

Agenda

DEVELOPMENT MANAGEMENT COMMITTEE

Date:	Thursday, 18 June 2015 at 10:00am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman)</p> <p>Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Christine Akeroyd, Peter Collins, Michael Cornah, Tony Ford JP, Neil Harvey, Kiran Mulholland, Barbara Nash, Linda Nulty, Liz Oades, Albert Pounder.</p>

Item		Page
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, to be circulated prior to the meeting, of the meeting held on 10 June 2015 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 25.	1
4	Development Management Matters	3 - 138

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

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Item No:	Application No:	Location/Proposal	Recomm.	Page No.
1	11/0221	<p>WHYNDYKE FARM, PRESTON NEW ROAD, WESTBY WITH PLUMPTONS, BLACKPOOL, FY4 4XQ</p> <p>OUTLINE APPLICATION FOR DEVELOPMENT OF 1400 RESIDENTIAL DWELLINGS, 20 HA OF CLASS B2 GENERAL INDUSTRIAL / CLASS B8 STORAGE AND DISTRIBUTION, CLASS D1 PRIMARY SCHOOL, TWO LOCAL NEIGHBOURHOOD CENTRES (CLASSES A1/A2/A3/A5), CLASS A4 DRINKING ESTABLISHMENT, CLASS D1 HEALTH CENTRE, CLASS D1 COMMUNITY BUILDING, VEHICLE ACCESS ONTO PRESTON NEW ROAD AND MYTHOP ROAD WITH ASSOCIATED ROAD INFRASTRUCTURE, CAR PARKING, PUBLIC OPEN SPACE, SPORTS PITCHES, ALLOTMENTS, THE RETENTION AND IMPROVEMENT OF NATURAL HABITATS, WATERCOURSE, PONDS, REED BEDS HEDGEROWS AND LANDSCAPING FEATURES.</p>	Approve subject to s106	4
2	14/0822	<p>(SITE 3) LAND AT DUGDALES CLOSE / BROOKLANDS WAY / HALLAM WAY, WHITEHILLS, WESTBY WITH PLUMPTONS</p> <p>PROPOSED ERECTION OF BUILDING PROVIDING 10,195 SQM OF RETAIL FLOORSPACE (CLASS A1) OVER TWO FLOORS WITH ASSOCIATED CAR PARKING AND ACCESS WORKS</p>	Refuse	109
3	15/0185	<p>FAIRHAVEN LAKE, INNER PROMENADE, LYTHAM ST ANNES</p> <p>PROPOSED FORMATION OF 2 NO. WALKING TRAILS ALONG EXISTING PATHS AROUND LAKE WITH EACH IDENTIFIED BY 6 NO. SCULPTURES, AND PROVISION OF 1 NO. ARRIVALS BOARD ADJACENT RSPB BUILDING</p>	Grant	133

Development Management Committee Schedule

18 June 2015

Item Number: 1

Committee Date: 18 June 2015

Application Reference:	11/0221	Type of Application:	Outline Planning Permission
Applicant:	Whyndyke	Agent :	CA Planning
Location:	WHYNDYKE FARM, PRESTON NEW ROAD, WESTBY WITH PLUMPTONS, BLACKPOOL, FY4 4XQ		
Proposal:	OUTLINE APPLICATION FOR DEVELOPMENT OF 1400 RESIDENTIAL DWELLINGS, 20 HA OF CLASS B2 GENERAL INDUSTRIAL / CLASS B8 STORAGE AND DISTRIBUTION, CLASS D1 PRIMARY SCHOOL, TWO LOCAL NEIGHBOURHOOD CENTRES (CLASSES A1/A2/A3/A5), CLASS A4 DRINKING ESTABLISHMENT, CLASS D1 HEALTH CENTRE, CLASS D1 COMMUNITY BUILDING, VEHICLE ACCESS ONTO PRESTON NEW ROAD AND MYTHOP ROAD WITH ASSOCIATED ROAD INFRASTRUCTURE, CAR PARKING, PUBLIC OPEN SPACE, SPORTS PITCHES, ALLOTMENTS, THE RETENTION AND IMPROVEMENT OF NATURAL HABITATS, WATERCOURSE, PONDS, REED BEDS HEDGEROWS AND LANDSCAPING FEATURES.		
Parish:		Area Team:	Area Team 1
Weeks on Hand:	208	Case Officer:	Kieran Birch
Reason for Delay:	Negotiations to resolve difficulties		

Summary of Recommended Decision: Approve subject to s106 agreement

Summary of Officer Recommendation

This is a major development that will inevitably change the character of this part of the borough. However, the proposal has been designed in a manner which retains the key features of the site, minimises impact on the surrounding area and will provide a significant economic benefit to the borough through the provision of much needed housing and employment land. Subject to the imposition of appropriate conditions and the completion of a section 106 agreement in order to control the nature of the development and secure adequate mitigation of the consequences of the development, it is considered that the proposal should be approved.

Reason for Reporting to Committee

The application is before members because it is a major application and is deemed to be of importance to more than just the local area where it is proposed.

Site Description and Location

This approximately 91 hectare site is effectively enclosed by natural and man-made barriers being located directly north of the M55, east of Preston New Road and south of Mythop Road. To the east of the site a barrier is formed by Gypsy Hole and Wildings Hill woods. Surrounding the site

beyond these barriers to the north, south and east are agricultural fields and the open countryside which are located in the Borough of Fylde. To the west of the site is the urban area of Blackpool with the Mereside housing estate and employment land on the opposite side of Preston New Road. Directly adjacent to the site in its north western corner is an NHS Mental Health facility unit which was granted planning permission through outline applications 10/0129 (Fylde) and 10/0274 (Blackpool) and subsequent reserved matters. The majority of the site is within Fylde Borough, with approximately 7.6 hectares of the site being located within Blackpool's boundaries.

The site, as existing, is predominately agricultural arable and grassland. The site contains multiple features of environmental value including ponds, hedgerows and copses of trees. Located within the site are farm buildings and two small residential caravan parks are located within the western part of the site adjacent to a petrol station. Also located within the site are leisure uses including paintballing, quad biking and shooting. A regular car boot sale is held in the south west corner of the site. Overhead power lines run on an approximate north/south axis adjacent to the eastern boundary. The landscape character of the surrounding area is predominately rural in nature, consisting of a patchwork of relatively flat improved pasture broken by woodland and isolated dwellings. Field boundaries are defined by hedgerows and a network of dykes and drainage channels. The urban area of Blackpool to the west of the site has a dense mixture of commercial, retail and residential uses with the large national savings and investments building to the north adjacent to Marton Mere.

Details of Proposal

The proposals included as part of this application are extensive. The application as originally submitted was for a mixed use development of 2000 dwellings with no employment provision, however following discussions with Officers from both Fylde and Blackpool Council's the plans were amended so that the application now consists of an outline mixed use development consisting of up to 1400 residential dwellings, 20 hectares of Class B2 General Industry / Class B8 Storage and distribution uses, a Class D1 Primary School, two local neighbourhood centres containing class A1, A2 and A3 uses, a public house (class A4), a health centre and a community building together with vehicular and pedestrian access, road infrastructure, open space, sports pitches, allotments, landscaping and the retention and improvement of existing natural habitats. Further work examining housing densities in the different areas within the site resulted in the number of dwellings being reduced from an interim figure of 1500 dwellings.

All matters including appearance, landscaping, layout and scale are reserved except for access which is being applied for as part of this application. Statutory Instrument 2013 -3109 amended Article 3 of the Development Management Procedure Order and it is no longer a requirement to provide the approximate location of buildings, routes and open space or upper and lower limits for the height, width and length of each building where layout and scale are reserved matters as with this application. However, at your officers' request, indications of scale, density and design principles and the location of each different type of development have been included in the application in the form of a Parameters Plan and a Design Principles and Parameter Statement (DPPS), which will be used to form the basis of subsequent design codes to be prepared alongside reserved matters applications for the site.

Although the details of the site layout are reserved for future determinations the plans submitted show that the residential element of the proposal will be concentrated within the northern and central parts of the site with the 20 hectare employment site to be located at the southern end adjacent to the M55 motorway. The applicants' statement details that enhanced and new green infrastructure providing a series of new walkways and cycle paths around the site would be

integrated within and between the existing natural features which are to be retained. The illustrative master plan indicates that:

- 20 hectares of new B2/B8 employment uses would be accommodated at the southern edge of the site adjacent to the M55 motorway. They would be split into two blocks of 7.5ha and 12.5 hectares retaining the areas of greatest ecological value.
- The residential area of the scheme would be located in all of the land north of the employment site and would be split into 10 different blocks, each with different characters and densities proposed. Public open space will need to be formed within and around each of these areas. The densities of each of the areas is shown below;

Area	Hectares	Density/Ha	Units
1	3.3	40	132
2	6.8	40	272
3	4.6	35	161
4	3.5	40	140
5	3.0	40	120
6	2.6	50	130
7	1.5	50	75
8	3.5	50	175
9	1.6	35	56
10	1.5	35	52
NC1	0.7	80	56
NC2	0.4	80	32
Total	33		1401

- Two neighbourhood centres are proposed one adjacent to Preston New Road, south of the psychiatric facility and one within the site between the employment and residential block 8. The land use split over the whole site is outlined below;

Land use (Use Class)	Maximum amount (GEA where applicable*)
Residential (C3)	1400 units Of which up to: 350 x 2 bed (25%) 700 x 3 bed (50%) 280 x 4 (20%) 70 x 5 bed (5%)
Primary School 1.5 form entry (D1)	1.5ha
Neighbourhood Centre 1 containing: Public House/ Restaurant (A4, A3)	0.7 ha 550 sqm
Foodstore (A1)	400 sqm
Health Centre (D1)	600 sqm
Residential (C3)	56 no. units
Neighbourhood Centre 2 containing: Retail Units (A1)	0.4 ha 350 sqm
Café (A3)	100 sqm
Financial and professional services (A2)	100 sqm
Hot food takeaway (A5)	100 sqm
Residential (C3)	32 no. units

Employment	20 ha
B2	40,000 sqm
B8	80.000 sqm
Community Centre	500 sqm

The proposed primary school will occupy a site 1.5 hectares in size and will be located centrally adjacent to residential areas. The proposed primary school would be two form entry. Other features of the site include the community use building which would be located adjacent a linear area of recreational open space on the eastern boundary of the site. This is the main area of Public Open Space which would serve the needs of the site as a whole, smaller areas of POS would also be required to be provided and integrated within the residential areas.

Access to the site would be from Preston New Road and Mythop Road with improvements to existing junctions required to these and to the motorway roundabout. There are also a number of proposed new routes through the site, in addition to landscape buffers between the employment and residential areas. It is expected that the built form of the development would range from 2 to 3 storeys high for the employment, and 2 to 2.5 storeys for the residential units, with some 3 to 4 storey apartment buildings. The neighbourhood centre areas are likely be three storeys and along with the site frontage to Preston New Road are likely to the highest buildings.

Whilst that the majority of the application site and development is located in Fylde, approximately 7.6 hectares of the site is located within Blackpool Council's boundary, including the proposed two accesses into the site from Preston New Road. Therefore, due to the cross boundary nature of the application this planning application has been submitted to both Local Planning Authorities for consideration and permission will need to be granted by both authorities in order for the development to go ahead. The following report is Fylde Planning Officers' for the Development Management Committee on the application and the issues it raises for Fylde. Blackpool Officers will be writing a report for their committee to determine based on the applications impact on Blackpool in relation to their own policies. The development would not be able to go ahead unless it received planning permission from both authorities. If either authority were to refuse planning permission, the applicants could, if they chose to, appeal the decision made by the authority that refused the application which would then be considered by the Planning Inspectorate.

The application has been submitted with various plans, supporting statements and reports which detail the above proposals and have been used to assess the proposal. These include;

- Site location
- Design Principles and Parameters Statement
- Parameters plans
- Environment Statement
- Environmental Assessment
- Environmental Assessment Scoping Request
- Noise Assessment
- Air Quality Assessment
- Planning Statement
- Design and Access Statement
- Sustainable Energy and Utilities Strategy
- Flood Risk Assessment
- Transport Assessment
- Transport Assessment Addendum
- Technical Notes 1-10

- Landscape Strategy
- Phase 1 habitat survey
- Agricultural Report

Relevant Planning History

Application No.	Development	Decision	Date
12/0742	APPLICATION FOR RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE, PURSUANT TO OUTLINE PLANNING APPROVAL 10/0129 FOR THE CONSTRUCTION OF A 154 BED (INCREASED FROM 143 BED) MENTAL HEALTH INPATIENT UNIT (ALTERNATIVE TO RESERVED MATTERS APPROVED UNDER 11/0774)	Granted	21/02/2013
12/0695	REVISED ENABLING WORKS REQUIRED FOR GROUND WORK, DRAINAGE, LANDSCAPE, AND ECOLOGY PREPARATION TO BE UNDERTAKEN FOR THE FUTURE CONSTRUCTION OF A NEW MENTAL HEALTH INPATIENT UNIT (10/0129) COMPRISING: ERECTION OF SITE HOARDINGS; ESTABLISHMENT OF SITE COMPOUND AND OFFICES; PROVISION OF TEMPORARY SITE ACCESS ONTO THE SITE FROM PRESTON NEW ROAD; TEMPORARY SERVICE CONNECTIONS; FOUL DRAINAGE CONNECTION; CUT AND FILL WORKS; REMOVAL OF ANY SURPLUS ARISING/TOPSOIL; CAPPING OF SITE FORMATION LEVEL WITH STONE; INSTALLATION OF ATTENUATION TANKS AND INTERCONNECTING DRAINAGE; FORMATION OF NEW WETLAND; AND ADVANCED LANDSCAPING DETAILS AROUND WETLAND AREA (AS AMENDED)	Granted	25/01/2013
11/0774	RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE, PURSUANT TO OUTLINE PLANNING APPROVAL 10/0129 DATED 30/06/10: FOR THE CONSTRUCTION OF A 154 BED (INCREASED FROM 143 BED) MENTAL HEALTH INPATIENT UNIT (AS AMENDED).	Granted	27/02/2012
11/0593	ENABLING WORKS ASSOCIATED WITH CONSTRUCTION OF MENTAL HEALTH INPATIENT UNIT APPROVED UNDER	Granted	20/01/2012

	APPLICATION 10/0129. WORKS INCLUDE GROUND LEVEL ALTERATIONS, CONSTRUCTION OF RETAINING WALL TO EMBANKMENT, INSTALLATION OF DRAINAGE TANKS, FORMATION OF NEW WETLAND AND SITE COMPOUND, ERECTION OF SITE HOARDINGS AND PROVISION OF ADVANCED LANDSCAPING (ALTERATIONS TO 10/0449). TEMPORARY SITE ACCESS TO BE FORMED UNDER PLANNING PERMISSION (10/0449)		
10/0449	ENABLING WORKS ASSOCIATED WITH CONSTRUCTION OF MENTAL HEALTH INPATIENT UNIT (OUTLINE APPLICATION 10/0129). WORKS INCLUDE GROUND LEVEL ALTERATIONS, INSTALLATION OF DRAINAGE TANKS, FORMATION OF TEMPORARY CONSTRUCTION ACCESS AND SITE COMPOUND (AS AMENDED).	Granted	24/09/2010
10/0129	OUTLINE APPLICATION FOR CONSTRUCTION OF A NEW 143 BED MENTAL HEALTH INPATIENT UNIT WITH CAR PARKING, LANDSCAPING AND ASSOCIATED FACILITIES AND WORKS (AS AMENDED)	Granted	01/07/2010
99/0506	CHANGE OF USE OF TWO FIELDS, TO EVENTS FIELD WITH CAR PARK INCLUDING LANDSCAPING AND ASSOCIATED VISITORS FACILITIES	Granted	22/03/2000
97/0600	OUTLINE APPLICATION ON 65 HECTARES OF A 76 HECTARE SITE COMPRISING: DETAILED SUBMISSION 25,000 SEATS EVENTS STADIUM; 8,000 SEATS ARENA; TWO PRACTICE PITCHES; HIGHWAY INFRASTRUCTURE; COACH AND CAR PARKS, INCORPORATING PARK/RIDE FACILITY.- ACCESS AND SITING SUBMISSION FOR 31,585 SQ.M. NON-FOOD RETAIL PREMISES; HOTEL; PUBLIC HOUSE; 4 RESTAURANTS; CAR SHOWROOM; AND HEALTH AND FITNESS/TENNIS CENTRE.- ACCESS ONLY SUBMISSION FOR COMMERCIAL LEISURE AND RESIDENTIAL DEVELOPMENT.	Withdrawn by Applicant	14/08/1998
93/0781	CHANGE OF USE OF 2 FIELDS TO EVENTS FIELD WITH ALTS TO ACCESS, INC LANDSCAPING & ASSOCIATED CAR PARKING/VISITOR FACILITIES	Granted	06/12/1995
92/0859	CHANGE OF USE OF LAND FOR CLAY PIGEON SHOOTING WITH ASSOCIATED CAR PARKING	Refused	11/08/1993

91/0811	CHANGE OF USE FROM FARMLAND TO GOLF COURSE.	Refused	25/03/1992
89/0811	CHANGE OF USE OF LAND TO CAR SALES AND WORKSHOP	Refused	03/01/1990
88/0381	RESERVED MATTERS;DETAILS OF NEW DWELLING	Granted	13/07/1988
87/0804	OUTLINE; DEMOLITION OF DISUSED FARMHOUSE & REBUILD RESIDENTIAL HOUSE	Granted	23/03/1988
79/0164	OUTLINE FOR ONE DWELLING HOUSE.	Refused	30/05/1979
98/0105	PROPOSED EVENT STADIUM, TENNIS & LEISURE CENTRE, HOTEL, PUBLIC HOUSE, RESTAURANTS & FAMILY ENTERTAINMENT/LEISURE (125 ACRES)	Withdrawn by Applicant	05/06/1998

Relevant Planning Appeals History

None.

Parish/Town Council Observations

Westby with Plumpton Parish Council notified on 27 July 2011, 11 December 2013 and 22 December 2014 and comment:

The concern of urbanisation of the parish in order to accommodate the perceived needs of Blackpool is a major issue. The existing infrastructure is already inadequate for the area and any further development would further compound the issue. Councillor Butler also noted the existing issue with limited registration for parishioners with doctors and dentists which would again, further compound the problem.

Weeton with Preese Parish Council notified on 27 July 2011, 11 December 2013 and 22 December 2014 and recommend refusal of the application because of highways issues created by additional traffic, the large scale of the development in a rural area and the loss of good agricultural land, where will the residents living at the site work and the impact on the existing outdated drainage system.

Staining Parish Council notified on 27 July 2011, 11 December 2013 and 22 December 2014 and comment:

The Parish Council have no objections to this application.

Singleton Parish Council notified on 27 July 2011, 11 December 2013 and 22 December 2014 but no response has been received.

Statutory Consultees and Observations of Other Interested Parties

As a result of the plans for the application being revised **all** consultees were re-consulted for the final time on the 22 December 2014. Not all responded and the below constitutes the most recent representation received to this application.

County Planning Officer

As a consequence of the revocation of the RSS the County are no longer providing strategic planning views in response to consultations by Lancashire District Council's. However given the nature and scale of the proposed development they make some observations based on LCC's interests and corporate objections. The development will place significant demands on infrastructure and service delivery. Education and highways will comment on planning obligations. The site lies within the boundary of the Peat Safeguarding Area as defined in the emerging Lancashire Minerals and Waste Development Framework Site Allocations.

LCC Archaeology

More recent excavation work on the adjacent NHS site (2013) by Oxford Archaeology North, than the 2011 Archaeological Desk-based Assessment site referenced to in the revised Environmental Assessment, encountered buried archaeological evidence for prehistoric activity in the form of a low mound of burnt material (known as a burnt mound) dating to the Bronze Age (c.1600-1450 BC), only the second such example found in Lancashire. Other features encountered included pits and gullies, one of which was dated to the Late Neolithic/Early Bronze Age (c.2400 BC), as well as a Late Neolithic flint arrowhead find. A comprehensive palaeoenvironmental sampling programme was also undertaken during the fieldwork, and charcoal and pollen from those samples provided important information about the wooded nature of the surroundings in prehistory. The 2013 work by OAN has highlighted the potential for the proposed housing site to contain other locally or regionally significant archaeological features associated with Neolithic and/or Bronze Age activity in this area, and the applicant should be aware that there is a possibility that significant time and money is likely to be required to identify areas of potential archaeological interest across the site and adequately deal with such deposits should they prove to be widespread across the site, or require detailed archaeological excavation, recording and post-excavation analysis. Lancashire County Archaeology Service would therefore wish to re-iterate the recommendation made in 2011 that, should the Borough Council be minded to grant planning permission for this or any other scheme, an appropriate staged scheme of archaeological assessment (to include topographical survey, geophysical survey and trial trenching and where necessary open-area archaeological excavation), be secured by means of condition.

LCC Flood Risk Management Appeal (LLFA)

The comments provided in this representation are advisory and it is the decision of the LPA whether any such recommendations are acted upon, it is the LPA's responsibility to approve any drainage strategy for the proposed development. The LLFA is pleased to see that the proposal intends to discharge into the ordinary watercourses at the existing Greenfield runoff rate to prevent any increase in flood risk as a result of increased surface water runoff caused by the proposed development. It is noted that the applicant intends to use the green spaces and sports pitches located on the development site to provide storage volume to satisfy the requirements of the site. Whilst this is preferable to flooding to the highway or property, the LLFA encourages the applicant to provide more purpose-led storage and attenuation solutions i.e. ponds and swales. The applicant has not provided any details of flow paths of surface water during a flooding scenario and whether these flow paths would lead to these storage areas. It is advised that this is included with any detailed drainage design strategy to be submitted to the Local Planning Authority.

Land Drainage Consent (LDC)

The submitted FRA (appendix 8.1) states that the proposed development intends to discharge into the watercourse on site. It is unclear from the Flood Risk Assessment what 'the

watercourse' refers to. Indeed there are several ordinary watercourses located on the development site. These watercourses are vital in providing land drainage to both the development site and the surrounding area. Indeed this is recognised in Paragraph 2c of the submitted Flood Risk Assessment. These ordinary watercourses discharge into the main river that is located to the south east of the development site.

Under the Land Drainage Act 1991, consent will be required from the Environment Agency prior to starting any works on site to ensure that the surface water discharge rate into the main river is in line with industry standards and it can be demonstrated that the proposals will not have a detrimental impact on the main river. Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), consent is required from the Lead Local Flood Authority for proposals to build a culvert or structure (such as a weir) which may alter or impede the flow of water on any ordinary watercourse. There are several ordinary watercourses located on the development site. From the submitted supporting documents, it appears that the applicant intends to culvert most of the ordinary watercourses located on the development site. These watercourses are vital in providing land drainage to both the development site and the surrounding area including attenuation and storage for floodwater. Indeed this is recognised in Paragraph 2C of the submitted Flood Risk Assessment. Lancashire County Council is the Lead Local Flood Authority responsible for land drainage consent within its administrative area. Although there may be exceptions where culverting may be unavoidable, for example where new roads cross watercourses, Lancashire County Council as Lead Local Flood Authority is generally against culverting open watercourses. This is because they destroy essential habitat for a wide variety of wildlife including protected species, they remove storage capacity for floodwater, increase the likelihood of significant flooding due to blockages, create difficulties in their repair and maintenance and they make it difficult to detect pollution and monitor the water quality. For these reasons, it is unlikely that Lancashire County Council would issue Land Drainage Consent to the applicant for the current extent of culverting proposed. It is therefore strongly advised that the applicant amends submitted plans, drawings and drainage calculations to reflect that ordinary watercourses onsite remain open.

Sustainable Drainage Systems and Water Sensitive Urban Design

Under Government proposals, the LLFA will become a statutory consultee for major developments which have surface water or other local flooding impact from 6th April 2015. It is anticipated new standards for drainage will be released within the National Planning Policy Framework and the applicant is advised to ensure any new design meets these standards to avoid delays and changes to any submitted drainage designs. The LLFA strongly promote Sustainable Drainage Systems (SuDS) to be incorporated within the design of a drainage strategy for any proposed development, applying the SuDS management train. Paragraph 103 of the National Planning Policy Framework (NPPF) prioritises the use of SuDS for areas at risk of flooding. The LLFA encourages that site surface water drainage is designed in line with the current draft National SuDS Standards, including restricting development discharging surface water to greenfield runoff rates making suitable allowances for climate change and urban creep, managing surface water as close to the surface as possible and prioritising infiltration as a means of surface water disposal where possible. Regardless of the site's status as greenfield or brownfield land, LCC encourages that surface water discharge from the developed site should be as close to the greenfield runoff rate as is reasonably practicable. Prior to designing the site surface water drainage, a full ground investigation should be implemented to fully explore the option of ground infiltration to manage the surface water in preference to discharging to a surface water body or public sewer system. LCC also strongly encourage that the developer should take into account designing drainage

systems for exceedance working with the natural topography for the site. It is noted that the submitted flood risk assessment states that the applicant intends for the SuDS to be adopted by the 'Local Authority'. As a result of the change in Government direction on SuDS, outlined above, this is no longer the case. It is the responsibility of the applicant to secure and agree with the Local Planning Authority suitable adoption and maintenance regimes for the lifetime of the development. The Local Planning Authority is recommended to condition the maintenance requirement for the lifetime of the development to ensure that the drainage will result in no detrimental impact on flood risk.

Water Framework Directive 2000 and Bathing Water Directive 2006

The European Water Framework Directive (WFD) came into force in December 2000 and became part of UK law in December 2003. The Bathing Water Directive (BWD) 2006 was introduced, and transcribed into UK law through the Bathing Water Regulations 2013, to safeguard public health and clean bathing waters, and stricter controls for testing of bathing water quality will be introduced from 2015. Under the Water Framework Directive (WFD), all water bodies should reach 'good ecological status' by 2015. No activities or works, including the proposed development, should deteriorate the status of any nearby watercourse as the main objectives for the WFD is to prevent deterioration in 'status' for all waterbodies. Current WFD ecological status of all assessed water bodies is available on the EA website. It is widely known that the coastal risk management authorities of the Fylde Peninsula are working hard to improve the water quality of the estuaries and coastal waters. Indeed a partnership approach between the risk management authorities yielded the 'Improving our bathing waters' action plan for the Fylde Peninsula. Local planning efforts have also been made through the emerging Fylde Coastal Strategy. It is in this context, and given the size and scale of the proposed development, that it is advised that the applicant undertakes a water quality assessment as part of the Environmental Statement to identify and mitigate any potential pathways likely to have a significant effect on the water quality and bathing water quality of the receiving watercourses and bathing waters of the Fylde Peninsula during and following construction of the proposed development. The ecological health of any receiving watercourse can be protected by the implementation of a SuDS scheme with an appropriate number of treatment stages that are appropriately maintained. LCC recommends that where there is any potential for the existing habitat of protected species (for example great crested newt, native white clawed crayfish, water vole, bats or otter species) on the proposed development site, the applicant should undertake an appropriate ecological assessment by a competent ecologist prior to starting works on site. It is an offence to undertake works which adversely affect any legally protected species or habitat without appropriate mitigation measures in place.

Lead Local Flood Authority Position

The Lead Local Flood Authority has no objection to the proposed development subject to the inclusion of recommended conditions in relation to SUDS, drainage strategy approval and land drainage consent.

LCC Ecology

The current proposed development layout (e.g. Parameters Plan, C2848 – SK 01 rev A) appears to retain a broadly similar layout and footprint of development to earlier proposals (e.g. Illustrative Layout, C2848 – P02 rev 0). The applicant has also submitted a revised/ updated Environmental Statement (ES), although the ecology chapter (chapter 11) and associated ecological surveys do not appear to have been updated, and surveys for protected and priority species are therefore now out of date, for example Despite paragraph 11.6.58 noting that amphibian surveys were completed in 2010, and that a repeat amphibian survey

would be required in 2013/14, no updated surveys appear to have been carried out.

□ The 2010 bat survey revealed the presence of a temporary pipistrelle bat roost in the U-shaped barn and the residential building (paragraph 11.6.39), but is now nearly five years old (and may no longer be relevant/ valid). Despite the ES noting the presence of a bat roost in 2010, the revised Design and Access statement claims "there is no evidence of bats within the site". If more recent surveys have been carried out (confirming presence or absence) then these should be submitted in support of the application. If bats are no longer roosting, mitigation for loss of roosts will not be required. However, if bats do still roost at this site, and the proposals would result in a breach of the Conservation of Habitats and Species Regulations 2010 (as amended) then Fylde borough Council will need to consider the likelihood of a breach of legislation and, if there would be a breach, the likelihood of a licence being issued. On the basis of the out of date information, I am unable to advise further on this matter. They comment that their previous response commented on various issues; setting out various concerns in respect of: loss of habitats and connectivity; the need for a CEMP; potential impacts on statutory designated sites; impacts on bat roosts and bat foraging commuting habitat; the need for repeat surveys for great crested newts in 2013, and the enhancement of habitat along the eastern boundary for newts; loss of habitat for ground nesting priority species of farmland bird, loss of wintering bird habitat, potential impacts on barn owls (and the need for resurvey if the large brick barn was not demolished during 2010); the need for mitigation/ compensation for impacts on Habitats and Species of Principal Importance in England (section 41 NERC Act 2006), including hedgerows, reedbeds, ponds, amphibians, bats, brown hare, breeding birds. As no additional information has been submitted in support of the proposals, and the illustrative layout appears to treat green space in essentially the same way as previously, my earlier comments (except for those in respect of designated sites, which I understand Natural England has addressed) remain applicable to the current proposals. The ES claims that biodiversity can be retained and enhanced as part of this development. Whilst I agree that individual features could be enhanced (e.g. ponds or retained hedgerows could be diversified in terms of the number of species present, and managed for biodiversity), it must be acknowledged that these features will be increasingly isolated from one another by inhospitable built development and will be subject to disturbance (noise, visual, light pollution, humans, dogs and cats) and will not therefore perform the same ecological function (so will not necessarily have the same or greater value; context/ setting is key here). Moreover, the loss of grassland and arable land results in the loss of breeding and wintering bird habitat, and habitat for species such as brown hare, which cannot be compensated within the proposed development. I therefore fail to understand how the ES can claim that biodiversity would be enhanced by the proposed development. However, it is for Fylde Borough Council to consider whether the proposed development does in fact deliver no net loss of biodiversity value and hence constitutes sustainable development for the purposes of the NPPF. In reaching this decision, Fylde Borough Council will need to apply the mitigation hierarchy (i.e. are impacts avoided, mitigated or as a last resort compensated).

National Air Traffic Services

Due to the lack of technical details available at outline stage NATS cannot provide a formal response supporting or objecting to the application. From their preliminary analysis they have no concerns with regard to the residential element of the development. With regard to the business use development of the proposal NATS state they wish to register concern as any large surface area has the potential to impact on radar. When the details of the sizes and heights of the commercial buildings are known at reserved matters stage they will review the proposal.

National Grid

No objections but there are National Grid gas mains and pipelines in the vicinity of the area. There should be no development within 14.5m of the pipelines.

Sport England North West

The most recent comments from Sport England are dated the 30 August 2011 and state that the application site does not form part of, or constitute, a playing field as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No.2184) and Sport England, therefore, regards the consultation as non statutory and has considered the application in the light of Sport England's Planning Policy Objectives and PPG17.

They refer to comments already made on 22nd July 2011 which they state remain relevant to this proposal. These comments refer to the old PPG guidance which is now absolute with the adoption of the NPPF and they also refer to the previous scheme which was for 2000 dwellings not 1400. To summarise their comments state;

- Loss of existing recreation/sport uses on the site are not being replaced.
- The new dwellings will bring an additional need for outdoor sports facilities with playing fields shown on the plans. The level required should be based on sound assessment of current and future needs. It is important that the outdoor provision is included in the reserved matters. Request condition relating to a scheme for provision of the pitches.
- New indoor facility need created by dwellings. Whilst not justifying a new sports hall or pool in itself it will create demand for these uses.
- Concludes that the proposal does not accord with PPG17 or their own policies as it results in loss of land for sport/recreation with no replacement and does not address indoor sport demand and they therefore object.

CPRE - Fylde District

CPRE support the Whyndyke Farm application. They accept that greenfield sites will need to be developed for dwellings and wish to see Whyndyke given priority. They state;

1 SUSTAINABILITY ELEMENTS OF MERIT

As proposed, the Whyndyke Farm scheme has the following elements of merit which we support:

It will provide a mixed development of housing, employment, shops, healthcare, a new school and other community facilities which would be a truly sustainable community. The site has good accessibility: access to the M55, bus services to Preston, Blackpool and St Annes, and access to existing employment and retail facilities at Whitehills Business Park and Clifton Retail Park. The integrated energy and utility solution proposed by Metropolitan Infrastructure Limited (Reference 4) is highly commendable in its ambition to provide a zero carbon solution with a district combined heat and power system. Whilst any loss of agricultural land is unfortunate, we note that the agricultural land survey reports only 4% of the 84.6ha site to be Grade 3a best and most versatile agricultural land (Reference 5).

2 IMPLICATIONS ON THE LOCAL PLAN PREFERRED OPTIONS

In the Fylde Local Plan Preferred Options (Reference 6) the site was proposed as a strategic location for development (Policy SL2/Site M2). In our Consultation Response (Reference 7) our opinion was that excessive greenfield sites that are less sustainable than the Whyndyke site were proposed for allocation. The amended planning application in December 2013 reversed the Preferred Options assumption that only 560 new homes could be completed on

the Whyndyke site within the plan period. Instead it stated that the scheme could deliver 1,500 homes by 2030. New housing deliverability of this latest revised scheme must be confirmed. (See 5).

3 REGRET AT REDUCTION IN THE NUMBER OF HOMES

CPRE regrets the reduction in the total number of new homes from 2,000 in the original scheme, to 1,500 in the December amendments, and now to 1,400 homes. We accept this reduction only on the understanding that the sustainability merits of the scheme are not compromised, specifically the socio-economics of creating a truly sustainable community through inclusion of local centres with community facilities. However, we suggest that further homes are provided instead of employment land. (See 6)

4 AFFORDABLE HOMES SHOULD BE ON SITE

Provision of affordable homes in Fylde is vital. It is essential that the Whyndyke scheme delivers the maximum number of affordable homes and that these are on-site. The amended Planning Statement confirms that 30% of the new homes will be affordable. Before granting planning permission the Council must be convinced that provision of 30% affordable homes on-site is economically viable.

5 CONFIRMATION OF HOUSING CONTRIBUTION TO THE 5-YR SUPPLY AND LOCAL PLANS

The Council's continued inability to show a 5-year supply of deliverable housing means that the Whyndyke scheme ought to be progressed with urgency. It is essential that in determining this application both Fylde and Blackpool Councils obtain the applicant's confirmation of:

The split of homes between the two authorities

The 5-year supply contribution, including planned phasing of development

The total homes that will be contributed within the Local Plan periods

6 REDUCTION IN EMPLOYMENT LAND IN FAVOUR OF ADDITIONAL HOMES

We believe the need for the amount of employment land that was proposed in the Preferred Options is highly questionable. These views are also expressed in the Employment Land Minority Report (Reference 8). In particular, in our Consultation Response we were critical of the Employment Land and Premises Study (Reference 9). For example, it excludes the Warton Enterprise Zone because 'it is a planned re-use of an established employment allocation'. The Study fails to allow for the Warton Enterprise Zone facilitating re-use of a large part of the BAE Systems site, with a potential net gain of 'jobs/ha'. A large area of the site such as the airfield runways and perimeter are designated for employment, but currently represent almost zero jobs/ha. Also the future of land at Blackpool Airport must now be considered. We understand a 'masterplan' is being prepared to create future employment and economic development opportunities for Blackpool and the Fylde Coast. We believe that taking the Enterprise Zone properly into account, together with the range of predictions and historical evidence in the Employment Land and Premises Study, the Council will probably need less land than is currently designated as employment land. For the above reasons we believe that the proposed allocation of 20ha of employment land at Whyndyke should be reduced in favour of additional housing.

7 SUPPORT FOR LANDSCAPE, OPEN SPACE AND GREEN INFRASTRUCTURE PROPOSALS

CPRE commends the ambitions of the scheme to retain as far as possible the existing features on the site that are of consequence to biodiversity, nature conservation and landscape. We support retention of existing ponds and drainage, hedgerows, coppices, and we support the proposed new planting, wetland areas and landscaped buffer zones. We would expect to see planning conditions imposed to address all these aspects. In conclusion, we trust that the Council will give due consideration to our views.

Blackpool Airport

No comments received.

Environment Agency

Responded to the latest consultation to say they had no further comments to add to their previous response dated 25 October 2013.

This response withdrew a previous objection on the basis of additional and revised plans being submitted by the applicants. The additional information stated that the surface water run off from the proposed development would be contained on the site for up to and including the worst case 1 in 100 year storm event and an allowance of 30% would be used for attenuation calculations. The Environment Agency are satisfied that surface water run-off from the proposed development will be restricted to greenfield rates (identified as 6.3 litres/second/hectare in the FRA). It is essential that this is restricted to not exacerbate flooding downstream.

They therefore request a condition in relation to the development being carried out in accordance with the approved FRA, a surface water drainage scheme being submitted which incorporates SUDS and none into the public or combined foul sewer network.

They have also commented with regard to Biodiversity, stating that the amended plans include a number of additional ponds and that the development can be delivered without any net loss of ponds. They require a condition relating to the management of the pond network. They do not consider it appropriate to impose a contaminated land condition on the site, but a watching brief should be maintained.

County Highway Authority

State that as the amendments to the scheme do not affect the access and off-site highway proposals or other highways and transport elements/triggers etc. previously agreed with the developer, they do not intend to provide any further detailed comments at this stage and, therefore, their previous comments remain with the acknowledgement that there has been a small change in the land uses. With regard to the M55 to Norcross link they note that the latest updated Parameter plans do not show any buffer zone in respect of the protected M55 to Norcross blue route. This potential highway scheme may require widening on the M55 by at least 10 metres or greater from the existing M55 Junction 4 going east to provide the parallel links. Colleagues from the highway design team indicate that the works should be deliverable within the extent of the current highway boundary. However, this cannot be guaranteed until detailed design is carried out. Only then will the full requirements be known, where aspects such as drainage and other construction requirements may result in more land being necessary.

The TA Addendum on which my previous comments were based, states that the site Masterplan will retain an area of land adjacent to the M55 to accommodate the M55 to Norcross Link Road. It is a concern that no further information/indication regarding the buffer zone has been provided. On the previous Masterplan (prior to the revised employment proposals) the strip of land that may have been effected was set aside for green space/recreational use which provided a level of flexibility. I consider the position needs to be clarified as the site Masterplan is developed to ensure a suitable buffer zone/flexible approach is retained (say 10m beyond the existing highway boundary to avoid potential difficulties in the future.

As I understand it there is unlikely to be any building immediately adjacent to the highway boundary due to noise regulations, but there may be car parking, site drainage or other facilities located in the land that could be required by the link road. Therefore, a simple condition, as suggested, stating that no development shall be permitted on the site within

10m of the existing highway boundary on the south side of the development between the A583/M55 Junction 4 roundabout and the eastern edge of the site, unless agreement is given by the LPA, in consultation with the LPA.

Regeneration Team (Tree Officer)

It's always difficult to anticipate all the possibilities in a large outline application, where the devil may be in the detail, but it would seem from the supporting documents that the retention of landscape features has been considered by the applicants and sensibly incorporated into what are, at this juncture, broad-brush layout designs. I'll treat these separately but often two features, for example trees and ponds, exist contiguously, and thus retention of one implies retention of the other.

Trees

From an arboricultural point of view there are few trees of high value and almost none that grow as individuals - I located only one ash tree growing as a solitary in the hedge that aligns the west-east drainage dyke. Most occur as groups, most of the groups are young trees and usually in clusters around the site's ponds. Internal to the site, probably the best group of trees, by which it's meant trees that offer the qualities of stature, maturity and, by accident of topography, prominence in the greater landscape, are those at Kirkham Copse.

Other trees are found elsewhere on site, mainly fringing ponds, but are generally immature. The use of that adjective however does not devalue them: the communities of willows, birch and alder at various locations within this large site are of biodiversity value and serve visually to interrupt what would otherwise be a landscape without arresting features. It's gratifying to see an intention to preserve these areas and design with them in mind, and the only caution would be that pond improvements, or the future use of ponds as SUDs, might require engineering works that would cost trees. The buffer planting to the M55 is functional and would be more so as both a visual and acoustic barrier should development proceed.

Woodlands

The eastern flank of Whyndyke is bounded by two linear woodlands, Gypsy Hole Wood to the north and Wildings Hill Wood, which runs south to the M55. The two are only notionally separate and the effect in the greater landscape is of one large woodland that gives great definition to the area. Sylviculturally, these are probably more in the character of plantations than semi-natural woodlands, but their landscape value is tremendous, enhanced by the fact that the falling topography affords a view of them, and would increase post-development because of their softening effect, separation and the visual backdrop they would offer to the units. There's no intention to develop close to the woodland boundary – possibly inherent protection is provided by the easement for overhead high-voltage lines – so it seems the only pressure on these would arrive post-development as high human occupancy of the site will result in “people pressure” – indirect stress upon the trees. The woodlands may still be in use as shooting reserves however, and that would conflict with the enjoyment of neighbouring land for allotments and recreation pitches.

Hedges

The complex matrix of hedges that were once part of Whyndyke Farm is now largely gone and such hedges as remain are not of ancient origins and often fragmented or so depleted that they don't form a recognisable hedge. All are predominantly hawthorn, so lack the species diversity of older hedges, and wouldn't trigger protection under the 1997 Hedgerow Regulations. Management of them has been minimal, with no re-stocking of failed sections. Other hedges are more intact but even the better ones such as that bounding

Mythop Road are punctuated by large openings and don't form a continuous whole. A view needs to be taken on whether retention is appropriate or feasible in some cases, but this can be determined in a detailed application.

Ponds

Nine ponds are scattered across the site, arising either from natural water collection or else, in the higher areas, having their origin as marl pits. These vary from those that are distinct, permanent water bodies to others where the natural process of hydrosereal succession is creating an area of reedbeds that will eventually become dryer land and be colonised by pioneer species trees. The outline application demonstrates an intention to retain and improve eight of the nine ponds, which are described in the Ecological Survey as being degraded through a process of sedimentation and pollution.

Conclusion

In this early stage, the application anticipates the Council's requirements under its Environmental Protection policies particularly EP12, which addresses the retention of trees, woodlands and hedges, and EP18, retaining natural features of development sites. My concern would be that if permission were granted and the site came forward as separate applications from developers taking another perspective, there might be challenges to this approach. It would be worthwhile to use the TPO system to preserve groups of trees on the site on a precautionary principle. In the case of hedges, the intention to keep them may be laudable but a case-by-case view would be realistic, as so many are poor.

Post-development landscaping and tree planting will be extremely important, both in residential areas, where it will form part of the streetscene and public open space, and in the Class B2 zone, where, it should be remembered, opportunities for tree planting are often abundant and the trees fulfil a functional as well as an aesthetic role. Real-life examples of successful tree planting schemes in industrial areas can be found at sites as near to hand at Roman Way in Preston, where there are wide verges and dense tree planting to screen the commercial units and provide wildlife habitat and connectivity.

These are issues to be addressed either by myself or the Urban Design Officer in any reserved matters applications that might emerge if outline permission is granted. In the interim I see no grounds on which I might object to the proposal.

Environmental Protection Team

Have considered the content of the noise assessment and air quality assessment submitted with the application. Have requested a number of conditions in relation to general noise, noise from road traffic, noise from the commercial and non-residential units. They also require a desk study of contamination at the site.

Economic Development Officer

General - Where I have attempted to balance more than one material consideration in making these comments and in considering the economic impacts of the proposed development, I have at all times given significant weight to the positive economic outcomes that may or will result from the proposed development. Conversely, I have also given significant weight to any negative or adverse economic outcomes that may or will result from the proposed development.

Proposed Development - The details of note from the application are that this application is for the construction of a mixed use development comprising 20ha of general industrial (B2)

and storage and distribution (B8) along with 1,500 residential dwellings and a number of additional community facilities. A sketch layout plan has been submitted showing an indicative orientation of the site placing the employment uses on the southern boundary; Figure 33 Parameters Plan C2848: P02 G. I will for the most part restrict my comments to matters relating to the employment land provision.

Considerations - In evaluating the application I have considered the findings of the Employment Land and Premises Study and its recommendation to protect the identified current land supply that is not the subject of existing consents for alternative uses. It also recommends the provision of between 26 and 33 ha of additional employment land. Therefore the provision of an additional 20ha of employment land would appear to be welcome. In considering the location of the employment land I note that the Whyndyke Farm site was identified within the Study and on balance I feel the Study gives a strong recommendation for the allocation of employment land at this location.

To further evaluate the application I have also considered the findings of the Whitehills Development Appraisal a document published jointly by Fylde Borough Council, Blackpool Council and Lancashire County Council. It is clear to me that the applicant has amended the application to reflect the findings of this study and the application is in full accordance with its findings.

Other Considerations - There are a number of more detailed considerations which I feel I should comment on at this stage. With reference to the 'parameters plan' I feel that the proposed layout at the southerly end of the site to be potentially impractical and certainly not desirable. The proximity of the primary school and the employment land is a matter which I feel needs to be addressed. My view is that even if a number of mitigation measures are taken the likely conflict and future constraints by locating employment uses and the primary school as proposed would not be advantageous; most prominent in my thinking here is noise, emissions, nuisance and traffic.

I note from the application that much of the detail relating to the employment land will be the subject of a reserved matters application. I would however like to outline at this stage some detailed comments I have about the likely or potential 'build out' of the employment land allocation.

Firstly given the proposed use classes I would hope that the land is utilised for larger warehousing and industrial units, capitalising on the size of the site and its proximity to Junction 4 of the M55. Although the gross employment site area is 20ha the net developable area is likely to be around 17ha (although this could be considerably lower if the parameters plan outlined above is the final layout). An equal split between 2,500 sqm and 5,000 sqm units could provide around 20 developable plots (13 to 14 of the smaller and 6 to 7 of the larger units). However, having outlined the above I would always like to see site layout remain flexible in order to allow for the amalgamation and/or sub-division of plots to meet specific business requirements achieved either by condition or design.

Secondly I feel that the employment aspect of the site should be brought forward in a manner that enables it to be readily developed by the applicant or other parties. I feel that this could be best achieved through planning conditions which as a minimum require the provision of the access road serving the employment land.

Finally industrial businesses typically require dedicated, self contained secure yard areas and

for units in excess of 2,000 sqm potentially at least one dock level loading bay and a 40 metre turning circle to allow heavy goods vehicles access into and out of the unit. Eaves heights should also be taken into account as the earlier requirement I outlined above, regarding the land providing for larger units, it may be necessary to provide for eaves heights in excess of 10 metres and in some cases up to 15 metres particularly to accommodate automatic racking systems within the B8 class.

Conclusions - On balance, taking into account all of the local, regional and national policies outlined above as well as the considerations also detailed above I believe that the proposed development, if delivered as envisaged, would be economically beneficial to the Borough of Fylde and would serve to enhance the Fylde Coast economy.

Highways Agency

Thank you for your letter informing us of a revised planning application for the Whyndyke Farm site at Westby with Plumpton. Based on our subsequent discussions, we note that the revisions consist of a reduction in dwellings to 1400 and the removal of the sustainable energy building; all other quantities of development remaining the same. A substantial amount of work has been done previously by us in relation to determining the impact of the proposals, which resulted in the Agency issuing a TR110 approval with conditions attached in December 2013.

Given that the reduction to the development is slight and that there will be no additional development as part of the new proposals to that already conditioned in the previous TR110, the Highways Agency therefore has no objection, but the same conditions should be adhered to as before. Consequently, please find enclosed a new TR110 that supersedes the one issued previously

These conditions relate to the restriction of the amount of development, design and construction details of the site access and off site highway improvements, including the M55 junction and accesses, public transport services, a travel plan and protection of the motorways.

Natural England

European wildlife sites

The application site is within or in close proximity to a European Wildlife Site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its ecological interest. European wildlife sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Ribble and Alt Estuary Special Protection Area (SPA) and Morecambe Bay SPA, Special Area of Conservation (SAC), which are European wildlife sites. Both of these are also listed as Ramsar sites¹. Morecambe Bay SPA/SAC is also notified at a national level as the Wyre Estuary Site of Special Scientific Interest (SSSI) and the Ribble and Alt SPA/Ramsar site is notified as the Ribble Estuary Site of Special Scientific Interest (SSSI). This application is also approximately 550m to Marton Mere Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that your authority, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are

followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process. The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website.

In considering the requirements for Habitats Regulations assessment, your authority should check the Conservation Objectives in place for the Ribble and Alt Estuary, Morecambe Bay Special Protection Areas (SPAs) and Morecambe Bay Special Area of Conservation (SAC), which explain how the site should be restored and/or maintained. Conservation objectives for each European site can be found on Natural England's website. Morecambe Bay SPA/SAC is also notified at a national level as the Wyre Estuary Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

No objection

Natural England notes that the developer has screened the proposal to check for the likelihood of significant effects. Please note that due to the assessment being completed by the applicant, this is classed as a 'Shadow Habitat Regulation Assessment'. Please note your authority, as competent authority under the provisions of the Habitats Regulations are required to undertake the actual Assessment of Likely Significant Effects, although the applicant can provide the Council with any necessary information and often do this in the form of a shadow Habitat Regulation Assessment. The assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. This conclusion has been drawn having regard for the measures built into the proposal that seek to avoid all potential impacts. On the basis of information provided, Natural England concurs with this view.

Bird Disturbance

As mentioned in our previous responses 29868,80512, Natural England advised that disturbance to the qualifying birds associated with the nearby Ribble and Alt Estuary SPA, Ramsar site and Morecambe Bay SPA, Ramsar site could be an issue. It is evident from the Screening report that the measures to reduce noise and visual disturbance such as high hoarding fencing and the retention of a wooded belt along the eastern boundary and the distance of the proposed development site from the winter feeding grounds are appropriate measures to rule out Likely Significant Effects. We do not advise that it is necessary to implement monitoring during construction to record the behaviour of qualifying features of the European sites.

Recreational Disturbance

Natural England are concerned that the Description of works section 1.3 from the HRA screening report describes the proposal to have 15000 dwellings and in the application description, it states 2000. We have been recently been informed that it is now 1500. We would like confirmation that this is the case.

This development could result in increased recreational pressure on the Ribble and Alt Estuary designated site. It is difficult to accurately predict the alterations in human related disturbance that may occur as a result of the development proposals. Given the location of the proposed development the most likely potential sources of human disturbance impact would be through walkers, including dog walkers. Studies on the Humber Estuary for example have identified this type of human disturbance as the most likely and frequent

activities that will impact on the site. Some work by Footprint Ecology has come up with a list of factors to take into consideration when trying to assess human disturbance:

- Evidence indicates that approximately 24% of households have dogs (BMC Veterinary Research Vol. 3 (2007)), so it should be possible to come up with figures for an estimate of the likely additional dog walkers from the proposed Whyndanke Farm development.
- In order to mitigate the potential effects on the designated site that may be associated with increased numbers of walkers and dog walkers we suggest the following:
- Providing alternative footpath routes away from the Estuary foreshore. But, targeting for dog walkers would need to ensure dog friendliness
- Make better use/awareness of other recreational routes in the area
- Additional signage to help the control of dog walkers and better management of informal access, with emphasis placed discouraging informal access and on the voluntary control of dogs
- The developer, working with the RSPB (and Council), to fund and implement these measures

Natural England encourage the use of 'SANGS' (suitable alternative natural green space) to ease the recreational pressure on SPA's. These need to be carefully designed and targeted to provide a viable alternative. Please also refer to the text below on Green Infrastructure . It is our advice that the developer should be encouraged to incorporate these measures into their site design.

SSSI No objection – with conditions

This application is approximately 550m to Marton Mere Site of Special Scientific Interest (SSSI) and is approximately 5km from the Ribble Estuary and Wyre Estuary SSSIs. Natural England's main concerns relate to disturbance to the features of Marton Mere SSSI, particularly the wide range of waterfowl and wetland birds. However if the proposal is implemented in accordance with the conditions set out below, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with these conditions and the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Conditions

- Due to the potential for significant visitor pressure an effective management plan should be put in place to detract visitors from the sensitive locations of Marton Mere SSSI, this could include sympathetic management of recreational activities etc. as detailed above
- Vegetation and ground clearance works should be undertaken outside of the bird nesting season to avoid reducing the breeding success of bird species.
- Noise barriers should be used to attenuate noise to ensure the birds associated with Marton Mere SSSI are not disturbed
- Acoustic maps are required to illustrate how the noise will be attenuated
- A plan should be submitted showing the existing and proposed surface water drainage arrangements for the site to ensure there will be no discharge into the lake, ensuring that the water quality will be protected
- Further details are required and a plan showing the measures to be taken during

demolition and construction, (particular dust) to prevent any risk of pollution of the lake

- Details of the emissions from the Energy Centre should be provided with a strategy to ensure Marton Mere SSSI will not be affected via pathways [not applicable]

These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which Marton Mere SSSI is designated. If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Protected Species (other than the Designated Site birds)

Natural England provided advice in relation to protected species, in our response dated September 9th 2011, reference 29868. Please refer to this response for advice on protected species. Natural England Standing Advice for Protected Species is available on our website to help local planning authorities better understand the impact of development on protected or priority species should they be identified as an issue at particular developments. This also sets out when, following receipt of survey information, the authority should undertake further consultation with Natural England.

Green Infrastructure

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancements providing green infrastructure have been explored. Natural England would welcome further opportunities to be explored at the reserved matters stage and would welcome details of hectares and type of GI to be provided etc. Evidence and advice on green infrastructure, including the economic benefits of GI can be found on the Natural England Green Infrastructure web pages. May we also refer you to The Fylde Green Infrastructure Strategy 2011.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity);
- local landscape character; and
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document in order to ensure

the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at Wildlife and Countryside link.

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or priority species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice on priority and protected species and their consideration in the planning system.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

Environment Agency

Their latest response received on the 13 January 2015 indicated that they had no further comments to add to their response of the 25 October 2013. This response stated that they withdraw their objection to the proposal subject to conditions. They state that the application now confirms that surface water run-off from the proposed development will be contained up to and including the worst case 1 in 100 year storm and an allowance of 30% for climate change will be used for attenuation calculations. They state they are satisfied that surface water run off from the proposed development will be restricted to greenfield rates (identified as 6.3 litres/second/hectare in the FRA) and that it is essential that this is the case so that the development doesn't exacerbate flood risk downstream. They request conditions to ensure this and state that surface water run off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). SUDS involve a range of treatments including soakaways, permeable pavements etc. With regard to foul drainage the development proposes connection to the combined sewer. UU can accept foul water but no surface water to this combined sewer. The EA support this as any increase in surface water run-off to the combined sewer could detrimentally impact upon bathing water quality. They request this be secured by condition. They state that the amended plans show that the development can be delivered without a net loss of ponds. And that a planning condition is required to ensure replacement ponds are designed, locate, constructed and managed in such a way to positively contribute to the aquatic value of the site.

They do not consider it reasonable to impose a contaminated land condition on this site but it should be considered that some inert wastes may have been imported for use in agriculture such as hard standing or historic infill to ponds. A watching brief should be maintained for such deposits and appropriate sampling actions taken.

United Utilities

No objections subject to the inclusion of conditions which reflect the strategic nature of the

application. The conditions have been drafted to reflect the fact that this site will be constructed in a phased manner over a number of years and, most likely, by numerous developers. In such circumstances, it is imperative that the delivery of the site is undertaken in accordance with a strategic and coordinated approach to the delivery of all infrastructure, including water and wastewater. They consider this necessary and reasonable. It is imperative that the site is drained on a separate system, with only foul drainage connected into the public sewer. Surface water should discharge to the most sustainable form in accordance with the details submitted as part of the application submission. Discharges to watercourse may require the consent of the local drainage authority or the Environment Agency. Surface water should not be allowed to drain to the public sewer as there are alternatives to the public sewer available which is clear from the submitted information. Whilst high level drainage principles have been established to inform the outline application for planning permission, we advise the attachment of the following conditions to any approval to ensure a strategic and coordinated approach to water and wastewater infrastructure is secured and inherent within any permission granted. They request conditions relating to a phased drainage plan, surface water and foul water discharge and drainage.

Building Control

Unable to comment on Building Regulation matters until more detailed drawings are received

LCC Education

Pupil Yield

Through a detailed research project carried out during 2012 LCC have established a pupil yield to be applied for the bedroom mix within a development. Using the Rightmove database, a cross matching exercise was undertaken to match the first occupation of a house with the relevant pupil census data. This enabled us to ascertain the pupil yield of new houses within different areas of Lancashire. Using this source data we were able to extract properties within Lancashire which had an accurate date of when the property was first sold and ascertain the pupil yield. LCC will seek to apply these pupil yields to our assessment, however, if bedroom information is not available LCC will apply the 4 bedroom yield, to provide a medium to worst case scenario. Once bedroom information is available this development will be reassessed using the yield information provided in the 'Development details' section below.

Local primary schools within 2 miles of development

When assessing the need for an education contribution from this development Lancashire County Council consider primary school provision within a 2 mile catchment of the proposed site. Details of these schools are provided below:

School Name	Number on Roll (May 2013)	Future Planned Net Capacity (2018) *	Projected Pupils in 2018 **
Staining Church of England Primary School	224	236	232
Weeton St Michael's C of E VA Primary School	51	60	41
Total	275	296	260

* The net capacity figure is agreed via consultation with the schools, during September each

year. The future net capacity includes any agreed capacity changes.

** Latest projections produced at summer 2013. Please note that the figures provided are based upon current circumstances and this position is subject to change in response to a number of factors that can affect parental preference. The figures take into account the latest available birth information, evidence of migration and planned housing development, to provide a 5 year projection.

Projected places in 5 years: 23

Additional information which may provide context to the figures above has been included in the table below. This table provides year by year pupil projections for the schools affected by the development.

JAN 2014	JAN 2015	JAN 2016	JAN 2017	JAN 2018
284	277	270	265	260

The figures above show the forecast number on roll before housing and migration is applied. Using the appropriate districts 5 year housing land supply documents and migration figures in 5 years time we forecast there will be 273 pupils in these schools.

Development details

Number of bedrooms	Yield applied per dwelling	Number of dwellings	Primary yield for this development
1	0.01		
2	0.07	202	14.14
3	0.16	675	108
4	0.38	405	153.90
5	0.44	68	29.92
Totals		1350	(305.96) 306 places

Education requirement:

Latest projections for the local primary schools show there to be 85 places available in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which already have planning permission.

Other developments approved, pending approval or appeal decision which will impact upon these primary schools:

In addition to those developments listed in the housing land supply document, a number of planning applications have already been approved in this area and these have an effect upon the places available.

These developments are:

- Blue Anchor Inn
- Former Clock Garage
- Land at Little Tarnbrick

Collectively these developments are expected to generate demand for 17 additional places. There a number of additional housing developments which will impact upon this group of schools which are pending a decision or are pending appeal. Should a decision be made on

any of these developments (including the outcome of any appeal) before agreement is sealed on this contribution, our position may need to be reassessed, taking into account the likely impact of such decisions.

These developments are:

- South of Chain Lane
- Kings Close
- Moss Side Lane

Collectively these developments are expected to generate demand for 9 additional places.

Effect on number of places:

The calculation below details the effect on pupil places,

23	Projected places available in 5 years
- 17	Yield from approved applications
6	Places available in 5 years
- 306	Yield from this development
-300	Places available in 5 years
- 21	Yield from pending applications
-321	Places available in 5 years

Local Secondary schools within 3 miles of the development:

When assessing the need for an education contribution from this development Lancashire County Council consider secondary school provision within a 3 mile catchment of the proposed site. Details of these schools are provided below:

School Name	Number on Roll (May 2013)	Future Planned Net Capacity (2018) *	Projected Pupils in 2018 **
Baines School Poulton-le-Fylde	837	825	794
Total	837	825	794

* The net capacity figure is agreed via consultation with the schools, during September each year. The future net capacity includes any agreed capacity changes.

** Latest projections produced at summer 2013. Please note that the figures provided are based upon current circumstances and this position is subject to change in response to a number of factors that can affect parental preference. The figures take into account the latest available birth information, evidence of migration and planned housing development, to provide a 5 year projection.

Projected places in 5 years: 31

Additional information which may provide context to the figures above has been included in the table below. This table provides year by year pupil projections for the school affected by the development.

JAN 2014	JAN 2015	JAN 2016	JAN 2017	JAN 2018
801	789	784	774	768

The figures above show the forecast number on roll before housing and migration is applied. Using the appropriate districts 5 year housing land supply documents and migration figures in 5 years time we forecast there will be 794 pupils in this school.

Development details

Number of bedrooms	Yield applied per dwelling	Number of dwellings	Primary yield for this development
1	0.00		
2	0.03	202	6.06
3	0.09	675	60.75
4	0.15	405	60.75
5	0.23	67	15.64
Totals		1350	(143.20) 143 Places

Education Requirement

Latest projections for the local primary schools show there to be 31 places available in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which already have planning permission.

There a number of additional housing developments which will impact upon this group of schools which are pending a decision or are pending appeal. Should a decision be made on any of these developments (including the outcome of any appeal) before agreement is sealed on this contribution, our position may need to be reassessed, taking into account the likely impact of such decisions.

These developments are:

- South of Chain Lane
- Kings Close
- Land at Norcross Lane

Collectively these developments are expected to generate demand for 11 additional places.

Effect on number of places:

The calculation below details the effect on pupil places,

	31	Projected places available in 5 years
-	0	Yield from approved applications
	31	Places available in 5 years
-	143	Yield from this development
	-112	Places available in 5 years
-	11	Yield from pending applications
	-123	Places available in 5 years

Summary of response:

The latest information available at this time was based upon the 2013 annual pupil census and resulting projections. Based upon the latest assessment, LCC would be seeking a contribution for 300 primary school places and 112 secondary school places. Calculated at the current rates, this would result in a claim of:

Primary places:

$$(\pounds12,257 \times 0.9) \times \text{BCIS Indexation } (310.60 \text{ April } 2012 / 288.4 \text{ Q4 } 2008 = 1.076976) =$$

£11,880.45 per place x 300 places = £3,564,135

Secondary places:

(£18,469 x 0.9) x BCIS Indexation (310.60 April 2012 / 288.4 Q4 2008 = 1.076976) =
£17,901.60 per place x 112 places = £2,004,979

NB: If any of the pending applications listed above are approved prior to a decision being made on this development the claim for primary and secondary school provision could increase up to maximum of 306 primary places and 123 secondary places.

Calculated at the current rates, this would result in a maximum claim of:

Primary places:

(£12,257 x 0.9) x BCIS Indexation (310.60 April 2012 / 288.4 Q4 2008 = 1.076976) =
£11,880.45 per place x 306 places = £3,635,418

Secondary places:

(£18,469 x 0.9) x BCIS Indexation (310.60 April 2012 / 288.4 Q4 2008 = 1.076976) =
£17,901.60 per place x 123 places = £2,201,897

Please note that as this is a claim with a range a recalculation would be required at the point at which the application goes to committee. It is therefore the responsibility of the planning authority to inform LCC at this stage and request a recalculation in order to obtain a definitive figure.

Blackpool, Fylde and Wyre Economic Development Company

No comments received

Crime Prevention Officer

Any new development of this type and scale at this location will create the potential for crimes of all categories to be committed particularly with regard to burglary and theft offences. This will have a substantial bearing on the types of security required to maintain a sustainable environment.

Concerns - I have no initial concerns with the proposed development.

Recommendations - All proposed buildings should be designed and built to Secured by Design specification.

Laminated glazing should be installed to all doors and windows to the ground floor aspects and other easily accessible locations.

Consideration should be given to Crime Prevention Through Environmental Design (CPTED). This relates to the layout and landscape features of the development.

Electricity North West

No objection but it could have an impact on their infrastructure. The development is adjacent to ENW operational land. The developer must ensure the development does not encroach over land or ancillary rights of access or cable easements and contact ENW for details.

Fire and Rescue

Fire Service vehicle access to enable firefighting and rescue activities should be in accordance with the Water Act 1945.

The Ramblers Association

A public right of way runs along the southern edge of the site adjacent to the M55 in an east west direction towards Weeton and Greenhalgh which is re-iterated in the Transport Assessment. It is unclear what the intentions for this existing footpath are. Documentation submitted with the application suggests different treatments and improvements, who will be responsible for its maintenance and the hedge cutting necessary each year of landscaping around it?

Blackpool Borough Council

A large amount of correspondence has passed between the two authorities with regard to this application. As part of the site is located within Blackpool they will also have to consider a planning application.

It is understood that, Blackpool Council's position is that they **object** to the proposal in its current format, particularly with regard to the proposed provision of on-site affordable dwellings. At the time of writing this report, the final views of Blackpool Council had just been received and so it was not possible to include them in the report with any analysis of those comments. This will be provided as part of the Late Observations Schedule to Committee, but the following is a detailed summary of Blackpool Council's preferred approach to the affordable housing element.

Blackpool Council asked Fylde Officers to consider and explore the potential of having none of the dwellings at Whyndyke to be provided as affordable dwellings and submitted justification for this approach on the 22 September 2014 and, following feedback from Fylde officers, added to this on the 14 November 2014. The first proposal and justification by Blackpool can be summarised as;

Background

Both Fylde and Blackpool's current Local Plans require that 30% of new homes are provided as affordable housing. If this large site were to be developed as proposed, it might take 15 years or so to complete at a rate of 100 homes a year, so arrangements also need to be agreed that set parameters for the timing of affordable housing contributions. It has been proposed by Blackpool Council that the affordable housing contribution made by the developers of the Whyndyke Farm site should be provided off-site, and that while additional affordable homes should be made available to Fylde residents, they should be located within Blackpool.

Why provide affordable housing off site in Blackpool

- Whyndyke is adjacent to the urban edge of Blackpool some distance from Fylde settlements.
- The site is located next to Mereside one of Blackpools largest social housing estates.
- Fylde's affordable housing need is around Lytham St Annes not around Whydyke because it is rural in character.
- The site is considered sustainable for general residential use because of the road links and services in Blackpool, it may not be suitable to meet Fylde's affordable housing needs on a significant scale. Recent nearby developments have proved unpopular.
- Blackpool's affordable housing needs equally split between inner and outer Blackpool. The existing provision is focussed on the edge such as at Mereside. To provide more in

this location would not best meet Blackpool's needs because of existing concentrations. It would be better to meet local needs in more dispersed locations.

- It is challenging to meet large new affordable dwellings in locations close to urban centres where needs predominately arise but Blackpool propose to incorporate affordable housing into a long term programme to restructure the inner town and create sustainable neighbourhoods. This is Blackpool's greatest strategic priority and is seen as essential to the town's long term economic future.
- Other applications such as at Moss House Road (600 dwellings) from large developments in outlying parts of Blackpool are to be directed towards affordable housing provision within the inner town. Paragraph 50 of the NPPF allows for off-site provision to allow for the effective use of the existing housing stock – the 3rd bullet point states, "where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time."
- They consider that this application an extension of the Blackpool urban area and therefore appropriate that affordable housing contributions from the application including land in Fylde Borough is used to meet housing needs within the same urban area (Blackpool), and for this to be achieved through off-site provision that makes effective use of the existing housing stock and promotes more balanced communities.
- They also state that is also appropriate for the contributions from the Whyndyke Farm development to help meet the significant housing needs in the borough of Fylde in sustainable locations close to the main urban centre of Lytham St Anne's where most needs arise.

How Fylde's affordable housing needs will be met

- Blackpool state that all the new affordable housing delivered from the contributions from Whyndyke could be made available to Fylde residents however they propose Fylde residents are given access to existing affordable housing in Blackpool that is closest to Fylde (St Anne's).
- A number of lettings of homes in south Blackpool would be reserved for applicants with a Fylde connection and this would correspond to the number of affordables that would be delivered at Whyndyke each year. Appropriate homes could be made available as soon as financial contributions are made, and there would be no need to wait for new affordable housing developments were completed before affordable homes were made available.
- The demand from Fylde applicants would be kept under review to ensure that the right sizes and types of homes that best meet Fylde's affordable housing needs were made available. The existing affordable housing stock in Blackpool is weighted towards the small homes that are most needed by Fylde residents, and the total number of affordable homes made available in Blackpool each year is approximately four times the number that become available in Fylde, so there is plenty of opportunity to identify sufficient suitable homes in southern parts of the borough, which are themselves amongst the most popular in the existing affordable housing stock in Blackpool.
- In order to allow for the turnover of homes, the number of affordable homes reserved for Fylde residents each year within the Blackpool boundary would be further enhanced by an uplift of around 11% of the number of lettings allocated to Fylde residents to date. This is because if the homes were provided within Fylde, around 11% of homes would become available to new applicants each year.

- Fylde applicants who choose to move to one of the affordable homes made available in Blackpool would also be given a local connection to Blackpool that would allow them to find another property within Blackpool if their needs changed or they wished to move on. They could also retain a Fylde connection if Fylde Council wished to make provision for this within the Fylde Area Lettings Plan.

How will the off site affordable housing be delivered in Blackpool?

If affordable housing contributions from the developer of Whyndyke Farm are used in inner Blackpool, then Fylde Council would need to be satisfied that the new affordable homes will be delivered and that the funding would not be forfeited because of a lack of new provision within the required timescales.

Current activity shows strong delivery of new homes within inner Blackpool, in accordance with the new Blackpool Local Plan priorities. This includes the on-going development of 410 new homes at the Rigby Road site, of which 70 will be for affordable rent, and the conversion and bringing back into use over 100 homes through the Clusters of Empty Homes programme. If affordable housing contributions from Whyndyke Farm were used in Blackpool, then the homes would be provided through further plans for the acquisition of former guest house and privately rented properties and their refurbishment and conversion into high quality homes for rent. A new Housing Regeneration Company is planned as a wholly owned arms-length company of the Council, with a remit to acquire and refurbish 80-100 properties per annum through an on-going development programme. Three quarters of the cost of the programme will be accounted for by the building works. A proportion of these homes would be developed as affordable homes, with the subsidy.

Summary

This proposal meets Fylde's affordable housing requirements through the provision of homes in more sustainable locations, closer to Lytham St Anne's than could be achieved through on-site provision. At the same time it helps meet Blackpool's needs to facilitate critical change in its inner town communities through new affordable housing provision. The Whyndyke Farm development straddles the boundary between the two authorities and is functionally an urban extension of Blackpool, so it is important and legitimate that it contributes to the needs arising in both boroughs. The arrangement responds to the NPPF's promotion of sustainable new development, balanced with the particular need to make best use of existing homes. While there are a lot of details left to be worked out through a S.106 agreement with the developer and a legal agreement between the two local authorities, this arrangement should in principle maximize the contribution to affordable housing provision and renewal priorities of the respective authorities.

The second letter of justification added the following points;

Planning issues

The proximity of the site to Blackpool will influence how occupants will live their lives, they will look to Blackpool for shopping, leisure and cultural needs. As the site straddles the boundary it should represent an example of the duty to cooperate promoted by the Government.

The robust justification in this case is that the site is an extension to the built up area of Blackpool. The Council has already stated its desire to see extensions to the existing built up area fund inner urban area regeneration. Recent example of this policy being implemented include Moss House Road (up to 584 houses) and Runnell Farm, Midgeland Road (up to 83 houses) where outline planning permissions have been granted subject to legal agreements

requiring the payments of sums of money towards affordable housing in the inner area. In the case of Moss House Road this application was referred to GONW and the Secretary of State did not wish to intervene in the decision and did not question the approach to the provision of affordable housing in 2010. In the case of Runnell Farm outline planning permission was allowed on appeal. The Inspector raised no issue about the approach being taken in respect of affordable housing and commented on the S106 as follows in June 2012 – S106 Undertaking:

36. The submitted executed S106 Unilateral Undertaking would provide financial contributions to education provision (£330,000 in 3staged payments) towards the provision of primary school places located within 3.2km of the site; to affordable housing off-site (3 staged contributions each of £539,850); to transport (£100,000 in 5 staged payments) towards the maintenance of the No.10 bus service or its equivalent; and to public open space (3 staged contributions each of £10,000) towards provision in the locality of the site (and more particularly in Areas 4 and 5 as defined in Plan 2 in the Council’s Supplementary Planning Guidance). All these contributions are, on the evidence, necessary to make the development acceptable in planning terms; are directly related to the development and are fairly and reasonably related in scale and kind to the development in the terms of the Framework at ¶204.

Although the sums available for affordable housing have been the subject of appeal the Inspector dealing with the appeals raised no issue with the principle of a contribution to off site provision of affordable housing in April 2014 commenting (on Runnell Farm) –

As made in April 2012, the affordable housing elements of the planning obligation required the payment of money towards the provision of affordable housing off-site. This accords with Blackpool Council’s Local Plan policy HN8 to provide affordable housing directly linked to Blackpool’s housing priority neighbourhoods in the inner area of Blackpool, in contrast to its outer edge where the site is located. There were to be three equal payments of £539,850 made prior to the occupation of the 31st, 56th and 71stdwellings respectively.

In respect of Moss House Road the inspector stated –

*“5. The planning obligation had already been modified under s106A of the Act in December 2012 but the current appeal represents the first application made under s106BA.
6. As varied by the 2012 deed of variation, the affordable housing elements of the planning obligation required the payment of money towards the provision of affordable housing off-site. This accords with Blackpool Council’s Local Plan policy HN8 to provide affordable housing directly linked to Blackpool’s housing priority neighbourhoods in the inner area of Blackpool, in contrast to its outer edge where the site is located.”*

These decisions have been made post publication of the NPPF (and para 50) in March 2012 and refer Policy HN8 of the Blackpool Local Plan which relates to affordable housing (this policy was adopted in June 2006 and saved in June 2009) –

HN8 Affordable and Specialist Needs Housing

To make sufficient provision to meet the needs of Blackpool residents for affordable and specialist needs housing. The Council will require new housing developments on sites greater than 0.5 hectares or of more than 15 dwellings to make provision of a minimum of 30% of the total number of dwellings as affordable housing comprising:

- On-site provision of affordable housing, either as discounted low cost social housing,

shared ownership social housing or replacement social housing to rent or

- Off-site social housing provision to buy or rent directly linked to housing renewal action in Blackpool's housing priority neighbourhoods (to reduce the amount of poor quality rented accommodation).

Proposals for affordable and special needs housing including sheltered housing for the elderly should be located close to public transport, local shops and other community facilities, and provision should be mixed throughout the development site. The Council will ensure that where discounted and affordable social housing is provided, it remains affordable to successive occupiers by:

- developers entering into a legal agreement
- imposing appropriate planning conditions on any consent granted
- ensuring that initial rents or sale prices are subject to agreement by the council and index linked thereafter.

The Council is close to submitting its Blackpool Local Plan Part1: Core Strategy for examination (December 2014). There remains a strong focus for regeneration of the inner areas of the town as stated in Goals 3 and 4 of the Plan -

GOAL 3: Regeneration of the town centre, resort core and inner areas to address economic, social and physical decline

Our key objectives are to:

14. Sustain a high quality, year-round visitor offer by growing and promoting our tourism, arts, heritage and cultural offer including new high quality attractions, accommodation and conferencing facilities and an exciting programme of national events and festivals
15. Secure investment in retail, leisure and other town centre uses in Blackpool Town Centre to strengthen the offer with high quality shopping, restaurants, leisure, entertainment and offices, making the town centre the first choice shopping destination for Fylde Coast residents and an attractive place to visit and do business
16. Establish balanced and stable communities in the inner areas with sustainable housing regeneration and new landmark residential development which improves housing quality and choice

GOAL 4: Supporting growth and enhancement in South Blackpool to meet future housing and employment needs for Blackpool and the Fylde Coast

Our key objectives are to:

17. Support economic growth along the Blackpool Airport Corridor and on lands close to Junction 4 of the M55
18. Link the delivery of new housing development in South Blackpool with resort regeneration, for example through New Homes Bonus and commuted sum payments, to create more sustainable housing markets
19. Provide a complementary housing offer between new homes in South Blackpool and those delivered through regeneration in the inner areas to avoid competition within Blackpool's housing market
20. Balance the requirement for new development in South Blackpool whilst recognising the distinctive character of remaining lands on Marton Moss
21. Secure the necessary infrastructure to enable new sustainable development which integrates with its surroundings, providing choice and convenient access to employment,

services and community facilities

Policy CS1 – Strategic Location of Development and CS14 back up these goals. The justification for the housing policies in the Core Strategy is set out in the Blackpool Housing Requirement Technical Paper June 2014 (part of the evidence base for the Core Strategy) We have a surplus of holiday accommodation in the inner area and have sought to address this through the publication of the Holiday Accommodation SPD (March 2011) which protects much smaller pockets of holiday accommodation than the Blackpool Local Plan does and there remains a significant number of properties ripe for conversion to dwellings (800 identified as part of the Holiday Accommodation SPD)

With Regard to Regulation 122 of the CIL Regulations 2010 (as amended) –

- (a) The provision of a 30% requirement for affordable housing is necessary to make the development acceptable in planning terms although it is accepted that this figure may be subject to change as part of the viability exercise
- (b) The location of the site as an extension to Blackpool means that affordable housing in the Inner Areas of Blackpool is directly related to the development
- (c) Given the scale of the development this level of provision (subject to viability) is fairly and reasonably related to the development

You will note the Inspector who dealt with the Runnell Farm appeal considered a contribution to off site provision of affordable housing complied with Regulation 122 and para 204 of the NPPF.

Delivery and allocation of Affordable Homes

It is too early to set out the detailed mix of new affordable housing homes that would be provided off site in Blackpool in terms of size, type, precise location and when they would be available. Even if the affordable homes were to be provided on site, this detail would not be agreed as part of the outline planning application. But some principles that are clear now are that the homes will include a broad mix of sizes, be both houses and flats, and be for affordable rent. They will meet the HCA's new reference space standards for affordable housing. The availability will depend on the timing of commuted sum payments from the developer, it is however anticipated that there will be an on-going programme of property acquisitions for refurbishment and re-development for rent in inner Blackpool will mean that delivery of affordable homes can be expedited as soon as resources become available.

The number of new affordable homes built will depend on the eventual level of commuted sums provided, but the amount of commuted sum payment required to deliver each new affordable home off site in Blackpool is likely to be less than the cost of new build provision on site, so the total number of affordable units built and made available to Fylde residents is likely to be higher than taking alternative approaches.

Blackpool's proposal is that affordable housing within Blackpool will be made available to Fylde residents through the Fylde Coast choice based lettings system. In order to provide as much flexibility as possible to Fylde residents properties will be made available which have been directly delivered in inner Blackpool using commuted sum contributions in accordance with NPPF and CIL Regulations, and also as set out in the original proposal from Blackpool Council, Fylde residents could also have access to existing Blackpool affordable homes. This could be in the southern part of the borough closest to the boundary with Fylde and the area of greatest affordable housing need in Lytham St Anne's. The balance between the number of homes offered from the new homes in inner Blackpool compared with

existing homes in south Blackpool can be adjusted to reflect demand from Fylde residents.

Where properties are identified for Fylde residents, then Fylde residents would get priority in all cases; only if there were no Fylde applicants expressing an interest would the properties then be available to Blackpool applicants to ensure that they were let. If they were let to a Blackpool applicant, then another home would be offered to Fylde residents until the entire quota for Fylde residents had been met.

The number of homes made available will be directly linked to the timing of payment of commuted sums and the number of properties that would have been provided on site at the time the payment is made. If Blackpool is able to deliver a greater number of units with the funding then Fylde residents will have access to those additional units.

With regard to re-lets, it is proposed that rather than holding a list of particular addresses that would forever be let to Fylde applicants, the number of new affordable properties offered to Fylde residents each year would be inflated by a standard factor to reflect average turnover.

For example, if 10 affordable homes were built as a result of commuted sum payments from Whyndyke Farm each year, and average turnover in social housing is 10% and 10 each year, then:

Year 1 - a mix of 10 homes would be let to Fylde residents (say 5 new homes in inner Blackpool and 5 existing homes in south Blackpool).

Year 2 – 10 new homes would be let to Fylde residents and one additional home would also be made available e.g. (10% x 10 from Year 1) making a total allocation of 11 homes for Fylde residents in that year.

Year 3 – 10 new homes would be let to Fylde residents and an additional two homes to allow for turnover eg (10% x 20 from Years 1 and 2) making a total allocation of 12 homes in that year.

This approach of escalating numbers would continue until all delivery of affordable housing arising from financial contributions from Whyndyke Farm had been completed. From that point, the number of homes made available to Fylde residents in perpetuity would reflect the proportion arising from re-lets only. It is agreed that the take up of homes by Fylde residents should be kept under review, but the above proposal means that Fylde residents would always occupy their full quota of homes.

Changes will indeed be required to allocation policies and local lettings plans but these do not need to be agreed before outline planning approval is granted, especially as it is likely to be at least a couple of years before there is any delivery of new homes or commuted sum payments for affordable housing provision from Whyndyke Farm.

To be clear on the use of the commuted sums, while there would be a wider programme of refurbishing former guest houses and other buildings in the centre of Blackpool to convert them into rented accommodation, the commuted sums payments would only be used to provide affordable housing. It is absolutely clear in the CIL regulations that commuted sum payments could not be used for other purposes. Other refurbishment activity will be funded from alternative means – the Lancashire Growth Deal references £26 million of borrowing to be made available by Treasury to Blackpool Council to allow this wider work to be carried out. The point that was being made in the earlier paper is not that commuted sums would be used for wider work, but that the wider work will mean that delivery mechanisms and capacity will be in place that can help with the delivery of the affordable homes.

With regard to the monitoring of the use of commuted sum payments in Blackpool, Blackpool Council already has its own monitoring arrangements in place and will certainly share information with Fylde Council so that Fylde can be sure that sums have been used in accordance with the Regulations. In the unlikely event that Blackpool Council was unable to make use of the funds then early warning would be given to Fylde to enable alternative plans to be drawn up for delivery in Fylde – neither authority would want to see the funding lost and re-paid to the developer.

Legal Services

Legal services were asked to comment on the submissions made by Blackpool Council with regard to affordable housing being subject to an offsite contribution and the money's used to regenerate central Blackpool and alternative affordable housing being made available to Fylde's residents and responded as follows:

An Affordable Housing Position Statement ("AHPS") has been prepared by Blackpool Council ("BC") and submitted to FBC for consideration during the week beginning the 24th of November 2014.

I have considered the matters raised in the AHPS as they apply to 11/0221 and advise as follows:-

- 1. The duty to cooperate arises under the Planning and Compulsory Purchase Act 2004 (s33A as inserted by s110 of the Localism Act 2011) and applies to the preparation of development plan documents and the preparation of other local development documents relating to strategic matters. It does not arise in the context of a planning application. However, FBC has worked with BC and if the duty to cooperate did apply, FBC is in a good position to demonstrate that it has discharged that duty. FBC will need to ensure that it has taken into account representations made by BC under the Development Management Procedure Order in the context of the FBC application 11/0221.*
- 2. The starting point for FBC in considering this application is that it must be decided in accordance with the development plan for this planning authority (s38(6) PCPA 2004) unless material considerations indicate otherwise. There is no policy in the current FB Local Plan in respect of the provision of affordable housing ("a/h") and guidance for a/h provision is provided for in the IHP. The NPPF does contain policy relating to a/h and is a material consideration of great weight.*
- 3. FBC acknowledges that the IHP is not a formal supplemental planning document and this is acknowledged by the SoS in recent planning appeals in the context of housing delivery. However, weight has been given to it as a basis for assessing affordable housing provision (see the appeal decision on Kings Close Staining (Ref 2220410 para 20) and FBC has consistently relied on it in its decision making as being in accordance with the NPPF as far as affordable housing provision is concerned at least.*
- 4. The relevant policy basis for FBC is therefore that contained in the NPPF and the IHP for the consideration of appropriate a/h provision for the Whydyke proposal. The AHPS and the policies referred to in it are material considerations as they are not part of the development plan for Fylde. It is for the decision maker to decide on the*

weight to be afforded to material considerations (subject to legal principles of reasonableness).

5. *The policies in NPPF are based on the requirement that development should be sustainable. Para 7 identifies three dimensions of sustainability, one of which is social. The provision of affordable housing on site is identified as an important part of the social aspect of sustainable development. At para 196 of the Little Tarnbrick Inspector's Report the Inspector identifies the provision of on site affordable housing that is well integrated with the market dwellings as a fundamental aspect of the social dimension of sustainability. The SoS agreed with this (para12 of DL).*

6. *Para 50 of the NPPF provides:-*

To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);*
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and*
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.*

7. *The IHP requires that the following principles shall apply to the provision of affordable housing (pg 8):-*

- to provide the maximum amount of affordable housing on every development of 15 dwellings or more, commensurate with scheme viability, within the targets indicated in the policy;*
- to provide the affordable housing on the same site as the private sector housing. In some exceptional circumstances (e.g. within a scheme involving a block of flats) it may not be practical or desirable to include the affordable housing on site. In such circumstances, off-site provision would be allowed providing the full element of affordable housing is made available normally within the same housing area (defined within the Fylde Housing Needs Survey). E.g. where 100 market dwellings are being provided on the primary site, (at a rate of 30% affordable housing) 43 affordable dwellings (not 30) should be provided on the second site. This is to reflect the fact that 30% of all dwellings (on both sites) should be affordable i.e. 43 is 30% of 143.*
- to provide for the most part, social rented housing so as to direct the scarce resources available to those in the most acute housing need.*
- to obtain the right size and type of affordable housing;*
- to integrate the individual affordable dwellings within the private sector housing layout and design them so that visually both types of housing are*

indistinguishable so as to help create balanced communities and improve community cohesion and inclusion.

- *to avoid payment of financial contributions in lieu of provision of affordable housing unless there is a very compelling reason to justify it. Where such exceptional circumstances exist, any financial contribution must be sufficient to enable the provision of the full relevant element of affordable housing, including land, design, construction, marketing and any other relevant development costs. The calculation of financial contributions will be based on the cost of providing the same mix of unit types and sizes and the balance between socially rented and intermediate affordable housing that would otherwise have been required through on-site provision. There will be no financial advantage to the developer in making a financial contribution compared to making provision on site. These costs will be agreed with the Council before planning permission is issued.*
 - *to ensure that developers (in respect of developments of 15 dwellings or more) have a registered social landlord as a nominated partner before the planning application is submitted.*
 - *to encourage developers (including their RSL partners, where appropriate) to undertake pre-application discussions with the Council in respect of all housing developments.*
8. *The SHMA 2014 clearly identifies a need for affordable housing in the Borough and in the area of Blackpool Council. Fylde and Blackpool are in the same housing market area, which must be considered in the preparation of the Local Plans for each area.*
9. *FBC as decision maker for that part of the site within the administrative area of Fylde Borough must consider the proposal by Blackpool to deliver all affordable housing provision off site in Blackpool by the payment of a commuted sum in the legal context of s36 (8) of the Planning and Compulsory Purchase Act 2004.*
10. *The proposal is that affordable housing is to be provided using a commuted sum secured from the development, in the centre of the Blackpool and within the inner regeneration area. The sum will be used as part of an on-going programme of property acquisitions for refurbishment and redevelopment in accordance with the principle that the homes will include a broad mix of sizes, be both houses and flats and be for affordable rent. These homes would be available to Fylde residents as well as other affordable homes in the Blackpool area, both to the south and possibly other areas. It is not clear how many units would be available to Fylde residents as an equivalent to those that would be provided on site. It seems clear that the intention would be that some homes provided through the scheme would be allocated to non-Fylde residents and some accommodation would be offered to Fylde residents which has not been provided by the off-site provision scheme.*
11. *This proposal is not in accordance with the IHP and will only comply with the NPPF if FBC as decision maker makes certain findings and exercises its planning judgement in the context of those findings. FBC will need to consider whether there are material considerations that outweigh the conflicts with the IHP and the NPPF. These areas are set out below.*
12. *FBC must consider whether the proposal contributes to the sustainability of the site (the social role) and if it does not, whether that failure is so significant that it would*

make the proposal itself unsustainable. If this was the case, the presumption in favour of sustainable development would not arise in respect of this application.

- 13. FBC must consider whether the material considerations advanced by Blackpool in the AHPS are of such significance that the conflict with the IHP (which looks for exceptional circumstances and then for provision to be made within the same housing area) and any conflict with the NPPF is outweighed and the underlying assumption that the decision will be made in the public interest is satisfied (Thakenham Judgement (2014) EWHC 57). The AHPS advances Policy HN8 of the Blackpool Local Plan, proposed policies GOAL3 and 4 of the Blackpool Local Plan Part 1: Core Strategy and the proximity of the site to the built up area of Blackpool (to satisfy NPPF 50 3rd Bullet point) as the policy basis for the AHPS proposal.*
- 14. FBC must consider whether there is sufficient certainty that affordable housing provision provided in Blackpool can be made, in perpetuity, to provide for the affordable housing needs of FB (see below in the context of CIL also). There is no common affordable housing policy in place between the two Councils to enable this. At present Blackpool and Fylde Councils have affordable housing provision policies that are conflicting in terms of the nature of provision required.*
- 15. FBC must consider whether there is a great enough connection between the need for affordable housing in Fylde and the proposed provision in Blackpool for it to satisfy the CIL tests. The mechanism to be included in the s106 must be unequivocal and unambiguous. The commuted sums will need to be demonstrated to be fairly and reasonably related in scale and kind. It must also be clearly provided as to how the provision of affordable housing within the context of a regeneration programme in Blackpool is directly related to the proposed development which is in Fylde. The extent to which this development is considered by FBC as an extension of the build up area of Blackpool would be of relevance to this point as would the provision of a clear exposition as to how the affordable housing need of Fylde will be met, in perpetuity, by the contributions. The proposal contained in the AHPS is not clear and raises concerns for example in the following areas:- as to allocation criteria which would be lawfully robust to provide for priority for residents outside of the BC area; the perpetuity element; the a/h could be allocated to a Blackpool qualifying person, therefore would not be meeting Fylde's identified need; Fylde residents may be allocated housing that has not been provided as part of the scheme funded through the development of Whyndyke. This would undermine CIL compliance as well as raising serious concerns that the details of the AHPS proposal cannot be achieved within the current local policy framework.*
- 16. Blackpool has existing LP Policy HN8 to support the provision of off site affordable housing in Blackpool's housing priority neighbourhoods which has been tested at appeal post NPPF and found to be CIL compliant. It seems clear that, were the site within Blackpool, the proposal would be in accordance with HN8 subject to appropriate levels of contribution and tenure and would meet the needs of Blackpool residents.*
- 17. The Blackpool Local Plan Part 1: Core Strategy is to be examined in December 2014. The AHPS refers to GOAL3 and GOAL4 and PolicyCS1 and CS14 seem to provide for consistent housing provision in Blackpool.*

18. *The AHPS considers that the robust justification required under NPPF 50 is that the site is “an extension to the built up area of Blackpool”. However, I consider that it raises issues of the sustainability of the proposed development which are not addressed and fails to address the need to justify the application of Blackpool’s planning policy which is in conflict with the IHP, to meet the affordable housing needs of the residents of FB. Recent SoS decisions indicate that the provision of a/h on site is a significant factor in providing sustainable, inclusive and mixed communities, which is consistent with the NPPF and the IHP. (Little Tarnbrick Para 196 IR and 12 of DL, Kings Close (PINS ref 2220410 para 20) and Fox Strategic Land Decision (Cheshire East) paras 23 and 34).*

19. *There are a number of issues identified above which are raised by the proposal contained in the AHPS. Each of the issues would need to be addressed as part of the decision making process when considering the affordable housing provision for this site to ensure that the risks of challenge are minimised. Even if the Applicant agrees with the proposals, it is possible that the provisions could be challenged by a third party acquiring the land at reserved matters stage or at any point thereafter. Further, it would be difficult to enforce the terms of a planning obligation in respect of requirements that are argued to be non CIL compliant. Clauses are usually included to provide that any provisions found not to be CIL compliant will be excluded.*

20. *The AHPS confirms that BC would wish to ensure that the risk of loss of any commuted sums for affordable housing is avoided. The AHPS proposes affordable housing provision that would be difficult to support in policy terms and to deliver within the current policy framework. A lot of detail would have to be clearly explicated at this stage to ensure that a CIL compliant mechanism was achievable. This may not be possible in terms of resources and time available. Unless FBC can have confidence that the proposal is policy compliant and satisfies CIL criteria there is a significant risk that affordable housing contributions on the basis proposed in the AHPS could not be secured.*

21. *Any affordable housing provision is subject to viability.*

Strategic Housing

I have looked at the affordable housing position paper provided by Blackpool and have also had regard to the advice given by the council’s solicitor.

I see the site as having the potential to deliver a sustainable development that can provide employment opportunities, social and leisure opportunities, education opportunities etc. within a comprehensive mixed use development. The housing offer for the development should complement these opportunities and help deliver the sustainability of it. An important aspect of delivering a sustainable development is the provision of a range of housing types and tenures. On site affordable housing is a key part of the mix of housing that is required to deliver a sustainable development. This council’s interim housing policy indicates the approach to be taken in providing affordable housing and it concludes that the provision should be on site unless exceptional circumstances prevail. This approach complies with the requirements of NPPF. The starting point should therefore be that, subject to viability, 30% of the housing development should be provided as on site affordable housing. A legal agreement would be required to deal with the issues of type, size, location, tenure, phasing etc. This approach will give a certainty to what will be provided and when it will be provided.

The affordable housing position paper submitted by Blackpool seems to take the location of the site on the boundary of the two boroughs as the exceptional circumstances required to justify the adoption of its own policy position in preference to that of Fylde. I'm not sure in my mind that this is sufficient but this will be a matter for the decision maker.

In the event of some other method of delivery of affordable housing, i.e not on site, I have considered the offer put forward by Blackpool in their paper. It is suggested that the affordable housing offer would be funded by a commuted sums payment which would be used to acquire properties in inner Blackpool which are then refurbished and/or redeveloped to provide affordable housing. This offer would be supplemented by an offer of additional existing affordable homes elsewhere in Blackpool that could be made available to Fylde residents. The advice from the council's solicitor suggests that the offer of existing affordable homes that have not been provided by funding from this development could well be non-compliant with CIL requirements. This would also be a matter for the decision maker but it would cast doubt on the certainty of delivery of this part of the offer.

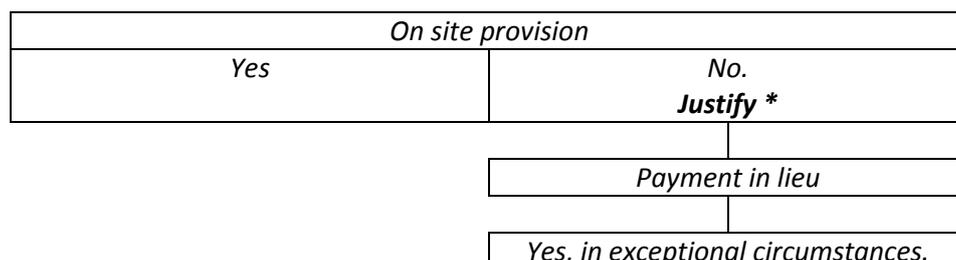
In respect of the remaining part of the offer it remains uncertain what the offer would comprise in terms of numbers, types, sizes, locations and when they would become available. It also remains uncertain how any such properties will be allocated and kept available in perpetuity for Fylde residents. The common Fylde Coast Choice Based Lettings system does not currently provide a mechanism to achieve this and it would require changes to the relevant policies to be approved by members of both councils. It is also uncertain whether the offer would identify specific properties that would always be available to Fylde residents or whether the offer is to be 'a number of properties' that would be available to Fylde residents each year. It is also uncertain whether the offer of affordable housing in inner Blackpool would be suitable to meet the needs of Fylde residents and it would be unclear as to the level of demand for such accommodation in this location. There is therefore a lack of certainty at this time of delivery of this offer.

It would be my conclusion that there remains a significant level of uncertainty around the offer made by Blackpool in its affordable housing position paper and that the most certain method of delivery of affordable housing to meet the needs of residents of Fylde is for the affordable housing to be delivered on site.

Planning Policy Team

The comments received from the Planning Policy Team relate particularly to Blackpool Council's request in regard to the delivery of affordable housing and are as follows;

In responding to Steve Matthews' note of 19th Sept '14, my observations relate to the justification which needs to be provided by way of exception to the planning policy requirements. My starting point was to approach the rationale in the form of a flow diagram:



Justify		
Is the equivalent to the full 30% contribution for 1,350 dwellings to go to Fylde Council?		*
Yes	No. Justify*	* This

element of the rationale has not been explained sufficiently. If there are exceptional circumstances to the on-site provision of affordable housing, then the most obvious option would be payment in lieu of the 30% contribution of 1,350 dwellings to go to Fylde Council.

Indeed, Pg 2, para 4 of Steve Matthews’ note states:

“But it is also appropriate for the contributions from the Whyndyke Farm development to help meet the significant housing needs in the Borough of Fylde in sustainable locations close to the main urban centre of Lytham St Anne’s where most needs arise.”

This is a view which clearly needs exploring. As drafted the note does not, I think, provide a reasoned justification as to why in lieu payment should not be to provide affordable housing in or close to the Lytham St Annes, where there is clearly demand. Notwithstanding this, what is being proposed is for the full in lieu contribution to be made to Blackpool Council. i.e. Blackpool would accommodate 10% of the dwellings, but would receive 100% of the payment in lieu of the affordable housing contribution. A fundamental question that needs to be asked is - Is this legal? As drafted the note does not address this.

Planning Policy

Pg1, para 2 of Steve Matthews’ note states:

“Both Fylde and Blackpool’s current Local Plans require that 30% of new homes are provided as affordable housing.”

Please note, the adopted Fylde Borough Local Plan (As Altered: October 2005) does not include a policy specific to affordable housing. FBC does however operate the Interim Housing Policy (IHP) – Revised 13th February 2013. FBC has also published policy H3 in its Fylde Local Plan to 2030, Part 1 - Preferred Option (LPP0) - June 2013. The NPPF – March 2012 also includes numerous references to affordable housing.

Interim Housing Policy

Section 12. -12.3 of the IHP addresses the developer contributions relevant to development outside settlement boundaries.

*Sections 6.1 – 6.6 of the IHP specifically refer to arrangements for the provision of affordable housing. Para 6.4, bullet point 6 refers to there being a **very compelling reason** to justify financial contributions in lieu of affordable housing provision.*

The IHP is currently used by the Council in the determination of planning applications as a material consideration in respect of the provision of affordable housing, public realm and public open space. The IHP has since been amended on three occasions, most recently in February 2013 in light of National Planning Policy Framework (NPPF). The Council accepts that it is an informal document of little weight.

Local Plan to 2030, Part 1 - Preferred Option

The LPPO includes policy H3 – Affordable housing. Limited weight can be afforded to the emerging Development Plan due to the early stage that the Council is at in the overall plan-making process.

National Planning Policy Framework

NPPF includes numerous references to affordable housing. This is more from a policy formulation perspective rather than determining planning applications. The key point is that the aforementioned LPPO policy H3 has been drafted in the spirit of NPPF. NPPF para 50, bullet point 3 refers to there being a need for robust justification

Conclusion

We need to be satisfied of the following:-

There is robust justification for affordable housing provision not being on site;

There is robust justification for 100% of the financial contributions in lieu of affordable housing provision, not being to the benefit of the main urban centre of Lytham St Anne's; and

That payment of the financial contributions in lieu of affordable housing provision, to Blackpool Council, is legal.

I am aware that affordable housing contributions is of course only one Whyndyke Farm issue. All issues need to be considered in the round to ensure the outcome is in the interest of the residents of the Borough.

Neighbour Observations

Amended plans notified: 11 December 2013 and 22 December 2014

No. Of Responses Received: 22

Nature of comments made:

A summary of the comments made in relation to both the original and revised plans is below:

Twenty letters of objection;

- Increase in noise and vibration affecting amenity of existing residential caravan park.
- Boundary treatment to residential park needs clarification.
- Flooding and drainage impact.
- Overlooking and loss of privacy.
- Highways objection – increase in traffic and unsuitable access. Surrounding junctions already at capacity, highway safety, pedestrian safety and parking.

- Loss of countryside.
- Westby will become part of Blackpool.
- Pressure on local schools.
- Brownfield sites available.
- Loss of wildlife habitat.
- Plan is overambitious –development site too small.

Two in favour;

- Will provide dwellings that meet a need.
- Appears to be sustainable location and development.
- Drainage concerns have been overcome.
- Good transport links.
- Near to existing services and provides for those on site.
- Necessary environmental impacts have been undertaken.
- In line with the key NPPF policies.
- Fylde has a need for this scale of development.
- Hopefully employment land will be successful.
- Allocated in emerging local plan.
- Development of this site will protect other areas of countryside.

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
EMP3	Business & industrial uses outside defined area
TR01	Improving pedestrian facilities
TR03	Increasing provision for cyclists
TR05	Public transport provision for large developments
TREC17	Public Open Space within New Housing Developments
TREC18	Allotments
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP13	Planting of trees, hedgerows and woodland
EP18	Natural features
EP14	Landscaping of new developments
EP19	Protected species
EP21	Archaeology
EP22	Protection of agricultural land
EP23	Pollution of surface water
EP24	Pollution of ground water
EP25	Development and waste water
EP26	Air pollution
EP27	Noise pollution
EP28	Light pollution
EP29	Contaminated land
SH15	Small scale out of centre retail development
CF01	Provision of community facilities

CF02	Provision of new primary schools
CF06	Community use of school facilities

Joint Lancashire Minerals and Waste Local Plan

Peat Safeguarding

Fylde Borough Emerging Local Plan (Preferred Options)

NP1	Presumption in favour of sustainable development
SD1	The Spatial Development Framework
SL2	The Blackpool Periphery Strategic Location for development
GD1	Settlement Boundaries
GD3	Promoting Mixed Use Development
EC1	Overall provision of Employment Land
EC2	Managing development of Employment Land
EC5	Leisure Culture and Tourism Development
H1	Density, Mix and Design of New Residential Development
H3	Affordable Housing
HW1	Health and Wellbeing
INF1	Service Accessibility and Infrastructure
INF2	Developer Contributions
T1	Strategic Highways Improvements
T3	Enhancing Sustainable Transport Choice
T4	Parking Standards
CL1	Flood Alleviation and Water Efficiency
ENV1	Landscape and Biodiversity
ENV3	Provision of Open Space and Green Infrastructure
ENV4	Management and enhancement of Open Space and Green Infrastructure
ENV6	Good Design in New Development

Other Relevant Policy:

NPPF:

National Planning Policy Framework

Section 4

Promoting Sustainable Transport

There should be a balance in favour of sustainable transport modes however government recognises between maximising sustainable transport solutions will vary between urban and rural areas. It is necessary to provide safe and suitable access to a site for all people.

Section 6

Delivering a wide choice of high quality homes

To boost significantly the supply of housing 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. A wide choice of high quality homes for inclusive and mixed communities. A mix of housing based on current and future

demographic trends, market trends and needs of different groups in the community. Planning Authorities should identify the size, type, tenure and range of housing that is required in particular locations reflecting demand and where they have identified that affordable housing is needed set policies for meeting this need on site.

Section 7

Requiring good design
Good design is a key aspect of sustainable development. High quality and inclusive design for all development is needed with poor design being refused.

Section 8

Promoting healthy communities
The planning system can play an important role in facilitating social interaction and creating healthy inclusive communities and involve sections of the community in planning decisions. Decisions should support community facilities such as shops, and services. Access to high quality open spaces can make an important contribution to communities. Existing open spaces should not be built on unless an assessment has been carried out showing land to be surplus to requirements, the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality.

Section 10

Meeting the challenge of climate change, flooding and coastal change
Development in areas at high risk of flooding should be avoided. When determining planning applications there should not be increased flood risk elsewhere.

Section 11

Conserving and protecting the natural environment
There should be protection and enhancement of valued landscape and minimise the impact on biodiversity. Distinction should be made between the hierarchy of international, national and locally designated sites when assessing the impact on wildlife or geodiversity sites or landscape so the protection is commensurate with the status and gives appropriate weight to their importance. Promote the preservation, restoration and re-creation of priority habitats and recovery of priority species population. When determining planning applications Local Authorities should aim to conserve and enhance biodiversity and if significant harm results adequate mitigation or compensation should be made.

NPPG: **National Planning Practice Guidance**

Site Constraints

Within countryside area
Article 4 direction

Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended. Officers have screened the proposal and concluded that it is EIA development and should, therefore, be accompanied by a formal Environmental Statement.

An Environmental Statement has been submitted and has been taken into consideration in the determination of this application.

Comment and Analysis

The main issues when considering this application are:

- The weight to be accorded to relevant policies
- Principle of the development and housing need
- The provision of affordable housing
- Impact of proposed retail development
- Provision of employment land
- Impact on highways network
- Impact on residential area.
- Character of the area
- Design and layout
- Open space and recreation
- Flooding and drainage
- Ecology and trees
- Contamination
- Viability
- Loss of agricultural land
- Phasing and delivery

In order to assist in the decision making process, specialist planning consultants were jointly appointed between Fylde, Blackpool and the applicants to advise on matters of commercial viability. This report takes into account the content and conclusions of the advice provided.

The weight to be accorded to relevant policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that: 'if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The first test, and the statutory starting point, is whether the application is 'in accordance with the plan'. This has been reinforced by the National Planning Policy Framework (NPPF) which refers, at paragraph 14, to the need for applications that accord with the development plan to be approved without delay.

The statutory development plan in this case comprises the saved policies of the Fylde Borough Local Plan (2005) and the Joint Lancashire Minerals and Waste Local Plan. In addition the National Planning Policy Framework is a key material consideration. 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. In accordance with paragraph 215 of the National Planning Policy Framework (NPPF) 'due weight' should be given to the relevant saved policies in the FBLP, the weight given dependent on the degree of consistency with the NPPF.

The saved policies of the now dated FBLP will be replaced by the emerging Fylde Local Plan to 2030. A consultation exercise has been completed on the 'Preferred Option' of Part 1 to this Plan which included strategic locations for development and development management policies. Policy SL2 – The Blackpool Periphery strategic location for development included the application site – Whyndyke Farm (M2) as a mixed use site, with the site proposed to be residential with 20 hectares of employment land, this has been respected in the submitted application. Although of limited weight in the decision making process, policies in the emerging Local Plan are a material consideration. Further to this following public consultation on the preferred options a responses report has been produced in the relation to the document as a whole. This document has been approved by the Cabinet Member for Planning and Development. The responses included those of Blackpool Council who suggested reference be made in the justification for the policy to the sub-regional significance of the site, the site was not proposed to be removed or altered from the preferred options or as a strategic location for development. Paragraph 216 of the NPPF states weight should be given to these emerging Local Plan policies according to their stage of preparation, the extent to which there are unresolved policy objections and the degree of consistency with the NPPF.

The starting point in determining planning application remains the saved policies of the Local Plan. If there is a conflict between these policies and the NPPF then the NPPF should take precedence but be read as a whole and in context. The NPPF is a material consideration in planning decisions and should be given considerable weight. Thus, the statutory starting point is the development plan and development that accords with an up-to-date Local Plan should be permitted, unless material considerations indicate otherwise. The NPPF seeks sustainable development. Paragraphs 7 and 8 of the NPPF explain that there are three dimensions to sustainable development - economic, social and environmental - which are mutually dependant, so that gains in each should be sought jointly and simultaneously.

Principle of the development and housing need

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

It is accepted that the FLP is dated, work has been going on for some time on the emerging Local Plan, including where major strategic housing sites will be located. The application site is proposed within Policy SL2 – The Blackpool Periphery Strategic Location as Whyndyke Farm (M2), a mixed use site, for a residential development and 20 hectares of employment land. This site is proposed to be allocated as the Strategic Housing Land Availability Assessment (SHLAA) has identified that Fylde has a limited amount of previously developed land compared to its neighbours in Blackpool and Wyre which means that it is likely that a greater proportion of the development in Fylde will have to be accommodated on greenfield sites. The principle of the development proposed is, therefore, in line with the site's allocation in the emerging Local Plan and would thus comply with that aspect of the development plan. Although it is acknowledged that it is of limited weight it remains a material

consideration, and as the Responses Report to the preferred options, including this site, has been endorsed by the Portfolio Holder for Planning and Development, the weight to be allocated to this document is increased. Paragraph 216 of the NPPF states weight should be given to these emerging Local Plan policies according to their stage of preparation, the extent to which there are unresolved policy objections and the degree of consistency with the NPPF. The fact that this site is allocated therefore and has been preferred options gives weight to the principle of developing the site.

As discussed above, the FBLP is dated and the NPPF is of significant weight and overrules Local Plan policies that do not accord with it. In particular the FBLP was prepared in compliance with previous Regional Planning Guidance which sought to constrain residential development in Fylde Borough and so set lower housing targets and tight settlement boundaries which are now out of date. Central to the NPPF is the “presumption in favour of sustainable development” which should be “the golden thread running through both plan-making and decision-taking.” Paragraph 14 makes it clear that for decision-making this means “approving development proposals that accord with the development plan without delay” and where relevant policies in the development plan are out of date, such as the saved policies of the Fylde Local Plan which establish settlement boundaries, granting permission for development unless “any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.” The NPPF states there are three interdependent dimensions to sustainable development; the economic role, social role and environmental role. NPPF paragraph 17 sets out a number of core planning principles which should underpin decision taking and help achieve sustainable development. The most relevant principles in the context of the current proposal are that planning should:

- Proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places;
- Promote mixed use developments and encourage multiple benefits from the use of land in urban areas.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

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 of the NPPF 'Delivering a wide choice of high quality homes', it requires the significant boosting of housing and that 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 of land should be maintained. Housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 47). Applying this policy context to the development requires considering the NPPF as a whole and assessing the weight which should be applied to SP2 and also considering the sustainability of the development and the balance of any positive or adverse impacts, within the NPPF context of seeking to boost housing supply and economic growth.

Need for residential development/5 year housing supply

The NPPF requires that local planning authorities provide for housing land equivalent to at least a 5 year supply of the council's housing target. Despite not being tested, the Council's annual housing requirement is based on the range expressed in the SHMA as the most recent figure that is objectively based. The SHMA provides a range between 300 and 420 dwellings per annum. The Council's emerging housing figure suggests a minimum of 366 dwellings per annum would be required in order to deliver the objectives of the plan which is close to the mid point of the range suggested in the SHMA. The Council's Local Plan team have produced position papers regarding the borough's housing supply. The latest of these concludes that at 31 December 2013 the council was able to present a supply equivalent to 4.5 years against the adjusted RSS 5 year housing requirement (including historic backlog and NPPF buffer of 20% due to that under delivery). As such the council is unable to demonstrate the required 5 year supply of housing. The presumption in para 14 of NPPF is therefore activated and this is a strong factor to be weighed in favour of residential development proposals. If a scheme is considered to deliver sustainable development and not have any adverse impacts that would significantly and demonstrably outweigh the benefit in housing supply, that guidance is clear that planning permission should be granted. There is, therefore, a need to assess whether this particular proposal delivers housing at a scale and location that is sustainable, and if there are any other relevant factors to outweigh its development.

An updated housing land supply statement was prepared for the planning inquiry relating to land at Blackfield End Farm, Warton which analysed housing supply in terms of both the RSS figure and the emerging local housing figure. Neither of these approaches was able to confirm that the Council has a 5 year housing land supply. The CPRE and others have consistently raised doubts over the methodology used by the council to calculate its 5 year housing supply, and have claimed that the use of an alternative methodology allows the council to achieve a 5 year housing supply. This matter has been discussed and dismissed in various Inspector's decision letters and your officers remain satisfied that the approach taken is the most correct and robust one for assessing its 5 year supply.

Planning policies for the supply of housing for the purposes of determining applications are, therefore, considered out of date and this is significant as the NPPF states that where relevant policies are out-of-date, permission should be granted unless any adverse impacts outweigh the benefits, or other policies indicate otherwise, when assessed against the NPPF. This will be a material consideration when determining the planning application.

Does the proposal deliver sustainable development?

The NPPF requires developments to be sustainable. There are several different elements to what constitutes sustainable development, with the NPPF making it clear that to be truly sustainable development needs to take account of the three interdependent dimensions to sustainable development; the economic role, social role and environmental role. 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. The application as proposed will provide up to 1400 dwellings, of which 1310 will be located within Fylde's boundaries and of which a proportion will be affordable dwellings. There is an identified need for these dwellings and the Council's emerging Local Plan seeks to allocate the application site as a mixed use site. The provision of affordable housing is also a key element of sustainability as well as being a policy requirement. The other uses at the site are broken down in the below table;

Land use (Use Class)	Maximum amount (GEA where applicable*)
Residential (C3)	1400 units Of which up to: 350 x 2 bed (25%) 700 x 3 bed (50%) 280 x 4 (20%) 70 x 5 bed (5%)
Primary School 1.5 form entry (D1)	1.5ha
Neighbourhood Centre 1 containing:	0.7 ha
Public House/ Restaurant (A4, A3)	550 sqm
Foodstore (A1)	400 sqm
Health Centre (D1)	600 sqm
Residential (C3)	56 no. units
Neighbourhood Centre 2 containing:	0.4 ha
Retail Units (A1)	350 sqm
Café (A3)	100 sqm
Financial and professional services (A2)	100 sqm
Hot food takeaway (A5)	100 sqm
Residential (C3)	32 no. units
Employment	20 ha
B2	40,000 sqm
B8	80.000 sqm
Community Centre	500 sqm

With regard to the social element of sustainability as stated in the NPPF the development provides a supply of housing for which there is an identified need as well as proposing a mix of other uses which means that the residents of these dwellings will have access to local services that will meet their needs. There will be a primary school on the site to educate children, a community centre for use by the residents of the site, a health centre as well as outdoor leisure opportunities including sports pitches, allotments and the creation of a green network within the site. It is considered, therefore, given all of the different uses proposed that the development would comply with the social role of sustainable development by creating a vibrant community with accessible local services that reflect the community's needs and support its health, social and cultural well-being. Residential uses are proposed with the neighbourhood centres to keep them vibrant and active. The NPPF also addresses the economic role, this involves making sure that sufficient land is available in the right places to support growth and innovation. There is an identified need for both the residential and employment uses and this proposal would provide both, as well as the infrastructure required to make the development appropriately accessible. The environmental role is that planning will contribute to protecting and enhancing the natural environment and improving biodiversity. The environmental aspect of the development with regard to impact is considered in detail in later sections of this report, however, the proposal includes the retention of key environmental habitats and promotes biodiversity by the retention of existing ponds and proposed green network running through the site. It is therefore considered that the development, as proposed in its revised form, complies with the three different elements of sustainable development.

Accessibility of the site

The application site forms part of the open countryside, however it is located directly adjacent to the urban area of Blackpool. There are existing housing and employment sites to the north and west. To the south of the site located on the opposite side of the M55 is the Whitehills employment site. To

the east is open countryside. The site is located adjacent to and is accessed via the A583 which is a local distributor road for the area, and is located directly adjacent to the M55 motorway which provides a vehicular link to the wider area. Bus services are also available in the near area and due to the size of the development a number of highway and transport improvements, including the provision of additional bus services, are proposed. The site is, therefore, well located to access the services and facilities that are available within Blackpool as well as the local highway network to access sites in Fylde and further afield. Whilst the application site is located within the open countryside, it is directly adjacent to urban development and located in close proximity to the main roads in the area with the wider area potentially accessible by a number of bus services. The site can, therefore, be seen to be in an accessible location which, when all other elements of sustainable development are taken into consideration, complies 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). Whilst the application would be contrary to Policy SP2 of the Local Plan, in this instance, it is considered that there is greater weight to be given to the delivery of new housing due to the site's sustainable location and the NPPF's housing objectives and presumption in favour of sustainable development.

Whilst the accessibility of the site in relation to existing development has been considered above the application is not just for a residential development. Proposed along with 1400 dwellings are two neighbourhood centres, containing both residential properties and a mix of commercial uses, a health centre, a primary school, a community centre along with 20 hectares of employment land. Along with the site being accessible to services in the wider area, the provision of these facilities on the site itself means that the residents of the site will have a number of services including convenience goods, education and health services available to them that they can access on a day to day basis without requiring to travel farther afield. The highways impact and the improvements required are considered in later sections, but required to be implemented are a number of highway and junction improvements as well as sustainable transport measures including the provision of a £244,000 contribution towards off site cycle links, £294,000 towards personalised travel planning, of this £100,000 would be used to allocated bus travel passes. Also required is a contribution of £1,284,836 to be paid in 10 instalments, triggered by the development of the dwellings, which would be towards securing a high frequency bus service (LCC require every 15 mins at peak times and 30 mins intervals at non-peak times) to be provided/operational prior to occupation of 100 dwellings. Accordingly, a number of sustainable transport measures will be provided which will assist in improving the accessibility and sustainability of the site.

Scale of development

Clearly the proposal is of a significant scale, it being for a wide range of uses and development over approximately 91 hectares of land. Policy HL2 of the Fylde Borough Local Plan, Development Control Criteria for New Housing Proposals, lists a series of criteria that a development needs to comply with to be acceptable, with many of these consistent with the core planning principles in para 17 of NPPF and with other sections of that guidance. Criteria 2 requires that development should be of a scale that is in keeping with the character of the locality in terms of scale, space around buildings, materials and design. The development of such a significant area will have an impact on the character of the adjoining urban area as well as obviously the site itself and the adjacent rural area. It is self-evidently difficult to relate the proposed development in terms of scale to the surrounding rural area, however, given the mix of uses proposed it is considered that the development of the site in terms of space around buildings, materials, character and design would be acceptable and similar to the surrounding urban area and being located on the edge of a

settlement as large of Blackpool, the proposal is not considered to be out of scale. The design and layout of the overall site are discussed in later sections of this report in more detail. The NPPF paragraph 52 states that 'the supply of new homes can sometimes best be achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of garden cities. Working with the support of their communities, local planning authorities should consider whether such opportunities provide the best way of achieving sustainable development. In doing so they should consider whether it is appropriate to establish Green Belt around or adjoining any such new development'. The NPPF suggests, therefore, that applications that are large scale, such as this proposal, are sometimes the most appropriate in providing a supply of new homes that is sustainable. Officers consider this to be the case in this instance. With regard to that part of the application site located within the administrative area of Blackpool, their emerging Core Strategy acknowledges that the land will be developed for the housing and allocates it for housing development with an estimated capacity of 150 dwellings.

Principle of the development – conclusions

It is considered that the proposed development in this location is sustainable and complies with the three dimensions of sustainability outlined in the NPPF. Whilst contrary to the adopted Local Plan countryside allocation this plan is outdated and the site is proposed to be allocated as a mixed use site in the emerging Local Plan to 2030 which adds weight to the principle in favour of development. This development would comply with that allocation as it proposes both residential and employment allocations together with essential community infrastructure that would support the development and the future communities within it. The proposal would comply with the NPPF requirement that housing applications should be considered in the context of the presumption in favour of sustainable development. Furthermore, Fylde is not able to demonstrate that it currently has a 5 year supply of housing which is a material consideration of weight in favour of the proposal. When considering the housing objective of the NPPF the most up to date evidence of housing need in Fylde is the Strategic Housing Market Assessment which has been recently updated and again through an analysis of housing need in light of the 2012 sub-national population projections (May 2014) and finds that in order to meet the authorities housing needs between 300-420 dwellings per annum will need to be provided. The 2013 SHMA is part of the evidence base for the local plan, and is a material consideration in the determining of planning applications. The proposal would, therefore, contribute to meeting this identified need for dwellings in the emerging Local Plan and the housing supply for the Borough as a whole. Providing that the suitable accessibility enhancements discussed in this report are delivered, this site is considered to be a suitable location for development. The development would also provide commercial and community opportunities on the application site which would mean the site was truly sustainable. It is considered that the scheme represents a sustainable mixed use development that accords with the provisions of the NPPF, will generate employment opportunities that will benefit the local economy and will help meet local housing need. The principle of development is, therefore, considered acceptable.

Affordable housing

Policy background

The delivery of affordable housing is an important aspect of all residential development schemes. The Interim Housing Policy refers to the delivery of affordable housing as part of residential development schemes and requires that, subject to viability, 30% of the dwellings be provided as affordable units. The IHP requires that the following principles shall apply to the provision of affordable housing:-

- to provide the maximum amount of affordable housing on every development of 15 dwellings or more, commensurate with scheme viability, within the targets indicated in the policy;
- to provide the affordable housing on the same site as the private sector housing. In some exceptional circumstances (e.g. within a scheme involving a block of flats) it may not be practical or desirable to include the affordable housing on site. In such circumstances, off-site provision would be allowed providing the full element of affordable housing is made available normally within the same housing area (defined within the Fylde Housing Needs Survey). E.g. where 100 market dwellings are being provided on the primary site, (at a rate of 30% affordable housing) 43 affordable dwellings (not 30) should be provided on the second site. This is to reflect the fact that 30% of all dwellings (on both sites) should be affordable i.e. 43 is 30% of 143;
- to provide for the most part, social rented housing so as to direct the scarce resources available to those in the most acute housing need;
- to obtain the right size and type of affordable housing;
- to integrate the individual affordable dwellings within the private sector housing layout and design them so that visually both types of housing are indistinguishable so as to help create balanced communities and improve community cohesion and inclusion;
- to avoid payment of financial contributions in lieu of provision of affordable housing unless there is a very compelling reason to justify it. Where such exceptional circumstances exist, any financial contribution must be sufficient to enable the provision of the full relevant element of affordable housing, including land, design, construction, marketing and any other relevant development costs. The calculation of financial contributions will be based on the cost of providing the same mix of unit types and sizes and the balance between socially rented and intermediate affordable housing that would otherwise have been required through on-site provision. There will be no financial advantage to the developer in making a financial contribution compared to making provision on site. These costs will be agreed with the Council before planning permission is issued;
- to ensure that developers (in respect of developments of 15 dwellings or more) have a registered social landlord as a nominated partner before the planning application is submitted;
- to encourage developers (including their RSL partners, where appropriate) to undertake pre-application discussions with the Council in respect of all housing developments.

Paragraph 50 of the NPPF states;

“To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- Plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- Where they have identified that affordable housing is needed set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.”

The starting point for affordable housing in the NPPF and Local Policy is that it should be provided on site unless alternative provision can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities. The table below shows how off site affordable housing should be justified if it is proposed:

On site provision	
Yes	No. Justify
Payment in lieu In exceptional circumstances. Justify	
£ equivalent to the full 30% contribution for 1,310 dwellings to go to Fylde Council	
Yes	No. Justify

If it is proposed to not provide any affordable housing on site it needs to first be justified why it should not or cannot be provided on site. These reasons need to be compelling and robustly justified as to why payment in lieu is acceptable and also, in the light of the proposal for the delivery of affordable housing put forward by Blackpool Council, as the majority of the site is in Fylde why the contributions for that part of the site should not go to Fylde Council to provide affordable dwellings within the Borough which the site is located. As outlined in the previous section it is considered that the proposal provides a sustainable development, and affordable housing along with the other community uses is an important aspect of this overall sustainable mix of development. If affordable housing is not provided on site, it is considered that the social element of the sustainability criteria set out in the NPPF would be diluted.

Blackpool Councils submission

As stated previously because of the cross boundary nature of the proposal a planning application has been made to both Blackpool and Fylde planning authorities for consideration and both LPA's will need to grant approval in order for planning permission to be fully granted. With the assistance of the Advisory Team for Large Applications (ATLAS), Fylde and Blackpool have sought to work together to resolve the issues with the application including, affordable housing, highways and education. This has been at both officer and member levels. As part of the process of considering this application Blackpool Council approached Fylde Council with the proposal that the affordable housing contribution made by the developers of the Whyndyke Farm site should be provided off-site, and that while additional affordable homes would be made available to Fylde residents, they would be located within Blackpool. They propose that the payments made in lieu of on-site provision of affordable housing would be used by Blackpool Council to acquire former guest houses and privately rented properties together with their refurbishment and conversion into high quality homes for rent, some of which will provide affordable housing. It is outlined that a new Housing Regeneration Company is planned in Blackpool as a wholly owned, arms-length company of Blackpool Council, with a remit to acquire and refurbish 80-100 properties per annum through an on-going development programme. Three quarters of the cost of the programme will be accounted for by the building works. A proportion of these homes would be developed as affordable homes,

with the proposed off site contribution from a development at Whyndyke Farm enabling homes that would otherwise have been let at market rents to be let to applicants from the housing register at affordable rents. If there is a demand from Fylde residents for these homes, then some of them could be included in the quota of affordable homes reserved for Fylde residents. It is also proposed by Blackpool Council that Fylde's affordable housing needs would be met by providing existing affordable homes elsewhere in Blackpool that could be made available to Fylde residents. This would be in south Blackpool as it is closest to St Anne's and the number of dwellings reserved for Fylde's residents each year would correspond to the number of affordable dwellings that would be delivered on site at Whyndyke. It is acknowledged by Blackpool that if this approach is adopted that there are a lot of details to be worked out through a legal agreement between the developer and two authorities. This would be Blackpool's preferred approach and rationale to affordable housing on the whole of the site.

Blackpool's justification for off-site affordable housing

In order to satisfy the requirements of the NPPF and Local Policy, Blackpool Council have submitted justification as to why they consider the proposal should not have any on-site affordable dwellings and that the payments in lieu should go to Blackpool to be used by a new Housing Regeneration Company which aims to oversee the purchase and improvement of run down bedsits and HMO's in the towns more deprived areas to then be introduced to the private rented sector with Blackpool Council as landlord. The company has been set up because of housing market failure in Blackpool. They consider the justification for this to happen to be;

- Application site is an extension of the Blackpool urban area and therefore appropriate that affordable housing contributions from the application including land in Fylde Borough is used to meet housing needs within the same urban area (Blackpool), and for this to be achieved through off-site provision that makes effective use of the existing housing stock and promotes more balanced communities.
- The site is located adjacent to Blackpool, near to one of their largest social housing estates and that Fylde's affordable housing need is not in this area. They state that it might not be suitable to meet Fylde's affordable housing need whereas Blackpool's need is split between inner and outer Blackpool and that Blackpool's needs would not be best met in this location.
- To provide further affordable housing in large numbers on the site at Whyndyke Farm would not best meet Blackpool's needs because of the existing concentration of affordable homes in the immediate vicinity. Rather, it would be better to meet local needs in more dispersed locations.
- They also state that it is also appropriate for the contributions from the Whyndyke Farm development to help meet the significant housing needs in the borough of Fylde in sustainable locations close to the main urban centre of Lytham St Anne's where most needs arise.
- Other applications in Blackpool have used this approach such as at Moss House Road (600 dwellings) from large developments in outlying parts of Blackpool which are to be directed towards affordable housing provision within the inner town. GONW and the Planning Inspectorate have previously found this approach to be sound.
- The Inspector dealing with the Moss House Road appeal stated; "As made in April 2012, the affordable housing elements of the planning obligation required the payment of money towards the provision of affordable housing off-site. This accords with Blackpool Council's Local Plan policy HN8 to provide affordable housing directly linked to Blackpool's housing priority neighbourhoods in the inner area of Blackpool, in contrast to its outer edge where the site is located. There were to be three equal payments of £539,850 made prior to the occupation of the 31st, 56th and 71st dwellings respectively"

- Decisions have been made post publication of the NPPF (and para 50) in March 2012 and refer Policy HN8 of the Blackpool Local Plan which relates to affordable housing (this policy was adopted in June 2006 and saved in June 2009). The proposal would therefore comply with Blackpool's policies
- The Local Plan retains a strong focus for regeneration of the inner areas of the town as stated in Goals 3 and 4 of the Plan.
- Blackpool has a surplus of holiday accommodation in the inner area and have sought to address this through the publication of the Holiday Accommodation SPD (March 2011) which protects much smaller pockets of holiday accommodation than the Blackpool Local Plan does and there remains a significant number of properties ripe for conversion to dwellings (800 identified as part of the Holiday Accommodation SPD)
- With Regard to Regulation 122 of the CIL Regulations 2010 (as amended) – The provision of a 30% requirement for affordable housing is necessary to make the development acceptable in planning terms although it is accepted that this figure may be subject to change as part of the viability exercise
The location of the site as an extension to Blackpool means that affordable housing in the Inner Areas of Blackpool is directly related to the development. Given the scale of the development this level of provision (subject to viability) is fairly and reasonably related to the development. Blackpool Council draw attention to comments of the Inspector who dealt with the Runnell Farm appeal who considered a contribution to off site provision of affordable housing complied with Regulation 122 and para 204 of the NPPF.
- Paragraph 50 of the NPPF allows for off-site provision to allow for the effective use of the existing housing stock – the 3rd bullet point states, “where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.”

For completeness Policy HN8 of the Blackpool Local Plan is outlined below;

HN8 - Affordable and Specialist Needs Housing

To make sufficient provision to meet the needs of Blackpool residents for affordable and specialist needs housing. The Council will require new housing developments on sites greater than 0.5 hectares or of more than 15 dwellings to make provision of a minimum of 30% of the total number of dwellings as affordable housing comprising:

- On-site provision of affordable housing, either as discounted low cost social housing, shared ownership social housing or replacement social housing to rent or
- Off-site social housing provision to buy or rent directly linked to housing renewal action in Blackpool's housing priority neighbourhoods (to reduce the amount of poor quality rented accommodation).
- Proposals for affordable and special needs housing including sheltered housing for the elderly should be located close to public transport, local shops and other community facilities, and provision should be mixed throughout the development site. The Council will ensure that where discounted and affordable social housing is provided, it remains affordable to successive occupiers by:
 - developers entering into a legal agreement
 - imposing appropriate planning conditions on any consent granted

- ensuring that initial rents or sale prices are subject to agreement by the council and index linked thereafter.

Assessment of the merits of affordable housing delivery

It is clear from the submissions made by Blackpool Council that their view is, as the application site is located adjacent to the borough boundary, the contributions should go to a newly formed regeneration area in inner Blackpool. They also consider that Fylde's affordable housing need would still be met by existing stock in south Blackpool. If the application site were in Blackpool then there would be no issue with what is proposed as Blackpool policy HN8 allows affordable housing to be provided either on site or in central Blackpool without justification being required and the approach has been supported at appeal. However the application site remains in Fylde and this council has to consider whether or not the justification put forward by Blackpool Council as outlined above can be considered acceptable with regard to Fylde's own policies, the CIL Regulations, the impact on the sustainability of the site and also whether or not Fylde Council can be satisfied that the affordable housing that should be made available to Fylde residents at the site can be satisfactorily provided in Blackpool.

The proposal submitted by Blackpool Council to accommodate 100% of the affordable housing off-site has been considered carefully by your planning, housing and legal officers within the context of Paragraph 50 of the NPPF which, like local policies, has a starting point that affordable housing should be provided on site unless alternative provision can be robustly justified. Blackpool's submission and justification for locating 100% of the affordable housing within Blackpool is that the site can be seen as extension to the urban form of Blackpool, would comply with their own policies and that the affordable housing needs of Fylde will be met through existing stock.

Your officer's opinion is that the submitted information does not form adequate justification to allow the Whyndyke site, the majority of which is located within Fylde Borough to not deliver any on site affordable housing. The planning application is for up to 1400 dwellings, what needs to be considered is whether or not a development of 1400 dwellings and for none of them to be affordable can or cannot be seen as sustainable development and be compliant with Planning Policy. The majority of the site is located within Fylde's boundaries and therefore Fylde is the decision maker for this part of the site, and as such the planning policies which apply to Fylde need to be applied to the proposal. The proposal put forward by Blackpool Council is not in accordance with the IHP and the NPPF will only comply with the exception allowed in the NPPF if Fylde as decision maker consider the justification submitted compelling and robust and a sufficient material consideration that would outweigh the conflict with the IHP and NPPF.

The justification is mainly that the site is located adjacent to the urban area of Blackpool, near to an area of social housing and will not meet Blackpool's needs. However the site is located in Fylde and as outlined above Fylde's policies apply. The justification is not considered to be compelling or robust enough to deviate from the NPPF or IHP affordable housing requirements. If the site were a small site which an RSL may find difficult to manage it could possibly be considered appropriate, but given that there are to be 1310 dwellings in Fylde, of which a minimum of 20% will be affordable dwellings (to be discussed further in the viability section of this report) 220 affordable dwellings will be located on the site. The occupants of this site will have the opportunity to form part of a cohesive community with easy access to various community facilities and good links to the surrounding area. The fact that the site is located near to an existing social housing state is considered to be of little consequence and the provision of the affordable dwellings on site along with the other mix of uses will contribute to meeting the need for the affordable housing identified in the SHMA (2014). To

not have any affordable dwellings on this site would not contribute towards the site being considered sustainable development and this failing is considered further below.

The justification advanced by Blackpool is not considered to be so compelling that the conflict with the IHP and the NPPF is outweighed and the underlying assumption that the decision will be made in the public interest is satisfied in the opinion of the Council's Legal Officer (Thakenham Judgement (2014) EWHC 57). The connection between a large housing site located in Fylde Borough, where planning policies both Local and National dictate affordable housing provision should be made on site and the use of off-site affordable housing contributions in a regeneration programme in Blackpool is not substantial enough to comply with the CIL tests in that the urban regeneration proposal is not directly related to the proposed mixed use development. It is widely accepted that provision of affordable housing on site is appropriate and meets the tests. The NPPF states that; 'LPA's should consider whether "otherwise unacceptable development could be made acceptable" by using planning obligations. Planning obligations should only be sought where they meet all of the following tests:

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

Affordable housing on site meets these test but it is not considered that Blackpool Council using money extracted from the Whyndyke site by not providing affordable housing site for a new urban regeneration company would be necessary to make the development acceptable in planning terms as it is clearly acceptable without this proposal. The obligation that would be paid for this purpose is obviously not directly related to the development, and it is not considered to be unequivocal, unambiguous or fairly and reasonably related in scale and kind.

Section 122 of the Community Infrastructure Levy Regulations 2010 repeats the requirements for Section 106 agreements to meet that are set out in the NPPF. These tests are, therefore, unambiguously part of the statutory framework, as well as being ministerial guidance. The provision of affordable housing within the context of a regeneration programme in Blackpool as a result of a proposed development which is in Fylde is not considered to comply with any of these three tests. Whilst the development site is directly adjacent to the boundary with Blackpool the proposed use of the money is for central Blackpool and whilst the AHPS considers that the robust justification required under NPPF paragraph 50 is that the site is "an extension to the built up area of Blackpool" this raises issues of the sustainability of the proposed development which are not addressed and fails to address the need to justify the application of Blackpool's planning policy which is in conflict with this Council's IHP, to meet the affordable housing needs of the residents of Fylde. Furthermore there is no evidence or reasoning as to if the site were to deliver off-site affordable contribution why this money should not be used in Fylde to meet Fylde's needs

Blackpool's proposal has been fully considered by your officers and, as outlined above, for that part of the development that it is located in Fylde, it is not considered appropriate. However, it has to be acknowledged that, for the area of the site that is located in Blackpool, their approach can be considered appropriate, as policy HN8 of Blackpool's local Plan states that affordable housing should be 30% and that this can be "Off-site social housing provision to buy or rent directly linked to housing renewal action in Blackpool's housing priority neighbourhoods (to reduce the amount of poor quality rented accommodation)". This approach has been found sound by Inspectors at appeal for sites on Blackpool's periphery, albeit on much smaller schemes. Therefore, using the approach put forward by Blackpool for the dwellings within their boundaries a contribution of £900,000 would be part of any legal agreement to be made to Blackpool in lieu of on-site affordable

housing within their administrative boundaries. This is not insignificant and would go some way to addressing Blackpool's objectives and would enable to the scheme to comply with both Local Planning Authority's policies and objectives within their own administrative areas.

Would Blackpool's proposal meet Fylde's affordable housing needs?

Blackpool proposes that as well as the off-site contribution being used to acquire dwellings in inner Blackpool that an offer of additional existing affordable homes elsewhere in Blackpool that could be made available to Fylde residents. These properties would be in the south Blackpool area as it is the closest to St Anne's and the number of dwellings reserved for Fylde's residents each year would correspond to the number of affordable dwellings that would have been delivered on site at Whyndyke had they been provided on site. The submission states that Fylde applicants who choose to move to one of the affordable homes made available in Blackpool would also be given a local connection to Blackpool that would allow them to find another property within Blackpool if their needs changed or they wished to move on. Blackpool Council state that they could also retain a Fylde connection if Fylde Council wished to make provision for this within the Fylde Area Lettings Plan. This would have to be amended outside of the planning process.

The Councils housing officer has considered the affordable housing position paper submitted by Blackpool, specifically if the offsite proposal were found to be sustainable whether or not the proposal for providing Fylde's residents with affordable housing in Blackpool is acceptable. The Council's solicitor has also considered the implications from a legal point of view. The advice from the council's solicitor suggests that the offer of existing affordable homes that have not been provided by funding from this development could well be non-compliant with CIL requirements. Blackpool have been asked to provide a legal opinion on this from their own officers but this has not been forthcoming to date. The legal officer for Fylde has stated that we need to consider whether or not there is sufficient certainty that affordable housing provision provided in Blackpool can be made, in perpetuity, to provide for the affordable housing needs of FBC. There is no common affordable housing policy in place between the two Councils to enable this and at present Blackpool and Fylde Councils have affordable housing provision policies that are conflicting in terms of the nature of provision required. There is therefore a large degree of uncertainty as to whether the needs of Fylde can be sufficiently met in Blackpool.

The legal officer also states that provision of a clear exposition as to how the affordable housing need of Fylde will be met, in perpetuity, by the contributions is required. The proposal contained in the AHPS submitted by Blackpool is not clear and raises concerns for example in the following areas:- as to allocation criteria which would be lawfully robust to provide for priority for residents outside of the BC area; the perpetuity element; the affordable housing could be allocated to a Blackpool qualifying person, therefore would not be meeting Fylde's identified need; Fylde residents may be allocated housing that has not been provided as part of the scheme funded through the development of Whyndyke. This would undermine CIL compliance as well as raising significant concerns that the details of the AHPS proposal cannot be achieved within the current local policy framework. This element of the proposal could also be seen to not be CIL compliant.

The Council's housing officer has commented that, in respect of the remaining part of the offer, it remains uncertain what this would comprise in terms of numbers, types, sizes, locations and when they would become available. It also remains uncertain how any such properties will be allocated and kept available in perpetuity for Fylde residents. The common Fylde Coast Choice Based Lettings system does not currently provide a mechanism to achieve this and it would require changes to the relevant policies to be approved by members of both councils. It is also uncertain whether the offer would identify specific properties that would always be available to Fylde residents or whether the

offer is to be 'a number of properties' that would be available to Fylde residents each year. Furthermore, it is uncertain whether the offer of affordable housing in inner Blackpool would be suitable to meet the needs of Fylde residents and it would be unclear as to the level of demand for such accommodation in this location. There is, therefore, in the housing officer's opinion, a lack of certainty at this time over the delivery of this offer. He states that there remains a significant level of uncertainty around the offer made by Blackpool in its affordable housing position paper and that the most certain method of delivery of affordable housing to meet the needs of residents of Fylde is for the affordable housing to be delivered on site at Whyndyke. It is considered, therefore, that further to the justification provided being inadequate, if Fylde were to adopt the proposal made by Blackpool there would be too much uncertainty surrounding the delivery of sufficient appropriately located sized dwellings to help meet the identified needs of Fylde's residents.

Sustainability implications

The NPPF makes clear that there are three dimensions to sustainable development, these being;

“an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”

As assessed above, because of the mix of developments proposed, the site location, infrastructure improvements and contributions towards education and sustainable transport measures as well as the inclusion of affordable housing on-site all contribute towards the scheme as considered to be sustainable development. Your officers see the site as having the potential to deliver a development that can provide employment opportunities, social and leisure opportunities and education opportunities within a comprehensive mixed use development. The affordable housing offer for the development should complement these opportunities and help deliver the sustainability of it. This is especially important given the size of the site. An important aspect of delivering a sustainable development is the provision of a range of housing types and tenures. Although this is an outline application the submitted design parameters document gives a clear indication of the housing mix and densities throughout the site, it is proposed the development could provide; 350 x 2 bed (25%), 700 x 3 bed (50%), 280 x 4 (20%) and 70 x 5 bed (5%). This is indicative mix but gives a good indication of what can be achieved on the site. A proportion of this housing should be for the provision of onsite affordable housing, it is a policy requirement and is a key part of the mix of housing that is required to deliver a sustainable development. This council's interim housing policy indicates the approach to be taken in providing affordable housing and it concludes that the provision should be on site unless exceptional circumstances prevail. This approach complies with the requirements of the NPPF.

If the development of this site for 1400 dwellings was to have no on-site affordable dwellings it is considered that it would, as a consequence, not represent a sustainable form of development. Affordable housing is required to meet the development needs of the area, and the affordable

housing at Whyndyke would serve to meet the needs of Fylde which has been identified at 249 pa through the SHMA addendum (Nov 2014). The policies in NPPF are based on the requirement that development should be sustainable. Paragraph 7 identifies three dimensions of sustainability, one of which is social. The provision of affordable housing on site is identified as an important part of the social aspect of sustainable development. At para 196 of the Inspector's Report relating to a site at Little Tarnbrick Farm, Kirkham, the Inspector identifies the provision of on-site affordable housing that is well integrated with the market dwellings as a fundamental aspect of the social dimension of sustainability. The SoS agreed with this. Recent SoS decisions indicate that the provision of affordable housing on site is a significant factor in providing sustainable, inclusive and mixed communities, which is consistent with the NPPF and the IHP. (Little Tarnbrick Para 196 IR and 12 of DL, Kings Close (PINS ref 2220410 para 20) and Fox Strategic Land Decision (Cheshire East) paras 23 and 34).

Furthermore there has been a lack of social housing built both nationally and in Fylde in recent years which has led to this need. The development of this site would make a large contribution towards this need being met on a large sustainable site which offers recreation and employment opportunities, together with good links to the surrounding area. Without the provision of on site affordable housing the proposal would result in a large community that would not be socially cohesive, the residents of the site would be restricted to those who could afford to pay market prices for dwellings and there would not be an appropriate mix of dwelling types and tenures on this large site. It is considered that Blackpool's proposal would not contribute to the sustainability of the site (the social role) and consequently would make the proposal itself less sustainable. As such the NPPF presumption in favour of sustainable development if the proposal put forward by Blackpool were accepted would be considerably diluted in respect of this application. As stated above Blackpool's approach is considered acceptable for the part of the site within their administrative area as this constitutes a small portion of the site. If their approach were accepted for the site as a whole it would be contrary to policy and result in sustainability implications.

Conclusions to proposal

According to both Local and National Planning Policies affordable housing should be provided on site unless it can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.

The proposal by Blackpool to use off site contributions to regenerate central Blackpool is not considered sufficient justification to allow an exception to these policies. There has been no robust justification submitted as to why, if an offsite contribution were to be accepted why this provision should not be made elsewhere in Fylde. Furthermore there is too much uncertainty surrounding what affordable housing would be made available to Fylde residents in Blackpool in lieu of on-site provision at Whyndyke. It is also considered that to provide no affordable housing on a site of 1400 dwellings would result in the development being unsustainable development. It is therefore considered appropriate and policy compliant for the affordable housing to be provided on site. It has to be acknowledged Blackpool have proposed an approach that would meet their needs and has been found sound by Inspectors at appeal. However this would only be appropriate for the dwellings located in Blackpool and not this units proposed within Fylde due to the reasons set out above. However using Blackpool's approach for the dwellings located in their area is appropriate as this would comply with Blackpool's own policies as set out in the development plan that is in force in the area. As only a small part of the overall site would be subject to this approach and having regard to the delivery of 20% of the dwellings on Fylde's part of the site being provided as affordable dwellings, it would not impact greatly on the sustainability of the site as a whole. This would therefore comply with both authorities objectives. It is also acknowledged that the site is located directly adjacent to Blackpool's boundaries and is not adjacent to any of Fylde's settlements. It is

therefore considered acceptable in this instance for the legal agreement which secures the on-site provision of affordable housing to allow residents of Blackpool to occupy the affordable housing on site, if the housing cannot be filled by existing residents in Fylde. It is, therefore, officers recommendation that if members are minded to approve this application it should be subject to a legal agreement which would require occupation by a person with a direct connection to Fylde and, only if there is no such eligible person, that the area of search for potential tenants be widened to include persons with a direct connection to Blackpool, either as a whole or just within the adjacent wards to the site. Should a property become vacant, the search for a new tenant would again revert to those with a Fylde Connection in the first instance.

Impact of proposed retail development

The application includes two neighbourhood centres within the site of 1400 dwellings as well as employment and education uses. Neighbourhood centre 1 is proposed to be 0.7 hectares in size and would contain a public house/restaurant measuring 550sqm, an A1 food store at 400sqm, a health centre at 600sqm as well as 56 residential dwellings. This neighbourhood centre as outlined on the site layout plan would be located adjacent to the main entrance into the site south of the mental health facility 'the harbour'. The second neighbourhood centre would be located central to the site, adjacent to residential areas, commercial areas and public open space. This centre would provide 350sqm of retail units (A1), a café of 100sqm, financial and professional services of 100sqm, a hot food takeaway of 100sqm as well as 32 residential units. At this point in time the makeup of these proposed units is unknown as the application is outline, however the amount of space to be allocated to these uses is proposed in this application. The development in total would be 1550sqm in neighbourhood centre 1 and 650sqm in neighbourhood centre 2, totalling 2200square metres, of which A1 retail use would be 750 square metres.

Policy SH15 of the Local Plan - small scale out of centre retail development, states that such developments will only be allowed if the proposed use has special locational requirements such that it would not be appropriately sited within an existing retail centre or would provide small scale local shopping in an area deficient in such facilities. It is considered that because of the number of dwellings to be provided at this site, that the provision of these small scale retail units is absolutely necessary and forms part of the balance and mix of uses that makes the overall development sustainable. If these on site facilities were not to be provided, it is expected that there would a significant increase in car journeys to access similar facilities and this would result in an objection from the Highway Authority. It is considered, therefore, that the inclusion of these retail uses on the site would provide appropriate small scale local shopping for the overall development and would comply with this Local Plan policy.

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

commercial uses is for 2200 square metres of floorspace, of which 750 is for A1 retail and the remainder for the health centre, cafes and other uses, an impact assessment is not necessary. The NPPF concludes that, where a proposal fails to satisfy the sequential test or is likely to have significant adverse impact, it should be refused. In regard to this application, it is considered that, as the site is proposed to be part of an allocated mixed use site, the principle of the development has been found to be acceptable, and as the mix of uses proposed alongside the residential dwellings is necessary in order to make the development sustainable, the development is in accordance with the emerging Local Plan and acceptable in principle and the sequential test does not need to be applied. Furthermore, in relation to the size of the site, the amount of town centre uses proposed to be located here is small and would not have a significant adverse impact on any existing centre in Blackpool or Fylde. The retail element of the proposal is, therefore, acceptable in principle in planning policy terms. If planning permission is granted, suitable planning conditions would be required in order to ensure that the floor areas of the commercial elements are restricted as per the requirements of the Highways Agency and to ensure the retail impact on existing centres is acceptable.

Provision of employment land

The allocation of the site in the emerging Local Plan to 2032 is for a mixed use site to include 20 hectares of employment land. This application proposes 20 hectares of land adjacent to the motorway which, as discussed in the principle of the development section above, is considered acceptable and contributes to the overall mix of uses proposed that help make the proposed development truly sustainable. The areas are split into two blocks of 7.5 and 12.5 hectares and are indicated with areas of green space around them. Without this element of the application the proposal would have to be considered as being less sustainable. However, the employment part of the site is not included as part of the viability assessment for the overall development and there is, therefore, no commitment to develop the employment site from the applicants. It is clear that the employment element of the application will only come forward as and when it is viable and when there is market demand, i.e. the employment buildings will not be built speculatively without an end user determined. Whilst there are costs that will have to be distributed over the site as a whole such as highway works and drainage, each element will come forward when it is itself viable. Taking that into account, in order to secure the sustainability credentials of the development, it is considered necessary that approval of this application be subject to a condition that requires the submission of the full details of the infrastructure that would serve the employment element of the site and that the approved infrastructure works should be implemented in full prior to occupation of 50% of the dwellings on the site. It is also considered necessary that the applicants commit to actively marketing the employment land on a national basis for a period of not less than 5 years following any grant of planning permission. This provision could be secured via a legal agreement.

Impact on highways network

Paragraph 34 of the NPPF requires that decisions should ensure that developments that generate significant movement are located where the need for travel can be minimised and the use of sustainable transport modes can be maximised. The NPPF promotes sustainable transport. It requires that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment, and that decisions should take account of whether;

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and

- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

It states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The proposal would result in the addition of a number of different uses including 1400 dwellings and 20 hectares of employment land. Accordingly, the impact of the proposal on both the local highway network and the Strategic highway network has to be considered. To that end a Transport Assessment (TA) has been submitted with the application and this has been assessed by both the County Highway Authority and the Highways Agency on behalf of the Council. Following revisions to the application ten technical note updates have been provided as well as a Transport Assessment Addendum (TA Addendum V2) to outline the highway impact and implications of the proposal.

The application proposes that the overall site be served by three different accesses and this is a detailed matter for consideration. The precise internal layout will be determined through Reserved Matters applications however the submitted scale access and movement plans give an indication of the main routes through the site. There are two access roads proposed into the site off Preston New Road, one directly opposite Clifton Road and to the north of the existing petrol station and caravan site and one that has already been formed to serve the mental health facility. The access opposite Clifton Road would pass between the employment area to the south and the residential and other uses to the north before turning north to meet the new access and roundabout proposed with Mythop Road. The other access adjacent to the mental health facility would also meet this road and these would be the primary movement corridors through the site. The plans also show secondary corridors, link corridors, green corridors and informal pathways throughout the site. The application has been considered by three different highway authorities, with Lancashire County Council responsible for providing and maintaining a safe and reliable highway network in the area of Fylde Borough to the north, east and south of the proposed development. Blackpool Council is responsible for the network immediately west of the proposed development site including the A583 Preston New Road, from where it is proposed the main site accesses will be taken. The Highways Agency is responsible for the M55, part of the strategic highway network, which runs along the southern boundary of the proposed development. Throughout the application, each of the highway authorities have worked with Fylde and the applicants as the application has evolved and as the highways conditions have changed. Subsequently much additional work has been undertaken by the applicants and the outcome is now that none of the three authorities raises any objections to the development but all request a number of conditions and contributions that will be required in order to ensure a development of this scale has an acceptable impact on the highways network, including the movement of people and goods by any mode, including pedestrians, cyclists and public transport. The general views of each authority are outlined below with the key requirements of each authority (a number of which overlap) subsequently summarised.

County Highway Authority views

Lancashire County Council's (LCC) views are the most comprehensive of the three authorities and their most recent comment were received following the revision of the application from 1500 to 1400 dwellings with the remaining mix and amount of uses remaining the same. They comment that as the reduction in dwellings does not affect the access and off-site highway proposals or other highways and transport elements/triggers etc. previously agreed with the developer, they do not intend to provide any further detailed comments at this stage and as such their previous comments which were made on the 22 November 2013 following the revision of the application to 1500 dwellings still stand.

Assessment of TA

They note that the mix of employment uses will be 40,000sqm of B2 General Industrial use and 80,000sqm of B8 warehousing and storage space and that it was explicitly stated that there would be no B1 Office use within the additional employment land use. This is important as the TA addendum has made no allowance for the considerable additional trip generation that B1 office uses would create.

With regard to the submitted TA, following amendments, LCC consider that the appropriate committed developments and the assumed build out rate of 100 dwellings per year and the impact up to 2028 are an acceptable basis for the assessment. LCC state that the trip rates assumed for the residential and employment sites are acceptable, and the introduction of the employment area should increase the potential for sustainable journeys and the overall reduction of trip rates. The trip distribution rate in the TA has been assessed including the distribution of trips at access junctions, the modal split and the predicted traffic flow. LCC state that to achieve the modal split figures submitted (between walking, cycling, public transport etc) the improvement to public transport provision will need to deliver high frequency, reliable services to a wide range of locations that give excellent access to employment, retail, education and leisure. In addition, the connections between the site and the wider network to these amenities, for sustainable links (walking and cycling), will need to be significantly enhanced. It is important that there are direct walking and cycling links to the wider existing employment opportunities. Therefore, proposals for sustainable transport, walking, cycling and Public Transport are necessary. These are discussed later in this report. With regard to the trip distribution and the accesses to the site, LCC have expressed some concerns but they consider that these matters can be resolved through the detailed modelling of the Preston New Road / Clifton Road Signalised Access and the Preston New Road / Graham's Cottage Signalised Access.

Impact on wider network and improvements required

With regard to the impact of the development on the wider highways network, LCC note that there are a number of existing traffic issues within and through Staining which required full consideration when assessing the highways and transportation aspects of this large development proposal. Staining currently suffers from a significant level of “rat running” through the village in peak periods with traffic using Staining Road and Chain Lane to avoid congestion on the primary distributor roads between Blackpool and the M55 junction 4 (and beyond). This large development proposal has the potential to add further to the existing traffic issues through Staining, particularly given the proposal for a site access junction on Mythop Road which in combination with the main internal distributor road within the site has the potential to encourage even greater rat running to and from M55 junction 4. LCC consider it imperative that the internal road between Mythop Road and the other two accesses must be designed in a manner that does not make the route an attractive “rat run”. Measures will be required to ensure travel time on the route though the site reflects the residential nature and discourages excessive re-routing. The applicant has indicated that a 20mph limit and traffic calming measures will be included as necessary. These measures would be agreed at the reserved matters stage when the site Masterplan has been developed further. Other measures required due to the increase in traffic from the development site are outlined in the summary below including improvements to each of the junctions to be triggered by occupation of dwellings and take up of employment space at the site. Improvements would include signalised junctions to the M55 J4, road widening and an additional entry lane to provide capacity and operational improvements. An interim non signalised improvement scheme will be implemented after occupation of the 50th dwelling with the full improvement works after the occupation of the 750th dwelling. The Mythop road access and link through to the Grahams Cottage access would be required from the start of

development at the site. Junctions further from the site have been modelled and it is considered necessary that a suitable level of S106 funding be sought to allow an ongoing review (to optimise signal timings) for an agreed list of signalised junctions that experience increased traffic movements as a result of this development. A figure of £20,000 has been proposed. The County Highway Authority consider that the analysis provided is sufficient to demonstrate that when the full highway improvements and access requirements (Graham's Cottage, Clifton Road, and Mythop Road) are delivered the network can accommodate the predicted traffic demand. They concur that it is logical to expect the local network to reach a balance in the traffic movements so that, for example, congestion associated with the right turn at Mythop Road is relieved by traffic re-routing via both the Graham's Cottage and Clifton Road signalised junctions. The Preston New Road/Grahams Cottage signalised access would need to be provided prior to the occupation of the 200th dwelling on the site.

Sustainable transport improvements

The submitted TA acknowledges that, even with all the junction improvements proposed, sustainable transport improvements will also be required and a payment of £1,283,836 towards the delivery of a high frequency bus service has been identified as being essential. The County Highway Authority state that it is essential that funding is secured to provide a long term, viable public transport service into and through this development. Any bus service(s) to the new development will need 'pump prime' funding to ensure delivery. Any Public Transport proposals should seek to provide a frequent service throughout the day and also consider evenings and weekends to a range of destinations. The latest TA Addendum (V2) sets out the level of Public Transport provision and trigger points. The County Highway Authority consider that it is important to ensure that the level of service to be provided is a condition of any approval granted and that there is a flexible mechanism to ensure adequate funding is delivered through the sn106. If, at some point in the build out of the site, there is a shortfall in the funding which means no service is available then there should be a condition restricting further build out of the development until such time as the public transport service is available. This places the onus on the developer to ensure that the funding level proposed is adequate to deliver the service. The TA Addendum (V2) under section 5.6 states, 'Should the development build out extend beyond 10 years an annual contribution will be agreed between the developer and Lancashire County Council based on service cost and fare box to ensure the bus service is sustainable prior to final construction.' The above statement indicates the commitment of the applicant; as such LCC are satisfied with the principles set out in Technical Note 7 and TA Addendum (V2) subject to a suitably worded condition. The trigger for the payment of the first public transport contribution has been agreed between LCC, the HA, Blackpool and the developer as the 100th occupied dwelling.

Other requirements include contributions towards upgrading cycle paths, a £315,000 contribution per dwelling towards personalised travel planning which will include £100,000 towards bus passes for occupants of the site and the formation of a Travel Plan. The Travel Plan will be used by the sustainable travel team to:

- Appraise Travel Plan(s) submitted to the Planning Authority and provide constructive feedback.
- Oversee the progression from Framework to Full Travel Plan in line with agreed timescales.
- Monitor the development, implementation and review of the Travel Plan for a period of up to 5 years.
- Support the development and implementation of the Travel Plan.
- Develop and provide online, staff mode of travel surveys and collation of returns for baseline and subsequent monitoring purposes.

- Attend meetings with developer/occupier/co-ordinator as necessary.
- Provide access to leaflets, publicity, maps and information – provision of bespoke literature and large quantities may be subject to additional charges.
- Conduct a basic site audit.
- Provide localised maps and plans, GIS mapping of staff postcodes or other origin and destination data, accessibility plot of public transport, walking and cycling routes/thresholds to site.
- Advise and offer appropriate support with implementation or suitability of specific elements or measures.
- Assist with the development of sustainable travel directions for web pages and other appropriate content.
- Help stage promotional events and activities including Walk to Work Week, Bike Week, car free days or measured mile walks etc.

Other highways issues

The County Highway Authority note that the latest updated Parameter plans do not show any buffer zone in respect of the protected M55 to Norcross blue route. This potential highway scheme may require widening on the M55 by at least 10 metres or greater from the existing M55 Junction 4 going east to provide the parallel links. LCC's colleagues from the highway design team indicate that the works should be deliverable within the extent of the current highway boundary. However, this cannot be guaranteed until detailed design is carried out. Only then will the full requirements be known, where aspects such as drainage and other construction requirements may result in more land being necessary. A condition is therefore required to secure this area until the scheme is disbanded or the details secured. Whilst the application has been made in outline, LCC state that the internal site layout should conform to Manual for Streets and that parking provided should be in line with the standards.

The County Highway Authority have no objection to the proposed development as long as all mitigation measures as agreed and detailed above are delivered by the developer in line with agreed trigger points and that suitable conditions are put in place.

Highways Agency and Blackpool highways views

The HA's views on the proposal mirrors much of what LCC have stated and is discussed above. Other comments that they have made and conditions that they require are prevention of the motorway for use by pedestrians, the limiting of the number of dwellings to be developed on the site to be 1400 and the amount of employment floor space to be B2 Industrial 40,000 square metres and B8 Warehouse 80,000 square metres. They have the same requirements as LCC regarding junction improvements and travel plans etc. Blackpool highways have been in discussions with the applicants and other highway authorities and have similar requirements in terms of junction improvement and triggers. They have differing s106 requirements such as the cycle way improvements in the surrounding area and these will be included in the agreement.

The development is therefore acceptable in highway terms if the following works and contributions are provided. These works are considered necessary and related to the development and therefore CIL compliant, with the provision of these through conditions and legal agreement the development will have an acceptable impact on the local and strategic highway network.

Conditions will be placed on any permission granted to secure the following key works;

- No development until full design and construction details of all site access and off site highway works have been agreed.
- No development until a scheme for the construction of the internal distributor Road, have been submitted to, and approved
- No development until submission of a Construction Management Plan/Method Statement required to be implemented.
- No development until a phasing plan to be submitted and approved
- No development until a monitoring regime of traffic numbers at Mythop road agreed.
- Prior to occupation of the first dwelling a full Travel Plan submitted for approval.
- Prior to commencement of development a landscape plan for cycleways and footpaths and external lighting submitted for approval.
- Construction of Mythop Road access and link to junction of Preston New Road/Graham's Cottage prior to occupation of any of the units.
- Construction of interim highway improvement scheme at motorway junction after occupation of 50th dwelling.
- Construction of final highway improvement scheme at motorway junction after occupation of 750th dwelling
- Construction of Graham's Cottage / Preston New Road (A583) access improvements after occupation of 200 dwellings or 25% of employment space.
- Construction of the Clifton Road / Preston New Road (A583) access improvements after occupation of 700 dwellings or 50 % of the employment land.
- Development of the site not to exceed 1400 dwellings, 40,000sqm of B2 employment space and 80,000sqm of B8 employment space.
- No direct pedestrian access to the M25 and fence to be submitted.

A section 106 legal agreement will be necessary to ensure the following contributions are made which are required to make the development acceptable in planning terms;

- £244,000 contribution to proposed off site cycle links as referred in Tech Note 6 (Nov 2013). State that cycling routes along PNR and beyond to connect to St Georges School and East Park Drive at Lawson Rd Jct
- £20,000 contribution for traffic signals review for post scheme optimisation of PNR Jct with Clifton RD, Graham's Cottage and Mythop Rd. BC want contribution towards a "review of traffic signal opportunities and to implement any associated amendments required
- £50,000 requirement of BC towards Blackpool's Variable Message Signing scheme to assist in offsetting traffic impact. To include:VMS sign, two cameras and two radio units for integrating the Graham's Cottage access into the system
- £20,000 required to implement additional measures to deter routing of vehicles through Staining via the new Mythop Rd access (signage, traffic calming and speed control).
- £30,000 towards Travel Plan support for LCC. BCto input and assist with monitoring.
- £210 per dwelling (£294,000 total) for Personalised Travel Planning – as part of this £100,000 would be allocated to provide bus travel passes (triggered only if travel plan targets are not achieved. This is agreed in the Mayor Brown TA Addendum of November 2013.)
- £30,000 required in the event that flow changes recorded in the monitoring of links surrounding the Mythop Road access as required by condition exceed those agreed in section 13 of Technical Note 9.
- Contributions to secure a high frequency (LCC require every 15 mins at peak times and 30 mins intervals at non peak times) Applicant's TA states every 20 mins in peak times and 30

mins at non peak times bus service to be provided/operational prior to occupation of 100 dwellings. Payment of £1,283,836 in 10 instalments:

- £329, 942 prior to occupation of 100 units
- £91, 893 first anniversary of occupation of 100 units
- £60, 455 second anniversary of occupation of 100 units
- £58, 704 third anniversary of occupation of 100 units
- £481, 642 fourth anniversary of occupation of 100 units
- £55, 853 fifth anniversary of occupation of 100 units
- £65, 023 sixth anniversary of occupation of 100 units
- £43, 958 seventh anniversary of occupation of 100 units
- £64, 015 eighth anniversary of occupation of 100 units
- £32, 352 ninth anniversary of occupation of 100 units
- Further annual contributions only if construction extends beyond 10 years.

Impact on residential amenity

The application is an outline application with all matters reserved asides access. It is, however, considered that a site layout can be designed which would meet the councils spacing guidance and would not harm existing residential amenity. Existing residential dwellings are considered to be sufficient distance away from the proposed development. Appropriate conditions can be placed on any permission granted with regard to noise from the commercial properties and the Environmental Protection Officer has requested a number of conditions in relation to opening hours, noise insulation, delivery times, reversing alarms and signage. A number of these conditions are required due to the outline nature of the application as the precise location of noise sources is unknown, and there is the potential for noise to be created from the industrial and commercial properties. Because of the site's location near to the motorway and main road there is potential for the dwellings at the site to experience noise from the road, the Councils Environmental Protection officer has therefore requested a condition requiring a noise assessment from road traffic be undertaken and that appropriate internal and external standards be met. He states that for those facades falling within the limits as defined as noise exposure category C, doors and windows to habitable rooms shall have a weighted sound reduction index (Rw) of 38 dB or greater. For facades falling within noise exposure category B, doors and windows to habitable rooms shall have an Rw of 30 or greater, and for facades falling within noise exposure category A, no measures are required. With such conditions in place the residents within the neighbourhood centres and the surrounding area would have an acceptable level of residential amenity.

Impact on character of the area

Whilst the principle of the development has been accepted another key issue is the impact of the development visually on the character of the area. 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 the Natural England 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 Borough's flat landscape'.

The character of the site itself, in the main, consists of undeveloped agricultural fields, separated by hedgerows containing ponds and trees. Whilst there is some built development within the site in the form of Whyndyke Farm, the majority of the site is lain to grass and forms a typical part of the countryside in Fylde Borough. The overhead pylons have a significant visual impact on the eastern part of the site. The issues to be considered under this heading are the visual impact of the development on its immediate surroundings and how the application site fits in with the established urban form to the west. The application has been submitted with a Design and Access statement which includes a landscape and visual appraisal of the site. The landscape appraisal finds that the character of the site itself is defined by its location, historically being part of the wider agricultural landscape but now finding itself on the edge of Blackpool and because of it being bounded by definite landscape features the landscape of the site has developed independently from its surroundings. The character of the surrounding area is typical of countryside within Fylde Borough and fits in with the character areas described above and the area to the west of the application site consists of the urban area of Blackpool.

The sheer scale of the development means the proposal cannot fail to have a visual impact. The main direct visual impacts would be from along Mythop Road to the north and Preston New Road to the west. Views from Preston Road North are slightly elevated and offer an appreciation of the whole of the site, however a large amount of it remains out of sight. Views from the east would be screened by the wood and views from the motorway would be limited and passing. There would be long distance views from the north from Staining and Chain Lane. Clearly the development of an undeveloped field will have an impact upon this character. The proposal is for a residential development which is the same as the adjacent land to the west. The significant existing woodland to the east of the application site provides a natural boundary and backdrop to the development when viewed from the south and west. When viewed from the south along the motorway the employment area will be visible and this is required to be set back into the site to provide for highway safeguarding which will assist in reducing its visual impact. Furthermore this development will appear similar in character to the existing commercial buildings situated further to the west, on the north side of the M55. The existing landscape features: the ponds, trees and hedgerows, are to be retained wherever possible and additional planting within the site could result in an increase in vegetation features within the site, albeit with a loss of grassland. The dwellings immediately adjacent to the site to the north and west and the caravan park would experience a change in outlook to the front of their properties but this change in outlook is not a material consideration that would warrant refusal of this application. The recently completed mental health facility has also had an impact on the character of the area.

Paragraph 58 of NPPF refers to the quality of developments and includes a requirement for planning decisions to respond to the local character of an area. This is a similar requirement to criteria 2 of Policy HL2 which requires that a development is in keeping with the character of the locality. The site location is described above and the development of the site this size in the open countryside could not be said to be in keeping with the character of that locality, however, because of the site's

location directly adjacent to the urban area of Blackpool, it can be viewed as an extension of that character area to the east. The visual impact of the development is reduced/mitigated by the existing surrounding features that help to form barriers to development, the considerable woodland area to the east and the motorway to the south which, together, effectively enclose the site. Whilst the visual impact is significant, when balanced against the positive elements of the application – housing and employment land supply, it is not considered that the development of this site would have an unacceptable impact on the character of the area and would not create an unacceptable visual impact that would warrant refusal of the application.

Design, layout and landscaping

The application has been made in outline with all matters reserved asides for access. Therefore the exact design, layout and landscaping of the development are unknown at this stage. However in order to assist Officers in determining the application and also to provide clarity about what will be developed at the site in the future, a Design Parameters and Principles statement has been submitted with the application. The layout has developed as a result of amending the application from 2000 dwellings to 1400 dwellings and 20 hectares of employment land. Parameters plans have also been submitted with the application in relation to the:

Land Uses – showing the distribution of the proposed land uses around the site,

Urban Design Framework – outlining the maximum building heights and where landmark buildings etc will be located,

Access and Movement – showing where the accesses to the site will be as well as key internal routes, street character types and hierarchy's,

Landscape, Open Space and Green Infrastructure – showing the location of existing environmental assets to be retained and the location of proposed new open space, recreation space and green infrastructure, and

Character Areas – showing the boundaries between the five different character areas of Core, Urban, Fringe, Employment and Neighbourhood Centre.

The amount of development proposed for each land use and its proposed location is therefore known and despite the application being made in outline Officers are able to make an informed assessment of what is being proposed at the site as a whole, how it will work as a community, what sense of place it will have and how it will connect to the surrounding area. The design of the individual buildings is clearly not known at this stage, but densities and building heights have been submitted so the character of the development can be assessed. It is the intention that this document will form the basis of subsequent design codes to be prepared alongside reserved matters applications for the site as it is developed. The size of the site means that it will likely be developed by a number of different house builders so some consistency for the site as a whole is required and this document would ensure this.

Layout

The submitted parameter plans and design statement splits the residential and commercial part of the site into 10 smaller areas, with the proposed employment site split into two further blocks of 12.5 and 7.5 hectares located towards the southern end of the site. This 20 hectares of B2/B8 employment land is strategically located adjacent to the M55 motorway and would primarily be accessed utilising the most southerly access to the site. The features of greatest ecological value such as Kirkham copse would be retained with the employment land situated around them. The reserved matters for the employment element of the site would need to be carefully designed so that these features are protected and linked to other areas of ecological value.

The residential area of the scheme would be located in that part of the site to the north of the proposed employment site and would be split into 10 different development blocks, each with different characters and densities. These blocks are defined by the movement of vehicles and the open space network that is proposed as these help create the character of the area. The blocks are mainly residential, but the mixed blocks feature a range of uses and are described as forming the 'core' character areas. These are located in the centre of the site and adjacent to Preston New Road. Public open space will need to be formed within and around each of these areas. The densities of each of the areas differs in accordance with the site's location and the land uses in the area. The land use, character areas and urban design framework plans identify the amount and types of development around the site. The areas of greatest residential densities are within the neighbourhood centres where 80 dwellings per hectare are proposed, this is because the residential units in these areas are likely to comprise flats and apartments above commercial uses and therefore a higher density can be expected. Officers requested residential uses be a part of the neighbourhood centres as this helps retain a vibrancy to the areas. Higher densities are found along the boundary with Preston New Road adjacent to existing development, with medium and lower densities along the eastern boundaries. In terms of character areas, the areas around the neighbourhood centres and primary school are defined as being core, the residential areas to the north of these are called urban and the residential areas to the east of the site adjacent to the woodland are defined as fringe. The primary school is located centrally adjacent to residential areas and occupies an appropriately sized site where a school can be constructed and serve the development. The size of the site means there is potential for a pre-school nursery and includes space for a playground, playing fields and a MUGA. Also included and appropriately located within the site is a community building which would be located next to the formal open space and has the potential to be used for a number of different events by different groups.

The proposed master plan layout reflects Manual for Streets guidance, promoting good legibility within the development through its street pattern, junctions, buildings and facilities and green spaces. The development has incorporated a series of nodes to help people find their way around the site. Nodes provide a central point for the provision of particular facilities. The majority of these within the proposed development are found along the 3 no. main boulevards, increasing their connectivity with other nodes. Prominent corner buildings and the use of quality materials would reinforce identity and provide legibility.

Access and movement

An access and movement plan has been submitted which shows the primary and secondary corridors through the site, as well as link and green corridors to show the movement matrix for the site. It is stated that the access to the development throughout the site will ensure that;

- Direct access to the house is available from the nearest part of the public highway
- Access is readily available to dedicated parking spaces
- Rear gardens can normally be accessed without having to go through the house (not applicable to terraces)
- Convenient access to waste / recycling facilities is available from front / back doors

The DPPS states that the movement network has been designed in response to the design rationale with as much emphasis given to people as to cars. Street networks have been designed to encourage walking and cycling, and these users are accommodated on streets rather than being segregated. There are five different street character types in the hierarchy, The County Highway Authority comments include that the main routes through the site will need to be designed so that the route is not attractive as a short cut for cars. Walk and cycle ways are proposed to be prominent throughout

the development and aim to provide a network of routes to connect to key destinations within the site.

Design

The design of individual buildings is unknown however the DPPS states that the key design principles for frontages is to promote natural surveillance, frame open spaces and create an attractive setting. The highest storey buildings will be used as key node points and frontages along the primary corridors and open spaces to provide legibility and visual interest. The three main boulevards will form the primary routes through the site and are proposed to be wide, tree lined routes with a central reservation and footpaths separated from the road edge by generous verges, which will allow the buildings along these routes to be larger landmark buildings. The different character areas as described in the layout will influence the design and consideration will need to be given to;

- Uses / Activities
- Residential Density Range & Mix
- Building Heights range
- Building Lines
- Dwelling Types
- Streetscape Layout
- Approach to green infrastructure and open Space
- Nodes, Pinch Points and Vistas
- Street types and surface treatments
- Parking arrangements

The DPPS sets out the design principles for each of the different character areas, including an assessment of the uses and activities, the residential density range, height ranges, dwellings types, streetscape layout, building lines, parking, key public spaces, landscaping, boundary treatment, road surfaces and building materials. For example urban character areas will principally be residential but will also feature the neighbourhood centres and the primary school, with a higher density proposed in these areas including 3 and 4 storey buildings to be built in brick with brick and stone detailing and slate roofs, with more contemporary materials to be used in the commercial centre, school and apartments. It is considered that these design parameters offers a clear guide to what will be developed at the site and can be used to inform future Reserved Matters applications.

Landscaping

The submitted landscaping parameter plans show where different areas of landscaping would be located. Formal open space in the form of playing fields for football and cricket would be located between the employment and residential uses and adjacent to the electricity pylons. Allotments would be located in the north east corner of the site adjacent to Mythop road and Gypsy Hole wood. Informal open space would be located throughout the site adjacent to existing ponds and waterways and the hedgerows within the site would be retained. Ecological space and green corridors would be located throughout the development and the main roads running through the site would be wide tree lined routes to form attractive boulevards. Buffer zones of landscaping would be created adjacent to the motorway and Preston New Road to help soften the appearance of the development. The DPPS states that the design and specification of new planting across the development will take into the account the site and proposed land uses. Planting would reflect and enhance the existing natural species in sensitive ecological areas such as around the ponds and hedgerows and new planting would be robust and fit for purpose. Due to the retention of the ponds in the site it is proposed to create 'village greens' in similar form to that found at Wrea Green,

around which residential development would be clustered. As a result, these green spaces would become focal areas around the site and create a sense of place. The best quality trees within the site would be retained. Key landscaping features of the site will be;

- The retention of existing hedgerows, trees and ponds, which are of significant landscape and ecological value.
- The design of streets and open spaces using permeable or semi-permeable surfaces whenever possible to allow sustainable drainage, and the use of existing water bodies to accommodate surface water run-off.
- The provision of large areas of valuable open space to reduce the density of development and create a pleasant place for people to live and work. Formal and informal recreation areas allow communities to bond and residents to lead a healthier lifestyle.
- Proposed allotments encourage domestic food production and local area food sourcing. They provide a place for social interaction and community sustainability.
- New planting and the addition of ecological measures, such as owl and bat boxes, enhances and extends existing wildlife habitats and increases the potential biodiversity of the site.
- New and improved footpath and cycle links and the provision of a comprehensive public transport network encourage use by the local community and consequently reduce the dominance of the car. As a result of this, public health and safety is improved.
- The proposals provide additional access to the wider urban and rural landscape, ensuring that the development integrates successfully within its environment.
- Green corridors to improve ecological sustainability. Selective tree/ hedgerow planting using native species such as willow, oak, hawthorn;
- A series of drain features throughout the linear green spaces designed to function both from a drainage and ecological perspective creating a varied range of habitats and landscape features, including for example reed beds that will benefit bird species, present in the surrounding farmland improving overall biodiversity and its connectivity;
- Informal open spaces to include traditional species rich meadow, tree, hedgerow, scrub and shrub planting and informal paths suitable for recreation and dog walking.
- The Outdoor Playing Space would be provided in locations accessed by pedestrian and cycle routes. Formal sports pitches and a cricket field would be provided to the east of the proposed site

Summary

The submitted DPPS gives a clear indication of the amount of each different type of use, the layout in which it will be formed and how the different uses would be linked through roads and cycle paths as well as how the existing landscape features would be retained and bolstered. It is considered that the parameters of development in the layout shown are acceptable and the level of development in each of the different character areas is appropriate to its location and type. It is also considered that this document forms an acceptable guide to inform the development of future Reserved Matters applications, which will undoubtedly come forward as a number of separate applications, and offers a guide and opportunity for them to be developed in cohesion so that the character throughout the development in the different zones can be considered to relate to each other.

Public open space and recreation

Due to the scale of the development, proposals within this application for open and recreational space form two separate types: areas of POS within the residential developments themselves and recreational space to meet the needs of the development as a whole.

In terms of space within the residential character areas Adopted Local Plan policy TREC17 – Public Open Space within New Housing Developments requires housing developments to provide amenity open space with facilities such as play equipment where appropriate to the following standards:

- 16m² per 1 bed
- 24m² per 2 bed
- 32m² per 3 bed
- 40m² per 4 bed
- 48m² per 5 bed

For developments of 100 dwellings or more these requirements are doubled. Therefore as this is an outline application where the final number of residential dwellings and their locations is unknown and that it is likely that Reserved Matters application will be submitted for each of the residential character areas in turn it is appropriate for this matter to be dealt with at that stage. The public open space within these areas should take account of and incorporate features of existing ecological interest which are discussed below and in the design and character paragraphs above.

In terms of recreational open space to serve the development as a whole, a linear park with public footpaths and recreational areas, playing fields and allotments is proposed. Integrated between these features would be a series of footpaths and cycleways. The management of these areas would be undertaken by a landscape management company in order to ensure that, as the site matures, it retains its landscaping. Sport England consider a condition necessary that prior to the commencement of development details of the precise siting of the sports pitch, their management and a timescale for implementation of the sports provision be submitted. With this condition in place the Local Authority can ensure that the development's sports provision are constructed in line with the dwellings at the site.

Flooding and drainage

The majority of the application site is located within Flood Zone 1 which is defined by the Environment Agency as an area of low probability of flooding where all land uses are appropriate. Flood Risk Assessments do not need to be submitted in these areas unless the site is over 1 hectare. A small proportion of the site at the northern end of the site is located within Flood Zone 2 however this is shown on the master plan to undeveloped and to be landscaped with a surface water drain adjacent to it and one of the Environment Agency's requested conditions requires this area to be used by water compatible features which would enhance the aquatic environment. The site has been sequentially tested through the Fylde Borough Strategic Flood Risk Assessment (SFRA) (June 2008) and identified as a preferable site for development. It does, however, state that consideration should be given to surface water runoff. The site as existing is farmland and contains a number of ponds and land drains which serve as surface water distributors and a development of this scale will consequently result in an impact upon existing surface water movements. In order to have an acceptable impact the development's surface water run-off rates must not exceed the existing greenfield rates so that the development does not result in flooding downstream of the site.

The submitted FRA states that as a result of the development approximately 80% of the site will become impermeable, which would result in a 100 year runoff of 8456 l/s for a 1 hour storm. It states that it is estimated that between 15,000 and 20,000 cubic metres of storage would be required throughout the development to ensure that there is no increase in flooding to the surrounding area. The FRA proposes that surface water be attenuated on site through a series of swales, holding tanks and ponds which would drain into watercourses and ponds, which would be

enhanced to incorporate attenuation to ensure that this does not affect downstream flows. The number of ponds that remain on the site will be the same as existing and United Utilities and the Environment Agency have no objections to this approach. The actual attenuation storage required can only be finalised during detailed design when the proposed system is analysed in a hydraulic model for a range of durations. It is proposed that the new buildings on the site would be set above the 100 year design water level to reduce risk of their flooding in the future. With regard to foul drainage, United Utilities have confirmed that there is adequate capacity in the existing public sewer and the development can link into this at the combined sewer on Clifton Road.

United Utilities, the Environment Agency and LCC as the lead local flood authority all have no objections to the development and the proposed approach to managing flooding and drainage. The Environment Agency states that as surface water from the proposed development would be contained on the site up to and including the worst case 1 in 100 year storm event and an allowance for 30% has been included in the attenuation calculations that they have no objections. They are satisfied that the surface water run-off from the proposed development will be restricted to greenfield rates (6.3 l/s) and they consider this essential. Because of the outline nature of the application they request conditions that the development shall be carried out in accordance with the FRA which states these run off restrictions and that a detailed surface water drainage scheme incorporating Suds be submitted. With regard to the foul drainage going into the mains sewer they support United Utilities requirement that no surface water is disposed of in the combined or foul sewer and request a condition as such.

United Utilities similarly have no objections to the proposal subject to the inclusion of a number of conditions which they state reflect the strategic nature of the proposal and some of which partially reflect those requested by the EA. They state that whilst high level drainage principles have been established with the outline application they require conditions to ensure a strategic and coordinated approach to water and wastewater infrastructure. The conditions they require include the need for a phasing plan so that the development, including its associated drainage infrastructure, is delivered in a coordinated way, a foul and surface strategy for the whole of the site, and full details of a surface water regulation system based on sustainable drainage principles.

The Lead Local Flood Authority have commented extensively on the proposal. They state they are pleased to see that the proposal intends to discharge into the ordinary watercourses at the existing greenfield runoff rate to prevent any increase in flood risk. They state that it is noted that the applicant intends to use the green spaces and sports pitches on the site to provide volume storage to satisfy the requirements of the site, and that whilst this is preferable to flooding on the highways etc. the LLFA encourages the applicant to provide more purpose led storage and attenuation solutions through ponds and swales and that the applicant has not provided details of flow path of surface water during a flooding scenario and whether these flow paths would lead to the storage area; these details can be a requirement of a condition for a detailed design strategy to be submitted to the Local Planning Authority. With regard to the Land Drainage Consent (LDC) they state that there are a number of ordinary watercourses within the site that drain into the main river that is located to the south east of the site. Under the Land Drainage Act 1991, consent will be required from the Environment Agency prior to starting any works on site to ensure that the surface water discharge rate into the main river is in line with industry standards and it can be demonstrated that the proposals will not have a detrimental impact on the main river. They state that culverting of these watercourses should be avoided as they could destroy habitat and that if extensive culverting is proposed they would be unlikely to issue Land Drainage Consent. They state that they support the use of SUDs and that prior to the designing the drainage strategy a full ground investigation should be carried out to fully explore the option of ground infiltration. Overall they have no objections, but require conditions relating to the above issues. Therefore, with the inclusion of said conditions,

there are no unacceptable drainage issues associated with the site and its development.

Ecology and trees

The application has been submitted with an environmental statement and an ecological assessment of the site and has been subject to a number of ecological surveys, these include surveys for protected species as required, together with an assessment of the impact that the development would have upon the wider area in terms of protected sites. These reports have been assessed by LCC's Ecology Service, Natural England and the Environment Agency on behalf of the Council and by the Council's own Tree Officer. The ecological assessment work was divided into three types, desk study, habitat survey and faunal surveys. An extended phase 1 habitat survey has been undertaken using standard survey practices which involved walking the whole site, mapping and describing the different habitats. Bat surveys of the buildings on site were undertaken and the trees on the site assessed for their roosting potential. Surveys of badger, water voles, birds, reptiles and amphibians have all been undertaken using appropriate good practice methods and follow the Ecological Impact Assessment produced by the Institute of Ecology and Environmental Management (IEEM, 2006) and were carried out by an appropriately qualified person.

Planning policy

No part of the site is internationally, nationally, regionally, county wide or locally designated. There is a SSSI 550m north of the site at Marton Mere, and Biological Heritage Sites at Marton Mere and west of Chain Lane. The Fylde Local Plan policy EP10 states that the distinct character and important habitats of Fylde Borough will be protected, both in terms of its coastal and inland elements. In particular, priority will be given to the protection of important landscape and habitat features, including sand dunes, mud flats, marine marshes, beaches, broadleaved woodland, scrub meadows, hedgerows, wetlands, ponds and watercourses. Policy EP12 states that trees, woodlands and hedgerows which individually or in groups make a significant contribution to townscape or landscape character, quality and visual amenity will be protected. EP18 requires natural features to be retained wherever possible and EP19 states that development which would have an adverse impact upon species specifically protected under schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981, (as amended) or their habitats will not be permitted. Where development is permitted which would affect these species, or their places of shelter and breeding, the use of planning conditions and/or planning obligations will be used to:-

- Facilitate the survival of individual members of the species;
- Reduce disturbance to a minimum;
- Provide adequate alternative habitats to sustain the current levels of population.

Guidance on nature conservation planning policy is provided in the National Planning Policy Framework. Because of the extent of the site the development will have a significant impact on the character of the area and also the potential to impact detrimentally upon ecology. The application has been made in outline therefore the precise location of buildings is unknown, however, the submitted parameter plans show that the development will retain the key habitats throughout the site including ponds and wetland areas, and a network of green infrastructure will be retained or provided in order to link the key habitats within the site with one another and with the wider area of open countryside beyond. For example Kirkham copse is shown to be retained within the employment area but will be linked by a green corridor to the pond to its north. As well as retaining the existing ponds, mature significant trees and established hedgerows there will a number of new ponds and habitat areas created and new planting will involve native species unless it is for a purely ornamental role in areas such as the local centres or at key entrance points. A habitat creation area

adjacent to the eastern boundary is proposed. However, some habitat loss will be experienced due to loss of grassland, removal of hedgerows, trees and the increase in activity around ponds and watercourses. The existing features of the site, construction impacts and mitigation is considered below;

Trees

The Councils Tree officer comments that the proposed layout incorporates the retention of landscape features and they have been sensibly incorporated into what are, at this juncture, broad-brush layout designs. Throughout the site, trees and ponds often exist contiguously, and thus retention of one implies retention of the other. With regard to trees within the site he states there are few of high value and almost none that grow as individuals. The majority of trees are young and grow in clusters around the ponds at the site. The best group of tree is that at Kirkham copse. He states that though the trees are not mature this does not devalue them: the communities of willows, birch and alder at various locations within this large site are of biodiversity value and serve visually to interrupt what would otherwise be a landscape without arresting features. He feels it is gratifying to see an intention to preserve these areas and design with them in mind, and the only caution would be that pond improvements, or the future use of ponds as SUDs, might require engineering works that would cost trees. As these details are subject to condition and as the layout shows the retention of the ponds and the trees surrounding them the majority of these should be able to be retained. He states that the buffer planting to the M55 is functional and would serve as a visual and acoustic barrier should development proceed.

With regard to the woodlands that are adjacent to the site he states that the effect of these is of a woodland that gives great definition to the area. They are, due to their linear nature, more in character to plantations than semi-natural woodlands but their landscape value is tremendous and enhanced by the fact that the falling topography affords a view of them. This would increase post development because of the softening effect, separation and visual backdrop they would offer the units. He states that there is no threat to these due to the overhead high voltage lines. Conditions can therefore be put in place to retain existing trees on the site and also so that a comprehensive landscaping scheme for the site as a whole is submitted so that the details of additional

Hedgerows

The tree and landscape officer states that the complex matrix of hedges that were once part of Whyndyke Farm is now largely gone and such hedges that remain are not of ancient origins and often fragmented or so depleted that they don't form a recognisable hedge. All are predominantly hawthorn, so lack the species diversity of older hedges, and wouldn't trigger protection under the Hedgerow Regulations 1997. He states that management of them has been minimal, with no re-stocking of failed sections. Some hedges are more intact but even the better ones such as that bounding Mythop Road are punctuated by large openings and don't form a continuous whole. He states that a view needs to be taken on whether retention is appropriate or feasible in some cases, but this can be determined in a detailed application. It is considered that, where hedgerows are to be removed others such as the one on Mythop Road should be bolstered to form a soft edge to the development. The development will result in the loss of approximately 800m of species poor hedgerows. In order to mitigate for this loss additional areas of habitat compensation are proposed throughout the site.

Ponds/ditches

Nine ponds are scattered across the site, arising either from natural water collection or else, in the

higher areas, having their origin as marl pits. These vary from those that are distinct, permanent water bodies to others where the natural process of hydrosereal succession is creating an area of reedbeds that will eventually become dryer land and be colonised by pioneer species trees. The outline application demonstrates an intention to retain and improve eight of the nine ponds, which are described in the Ecological Survey as being degraded through a process of sedimentation and pollution. The ponds provide habitat for a range of species (including bats, common amphibians and birds). Ponds are listed within the Blackpool Local Plan and Fylde Borough Local Plan as features which should be retained upon development. Ponds are also listed as a BAP Priority Habitat, however, it was determined that the ponds on site do not meet the criteria for a BAP pond as they are in a degraded condition for a range of reasons including pollution, sedimentation, eutrophication from leaf litter, cattle disturbance and succession. Furthermore reedbeds are a Lancashire BAP habitat. On site there are two small areas of common reed and canary grass. In isolation these beds would be of low value but in combination with the adjacent habitat upon the Herons Reach Golf Course/Marton Mere Habitat Complex Biological Heritage Site and Marton Mere SSSI the value of these features is increased. Also on the site is ditch which links to a large dyke to the east of the site, and links to a ditch to the north of Mythop Road within part of the Herons Reach Golf Course/Marton Mere Habitat Complex Biological Heritage Site. This ultimately links to Marton Mere SSSI.

The Environment Agency have commented that the initial master plan of the site would have resulted in a loss of ponds to which they raised concerns. However as the amended plans include a number of additional ponds over and above those shown on the previous master plan it shows that the development can be delivered with no net loss of ponds. They state that they require a condition in relation to the provision, management and enhancement of the pond network and that there shall be no net loss of ponds at the site. This is necessary to ensure that existing and new ponds contribute to the nature value of the site. With this condition in place the ecological value of the ponds on site will increase. The LCC Ecology Service state that it would be appropriate for the applicant to demonstrate that the proposal would not result in a net loss of ponds and will not result in a loss of connectivity between ponds and habitat. The condition required by the EA addresses this.

Grassland/scrub

The majority of the site consists of semi-improved grassland which is not a priority habitat. Much of it heavily grazed and none of the grasslands had the diversity of species present that would result in its classification as species rich. The development would have greatest impact on this type of habitat with significant losses. The ES recommends a construction environment management plan for each phase of development, which LCC Ecology state needs to be subject to a condition.

Bats and barn owls

Bats are a European protected species. The buildings on the site were surveyed for bats and these confirmed that the roof of the U-shaped barn was used as a temporary roosting site by one 45kHz pipistrelle bat. A small number of bat droppings (<5) were also found in the roof void of the garage of the residential building. These indicate that this building has been used as a temporary roosting site by pipistrelle bats. It is proposed that the U shape barn will be retained and refurbished but the adjacent residential building and temporary roost will be lost. None of the trees were found to be suitable for use as roosting sites. As a consequence of the development, this buildings demolition would result in the loss of a temporary roosting site. To mitigate for this details of bat roosting throughout the site will be required to be submitted and a condition placed on any permission granted to require a precautionary survey of any building to be demolished prior to demolition. If the presence of bats is determined the proposals could result in damage to or destruction of a

breeding site or resting place, then the proposed work may result in a breach of the Conservation of Habitats and Species Regulations 2010. The LCC Ecology Service have stated that Fylde Borough Council should not issue planning permission if there is reason to believe that a Natural England licence would not be issued and regard should be had to the Habitats Directive. Natural England themselves have commented on the application with regard to the impact on protected species and for bats state that places which bats utilise for shelter are protected regardless of whether they are present or not and refer the Natural England's bat mitigation guidelines. The habitats directive is European nature conservation legislation that protects over 100 animals and plant species that are of European importance including all bat species. The Natural England document 'European Protected Species: Mitigation licensing – how to get a license' states that licenses can only be issued by NE when the proposed activity meets specific criteria, one of which is – e) preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment and there is no alternative and that the action will not be detrimental to the maintenance of the species concerned. Criteria e) includes activities such as large scale activities giving examples as the construction of new roads, schools, hospitals, business parks, housing estates, pipelines and mineral extraction. This application includes the construction of roads, a school, employment land and housing estates and therefore meets this criteria. There is, therefore, no reason why a licence could not be issued. However the development of this site will take a number of years and the development may be commenced in three years' time and no works that could affect bats might occur for 10 years in which time bat populations and presence at the site may have changed. Therefore, prior to demolition or works to any building on the site it is appropriate that they are surveyed for bats and barn owls and the details of the survey and if appropriate mitigation to be adopted to be submitted to the LPA in writing. Regular monitoring of roosts within buildings should be undertaken and the associated foraging and commuting habitats should be maintained throughout development, again this can be a requirement of a condition. A comprehensive landscaping plan will also need to be submitted which shows how a scheme which is not detrimental to bats and allows cross site habitat linkages.

Mammals

The applicant's surveys found no evidence of badger foraging or sets over the site. No water voles were recorded in any of the watercourses at the site. However a mink footprint was found by one of the ponds which is a predator of voles and would explain their absence. Brown hares were observed on the site and the loss of the grassland at the site will, therefore, result in a loss of habitat for this species. Construction works on the site will likely displace them to the east of the site where the largest area of open space is proposed. If vegetation clearance works were carried out during breeding season then there is the potential that leverets could be killed. The development will also result in the increase in domestic cats which may predate on hares. The LCC Ecology Service comment that conditions would be required to provide details of the measures used to protect mammals during construction.

Birds

The breeding bird survey confirmed 6 UK BAP/Lancashire BAP bird species were holding territories on site and were likely to be breeding. These were house sparrow, song thrush, linnet, grey partridge, lapwing and reed bunting. Habitat features on site of value to these species include buildings, hedgerows, reed filled ditches and ponds, open pasture/arable land and seed crops. Historical records indicate that in 2005 800 pink footed geese were recorded foraging upon the development site. However, during winter 2010 (March, November & December 2010) whooper swan and pink footed geese (qualifying features for Morecambe Bay and Ribble and Alt Estuaries

SPA's) were recorded foraging on the fields to the north of the development site. They were observed flying over the site between the fields to the east of Marton Mere (fields north of the site) and fields to the east of the site. In December 2010 the flock to the north of the site was disturbed and flew north to south across the site. During this period two individuals landed at the southern end of the site for ten minutes before taking flight again. The observations during the winter bird surveys indicate that the preferred foraging habitat for pink footed geese at present is to the north and east of the site. These observations are supported by data collected by Fylde Bird Club in 2009, which was presented on their online goose map.

In 2009 the agricultural land upon the development site was used to produce maize and cereals. The remainder were used for cattle grazing and recreational activities. In 2010, the field closest to the M55 was used to grow potatoes. Therefore the value of the crop on site to geese will change according to agricultural markets. However, the fields on site are all smaller than 20ha, which according to the WWT (2004) report will lower the value of these fields to geese. These fields will also be the subject of periodic disturbance from game shooting, paint balling and quad biking. If works were undertaken at an inappropriate time of year (nesting season March - August) birds and their offspring could be disturbed when nesting and/or killed. This would constitute an offence under the Wildlife and Countryside Act 1981. The development of the site will result in a change from an agricultural landscape to an urban one and will result in the loss of foraging habitat for some species such as linnet and the nesting habitat of others such as lapwing. The development will favour species such as the house sparrow and house martin as it will create new habitat for these. Retention of existing trees and hedgerows will mean established nesting sites will remain. There will be an increase in domestic cats which could predate on birds.

Whooper swan and pink footed geese were recorded foraging to the east and north of the site. The presence of pink footed geese on site was only observed in 2010 when the flock to the north were disturbed. Therefore, there will be no direct impacts upon the geese through the loss of foraging habitat, but there is the potential for an indirect impact via noise.

However, the development site and the fields off site used by geese for foraging are within a partially urban setting. Noise levels within the area are already affected by the M55, Preston New Road and Mythop Road. Recreational activities upon the development site including shooting for game, paintballing and quad biking will provide periodic noise disturbance. Natural England's specific comments on birds are outlined in a section below.

With regard to birds on site LCC Ecology state that 'offsetting of impacts on biodiversity is clearly complex and at this site will require more than some habitat creation at the edge of the wood (which seems likely to become a recreational area), tree planting through the housing development and the creation of islands in ponds. In my opinion, to ensure that the proposals do deliver the wide-ranging mitigation and compensation necessary for impacts on birds, it would be more appropriate for the development to be designed around functional wildlife habitat rather than for landscaping to be shoe-horned into the space that remains undeveloped.' They do however state that many of the recommendations for mitigation with the report are accurate and should be secured through condition.

Reptiles

The habitat on site is potentially suitable for common lizard, slow worm and grass snake however none were recorded during survey work which is possibly a reflection of the agricultural nature of the site. No great crested newts were recorded by the surveys within any of the ponds on the site but one was recorded in a pond 200m east of the site. A pond on the site where a newt was recorded in 1992 was at the time of survey heavily polluted with rubbish which makes it a

suboptimal pond for breeding. Common toads and frogs were recorded in some of the ponds on the site. The enhancement works proposed to the ponds on the site if carried out at an appropriate time of year could have a significant positive impact upon the amphibian population. However if completed at an inappropriate time of year these works could negatively impact on species present. The masterplan indicates that some of the existing habitat linkages (e.g. ditches and some hedgerows) will be retained on site and that these will be supplemented to ensure that all ponds on site link to each other, the woodland and ponds to the east and to the wetland habitats to the north. These linkages are currently absent from the site. If fish were added to ponds this could result in a loss of amphibians through predation. The LCC Ecology Service comment that the surveys were carried out using English Nature guidelines and that they support the recommendation within the ES that the habitat creation area adjacent to the eastern boundary is designed with newts in mind. They state that the recommendations for pond creation and habitat enhancement should be incorporated into the landscaping scheme which will be subject to condition. They state that the requirement for repeat surveys can be addressed by planning condition.

Natural England comments

European wildlife sites -Natural England have commented on the application in relation to European wildlife sites including Ramsar sites and the nearby SSSI. With regard to European site interest Natural England advises that Fylde Council as a competent authority under the provision of the Habitats Regulations should have regard for any potential impacts that a development may have. Natural England notes that the developer has screened the proposal to check for the likelihood of significant effect but as this has been carried out by the applicant for the development this is classed as a 'Shadow Habitat Regulation Assessment' and that Fylde are required to undertake the assessment of likely significant effects. The applicant's assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur either alone or in combination. This conclusion has been drawn having regard for the measures built into the proposal that seek to avoid all potential impacts, Natural England concurs with this view and has no objection to the development with regard to the impact on European wildlife. Fylde agree with the applicants and Natural England's view that with these measures the proposal can be screened out from further stages of assessment.

Bird disturbance - With regard to the disturbance of birds Natural England state that it is evident from the screening report that the measures proposed to reduce noise and visual disturbance such as high hoarding fencing and the retention of a wooded belt along the eastern boundary and the distance of the proposed development site from the winter feeding grounds are appropriate measures to rule out Likely Significant Effects They do not consider it is necessary to implement monitoring during construction to record the behaviour of qualifying features of the European sites. There are therefore no issues with bird disturbance to RAMSAR sites with these measures in place which will need to be subject to condition

Recreational disturbance – Development could result in increased recreational pressure to the Ribble and Alt Estuary designated site. However this is difficult to predict but Natural England state this is most likely to be caused by dog walkers. They suggest providing alternative footpath routes away from the Estuary foreshore and to ensure dog friendliness. This can be provided by the recreational space provided on site.

SSSI – Natural England have no objections to the proposal with regard to the impact on the SSSI subject to the inclusion of conditions on any permission granted. Their main concerns relate to disturbance to the features of Marton Mere SSSI, particularly the wide range of waterfowl and wetland birds. However with the inclusion of conditions they are satisfied that there is not likely to

be an adverse effect on this site as a result of the proposal being carried out in strict accordance with these conditions and the details of the application as submitted. They state that the SSSI is not a constraint in determining this application. Conditions are required in relation to a management plan to detract visitors from the sensitive locations of Marton Mere, vegetation and ground clearance works being outside of bird nesting season, noise barriers being used to attenuate noise to ensure birds associated with Marton Mere SSSI are not disturbed with acoustic maps being required to show how noise is attenuated, and surface water plans to ensure no discharge in the Mere, and details of measure to prevent dust pollution of the Mere during any demolition and construction. They consider the conditions necessary to ensure the development does not impact upon Marton Mere SSSI.

Green Infrastructure - The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and enhancing biodiversity. The potential for multi-functional green infrastructure has been explored and Natural England would welcome further opportunities to be explored at the reserved matters stage and as well as welcoming details of hectares and type of GI to be provided etc. They will be consulted on each Reserved Matters application that is submitted and with the details that are supplied when applying to discharge conditions.

Biodiversity enhancements – Natural England state that the scheme may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

Other advice – Natural England offered advice on protected species which has been considered and incorporated into the above specific sections. They also recommend that the LPA assess the impact of the proposal on local sites, landscape character and biodiversity priority habitat which has also been considered above and in more detail by LCC's Ecology Service on behalf of the Council.

Mitigation

The mitigation proposed for each protected species, designated site and habitat in the Environmental Statement, the recommendations of LCC's Ecology Service and of Natural England have all been discussed above, but to summarise the mitigation required to be secured through planning conditions is as follows;

No external lighting to be installed until details of a scheme submitted to Fylde. This will include the hooding of lighting on site along the northern boundary to ensure that the BHS remains dark. Submission of a Construction Environment Management Plan which will include measures for protecting habitats and species both off and on the site, including but not limited to details of the storage of fuels and chemicals, dust management during construction, and details of the impact on European site and SSSI sites which will be assessed using a monitoring programme will be put in place to assess and take action if disturbance is recorded. Prior to any phase of works that starts between November and March (inclusive), there will be a one day baseline survey. This survey would establish whether any of the qualifying bird species of the two European designated sites are using the fields to the east and north and within 1 km of the scheme. This will also allow the typical distribution and behaviour of SPA/Ramsar site species to be clearly identified in advance of any works. It shall also include details of safeguard areas which will include all habitats on site which are

to be retained post development. Therefore, semi-permanent fencing should be erected around the hedgerows, ditches, ponds, reedbed(swamp), Kirkham Woods and other woodlands and along the margin of the habitat strip along the eastern boundary which is not to be developed (area beneath powerlines). The fencing should be erected prior to the topsoil strip on site and the fencing chosen should not prevent the movement of animals but prevent the accidental encroachment of workmen (e.g. post and rail or post and wire fence).

Details of additional bird nesting and bat roosting opportunities to be installed throughout the site. Because of the mobility of bats survey data is only considered valid for one year, therefore as the development of the site could potentially take up to 20 years a condition will be required to ensure repeat surveys are done immediately prior to works, with mitigation dependent on the result of the surveys. This should also be in place for barn owls.

In order to avoid impacts on brown hares vegetation clearance works should be programmed to occur when they do not have leverets between February and September. Works should be undertaken in a manner that allows escape if necessary.

To protect birds all vegetation clearance works will occur outside of bird nesting season. If works have to take place during the season then a nesting bird survey shall be undertaken prior to works. Submission of a landscaping scheme which includes wildlife habitat creation, enhancement and management to be submitted. Tree and vegetation planting needs to be considerable and of a native species so that it is appropriate for use by wildlife.

A scheme for the provision, management and enhancement of the pond network on the site. These should be enhanced so that the excavated material is used to create islands in the centre of these ponds. These will provide bird species with a refuge from predation from cats. These islands should be grassed and left to colonise naturally with shrub species. Enhancement works should be timed to occur outside of the main amphibian, bird and invertebrate breeding season (March – September). The amphibian surveys were completed in 2010. At present the statutory body considers that this survey data is valid for two - three years (depending on the nature of impacts upon these features). Therefore, a repeat amphibian survey should be undertaken. If great crested newts are found on site at this time then mitigation would need to be implemented and a licence from Natural England would be required.

A scheme of mitigation/compensation for impact on protected and priority species and habitats will need to be submitted including details of providing amphibians with suitable terrestrial habitat. They require a mix of habitat types including scrub/hedgerows, woodland and botanically species rich grassland. On the development site there should be a balance between areas of amenity grassland in areas where there is high pedestrian traffic and grasslands that are managed for wildlife.

A 10 year management plan should be developed for the site prior to works commencing. This would need to be adopted by the organisation responsible for the long term maintenance of the site (if multiple parties are involved they would all need to adopt the plan)

Details of how increased visitor pressure on Marton Mere will be managed and noise barriers to prevent bird disturbance at the SSSI will need to be submitted. And the surface water plans will need to show that no water will be discharged in the Mere.

Ecological summary and conclusions

The site has a range of habitats and species interests which are considered to have varying degrees of wildlife value/sensitivity. The habitats of value on site included a network of ponds, ditches, hedgerows, woodland, grassland and arable. These habitats were found to support a diverse range of bird species, bats and common amphibians. The survey works also confirmed that the habitats surrounding the site also supported species of nature conservation interest including pink footed geese. The applicant's statement says that the masterplan for the development took account of the results of the ecological survey works and was developed to retain biodiversity on site post

development

At this outline stage the application anticipates the Council's requirements under its Environmental Protection policies particularly EP12, which addresses the retention of trees, woodlands and hedges, and EP18, retaining natural features of development sites. The challenge with this site – not just in respect to ecology and biodiversity is the size of the site, the number of different uses proposed, the number of different developers at the site and the fact that the site could take a considerable amount of time to be developed. Permission could be granted and works commenced in three years but works that directly impact on protected species might not occur for 10 years. Therefore it is imperative that a large amount of conditions be placed on any permission granted which secures the mitigation outlined in the previous section. Some of these conditions will need details such as the mitigation/compensation for protected and priority species and the pond management and enhancement scheme prior to the commencement of any development as these are details which will need to be undertaken throughout the site as a whole and it is important to maintain habitat connectivity. Precautionary surveys of protected species will need to be carried out prior to each phase of development, these surveys have been done but there is the potential for an increase in these species or migration into the site through the build of the development and should this occur appropriate mitigation will need to be proposed and approved by the LPA. It is considered that the concerns raised by LCC's Ecology Service, Natural England and the Environment Agency are addressed through the conditions requiring this mitigation.

The Tree Officer has no objections but has concerns that if permission is granted and the site comes forward as separate applications from developers taking another perspective to the masterplan and landscape plans show that there might be challenges to the outlined approach. He states that it would be worthwhile to use the TPO system to preserve groups of trees on the site on a precautionary principle. He also states that in the case of hedges, the intention to keep them may be laudable but a case-by-case view would be realistic, as so many are poor. A condition has been placed on this recommendation retaining hedgerows unless their removal is necessary for access and any other removal results in replacement hedgerow planting. With that condition in place that level of habitat will be maintained at the site. The landscaping scheme which is a reserved matter of this application will be important on an amenity level as well as biodiversity ones, it will be important to agree what is planted and where. It is in the Boroughs interests to secure appropriate amenity planting to provide amenity to residents and habitat for wildlife.

It is therefore considered that with these conditions for mitigation and landscaping plans in place a scheme with some degree of biodiversity enhancement will be possible in the development of the site, such as through the restoration of ponds and increased bat roosting and bird nesting opportunities. The report submitted and assessed shows there will not be any unacceptable effect on protected species or priority habitat and conditions will be used to ensure this. Because of the size of the site and the likely time period to develop it repeat surveys for protected species will be necessary and can be secured by condition. Therefore, whilst the scheme results in a loss of biodiversity, this is predominately non-priority grassland habitat and the loss of habitat would be inevitable as a result of any scheme in an undeveloped site such as this. The current proposal retains the biodiversity of greatest value and conditions can be attached to any permission to mitigate the loss of biodiversity to a degree. It is considered that, whilst there will be loss of biodiversity, the mitigation proposed throughout the development of the site is acceptable and that the loss does not warrant justification for refusal of the application.

Contamination

Neither the council's own Environmental Protection team nor the Environment Agency has raised any objections in relation to ground contamination subject to appropriate conditions being placed on any permission granted.

Loss of agricultural land

The application site was subject to an agricultural land survey, with soil sampling undertaken. The results of the survey are outlined in the below table;

GRADE	AREA (ha)	% of agricultural land	% of the site
1	0	0	0
2	0	0	0
3a	3.3	4	4
3b	58.6	80	71
4	12.1	16	14
Other land	9.5		11
TOTAL	84.6	100	100

As can be seen only 3.3 hectares of the site which is 4% of the site constitutes best and most valuable agricultural land being grade 3a. The vast majority of the agricultural land on site is grade 3b or worse which is not classed as best and most valuable. Paragraph 112 of the NPPF states that local authorities should take into account the economic and other benefits of the most versatile agricultural land and that where significant development of such land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference. Fylde has a large amount of Grade 2 and 3 agricultural land, with 47.5% of the borough being of grade 2 quality. Therefore a re-location of the development to another greenfield site would likely be to other land classed as versatile agricultural land or better quality and therefore substantiate a greater loss. Whilst the loss of any productive agricultural land is to be regretted, the loss is not significant and could not justify a reason for refusing the application, especially when balanced against the economic benefit and support at local and national level in planning policy for the provision of housing and economic development opportunities

Viability

The NPPF at paragraph 173 states that “pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking.” Stating that sites should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to a development, such as requirements for affordable housing, education, standards, infrastructure contributions or other requirements should, when taking into account the normal cost of development and mitigation, provide competitive returns to a willing land owner and developer to enable the development to be deliverable. As such the applicants along with Fylde and Blackpool authorities jointly commissioned a viability assessment to be undertaken with the application.

The council therefore has been supplied a viability assessment which takes into account the viability of the development. The assessment shows that the scheme is viable but with the equivalent of 20% affordable housing as opposed to 30% which is a requirement of Fylde’s current planning policy. The viability assessment examines existing market conditions – considering near developments selling prices and availability, development costs, off site highway works, junction improvements, surface

water drainage, abnormal foundations, landscape/ecology works, contamination, site investigation, service infrastructure improvements, professional fees and build costs. Along with the required contributions towards sustainable travel and education. The education contribution has been calculated using the housing mix predicted by the developers for both market and affordable housing. The appraisal assesses the likely gross development value (GDV) of the completed development and then deducts from this the cost of carrying out the development including a developers profit to leave a residual land value (RLV). This land value is then benchmarked against an assessment of site value. If the RLV exceeds the assessed site value then the development is viable. Using the 'Financial Viability in Planning Guidance' the development has been assessed looking at the value of the site when developed in accordance with this application, and the associated costs with bringing that development forward and comes to the conclusion that 20% on site affordable housing along with the other contributions is viable. This assumes that there would be up to three builders on site capable of selling 30 units each per year. This leads to a total residential sales period of 12.44 years (149 months). This sales assumption is based upon their understanding of the market at the current time. The reason for providing 20% on site affordable housing rather than the 30% contribution required by policy is due to the abnormal costs required to construct this development as well as the other contributions required to make the development acceptable.

Taking that into account it is your officer's view that as the delivery of each element of the scheme has been considered together in respect of viability, besides that of the employment land, then the conclusions of the viability assessment should be accepted but a mechanism is required to be put in place to ensure that the Applicant (or subsequent owner of any part of the site designated for dwellings), re-assesses viability to consider whether each residential element can provide up to 30% of the dwellings as affordable dwellings. This is because the assessment does not include projected market conditions and a mechanism is needed to review the changing position over time. It is recommended that any mechanism is secured by the Applicant and the Council entering into a Section 106 Agreement (rather than a condition), primarily for the following reasons:

- Less risk of challenge;
- Will bind all persons having a legal interest in the land and not just the freehold owner
- Capability to include more detail

It is also considered necessary that construction works of the access roads and provision of services are taken up to and adjacent to the employment site to make this as viable and attractive for development as possible. The review of viability will need to take place as each stage of the development is taken to Reserved Matters stage, this is because of the likely phasing of the development.

Provision of social infrastructure

As discussed above, included as part of the application are the provision of an on-site primary school, a health centre located within the neighbourhood centre and a 500 square metre community centre. Contributions will also be made towards the provision of secondary education in both Blackpool and Lancashire. The provision of these facilities are key in the development of the site as a sustainable development as more and more dwellings are provided. It is proposed the delivery of these facilities would be secured through the imposition of a condition so that they are provided at appropriate points in the site's development. It is not considered necessary for these developments to be provided at the commencement of development as the numbers of people living on the site would not require them at that point. The one and a half form entry primary school will be provided (built) by the developer and has been costed into the viability assessment discussed above. It will provide primary education for up to 315 pupils when completed. It is possible that the school will be

built over a smaller area and then extended when further houses are completed. It is considered necessary that the provision of a school be subject to a condition that requires its delivery prior to the occupation of the 300th dwelling on site, as when there are this number of dwellings occupied it is likely that there will be sufficient children living on the site to require the operation of the school. The secondary school contributions constitute £2,229,545 for Lancashire and £412,015 in Blackpool. Both authorities (LCC and Blackpool) use differing formulas for calculating education contributions, with the Blackpool methodology resulting in slightly larger contributions. For Lancashire the number of school places is calculated looking at the projected number of school places that a development will create based on the number of dwellings and bedrooms approved for a development, it is normal practice for an outline application when the final number of bedrooms is not definitively known for the formula to be incorporated into a legal agreement so that the final contribution is based on the development finally delivered. For the purposes of viability the applicants have used the anticipated bedroom mix that will be provided on the site as a whole to calculate whether or not this contribution can be made rather than the worst case scenario (each of the dwellings being 4 bedrooms) provided by LCC and found this to be viable. Clearly if the number of bedrooms provided on site increased or decreased the contribution would change accordingly. It was considered preferable for the same formula to be used on the site as a whole with Fylde's preference for LCC's to be used as it is longstanding, based on evidence and has been considered appropriate by Inspectors at appeal, however Blackpool prefer to retain their own methods of calculations and their formula will, therefore, be used for the dwellings within Blackpool and Lancashire's for those within Fylde. The proposed health centre will provide key medical care for residents of the site and the community buildings will assist in making a cohesive community and is considered a key part of the development constituting sustainable development. The provision of these facilities will also be a requirement of a condition and legal agreement.

Phasing and delivery

The proposed development as outlined above is of a significant scale and therefore the phasing and delivery of each aspect is key to ensure that all of the required infrastructure is provided in line with the development. The applicants Planning statement states that the two main elements of the proposal the housing and employment uses will be developed alongside each other but independently to ensure that the development is made strictly in response to demand and empty units are not provided. The housing development will commence at the Graham's cottage entrance and work around the site in a clockwise direction with the local centre, school and other facilities being provided at key stages within the development. The employment development will commence at the Clifton Road junction and work from west to east in a broadly linear fashion across the site. The highway works will be developed in accordance with agreed trigger points that are subject to condition and a detailed phasing and masterplan will be required through condition and prior to the first reserved matters application. In order for the development to be considered acceptable as a whole various elements such as the school and highway works need to be completed and in order to secure these works conditions and a legal agreement will be required. The neighbourhood centres with the mix of retail and other commercial uses make the scheme sustainable and will provide for the occupants of the site as a whole and therefore it will also be necessary to ensure these are provided in line with the development of the residential dwellings.

Conclusions

This is a major development that will inevitably change the character of this part of the borough. However, the proposal has been designed in a manner which retains the key features of the site,

minimises impact on the surrounding area and will provide a significant economic benefit to the borough through the provision of much needed housing and employment land. Subject to the imposition of appropriate conditions and the completion of a section 106 agreement in order to control the nature of the development and secure adequate mitigation of the consequences of the development, it is considered that the proposal should be approved.

Recommendation

That planning permission be granted subject to the completion of a Section 106 agreement and a series of conditions

S106 Agreement

This shall secure the following, and will be expected to meet the full amounts quoted in all cases:

- Provision, retention and operational details for 20% of the proposed dwellings to be affordable properties to be provided on site.
- A contribution of £900,000 towards off site affordable housing to Blackpool.
- £244, 000 contribution to proposed off site cycle links as referred in Tech Note 6 (Nov 2013)
- £20,000 contribution for traffic signals review for post scheme optimisation of PNR Jct with Clifton RD, Graham’s Cottage and Mythop Rd.
- £50,000 requirement of Blackpool Council towards Blackpool’s Variable Message Signing scheme to assist in offsetting traffic impact.
- £20,000 required to implement additional measures to deter routing of vehicles through Staining via the new Mythop Road access (signage, traffic calming and speed control).
- £30,000 towards Travel Plan support for LCC. BC to input and assist with monitoring.
- £210 per dwelling (£294,000 total) for Personalised Travel Planning – as part of this £100,000 would be allocated to provide bus travel passes (triggered only if travel plan targets are not achieved. This is agreed in the Mayor Brown TA Addendum of November 2013.)
- £30,000 required in the event that flow changes recorded in the monitoring of links surrounding the Mythop Road access as required by condition exceed those agreed in section 13 of Technical Note 9.
- Contributions to secure a high frequency (LCC require every 15 mins at peak times and 30 mins intervals at non-peak times) Applicant’s TA states every 20 mins in peak times and 30 mins at non-peak times bus service to be provided/operational prior to occupation of 100 dwellings.
Payment of £1,283,836 in 10 instalments:
 - £329, 942 prior to occupation of 100 units
 - £91, 893 first anniversary of occupation of 100 units
 - £60, 455 second anniversary of occupation of 100 units
 - £58, 704 third anniversary of occupation of 100 units
 - £481, 642 fourth anniversary of occupation of 100 units
 - £55, 853 fifth anniversary of occupation of 100 units
 - £65, 023 sixth anniversary of occupation of 100 units
 - £43, 958 seventh anniversary of occupation of 100 units
 - £64, 015 eighth anniversary of occupation of 100 units
 - £32, 352 ninth anniversary of occupation of 100 units
 - Further annual contributions only if construction extends beyond 10 years.
- Lancashire secondary school education contribution of £2,229,545.
- Blackpool Secondary school education contribution of £412,015
- Provision of a 1.5 form entry Primary school on site.
- Provision of a health centre and community centre on site.

Conditions

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

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

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

Nos. (1, 2, 3 and 5)

- (Reserved matters are:-
1. Layout
 2. Scale
 3. Appearance
 4. Access
 5. Landscaping

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

3. No part of the development hereby approved shall commence unless and until the full design and construction details of all site access and off site highway improvements have been submitted to and approved in writing by the local planning authority in consultation with the local highway authorities and the Highways Agency as appropriate.

The works include:

- The site access to Mythop Road
- Graham's Cottage Access and associated highway improvement works
- Clifton Road Access and associated highway improvement works
- M55 J4 "interim" and "final" improvement schemes

The details to be submitted shall include:

- Final details of how the schemes interface with the existing highway alignment.
- Traffic signal operating parameters.
- Full signing and carriageway marking details.
- Full construction details.
- Confirmation of compliance with current departmental standards (as set out in the Design

Manual for Roads and Bridges) and policies (or approved relaxations/departures from standards).

- An independent Stage 1 & Stage 2 Road Safety Audit carried out in accordance with current departmental standards and current advice notes.

Reason: To ensure that the M55 motorway continues to fulfil its purpose as part of the national system of routes for through traffic in accordance with section 10(2) of the highways act 1980, maintaining the safety of traffic on that road. and in order to satisfy the Local Planning Authority and the Highway Authority(s) that the final details of the highway scheme/works are acceptable before work commences on site.

4. No part of the development hereby approved shall commence until a scheme for the construction of the internal distributor Road, including junctions with Graham's Cottage, Clifton Road and Mythop Road have been first submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority(s).

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

5. Prior to occupation of the first dwelling, a landscape management plan including long term design objectives, timing of the works, management responsibilities and maintenance schedules for all landscaped areas including cycle/footways shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the details so approved.

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

6. No development shall take place 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:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) a management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures;
- vii) a scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site);
- viii) a Management Plan to identify potential ground and water contaminants
- ix) a scheme to control noise during the construction phase.

Reason: To maintain the operation and safety of local streets and the through routes in the area during site preparation and construction.

7. Development shall not begin until a phasing programme for the whole of the development and for the highways works referred to, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved phasing programme.

Reason: To define the permission and in the interests of the proper development of the site.

8. Prior to first occupation of any part of the development hereby approved, a monitoring regime shall be agreed in writing with the Local Planning Authority in consultation with the Highways Authority(s) and thereafter maintained to record traffic levels on the approaches of the newly constructed Mythop Road access. For the avoidance of doubt monitoring shall take place annually throughout the construction of the site and be formally reported.

Reason: To ensure monitoring is in place to inform the need for further mitigation measures as necessary.

9. Prior to first occupation of any part of the development hereby approved, the highway access works at Mythop Road and internal distributor road connecting to the Graham's Cottage access should be constructed in accordance with the details approved.

Reason: In order to maintain network reliability and safety and ensure that residents of the development have satisfactory access to services and facilities.

10. No more than 200 dwellings or 25% of the employment land of the development hereby approved shall be occupied unless and until the improvements to the Graham's Cottage / Preston New Road (A583) Access, as shown in outline on Mayer Brown Plan No. NW/CAP/WHYN.1/1001 Rev F dated 4/10/2013, have been constructed in accordance with the details agreed in Condition 2 above and completed to the satisfaction of the local planning authority in consultation with the local highway authorities.

Reason: To ensure that the M55 motorway continues to fulfil its purpose as part of the national system of routes for through traffic in accordance with section 10(2) of the highways act 1980, maintaining the safety of traffic on that road and in order to maintain network reliability and safety and ensure that residents of the development have satisfactory access to services and facilities.

11. No more than 700 dwellings or 50% of the employment land of the development hereby approved shall be occupied unless and until the improvements to the Clifton Road / Preston New Road (A583) Access, as shown in outline on Mayer Brown Plan No. NW/CAP/WHYN.1/1001 Rev F dated 4/10/2013, have been constructed in accordance with the details agreed in Condition 3 above and completed to the satisfaction of the local planning authority in consultation with the local highway authorities.

Reason: To ensure that the M55 motorway continues to fulfil its purpose as part of the national system of routes for through traffic in accordance with section 10(2) of the highways act 1980, maintaining the safety of traffic on that road and in order to maintain network reliability and safety and ensure that residents of the development have satisfactory access to services and

facilities.

12. No more than 50 dwellings of the development hereby approved shall be occupied unless and until the “interim” highway improvement scheme at M55 Junction 4, as shown in outline on Mayer Brown Plan No. NW/CAP/WHYN.1/1007 Rev B dated 14/11/2013, has been constructed in accordance with the details agreed in Condition 3 above and completed to the satisfaction of the local planning authority in consultation with the local highway authorities and the Highways Agency.

Reason: To ensure that the M55 motorway continues to fulfil its purpose as part of the national system of routes for through traffic in accordance with section 10(2) of the highways act 1980, maintaining the safety of traffic on that road and in order to maintain network reliability and safety and ensure that residents of the development have satisfactory access to services and facilities.

13. No more than 750 dwellings of the development hereby approved shall be occupied unless and until the “final” highway improvement scheme at M55 Junction 4, as shown in outline on Mayer Brown Plan No. NW/CAP/WHYN.1/1008 Rev A dated 27/2/2013, has been constructed in accordance with the details agreed in Condition 3 above and completed to the satisfaction of the local planning authority in consultation with the local highway authorities and the Highways Agency.

Reason: To ensure that the M55 motorway continues to fulfil its purpose as part of the national system of routes for through traffic in accordance with section 10(2) of the highways act 1980, maintaining the safety of traffic on that road and in order to maintain network reliability and safety and ensure that residents of the development have satisfactory access to services and facilities.

14. Prior to the occupation of the 101st residential dwelling a high frequency Public transport service must be operational, delivering a bus service frequency in the order of 15 minutes (peak periods 07:00 to 09:00 and 15:30 to 17:30) and also a lower frequency (30 min) evening and weekend service. Should the development build out extend beyond 10 years an annual contribution will be agreed between the developer and Lancashire County Council based on service cost and fare box to ensure the bus service is sustainable prior to final construction.

Reason: To ensure that the M55 motorway continues to fulfil its purpose as part of the national system of routes for through traffic in accordance with section 10(2) of the highways act 1980, maintaining the safety of traffic on that road and to ensure the provision of a high quality public transport service that will limit the impact of this development on the local transport network.

15. Prior to the occupation of the 101st residential dwelling, hereby approved, the S106 contribution relating to offsite pedestrian and cycle route provision shall be paid in its entirety.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that these sustainable transport links can be substantially completed at an early stage in the development of the site and hence effect the modal choice of the occupants; in order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions.

16. Prior to the first occupation of the development hereby permitted, a Full Travel Plan shall be

submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan to include objectives, targets, measures to achieve targets, monitoring, and implementation timescales and continue with the provision of a travel plan co-ordinator. The approved plan(s) will be audited and updated at intervals as approved and the approved plan(s) be carried out.

Reason: To ensure that the development provides sustainable transport options and to ensure that the M55 motorway continues to fulfil its purpose as part of the national system of routes for through traffic in accordance with section 10(2) of the highways act 1980, maintaining the safety of traffic on that road.

17. There shall not at any time in connection with the development hereby permitted be planted hedges, trees or shrubs over 1m above the road level within any visibility splay required to maintain safe operation for all users.

Reason: To ensure adequate visibility splays are maintained at all time.

18. Prior to completion of the first dwelling details of an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be carried out and permanently maintained in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

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

19. No development, to which the application relates, shall be begun which would result in the maximum gross floor space, for buildings within the specified use class, of the Town and Country Planning (Use Classes) Order 1987, and subsequent amendments, exceeding the limit for each class shown below:

Use Class	Maximum Gross Floor Area
B1 Office	0 square metres
B2 Industrial	40,000 square metres
B8 Warehouse	80,000 square metres
C3 Residential	1400 dwellings

Reason: To ensure that the M55 motorway continues to fulfil its purpose as part of the national system of routes for through traffic in accordance with section 10(2) of the highways act 1980, maintaining the safety of traffic on that road.

20. There shall be no direct vehicular or pedestrian access of any kind between the site and the M55 motorway. To this end prior to the occupation of any employment element of the site a close-boarded fence or similar barrier not less than two metres high shall be erected along the frontage of the site with the motorway the details of which shall be approved in writing by the Planning Authority. The fence shall be erected a minimum of one metre behind the existing motorway boundary fence on the developer's land and be independent of the existing fence.

Reason: In the interests of safety and to prevent inappropriate access to the M55 motorway.

21. There shall be no development on or adjacent to any motorway embankment that shall put any embankment or earthworks at risk.

Reason: To maintain the stability of the motorway and ensure the safety of its users.

22. No drainage from the proposed development shall run off into the motorway drainage system, nor shall any such new development adversely affect any motorway drainage.

Reason: To maintain the stability of the motorway and ensure the safety of its users.

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

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

24. Prior to the commencement of development a scheme for the provision and layout of the outdoor sports provision (including both summer and winter layouts) within the application site shall be submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England) and shall include:

- i) the siting and purpose of each sports pitch to be provided within or in association with the development;
- ii) a scheme for the management of the sports provision to be made within or in association with the development, including provision to be made for use by other organisations / individuals within the local community
- iii) A timescale for the implementation of the outdoor sports provision.

No development shall commence on site until the details referred to in this condition have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the site is served by appropriate areas of outdoor recreation pitches

25. Prior to the commencement of development details of a management plan to be put in place to detract visitors from the sensitive locations of Marton Mere SSSI shall be submitted and approved in writing by the Local Planning Authority. This should include sympathetic management of recreational activities etc.

The approved management plan shall be implemented in full.

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.

26. Prior to the commencement of development details of noise barriers to be used to attenuate noise to ensure the birds associated with Marton Mere SSSI are not disturbed shall be submitted to and approved in writing by the Local Planning Authority. Acoustic maps are required to illustrate how the noise will be attenuated and the approved details shall be implemented in full.

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.

27. No development approved by this planning permission shall take place until a scheme for the provision, management and enhancement of the pond network on site is submitted to and approved in writing by the Local Planning Authority. Enhancement works should be timed to occur outside of the main amphibian, bird and invertebrate breeding season (March – September). There shall be no net loss of ponds associated with the development and the development shall subsequently proceed in accordance with the approved scheme.

Reason: To protect and enhance the aquatic environment and ensure that the development does no result in the loss of any aquatic habitats and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

28. The development should not proceed without the prior acquisition of a licence from Natural England for the derogation of the protection of bats under the Habitats Directive.

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.

29. No site clearance, site preparation or development work shall take place until mitigation/compensation schemes for impacts on protected and priority species and habitats have been submitted and approved by Fylde Borough Council in consultation with specialist advisors; and approved schemes shall be implemented in full.

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.

30. Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds will be avoided 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.

31. No site clearance, site preparation or development work shall take place until a landscaping scheme (including wildlife habitat creation, enhancement and management) has been submitted and approved by Fylde Borough Council in consultation with specialist advisors. The scheme shall demonstrate (1) adequate planting of native species appropriate to the locality to compensate for direct and indirect impacts, (2) that habitat connectivity through the site and to the wider area will be retained as a minimum, including for amphibians (3) that any planting along site boundaries will comprise appropriate native species, (4) provide details of habitat creation for amphibians and (5) maintenance and enhancement of the biodiversity value of retained and established habitats and the site as a whole. The approved management plan shall be implemented in full.

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.

32. Prior to any phase of works on site, a Construction Environment Management Plan will need to be submitted for approval and subsequent implementation. The plan will need to include measures

for the protection of habitats and species both on and off site, including but not limited to;

- Details of the storage of fuels and chemicals during construction
- Sediment fences to be erected alongside ditches during construction.
- Dust management of the site during construction
- Details of safeguard areas of retained habitats on site and how they will be protected during construction. Fencing should be erected prior to the topsoil strip on site and the fencing chosen should not prevent the movement of animals but prevent the accidental encroachment of workmen (e.g. post and rail or post and wire fence)
- Details of how brown hares will be allowed to escape construction areas if necessary.
- Details of how ground nesting birds will be monitored and measures to be put in place to avoid these species from nesting.
- Details of a monitoring programme to assess the impact of construction on European Site and SSSI. To be put in place to assess and take action if disturbance is recorded. Prior to any phase of works that starts between November and March (inclusive), there will be a one day baseline survey. This survey would establish whether any of the qualifying bird species of the two European designated sites are using the fields to the east and north and within 1 km of the scheme. This will also allow the typical distribution and behaviour of SPA/Ramsar site species to be clearly identified in advance of any works

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.

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

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

34. No external lighting shall be installed until details of a lighting scheme have been submitted and approved in writing by Fylde Borough Council. The principles of relevant guidance shall be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009) and lighting along the northern boundary shall be hooded to ensure that the Biological Heritage Site remains dark.

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.

35. 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. The method statement shall include details of repeat surveys of Newts to be undertaken as development occurs in the vicinity of ponds on the site. 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.

36. Prior to the commencement of any works approved by Reserved Matters applications there shall be a further precautionary inspection/survey of ditches to inform any change in the habitat quality for and use by any protected species including voles or otters. The report of the survey (together with proposals for mitigation/compensation, if required) shall be submitted to Fylde Borough Council for approval in consultation with specialist advisors. Any necessary and approved measures for the protection of protected species will be implemented in full.

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.

37. No works shall commence until details of bird nesting opportunities to be installed with the re-developed site have been submitted and approved in writing by Fylde Borough Council. The details shall include provision for Song Thrush, Dunnock and House Sparrow (Species of Principal Importance). Consideration should also be given to provision of opportunities for other declining species of bird such as House Martin and Swift. The approved details shall be implemented in full.

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.

38. No works to any phase of development shall commence until full details of bat roosting opportunities to be installed within the re-developed site (in addition to that required by NE licence) have been submitted and approved in writing by Fylde Borough Council. This shall include details of linkages across the site at each stage of development. Approved details shall be implemented in full.

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.

39. All trees currently on the site shall be retained unless their removal is agreed in writing with the Local Planning Authority. 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. 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.

40. Prior to the demolition of any building on the site a further precautionary bat and barn owl survey shall be carried out of that building. The survey reports 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 the accordance with the methodology for any mitigation identified in the further bat and barn owl 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.

41. At the same time or prior to the submission of the First Reserved Matters application for the development hereby permitted, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include details of the maximum number of dwellings and other development to be implemented within each phase of the development. The development shall only be implemented in accordance with the approved Phasing Plan. [The Phasing Plan may be amended from time to time with the written approval of the Local Planning

Authority provided that if the proposed phasing is likely to give rise to any significant environmental effects which have not been assessed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 then such amended Phasing Plan shall be accompanied by an Environmental Statement prepared in accordance with the said 2011 Regulations.]

Reason: To ensure the satisfactory phasing of the development and to ensure that the development, including affordable housing, open space, employment, community uses and utility infrastructure is delivered in a coordinated, planned way.

42. At the same time as the submission of the First Reserved Matters application for a phase or part of a phase of the development hereby permitted a Foul and Surface Water Drainage Strategy for the entire site shall be submitted to the Local Planning Authority for approval (in consultation with United Utilities PLC) such strategy to include the following details as a minimum:

2.1 a. unless otherwise agreed in writing, the foul connection point shall be to the 675 mm combined sewer in Clifton Road for the entire site;
b. the details of any additional off-site drainage infrastructure required as a result of the entire development; and
c. any drainage infrastructure connections (foul and surface water) between the different phases of the development defined by condition 1. Where drainage infrastructure connects development from different phases, it will be necessary to show how much development will be served by the connecting drainage infrastructure.

2.2. At the same time as the submission of each subsequent Reserved Matters application for a phase or part of a phase, an updated Foul and Surface Water Drainage Strategy shall be submitted to the Local Planning Authority for approval (in consultation with United Utilities PLC), such Strategy to include as a minimum the details listed above at part 2.1.

2.3. Unless otherwise agreed with the local planning authority (in consultation with United Utilities PLC), there shall be no foul and surface water connections between phases of development defined (and as may be amended from time to time) by condition 1 other than in accordance with the connections identified and approved under item 2.1.c. The detailed drainage schemes for each phase of development required by conditions 4 and 5 shall be submitted for approval in accordance with the foul and surface water drainage details approved under this condition.

2.4. No development shall be commenced on any phase or part of any phase of the development hereby permitted unless and until the Foul and Surface Water Drainage Strategy submitted with the relevant Reserved Matters application has been approved in writing by the Local Planning Authority in consultation with United Utilities PLC.

Reason: To ensure a holistic approach to the construction of the detailed drainage infrastructure for the site so that the drainage infrastructure which is constructed is able to cope with the foul and surface water discharges from the entire development site. This condition is imposed in light of policies set out within the National Planning Policy Framework (NPPF) and Fylde Borough Local Plan Alterations Review (October 2005).

43. For the avoidance of doubt, surface water shall drain separately from the foul. Unless otherwise agreed in writing, no surface water shall discharge directly or indirectly into the public foul, combined or existing surface water sewerage systems in accordance with the Foul and Surface Water Drainage Strategy submitted and approved pursuant to condition [42] above and with the details contained in the submitted application form, flood risk assessment prepared by Mayer Brown dated 28 March 2011, the Flood Risk Addendum prepared by Mayer Brown dated October 2013 and the email from Saman Seekkubadu of Mayer Brown dated 16 September 2013.

Reason: To promote sustainable development, secure proper drainage and to reduce the risk of flooding and pollution. This condition is imposed in light of policies set out within the NPPF and Fylde Borough Local Plan Alterations Review (October 2005).

44. Prior to commencement of any phase or part of any phase of the development hereby permitted, full details of the foul drainage scheme for that phase including full details of any connections to the foul sewer network and any necessary infrastructure shall be submitted to and approved in writing by the local planning authority (in consultation with United Utilities PLC). The details for each part or phase must be consistent with the Foul and Surface Water Drainage Strategy submitted and approved pursuant to condition [42] above. No housing or other development shall be occupied for that phase until the approved foul drainage scheme for that phase has been completed in accordance with the approved details and written notice of this fact has been sent to the Local Planning Authority.

Reason: To promote sustainable development, secure proper drainage and to reduce the risk of flooding and pollution. This condition is imposed in light of policies set out within the NPPF and Fylde Borough Local Plan Alterations Review (October 2005).

45. Prior to the commencement of each phase or part of the development hereby permitted, full details for a surface water regulation system and means of disposal for that phase or part phase, based wholly on sustainable drainage principles and evidence of an assessment of the hydrological and hydrogeological context of the development for that phase shall be submitted to and approved by the local planning authority (in consultation with United Utilities PLC) in writing. The drainage scheme shall demonstrate that the surface water run off generated up to and including the 1 in 100 year critical storm including 30% climate change allowance will not exceed the run-off from the existing undeveloped site and following the corresponding rainfall event. The details for each phase must be consistent with the Foul and Surface Water Drainage Strategy submitted and approved pursuant to condition [2] above and with the principles established in the submitted application form, flood risk assessment prepared by Mayer Brown dated 28 March 2011, the Flood Risk Addendum prepared by Mayer Brown dated October 2013 and the email from Saman Seekkubadu of Mayer Brown dated 16 September 2013. The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to reduce the risk of flooding and pollution. This condition is imposed in light of policies set out within the NPPF and Fylde Borough Local Plan Alterations Review (October 2005).

46. Prior to the commencement of each phase or part phase of the development hereby permitted, a sustainable drainage maintenance and management plan for the lifetime of that phase or part phase of the development shall be submitted to and approved in writing by the Local Planning Authority (in consultation with United Utilities PLC). The plan shall include arrangements for permanent adoption by a SuDs approving body (SAB), Statutory Authority or other relevant party of any sustainable drainage features including any outfalls into local water courses, structures, ponds and bridges. Each phase shall be completed maintained and managed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to reduce the risk of flooding and pollution. This condition is imposed in light of policies set out within the NPPF and Fylde Borough Local Plan Alterations Review (October 2005).

47. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) for Whyndyke Farm, Blackpool (reference H/ALBANP244; DATED 28 March 2011; Issue 1) and subject to the following requirements;

- a) Surface water run-off from the site shall be attenuated up to a 1 in 100 year critical storm event (plus 30% allowance for climate change)
- b) The discharge rate for surface water shall be limited to that it will not exceed the run-off rate from the undeveloped site or 6.3liters per second per hectare; whichever is lowest.
- c) The area of the site within Flood Zone 2 will only be used for water compatible features designed to enhance the aquatic environment.

The mitigation measures detailed in the FRA shall be fully implemented prior to occupation or within any other period as subsequently may be agreed, in writing, by the Local Planning Authority.

Reason: To ensure the development is not at an unacceptable risk of flooding or exacerbates flood risk elsewhere

48. Prior to the commencement of development in situ permeability testing and other necessary geotechnical investigations shall be carried out to establish the ground conditions and suitability of the land for appropriate sustainable drainage components. The subsequent detailed drainage strategy must accommodate these findings which should be used to inform an appropriate Sustainable Drainage System (SuDS) which

Reason: To ensure the use of suitable sustainable drainage components, to be satisfied that the proposed development does not pose an on-site or off-site local flood risk, to ensure water quality is not compromised, and to satisfy Paragraph 103 of the National Planning Policy Framework.

49. The applicant must obtain Land Drainage Consent for ordinary watercourses from the Consenting Authority (Lancashire County Council), and that the Consenting Authority is informed of the intention to start works on site following approval being obtained.

Reason: To comply with Section 23 of the Land Drainage Act 1991, to ensure that any works to the watercourse do not pose an up- or down-stream flood risk, and to ensure that any works, pre-, during and post construction, do not impact on the water quality of receiving watercourses and bathing waters

50. The Neighbourhood Centre 1 of the development hereby approved shall be restricted to 0.7 hectares, and the foodstore (A1) approved within that area shall not exceed 400sq.m gross internal floor area, including, for the avoidance of doubt any mezzanine floorspace. The Neighbourhood Centre 2 of the development hereby approved shall be restricted to 0.4 hectares.

Reason: In order to ensure there is no significant adverse impact on existing retail centres.

51. Within the neighbourhood centre (mixed) areas of the development, the opening hours and delivery times to each individual unit shall be submitted to and approved in writing by the local planning authority prior to the occupation of that individual unit.

Reason: To protect the amenities of the area.

52. The proposed development shall be designed so that cumulative noise from industrial or commercial sources within habitable rooms does not exceed 35dB LAeq (16 hour) from 07.00 to 23.00, 30dB LAeq (8 hour) from 23.00 to 07.00, and 45dB LAFmax from (19.00 –0700* or 2300-0700) for single sound events, or any such level as agreed in writing by the Local Planning

Authority. Prior to the submission of an application for full planning permission a noise study shall be undertaken to demonstrate that the development meets this requirement.

* The evening standard LAFmax will only apply were the existing evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour

Reason: To protect the amenities of the area.

53. The proposed development shall be designed so that cumulative noise from industrial or commercial sources to all outdoor living areas, for example rear gardens and balconies, do not exceed 55dB LAeq (16 hour) from 07.00 to 23.00 or any such level as agreed in writing by the Local Planning Authority. Prior to the submission of an application for full planning permission a noise study shall be undertaken to demonstrate that the development meets this requirement.

Reason: To protect residential amenity.

54. With regard to the existing environmental noise that may affect the proposed development, a noise impact assessment shall be carried out to assess the noise from **road traffic**.

This assessment shall demonstrate that the following standards are met at and within the proposed development.

LAeq 55 dB 16 hours – gardens and outside living areas (for example balconies)

LAeq 35 dB 16 hours – indoors daytime

LAeq 30 dB 8 hours – indoors night-time (23.00-07.00)

LAFmax 45 dB(8 hours – indoors night-time (23.00-07.00)

LAFmax 45 dB 4 hours – indoors evening (19.00-23.00)*

* The evening standard LAFmax will only apply were the existing evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour

Reason: To protect residential amenity.

55. Non-residential properties within the development hereby approved shall comply with the following restrictions;

There shall be no deliveries or collections of goods to or from any commercial premises between midnight and 07:00 hours and 21:00 hours and midnight on weekdays and Saturdays and not at any time on Sundays, Bank or Public Holidays.

No vehicle delivering to the application premises, or waiting within any part of the application site, shall operate a bulkhead-mounted diesel powered or other mechanical refrigeration unit.

The use of reversing alarms on delivery vehicles shall be prohibited within the application site between the hours of 23:00 and 07:00

No metal roll cages shall be used during any Sunday, Public and Bank Holiday delivery

activities at the store.

Signs, clearly legible by delivery vehicle drivers, shall be posted at all times on any commercial premises outside the delivery bay notifying drivers of; the permitted hours for deliveries; the need to switch off refrigeration equipment; the need to switch off vehicle engines; that they are in a noise sensitive area]

Reason: In order to protect residential amenity.

56. The Maximum Instantaneous Noise Levels (LAFmax) from any commercial premises shall not exceed 60 dB(A) evening (19.00-23.00hrs)* and night-time (23.00–07.00hrs) at the nearest noise sensitive premises to the proposed development. Alternative levels and monitoring locations may be used subject to the prior agreement of the Local Planning Authority.

* The evening standard LAFmax will only apply were the existing evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour

Reason: In order to protect residential amenity.

57. Prior to the commencement of development a scheme of noise insulation between the commercial use and the residential use shall be agreed by the Local Planning Authority and implemented before occupation of the building.

Reason: In order to protect residential amenity.

58. With regard to buildings located within the employment area of the development hereby approved the following measures shall be submitted, approved in writing and complied with;

A scheme of noise insulation, to include acoustic double glazing, with sound attenuated means of ventilation, both to the standard laid down in the Noise Insulation Regulations 1975, (or any equivalent standard approved by the Local Planning Authority). Such scheme shall be agreed by the Environmental Protection Unit (Acoustics Section) and implemented before occupation of the building.

Before any external air conditioning/refrigeration units are used on any premises, they shall be enclosed with sound insulating material to reduce noise and mounted in a way which will minimise transmission of vibration and structure borne sound in accordance with a scheme to be approved by the Local Planning Authority.

The siting, type and method of installation of any industrial plant and machinery within the building(s) approved under this permission are to be agreed in writing with the Local Planning Authority before the building(s) are occupied for the purpose proposed.

Reason: In order to protect residential amenity.

59. The residential element of the development shall not commence until full details of the glazing specifications and acoustic ventilation of the development hereby approved has been agreed by the LPA.

Reason: To protect residential amenity.

60. Prior to the commencement of development, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:

(a) A desk study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on and off-site contamination and ground gases.

(b) If the desk study identifies potential contamination and ground gases, a detailed site investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part 2A, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied buildings, on services and landscaping schemes, and on wider environmental receptors including ecological systems and property.

The sampling and analytical strategy shall be submitted to and be approved in writing by the LPA prior to the start of the site investigation survey.

(c) A remediation statement, detailing the recommendations and remedial measures to be implemented within the site.

(d) On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a verification report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.

Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings.

61. Prior to the commencement of development at the site full details of the infrastructure to serve the proposed employment area shall be submitted to and approved in writing by the Local Planning Authority. The details shall include drainage, landscaping, highways and other utilities and shall be provided prior to the occupation of the 700th dwelling on the site.

Reason: To ensure that the employment land is available.

62. All subsequent Reserved Matters applications in relation to the development hereby approved shall follow the principles and parameters outlined in the Design Principles and Parameters Statement (November 2014) and the corresponding parameters plans relating to land use, character areas, urban design framework, access and movement and landscape.

Reason: To ensure that the site is development cohesively, at an appropriate density and is appropriately designed.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/11/0221	Address Whyndyke Farm, Preston New Road, Westby	Grid Ref. E.3353 : N.4341	Scale 0 50 100 150 200 m

Item Number: 2

Committee Date: 18 June 2015

Application Reference:	14/0822	Type of Application:	Full Planning Permission
Applicant:	West Register (Realisations) Ltd	Agent :	Indigo Planning Ltd
Location:	(SITE 3) LAND AT DUGDALES CLOSE / BROOKLANDS WAY / HALLAM WAY, WHITEHILLS, WESTBY WITH PLUMPTONS		
Proposal:	PROPOSED ERECTION OF BUILDING PROVIDING 10,195 SQM OF RETAIL FLOORSPACE (CLASS A1) OVER TWO FLOORS WITH ASSOCIATED CAR PARKING AND ACCESS WORKS		
Parish:	WARTON AND WESTBY	Area Team:	Area Team 1
Weeks on Hand:	31	Case Officer:	Kieran Birch
Reason for Delay:	Need to determine at Committee		

Summary of Recommended Decision: Refuse

Summary of Officer Recommendation

The proposal relates to a site that lies towards the centre of the existing Whitehills Employment Area, and is for the erection of a two storey building providing just over 10,000 sq m of retail floorspace.

The scheme raises a series of technical issues such as the capacity of the highways, flood risk, design, etc all of which are acceptable. However, the officer recommendation is that the application be refused as the loss of 1.69 hectares of employment land would be contrary to its allocation through policy EMP2 the Fylde Borough Local Plan, and the recommendations of the Fylde Employment Land and Premises Study (August 2012) and Whitehills Development Appraisal (October 2013) which both recommend the retention of the employment land and form part of the evidence for the Emerging Local Plan. The potential benefits of developing the site for retail uses do not, in officer's opinion, outweigh the negative loss of the employment land, which would result in the need for further land to be allocated to make up for that land, result in lower value jobs being created at the site. The qualitative value of the site for employment uses is considered to be high due to its strategic location and lack of barriers to its development and there is a reasonable prospect of the site being developed for this purpose within the plan period.

Reason for Reporting to Committee

The application is presented to the Committee as a consequence of the proposal constituting major development.

Site Description and Location

The application site comprises 1.69 hectares of vacant land, bounded by Hallam Way to the north and Brooklands Way to the east. It is characterised by rough grass and scrub, and is largely flat. To the east of the site is a large-format B&Q retail store and associated car park. Land to the south and west is largely vacant, with the exception of a builders' merchants to the southwest. Development to

the north and north-west includes a bathroom showroom and offices. The application site is located on Whitehills which is Fylde’s largest employment site. To the south east of the site is a public house and hotel. The site is well connected being located directly adjacent to the M55 motorway.

Details of Proposal

The application as submitted proposes full planning permission for a retail development of 10,195 sqm of A1 floorspace. The floorspace would be within a single building with a footprint of 4663sqm located on the northern side of the plot, an outdoors sales area of 800sqm is proposed to the west of the store, with parking for 262 cars located on the southern side of the site. The proposed two storey building would have a flat roof and would be of contemporary design clad with large black tiles and features a glass corner element. Store entrances are highlighted with green cladding. The retail floor space would be split into two units;

- 6,675 sqm to be occupied by a large-format, mixed goods non-food retailer
- 3,520 sqm to be occupied by camping retailer, ‘Go Outdoors’

The larger retail unit will sell mixed, non-food goods. The occupier for this unit is known to the applicant but cannot be divulged at the current time for contractual reasons. It will occupy the majority of the ground floor, comprising an indoor sales area of 4,369sqm and an outdoor space for garden goods of 800sqm. There will be a sales area on the first floor of 1,506sqm. Go Outdoors sells equipment for outdoor adventure, with a principal focus on tents, furniture for camping and caravanning, luggage trailers, and outdoor activity equipment. Go Outdoors will occupy the majority of the first floor (3,226sqm), with access from a ground floor lobby measuring 294sqm.

Public access to the site will be from Dugdales Close on the eastern side of the site, via the existing roundabout from Hallam Way. Servicing traffic will access the site separately, from Dugdales Close to the north. Perimeter landscaping is proposed around the site and will be a mix of native shrub and tree planting.

Relevant Planning History

Application No.	Development	Decision	Date
07/1274	ERECTION OF TWO STOREY BUILDING COMPRISING OF CAR SHOWROOM, OFFICES AND WORKSHOP, NEW VEHICULAR ACCESS AND PARKING, PLANTING AND LANDSCAPING SCHEME.	Finally Disposed Of	08/08/2013
04/0562	PROPOSED INDUSTRIAL UNIT	Granted	02/09/2004
03/1065	OUTLINE APP. FOR CAR SHOWROOM/SALES	Refused	06/01/2004

Relevant Planning Appeals History

None.

Parish/Town Council Observations

Westby with Plumpton Parish Council notified on 04 December 2014 and comment:

“No objections to the application. They made note that the matter of commercial sites is not in

keeping with the overall rural aspect of the Parish, however, it was conceded that, due to the existing commercial buildings within the vicinity, it would be preferable to support this application in a relatively commercial area, as opposed to a different non-commercial site."

Statutory Consultees and Observations of Other Interested Parties

National Grid

National Grid has a Major Accident Hazard Pipeline in the vicinity. It is essential that access to the site is not restricted. The building proximity distance for the pipeline is 8m. It appears that the car parking and service yard are over the pipeline, it may be possible that impact protection slabbing be installed over the pipeline. More details will need to be submitted to the NG for consideration, as unhindered access is required to the pipelines. On safety grounds it would not be acceptable to erect any fencing or enclose an area of ground that encompasses the pipelines legally negotiated easement strip. The fencing and enclosed garden centre area would not be acceptable as it appears from the site plan they restrict access to the pipeline. It is the responsibility of the applicant to contact NG prior to commencing any works on site.

HM Inspector of Health & Safety

The HSE's Planning Advice for Developments near Hazardous Installations (PADHI) installs land use planning distances that allows them to advise on the acceptability of new developments.

Lancashire County Council - Highway Authority

LCC Highways have provided extensive comments on the submitted application following meetings between them, the applications and Fylde Council. This was because the TA submitted with the application was found to be unacceptable. This was therefore supplemented with email correspondence, a technical note update (17/3/15) prepared in response to HE comments as well as a Transport Assessment Addendum, dated May 2015. They have considered all the information in these documents, the committed and other developments in the area and the modelling work that has been done. They have considered the sites accessibility and sustainable modes of transport to it.

Their observation is that access to the site will be heavily car dependent due to the nature of the land use proposed, and so impact on how it constitutes sustainable development and the sustainable transport implications of accessing it.

LCC do not object to the application subject to a number of mitigation measures and contributions which they consider to be necessary, directly related and reasonable in both scale and kind. They require link and junction improvements at the A584/Whitehill Road traffic signals to provide additional capacity and a review of signals and phasing, they require an upgrade to a Mova signal control at the same position. They require a contribution of £10,000 to a scheme to deliver wider improvements to the highway network in around the cropper road/school road roundabout. They also because of the sites location and the proposed use require sustainable transport improvements namely pedestrian and cycle improvements, public transport provision and installation of quality bus stops.

They state that *"the retail car park will provide 282 spaces with 16 mobility impaired spaces and 40 cycle parking spaces. A parking accumulation has been provided that indicates that an acceptable level of parking provision has been provided for the proposed site. The provision is below the maximum parking standard and takes into*

consideration linked parking provision and requested support for sustainable transport measures. The site is to be serviced off Dugdales Close. This existing access has been delivered as part of the wider Business Park infrastructure. The issues identified at Whitehills Business Park associated with on street parking may impact safe access for large vehicles to the service area off Dugdales Close. I would therefore recommend, should approval be granted, that a Condition is attached that would require the applicant to fund investigation/consultation and if appropriate implementation of TRO waiting restrictions on the local network surrounding the site (roads to include Hallam Way, Brooklands Way and Dugdale Close). This would help maintain the safe operation of the local highway.”

As well as the contributions and s278 works required to make the scheme acceptable they require conditions so that the off site works details are submitted, a construction method statement is submitted, a phasing programme for the highways works is submitted, the funding to have been provided prior to first occupation, a Travel Plan be submitted, visibility splays to be in place, drainage and car parking details.

Blackpool Borough Council

Comments are:

“Thank you for consulting this Council regarding planning application reference 14/0822 and apologies for the delay in responding. We have concerns regarding the issues of impact on centres in Blackpool, regarding the sequential test and regarding retail evidence in terms of the requirements for the Fylde Coast and would welcome the opportunity to discuss these issues with Alyn Nicholls and Associates.

The application site is not within or on the edge of any defined town, district or local centre and is not well served by public transport. The nearest Blackpool Transport Services serve the Peel Park Offices (no 14) and serve the Clifton Retail Park on Clifton Road (nos 3, 4, 14 and 16) with the nearest stop to the site being on Langdale Road. In addition it does not have a large residential population within walking or cycling distance and has the added problem of a large roundabout serving the M55 motorway and Yeadon Way/Progress Way segregating it from residential areas in Blackpool and the nearest bus stop. It is contended that the site is not ‘well connected to any town centre’ in terms of paragraph 24 of the National Planning Policy Framework. In terms of paragraph 24 of the NPPF there is a vacant site adjacent to the Sainsbury’s petrol station which would accommodate part of the development. There is a site adjacent to the Hounds Hill Centre (Tower Street/Corporation Street) which could accommodate part of the development. The Central Car park on Central Drive could accommodate the development as part of a mixed retail/leisure development and although not in the Town Centre or on the edge of the Town Centre the former Devonshire Road hospital site could accommodate the development and is well linked to the Town Centre by bus services 5, 7, 9 and 14. In addition there is a permission for a unit at Blackpool Retail Park, Amy Johnson Way (10/1378)

Environment Agency

No objections subject to a condition requiring the development be carried out in accordance with the FRA.

United Utilities – Water

No objections subject to conditions requiring details of surface and foul water drainage

being submitted.

Electricity North West

Have considered the proposal and found that it has no impact on our Electricity Distribution System infrastructure or other ENQ assets. Any requirements for a supply of electricity will be considered as and when a formal application is received.

Planning Policy Team

Comments are:

I have assessed the proposal against the Fylde Borough Local Plan (As Altered: October 2005) and the National Planning Policy Framework.

CURRENT LOCAL PLAN ALLOCATION

The proposed development lies within an area which is allocated as 'Existing Business and Industrial Areas' in the Fylde Borough Local Plan. Local Plan policy EMP2 operates to permit proposals for business and industrial development, specifically here for B1, B2 and B8 uses.

In August 2012 the council published an Employment Land and Premises Study (FELPS). It forms part of the evidence base for the emerging local plan to 2030, and it is therefore a material consideration for the purposes of development management. The study recommends the provision of between 26 and 33 ha of additional employment land. This needs to be allocated and brought forward to meet requirements for the Local Plan period to 2030. The FELPS also recommends the protection of the identified current employment land supply that is not the subject of existing consents for alternative uses.

Table 38 of the FELPS includes an assessment for site EMP2(13b), Whitehills Park. The FELPS recommends it be retained as a sub-regional employment area for B1/B8 and associated services. The proposal would result in the loss of 1.73 ha of the site area to non class B use.

RETAIL POLICY

Local Plan policy SH13 operates in relation to large retail stores. Whilst appreciating that the needs test mentioned in policy SH13 has now been removed from PPS4, this policy is still considered to be relevant in terms of sequential approach (criterion 1) and consideration of vitality and viability of existing town centres (criterion 4). SH13 states that proposals for out of centre sites will not be permitted unless the need for the development has been demonstrated against a range of four criteria.

The application of criterion 1 is particularly relevant given the fact that SH13 goes on to state "Proposals for large new retail development will not be acceptable on land identified under policies EMP1 and EMP2 for business and industrial use, unless the application is supported by substantial evidence that no other location is available."

You will no doubt be aware that the Portfolio Holder for Planning and Development accepted the use of the 'Fylde Coast Retail Study 2013 Update' as part of the evidence base for the emerging Fylde Local Plan and for use by Development Management in the determination of planning applications.

The Study 2013 Update identifies indicative figures for additional comparison goods retail

floorspace (net – sales floorspace) over and above existing planning permissions for which provision should be made in town centres as follows:

Centre	Additional comparison floorspace (sq.m net)			
	2013-2021*	2021-2030	2013-2030	
St Annes town centre		-197	1,376	1,179
Lytham town centre		-197	1,376	1,179
Kirkham town centre	-	112	813	701
Remaining District and Local Centres	-56	393	337	
Fylde Total		-562	3,958	3,396
Wyre Total	-1,084	7,592	6,508	
Blackpool Total	-2,550	17,995	15,405	
Total for Fylde Coast	-4,196	29,478	25,282	

It should be noted that the above figures are to be used as a guide and the negative requirements 2013-2021 indicate that the expected turnover of existing retail planning permissions is greater than expenditure growth over that period. That said, the study does not identify any additional comparison goods sales area floorspace in out of centre locations.

Clearly the proposed development comprises a significant quantum of retail floorspace in an out of centre location and paragraph 24 of the National Planning Policy Framework is therefore relevant. It states that “When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.” It is however noted that the applicant’s Retail Assessment (November 2014) does not include an assessment of alternative out of centre sites. In terms of undertaking a thorough sequential test regard should be had to other out of centre sites which are accessible and well connected to the town centre.

Paragraph 24 of NPPF goes on to state that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. The proposal comprises three separate retail units, configured as 3,520; 5,875; and 800 gross floorspace (sq.m). In terms of being flexible, the applicant needs to give consideration to how or if the proposal could be disaggregated and consequently individual units could be accommodated in sequentially more preferable or accessible locations.

I note that the applicant’s Retail Assessment (November 2014) includes an assessment of impact based upon a 15 minute drive time. Although this may have previously been agreed with the Council, it is not clear to me that this is the most appropriate catchment area. Given the quantum of retail floorspace involved it is my suggestion that the catchment area is likely to be significantly larger. Whilst I am not in a position to suggest what the alternative appropriate drive time ought to be, a slightly wider catchment would undoubtedly have retail impact upon Preston city centre, Freeport and Deepdale Retail Parks.

As presented, it is noted that at 6.49 the applicant’s Retail Assessment (November 2014) claims the impact of the proposal will be extremely modest. And that it will not have a ‘significant adverse impact’ on any of the existing town, district or local centres in the study area.

In light of the above I recommended that specialist retail advice is sought in respect of the sequential approach undertaken and in considering the potential impact of the proposal upon the trading performance of existing facilities. In the absence of this specialist retail advice I suggest that the proposal is potentially contrary to policy SH13.

In addition to the above regard should also be had to Local Plan policy SH14 which is a criteria based policy. All 6 criteria are required to be met.

In considering whether there are any other material considerations which are of sufficient importance to outweigh the policy position established in the adopted Local Plan, you should also consider the provisions of the NPPF. Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development.

It could be argued that limited weight can be afforded to the emerging Development Plan due to the early stage that the Council is at in the overall plan-making process. The Fylde Local Plan to 2030: Part 1 – Preferred Options (LPPO) document includes policies relating to employment land, and retail and other appropriate town centre development. Appendix 4 of the LPPO sets out the Car Parking Standards which the Council currently operates.

Conclusion

The proposal is contrary to policy EMP2 of the Fylde Borough Local Plan. Specialist retail advice should be sought in terms of what has been provided in the context of Local Plan policy SH13. You will need to consider whether there are any other material considerations which are of sufficient importance to outweigh the policy position established in the adopted Local Plan. If minded to grant consent for the proposal you need to be satisfied that the loss of this area of employment land to another use is justified as it would further increase the borough wide requirement for employment land.”

Environmental Protection (Pollution)

No objections to the above proposals however due to proximity of dwellings and as a result of recent complaints from other premises the applicant shall ensure that light from any security fitting or car park stanchion does not cause illumination nuisance.

Regeneration Team (Economic Development)

Comments are:

“In making these comments I have taken into account the following local, regional and national economic policy considerations;

The Plan for Growth (2011)

Lancashire County Economic Assessment (2011)

Lancashire County Council’s Economic Framework (2010)

The Fylde Coast Employment and Skills Strategy (2010)

Fylde Borough Council Employment Land and Premises Study (2012) (ELS)

Whitehills Development Appraisal (2013)

Fylde Borough Council Economic Development Strategy and Action Plan 2012 – 2030 (FEDS)

Fylde Borough Local Plan 1996-2006, Alterations Review (2005)

The National Planning Policy Framework (NPPF)

General

Where I have attempted to balance more than one material consideration in making these comments and in considering the economic impacts of the proposed development, I have at all times given significant weight to the positive economic outcomes that may or will result from the proposed development. Conversely, I have also given significant weight to any negative or adverse economic outcomes that may or will result from the proposed development.

Proposed Development

The details of note from the application are that this is an application for the erection of buildings providing 10,195 sqm of retail floorspace (Class A1) over two floors with associated car parking and access works.

Considerations

Matters of Planning Policy

The site is within land allocated as 'Existing Business and Industrial Areas' in the Fylde Borough Local Plan 1996 – 2006, Alterations Review (2005) (Local Plan) and is covered by the scope of policy EMP2 which is permissive of uses within Classes B1, B2 and B8. I also feel that within the same document policy SH13 should be considered but I shall leave this to other better informed colleagues to comment. I also understand that specialist opinion has been sought on matters relating to the 'retail impact'.

Accordingly my primary focus will be the scope of policy EMP2 and the proposed development. I note that the Planning Statement in support of the application makes reference to the view that little weight should be given to EMP2 and further supports this position with reference to the Fylde Employment Land and Premises Study (2012) (FELPS) and also paragraph 19 of the National Planning Policy Framework (NPPF). The principle argument advanced here is that the loss of the employment land is acceptable owing to the findings of the FELPS and also that the NPPF requires consideration of the wider economic use of the land rather than just employment uses. Therefore a consideration of the economic impact of the proposed development follows.

Economic Impact of the Proposed Development

Employment Creation

The loss of land (approx. 1.60 ha) from an employment use to a retail use could be offset by the positive economic impacts of the proposed development. For this to occur I am of the view that the land would need to have little to no chance of being developed for an employment use within an appropriate time frame. In addition the positive economic impacts would need to be significant. I feel that meeting these two criteria would lead me to conclude that the development would have a positive impact upon the local economy.

The most readily measurable economic impact of this development is the direct creation of jobs. I note from the Planning Statement that a figure of 92 is given, which is based on data provided by the Employment Densities Guide (2nd Edition 2010). This is approx. 110 sqm per FTE (Full Time Equivalent) job. It is unfortunate that only this estimate is provided and not more accurate predictions based on end users, but I note that only one end user is identified at this stage. So the number of 92 stands in direct comparison to the alternative use of the land which is for employment purposes. Again using the

Employment Densities Guide I present some approx. values for the alternative use of the land within Class B;

<i>Use Class</i>	<i>Area per FTE (sqm)</i>
<i>B1 (a)</i>	<i>17.4</i>
<i>B1 (b)</i>	<i>17.4</i>
<i>B1 (c)</i>	<i>47</i>
<i>B2</i>	<i>36</i>
<i>B8</i>	<i>75</i>
<i>Average All</i>	<i>38.56</i>

I draw no direct conclusion from the above table about the likely employment level generated by an employment use, other than it would likely be higher than the proposed use.

Also relevant here is the likely value of each job. I feel that employment created within the B Use Class is likely to be of equal if not higher value than that within the A Use Class; in terms of both the earnings and value added or productivity.

Land Use - In the Planning Statement much is made of the NPPF and paragraphs 17, 19, 20 and 21 which variously put the onus on the Local Planning Authority (LPA) to be flexible and supportive of the local economy. Much is also made about EMP2 and the Local Plan not being up-to-date. In my view all of these matters are settled by the FELPS which acknowledges that land at Whitehills (including the application site) was allocated for a previous plan period and has not been developed. However I feel that the FELPS concludes that the application site is suitable and that there is likely to be demand for it in an employment use up to 2030. I consider this to be the most up-to-date evidence available taking into account wider growth opportunities and market signals.

Retail Impact - My views here are limited owing to better informed colleagues being able to comment and also the Council has sought specialist retail advice. I would only comment that the Council's Economic Development Strategy (EDS) makes clear the important role of town centres in the local economy and any adverse impacts from this development would need to be appropriately mitigated.

Other Considerations

I can see no other consideration that I should take into account.

Conclusions

On balance I feel unable to support the application. I do acknowledge that the proposed development could have a considerable impact upon the level of investor and developer confidence in the area and could play a role in 'stimulating' further development. However this is not sufficient to offset the value added role that this land could play in the local economy; namely being put to an employment use rather than retail. A use for which interest is likely given the evidence I have taken into account above; principally the FELP.

If this development were to be allowed I feel that there are a number of mitigating activities which would go some way to addressing the acceptability of the development in planning terms. I feel that they are necessary, directly related and reasonable in both scale and kind. These activities are;

Improvements to the highway network in and around the Whitehills area to resolve the issue highlighted in the Whitehills Development Appraisal. This would principally be the finishing off of all highways (within the ownership of the applicant) to a standard capable of being adopted by the Local Highway Authority.

To mitigate the loss of employment land the applicants should work jointly with the Council and commercial agents to undertake a wide ranging marketing campaign to encourage further investment and development of currently allocated and potentially allocated employment sites. This should be of an appropriate scale and duration.

Improvements to the public transport serving the area to improve the links between the residential areas of St Annes and Blackpool and existing and proposed employment sites.

Financial contributions toward the improvement works identified in the Whitehills Business Park – Environmental Improvements scheme as identified in the Council's Regeneration Framework."

Highways Agency

As the development site is not immediately adjacent to the strategic road network (SRN), our consideration of the application has focussed on the traffic impact that the proposals would have upon the SRN, which in this case is the end of the M55 motorway at Junction 4. For reference, the roundabout and west-facing slip roads at the junction do not form part of the SRN. Consequently, our primary concern has been to satisfy ourselves that the development would not interfere with the operation of Junction 4 to the extent that there would be severe queuing of traffic seeking to exit the motorway at the junction.

Having reviewed the applicant's Transport Assessment, we are satisfied that the proposals would not have a severe material impact upon the SRN. Consequently, please find enclosed a TR110 Notice confirming that we do not have an objection to this application.

In reviewing this application, it is also worth noting that information regarding the traffic impact at the 10-year horizon date (as required by policy DfT Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development) was not provided as part of the initial Transport Assessment document. Whilst not critical to the decision, such information is required to that we are able to identify the future traffic burden development would add to the SRN for future planning purposes. We have subsequently sought and received this assessment from the applicant, which at our request also included an assessment of M55 Junction 4 during the Saturday weekend peak (this is particularly important where retail development such as this is concerned). We would therefore like to ask the Council to be aware that that we need to see analysis of the proper 10-year horizon traffic impact within Transport Assessments for sites in proximity to the SRN.

South Ribble Borough Council

No comments received.

Preston Borough Council

No comments received.

Wyre Borough Council

Comments are:

“Thank you for consulting Wyre Council in relation to the above planning application. It is noted that the proposal comprises a significant quantum of retail floorspace in an out of centre location and given the status of the Fylde Local Plan paragraph 24 of the National Planning Policy Framework is therefore relevant. This indicates that a sequential test should be applied in this instance. This test should not be confined to administrative boundaries and, given the proposal’s anticipated catchment area, should also consider centres within Wyre Borough. In our opinion, the relevant centres in Wyre are Poulton-le-Fylde and Cleveleys. Whilst the applicant’s Retail Assessment (November 2014) appears to have considered sequentially alternative sites in Cleveleys it is not clear from paragraph 5.13 of that document whether Poulton-le-Fylde has also been considered and this needs to be clarified.

Additionally, in outlining the methodology of their sequential assessment, paragraph 5.15 of the accompanying Retail Assessment states that “site visits included an assessment of the centres and a review of any sites within a 300m boundary from the primary shopping area boundary or town centre boundary where applicable.” Such an assessment will therefore consider in and edge of centre sites for retail purposes as defined by Annex 2 of the NPPF. However, paragraph 24 of the NPPF indicates that “When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.” Therefore, in my opinion, this requires the applicant to consider alternative out of centre sites that are accessible and well connected to the town centre and this does not appear to have been done in this instance. Additional analysis of sequentially alternative sites within the proposal’s catchment area should therefore be undertaken in order to ascertain that the sequential test has been passed.

Neighbour Observations

Neighbours notified: 04 December 2014

No. Of Responses Received: One.

Nature of comments made:

Support the planning application whilst it will obscure our own business premises from the main road. We believe that more retail activity on the park overall all businesses on here should benefit.

Relevant Planning Policy

Fylde Borough Local Plan:

EMP2	Existing business & industrial uses
EMP4	Buffer zones and landscaping
SH13	Provision of large retail stores
SH14	Design of large retail stores

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

The main issues to consider when determining this application are:

- Loss of employment land
- Impact of the proposed retail development on existing retail centres
- Are there any sequentially preferable sites
- Design and visual impact of development
- Highways issues
- Flooding and drainage

In order to assist officers in the decision making process, specialist planning consultants were appointed to provide advice on the impact of the proposal on existing retail centres and whether or not there are sequentially preferable sites. This report takes into account the content and conclusions of the advice given.

Loss of employment land

When considering this application regard should be had to the Development Plan which constitutes the Fylde Borough Local Plan and NPPF. Regard also needs to be had to the Whitehills Development Appraisal (WDA) (2013) and the Fylde Borough Council Employment Land and Premises Study (FELPS) (2012) both of which form part of the evidence base for the emerging Local Plan.

The site is allocated within the Local Plan under policy EMP1 – Business and industrial land allocations for B1, B2 and B8 uses, therefore the proposal which comprises two retail stores in one building, totalling 10,195 square metres of retail floorspace does not fall under any of these classes. As the policy states that land should be retained in this class the application is contrary to policy EMP2. The NPPF supports sustainable economic growth and that planning should operate to encourage and not act as an impediment to sustainable growth. The development is therefore on the face of it contrary to Local Planning policy.

The applicant's case for allowing the application and thus accepting the loss of this area of allocated employment land is extensive, a summary of which is as follows;

- Site 3 has been marketed for 5 years with no credible interest. The Council has not presented any evidence of interest.
- There is other available employment land in the applicant's ownership nearby. Sites 5, 6 and 7 are being marketed, but again there is little interest;
- A significant amount of additional employment land (circa 30ha) at Wyndyke Farm and the Western Extension of Whitehills is likely to be available soon. This could further weaken the interest in Whitehills for traditional employment uses;
- Local Plan policy EMP2 holds little weight because it is not consistent with the NPPF;

- Based on past trends of employment take up recorded by the Borough sufficient land will be retained to meet its needs beyond the Plan period;
- The FELPS has no material weight and is superseded by the WDA
- Where there is no reasonable prospect of a site being used for the allocated employment use, the NPPF is clear that sites should not be retained and that applications for alternative uses should be treated on their merits;
- The proposal will provide 113 FTE jobs as well as construction and other spinoff benefits to invigorate the overall estate. In comparison a B8 warehouse would generate only 44 jobs, the jobs would be for a range of opportunities including; Store Manager / Deputy, Department Managers, Sales Assistants, Specialist Sales Assistants (i.e. specialist expertise within a department), Warehouse Managers, Supervisors and Assistants, Till Operator / Checkout Assistants and Replen Assistants.
- Eight full time equivalent construction jobs created and 19 additional indirect and induced FTE jobs such as cleaning, landscaping and maintenance.
- The proposal will provide a higher density and range of jobs on site compared to traditional employment jobs.
- The opportunity of actual development and removal of a vacant site as oppose to a sterile site for an unknown period of time.
- The revitalisation of the wider Whitehills park through provision of a diverse offer in line with the Council's endorsed WDA.

Further to this the applicants has considered the suggesting mitigating activities that the Economic Development Officer has stated would be necessary if allowed and state they are prepared to:

- Finish off all highways within its ownership to an adoptable standard;
- Commit to its continued marketing of sites 5, 6 and 7 to encourage further investment in Whitehills;
- Offer a CIL compliant financial contribution towards improving public transport in the surrounding area; and
- Offer a CIL complaint financial contribution towards public realm and improvement works identified in the Council's Regeneration Framework (12k)

The applicants have provided a quantitative and qualitative assessment of the application site in their planning statement. In terms of quantitative they state that it can be demonstrated that the proposed development will not materially impact on the quantity of employment land within the Borough. They state "The Fylde Employment Land and Premises Study (August 2012) states that there are ample vacant premises to meet demand, despite the lower overall supply of employment land, at only 22.32ha. Four out of five forecasting scenarios demonstrated a significant oversupply of employment land in the Borough. This Study, taken with the October 2013 Whitehills Development Appraisal, clearly demonstrates a significant oversupply of employment land.". In terms of the qualitative assessment they state that the WDA found a number of shortcomings with the business park such as lack of parking, poor broadband provision and lack of public transport to the site. The state that the Appraisal found that due to the identified shortcomings potential occupiers have chosen alternative locations and that the FELPS classified its deliverability as amber rather than green

The Council's economic development officer' response is outlined in full in the consultation responses section above. He states that the argument offered by the applicants is that the loss of the employment land is acceptable owing to the findings of the FELPS and also that the NPPF requires consideration of the wider economic use of the land rather than just employment uses. He states that whilst the loss of employment land could be offset by the positive impacts of the

proposed development for this to happen the land would have to have little or no chance of being developed for an employment use within an appropriate time frame and the positive economic impacts would need to be significant. With regard to the economic impact of the development he states that the employment level generated by an employment (B class) use is likely to be higher than the proposed use when considering the Employment Densities and also that the value of employment jobs is likely to be of equal or higher value than retail jobs, in terms of both the earning and the value added or productivity. The development of the site in his opinion for a B use class for the same sized development would therefore create a greater number of better paid jobs with a greater output as oppose to the retail jobs that would be created if this proposal were allowed. With regard to the site being developed for a B class the economic development officer states the FELPS acknowledges that land at Whitehills (including the application site) was allocated for a previous plan period and has not been developed. The FELPS concludes that the application site is suitable and that there is likely to be demand for it in an employment use up to 2030. He considers this to be the most up-to-date evidence available taking into account wider growth opportunities and market signals.

The Councils planning policy officer has stated in his response that the development is contrary to EMP2 and that in August 2012 the council published an Employment Land and Premises Study (FELPS). It forms part of the evidence base for the emerging local plan to 2030, and it is therefore a material consideration for the purposes of development management. The study recommends the provision of between 26 and 33 ha of additional employment land. This needs to be allocated and brought forward to meet requirements for the Local Plan period to 2030. The FELPS also recommends the protection of the identified current employment land supply that is not the subject of existing consents for alternative uses. Table 38 of the FELPS includes an assessment for site EMP2(13b), Whitehills Park. The FELPS recommends it be retained as a sub-regional employment area for B1/B8 and associated services. The proposal would result in the loss of 1.73 ha of the site area to non-class B use. He states that if minded to grant consent for the proposal you need to be satisfied that the loss of this area of employment land to another use is justified as it would further increase the borough wide requirement for employment land.

The key issue for consideration is whether or not the permanent loss of this employment land is acceptable and whether or not the protection of the land by policy EMP2 is relevant or can it be considered to not accord with the growth and flexibility objectives of the NPPF. The benefits of the bringing forward the site for development for a retail use needs to be balanced against the negative which is the permanent loss of 1.69 hectares of employment land. A judgement needs to be made one whether or not the economic benefits of allowing the loss of the employment land are so significant that the loss of employment land is acceptable and also whether or not there are realistic prospects of the site being developed for an employment use.

Policy EMP2 requires retention of site for B class uses whereas the NPPF paragraph 17 states LPA's should 'respond positively to wider opportunities for growth' and 'take account of market signals'. Paragraph 20 requires local planning authorities to 'plan proactively to meet the development needs of business and support an economy fit for the 21st century', whilst paragraph 21 requires local authorities to take account of whether existing business sectors are expanding or contracting, and to plan for new and emerging sectors with flexible policies. Paragraph 22 states that 'planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose ... applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities'. Paragraph 17 similarly requires a clear strategy which allocates 'land which is suitable for development'.

The positives of allowing the development have been well illustrated by the applicants and they state that the loss of this amount of employment land would not have a quantitative impact on the supply of employment land in the Borough and the land is not of a qualitative value that has attracted investment. However the loss of this amount of employment land would be contrary to its allocation in the Local Plan, and the emerging Local Plan which is currently being written. The FELPS forms a part of the evidence base for the Local Plan and recommends the protection of the identified current economic land supply, therefore this site is proposed to be protected and allocated for employment in the emerging Local Plan. The same study recommends the provision of between 26 and 33 ha of employment land, therefore it stands that if this development were allowed additional provision to that already found would need to be located and allocated. The applicants state that this document has been superseded by the WDA however it is Officers view that this is not the case and it forms an additional piece of evidence for consideration. Furthermore the WDA whilst acknowledging the weaknesses of the Whitehills site as a whole which has been highlighted in the applicants qualitative assessment states in paragraph 7.34 "It is therefore recommended that all currently allocated land in Whitehills Park (Phases 1 and 2) be retained as small plots to meet local land needs". Indeed the weaknesses outlined by the applicants and in table 23 of the WDA namely poor public transport, lack of parking, traffic congestion, limited access to local services, poor broadband, lack of street lighting and unadopted roads relate to the Whitehills site as a whole and not necessarily to this site specifically. The development of this site for employment is not hindered by these issues, the site is located in one of the most prominent locations in the Boroughs main strategic employment site. The site is large enough for sufficient parking for a large retail development and is large enough for parking for an employment use. The lack of broadband at the site has been resolved and the lack of street lighting and unadopted roads do not hinder this sites development. The applicants state that the WDA recommends "Fylde and Blackpool Borough Councils should recognise the increasing level of precedents of non-B use employment activity provision within employment areas across the UK' including retail, food, hotels, vets practices, training centres and nurseries which will increase the attractiveness of the area for commercial operators (Table 23)". What they do not include is that the WDA states that in terms of retail options the council should recognise that there are national retailers that specialise in providing convenience retail and hot food options on business parks and that it is recommended that Fylde allocate a small site within the park for ancillary retail uses. What it does not recommend is that a large proportion of employment land be lost to a retail development. Therefore both pieces of evidence recommend retention of the site for employment uses and not for the development of the park or a portion of the park for a retail development. It is also considered that the protection of the site for the plan period up to 2030 is appropriate as the FELPS which acknowledges that land at Whitehills (including the application site) was allocated for a previous plan period and has not been developed. The FELPS concludes that the application site is suitable and that there is likely to be demand for it in an employment use up to 2030. This is the most up-to-date evidence available taking into account wider growth opportunities and market signals, notwithstanding the changes made by the government to the NPPG guidance on housing and economic development needs assessments and housing and economic land availability assessments.

It is therefore considered that the retention of the site for employment uses is supported by the most up-to-date local evidence and that the protection of the site up to 2030 is appropriate and that there is a reasonable prospect of the site being used for its allocated purpose. Whilst the potential benefits in terms of creation of retail related jobs and potentially increasing the attractiveness of the wider business park are acknowledged it is considered that the application does not fully appreciate the qualitative value of the site which is in a prominent position on the Councils main strategic employment sites, located directly adjacent to the strategic highway network. The growth and flexibility objectives of the NPPF are clear however allowing retail development of this scale in this location has the potential to harm the employment character of the business park, could result in

the need for additional employment land to be provided and whilst there would be some economic benefit of the development, the development of the site for employment would likely result in a higher number of jobs and they are likely to be of equal or higher value than retail jobs, in terms of both the earning and the value added or productivity. It is therefore not considered that the economic benefit of allowing the loss of the employment are significant enough to outweigh the loss of the employment land, and that there is a realistic prospect of employment development within the plan period.

Impact of the proposal on existing retail centres

The issue of the proposal being located on an existing employment site has been discussed above. Because the development is located outside of an existing retail centre its impact on these has to be assessed. Policy SH13 – provision of large retail stores states that proposals for large scale retail developments within existing town centres will be permitted. Proposals for edge of centre and out of centre sites will not be permitted unless the need for the development has been demonstrated by the application and:

1. No preferential site is available in terms of the sequential approach to large retail developments; or
2. The proposed development, by nature of its size, land requirement or likely vehicle generations would be inappropriately located within a town centre; and
3. The nature and scale of the proposed development is appropriate to the sites location and the catchment area it seeks to serve; and
4. The development would not in itself, or in conjunction with other existing or planned retail stores with planning permission significantly prejudice the vitality and viability of any nearby town centre.

Policy SH14 states that in addition to meeting the above requirements large new retail developments will also be required to meet criteria in relation to design, amenity, and highways impacts which are considered in turn in the report below. The NPPF is the most recent policy consideration and part 2 ‘Ensuring the vitality of town centres’ states that planning policies should promote competitive town centre environments and recognises town centres as the ‘heart of their communities’. Paragraph 26 states that retail developments outside of town centres, which are not in accordance with an up-to-date Local Plan should require assessment of their impact on town centre vitality and viability, up to 5 years from the time of the application (or 10 years in the case of major schemes) if the proposed floorspace is over 2,500 sq.m. The proposal is 10,195 square metres and outside the town centre so an impact assessment is necessary. In The NPPF has removed whether or not there is a ‘need’ for a development as a material consideration and therefore this does not need to be assessed. The NPPF concludes that where a proposal fails to satisfy the sequential test or is likely to have significant adverse impact, it should be refused. The NPPF contains the main criteria against which to assess the retail component of the scheme and is of greater weight than Local Plan policies. The submitted RIA by Indigo Planning considers the proposed developments impact on the vitality and viability of centres within the Fylde Coast, including local consumer choice, trade in the town centre upto 5 years after the application. The assessment has been undertaken for comparison goods only and not any food floorspace as this is what is being applied for. The NPPG states that impact tests should be undertaken in a proportionate, locally appropriate way, drawing on existing information where possible. The assessment uses data from the Fylde Coast Retail Study updated (2014) and uses a standard methodology as follows;

1. Identification of an appropriate study area for the proposal;
2. Quantification of the spending potential in the study area;
3. Estimation of the market share and turnovers of the existing retail facilities within the catchment area;

4. Forecast of the proposal's turnover;
5. A consideration of commitments within the catchment area;
6. Estimation of changes to the existing shopping patterns as a consequence of the proposal including the likely trade diversion from existing centres;
7. Assessment of the overall level of impact arising as a consequence of the trade diversion including a cumulative assessment with the known commitments;

The assessment uses data from FCRSU 2014. Data for the expenditure growth per annum is derived from Experian Retail Planner Briefing Note 11 which was used within the FCRSU. Mintel Retail Rankings 2014 has been used to ascertain the average sales density of a Class A1 non-food mixed goods value retailer. The sales density of Go Outdoors has been provided by the company. All of the data sources are accepted as industry standards. The catchment area is a 15 minute drive time from the site. 95% of the proposals turn over will be derived from destinations within the study area, and 5% from outside it. The total turnover for the development is predicted to be 17.97 million. The majority of the proposals turnover will be from Blackpool Town Centre, closely followed by Blackpool Retail Park. This is due to the range of goods sold, existing shopping patterns and the proximity of the location to the application site. Blackpool town centre has a turnover of almost 350million with the proposal drawing £5.05 million from it (3.4%) he draw from St Anne's is £0.05 and £0.02m from Lytham town centre, with £0.01 from Kirkham town centre. The submitted RIA states that the impact of the proposal on the centres within Fylde Borough will not be detrimental to their vitality and viability. Furthermore, the proposal will not have prejudice existing and planned public and private sector investment coming forward. The overall conclusion is that the overall impact of the proposal either on its own or cumulatively does not amount to a significant adverse impact.

The submitted RIA has been considered by the Council's consultant Alyn Nicholls and Associates, as well as the sequential assessment. They state that the impact assessment is based upon a conventional step by step methodology which assumes the development would be occupied by a large format home and garden retailed the identity of which is unspecified but the scheme has the characteristics of 'the range' and Go Outdoors. They state that there are a number of areas where the impact assessment is open to criticism such as the absence of trade diversions from district centres such as South Shore within Blackpool and the absence of any trade diversion from centres outside the catchment area, nevertheless the sensitivity testing they have undertaken indicates that the conclusions about the levels of trade diversion from main centres are reasonable. They state that the amount of trade diverted from existing centres arising from the proposal is unlikely to cause material harm to the vitality and viability of any centre and there is no evidence to suggest that the development would have an adverse impact on existing or future investment in centres. They state that the impact assessment is based upon the character and format of the scheme as described in the application, if the character of retailing were to change the development would have a greater impact on existing centres and therefore a condition should be imposed to control the goods sold from the development. Such conditions would limit the goods sold to those assessed as not have having significant adverse impact and prevent the subdivision or joining of the two stores. Other conditions would include prohibition of the sale of food and drink other than for consumption on the premises, therefore only allowing a café within the development, restricting the amount of retail space within unit 1 that can be used for the sale of clothing, footwear and the sale of toys and that no jewellery or chemist goods can be sold from the development. The restrictions would allow the end users identified to sell their normal range of products and allow some flexibility but would prevent a retailed selling predominately fashion, clothing and footwear and toys. Overall with regard to the policy tests raised in national policy they state that the proposal satisfies the requirements of policy regarding impact on existing centres.

Are there any sequentially preferable sites?

In order to protect the vitality of town centres the NPPF requires local authorities to apply the sequential test to planning applications for main town centre uses when not in an existing centre or not in accordance with an up to date plan. Therefore as retail is a main town centre use the Sequential test needs to be carried out. The preference remains for town centres although if such sites are not available then the NPPF states that preferences should be given to edge of centre and out of centre sites that are accessible and well connected to the town centre (paragraph 24). To be considered sequentially preferable alternative sites have to be capable of accommodating “the application”. Whilst policy requires applicants (and LPAs) to be flexible about scale and format, it does not run to consideration of whether a site might accommodate a different scale of development or a different format. Consequently a site which might accommodate an alternative format with undercroft or rooftop parking would not be deemed suitable to accommodate the “the application”. Sites also need to be available and viable.

The sequential test submitted with the application considers sites that may be capable of accommodating “the application” which are within or closer to existing centres, the conclusions drawn was that none of the sites were capable of accommodating the scheme. The area of search was a 5 minute drive time from the application site and alternative sites were identified and visited that were within 300m of a centre or primary shopping area. These sites were all discounted as not being suitable due to the not being able to accommodate the scheme due to their size. The Council’s consultant has commented that the applicants approach to the sequential test was reasonable in its area of search but the analysis has not considered all centres within the defined area and that it appears that no enquiries were made of Blackpool Council as to whether it considered there to be potential sites that could be incorporated within the analysis, the analysis of which has only considered sites within 300m of the primary shopping area boundary or town centre boundary has precluded consideration of whether there are out of centre sites that might accommodate the application and which have better accessibility and connectivity to a nearby centre. With regard to the sites that have been assessed by the applicants, five of which were analysed in detail they would agree that none of these sites are suitable or available to accommodate the application, mainly due to the size of the sites.

As outlined in the consultation response Officers of Blackpool Council have expressed the view that four sites could be suitable for development. Two of these sites were considered in the applicant’s sequential test and discounted as unsuitable which is accepted and the remaining two sites are the central car park on central drive and the former Devonshire Road Hospital site. These sites were not assessed in the submitted RIA. Although these two sites like the application site are located outside of existing centres they could be seen to be sequentially preferable as they could be considered to be better connected to a town centre and have better accessibility to them.

Officers of Blackpool Council maintain that the Central Car Park site could accommodate the application as part of a wider redevelopment for a mix of uses on the site. The site of the Devonshire Road Hospital the Council’s consultant states that whilst out-of-centre, is accessible and has good connectivity with the town centre. They state that the former hospital site would be significantly better than the application site in terms of accessibility on foot and by a choice of means of transport and in terms of connectivity with the town centre and therefore that site would be preferable to the application site subject to confirmation as to the availability and an indication from Blackpool Council that it is agreed to be suitable.

The fact that there were two potentially sequentially preferable sites out of centre in Blackpool was put to the applicants who consequently submitted a retail addendum which provides further

information about the Blackpool district centres which were omitted from the submitted RIA and also an assessment of the two additional sites identified by Blackpool Council. The assessment of the local centres found that they all performed a specific convenience role. With regard to the central car park site they state that *'the car park offers one of the largest and well-used car parks close to the town centre and the promenade. The loss of this key and central parking site with its 714 parking spaces would be of detriment to vitality and viability of the town which relies upon the easy and convenient access for visitors.* The analysis of the site finds it is situated in an area of Blackpool predominately occupied by tourist attractions and the scheme would not complement these. Blackpool Council's emerging local plan identifies the site as a leisure quarter. With regard to the Central Car Park site, the Council and its consultant accept what the applicant is saying; the site is a well-used car park which is important to the town centre.

With regard to the former Devonshire Hospital Site the understanding is that the site is leased for temporary parking for Council staff. The applicants addendum suggests that the site is unsuitable because it is remote from existing retail units and that retail development would be incompatible with the Council's aspirations for the site. However, there are existing retail units a short distance to the south on Whitegate Drive and there are a variety of commercial uses in the vicinity. Retailing as a land use would not be inherently incompatible or incongruous in this location and the site has better connectivity by other means of travel.

Blackpool have not confirmed that they would approve 'the application' at the site. To do comprehensively they would need to consider the retail impact from this location, the highways implications and considerations of the design of the proposal in this location as well as the impact on residential amenity. They do however acknowledge that in terms of 'out of centre' sites it is reasonably well connected to the Town Centre being 400m from the Town Centre boundary and 800m from the eastern extent of the primary shopping area. There is a bus stop on Talbot Road and services 5,7,9 and 14 go down Talbot Road. It is 500m from Blackpool North Station.

The applicants state that the site is not available as it is being used for car parking by Blackpool Council staff following the relocation of the Council officers, planning permission being granted in May 2014 for the continued use of the site as a car park for 5 years with an additional 100 spaces. The site is also currently not being marketed for sale or lease. They also state that it is not suitable in terms of access, layout and design terms being surrounded by housing which would be adversely impacted upon. They also state that there would only be room for 120 car parking spaces as opposed to the 260 proposed at the application site. They also state that the development of the site would not be viable, the store would be isolated from complementary retailers unlike the application site which has B and Q adjacent to it and is near to Clifton Retail Park. The location would not be conducive to driving footfall at the site, which is a key requirement for the operators.

Whilst Blackpool officers have suggested that the Devonshire Road site may be sequentially preferable and it can be considered better connected to Blackpool centre than the application site is to any centre they have not confirmed that they would view 'the application' favourably at the site. Furthermore an assessment of the site by the applicants has shown that it is not available, viable or suitable for the application which it needs to be to be sequentially preferable.

The Zurich Assurance (t/a Threadneedle Property Investments) v North Lincolnshire Council and Simons Development planning appeal considers the application of the sequential test, with the Justice agreeing with approaches adopted in the Dundee case stating that *'it is important to mark that developers, and planning authorities work in the real world. Working in the real world the (planning) committee were entitled and indeed bound to take into account the evidence.. Mark and Spencer would not be located to Scunthorpe town centre in the event that this application for the*

site was refused'. Another appeal decision (Rushden Lakes, Northamptonshire) confirmed that if a site is not suitable for the commercial requirements of the developer then it is not a suitable site for the purposes of the sequential test. Working in the real world officers consider that whilst the Devonshire Road site is better connected to the town centre than the application site it is unlikely that the developer would locate this scheme in that position due to the nature of the retailing offer proposed and its location surrounded by residential properties would result in amenity and access issues, therefore not being a suitable or viable site for development. Furthermore the site has not been shown to be available for development with recent planning permissions granting permissions for car parking at the site and Blackpool have not confirmed that 'the application' would be viewed favourably at the site. Although the site is not within Fylde in your officers opinion the site may be suitable for retail but on a smaller scale than that proposed by this application, or a residential development would also be appropriate. The site is therefore not considered to be sequentially preferable to the application site and there are no sequentially preferable sites available.

Design and visual impact

The site as existing is an undeveloped site within an industrial estate. The proposal is for a large new building for A1 retail use over two floors. The building is set back at the northern end of the site with parking at the front of the site. The building has a footprint of 4,663sqm and an outdoors sales area of 800sqm providing 10,195sqm of retail floors space over the two floors. Access to the store will be from the roundabout also serving B and Q to the south east of the store and parking will be provided for 262 cars. The building will have a flat roof and will be clad predominately in flat steel coloured Anthracite, will projecting box panels in jade with areas of glazing around the entrances. Because it serves two different operators over the two floors it will have two entrances, with the access to the first floor operator via a two storey glazed entrance way at the eastern end of the building adjacent to B and Q. This area of glazing wraps around the corner of the building. To the west of the site will be the fenced outdoor garden centre and to the rear will be the service access, yard and plant area. The building is of modern appearance and similar in scale to the adjacent B and Q. There is a mix in design and materials on the wider business park as a whole and it is considered that the design of the store is acceptable and the visual impact of the building in the wider area would also be acceptable. It would be visually prominent but would be adjacent to a building of similar scale. Insufficient landscaping is shown on the site plan at the front of the site adjacent to Hallam Way and this would need to be bolstered and subject to a condition if this application were to be approved.

Highways issues

The application has been submitted with a Transport Assessment which has been considered by both LCC Highways and Highways England. The TA submitted with the application was found to be unacceptable and was therefore supplemented with email correspondence, a technical note update (17/3/15) prepared in response to HE comments as well as a Transport Assessment Addendum, dated May 2015 prepared in response to LCC's comments.

Highways England considered the impact that the development will have on the strategic road network (SRN) which in this case is the M55 Junction 4. They needed to be satisfied that the development would not interfere with the operation of this junction to the extent that there would be severe queuing of traffic seeking to exit the motorway at the junction. Consequently upon reviewing the submitted TA they requested that the traffic impact assessment be extended to 10 years and also an assessment of the junction at the Saturday weekend peak. Having reviewed the data submitted they have no objection to the proposal.

LCC Highway's assessment of the TA is based on the impact of the development on the local highways network. LCC reviewed the TA and indicated areas of concerns to the applicants, which

was followed by a meeting between LCC, Curtins and the LPA. To help move things forward with the submitted application, LCC reviewed the base traffic figures and carried out some further local surveys. This allowed a better understanding of current and future assessment traffic patterns that could be expected in and around Whitehills Business Park, with consideration for the complex nature of all committed and emerging developments. It also allowed LCC to form an up to date view on potential re-routing at key junctions, given the scale of development and the delivery of the M55 to Heyhouses Link Road. Curtins used the future assessment figures, provided by LCC, to develop further junction assessments. This work was presented in a Transport Addendum (May 2015). LCC also provided advice on future network changes to be delivered by other developments which includes the M55 to Heyhouses Link Road and these changes have also been included in the latest Transport Addendum modelling work. While LCC does not agree with a number of aspects in the TA Addendum, this latest updated information has been used by the LHA to inform their assessment of the impact of the development and any necessary mitigation measures. It is clear that the network will be at or beyond capacity at a number of locations when all committed development is taken into consideration in the future; in particular the Cropper Road/School Road/Whitehill Road roundabout and the A583/Whitehill Road traffic signal junction. Committed development includes erection of dwellings and employment buildings in the area. These all need to be considered when assessing the impact of this development on the local highway network.

The following Junction Operational Assessments were included in the Transport Addendum Report:

- A583 / M55 Junction 4 Roundabout
- A583/Hallam Rd/Lytham St Annes Way Roundabout
- A583/Whitehill Road/Peel Road Signalised Junction
- Dugdales Close leading to Site Access/Hallam Way Roundabout
- Cropper Road/School Road/Lytham St Annes Way Roundabout
- Cropper Road/Progress Way Roundabout

The assessment that has now been undertaken has satisfied LCC in respect of future assessment years, the use of average trip rates (assuming support for improvements to sustainable transport links) and Saturday peak assessment. However mitigation is considered necessary in order to make the impact on the local highways network acceptable, this work constitutes:

8. Link and junction improvements in the form of an upgrade to Mova Signal Control at A583/Whitehill Road traffic signals including review of early start for A583(N) (Note: Any future proposed development with an impact at this junction will need to identify appropriate mitigation measures). Wider works may also be required with additional carriageway capacity improvements and a review of traffic signal operation and phasing
- Contribution towards a scheme to deliver wider improvements to the highway network in and around the Cropper Road/School Road Roundabout. These works to include a spiral marking scheme and improvements to entry width and flare length to deliver additional capacity on approaches of Lytham St Annes Way and School Road, including a review and changes to traffic management and signing on the approach routes of School Road, Cropper Road and Whitehill Road.

Because of the sites location sustainable transport improvements area considered necessary and a contribution towards these is requested by LCC Highways. The range of pedestrian and cycle improvements measures identified to support development of the Whitehills BP include:

- improve the existing footpaths on the western edge of the site to provide improved connectivity to existing and proposed sustainable links to/from the wider network.

Estimated Cost £20,000

- Shared Pedestrian/Cycleway, 3.5m wide on Lytham St Annes Way north side providing good quality sustainable link between Cropper Road Roundabout to A583/Hallam Way roundabout and on to M55 Junction 4 to tie in with measures to be being delivered at this junction by other development. Estimated Cost £100,000
- Enhancements and improved connectivity to the existing footway network connecting to bus turn around to the north of Brooklands Way and PROW (FP 4) and a potential link to the DWP offices/bus stop and to M55 J4 (to tie in with measures to be delivered at this junction by other development).

With regard to public transport LCC state that the bus stops on Preston New road are 460m (n/b) and 230m (s/b), however there are no controlled pedestrian crossing facilities linking the site to the s/b stop. Two other stops lie within the recommended 400m walking catchment (located 170m from the entrance to the development) but these do not have services associated with them. The stop on Lytham St Anne's Way is 685m waking distance from the site entrance, along a route via Graceways. There is also a bus turning point with bus stop markings (but no bus services route to this location) to the north of Brooklands Way; this is approximately 250m from the entrance of the site if a pedestrian route can be accessed directly from the site onto Brooklands way. There is a stop (for the 14 service) within approx. 800m of the site, however the route is not suitable for all year round pedestrian use as some of it is unpaved and unlit and is along an un-adopted road. LCC consider that the site is not as well served by the frequency and distribution of bus services as listed within the TA. They consider the site a car dependent site unless improvements are delivered. Therefore improvements are required to public transport serving the area to improve the links between the site and the residential areas of St Annes and Blackpool, these would constitute improvements to the frequency and routing of bus services and the new bus stops to be upgraded to quality bus standard. Therefore funding to secure long term, viable public transport service into and through Whitehills Business Park (BP) is necessary to serve this development. Any new bus service(s) to be provided within Whitehills BP will need 'pump prime' funding to ensure delivery. The funding will be used to provide an extension of service 14 into and through Whitehill Business Park for two years.

They have no objections to the development if all of the mitigation measures required are delivered by the developer. Without the inclusion of these measures the development would have an unacceptable impact on the local highways network and therefore permission could only be granted with the works conditioned and contributions triggered by condition and within a legal agreement.

Flooding and drainage

The application has been submitted with a Flood Risk Assessment which was revised following an objection from the Environment Agency. The revision allowed the EA to remove their objection stating that the development will only meet the requirements of the NPPF if the measures in the FRA are implemented and secured by way of planning condition. The specific measure is that the surface water run-off from the development is limited to 9.8l/s so that it does not exceed the run off from the existing site. United Utilities also have no objections and request conditions requiring details of foul and surface water drainage to be submitted and approved prior to the commencement of any development. There are therefore no flooding or drainage issues with the application.

Conclusions

The proposed development will involve the loss of 1.69 hectares of allocated employment land from being available for traditional employment and the provision of 10,195sqm of A1 floorspace providing two non-food retail stores. The applicants have satisfactorily demonstrated that there will

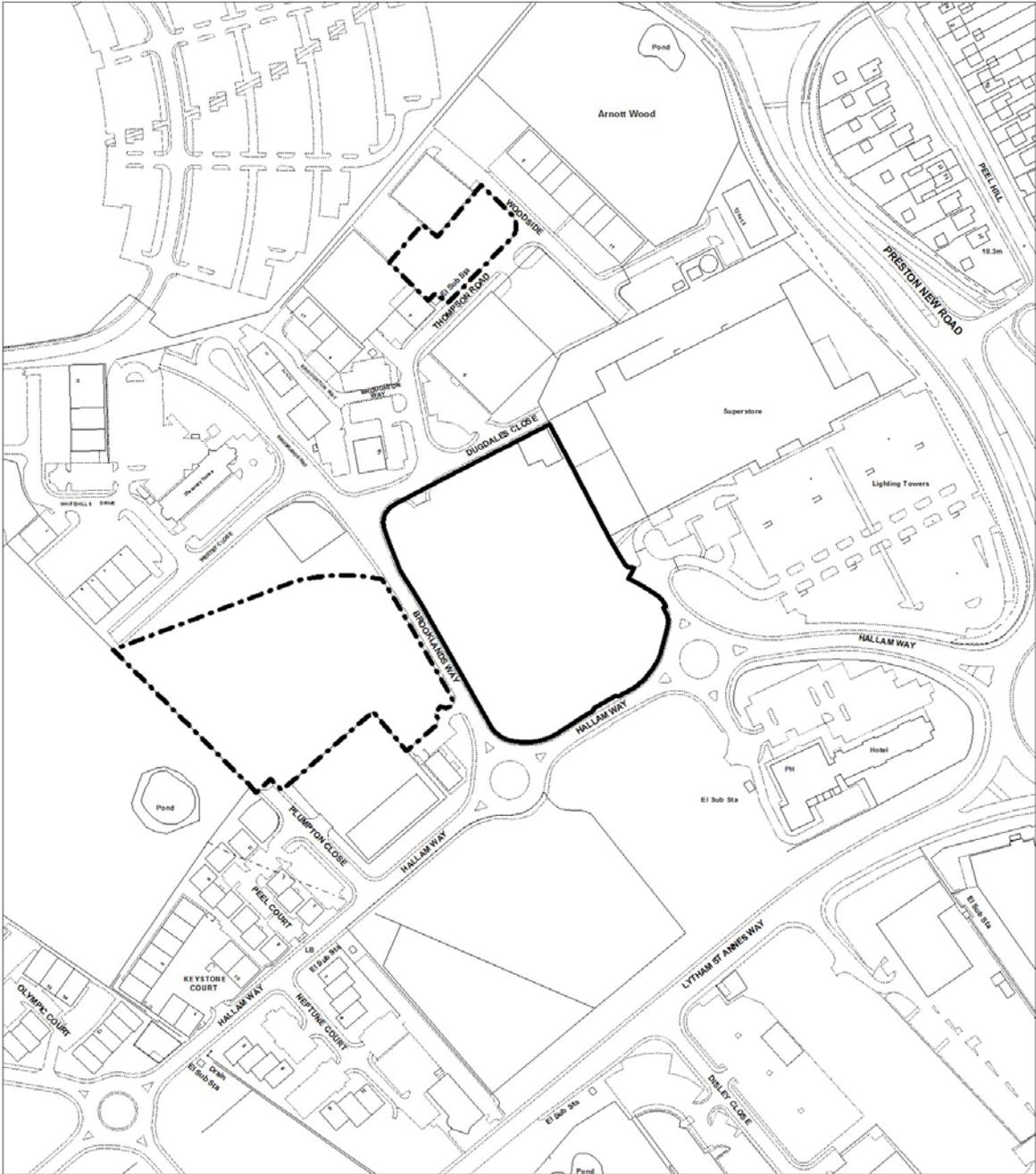
be no unacceptable impact on existing protected retail centres and that there are no sequentially preferable edge of centre or out of centre sites for the development proposed. There are therefore no issues with the retail impact of the proposal. LCC Highways have no objections to the proposal subject to highway improvements schemes and sustainable transport contributions to provide a bus service through Whitehills estate for two years. There are no flooding or drainage issues.

The loss of employment land however is seen as unacceptable by officers as the potential benefits of allowing the retail development do not outweigh the negative loss of the allocated employment land and the retention of which is supported by the most up-to-date local evidence, and that there is a reasonable prospect of the site being used for its allocated purpose. The qualitative value of the site for employment is considered to be high due to its strategic location and lack of barriers to its development.

Recommendation

That Planning Permission be REFUSED for the following reason:

1. The proposed development would result in the loss of 1.69 hectares of employment land to retail use which is contrary to Policy EMP2 of the Adopted Local Plan which allocates it for retention in class B uses. It is not considered that there is adequate justification to accept that the loss of this site would not unacceptably diminish the supply of land available for such uses in the Borough, or that the application site is no longer viable for employment uses within the Plan period up to 2032. Retail use of this scale at this site would undermine the allocation of the employment land and would reduce the qualitative value of Whitehills as an employment site.



<p>Development Services Fylde Council</p>		<p>(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).</p>	
<p>Application No. 5/14/0822</p>	<p>Address Site 3, Land at Dugdales Close/Brooklands Way/Hallam Way, Whitehills Park, Westby</p>	<p>Grid Ref. E.3350 : N.4331</p>	<p>Scale 0 15 30 45 60 m</p>

Item Number: 3

Committee Date: 18 June 2015

Application Reference:	15/0185	Type of Application:	Full Planning Permission
Applicant:	RSPB	Agent :	
Location:	FAIRHAVEN LAKE, INNER PROMENADE, LYTHAM ST ANNES		
Proposal:	PROPOSED FORMATION OF 2 NO. WALKING TRAILS ALONG EXISTING PATHS AROUND LAKE WITH EACH IDENTIFIED BY 6 NO. SCULPTURES, AND PROVISION OF 1 NO. ARRIVALS BOARD ADJACENT RSPB BUILDING		
Parish:	FAIRHAVEN	Area Team:	Area Team 1
Weeks on Hand:	12	Case Officer:	Rob Clewes
Reason for Delay:	Design Improvements		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to the installation of a series of public art installations around the existing network of paths that circle the Lake. The proposed works are located within an existing tourist and leisure facility and they are considered to contribute to the visual amenity and vitality of the site. They will not result in a loss of POS and are associated with the RSPB who are an existing organisation operating on the site. The installations will enhance the user experience in the Park and are therefore supported as an improvement to this tourist facility and the contribution it makes to the attractiveness of this part of the borough's coastline.

The council is currently exploring long term plans for the protection of the coast and for the park and so it is considered appropriate to grant a temporary consent for a three year period so that the siting of the installations can be re-considered when those plans are more developed. It is considered that the scheme complies with the NPPF and policies TREC8 and TREC13 of the Fylde Borough Local Plan and is recommended for approval.

Reason for Reporting to Committee

This application has been brought before the Development Management Committee because the Council are owners of the land, and do the scheme of delegation requires that the application be determined by the Development Management Committee.

Site Description and Location

The application site is Fairhaven Lake and the associated surrounding public space. The site consists of the lake, bowling greens, tennis courts and communal areas as well as footpaths around the site. The site covers an area approximately 19.5 hectares and is situated on the southern side of Inner Promenade. To the north there are residential properties, with sand dunes to the west, Granny's Bay

to the east and the sea to the south.

Details of Proposal

The proposal is for two art work trails and an interactive board which are related to the RSPB, who are stakeholders on the Fairhaven lake site. The two trails go around the lake and consist of small pieces of artwork sited alongside existing footpath network.

The "one wing among many" trail consists of six pieces in total with five of the pieces measuring 0.86m high and 0.58m wide, with the remaining one a larger piece located adjacent Granny's Bay measuring 2.7m high and 1.4m wide.

The "Through the birdhouse trail" consists of six pieces located around the lake and measuring different heights but not exceeding approximately 1.1m in height.

The interactive arrivals board is situated adjacent the RSPB building and measures 3.3m at its highest point (board is 0.8m high and set on posts 2.5m high) and is 1.95m wide. This is to be used to highlight the bird species that have been sited in the vicinity of the area in recent days.

Relevant Planning History

None of the planning history is relevant to this application.

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 12 May 2015

Summary of Response - No comments received

Statutory Consultees and Observations of Other Interested Parties

Regeneration Team

Refer to the desire that these works be integrated into a cohesive strategy for public art in the area and across the borough.

Tourism Officer

Comments - No objections

Natural England

Comments - No comments received

Parks Manager

Comments - No comments received

Neighbour Observations

Neighbours notified: 13 May 2015

No. Of Responses Received: 3 letters of objection received

Nature of comments made:

- Private individual should not be allowed to place structure on public land

- Trails are not required
- Lake site does not require more re-structuring
- Existing site is unspoiled and a place of peace and tranquillity
- Works will be out of keeping with the site

Relevant Planning Policy

Fylde Borough Local Plan:

EP17	Devt in or near Biological & Geological Heritage Sites
TREC08	Tourism Development on the Seafront
TREC13	Safeguarding of Public Open Space

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 and impact to the character of the site
Impact to ecology

Principle of the development and impact to the character of the site

The proposal will result in works to the Fairhaven lake site which is classed as public open space (POS) and an area for tourism as defined on the Council's adopted proposals map. Therefore Policies TREC8 and TREC13 of the Fylde Borough Local Plan apply. Both these policies seek to enhance and protect the defined area from inappropriate development that would harm its character or result in a loss of POS. The proposed artwork trails and the arrivals board will not result in the loss of any part of the POS or any physical built development that would significantly alter it. The scale and limited locations of the installations are considered appropriate and will have minimal impact on the character of the area. Therefore the proposal is considered acceptable in principle.

Due to their small size the pieces will not form dominant features nor alter the general ambience or appearance of the site. The larger piece adjacent Granny's Bay will have a greater impact due to its size and more isolated position. However it is not considered so large that it would dominate the surrounding area, and it will act as a good focal point. The arrivals board has been re-sited from original submission to sit adjacent to the RSPB building and so will create little impact as it will appear subordinate to the building. Overall it is considered that the works will not prejudice the visual amenity of the area and therefore complies with Policy TREC8 of the Fylde Borough Local Plan and paragraph 17 of the NPPF.

Impact to ecology

The site is adjacent a Biological Heritage Site (BHS) on the dunes and saltmarsh, and therefore regard must be given to the impact to the BHS as set out in Policy EP17 of the Fylde Borough Local Plan. Due to the scale and nature of the artwork itself, the limited works that are required for their installation and that they are outside of the BHS itself, it is considered that there will be no adverse impact to the BHS.

Other matters

The proposed works are related to the RSPB (the applicant) which currently occupies a building on the site and are a partner organisation with the Council. The proposal therefore is not considered a random development without any links to the existing site and the proposed works will strengthen the public's appreciation of the species of birds that can be found in and around the site. This is considered to be a long term benefit to the site by way of encouraging existing and new users to the Fairhaven Lake site. The cost of the works is to be fully funded via a grant from the Arts Council.

Although the principle of the proposal is acceptable there is potential for conflict with the Council's own master plan for the site. Therefore to ensure that proposed works do not conflict with the long term plans it is considered that a temporary consent is necessary so that should the works can be incorporated into the larger scheme and master plan for the site and sea defence works. Furthermore the Council has submitted a bid to Historic England to place the site on the Register for Historic Parks and Gardens. The outcome of this application is not yet known and if successful the listing of the site will have an impact on the master plan. Therefore the temporary consent is reasonable to ensure that if the site become a designated heritage asset the significance of the site will be appropriately protected. It is considered a temporary consent for 3 years is appropriate.

Conclusions

The application relates to the installation of a series of public art installations around the existing network of paths that circle the Lake. The proposed works are located within an existing tourist and leisure facility and they are considered to contribute to the visual amenity and vitality of the site. They will not result in a loss of POS and are associated with the RSPB who are an existing organisation operating on the site. The installations will enhance the user experience in the Park and are therefore supported as an improvement to this tourist facility and the contribution it makes to the attractiveness of this part of the borough's coastline.

The council is currently exploring long term plans for the protection of the coast and for the park and so it is considered appropriate to grant a temporary consent for a three year period so that the siting of the installations can be re-considered when those plans are more developed. It is considered that the scheme complies with the NPPF and policies TREC8 and TREC13 of the Fylde Borough Local Plan and is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This permission shall be for a limited period of 3 years only expiring on 18 June 2018 when (unless a further application has been submitted to and approved by the Local Planning Authority) the

works hereby approved shall be removed and the site reinstated to the satisfaction of the Local Planning Authority.

To enable the Local Planning Authority to review the position in the light of the proposed Fairhaven restoration and sea defence works.

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.



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Application No. 5/15/0185	Address Fairhaven Lake, Inner Promenade, Lytham St Annes	Grid Ref. E.3340 : N.4273	Scale 0 25 50 75 100 m