Foul drainage would be via a septic tank as there is no mains drainage available for connection. A central access road, approximately 6m wide has been constructed within the site with plots either side containing the caravans which are sited on the hard standing. No additional landscaping is proposed, although the Applicant has indicated that if a permanent permission is granted, they would be willing to accept a condition relating to additional landscaping. The horse paddock with the field shelter has been retained and has been utilised by the Applicants.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
09/0830	CHANGE OF USE OF LAND FROM FORMER AGRICULTURAL LAND TO LAND FOR	Refused	08/06/2010

	STATIONING OF CARAVANS FOR RESIDENTIAL OCCUPATION BY GYPSY-TRAVELLERS WITH ASSOCIATED DEVELOPMENT (HARD STANDING, CESS POOLS, FENCING, UTILITY BUILDINGS) PLANNING APPEAL APP/M2325/A/10/2134032/NWF ENFORCEMENT APPEAL APP/M2325/C/10/2134060		
08/0811	CHANGE OF USE FROM AGRICULTURAL LAND TO EQUESTRIAN USE FOR THE KEEPING OF HORSES.	Granted	23/10/2008
05/0690	CHANGE OF USE FROM FIELD TO FISHING POND AND SMALL STOCK POND WITH ASSOCIATED CAR PARKING FOR 8 CARS.	Refused	13/10/2005

### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
09/0830	CHANGE OF USE OF LAND FROM FORMER AGRICULTURAL LAND TO LAND FOR STATIONING OF CARAVANS FOR RESIDENTIAL OCCUPATION BY GYPSY-TRAVELLERS WITH ASSOCIATED DEVELOPMENT (HARD STANDING, CESS POOLS, FENCING, UTILITY BUILDINGS) PLANNING APPEAL APP/M2325/A/10/2134032/NWF ENFORCEMENT APPEAL APP/M2325/C/10/2134060	Dismissed	18/08/2011

### **Parish/Town Council Observations**

**Staining Parish Council** notified on 11 August 2014

#### **Summary of Response:**

The Parish Council is absolutely adamant that this application should be refused. The applicants, their planners and solicitors have made a complete mockery of Fylde Borough Council Planning Dept and will continue to do so as this most recent application is submitted while a previous decision is still under judicial review.

Staining Parish Council must adhere to legal and planning based arguments in their objection to this application but it is difficult not to reflect the widely held view of parishioners as stated above who also feel unable to express their opinions because of the atmosphere of threat and intimidation which hangs over these applications.

SPC considers the application to be in breach of Fylde Borough's Local Plan, specifically SP2 and HL8 subsection 5, 6, 7 & 8.

The junction of Fairfield Road with Angel Lane is also totally unsuitable for access to the site when full regard to the lines of site are considered with the national speed limit applied to Fairfield Road.

Conclusion of Staining Parish Council:

The council objects in principle and in the strongest terms to this application.

**Singleton Parish Council** notified on 11 August 2014

**Summary of Response:**

The Parish Council objects to this proposal as it is against Police HL8 no's 5, 6, 7 and 8 and against Policy SP2 - developments in the countryside. There are serious highway issues of safety because of sight lines.

**Statutory Consultees and Observations of Other Interested Parties**

**Cllr Singleton**

The need for the travelling community to settle must be in line with planning rules and the findings of the Planning Committee. The Applicants have not followed any guidelines or complies with any council or court orders. The land is open countryside and I object to the proposed c/u from open countryside.

**Cllr Chew**

I am extremely unhappy about this application as it has already been refused as not appropriate development at this site. Matters have not fundamentally changed so, unless the application is substantially different to previous applications, I would not like to see it approved.

**Wyre Borough Council**

No response received

**Building Control Manager**

It would appear that the proposed utility buildings & associated drainage are exempt from building regulations due to their floor area being less than 30 square metres & also appear to be at least one metre from the boundary.

I note on the site plan details annotated as MH are twin unit chalet. I take this to mean mobile homes as the planning application is for change of use of land to caravan site.

**Commercial & Licensing (Caravans)**

No response received

**Environmental Protection Team**

No response received

**Drainage & Flood Defence**

There is no recorded flooding in the area. The Environment Agency may require a consent to discharge from the applicant.

**Blackpool Borough Council**

No response received

**CPRE - Fylde District**



No response received

#### **Lancashire County Council - Highway Authority**

The development proposal is described as a private residential Gypsy – Traveller site with 6 plots each with 3 – 4 caravans of which at least 3 will be tourers. The submitted plans show a static caravan on each plot with either 2 or 3 tourers depending upon the size of the plot.

From the above I assume that the intention is for 6 family (or extended family) units. This is compared to the 15 family units that was the subject of a previous application (09/0830).

Application 09/0830 was refused planning permission. A planning appeal was lodged and subsequently dismissed.

There are many similarities between this application (14/0490) and the previous application (09/0830) albeit the quantum of traffic generated by this proposal will be reduced.

During the course of the planning appeal a number of highways issues were discussed. In the appeal (APP/M2325/A/10/2134032) decision paragraphs 95 – 105 discuss the effect on highway safety and it is considered that these points are pertinent to this application. Since the time of the appeal there have been no material changes to the traffic characteristics of the area and as such the points raised before and at the appeal are still valid.

The level of traffic that would be generated by this proposal can be assumed to be a little less than half the level of traffic that was considered at the appeal. This development proposal would still generate a moderate level of traffic at a junction where the Inspector agreed there would be a significant highway safety issue.

Overall I am of the opinion that the development would lead to an unacceptable level of traffic movements at a junction that is substandard. Accordingly I must raise a highways objection to this proposal and ask that planning permission be refused.

#### **Lancashire County Ecology Service**

In general much of the application area is (and was) of relatively low biodiversity value, although there are features of higher biodiversity value (and which will provide habitat for wildlife) including hedgerows and drainage ditches.

An ecological assessment was carried out at this site in 2010 (Cameron S Crook & Associates, 2010. *Extended Phase 1 Habitat Survey & Baseline Ecological Impact Assessment. Land off Fairfield Road, Poulton-le-Fylde, Lancashire*). At that time, the need to mitigate impacts on biodiversity was identified, *e.g.*

All pre-existing habitats and landscape features (including hedgerows, scrub, trees, ditches and reed beds) to be retained, protected from construction and operational impacts, appropriately managed and enhanced (details to be approved in writing by the LPA and implemented in full);

All existing open watercourses and associated vegetation to be retained, appropriately protected from physical or chemical disturbance or pollution during construction and operation, except for approved maintenance or enhancement operations;

The applicant to be aware of their legal responsibility in respect of species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) (including but not limited to Himalayan balsam) and to adopt appropriate working methods to prevent the spread of any such species in the wild;

No vegetation/ potential bird nesting habitat to be removed during the bird nesting season (March to August inclusive) unless the absence of nesting birds (including active nests, eggs and dependent young) has been confirmed by a suitably qualified/ experienced individual.

Although the earlier ecological assessment is now somewhat out of date, the part retrospective nature of this application and the fact that the proposals apparently do not now affect features of higher biodiversity value at this site suggest that the recommendations are likely to remain valid and applicable at this site. If Fylde Borough Council is minded to approve this application, the recommended mitigation measures (listed above) could therefore be secured by planning condition.

In addition, the NPPF (published subsequent to the earlier application) identifies the need for planning decisions to limit the impact of pollution from artificial light on nature conservation (NPPF Para 125). It would therefore be appropriate for Fylde Borough Council to control external lighting by planning condition to avoid light spill/ light pollution of the boundary hedgerows, trees, and drainage ditches.

These comments are provided under the terms of the Service Level Agreement (ecology). Please note that Lancashire County Council does not support or object to planning applications when providing advice on ecological matters. The comments are intended solely to inform your decision-making, having regard to the requirements of relevant biodiversity legislation, planning policy and guidance.

**Environment Agency:**

No comment to make as Flood Risk Standing Advice is applied.

**Chief Education Officer**

No response received.

**Health & Safety Executive**

No response received

**Lancashire County Archaeology Service**

Although the proposals lie within an area considered to have some potential to encounter previously unknown archaeological finds and features associated with the prehistoric, the works already undertaken on site (landscaping and creation of areas of hard standing, along with other infrastructure) are considered likely to have caused significant damage to, or destroyed any such remains that might have been encountered within the proposed development.

Similar works to the rear of the site, adjacent to, or on the line of the ditch which forms the eastern boundary of the site, are also likely to have resulted in the destruction of any remains associated with the Roman road thought to run in this area.

Consequently LCAS has no further comment to make on the current application.

**The Ramblers Association**

No response received

**Social Services Unit**

No response received

**United Utilities Group Plc**

No response received

**Preston City Council**

Given the distance of the proposed development from the Local Authority boundary with Preston City, and the duty to co-operate in meeting the Gypsy and Traveller Accommodation Assessment requirements that have been identified for Central Lancashire, Preston City Council has no objections to the proposal.

**Regeneration Team (Landscape and Urban Design)**

Following a review of the submitted Landscape Plan I object to the proposals, for the following reasons.

**Visual impact;** The site is located within open countryside which is flat low lying agricultural land. The proposed development will be visually intrusive, highly visible and thus have a detrimental impact with regards to short and long views from Fairfield Road, Smithy Lane and across the open countryside.

**Landscape Character;** the change of use from agricultural to residential, will have a significant impact on the urbanisation on the outer edges of Hardhorn. The proposed site is surrounded by open countryside, the proposed development will contribute significantly to the urbanisation of the edges of Hardhorn and will impact on the deterioration of the rural landscape character.

**Neighbour Observations**

**Neighbours notified:** 11 August 2014 & site notice displayed

**Amended plans notified:**

**No. Of Responses Received:** 44 letters of OBJECTION

**Nature of comments made:**

Concern re:

1. Increased level of traffic on a very dangerous road. The speed is unrestricted, the road is very busy at certain times and not suitable for a development of this size & nature.
2. Increased risk of traffic accidents. The access is a single track road and those vehicles entering the site at busy times often back onto Fairfield Road. The access is also opposite the entrance to Puddle House Lane, leading to increased vehicular conflict.
3. The access is not suitable for the number of cars using it.
4. Inadequate sightlines at the junction with Fairfield Road, with private land either side of the entrance.
5. There is no safe vehicular or pedestrian access to the site (no footpaths along Fairfield Road).
6. Previous planning applications in the vicinity of the site have been rejected due to poor vehicular access arrangements.
7. The site occupiers have no regard for other motorists.

8. The report submitted by the Applicant claims that the amount of traffic will not be different from that using Puddle House Lane. Puddle House lane has only 4 houses and 8 adults, which is significantly different from the Travellers' site.
9. Number of traffic accidents already in the vicinity of the site indicate the unsuitability of this development.
10. The hard-core has caused the roads to become dangerous through overflows. The application does not comply with policy HL8, there has been no identified need, only a desire to live within Fylde.
11. Many vehicles have to encroach considerably into Fairfield Road to gain visibility.
12. Pedestrians in the road, particularly at night are a danger to highway safety.
13. Visibility impact on the surrounding flat, open countryside. The site is an eyesore, an intrusive blot on the landscape. The approach to the site is muddy and untidy, in contrast to surrounding properties.
14. Moving onto the site, tipping hard-core and erecting urban style fencing without first applying for planning permission.
15. Out of character with the area.
16. Proposal has a significant harmful effect on the character and amenities of the area and alters the landscape character.
17. The proposed landscape screening will be ineffective as it will not prevent long distance views.
18. Visual intrusion across a sweeping area of open countryside.
19. Development has had a huge negative effect on the whole character of this small residential village.
20. Doubles population of Hardhorn. The prevailing west winds will mean the smell from the proposed cess pools will be unacceptable to neighbouring residents.
21. Increased level of noise in the neighbourhood.
22. The area is unsightly & dirty.
23. Neighbouring properties have been devalued.
24. Unsuitable location for travellers, should not be near a residential area.
25. Potential for expansion of the site.
26. Collection of rubbish, burning of rubbish has already been an issue. There has been an increase in bags of rubbish being dumped in surrounding lanes & open spaces.
27. Loss of agricultural land. This is agricultural land and should remain so.
28. The land has been ruined by the development as have the verges and banking on either side of the access road, which they do not own.
29. Pollution of the main dyke which runs along the bottom end of the site. The site is susceptible to flooding so in particularly wet weather any rubbish or effluent could be washed into the main dyke causing pollution over a wide area.
30. Development of the site and the subsequent problems that have arisen are detrimental to the local community.
31. The Travellers have total disregard to injunctions or their relationship with residents. Acts of intimidation, trespass, animals being savaged, dog fouling, damage to adjacent land & hedgerows, uprooting of trees as well as threatening behaviour have occurred.
32. Loss of wildlife.
33. Fear, anxiety & distress for existing residents.
34. The field being developed is drained marshland, which is fine for farm animals but too wet for housing or caravans.
35. Sited on the course of a Roman Road, has this been reported to the County Archaeologist? Damage could be caused to an important historical site.
36. Litter has increased.
37. There are no drains in the area and the proposed cess pools for such a large number of

people together with a field that frequently floods will mean raw sewage will undoubtedly end up leaching into nearby water courses resulting in pollution and nuisance smells.

38. The number of residents in this area is small and the effect of this site on the people living near it is unreasonable.

39. Dogs constantly barking and causing a nuisance when frequently off the lead, bonfires rubbish in and around the lane, mud on the road are all a problem.

40. Fear of crime & criminal behaviour perpetrated by residents.

41. Damage to roadside verges and hedgerows.

42. Land renowned for holding water and flooding.

43. Dubious business activities taking place from the site.

44. The lane is frequently blocked with vehicles preventing access for neighbouring landowners & farmers.

45. The travellers ignore land boundaries and frequently exercise their animals & hunt on neighbouring land. This poaching will continue if the residents of the site are not removed, thereby negating much of the progress that has been achieved to conserve the brown hare & ground nesting birds.

46. Hens and sheep have been killed.

47. What about the human rights of non-travellers?

48. Significant damage to trees, hedgerows and drainage dykes, resulting in flooding, all of which the Travellers do not own.

49. Illegal dumping of hard-core on the site.

50. Reduction in the amount of wildlife due to gypsies trespassing with dogs.

51. Fly tipping waste tarmac on neighbouring roads.

52. Loss of agricultural land is in conflict with local and national planning guidance and the development is neither efficient nor effective as it falls short of the government's target of a minimum of 30 dwellings per hectare.

53. Proximity of site to Certified Caravan Touring sites has significantly reduced the number of holidaymakers using such amenities in the area.

54. Smoke from fires on the site causes concern for neighbouring residents and the safety of farm animals.

55. Fences broken in the area close to the site has enabled sheep to break out and roam across winter wheat causing damage to the emerging crops.

56. Increase in hunting with hares with dogs which is illegal and serious disturbance to native wildlife including grey partridges which have suffered a decline and are now very scarce.

57. Increased litter & general waste in the area.

58. Residents disturbed by the police helicopter and speeding vehicles.

59. The Travellers allow waste & foul water to enter the dykes.

60. Travellers children will increase the overcrowding problem in local schools.

61. Should not be allowed to proceed with development then allowed to apply retrospectively.

62. This type of development will be repeated elsewhere in Fylde, creating a precedent.

63. If Local Authorities have to provide for gypsies then it should be on properly prepared small sites and after suitable consultation with all parties. Then they should pay rates.

64. The proposal contravenes the policy contained within the Fylde Local Plan which points to the fact that this is not a suitable location for a traveller site.

65. Who is to pay for the development of services to the site? Fylde Council Tax payers should not have to finance this venture.

66. The site is not convenient for facilities, public transport, schools or shops.

67. This is not the right location for travellers. The Council must find them a suitable site urgently.

- 68. Brownfield sites should be used before greenfield and the countryside should be protected from large developments.
- 69. Not a sustainable development.
- 70. Further delay tactics by the Applicant.
- 71. The decisions of the Planners, the Secretary of State & the Courts should be upheld. The process undermines the rule of democratic law.

**Relevant Planning Policy**

**Fylde Borough Local Plan:**

SP02	Development in countryside areas
HL08	Sites for Gypsies
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP14	Landscaping of new developments
EP19	Protected species
EP22	Protection of agricultural land
EP23	Pollution of surface water
EP25	Development and waste water
EP24	Pollution of ground water
EP27	Noise pollution
EP28	Light pollution
TR09	Car parking within new developments

**Other Relevant Policy:**

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
PPTS:	Planning Policy For Traveller Sites

**Site Constraints**

Within countryside area

**Environmental Impact Assessment**

Developments consisting of permanent camp sites are listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended, although they are under the category of tourism and leisure. The site area is below the indicative threshold of 1 hectare. 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**

**Background:** On November 7th 2009, unauthorised development began on the application site. This consisted of engineering operations constituting development, the hard surfacing of the land and initially, the stationing of 14 residential caravans on the land. On the same day, Fylde Borough Council served a Temporary Stop Notice on the site requiring the cessation of all activity specified in the notice, which amounted to, "carrying out of engineering operations consisting of the levelling and hard surfacing of the land." The notice was not complied with and has since expired. Work continued at the site including the depositing of hard-core and the erection of fences to facilitate its development as a 15 pitch site with a central access road. There are grassed areas remaining to the

rear of each pitch and on the eastern boundary of the site, adjacent to a dyke, a timber panel fence has been erected. Work has also taken place to widen the access track to the site, which is the means of access to Fairfield Road.

In January 2010, a Temporary Injunction was granted in respect of the site which prohibited certain activities including the deposition of more hard-core and the replacement of caravans without notifying the Council's Legal Officer in writing. In March 2010, a further Injunction was granted which came into force until the determination of the planning application.

In the spring of 2011, a Public Inquiry took place in respect of Planning and Enforcement appeals at this site and the Secretary of State issued his decision in August of that year, dismissing the Planning Appeal and upholding the Enforcement Notice.

Since then, the residents of the unauthorised site have sought to challenge the Secretary of State's decision in the High Court and have been unsuccessful.

In the summer of 2014, this Council's Development Management Committee resolved to delegate authority the Director, Development Services to seek compliance with the terms of the enforcement notice including direct action if necessary. At this time the decision of the High Court in regard to a legal challenge relating to this decision is awaited.

The residents remain in situ, in breach of the Enforcement Notice and the site appears largely unchanged since the unauthorised development works were completed in 2010. This application for 6 pitches was validated on the 11<sup>th</sup> July 2014.

**Policy:** The Government has produced specific guidance in 'Planning Policy for Traveller Sites,' which was published at about the same time as the Framework and replaces the previous specific guidance on such matters in Circular 01/2006.

Paragraph 21 advises that applications should be determined in accordance with the presumption in favour of sustainable development. Paragraph 22 states that relevant issues to be considered include: the existing level of local provision and need for sites; the availability of alternative accommodation; other personal circumstances of the Applicant; that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites; and that they should determine applications from any travellers and not just those with local connections.

The site is situated in a Countryside Area according to the saved policies of the Fylde Borough Local Plan and the Guidance states at paragraph 23 with regard to sites in the rural areas & the countryside, '*local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of and do not dominate the nearest settled community and avoid placing an undue pressure on the local infrastructure.*'

Paragraph 24 states, '*when considering applications, local planning authorities should attach weight to the following matters:*

- a) effective use of previously developed (brownfield), untidy or derelict land;*
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;*

*c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;*

*d) not enclosing a site with so much hard landscaping, high walls or fences that the impression may be given that the site occupants are deliberately isolated from the rest of the community.'*

Paragraph 25 states, '*subject to the implementation arrangements at paragraph 28, if a local planning authority cannot demonstrate an up to date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decisions when considering applications for the grant of temporary planning permission.'*

#### National Planning Policy Framework (NPPF)

The Framework does not contain any specific policies relevant to Gypsy & Traveller Sites, however paragraph 4 states that, 'this Framework should be read in conjunction with the Government's planning policy for traveller sites. Local planning authorities preparing plans for and taking decisions on travellers sites should also have regard to the policies in this Framework so far as relevant.'

#### National Planning Practice Guidance (NPPG)

As in the Framework, there are no specific policies relevant to Gypsies & Travellers within the NPPG. However, the guidance recommends that Local Planning Authorities when making decisions on planning applications should consider opportunities for healthy lifestyles.

#### Emerging Policy

In September 2014, the Department for Communities and Local Government issued a consultation document, 'Planning and Travellers.' As this is a recent consultation document it can only be afforded very limited weight in the consideration of the application.

Within the Emerging Fylde Borough Local Plan to 2030, which was published for consultation in June 2013, draft policy H4 is a criteria based policy which requires development proposals to meet similar criteria to those outlined in policy HL8 of the Adopted Fylde Borough Local Plan.

The emerging policy is consistent with the saved policies of the Local Plan policy. However, little weight can be given to the emerging policy due to its current 'draft' status.

**Policy SP2 of the Adopted Fylde Borough Local Plan** permits proposals in Countryside Areas that are essentially required for the purposes of agriculture, horticulture or forestry, or other uses appropriate to a rural area, including those which would help to diversify the rural economy.

**Policy HL8** deals with Gypsy & Traveller sites and states that such facilities will only be permitted where all of 10 specific criteria can be met and the proposal would not be located within the Green Belt; a site of Special Scientific Interest; a National or Local Nature Reserve; a Biological/Geological/Cultural Heritage Site and Open Countryside away from settlements. The restriction on the development of Green Belt sites contained within this policy does not conform with current Government guidance, however, in this case, this is not material to the decision as the site is not situated within the Green Belt. The remainder of the criteria are in line with the guidance contained within the PPTS. Accordingly, it is considered that policy HL8 of the Adopted Fylde Borough Local Plan is an up to date policy as it is consistent with the objectives and guidance contained within the Framework and PPTS. Therefore, it is appropriate that full weight be attached to the criteria of policy HL8.

#### **Need**

Gypsies & Travellers are of a nomadic nature & do not restrict themselves to district boundaries.



The Regional & Sub-Regional Gypsy & Traveller Accommodation Assessment (GTAA) which formed part of the evidence base for the abortive Partial Review of the former Regional Spatial Strategy (RSS) (2009) found unmet need at regional and sub-regional levels. The nomadic nature of gypsies makes assessment at a district level problematic. Assessment is made through the GTAA at regional and sub-regional level. There is a significant need for sites in the North West and in the sub-region and there is a shortage of suitable available sites to meet that need.

When the original application for the use of this land as a traveller site (09/0830) was reported to the Development Management Committee (DMC) in June 2010, the sub regional GTAA which was published in May 2007 was considered to be the most up to date assessment of need. This identified a requirement to provide 0.58 pitches in the period up to 2016 in the borough of Fylde. However, with the later publication of the Framework and the, 'duty to co-operate with neighbouring authorities,' there is an obligation to examine needs on a wider level. This includes considering need in Wyre and Blackpool as well as Fylde. There is no formal mechanism for redistribution, although when preparing a Local Plan there is a duty placed on local authorities to co-operate which has arisen from the Framework and the Localism Act 2011.

The updated Fylde Coast Authorities GTAA was published in September 2014 and this revealed a need for 26 additional pitches in Fylde from 2014-2031 and a wider need across the 3 boroughs of 81 pitches over the same time period.

One of the principal aims of national planning guidance in 'Planning Policy For Traveller Sites' (PPFTS) is to address traveller site provision. There has been a longstanding unmet need for additional sites in the wider area as a whole (Fylde, Blackpool & Wyre) despite policies aimed at increasing the provision of sites. The 2014 GTAA is the best available source of information on need and as stated above it finds a need for 81 pitches in the wider area up to 2031, with a need for 26 pitches identified in Fylde Borough. Within the initial 5 year period from 2014 – 2019, the GTAA identifies a need for 17 pitches in Fylde and 50 pitches in the wider area.

The Framework and the guidance in PPFTS do not limit the consideration of need to the district in which a site is located and it is appropriate for the decision maker to ensure that all relevant aspects of need are taken into account. The nomadic nature of Gypsies and Travellers is a factor in taking this approach.

The Council has reviewed the GTAA and will seek to allocate sites, given that a need has been found. In the previous appeal decision relating to this site, the Secretary of State agreed with his Inspector, that evidence of need in the wider area is a significant material consideration weighing in favour of development at the site. Since that decision planning permissions has been granted for 2 additional Gypsy & Traveller pitches in the Fylde, and none in the wider Blackpool & Wyre area. Consequently, it is considered that the need for additional pitches in both the borough of Fylde and the wider area is and remains a significant material consideration in favour of this proposal.

Criterion 1 of policy HL8 requires the identified need for gypsy sites in the area. In view of the identified need for sites in Fylde Borough within the 2014 GTAA, the development can be considered to comply with that requirement and substantial weight should be attached to the benefit of the proposal in providing 6 pitches towards the overall need of 26 pitches within Fylde by 2031. Also, the evidence of need in the wider area, albeit of less weight than the identified need within Fylde Borough, is a significant material consideration weighing in favour of the proposal. Therefore, the Government's policies on how to assess and address the need within Fylde Borough and the wider identified need for traveller accommodation are substantial material considerations weighing in the Applicant's favour.

### **Personal Circumstances of the Applicants**

Information has been submitted with the application, providing details of the families with the greatest health and education needs to remain on the proposed smaller site. If the occupants of the site were obliged to leave the site with no alternative site to go to, there would be serious disruption to the education of the children currently attending school. Therefore, significant weight should be attached to the benefits associated with continuity of education. Similarly, a roadside existence would make access to health care considerably more difficult, with the potential for a harmful effect on the health of those neediest occupiers including those with significant existing medical conditions. It is considered that moderate weight should be attached to the health needs of the site occupants.

The previous application for 15 pitches was dismissed on appeal by the Secretary Of State even though he came to the same conclusions as this report with regard to the personal circumstances of the occupants of the site, weighing in favour of the application. However, it is considered that the personal circumstances of the occupants of the 6 pitches proposed with this application, should be given less weight than the needs of the occupants of the 15 pitches previously applied for as fewer people will be adversely affected and this is an important factor to be weighed in the balance as part of the decision making process.

### **Highways**

With regard to the appeal determination, in respect of application number 09/0830 for the change of use of land to provide 15 pitches, the Inspector and Secretary of State concluded on highway safety as follows. *'Traffic movements associated with the development would result in a considerable proportionate increase in movements along the access track. They would be small compared with existing flows on Fairfield Road but could include vehicles towing caravans. Flows on Fairfield Road, amounting to about 3300 over a 12 hour period are relatively low. Relevant guidance, including that in Manual For Streets 2 (MFS2), should be applied having regard to local context and with some flexibility. Nevertheless, appropriate visibility splay requirements are not met at the junction of the site access road. While the deficiency to the right could be met by cutting back of the roadside hedge and its subsequent maintenance, there is some harm to highway safety associated with overtaking requirements by traffic approaching from the left. There is also harm from the likelihood of conflicting traffic movements resulting from the proximity of Puddle House Lane, which also has a substandard junction with Fairfield Road and from the inadequacy of the junction of the access track with Fairfield Road for some vehicle manoeuvres. It is not uncommon for road junctions in rural areas to be below desirable standards and there has not been a significant level of serious recorded accidents in the area. Nevertheless having regard to the combination of these deficiencies, the development would result in material harm to highway safety. Therefore, the development would conflict with criterion 7 of FBLP policy HL8, which requires safe vehicular access to the site.'*

Lancashire County Council in their role as the Local Highway Authority have, in their consultation response to this application, assessed the difference between the appeal proposal for 15 pitches and the current application for 6 pitches. They consider since the time of the appeal there have been no material changes to the traffic characteristics of the area and as such the views of the Appeal Inspector and the Secretary of State remain valid. The level of traffic that would be generated by the current proposal can be assumed to be a little less than half the level of traffic that was considered at the appeal. This development proposal would still generate a moderate level of traffic at a junction where the Inspector and Secretary of State concluded there would be significant highway issues for the reasons outlined above. It should be noted that, at paragraph 32, the Framework sets out that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. This is a more stringent test than that in place at the time the

previous appeals at this site where considered. Having taken account of the revised guidance it remains the County Highway Authority's position that the development proposal would be contrary to criterion 7 of policy HL8 of the Adopted FBLP and paragraph 32 of the Framework, as it would have a severe cumulative residual impact on highway safety, due to the unacceptable level of traffic movements at a junction that is considered to be substandard.

#### **Planning History:**

Prior to the unauthorised development of the application site, two previous planning applications (05/0690 for a fishing pond & 08/0130 for a stables/agricultural building) within Fylde have been refused for development which involved using the same access track on highway grounds relating to inadequate access. The level of traffic that would have been generated by either of these previously refused schemes would have been similar than would be generated by the current proposal. Therefore, it is considered that it would be consistent with previous decisions to refuse this application on the grounds of highway safety, notwithstanding that the national policy test is now more stringent.

#### **Visual impact**

The site lies in an area of particularly open, flat landscape and the proposed caravans on the site would be viewed over long distances from various vantage points, particularly from the north and east and the carriageway of Fairfield Road. What was an open expanse of agricultural land would have the appearance of a Travellers' site, which would be clearly visible from both the north and east when travelling along the B5266 and to walkers & passers-by from other directions. The size of the site (0.24 hectares), whilst it is a reduction on the size of the existing unauthorised development and will have less harm than the existing situation, would still be visually prominent in the landscape & would be overbearing and dominant, in relation to its surrounds. The application site rises gently to the west and this application seeks planning permission to retain that part of the existing site which is at the highest and most visually prominent part of the site when viewed from across the surrounding landscape. Whilst the proposal would have a lesser visual impact than the existing unauthorised development, its impact would still be significant. The current application is for a reduced number of pitches from the current unauthorised development but the proposal would still have a significant detrimental visual impact in this open landscape. It is considered to be totally out of character with the rest of the immediate area and would have a harmful impact on the openness and the rural character of the countryside.

The caravans and Travellers' vehicles including commercial trucks are considered to be visually obtrusive and the development as a whole, including the provision of hard surfacing and fencing over part of the site is considered to be harmful to the character and appearance of the area and contrary to the provisions of saved policies SP2 and HL8 of the Adopted FBLP.

#### **Landscaping**

According to the Applicant, the existing hawthorn hedge along the track would be retained as would the hedgerows which cover part of the site boundaries. There is minimal hedgerow cover along the remaining site boundaries. All existing planting would be retained but no further landscaping is proposed unless a permanent planning permission is granted. Such a limited amount of landscaping for the application proposal at this visually prominent site would fail to adequately screen such an obtrusive development within the open countryside. Therefore, the proposal would have a detrimental impact on the character of the countryside and is contrary to policies HL8, EP11 and EP14 of the FBLP.

#### **Loss of Agricultural Land:**

The development involves the loss of grade 2 - 3 agricultural land which is amongst the best and

most versatile for food production. Much of the countryside in Fylde Borough is in grades 2 or 3, so that any caravan site in the countryside would be likely to result in some loss. Part of the site was in equestrian rather than agricultural use before it was occupied and it has not been shown that the remainder was in productive agricultural use. In these circumstances, it is considered that little weight should be attached to the loss of agricultural land in this case. Local Plan Policy EP22 does not permit development resulting in the loss of grades 1, 2 and 3a land where it could reasonably take place on previously developed land, within the boundaries of existing developed land or on poorer quality land.

Local Plan Policy EP22 is more restrictive than the Framework paragraph 112 which advises Local Planning Authorities to, *'take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.'* Therefore, Local Plan policy EP22 is not entirely consistent with the Framework.

There is a predominance of high quality agricultural land in Fylde and there is no evidence to suggest that alternative sites for a Traveller development are available. Therefore, it is not considered that the development materially conflicts with Local Plan policy EP22 & the Framework.

### **Ecology**

The Applicants have previously submitted an Ecological Assessment which demonstrated that Water Voles, a Protected Species, do not rely on the drainage ditch adjacent to the site for habitat and would not be adversely affected by the development. If the Local Planning Authority was minded to approve the application, a condition would be necessary requiring the retention of the watercourses and associated vegetation on the site. Given the part retrospective nature of the application and the fact that the current proposals do not now affect features of higher biodiversity value, Lancashire County Council's Ecology Service have not raised concerns with regard to this proposal.

Therefore, it is considered that the proposal complies with policy EP19 of the Adopted FBLP, as significant impacts on biodiversity as a result of these proposals seem reasonably unlikely & the application is considered to be in accordance with the requirements of biodiversity legislation, planning policy and guidance.

### **Archaeology**

The eastern side of the site is close to the course of a Roman Road known as Danes Pad which connected Ribchester to Poulton. It has no formal designation but is regarded as a Heritage Asset. If planning permission was granted, harm to cultural heritage could be avoided by the imposition of a condition requiring the erection of fencing to protect Danes Pad. With regard to the previous appeal decision at this site, the Inspector & SoS concluded that little weight should be given to this matter in determining the appeal.

The current application proposal is for a reduced number of pitches & a smaller area of hard standing, therefore, the impacts on cultural heritage are unlikely to be adverse. Consequently, the proposal is considered to comply with policy EP21 of the Adopted Fylde Borough Local Plan as it would not have a detrimental impact on a site of cultural heritage.

### **Flood risk**

The application boundary is wholly within Flood Zone 1, which is defined as having a low probability of flooding. As the site is less than 1 hectare, the Guidance does not require a Flood Risk Assessment to be submitted by the Applicant. The application site itself is not shown to be at risk. In accordance

with the NPPG, all uses of land are appropriate in Flood Zone 1. As such, the scheme is not considered to propose or be at an unacceptable risk to flooding.

### **Drainage**

The site is not connected to mains electricity to operate a package treatment plant, which would be expensive to install if a temporary consent was granted. Therefore, the Applicant is proposing to dispose of foul drainage to a septic tank, which is regarded as the most appropriate method of dealing with foul waste.

### **Waste collection**

The Council's Waste Minimisation Department are of the opinion that waste collection vehicles would be able to access the site and have informed the Applicants that they can be provided with Euro Bins for communal waste & recycling for the standard charge. As a satisfactory waste collection services is capable of being provided, the proposal should not have a detrimental impact on local environmental conditions.

### **Equality Act 2010**

In respect of the 2010 Equality Act, section 149 requires the Council to consider the extent to which equality of opportunity between persons of relative protected characteristics may be different from those who do not share those characteristics, as a consequence of this proposal. If planning permission is refused, there will be an impact on the Travellers, who do have protected characteristics. The application identifies 3 families with special medical needs and states, *'the remaining 3 plots would be available for others when not travelling or who have children of school age. It would be for the families themselves to decide who had greatest need and priority.'* Therefore, the greatest impacts would be felt by elderly residents, those with specific medical conditions and children who have benefited from access to education associated with having a settled base. However, it is not considered that these issues outweigh the negative planning impacts associated with this proposal which amount to the adverse effects on landscape character, visual amenity & highway safety.

### **Article 8 European Convention of Human Rights**

The council is not allowed to act in a way that is incompatible with a right set out in the European Convention on Human Rights.

Article 8 of the convention states that *"Everyone has the right to respect for his private and family life, his home and his correspondence"*, and continues: *"There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others"*.

Article 14 states that the enjoyment of rights under the convention is to be secured *"without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status"*.

Article 3.1 of the United Nations Convention on the Rights of the Child provides: *"In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration"*. As a matter of law, this means that in all decisions concerning children, their best interests must be of primary importance. That principle applies to planning decisions.

It is acknowledged that 3 adults and 1 child who currently reside on the site have significant health issues and if planning permission is granted for the current proposal that the remaining plots on the site would be available for families who have children of school age.

Granting planning permission would mean that residents of the plots concerned would not be subject to the enforcement notice and would no longer be at risk of being removed from the site. Refusing planning permission would mean that those residents would continue to be subject to the enforcement notice and (subject to the outcome of the present legal proceedings) at risk of direct action to remove them from the site. Article 8 of the European Convention is therefore engaged in the decision.

There is no evidence to support that site residents required to leave the site would be able to access pitches suitable for their needs on alternative sites in the local area, and so they would be likely to lead a roadside traveller existence at least in the short to medium term. The lack of a settled base would severely affect their ability to access medical provision and the availability of education opportunities for the children. Sanitary and other facilities available at the roadside would not be comparable to those at the site, leading to the possibility of increased risk of disease amongst a group already suffering poor health. Departure from the site would make it more difficult for site residents to pursue their lifestyle and culture.

The best interests of children on the site must be a primary consideration in any decision in which Article 8 is engaged. If planning permission is refused and the residents are required to leave the site, it is highly unlikely that the children would be able to continue their education without significant disruption. They would be removed from a relatively settled existence to an uncertain roadside or traveller existence. They may also have little or no opportunity for play in a safe outdoor environment. The impact on children is considered to carry significant weight in favour of the application. However, it is not considered that this issue outweighs the negative planning impacts associated with this proposal which amount to the adverse effects on landscape character, visual amenity & highway safety to which substantial weight is attached.

Because all site residents are Irish Travellers, refusing the planning application would put Irish Travellers at a particular disadvantage when compared with persons who are not Irish Travellers. It would therefore constitute indirect discrimination unless the council could show that it was a proportionate means of achieving one or more legitimate aims. The aims would be the removal or prevention of the harms identified in the report: that is, the effect on the landscape character of the area and on visual amenity and the effect on highway safety. These aims are legitimate ones to pursue. Members will therefore need to consider carefully whether refusing planning permission is a proportionate means of achieving those aims.

### **Grant of Temporary Planning Permission**

Paragraph 25 of the PPFTS advises that, if a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. As set out above, based on the most up-to-date assessment of need, there is not a five-year supply of deliverable sites within the Borough. Despite the application seeking permission for permanent occupation of the site, the applicant's agent has indicated that the grant of a temporary

planning permission to allow the local planning authority time to find more suitable alternative sites should be considered. A careful assessment of the merits of granting a temporary planning permission needs, therefore, to be taken into consideration.

In this particular case, the grant of a temporary planning permission would provide for the personal needs of the site occupiers, especially the children, as set out above, during an interim period whilst a more suitable site is found and developed. This search for alternative sites would be carried out as part of the formulation of the local plan to 2032. A call for sites has already been issued, but no sites have been put forward as a result of this exercise and further work to identify suitable sites will need to be undertaken. The local plan timetable expects the local plan to be adopted by April 2017 and so it would be reasonable to expect that any temporary occupation of the application site pending the allocation of suitable alternative sites would be for a period in the region of 2 years. During this period the impact on visual amenity, landscape character and highway safety would remain. The applicant's agent has indicated that additional landscaping work to mitigate the visual impact of the development would only be carried out if a permanent planning permission is granted. In the event of a temporary planning permission being issued, it is proposed to rely on the existing hedgerows, which would not be supplemented by any additional planting.

Whilst the granting of a temporary planning permission would mean that any harm to visual amenity, local landscape and highway safety is time limited, it would still be evident for a number of years. The benefits of granting a temporary planning permission to address the personal circumstances of the occupiers of the site is not considered to outweigh either the risk of potential harm to highway safety, particularly as this may give rise to personal harm, or the impact on visual amenity and landscape, especially as there would be no mitigating landscaping provided during this period.

In addition, the grant of a temporary planning permission for a site smaller than the current site would also result in lesser visual impact than the existing unauthorised use. However, for the reasons set out above, any reduction in visual impact would be limited and it is considered that the granting of planning permission for a smaller site that has slightly less visual impact than the current site would not be sufficient justification to grant planning permission, either on its own or together with other matters which weigh in favour of the application.

In conclusion, it is considered that the harm to highway safety, visual amenity and character of the countryside are so significant that it would not be appropriate to grant a temporary planning permission for the proposed development.

### **Conclusions**

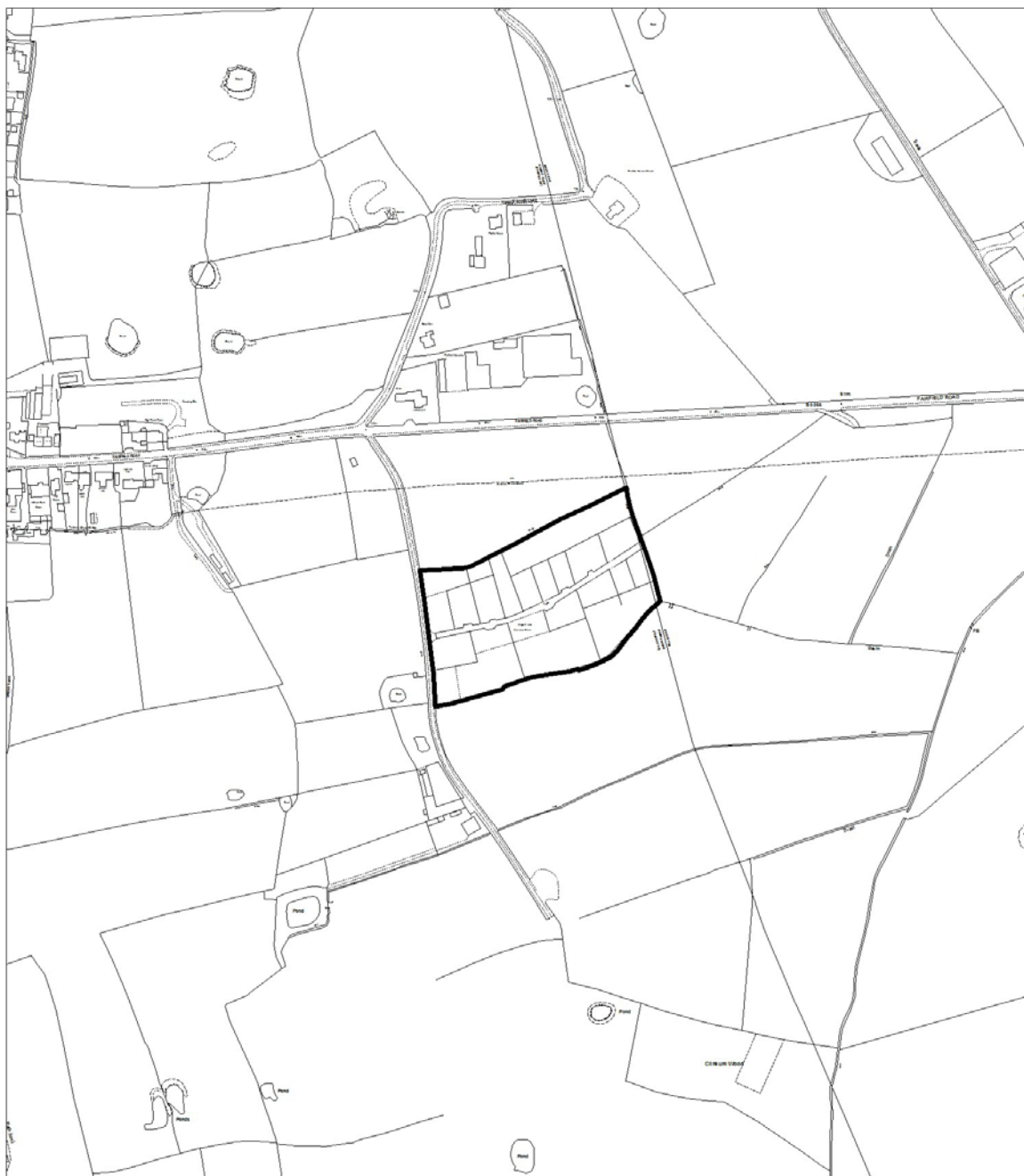
The proposal would be contrary to policies SP2, HL8, EP11 & EP14 of the Adopted Fylde Borough Local Plan as it would have a detrimental impact on highway safety, visual amenity & the landscape character of the countryside. The application would contribute 6 pitches to the identified need within Fylde Borough and would benefit occupants of the site by allowing them to access education and health care through the benefits of having a settled base. However, these material considerations in favour of the development are not considered to outweigh the identified harm to landscape character, visual amenity & highway safety. Consequently, it is recommended that planning permission should be refused for either the permanent or temporary occupation of the site.

### **Recommendation**

That Planning Permission be REFUSED for the following reasons:

1. The proposed development will result in an unacceptable level of conflicting traffic movements, with inadequate visibility splay requirements at the junction with Fairfield Road, thereby causing an additional risk to other highway users. Consequently, the development will have a detrimental impact on highway safety and is contrary to criterion 7 of policy HL8 of the Fylde Borough Local Plan.
  
2. The caravans and travellers' vehicles including commercial vehicles would be visually intrusive and the development as a whole, including the provision of hard surfacing and fencing over part of the site would be harmful to the character and appearance of the area and contrary to the provisions of saved policies SP2 and HL8 of the Adopted Fylde Borough Local Plan.





Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/14/0490	Address Angel Lane Caravan Park, Field 7126, Fairfield Road, Staining	Grid Ref. E.3357 : N.4372	Scale 0 25 50 75 100 m 

Item Number: 2    Committee Date: 01 April 2015

<b>Application Reference:</b>	14/0652	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	The Richard Dumbrecks Singleton Trust	<b>Agent :</b>	STUDIO UK LTD
<b>Location:</b>	THE WHOLE OF SINGLETON VILLAGE		
<b>Proposal:</b>	OUTLINE APPLICATION FOR ERECTION OF 15 No. DWELLINGS (ON WEETON ROAD, STATION ROAD AND OFF CHURCH ROAD), 1 No. RETAIL UNIT, PROVISION OF MUGA AND PLAYING FIELD TO REAR OF SCHOOL, FORMATION OF VILLAGE GREEN AND FORMATION OF PEACE GARDEN AND FOOTPATH CONNECTIONS FROM WEETON ROAD. (ACCESS APPLIED FOR ALL ELEMENTS WITH OTHER MATTERS RESERVED)		
<b>Parish:</b>	SINGLETON AND GREENHALGH	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	23	<b>Case Officer:</b>	Rob Clewes
<b>Reason for Delay:</b>	In order to seek design Improvements		

**Summary of Recommended Decision:** Approve Subj 106

**Summary of Officer Recommendation**

This proposal is an outline application for the development of up to 14 dwellings, a shop with first floor flat, Village Green, Peace Garden and new MUGA and playing field. These are spread at various sites around the village, all of which are greenfield land designated as Countryside in the Fylde Borough Local Plan. The residential and commercial development of such areas is contrary to Policy SP2 of the Fylde Borough Local Plan and so this would normally require a refusal of the application unless there were material considerations that outweighed this. Key to this is that the NPPF requires that the council is able to deliver at least a 5 year supply of housing land, and is supportive of sustainable development which is described as a 'golden thread' to the document. This is set out in paragraph 14 which states that councils should grant planning permission for such proposals where the development plan is silent or out of date on the matter unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or there are conflicts with other material planning considerations. The council continues to be unable to deliver a 5 year supply of housing land as required by the NPPF, and no part of the development plan currently provides any realistic method of doing so without the development of out-of-settlement sites that deliver what is considered sustainable development. Given the scale of the development and its location around the village it is considered that the proposal does deliver a sustainable form of housing development as is required by NPPF.

The scale and nature of the development will allow some limited growth to this rural village without causing adverse visual impact to its character or the openness of the countryside. As the application is outline the design/appearance of the dwellings is unknown but it is

considered that the indicative layout shown confirms that a development can be achieved that both protects residential amenity and respects protected trees and biodiversity with conditions can be used to ensure this.

The whole of Singleton Village is located within a conservation area and therefore as set out in paragraph 137 and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 special regard must be given to the character and appearance of the Conservation Area. Whilst the proposal is considered a significant development for the Village it is considered that the impact to the setting and character of the Conservation Area is acceptable. Singleton has a linear form which remains to a large degree unaltered since built in the 1850's and much of the development respects this layout. The proposed housing that frames the Village Green whilst not strictly linear does reflect the layout of Miller Crescent, which is later development.

The proposal is considered to form sustainable development and so it is recommended that the application be supported by Committee and so assist in delivering the housing supply requirements of para 17 of NPPF. The recommendation before Development Management Committee is therefore to grant planning permission subject to satisfactory conclusion of a s106 agreement that provides for affordable housing.

### **Reason for Reporting to Committee**

The application is a Major application and therefore under the Council's scheme of delegation is to be considered by the Development Management Committee.

### **Site Description and Location**

The application site comprises of various sites immediately adjacent the rural settlement of Singleton. For the most part the village has a linear layout with some exceptions, most notably Miller Crescent, The Beeches and Dumbreck Court, with the built development of the Village fronting the main roads in and out of Singleton (Church Road, Station Road, Lodge Lane and the B5260). The village is predominantly residential but does benefit from a Public House, Village Hall, School and Church. The entire village is located within the Singleton Conservation Area and many of the property are of a traditional vernacular style and retain the same appearance as when first erected in the 1850's. There are 3 Grade II listed buildings in the village. The Fire House and St. Anne's Church and its associated Lych Gate. The village is surrounded by agricultural fields and the northern boundary of the settlement is marked by a row of well establish trees. To the south there are open views across the countryside.

### **Details of Proposal**

The proposal is an outline application with access applied for and all other matters reserved for various developments adjacent to the rural settlement of Singleton. The proposed development comprises of 15 residential units, a Peace Garden, Village Green, a shop and new multi-use games area (MUGA) and playing field. The shop and first floor flat located on the southern side of Station Road adjacent the junction with Lodge Lane with parking proposed to the rear. The proposed dwellings are located in various position around the village. There are 3 pairs of semi-detached dwellings on the southern side of the B5260 and 4 pairs of semi-detached dwellings on the southern side of Church Road. Located on the existing piece of open land between Church Road and the B5260 is the Village Green, with 3 pairs of the semi-detached dwellings framing the southern and

eastern ends of the Green. To the south of the Green and adjacent dwellings there is a Peace Garden to which is directly to the rear of the car park of the Miller Arms. A new footpath is proposed linking the Green and the B5260 via the Peace Garden. To the rear of the school is the proposed new MUGA and playing field.

The application was initially submitted for 20 dwellings, but this has been reduced to the 15 now proposed (14 dwellings and flat above shop) following concerns over the scale of the growth initially involved and its impact on the village form.

#### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
14/0158	PROPOSED INTRODUCTION OF SURFACED PATHWAYS TO THE NORTH WITHIN THE ESTATE AND NON SURFACED PATHWAYS WITHIN THE ESTATE WOODS AND FIELDS TO THE SOUTH EAST OF GRANGE ROAD. INTRODUCTION AND REPLACEMENT OF BOUNDARY STOCK FENCING, WAYMARKING AND KISSING GATES.	Granted	25/07/2014

#### **Relevant Planning Appeals History**

None

#### **Parish/Town Council Observations**

Singleton Parish Council notified on 23 October 2014

**Summary of Response** - The parish council submitted an extensive objection to original plans. This related to the amount of development proposed and the impacts to the conservation area and countryside. Further concerns were raised over the location of the MUGA and Peace Garden and the layout of the housing around the proposed Village Green. The Parish commented that only 1 affordable unit was required per year in the most recent survey of housing needs. The Parish did welcome the creation of the Village Green.

Further comments were provided following the submission of the revised plan with these stating:

*“The Parish Council has no specific observations on the amended application from Singleton Trust, but would like the following noted:*

- *The Planning Needs Survey showed that there was a need for one additional dwelling. Although this application is 16 times the requirement, the Parish Council would have no objection if this was a maximum number for the future.*
- *The Parish Council is still concerned that they have still not been told how many houses are to be for rental, market sale or affordable housing.*
- *The development on School Road is not in keeping with the linear design of the village and would be far more acceptable with the housing along the road, as it is with the rest of the village.*
- *The Parish Council likes the idea of a peace garden but feels that in its proposed location it is too remote and inaccessible, especially for the elderly who would be the most regular users.”*

## **Statutory Consultees and Observations of Other Interested Parties**

### **Regeneration Team (Heritage)**

No objections

### **Regeneration Team (Tree Officer)**

No objections

### **Planning Policy Team**

Application should be assessed against relevant policy. Development does not comply with Fylde Borough Local Plan policies however a lack of 5-year housing supply and the presumption in favour of sustainable development (as set out in the NPPF) could outweigh local policy.

### **Environmental Protection (Pollution)**

No objections. If contaminated land is discovered a risk assessment and remediation shall be completed.

### **Parks Manager**

No comments received

### **Waste Management**

No comments received

### **Lancashire County Council - Highway Authority**

Principle of development acceptable. However concerns over visibility splays

### **Lancashire County Ecology Service**

No comments received

### **Environment Agency**

No objections

### **United Utilities Group Plc**

No objections

### **The Ramblers Association**

Concerned over impact to footpath (FP1)

### **Lancashire County Council Rights of Way**

No comments received

### **Lancashire County Archaeology Service**

No objections. Condition requested for archaeological purposes.

### **LCC Contributions**

No contributions required.

### **English Heritage**

Concerns over original plans. Development needs to reflect the linear form of the settlement.

### **Neighbour Observations**

**Neighbours notified:** 23 October 2014

**Amended plans notified:** 10 February 2015

**No. Of Responses Received:** 6 letters of objections received

**Nature of comments made:**

- New MUGA and playing field will not benefit the village, only the school
- Risk in anti-social behaviour due to lack of recreational areas
- MUGA and playing field will have a negative impact on the character of the area to the rear of the school and results in the loss of agricultural land
- The number of dwellings proposed is too much and will alter the balance of the village and openness and views would be lost
- There will be a negative impact to the infrastructure e.g. school, highway network and sewers
- Singleton was built as a model village and the proposal will destroy that
- Detrimental impact to the conservation area
- Impact on protected trees
- Impact to wildlife habitats
- Singletons fundamental rural character would be changed
- Loss of property value
- Loss of privacy
- Increase in surface water flooding

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

SP01	Development within settlements
SP02	Development in countryside areas
EP02	Protected open spaces within towns & villages
EP03	Development within conservation areas
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP19	Protected species
EP22	Protection of agricultural land
HL02	Development control criteria for new housing proposals
HL03	Small scale rural housing development
HL06	Design of residential estates
SH10	New dev. in local shopping centres & new village shops
TR01	Improving pedestrian facilities
TREC14	Safeguarding of playing fields & recreational facilities
TREC17	Public Open Space within New Housing Developments

#### **Other Relevant Policy:**

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

#### **Site Constraints**

Conservation area site

## **Environmental Impact Assessment**

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

## **Comment and Analysis**

The application is an outline application with access applied for. Layout, scale, appearance and landscaping have not been applied for. However an indicative layout plan has been submitted. The main issues regarding this application from the plans submitted are:

- The principle of the development
- Provision of affordable housing
- Impact to the character of the countryside
- Impact to the Conservation Area
- Impact to existing open space
- Impact to existing recreational land
- Impact on highway safety
- The impact to neighbouring residential amenity

### **Principle of the development**

When considering the principle of development, regard must be had to the Development Plan with the determination in accordance with the plan unless material planning considerations indicate otherwise. The statutory development plan and material planning considerations in this case comprise of the saved policies of the Fylde Borough Local Plan (2005) and the National Planning Policy Framework.

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

In section 6 'Delivering a wide choice of high quality homes' of the NPPF it requires the significant boosting of housing and local authorities should use their evidence base to meet the full objectively assessed needs for market and affordable housing in the housing market area. For market and affordable housing a five year supply should be maintained. Housing applications should be considered in the context of the presumption in favour of sustainable development as set out in paragraph 44 of the NPPF.

Due to the nature of the application the proposal development is located within in the countryside adjacent the Singleton settlement boundary as shown on the adopted local plan. As none of the proposed development lies with the settlement boundary policy SP2 applies. Furthermore as a large element of the proposal is residential Policy HL2 also applies. Policy SP2 restricts the majority of development to preserve the openness and character of the countryside. The policy does allow for some exceptions, however new housing does not fall within these identified exceptions. Whilst the proposal does not fall within the identified exceptions the principle of the development is in this

particular case considered acceptable for two reasons. Firstly the majority of the development is located immediately adjacent the settlement boundary with the main use being for residential purposes. There are residential properties running along to northern side of Church Road and properties on the southern side of the B5260 and therefore the proposal complies with criteria 1 of Policy HL2 in that the development is compatible with adjacent land uses.

Secondly Section 6, Para 49 (Delivering a wide choice of high quality homes) of the National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development. As the site is not within a more sensitive area, such as Green Belt and is immediately adjacent the existing settlement boundary the site is considered to be within a sustainable location i.e. not detached from local services and the settlement benefits from a school and bus routes thereby complying with criteria 7 of Policy HL2. Therefore whilst the application would be contrary to Policy SP2 of the Local Plan, in this instance, there is greater weight to be given to the NPPF due to the site's sustainable location and the NPPF's housing objectives and presumption in favour of sustainable development.

Furthermore policies relevant to housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of housing. Whilst this matter does not on its own outweigh other material planning considerations the proposed dwellings are sustainably located and involve settlement growth of an appropriate scale for a rural village hence the principle of the application is considered acceptable.

#### Affordable Housing

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 for developments in Singleton the rural option of that document applies. This refers to developments of 4 or more dwellings providing affordable housing on site at a level equivalent to 30% of the total, which for this scheme including 15 residential units would equate to 4 units. These would normally be delivered as family dwellings for social rent to meet the demands of the borough as identified in the Housing Needs Survey.

Recent surveys have indicated that the number of affordable housing units needed in Singleton is one per year. Therefore the provision of 4 units would meet demand for the next 4 years. As the proposed development is a phased development it is considered that the provision will also be phased and this provision should be part of a Section 106 agreement with the applicant.

#### Impact to the openness and character of the countryside

The proposal will have an impact to the character and openness of the countryside. The proposed development is essentially an extension to the settlement boundary to the south of Church Road, along the south side of the B5260 and to the rear of the school as shown on the indicative layout. The scale of the development at two storey, will reflect the scale of the existing residential properties in the surrounding area and will not appear out of keeping with the general rural character of the area.

Whilst currently there is a large degree of openness on the southern side of Church Road, existing views eastwards are not considered to be totally unrestricted due to the presence of an existing MUGA opposite the School and the Miller Arms, depending on your location within the village. Nevertheless the introduction of housing would still create an impact by altering this view further. The impact however is considered acceptable as the proposed village green will still retain a large degree of openness to the immediate area due to its size and nature and there is a good degree of space between the proposed dwellings thereby allowing some retention of views eastwards.



The introduction of a playing field and MUGA to the rear of the school will impact on the openness to the north of the village. The revised plan shows an altered layout and proposed natural screening around the development to minimise the impact. It is considered that this revised layout and screening will achieve the necessary mitigation to ensure that the character and openness of the countryside is not detrimentally affected. The land is currently a field which is used for agricultural purposes and is classed as Grade 2 (very good quality). The use of this land for a MUGA and playing field would mean the loss of this agricultural land however the piece of land required to be lost is considered small in agricultural terms and the openness would still be retained.

The proposed dwellings on the southern side of the B5260 will have an impact on the openness of the countryside when looking southwest. This impact however is considered acceptable as there is a large degree of space between the dwellings and a large degree of openness remains either side. It is considered that due to their position in relation to the layout of the existing village the remaining development will not have an impact on the openness of the countryside.

#### Impact to the character of the Conservation Area

The entire development is situated within the Singleton Conservation Area. Paragraph 137 of the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require local authorities determining planning applications to preserve and/or enhance the character and appearance of the conservation area. Policy EP3 of the Fylde Borough Local Plan seeks to ensure that all proposals are appropriately designed and respect the quality of the environment. Singleton village was established in the 1850's by Thomas Miller on the site of a medieval village. This medieval village was levelled and replaced by many of the buildings that are seen today. Key elements that add to the significance of Singleton are the vernacular style (design, materials and craftsmanship), for its association with Thomas Miller and E.G. Paley and that it is a small intact model village with linear form.

English Heritage (EH) provided a response to the original submitted plan and raised concern that certain elements of the proposed development did not reflect the linear development of the village. The amended plan sought to address these issues. The revised scheme with its reduction in proposed dwellings and re-positioning of the peace garden has resulted in the proposal reflecting to a greater extent the linear form of the village. The housing on the southern side of the B5260 with their wide connected curtilages mirrors that character of the cottages running along the northern side of Church Road and therefore respects the historic linear form. The village green whilst large also respects the linear character of the settlement. However not all the housing accessed off Church Road and the peace garden behind strictly reflect the linear character. Three pairs of dwellings, which frame the village green, do not front onto Church Road and instead are set back from the road with the peace garden behind them. Although not strictly linear this element of the proposal does reflect the layout of Miller Crescent further up Church Road, which is a later development. Miller Crescent is within the Conservation Area and therefore contributes to its character. Taking this into account it is considered that this element of the proposal does reflect parts of the conservation area albeit not part of the Thomas Miller part of the village. However it is important to acknowledge that conservation does not restrict all development and that settlements and their surroundings evolve and change over time. Therefore whilst not all of the proposed development strictly appears linear in layout it is not so alien that it fundamentally alters the character and appearance of the conservation area and there is still a dominant character of linear development, which is also reinforced by other elements which do highlight and enhance the existing linear form.

The proposed new Multi Use Games Area (MUGA) and playing field to the rear of the school will have little impact on the character of the conservation area. It replaces the existing MUGA on the

south side of Church Road. The existing MUGA does not contribute positively to the character of the conservation area and is an incongruous feature that can be viewed from many view points throughout the village. Therefore the proposed position of the new MUGA, whilst resulting in an extension out into an existing field and being visible from other aspects, will have a much reduced impact to the conservation area in comparison. Furthermore the proposed natural screening will help to ensure that any impact is minimal and that views are restricted.

As identified by both EH and the Lancashire County Council Archaeology officer the village was built over an existing medieval settlement. Therefore taking into account the advice given by the archaeology officer a condition should be attached to ensure investigative works are undertaken to help reveal the evidential significance of this part of the village.

#### Impact to existing open space

The proposed village green is located in the centre of the village on land that is classed as open space within a village as defined on the Council proposals map. Therefore Policy EP2 applies, which seeks protect such land from development that would harm the setting, character or visual amenity of the village. The land is currently a field which is used for agricultural purposes and is classed as Grade 2 (very good quality). The use of this land as a village green would mean the loss of this agricultural land, however the piece of land lost is considered small in agricultural terms and the openness would still be retained. Even though the proposal would result in a pair of dwellings being built on a small section this would be mitigated against by additional space created further east along Church Road. The use of the land as a village green would also ensure the long term retention of the land as open space and also give it greater prominence within the setting and character of the village. It is therefore considered that the proposal complies with policy EP2.

#### Impact to existing recreational land

The proposal will result in the loss of an existing recreational space. Policy TREC14 seeks to ensure that existing recreational space is protected and if necessary any loss is mitigated against by the provision of new space open for all users. The existing recreational space provides a playing field and a basic MUGA, which is primarily used for the benefit of the school although its purpose is also intended for general public use. The proposal would provide a new modern MUGA and adjacent playing field with the land for the existing ones used for the placing of new dwellings. If strictly applied the proposal would not comply with policy TREC14 as it would result in the loss of the existing recreational facilities and the proposed facilities would be for the benefit of the school only (although public use could still be available). However the proposal includes the large village green that is considered to offer a better, more accessible recreational area that can be used by various members public. The existing MUGA is of a very basic standard and its location is problematic in terms of its location and impacting on the character of the conservation area and countryside. It is therefore considered that the trade off, of the new playing field and MUGA to the rear of the school and the creation of a large village green, compensates for the loss of the existing MUGA.

#### Highways

The County highway surveyor raised no issue over the impact of the proposal on the highway capacity or to the safety of the wider highway network. However concerns were expressed over the visibility splays for the access arrangements on to the B5260 and suggestions have been made on how this can be resolved. Due to the nature of the development 9 of the residential units will be accessed individually off the existing highway network with the remaining 6 accessed off a small access road off Church Road. No new estate roads are proposed. The original plan included a drop-off/parking area opposite the school. This was removed after negotiation with officers after concerns were raised about its positioning and impact on the character of the area. Although removed from the scheme parking will be required for the proposed shop and MUGA. It is

considered that these highway and parking issues can be addressed through a suitable condition requiring a scheme for all highway works to be agreed to ensure that these are suitable in both highway safety and character of the area terms prior to any commencement of works.

The original plan showed footpaths linking into the Public Right of Way (FP1) which raised concern with the ramblers association. The revised scheme with the re-located Peace Garden now proposes no link to FP1 and remains separate from the development.

#### Impact to neighbouring residential amenity

Whilst the application is outline and design and layout are not applied for the indicative layout plan does show the location of the proposed residential properties. As such an assessment should be made as to the impact to the amenity of the neighbouring properties in the village.

The proposed housing on the southern side of the B5260 opposite the Miller Arms will have no detrimental impact on the nearest neighbouring residential properties due to their orientation and distance. Furthermore the proposed dwellings do not directly face each other meaning direct views are limited.

The proposed pair of dwellings adjacent Dumbreck Court will create some impact to the neighbouring properties to the rear in terms of loss of privacy however it is considered that a suitable separation distance can be achieved to ensure any loss of privacy is to an acceptable level.

The proposed shop and flat will create no detrimental impact to the neighbouring properties due to its location at the junction of Station Road and Lodge Lane. The proposed off street parking to the rear whilst being used by various customers to the shop will only create a minimal impact in terms of noise and disturbance. Furthermore a condition can be added to control the hours of opening of the shop.

The proposed dwellings on the southern side of Church Road will have an impact to the nearest neighbouring properties (on the northern side of the road). The impact however is considered acceptable as there is an acceptable separation distance between the properties which will minimise and loss of amenity.

#### Impact to listed buildings

The proposed village green is immediately adjacent the Grade II listed Fire Engine House on the corner of Church Road. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local authorities determining planning applications that special regard be given to preserving the architectural or historic interest of the building. The village green would be a focal point for the village, however it would not detract to a great extent the public's awareness of the siting and positioning of the Fire House. The Fire House would still be the primary focal point for the village in particular when travelling eastwards through the village. The shape and orientation of the village green also means that it tapers to the junction of Church Road thereby defining to a greater sense the position of the Fire House when viewed from the east. It is therefore considered that the setting of the Fire House is not detrimentally affected and the addition of the village green will reinforce its setting as a focal point of the village. It is considered that the setting of the Church and Lych gate are not affected due to their distance from the proposed development.

#### Ecology

None of the proposed development is near a Biological Heritage Site (BHS), however the proposed development is adjacent agricultural land which contains a pond. Ecology surveys submitted found evidence of Great Crested Newts which are a protected species. The report identifies the sensitive

areas within the village and development has been directed away from these areas. It is therefore considered that the proposal, is not considered to be of such a significant development that there would be an unacceptable risk to protected species. However conditions should be attached to any consent ensuring adequate mitigation measures are taken during construction.

#### Drainage

The proposal will have an impact on the natural drainage of the site by reason of the addition of hard standing and other built development. The topography of the land means that runoff would likely run towards the proposed village green and the junction of Church Road as the topography of the land slopes in that direction. To ensure that surface water is adequately drained it is considered that a condition should be attached to any consent for a full drainage scheme to be agreed prior to commencement of works.

#### Impact on trees

The Councils tree officer has seen a copy of the revised plan and their overall opinion is that there will be an improved treescape and streetscene. The positioning of the MUGA is close to some TPO'd trees however it is considered that the construction of the MUGA will not involve large excavations or footings. To ensure adequate protection of the trees a condition should be attached.

#### Other matters

The Lancashire County Council planning contributions team confirmed that no financial contributions would be required for educational purposes.

#### Conclusions

This proposal is an outline application for the development of up to 14 dwellings, a shop with first floor flat, Village Green, Peace Garden and new MUGA and playing field. These are spread at various sites around the village, all of which are greenfield land designated as Countryside in the Fylde Borough Local Plan. The residential and commercial development of such areas is contrary to Policy SP2 of the Fylde Borough Local Plan and so this would normally require a refusal of the application unless there were material considerations that outweighed this. Key to this is that the NPPF requires that the council is able to deliver at least a 5 year supply of housing land, and is supportive of sustainable development which is described as a 'golden thread' to the document. This is set out in paragraph 14 which states that councils should grant planning permission for such proposals where the development plan is silent or out of date on the matter unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or there are conflicts with other material planning considerations. The council continues to be unable to deliver a 5 year supply of housing land as required by the NPPF, and no part of the development plan currently provides any realistic method of doing so without the development of out-of-settlement sites that deliver what is considered sustainable development. Given the scale of the development and its location around the village it is considered that the proposal does deliver a sustainable form of housing development as is required by NPPF.

The scale and nature of the development will allow some limited growth to this rural village without causing adverse visual impact to its character or the openness of the countryside. As the application is outline the design/appearance of the dwellings is unknown but it is considered that the indicative layout shown confirms that a development can be achieved that both protects residential amenity and respects protected trees and biodiversity with conditions can be used to ensure this.

The whole of Singleton Village is located within a conservation area and therefore as set out in paragraph 137 and section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

special regard must be given to the character and appearance of the Conservation Area. Whilst the proposal is considered a significant development for the Village it is considered that the impact to the setting and character of the Conservation Area is acceptable. Singleton has a linear form which remains to a large degree unaltered since built in the 1850's and much of the development respects this layout. The proposed housing that frames the Village Green whilst not strictly linear does reflect the layout of Miller Crescent, which is later development.

The proposal is considered to form sustainable development and so it is recommended that the application be supported by Committee and so assist in delivering the housing supply requirements of para 17 of NPPF. The recommendation before Development Management Committee is therefore to grant planning permission subject to satisfactory conclusion of a s106 agreement that provides for affordable housing.

### **Recommendation**

That Planning Permission be GRANTED subject to the completion of a Section 106 agreement in order to secure the provision, phasing, retention and operational details for 30% of the proposed dwellings to be affordable properties (The agreement will be expected to meet the full amounts quoted above in all cases, unless a viability appraisal has been agreed with the Local Planning Authority) and the following conditions (or any minor amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable):

1. A subsequent application for the approval of reserved matters, namely appearance, landscaping, layout and scale, must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:
  - [a] The expiration of five years from the date of this permission;
  - or
  - [b] The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter approved.

Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2. That the details submitted for approval of reserved matters shall indicate properties that do not exceed two storeys in height and the development is sited in general accordance with the location and scale of that indicated on drawing 362/PL/003 hereby approved.

To ensure the development has an appropriate scale and appearance within the surrounding area as required by Policy HL2 of the Fylde Borough Local Plan.

3. That the development shall be phased so that the:
  - that the proposed shop unit shall be constructed and available for occupation prior to the first occupation of the 5th dwelling hereby approved
  - that the village green shall be formed and available for community use prior to

the first occupation of the 10th dwelling hereby approved

- replacement MUGA and playing field shall be provided and operational prior to the removal of the existing MUGA facility, with these new facilities then remaining available for use by the community thereafter.

In order to ensure the appropriate phasing of supporting infrastructure to the new residential development of the village and so ensure that a sustainable form of development is delivered as required by para 17 of the NPPF.

4. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 27 October 2014, including the following plans:

362/PL/003 Rev 006 - Indicative Proposed Masterplan Layout

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

5. Prior to the commencement of development, hereby approved, a scheme to provide the detailed arrangements for all highway works outlined on the approved plans (ref: 1229/631/SK02 and 1229/631/SK04) shall be submitted to and approved in writing by the local planning authority. The scheme shall include the formation new footpaths on the B5260 and Church Road, details of all new access points and visibility splays, parking provision for the shop and MUGA, details of all traffic calming measures and crossing points and all other off site highway works. These works shall be implemented in accordance with the approved scheme and retained thereafter with the vehicle parking spaces retained available for their intended purposes.

To ensure that the design of the access, parking and other highway arrangements are designed in a safe manner that reflects the rural character of the area as required by Policy HL2 of the Fylde Borough Local Plan and para 32 of the NPPF.

6. No works shall be undertaken until a walkover survey of the site including its boundary hedges has taken place in order to establish the presence of protected species and the results submitted in writing to the local planning authority. Should the presence of any protected species 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 the construction of the dwelling.

To ensure adequate protection to protected species.

7. Notwithstanding the provision of Article 3, Schedule 2, Part 1, Class(es) A, B, C, D, E, F, G and H, Part 2 and Part 40 of the Town and Country Planning General Permitted Development Order 1995 [or any Order revoking or re-enacting that Order], no further development of the dwelling[s] or curtilage(s) relevant to those classes shall be carried out without Planning Permission.

CLASS VARIABLES

A House Extensions.

B&C	Roof Extensions/alterations
D	Porches
E	Curtilage buildings
F	Hardstanding
G	Flues and Chimneys
H	Satellite antenna

To ensure that the Local Planning Authority has control over any future development of the dwelling[s] which may adversely affect the character and appearance of the dwelling[s] and the surrounding area.

8. 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 by the applicant and approved by the Local Planning Authority. This survey shall be implemented and the results submitted to the local planning authority in accordance with a phasing contained within the approved scheme.

To ensure and safeguard the recording of any archaeological deposits.

9. The development shall only be undertaken in full accordance with the Great Crested Newt Precautionary measures Method Statement by Pennine Ecology as submitted to support this application, or another report to address these issues that has been submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development.

TO minimise the potential for harm to the conservation status of this protected species as required by Policy EP 18 and EP19 of the Fylde Borough Local Plan and para 118 of the NPPF..

10. That the details submitted for the landscaping reserved matters shall include the provision of an extended tree belt around the northern edge of the proposed MUGA, and that this planting shall be introduced prior to the first use of this MUGA, and then maintained for a period of 10 years in accordance with a maintenance schedule provided within that reserved matters submission.

To ensure that the visual impact of this element is appropriately mitigated in accordance with preserving the setting of the village from this aspect as required by Policy EP11 of the Fylde Borough Local Plan.

11. That the MUGA shall not be available for use except between the hours of 730 - 2000.

In order to provide appropriate protection to the residential amenity of neighbouring residents.

12. Prior to the commencement of development a detailed levels plan indicating the existing and proposed ground levels and proposed finished floor levels for each part of the development shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in full accordance with the

approved plan.

To ensure that the development has an acceptable impact on neighbouring amenity and visual impact.

13. Prior to the commencement of development a scheme for the disposal of foul and surface water for the development shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul, combined or surface water 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 per hectare. The scheme for surface water drainage shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. 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 development shall be implemented, maintained and managed in accordance with the approved details.

To ensure adequate drainage and to prevent the increased risk of flooding to the site and development area.

14. 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.

15. The whole of the landscape works, as approved shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current silvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting



after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

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

16. Prior to any development activity commencing, retained trees, either individually or, where appropriate, as groups, will be protected by erecting HERAS fencing at the Root Protection Areas (RPAs) identified in the arboricultural survey.

Within, or at the perimeter of, these root protection areas, all of the following activities are prohibited:

- Lighting of fires;
- Storage of site equipment, vehicles, or materials of any kind;
- The disposal of arisings or any site waste;
- Any excavation;
- The washing out of any containers used on site.

HERAS fencing must not be removed or relocated to shorter distances from the tree without the prior agreement of the Local Planning Authority. Any work to retained trees to facilitate development or site activity must (a) be agreed in advance with the Local Planning Authority and (b) must meet the requirements of BS3998:2010 Tree Work - recommendations.

Reason: To ensure that tree root damage and damage to the aerial parts of retained trees is avoided so that the trees' health and visual amenity is not diminished by development activity.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/14/0652	Address Singleton Village	Grid Ref. E.3382 : N.4382	Scale 0 15 30 45 60 m 

Item Number: 3 Committee Date: 01 April 2015

<b>Application Reference:</b>	14/0761	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mr Wallis	<b>Agent :</b>	WBD
<b>Location:</b>	33 BUNKER STREET, FRECKLETON, PRESTON, PR4 1HA		
<b>Proposal:</b>	PROPOSED ERECTION OF DETACHED DWELLING TO SIDE FOLLOWING DEMOLITION OF EXISTING GARAGE WITH PARKING FOR NEW AND EXISTING PROPERTIES PROVIDED TO REAR FROM POOLSIDE		
<b>Parish:</b>	FRECKLETON EAST	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	22	<b>Case Officer:</b>	Rob Clewes
<b>Reason for Delay:</b>	In order to seek design Improvements		

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application relates to the erection of a detached dwelling on land that forms the garden area to an existing dwelling on Bunker Street.

The site is within the Freckleton settlement boundary and so the proposal is acceptable in principle. The design of the proposed dwelling, whilst modern, is not considered unacceptable and would not have a detrimental impact on the street scene. Although significantly different in style the individual design, in contrast to the traditional properties seen down Bunker Street, will add a more contemporary feel to an area that is not within a conservation area. Whilst the proposal will have an impact to the amenity of some of the neighbouring properties this impact is not considered detrimental. Taking the above into account the proposal is considered to comply with the NPPF and Policies SP1 and HL2 of the Fylde Borough Local Plan and is therefore recommended for approval.

**Reason for Reporting to Committee**

The Parish Council has objected to the development and therefore under the Council's scheme of delegation has been brought before the Development Management Committee.

**Site Description and Location**

The application site is an end terrace cottage located on the eastern end of Bunker Street towards the southern end. The property has a gable ended pitched roof and there is a flat roof two-storey side extension. In the side garden there is a detached single storey out-building which has a gable ended pitched roof. The rear garden is tiered and slopes down towards Pool Side. The neighbouring

properties are varying in style and design from terrace cottages to detached bungalows and houses.

### **Details of Proposal**

The proposal is for the erection of a detached dwelling in the side garden of No.33 Bunker Street in the area currently occupied by the outbuilding. The dwelling is two-storey and is of a contemporary/modern design. The foot print of the property is 11.5m by 6.8m and it has a front and rear gable ended roof which has an eaves height of 4.1m and a ridge height of 6.5m. To the rear there is a single storey element which projects out 4m from the two-storey element. The two-storey element is angled so that the side elevation is not parallel to the side elevation of No.33 Bunker Street. The rear garden is tiered and there is off street parking provided which is accessed off Pool Side.

### **Relevant Planning History**

None

### **Relevant Planning Appeals History**

None

### **Parish/Town Council Observations**

**Freckleton Parish Council** notified on 29 October 2014 and comment *"The Parish Council Objects to the above application as this would be over intensive building and will cause parking issues."*

### **Statutory Consultees and Observations of Other Interested Parties**

#### **BAE Systems**

No objections

#### **Ministry of Defence - Safeguarding**

No objections

#### **Lancashire County Council - Highway Authority**

No objections

#### **The Ramblers Association**

No comments received

### **Neighbour Observations**

**Neighbours notified:** 12 November 2014

**Amended plans notified:** 05 February 2015

**No. Of Responses Received:** 5 letters of objection received to the original plans. 4 letters of objections received to the revised plans

**Nature of comments made:**

#### Original Plans:

Impact to parking and highway safety

Design not in keeping with the surrounding buildings which is a historic part of Freckleton

Proposal would compromise the shared side boundary

Access to neighbouring properties will be restricted during construction  
Proposed parking to the rear will not be utilised  
Existing trees on the site will need to be removed to accommodate the proposal  
Loss of privacy to property to the West

Revised Plans:

Over development of the area  
Design out of character with the surrounding area  
Proposal will lead to traffic problems  
Impact on ecology  
Proposal would compromise the shared side boundary  
Access to neighbouring properties will be restricted during construction

**Relevant Planning Policy**

**Fylde Borough Local Plan:**

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

**Other Relevant Policy:**

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

**Site Constraints**

None

**Environmental Impact Assessment**

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

**Comment and Analysis**

The main issues regarding this application are:

- Principle of the development
- Design and street scene
- Impact to neighbouring residential amenity
- Impact to the highway

Principle of the development

The development would result in the addition of a new dwelling in the curtilage of an existing residential property. The site is located within the defined settlement of Freckleton and outside more sensitive areas such as Green Belt and open countryside therefore Policy SP1 of the Fylde Borough Local Plan applies. Subject to other policies, development within defined settlement boundaries is in principle considered acceptable as it is preferable for housing schemes to be proposed within these existing settlement boundaries where possible. This is because existing settlements generally benefit from existing services and infrastructure which a proposed development of this nature can benefit from. In this case the proposal is close to public transport and local services and shops and it therefore considered to be in both a sustainable and accessible

location.

#### Design and street scene

The design of the proposed dwelling is of a modern/contemporary design with changing internal floor levels and extensive use of glazing and timber cladding in addition to brick on the elevations. This proposed design is significantly different to the design of the neighbouring properties and would contrast with those. However, it is located towards the edge of the settlement where the traditional buildings of the village give way to more rural surroundings where the barn like form and use of timber to the elevations would be more typical. In this context the dwelling appears as a transition between the village and the countryside. It is also noted that para 60 of the NPPF states that the Council should not seek to impose architectural styles or particular tastes and should not stifle innovation or originality in design. It is considered that this proposal adds interest to the area and so is acceptable in that regard. The scale of the development is consistent with adjacent housing plots and is of a large enough size with sufficient garden space to the rear and will therefore not appear cramped in the site.

Whilst there are some traditional designed buildings in the immediate area they are not within a conservation area nor are any listed, and close-by there are typical sub-urban housing styles such as dormer bungalows. Whilst they are of traditional design their character and appearance would not be threatened by the design of the proposal and the principle of a modern design is considered acceptable. The proposed design is of an innovative enough standard that it would not create a negative impact on the street scene and would offer a contrast into the visual amenity of the area and appear individual and would strengthen the traditional character other nearby properties. However to ensure that its appearance works within its setting a condition should be used to agree all materials, therefore whilst appearing "different" it would not appear incongruous in the wider street scene.

#### Impact on neighbouring residential amenity

The proposed dwelling will create an increase in impact to the neighbouring properties to the North, South and West. The property to the North (33 Bunker Street) will suffer an impact in terms of overbearing and loss of light as the dwelling is taller than the outbuilding it replaces and has a larger footprint and different roof style. This impact however is considered acceptable when taking into account the two-storey element of the proposal is angled away from the northern boundary and the roof ridge pulled away southwards by not running central across the roof. The single storey rear element of the proposal whilst projecting beyond the rear elevation of the neighbouring property is considered low enough to minimise the impact. In terms of loss of privacy the North facing side elevation has only one first floor side elevation window, which serves a bathroom and the proposed roof lights are above eye level. The bathroom window should be obscure glazed to ensure that there is no detrimental loss of privacy.

The neighbouring property to the South (Park Lodge) will suffer no loss of light due to it being to the south of the proposed development. There will also be no loss of privacy as there are no side elevation windows in the south facing side elevation and the first floor rear elevation windows in the two-storey element are high level and direct view out will not be possible. There will however be an increase in overbearing due to the proposal's proximity to the southern boundary and increase in height in comparison to the existing out building. This impact is however considered acceptable as the majority of the impact will be on the attached side garage which is not considered to be a habitable room.

The neighbouring property to the West (The Barn) will suffer an increase in impact in terms of overbearing and loss of privacy. The proposal will be more prominent than the existing detached

out-building and will therefore create an increase in overbearing. The spacing between the nearest corner of the proposal and the facing neighbouring property, The Barn, is approximately 12m. Whilst this distance would not normally be considered sufficient the angle of the front elevation together with its narrow width means that the impact is reduced and is on balance considered acceptable. The angled front elevation also means that the front elevation windows do not directly face The Barn but rather to the north into Bunker Street. It is acknowledged that there will be some loss of privacy but due to the position of the windows on both properties it is considered acceptable. There will be no detrimental loss of light as the property is set far enough away for there to be no overshadowing.

#### Impact to the Highway

From the representation received concerns were raised about congestion created on Bunker Street and that the proposed off street parking is unlikely to be utilised. The proposal includes off street parking provision to the rear of the property accessed off the access track to the rear, Pool Side. Lancashire County Council highways raised no objection to the proposal and it is considered that the impact to highway safety is acceptable with a condition appropriate to ensure that the parking for this dwelling and the existing property are provided and retained.

#### Impact to trees

The proposal will require the removal of some trees and vegetation from the site in order to accommodate the dwelling. These trees are not considered high value and are of a common conifer species. However a condition can be used to ensure the site is adequately landscaped.

#### Other matters

The representations received raised concern over the issue of construction and the impact to neighbouring properties and the highway. The method of construction and any resulting impact i.e. damage to property or obstructions are private matters between the relevant parties and are not material planning considerations. Therefore they do not form part of this assessment.

#### Conclusions

The proposal for a replacement dwelling is in principle considered acceptable as there will be no net loss or gain in the Councils housing numbers and the site is located within the Freckleton settlement boundary. The design of the proposed dwelling, whilst modern, is not considered unacceptable and would not have a detrimental impact on the street scene. Although significantly different in style the individual design, in contrast to the traditional properties seen down Bunker Street, will add a more contemporary feel to an area that is not within a conservation area. Whilst the proposal will have an impact to the amenity of some of the neighbouring properties this impact is not considered detrimental. Taking the above into account the proposal is considered to comply with paragraphs 17 and 60 of the NPPF and Policies SP1 and HL2 of the Fylde Borough Local Plan and is therefore considered acceptable.

#### 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. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

To ensure that the materials have a satisfactory appearance.

3. Prior to the commencement of development a scheme for all hard and soft landscape works shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out and completed as per the agreed scheme and shall thereafter be retained and maintained. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees of similar size and species to those originally required to be planted.

In the interests of visual amenity and to ensure that the development presents a satisfactory appearance in the street picture.

4. Prior to the commencement of development a scheme for the disposal of foul and surface water for the site shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul, combined or surface water sewerage systems. The development shall be implemented, maintained and managed in accordance with the approved details.

To ensure the site and development are adequately drained.

5. Prior to the first occupation of the building, hereby approved, the off street parking spaces shown on the approved plan (ref: 202 Rev A) for the new and existing dwelling shall be laid out and completed to the satisfaction of the Local Planning Authority in consultation with the Highway Authority. The spaces shall be retained thereafter for their intended purpose.

To enable all traffic to enter and leave the premises in a safe manner without causing a hazard to other road users and in the interests of providing adequate parking.

6. 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.

To ensure that the development has an acceptable impact on neighbouring amenity and visual impact.

7. Notwithstanding the provision of Article 3, Schedule 2, Part 1, Class(es) A, B, C, D, E and F of the Town and Country Planning General Permitted Development Order 1995 [or any Order revoking or re-enacting that Order], no further development of the dwelling[s] or



curtilage(s) relevant to those classes shall be carried out without Planning Permission.

CLASS VARIABLES

- A House Extensions.
- B&C Roof Extensions/alterations
- D Porches
- E Curtilage buildings
- F Hardstanding

To ensure that the Local Planning Authority has control over any future development of the dwelling[s] which may adversely affect the character and appearance of the dwelling[s] and the surrounding area.

8. Prior to the commencement of development, hereby approved, a scheme detailing construction of the retaining walls in the rear garden indicated on the approved site plan (ref: 202 Rev A) shall be submitted to and approved in writing by the local planning authority. The approved works shall be constructed in accordance with those approved details and thereafter retained.

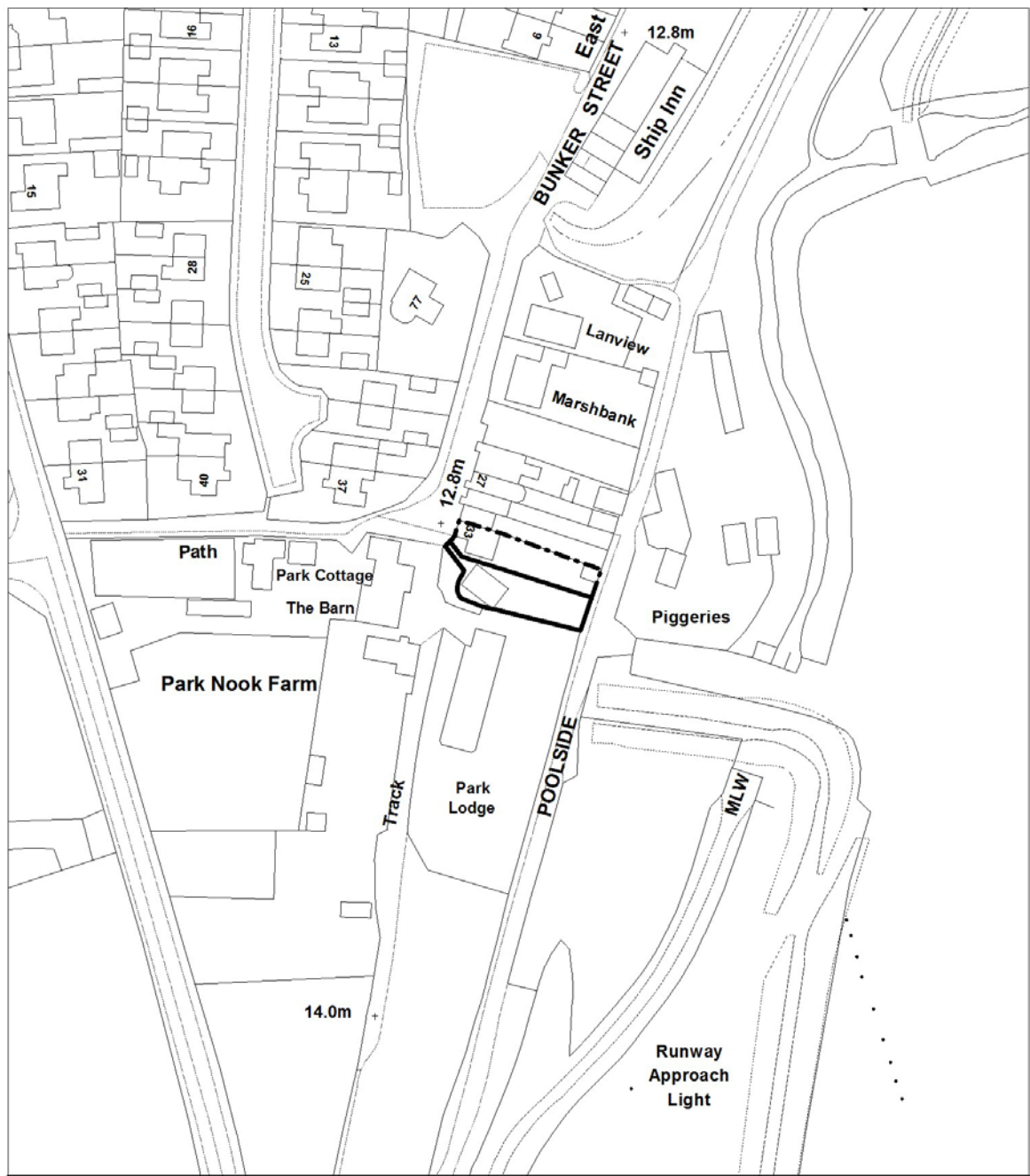
To ensure a satisfactory appearance within the site.

9. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 27 October 2014, including the following plans:

201 Rev B - Proposed elevations

202 Rev A - Proposed floor plans, site plan and site location plan

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



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/14/0761	Address 33 Bunker Street, Freckleton	Grid Ref. E.3434 : N.4286	Scale 0 6 12 18 24 m 

Item Number: 4    Committee Date: 01 April 2015

<b>Application Reference:</b>	14/0811	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Renewable Source Ltd	<b>Agent :</b>	Alder King Planning Consultants
<b>Location:</b>	LAND EAST OF, CLIFTON LANE, NEWTON WITH CLIFTON		
<b>Proposal:</b>	PROPOSED INSTALLATION AND OPERATION OF A SOLAR FARM AND ASSOCIATED INFRASTRUCTURE INCLUDING PHOTOVOLTAIC PANELS, MOUNTING FRAMES, 5 INVERTER STATIONS, 1 SWITCHGEAR STRUCTURE, 1 OPERATOR BUILDING, DEER PROOF FENCING AND POLE MOUNTED SECURITY CAMERAS, WITH ACCESS PROPOSED OFF DEEPPDALE LANE.		
<b>Parish:</b>		<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	10	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Not applicable		

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application proposes the development of a solar farm, with associated infrastructure and equipment on agricultural land south of Deepdale lane, Clifton. It is considered that the principle of the development is acceptable in light of the support for renewable energies in NPPF and that the development has been assessed to pass the test that there are no suitable sites for the development on brownfield or non-agricultural land. It is viable that the land can continue to be used for grazing during the operation period of the development and biodiversity enhancements can be conditioned. This is in accordance with NPPG. It is not considered that the development will have an unacceptable impact on residential amenity, the highways network or ecology.

Visually, it has been assessed that the development would have significant impacts on the site itself and adjacent local landscape character. This landscape is not designated for its special landscape quality. The impact of the development on medium and long range views would not be significant. The site is well enclosed by existing built development and trees and with the provision of a hedgerow to the eastern boundary views from this direction would be softened.

Overall, the visual harm to be experienced has to be balanced against the gain of a renewable energy source and rural diversification. NPPF encourages the development of renewable energy and aims to increase the use and supply of renewable energy. This development would generate 5MW of electricity. It also has to be taken into account that the development would be temporary, with its removal after 25 years. Given the wider environmental and community benefits of the proposal and its temporary nature, plus the proposed mitigation

planting, it is considered that, on balance, the development gain would outweigh the visual impact to be experienced to the local landscape and residential properties, and where there is to be visual harm this will not be unacceptable.

### **Reason for Reporting to Committee**

The application is for a major development and therefore has to be determined by the Development Management Committee.

### **Site Description and Location**

The application site constitutes approximately 11.7 hectares of agricultural grassland located on land directly to the south of Deepdale Lane and the Springfield's Fuels Ltd plant and contained by Clifton Lane to the west and field boundaries or open ground to the east. The site is located between the settlement of Clifton and a designated employment area to the north. The site is designated as countryside under the adopted Local Plan. There is a Grade II listed building 'Clifton Windmill' (The Windmill Tavern) which is located directly to the North West of the site. The site is made up of three fields with two hedgerows running from north to south within the site and is currently used for grazing sheep. The boundary to the east is open, the northern boundary is made up of hedgerow and to the south and east it is made up of a linear woodland belt which is designated as a Deciduous Woodland BAP Priority Habitat (England) and is the subject of a Tree Preservation Order (TPO). The land is Grade 3b so is not BMV as defined in the National Planning Policy Framework. There are no public rights of way through the site, 33 Kv power lines cross the southern portion of the site in a south east to north west direction and there is a substation located directly adjacent to the site which is easily accessible and the agreed Point of Connection (POC) for the proposed development. The nearest residential dwellings are those on the Meadow Close development to the south of the woodland belt.

In terms of topography the site is low lying and rises from approximately 14m AOD at the southern end of the site to 21m AOD at the north of the site. The landscape character of the wider area is mixed, there are low lying and undulating fields within which hedgerow and hedge trees and small strips of woodland are prevalent to the east and west, the rural settlement of Clifton to the south and the Springfield's development which is a large employment site in the open countryside which has a significant impact upon the character of the area.

### **Details of Proposal**

The proposed development is for the installation of photovoltaic panels laid out in arrays of rows running across the field enclosure. The panels are set back from the boundary of each field by at least 10m in order to provide for access around the edge of each field and to ensure the continuing health of existing trees and hedgerows. The arrays will be mounted on a simple metal framework. The maximum height of the arrays will be 2.2m above ground level and will be installed at a gradient of approximately 25 degrees from the horizontal, facing south. The panels will be fixed and will not move or track the movement of the sun.

Each of the arrays are connected to five inverter stations which are dotted around the site, which are then connected to the grid via a substation which is proposed to be located to the south west of the site. Within the site as well as the inverter stations are proposed to be switch gear structure, a distributor Network Operator building (DNO), six CCTV cameras on 3m poles and 2.1m steel deer fencing fixed to wooden posts. The dimension of the buildings are;

Inverter stations measuring 3m (height) x 2.5m (width) x 8.2, length.  
1 no. DNO substations measuring 3.1m (h) 5m (l) x 2.4m (w);

No artificial lighting is proposed at the site. It is proposed to screen views of the arrays by planting hedgerows to the east and North West corner.

The proposed development comprises a free standing 'static' 5MW solar PV farm, with all the power exported to the National Grid. The applicant states that the development will provide power for the equivalent of approximately 1286 homes annually. It is intended that the development would operate for a period of 25 years after which the site will be de-commissioned and returned back to agricultural use. Over the course of the 25 years the applicants state that this will save potentially 1,825.34 tonnes of carbon dioxide emissions annually. It is proposed that sheep grazing will continue around the arrays during the operational period.

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

The application has been accompanied by supporting documents as follows:

- Planning design and access statement
- Heritage desk based assessment
- Statement of community involvement
- Agricultural assessment
- Alternative site search
- Construction Traffic Management Plan
- Ecological survey
- Landscape and Visual appraisal
- Flood risk assessment

### **Relevant Planning History**

None relevant to this application

### **Relevant Planning Appeals History**

None.

### **Parish/Town Council Observations**

Newton with Clifton Parish Council, Dowry House notified on 21 January 2015

### **Summary of Response:**

The Parish Council support the proposal.

### **Statutory Consultees and Observations of Other Interested Parties**

#### **Blackpool Airport**

No comments received.

**National Grid**

Placed a holding objection on the proposal. However a plan has been submitted showing how connection would be made to the network.

**HM Inspector of Health & Safety**

No objections.

**Regeneration Team (Landscape and Urban Design)**

Overall I do not have any objections to the application. However, I would stipulate the following landscape conditions.

With regards to the TPO woodland which effects the southern boundary of the site. The majority of the trees were felled in December 2013, this needs to be restocked to ensure that the woodland, screens the development effectively from Clifton Village.

The northern boundary of the development runs along Deepdale Road; there is an existing hedgerow which has been managed to a height of 1.0m approx. The existing hedge would not provide an effective screen due to the way it has been managed over the years. Therefore, to ensure an effective screen is provided additional planting within the site will be required to reinforce this hedgerow.

To the Western boundary along Clifton Lane; the development will be effectively screened by the existing TPO woodland.

At the junction of Deepdale Road and Clifton Lane, the proposed development will be highly visible too short to medium range views, as there is no planting/hedgerow.

Therefore, to ensure that the development is effectively screen at this key location, it is important that the existing woodland along Clifton Lane continues to the junction of Deepdale Road and joins the proposed planting along Deepdale Road.

The development will be highly visible to the Eastern Boundary, due to the low lying countryside, and open boundary treatment. The site will be highly visible to short and long views until the new hedgerow is established. To ensure and enhance the proposed screening to this boundary I would recommend single trees to be planting within the new hedgerow and a series of copses to be strategically located along the eastern boundary.

Landscape Conditions;

1. The continuation of the woodland along Clifton Lane to Deepdale Road. To be of a similar species mix, depth and density as the existing woodland.
2. In addition to the existing hedgerow further planting is required within the site boundary to ensure that the development is effectively screened along Deepdale Road
3. To the eastern boundary; a series copses should be strategically planted to provide height and variation along the proposed hedgerow boundary.
4. The replanting of trees to the TPO woodland, as per the Forestry Commission direction and FBC Tree Officer.

**Lancashire County Council - Highway Authority**

*The proposed development will have its greatest impact on the highway network during the construction phase. The developer has produced a Construction Traffic Management Plan (CTMP) which shows that the construction period is relatively short and the HGV movements fluctuate during the construction period peaking at 7 deliveries (14 movements) per day. The level of vehicle movements as indicated within the CTMP will not have a significant impact on highway capacity or safety and as such the principle of the development is acceptable. The access to the site is via a field gate which is to be*

widened to accommodate HGV movements. Although the access will only be wide enough to accommodate 1 vehicle at once the CTMP shows how vehicle conflict will be avoided. The proposed widening and the methodology of access control is acceptable. The developer is proposing to erect temporary traffic signs to provide approaching traffic with adequate warning of the presence of construction traffic. This proposal is acceptable.

I can confirm that there are no objections to this proposal and would ask that the following conditions are imposed if you are minded to grant planning permission.

- That part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials. Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.
- Before the use of the site hereby permitted is brought into operation facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site. Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.
- No part of the development shall be commenced until all the highway works (access and signing) have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.
- The development shall be carried out in line with the details provided within the Construction Traffic Management Plan. Reason: In the interests of highway safety.

#### **Environment Agency**

No objections to the proposed development subject to the inclusion of conditions that meet their requirements. They have reviewed the submitted FRA and are satisfied that the proposed development would not be at unacceptable risk of flooding or exacerbate flood risk elsewhere. They require a condition that the development is carried out in accordance with the FRA, specifically that the surface water run-off rates remain the same as existing greenfield rates. With regard to the aquatic environment they state that land alongside watercourses is particularly valuable for wildlife and that it is essential this is protected as development that encroaches on to it has a potential severe impact on their ecological value. Retaining and enhancing the existing ecological networks will help ensure the biological and chemical quality of watercourses is not reduced as a result of the development, which is a requirement of the Water Framework Directive. They recommend that a clear unobstructed buffer between the edge of the watercourse and the proposed development is incorporated in the layout of the proposed development, buffers could be vegetated corridors which are free from build development and could also provide a contribution to green infrastructure provision on site.

#### **United Utilities – Water**

No comments received.

#### **Preston Borough Council**

No comments received.

## Electricity North West

The development could have an impact on our infrastructure, The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Estates and Wayleaves, Frederick Road, Salford, Manchester M6 6QH. Other points, specific to this particular application are:-

- There is a 132kV overhead line within the development site.
- There is a 33kV overhead line within the development site.
- There is a 33kV substation close to the southern boundary of the development site.
- There is a 132kV overhead line close to the southern boundary of the development site.

## Lancashire County Archaeology Service

Have checked their records and can find no archaeological implications.

## Regeneration Team (Tree Officer)

*This is an agricultural site, the most notable feature of which is the 3.080 hectares of broadleaved woodland that skirts its southern and western boundaries, an area of trees subject to Fylde Council Tree Preservation Order 2014 No. 1. This is an Order that was made in emergency circumstances in January 2014 following an attempt to clear-fell the woodland, made between Christmas and New Year 2013. Upset residents felt then that the felling deprived them of the purpose of the woodland, which was to provide an attractive and enduring screen for the village from the Springfields reprocessing site - a need that still exists - and which was expressed to Fylde Council in writing by the Parish Council in January 2014. The owner of the site was in contravention of Section 17 of the Forestry Act 1967 by felling more than the permitted volume of timber without a Forestry Commission license, and was accordingly served with a Re-stocking Notice on 5th August 2014, though as can be seen below it appears no restocking has been carried out.*

*This proposal does not involve any tree losses however. The layout suggests a standoff distance between the proposed photovoltaic panels and the woodland edge, thus presumably allowing for the effect of shading. No access track or infrastructure is proposed for this side of the site, so I've no concerns about root damage or tree removals to facilitate services here.*

*Trees elsewhere are few but note must be taken of an outstanding hedgerow oak in the northern boundary.*

*I would be concerned if any proposed access or infrastructure came within ten metres of this tree and would not wish to see it pruned to accommodate any form of development: it's a fine native oak redolent of the English countryside and as such is completely appropriate to the locality. Its value as a landscape tree is self-evident. The Council should ensure no harm comes to this tree by serving a new tree preservation order, and I will set about this process.*

*A hedge divides the site, but this is earmarked for retention and it follows the line of a drainage ditch so there seems little incentive to take it out as no useable space would be gained unless the ditch were culverted.*

*With respect to trees and woodland then I see few direct problems. Where I would draw the Council's attention is in regard to matters of future effects of the trees on the efficiency and viability of some of the photovoltaics vis-à-vis the eventual height and*



*shading potential of the woodland, and also screening, visual permeability, and ecological receptors:*

- *It should be considered by the Council that the tree species in this broadleaved plantation will eventually reach heights of around 30 metres – they are currently in early-maturity and are around 8 metres high - and that they occupy primarily the western aspect, thus the effect of future peak-time shading on the PV farm might be higher than anticipated. If this proves so and pressure to remove or reduce TPO'd trees is the outcome the Council will be in conflict over tree preservation and the viability of a renewable energy resource;*
- *The felling has resulted in a partial loss of screening from Clifton Lane so the site may be partially visible to users;*
- *The woodland screen will become significant if the PV farm is permitted, while at the same time the screening once provided by the illegally- felled trees has been lost for residents of the Meadow Close development who, as can be seen from the photograph below, are now left with what I may term a degree of “visual permeability”. I’d estimate these trees were twenty to thirty years old and thus the lead-in time for a replacement woodland is not small. What this will mean in practice is that the inherent screen suggested on drawing GRNSS1028-A-05 does not exist and the site will be seen by residents on land adjacent. Left alone, the stumps of the felled trees will grow again, probably in multiple-stemmed coppice form, but these won’t achieve the same heights as they might have hitherto.*
- *Ecology: The Phase 1 Habitat Survey identifies the site as having definite potential for Great Crested Newts, though concludes that this need not prevent the development. If the Council is minded to grant permission the method statement set out at para 8.05 of the report should be conditioned so that the timing of events does not permit the site to be colonised by these protected newts.*

*In summary, while I don’t wish to mount an objection on tree-related grounds, it’s important to give proper weight to the amenity of the woodland, the loss of the screen/buffer to the Meadow Close development, and whether the future growth of the woodland may reduce the productivity of the solar farm by casting longer-than expected shadows during Summer months thereby promoting a conflict between two resources that may be equal in their value to society and their contribution to mitigating climate change.*

**Fylde Bird Club**

No comments received.

**Principal Land Agent**

No comments received.

**Regeneration Team (Heritage)**

*Clifton Windmill (grade 2 listed building) is a fine industrial heritage relic and would have been set in a rural environment. The character of the area has changed drastically and its pastoral setting is not so relevant to its conservation now. The roadside landscaping and woodland at the solar farm site provides a buffer from the windmill and my opinion is that the proposed solar farm would not significantly affect the heritage asset that is the windmill as the proposed development is not immediately and visually related to the statutorily listed building and therefore the special historic and architectural merit is not*

*compromised. Conclusion - No objection*

**Environmental Health Officer**

No comments received.

**CPRE**

The site of this proposed solar farm is farmland designated as Countryside Area in the Local Plan and has a semi-rural character. Having assessed the proposed scheme against national planning policy and guidance and CPRE's own policy guidance, on balance CPRE Fylde District Group objects to this proposed scheme as submitted. Because the site uses agricultural land, there is deficient evidence to support the scheme, the visual impact of the proposal and alternative sites being available.

**Neighbour Observations**

**Neighbours notified:** 21 January 2015

**No. Of Responses Received:** One

**Nature of comments made:**

The main issues are;

Would the renewable energy produced outweigh visual harm

Impact on the setting of Clifton Hall and Clifton Windmill

Impact on residential amenity.

The proposal should be refused because of impact of the visual impact on the countryside, the impact on the setting of Clifton's heritage assets and the impact of the development in terms of noise generated on residents.

**Relevant Planning Policy**

**Fylde Borough Local Plan:**

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

**Emerging Local Plan**

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

**Other Relevant Policy:**

NPPF: National Planning Policy Framework

Section 10 – Meeting the challenge of climate change, flooding and coastal change  
To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.

Paragraph 98. When determining planning applications, local planning authorities should: not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and even recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

Section 11 - Conserving and enhancing the natural environment.

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

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

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

NPPG:

National Planning Practice Guidance

Renewable and low carbon energy

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

The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. Particular factors a local planning authority will need to consider include: encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of a high environmental value; where a proposal involves greenfield land, whether i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land: and ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays; that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use; the proposal's visual impact,

the effect on landscape of glint and glare; the need for, and impact of, security measures such as lights and fencing; great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting; the potential to mitigate landscape and visual impacts through, for example, screening with native hedges; the energy generating potential, which can vary for a number of reasons including, latitude and aspect. In the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

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

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

While large-scale solar farms provide opportunities for greater generation, they can have a negative impact on the rural environment if not well-planned and well-screened. There can also be problems where local communities see no benefit but consider that they bear amenity issues. The Solar Trade Association has developed a statement of “10 Commitments” for solar farm developers (see box) which seeks to ensure that the impact of large-scale solar farms on communities, visual impact and long-term land use are minimised. In addition, the National Solar Centre is publishing two best practice guides on the development of large-scale solar farms. The first of these is on the factors that developers should consider in the design and installation of large-scale solar farms. The second is a guide to enhancing the biodiversity benefits from ground-mounted solar PV. When well-managed, solar farms could be beneficial for wildlife. However, in certain locations they could be damaging for biodiversity and ecosystems. The Solar Trade Association and National Solar Centre (NSC) are working with The National Trust, RSPB, the Bumblebee Conservation Trust and others on best practice guidance for optimising biodiversity on solar farm developments. This

guidance will be available shortly on the NSC website. The Solar PV Roadmap set out as one of its four principles that support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them and gain some form of community benefit. The National Planning Policy Framework emphasises the importance of valuing ecosystem services using tools developed by Natural England and the Environment Agency. It also stresses the importance of creating and managing specific environmentally beneficial features and undertaking mitigation or offsetting if damaging development is permitted.

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

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

#### BRE National Solar Centre Biodiversity Guidance for Solar Developments

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

#### BRE Agricultural Good Practice Guidance for Solar Farms

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

#### **Site Constraints**

Pipelines  
Within countryside area

#### **Environmental Impact Assessment**

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

## **Comment and Analysis**

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

Principle of the development/Renewable Energy/Loss of agricultural land/alternative site search  
Visual impact/Impact on character of the area  
Flooding and drainage  
Ecology/trees  
Other issues

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

The proposed development is outlined in the description of proposals section above and as a result of the amendments to the scheme would generate 5MW of electricity from solar energy, which is a renewable source. NPPF supports the increase in the use and supply of renewable and low carbon energy and requires local planning authorities to recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. In paragraph 98 of NPPF, Local Planning Authorities are advised to approve an application if its impacts, are or can be made, acceptable. NPPF states 'local planning authorities should: not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy' and there are no available local energy targets, therefore the scale of energy production proposed cannot be limited.

The site falls on agricultural land that is designated as countryside. Policy SP02 of the Adopted Local Plan, allows development in the countryside for a limited number of exceptions stating;

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

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

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

- a) Singular or cumulative impacts on landscape and townscape character and value;
- b) Impact on local residents (including noise, odour and visual amenity, such as flicker noise and shadow flicker);
- c) Ecological impact, including migration routes of protected bird species;

- d) Impacts on land resources, including agricultural land and areas of deep peat;
- e) Impacts on the historic environment and assets;
- f) Community, economic and environmental benefits of the proposal;
- g) Impacts on aviation and defence navigation systems and communications, particularly Blackpool International Airport, Warton Aerodrome and MOD Radio Inskip; and
- h) Impacts on highway safety and capacity from movements associated with the development.

This policy therefore considers the above issues need to be satisfied in order to be acceptable, and all are considered in the relevant sections of this report. The site is on agricultural land in the open countryside and the NPPF requires the intrinsic character and beauty of the countryside to be respected. The NPPG requires local planning to encourage the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of a high environmental value; where a proposal involves greenfield land, whether i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land: and ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

#### Alternative site search

Assessed against both National and Local Policy, to be acceptable in principle, it has to be demonstrated that it is necessary for this development to be provided in the countryside and not on previously developed and non-agricultural land. Solar farms need relatively flat land that is free of buildings or landscape features that would cause significant overshadowing of the arrays and, to that end, open fields are perfect for them. Also important is the proximity to a National Grid substation that has the capacity to accommodate the connection. In this application the application site is almost directly adjacent the substation. The applicant has submitted a plan showing the area of search from the grid connection point, which extends to 3km, along with an alternative site search document along with an agricultural assessment of the site which considers its quality. To be in accordance with NPPG the site search should demonstrate that there are no previously developed and non-agricultural land that can be used for the development. The discussion of scale should be the starting point for the search.

The submitted documentation outlines that the search area is limited by four key factors: available grid connection, the distance to the grid, cumulative impact and designated areas. As well as viability concerns and environmental designations. The NPPF states that LPA's should identify suitable areas for renewable energy in development plans, the adopted Local Plan does not do this with the emerging Local Plan whilst not identifying specific sites referring to the Lancashire Sustainable Energy Study which concludes has some resource potential for solar farms. The report states that the site has been chosen because of;

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

There is no guidance in the NPPG with regard to a reasonable search area, however the North West Economic Strategy sets a regional target of 8.5% of electricity to come from renewable sources. There is no reason why Fylde cannot in principle accommodate some form of renewable energy and

it is therefore reasonable for developers to consider the Fylde for renewable developments. This approach has been accepted at planning appeals in other parts of the country, with it being found 'onerous and impractical' to prevent renewable developments in a specific area as it would require an applicant to assess every location within the district to prove that there was no better site". The applicant has provided a search of sites including brownfield within a 3km radius of the substation that it is proposed to connect too, including Springfield's where it is not possible to secure rooftop solar panels. Sites within the 3km radius were all found to be unacceptable due to issues such as availability and viability. The application site however was found to be available and could viably be connected to the grid.

#### Loss of agricultural land

The majority of Fylde is grade 2 (47.5%) and grade 3 (33.9%) agricultural land, with the remainder being non-agricultural or urban. This data is, however, based on reconnaissance surveys and it is accepted that the results of detailed site surveys will find specific site conditions. The application has been submitted with an Agricultural Land Quality Report of the land subject to the application. The survey was carried out using standard surveying procedures with 23 samples taken from across the site and an assessment made of the characteristics of the soil, however no laboratory analysis was undertaken. The report states; 'it is the opinion of the Surveyor that due to the high level of annual rainfall experienced within the region and the soil type as identified, the effect of plant growth due to the interactions with the soil type and climate means that the land will be reclassified as Grade 3B. The loamy/clay textured soil suffers from waterlogging and would reduce a number of days when cultivations and harvesting could take place. Consistent yields of cereals or potatoes could not be achieved but consistent high yields of grass can be achieved which is part of the definition of land and classification sub-category 3B.'

Grade 3b which is moderate quality land. Which means that it is not considered to be part of the best and most versatile agricultural land. Other areas of Grade 3 agricultural land in the search area have been assessed to be unsuitable for the proposal due to site constraints such as flood risk, grid connection and steep ground and Fylde has only small amounts of grade 4 land. The development would therefore use Grade 3b land, therefore it has been assessed that the development would be utilising the poorest quality agricultural land available in Fylde (47.5% is grade 2) that is capable of delivering the development.

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

#### Principle of the development - summary

Solar farms have to be accommodated in locations where the technology is viable, i.e. sites that are large enough, relatively flat and not overshadowed, therefore making the countryside a suitable



location for the technology. However, National policy aims to direct such development to previously developed and non-agricultural land before the consideration of greenfield sites, through a sequential test approach. As the applicant has demonstrated that there are no suitable sites for a viable solar farm on previously developed land or non-agricultural land in the area, the development is considered to be acceptable in principle in this countryside location. The applicant has also demonstrated that the proposal would use poorer quality agricultural land in preference to higher quality and would allow for the continued agricultural use of the land and biodiversity improvements around arrays. The site is considered to be in a sustainable location for the use proposed, being accessible during the construction period and for maintenance. Overall, the proposal is considered to provide a source of renewable energy in a sustainable location and making the most effective use of land in accordance with NPPF and NPPG. Any application for renewable energy would be assessed on its own merits as to its acceptability in terms of specific impacts, such as visual and neighbouring amenity. These are assessed in the following sections of this report for this planning application.

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

Whilst the NPPG and NPPF both seek to ensure the safeguarding of the best and most versatile agricultural land neither places a bar on its use. Paragraph 112 of the Framework says that the economic and other benefits of the best and most versatile agricultural land should be taken into account and where development of agricultural land is shown to be necessary, areas of poorer quality land should be used in preference to that of high quality. The NPPG says that where a proposal involves greenfield land, factors to consider include whether the use of agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land and, where applicable, the proposal allows for continued agricultural use. It is considered that the proposal does this and is therefore acceptable in principle.

### **Visual impact/Impact on character of the area**

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

The NPPF states that the intrinsic character and beauty of the countryside should be recognised. The site is not in an area designated for its landscape quality (AONB for example). The site falls within

National Character Area 32 Lancashire and Amounderness Plain (2011). The landscape is described as a relatively flat and gently rolling plain broken by isolated hills, and a large scale agricultural landscape with a patchwork of arable fields and blocks of wind sculptured mixed woodland. More detailed descriptions of landscape character types and landscape character areas are provided in the Lancashire Landscape Strategy. The development lies within the Coastal Plain (15), which is described as gently undulating or flat lowland farmland. The development is located within the Fylde landscape character area (15d), which the Lancashire Landscape Strategy describes as comprising gently undulating farmland. 'The field size is large and field boundaries are low clipped hawthorn, although hedgerow loss is extensive. Blocks of woodland are characteristic, frequently planted for shelter and/or shooting and views of the Bowland Fells are frequent between blocks. There are many man-made elements; electricity pylons, communication masts and road traffic are all highly visible in the flat landscape. In addition, views of Blackpool Tower, the Pleasure Beach rides and industry outside Blackpool are visible on a clear day'. Within the Fylde Borough Green Infrastructure Strategy the site is within the Fylde Coastal Plain and described as 'predominately lowland agricultural plain characterised by large arable fields whose generally poor drainage results in ponds that provide important wildlife habitats. Shelter belts of trees and estate woodland and modern societal infrastructure such as telecommunication masts, electricity pylons, roads and railtracks are all highly visible in the Boroughs flat landscape'.

The application site itself consists of 11.3 hectares of agricultural farm land, there are no ponds within the site, two hedgerows traverse the site from north to south and there are trees and hedgerows around the periphery. The sites boundaries are formed by low hedgerows and trees. In terms of topography the site slopes from south to north rising from 14m AOD at the southern end of the site to 21m AOD at the north of the site. It is considered that the site itself sits in with the Fylde landscape character of undulating large agricultural fields surrounded by key landscape elements of large enclosed irregular shaped fields, with hedges, trees and ditches. The site can be viewed from various points in the surrounding area including from the surrounding highways and the residential development to the south. Where views are not obstructed by buildings etc. the submitted Landscape and Visual Impact Assessment (LVIA) and its zone of primary visibility show the site would be mainly visible from immediately east of the site.

The proposal will introduce 2.2m high solar panels laid out in arrays facing south, access tracks, substations inverters, 3m CCTV posts and control room into this area of countryside in the Fylde landscape character area, that is currently undeveloped and open. The site comprises open fields divided by boundary hedgerows. The current field pattern would be retained with the retention of existing hedgerows, although some new hedgerow planting is proposed to the eastern boundary of the site and the north west corner. The 2m deer fencing proposed is considered to be agricultural in appearance with post and netting, however, at 2m high would not be of an appearance entirely typical of this rural area. The other building proposed would have a visual impact in a similar way to the solar panels.

In order to mitigate the visual impact of the development the application proposes setting back the development from the highway native hedgerows planted and maintained adjacent to the site boundaries. The buildings within the site will not be specifically screened. This mitigation if the development were to be found acceptable would have to be provided and retained through a planning condition, which would include provision of suitable plant species.

The LVIA submitted with the application assesses the visual impact of the proposal from seven different viewpoints around the site. These are summarised in the below table;

<b>RVP No.</b>	<b>Location</b>	<b>Distance / direction to the Site</b>	<b>Reason for selection.</b>
1	View from Deepdale Lane along the northern boundary of the Site	c.10m south	View opposite proposed access point into the Site
2	View from Clifton Lane at crossroads with Church Lane and Deepdale Lane	c.140m southeast	View of northern end of the Site near key highway junction
3	View from Church Lane near the Windmill Tavern	c.180m southeast	View from the public road towards the Site with the listed windmill in the view
4	View from Ash Court, Clifton	c.100m northwest	Direct view of the eastern margins of the Site near dwellings in Clifton
5	View from Ash Lane, east of Clifton	c.250m northwest	View over the top of the roadside hedgerow on the approach to Clifton village
6	View from Ash Lane	c.230m northwest	One of the few gaps in hedgerows along Ash Lane
7	View from Lea Lane adjacent to Raike's Farm	c.700m west	Listed building east of the Site

The LVIA finds that site has a medium to low value landscape character in the locality, and that there are only a limited number of public viewpoints where parts of the Site and Proposed Development would be clearly visible. There would be private views from some dwellings on the edge of Clifton; however these views would be restricted to the eastern margins of the Site, with the majority of the Site screened by intervening vegetation and nearby dwellings. The LVIA concludes;

*“The review of published landscape character assessments has found consistency in their description of the landscape within which the Site lies. They describe a low-lying landscape of large pastoral fields, divided by hedgerows, with woodland blocks. It is noted in the published assessment that there are many man-made elements including electricity pylons, communications masts and road traffic. The Site and Study Area comprises medium to large scale fields with no prominent landscape features. There are few public rights of way in the local landscape, although National Cycle route 62 passes along Deepdale Lane adjacent to the northern boundary of the Site with views screened by the boundary hedgerow. The closest residential property is the detached dwelling of Westwynde, approximately 45m from the northwest boundary of the Site and surrounded by mature woodland cover, limiting intervisibility. There would also be some restricted private views from a small number dwellings at the end of Ash Court on the eastern edge of Clifton. The majority of the Site would be screened by existing planting, with views of the eastern fringes of the Proposed Development at Year 1. There is limited potential for public views towards the Site, with visibility restricted to close range*

*glimpses of parts of the Site, predominantly from field access points or where there are gaps in roadside hedgerows. Other receptors in the locality and further afield are generally well screened and/or filtered by interlying vegetation and development. The objectives of the mitigation are to reinforce the landscape features within the site such that they better relate with the wider character and to address any potentially adverse impacts on landscape character or visual amenity. The planting of new native species hedgerow along the eastern boundary and part of the western boundary is proposed and once established would be brought into regular agricultural management and maintained to a height of c.3m. Overall, the proposed scheme would result in Notable effects upon the existing landscape character at a Site level, extending to the east to cover agricultural land, where there is no public access. The Notable effects would be limited to a Site level and over time would reduce following the growth of the proposed eastern boundary hedgerow. A small number of receptors, including road users on Ash Lane and limited parts of Clifton Lane and Deepdale Lane would experience a limited effect Year 1; however these would not be at a Notable level and would reduce over time with the growth of the proposed mitigation hedgerow planting. In conjunction with the published Landscape Character Assessment and Crestwood's own site character assessment, this LVIA has taken account of the pattern of woodland, trees, field boundaries and other landscape features and determined how the scheme can be implemented without unacceptable harm to this character. In conclusion it is therefore assessed that the landscape in the vicinity of the site and surrounding area has the capacity to accommodate the scale of development proposed with no Notable effects on surrounding visual amenity and effects on landscape character that would only be Notable at a Site level, extending to the immediate farmland to the east where there is no public access. Landscape and Visual effects resulting from solar developments are fully reversible. If the decision is taken to remove the panels at the end of the 25 year operational life, the panels would be dismantled, removed and the site returned to full agricultural use.*

#### Visual impact/Character of area

It is considered that the site is an agricultural field used for sheep grazing located adjacent to the settlement and a large employment area. It is not considered that the site constitutes open landscape of intrinsic character and beauty, that the NPPF states is one of its core planning principles that should be taken account of when determining planning applications. The wider landscape is greatly impacted upon by the employment site to the north and the site itself is relatively well contained with existing landscaping to the east and south. Therefore although the site sits within a rural landscape it is impacted upon by existing features, including the employment site and power lines.

The impact of the development will be felt closest to the site to the east. Whilst the mitigation proposed will reduce the impact there will still be a significant impact. The impact on the site and immediate locality will be considerable and will have an adverse effect on the landscape character of the site itself and adjoining field. The existing screening provided by the trees to the west and south would reduce the visual impact of the development, and the site would be set back from the road to the north where hedgerows and trees form the boundary.

The LVIA shows that the visibility of the site from medium range views would be limited and in some cases fully screened by intervening buildings and planting. Because of the dominance of the adjacent industrial complex and pylons in the view it is assessed that the susceptibility to change for partial glimpses of a low level development like the solar panels is low, and when combined with the high importance of the receptor, provides an overall Medium sensitivity. Submitted photomontages show the developments impact on these views. Visibility from the surrounding road network including Church Lane is typically fully restricted by intervening development and/or vegetation cover. Views from Ash Lane to the southeast and east of the Site would be predominantly restricted by roadside

hedgerows. The growth of a new native hedgerow along the eastern boundary of the Site would further restrict visibility over time. Visibility of the Proposed Development further east, including Lea Lane would be fully restricted by multiple layers of field boundary planting. The impact on medium range views is therefore considered acceptable. The LVIA shows that the visibility of the site from long range views which are classed as being from more than 1.5km would be zero due to interlying woodland, hedgerow and built development, combined with a relatively flat landform. The impact on long range views is therefore considered acceptable. The LVIA indicates some views of the development from private dwellings may be achieved and a conservative approach has been adopted for the assessment of any likely effects. The private views to the eastern margins of the Site are predominantly obtained from several dwellings to the south with views partially restricted by intervening dwellings and tree and hedgerow cover. It is predicted that there is the potential for heavily filtered upper floor views of the Site in winter from the isolated dwelling of Westwynde. It is considered that whilst the development would be able to be viewed from some dwellings that it would not have an unacceptable impact

### Summary

From this consideration of the visual impacts of the development, it can be concluded that there would be significant visual impacts from the development to the site itself and immediate views, but the effect on medium range and long range views would be minimal due to the existing screening, proposed screening and the topography of the site. There would also be visual impacts to the closest residential houses with windows facing the site. Mitigation planting would reduce the impact over time to some degree, however, would not remove it completely. It is not considered that the development would have a significant visual impact on the wider area constituting only approximately 11 hectares. The visual impacts of the proposal are required to be balanced against the acceptability of this renewable energy scheme in principle. In terms of the local landscape, this is not designated because of special landscape quality. The users of highways will have a different visual experience than at present along certain routes, to the east of the site however it is considered that this would be a feature of journey rather than being for its entirety. Some users may view this experience as negative, with a view of modern development over an expanse of currently open countryside, so it has to be considered that there would be some harm to the visual amenity of the highways. There would be harm to the visual amenity of residents in properties that are close to the site with windows facing it. This impact would not be to all of the windows of these properties, therefore, the occupants would have other rural views and the impact would be reduced as mitigation planting grows. The effects of the development on the character and appearance of the landscape during the lifetime of the solar farm is not considered to be harmful to the extent where it would be weighed against the contribution of the scheme to the national strategy on low carbon energy. It is officer's opinion that the scale of harm in this location is minor and as such that it would be outweighed by the wider benefits of renewable energy provision.

### **Flooding and drainage**

The Environment Agency state that the site is in Flood Zone 1, which is defined as having a low probability of flooding. A Flood Risk Assessment (FRA) has been provided with the application produced by Curtins. This FRA states that the only existing drainage on the site are the drainage ditches with no formal drainage across the site, therefore the existing natural flow paths should be retained where possible. The proposed drainage strategy states *"that whilst the panel covers a large area they are supported by small posts in natural ground. Therefore whilst one panel intercepts the precipitation which would otherwise land on the ground beneath the panel it is directed underneath the adjacent panel. In this way all of the precipitation still lands on natural ground and the run-off characteristics of the site are essentially retained. In terms of the small private switchgear building*

*this will drain to a small soakaway area. Whilst the ground is not likely to have properties appropriate for soakaway design compliant with BRE 365 the area will essentially be a replacement for the natural soakage volume that would otherwise be present under the kiosk. Whilst this method is not desirable for larger developments it is appropriate for the scale and location of this building. In a similar manner the site access roads will either be fully permeable, have a fully permeable subgrade construction linked to the surface run-off in some manner, or a filter trench/French drain will be provided adjacent to the road. In this way the natural drainage characteristics of the site are maintained and, potentially, enhanced. The existing drainage channels and watercourses are to be retained, or a Land Drainage Consent entered in to if any small modifications are required. As no traditional drainage has been included and the natural behaviour of the site is to be retained then the site will respond to climate change in the same way as a Greenfield site and therefore no additional features are required."*

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

## **Ecology/trees**

### Trees

The Council's Tree Officers comments are reported in full above. He states that the 3.080 hectares of broadleaved woodland that skirts its southern and western boundaries are area of trees subject to Fylde Council Tree Preservation Order 2014 No. 1. This proposal does not involve any tree losses however and the layout shows a standoff between the development and the woodland edge, so he has no concerns about root damage or tree removals to facilitate services here. Trees surrounding the site are few but the Tree Officer states that note must be taken of an outstanding hedgerow oak in the northern boundary. He considers that no access should come within 10m of it and its value as a landscape tree is self-evident, as such he will create a TPO to ensure its retention. The hedgerow that divides the site from north to south is to be retained and therefore there is no issues there. He does not see any direct problems but warns of the future effects of trees on the solar panels as they grow, the removal of trees will be resisted by the Council as they are subject to a TPO and the screen currently provided will become significant if this application is permitted. The visual impact of the proposal is discussed above. The tree officer has no objections to the application and there are therefore no tree related issues with the application.

### Ecology

With regard to ecology the application in accordance with the NPPF has been submitted with a Phase 1 Habitats and Protected Species Risk Assessment by Simply Ecology Limited. The report submitted outlines that both a desk study and extended phase 1 site survey were carried out in, the site survey in August 2014. This looked at the sites habitat and for the presence of and potential presence of protected species at the site. The surveys were carried out by an appropriately qualified person using standard procedures and included searches for invasive plant species. The desk study found that the site itself is not designated for its nature conservation value and it is not adjacent to any designated sites. Protected species identified as present within 2km of the site included bluebells, newts, voles, birds and bats. Priority species included moths and toads.

## Habitat

The site specific found that the site consists of agriculturally improved grassland surrounded by hedgerow with shrubs and semi-mature to mature trees around the boundary. Two hedges separate the three fields which comprise the site. The site is not diverse in terms of habitat types or characteristics, and has a flat aspect. Plant species diversity, especially in the grassland, is both relatively low and uniform across the site. The following habitats were recorded at the site:

- Semi-improved neutral grassland – this covered the majority of the site and is common and of low ecological value.
- Improved grassland – The field in the eastern part of the site comprises improved pasture, dominated by rye-grass and restricted forbs. Used by sheep for grazing.
- Marshy grassland – 0.14 hectares of the site on the eastern boundary. Dominated by soft rush.
- Hedgerow and ditch -Hedgerow extends around the entire boundary of the site. There are typical hedgerow/woodland plant species within the hedge and forming the ground flora within the hedge. The hedgerow along the site's Northern boundary was almost exclusively dominated by blackthorn. Scattered hedgerow trees were also present, but due to the regular cutting of the hedge, these were suppressed into the hedge and were only small specimens cut back to the same height as the rest of the woody shrubs. These cut-specimens included occasional ash and sycamore. All hedges around the site were subject to management and attained a height of no more than 3m. The three fields were also divided by hedgerow and shallow ditch which run North/South through the site. These hedges had a slightly different composition, with much more hawthorn, with frequent blackthorn and occasional sycamore, elder and dog rose. None of the hedges met the criteria for species rich hedges under the Hedgerows Regulations 1997. Within all of the hedges, ground flora included common hedgerow and woodland species including common false oat-grass and twitch grasses with cleavers, nettle, ivy, ground elder, garlic mustard, male fern, and bramble. The shallow ditches between the two fields supported dense cover with common reed along much of their length, indicating damp conditions.
- Scattered trees (within hedge) - The trees around the boundary of the site consist of a small variety of species and take various forms. The mature trees in the site comprised of a handful of pedunculated oak and semi-mature ash and sycamore. There was also a short run of old, over-mature common hawthorn which were part of the defunct hedge at the northern end of the Eastern boundary. The mature trees in the site comprise two oak on the eastern boundary, one oak and ash on the northern boundary. These trees will require root protection during works in accordance with BS5837:2012. If this cannot be achieved then a full tree impact assessment and mitigation will be required. Outside the site along the Western boundary was a continuous belt of deciduous woodland, this comprised mainly semi-mature trees with mainly ash, sycamore and pedunculated oak along with some non-native specimens, including Italian alder.
- No invasive alien species were identified during the course of the phase 1 survey.

The trees on the site were inspected for their potential to support a bat roost with two on the northern boundary considered to have bat potential. These are proposed to be retained so will not be impacted upon. Given the proximity of ponds with great crested newt populations to the site, prior to the site visit, it was assumed that this species could potentially be present in and around the proposed PV site during some, or all, of the year. The site is covered in heavily and regularly grazed permanent pasture which is annual very short over-winter and is allowed to grow before sheep are put out each spring. This habitat could provide possibilities for great crested newts in terms of foraging habitat during the summer. The working area does not contain tussocks or dense

vegetation or accumulations of vegetation which could provide newt hibernation sites. Due to the overall distance to ponds and the nature of the habitat management, the site is judged to have low value as a habitat for great crested newts during the Summer. The hedges on the site are potentially suitable for active and over-wintering newts, but there are no other areas with hibernation potential in the site. Over-winter, the value of the site for GCN is nil across the entire site except for the marshy grassland and the hedges which have intermediate potential.

Mitigation proposed includes;

Panels will be sited approximately 2m from hedgerows and 5-10m from trees in order to safeguard any ecological or conservation value along boundaries and to avoid overshadowing, so they will remain unaffected by the proposed development;

Provision is made to allow small/medium sized mammals to retain access to the fields under and through the security fencing;

No artificial lighting is to be used on site (to preserve any bat commuting/foraging routes and in the interests of visual amenity); and

To minimise disturbance to breeding birds, any vegetation clearance (including future management of habitats) will be undertaken outside the breeding bird season (usually March to August inclusive, but seasonally variable);

Ongoing maintenance of existing and proposed landscaping;

No solar arrays must be placed within 2m of the marshy grassland area in the Western part of the site. This will ensure that no impacts upon individual newts can possibly arise. This area must be fenced off with post and wire fencing during the construction period to ensure no site traffic can enter the area.

These are outlined in the ecological assessment and can be conditioned to be implemented. The proposed development will result in losses to grassland but the locally important habitats on the site (hedgerow and trees) will be retained. The above mitigation measures will need to be subject to a condition. The Environment Agency have commented that land alongside watercourses is particularly valuable for wildlife and it is essential this is protected as development that encroaches on to it has a potentially severe impact on their ecological value. Retaining and enhancing coherent ecological networks adjacent to watercourses will help to ensure the biological and chemical quality of watercourses is not reduced as a result of development, which is a requirement of the Water Framework Directive (WFD). They recommend that a clear, unobstructed buffer between the edge of the watercourse and the proposed development is incorporated in to the layout of the proposed development. Buffers should be vegetated corridors which are free from built development, and could also provide a valuable contribution to Green Infrastructure provision on site. The submitted layout plan shows a new hedgerow to be planted along the eastern boundary of the site which will provide this as well as assisting in reducing the visual impact. Officers have assessed the submitted report and its findings in relation to the type and amount of development proposed and the sites location using Natural England and LCC guidance notes. It is considered that the ecological survey submitted as part of the application is proportionate to the value of the site and the potential impacts of the development. Therefore the impact of the development on the ecology of the site has been appropriately considered by the applicants. There are not considered to be any refusal reasons on nature conservation grounds. However precautions are recommended to protect local nature conservation interests. It is therefore considered necessary that a comprehensive Environmental Construction Method Statement should be prepared giving details of measures to ensure the protection the retained habitats and species (particularly amphibians) on the site during the construction period, details of protection to trees and hedgerows during construction, protection of nesting birds, lighting and biodiversity enhancements. To conclude whilst the development will have a potential impact on protected species and habitat this impact given the mitigation proposed and required by condition this impact is considered acceptable.



## **Other issues**

### Archaeology

An Archaeological Desk-Based Assessment has been submitted with the application, LCC Archaeology have considered this and have checked their records and found that there are no significant archaeological implications, there are therefore no issues with archaeology and this application.

### Residential amenity

Some residents surrounding the site will be able to see the development and the proposals visual impact is considered above. In terms of other potential impacts from noise the Council's Environmental Health Officer has been consulted but their views are awaited, these will be given to members in the late observations sheet. His response will consider the submitted information in relation to noise from transformers. It is considered that with an appropriate condition in place that the amenity of surrounding dwellings can be protected.

### Highways

The application has been submitted with a construction traffic management plan and a plan showing the access to the site and the vehicle tracking including widening. It is proposed to have a temporary construction compound at the northern end of the site whilst it is being constructed. These have been prepared to address the highways issues with the application/ LCC comment that the development proposal will have its greatest impact on the highway network during its construction phase and that once it is complete there will be minimal vehicle movements associated with the development. The CTMP plan submitted shows that the construction period is relatively short and there would be 14 HGV movements per day. This won't have an impact on highway safety or capacity.

LCC state that the access to the site is via a field gate which is to be widened to accommodate HGV movements. And although the access will only be wide enough to accommodate 1 vehicle at once the CTMP shows how vehicle conflict will be avoided. The proposed widening and the methodology of access control is acceptable. The developer is proposing to erect temporary traffic signs to provide approaching traffic with adequate warning of the presence of construction traffic. This proposal is acceptable. LCC confirm that there are no objections to this proposal and would ask that conditions are

Placed on any permission in relation to the access, wheel cleaning, highway works and adhering to the Construction Traffic Management plan.

### Conclusions

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

There would not be an unacceptable impact on residential amenity in terms of light, overlooking or noise and disturbance. With the mitigation measures proposed in the ecological survey, the development is capable of being accommodated without adverse effect on ecology and enhancement measures could benefit biodiversity. Existing trees and hedgerows can be retained and protected in conjunction with the development. The application would not have an unacceptable flood risk either on site or in the surroundings. Lancashire County Council Highways have advised that the development can proceed without unacceptable traffic generation or risk to highway safety.

Visually, it has been assessed that the development would have significant impacts on the site and adjacent local landscape character. This landscape is not designated for its special landscape quality. It is not considered that there would be a significant visual impact on the wider area. Based on this, it is not considered that there would be unacceptable landscape harm that would result from the proposal. There would be harm to the visual amenity of the residents in the properties that are close to the site and overlook it, with their views changed from that of open fields to views of a solar farm. However these views are restricted by existing landscaping and infrastructure, and these properties would have other windows not facing the development and mitigation would reduce this impact over time.

Overall, the visual harm to be experienced has to be balanced against the gain of a renewable energy source and rural diversification. NPPF encourages the development of renewable energy and aims to increase the use and supply of renewable energy. This development would generate 5MW of electricity. It also has to be taken into account that the development would be temporary, with its removal after 25 years. Given the wider environmental and community benefits of the proposal and its temporary nature, plus the proposed mitigation planting, it is considered on balance that the development gain would outweigh the visual impact to be experienced to the local landscape and residential properties, and where there is to be visual harm this will not be unacceptable.

### **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 development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (Ref: TPBR0049, dated 10 November 2014) and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the site to the greenfield rate.

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

authority.

Reason; To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

3. That part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block paviments, or other approved materials.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

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

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

5. No part of the development shall be commenced until all the highway works (access and signing) have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

6. The development shall be carried out in line with the details provided within the Construction Traffic Management Plan.

Reason: In the interests of highway safety.

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

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

8. 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 amphibian protection. 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 6 of the Ecological Assessment of the Proposed Development Site, by Simply Ecology , dated November 2014. The development shall be phased, implemented, 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 and to protect existing biodiversity.

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 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 including the proposed hedgerows; hard surfacing and the materials to be used for the internal access roads; and, means of enclosure and shall follow the principles established in section 5 of the Landscape and Visual Appraisal document by Crestwood Environmental dated 10 November 2014. 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.

10. This permission shall be for a period of 25 years from the date of this permission, by which date the use hereby permitted shall cease and the site reinstated back to its previous agricultural use in accordance with a scheme of work required to be submitted as part of Decommissioning Method Statement under condition 11 below.

Reason: To ensure that the landscape impact of the development exists only for the lifetime of the development.

11. If the solar farm ceases to operate for a continuous period of 12 months at any time during its lifetime, and in any event at least 6 months prior to the final decommissioning of the solar farm at the end of the planning permission, a Decommissioning Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include a programme of works to demonstrate that the solar panels, transformer and substation buildings, tracks, associated infrastructure, fencing and any other ancillary equipment will be removed from site, and how the site shall be restored back to its former agricultural use and a timescale for these works and site

restoration. The approved Decommissioning Method Statement and its programme of works shall be fully implemented within 12 months of date of its agreement by the Local Planning Authority.

Reason: In the interests of the amenity of the area and to ensure that the landscape impact of the development exists only for the lifetime of the development.

12. Construction and decommissioning works shall only take place between the following hours:-

08.00 and 18.00 hours Monday to Friday and between 08.00 and 13.00 hours on Saturdays, with no site work on Sundays or bank and public holidays.

Reason: To safeguard the amenities of the occupiers of adjoining residential properties.

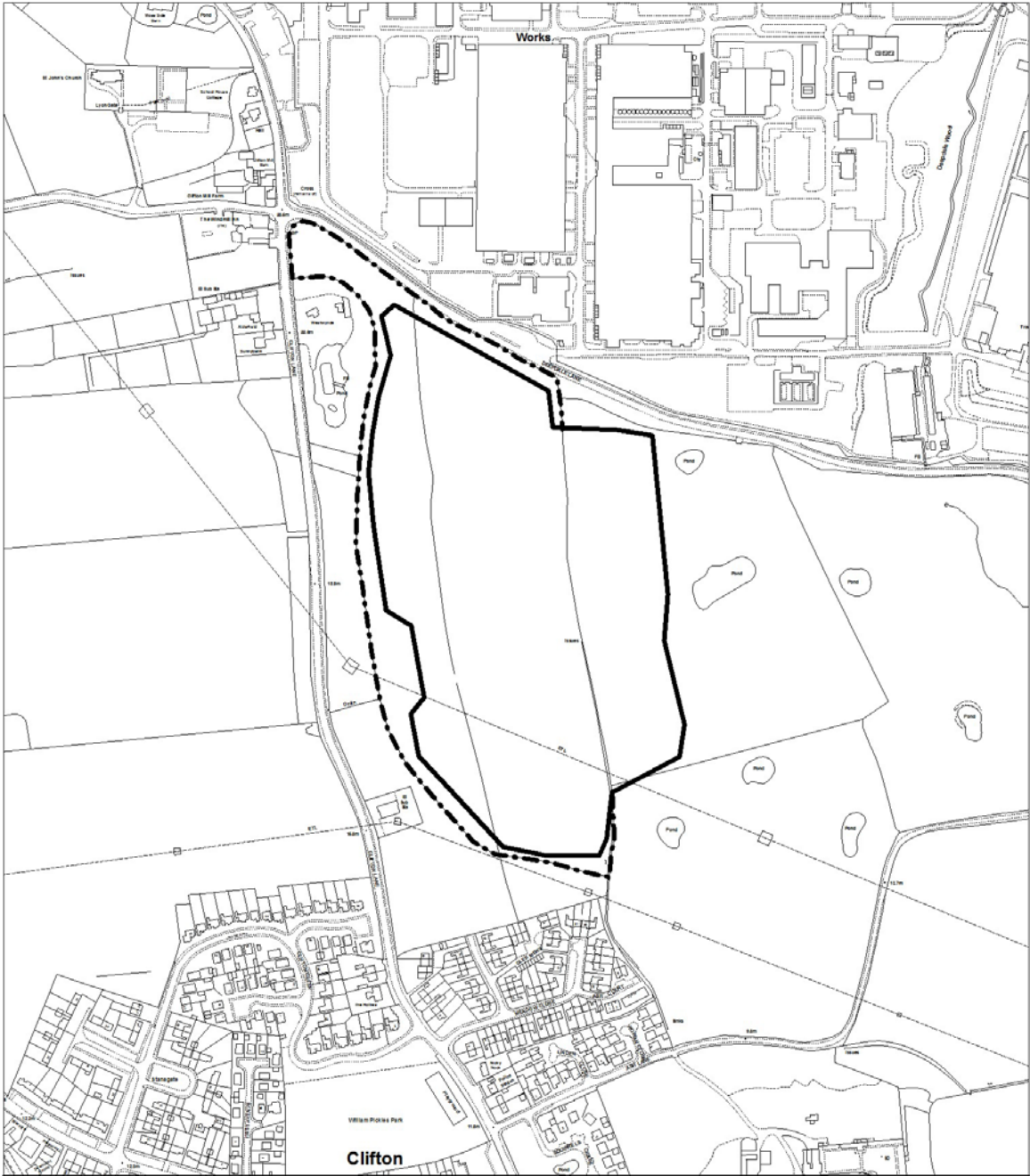
13. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 28 January 2015, including the following plans:

Proposed site plan P01  
Cross section GRNSS1028-C-02  
Solar array elevations GRNSS102B-B-01  
CCTV GRNSS1028-E-01  
Fence detail GRNSS1028-D-01  
Inverter GRNSS1028-F-01  
Substation layout 3031-03-04 REV C  
In-23959-D (1 and 2)  
GRP enclosure GRNSS1028-G-01  
Vehicle tracking and widening TPBR0049-H-003

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

14. Prior to the commencement of development a grazing management plan shall be submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved plan, which shall contain details of how the land will be made available, managed and retained for grazing livestock throughout the operation of the solar farm hereby approved.

Reason: To ensure that the land remains in agricultural use.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/14/0811	Address Land East of Clifton Lane, Clifton	Grid Ref. E.3467 : N.4309	Scale 0 25 50 75 100 m 

Item Number: 5 Committee Date: 01 April 2015

<b>Application Reference:</b>	14/0834	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mr Collins	<b>Agent :</b>	S.D.Gee Drawing & Building Services
<b>Location:</b>	SMITHY HOUSE, PRESTON OLD ROAD, NEWTON WITH CLIFTON, PRESTON, PR4 0ZA		
<b>Proposal:</b>	PROPOSED GROUND AND FIRST FLOOR EXTENSIONS TO REAR AND SUBDIVISION OF EXISTING DWELLING TO FORM 2 NO. RESIDENTIAL FLATS.		
<b>Parish:</b>		<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	8	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Not applicable		

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The proposal is for a first floor extension to the rear in order to facilitate the subdivision of the building into two flats. The proposed first floor extension will not have an unacceptable impact on the residential amenity of neighbouring properties and the conversion of the property into two flats is acceptable in principle as it is located within the settlement of Clifton and is therefore considered to be sustainable development and thus compliant with the NPPF and Local Plan policy SP01.

**Reason for Reporting to Committee**

The application is before Development Management Committee because the applicant is Councillor Collins and therefore the application has to be considered by members.

**Site Description and Location**

The application property is located on the north side of Preston old Road in Clifton known as Smithy House and currently consists of a dwelling which contains a shop and Post Office in its ground floor. The property is a two storey end terrace rendered in white with a pitched tile roof. The dwelling has a pitched roof front porch and a large front bay window. The property has been extended to the rear with a single storey flat roof extension extending to its rear boundary and a single storey pitched roof extension which is connected to an extension of the same projection at the adjacent property. The property has an access way directly to the east which leads to the rear yards of the properties to the west. To the north of the rear access lane are the gardens of these properties, beyond which is William Pickles Park. To the east of the application site is Dixon Farm mews which is a cul-de-sac development of 19 dwellings accessed from Preston Old Road.

**Details of Proposal**

The application seeks permission for a first floor rear extension and the subdivision of the property into two flats. The ground floor of the property would retain the Post Office with part of it and the first floor for the two flats. The extension would extend the existing ground floor extensions to first floor and would have a pitched roof to be constructed in materials to match the existing property. Two off street parking spaces would be retained with the proposal.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
05/0288	PROPOSED RAMP AND STEPS TO SHOP ENTRANCE AT FRONT. ALTERATION TO ELEVATIONS OF STORE BUILDING AT REAR OF SHOP	Granted	23/06/2005
95/0489	SINGLE STOREY EXTENSION TO SHOP, SINGLE STOREY KITCHEN EXTENSIONS TO 2 ADJOINING HOUSES & NEW DOUBLE GATES AT SIDE OF SHOP	Granted	13/09/1995
93/0454	ERECTION OF NEW SINGLE STOREY OFFICE AND STORE	Granted	15/09/1993
91/0768	ALTERATIONS FROM FLAT ROOF TO PITCHED.	Granted	19/12/1991
75/1030	PROJECTING DOUBLE SIDED ILLUMINATED BOX SIGN.	Refused	11/02/1976
83/0251	PROJECTING DOUBLE SIDED ILLUMINATED BOX SIGN.	Granted	25/05/1983

### **Relevant Planning Appeals History**

None.

### **Parish/Town Council Observations**

Newton with Clifton Parish Council notified on 05 February 2015

**Summary of Response:** The Parish Council support the proposal.

### **Statutory Consultees and Observations of Other Interested Parties**

#### **Lancashire County Council - Highway Authority**

No objections.

### **Neighbour Observations**



**Neighbours notified:** 05 February 2015  
**Amended plans notified:**  
**No. Of Responses Received:** None received.  
**Nature of comments made:**

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

SP01	Development within settlements
HL05	House extensions

#### **Other Relevant Policy:**

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

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

#### **Principle of the development**

The proposal is for ground and first floor extensions to the rear of Smithy House in order to facilitate the sub division of the existing dwelling to form two flats. The site is located within the settlement of Clifton and utilises an existing dwelling to create two flats. Planning policy HL2 – development control criteria for new housing proposals allows planning applications for housing where the development is acceptable in principle and compatible with nearby and adjacent land uses. The site is within the settlement and surrounded by residential development, it can therefore be considered to be in a sustainable location and the principle of converting the building into two flats is considered acceptable.

#### **Design/Street scene**

The proposed extensions are located to the rear of the property and will not have an impact on the street scene. The terrace of properties at this point of Preston Old Road have a number of different types of extensions of varying sizes and designs, some of which take up the whole of their rear yard areas, this development would not be out of character to the area and would improve the appearance of the existing extensions. The development effectively replaces an existing flat roof single storey rear extension that projects to the edge of the yard and another pitched roof single storey extension that projects half that distance with a two storey rear extension with a double pitched roof. The materials to be used in the development are stated to be white render walls, white upvc windows and doors and a grey slate roof which will match the existing building. A condition can be used to ensure that these materials are used.

#### **Impact on residential amenity**

The proposed extensions will not have an unacceptable impact on the residential amenity of

neighbouring dwellings. With regard to overlooking the side elevations facing the adjoining dwellings to the west will be blank and therefore not create any overlooking to windows or amenity space. The windows in the rear elevation do not face any dwellings. Three windows are being introduced at first floor in the side elevation facing east, one of which serves a bedroom, one a bathroom and one a kitchen area. The two which serve the bathroom and kitchen can be conditioned to be obscure glazed and the one which serves the bedroom faces the side elevation of the dwelling to the east which has no first floor windows. There will be some overlooking of its garden area but this is not considered unacceptable and would be typical of a residential urban situation.

With regard to loss of light the impact on dwellings to the east of the property would be minimal with the side elevation of the rear extension to be raised in height over 10m from the side elevation of 5 Dixon Farm Mews. With regard to the adjoining property the rear elevations of the dwellings face north and the adjacent property has a single storey extension which matches the existing one of the application property which is to be raised to first floor level, with the other element which extends to the rear of the yard the other side. There will be no impact to the light received to the ground floor of this property with the impact on the first floor window minimal and only in the early morning. There will be therefore no unacceptable impact on residential amenity.

#### Highways issues

The proposal does not result in the loss of any off street parking spaces, the number of bedrooms available has only increased by one and LCC Highways have confirmed that they have no objections to the proposal. There are therefore no highways issues with the proposal.

#### Conclusions

The principle of the development is acceptable as it is located within the settlement of Clifton, the extensions proposed will not have an unacceptable impact on the amenity of neighbouring dwellings and there are no highways issues with the proposal. The proposal is therefore considered acceptable in principle to officers.

#### 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.

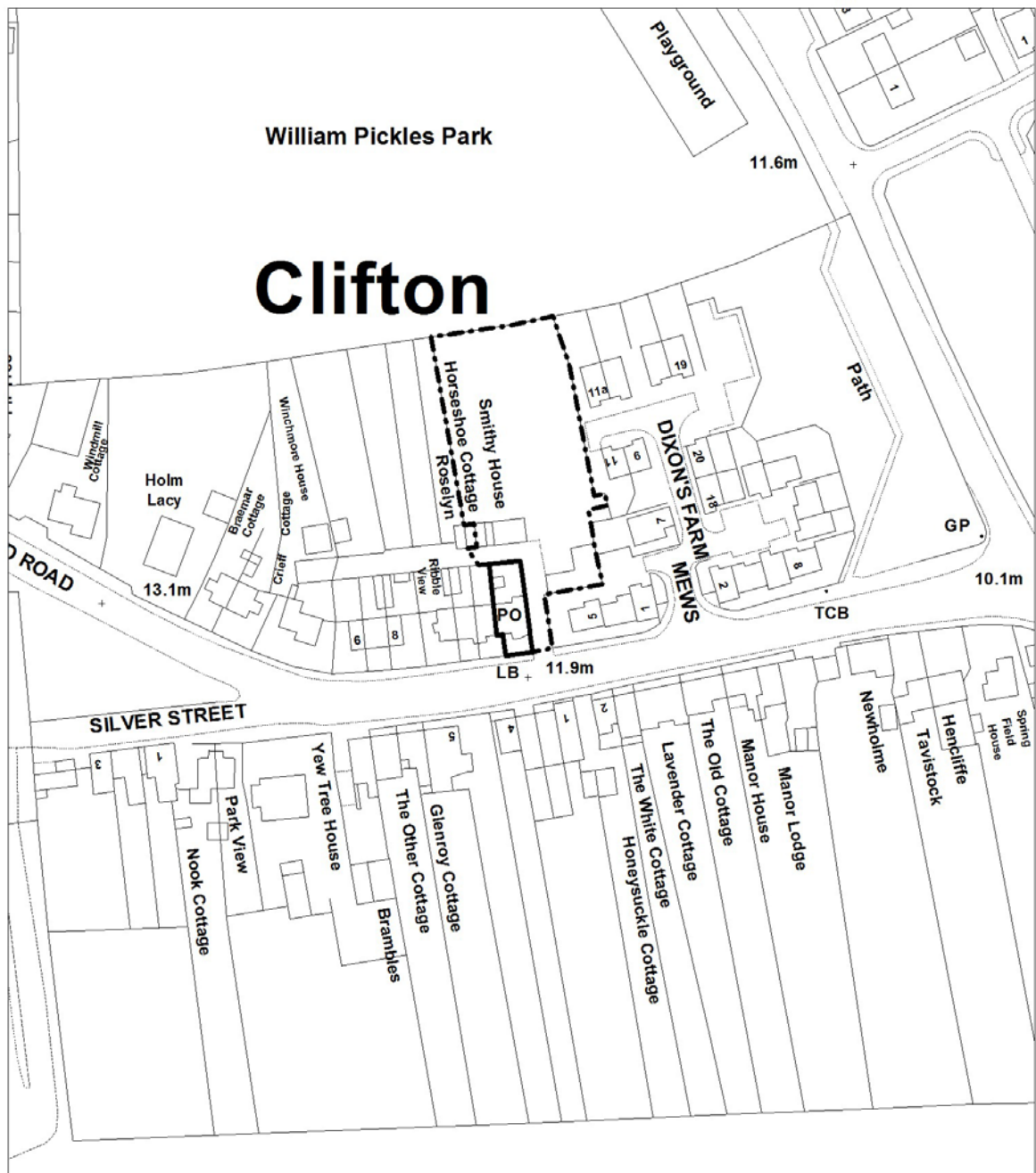
This standard time limit is required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004, while compliance with approved plans is required to ensure the approved standard of development is achieved.

2. Notwithstanding any denotation on the approved plans the materials of construction to be used on the external elevations and roof must match those of the existing building[s] in the terms of colour and texture and samples of the materials shall be submitted to and approved by the Local Planning Authority prior to the commencement of building operations and thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

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

3. The car parking area as indicated on the approved plan shall be constructed, drained, surfaced and laid out to the satisfaction of the Local Planning Authority and shall be made available for use prior to the first occupation of the any of the residential accommodation hereby approved and shall thereafter be retained to the satisfaction of the Local Planning Authority solely for the purposes of car parking for residents of the site and their visitors.

To provide satisfactory off-street parking in accordance with Council's adopted standards.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/14/0834	Address Smithy House, Preston Old Road, Clifton	Grid Ref. E.3466 : N.4303	Scale 0 6 12 18 24 m 

Item Number: 6 Committee Date: 01 April 2015

<b>Application Reference:</b>	14/0895	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	KIERNAN DEVELOPMENTS LTD	<b>Agent :</b>	ML Planning Consultancy Ltd
<b>Location:</b>	197 KIRKHAM ROAD, NORTH OF BYPASS, FRECKLETON, PRESTON, PR4 1HU		
<b>Proposal:</b>	REMOVAL OF EXISTING FLATS, GLASS HOUSE BUILDINGS AND INDUSTRIAL BUILDINGS, ERECTION OF 12No NEW DWELLINGS, ERECTION OF A FISHING HUT/TACKLE SHOP, LANDSCAPING AND PROVISION OF COMMUNAL GREEN SPACE		
<b>Parish:</b>	FRECKLETON EAST	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	16	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	In order to seek design improvements		

**Summary of Recommended Decision:** Approve Subj 106

**Summary of Officer Recommendation**

This proposal is a full application for the development of 12 dwellings on a brownfield site designated as green belt in the Fylde Borough Local Plan that currently contains a residential building and a large light industrial building and a series of glasshouses. Residential development of such areas is contrary to Policy SP3 and the NPPF asides for partial or complete redevelopment of previously developed sites and when the development would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

This proposal constitutes the redevelopment of a brownfield site and is an exception allowed by the NPPF greenbelt policy as long as it does not have a greater impact on the openness of the greenbelt than the existing buildings. The council continues to be unable to deliver a 5 year supply of housing land as is required by the NPPF, and no part of the development plan currently provides any realistic method of doing so without the development of out-of-settlement sites that deliver 'sustainable development'. This proposal is considered to deliver a sustainable form of housing development as is required by NPPF. The scale of development and its context in relation to the site is considered acceptable and would result in removing a considerable amount of built form from the greenbelt thus increasing its openness. The proposal will have an acceptable impact on residential amenity and respects biodiversity. Planning conditions can be used to ensure this.

The proposal is considered to form sustainable development and so it is recommended that the application be supported by Committee and so assist in delivering the housing supply requirements of para 17 of NPPF. The authority to grant planning permission should be

delegated to officers so that they can issue the decision on satisfactory conclusion of a s106 agreement that provides for contributions to off-site affordable housing and potential funding for investment in local education capacity.

### **Reason for Reporting to Committee**

The application is before members because it constitutes a major application and as such needs to be determined by the Development Management committee.

### **Site Description and Location**

The application site is 2.45 hectares of developed land located on the western side of Kirkham Road leading north of the bypass and the settlement of Freckleton. The site is in the greenbelt and surrounded by open fields and some linear residential development. The existing site constitutes a residential dwelling located at the front of the site split into 5 flats, behind which is a large industrial type warehouse building connected to which are glasshouses, the larger of which was used as a garden centre and smaller for growing. At the far end of the site is a fishing pond and an area of raised land which had been removed from below the buildings by the previous owners. There are hedgerows surrounding the site with some trees located within them.

### **Details of Proposal**

The application originally proposed the demolition of the existing five flats at the front of the site and the removal of the glass buildings at the rear of the site, in their place 7 dwellings would be erected at the front of the site, the large warehouse building would become a B2 use and 8 holiday lodges would be built at the rear of the site around the fishing lakes. However when Officers visited the site and considered the application against local and national green belt policy it was considered that a number of amendments were necessary. This resulted in the complete removal of the glasshouses and large warehouse building in order to increase the openness of the green belt from the loss of this visually significant building. The holiday lodges were also considered contrary to policy and they were removed from the application.

The scheme now under consideration proposes 12 two storey dwellings located over the footprint of the existing buildings and partly over hard standing adjacent to them. The access to the development site is to utilise an existing access from Kirkham Road which will run along the north side of the site to its rear and a shared amenity space. The dwellings are traditional dwellings, to be constructed in red brick, stonework, slate and hardwood windows and doors. The layout of the proposal takes the form of a courtyard of 9 dwellings, with two fronting Kirkham Road and one dwelling to the west of the site facing the open countryside. Each of the dwellings has two off street parking spaces plus a garage. Planting is proposed around the site and a fishing hut/tackle shop is to be constructed adjacent to the existing fishing lakes.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
11/0752	RETROSPECTIVE APPLICATION FOR 2.2M STEEL FENCING	Granted	23/12/2011
07/0822	CERTIFICATE OF LAWFULNESS (EXISTING USE) FOR USE OF BUILDINGS AS OFFICES /	Withdrawn by Applicant	21/09/2007

	RESEARCH AND DEVELOPMENT (USE CLASS B1)		
02/0483	CREATION OF CAR PARK AT REAR	Granted	21/10/2002
99/0425	REMOVAL OF AGRICULTURAL OCCUPANCY CONDITION ON APPLICATION 5/93/762	Granted	03/11/1999
99/0125	CHANGE OF USE FROM 5 AGRICULTURAL WORKERS DWELLINGS TO OFFICE ACCOMMODATION	Refused	26/05/1999
98/0315	RE-SUBMISSION OF 5/97/341 FOR REMOVAL OF AGRICULTURAL OCCUPANCY CONDITION ON APPLICATION 5/93/762	Refused	17/06/1998
97/0341	REMOVAL OF CONDITION NO. 2 RE: APP. NO. 5/93/762 TO REMOVE AGRICULTURAL OCCUPANCY CLAUSE ON FLATS	Refused	08/10/1997
93/0762	CHANGE OF USE FROM MICRO PROPAGATION UNIT TO 4 NO SINGLE BEDROOM FLATS FOR THE USE OF AGRICULTURAL WORKERS	Granted	30/03/1994
88/0769	TEMPORARY SITING OF PORTAKABIN FOR OFFICE USE	Granted	02/11/1988
88/0256	ERECTION OF GLASSHOUSES & GROWTH ROOMS	Granted	13/07/1988
88/0027	OFFICE & LABORATORY BUILDING WITH CAR PARKING	Granted	23/03/1988
87/0237	EXTENSION TO EXISTING CAR PARK	Granted	17/06/1987
86/0501	1000SQ M GREENHOUSE.	Granted	08/10/1986
82/0436	CHANGE OF USE FROM BUNGALOW TO MICRO PROPOGATION UNIT FOR NURSERY.	Granted	18/08/1982
75/0928	COVERED SWIMMING POOL.	Granted	21/01/1976
82/0530	REMOVAL OF CONDITION NO. 2 FROM 3/7/6387 DATED 3/9/69.	Withdrawn by Applicant	
82/0529	CHANGE OF USE FROM BUNGALOW TO MICRO PROPOGATION UNIT FOR A PERIOD OF 25 YEARS,	Withdrawn by Applicant	

### **Relevant Planning Appeals History**

None to report.

### **Parish/Town Council Observations**

**Freckleton Parish Council** notified on 22 December 2014 and comment on the original scheme that they *“Strongly **object** to the above application as the area is in the greenbelt and the application does not conform to policy SP3 of the local plan. The plans submitted mis-represent the area and the building on the plans (stated to remain) is not an industrial building as stated but greenhouses. Also the area is not appropriate for holiday lodges.”*

No comments have been received on the current proposals following a re-notification in February 2015.

### **Statutory Consultees and Observations of Other Interested Parties**

**BAE Systems**

No objections

**Ministry of Defence - Safeguarding**

No objections.

**Blackpool Airport**

No comments received.

**Lancashire County Council - Highway Authority**

*No objections to the proposal. In order for this development to be acceptable the footway to the Kirkham Road frontage of the site must be widened to 2m, this can be achieved by reducing the width of the verge or removing it in its entirety. The layout of the development does not meet with the standards that would be expected for the roads / footways to be offered for adoption. Should the developer wish to offer the spine road for adoption there must be a 2m wide footway on the house side and a service strip of a minimum of 0.5m on the opposite site, the carriageway would need to be a minimum of 4.5m. However, the layout as proposed will operate safely and no objections are raised to the layout. The traffic generated by the development is of a level that will not have a material impact on highway capacity or safety. I can confirm that there are no highway objections to this proposal but would ask that conditions are imposed should you be minded to grant planning permission*

**Neighbour Observations**

**Neighbours notified:** 22 December 2014

**Amended plans notified:** 10 February 2015

**No. Of Responses Received:** Three to the original plans and two to the revised plans

**Nature of comments made:**

With regard to the original proposals comments included;

- Support the application; existing site has negative impact on local area.
- Concern over what businesses could operate from the warehouse.
- Application inaccurate
- Undesirable encroachment into greenbelt
- Lack of concern for public safety
- Highways issues

With regard to the revised scheme comments included;

- I am much affected by these plans being the next door neighbour. I feel the latest plan is excellent turning what has been a disaster site into a very pleasing area where it will be a pleasure to live. It will be an asset to the village. I understand the holiday lodges are no longer included.
- The development is undesirable encroachment into the Green belt and is inconsistent with development in the vicinity.
- Contrary to Green Belt regulations.
- Alter the visual profile of the village of Freckleton from the north, initial view of the site will be as a housing estate.
- Amended application should be treated as a new one.
- It is not clear if all the existing buildings and glasshouses will be demolished.
- Application not been fully vetted for environmental impact.



## **Relevant Planning Policy**

### **Fylde Borough Local Plan:**

SP03	Development in green belt
HL01	New residential development
HL06	Design of residential estates

### **Other Relevant Policy:**

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

### **Site Constraints**

Within Green Belt

## **National Planning Policy Framework**

### Section 9 - Protecting Green Belt Land

Paragraph 79 The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 80 Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 87 As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 88 When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 89 A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding

temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Paragraph 90 Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction;
- engineering operations;
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction; and
- development brought forward under a Community Right to Build 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**

The main issues when considering this proposal are;

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

### **The principle of the development**

#### **Policy background**

The proposal is for the demolition of an existing industrial building and glasshouses in the greenbelt and the redevelopment of the site to provide 12 dwellings. The application has been made in full. When considering the principle of development regard must be had to the Development Plan with determination of the application in accordance with this plan unless material consideration indicate otherwise. The statutory development plan and material considerations in this case comprises the saved policies of the Fylde Borough Local Plan (2005) and the National Planning Policy Framework. In accordance with the NPPF 'due weight' should be given to the relevant saved policies within the Local Plan and the weight given to these policies depending upon the degree of consistency with the NPPF. The starting point for determining this applications therefore remains the saved polices of the Local Plan. If there is a conflict between these saved policies and the NPPF, the NPPF takes precedence, however it should be read as a whole and in context.

The Local Plan identifies the site as being in the greenbelt and as such policy SP3 – Development in the greenbelt applies. Policy SP3 states that planning permission will not be given except in very special circumstances for the erection of new buildings other than for the purposes of agriculture, forestry, essential facilities for outdoor sport and recreation, for cemeteries and for other uses which

preserve the openness of the green belt and which do not conflict with the purpose of including land within it. It allows the re-use and conversion of existing buildings subject to the proposal not having a materially greater impact than the present use on the openness of the green belt. It states that other forms of development than those referred to will not be permitted unless they maintain the openness of the greenbelt and do not conflict with the purpose of allocating land within it. Therefore the development proposed by this application would only comply with this policy if it is considered that it maintains the openness of the greenbelt, and approving the development would not conflict with the purpose of the greenbelt allocation.

With regard to development in the greenbelt section 9 of the NPPF – protecting greenbelt land states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with its essential characteristics being openness and permanence. Paragraph 89 states that a LPA should regard the construction of new buildings as inappropriate in Green Belt but with one of the exceptions being *'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'* Therefore this proposal as it constitutes the redevelopment of a brownfield site is an exception allowed by the NPPF greenbelt policy as long as it does not have a greater impact on the openness of the greenbelt than the existing buildings. Whilst the NPPF goes further in terms of development that could be permitted as an exception – complete redevelopment of previously developed sites which the Local Plan does not both state that forms of development will only be permitted if they don't impact on the openness of the greenbelt.

With regard to the development of housing at this site the sustainability of the development has to be considered as there is a presumption in favour of sustainable development and local planning authorities are urged to approve, without delay, development proposals that accord with the development plan. It advises that decision takers at every level should seek to approve applications for sustainable development where possible. With regard to new housing developments in section 6 'Delivering a wide choice of high quality homes' of the NPPF it requires the significant boosting of housing and local authorities should use their evidence base to meet the full objectively assessed needs for market and affordable housing in the housing market area. For market and affordable housing a five year supply should be maintained which Fylde Council currently does not have. Applying this policy context to the development requires considering the NPPF as a whole and assessing the weight which should be applied to SP3 and also considering the sustainability of the development and the balance of any positive or adverse impacts, within the NPPF context of seeking to boost housing supply and economic growth. Proposals are to be considered against an economic, social and environmental role in this regard. Economically to ensure sufficient land of the right type is available in the right place to support growth and innovation. Socially by providing the supply of housing required with access to local services and environmentally by protecting and enhancing natural, built and the historic environment and improving biodiversity.

#### Accessibility of the site

The application site is within the Greenbelt approximately 250m north of the settlement of Freckleton which extends approximately 600m up Kirkham Road from Preston New Road which is the main distributor road for the area and provides links to the east towards Preston and west towards Lytham St Anne's. The site is located adjacent to existing housing to the south and east with further sporadic linear development to the north.

The site is located approximately 1km north of Freckleton's local shopping area as defined on the

Local Plan proposals map and all the services and facilities that are available there. Closer to the site Kirkham Road is a bus route which a number of school buses run along to take children to Carr Hill, Myerscough College and Bispham Campus. Also running along this route are the numbers 78 and 79 which carry passengers between St Anne's, Lytham, Freckleton and Kirkham and Wesham. This is a daily bus route with buses every half an hour Monday to Saturdays and hourly on Sundays. The nearest bus stops to use both the school buses and the public services are located approximately 100m to the south of the application site which is considered to be in close proximity. There is a large employment site at BAE in Warton, the nearest primary school is Freckleton Strike Lane Primary School which is 0.3 miles away, with Kirkham Carr Hill Secondary School 1.16 miles to the north.

Therefore whilst the application site is located within the greenbelt outside of any settlement it is considered to be located in close proximity to the main roads in the area, near to the settlement of Freckleton and the wider area can be accessed by bus services. The site can therefore be seen to be in a sustainable position and comply with the NPPF requirement that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 49) and that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural areas and that Local Planning Authorities should avoid new isolated homes in the countryside (paragraph 55). Clearly the development of the site if it were a Greenfield site would be unacceptable because of the harm it would have to the openness of the greenbelt, but it can be considered sustainable in terms of the accessibility dimension due to the proximity to services and accessibility of the site.

#### Impact of development on character of the area

The site as existing has a large amount of development upon it: at the front of the site adjacent to Kirkham road are two vehicular accesses and a detached building containing 5 self-contained flats, a large warehouse and garden centre building and an extensive range of glass houses at the rear western end of the site. The existing footprint of the built structures on the site is 10,781 square metres and the volume is 55,038 cubic metres. The history of the site is varied, the most recent use of the site was its use for growing illegal substances which was obviously unauthorised by the planning system. The main building has been used as research offices, and there has been a garden centre at the site as well.

The proposal is to demolish all these structures and the erection of 12 dwellings with a footprint of 1,356 square metres and a volume of 7304 cubic metres, so bringing a reduction in footprint of 9,425 square metres and 47,734 cubic metres. This is clearly a significant reduction and will result in a large amount of massing being removed from the greenbelt. The application has been submitted with sections through the site which show the outline of the existing buildings which are up to 11m high and extend along large parts of the site. The NPPF allows redevelopment of brownfield land where the development does not have a greater impact on the openness of the greenbelt, as does the Local Plan where the openness of the greenbelt it maintained.

Whilst the development of dwellings in the greenbelt would normally and correctly be considered inappropriate and harmful to the greenbelt it is officers opinion that in this case the removal of this substantial warehouse, garden centre and array of glasshouses from it and the erection of 12 dwellings with a considerable less footprint, volume and height, together with the landscaping and amenity area proposed would be in compliance with the NPPF and Local Plan and therefore acceptable in principle. The removal of the existing buildings would bring a number of benefits to the immediate area as well as providing 12 dwellings to the Council's housing supply.

The benefits would be the removal of a building that could be considered incongruous to the countryside setting, the increase in the openness of the site when viewed from all directions which would benefit the visual amenities of the area. The opening up of the area to the south of the site for a green space and amenity area together with a more defined access to it will increase the attractiveness of the existing fishing lakes at the south of the site which would bring an outdoor recreation benefit to the site and residents of the area; an open space close to the settlement which residents will be able to access. The removal of the glass buildings and extensive footprint of the site will also allow a greater area for wildlife and biodiversity to establish themselves. It is officers opinion therefore that the proposed development would comply with the NPPF and Local Plan and would bring benefits from a social, environmental and economic point of view and is therefore sustainable development and constitutes a 'special circumstance' by which development in the green belt is permissible. The removal of the buildings and the addition of the dwellings would therefore have a positive impact on the character of the area.

#### Principle of development - summary

Whilst the provision of new dwellings in the green belt would be contrary to Policy SP3 of the Local Plan in this instance there is greater weight to be given to the NPPF guidance on redevelopment of sites in these areas and the site's sustainable location and the NPPF's housing objectives and presumption in favour of sustainable development.

#### **Design/layout**

The proposed layout and design of the buildings is a result of considerable work by officers and the applicants to create a scheme that would be low impact on the greenbelt therefore increasing its openness when considering the existing state of the site, be of acceptable character given the countryside location within which it is set, and would create a high quality residential development.. The number of dwellings proposed at the site is a consequence of the site area previously taken up by buildings at the site and the desire to create a sense of place at the site. The dwellings have been arranged with two at the north east fronting Kirkham Road, these have been set back further from the road than the existing flats to open up the views through the site and also face out towards the road. Moving into the site an access road is located along the northern boundary which leads to a courtyard of 9 dwellings, these are arranged around a central parking and green area. A further dwelling is located at the southern end of the site facing out towards the amenity area.

The dwellings are individually designed, they have traditional features such as chimneys, varying roof heights, hard wood windows and doors, archways and stone detailing. The design of the dwellings is considered good quality and appropriate for the area. Different hard surface materials are proposed including cobbles and block paving with feature dwarf brick walls and reclaimed brick walls forming boundaries around the site. The use of such materials adds variety, depth and visual interest to the development. The layout includes landscaped amenity area and planting, the details of this will need to be subject to a condition to ensure a high quality landscaping scheme is implemented.

#### **Highways issues**

The re-development of the site for 12 dwellings would not create any unacceptable impact on highway safety or capacity. LCC Highways have been consulted and have no objections stating that the traffic generated by this development is not of a level that will have a material impact on capacity or safety. They state in order for the development to be acceptable the footway to the Kirkham Road frontage of the site must be widened to 2m which can be achieved by reducing the width of the verge. The layout does not meet with the standard that would be expected for the

roads/footways to be offered for adoption and therefore would need to remain a private road, however the LCC officer states that the layout as proposed will operate safely and he raises no objections to the layout. He requests conditions relating to cleaning the wheels of construction vehicles, and construction of the site access and off site works of highway improvement. With these in place there are no highway issues with the application.

### **Impact on residential amenity**

The proposal would not have an unacceptable impact on the residential amenity of surrounding dwellings, the proposals are sited at such distance so as not to create any unacceptable overlooking or loss of light. The amenity of the dwellings nearest the application site will improve in terms of outlook with the removal of the existing significant structure. There are no residential amenity issues with the application,

### **Flooding/Drainage**

The proposal is located outside of flood zone and therefore is an appropriate location for residential development. The site is over a hectare and therefore a Flood Risk Assessment and drainage plan have been submitted with the application. These documents propose that foul water will be discharged into the foul sewer on Kirkham Road which will be extended up to the application site, and surface water will be discharged into existing soakaways on the site with the final outfall being into the existing lake. The existing site levels will remain unchanged. The Environment Agency and United Utilities being consulted and their comments to be provided via the late observations sheet. The drainage solution is likely to be the same, and it is not anticipated that they will raise any objections subject to surface water being drained in the most sustainable way, this normally being using an adequate soak away, or discharge into a watercourse and the last option being a sewer with approval being required from UU.

Conditions requiring full details of both foul and surface water drainage to be submitted can be placed on any permission granted with the surface water scheme being restricted to existing greenfield run-off rates so that there is no additional surface water run-off as a result of the development. With such conditions in place surface water at the site will be dealt with satisfactorily. The views of the EA and UU and the wording of such conditions will be available in the late observations and be referred to in the officer's presentation.

### **Trees/Ecology**

No trees are to be removed as a consequence of the development and as shown on the proposed layout a large amount of new trees will be planted on the periphery of the development and within the site. This will result in encouraging biodiversity and also soften the appearance of the development. The removal of the large amount of hard standing and buildings will also assist ecology in the area. The application has been submitted with an Ecological appraisal by Envirotech. This survey includes a phase 1 habitat survey of the site and surrounding area, survey and assessment of habitats for protected species and an evaluation of the ecological significance of the site. The methods used for survey at the site are standard practice and were carried out by suitably qualified persons.

### **Habitat/vegetation**

The survey found that the sites grassland has low species diversity and ecological value and nowhere on the site constituted priority habitat. The impact on the existing grassland is minimal. The hedge

on the northern boundary of the site is species poor but all hedgerows are a UK BAP habitat and it should therefore be retained and bolstered. The trees within the site should be retained, but selective tree removal around the ponds could be undertaken to reduce the shading of the ponds. There was no evidence of invasive species at the site,

### Amphibians

The ponds, hedgerow and scrub areas around them have some potential value to amphibians in their terrestrial phase as refugia/hibernacula. The rest of the site is open and exposed comprising buildings and hard standing which has been frequently disturbed and has little potential for use by amphibians. Amphibians would be unlikely to attempt to cross the site as it comprises an area that is mostly open hard-standing. Whilst not a physical barrier to the dispersal of amphibians, the site is regarded as being a potentially hostile environment to them. The two ponds on and adjacent to the site resulted in a score of 0.54 habitat suitability index (HIS) which is below average. Both ponds are well stocked with fish and are used as fishing ponds which reduces the suitability of ponds for great crested newts. Toads are more likely to use the pond. The ponds are to be retained during the proposed development and measures will be taken to ensure that the ponds and amphibians which may use them are not impacted by the works.

### Badgers

No records of badgers within 2km of the site and no evidence found of badgers on the site. The site is of low suitability for this species.

### Bats/barn owls

All of the buildings on the site were assessed for the presence of and suitability for bats and barn owls as well as the surrounding habitat. There was no past or current evidence of bats roosting found at the site during the survey. Barn owls are currently considered to be absent. There was indication of current use of the site by nesting Starlings. The Tawny owl observed on site does not nest within the buildings, though is likely to use them as a feeding roost. Whilst the site itself is unlikely to be used as a roost by a significant number of bats, there is use of the adjacent landscape. Bats are likely to rely on a number of roost sites in buildings and trees in the local area. It is therefore likely that the site has a low significance for bats

### Birds

The hedgerow to the North and the ponds and scattered trees to the North-west of the site would offer high foraging potential for birds. The main site however comprises an area which is open, exposed and structurally poor, it has a very low potential for use by birds.

### Brown Hare

No indication of Brown hares was recorded on the site. The boundary hedges and poor semi-improved grassland provide suitable habitat for this species. Suitable habitat also occurs in the wider landscape and the site is not considered to be exceptionally high quality for the species. A risk assessment of the site in respect of its future potential for and value to Brown hares could be adequately made. The risk to Brown hares is very low

## Reptiles

The site has some potential for reptiles with areas of dense scrub which provide refugia and less vegetated areas which provide areas for basking. Slow worm will undoubtedly occur in the local area as there are records within 2km but they are unlikely to be using the site in significant numbers. Reptiles are protected in so much as they cannot be deliberately killed, as a consequence, precautionary mitigation would be appropriate in respect of construction activities so as to ensure reasonable avoidance measures are taken to avoid the killing or injury of these species.

## Mitigation and recommendations

The ecology report as a result of the above findings makes the following mitigation recommendations;

Compensatory planting and habitat enhancement – trees should be protected during construction, landscaping scheme should utilise native species and be subject to a relaxed mowing regime with large sward heights around the periphery. Hedgerows should be retained.

### Amphibians –

All work must take place during daylight hours as amphibians are more likely to be commuting overnight and this will ensure the risk to any amphibians commuting through the site will be minimised.

- During the development, measures should be put in place to discourage amphibians from using the development area, the creation of any piles of earth, materials and rubble which could form potential artificial hibernacula and refuge should be avoided at all times. It is recommended that any spoil or rubble will be removed immediately to skips, or on hard standing or short grass. This will ensure that no potential amphibian hibernation or resting sites are created.
- The storage of all loose materials must be palletised or similar so they are off the ground whenever possible.
- Should any trenches and excavations be required, an escape route for animals that enter the trench must be provided, especially if left open overnight. Ramps should be no greater than of 45 degrees in angle. Ideally, any holes should be securely covered. This will ensure amphibians are not trapped during work.
- All excavations left open overnight or longer should be checked for animals prior to the continuation of works or infilling. Back filling should be completed immediately after any

### Badgers -

- All work must take place during daylight hours as Badgers are more likely to be commuting over the site at night and this will ensure the risk to any badgers passing through the site will be minimised.
- Should any trenches and excavations be required, an escape route for animals that enter the trench must be provided, especially if left open overnight. Ramps should be no greater than of 45 degrees in angle. Ideally, any holes should be securely covered. This will ensure badgers are not trapped during work.
- All excavations left open overnight or longer should be checked for animals prior to the continuation of works or infilling. Back filling should be completed immediately after any excavations, ideally back filling as an on-going process to the work in hand.
- Boundary fences/ walls should incorporate gaps at their base to facilitate the passage of



Badgers across the site.

Birds – Any vegetation to be trimmed or cleared should be checked for nesting birds before it is removed. Ideally this should occur outside the bird nesting period March- September. If vegetation clearance is to occur in the March-September period a check for nesting birds should be conducted first by a suitably qualified individual. New planting within the site and the retention of trees and shrubs on the site boundary will maintain the ecological functionality of the site for breeding birds. Artificial bird nesting sites for swallow could be incorporated into the new buildings under the eaves in suitable locations. If nesting birds are found at the site all site works shall cease and further ecological advice shall be sought with a view to a detailed method statement and programme of mitigation measures being prepared and implemented.

Bats –

- All contractors on the site will be made aware of the possible presence of bats prior to the commencement of work.
- Contractors will be provided with the contact details of an appropriately qualified individual who can provide advice in relation to bats at any time during work. In the event that bats are found during work, unless the action has already been cleared by a suitably qualified individual, all work will cease and an appropriately qualified individual will be contacted for further advice.
- Contractors will be observant during demolition work for bats which may use the buildings if new areas of the roof are exposed and left open overnight. Bats are opportunistic and may make use of gaps opened up during work overnight.
- If it is necessary to remove a bat to avoid it being harmed, gloves should be worn. It should be carefully caught in a cardboard box and kept in the dark in a quiet place until it can be released at dusk near to where it was found, or moved to an undisturbed part of the building, with outside access, and placed in a location safe from predators.
- If bats or bat roosts are found during work, all work should cease. The site will need to be re-assessed in regard to its use by bats. A Natural England licence may be required if continuing work is, on balance, likely to result in the disturbance, killing or injury of bats or the alteration, destruction or obstruction of roost site.
- Remove all roof coverings by hand only.
- There is no need to restrict the timing of work. Use of the structure by bats is equally likely to occur at any time of the year but will be at low levels.

### Ecology summary

The application site is not designated for its nature conservation value and it is not adjacent to any designated sites. The surveys undertaken have been conducted to appropriate standards and proportionate to the potential of the site to support protected species. It is not considered that further ecological surveys need to be conducted prior to determining of the application. The development will result in the removal of a large amount of buildings and therefore provides an opportunity to increase biodiversity in the area.

It is not considered that the development will cause substantive harm to nature conservation interests. There will be some minor impacts on local nature and precautions to protect these interests including no vegetation clearance during bird nesting season, protection of trees and hedgerow during construction and biodiversity enhancements to be incorporated into the scheme can be subject to planning conditions. Therefore with these conditions in place a scheme some degree of biodiversity enhancement will be possible in the development of the site. The report

submitted shows there will not be any unacceptable effect on protected species or priority habitat and conditions will be used to ensure this. It is considered that with mitigation the development of the site is acceptable.

### **Other issues**

#### Affordable housing

As the application is for 12 dwellings it is appropriate that 30% affordable housing is provided. Local Registered Social Landlords (RSL's) have been approached by officers to see whether or not they would be interested in taking on 4 affordable dwellings in this location and they have confirmed that they would not as it would not be practical to do so. Therefore in this case it is considered acceptable that the development is approved subject to a section 106 being provided which makes a contribution of £50,000 per dwelling to provide affordable housing elsewhere in the area.

#### Education

The original application did not attract an Education contribution request. Their views on the renotification which has a higher number of dwellings is awaited, and any request will be reported to members in the late observations report.

### **Conclusions**

This proposal is a full application for the development of 12 dwellings on a brownfield site designated as green belt in the Fylde Borough Local Plan that currently contains a residential building and a large light industrial building and a series of glasshouses. Residential development of such areas is contrary to Policy SP3 and the NPPF asides for partial or complete redevelopment of previously developed sites and when the development would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

This proposal constitutes the redevelopment of a brownfield site and is an exception allowed by the NPPF greenbelt policy as long as it does not have a greater impact on the openness of the greenbelt than the existing buildings. The council continues to be unable to deliver a 5 year supply of housing land as is required by the NPPF, and no part of the development plan currently provides any realistic method of doing so without the development of out-of-settlement sites that deliver 'sustainable development'. This proposal is considered to deliver a sustainable form of housing development as is required by NPPF. The scale of development and its context in relation to the site is considered acceptable and would result in removing a considerable amount of built form from the greenbelt thus increasing its openness. The proposal will have an acceptable impact on residential amenity and respects biodiversity. Planning conditions can be used to ensure this.

The proposal is considered to form sustainable development and so it is recommended that the application be supported by Committee and so assist in delivering the housing supply requirements of para 17 of NPPF. The authority to grant planning permission should be delegated to officers so that they can issue the decision on satisfactory conclusion of a s106 agreement that provides for contributions to off-site affordable housing and potential funding for investment in local education capacity.

## Recommendation

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

- a financial contribution of £200,000 towards securing off site affordable housing,
- a financial contribution to be confirmed towards education provision in the area.

(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 (or any minor 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.

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 the materials of construction to be used on the external elevations and roof must match those of the existing building[s] in the terms of colour and texture and samples of the materials shall be submitted to and approved by the Local Planning Authority prior to the commencement of building operations and thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

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

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

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

4. Prior to the commencement of development full details of the proposed fishing hut/tackle shop shall be submitted for approval in writing to the Local Planning Authority. The development shall be carried out in accordance with the approved details and any retail sales from the hut shall be restricted to fishing equipment only.

Reason: To ensure that the details and design of the hut are acceptable and appropriate to the greenbelt location and to ensure that retail sales from the hut are minimal and limited to those associated with the fishing lakes

5. No part of the development hereby approved shall commence until a scheme for the phasing and construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. The development shall be undertaken in accordance with this approved scheme.

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

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 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.

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. 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 6 of the Ecological Assessment of the Proposed Development Site, Envirotech reference 2335, dated November 2014. The development shall be phased, implemented, monitored and managed in accordance with the approved scheme for habitat creation and management.

8. If demolition of the existing buildings on site takes place over 12 months after planning permission is granted then a further precautionary survey of the buildings shall be carried out prior to the 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 work's, and the works shall be carried out in accordance with the methodology for any mitigation identified in the further bat survey.

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

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

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

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

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

11. Tree felling, vegetation clearance works, or other works that may affect nesting birds shall not be carried out between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections.

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

12. 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:

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

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

13. Prior to the first occupation of any of the dwellings hereby approved all of the existing buildings on site including the residential flats, warehouse, garden centre buildings and glass houses as shown on the existing site plan reference LF/KD/290 shall be demolished and all waste removed from the site.

Reason: In the interests of the visual amenity of the area and openness of the greenbelt

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

15. Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, 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



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/14/0895	Address 197 Kirkham Road, North of Bypass, Freckleton	Grid Ref. E.3424 : N.4298	Scale 0 20 40 60 80 m 

Item Number: 7    Committee Date: 01 April 2015

<b>Application Reference:</b>	15/0057	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	SUFFOLK LIFE ANNUITIES PROPERTY COMPANY LIMITED	<b>Agent :</b>	PLANNING PROBLEMS SOLVED
<b>Location:</b>	LAND TO THE REAR OF THE POST OFFICE, PRESTON OLD ROAD, NEWTON WITH CLIFTON, PRESTON, PR4 0ZA		
<b>Proposal:</b>	OUTLINE APPLICATION FOR ERECTION OF FOUR RETIREMENT BUNGALOWS (ACCESS AND LAYOUT APPLIED FOR WITH OTHER MATTERS RESERVED)		
<b>Parish:</b>		<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	8	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Not applicable		

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

This proposal is an outline application for the development of 4 retirement dwellings on a site located within the settlement of Clifton and not allocated for any purposes within the adopted Local Plan.

This proposal is considered to deliver a sustainable form of housing development for older people for which there is an identified need as is required by NPPF. The scale of development and its context in relation to its location is considered acceptable and whilst there would be some visual impact it is not considered that there would be sufficient harm to warrant refusal of the application. The site's location has a good accessibility to the services available in the village and is an appropriate location for development. The proposal will not have any adverse impact on residential amenity, highway, trees or ecology. Planning conditions can be used to ensure this. The proposal is considered to form sustainable development and so it is recommended that the application be supported by Committee and so assist in delivering the housing supply requirements of para 17 of NPPF.

**Reason for Reporting to Committee**

The application is before Development Management Committee because Councillor Collins has an interest in the land and therefore the application has to be considered by members.

**Site Description and Location**

The application site comprises 0.19 hectares of land located to the north of side of Preston Old Road and constitutes the rear area of a property known as Smithy House. The application supporting



statement states that it would best described as being largely disused waste land. The site is within the settlement of Clifton. The property is a two storey end terrace which has an access drive to the east of it which leads to the rear alley and gardens of the dwellings fronting Preston Old Road. The site includes the rear area, access road and two buildings that were part of the former farm. There are a number of trees within the application site particularly around the northern boundary, where there are trees subject to a preservation order. The boundaries to the site are formed by a variety of hedgerow, fencing and brick walls. To the north of the application site is William Pickles Park. To the east of the application site is Dixon Farm mews which is a cul-de-sac development of 19 dwellings accessed from Preston Old Road and to the west of the application site are the rear gardens of dwellings along Preston Old Road.

### **Details of Proposal**

The application proposal as originally submitted constituted a development of six retirement bungalows. However due to officer concerns regarding the proximity of development to the TPO'd trees and the close relationship between the dwellings this has been amended so that the application is now for four units.

These units will be single storey and laid out in a terrace of four with their front elevations facing west. To the rear of each unit is a garden area and in front of them will be a communal formal courtyard garden. The northern part of site which contains the trees will be retained as a communal open space for the overall development. The existing buildings at the southern end of the site will be demolished to form 6 parking spaces with the existing wall to be retained on the boundary in order to retain and protect residential amenity.

### **Relevant Planning History**

None relevant

### **Relevant Planning Appeals History**

None.

### **Parish/Town Council Observations**

Newton with Clifton Parish Council notified on 05 February 2015 and comment that they support the proposal.

### **Statutory Consultees and Observations of Other Interested Parties**

#### **Lancashire County Council - Highway Authority**

I note that the application has been modified with a reduction from 6 to 4 retirement bungalows. I have some concerns regarding the access arrangements for this development due to the width of the access and the sightlines at the access. The existing footways on Preston Old Road either side of the access are slightly substandard in width and as a consequence of this the sightlines at the access are lower than what would be expected. Preston Old Road is subject to a 20mph speed limit and as such I would expect to see sightlines of 2.4m x 25m. The existing access is approximately 4.5m wide which in theory is wide enough for two way traffic, although the boundary walls, vegetation, post box and litter bin prevent it from being used by 2 vehicles in opposing directions. A

development of this type and scale is regarded as low traffic generator with daily traffic movements likely to be in the region of a maximum of 10 – 15 movements, the majority of which would be outside peak times. Given the existing highway conditions and the low level of traffic associated with the development the likelihood that 2 vehicles would meet on entering and leaving the site are remote and as such this level of conflict cannot be regarded as severe. In view of this I can confirm that the access arrangements are not unacceptable. The level of car parking within the development site is acceptable. I can, therefore, confirm that no highway objections are raised to this development proposal.

#### **Tree Officer**

*Original comments; This site is affected by a Fylde Borough Council tree preservation order 1986 No 1. The site contains Group 1 of this TPO which comprises 4 oaks and 1 mature ash tree. The ash tree is referred to on submitted plan 4011-02 as T9. Plot 1 as shown on this plan is in conflict with this tree's root protection area. This is not a marginal overlap but one that represents an avoidable incursion into the RPA by fifty percent – construction is proposed at around 7.5 metres. The applicant has suggested using some form of trenchless technique to foot this building, such as pile and beam or a raft type foundation. While I appreciate the forethought this involves, I ask that the Council's default position in instances such as this where no special circumstances warrant construction in the Root Protection Area is to resist this. The relevant British Standard, BS5837:2012, advises at para 5.3.1 "The default position is that structures are located outside the RPAs of tree to be retained.." Thus I'd have to place an objection to this that I feel is supported by the Standard. Concerns for the compatibility of this large tree in proximity to the dwelling tend to reinforce my perspective. The British Standard asks us to consider the effect of large trees on proposed dwellings and states at para 5.2.4 "Particular care is needed regarding the retention of large, mature, over-mature or veteran trees which become enclosed in new development. Where such trees are retained, adequate space should be allowed for their long-term physical retention and future maintenance."*

*In light of these factors I've no choice but to lodge an objection.*

Comments on revised plans;

Feels that by indicating an observation of the RPAs in the indicative layout we've secured the principle of ensuring these are respected by the applicant. At this stage he is happy enough with that and would only caution that he wouldn't want to see any construction within the RPA of the retained trees for external features such as boundary walls. Fences are less invasive.

#### **Electricity North West**

No objections to the proposal, but find that the development could have an impact on their infrastructure. Refers the applicants relevant safety documents and that the existing LV service cable to the building to be demolished will need to be isolated and made safe.

#### **United Utilities**

No objections to the proposal. Request conditions relating to foul and surface water details being submitted prior to commencement of development.

#### **LCC Archaeology**

*Clifton is mentioned in Domesday Book (Clifton), assessed as two plough-lands, and part of the Amounderness fee of Earl Tostig. The 1st Edition Ordnance Survey (Lancashire*

*Sheet 60, surveyed 1844-45) shows the settlement to comprise a single long main street with long thin plot divisions on both sides of the street, and a back lane on its southern side, in an arrangement reminiscent of a planned medieval settlement.*

*Development to the rear of the site, as proposed here, therefore has the potential to encounter features such as rubbish pits, ditches delineating earlier property boundaries, as well as the remains of ancillary buildings such as workshops, which may date from the medieval and/or Post-medieval periods.*

*It is however considered unlikely that any surviving archaeological remains would be of such significance to merit preservation in situ, but rather that they would merit preservation by record (archaeological excavation and recording).*

*Consequently, should the local planning authority be minded to grant planning permission to this, or any similar scheme, Lancashire County Archaeology Service would recommend that the applicants be required to undertake a programme of archaeological work as a condition of any planning permission, and that such works should be secured by means of condition:*

### **Neighbour Observations**

**Neighbours notified:** 05 February 2015

**Amended plans notified:** 17 March 2015

**No. Of Responses Received:** Five

**Nature of comments made:**

Comments made objecting to the original plans (three letters)

- i. Loss of sunlight and daylight.
  - Overlooking and loss of privacy.
  - Loss of green space and habitat, trees to be removed have birds nesting within them.
  - Noise and disturbance during construction.
  - Dwellings not necessary for area.
  - Overdevelopment of area.
  - Tree root encroachment.
  - Highway safety, traffic generation, parking and poor access.

General comments (two letters)

- No objections, but the boundary wall of the buildings to be demolished should be retained, as it affords privacy and is a good quality wall. A fence would not be acceptable as it would result in loss of privacy.

Any further neighbour comments received with regard to the revised plans will be made available to members via the late observations.

### **Relevant Planning Policy**

**Fylde Borough Local Plan:**

HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
SP01	Development within settlements

**Other Relevant Policy:**

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

**Environmental Impact Assessment**

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

**Comment and Analysis**

The main issues when considering this proposal are;

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

**The principle of the development**

When considering the principle of the development regard must be had to the development plan with determination in accordance with this plan unless material considerations indicate otherwise. The statutory development plan and material considerations in this case comprises the saved policies of the Fylde Borough Local Plan (2005) and the National Planning Policy Framework. The adopted Local Plan does not have any saved policies in relation to housing in settlements therefore the NPPF is the most recent policy consideration when determining the application. The NPPF states that there should be a presumption in favour of sustainable development, and that proposals that accord with the development plan should be approved without delay and where the development plan is absent, silent or relevant policies are out of date, grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or when specific policies in this framework indicate development should be restricted. Within part 6 - Delivering a wide choice of high quality homes, asides a lot of guidance to how policy should be formed, paragraph 49 states that 'housing applications should be considered in the context of the presumption of sustainable development'. Clearly the development is within the settlement of Clifton, near to the main distributor roads of the area, there are a number of bus services available, is in an area of residential properties, so in terms of the sites position it is clearly in a sustainable location and could be considered sustainable development in that respect. Therefore the principle of a residential development in this position is considered acceptable.

The proposal is for retirement bungalows with the NPPF stating that Local Authorities should '*plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups (such as, but not limited to, older people, disabled people, service families etc)*'. The Planning Statement submitted to accompany this application states that the Rural housing Need survey shows that that there is a growing old population in Fylde, and that 23% these residents want to downsize and they want dwellings designed for older people. Fylde has a higher than

average retired population and so there is a need for housing for the elderly. The development can be considered to be sustainable and accords with the NPPF in this regard. As there is no element of care proposed to be provided under the scheme the properties are considered as dwelling houses, but the age occupancy of them can be restricted by condition.

#### Impact of the development on the character of the area.

Whilst the position in terms of sustainability is considered acceptable for the retirement bungalows proposed, the development's impact on the street scene and character of the area also has to be considered.

The proposal has been submitted in outline with access and layout applied for. Scale has not been applied for although the application states that they will be bungalows, with appearance and landscaping remaining a matter reserved for a future application. The proposal is a terrace of four retirement bungalows, located on land to the rear of the post office accessed via a back lane. The terrace would have their front elevation facing west and would be single storey the design of which is unknown.

Whilst the application statement considers the site a brownfield site and some of the site has been previously developed with buildings that have since been demolished or are to be removed as part of this application a large part of the site is undeveloped grassland and officers consider it to be a greenfield garden area. The NPPF paragraph 53 states; "*Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area*". Clearly as yet no such policy has been formed and adopted by the Local Planning Authority. However when considering this application it is relevant and material to consider whether or not the proposal would form 'inappropriate development' or if it would 'cause harm to the local area'.

The development comprises the erection of four dwellings in this area to the rear of the existing built development on Preston Old Road. The character of this particular area north of Preston Old Road is of terraced and detached two storey dwellings with some having a rear access lane, with yards behind the dwellings and long rear gardens to the north. The adjacent site Dixons Farm Mews however is a cul-de-sac development with 19 dwellings built and accessed off Preston Old Road in a close knit arrangement, with development behind the dwellings fronting Preston Old Road. This development is a back garden development of sorts and therefore the four proposed retirement bungalow served by an existing access would be in similar character to the adjacent development. The development as amended to four retirement properties is not considered intensive, and the four dwellings would have a considerable amount of shared amenity space around them. This does not conflict with the urban grain of the area and so is appropriate and would not create material harm to the amenities of the area that would warrant refusal of the application

#### Highways issues

LCC have been consulted on the proposed development and have no objections. The proposal provides 100% parking and the access to the development with the height of the wall adjacent to the carriageway reduced by 450mm in width and 900mm in height from top is considered to be acceptable. Whilst the access is limited in width at 4.5m wide because the proposal is for four retirement bungalows and the amount of vehicular movement from them will be limited and normally at off peak times the number of occasions when two vehicles from this development would meet at the access is limited, and the level of conflict is not severe. As such the highways officer considers the access acceptable and raises no objections. He has not requested any conditions however it is appropriate that a condition be placed on any permission granted to ensure the parking shown on the site plan is provided prior to occupation of the dwellings. There are therefore

no highways issues with the application

#### Impact on residential amenity

The proposal has been submitted in outline however as the layout of the development has been applied for, and we know that the development is proposed to be bungalows, an assessment of the impact on adjoining dwellings residential amenity can be made. As the dwellings will be bungalows there will be no first floor windows and therefore with an appropriate boundary treatment there will be no overlooking created by the development. The eastern boundary as existing varies from high original brick walls, hedgerows and low hedging. A condition will need to be placed on any permission requiring details and implementation of an appropriate boundary treatment prior to occupation of any of the units. Neighbours have expressed a desire for the existing brick wall boundary that forms part of the buildings to be retained because of the quality of the wall and the level of privacy it affords them. The applicant has agreed to the retention and this also can be subject to a condition. In terms of loss of light again as the bungalows will be single storey it is considered that no unacceptable loss of light will be created. The side elevation of 11 Dixon Farm Mews faces plots 2 and 3 however this is a blank elevation with no windows within it, number 11a's side elevation also faces the application site and plot 4 but this elevation has only secondary small windows within it. There will be some loss of light to gardens but not to the extent that would be considered unacceptable or warrant refusal of the application.

#### Flooding/Drainage

The application is not located within a flood zone and is therefore located in an area where the development of a more vulnerable use such as dwellings is acceptable. The site is less than hectare and therefore the Environment Agency have not commented on the application and a FRA is not required to be submitted with the application. United Utilities have been consulted and raised no objections but state that surface water should be drained in the most sustainable way, this being using an adequate soak away, or discharge into a watercourse and the last option being a sewer with approval being required from UU. They request conditions requiring full details of both foul and surface water drainage to be submitted. The surface water scheme will be restricted to existing greenfield run-off rates so that there is no additional surface water run-off as a result of the development. With these conditions in place surface water at the site will be dealt with satisfactorily.

#### Trees

The application has been submitted with a tree constraints plan as well as a Tree Survey and Arboricultural Impact Assessment. With regard to trees the Council's Tree Officer commented on the original proposal as outlined in full in the consultee's responses section of this report and this resulted in the scheme being amended because of his objection. His views on the revised plan are that by indicating an observation of the RPAs in the layout we've secured the principle of ensuring these are respected by the applicant. At this stage he is happy with that but would not want to see any construction within the RPA of the retained trees for external features such as boundary walls. Fences are less invasive. A condition will be placed on any permission granted requiring boundary treatments to be submitted for approval prior to the commencement of development. The route of underground service runs vis-à-vis retained trees, ensuring all development observes root protection areas, and setting planning conditions around tree protection are future matters to consider. These issues will be considered more fully at Reserved Matters stage.

#### Ecology

The application involves the demolition of an existing dilapidated building which has been assessed or its potential to provide habitat for bat and barn owls. The survey was carried out by an appropriately qualified person and the survey techniques used were standard practice. The surveys

found no presence of bats in either of the buildings, and they were considered unsuitable for breeding bats because of their condition, they were not insulated and bats prefer warm buildings. Of the trees on site two of them were found to have moderate potential for roosting bats, and so are being retained in the northern part of the site. The night survey undertaken observed four common pipistrelle in the surrounding area, and at that level of use there will not be requirement for a Natural England licence but best practice precautionary measures should be applied. The impact on bats is therefore considered acceptable. Conditions can be placed on any approval to ensure appropriate mitigation is carried out and there is not considered to be any issues for this species.

The development of the bungalows on the grassland area occurs on a site not designated for its nature conservation value and it is not adjacent to any designated sites. The proposed development will result in losses to grassland and some areas of hedgerow but in general the locally important habitats on the site (remaining trees) will be retained, as such no priority habitat will be lost as a result of the development. Given that some trees and lengths of hedgerow are to be lost to the development which have the potential to support nesting birds the development has some potential to cause harm to nesting birds during vegetation removal and site development works. Therefore precautions to protect nesting birds is recommended. To conclude whilst the development will have minimal impact on habitat this given the mitigation proposed in the ecology report and required by condition is considered acceptable.

#### Archaeology

LCC Archaeology has requested a condition that a programme of archaeological work in accordance with a written scheme of investigation is carried out prior to any development. Such a condition will be placed on any permission granted.

#### Public open space

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

#### Conclusions

This proposal is an outline application for the development of 4 retirement dwellings on a site located within the settlement of Clifton and not allocated for any purposes within the adopted Local Plan. This proposal is considered to deliver a sustainable form of housing development for older people for which there is an identified need as is required by NPPF. The scale of development and its context in relation to its location is considered acceptable and whilst there would be some visual impact it is not considered that there would be sufficient harm to warrant refusal of the application. The sites location is considered to be sustainable and an appropriate location for development. The proposal will not have any impact upon residential amenity, highway, trees or ecology. Planning conditions can be used to ensure this. The proposal is considered to form sustainable development and so it is recommended that the application be supported by Committee and so assist in delivering the housing supply requirements of para 17 of NPPF.

#### Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. A subsequent application for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:

[a] The expiration of five years from the date of this permission;

or

[b] The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter approved.

Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2. Before any development is commenced (a) reserved matters application(s) must be submitted to and approved by the Local Planning Authority in respect of the following reserved matters:

Nos. (3 and 5)

(Reserved matters are:-

1. Layout
2. Scale
3. Appearance
4. Access
5. Landscaping

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

3. The subsequent application for reserved matters approval shall reflect that the dwellings hereby approved shall only be constructed as true bungalows with no first floor accommodation.

In order to safeguard the character of the area and protect residential amenity.

4. Notwithstanding the provision of Article 3, Schedule 2, Part 1, Class(es) A, B, C, D, E, F and G of the Town and Country Planning General Permitted Development Order 1995 [or any Order revoking or re-enacting that Order], no further development of the dwelling[s] or curtilage(s) relevant to those classes shall be carried out without Planning Permission.

[CLASS VARIABLES

A House Extensions.  
B&C Roof Extensions/alterations  
D Porches  
E Curtilage buildings  
F Hardstanding  
G Flues and Chimneys  
H Satellite antenna]

To ensure that the Local Planning Authority has control over any future development of



the dwelling[s] which may adversely affect the character and appearance of the dwelling[s] and the surrounding area.

5. Notwithstanding the provision of Class(es) A, B and C of Part 2 to Schedule 2 in Article 3 of the Town and Country Planning General Permitted Development Order 1995 [or any Order revoking or re-enacting that Order], no further development of the dwelling[s] or curtilage(s) relevant to those classes shall be carried out without Planning Permission.

[CLASS VARIABLES

- A Gates, walls, fences
- B New access
- C Exterior treatment]

To ensure that the Local Planning Authority has control over any future development of the dwelling[s] which may adversely affect the character and appearance of the dwelling[s] and the surrounding area.

6. The car parking area as indicated on the approved plan shall be constructed, drained, surfaced and laid out to the satisfaction of the Local Planning Authority concurrently with the remainder of the development and shall be made available for use prior to the first occupation of any dwelling. The spaces shall thereafter be retained to the satisfaction of the Local Planning Authority solely for the purposes of car parking for residents on the site, their visitors or delivery / collection vehicles.

To provide satisfactory off-street parking in accordance with highway safety in the area

7. None of the individual units of residential accommodation at the development hereby approved shall be used otherwise than a private place of residence for a person or persons of whom at least one must be a "qualified person" (defined below) at the date of his or her first occupation of the unit in question

For the purposes of this condition a "qualified person" means a person who is or has attained the age of 60 years. An occupier of one of the individual units of residential accommodation who is not a 'qualified person' but who shares or previously shared the accommodation with a 'qualified person' (e.g. a spouse or surviving spouse) must have attained the age of at least 55 years.

Reason: To ensure that the development remains as retirement homes that reflects the constrained nature of the site and so provides an appropriate standard of amenity for the occupiers..

8. If demolition of the existing buildings on site takes place over 12 months after planning permission is granted then a further precautionary survey of the buildings for the presence or use by bats shall be carried out prior to the 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.

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

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

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

10. Prior to commencement of the development hereby permitted, details of the incorporation of bat roosting and bird nesting opportunities that shall be incorporated into the design of the development (i.e. into new buildings) shall be submitted to and approved in writing by the Local Planning Authority and subsequently implemented in full and maintained and retained thereafter.

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

11. No 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 by the applicant and approved by the Local Planning Authority. This survey shall be implemented and the results submitted to the local planning authority in accordance with a phasing contained within the approved scheme.

To ensure and safeguard the recording of any archaeological deposits.

12. Prior to any development activity commencing, retained trees, either individually or, where appropriate, as groups, will be protected by erecting HERAS fencing at the Root Protection Areas (RPAs) identified in the arboricultural survey, the root protection of T9 is 11m from the tree stem.

Within, or at the perimeter of, these root protection areas, all of the following activities are prohibited:

- Lighting of fires;
- Storage of site equipment, vehicles, or materials of any kind;
- The disposal of arisings or any site waste;
- Any excavation;

- The washing out of any containers used on site.

HERAS fencing must not be removed or relocated to shorter distances from the tree without the prior agreement of the Local Planning Authority. Any work to retained trees to facilitate development or site activity must (a) be agreed in advance with the Local Planning Authority and (b) must meet the requirements of BS3998:2010 Tree Work - recommendations.

Reason: To ensure that tree root damage and damage to the aerial parts of retained trees is avoided so that the trees' health and visual amenity is not diminished by development activity.

13. Any trees removed without consent or trees damaged or becoming severely diseased during the development period shall be replaced during the next planting season with trees of such a size and species as may be agreed with the Local Planning Authority.

To safeguard the visual amenities of the neighbourhood.

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

15. Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, 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

16. 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:

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

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

17. 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.

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.

18. Notwithstanding the details on the plans hereby approved, when the existing buildings on the site are demolished the brick wall that forms a party wall on the southern and eastern boundary shall be retained at its existing height. If the wall becomes damaged during demolition it shall be made good to its existing height, length and width using the original materials.

Reason: To protect residential amenity and in the interests of the visual amenity of the area

19. A scheme shall be submitted for any alterations to existing ground levels on site indicating existing and proposed levels and the nature of the proposed works in sectional detail.

To ensure the safeguarding of existing features on site.

20. Notwithstanding the provision of Article 3, Schedule 2, Part 1, Class(es) A, B, C, D, E, F, and G of the Town and Country Planning General Permitted Development Order 1995 [or

any Order revoking or re-enacting that Order], no further development of the dwelling[s] or curtilage(s) relevant to those classes shall be carried out without Planning Permission.

[CLASS VARIABLES

- A House Extensions.
- B&C Roof Extensions/alterations
- D Porches
- E Curtilage buildings
- F Hardstanding
- G Flues and Chimneys
- H Satellite antenna]

To ensure that the Local Planning Authority has control over any future development of the dwelling[s] which may adversely affect the character and appearance of the dwelling[s] and the surrounding area.

21. Notwithstanding the provision of Class(es) A, B and C of Part 2 to Schedule 2 in Article 3 of the Town and Country Planning General Permitted Development Order 1995 [or any Order revoking or re-enacting that Order], no further development of the dwelling[s] or curtilage(s) relevant to those classes shall be carried out without Planning Permission.

[CLASS VARIABLES

- A Gates, walls, fences
- B New access
- C Exterior treatment]

To ensure that the Local Planning Authority has control over any future development of the dwelling[s] which may adversely affect the character and appearance of the dwelling[s] and the surrounding area.

22. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 12 December 2014, including the following plans:

Existing Site layout LF/KD/2901

Site location Plan

Site Sections LF/KD/3000

Proposed Site Plan LF/KD?3007a

Plan A LF/KD/3001

Plan B LF/KD/3002A

Plan C LF/KD/3003

Plan D LF/KD/3004

Plan E LF/KD3005

Plan F LF/KD/3006

Envirotech Ecological Appraisal and Bat, Barn Owl and Nesting Bird Survey

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





**Item Number:** 8    **Committee Date:** 01 April 2015

<b>Application Reference:</b>	15/0091	<b>Type of Application:</b>	Householder Planning Application
<b>Applicant:</b>	Mr Marquis & Miss Elger	<b>Agent :</b>	Keystone Design Associates Ltd
<b>Location:</b>	WELCHES COTTAGE, HIGH STREET, ELSWICK, PRESTON, PR4 3ZB		
<b>Proposal:</b>	PROPOSED TWO STOREY REAR EXTENSION		
<b>Parish:</b>	ELSWICK	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	7	<b>Case Officer:</b>	Rob Clewes
<b>Reason for Delay:</b>	Not applicable		

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The proposed extension is a two storey extension to the rear of a terraced property in Elswick. It is considered to be appropriately designed and will not detrimentally impact on the character of the property. Whilst there will be some impact to the neighbouring properties either side, these impacts will not lead to an unacceptable level of harm to their amenity. It is therefore considered that the proposal complies with the provision of the NPPF and policy HL5 of the Fylde Borough Local Plan and is recommended for approval.

**Reason for Reporting to Committee**

The Parish Council has objected to the development and therefore under the Council's scheme of delegation the application is brought before the Development Management Committee for determination.

**Site Description and Location**

The application property is an end terrace cottage located on the northern side of High Street, Elswick. The property has a gable ended pitched roof and the elevations are rendered. To the rear there is a conservatory and a detached flat roof garage. The adjoining neighbouring property is also a cottage and it also has a rear conservatory. The detached neighbouring property to the west is a house that has a single storey rear extension.

**Details of Proposal**

The proposal is for a part two-storey, part single storey rear extension. The ground floor projects 3.7m and has a mono-pitched roof. The first floor projects two distances creating a staggered rear



elevation with the section nearest the adjoining neighbour projecting 1.5m with the remaining section projecting 2.7m. The roof of the first floor is a gable ended pitch facing into the rear garden. Adjoining the side of the extension there is a small front extension to the existing garage projecting 2.5m forward with a flat roof.

### **Relevant Planning History**

None

### **Relevant Planning Appeals History**

None

### **Parish/Town Council Observations**

**Elswick Parish Council** notified on 16 February 2015 and comment that: *“The proposed extension could have an overbearing, imposing impact on the adjacent dwelling due to the extension being 2 storey and either close to or on the boundary between Welches Cottage and Sunny Cottage.”*

### **Statutory Consultees and Observations of Other Interested Parties**

None

### **Neighbour Observations**

**Neighbours notified:** 16 February 2015

**No. Of Responses Received:** 1 letter of representation received

**Nature of comments made:**

No problem with the principle of the development but the roof of the first floor element is too dominant.

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan:**

SP01	Development within settlements
HL05	House extensions

#### **Other Relevant Policy:**

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

### **Site Constraints**

None

### **Environmental Impact Assessment**

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

## **Comment and Analysis**

The main issues regarding this application are the design and the impact to neighbouring amenity

### **Design**

The proposed extension, although spanning across the entire width of the rear elevation, is of a typical domestic style and design and will not appear out of character or dominant within the site. The two-storey part adjacent the adjoining neighbouring projects only by 1.5m along the boundary which complies with the guidance as set out in the Supplementary Planning Document. The use of reclaimed red multi brick is considered appropriate and will be a good contrast to the existing rendered property. The extension to the front of the garage is small and will have no impact on the character of the property. The addition of this part of the extension ensures that the garage is usable for its intended purpose.

### **Impact to neighbouring amenity**

The proposal will not have an undue impact on the neighbouring property to the rear as the separation to the rear boundary will remain over 10.5m which complies with national spacing guidance. There will also be no detrimental impact to the detached neighbouring property to the West (Sunny Cottage). This is due to the separation distance between the side elevations being sufficient to minimise the impact of overbearing. As there are no first floor side elevation windows there will be no loss of privacy.

The adjoining neighbouring property will suffer an increase in impact to its amenity in terms of overbearing due to the proximity of the proposal to the side boundary. This impact however is considered acceptable as the first floor part nearest the boundary only projects 1.5m which minimises the mass and bulk of the extension. As there are no side elevation windows there will be no loss of privacy and in terms of loss of light any increase will be during the later hours of the day and not for a prolonged period of time.

It is therefore concluded that the impact on the neighbours from the development will be acceptable due to the design and scale of the extension proposed. The concerns of the Parish Council are noted, but it is not considered that their concerns justify a refusal of the application. Similarly, the neighbour's concerns over the dominance of the roof are not accepted as warranting an amendment to the scheme.

## **Conclusions**

The proposed extension is appropriately designed and will not detrimentally impact on the character of the property. Overall the proposal will create some impact to the neighbouring properties either side, however these impacts are considered acceptable as they will not lead to an unacceptable level of harm to their amenity. It is therefore considered that the proposal complies with the provision of the NPPF and policy HL5 of the Fylde Borough Local Plan.

## **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 (2015). Ordnance Survey (100006084).	
Application No. 5/15/0091	Address Welches Cottage, High Street, Elswick	Grid Ref. E.3418 : N.4384	Scale 0 6 12 18 24 m 

Item Number: 9 Committee Date: 01 April 2015

<b>Application Reference:</b>	15/0119	<b>Type of Application:</b>	Householder Planning Application
<b>Applicant:</b>	Mr & Mrs Evans	<b>Agent :</b>	Homeplan Designs
<b>Location:</b>	9 WILDINGS LANE, LYTHAM ST ANNES, FY8 3RJ		
<b>Proposal:</b>	PROPOSED RETENTION OF OBSCURED GLASS BUT OPENABLE WINDOWS TO FOUR EXISTING DORMER WINDOWS IN EXTENDED PROPERTY		
<b>Parish:</b>	HEYHOUSES	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	5	<b>Case Officer:</b>	Andrew Stell
<b>Reason for Delay:</b>	Not applicable		

**Summary of Recommended Decision:** Refuse

**Summary of Officer Recommendation**

This application seeks retrospective planning permission for an extension to a dwelling on Wildings Lane in St Annes that has been constructed with dormer windows to the side facing roof slopes rather than the approved Velux windows. The proposal is to retain these dormer windows in their current state whereby each of the four dormers feature windows that are fitted with obscured glazing, but are openable.

This follows a series of applications with the most recent approving the retention of the dormers but with the windows replaced with non-openable obscurely glazed windows, and the previous one to that with the dormers retained but the windows removed. This proposal provides a visually acceptable solution, but will allow clear views across the neighbouring garden at No. 11 Wildings Lane and into habitable rooms of that property and the neighbour at the other side. The proximity of the windows to the neighbours ensures that the overlooking, and the privacy loss it will allow, is such that it will be seriously detrimental to the residential amenity enjoyed by the occupiers of those properties. The proposal to retain the windows in their current situation conflicts with the requirements of criteria 2 of Policy HL5 and is recommended for refusal.

**Reason for Reporting to Committee**

As a number of previous applications at this property have been determined by the Development Management Committee the Head of Planning and Regeneration has resolved that this application should also be presented to Committee for consistency.

### **Site Description and Location**

The application site is a bungalow located within a residential area of Lytham St Annes. The property is neighboured on one side by a two storey dwelling and on the other side by a dormer bungalow.

### **Details of Proposal**

To understand the nature of the current application it is necessary to understand the recent planning history. Planning permission was granted for the erection of a two storey extension to the rear of the property with this having Velux windows to both the side facing roof slopes on the extended element (ref 13/0556 applies). An extension has been constructed to the rear of the property but features a pair of side facing dormers to each side.

An application was then made (ref 13/0764 applies) in an attempt to secure planning permission for these dormers, but was refused for reasons relating to the overlooking of the neighbouring properties to both sides that results from the windows in the dormers.

Planning permission was then approved (ref 14/0399 applies) for the retention of the dormers but with the windows removed and replaced with a solid finish so that no overlooking was possible. Given that the dormers had been constructed this permission included a condition that set a timescale for the works to be completed, which has now expired without any work having been undertaken.

Planning permission was then approved (ref 14/0819 applies) for the retention of the dormers but with the windows removed and replaced with non-openable frames with obscured glazing fitted. A condition attached to that permission requires that this work is completed by 4 April 2015 and so it remains possible that the works could be undertaken in accordance with that permission.

The currently application seeks to retain the dormers to both sides of the roof as they are currently built with obscured glazing to all frames but the side opening windows in each of the dormers retained. No supporting information is provided with the application other than the required plans and forms.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
14/0819	PROPOSED REPLACEMENT OF WINDOWS TO SIDE FACING DORMERS IN EXTENDED PROPERTY WITH FULLY OPAQUE NON-OPENING DOUBLE GLAZED WINDOWS	Granted	04/02/2015
14/0399	TWO STOREY EXTENSION TO REAR WITH DORMERS TO BOTH SIDES AS REVISED SCHEME TO PLANNING PERMISSION 13/0556, WITH ALL WINDOWS IN DORMERS TO BE REPLACED WITH CLADDING FINISH AS FOR REMAINDER OF DORMERS	Granted	05/09/2014
13/0764	TWO STOREY EXTENSION TO REAR WITH	Refused	14/01/2014

DORMERS TO BOTH SIDES (REVISED  
SCHEME TO PLANNING PERMISSION  
13/0556)  
13/0556 PROPOSED TWO STOREY REAR EXTENSION Granted 14/10/2013

**Relevant Planning Appeals History**

None.

**Parish/Town Council Observations**

St Anne's on the Sea Town Council notified on 02 March 2015. No comments had been received at the time of the preparation of this report and so any comments will be reported to Committee as part of the Late Observations Schedule.

**Statutory Consultees and Observations of Other Interested Parties**

None to report.

**Neighbour Observations**

**Neighbours notified:** 02 March 2015

**No. Of Responses Received:** None

**Relevant Planning Policy**

**Fylde Borough Local Plan:**

SP01	Development within settlements
HL05	House extensions

**Other Relevant Policy:**

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

**Site Constraints**

Pipelines  
Article 4 direction

**Environmental Impact Assessment**

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

## **Comment and Analysis**

### **Background**

As the proposal effectively relates to the retention of dormers to an extension to the rear of the property the main issues for consideration are the visual impact of the dormers on the dwelling and the contribution it makes to the streetscene, and the potential for privacy loss to neighbouring properties and their gardens, and the perceived privacy impacts that the windows could have to the occupiers of those properties. These are assessed in this report with reference to Policy HL5 of the Fylde Borough Local Plan which is the relevant local plan policy for the assessment of these matters and is consistent with guidance in the NPPF as it applies to this proposal.

As part of the consideration of application 14/0819 the case officer visited the application property to view through all the windows and the garden and dwellings to both neighbours. These visits are recent to the determination of this application (November 2014) and the visit associated with this application confirms that nothing has changed since then to affect the consideration of the application.

### **Privacy Loss**

As the dormers are currently built they each feature side opening windows with a sill height in the rooms they serve that provides a clear opportunity for overlooking when these windows are opened, although the glazing is of sufficient obscuration to prevent this when they are closed. They are positioned so that views could be obtained into a first floor lounge and ground floor bedroom at 7 Wildings Lane, and to a dining room and the garden at 11 Wildings Lane. The proximity of the windows to the boundary and their ability to be opened is such that it creates an unacceptable opportunity for overlooking of both neighbours and the gardens to the dwellings and so results in an undue loss of privacy and harm to residential amenity of their occupiers. As such the current unauthorised situation is contrary to criteria 2 of Policy HL5 and cannot be accepted.

This was recognised in the refusal of application 13/0764 and this reason remains valid. The later decisions sought to address that by the provision of firstly 'blind' dormers, and then non-opening obscured glazing. Both of these present acceptable solutions to this issue, but have not currently been implemented on site.

When application 14/0819 for the non-opening obscured windows was presented to Committee the officer report highlights that the General Permitted Development Order allows side facing dormers to be inserted into the original roofslopes of dwellings subject to the condition that any windows are obscured, and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. This height is important as it is of sufficient to restrict views out. The windows in the application property have sills that are well below this height and allow clear views into the neighbouring dwellings and gardens.

### **Visual Impact of Dormers**

With regard to the overall design and appearance of the development the two storey extension has already been accepted as appropriate under the various earlier permissions. The proposal under this application to retain the existing windows makes little material difference to the appearance over that of non-opening windows that were most recently approved, and it is not considered that any objection to the visual impact of the dormers can be supported.

## **Conclusions**

This application seeks retrospective planning permission for an extension to a dwelling on Wildings



Lane in St Annes that has been constructed with dormer windows to the side facing roofslopes rather than the approved Velux windows. The proposal is to retain these dormers windows in their current state whereby each of the four dormers feature windows that are fitted with obscured glazing, but are openable.

This follows a series of applications with the most recent approving the retention of the dormers but with the windows replaced with non-openable obscurely glazed windows, and the previous one to that with the dormers retained but the windows removed. This proposal provides a visually acceptable solution, but will allow clear views across the neighbouring garden at No. 11 Wildings Lane and into habitable rooms of that property and the neighbour at the other side. The proximity of the windows to the neighbours ensures that the overlooking, and the privacy loss it will allow, is such that it will be seriously detrimental to the residential amenity enjoyed by the occupiers of those properties. The proposal to retain the windows in their current situation conflicts with the requirements of criteria 2 of Policy HL5 and is recommended for refusal.

### **Recommendation**

That Planning Permission be REFUSED for the following reasons:

1. The design of the extension proposed features four side facing dormers each with windows that will serve habitable rooms at eye level. These are positioned where they will allow an unacceptable level of overlooking and loss of privacy to the garden and dwelling of No's 7 and 11 Wildings Lane. As such the development fails to accord with criterion 2 of policy HL5 of the Fylde Borough Local Plan and to guidance in para 17 (4) and 64 of the NPPF with which that development plan policy is consistent..



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/15/0119	Address 9 Wildings Lane, Lytham St Annes	Grid Ref. E.3339 : N.4296	Scale 0 6 12 18 24 m 

Item Number: 10 Committee Date: 01 April 2015

<b>Application Reference:</b>	15/0130	<b>Type of Application:</b>	Reg 3 Council's Own Development
<b>Applicant:</b>	Fylde Borough Council	<b>Agent :</b>	Graham Schofield Associates
<b>Location:</b>	FBC SNOWDON ROAD DEPOT SITE, SNOWDON ROAD, LYTHAM ST ANNES, FY8 3DP		
<b>Proposal:</b>	PROPOSED ERECTION OF BUILDING FOR GROUND MAINTENANCE DEPOT		
<b>Parish:</b>	KILNHOUSE	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	5	<b>Case Officer:</b>	Ruth Thow
<b>Reason for Delay:</b>	Not applicable		

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

This application seeks permission for the erection of a building to serve the council's ground maintenance team. The building will be for a mix of uses including offices, storage and parking. It is considered that the proposal accords with Policies SP1, EMP2 and EMP4 of the Fylde Borough Local Plan, as altered (October 2005) in that there are no issues with regards to the principle of the proposed use of the building, with the impacts on visual and neighbour amenity, or with regards to highway matters. Accordingly the proposal is recommended for approval by Members.

**Reason for Reporting to Committee**

As the application is submitted by Fylde Borough Council the application does not fall within the Council's approved 'Scheme of Delegation' and is to be determined by the Development Management Committee.

**Site Description and Location**

The site is FBC Snowdon Road Depot, Snowdon Road, Lytham St. Annes and is the former waste disposal site. It is located on the north side of Snowdon Road, St Annes at the junction with Everest Road. It is bounded to the west by two pairs of semi-detached two storey dwellings, to the east by factory and offices buildings, to the north by the grounds of Blackpool Airport and to the south by other industrial buildings.

The site is occupied in part by a large garage/MOT workshop building to the western boundary, a 'portacabin' type building to the front of the site and a small brick built, flat roof building. The site is bounded by a steel palisade fence 1.8 metres in height with gated access.

The site is located within the settlement of St Annes, within an existing industrial site as designated on the Fylde Borough Local Plan, As Altered, October 2005.

### **Details of Proposal**

This application is submitted on behalf of Fylde Borough Council for the erection of a building to serve as a 'ground maintenance building'.

The building will measure 28.0 metres in length by 14.0 metres in width with an eaves height of 3.5 metres and an overall ridge height of 5.7 metres. The building is to be constructed using a plinth of facing brick with profiled steel cladding to all elevations, with five roller shutter doors to the front elevation. The roof cladding is a steel profiled composite roof with five pairs of roof lights. The building is subdivided to provide a garage area with a section to the east side of the building providing office accommodation.

The building is to be sited within the former waste depot site set back within the site from the front boundary by 23 metres and by 17 metres to the eastern boundary.

### **Relevant Planning History**

None.

### **Relevant Planning Appeals History**

None.

### **Parish/Town Council Observations**

**St Anne's on the Sea Town Council** notified on 03 March 2015. NO comments had been received at the time of drafting this report, but are expected in time to be presented to Committee as part of the Late Representations Schedule.

### **Statutory Consultees and Observations of Other Interested Parties**

#### **Lancashire County Council - Highway Authority**

Comments

No highway objections.

#### **National Air Traffic Services**

Comments

No safeguarding objection to the proposal.

#### **Blackpool Airport**

No comments have been received.

## Neighbour Observations

**Neighbours notified:** 03 March 2015

**No. Of Responses Received:** None

## Relevant Planning Policy

### **Fylde Borough Local Plan:**

SP01	Development within settlements
EMP2	Existing business & industrial uses
EMP1	Business & industrial land allocations

### **Other Relevant Policy:**

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

## **Site Constraints**

Within settlement boundary

## Environmental Impact Assessment

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

## Comment and Analysis

This application seeks permission for the erection of a 'ground maintenance and workshop' building within the former waste disposal depot on Snowdon Road. The site is within the settlement of Lytham St. Annes and is designated as 'Existing Industrial' on the Fylde Borough Local Plan, as altered (October 2005) and as such Policies SP1, EMP2 and EMP4 are relevant together with the aims of the National Planning Policy Framework and the National Planning Practice Guidance.

### Principle

Policy SP1 directs development to settlements. As this site is within the settlement this policy is satisfied.

Policy EMP2 indicates that within the defined existing business and industrial areas, which this site is, business and industrial uses will be retained in Classes B1, B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended.

The building proposed in this application is for use in connection with the ground maintenance team as a workshop/garage/depot type building, a mixed use. The workshop aspect would generally fall within Class B2, the depot is '*Sui Generis*' (not within any specific use class) and the offices would normally fall within Class B1 (a) they could equally be considered to be ancillary to the B2 use. Either way, the proposal is considered to accord with Policy EMP2 of the local plan.

### Visual and neighbour impact

Policy EMP4 of the local plan states that "*business and industrial development will only be permitted subject to the provision of landscaped buffer zones on the relevant boundaries where the site abuts*

*residential development, open countryside or other sensitive land uses."*

*"Business and industrial development will not be permitted within a minimum distance of 30 metres from an existing dwelling or other sensitive land-use."*

The nearest residential development to the site are those properties on Snowdon Road to the west of the site. These are approximately 48 metres from the proposed building and are therefore outside of the exclusion area, therefore the proposal is acceptable with regard to residential amenity and in compliance with Policy EMP4 in this regard.

To the north and rear of the site are the grounds of Blackpool Airport which is situated in Green Belt land and therefore a 'sensitive land use'. However, there is an existing landscape buffer between the application site and the airport land in the form of a line of mature hedging and this will provide the 'buffer' as required by Policy EMP4.

To the front of the site is a mix of residential properties and other industrial type buildings, as the proposed building is to be set back within the site and will be seen within this mix, it is considered that the design, scale and location of the building will not be a detriment to the visual amenity and character of the area.

#### Highway impact

Access to the site is proposed via the existing entrance into the former waste depot and will utilize the existing adopted road. Whilst the provision of offices will increase the numbers of staff to the site this is considered to be no increase in numbers from those likely to be experienced with its former use as a recycling centre. LCC Highway Engineers report no objections. Accordingly the proposal is considered acceptable with regards to highway safety.

#### Conclusions

This application is proposed on behalf of Fylde Borough Council for the erection of a garage/workshop/depot building to serve the recently re-located grounds maintenance team to this site following the cessation of the waste depot facility. The proposed building would be for a mixed use being for B2, B1 and a 'Sui Generis' use and would accord with the allocation of the site for B1/B2/B8 Uses of the Use Classes Order.

The building will be sited in a location which has minimal impact in regards to nearby residential properties and other 'sensitive' land uses and complies with the criteria of Policies EMP2, EMP4 of the Fylde Borough Local Plan, as altered (October 2005) and the aims of the NPPF which supports sustainable development in particular Paragraph 17, 19 and 22

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

- Location Plan & Existing plan - drawing no.2015-025-A001 dated Feb '15
- Proposed Elevation and sections - drawing no. 2015-025-A002 REV A dated Feb '15

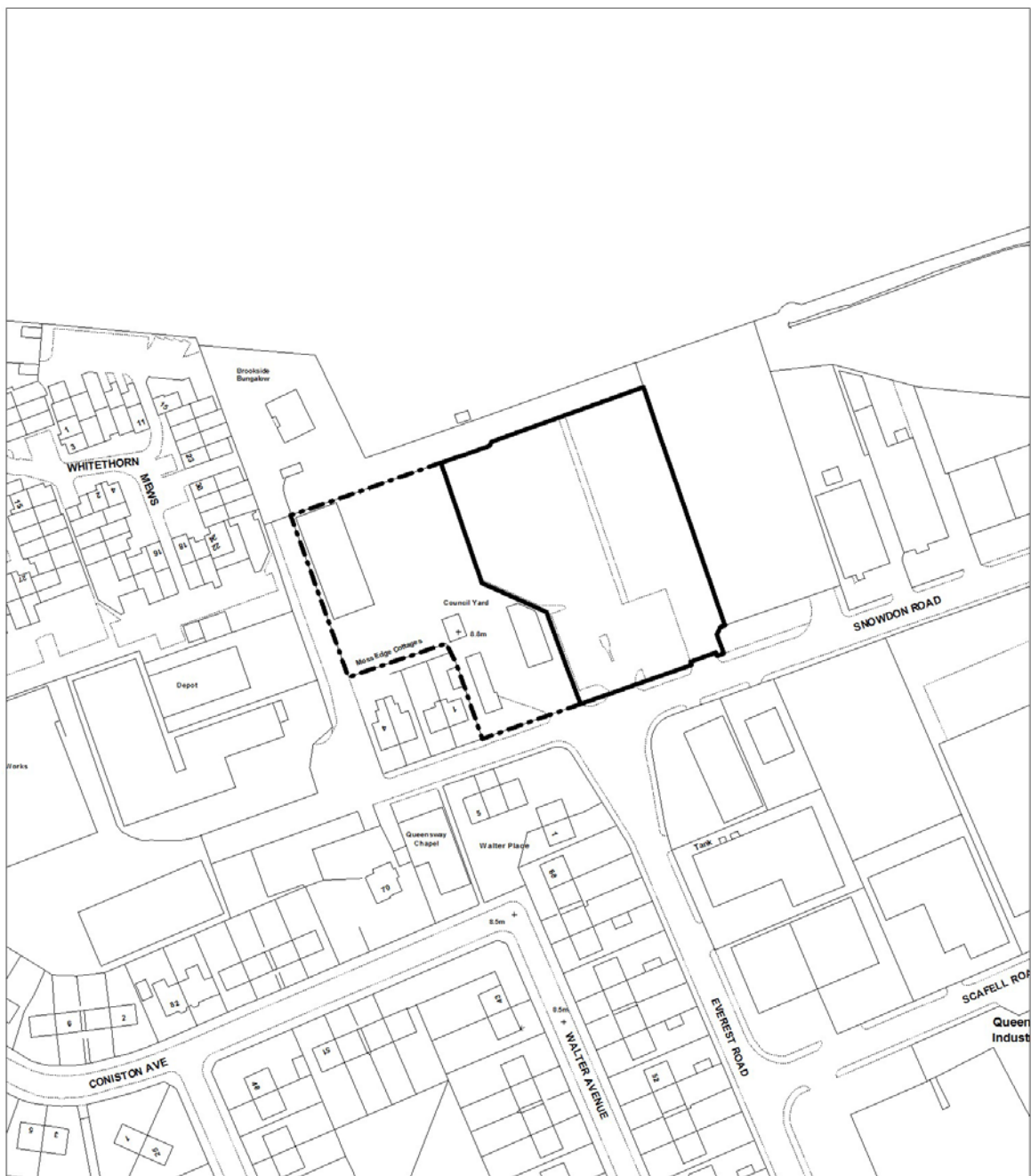
Reason: For the avoidance of doubt and as agreed with the applicant / agent.

3. The materials and finishes to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing with the local planning authority.

To ensure a satisfactory external appearance for the completed development.

4. Prior to the first occupation of the building hereby approved, the car park shall be laid out and available for use; thereafter the vehicle and cycle parking facilities shall be retained at all times in connection with the use of the workshop/depot and offices.

To ensure satisfactory provision of car parking.



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Application No. 5/15/0130	Address FBC Depot Site, Snowdon Road, Lytham St Annes	Grid Ref. E.3331 : N.4307	Scale 0 6 12 18 24 m 



## **LIST OF APPEALS DECIDED**

No appeal decision letters were received between 20/02/2015 and 17/03/2015.