

Agenda



DEVELOPMENT MANAGEMENT COMMITTEE

Date:	Wednesday, 25 May 2016 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>

Public Speaking at the Development Management Committee

Members of the public may register to speak on individual planning applications, listed on the schedule at item 4, at [Public Speaking at Council Meetings](#).

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the meeting held on 27 April 2016 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 25.	1
	DECISION ITEMS:	
4	Development Management Matters	3 - 134
	INFORMATION ITEMS:	
5	List of Appeals Decided	135 - 145

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

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25 May 2016

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2	15/0903	CLIFTON HOUSE FARM, LYTHAM ROAD, BRYNING WITH WARTON, PRESTON, PR4 1AU OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 115 DWELLINGS AND ASSOCIATED INFRASTRUCTURE (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED) - RESUBMISSION OF APPLICATION 15/0562	Approve Subj 106	33
3	16/0060	ST ANNES HEBREW CONGREGATIONAL SYNAGOGUE, ORCHARD ROAD, LYTHAM ST ANNES, FY8 1PJ OUTLINE APPLICATION FOR DEMOLITION OF EXISTING SYNAGOGUE AND ERECTION OF A FOUR STOREY BUILDING PROVIDING REPLACEMENT SYNAGOGUE TO GROUND FLOOR AND 18 APARTMENTS (USE CLASS C3) TO UPPER FLOORS INCLUDING ASSOCIATED INFRASTRUCTURE (ACCESS, LAYOUT AND SCALE APPLIED FOR)	Refuse	90
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Background Papers

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

- Fylde Borough Local Plan (As Altered) October 2005 (Saved Policies)
- Joint Lancashire Minerals and Waste Local Plan
- Emerging Fylde Local Plan to 2032 Revised Preferred Option October 2015
- National Planning Policy Framework
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- Strategic Housing Market Assessment (SHMA) 2014 and Addendum I and II November 2014 and May 2015
- Five Year Housing Land Supply Statement at 31 March 2015
- Strategic Housing Land Availability Schedule (SHLAA)
- Other Supplementary Planning Documents, Guidance and evidence base documents specifically referred to in the reports.
- The respective application files
- The application forms, plans, supporting documentation, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
- Any additional information specifically referred to in each report.

These Background Documents are available either at www.fylde.gov.uk/resident/planning or for inspection by request, at the One Stop Shop Offices, Clifton Drive South, St Annes.

Development Management Committee Schedule

25 May 2016

Item Number: 1

Committee Date: 25 May 2016

Application Reference:	15/0303	Type of Application:	Outline Planning Permission
Applicant:	Warton East Developments	Agent :	Steve Brougham Architect
Location:	LAND TO THE NORTH AND WEST, FRECKLETON BYPASS, BRYNING WITH WARTON		
Proposal:	RESUBMISSION OF OUTLINE PLANNING APPLICATION 14/0410 FOR THE ERECTION OF UP TO 375 DWELLINGS WITH ACCESS APPLIED FOR AND ALL OTHER MATTERS RESERVED (APPLICATION INCLUDES ALTERNATIVE SCHEMATIC SITE LAYOUTS WITH 187 OR 375 DWELLINGS)		
Parish:	WARTON AND WESTBY	Area Team:	Area Team 1
Weeks on Hand:	56	Case Officer:	Kieran Birch
Reason for Delay:	Awaiting Consultee comments and negotiations to resolve difficulties		

Introduction

This report relates to the determination of application 15/0303 which is for outline residential development of the site for up to 375 dwellings.

That application is a re-submission of application 14/0410 which is the subject of an appeal against the council's failure to determine it within the prescribed timescale. This appeal is to be determined following a public inquiry which commences on 12 July 2016 and so the council will shortly be required to prepare its Proofs of Evidence. These Proofs are usually presented to support the areas of objection to the development as outlined in the Statement of Case. In this appeal the Statement of Case was submitted by the appellant in February 2015, and by the council in August 2015.

Since August 2015 there have been a number of key factors which could influence how the council's position is taken forward on the development of this site and this appeal:

- The decision on the Blackfield End Farm appeal has granted consent for 360 dwellings and highlighted that the opposition to the level of traffic on the Lytham Road/Church Road/Highgate junction by all parties was not sufficient to outweigh the housing benefits of the development.
- The highway works required to enable the Blackfield End Farm development to proceed are known and will be implemented by that development
- The delivery of the Preston Western Distributor Road has become much more realistic, and its impact on traffic movements on the highway network are being integrated into traffic movement models
- The Fylde Local Plan to 2032 has progressed towards Submission Stage and retains the concept of Warton as a Strategic Location for Development
- Work on the Bryning-with-Warton Neighbourhood Plan has progressed to Examination stage with this site featured as part of housing development in that Plan

- Additional survey work has been undertaken to examine the use of the site by Pink Footed Geese, and this has addressed the concerns of Natural England over this matter
- Work has progressed between the council's Regeneration Team and Bryning-with-Warton Parish Council over the nature and scope of village enhancement works that would be required to enhance the village to accommodate the scale of development

When it confirmed the position on the appeal scheme at its meeting on 29 July 2015 the Development Management Committee delegated the authority to revise the council's case on this appeal to the Head of Planning and Regeneration in consultation with the Chair and Vice-Chair of Committee and the ward members. This report presents a potentially significant revision to that case and so it is proposed that the views of the Committee be taken to assist the Head of Planning and Regeneration in understanding how the council wishes the case on the appeal scheme to be taken forward.

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

The application site is a 12.8 hectare area of greenfield land located to the east of Warton and wrapping around the north of properties that are on the northern side of Lytham Road in that village. The proposal is an outline application for the erection of up to 375 dwellings, with these proposed to be accessed solely from a new arm to the roundabout that forms the western terminus to the Freckleton Bypass.

The application site is allocated as Countryside in the Fylde Borough Local Plan within which areas Policy SP2 applies and is restrictive to residential development. However, with the council currently being unable to deliver the 5 year housing supply as required by the NPPF it is necessary to assess if this proposal will deliver a sustainable form of residential development, and whether there are any other material considerations that would prevent the development being determined favourably.

Firstly, the development is located adjacent to Warton village which is identified as a Strategic Location for Development in the emerging Fylde Local Plan to 2032. Secondly a large part of the site was indicated for development in the draft Bryning-with-Warton Neighbourhood Plan until the housing chapter of that Plan was indicated for removal by the independent Examiner. Thirdly, discussions over highway capacity between officers of this council, officers of Lancashire County Council, and highway consultants acting for this developer and the developer at Clifton House Farm have seemingly reached some agreement that the road network will be able to accommodate the traffic from the developments (subject to County Highway's providing their final comments on this matter). Fourthly, the uncertainty over the potential for the site to provide habitat for wintering Pink Footed Geese and other species that contribute to the designation of the Ribble Estuary as a Special Protection Area have been addressed by the submission of surveys that confirm there to be limited over-wintering Geese activity. Finally, the development will provide the required contributions towards affordable housing, enhancements to the public realm of the village, education provision, public open space, and other such infrastructure works to ensure that it can be successfully assimilated as an extension to the village.

With this being the position on the key material considerations, the officer recommendation is that the application be supported in principle on the basis that it will make a significant

contribution to local housing supply without causing any significant or demonstrable harm. However, the final decision should be delegated to officers to allow a revision to the site masterplan to be secured which will deliver an acceptable layout of the development, the receipt of the final comments from County Highways, and the negotiation over the details and completion of a s106 agreement to secure the various infrastructure and other contributions.

Whilst this application has not been called in by the Secretary of State for his own consideration, the appeal relating to this same site has been recovered, i.e. it will be the Secretary of State rather than an appointed inspector who will determine that appeal. Given these circumstances, it is considered appropriate to refer any decision other than to refuse the application to the Secretary of State in order that he may consider whether he still wishes to consider the proposal.

Reason for Reporting to Committee

The proposal involves major development that raises matters of significant public and strategic borough-wide interest, and so it is appropriate that it be determined at Committee.

Site Description and Location

The application site is an irregular area of land that is located to the north and east of the existing settlement of Warton. The site extends to 12.8 Ha Hectares and is currently greenfield land that is available for, and in places in, agricultural use. It is divided into a series of fields by typical mixed species hedgerows and contains a series of ponds.

The site joins the highway network at the roundabout that forms the western end of the Freckleton Bypass and then runs to the north (rear) of the properties that front onto Lytham Road in Warton before wrapping around the rear of the Lynwood Park caravan site and properties on Butlers Meadow, Clifton Avenue and Canberra Way in the village and extends to the edge of The Bridges playing field. The boundaries to the north and east are with other land in agricultural use.

Details of Proposal

The application is submitted in outline for the erection of up to 375 dwellings, and is a resubmission of application 14/0410 which is currently the subject of an appeal that is due to be determined at a public inquiry that is to commence on 12 July 2016.

All matters are reserved other than the access, which is to be taken from the formation of a new arm to the roundabout which leads to a distributor standard road that runs close to the eastern boundary of the site and has a number of smaller roads leading from it to serve different parcels of the site. Pedestrian / cycle access points are provided to Bridges Playing Field and to Butlers Meadow.

Whilst the application is submitted for 375 dwellings, there are two illustrative layouts: one for that number and one for 187 dwellings. The lower number is an apparent attempt to comply with the lower density mentioned in the draft Neighbourhood Plan, but given that the scheme is referred to as being for 375 in almost all the documentation it is appropriate to consider it on that basis only.

The application is supported with the usual suite of supporting documents for an application of this

nature including:

- Illustrative plan to show how 375 dwellings could be provided
- Illustrative plan to show how 375 dwellings could be provided
- Design and Access Statement
- Planning Statement
- Flood Risk assessment
- Transport Assessment
- Ecological Report
- Affordable Housing Statement
- Arboricultural Report
- Noise Impact Assessment

No revisions have been made to the application since submission, although Pink Footed Geese survey was presented for the appealed scheme in April 2016, as was a Landscape Visual Impact Assessment. With the identical nature of the applications these are equally applicable to both proposals.

Relevant Planning History

Application No.	Development	Decision	Date
14/0410	OUTLINE APPLICATION FOR ERECTION OF UP TO 375 DWELLINGS WITH ACCESS FROM EXISTING ROUNDABOUT APPLIED FOR AND ALL OTHER MATTERS RESERVED	Withdrawn - Appeal against non-determine	07/04/2015

Relevant Planning Appeals History

Application No.	Development	Decision	Date
14/0410	OUTLINE APPLICATION FOR ERECTION OF UP TO 375 DWELLINGS WITH ACCESS FROM EXISTING ROUNDABOUT APPLIED FOR AND ALL OTHER MATTERS RESERVED	On-going	

Parish/Town Council Observations

Bryning with Warton Parish Council were notified on 26 May 2015 when the application was first submitted and made the following comments:

“The Council OBJECT strongly to the proposal and recommend refusal, citing the objections below:

It is the view of the Parish council that were this application to be granted it would be against the principles of the National Planning Policy Framework and every intention of the Government in regard to local planning by its introduction of the legislation in the Localism Act. The timing of the preceding application to this was without doubt fuelled by the intention of defeating the then emerging Bryning with Warton Neighbourhood Plan, or ‘BWNP’, and changes to the Borough Council emerging revised ‘Local Plan’ by being considered in regard to ill-conceived proposals for far larger residential development in Warton. It is hard to imagine it would not have been refused under the

preceding Borough Council policy as failing on several crucial elements. Following consultation and opinion at all levels, including the local Member of Parliament, Michael Menzies, the now emerging 'Local Plan' has addressed the development of residential properties in way of confirmation of the submitted BWNP at a more sustainable development of approximately 650 dwellings through for the term of the plan to 2032. It is appreciated that the existing permission has now gone to appeal and this application seeks to perhaps navigate around lengthy delays in the appeal process and includes a variable alternative of reduced housing to 187. However the development maximums outlined in the submitted BWNP and emerging 'Local Plan' have already been reached for both plan time periods and further development, while not necessarily capped, would have to be approved on substantial infrastructure improvement to meet both existing and future commitments. If this application were to be granted at this stage it would have made much of the entire process a waste of time, and a substantial amount of tax payers' money, as effectively the entire Plan would have to be revisited and revised to accommodate this proposed level of development. Given the work and efforts expended to date this would be in the absence of any confidence in the planning process. It would reflect negatively on the ability of those elected to local and national government to influence or impact on the planning process for a piece of legislation that was without material substance and presented false hopes and promises.

The pivotal element of all such planning is 'Sustainability' and the Parish Council maintains that on top of the extensive existing approved development within the village a further estate ranging upward of 187 dwellings is 'Not Sustainable' and would certainly not be for many years to come. In recent applications developers have placed much emphasis on the future evolving government proposals for the Warton 'Enterprise Zone' and improved transport links to the M55 motorway connecting through to the A584 Lytham Road. It seemed employment and economic growth were bound for the immediate area and hence more dwellings to meet the Borough targets for a five year housing supply was most logically to be sited in Warton. Recent events and emerging facts, such as the bankruptcy of Blackpool Airport, resulting in a loss of commercial usage, absence of proposed business uptake for the Warton Enterprise zone site, perceptible scaling back of BAE systems in favour of better positioned 'Enterprise Zone' at Salmesbury together with target completion dates for the highways which extend well into the future are proving earlier concerns expressed about the growth of the village. Approved development plans elsewhere in the Borough are now being progressed that have and will obviously alleviate and negate the previous proposals for the need for such extensive growth in Warton, one small village in the rural area of the Borough.

Bryning with Warton Neighbourhood Plan

However unpalatable to many of those in the community who wished, and made representation, to remain in a small village in the rural Fylde without any growth to the village it has become quickly accepted by those preparing the plan and the wider community there has to be some growth and in preparation of the BWNP, through considerable consultation opportunities with all parties, the policies and principles outline it was identified that it is crucial that the growth has to be phased and for further developments to be sustainable improvement of the local infrastructure will be required. Improvement to meet existing requirements has to precede further large scale development.

It is has, of course, to be acknowledged that the land in question is highlighted in the submitted Neighbourhood Plan as suitable for development in the future and such development would support the principle of linear boundary spread as supported in the proposals. However the extent of recent development to date is arguably already exceeding the existing infrastructure and even an outline grant of development of the area in question takes the element of 'Sustainable' beyond that which, it can only be concluded, Government Ministers intended in the drafting and enactment of the Localism

Act.

The BWNP is held at submission stage and the question of weight apportioned to the plan is obviously a contention between the developers, the local community, Parish Council and the BWNP steering group. The Parish Council feel that it has complied with every requirement of the Government in regard to compilation and designated considerable public funding through the Precept and Government Grant to progress it to approval which is now beyond their remit to take forward to the next level and subsequent final approval. However there is emerging precedent on the legislation in support for significant weight to be attached to the Plan and the Parish Council would request that such be fully considered in the decision of the application.

Previous objection points

The Parish Council still express its extreme disappointment and utter disillusionment with the applicants in the submission of this application in advance of an adopted 'Fylde Local Plan' and the Parish Council Neighbourhood Plan both of which are progressing hopefully toward completion in the very near future. The Government while encouraging new development have expressed most implicitly that developers should work directly with local communities. The N.P. Steering Group are currently trying to engage this developer in to dialogue with them regarding alternative proposals for this site with the scale of the application vastly exceeding the growth principle of the N.P., with a view to moving forward for the future but it is surely of note that no approaches from the developers have been made to the Parish Council or Steering group during earlier consultations yet it is clearly stated in guidance that such consultation with local communities is crucial in future planning policy.

It also has to be reiterated this is further exasperated in that local stakeholders, developers and Councillors attended a meeting, in 2013, organised by the Borough Council in regard to working together in progressing an overall strategy for future development in the Fylde in particularly the Warton area and formulation of the 'Fylde Local Plan to 2030'. Recommendations expressed by the head of Fylde Borough Council planning Mr Mark Evans and the Portfolio holder for planning and development Cllr Dr Trevor Fiddler, promoted and supported this strategy yet once again it is completely ignored in the haste to get approval in place for further residential development before the Borough Council can get in place cohesive and constructive regulations controlling future development and prevent the ad hoc proposals based on personal financial incentive rather than the betterment and need of communities throughout the Fylde.

Section 6.8 of the Planning Statement references 'premature applications' and despite the assertions of the application the Parish Council most assuredly maintain that refusal is justified in that the circumstances are such that:

a) the development proposed is so substantial, and its cumulative effect would be so significant, that to grant permission would undermine the plan making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Representation is that the application should be refused on this basis as to grant permission now would not only prejudice both plans to the stage of any relevance but also bring the whole National Planning policy into disrepute.

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

This application concerns green field land that falls outside the limits of development SP1 and is thus indicated as Countryside area SP2. The proposed development does not meet categories within the policy SP2, Chapter 2, Sections 2.16 – 2.24, Development in countryside areas. And on this basis should be refused in any consideration under this local plan.

Meeting the National Planning Policy Framework

There is an underlying difficulty with this application in that it is an outline application and the Planning statement does not seek to address the major factor that no site should be considered suitable for development until the Neighbourhood Plan and Borough Local has been adopted. Already the viability of provision of affordable housing has been found to be 'unsustainable' for other sites in the immediate area and given the recent examples any new development must provide the right type of housing and address the policies of these emerging plans.

The Neighbourhood plan seeks to specify the acceptable density and type of housing that are considered viable and sustainable for the area.

DENSITY – 'Provided it can be supported and justified with key conditions regarding services, amenities and infrastructure' 55% was the maximum acceptable.

Attention would also have to be drawn to the applications previous reference to flooding and drainage. Vital issues that will affect the land once the Marconi development and Riversleigh development are completed are apparent. The consequences of surface water and capacities of drainage from surrounding developments will naturally impact on their reports. Had the applicants waited a clearer picture would have emerged and reports reflect a more pertinent account of the problems to be overcome. It has already been acknowledged by Fylde Borough Council that the issues of flooding and surface water in the area will need addressing and there is extensive evidence of existing problems. Even at outline stage these issues are of extreme concern and clarity as to how they will be addressed should be included in an outline.

In reality for the community of Warton the infrastructure is not in place to support the proposals 'sustainability' but the issue of what is and is not sustainable seems ever elusive as it seems to mean something completely different to developers.

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

The following pertinent extracts are taken from a former Minister for Planning Rt Hon Greg Clark MP. in his foreword:

"Sustainable development is about change for the better, and not only in our built environment."

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

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

The Parish Council would make the strongest representations that this application should be refused."

Freckleton Parish Council were notified on 08 June 2015 as a neighbouring Parish to the site, but have not commented on the application. However, they did comment on the original identical scheme in August 2014 stating:

“The Parish Council objects to the above application as this would be over-development of the site and scale is excessive. The existing road layout would not be able to cope with any additional traffic and there is no planned infrastructure to support the application.

The council have also noted Bryning-with-Warton’s Neighbourhood plan (currently under consultation), and would like to support Bryning-with-Warton on the basis of the number of houses required as started in the Neighbourhood Plan.”

Statutory Consultees and Observations of Other Interested Parties

BAE Systems

No comments have been received.

Ministry of Defence - Safeguarding

Raise no safeguarding objections

Environment Agency

They highlight that the role for assessing the implications of development on ordinary watercourses and surface water management now rests with Lancashire County Council and so offer no comment on that aspect.

With respect to the areas within their remit they confirm that they have assessed the Flood Risk Assessment submitted in support of the application and consider it addresses the flood risk issues within their remit.

Environmental Protection Team

Raise no objection to the development but request that conditions are imposed to ensure the construction works do not cause disturbance to neighbouring dwellings.

They have also reviewed the submitted land contamination assessment and raise no issue with it, subject to the imposition of a condition to ensure that it is implemented and the findings of the ground investigations are implemented.

Planning Policy Team

The council’s Policy team provided comments at the time of the application’s submission which refer to the position of the Fylde Local Plan to 2030, the Bryning-with-Warton Neighbourhood Plan, and the council’s 5 year housing supply. Since that time these matters have evolved to a point that there is no value in reporting these comments at this time, with the policy implications will be covered in the Comments section of this report.

Landscape and Urban Design Officer

She highlights that the site’s village edge location and the low-lying nature of the landscape will cause the development to have a significant impact on the landscape character of the site. This will be particularly apparent in distant views from the north and east and so it is important that measures are integrated into any development to

ensure that these aspects are appropriately softened by design and landscaping.

She also refers to the need to ensure that the boundary of the site to the existing properties in the village is to be suitably landscaped so that the landscaping in this area does not compromise residential amenity whilst providing a softening if the boundary between the old and new properties.

The value of retaining a woodland buffer around the site edge is promoted, with a need for this to be of sufficient density to deliver appropriate screening and that it be stocked with suitable indigenous species.

Finally the importance of integrating the development into the existing village is explained, with enhancements of the environment along the pedestrian and vehicle links important, as is the treatment of the entrance to the site from the roundabout to ensure it offers a gateway experience to the village.

National Air Traffic Services

No comments have been received

Natural England

They initially offered comments that highlighted the need for additional survey work to be undertaken to determine the suitability of the site and adjacent fields to be used by wintering birds that contribute to the designation of the Estuary as a Special Protection Area, and as to how the site drainage is to avoid pollution to Pool Stream which runs into the Estuary.

The applicant has undertaken field survey work on wintering bird use of the fields in the area winter 2015/16 and presented that as part of their case on the appeal and so effectively in support of this application. That concludes that there is limited use of these fields by birds which are important to the designation of the SPA. This has been assessed by Natural England who now state: *"we can advise that the proposed development would not result in Likely Significant Effect (LSE), alone or in-combination to the Ribble and Alt Estuary SPA/ Ramsar, or damage/ and or destruction to the interest features of the Ribble Estuary SSSI and Newton Marsh SSSI"*

To justify this position they refer to the level of survey work being adequate, that whilst some important birds were recorded (notably Teal) these were in relatively low numbers and this is not such that it demonstrates the land to be functionally linked to the SPA. They also offer comments that support the retention of the ponds within the site and the provision of areas of wildlife habitat within the scheme to encourage biodiversity.

United Utilities - Water

Do not raise any objection to the application subject to a condition which drains the foul and surface water on separate systems. They also refer to the water hierarchy which promotes the use of soakaways over watercourses,, and then over sewers as the preferable methods for drainage the surface water from a site.

They also highlight the need for the developer to make arrangements through themselves for the provision of mains water to serve the development.

Tree Officer

He highlights that there is a need to remove a stretch of hedgerow and trees to provide the access point from the roundabout, but that there are other trees within the site which should be retained, and that there are a number of hedges that have value as natural features and should also be retained.

Electricity North West

No comments have been received.

GM Ecology Unit

They have reviewed the various ecological assessment submitted with the application and advice that they have been appropriately undertaken.

They explain how the site is dominated by species-poor agricultural land that has limited nature conservation value or linkages to sites that are of value. They believe that there will be habitats of local value within the site, including for great crested newts, but as the ponds and hedgerows are to largely be retained they do not oppose the development on this basis. There will be a need to ensure that the layout of the development as finalised confirms that the landscape areas that are of value are not fragmented, and that compensatory areas for any losses are provided. This would be a matter to be undertaken in an assessment of the final layout of the site.

This could be secured by condition, with other conditions specifically requiring the retention of hedgerows, areas of habitat creation provided, the provision of wildlife friendly road crossing points for the main access, the timing of works to avoid bird breeding, and the implementation of a scheme to avoid harm to amphibians during construction.

Lancashire County Council - Highway Authority

They offered initial draft comments which raised concern over the capacity of the highway network to accommodate additional traffic. Since that time the decision on the Blackfield End Farm, progression of work on the Preston Western Distributor Road, and other matters have allowed them to reassess that position.

The modelling of the change in traffic flows from the Preston Western Distributor Road has recently been concluded, but at the time of writing this report the consequential assessment of the development in the light of this had not been completed. This will therefore be presented as part of the Late Observations Schedule to Committee. This is clearly a regrettable position, but it is understood that these comments will no longer raise objections to the principle of the development. They will also clarify the works required to accommodate the development into the village and its road network.

NHS Fylde and Wyre CCG

No comments have been received.

Lancashire CC Flood Risk Management Team

They have assessed the application and particularly the submitted Flood Risk Assessment and confirm that they have no objection to the proposed development. They request that conditions are imposed to ensure that the surface water run-off is managed to the existing rate.

LCC Education Authority

They have assessed the scheme on receipt in June 2015, and then again in March 2016 in response to the preparation of evidence for the appeal.

The original assessment concluded that the development would likely yield 143 primary school children and 56 secondary school children. They also concluded that there was an existing shortfall of provision for both in the area and so a request for contributions from the developer to assist in making up that shortfall was made.

The revised assessment concluded that the development would likely yield the same number of children, and that there remained a shortfall of provision for all of them, albeit that there was capacity for 58 primary children leaving a shortfall of 85 places. As such the Education Authority restate their request that the development provides funding to assist in addressing that shortfall.

The assessment includes a calculation of the size of the contribution used on the shortfall of places and an agreed formula and in this case requests £1,037,799 for the 85 primary places and £1,030,247 for the 56 secondary places.

Neighbour Observations

Neighbours notified: 08 June 2015
Site Notice Date: 10 June 2015
Press Notice Date: 25 June 2015
No. Of Responses Received: Letters received from 3 properties
Nature of comments made:

The comments made are opposed to the development, with the reasons summarised as follows;

- The village has seen extensive growth in recent years and cannot cope with the additional increase proposed here
- There is no real demand for additional development with the number of un-sold and un-developed properties available in the village s proof of that
- The A584 (Lytham Road) is very congested and cannot cope with the additional vehicle numbers from a development of this scale. The village is totally blocked at times when BAe traffic are leaving and this impacts severely on all residents given that there is just Lytham Road to take this traffic.
- The council has previously rejected increases in the scale of the village as proposed here, and should refuse this application for consistency
- The local services that are available do not have capacity to cope with the scale of development that is proposed here, with waiting times for doctors' appointments a particular concern.
- Of the 6000 who work at BAe less than 5% live locally and so the provision of additional houses is unnecessary
- The submission of this application when there is an identical one at appeal is a clear tactic to confuse and this should be delayed to allow the appeal to be heard
- The scheme proposes both 187 and 375 dwellings, but as the majority of the application is based on 375 it must be assessed as being for that number.

- The supporting information is out of date as there have been numerous planning permission granted in the village that contribute to housing supply but are not included in the figures provided (Riversleigh, Marconi site, Nine Acre Nursery)
- The proposed development of this scale is on conflict with the allocation in the Neighbourhood Plan
- The development will increase flood risk
- The development will cause visual harm to the area and the character of the settlement
- The road congestion will restrict access by emergency vehicles
- There is a need for bungalows in the village but these are not provided in this submission.
- The developer has not undertaken any community engagement to find out what is actually wanted
- The application contains no information about what type of houses the scheme is actually to provide
- The site is low-lying and so unable to cope with the levels of water that it collects in wet periods which will result in the site flooding onto the neighbouring land if developed.

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
CF02	Provision of new primary schools
EP11	Building design & landscape character
EP14	Landscaping of new developments
EP19	Protected species
EP22	Protection of agricultural land
EP23	Pollution of surface water
EP25	Development and waste water
EP26	Air pollution
EP27	Noise pollution
EP28	Light pollution
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TR05	Public transport provision for large developments
TR12	Warton by-pass
TREC17	Public Open Space within New Housing Developments

Other Relevant Policy:

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
IHP	Interim Housing Policy

Site Constraints

Within countryside area

Environmental Impact Assessment

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

Comment and Analysis

Policy Background

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore important that members are aware of the current policy position for the assessment of this application

Fylde Borough Local Plan

The Fylde Borough Local Plan (as amended) 2005 is the development plan for the borough. This allocates the whole of the application site as part of the Countryside under Policy SP2, with that policy being restrictive of development that is not in keeping with the rural character of the land. As such the residential development proposed here is contrary to the saved development plan policies, and so it is necessary to look at the other material considerations.

Fylde Local Plan to 2032 – Revised Preferred Option

A key such consideration is the emerging Fylde Local Plan to 2032. A Revised Preferred Option of this Plan was the subject of a period of public consultation in late-2015 and the comments made have been formally considered by Committee, with work now progressing on the Submission Version of the Plan.

This identifies Warton as a Local Service Centre (in Policy S1) and as a Strategic Location for Development (in Policy DLF1). As such it is a location where residential and other development could be focussed. With regard to residential development this is progressed by Policy SL3 which indicates a number of sites where development would be supported, with these based on existing committed developments. This site is not one of those.

This Plan is a material consideration, but with the Plan yet to be subject to any examination the weight that can be attributed to it remains limited.

Bryning-with-Warton Neighbourhood Plan

This has been prepared in a draft form by a Steering Group from the local community and is more specific than the Fylde Local Plan to 2032 in that it identifies a housing number (650 dwellings) and locations on a plan where this is to be delivered. This is indicated in Policy BWH1 which sets the 650 unit limit and then there are sites identified to the east and west of the village to provide for this number, with this site being largely within the site to the east.

However, since that Plan's publication in its draft form there have been two notable events. Firstly, the commitments brought forward through the grant of planning permissions since this plan was prepared have exceeded this 650 dwelling limit, and have included sites that are not indicated for development on the plan, most notably the Blackfield End Farm site. Secondly, in late April 2016 the independent Examiner looking at the Neighbourhood Plan published his report which recommended a number of significant modifications be undertaken to enable the Plan to meet the basic conditions set out in legislation, with one of these being the deletion of the Housing Chapter. It is not yet known how the Steering Group will wish to move forward with their Plan following the Examiner's report, but his comments are of such significance that it seems highly unlikely that the inclusion of this site in this Plan can be given any material weight in a planning decision.

Need for Housing

The NPPF requires at para 47 that a council can demonstrate a five year supply of housing, and if it is

unable to do so there is a presumption in favour of sustainable residential development. As such it is critical to understand what the council's housing supply performance is against the annual requirement, and any shortfalls. The most recent published figure dates from 31 March 2015 and was that the council could demonstrate a 4.3 year supply, which is clearly below the 5 years required by legislation and so places the restrictive nature of Policy SP2 in conflict with the more up-to-date requirements of the NPPF to deliver development.

This figure is clearly dated and it is expected that the March 2016 figure will be published imminently, although it is not expected to be substantially different from the initial data analysis that has been undertaken in its preparation which indicates that the Council is still not able to demonstrate a deliverable 5 year supply of housing land..

The council has failed to prevent development proceeding on appeal at sites located around settlements in a number of locations, most locally to this site at Blackfield End Farm, due to the absence of a 5 year housing supply. In these cases the dated and restrictive nature of Policy SP2 has been over-ruled by the more recent obligations of the NPPF towards delivering sustainable development. The summary of this is that in the absence of a 5 year housing supply a site that is sustainable in all regards, should be supported. Accordingly it is necessary to examine if this scheme delivers sustainable development.

Principle of Residential Development

There are a number of main factors to assess in determining if a particular development proposal constitutes sustainable development. The main ones here are the scale of the development that is proposed, the availability of services to support the increased population it will bring, and the impact it has on the landscape character of the site and the settlement. Other factors such as the ecological impact, site drainage, highway safety and capacity are also relevant, but in this case are looked at separately in following sections of this report.

Scale of Development

The Neighbourhood Plan sought to support development in the village up to a target of 650 dwellings from 2012. That target has already been exceeded with the planning permissions granted for 779 dwellings, with a further 565 dwellings either under consideration or awaiting the completion of a s106 agreement. This gives an overall figure of 1,344 and is shown in the table below.

Approved Developments	
Site	Dwelling nos.
Riversleigh Farm	83
GEC Marconi	254
Meadows View	66
Georges Garage	16
Blackfield End Farm	360
TOTAL	779
Applications/Appeals Pending Decision	
Site	Dwelling nos.
Land east of Warton and north of Freckleton Bypass (this application)	375
Nine Acres Nursery	22
Oaklands Caravan Park	53
Clifton House Farm (also on this agenda)	115

TOTAL	565
GRAND TOTAL (approved + pending)	1344

This is an area that the Parish Council have raised as a significant concern with this application, albeit that their comments are now dated by being made prior to the Blackfield End Farm decision and other events. Nevertheless their concerns are legitimate planning ones given the scale of development involved, the scale of Warton as a settlement, and the services and other facilities it offers to support an increase in dwellings of this magnitude.

The planning policy merits of settlement growth of this scale are considered in some detail in the report on this agenda relating to application 15/0562 at Clifton House Farm, and so are not repeated in that detail here. However the main points of relevance are:

- The Blackfield End Farm Inspector found no compelling evidence to justify the housing target of a settlement expansion of 650 dwellings as was included in the Fylde Local Plan or Neighbourhood Plan, and so a figure that exceeded this number would not undermine the plan-making process
- The council has continued to define Warton as a Strategic Location for Development, and so it should be expected to accommodate significant levels of housing growth
- This site, like the Clifton House Farm site, is located immediately off the main Lytham Road through the village and so has access to services on that road and the connections it provides to other locations.
- The site is capable of delivering enhancements to the public realm and improvements to other infrastructure to assist in the coordinated expansion of the settlement
- That even without that improvement, Warton benefits from a good range of employment, social, retail and other services as demonstrated by its evidence-based allocation as a Key Service Centre and Strategic Location for Development in the Fylde Local Plan

Density of Development

The original application on the site that is now at appeal was for up to 375 dwellings, and with the site being 12.8 hectares this gave an overall density of just under 30 dwellings per hectare. This application proposes two alternate layouts with one for the 375 as initially submitted, and another for 187 with this based on a halving of the initial figure. A 'Density Statement' is submitted to do this, but does not really add anything to the applications other than allude to previous applications on the site.

The NPPF requires that residential development makes an efficient use of the land it takes, with this of particular importance when this is a large extension to a settlement such as is the case here. However, whilst the proposal makes reference to a lower housing figure, in reality the proposal is for up to 375 dwellings and so that lower figure is to be disregarded and the scheme considered on the basis of this higher number. This gives a gross density of 30 dph which is a high figure for a development of this scale on the edge of a settlement when the distributor road and its buffer, the ponds and other landscaped areas, and the areas of public open space are discounted from it.

Whilst this would deliver an efficient use of the site, as is required by NPPF, it would potentially make it difficult for that number of properties to be accommodated without creating tensions with the relationships to neighbouring dwellings, the design of the development itself, and the appearance of the scheme in the landscape. These are matters that your officers are to discuss

further with the applicant prior to the Committee meeting and so report in the Late Observations schedule. It is anticipated that a revised illustrative layout will be provided to give greater clarity over the areas of high and lower density development, areas that are to be kept free of built development, and areas where more flexibility can be retained. This will confirm areas for development and protection within the site and will inform a reserved matters submission that provides a form of development that is appropriate for a development located on the perimeter of the settlement. It is also possible that the number of dwellings submitted at any reserved matters stage could be reduced given the 'up to' 375 description used in the application.

Accordingly the scale of development proposed is considered appropriate in this location and ensures compliance with the Fylde Borough Local Plan and NPPF requirements for development to make an efficient use of the site.

Accessibility to Services

The council has allocated Warton as a Strategic Location for Development and a Key Service Centre in its emerging Fylde Local Plan. This in itself is a recognition that there is an existing level of service provision that offers more than the basic provisions that are available in smaller settlements. This ensures that the village is a suitable one for accommodating growth. The services available include the obvious presence of BAE Systems, Warton which is a major employer and so provides direct and indirect employment opportunities. The village also benefits from churches, two primary schools, a petrol filling station and associated shop, a pub, newsagent, Scout Hut, parade of shops, village hall, playing field and play facility at Bridges, pubs, food outlets, a small Tesco and Co-op, a social club, etc. There is also a health centre located close to the village in Freckleton.

The Neighbourhood Plan also included measures to improve the centre of the village, and other areas, to make them more attractive to users and businesses to become established. These proposals continue to be developed and will be explained further in the Public Realm section of this report.

Finally the village is at a connection of cycle routes and offers a regular bus service to connect to Blackpool and Preston and to Kirkham and the rural villages. These connections allow access to services that are not available in the village, such as a supermarket or a Secondary School, within relatively easy travel times.

Taking this together it must be concluded that Warton as a village is an appropriate location for growth.

This site is located beyond the existing settlement edge and so its accessibility to some of these services is less direct than exists for other parts of the village. However, it has a direct access to Lytham Road where there will be the opportunity and requirement to provide bus stops, where there is access to the cycle and pedestrian routes to the village and to Freckleton, and where it will be close to the Tesco and employment opportunities at BAE Systems. The site also has pedestrian and cycle linkages to the west with the existing residential areas of the village and so has access to the shops, schools, nursery, etc. that are located in that direction. There is also an access to the Bridges playing field which is a public open space facility that has seen recent enhancement and where further works are proposed.

Accordingly it is considered that the site has a suitable accessibility to services and the other facilities that would be required for a development of this scale.

Landscape and Layout

The site is outside of the settlement and so in the countryside which surrounds the village, and in this case leads on to Freckleton to the east and towards Kirkham to the north, with that land to the east being designated as Green Belt in reflection to the function it plays in separating these settlements. The development of the site as proposed will clearly alter the nature of that land with the urbanising influence of the dwellings, the roadways, streetlights, etc.

In support of their appeal the applicant has provided a Landscape and Visual Impact Assessment which looks at the implications of the development from various vantage points to the north and east to assess whether the change in the appearance that the development brings is an overly harmful one. This concludes that the proposal will result in a 'minor significant adverse effect' on both the landscape resource and to visual receptors, except where receptors are close to the site. They argue that this is offset by the intention to retain extensive areas of hedgerows, trees and green spaces.

The council's Landscape Officer has assessed this LVIA and has expressed some concerns over this mitigation as the majority of these retained features are internal to the site, and that the site has an extensive boundary with the countryside and so will have an impact over a large area, whilst accepting that the views available of this will be distant and so of lesser significance.

In response to this there is to be discussion with the applicant over a revision to their illustrative layout in a number of areas, including enhancing the width of the planted buffer that is available for the edge of the site so that this can mitigate the development to a greater degree, and the retention of trees at the site entrance. It is anticipated that these discussions will take place prior to the Committee meeting, but if not concluded by then could be a matter that officers are delegated to pursue following the meeting.

Summary to Sustainable Development

The council is presently unable to demonstrate a five year supply of housing land and so the policies which seek to restrict the development of land outside of settlement areas, i.e. Policy SP2 of the Fylde Borough Local Plan are not consistent with current government guidance in the NPPF and must be considered to be out-of-date.

The more recent borough policy context available at this site in the emerging Fylde Local Plan to 2032 can only be given limited weight at this stage due to its relatively early stage of production. This is supportive of development in Warton in principle, but suggests a target figure of 788 dwellings which has already been comfortably exceeded by other sites, and so would be further breached by this development. This Plan does not allocate sites as it relies on the Bryning-with-Warton Neighbourhood Plan for that aspect.

That Neighbourhood Plan has recently been Examined by an independent Inspector, who found it necessary to remove the housing chapter so that it met the basic conditions required by legislation. This leaves a limited policy context for assessing applications around the settlement at this time. The default position must therefore be to assess if they offer sustainable development as is required by the NPPF. Having undertaken that assessment in the previous sections of this part to the report it is concluded that the development of this site will be appropriate in its scale, accessibility to services, location and landscape impact. Accordingly it is considered that the development of the site for residential development of the scale proposed in this application is acceptable in principle.

Access Arrangements

In the same way as the deliberations over whether the site is an appropriate one for development, there are several aspects to the access arrangements that are to be considered, with these being of significant concern to the various Council's involved in the determination of applications and the main reason that there has been a delay in presenting this application (and its predecessor now at appeal) for a decision.

Network Capacity

As with all developments in Warton, the site takes its access from Lytham Road meaning that this road takes significant volumes of traffic, and with the position of the schools in the village and the traffic associated with BAE Systems it suffers from traffic congestion at peak times. This was a particular concern to the highway authority and council when considering the Blackfield End Farm application and formed a main element of the case against that scheme. This view was not shared by the Planning Inspector who resolved to grant planning permission for that scheme as he did not believe that the implications for the highway network from that development, particularly on the Church Road/Lytham Road/Highgate junction, were such that they would be 'severe'. As this is the test imposed by para 32 of the NPPF the Inspector did not refuse the application on that basis, although improvements to that junction are to be undertaken to facilitate the occupation of the majority of the dwellings approved under that scheme.

With respect to this application County Highways have reassessed their position on highway capacity in the light of the Inspector's position. They have also taken into account some key highway developments that have been secured and will be in place by the time that any significant number of dwellings on this site could realistically be occupied. These are the new access to BAE from Lytham Road which has been constructed to serve the Barretts development on the Marconi site and the internal connections within the BAE site which will reduce the number of trips along Lytham Road associated with employees on that site, the junction improvements at the centre of the village associated with the Blackfield End Farm scheme, and the Preston Western Distributor Road that is to provide a new connection to the village from the M55 and so will also bring traffic to the eastern end of the village that must currently travel through the village and along Church Road.

The highway authority have modelled the implications of these works and are expected to conclude that there is sufficient capacity in the highway network to accommodate the traffic from this scheme and the other developments when these are all completed, albeit that their final written comments on the scheme are outstanding at the time of writing this report. It is expected that these will be received before Committee and confirm that there are no highway capacity objections to the development, although there is a requirement to impose a condition that restricts the scale of development which can be undertaken before these major highway infrastructure works are completed.

Junctions

This development proposes to take its access from a new arm to be formed off the Freckleton Bypass terminus roundabout on the Freckleton/Warton boundary. This then leads to an internal road that runs along the eastern edge of the site with the dwellings served from roads off it. From their earlier comments the Local Highway Authority are satisfied that this junction will provide appropriate capacity onto the network, visibility, radii, crossing arrangements, etc. for all road users and so there are no objections to this element. A condition is required to ensure that this is appropriately constructed and that these crossings and other off-site works to incorporate it into the existing highway network are completed. Their final comments may well provide clarity on these aspects to be built into a decision on this application.

Connections to village

In addition to this single vehicle connection the application proposes pedestrian and cycle links to the existing residential areas to the west of the site. One of these runs through The Bridges Playing Fields, and the other along Butlers Meadow. These are to be formed to allow pedestrian and cycle connectivity between the new and older developments and so allow for the new site to be effectively integrated into the village. The provision of such linkages is appropriate and their routing is considered to make the best use of the limited opportunities for such linkages that are available given the physical constraints of the existing settlement edge.

Given the scale of the development there is also a need to ensure that the residents of the development have a good access to public transport. There is a good service along Lytham Road that provides daily and evening connections to the main settlements, and it is anticipated that measures will be required to ensure that the development is integrated into these services, although the scope of these remains unresolved.

Access Conclusion

The Inspector's decision on the Blackfield End Farm appeal has changed the way that the council and highway authority must look at the traffic position in the village, and requires that a more relaxed approach to the network capacity is taken. Alongside this there are to be other works that will add capacity to the highway network and will redirect traffic away from the main source of congestion at the Lytham Road / Church Road / Highgate junction. Taken together these will be sufficient to enable County Highways to withdraw their objection to the development on the basis of the traffic that could be generated causing undue congestion on the network. The development is also considered to be acceptable in other regards as explained in this section.

The Policy test for highway and access matters is whether the 'cumulative residual impacts of traffic generation are severe' (para 32 of NPPF) and whether the development has a satisfactory access and does not adversely affect the safe and efficient operation of the highway network as required by criteria 9 of Policy HL2 of the Fylde Borough Local Plan. Having considered these aspects in this section it is concluded that the development is not in conflict with these requirements and so has acceptable highway implications.

Public Open Space

The development of additional residential properties places additional demands on the public open space facilities in an area. This is incorporated in Policy TREC17 of the Fylde Borough Local Plan which specifies an amount of play provision to be provided based on the scale of a development, and by para 73 of the NPPF which promotes the benefits of development providing high quality open spaces to help deliver healthy communities. It is necessary for any residential development of this scale to make a substantial contribution to enhancing the available public open space facilities in the area of the development so as to comply with these policy obligations.

The eastern part of Warton benefits from access to Bridges Playing fields where there are sports pitches, a multi-use games area (MUGA), pavilion, and limited other facilities. This open space area has been seen as one which is due for refurbishment and enhancement locally, with the council working with the Parish Council on a scheme to enhance the range and quality of facilities. This application site shares a boundary with Bridges and would provide pedestrian connectivity to the existing area of Warton through it. As such it is reasonable that the development delivers enhanced facilities at this site. The extent and nature of the public open space enhancements is an area that is the subject of on-going discussions between the relevant parties, and would be secured by appropriate conditions and / or clauses in a s106 agreement. The scale of the site is such that

the full open space obligation would be met by elements of on-site provision (such as toddler play areas) as well as support for the existing village-wide facility at Bridges.

Whilst negotiations are on-going with the developer over the full scope of these works it is expected that a package of open space enhancements will be agreed and so secured as part of a decision on this application. This would then ensure compliance with Policy TREC17 and the NPPF.

Public Realm Improvements

One of the key concerns of the Parish Council with recent applications in the village is that scale of development is excessive for the services that are available in Warton, and that the village centre is not of sufficient quality to attract the new residents to use it, and so new facilities to become established within it.

In response to the scale of development that was envisaged at the time the council's Regeneration Framework from 2010 outlined the concept of a village centre being created at the Church Road / Lytham Road junction. This would be secured by Policy EP1 of the Fylde Borough Local Plan and has been developed further over the last couple of years in discussions between the Parish Council and the Regeneration Team at Fylde BC.

However, since the Blackfield End Farm decision was approved the council has supported developments at Oaklands Caravan Park and is potentially supportive of this application and that at Clifton House Farm which is also on the agenda for this meeting. Collectively these will involve a greater level of residential development than was envisaged in 2010, and it is considered to be appropriate and necessary that further works are undertaken to the public realm of the village to accommodate these developments. An enhanced public realm is a critical element of settlement expansion as it provides an attractive environment for new residents to wish to utilise rather than travel elsewhere, and encourages new businesses and services to establish in the area to support the expanded population.

As a consequence of the likely increase in population the Parish Council and Regeneration Team have been working recently on a wider Public Realm Improvement Plan. This will contain the works around the village centre junction as previously drawn up, but is to be expanded through other phases to incorporate:

- Gateway works – whereby an enhanced feature is provided to each side of the main central area of the settlement to help give it an identity as a village centre as this is currently poorly defined
- Boulevard works – A consistent approach to street lighting and street tree planting to enhance the quality of Lytham Road as the main thoroughfare in the village
- War Memorial upgrade – The village currently has no external war memorial and the provision of such a feature is seen as a local benefit

These works would be funded through a mixture of sources. The existing developments at the Marconi site currently being constructed by Barrett Homes, and at the Riversleigh site currently being constructed by Prospect Homes have made proportionate financial payments to the council to deliver public realm improvements. It would be appropriate for the development here, and that at Clifton House Farm, to make similar proportionate payments to this expanded catalogue of works.

At the time of writing this report the scope of the improvement works, and so their cost, remains unknown but is a matter that the Regeneration Team and Parish Council are actively progressing. To move this forward it would be appropriate for this matter to be concluded within a s106 agreement to be completed prior to any grant of planning permission, with the final amount to be

agreed through negotiations between the various parties once the scheme is progressed to a more definitive position than at present. Such a scheme would be appropriate to meet the requirements of Policy EP1 of the Fylde Borough Local Plan and would meet the obligations of the CIL regulations with regards to development contributions.

Affordable Housing

The NPPF confirms that the provision of affordable housing is an important element of all sustainable residential development proposals. This is implemented at a local level through Policy H4 of the Fylde Local Plan to 2032 – Revised Preferred Option which was given status to be used for Development Management purposes at the June 2015 meeting of the Development Management Committee. This Policy requires that 30% of a development of over 10 dwellings is delivered as affordable units.

The Planning Statement submitted with the application confirms that this is the intention here and so the scheme is compliant with local and national policy in that regard, with the submitted 'Affordable Housing Statement' clarifying this and proposing that a planning condition be imposed to secure the details of affordable housing delivery. If the application is to deliver all the 375 dwellings it proposes this would amount to 112 units which is a significant benefit from the development. The delivery of these would need to be phased alongside the delivery of the market dwellings and would be split into differing tenures and sizes, with these matters to be resolved at reserved matters stage. Contrary to the views expressed by the applicant, the council would look for affordable housing to be secured by a s106 agreement rather than planning condition so that there is greater certainty over the provision of these dwellings and the tenure from the earliest possible time.

Ecology

The development of any greenfield site raises potential issues over ecological matters that need to be assessed carefully given that there are local, national and European policy and legislation that need to be complied with. This application was initially supported with an Ecological Survey and Assessment that presented the results of desktop and field work studies of the site to examine the potential impact on the vegetation, habitats and animal life that could be impacted by the development. The summary of these assessments was:

- There are a series of hedgerows within the site that provide important habitat potential as 'priority habitats' and should be protected and retained in the development.
- There are 3 ponds within the site that support some amphibian life and so are also 'priority habitats' which should be protected and retained in the development
- There are ditches around the site that have potential for use by Water Voles and so should be retained and enhanced to encourage this species
- No badger activity was detected in the study area and can be reasonably discounted
- There are no trees or buildings on the site that would provide potential bat habitat, but the site is likely to be used extensively for foraging and so it is important that the hedges are maintained for commuting routes, and enhancements are included in the scheme to provide suitable habitat for bat species.
- A series of bird species were detected, but none are of significance. However, it is important that improved nesting opportunities are provided for declining species such as House Sparrows and Swallows and these can be incorporated into a condition
- There was no evidence of reptile presence in the site and given the nature of the habitat available it is unlikely that they will be present and so they can be reasonably discounted
- As the site itself contains ponds and there are others in the wider areas with hedgerow connections between there is a potential for the site to support Great Crested Newts and other

amphibians. The suitability of these ponds to support Great Crested Newts has been examined, with all but one found to be 'poor' or 'below average'. However, one pond was found to provide 'excellent' habitat potential and so a presence/absence survey was undertaken. This survey detected a small presence at 2 of the ponds that are outside of the site itself, but none within it. As such it is necessary that a mitigation strategy is drawn up and implemented to ensure that this population is protected during development, and that enhancements for them are incorporated into the scheme. This can be incorporated into a planning condition.

The submitted ecological information has been examined by the council's ecological adviser who agrees that the level of survey effort was appropriate, and that the conclusions reached were all sound. He does highlight that the masterplan indicates areas of greenspace will be lost, and that there will be some inevitable landscape fragmentation, but accepts that this can be compensated for by the landscaping on the site, although he opines that if the number of houses was reduced this would make retaining the connectivity easier.

The one area of potential wildlife impact that was unresolved by this initial information was over the potential for the development to impact on wintering birds that could utilise the area as part of their use of the Ribble Estuary. This is of importance as their presence in the Estuary and surrounding land has resulted in its designation as the Ribble Estuary SSSI, the Newton Marsh SSSI and the Ribble and Alt Estuaries Special Protection Area. The failure to provide this information effectively prevented the council from issuing any favourable decision on the application until appropriate surveys had been undertaken to establish if the site was being used by over-wintering birds (principally Pink Footed Geese), and if so was that use at a significant level.

These surveys were undertaken in winter 2015/16 and the results presented to the council in April 2016. This survey found that various species of special interest as wintering birds were recorded on the site and that Pink Footed Geese were observed flying over the site. However, there was no evidence that the site itself was being used extensively by over-wintering wildfowl or as a high-tide roost by wading birds, and that the development was unlikely to cause a change in the behaviour of geese in the area. The submitted report includes details of mitigation that it would be appropriate to undertake to enhance the opportunities for use of the site by general bird species through habitat creation and enhancement, most notably around the retained ponds on the site.

This survey has been presented to Natural England as the specialist government agency who offer advice on impacts on these higher level ecological designations. They had initially raised objection to the proposal on the basis that the potential impact on wintering birds had not been established. This survey has satisfied their concerns and they have withdrawn that objection stating that *"the surveys do not show this land to be functionally linked as supporting habitat for teal (or any other SPA bird species) and hence, (is) not a constraint when determining this application."*

In conclusion, the ecology survey work demonstrates that the development is capable of being carried out without adversely affecting any important habitats and species on or adjacent to the site. Features of ecological significance are capable of being retained, replaced or introduced as part of the scheme in order to provide appropriate mitigation and biodiversity enhancements. This can be achieved through the imposition of appropriate conditions, as recommended by GMEU and Natural England. The proposal is therefore in accordance with the objectives of Fylde Borough Local Plan Policy EP19, and the NPPF.

Education

The provision of infrastructure to accommodate the needs of the increased population that will be

consequential of any large scale residential development is a well-accepted part of the planning system, with education provision being a key element of that infrastructure. This is addressed in para 72 of the NPPF which refers to the government's importance on securing a sufficient choice of education places for new and existing communities. Locally it is implemented through Policy CF2 of the Fylde Borough Local Plan which references the negotiation of financial contributions from developers to help address any shortfall in education capacity in an area as a consequence of the increased number of children that their development will contribute to an area.

The County Council are the local education authority and so they assess the anticipated yield of children from all major applications against the expected availability of places in the nearby schools; with a radius of 2 miles used for primary schools and 3 mile for secondary schools. If there is a shortfall then there is an agreed formula by which this shortfall is converted to a financial payment.

In this case the education authority concluded when assessing the application in March 2016 that there was a partial shortfall of primary school places of 85 places, and a full shortfall of secondary places of 56 places. To address these their formula produces an education request of £1,037,799 and £1,030,247 respectively. This gives a total education contribution request of £2,068,046. This contribution would be secured by a s106 agreement between the developer and the County Council and would be used to expand education provision at St Peters Catholic Primary School in Lytham, and at St Bede's Catholic High School in Lytham. It is usual that the s106 agreement will also include a clause that re-assess the actual provision at the time of submission of reserved matters application to ensure the expected number of children is in line with the actual scale of the development (larger houses tend to house larger numbers of children) and that the school place information is up-to-date.

The concept of such payments is well-establish and founded on adopted development plan policies that have been tested at appeal on numerous occasions throughout the County and so are seen as a robust approach to making good education capacity shortfalls in an area. The completion of this agreement will ensure that the development is in accordance with the NPPF and Fylde Borough Local Plan policy CF2.

Drainage

The application site is almost entirely within areas designated as Flood Zone 1 and so at the least risk of flooding. The exception to this is a small part of the site to the eastern edge which includes the access road and areas of landscaping that is within Flood Zone 2 and 3a and so at risk of flooding in a 1 in 100 year flooding event. Given this, and the scale of the site, the application is supported with a Flood Risk Assessment. This has been assessed by the Environment Agency, and by Lancashire County Council as the Lead Local Flood Authority, and neither organisation raises any concerns over its content subject to the final details of the design of the drainage of the site and flood risk mitigation being agreed and implemented. It will also be necessary to ensure that there is no residential development within the area that is at greater risk than Flood Zone 1.

To accommodate the proximity to the flood zone there will be a need to design the surface water drainage on the site to ensure that the flows leaving then site as a whole are no greater than present flows, and that there is compensatory flood mitigation provided for the area which is within the higher level flood plains so as to not contribute to flooding off-site. These matters can all be addressed by condition and in the assessment of the reserved matters layout, but will need to ensure that the ponds on site are maintained and that allowances are built into the drainage system for climate change. It is most likely that the drainage will be directed to Pool Stream which is located 200m to the east of the site boundary and leads to the Ribble Estuary via Freckleton, with ponds and drainage pipes being used within the development to ensure that the flows into this

stream are appropriately controlled.

As the site is entirely greenfield it is not currently developing any foul flows, and so a foul drainage system will need to be provided by the developer as part of the construction of the properties. This will need to discharge into the existing public sewer system that serves this part of Warton and Freckleton. United Utilities have raised no objection to the development subject to a condition to secure appropriate detailed design of this sewer system and this is a matter that can be addressed by condition.

To conclude on this matter, it is clear that adequate measures can be put in place in order to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the requirements of FBLP policies EP25 and EP30, the BWNP and the NPPF.

Neighbour Relationships

As this is an outline application there is no certainty over how the proposed 375 dwellings will be positioned within the site, and so how they will relate to the existing neighbouring land uses. However, criteria 1 of Policy HL2 of the Fylde Borough Local Plan requires that new development is compatible with existing land uses, and criteria 4 requires that it does not affect the amenity and privacy of neighbouring properties.

In this case the site is a sizeable one, but has relatively limited locations where it has boundaries with residential properties. This is restricted to a 380m boundary to the south of the site with residential properties on Butlers Meadow and caravans on the Lyndale Caravan Park, and the 200m length of the western boundary which is shared with properties on Clifton Avenue and Canberra Way. The remaining boundaries are with The Bridges playing field and agricultural land. The illustrative plan places residential properties against the boundary with the neighbouring residential properties, but with the outline nature there can be no certainty over the type, location, design, separation, etc. of these properties and so it is inappropriate to assess the relationships at this stage. In addition, the illustrative plan indicates a hedge being retained between these properties and the new dwellings, although it is not clear who controls this and how it would be maintained. The proper assessment of these relationships is to be done at the reserved matters application, and that is when the layout will need to be designed so that the requirements of criteria 4 of Policy HL2 are satisfied. For the purposes of this application it is considered that the size of a sufficient scale to allow the provision of the dwellings that are proposed without compromising neighbouring amenity, subject to the satisfactory conclusion of discussions regarding the layout as referenced earlier.

The other potential concern over neighbour relationships from a development of this scale is that associated with noise from the access arrangements, but in this case that is not an issue given that the access is taken from the roundabout where there are no nearby dwellings that could reasonably be harmed by the development.

Conclusions

The application site is a 12.8 hectare area of greenfield land located to the east of Warton and wrapping around the north of properties that are on the northern side of Lytham Road in that village. The proposal is an outline application for the erection of up to 375 dwellings, with these proposed to be accessed solely from a new arm to the roundabout that forms the western terminus to the Freckleton Bypass.

The application site is allocated as Countryside in the Fylde Borough Local Plan within which areas Policy SP2 applies and is restrictive to residential development. However, with the council

currently being unable to deliver the 5 year housing supply as required by the NPPF it is necessary to assess if this proposal will deliver a sustainable form of residential development, and whether there are any other material considerations that would prevent the development being determined favourably.

Firstly, the development is located adjacent to Warton village which is identified as a Strategic Location for Development in the emerging Fylde Local Plan to 2032. Secondly a large part of the site was indicated for development in the draft Bryning-with-Warton Neighbourhood Plan until the housing chapter of that Plan was indicated for removal by the independent Examiner. Thirdly, discussions over highway capacity between officers of this council, officers of Lancashire County Council, and highway consultants acting for this developer and the developer at Clifton House Farm have seemingly reached some agreement that the road network will be able to accommodate the traffic from the developments (subject to County Highway's providing their final comments on this matter). Fourthly, the uncertainty over the potential for the site to provide habitat for wintering Pink Footed Geese and other species that contribute to the designation of the Ribble Estuary as a Special Protection Area have been addressed by the submission of surveys that confirm there to be limited over-wintering Geese activity. Finally, the development will provide the required contributions towards affordable housing, enhancements to the public realm of the village, education provision, public open space, and other such infrastructure works to ensure that it can be successfully assimilated as an extension to the village.

With this being the position on the key material considerations, the officer recommendation is that the application be supported in principle on the basis that it will make a significant contribution to local housing supply without causing any significant or demonstrable harm. However, the final decision should be delegated to officers to allow a revision to the site masterplan to be secured which will deliver an acceptable layout of the development, the receipt of the final comments from County Highways, and the negotiation over the details and completion of a s106 agreement to secure the various infrastructure and other contributions.

Recommendation

(i) In respect of planning application 15/0303:

That authority be delegated to the Head of Planning and Regeneration to GRANT planning permission subject to the following:

- a) The receipt of satisfactory comments from the Local Highway Authority relating to network capacity and other elements of the highway implications from the development, and the incorporation of any measures to address identified and justifiable areas of concern;
- b) The satisfactory negotiation with the applicant over a revised illustrative masterplan to accommodate an appropriate scale of development on the site and the layout of the development within it;
- c) The conclusion of negotiations with relevant parties over the scope, phasing and delivery of public open space enhancements that are required to support the development;
- d) The conclusion of design works and negotiations with relevant parties over the scope, phasing and delivery of public realm enhancements that are required to support the development;
- e) The completion of a planning obligation under Section 106 of the Town and Country Planning Act to secure the matters listed below;
- f) A list of conditions to be imposed to ensure that the development is acceptable.

- g) Confirmation that the Secretary of State does not wish to call in the application for his own consideration.

The completion of a s106 Agreement to provide for:

- The provision and future maintenance of public open space on the site / in the immediate area in accordance with the standards and requirements set out in Fylde Borough Local Plan policy TREC17.
- The provision, tenure, delivery mechanism, occupation criteria and phasing for 30% of the dwellings to be offered as affordable housing (as defined in the National Planning Policy Framework) on the site in accordance with the requirements of policy H4 of the Fylde Local Plan to 2032: Revised Preferred Option (October 2015) and the National Planning Policy Framework.
- A commuted sum payment to the County Council towards the provision of new primary school places at St Peter's Catholic Primary School Lytham and secondary school places at St Peter's Catholic Primary School Lytham in accordance with Fylde Borough Local Plan policy CF2 and the National Planning Policy Framework.
- A commuted sum payment (exact amount to be agreed by the Head of Planning and Regeneration) towards the delivery of a scheme to provide public realm enhancements in and around Lytham Road in Warton to enhance the attractiveness of the settlement to new and existing residents and businesses in accordance with Fylde Borough Local Plan policies EP1 and TR1, policy SL3 of the Fylde Local Plan to 2032: Revised Preferred Option (October 2015) and policy BWLC1 of the Bryning-with-Warton Neighbourhood Plan.
- A commuted sum payment (exact amount to be agreed by the Head of Planning and Regeneration) to the County Council towards the preparation, implementation and monitoring of a Travel Plan.
- Any other highway works that the Head of Planning and Regeneration considers to be necessary following receipt of the final comments from the local highway authority

Planning Conditions to be imposed to cover the following areas and any others that the Head of Planning and Regeneration considers to be necessary (final wordings to be drafted)

1. Timelimit
2. Submission of reserved matters
3. List of approved plans and reports
4. Reserved matters to follow agreed parameters plan
5. Provide perimeter landscaping
6. General Site Landscaping
7. Dwellings to be of a mix of size
8. Provide access arrangements
9. Travel Plan
10. Design and implement landscaping at site entrance
11. Provide off site works
12. Provide pedestrian and cycle connections
13. Phasing of development to off-site highway works
14. Construction Management Plan
15. Retain areas of trees and hedgerows
16. Retain ponds and associated buffer areas / linkages
17. Avoid bird breeding season
18. Habitat creation measures
19. Amphibian protection during construction

20. Undertake ground condition survey and comply with obligations
21. Avoid development in areas that are not Flood Zone 1
22. Implement measures agreed in Flood Risk Assessment
23. Provide surface water drainage scheme
24. Provide foul water drainage scheme
25. Submit level details as part of reserved matters
26. Drainage maintenance
27. Communal Area Maintenance

In respect of appeal reference APP/M2325/W/15/3004502 against the Council's non-determination of application 14/0410 that:

- Having resolved to approve application 15/0303, the Local Planning Authority withdraws its case against appeal reference APP/M2325/W/15/3004502 and makes the Planning Inspectorate aware of its resolution in respect of the resubmitted application on or before the deadline for the submission of its witnesses Proofs of Evidence (14th June 2016);
- The Local Planning Authority requests that the appellant withdraws appeal APP/M2325/W/15/3004502 as soon as possible following the Local Planning Authority's resolution to approve resubmitted application reference 15/0303 (subject to the completion of a section 106 agreement to secure the contributions set out in (i)); and
- In the event that the appeal is not withdrawn prior to the deadline for submission of Proofs of Evidence and a Statement of Common Ground, Authority be delegated to the Head of Planning and Regeneration to prepare and submit the Local Planning Authority's case in respect of appeal reference APP/M2325/W/15/3004502.

Item Number: 2

Committee Date: 25 May 2016

Application Reference:	15/0903	Type of Application:	Outline Planning Permission
Applicant:	Hallam Land Management Limited	Agent :	Pegasus Group
Location:	CLIFTON HOUSE FARM, LYTHAM ROAD, BRYNING WITH WARTON, PRESTON, PR4 1AU		
Proposal:	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 115 DWELLINGS AND ASSOCIATED INFRASTRUCTURE (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED) - RESUBMISSION OF APPLICATION 15/0562		
Parish:		Area Team:	Area Team 1
Weeks on Hand:	22	Case Officer:	Matthew Taylor
Reason for Delay:	Negotiations to resolve difficulties		

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

The applicant submitted an outline application (access only) for a residential development of up to 115 dwellings on the site on 18 August 2015 (application reference 15/0562). An appeal against non-determination was lodged in respect of that application on 23 December 2015 and registered by the Planning Inspectorate on 20 January 2016. That appeal (reference APP/M2325/W/15/3141398) is scheduled to be heard at a joint Public Inquiry opening on 12 July 2016 alongside an application for up to 375 dwellings at Land to the North of Freckleton Bypass (application reference 14/0410 and appeal reference APP/M2325/W/15/3004502).

At its meeting on 27 April 2016, and on the basis of circumstances at that time, the Development Management Committee resolved as follows:

That, in respect of appeal reference APP/M2325/W/15/3141398 against the Council's non-determination of application 15/0562:

(i) Had the Local Planning Authority made a decision on application 15/0562, it would have refused planning permission for the following reasons:

- 1. The proposed access for the development is onto the busy thoroughfare of the A584 (Lytham Road) – a main arterial road which provides a direct route between Lytham St Annes and Preston. The proposed access is located approximately 0.75km from the Lytham Road/Church Road/Highgate Lane junction. Once other committed developments in Warton are implemented (most notably that associated with planning permission 13/0674 at Blackfield End Farm) this junction will operate over capacity and, accordingly, will be incapable of accommodating the level of additional traffic generated by the development. The proposed development, when considered in combination with increased vehicle movements arising as a result of other committed developments in Warton, would have significant adverse effects for traffic movements at the Lytham Road/Church Road/Highgate Lane junction and would lead to greater, unacceptable queue lengths at this junction which would obstruct the free*

flow of traffic along Lytham Road. The additional vehicle movements arising as a result of the development would unacceptably exacerbate existing network capacity issues and, accordingly, its residual cumulative impact would be severe. No mitigation measures have been proposed in order to alleviate this impact. The proposal is therefore contrary to the requirements of Fylde Borough Local Plan policy HL2, policy BWH2 of the submission version of the Bryning-with-Warton Neighbourhood Plan, and paragraph 32 of the National Planning Policy Framework.

2. *The proposed development is required to make contributions towards the delivery of affordable housing and public open space on the site and financial contributions off-site towards the provision of new secondary school places, public realm enhancements and transport improvements. The applicant has failed to put any mechanism in place to secure these contributions and, accordingly, the development is contrary to the requirements of Fylde Borough Local Plan policies TREC17, CF2, EP1, TR1, TR3 and TR5, policies SL3 and H4 of the Fylde Local Plan to 2032: Revised Preferred Option (October 2015), the submission version of the Bryning-with-Warton Neighbourhood Plan and chapters 4, 6 and 8 of the National Planning Policy Framework.*

AND

- (ii) *The Local Planning Authority's case in respect of defending appeal APP/M2325/W/15/3141398 be limited to the issues identified in the reasons above and authority be delegated to the Head of Planning and Regeneration to prepare and submit the Local Planning Authority's case on these grounds (including its Statement of Case, Proofs of Evidence and Statement of Common Ground) in respect of appeal reference APP/M2325/W/15/3141398.*

This application (reference 15/0903) is a resubmission of application 15/0562 and seeks permission for the same form of development on the same site by the same applicant. With the exception of a revised access plan which has been submitted in connection with both the appeal and this application (drawing no. 0988-F01 Rev F), application 15/0903 is identical to that submitted to the LPA under reference 15/0562.

Since the Development Management Committee's resolution in respect of appeal APP/M2325/W/15/3141398, the Council has received further comments from the Local Highway Authority (LHA). These comments follow the completion of traffic modelling undertaken by Lancashire County Council to determine the effects of the following infrastructure on traffic flows and junction capacity in Warton:

- The Preston Western Distributor Road (PWDR);
- The improvements to the Church Road/Highgate Lane/Lytham Road junction to be delivered as part of the Blackfield End Farm development (13/0674); and
- The improvements to the Lytham Road/Thunderbolt Avenue junction, including the creation of a new access through to BAE, to be delivered in accordance with planning permission 12/0550 at the former GEC Marconi site.

The final comments of the Local Highway Authority have not yet been received. However, they have indicated that, on balance, and subject to the final agreement of traffic flows with the applicant's Transport Consultant, they consider that the reassignment of traffic arising as a result of the above highway infrastructure improvements would provide sufficient relief at

the junctions of Church Road, Mill Lane and Thunderbolt Avenue with Lytham Road to ensure that the development would not have a severe residual cumulative impact on the safe and efficient operation of the highway network. Moreover, the LHA recognise that the effects of the PWDR were a key component of the Inspector's (and, subsequently, the Secretary of State's) decision in allowing the appeal at Blackfield End Farm and have given significant weight to the implications arising from this decision.

The LHA have indicated in discussion that there is a reasonable prospect that they will now have no objection to the development on the grounds of its impact on the capacity or safety of the surrounding highway network, either adjacent to or further away from the site and, accordingly, its residual cumulative impacts in this respect would not be severe for the purposes of paragraph 32 of the NPPF. Assuming that this verbal opinion is borne out by the content of their final comments which, it is expected, will be received by the date of Committee, the first of the abovementioned reasons for defending appeal reference APP/M2325/W/15/3141398 would be overcome.

In respect of the second reason for defending appeal reference APP/M2325/W/15/3141398, the applicant has indicated their agreement to make the following contributions in accordance with the provisions of paragraph 204 of the National Planning Policy Framework and the Community Infrastructure Levy (CIL) Regulations 2010 (as amended):

- (a) The provision and future maintenance of public open space on the site in accordance with the standards and requirements set out in Fylde Borough Local Plan policy TREC17.
- (b) The provision, tenure, delivery mechanism, occupation criteria and phasing for 30% of the dwellings to be offered as affordable housing (as defined in the National Planning Policy Framework) on the site in accordance with the requirements of policy H4 of the Fylde Local Plan to 2032: Revised Preferred Option (October 2015) and the National Planning Policy Framework.
- (c) A commuted sum payment to the County Council towards the provision of new secondary school places at Lytham St Anne's Technology & Performing Arts College in accordance with Fylde Borough Local Plan policy CF2 and the National Planning Policy Framework.
- (d) A commuted sum payment towards the delivery of a scheme to provide public realm enhancements around the Lytham Road/Church Road crossroads as set out in the Fylde Borough Council Regeneration Framework (September 2010) in accordance with Fylde Borough Local Plan policies EP1 and TR1, policy SL3 of the Fylde Local Plan to 2032: Revised Preferred Option (October 2015) and policy BWLC1 of the Bryning-with-Warton Neighbourhood Plan. The amount of this sum and the exact nature of the works remains the subject of discussions with the applicant.
- (e) Commuted sum payments to the County Council to secure funding towards:
 - An Urban Traffic Control (UTC) scheme linking traffic signals at signalised junctions along Lytham Road where these fall within Warton.
 - Improved cycle facilities along the A584 (Lytham Road) to link in with existing facilities.
 - Public Transport improvements to Quality Bus Standard.
 - £6,000 for Travel Plan Support and a commitment from the developer for funding to be made available to the development site travel plan coordinator to deliver measures, if necessary, should the targets within the travel plan fail to be achieved.

In accordance with Fylde Borough Local Plan policies TR3 and TR5, Bryning-with-Warton Neighbourhood Plan policies BWH2 and BWT1, policy SL3 of the Fylde Local Plan to 2032: Revised Preferred Option (October 2015) and the National Planning Policy Framework.

Witnesses for the Local Planning Authority are required to submit their Proofs of Evidence by 14 June 2016. Given the above, and having regard to all other material considerations relevant to the development, it is recommended that members of the Development Management Committee resolve as follows **subject to the receipt of confirmation from the local highway authority over the impacts of the development on the local highway network:**

To grant permission for application 15/0903 subject to the completion of a planning obligation and the conditions as set out in the resolution below.

- That the Local Planning Authority withdraws all its reasons against appeal reference APP/M2325/W/15/3141398 and, having resolved to approve application 15/0903 (subject to the completion of a planning obligation), requests that the applicant withdraws the extant appeal at the earliest opportunity, thus avoiding the need for this appeal to progress.

Whilst this application has not been called in by the Secretary of State for his own consideration, the appeal relating to this same site has been recovered, i.e. it will be the Secretary of State rather than an appointed inspector who will determine that appeal. Given these circumstances, it is considered appropriate to refer any decision other than to refuse the application to the Secretary of State in order that he may consider whether he still wishes to consider the proposal.

Reason for Reporting to Committee

The proposal involves major development.

Site Description and Location

The application relates to a broadly rectangular parcel of land measuring approximately 3.74 hectares in area located to the east of Clifton House Farm and north of the A584 (Lytham Road), Warton. The site falls within the countryside area as defined on the Fylde Borough Local Plan (FBLP) Proposals Map and presently comprises open farmland. The northern part of the site is designated as Grade 3 agricultural Land on the Agricultural Land Classification map.

Ground level rises gently, but consistently in a northerly direction across the site from a low point alongside Lytham Road to the crest of a hill which forms the northern boundary. The site is enclosed by a narrow strip of hedging along its southern boundary with Lytham Road which reaches a maximum height of *circa* 2.5m, and by linear tree belts which fall outside the site boundaries along the eastern and western perimeters. A group of trees to the southeast corner of the site are protected by Tree Preservation Order (TPO – Group G of TPO no. 7). A fragmented hedgerow runs latitudinally across the site in close proximity to the northern boundary which is substantially marked by a low post-and-rail fence. The northern boundary follows a chamfered profile between hedgerows to the northeast and northwest corners which enclose uses on adjoining land. There is, at present, no vehicle access into the site other than across adjoining fields.

The site wraps around a detached dormer bungalow (no. 278 Lytham Road) which occupies a central position fronting onto Lytham Road alongside the southern boundary (though this property falls outside the application land). Adjoining land to the east is occupied by a vehicle repair/caravan storage site (Lytham Road Garage) and caravan park (Oaklands Caravan Park). Adjoining land to the west is occupied by a group of industrial units arranged around a hardstanding yard. Both adjoining commercial uses are separated from the application land by strips of vegetation comprising trees and hedgerows. Land to the north of the site comprises open farmland. A row of two storey houses run parallel with the southern site boundary on the opposite side of Lytham Road.

Details of Proposal

The application seeks outline permission for a residential development of up to 115 dwellings. The only matter applied for as part of the application is access. This is defined in the Development Management Procedure Order as follows:

Access – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made.

Matters of layout, scale, external appearance and landscaping are reserved for later consideration.

The scheme proposes a new access into the site from Lytham Road in accordance with the revised access arrangements shown on drawing no. 09888-F01 Rev F submitted to the LPA on 25 April 2016. This access would be located to the southwest corner of the site and would form a priority (give way) junction onto the A584. Visibility splays of 2.4m x 52m would be achieved in both directions at the junction of the site access with Lytham Road.

The following off-site highway improvement works (as shown on drawing no. 0988-F01 Rev F) are also proposed as part of the scheme:

- The repositioning of the access approximately 1m to the east of its original location shown on the initial access plan (drawing no. 0988-F01).
- Visibility splays of 2.4m x 52m at the junction of the site access with Lytham Road, including the removal of the hedge to the west side of the access to maintain visibility.
- The provision of a pedestrian refuge to the west of the ghost island right hand turn lane, including a new footpath over the grass verge to the southern frontage of Lytham Road to tie in with the existing footway.
- The upgrading of two bus stops on Lytham Road (eastbound and westbound) to Quality Bus Standard.
- The provision of coloured surfacing to eastbound and westbound cycle lanes on Lytham Road in the vicinity of the site access.
- The formation of a 1.2m wide traffic island and hatching to the centre of the carriageway to the west of the site access.

The site access would merge with a 6.5m wide estate road flanked by 2m footways to both sides. The centreline of the access would be located 37m to the east of the existing opening serving Clifton House Farm and 60m to the west of the dropped crossing serving no. 278 Lytham Road.

The new estate road would form a spine running in a north-south direction through the site with cul-de-sacs branching off into narrower roads to the east and west. A rectangular area of public open space would form a 'village green' providing a central focal point to the development with individual pockets of housing encircling the green. Strips of open space would also be retained, supplemented or introduced along the site perimeters to provide buffers with adjoining land. A series of balancing ponds and swales would be provided to form SUDS within these areas of open space. In total, an area of 0.87 hectares is to provide green infrastructure in connection with the development.

Whilst scale is not applied for at this stage, indicative elevations and parameters outlined in the Design and Access Statement indicate that the majority of dwellings are to be two storeys in height, with this rising to 2.5 storeys in 'gateway' locations. An indicative layout has been submitted as part of the application. This shows a combination of 2, 3 and 4 bed houses in terraced, semi-detached and detached forms.

The scheme acknowledges an application for a residential development of up to 53 dwellings on the Oaklands Caravan site to the east (reference 15/0194 – approved subject to the completion of a planning obligation). The indicative positions of three pedestrian footpaths linking through to the adjoining site are shown within the eastern boundary. The central area of open space is also shown to adjoin that proposed on the Oaklands site in order to provide connectivity with green infrastructure.

Relevant Planning History

Application No.	Development	Decision	Date
13/0057	RESUBMISSION OF APPLICATION 12/0591 FOR ADVERTISEMENT CONSENT FOR DISPLAY OF NON ILLUMINATED V TYPE FREE STANDING SIGN	Granted	07/06/2013
11/0638	PROPOSED INDUSTRIAL BUILDING CLASS B2	Granted	25/01/2012
10/0477	RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF FORMER AGRICULTURAL BUILDINGS TO GENERAL INDUSTRIAL (CLASS B2) AND SALE/HIRE OF CONSTRUCTION PLANT, TOOLS, TRAILERS, GARDEN EQUIPMENT AND ASSOCIATED PRODUCTS (SUI GENERIS) WITH ASSOCIATED ACCESS SERVICING AND PARKING AREAS (AS AMENDED)	Granted	17/09/2010
03/0183	CHANGE OF USE FROM AGRICULTURAL TO LIGHT INDUSTRIAL	Granted	09/05/2003

Relevant Planning Appeals History

Application No.	Development	Decision	Date
15/0562	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 115 DWELLINGS AND ASSOCIATED INFRASTRUCTURE (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	On-going	

Parish/Town Council Observations:

Bryning with Warton Parish Council were notified of the application on 6 January 2016 and subsequently of amended plans on 5 and 27 April 2016. The parish Council object to the application on the following grounds:

- If this application is approved it will undermine the emerging 'Fylde Local Plan' to such an extent it would be a worthless policy document unless it is extensively revised to incorporate the additional housing and impact of this development. To do this will cause extensive further delays in moving to approval and it will cost thousands of local tax payer's money to revise. This is also the case with respect to the Neighbourhood Plan. This application should not be approved in advance of an adopted 'Fylde Local Plan' and the Parish Council Neighbourhood Plan both of which are progressing toward completion in the near future.
- The development proposed is so substantial, and its cumulative effect would be so significant, that to grant permission would undermine the plan making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood plan. Moreover, the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- This application concerns green field land that falls outside the limits of development SP1 and is thus indicated as Countryside area SP2. The proposed development does not meet categories within the policy SP2, Chapter 2, Sections 2.16 – 2.24, Development in countryside areas. And on this basis should be refused in any consideration under this local plan.
- This application, for another major development of up to 115 additional houses in Warton makes great reference to the need for housing both in the Fylde and in particularly the rural Village of Warton. The Borough Council is addressing these needs elsewhere and recognises the dangers of overdevelopment in Warton. The applicants acknowledge the extensive existing developments which are being built, have been approved or that have been refused and are pending decisions on appeal. Some further information provided in the 'Planning statement' which leads to support sustainability is materially incorrect as there is no medical surgery, dentist or bank available to residents in Warton. Reference is also made to Warton being a 'Town' yet it is a village.
- It is noted that while the respective area may be made available for development at some time in the future, as highlighted in the proposed draft 'Fylde Local Plan', and also indicated as viable for some potential development in the draft Neighbourhood plan, these are moving forward to completion but have not been adopted. The proportion of residential housing is vastly excessive to any identified or even speculative need in the area for years to come. The ratio of additional housing in this application, in addition to approved and pending applications, will exceed the original projected development in the area envisioned to 2030 by the Borough which has been accepted as being excessive.
- Serious Highway and Traffic concerns are raised which will be compounded by the approval of the Oakland development and the Blackfield End farm development once work commences. The true devastating extent of which are yet to come to light as plans for the Lytham Road, Church Road junction are yet to be successfully agreed with both the County Highways authority and Fylde Borough Council. The County Highways Authority has already stated categorically that the road capacity of Lytham Road, Warton has reached a maximum.
- The Parish Council expresses the most serious concerns about yet another development estate entrance and exit on to Lytham road. Apart from the cumulative effect of another junction where traffic negotiating the access will create additional hazards to both carriageways of Lytham road, it will negatively impact on the existing flow of traffic through the village. It is located on a stretch of the road with poor or non-existent visibility of traffic coming from the direction of Lytham due to the bends of the road. There are known to be a

concerning number of minor road collisions in the immediate area but unfortunately these go unreported as do many minor collisions in the absence of any formal police attendance. Outlined traffic calming measures will potentially add to the problems of traffic flow and create the scenario of fast moving vehicles coming out of the bend into the back of slow moving vehicles negotiating the traffic calming measures or vehicles turning into the newly created junction. This stretch of road already creates problems for some pedestrians, particularly the elderly and young, crossing which the Parish Council has previously tried to address with the County Council. It is noted that Highway concerns have been previously expressed by the Planning Officer.

- Attention is also drawn to surface water run off/ flooding and drainage. Vital issues that will affect the land once the Riversleigh development is completed and now that the Blackfield End Farm application has been approved and will move toward construction. The consequences of surface water and capacities of drainage from surrounding developments will naturally impact on their reports. The existing facilities which are relied upon in the reports and assessments have now proved to be inadequate by recent events this winter. The extremely high rainfall experienced has provided specific evidence of sewerage drainage, ground water saturation and surface water run off all being negatively impacted. It has already been acknowledged by Fylde Borough Council that the issues of flooding and surface water in the area will need addressing and there is extensive evidence of existing problems. Even at outline stage these issues are of extreme concern and clarity as to how they will be addressed should be fully outlined before an application considered.
- Although appreciated this is only an outline application the indication of properties in excess of two storeys is not in keeping with the nature of the surrounding properties and appearance of the village. This is one of several issues raised during the 'consultation' in regard to the Neighbourhood Plan that shows the developers have not considered the representations during the meeting.
- The infrastructure of the area cannot support further development making it unsustainable. While the application may be considered a modest 115 dwellings, in the development, reference must be taken into account of the Secretary of State's decision to grant the far larger residential development in Warton despite being strongly objected to as being ill-conceived and excessive development in the context of sustainable development proportionate to the supporting infrastructure. This development is not sustainable in the absence of substantial infrastructure improvements which has been maintained with the developers from the outset.
- It is acknowledged that in this instance the developers have engaged with Bryning with Warton Neighbourhood Plan Steering group, at a couple of presentations and single meeting, with other parties, regarding their proposals toward this particular site. To imply 'comprehensive' is suggested an exaggeration but this was in regard to future residential development in the context of layout and discussions as to conformity to the aspirations of the Neighbourhood Plan seemed to have been overlooked. It should be noted that progression toward an actual imminent development application was neither supported nor approved and in the haste to submit this outline application it does not conform to the outlined proposals contained within the Neighbourhood Plan, even to the preliminary 'Access applied' where there are the strongest concerns of road layout and traffic flows which were voiced.
- The Parish Council objections are not altered by these revised access arrangements as submitted and portrayed in the Illustrative Masterplan. The revised access does not negate or reduce the serious traffic concerns that have been expressed.
- The revised access plan raises further concerns as to how the proposals will affect road safety issues for those using the existing bus stops, particularly increased pedestrian road safety risks from traffic coming from the proposed junction of this development, travelling

east, or those vehicles attempting to manoeuvre past stationary or slow moving traffic as a result of this junction.

Statutory consultees and observations of other interested parties:

BAE Systems:

- BAE object to the application on the grounds that the proposed balancing ponds may create bird attractant features. BAE will maintain this objection until details of the proposed balancing ponds to be created as part of the drainage scheme have been provided. (Officer Note: This is not an objection that was raised to the original application, and BAE have not responded to officer requests for clarification on this, with further comments on this provided in the 'aerodrome safeguarding' part of the report.)

County Archaeologist:

- The site has some small potential for the survival of early remains although no sites pre-dating the medieval period are noted nearby on the Lancashire Historic Environment Record and agricultural activity is likely to have masked or damaged potential remains. A possible medieval moated site is noted on the HER some 500m to the north of the development area, although no field investigation has taken place there.
- The Heritage Statement identifies a number of heritage sites, only one of which falls into the proposed development area. This is a building or buildings marked on the OS mapping of 1847. This appears to have been altered by the demolition of its eastern half by the time of the 1893. The site is not named on either map and is completely lost at some date between 1937 and 1968. Some earthwork remains of the site were, however, noted during the field walking of the site undertaken for the Heritage Statement.
- It is not considered that this site is of sufficient importance as to require preservation at the expense of the development but it should be investigated and recorded before development starts. We would, therefore, recommend that an appropriate condition is applied to any consent granted to this or subsequent applications.

Electricity Northwest:

- The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Estates and Wayleaves, Frederick Road, Salford, Manchester M6 6QH.
- The following assets are within or in close proximity to the southern boundary of the proposed development site - Live low and High Voltage cables. The applicant should be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of ENW's requirements for access to inspect, maintain, adjust, repair, or alter any distribution equipment.

Environmental Health Officer (EHO):

- The reports received since the last submission with respect to mitigation measures for noise and air quality are acceptable.
- The applicant must ensure that the recommendations in the contaminated land report are completed. Namely the UXO investigation, soil sampling and ground gas measures. Once complete a validation document should be forwarded to this Authority for approval.

Greater Manchester Ecology Unit (GMEU):

- The application site is not itself designated for its nature conservation interest. The nearest statutorily designated site is the Ribble and Alt Estuaries Special Protection Area (SPA) and the contiguous Ribble Estuary SSSI, less than 1km to the south. The nearest Local Wildlife Site (Biological Heritage Site), Warton Brows, is about 1km south of the application site.
- The site itself does not support habitats of high nature conservation value and is dominated by species-poor improved agricultural grassland. The site is set between an existing caravan/mobile home site and a small business park and is adjacent to Lytham Road, a busy main arterial road.
- The Ecology Surveys submitted in support of the application have been carried out by suitably qualified consultants and are generally to appropriate and proportionate standards. The surveys have established that the site has only low potential to be used by specially protected species, except for breeding birds and relatively small numbers of foraging bats.
- While the application site is within 1km of the Ribble and Alt Estuaries SPA, it is separated from the SPA by a busy main arterial road and other built development. There will therefore be no direct impacts on the special interest of the SPA arising from the development of the field.
- The field does not provide suitable habitat for the important water and wading birds which use the Estuary. It is close to other built developments and the main road, meaning that it will be subject to levels of disturbance such that birds are unlikely to settle in any numbers. One impact that could potentially arise from the scheme is increased recreational use of the Estuary resulting from an increase in local population, which could in turn cause increased disturbance to birds using the Estuary. However, the modest increase in population arising as a result of the development, the site's separation from the estuary and its lack of direct accessibility from the application site and the provision of open space on site means that the development proposal will not result in a significant increase in recreational disturbance such that there will be a substantive impact on the special ecological interest of the SPA.
- The development, when considered alongside other recently permitted housing developments, may have a cumulative impact on the SPA, but Warton is separated from the Estuary by the active aerodrome making casual recreational access more unlikely. Any potential recreational impacts from residential developments in Warton on the SPA can best be controlled by properly managing (restricting) access to the most important areas of the Estuary nearby. As a precautionary measure, it is recommended that the developer provides future residents with some information about the high value of the Estuary for birds and the need to be sensitive to this.
- No bat roosts have been recorded on the application site itself, but the site is used by foraging bats and there are known bat roosts within 150m of the site. The Masterplan for the site indicates that the most valuable habitat for bats is capable of being retained and, in places, enhanced. Therefore, the development is unlikely to cause harm to local bat populations.
- The site is dominated by species-poor grassland of limited nature conservation value. Although the majority of this habitat will be lost, this will not cause substantive harm to wildlife interests. There are some features on and close to the site of local value, including trees and hedgerows, but these features are capable of being largely retained, as shown in the illustrative masterplan. There is also scope for new landscaping that could benefit nature conservation interests.
- Parts of the site have some potential to support nesting birds, although the most important areas of the site for birds are capable of being retained and enhanced as part of the scheme.
- Conditions are recommended requiring that:
 - Groundworks and any required vegetation clearance commences outside of the optimum period for bird nesting (March to July inclusive).

- Biodiversity enhancement measures should be incorporated into the scheme (e.g. new tree planting, new hedgerows and a pond within the planned-for central greenspace). These landscape features should be designed so as to maximise their biodiversity value (e.g. by using appropriate species and by appropriate design of the pond). To this end a detailed, comprehensive Landscape Plan should be prepared for the site and, once approved, this Plan should be implemented in full.

Lancashire County Council contributions (updated position 06.04.16):

- Any requests for financial contributions are based on the pupil yield generated by a development. This is calculated on the basis of the number of dwellings to be constructed and rises in line with the number of bedrooms to be provided. In cases where the number of bedrooms is unknown (e.g. with outline permissions where this will only become known at reserved matters), a “medium to worst case scenario” will be applied which assumes each dwelling will provide 4 bedrooms.
- Latest projections for the 4 primary schools located within 2 miles of the site show there to be a surplus of 78 primary school places available in 5 years’ time. There are a number of applications that are pending a decision which will have an impact on the pupil places available. Collectively these applications could yield a total of 164 places. Should these applications be approved prior to a decision being made on this application it would result in a shortfall of 151 school places in five years’. Based on current approvals, a primary education contribution is not required. However, if any of the pending applications are approved prior to a decision being made on this development the claim for primary school provision could increase up to maximum of 44 places.
- Latest projections for 2 secondary schools located within 3 miles of the site show there to be a shortfall of 437 places in 5 years’ time. The proposed development is estimated to generate a yield of 17 pupil places in secondary schools, thereby increasing this shortfall to 454 places. In order to mitigate this impact a financial contribution equivalent to the cost of providing 17 secondary school places should be secured through planning obligation. Using current estimations of bedroom numbers, this would give rise to a contribution of £312,753.76 for this development.
- Following an initial scoping exercise of the local schools it has been determined that Lancashire County Council intend to use the secondary education contribution to provide additional secondary places at Lytham St Anne's Technology & Performing Arts College. To ensure that the approach is in line with the Community Infrastructure Levy regulations, the County Council confirms that there is 1 secured Section 106 agreement pooled against Lytham St Anne's Technology & Performing Arts College, with this school also having been nominated against 3 other developments that do not yet have a S106 in place.

Lead Local Flood Authority (LLFA):

- The FRA and Outline Drainage Strategy provide indicative details of the run off rates and attenuation requirements for the developed site. The greenfield run off rate for the site is confirmed in paragraph 6.3.8 as 22 l/s. In order to demonstrate compliance with Paragraph 103 of the NPPF and the Non-Statutory Technical Standards for Sustainable Drainage Systems the LLFA will require further evidence to ensure that the final surface water drainage design will not result in an increase on the current greenfield run off rate. Further confirmation that the proposed attenuation arrangements for the site are adequate will also be required.
- Prior to designing surface water drainage for the site, a full ground investigation should be undertaken to fully explore the option of ground infiltration to manage the surface water in preference to discharging to a surface water body, sewer system or other means.
- Flow balancing SuDS methods which involve the retention and controlled release of surface

water from a site may be an option for some developments at a scale where uncontrolled surface water flows would otherwise exceed the pre-development greenfield runoff rate. Designing green space and public realm with SuDS that work well when both wet and dry can provide valuable community recreational space as well as important blue and green infrastructure.

- The LLFA has no objection to the application and recommends that conditions are imposed with respect to:
 - Ensuring an appropriate surface water drainage scheme as part of any application for reserved matters. This should include provisions to demonstrate that the post-development rate of surface water run-off will not exceed the pre-development rate (including a 30% allowance for climate change), details of flow attenuation mechanisms (including the use of SUDS and their timetable for implementation) and site investigations to confirm infiltration rates.
 - Provisions for the management and maintenance of any SUDS scheme.
 - Management of surface water during the construction phase (including pollution prevention).

Local Highway Authority (LHA):

Their latest comments are reported here, although since these were received considerable further work has been undertaken and it is expected that further comments will be available by the date of Committee that are likely to update their position to one where they are no longer opposed to the scheme. These will be reported in the Late Observations schedule.

Access:

- The latest site access plan 0988-F01 (Revision F) is considered acceptable in principle to LCC, subject to detailed design.

Traffic flows, modelling and network capacity:

- There remain a number of queries in regard to the assessment traffic figures, having particular regard to the effects of Preston Western Distributor. It is expected that final agreed traffic figures will be agreed with the appellant in late April.
- Initial modelling from all parties indicates that LCC's original concerns can be resolved. However, this cannot be assumed until traffic flows are agreed with the appellant and modelling work is completed.
- The detailed design of the Church Road junction is ongoing. LCC's initial assessment of this is that an acceptable solution can be provided, but a final arrangement is yet to be agreed.
- All scenarios need to be fully considered and appropriate measures/mitigation identified - for example, the necessary scheme at Church Road were Blackfield End Farm not to come forward.

Sustainable transport measures:

- The applicant has indicated a willingness to upgrade one bus stop to Quality Bus Standard (QBS) and provide a pedestrian refuge – they state that this will ensure that opportunities for sustainable travel have been maximised as required by NPPF. It is not considered that the measures offered can be considered to ensure opportunities for sustainable travel have been maximised. The applicant's response does, however, indicate that discussions are ongoing with LCC on other potential section 106 contributions. Such contributions are likely to include:
 - Funding towards UTC scheme, linking traffic signals within Warton.
 - Funding to enhance the highway public realm within Warton.

- Funding towards improved cycle facilities along the A584 - tying in to existing facilities
- Public Transport improvements to Quality Bus Standard.
- Agreement on Travel Plan Support Funding and a commitment from the developer for funding to be made available to the development site travel plan coordinator to deliver measures, if necessary, should the targets within the travel plan fail to be achieved.

Summary:

- LCC are continuing to work with the appellant's Transport Consultant to address all matters considered to be outstanding with a view to reaching agreement where possible. However, until this work has been carried out by the appellant and all other matters addressed to LCC's satisfaction, it will not be possible to give the Council's support to the application.
- On completion of the necessary analysis and with the support and agreement of the appellant on other outstanding matters there is, however, a very strong possibility that the LHA's concerns could be addressed prior to the forthcoming inquiry (subject to agreement of a Statement of Common Ground).

Ministry of Defence (MOD):

- The proposed site is approximately 0.85km to the north west of Warton Aerodrome and occupies statutory aerodrome height, technical and birdstrike safeguarding zones surrounding the aerodrome.
- The application site is within the area protecting the operation of technical assets at Warton Aerodrome. Metallic content on the proposed dwellings may adversely impact the operation of radars and navigational aids at the aerodrome. As such, the MOD requests that it be consulted on any further Reserved Matters applications to verify the building materials used. If traditional building materials such as wood, slate and tile roofing are to be used then this should not cause any problems but if metallic materials are to be used then MOD will need to see more detailed plans to verify they do not cause any interference to the radars and navigational aids. It is anticipated that the scale of the development proposed is not likely to be an issue.
- The 'Illustrative Master Plan' shows a number of ponds which appear to be balancing ponds which are a feature of a Sustainable Urban Drainage System. Due to the site's position within the birdstrike safeguarding zone surrounding Warton Aerodrome these ponds are of concern to the MOD. The principal aerodrome safeguarding consideration with respect to the creation of water bodies is that they may over time provide additional habitat that attracts and supports populations of birds that are hazardous to air traffic. The ponds should therefore be designed in a way so they do not increase the birdstrike hazard risk to aircraft using the aerodrome.
- MOD advises that the proposed development will be affected by aircraft noise and as such the applicant should take this into account when progressing this proposal.
- The MOD has no safeguarding objections to the principle of a housing development being constructed at this location but requests that MOD are consulted again on any future Reserved Matters applications to verify that the building materials and SUDS schemes are compatible with the MOD's safeguarding requirements.

Natural England:

- Natural England has previously commented on this proposal by letter dated 23rd September 2015.
- The advice provided in Natural England's previous response applies equally to this proposal (as amended). Natural England made no objection to the original proposal and this remains

the case. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Planning Policy:

- The proposed development site is located in the Countryside Area as defined by policy SP2 of the adopted Local Plan. SP2 operates so as to resist development proposals in this area, except where it falls within one of five identified categories. The proposed development does not represent one of these exceptions and so is contrary to SP2.
- The draft RPO allocates land for the provision of up to 650 dwellings in Warton over the plan period from 2011 to 2032. The council will work with the BwWNP Steering Group over a master planning exercise as part of the Neighbourhood Development Plan for Warton, to identify land for 650 dwellings (inclusive of existing plan period commitments). The emerging Local Plan and its housing figure of 650 dwellings for Warton is a material consideration.
- Policy BWH1 of the emerging BwWNP identifies that 650 new homes will be developed in Warton to 2030 and the bulk of this will take place on two housing allocations; H1 – Warton West and H2 - Warton East. The draft policy limits the developable area of these two sites to 55% at a density of 30 dwellings per hectare. Policy BWH1 and figure 6 of the draft Plan identifies that the application site lies within part of site H1 – Warton West.
- With respect to the BwWNP, in the appeal at Blackfield End Farm the Secretary of State agreed with the Inspector in that, as the BwWNP was at a relatively early stage in its preparation, it carries limited weight. However, the BwWNP establishes the principle of residential development on parts of the application site, providing necessary criteria and provisions such as infrastructure and services are met. Policy BWH1 and figure 6 of the draft Plan identifies that the application site lies within part of site H1 – Warton West.
- This application, along with the appeal decision at Blackfield End Farm and together with exiting commitments, will take the scale of development proposed at Warton to 893 new dwellings. This is beyond what is proposed by this council in its emerging Local Plan and that proposed in the emerging BwWNP. Consideration should also be given to an application for 375 dwellings at Warton East which has been appealed (reference 14/0410) and for 53 dwellings at Oaklands Caravan Park (reference 15/0194).
- The council's published Five Year Housing Supply Statement shows that the borough has a 4.3 year supply of deliverable housing land at 31 March 2015. This calculation is based upon the annual housing requirement figure of 370 dwellings per year, taking account of a 20% buffer and the housing shortfall since the start of the emerging Local Plan period in 2011.
- With the appeal approved at the Blackfield End Farm, and the number of dwellings proposed as part of this application, in addition to existing commitments, the total number of dwellings exceeds the scale of development proposed for Warton. It is for the decision-taker to determine the weight to be attached to these material considerations as part of the planning balance, in line with paragraph 49 of the NPPF's presumption in favour of sustainable development and the council's lack of a 5 year supply of housing.

Strategic Housing:

- We would expect the provision of 30% affordable housing on this site and would be unwilling to consider a commuted sum payment in lieu of on-site provision. We would be willing to consider a range of tenure split from 60/40 to 50/50 (Rented/LCHO). 50/50 would be the bottom line. Properties would need to be let in line with the local connection criteria as covered in Fylde BC Area Lettings Plan.

Tree Officer:

- There are few trees on the site other than those bounding properties. There's an old willow

to the front which would have some ecological and habitat value but has been so severely pruned in previous years that its life has been shortened and, on balance, I don't feel it can be defended by TPO. The Illustrative Masterplan suggests its lost for new access, and there is no case for its retention.

- Native-species hedges bound the site and these must be retained as per saved policies EP10 and EP12. They not only bring the attribute of soft screening but also habitat connectivity, foraging, and nesting bird potential.
- The masterplan also indicates some buffer planting to 'frame' the site. This I welcome but suggest it is denser on the boundary with Braithwaite's Yard Business Park to the west. Current screening from this aspect is not strong, and I feel the residential amenity of those properties neighbouring it would be improved by a deep woodland buffer area that would offer not just visual screening but some acoustic buffering.
- I would suggest tree planting for the site boundaries is native woodland mix using those trees well-adapted to our locality – i.e. tolerant of wet and exposed sites, but with a leavening of climax species to add height, interest and longevity.

Urban Design Officer (in respect of application 15/0562):

- The site is situated on the outskirts of Warton along a major route – the A584, Lytham Road. This landscape character is typical of the Fylde landscapes. The surrounding landscape is low lying undulating countryside which accommodates extensive areas of mixed use agriculture as the predominant land use. Much of the fields are bounded by hedgerows with occasional trees.
- The development of this site will promote ribbon development and will contribute to the urban sprawl of Warton Village along the A584. Warton Village is very much contained around the village centre, BAE, and community facilities. The development of this site would promote the linear development of the village along the A584, rather than being concentrated around the village centre. This will have a moderate/high impact on the landscape character of the village edge/fringe and the overall setting.
- The site is flanked by Braithwaiths Business Park to the west and Oaklands Caravan Park to the east. To the south along Lytham Road is low density housing. At this point along the A584 there are views across the open countryside to the north.
- The developments to the east and west are low density, thus the countryside provides separation and reinforces the overall landscape character and visual linkages to the Ribble Estuary. The development of this site will block views into the open countryside and adversely impact on the visual and physical separation of Warton Village and Lytham St Anne's and on the overall landscape character of the A584 at this location.

United Utilities:

- The site should be drained on separate systems for foul and surface water disposal. The hierarchy in the Building Regulations identifies preferences for surface water drainage as follows: (1) soakaways; (2) a surface water body; and (3) a sewer. A condition should be attached to any permission granted requiring details of foul and surface water disposal to be submitted before any development takes place. The condition should require that surface water drains separately to foul water and no surface water should be permitted to drain to the existing combined sewer network. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 20 l/s.

Neighbour Observations:

Neighbours notified:	6 January 2016
Site notice posted:	12 January 2016

Press notice:	21 January 2016
Amended plans notified:	All neighbouring properties and other interested parties who made representations to the initial round of public consultation were notified following the receipt of amended plans on Tuesday 5 April and Wednesday 27 April, and given until 11 May to make any additional comments.
No. Of Responses Received:	11
Nature of comments made:	11 objections

The points raised in the letters are summarised as follows:

- When considered in combination with other recent applications the scale of development in Warton would be disproportionate to the size of the settlement. There are a lack of jobs, schools, doctors, dentists and infrastructure to support further development and the level of growth proposed is unsustainable for a village of this size.
- The application has been submitted before the Neighbourhood Plan has been finalised and is premature. As Blackfield End Farm has now been allowed, the quota for new housing in Warton has already been met and any further housing would exceed the limit identified in both the emerging Local and Neighbourhood Plans.
- The development would result in an unacceptable increase in the volume of traffic on Lytham Road, particularly when considered in combination with adjacent developments at Oaklands and Riversleigh, and in the wider Warton area. This route is already congested and any increase in traffic would exacerbate the situation. It is also unclear whether the development will make adequate provision for parking (including that for visitors).
- Adding a further access point onto Lytham Road will adversely affect the safety of both motorists and pedestrians and will make it very difficult to cross Lytham Road. Visibility is restricted by a bend in the road adjacent to where the access is proposed and vehicles often travel in excess of the 30mph speed limit. This is likely to result in an increase in the number of collisions. A pelican crossing should be introduced as part of the scheme in order to allow pedestrians to cross over Lytham Road safely and will act as a traffic calming measure.
- Lytham Road is not wide enough to accommodate a dedicated right hand turn lane for westbound vehicles into the site. Queuing vehicles waiting to enter the site will result in stop-start traffic which will exacerbate existing congestion in the area. Certain forms of traffic calming (e.g. speed humps) would also not be appropriate on a classified road.
- The development would result in a loss of valuable agricultural land and open greenspace which provides an attractive rural backdrop to Lytham Road. The existing hedge is also a valuable landscape feature which is likely to be removed in order to allow the construction of an access road and SUDS. The development of the site would result in a loss of views for residents on the opposite side of Lytham Road and would erode the rural edge of the village.
- The proposed village green is in the wrong position and inaccessible to existing residents. It should be moved to the front of the site in order to ensure a greater standoff with Lytham Road, better integration with the remainder of the village, a more effective means of retaining standing water and a more pleasing visual approach into Warton.
- Flooding occurs on a regular basis in the area. Therefore, existing drainage infrastructure will need to be improved in order to accommodate the development.
- The Neighbourhood Plan identifies a smaller scale of development in this area of the village than would be brought forward under all applications to the west of Warton. The Neighbourhood Plan also identifies: (i) larger areas of public open space, wider buffer areas for walking, cycling, wildlife corridors and to protect existing properties; (ii) the introduction of traffic calming measures on Lytham Road; (iii) a further stand off to set the development back from Lytham Road. These elements are all lacking in the current scheme.
- The housing proposed alongside Lytham Road, and particularly that which is 2.5 storeys tall,

would not be in-keeping with surrounding dwellings which, instead, are a maximum of two storeys in height. The scale of the housing and its proximity to neighbouring properties would have an oppressive impact on residents facing the site and would infringe upon the privacy of surrounding occupiers through overlooking. The footprints of the dwellings also appear to be understated on the plan when compared to those of caravans and houses on the adjacent site.

- Approval of the scheme would set an undesirable precedent for future development and would result in the developer submitting a further application to connect the Clifton House Farm and Blackfield End Farm sites (as shown in their masterplan for the Blackfield End Farm appeal).
- Houses to not sell well in Warton and there is no demand for the new properties. The proposed houses planned are not in-keeping with the village. There is a greater demand for bungalows to serve an aging population than there is for two storey houses.
- The development would create a 'closed community' which would not integrate well with the remainder of the village and its open spaces would not be accessible to residents outside the site.
- The development would have a disruptive impact on surrounding residents during the course of construction.
- The bend into Warton near the proposed site access is already dangerous. If the road is to be widened and part of the pavement taken away, it will be much more dangerous than it already is.
- The addition of dragon's teeth 'go slow' signs will not make any difference to the speed of vehicles travelling through the village from Lytham.
- The proposed pedestrian refuge would be located directly opposite the entrance to the unadopted back lane of Denwood Bank. This entrance is used frequently to access the driveways to the rear of properties on Lytham Road. The positioning of the refuge would stop vehicles from entering/exiting this access from Lytham Road and would require vehicles to drive on the wrong side of the road to gain access.
- There are, on average, 2-3 accidents per year at this point. The installation of a pedestrian island at the location proposed would make the entry/exit road even more dangerous. Encouraging pedestrians to cross at this accident black spot will also endanger their safety.
- The proposed access into the site would be located directly opposite a bus stop and the private access to no. 291 Lytham Road. The proximity of the access to these features will severely hinder the ability of traffic to turn right onto Lytham Road.
- The proposed widening of the road to 9m will exacerbate safety concerns as this will create opportunities for overtaking at the bus stop while future residents are using the right hand turn lane to access the site. It is also unclear how the additional road width is to be provided.
- The proposal includes improvements for cycling. However, the southern flank of Lytham Road may not be suited to a cycle path as residents have direct access over it and limited visibility when entering onto Lytham Road.
- The site access should be moved to the east side of no. 278 Lytham Road to give a clearer line of visibility and avoid conflicts between the site access and vehicles exiting onto Lytham Road from Florence Avenue and the private access between nos. 303 and 305.
- A pelican or zebra crossing should be provided rather than a refuge in order to ensure a safe crossing for pedestrians and a better form of traffic calming. A speed camera would also be a useful traffic calming measure.

Relevant Planning Policy

Fylde Borough Local Plan:

SP02

Development in countryside areas

HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TR01	Improving pedestrian facilities
TR03	Increasing provision for cyclists
TR05	Public transport provision for large developments
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP15	Protection of European wildlife sites
EP16	Development in or near SSSI's
EP18	Natural features
EP19	Protected species
EP21	Archaeology
EP22	Protection of agricultural land
EP25	Development and waste water
EP27	Noise pollution
EP29	Contaminated land
EP30	Development within floodplains
CF02	Provision of new primary schools
TREC17	Public Open Space within New Housing Developments

Draft Fylde Local Plan to 2032 – Revised Preferred Option (Emerging Local Plan):

S1 – The proposed Settlement Hierarchy

DLF1 – Development Locations for Fylde

SL3 – Warton Strategic Location for Development

H4 – Affordable Housing

Bryning-with-Warton Neighbourhood Plan (BWNP):

BWH1

BWH2

BWLC2

BWNE1

BWNE2

BWNE3

Site Constraints:

Countryside Area

Tree Preservation Orders

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), but does not exceed the threshold in Column 2 of the table relating to category 10(b) developments. Therefore, is it not Schedule 2 development for the purposes of the Regulations and, accordingly, is not EIA development. The Council has issued a screening opinion (reference ENQ/15/0136) to confirm that the proposal is not EIA development.

Comment and Analysis

Principle of development:

Policy context:

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Fylde comprises the saved policies of the Fylde Borough Local Plan (2005). However, paragraph 215 of the NPPF makes clear that, where there is conflict with between the policies in the Local Plan and the Framework, the NPPF should prevail.

With respect to emerging plans, paragraph 216 of the NPPF states that “from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in [the] Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

As outlined at paragraph 14, the underpinning principle embedded within the NPPF is a presumption in favour of sustainable development. In terms of decision taking, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the] Framework taken as a whole; or
 - specific policies in [the] Framework indicate development should be restricted.

Paragraph 55 of the NPPF states that:

- To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

In addition, the first and third bullet points to the ‘Rural Housing’ chapter of the NPPG identify that:

- It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing.
- Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements

from expanding should be avoided unless their use can be supported by robust evidence.

FBLP Policy SP2 indicates that, in Countryside Areas, development will only be permitted where it falls into 5 categories. None of these categories are applicable to the proposed development and, accordingly, there is conflict with policy SP2 in this regard.

Criteria (1), (2), (3) and (7) of FBLP policy HL2 state that planning applications for housing will be permitted where they:

- Are acceptable in principle and compatible with nearby and adjacent land uses.
- In keeping with the character of the locality in terms of scale, space around buildings, materials and design; and
- Developed at a net density of between 30-50 dwellings per hectare.
- Are in a sustainable location having regard to the local availability of shops, schools, employment sources, public transport and other community facilities”.

A number of representations have been made which refer to Fylde Borough’s Emerging Local Plan (ELP) which has reached the Revised Preferred Options (RPO) stage. The Council published its Draft Responses Report (DRR) in February 2016 following the latest round of public consultation on the ELP which ended in autumn 2015. The DRR was considered by Members of the Development Management Committee at their meeting on 9 March 2016. Members of this committee resolved, subject to 10 additional amendments (none of which directly affect Warton), to approve the revisions proposed in the DRR and for these to be carried forward to the Publication Version of the Local Plan to 2032. Accordingly, all references to the ELP below incorporate the revisions set out in the DRR as approved by the Development Management Committee on 9 March.

Policy S1 of the ELP identifies Warton as a Local Service Centre and policy DLF1 includes Warton as a Strategic Location for Development. Policy SL3 relates specifically to Warton and identifies existing committed housing sites which will provide up to 778 homes in Warton over the plan period. Policy SL3 states that:

- “Proposals for development of the following strategic and non-strategic sites [which include housing commitments totalling 778 homes] on the Policies Map accompanying this plan will be supported.”

This figure takes account of all committed developments in Warton, including the 360 allowed at BEF, and replaces the previous text in the policy which referred to the housing target of “up to 650 homes” identified in the BWNP. The Publication version of the ELP will be subject to examination by the Secretary of State before it is formally adopted and, accordingly, continues to carry only limited weight in the decision-making process.

In contrast to the ELP, policy BWH1 of the BWNP identifies the provision of up to 650 homes in Warton over the plan period. Policy BWH1 requires that these 650 houses are provided within the settlement boundary identified in Figure 5 of the BWNP. In addition, Figure 6 identifies two allocations to the west (H1) and east (H2) of Warton to accommodate this level of housing development and Figure 7 provides a housing concept plan. This figure has, however, already been exceeded as a consequence of the appeal allowed at BEF and, accordingly, an updated position which includes existing housing commitments of up to 778 dwellings is set out in the ELP.

Notwithstanding the changes to the ELP, it is noted that the overwhelming majority of the site (approximately 77 % of the overall site area) falls within allocation H1 of policy BWH1 to the BWNP. The exception to this is a *circa* 0.85 hectare area to the northern end which falls outside this allocation. The concept plan in Figure 7 of the BWNP includes provision for housing, public open

space and buffer zones to the perimeter of the site to create wildlife corridors and access routes.

With respect to the BWNP, this was submitted to the Council on 23 September 2014 and the publicity period ended on 28 November 2014. The BWNP was submitted for independent examination in February 2016 and the Examiner's report was published on 8 April 2016. The Examiner's report recommends a number of modifications to the BWNP which the Examiner considers are required in order for the plan to meet the four basic conditions for neighbourhood plans set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990.

With respect to housing developments, the most significant of these modifications comprises the deletion of the housing chapter at section 4.2 of the plan (in its entirety). Therefore, if the Examiner's recommendations are carried forward in the final version of the BWNP (to be put to referendum) this will mean that, amongst other revisions, all housing policies (BWH1 and BWH2) the settlement boundary plan (figure 5), the housing allocation map (figure 6) and the housing concept plan (figure 7) will be deleted from the plan. Allied to this, the aspirational housing figure of 650 dwellings cited in policy BWH1 would also be deleted.

At this stage a final, consolidated version of the BWNP has not been prepared following the publication of the Examiner's report. It is, therefore, unclear what the contents of the final document to be put to referendum will include. Nevertheless, due regard must be given to the Examiner's report as, if the suggested modifications are not carried forward, there is a risk that the BWNP would fail to meet the basic conditions.

Notwithstanding the recommended modifications in the Examiner's report which propose the deletion of the housing policies in the BWNP (and, along with this, the aspirational housing target of 650 dwellings), the Secretary of State allowed an appeal for 360 dwellings at Blackfield End Farm (BEF – appeal reference APP/M2325/A/14/2217060) on 24 September 2015 which permitted a significant exceedance of the 650 figure as set out in the submission version of the BWNP at that time. Among other matters, the BEF decision comments on the weight which should be attached to both the Emerging Local and Neighbourhood plans in the context of developments in Warton. Therefore, significant weight must be given to this decision when considering this application. With respect to the appeal at BEF, the Secretary of State concludes, at paragraph 6 of his summary, as follows with respect to the weight to be attached to the Emerging Local and Neighbourhood plans:

"In deciding the appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the saved policies of the *Fylde Borough Local Plan as altered – October 2005* (LP). The Secretary of State has also taken account of the emerging Local Plan (ELP); and he agrees with the Inspector and the main parties to the appeal that, **as it is at a relatively early stage in its preparation, it carries only limited weight**. Similarly, the Secretary of State also agrees with the Inspector that **the provisions of the emerging Neighbourhood Plan (ENP) can carry only limited weight at this stage**" (emphasis added).

Given the above, and notwithstanding the recommendations in the Examiner's report with respect to the BWNP, it is considered that both the ELP and the housing policies proposed within the BWNP can carry only limited weight in this case. Moreover, it is noted that the BEF appeal was allowed in spite of the fact that none of the land fell within the allocations in Figure 6 of the BWNP. Therefore, the fact that part of the site lies outside allocation H1 in the BWNP should not be seen as a constraining factor to the principle of residential development on the site, particularly in the absence of a 5 year supply of housing land.

In conclusion, neither the ELP nor the BWNP currently form part of the statutory development plan for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004. Whilst they are material considerations, given their unadopted status they can carry only limited weight in the decision making process and should not be seen to provide the prevailing policy context in the determination of planning applications. Moreover, the Examine for the BWNP has recommended a number of modifications to the Neighbourhood Plan which would have the effect of removing the proposed housing policies and allocations from that plan (including the aspirational housing figure of 650 dwellings). Accordingly, the principal documents to be referred to in this respect are the NPPF and the FBLP (save where it conflicts with the NPPF). In this case, substantial weight should also be attached to the Secretary of State's decision in respect of the BEF decision.

Housing:

The site falls within the Countryside Area as defined on the FBLP Proposals Map. Policy SP2 indicates that, in Countryside Areas, development will only be permitted where it falls into 5 categories. None of these categories are applicable to the proposed development and, accordingly, there is conflict with policy SP2 in this regard.

FBLP policy SP2 indicates that the only circumstance where housing would be permissible within the Countryside Area will be in the case of rural exception sites for affordable housing in accordance with the provisions of policy HL3. However, this approach to resist private market housing in the countryside area cannot be considered to be up-to-date (and, accordingly, sustainable) for the purposes of the NPPF where a Local Planning Authority is unable to demonstrate a 5 year supply of housing. Indeed, paragraph 55 of the NPPF, supplemented by the Rural Housing chapter to the NPPG, supports the principle of sustainable housing developments in rural areas providing that it would not result in the construction of new isolated homes in the countryside.

Paragraph 47 of the NPPF requires Local Planning Authorities to "boost significantly the supply of housing" in order to "provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land". Paragraph 49 of the NPPF states that: "housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites".

The Council is presently unable to demonstrate a 5 year supply of housing land, with the latest Five Year Housing Land Supply Position Statement (dated March 2015) indicating that it is able to demonstrate a supply equivalent to 4.3 years (including a 20% buffer to deal with a period of persistent under delivery). Therefore, the absence of a 5 year supply places policy SP2 (and, allied to this, the approach in policy HL3) in conflict with the NPPF.

The Council has been successfully challenged at a number of recent appeals where it has sought to resist housing within the countryside area as a matter of principle. In particular, the BEF appeal (paragraph 13) concludes as follows with respect to housing land supply:

- "Having carefully considered the Inspector's discussion on housing land supply, the Secretary of State agrees with his conclusion that there is not a five years' supply of housing land. The Secretary of State therefore also agrees with the Inspector that the contribution of the appeal site towards making such a provision carries considerable weight in support of the

appeal proposal”.

Whilst acknowledging the limited weight which can be attached to the BWNP as a result of its unadopted status and the Examiner’s recommendation that all housing policies and allocations be removed from the plan, it is noted that the overwhelming majority of the site falls within allocation H1 of the BWNP as identified in policy BWH1. In this respect, the principle of residential development on the site is substantially in accordance with the aspirations in the submission version of the BWNP and this site has been identified as a preferable and sustainable location for housing development as part of the neighbourhood plan preparation exercise. Therefore, notwithstanding any future modifications to the BWNP arising as a result of the Examiner’s report, it follows that the site’s allocation in the submission version of the BWNP which the Examiner considers has been the subject of a “comprehensive and robust” consultation process should carry some weight in favour of the development. This weight is, however, limited by both the unadopted status of the BWNP and the Examiner’s recommendations with respect to the deletion of its housing policies and allocations.

Despite the development’s conflict with FBLP policy SP2 (to which no weight can be attached due to its inconsistency with the NPPF), given the Council’s current lack of a 5 year supply of housing land and the precedent set by the Secretary of States’ decision in respect of the appeal at BEF, combined with the limited weight in favour of the development afforded by its general conformity with the submission version of the BWNP, it is considered that the principle of residential development on the site is acceptable.

Cumulative impact:

Both the Parish Council and objectors have referred to housing numbers associated with recently permitted developments and applications which are pending decision (either by the Council or the Secretary of State) with the implication that, if all these sites were developed, the cumulative impact would result in committed developments far in excess of the target of 650 dwellings set out in the BWNP. A summary of all major developments submitted since 2012 which have been approved or are awaiting a decision is shown in Table 1.

Approved Developments	
Site	Dwelling nos.
Riversleigh Farm	83
GEC Marconi	254
Meadows View	66
Georges Garage	16
Blackfield End Farm	360
TOTAL	779
Applications/Appeals Pending Decision	
Site	Dwelling nos.
Land east of Warton and north of Freckleton Bypass	375
Nine Acres Nursery	22
Oaklands Caravan Park	53
Clifton House Farm	115
TOTAL	565

GRAND TOTAL (approved + pending)	1344
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Table 1: Permitted/pending major applications for residential development in Warton.

As identified in Table 1, and following the recent appeal decision at BEF, a total of 779 dwellings have been approved across five sites since 2012. Development has commenced on three of these sites. Four further applications for residential development (including the application site) which, in combination, would deliver up to a further 565 dwellings are pending decision. Of these, the Development Management Committee resolved to approve the application at Oaklands Caravan Park (reference 15/0194) at the meeting on 6 January 2016 subject to the completion of a planning obligation.

If the Oaklands development is factored in to existing housing commitments, extant/implemented permissions will allow the construction of up to 832 dwellings in Warton during the plan period, including 360 dwellings on an area of land which falls wholly outside the two allocations in Figure 6 of the BWNP. The addition of up to 115 dwellings proposed by this application would increase the permitted housing figure to 947 dwellings. This exceeds the target of 650 outlined in policy BWH1 and the housing commitments (778) set out in policy SL3 of the ELP (though this policy does not suggest a threshold for development in Warton; it simply identifies existing commitments).

The exceedance of the aspirational housing target in the BWNP was considered as part of the BEF appeal. As noted above, the Secretary of State attached only limited weight to the provisions of emerging policy documents (and, accordingly, to the housing target contained therein), with paragraphs 130, 131 and 157 of the Inspector's decision concluding as follows:

- "The appeal proposal is larger than any of the existing commitments, and represents 55% of the reduced figure of 650 dwellings and 31% of the figure of 1,160 in the Preferred Options. These proportions increase to 122% and 68% when existing commitments are taken into account. Insofar as Warton is concerned, there is **no clear explanation in the Responses Report to justify the reduction in housing numbers** indicated therein. In these circumstances, **I do not consider that the proposed development would undermine the plan-making process**. Moreover, paragraph 21b-014 of PPG advises that the **refusal of planning permission on the ground of prematurity would seldom be justified where a draft Local Plan has yet to be submitted for examination**. With a further version of the Preferred Options yet to be published and consultation to follow, it is clear that the ELP is some way from submission for examination" (emphasis added).
- The appeal proposal would account for more than half of the 650 dwellings put forward in Policy BWH1, and the site is outside the settlement boundary. The proposed development has the potential to have a significant effect on the plan-making process, which is further advanced than that of the ELP. At the date of the inquiry, consultation had commenced on the submission version of the ENP, but it had yet to be formally assessed by the Council, and it had not been submitted for examination. Whilst the number of 650 dwellings proposed in Policy BWH1 is consistent with the stated intention of the Council in respect of the ELP, the provisions of the ELP carry limited weight. I consider that the same is true of the ENP at this stage in the process".
- "The provision of additional housing to contribute to the land supply in Fylde, consistent with paragraph 47 of the NPPF, is a matter of considerable weight. Given the need for affordable homes, inclusion of accommodation at a proportion of 30% is significant, and the development would provide important economic benefits. Moreover **the development would not be premature in respect of the ELP and the ENP**" (emphasis added).

Concerns have also been raised with respect to a 'piecemeal' approach to development in Warton. It

is recognised that both the ELP and the BWNP include an aspiration for development to be delivered in a strategic and co-ordinated manner, including the phased delivery of housing and associated supporting infrastructure. In this respect, paragraph 128 of the Inspector's decision in the BEF appeal concludes as follows with respect to masterplanning:

- "It is clear from the Responses Report on the ELP Preferred Options that the ENP is seen by the Council as encompassing a masterplanning exercise for Warton. Insofar as connectivity is concerned, I conclude that some limited harm arises from the minimal opportunity to provide pedestrian and cyclist links as part of an individual planning proposal".

Due to different landowner and developer interests it is typical for planning applications to be submitted on individual sites in isolation of one another, even where these form part of a wider land allocation (for example, that put forward in the BWNP). This does not, however, prevent a holistic approach to be taken in order to deliver a comprehensive development. Moreover, it is appropriate for the impact of any individual development (e.g. with respect to transport matters) to be considered on a cumulative basis in combination with other committed developments nearby.

In this case, it is noted that the illustrative layout includes measures to provide connectivity between the application site and adjoining land. In particular, the illustrative masterplan shows three pedestrian routes through to the Oaklands site to the east and the village green extends to the boundary with this site in order to merge with the open space proposed as part of application 15/0194. Three further pedestrian links (in addition to that at the main access point) are shown within the southern boundary onto Lytham Road in order to allow permeability for pedestrian traffic. Accordingly, it is considered that a strong degree of connectivity is capable of being delivered as part of the development in accordance with the aspirations in the RPO Local Plan and the BWNP.

Location:

The site is located on the edge of the village and is in comfortable walking distance of local shops, services and community facilities – principally located along Lytham Road to the east. LCC have indicated that four primary schools fall within a 2 mile radius of the site and two secondary schools are within a 3 mile radius. Freckleton Health Centre is located further along Lytham Road approximately 1.4 miles to the east. East and west bound bus stops are situated immediately outside and opposite the site. Employment opportunities are also available locally at BAE systems and within the nearby Enterprise Zone. The majority of the site also falls within the settlement boundary defined in Figure 5 of the BWNP.

The proposed development, by virtue of its location on the edge of the settlement, would be well connected to existing facilities and amenities both within and outside the village and would not be unduly isolated from them. The site is accessible by modes of transport other than private car and has reasonable access to employment and education opportunities and other community facilities in the locality. Therefore, it is considered that the proposal represents an appropriate location for development with respect to access to shops, services and employment opportunities for the purposes of FBLP policy HL2 (7) and paragraph 55 of the NPPF.

Loss of agricultural land:

The site presently forms pastureland for grazing animals and approximately half of it is designated as Grade 3 (good to moderate quality) agricultural land on the Agricultural Land Classification Map (the remainder being classified as 'urban'). Paragraph 112 of the NPPF stipulates that:

- "Local planning authorities should take into account the economic and other benefits of the

best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.

In addition, FBLP policy EP22 states that development will not be permitted which would involve the permanent loss of the best and most versatile agricultural land (grades 1, 2 and 3a) where it could reasonably take place on previously developed sites, on land within the boundaries of existing developed areas or on poorer quality agricultural land. Policy EP22 identifies that there is no Grade 1 agricultural land within the borough and, resultantly, Grades 2 and 3a will be considered the best and most versatile.

The Agricultural Land Classification Map is based on the Ministry of Agriculture, Fisheries and Food Soil Survey of England and Wales 1969 which is intended for strategic purposes. The map is not sufficiently accurate for use in assessment of individual sites. The application is supported by an Agricultural Land Quality Report which provides a site specific assessment of soil resources, climate, the current use of the land and its agricultural quality based on the characteristics of the land and soil sampling at three locations across the site, and a total of 15 in the wider area. The report concludes as follows with respect to the quality of the land for agricultural purposes:

- “The survey shows that many soils have medium loam topsoils over heavy textured upper subsoils, and slowly permeable clay below. The majority of the land is of moderate or poor agricultural quality in subgrade 3b and grade 4, while a small amount is best and most versatile land in sub-grade 3a”.

The investigation covers a wider area of land spanning some 13.4 hectares, much of which falls outside the site. With reference to the three samples taken within the application site, the report concludes that this comprises land in grades 3b (3.4 hectares) and 4 (0.3 hectares).

Sub category 3b (moderate quality) agricultural land is defined as:

- “Land capable of producing moderate yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass which can be grazed or harvested over most of the year”.

Grade 4 (poor quality) agricultural land is defined as:

- “Land with severe limitations which significantly restrict the range of crops and/or level of yields. It is mainly suited to grass with occasional arable crops (e.g. cereals and forage crops) the yields of which are variable. In moist climates, yields of grass may be moderate to high but there may be difficulties in utilisation. The grade also includes very droughty arable land”.

The submitted Agricultural Land Classification report has been undertaken by a suitably qualified person and utilises appropriate desk and field based evaluation techniques to assess the characteristics of the land and factors which affect its agricultural productivity. Following site-specific investigation, the report concludes that the land falls within categories 4 (poor quality) and 3b (moderate quality) and, accordingly, the development would not result in the loss of Fylde’s best and most versatile agricultural land. Therefore, there is no conflict with the requirements of FBLP policy EP22 or the NPPF in this case.

Conclusion on principle:

The Council is presently unable to demonstrate a five year supply of housing land. Therefore, policies which seek to restrict development outside existing settlement boundaries (e.g. FBLP policy SP2) are

out-of-date. The Examiner's report in respect of the submission version of the BWNP recommends a number of substantial modifications to the Neighbourhood Plan, including the deletion of both housing policies (BWH1 and BWH2 – and, by association, the aspirational housing target of 650 dwellings) and the allocations map. Notwithstanding the Examiner's recommended modifications, the majority of the application site falls within one of the housing allocations in the BWNP (site H1 – west of Warton). Moreover, as has been demonstrated through the recent appeal decision at BEF, the target in the submission version of the BWNP cannot be relied upon to limit the expansion of the settlement in the absence of a five year supply. Accordingly there are, at present, extant permissions for up to 779 dwellings in Warton despite the figure contained within the BWNP. The BEF appeal decision confirms that, due to their unadopted status, the Emerging Local and Neighbourhood Plans (and, laterally, the aspirational housing figure of 650 dwellings) can carry only limited weight in the decision making process. Moreover, as the Examiner's report on the submission version of the BWNP recommends substantial modifications to the Plan, including the deletion of all the housing policies and allocations (including the aspirational housing figure), it is considered that these policies should carry even less weight in the decision making process. Indeed, the Secretary of State's recent decision to allow the appeal at BEF allows a substantial exceedance of the 650 dwelling figure by permitting development outside the allocations and settlement boundary proposed in the BWNP.

Warton is identified as a Strategic Location for Development in accordance with policies DLF1 and SL3 of the ELP. The application site occupies a sustainable, edge-of-settlement location which is well related to existing shops, services and employment opportunities in Warton. The site, by virtue of its size and location, is largely in conformity with the development aspirations in the submission version of the BWNP (albeit that this has been somewhat overtaken by the BEF decision and the Examiner's report) and would make a valuable contribution to the Council's supply of housing land in accordance with paragraph 47 of the NPPF. Additional benefits arise in this case with respect to the provision of affordable housing on the site and the inclusion of pedestrian/cycle and open space linkages to connect the site with adjoining development sites.

Therefore, it is considered that the principle of development is acceptable and there are no specific local or national planning policies to indicate that development should be restricted as a matter of principle. Accordingly, the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF will apply unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

Visual and landscape impact:

The site falls outside the settlement boundary defined in the Fylde Borough Local Plan and, accordingly, forms part of the Countryside Area which extends to the north and west of the village. In practical terms the settlement boundary has, however, been altered and extended in a westerly direction through the commencement of a residential development for 83 dwellings at Riversleigh Farm. Permission has also been granted subject to the completion of a planning obligation for a development of 53 dwellings on adjoining land to the east at Oaklands Caravan Park (which is already occupied by a series of caravan pitches and associated hardstanding areas). In addition, the BWNP includes much of the application site as an extension to the current settlement boundary.

Paragraph 17 of the NPPF set outs core land-use planning principles which should underpin decision-taking. The fifth bullet point states that planning decisions should:

- "take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it".

Criteria (2), (3) and (5) of FBLP policy HL2 state that planning applications for housing will be permitted where they are:

- In keeping with the character of the locality in terms of scale, space around buildings, materials and design;
- Developed at a net density of between 30-50 dwellings per hectare; and
- Maintain or enhance biodiversity in the locality and retains or replaces important features and habitats including trees, hedgerows, woodlands, ponds and watercourses.

Policy EP10 indicates that the distinct character and important habitats of Fylde will be protected. The policy identifies that 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 EP11 states that new development in rural areas should be sited in order that it is in keeping with the distinct landscape character types and features defined in policy EP10. Development should be of a high standard of design and matters of scale, features and building materials should reflect the local vernacular style.

Policy EP12 states that trees and hedgerows which make a significant contribution to townscape or landscape character, quality and visual amenity will be protected and EP18 encourages, where possible, the retention/replacement of existing natural features and, where appropriate, the introduction of additional features as part of the development.

Policy EP14 requires new housing developments to make suitable provision for landscape planting.

In addition, policy BWH1 of the BWNP provides a density guideline of 30 dwellings per hectare on site H1 and criteria (1) and (2) of policy BWH2 require that developments include the following in order to retain the village character of Warton:

- The inclusion of appropriate buffer areas to protect the amenity of existing and future residents and the countryside setting of Warton. These buffer areas should enhance existing and create new wildlife habitats and corridors, see Figure 7. These buffer areas should be substantial areas of open space, avoiding the creation of narrow footpath sized strips of land that simply become alleys or ginnels;
- Suitable high quality, on site, public open space provision.

Policy BWNE2 outlines four criteria which developments should adhere to in order to protect and enhance local character and landscape value as follows:

- Enhance and reinforce local distinctiveness. Applicants will be required to clearly demonstrate how the general character, scale, mass and layout of the site, building or extension fits in with the 'grain' of the surrounding area with a Design and Access Statement.
- Reflect the existing local settlement patterns and the predominant rural character of this area of the Fylde Coast, where isolated farmsteads and small villages predominate, in contrast to the major built-up areas of the coast to the west.
- Enhance the distinctive character and countryside setting of the rural landscape, including incorporation of buffer zones when development adjoins the settlement boundary.
- Use materials to complement the quality and character of the surrounding area.

The site does not fall within any of the landscape designations identified in policy EP10 (though hedgerows do exist both to the perimeter of and within the site). The site lies between previously

developed sites to the east (Oaklands Caravan Park) and west (Braithwaites Business Park). Lytham Road forms a prominent urban thoroughfare alongside the southern boundary, with a row of houses located opposite the site. The site adjoins open farmland to the north where it transitions into open countryside before meeting the Green Belt.

The Council's Urban Design Officer has expressed concerns that the development of the site would result in "ribbon development [and] urban sprawl" along Lytham Road which would have the appearance of being fringe development detached from the village centre. The Officer also opines that the site adds to the sense of openness along Lytham Road between lower density uses to either side – an attribute that would be lost as a result of the proposal. Similar concerns have also been raised by objectors.

A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the application. The LVIA makes the following conclusions:

- "The site, located at the edge of development and surrounded by built form on three sides provides an opportunity to integrate the proposed development into the existing built area whilst being sympathetic to the wider countryside".
- "Many of the characteristic elements and features of the area, including the pattern and scale of hedgerows and hedgerow trees; where some limited losses occur this impact will be balanced by an approach of enhancing retained vegetation and also creating extensive areas of new strategic landscaping".
- "The scale and form of proposed development is likely to result in only limited change at a localised level. Effects on landscape character will occur at a site level and its immediate landscape context and have little influence on the wider character of the landscape around Warton. The nature of visual effects is such that the greatest degree of effect will be from locations on, or directly adjacent to the site; from the wider countryside the effects will be much reduced due to the limited visibility, existing context of the settlement edge and mitigation inherent in the proposed development which, over time, will help to integrate the proposed development into the landscape. Furthermore the proposals for green infrastructure and landscaping will deliver a number of enhancements in terms of the physical landscape and landscape character".

It is recognised that the site provides a prominent 'green gap' between brownfield sites and, by virtue of its proximity to Lytham Road, allows views across open countryside from vantage points to the south. This is, nevertheless, true of most sites in the Countryside Area and is not unique to the application site. With respect to urban sprawl and encroachment into the countryside, this is limited in this case by:

- The development being contained on three sides by adjoining uses on previously developed sites to the east (Oaklands Caravan Park) and west (Braithwaites Business Park), and by the thoroughfare of Lytham Road to the south.
- The chamfered profile of the northern boundary and its alignment with the extremities of adjoining sites in order to limit the degree of encroachment into the open countryside which lies further to the north.
- The introduction of landscaped buffers to the perimeter of the site as shown on the indicative masterplan.

The site is allocated for housing in the submission version of the BWNP and would sit comfortably between adjoining uses on previously developed sites. Importantly, at the point where it abuts open countryside (along its northern boundary), the site would not extend beyond the corresponding boundaries of adjacent sites and, accordingly, would not result in undue encroachment into the open countryside when seen alongside these established sites. Whilst located on the edge of the

village, the site is well contained between existing developed sites in order that it would not appear isolated from the remainder of the settlement. Indeed, an existing pocket of housing at West End Lane occupies a more peripheral location on the western edge of the village. It is also noted that, as Lytham Road forms the main thoroughfare through Warton, this is also the main focus of roadside urbanisation in the village.

The development proposes a maximum of 115 dwellings on a 3.74 hectare site. This gives a gross density of 30.7 dwellings per hectare (dph) which is in accordance with the guideline of 30 dph in policy BWH1 of the BWNP. The illustrative layout shows a mix of terraced, semi-detached and detached houses (though this mix is not applied for at this stage) and 0.87 hectares of open space provided within a central green and buffers to the site perimeter. This leaves a net developable area of 2.87 hectares and, accordingly, a net density of 40 dwellings per hectare (dph). Whilst this exceeds the guideline in policy BWH1 of the BWNP, the proposed density is in accordance with the range identified in criterion (3) of FBLP policy HL2.

With respect to determining appropriate housing densities, paragraph 47 of the NPPF states that LPAs should “set out their own approach to housing density to reflect local circumstances”. In this case, the developable area of the site has been reduced through the provision of public open space and landscaped buffers around the perimeter which exceed the requirements for on-site provision set out in FBLP policy TREC17 but attempt to address the housing concept plan in Figure 7 of the BWNP. Whilst layout is not applied for (and, accordingly, these parameters are not fixed), it is considered that an overprovision of open space and a network of green infrastructure resulting in a higher density within development parcels is preferable to removing elements of these open spaces in order to achieve a lower density across the wider site. In applying this principle, the development would be in greater conformity with the concept plan in Figure 7 of the BWNP. In any case, the density proposed falls in the middle tier of the range identified in FBLP policy HL2 and is compatible with the character of surrounding housing development on the edge of the settlement.

The site is enclosed by a combination of hedgerows and tree belts to its eastern, southern and western boundaries. Whilst falling on adjoining land outside the site, a group of trees to the southeast corner are also protected by TPO. A fragmented hedgerow runs in an east-west direction across the site towards its northern edge. Elements of the existing vegetation would need to be removed in order to accommodate the development. Specifically, a section of the existing hedgerow fronting onto Lytham Road would need to be removed in order to allow the construction of the access, as would stretches to the immediate east and west of the access in order to accommodate the realignment of the footway and visibility splay – a stretch of approximately 62. The majority of the hedgerow which crosses the northern end of the site would also need to be removed. An over-mature ‘Crack Willow’ tree to the southwest corner of the site would be removed. The Council’s Tree Officer has not raised any objections to these removals and it is noted that substantial replacement planting is indicated on the illustrative masterplan in order to compensate for these losses and provide a substantial green buffer to the perimeter of the site. In particular, none of the TPO species would be affected, nor would any specimens on adjoining land. An appropriate condition could be imposed to ensure the protection and retention of existing perimeter vegetation, and requiring any application for reserved matters to adhere to the landscaping principles indicated on the illustrative layout to ensure appropriate replacement and strengthening of existing planting.

Whilst the development would represent encroachment into the countryside, visual and landscape harm is minimised in this case by the site’s position contained between previously developed land and its alignment with these sites along its northern boundary. Any adverse impacts on landscape character would be further mitigated through the introduction of green buffers along the site perimeter achieved by retaining, supplementing and strengthening existing planting. In particular,

dwellings along the southern boundary would be fronted by a green buffer to Lytham Road to run in parallel with the existing dormer bungalow (no. 278) in order that they would not appear unduly obtrusive. Whilst maximum scale parameters indicate the use of some 2.5 storey house types, their locations are not being applied for as part of the outline application and specific details are reserved for a later stage.

The proposed development would be compatible with the site's location on the edge of the settlement and would represent a proportionate extension to the village which, where appropriately mitigated, would be successfully assimilated into its surroundings in order that it would not have an unduly harmful impact on visual amenity or landscape character within the countryside. Therefore, the proposal is considered to be in accordance with the requirements of FBLP policies HL2, HL6, EP10, EP11, EP12, EP14 and EP18, the submission version of the BWNP and the NPPF.

Relationship with surrounding development:

Criterion (4) of FBLP policy HL2 states that planning applications for housing will be permitted where they:

- would not adversely affect the amenity and privacy of neighbouring properties;

FBLP policy EP27 indicates that development which would unacceptably result in harm by way of noise pollution will not be permitted.

In addition, criterion (5) of BWNP policy BWH2 requires that developments maintain a high level of residential amenity for existing and future occupiers and adjoining residents.

The eastern site boundary would border a caravan storage compound, vehicle repair garage and holiday caravan park – though there is resolution to approve residential development on part of this site in accordance with application 15/0194. The busy thoroughfare of the A584 (Lytham Road) flanks the southern boundary and a group of industrial units are located within a business park to the west. A noise assessment has been submitted in support of the application. This included day and night time monitoring of noise levels at three locations across the site to the eastern, southern and western boundaries adjacent to the most dominant noise sources surrounding the site.

The noise assessment identifies the dominant noise sources on the site to be associated with passing road traffic along Lytham Road and the operation of the business premises to the west. In order to meet World Health Organisation (WHO) and BS8233:2014 guidelines, the following noise limits will need to be met:

- 35dB LAeq (16 hour) during the daytime (07:00-23:00) in noise sensitive rooms other than bedrooms.
- 30dB LAeq (8 hour) during the night time (23:00 – 07:00) in bedrooms.
- 45dB LAmax (fast) should not be exceeded during the night time in bedrooms.
- 55dB LAeq (16 hours) during the daytime in outdoor living areas.

An indicative mitigation strategy is outlined within the noise assessment in order that these levels would be achieved for all properties across the site. These measures include the use of acoustic glazing and trickle ventilation with respect to internal rooms and close-boarded fencing to external garden areas in order to achieve the level of sound reduction required. The noise assessment indicates that the height of any such fencing will be dependent on the final layout. The Council's EHO is satisfied that the proposed mitigation measures are capable of achieving the noise reduction levels required and, accordingly, that future occupiers of the development would not be adversely

affected as a result of surrounding noise sources. An appropriate condition can be imposed in this regard.

The indicative masterplan shows a continuous buffer around the perimeter of the site providing a standoff with adjoining land uses. With respect to no. 278 Lytham Road which lies centrally along the southern boundary between development parcels, a thick buffer of landscaping is shown around the curtilage of this dwellinghouse in order to provide screening with the development. Whilst illustrative only, the indicative masterplan demonstrates that the development is capable of achieving a satisfactory relationship and separation with adjacent uses and neighbouring dwellings (e.g. a minimum of 30m with properties on the opposite side of Lytham Road) in order that it would not unduly affect their amenity, and would result in appropriate living conditions for future occupiers.

Highways:

The second and third bullet points to paragraph 32 of the NPPF state that decision makers should take account of whether:

- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Criterion (9) of FBLP policy HL2 indicates that planning applications for housing will be permitted where they would have satisfactory access and parking and would not have an adverse effect on the safe and efficient operation of the highway network, either individually or cumulatively with other permitted developments.

Policy TR1 (2) encourages the improvement of facilities for pedestrians to encourage walking as an alternative means of travel through:

- The provision of comprehensive high quality pedestrian facilities which will be attractive to pedestrians within and between new developments and between new development and public transport routes and stops.

In addition, criteria (3) and (6) of BWNP policy BWH2 stipulate that residential development should ensure:

- All necessary infrastructure upgrades to highways be incorporated in housing schemes and appropriate works be in place before development commences.
- Appropriate access is provided to all forms of transport and the proposed development does not lead to significant road issues that compromise the safety of residents and the free flow of traffic.

Access:

The principal access to the site would be via a priority (give way) junction onto Lytham Road. This access would be located to the southwest corner of the site with its centreline approximately 37m to the east of the existing opening serving Clifton House Farm and 60m to the west of the dropped crossing serving no. 278 Lytham Road. Visibility splays of 2.4m x 52m would be achieved in both directions at the junction of the site access with Lytham Road.

The following off-site highway improvement works (as shown on drawing no. 0988-F01 Rev F) are also proposed in order to facilitate access for the development:

- The provision of a pedestrian refuge to the west of the ghost island right hand turn lane, including a new footpath over the grass verge to the southern frontage of Lytham Road to tie in with the existing footway.
- The upgrading of two bus stops on Lytham Road (eastbound and westbound) to Quality Bus Standard.
- The provision of coloured surfacing to eastbound and westbound cycle lanes on Lytham Road in the vicinity of the site access.
- The formation of a 1.2m wide traffic island and hatching to the centre of the carriageway to the west of the site access.

As the revised plan proposes to reposition the access in substantially the same location as the original scheme (drawing no. 0988-F01), the initial indicative masterplan (drawing no. 013-006-P009 Rev C) is also to be taken into account. Moreover, the initial round of public consultation undertaken by the LPA is relevant to the proposed access arrangements (though a further, 14 day re-consultation has taken place in respect of the final scheme shown on drawing no. 0988-F01).

The LHA have indicated that the proposed access arrangements and off-site highway improvements would, in combination, deliver a safe and suitable means of access to the site. An appropriate condition has been recommended in order for these works to be implemented before any of the dwellings are first occupied.

Traffic generation:

The submitted Transport Assessment (TA), with reference to trip rates agreed with the LHA, estimates that the development would generate a total of 70 two-way vehicle movements (17 arrivals and 53 departures) in the peak AM hour and 79 two-way trips (52 arrivals and 27 departures) in the peak PM hour.

In terms of trip distribution, the TA concludes that:

- Of the 53 departures in the peak AM period, 18 (33%) would turn right onto Lytham Road heading towards Lytham and 36 (67%) would turn left towards the Lytham Road/Church Road/Highgate Lane junction.
- Of the 27 departures in the peak PM period, 9 (33%) would turn right onto Lytham Road heading towards Lytham and 18 (67%) would turn left towards the Lytham Road/Church Road/Highgate Lane junction.

Cumulative impacts:

This is the area of on-going consideration by the Local Highway Authority and so the following commentary is based on the comments available at the time of writing this report. It is expected that they will provide further comments by the time of Committee and that they will revise the position explained in this section. From discussions held with the LHA, it is understood that their comments will confirm they are no longer opposed to the development on highway capacity grounds. In that case officers would recommend that the Committee withdraws its objection subject to a condition or other mechanism to secure the appropriate phasing of the highway improvement works.

Paragraph 32 of the NPPF indicates that cumulative effects should be taken into account when considering the transport impacts of developments. However, permission should only be refused "where the residual cumulative impacts are severe".

Following the BEF appeal decision, and having regard to the Inspector's conclusions in allowing that appeal, the LHA have undertaken a programme of complex traffic modelling to determine the effects of the following infrastructure on traffic flows and junction capacity in Warton:

- The Preston Western Distributor Road (PWDR);
- The improvements to the Church Road/Highgate Lane/Lytham Road junction to be delivered as part of the Blackfield End Farm development (13/0674); and
- The improvements to the Lytham Road/Thunderbolt Avenue junction, including the creation of a new access through to BAE, to be delivered in accordance with planning permission 12/0550 at the former GEC Marconi site.

With respect to wider, cumulative transport impacts on Warton (having particular regard to highway/junction capacity along Lytham Road), initial feedback from the modelling undertaken by the LHA to date suggests that the reassignment of traffic arising as a result of the abovementioned highway infrastructure improvements (when considered in combination) may provide sufficient relief at the junctions of Church Road, Mill Lane and Thunderbolt Avenue with Lytham Road to ensure that the development would not have a severe residual cumulative impact on the safe and efficient operation of the highway network. In particular, the LHA recognise that the effects of the PWDR were a key component of the Inspector's decision in allowing the appeal at Blackfield End Farm and have given significant weight to the implications arising from this decision.

With respect to the impact of the PWDR, paragraphs 116 and 121 of the Inspector's decision for the BEF appeal state as follows:

- "It seems to me that the true position in terms of future operation of the [Lytham Road/Church Road/Highgate Lane] junction lies between those advanced by the main parties. Bearing in mind the extent of queuing and delay indicated by the Appellant's figures in table 2, this would indicate significant adverse effects to traffic movement. I am also mindful of the planned Preston Western Distributor Road, for which funding is in place. The inquiry heard that **this road, which would provide a route from a new junction on the M55 to the A583 to the east of Warton, would reduce traffic levels on Church Road (disregarding the appeal proposal), and it should, therefore, lessen the impact at the junction** [emphasis added]."
- "I consider that the proposed development would be likely to cause significant adverse effects for traffic movement at the [Lytham Road/Church Road/Highgate Lane] junction on the basis considered by the parties. **Construction of the Preston Western Distributor Road would be likely to depress traffic movements through the junction, and the information before me is that this project is likely to be delivered by about 2021** [emphasis added]."

The conclusions of the Secretary of State and Inspector in respect of highway matters for the BEF appeal (paragraphs 10 and 156 respectively) should also be noted:

- "Having carefully considered the Inspector's discussion on the Lytham Road/Church Road/Highgate Lane junction, the Lytham Road/Mill Lane/Ribble View Close junction, the Lytham Road/GEC junction, and the site accesses and Church Road, the Secretary of State agrees with his conclusions that **there would be significant adverse effects for traffic movements at the Lytham Road/Church Road/Highgate Lane junction, a limited adverse effect on highway safety and, as a consequence, conflict with criterion 9 in Policy HL2 of the Local Plan. However, the Secretary of State also agrees with the Inspector that, taking account of the overall implications of the appeal proposal on the local highway network, the residual cumulative effects would not be severe.** The Secretary of State therefore gives them only moderate weight in the overall balance [emphasis added]."
- "There would be **significant adverse effects for traffic movement and a limited adverse**

effect on highway safety at the junction of Lytham Road/ Church Road/ Highgate Lane. I do not consider that there would be material adverse effects on traffic movement at Mill Lane or GEC junctions, nor that the site accesses on Church Road could not be provided in a satisfactory arrangement. **Paragraph 32 of the NPPF makes it clear that development should only be prevented on transport grounds where the residual cumulative impacts are severe, and I do not consider that this high threshold would be reached in this case [emphasis added]**".

The LHA have emphasised that the modelling work which has been undertaken to date is, at present, incomplete and have pointed out that final traffic flow and vehicle reassignment data is yet to be agreed with the appellant. Accordingly, the LHA have indicated that, until common ground is reached with respect to the parameters of the traffic model, the level of junction relief afforded by the above mentioned highway infrastructure improvements cannot be precisely quantified and they cannot conclude that a severe residual cumulative impact will not exist at this stage.

The LHA's current stance is that, until the level of relief which would be afforded by the abovementioned highway infrastructure improvements can be determined conclusively, any additional traffic generation on Lytham Road would, in combination with other committed developments in Warton (most notably that associated with planning permission 13/0674 at Blackfield End Farm), have significant adverse effects for traffic movements at the Lytham Road/Church Road/Highgate Lane junction and would lead to greater, unacceptable queue lengths at this junction which would obstruct the free flow of traffic along Lytham Road. Therefore, the additional vehicle movements arising as a result of the development would unacceptably exacerbate existing network capacity issues and, accordingly, its residual cumulative impact would be severe. No mitigation measures have been proposed by this development in order to alleviate this impact. The proposal is therefore contrary to the requirements of Fylde Borough Local Plan policy HL2, policy BWH2 of the submission version of the Bryning-with-Warton Neighbourhood Plan, and paragraph 32 of the National Planning Policy Framework.

It is, however, noted that discussions are ongoing between the LHA and the appellant with respect to this issue and, having regard to the initial feedback from the modelling work undertaken to date, the LHA are mindful that a resolution could be reached which would allow them to withdraw their current objection to the scheme on these grounds. Therefore, it is likely that the LHA's objection could be overcome through the agreement of the parameters of the traffic model with the appellant and the subsequent completion of traffic modelling to determine the precise effects of forthcoming highway infrastructure improvements on junction relief in Warton – mostly notably that at the Lytham Road/Church Road/Highgate Lane junction.

Parking:

The illustrative masterplan shows properties to be served by a combination of in-curtilage driveway parking and communal parking courtyards. Whilst bedroom numbers are unknown at this stage, given the density of development and the details shown on the illustrative masterplan, it is considered that there would be sufficient space available in order to ensure the provision of adequate off-road parking for each plot in accordance with the relevant standards to be set out in an SPD to the ELP when layout is considered at reserved matters stage.

Ecology:

The third bullet point to paragraph 109 of the NPPF indicates that the planning system should contribute to and enhance the natural and local environment by:

- Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 118 of the NPPF states that, when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following (relevant) principles:

- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- Opportunities to incorporate biodiversity in and around developments should be encouraged.

FBLP policies EP15 and EP16 state that development proposals which would adversely affect designated sites of European and National importance will not be permitted.

FBLP policy EP19 identifies 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.

BWNP policy BWH1 indicates that development on sites H1 and H2 will only be permitted where it is demonstrated that there will be no adverse impact on a designated European Site, and policy BWH2 (1) requires new housing developments to enhance existing and create new wildlife habitats and corridors.

In addition, policy BWNE1 states that all development proposals will be required to demonstrate that local wildlife and habitats have been suitably assessed and, where appropriate, protected and enhanced including through sensitive and appropriate landscape and environmental management, and identifies six objectives for biodiversity enhancement as part of development proposals.

The site lies within 1 km of the Ribble Estuary Ramsar and Site of Special Scientific Interest (SSSI). The submitted ecology survey concludes that the potential impact of the development on this designated nature conservation site is insignificant and Natural England have confirmed that the SSSI should not represent a constraint to development. Therefore, the development would not conflict with the requirements of BWNP policy BWH1 or FBLP policies EP15 and EP16.

The dominant habitat on the site is "grazed improved grassland [with] very low ecological value". The most valuable habitats on the site comprise existing trees and hedges (though these are species-poor specimens) to the perimeter which provide commuting routes for bats and nesting opportunities for birds. The ecology survey recommends that as much of the existing vegetation on the site as possible is retained, with appropriate replacement and supplementary planting of native species introduced as part of the scheme where required. Appropriate conditions can be imposed requiring the submission of a suitable landscaping strategy at reserved matters in accordance with advice from GMEU.

The submitted ecology survey also considers the development's impact on protected species. Specifically, impacts on water vole, badger, reptiles and breeding birds are considered as part of the Phase I survey. Separate surveys are submitted with respect to bats and Great Crested Newts (GCN) as there are features within the site which are capable of supporting these species. The following conclusions are made in the ecology report in respect of these species:

- Whilst water voles have not been detected on the site and habitats are considered sub-optimal, a 6m buffer strip should be maintained between the development and the bank top of the ditches located outside the site boundary to the east.
- No evidence of badgers or reptiles were observed on site and there are no records of these species within 2km of the site.
- Tall hedgerows within the site provide potential habitat for nesting birds. Whilst the site is located some 880m from the Ribble Estuary (a designated European conservation site), there are large expanses of open arable fields available in more preferential locations in the wider landscape and the size of the application site is insufficient to support significant numbers of SPA bird species. As a precautionary measure, all vegetation clearance should be undertaken outside the bird breeding season (March to September) unless the absence of nesting sites has been confirmed beforehand.
- GCN presence/absence surveys were undertaken for all water bodies located within 500m of the site (a total of seven ponds). No GCN were recorded in any of these ponds and terrestrial habitat across the survey area was found to be poor. The green infrastructure proposed as part of the scheme (particularly the bolstering of hedgerows and increased standing water through the creation of SUDS) will result in biodiversity enhancements of both terrestrial and aquatic habitat for amphibians.
- Bat activity surveys undertaken in May 2015 revealed no bat roosts either within or adjacent to the site, though areas of foraging and commuting were observed to the southeast corner of the site, along the southern boundary hedgerow and within the grounds of Clifton House Farm to the southwest. A bat roost has been detected on the adjoining Oaklands Caravan Park. This roost is, however, located approximately 115m from the site boundary and would not be affected by the proposal. Therefore, no further bat surveys are required. Existing hedgerows along the southern and western boundaries should be retained where possible and replacement/additional planting introduced where necessary.

GMEU have been consulted on the application and consider that the conclusions in the submitted ecology report(s) are accurate. The site is generally of low ecological value and those habitats of greatest importance are capable of being retained and/or strengthened to deliver biodiversity enhancements as part of the scheme. Conditions are recommended to restrict the removal of vegetation during the optimum bird nesting season and requiring the submission of an appropriate landscape strategy to secure new planting of trees and hedgerows, and the creation of waterbodies.

The ecology survey demonstrates that the development is capable of being carried out without adversely affecting any important habitats and species on/adjacent to the site. Features of ecological significance are capable of being retained, replaced or introduced as part of the scheme in order to provide appropriate mitigation and biodiversity enhancements. This can be achieved through the imposition of appropriate conditions, as recommended by GMEU. The proposal is therefore in accordance with the objectives of FBLP policy EP19, the BWNP and the NPPF.

Flooding and drainage:

The site falls entirely within flood zone 1 (land with a less than 1 in 1,000 or <0.1% annual probability of river/sea flooding) as defined on the Environment Agency's Flood Map. However, as it is over 1 hectare in area, a Flood Risk Assessment (FRA) has been submitted with the application.

Paragraph 100 of the NPPF states that "inappropriate development in areas at risk of flooding [land within Flood Zones 2 and 3; or land within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency] should be avoided by directing development away from areas at highest risk, but where development is

necessary, making it safe without increasing flood risk elsewhere”.

FBLP policy EP 30 indicates that development will not be permitted which would:

- Itself be subject to an unacceptable risk of flooding;
- Create an unacceptable increase in the risk of flooding within the development site, or elsewhere;
- Adversely affect the water environment as a result of an increase in surface water run-off;
- Prejudice the capability of the coast to form a natural sea defence;
- Result in excessive culverting;
- Prejudice essential access requirements to watercourses or flood defence.

In addition, BWNP policy BWNE3 states that new development should be designed to maximise the retention of surface water on the site and minimise run-off through the use of SUDS.

The submitted FRA considers the site’s risk of flooding from seven separate sources including sea and river flooding, groundwater, sewers, surface water and artificial sources (e.g. canals and reservoirs). The FRA concludes that the greatest risk of flooding to the site is from surface water, with this risk being focussed at localised low points along the southern boundary of the site. The remainder of the site is considered to be at a low risk of flooding from all sources. Accordingly, the main issue to be considered in this case is with respect to ensuring a suitable strategy for surface water drainage in order that the development is not itself at an unacceptable risk of flooding and does not increase flood risk elsewhere.

FBLP policy EP25 stipulates that development will only be permitted where foul sewers and sewerage treatment facilities of adequate design and capacity are available to meet additional demand or their provision can be secured as part of the development.

The submitted FRA includes an indicative drainage strategy for the development based on the following principles:

- Any surface water drainage system needs to be designed with sufficient capacity in order that it will not flood during a 1 in 30 year storm event and that flood water generated from a 1 in 100 year event (plus a 30% allowance for climate change) can be contained within the site.
- Infiltration testing should be undertaken in order to determine whether ground conditions are capable of supporting a soakaway-based system.
- If infiltration is not found to be suitable surface water should outfall to the unnamed watercourse to the southwest of the site which forms a tributary of Wrea Brook. This can be achieved by connecting to the existing surface water sewer within Lytham Road which subsequently discharges to the watercourse.
- Attenuation will be required to contain additional flows arising from the development on site. This attenuation will be in the forms of ponds, swales and percolation piping to ensure that the rate of surface water discharge from the site does not exceed the pre-development (greenfield) rate of 22 litres per second.
- The topography of the site lends itself to locating attenuation features in the southeast and southwest corners which would then outfall to the surface water sewer on Lytham Road. An approximate storage volume of between 907m³ and 1304m³ has been estimated as the required attenuation sizing for the whole site in a 1 in 100 year +30% allowance for climate change event. A pond within the central village green could also receive surface water from the northern half of the site.
- Site levels should be designed to direct any surface water run-off away from existing properties and building levels should be set no lower than existing site levels.

- Foul water will be disposed of through connection to the existing combined public sewer which runs beneath Lytham Road.

Both the LLFA and United Utilities have been consulted on the application. Neither has raised any objection to the principle of development. Instead, conditions have been recommended requiring submission of a detailed drainage strategy to control the rate of surface water discharge from the site and that separate systems are installed for the discharge of foul and surface water. This can be controlled through condition. Therefore, adequate measures can be put in place in order to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the requirements of FBLP policies EP25 and EP30, the BWNP and the NPPF.

Archaeology:

Paragraph 128 of the NPPF states that:

- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected [...]. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 141 of the NPPF indicates that

- Local Planning Authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

In addition, FBLP policy EP21 stipulates that where there is an identified archaeological interest on a site, developers may be required to provide an archaeological assessment or, if necessary, a field evaluation. Proposals affecting the site or setting of remains of national importance will not be permitted.

The application is accompanied by a heritage assessment. Whilst this concludes that there are no designated heritage assets within or adjacent to the site which would be affected by the development, there is evidence of heritage assets with archaeological interest within the site as follows:

- “Evidence of ridge and furrow and a track, of negligible heritage significance, evident as earthworks within the site.
- Evidence of a former house on the Lytham Road frontage, adjacent to an existing dormer bungalow. The site of the house is evident as a slight earthwork. The house is likely to date from the post medieval period, but could have earlier origins. The asset is predicted to be of low heritage significance.
- Evidence for former buildings within an orchard formerly associated with Clifton House. The orchard and former buildings are no longer evident. The asset is predicted to be of low heritage significance”.

With reference to the above, the report concludes that “the site has a high potential for the presence of as yet undiscovered heritage assets with archaeological interest. However, the potential

assets are predicted to have at most low heritage significance”.

The County Archaeologist agrees with the conclusions in the heritage assessment, noting that “the site has some small potential for the survival of early remains”, but considers that “agricultural activity is likely to have masked or damaged potential remains”. The County Archaeologist concludes that “this site is [not] of sufficient importance as to require preservation at the expense of the development but it should be investigated and recorded before development starts”, and recommends the imposition of a condition requiring archaeological works to be undertaken in accordance with a written scheme of investigation before any development takes place.

Contamination:

The fifth bullet point to paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by:

- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 121 of the NPPF indicates that planning policies and decisions should ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- adequate site investigation information, prepared by a competent person, is presented.

In addition, FBLP policy EP29 states that development on land known or suspected of being contaminated will only be permitted where:

- the proposed development is an acceptable land-use in principle;
- the applicant can demonstrate the degree of contamination, if any, and where appropriate can identify acceptable measures to remove or treat the source(s) of contamination commensurate with the proposed use;
- the treated land and the measures necessary to achieve it do not produce any unacceptable risks to human health or the wider environment, including the contamination of surface water, ground water or sewers.

The application is accompanied by a ground investigation report which includes the following conclusions/recommendations:

- “The qualitative risk assessment determined an overall negligible to moderate level of risk from potential contaminants. The risk to the end user from ground gases and UXO risk are determined to be high/moderate.
- Consequently it is recommended that an intrusive investigation is undertaken to confirm the conceptual model or otherwise.
- Environmental soil samples for chemical analysis should be obtained to determine if any contamination of the shallow soils and natural ground is present on site. Geotechnical samples should also be obtained in support of the design of foundations and roads”.

Given the above, it is considered appropriate to impose a condition requiring intrusive site investigations in respect of groundwater contamination, the presence of ground gas and the potential for UXO on the site and, if so, what remediation measures are necessary to address this. As recommended by the Council’s EHO, an appropriate condition could be attached in this regard in

order to ensure that the development does not conflict with the requirements of FBLP policy EP29 and the NPPF.

Aerodrome safeguarding:

BAE systems have raised concerns with the application as the indicative masterplan shows the creation of ponds within the site which the aerodrome operator is concerned could attract birds and lead to increased risk of bird strikes with aircraft. It is, however, noted that BAE did not object to an identical application on the same site (15/0562) and, accordingly, their responses on the two applications are inconsistent. This issue has been raised with BAE, but they have failed to provide any further response or to substantiate the reasons for their objection (including the discrepancy in their responses between applications 15/0562 and 15/0903 despite these being for identical forms of development).

In contrast to the response from BAE the MOD have indicated that, whilst the proposed ponds have the potential to attract birds which could increase the risk of bird strikes with aircraft, this will depend on the size, location and design of the ponds. MOD recognise that, as the application is in outline and layout has not been applied for, precise details of the ponds are not available at this stage. Instead, MOD have requested that a condition be attached to any permission granted requiring further details of any ponds to be submitted at reserved matters in order that an appropriate technical assessment can be undertaken by them at this stage. The LPA considers that the approach suggested by MOD is the most robust, particularly as BAE have failed to provide any technical reasons to substantiate their objection and their responses on two applications for the same form of development are in conflict with one another. An appropriate condition has been recommended in this regard.

Developer contributions:

Policy H4 of the ELP requires that affordable housing is delivered in respect of all schemes of more than 10 homes. In addition, FBLP policy TREC17 requires new residential developments to make satisfactory provision for recreational open space on site, and policy CF2 allows contributions to be sought towards education. The Fylde Borough Council Regeneration Framework (September 2010) also identifies the need for public realm enhancements around the shops and community facilities at the Lytham Road/Church Road crossroads in order to deliver a focal point to the village centre and encourage investment in this area, as supported by FBLP policies EP1 and TR1, policy SL3 of the ELP and the BWNP. The LHA have also indicated the need for the development to make contributions to various transport improvements in Warton.

Paragraph 204 of the NPPF indicates that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

In addition, regulation 12(d)(iv) of the Community Infrastructure Levy (Amendment) Regulations 2014 provides that, from the 6 April 2015, the use of planning obligations will be restricted where there have been five or more obligations in respect of a specific infrastructure project or a type of infrastructure which is capable of being charged under the levy. For these purposes, the pooling of contributions is backdated to those entered into on or after 6 April 2010 (paragraph 099 of the Community Infrastructure Levy chapter to the NPPG).

Open space:

FBLP policy TREC 17 states that, within new housing developments, the provision of amenity open space (including facilities for children's play where appropriate) will be required in accordance with the following standards:

- 16 sq m per 1 bedroom dwelling
- 24 sq m per 2 bedroom dwelling
- 32 sq m per 3 bedroom dwelling
- 40 sq m per 4 bedroom dwelling
- 48 sq m per 5 bedroom dwelling

Policy TREC17 indicates that, for developments of 100 dwellings or more, the above standards should be doubled. As the application is in outline, bedroom numbers are unknown at this stage. However, as the development seeks permission for up to 115 dwellings, it exceeds the threshold where the provision of open space on the site should be doubled. Accordingly, in accordance with FBLP policy TREC17, the requirement for on-site provision for this development would rise as follows:

- 32 sq m per 1 bedroom dwelling
- 48 sq m per 2 bedroom dwelling
- 64 sq m per 3 bedroom dwelling
- 80 sq m per 4 bedroom dwelling
- 96 sq m per 5 bedroom dwelling

The indicative masterplan includes provision for 0.87 hectares (8,700 square metres) of open space as part of the development within a central village green (including play area) and landscaped buffers around the perimeter. Taking the above (doubled) standards into account, this level of open space provision would represent an overprovision of open space for a development split evenly between 3 and 4 bedroom houses and, accordingly, the illustrative layout demonstrates that public open space is capable of being delivered on site in accordance with the requirements of FBLP policy TREC17. Open space provision and maintenance is to be secured through planning obligation.

Affordable housing:

Paragraphs 47 and 50 of the NPPF identify the importance of delivering affordable housing, with a presumption in favour of this provision being made on individual sites. Affordable housing is defined in Annex 2 of the Framework.

Policy H4 of the ELP requires all market housing schemes of more than 10 dwellings to provide 30% affordable housing on site. Therefore, the proposed development for up to 115 dwellings would generate a requirement for up to 34 properties on the site to be offered as affordable homes. The developer has agreed to make this on-site provision through planning obligation in accordance with the requirements of the ELP and NPPF. Detailed matters concerning the size, siting, tenure and distribution of affordable housing across the site would be dealt with through planning obligation and as part of any reserved matters submission.

Education:

Paragraph 72 of the NPPF indicates that

- The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give

great weight to the need to create, expand or alter schools.

In addition, policy CF2 of the FBLP states that the Council will negotiate agreements with developers, through planning obligation, to ensure the provision of additional primary and secondary school places which will be needed as a result of new housing development in the Borough.

LCC have identified four primary schools located within a 2 mile radius of the site and two secondary schools within a 3 mile radius. LCC have indicated that, based upon the 2014 pupil census and resulting projections, the development will generate a demand for 44 primary school places and 17 secondary school places (though this is based on the assumption of a development composed entirely of four-bed dwellings as bedroom numbers are unknown at this stage).

The latest assessment from LCC is dated 6 April 2016 and, taking into account all permitted developments (including the recently approved Oaklands site), estimates that there will be a surplus of 13 primary school places available in five years' time following this development. Accordingly, no contribution towards new primary school places is sought in this case as the pupil demand arising from the development will be provided for by the existing surplus. LCC have, however, identified a shortfall of 437 secondary school places in 5 years' time and, accordingly, are seeking a financial contribution to cover the full secondary pupil yield from this development (estimated at 17 places).

Due to recent changes under the CIL regulations which limit the pooling of contributions for general infrastructure (to a maximum of five), LCC are required to identify a specific infrastructure project where the requested contribution would be spent. LCC have identified that the whole of the secondary education contribution should be spent at Lytham St Anne's Technology & Performing Arts College. This is to be specified in any planning obligation.

If applying the pupil yield assumed by LCC against current charges, the development would be required to make a financial contribution towards new secondary education places of £312,753.76. This is based on an assumed pupil yield of 17 secondary school places at a rate of £18,397.28 per place. However, as bedroom numbers are unknown at this stage, a formula should be included as part of any planning obligation to secure a contribution which is proportionate in scale and kind to the development in accordance with the requirements of FBLP policy CF2 and the NPPF.

Public realm enhancements:

The Fylde Borough Council Regeneration Framework (September 2010) identifies the need for public realm enhancements around the shops and community facilities at the Lytham Road/Church Road crossroads in order to deliver a focal point to the village centre and encourage investment in this area. Since establishing the principle of this scheme through the Regeneration Framework, the Council has worked in conjunction with Bryning with Warton Parish Council to establish the scope and detailed design of the public realm enhancements, with discussions on-going over the scope and content of a scheme that would be appropriate given the scale of development expected to come forward. The public realm enhancement scheme associated with this development would comprise a series of hard and soft landscaping works around the junction of Lytham Road/Church Road, as detailed in the drawing by Fylde Borough Council titled "Warton Village Sketch Design" dated October 2015.

FBLP policy EP1 identifies six specific locations for environmental improvement schemes. Whilst Warton is not referred to explicitly in this policy, criterion 9 refers to "other environmentally important areas". The Fylde Regeneration Framework (September 2010) which, among other projects, identifies the public realm enhancement scheme in Warton, post-dates policy EP1 of the

FBLP. Nevertheless, the principles of the policy are relevant in this case and the need for infrastructure enhancements in Warton are identified in paragraphs 7.51 and 7.53 of policy SL3 to the Emerging Local Plan (ELP). Specific reference to public realm improvements and the area where these are to be delivered are also identified in the reasoned justification to policy BWLC1 and Figure 9 of the BWNP.

FBLP policy TR1 sets out 8 criteria intended to improve facilities for pedestrians and to encourage walking as an alternative means of travel. In particular, criteria (2), (5) and (8) of the policy require that:

- Developments provide comprehensive, high quality pedestrian facilities which will be attractive to pedestrians within and between new developments and between new development and public transport routes and stops.
- Developments provide and maintain direct pedestrian routes to local shopping centres, schools and other community facilities.
- The design of footpaths and other pedestrian facilities ensures pedestrian safety and minimises opportunities for crime.

At present, the Council has secured contributions from the GEC Marconi (12/0550) and Riversleigh Farm (13/0526) developments of £75,000 and £30,000 respectively towards the delivery of the public realm enhancement works as originally envisaged in the Regeneration Framework. The scheme has, however, since evolved and been extended beyond the scope originally envisaged in the Regeneration Framework – mostly notably to incorporate the revised junction arrangement following the BEF appeal being allowed and, accordingly, additional funding is required in order to secure the implementation of a more ambitious scheme that reflects the greater scale of development being delivered in Warton.

The application site is located a approximately 350m from the Church Road/Lytham Road junction and the area which is the subject of the proposed public realm improvements is surrounded by shops and community facilities which are within comfortable walking distance of the site. Therefore, these facilities and the surrounding pedestrian environment are likely to be used by future occupiers of the development. Indeed, the illustrative masterplan encourages permeability for pedestrians and access onto Lytham Road for pedestrian traffic from the development, and the applicant makes reference to the site's proximity to local shops and services with respect to its sustainability credentials. A development of up to 115 dwellings in this location has the potential to generate significant footfall to this focal point of the village and, accordingly, the public realm enhancements would be directly related to the development and necessary to make the development acceptable in planning terms in accordance with FBLP policies EP1 and TR1, policy SL3 of the ELP and policy BWLC1 of the BWNP.

Subject to final agreement of the scope, detailed design and cost of the public realm enhancement scheme, the applicant has agreed to make a contribution towards the public realm improvements. The public realm enhancement scheme (as detailed on the "Warton Village Sketch Design") is awaiting formal approval from the Parish Council and, accordingly, a precise cost for this is yet to be determined. It is considered that there are two potential methods for determining the level of contribution that should be secured in this case. The first would be to require this development to make a contribution which is proportionate to that received for the GEC Marconi (equivalent to £295.28 per dwelling) and Riversleigh Farm (equivalent to £361.45 per dwelling) developments. The second would be to relate the contribution to a precise cost estimate for the works shown on the "Warton Village Sketch Design" plan which would be forthcoming once the Parish Council has approved this scheme. In either case, a proportionate contribution can be secured which is fairly and reasonably related in scale and kind to the development and the development's contribution

towards the public realm enhancement works in Warton would bring additional benefits which are considered to weigh in its favour in the overall planning balance.

Transport:

FBLP policy TR3 states that the Council will increase provision and facilities for cycling within the Borough in accordance with four criteria.

FBLP policy TR5 indicates that large scale new developments involving over 100 dwellings will only be permitted where:

- The location is served by a satisfactory existing level of public transport, or, as a result of investment by the developer, is brought to a satisfactory level of service before the development is first occupied.
- Adequate bus stopping, waiting and turning facilities exist, or are provided by the developer in or near the development.

Criterion (3) of policy BWH2 to the BWNP states that housing developments should incorporate:

- All necessary infrastructure upgrades to highways (e.g. through section 106 Agreements) and appropriate works be in place before development commences.

In addition, policy BWT1 of the BWNP indicates that development should “ensure suitable improvements to the highway network are made through a Lancashire County Council- led masterplan approach.”

The first and third bullet points to paragraph 32 of the NPPF states 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; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.

The second bullet point to paragraph 35 of the NPPF states that developments should be located and designed, where practical, to:

- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

Paragraph 36 of the NPPF requires developments which generate significant amounts of movement to provide a Travel Plan in order to exploit opportunities for the use of sustainable transport.

In the comments received to date the LHA have requested commuted sum payments to the County Council to secure funding towards:

- An Urban Traffic Control (UTC) scheme linking traffic signals at signalised junctions along Lytham Road where these fall within Warton.
- Improved cycle facilities along the A584 (Lytham Road) to link in with existing facilities.
- Public Transport improvements to Quality Bus Standard.
- Travel Plan Support and a commitment from the developer for funding to be made available to the development site travel plan coordinator to deliver measures, if necessary, should the targets within the travel plan fail to be achieved.

With respect to items (i), (ii) and (iii), the LHA have not, to date, provided specific details of the financial contributions required in respect of these elements and this is expected in their final

comments. The mechanism for delivering these would then be agreed and is likely to be a combination of planning condition and legal agreement under s106.

With respect to (iv), the applicant has submitted a Framework Travel Plan in support of the application. A condition could be imposed requiring the submission of a Full Travel Plan in order to identify mode share targets and a programme of monitoring/review. In addition, the LHA have requested a contribution of £6,000 to enable their Travel Planning Team to provide the following range of services:

- 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 resident 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.
- 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.
- (i) Help stage promotional events and activities including Walk to Work Week, Bike Week, car free days or measured mile walks etc.

Conclusions

The application seeks outline permission (access only) for a residential development of up to 115 dwellings on a 3.74 hectare site located to the east of Clifton House Farm and north of Lytham Road, Warton. Whilst the site falls outside the settlement boundary and within the Countryside Area as identified on the Fylde Borough Local Plan (FBLP) Proposals Map, the majority of the land lies within housing allocation 'H1' and the extended settlement boundary set out in the submission version of the Bryning-with-Warton Neighbourhood Plan (BWNP).

The submission version of the BWNP includes a target of 650 dwellings to be delivered in Warton during the plan period (up to 2032). However, the Examiner's report on the Neighbourhood Plan recommends the removal of all housing policies and allocations contained within the BWNP in order for it to meet the basic conditions required for Neighbourhood Plans. Moreover, policy SL3 of the ELP identifies the provision of 778 homes in Warton in accordance with existing commitments arising from extant planning permissions and, as has been demonstrated through the recent appeal decision at Blackfield End Farm (BEF), the aspirational housing figure in the submission version of the BWNP cannot be relied upon to limit the expansion of the settlement in the absence of a five year supply. The BEF appeal decision also confirms that, due to their unadopted status, both the Emerging Local and Neighbourhood Plans (and, laterally, the aspirational housing figure of 650 dwellings) can carry only limited weight in the decision making process.

The site occupies a sustainable, edge-of-settlement location which is well related to existing shops,

services and employment opportunities in Warton. The site, by virtue of its size and location, is largely in conformity with the development aspirations and allocations in the submission version of the BWNP (albeit that the Examiner's report recommends that these be removed) and the development would make a valuable contribution to the Council's supply of housing land in accordance with paragraph 47 of the NPPF. Additional benefits arise in this case as the scheme would deliver a substantial number of affordable homes. The illustrative masterplan includes measures to promote comprehensive masterplanning by providing connectivity through pedestrian, cycle and open space linkages between the site and adjoining land which also falls within the allocation in the submission BWNP.

The proposal, by virtue of the number and density of dwellings proposed, and its relationship with adjoining uses on the urban fringe of the village, would not have any significant adverse effects on landscape character and quality, and appropriate mitigation can be introduced as part of the scheme in order to minimise its impact in this regard. The development would not result in the loss of the Borough's best and most versatile agricultural land and there are no other landscape designations to restrict its development for housing.

The proposed access arrangements for vehicle and pedestrian traffic, together with the off-site highway improvements to be delivered as part of the scheme, would ensure that the development would provide a suitable and safe means of access onto Lytham Road. The LHA are undertaking a complex traffic modelling exercise to determine the effects of the following infrastructure on traffic flows and junction capacity in Warton:

- (ii) The Preston Western Distributor Road (PWDR);
- (iii) The improvements to the Church Road/Highgate Lane/Lytham Road junction to be delivered as part of the Blackfield End Farm development (13/0674); and
- (iv) The improvements to the Lytham Road/Thunderbolt Avenue junction, including the creation of a new access through to BAE, to be delivered in accordance with planning permission 12/0550 at the former GEC Marconi site.

The final comments of the Local Highway Authority have not yet been received. However, they have indicated that, on balance, and subject to the final agreement of traffic flows with the applicant's Transport Consultant, they consider that the reassignment of traffic arising as a result of the above highway infrastructure improvements would provide sufficient relief at the junctions of Church Road, Mill Lane and Thunderbolt Avenue with Lytham Road to ensure that the development would not have a severe residual cumulative impact on the safe and efficient operation of the highway network. Moreover, the LHA recognise that the effects of the PWDR were a key component of the Inspector's (and, subsequently, the Secretary of State's) decision in allowing the appeal at Blackfield End Farm and have given significant weight to the implications arising from this decision.

The LHA are expected to indicate that they have no objection to the development on the grounds of its impact on the capacity or safety of the surrounding highway network, either adjacent to or further away from the site and, accordingly, its residual cumulative impacts in this respect would not be severe for the purposes of paragraph 32 of the NPPF.

The scheme would result in an acceptable relationship with surrounding uses and appropriate mitigation can be provided to ensure that the development would have no detrimental impacts in terms of ecology, flooding and drainage. Appropriate contributions would be secured to make the development acceptable in planning terms with respect to on-site provision of affordable housing and open space, and an off-site contributions towards education, transport and public realm improvements. The proposed development is therefore in accordance with the requirements of the

relevant policies of the National Planning Policy Framework and the Fylde Borough Local Plan.

Recommendation

- ***In respect of planning application 15/0903:***

That, subject to the completion of a planning obligation under Section 106 of the Town and Country Planning Act to secure:

- The provision and future maintenance of public open space on the site in accordance with the standards and requirements set out in Fylde Borough Local Plan policy TREC17.
- The provision, tenure, delivery mechanism, occupation criteria and phasing for 30% of the dwellings to be offered as affordable housing (as defined in the National Planning Policy Framework) on the site in accordance with the requirements of policy H4 of the Fylde Local Plan to 2032: Revised Preferred Option (October 2015) and the National Planning Policy Framework.
- A commuted sum payment to the County Council towards the provision of new secondary school places at Lytham St Anne's Technology & Performing Arts College in accordance with Fylde Borough Local Plan policy CF2 and the National Planning Policy Framework.
- A commuted sum payment (exact amount to be agreed by the Head of Planning and Regeneration) towards the delivery of a scheme to provide public realm enhancements around the Lytham Road/Church Road crossroads as set out in the Fylde Borough Council Regeneration Framework (September 2010) in accordance with Fylde Borough Local Plan policies EP1 and TR1, policy SL3 of the Fylde Local Plan to 2032: Revised Preferred Option (October 2015) and policy BWLC1 of the Bryning-with-Warton Neighbourhood Plan.
- A commuted sum payment of £6,000 to the County Council towards the preparation, implementation and monitoring of a Travel Plan.
- Any other highway works that the Head of Planning and Regeneration considers to be necessary following receipt of the final comments from the local highway authority

Authority be delegated to the Head of Planning and Regeneration to GRANT planning permission subject to the conditions at the foot of this report (or any amendment to the wording of these conditions or additional conditions that the Head of Planning & Regeneration believes is necessary to make otherwise unacceptable development acceptable) and subject to ensuring that the Secretary of State does not wish to call in the application for his own consideration:

- ***In respect of appeal reference APP/M2325/W/15/3141398 against the Council's non-determination of application 15/0562 that:***

- Having resolved to approve application 15/0903, the Local Planning Authority withdraws its case against appeal reference APP/M2325/W/15/3141398 and makes the Planning Inspectorate aware of its resolution in respect of the resubmitted application on or before the deadline for the submission of its witnesses Proofs of Evidence (14th June 2016);
- The Local Planning Authority requests that the appellant withdraws appeal APP/M2325/W/15/3141398 as soon as possible following the Local Planning Authority's resolution to approve resubmitted application reference 15/0903 (subject to the completion of a section 106 agreement to secure the contributions set out in (i)); and
- In the event that the appeal is not withdrawn prior to the deadline for submission of Proofs of Evidence and a Statement of Common Ground, Authority be delegated to the Head of Planning and Regeneration to prepare and submit the Local Planning Authority's

case in respect of appeal reference APP/M2325/W/15/3141398.

List of Suggested Conditions

1. Application for approval of reserved matters must be made not later than the expiration of three years from the date of this permission and the development must be begun not later than: (i) the expiration of three years from the date of this permission; or (ii) two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The approval of the Local Planning Authority shall be sought in respect of the following matters before any development takes place:- the layout of the development, the scale and external appearance of the buildings and the landscaping of the site.

Reason: The application is granted in outline only under the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015 and details of the matters referred to in the condition have not been submitted for consideration.

3. This permission relates to the following plans:

- Drawing no. 013-006-P002 Rev C – Site Boundary.
- Drawing no. 013-006-P009 Rev C – Illustrative Masterplan.
- Drawing no. 0988-F01 Rev F – Proposed Access Arrangement.

Any application for approval of reserved matters submitted pursuant to condition 2 of this permission shall accord with the outline permission insofar as it relates to matters of access and the maximum number of dwellings

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

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

Reason: In order to ensure a satisfactory relationship between the new dwellings and between the development and surrounding buildings in the interests of residential and visual amenity and to minimise flood risk in accordance with the requirements of Fylde Borough Local Plan policies HL2 and EP30, and the National Planning Policy Framework.

5. No development shall take place until a report containing details of further intrusive investigations for: (i) the monitoring and sampling of soils, groundwater and ground gas; and (ii) surveys to determine whether Unexploded Ordnance (UXO) exists on the site, has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall address the recommendations in section 3.3 of the 'Phase 1 Detailed Desk Top Study' by 'Curtins' (report

reference EB1379/GL/3719 Rev B) dated 29th June 2015 and, as a minimum, shall include:

- a survey of the extent, scale and nature of any contamination on the site;
- a report detailing the presence (or otherwise) of UXO on the site and measures to be taken to ensure that appropriate safeguards are put in place for its removal and/or treatment during the course of development;
- (i) results of tests associated with the monitoring and sampling of soils, groundwater and ground gas;
- an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - (i) ecological systems; and
 - (ii) archaeological sites and ancient monuments.
- (iii) an appraisal of any remedial options required and a proposal for the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and the safeguarding measures set out in the UXO report, and a verification report submitted to and approved in writing by the Local Planning Authority before any of the dwellings hereby approved are first occupied.

Reason: To prevent pollution of the surrounding environment and to ensure the safe development of the site before any groundworks take place in the interests of the amenity of future occupiers and other sensitive receptors in accordance with the requirements of Fylde Borough Local Plan policy EP29 and the National Planning Policy Framework.

6. For each phase no above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- i. separate systems for the disposal of foul and surface water;
- ii. site investigation and test results to confirm infiltration rates;
- iii. a detailed drainage strategy to demonstrate that the post-development surface water discharge rate to any soakaway, watercourse or sewer does not exceed the pre-development (greenfield) rate. The drainage strategy shall include details of the peak surface water runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 30 and 1 in 100 year (+30% climate change allowance) rainfall events and shall demonstrate that the peak post-development runoff rate does not exceed the peak pre-development greenfield runoff rate for the same event; and (b) any necessary flow attenuation measures and the use of SUDS where appropriate;
- iv. details of the measures taken to prevent flooding and pollution of any receiving groundwater and/or surface waters (including watercourses) and of any off-site works required to ensure adequate discharge of surface water without causing flooding or pollution (including refurbishment of existing culverts and headwalls or removal of unused culverts where applicable);
- v. flood water exceedance routes, both on and off site;
- vi. means of access for maintenance and easements (where applicable);
- vii. a timetable for implementation, including any phasing of works;

The duly approved scheme shall be implemented before any of the dwellings are first occupied, or

within any other timescale first agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Fylde Borough Local Plan policies EP25 and EP30, and the National Planning Policy Framework.

7. For each phase none of the dwellings hereby approved shall be first occupied until details of a management and maintenance scheme for the surface water drainage system to be installed pursuant to condition 6 of this permission has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover the full lifetime of the drainage system and, as a minimum, shall include:

- i. arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company.
- ii. arrangements concerning funding mechanisms for the ongoing maintenance of all elements of any sustainable drainage system (including mechanical components) to include details such as:
- iii. on-going inspections relating to performance and asset condition assessments;
- iv. operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and
- v. any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
- vi. means of access and easements for maintenance purposes;
- vii. A timetable for implementation.

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

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

8. No development (including any works of site preparation) shall take place until a Written Scheme of Investigation (WSI) outlining a programme and timetable of archaeological investigation has been submitted to and approved in writing by the local planning authority. The WSI shall include:

- i. A phased programme and methodology of site investigation and recording to include:
 - a. a desk-based assessment including, where appropriate, historic building assessment(s), detailed survey and interpretative record;
 - b. a targeted archaeological evaluation; and
 - c. where appropriate, targeted area excavation.
- ii. A programme for post investigation assessment to include:
 - a. analysis of the site investigation records and finds;
 - b. production of a final report on the significance of the archaeological interest represented.
 - c. provision for publication and dissemination of the analysis and report on the site investigation.
- iii. provision for archive deposition of the report, finds and records of the site investigation.
- iv. nomination of a competent person(s) or organisation to undertake the work set out in the approved WSI.

The development shall thereafter be carried out in full accordance with the approved WSI and the timetable contained therein.

Reason: To ensure that a suitable programme of archaeological investigation is implemented prior to the commencement of any construction works in order to record and advance the understanding of the archaeological and historical significance of the site for archival and research purposes in accordance with the requirements of Fylde Borough Local Plan policy EP21 and the National Planning Policy Framework.

9. Any application which seeks approval for the reserved matter of layout pursuant to condition 2 of this permission shall include a scheme for the formation of any new waterbodies within the site. The scheme shall include, but not be limited to, the following details:

- the location, size, layout, design, depth, means of construction and landscaping of the waterbodies; and
- a timetable for their provision.

The waterbodies shall thereafter be provided in full accordance with the duly approved scheme and the timetable contained therein.

Reason: To ensure that any new waterbodies are appropriately located and designed to optimise their function with respect to flood mitigation and biodiversity enhancement, and in order that their size and siting does not attract species which could adversely affect the function of any nearby aerodrome or pose a risk to passing air traffic in accordance with the requirements of Fylde Borough Local Plan policies EP19 and EP30, and the National Planning Policy Framework.

10. Prior to the commencement of development, a scheme of off-site highway works shall be submitted to and approved in writing by the local planning authority. The approved scheme shall make provision for:

- i.improvements to the Lytham Road/Church Road/Highgate Lane junction
- ii.the completion of works to the Lytham Road/Thunderbolt Avenue junction and access to the Lancashire (Warton) Enterprise Zone and
- iii.the completion of the Preston Western Distributor Road

The approved scheme shall include a timetable/phasing plan for the implementation of all on and off-site highway improvement works and triggers for the completion of works based upon the number of dwellings that are occupied on the site, which shall have regard to the traffic generation impacts of other developments within the vicinity of the site. All works shall be carried out in accordance with the approved scheme and timetable/phasing plan unless a further planning permission to vary this condition has first been granted by the local planning authority.

Reason: Traffic modelling has revealed that, in the absence of adequate mitigation, including the delivery of committed off site highway schemes, the development, in conjunction with other developments in the vicinity, will have a severe residual impact on the local highway network. Accordingly it is necessary to ensure that this development, whether carried out in isolation or in conjunction with other developments in the area, provides adequate mitigation to ensure that there is not a severe residual impact on the local highway network.

11. Notwithstanding the requirements of condition 3 of this permission, no above ground works shall take place until a scheme for the design, construction and drainage of the site access, the layout of which is shown on drawing no. 0988-F01 Rev F, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall, as a minimum, make provision for the visibility splays shown on drawing no. 0988-F01 Rev F in both directions at the junction of the site access

with Lytham Road. The site access shall be constructed in full accordance with the duly approved scheme and made available for use before any of the dwellings hereby approved are first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any equivalent order following the revocation or re-enactment thereof) the visibility splay shall thereafter be kept free of any obstructions (including buildings, walls, fences, hedges, trees, shrubs or any other obstruction) over 0.6 metres in height.

Reason: To ensure safe and convenient access to the site for vehicular traffic and to achieve a satisfactory standard of engineering works in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

12. No above ground works shall take place until a scheme for the siting, layout, design, construction and drainage of the following highway improvement works shown on drawing no. 0988-F01 Rev F has been submitted to and approved in writing by the Local Planning Authority:

1. The provision of a ghost island right hand turn lane for westbound vehicles entering the site from Lytham Road and any associated road markings within the carriageway required to facilitate its safe operation.
2. A pedestrian crossing (including refuge island and associated footway linkages) over the carriageway of Lytham Road.
3. A central traffic island within the carriageway of Lytham Road.
4. The provision of a new footway to a minimum width of 2 metres on the northerly side of Lytham Road to the east and west of the site access, the approximate extent of which is shown on drawing no. 0988-F01 Rev F.
5. The introduction of coloured surfacing to delineate the existing cycle lanes to the northern and southern frontages of Lytham Road, the approximate extent of which is shown on drawing no. 0988-F01 Rev F.
6. The upgrading of two existing bus stops (eastbound and westbound) on Lytham Road, the locations of which are identified on drawing no. 0988-F01 Rev F, to Quality Bus Standard. The upgrades to the bus stops shall include the provision of raised borders and bus stop 'cages', together with associated road markings.

The highway improvement works in the duly approved scheme shall be implemented and made available for use before any of the dwellings hereby approved are first occupied, or within any other timescale which has first been agreed in writing with the Local Planning Authority.

Reason: To secure improvements to the highway and public transport network in order to ensure safe and convenient access for pedestrian and vehicle traffic in the interests of road safety, and to promote modal shift and increased use of sustainable methods of travel in accordance with the requirements of Fylde Borough Local Plan policies HL2, TR1 and TR5, and the National Planning Policy Framework.

13. Notwithstanding any details submitted as part of the application, none of the dwellings hereby approved shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall contain:

1. details of a Travel Plan co-ordinator;
2. details of measures to be introduced to promote a choice of travel modes to and from the site;
3. a monitoring regime which sets out travel mode share targets, monitoring procedures and mechanisms to be put in place to ensure that the Travel Plan remains effective; and
4. a timetable for the implementation, monitoring and review of the Travel Plan which shall include provision for an annual assessment (over a minimum period of five consecutive years following the implementation of the Travel Plan) of the effectiveness of the measures

introduced under (ii) and shall identify the need for any changes to the Travel Plan and a timetable for their implementation.

The travel plan shall thereafter be implemented in accordance with the duly approved details and timetable contained therein.

Reason: In order to promote modal shift and increased use of sustainable methods of travel in accordance with the objectives of Fylde Borough Local Plan policies HL2, TR1 and TR3, and the National Planning Policy Framework.

14. Any application which seeks approval for the reserved matter of layout pursuant to condition 2 of this permission on a part of the site adjoining the southern or eastern boundaries, shall include a scheme for the provision of pedestrian and cycle routes through these boundaries (the indicative positions of which are shown on drawing no. 013-006-P009 Rev C) where relevant. The scheme shall include details of the siting, layout, design, construction (including surfacing materials) and drainage of each route, and a timetable for their provision. The pedestrian and cycle routes shall thereafter be constructed and made available for use in accordance with the details and timetable contained within in the duly approved scheme.

Reason: To ensure connectivity between adjoining sites for cyclists and pedestrians in the interests of promoting permeability and accessibility between sites and a holistic approach to development in accordance with the requirements of Fylde Borough Local Plan policies TR1 and TR3, the Bryning-with-Warton Neighbourhood Plan and the National Planning Policy Framework.

15. Any application which seeks approval for the reserved matter of layout pursuant to condition 2 of this permission shall include a scheme to protect the dwellings from noise emanating from passing road traffic and surrounding uses. The scheme shall: (a) identify the location of each plot where noise attenuation measures are required; (b) include specific details of the noise attenuation measures to be introduced for each plot, which shall demonstrate compliance with the indicative measures set out in section 5.0 of the Noise Assessment by SLR Global Environmental Solutions dated June 2015 (report reference 410.02826.00007); and (c) ensure noise levels of not more than:

- (i) 30 dB(A) Leq (8 hours) and 45 dB(A) Lmax within bedrooms between 23:00 and 07:00;
- (ii) 35 dB(A) Leq (16 hours) in habitable rooms at all other times; and
- (iii) 55 dB(A) Leq (16 hours) in garden areas.

Where windows need to remain shut in order to achieve these levels other means of ventilation shall be provided. The development shall thereafter be implemented in accordance with the duly approved scheme.

Reason: To ensure the implementation of appropriate noise attenuation measures for the dwellings in order to achieve satisfactory living conditions for future occupiers of the development in accordance with the requirements of Fylde Borough Local Plan policies HL2 and EP27, and the National Planning Policy Framework.

16. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 2 of this permission shall include a scheme which demonstrates compliance with the landscaping strategy indicated on drawing no. 013-006-P009 Rev C. The scheme shall include, but not be limited to, the following details:

- i.any trees, hedgerows and any other vegetation on/overhanging the site to be retained;
- ii.compensatory planting to replace any trees or hedgerows to be removed;

- iii.the strengthening and/or introduction of landscaping buffers along the perimeter of the site;
- iv.the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (i) to (iii);
- v.the type, size, species, siting, planting distances and the programme of planting of hedges, trees and shrubs.

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

Reason: To ensure that a suitable landscaped buffer is introduced between the site and adjoining land in order to soften the development's visual impact on the open countryside and surrounding occupiers, and to ensure the introduction of appropriate compensatory landscaping and habitat replacement as part of the development in accordance with the requirements of Fylde Borough Local Plan policies HL2, EP10, EP12, EP14, EP18, EP19 and the National Planning Policy Framework.

17. No development shall take place until a Construction Exclusion Zone has been formed around the Root Protection Areas of those trees and hedgerows identified as being retained as part of the landscaping scheme submitted pursuant to condition 16(i) of this permission. The Construction Exclusion Zone shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012 and shall be maintained as such during the entirety of the construction period.

Reason: To ensure that adequate measures are put in place to protect existing trees and hedgerows which are to be retained as part of the development before any construction works commence in accordance with the requirements of Fylde Borough Local Plan policies EP12 and EP14.

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

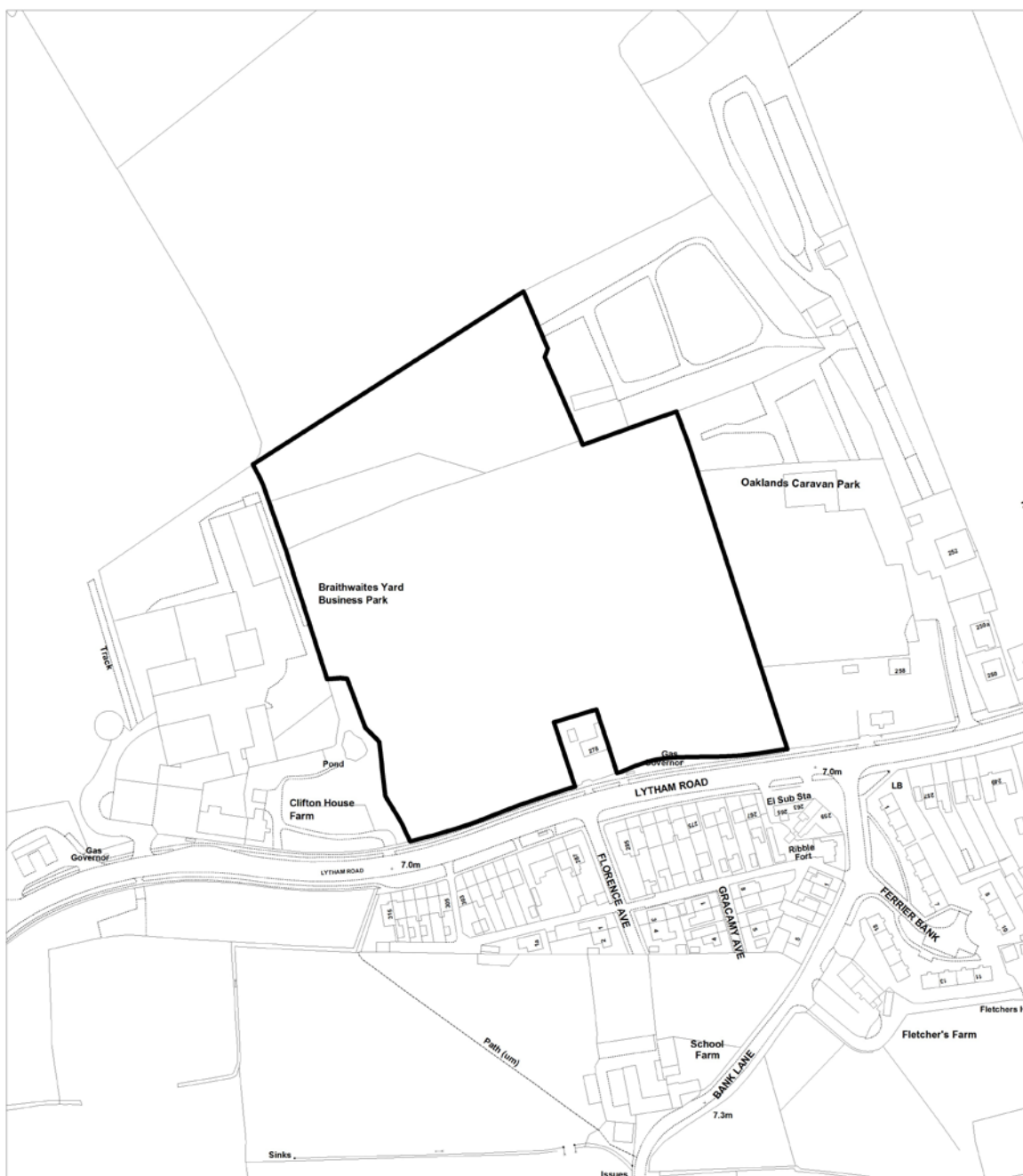
Reason: In order to prevent any habitat disturbance to nesting birds in accordance with Fylde Borough Local Plan policy EP19, the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.

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

- i.hours of work for site preparation, delivery of materials and construction;
- ii.arrangements for the parking of vehicles for site operatives and visitors;
- iii.details of areas designated for the loading, unloading and storage of plant and materials;
- iv.details of the siting, height and maintenance of security hoarding;
- v.arrangements for the provision of wheel washing facilities for vehicles accessing the site;

- vi.measures to control the emission of dust and dirt during construction;
- vii.a scheme for recycling/disposing of waste resulting from construction works; and
- viii.a strategy to inform neighbouring occupiers (which as a minimum, shall include those adjoining the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.

Reason: In order to ensure that appropriate measures are put in place before any development commences to limit noise, nuisance and disturbance to the occupiers of neighbouring properties during the construction of the development in accordance with the requirements of Fylde Borough Local Plan policy EP27, and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/15/0903	Address Clifton House Farm, Lytham Road, Warton	Grid Ref. E.3404 : N.4284	Scale 0 10 20 30 40 m

Item Number: 3

Committee Date: 25 May 2016

Application Reference:	16/0060	Type of Application:	Outline Planning Permission
Applicant:	Synagogue	Agent :	Firth Associates Ltd
Location:	ST ANNES HEBREW CONGREGATIONAL SYNAGOGUE, ORCHARD ROAD, LYTHAM ST ANNES, FY8 1PJ		
Proposal:	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING SYNAGOGUE AND ERECTION OF A FOUR STOREY BUILDING PROVIDING REPLACEMENT SYNAGOGUE TO GROUND FLOOR AND 18 APARTMENTS (USE CLASS C3) TO UPPER FLOORS INCLUDING ASSOCIATED INFRASTRUCTURE (ACCESS, LAYOUT AND SCALE APPLIED FOR)		
Parish:	CENTRAL	Area Team:	Area Team 2
Weeks on Hand:	14	Case Officer:	Matthew Taylor
Reason for Delay:	Need to determine at Committee		

Summary of Recommended Decision: Refuse

Summary of Officer Recommendation

The applications relates to a previously developed (brownfield) site on the edge of the town centre within the settlement boundary of Lytham St Annes. The proposed development for a mix of community and residential uses in this location would bring benefits with respect to the re-use of previously developed land in a sustainable location and would make a valuable contribution to the Borough's supply of housing land. Nevertheless, when balanced against the substantial harm which would be caused due to the loss of the existing synagogue building as a heritage asset, the development's adverse impact on the character and appearance of the area, and the amenity of neighbouring occupiers arising by virtue of its dominant and excessive scale, and the applicant's failure to provide the required contributions to local infrastructure in order to mitigate the development's impact in planning terms, it is considered that the benefits the scheme would bring are significantly and demonstrably outweighed by the harm it would cause. Accordingly the recommendation is that the scheme be refused.

Reason for Reporting to Committee

The application has been called in to the Development Management Committee by the Chairman, Councillor Fiddler.

Site Description and Location

The application relates to a detached, split-level building occupying a prominent location at the junction of Orchard Road and Richmond Road, Lytham St Annes. The building follows a square-shaped footprint with narrow strips of hardstanding to its east, south and west sides and a wider forecourt to the north fronting onto Orchard Road which presents a spacious, open aspect to the street and preserves a strong building line along the street. The site does not fall within any

specific designations in the Fylde Borough Local Plan (FBLP) and is located approximately 50 metres to the southeast of the St Annes-on-Sea Conservation Area.

The application building is presently used as a synagogue and was constructed for this purpose between 1959 and 1964. A small, single-storey extension has been added to the south west corner of the building, but it is otherwise as originally constructed and retains its original fixtures and fittings. The principal façade facing onto Orchard Road follows a stepped parapet forming two lower level ‘wings’ to either side of a taller, central bay. The building is finished in a pale brown brick with concrete dressings with tall, round-arched windows to its front and side elevations.

Surrounding buildings include a three-storey office block to the west (nos. 34-36 Orchard Road), a pair of three-storey dwellings to the east (nos. 44-46 Orchard Road) and a combination of three and four storey buildings to the rear on Clifton Drive South set at a lower level (approximately 1m below the site). A modern, four-storey building presently used as a job centre (Westmorland House) is located to the northwest of the site on the opposite side of Orchard Road and an extant permission exists for a split level three/four storey apartment block on the former site of ‘The Gables’ to the northeast of the site on the opposite side of the junction.

Details of Proposal

The application seeks outline permission for the demolition of the existing synagogue and the erection of a replacement four-storey building comprising a synagogue to the ground floor and 18 apartments to the upper floors (3 one-bed and 15 two-bed). Matters of access, layout and scale are applied for. These are defined in the Development Management Procedure Order as follows:

Access – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made.

Layout – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

Scale – the height, width and length of each building proposed within the development in relation to its surroundings.

Matters of external appearance and landscaping are reserved for later consideration.

The new building would occupy a broadly rectangular footprint measuring 27 metres in length and 17 metres in depth, with chamfered walls to the east and south facing elevations. The proposed building’s north facing (front) elevation would follow substantially the same alignment as the existing synagogue, though its footprint would be both narrower and shallower. The replacement building would form a flat-roofed, four storey block reaching a height of 12 metres. Access is proposed from Orchard Road to the northwest corner of the site where a shared drive would flank the building’s west-facing elevation to merge with a 25 space car park at the rear of the site.

Amended plans were submitted by the applicant on 27 April 2016 which show a 3 metre reduction in the building’s maximum height (including the subsequent removal of a proposed fifth storey), alterations to the building’s layout and a reduction in the number of apartments (from 20 to 18). The

above description of the development reflects the details shown on the amended plans.

Relevant Planning History

None

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Annes on the Sea Town Council were notified of the application on 17 February 2016. The Town Council have objected to the application on the following grounds:

- (a) There are serious concerns regarding the height of the building. This should be reduced by at least one storey.
- (b) The applicant has not sought any pre-application advice despite this being a substantial proposal.
- (c) There is evidence of drainage problems in the area which United Utilities should comment on.
- (d) An LCC supported review of parking was undertaken in 2015 as a result of concerns expressed by residents of Orchard Road, Park Road, All Saints' Road and Richmond Road. There are serious parking concerns in this area exacerbated by demand from surrounding businesses and HMOs.

Statutory Consultees and Observations of Other Interested Parties

County Archaeologist:

- The synagogue proposed for demolition is an architect-designed building of some quality and worthy of mention in the new "Pevsner". Synagogues are rare in Lancashire and so any example is considered to be of interest. Accordingly, the existing building is worthy of recording prior to any demolition.
- Should the Local Planning Authority be minded to grant planning permission, Lancashire County Archaeology Service would recommend that an appropriate record of the building be made prior to demolition and that such work is secured by means of the following condition:
 - No works shall take place on the site until the applicant, or their agent or successors in title, has secured the implementation of a programme of building recording and analysis. 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.

Electricity North West:

- The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements.
- The following infrastructure is on or in close proximity to the site:
 - ENWL 6600 volt distribution substation Orchard Rd (423637) adjacent to south corner boundary.
 - ENWL 6600 and 400 volt cables from Orchard Rd substation shown within

- development area.
- ENWL 6600 volt distribution substation Hardaker Ct (429643) is adjacent to easterly boundary of the site.
- ENWL 400 volt service cable enters the front of the property from Orchard Rd. ENWL 6600 and 400 volt service cables are in the public footpath of Orchard Rd.
- The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of ENW requirements for access to inspect, maintain, adjust, repair, or alter any distribution equipment.

Lancashire County Council contributions:

- There are a total of six primary schools located within 2 miles of the site. It is anticipated that there will be a surplus of 52 places in these schools by 2020. The development (assuming a mix of 1 and 2 bed apartments as shown on the submitted plans) would generate a pupil yield of 1 place, thus reducing this surplus to 51 places. Therefore, based on planning permissions in place at the current time, no contribution towards primary education is required from this development.
- There is one secondary school within 3 miles of the development. It is anticipated that there will be a shortfall of 182 places in this school by 2020. The development (assuming a mix of 1 and 2 bed apartments as shown on the submitted plans) would generate a pupil yield of 1 place, thus increasing this shortfall to 183 places. Therefore, the development would be required to make a contribution towards the provision of new secondary school places proportionate in scale and kind to the number of bedrooms it delivers.
- At current rates, the provision of a new Secondary School place costs £18,397.28. Assuming that the above pupil yields do not increase, the development would be required to make a contribution of £18,397.28 towards the provision of new Secondary School places.
- Any education contribution should be secured through S106 agreement. Details of a named infrastructure project/school where the contribution would be spent (and the number of contributions pooled against these schools) will be provided prior to committee or at appeal.

Lead Local Flood Authority (LLFA):

- No objection subject to the inclusion of conditions requiring:
 - An appropriate surface water drainage strategy should be submitted which demonstrates that the post-development rate of surface water runoff from the site does not exceed the pre-development rate. The strategy should also include details of any off-site works, flood water exceedance routes, infiltration testing, water quality controls and a timetable for implementation (which should be no later than first occupation of the dwellings).
 - A scheme for the provision, management and maintenance of any surface water drainage scheme.

Local Highway Authority (LHA):

- The site is very close to the town centre and, accordingly, is in a sustainable location. Off-road parking near the site is limited and there are a number of Traffic Regulation Orders in place to restrict parking in the vicinity.
- The existing synagogue is to be reduced in terms of floor area by nearly half and off road car parking facilities are to be provided within the curtilage of the site. It is, however, unclear how these parking spaces will be allocated and who will be allowed to use them (e.g. the visiting congregation, the occupiers of the flats, or both).
- The parking arrangements of the current synagogue are based on 4 car parking spaces but now the proposals offer a reduced scale of building with the addition of flats above the

synagogue, which would attract additional cars to the site. Therefore, it would be practical to allocate the off road parking spaces to the residents of the proposed flats. This would also alleviate any on street parking in the neighbouring residential streets and address any amenity issues regarding parking as a result of this additional residential development.

Lytham St Annes Civic Society:

- Although the existing synagogue is outside of the conservation area and is not listed, it is included on the proposed Fylde Local List of Heritage Assets as designated in the adopted Heritage Strategy. A description of the building from *The Buildings of England Lancashire: North* by Clare Hartwell and Nikolaus Pevsner (1969 and 2009) is provided. The architect was A. Maxwell Caplin, who was the first Master of the Worshipful company of Constructors in 1977.
- This is a high quality and high status building. Its demolition would be a great loss to the street scene and historic environment.

Strategic Housing:

- A contribution towards the provision of affordable housing at a rate of 30% of the total number of apartments should be sought as part of the development. As the scheme is for a block of apartments, it would be appropriate to seek an equivalent commuted sum payment towards off-site provision in lieu of on-site provision.

Twentieth Century Society:

- The Twentieth Century Society consider St Anne's Synagogue to be a non-designated heritage asset, and we wish to register our objections to the proposed demolition of the building.
- St Anne's is a post-war synagogue by local Jewish architect A. Maxwell Caplin, built 1959-1964. It is of pale brown brick and Byzantine in style, and particularly notable for its simple, rectangular massing. A tripartite block is flanked by a round-headed door and windows, which are filled with pastel coloured glass panels depicting biblical landscapes.
- Of interest is the location of the doorway at the east of the building, which resulted in a non-standard plan form where the Ark and the entrance lie on the same wall. As a result, Caplin adopted an innovative central corridor which separates the Shul from the hall and runs back from the street entrance. Internally, the synagogue has a shallow, barrel-vaulted ceiling and is softly lit by natural light from the windows and by a number of internal lighting features. Original features include leaded lights and chandeliers by a local firm, and the flowing ironwork of the Bimah which is in a Festival of Britain style.
- St Anne's has been recently cited in the 2009 edition of Pevsner's influential 'Buildings of England' series which describes it as a 'striking composition, wholly of its day,' and draws attention to the quality of material used throughout. It is also mentioned in the recent publication 'The Synagogues of Britain and Ireland' by Sharman Kadish, which emphasises the interest of the plan form, the generosity of the space inside, and the local connections of the architect and materials.
- The Society would also like to draw attention to clause 135 of the NPPF, which states that 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'
- Taking into consideration the above, we would like to emphasise the significance of the building, and on these grounds strongly recommend refusal of planning permission in this case.

United Utilities:

- The site should be drained on separate systems for foul and surface water disposal. The NPPG sets out the hierarchy to be considered by developers when preparing a surface water drainage strategy. This hierarchy states a preference for surface water drainage as follows: (1) soakaways; (2) a surface water body; and (3) a sewer.

Neighbour Observations

Neighbours notified:	19 February 2016
Site notice posted:	26 February 2016
Press notice:	3 March 2016
Amended plans notified:	All neighbours originally notified of the application were notified of the amended plans received on 27 April 2016 and given a further 14 days (until 11 May) to make any further comments.
No. Of Responses Received:	17
Nature of comments made:	16 objections, 1 letter of support

The points raised in the letters of objection are summarised as follows:

- The proposed building is of an excessive height and size for the site and would form an oppressive and imposing feature for neighbouring properties which would adversely affect their amenity through a loss of outlook, overlooking and overshadowing. This would be particularly harmful in the case of no. 44 Orchard Road as there are several windows on the side of this property which would face towards a blank, four-storey elevation of the new building which is twice as high as the corresponding wall of the synagogue. Windows on the side of no. 44 include kitchen and lounge room windows to the ground floor; a window to the master bedroom at first floor level and two further bedroom windows at second floor level. Additional bathroom and landing windows are also located in this elevation. The existing Synagogue has a pitched roof angling away from no. 44 which offers sense of space and light down the side of the property. If a four storey wall is constructed on the existing building line as proposed it will be very oppressive as there are no windows on that elevation.
- The proposed building is far too tall and the height should be reduced so that it is in line with neighbouring buildings. The building currently proposed is monstrously out of scale, dwarfs the adjacent properties and would appear as a dominant and incongruous addition to the street.
- The modern structure proposed by this development would not be in keeping with the attractive Edwardian architecture that surrounds it or that which is afforded by the existing synagogue as an iconic building in the street scene. Therefore, it would not be sympathetic to the character of Orchard Road. The style bears no resemblance to its neighbours except the Job Centre which is a poor model to use for planning a period development.
- Recent developments on Orchard Road have resulted in the destruction of a tree lined Edwardian Street and the proposed development would further erode the character and ambiance of the neighbourhood. The synagogue building is of its time and, whilst incongruous amongst its neighbours, has architectural merit and in many towns this design has become a listed building.
- The proposal ignores the current building line along Orchard Road and would obstruct views along the street. Overall the open aspect of the street would be affected by the proposed layout.
- The development will generate additional demand for on-street parking in the locality and will result in existing residents' vehicles being displaced. The proposed 28 space car park will be insufficient to serve both the synagogue and the apartments.

- This development would mean that 53 apartments have been approved across three sites on Orchard Road in close proximity of one another. This will result in a substantial increase in traffic generation on Orchard Road which, due to on street parking, has effectively become a single-lane road and would increase the likelihood of accidents in the area as there is insufficient room for two vehicles to pass each other.
- The development would add pressure to the existing drainage system and exacerbate problems with the sewers on Orchard Road.

The letter of support states that the development appears to be an exciting proposition.

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL02	Development control criteria for new housing proposals
CF01	Provision of community facilities
TR10	Car park design
EP07	Features & artefacts of local importance
EP25	Development and waste water
EP27	Noise pollution
EP29	Contaminated land
EP30	Development within floodplains
CF02	Provision of new primary schools
TREC17	Public Open Space within New Housing Developments

Draft Fylde Local Plan to 2032 – Revised Preferred Option (the “Emerging Local Plan”):

H4 – Affordable Housing

Other Relevant Policy:

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

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), but does not exceed the threshold in Column 2 of the table relating to category 10(b) developments. Therefore, it is not Schedule 2 development for the purposes of the Regulations and, accordingly, is not EIA development.

Comment and Analysis

Principle of development:

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Fylde comprises the saved policies of the Fylde Borough Local Plan (2005). However, paragraph 215 of the NPPF makes clear that, where there is conflict with between the policies in the Local Plan and the Framework, the NPPF should prevail.

As outlined at paragraph 14, the underpinning principle embedded within the NPPF is a presumption in favour of sustainable development. In terms of decision taking, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the] Framework taken as a whole; or
 - specific policies in [the] Framework indicate development should be restricted.

The site falls within the settlement boundary of Lytham St Annes as defined on the FBLP Proposals Map. FBLP policy SP1 seeks to direct development towards defined settlement boundaries, including Lytham and St Annes. The application site is located on the edge of the town centre within the settlement boundary of Lytham St Annes and, accordingly, is in accordance with the objectives of FBLP policy SP1. As it seeks permission for a mixed use development including a synagogue at the ground floor and apartments across three further floor above, the criteria in policies HL2 and CF1 are of greatest relevance in this case.

FBLP policy CF1 sets out five criteria against which developments involving the provision, extension or improvement of community facilities will be assessed. Criterion (1) of the policy requires that such developments are located within a settlement, except where necessary to provide a service to a rural area.

Criterion (7) of FBLP policy HL2 states that housing will be permitted where a site is in a sustainable location having regard to the local availability of shops, schools, employment sources, public transport and other community facilities. Policy HL2 also includes a preference for residential development on previously developed (brownfield) sites.

As the site is already occupied by a building and associated hardstandings it constitutes previously developed (brownfield) land for the purposes of the definition in Annex 3 of the NPPF. The proposed mixed use development would make efficient use of previously developed land within the defined settlement boundary of St Annes and would also occupy a sustainable location on the edge of the town centre. Additional benefits arise in this case as the development would make a valuable contribution to the delivery of housing in the absence of a five year supply. Accordingly, it is considered that the requirements of policies SP1, CF1 and HL2 of the FBLP relating to the development's location have been satisfied and the benefits of the scheme are recognised in this respect.

Main issues:

The application is submitted in outline with matters of access, layout and scale applied for. Therefore, the proposal is being considered with respect to these matters only, with the external appearance of the building and the landscaping of the site being reserved for later consideration.

As the site's location is, as a matter of principle, considered to be acceptable for the purposes of the relevant policies in the FBLP it is considered that, having regard to the nature of the development and the matters applied for at this stage, the main issues in the application are as follows:

- Whether the existing synagogue building has sufficient significance as a heritage asset to resist its demolition as a matter of principle and whether the applicant has undertaken a

- satisfactory assessment of the building's significance.
- The development's impact on the character and appearance of the area, having particular regard to its scale.
- The development's impact on the amenity of neighbouring occupiers, having particular regard to no. 44 Orchard Road.
- Whether the applicant has put a satisfactory mechanism in place to secure infrastructure contributions required in order to mitigate its impact in planning terms.

Loss of the synagogue:

"Heritage assets" are defined in Annex 3 of the NPPF as follows:

"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing)."

The application includes the complete demolition of the existing synagogue building. An application for listing was made to Historic England during the course of the planning application. By letter dated 25 February 2016, Historic England indicated that the "Secretary of State for Culture, Media and Sport has decided not to add St Anne's Synagogue to the List at this time."

Whilst Historic England have determined that the building is not worthy of statutory listing, the report attached to their letter provides a detailed description and assessment of the building. The Salient points of that report are cited below:

"HISTORY AND DETAILS

The synagogue was designed by a little-known Jewish architect named Maxwell Caplan of Southport, and is built of brick (very pale brown for show, red elsewhere) with concrete dressings. The rectangular schul and synagogue are separated by a shared entrance corridor, with the Ark on the same wall as the entrance.

The blocky tripartite front elevation faces east with parapets and a taller centre bay containing a tall, round-arched window with very wide two-tone concrete dressings, flanked by projecting bays with lesser similar windows. To the left the arched entrance to the schul has a three-stepped brick surround – the schul conceals the south side of the synagogue. The rear elevation has a shallow gable with five stepped lancets with concrete arched heads, and two very shallow buttresses. The north elevation is a regimented line of similar windows and buttresses. Internally the ceiling is barrel-vaulted, running down into the window heads. Instead of a ladies' gallery there is simply a raised area behind the men's seating, fronted by an openwork screen in flowing Festival of Britain sort of design. The Ark is flanked by curved walls clad in pink marble, and the Bimah has similar ironwork. Most windows contain coloured glass panels showing biblical landscapes, etc. set in palest pastel glazing. The chandeliers are reportedly identical with those found at Manchester's Higher Crumpsall Synagogue, built at the end of the 1920s.

ASSESSMENT

The St Anne's synagogue can be compared with earlier examples of a similar style, eg Greenbank Drive, Liverpool (National Heritage List for England reference 1298791, Grade II), Sunderland (1387275, Grade II) or Chapeltown, Leeds (125639, Grade II). Based on the information provided and with reference to Historic England's Selection Guide for Places of Worship (2011), the Hebrew Congregational Synagogue is not recommended for listing for the following principal reasons:*

- *Date: although it is noted that the synagogue might be the only one in Lancashire of this date, and one of only a small number nationally dating from the 1950s, it dates to a recent period where particularly careful selectivity is required;*
- *Design: despite a robust composition, the design is conservative and plain and does not display the quality and design interest required for a building of this period.*

*Although the Hebrew Congregational Synagogue in St Anne's is not considered to meet the criteria for inclusion on the List, **its local significance has been recognised through the planning process and this assessment against criteria for national interest should not be taken to undermine this local significance [emphasis added].***"

Paragraphs 128 and 129 of the NPPF state that:

- In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.
- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

The applicant has not provided any assessment of the building's significance for the purposes of paragraph 128. The LPA has, however, undertaken a more detailed assessment as part of the application for listing and is in receipt of a formal assessment from Historic England. The building's significance has been highlighted in Pevsner's *The Buildings of England* series: Lancashire, North (2009), *The Synagogues of Britain and Ireland* by Sharman Kadish (2011) and *Jewish Heritage in Britain and Ireland: An Architectural Guide* by Sharman Kadish published by Historic England (2015). The post-war synagogue of St Anne's is the only one in Lancashire of this date. Blackburn, Blackpool, and Southport synagogue's date from the beginning of the twentieth century.

Description in Pevsner (p. 444):

"SYNAGOGUE, Orchard Road. 1959, by A. Maxwell Caplin. A striking composition, wholly of its day, in a sort of stripped Byzantine style with flat roofs. Very pale brown brick. Blocky tripartite end to the road, where a taller centre containing a very large round-arched window is flanked by bays with lesser windows. N side with a regimented line of similar windows, entrance on the S side. The rear has a group of five stepped windows. Big barrel-arched roof. Instead of a ladies' gallery there is simply an openwork screen. – ARK (where the Torah scrolls are kept) flanked by curved walls clad in pink marble. – BIMAH (from which the Torah is read) with open ironwork in the same flowing Festival of Britain sort of design as elsewhere. – STAINED GLASS. Colourful panels showing biblical landscapes, etc. set in palest pastel glazing."

Extracts from *The Synagogues of Britain and Ireland* by Sharman Kadish (p. 239 and 358)

"The synagogue built in the genteel holiday and retirement town of Lytham St Anne's on Orchard Road (1959-64) in Lancashire, was very conservative. Its pleasing tripartite yellow brick façade features a tall round-headed doorway in the centre flanked by rounded headed windows filled with

traditional stained and leaded glass. Inside, the rectangular synagogue has a shallow barrel vaulted ceiling and is simply lit through round headed windows. A raised area behind the men's seating functions as the gallery, although the almost double height of the space could accommodate a balcony. The chandeliers are identical with those found at Manchester High Crumpsall Synagogue, built at the end of the 1920s, and were doubtless made by the same Manchester firm. St Anne's was designed by a little-known Jewish architect named Maxwell Caplan of Southport."

"At the east, resulting in a non-standard plan of Ark and entrance on the same wall. Lytham St Anne's adopted solution was a central corridor, separating Shul from hall, running back from the street entrance."

Having regard to the research undertaken by the LPA, the building's citation in the abovementioned texts and the assessment from Historic England, it is apparent that the synagogue has architectural and historic merit and significance as a heritage asset of local/sub-regional (county level) importance, and that this significance should carry weight in the decision making process. The building does not fall within a conservation area and an application for statutory listing has been unsuccessful. Therefore, it does not meet the definition of a "designated heritage asset" in Annex 2 of the NPPF. Nevertheless, paragraph 135 of the NPPF makes clear that:

- "The effect of an application on the significance of a **non-designated heritage asset** should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset [emphasis added]."

Criterion (6) of FBLP policy HL2 requires applications for residential development to take into account the archaeological and historic features within sites and to have regard to other policies of the Development Plan which draw attention to these matters.

FBLP policy EP7 states that the removal of local features of quality or craftsmanship will be avoided.

The proposed development would require the complete demolition of synagogue and, accordingly, would result in the total loss of significance of the heritage asset. Therefore, the scale of harm and the loss of significance in this case would be substantial. The applicant has failed to take account of the building's significance as a heritage asset and has provided no assessment in this regard for the purposes of paragraph 128 of the NPPF. On balance, it is not considered that there would be any public benefits arising as a result of the scheme sufficient to outweigh the harm caused by the loss of the building. The proposed development is therefore contrary to the requirements of Fylde Borough Local Plan policies EP7 and HL2, and paragraphs 128 and 135 of the NPPF.

Impact on character and appearance:

Criterion (2) of FBLP policy HL2 states that applications for housing will be permitted where they are:

- In keeping with the character of the locality in terms of scale, space around buildings, materials and design;

Criterion (3) of FBLP policy CF1 indicates that developments involving community facilities will be permitted where:

- The development is appropriately sited, designed and landscaped and would not prejudice visual amenities or the character of the area.

Paragraph 58 of the NPPF encourages good design by stipulating that planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.
- are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 64 of the NPPF indicates that “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

The application proposes the construction of a flat-roofed, four storey building following a rectangular footprint towards the northern end of site in close proximity to the junction of Orchard Road and Richmond Road. The proposed building would be in the form of a continuous, rectangular block with flat, unbroken elevations to four sides, including the main façade onto Orchard Road. Whilst the existing synagogue is of a substantial size, the presence of lower-level ‘wings’ to either side of its taller, central bay results in a lack of uniformity with respect to its height. Moreover, the stepped parapet to its roof and staggered profile of its external walls (having particular regard to that fronting Orchard Road) break up this elevation and avoid monotony by adding diversity and architectural interest.

In contrast to the existing synagogue, the proposed building would introduce a monolithic rectangular block with a flat, unbroken façade to Orchard Road and, by virtue of its size, shape, height, scale, massing and siting, would appear as a dominant and incongruous feature in the street scene at a prominent junction. The scale, bulk and form of the proposed development would be incompatible with the character of surrounding buildings and would introduce an unsympathetic form of development which fails to improve the character and quality of the area in conflict with the requirements of Fylde Borough Local Plan policies HL2 and CF1, and paragraphs 58 and 64 of the National Planning Policy Framework.

Impact on residential amenity:

Criterion (4) of FBLP policy HL2 states that applications for housing will be permitted where they:

- Would not adversely affect the amenity and privacy of neighbouring properties.

Criterion (2) of FBLP policy CF1 indicates that developments involving community facilities will be permitted where:

- The development is appropriately located having regard to adjacent and nearby land uses and would not prejudice residential amenity.

The proposed four storey building would be located alongside and a minimum of approximately 3.6 metres from the west facing (side) elevation of an adjacent three-storey dwellinghouse – no. 44 Orchard Road. There are five habitable room windows in the west facing elevation of no. 44 which serve a lounge and kitchen to the ground floor and three bedrooms to the first and second floors. These windows presently overlook the single storey wing to the east side of the synagogue which is topped by a shallow pitched roof behind the parapet to the principal façade of the synagogue facing

Orchard Road and, accordingly, allows views from existing habitable room windows to the upper floors of no. 44 over the roof of the existing building and significantly reduces the building's massing and sense of enclosure to the ground floor openings.

In contrast, the east facing (side) elevation of the proposed four storey building would be 5.2 metres higher than the corresponding elevation of the existing synagogue and the additional height, scale and massing introduced by the development, combined with its close proximity to the habitable room windows in the side of no. 44 (a minimum distance of 3.6 metres), would have an oppressive and overbearing impact on the occupiers of the adjacent dwellinghouse which would adversely affect their amenity due to a loss of outlook and loss of daylight. The proposed development is therefore contrary to the requirements of Fylde Borough Local Plan policies HL2 and CF1.

Infrastructure contributions:

Policy H4 of the Emerging Local Plan (ELP) requires that affordable housing is delivered in respect of all schemes of more than 10 homes. In addition, FBLP policy TREC17 requires new residential developments to make satisfactory provision for recreational open space and policy CF2 allows contributions to be sought towards education.

Paragraph 204 of the NPPF indicates that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

In addition, regulation 12(d)(iv) of the Community Infrastructure Levy (Amendment) Regulations 2014 provides that, from the 6 April 2015, the use of planning obligations will be restricted where there have been five or more obligations in respect of a specific infrastructure project or a type of infrastructure which is capable of being charged under the levy. For these purposes, the pooling of contributions is backdated to those entered into on or after 6 April 2010 (paragraph 099 of the Community Infrastructure Levy chapter to the NPPG).

Open space:

FBLP policy TREC 17 states that, within new housing developments, the provision of amenity open space (including facilities for children's play where appropriate) will be required in accordance with the following standards:

- 16 sq m per 1 bedroom dwelling
- 24 sq m per 2 bedroom dwelling
- 32 sq m per 3 bedroom dwelling
- 40 sq m per 4 bedroom dwelling
- 48 sq m per 5 bedroom dwelling

The policy clarifies that, where the above standards would require the provision of open space of less than 0.2 ha (2000 square metres) or where, for other reasons, it is agreed between the developer and the council that the open space would be better provided off site, payment of a commuted sum will be sought to help provide additional or improved open space or other recreational facilities nearby where the benefits would serve the occupiers of the new development.

Whilst matters of layout and scale have been applied for, as the application is in outline (and external appearance has not been sought), bedroom numbers are unknown at this stage. If, however,

the indicative bedroom mix shown on the submitted floor plans is taken into account, this would result in the provision of a 33 bedroom development (3 one-beds and 15 two-beds). In accordance with the standards set out in policy TREC17, this would require the provision of 408 square metres of open space. As this level of provision is below the threshold for on-site provision set out in policy TREC17, a financial contribution towards the provision and/or improvement of open space off the site would be required. Any such financial contribution would need to be secured through planning obligation and a specific infrastructure project identified. The applicant has not indicated their willingness to make this contribution and has failed to enter into a planning obligation in order to secure this.

Affordable housing:

Paragraphs 47 and 50 of the NPPF identify the importance of delivering affordable housing, with a presumption in favour of this provision being made on individual sites. Affordable housing is defined in Annex 2 of the Framework.

Policy H4 of the ELP requires all market housing schemes of more than 10 dwellings to provide 30% affordable housing. Whilst the policy indicates a preference for this provision to be delivered on individual sites, the LPA acknowledges that this is seldom practical in the case of apartment schemes with shared services and communal areas which are unattractive to Registered Providers and, accordingly, an equivalent commuted sum payment to off-site provision would be permissible in this case. The applicant has not provided any assessment of the level of contribution which would be equivalent to 30% of the dwellings being delivered as affordable homes, nor have they indicated their willingness to make this contribution. The applicant has also failed to submit any planning obligation in order to secure this provision.

Education:

Paragraph 72 of the NPPF indicates that

- The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools.

In addition, policy CF2 of the FBLP states that the Council will negotiate agreements with developers, through planning obligation, to ensure the provision of additional primary and secondary school places which will be needed as a result of new housing development in the Borough.

LCC have identified six primary schools located within 2 miles of the development site and one secondary school within 3 miles. Based upon projections from the 2015 pupil census, and when applying the indicative bedroom numbers shown on the submitted plans, LCC estimate that the development will generate a pupil yield of 1 primary school place and 1 secondary school place. However, LCC have identified a surplus in the number of primary school places available in years' time and, accordingly, are not requesting any contribution towards the provision of new primary school places. Nevertheless, a contribution towards the provision of 1 new secondary school place is sought.

The CIL regulations limit the pooling of contributions for general infrastructure to a maximum of five and, accordingly, LCC will be required to identify a specific school where the new secondary school place is to be delivered which does not already have 5 or more contributions assigned to it. As the

application is recommended for refusal, details of a named infrastructure project have not been sought from LCC. This information would, however, be forthcoming as part of any appeal.

If applying the pupil yield assumed by LCC against current charges, the development would be required to make a financial contribution towards the delivery of new secondary school places of £18,397.28 (1 place at a rate of £18,397.28. This financial contribution would need to be secured through a planning obligation. The developer has failed to submit any such planning obligation and, in the absence of a suitable mechanism to make adequate provision for new school places, is in conflict with the requirements of FBLP policy CF2 and the NPPF.

Other Matters:

Objectors have raised concerns with respect to issues including parking, traffic generation and drainage.

The site occupies a prominent location on the edge of the town centre and is readily accessible by modes of transport other than private car. When considered in combination with the building's accessible, edge-of-town-centre location, the 28 car parking spaces proposed to the rear of the building are considered to be sufficient to serve both the synagogue and the 18 apartments proposed. It is also noted that the existing synagogue functions without any dedicated off-street parking for the congregation and that the Local Highway Authority have raised no objections to the application on the grounds of highway capacity or road safety.

The Lead Local Flood Authority and United Utilities have been consulted as part of the application. Neither have raised any objections to the application on the grounds of flooding or drainage. Instead, conditions have been recommended to restrict the rate of surface water discharge from the site to pre-development levels. Therefore, matters of flooding and drainage can be controlled through condition.

Conclusions

The applications relates to a previously developed (brownfield) site on the edge of the town centre within the settlement boundary of Lytham St Annes. The proposed development for a mix of community and residential uses in this location would bring benefits with respect to the re-use of previously developed land in a sustainable location and would make a valuable contribution to the Borough's supply of housing land. Nevertheless, when balanced against the substantial harm which would be caused due to the loss of the existing synagogue building as a heritage asset, the development's adverse impact on the character and appearance of the area and the amenity of neighbouring occupiers arising by virtue of its dominant and excessive scale, and the applicant's failure to provide the required contributions to local infrastructure in order to mitigate the development's impact in planning terms, it is considered that the benefits the scheme would bring are significantly and demonstrably outweighed by the harm it would cause.

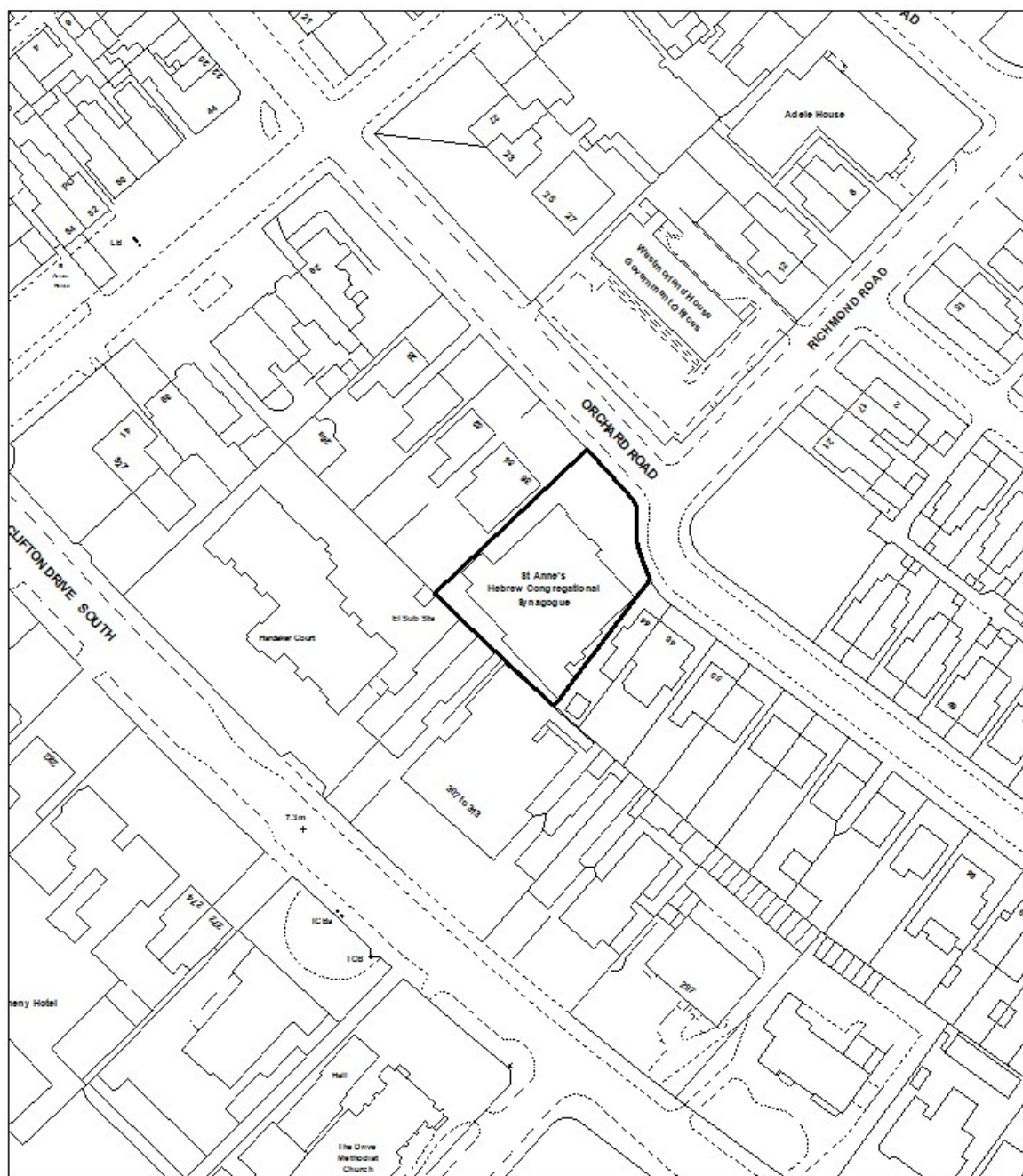
Recommendation

That Planning Permission be REFUSED for the following reasons:

1. The application proposes the complete demolition of an existing, *circa* 1959 synagogue building. The building is a unique and prominent feature which makes a substantial contribution to the character of Orchard Road and, by virtue of its architectural and historic merit, has significance as a heritage asset (albeit non-designated) of local/sub-regional importance.

The demolition of the synagogue would result in the total loss of significance of the heritage asset and, accordingly, the development would cause substantial harm in this regard. The applicant has failed to take account of the building's significance as a heritage asset and has provided no assessment of this despite the requirements of paragraph 128 of the National Planning Policy Framework. The benefits arising as a result of the development would not be sufficient to outweigh the total loss of significance and substantial harm to the heritage asset which would arise from its demolition. The proposed development is therefore contrary to the requirements of Fylde Borough Local Plan policies EP7, HL2 and paragraphs 128 and 135 of the National Planning Policy Framework.

2. The application proposes the construction of a flat-roofed, four storey building following a rectangular footprint towards the northern end of site in close proximity to the junction of Orchard Road and Richmond Road. The proposed building would introduce a monolithic rectangular block with a flat, unbroken façade to Orchard Road and, by virtue of its size, shape, height, scale, massing and siting, would appear as a dominant and incongruous feature in the street scene at a prominent junction. The scale, bulk and form of the proposed development would be incompatible with the character of surrounding buildings and would introduce an unsympathetic form of development which fails to improve the character and quality of the area in conflict with the requirements of Fylde Borough Local Plan policies HL2 and CF1, and paragraphs 58 and 64 of the National Planning Policy Framework.
3. The proposed four storey building would be located alongside and a minimum of approximately 3.6 metres from the west facing (side) elevation of an adjacent three-storey dwellinghouse – no. 44 Orchard Road. There are five habitable room windows in the west facing elevation of no. 44, serving a lounge and kitchen to the ground floor and three bedrooms to the first and second floors, which presently overlook the single storey wing to the east side of the synagogue. The east facing (side) elevation of the proposed four storey building would be 5.2 metres higher than the corresponding elevation of the existing synagogue and the additional height, scale and massing introduced by the development, combined with its close proximity to the habitable room windows in the side of no. 44, would have an oppressive and overbearing impact on the occupiers of the adjacent dwellinghouse which would adversely affect their amenity due to a loss of outlook and loss of daylight. The proposed development is therefore contrary to the requirements of Fylde Borough Local Plan policies HL2 and CF1.
4. The proposed development is required to make financial contributions towards the provision of public open space, affordable housing and new secondary school places. The applicant has failed to put any mechanism in place to secure these contributions and, accordingly, the development is contrary to the requirements of Fylde Borough Local Plan policies TREC17 and CF2, policy H4 of the Fylde Local Plan to 2032: Revised Preferred Option (October 2015), and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0060	Address St Annes Hebrew Congregational Synagogue, Orchard Road, Lytham St Annes	Grid Ref. E.3322 : N.4286	Scale 0 6 12 18 24 m

Item Number: 4

Committee Date: 25 May 2016

Application Reference:	16/0087	Type of Application:	Outline Planning Permission
Applicant:	Mr Wilson-Mills	Agent :	
Location:	LAND ADJACENT TO WHITE HALL, KIRKHAM ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3SD		
Proposal:	OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR THE ERECTION OF ONE DWELLINGHOUSE		
Parish:	NEWTON WITH TREALES	Area Team:	Area Team 2
Weeks on Hand:	12	Case Officer:	Matthew Taylor
Reason for Delay:	Not applicable		

Summary of Recommended Decision: Grant

Introduction

Members deferred the application at their meeting of 20th April 2016 for a site visit to assess the development's impact on the character and appearance of the area. There have been no amendments to the scheme or further comments since that time and so the report below is as presented to the April meeting.

Summary of Officer Recommendation

The proposal seeks outline permission (all matters reserved) for the erection of a single dwelling on a *circa* 700 square metre parcel of land to the south side of Kirkham Road, Treales. The site is located between groups of dwellings at White Hall to the west and on the opposite side of Kirkham Road to the north, and adjacent to a plot of land to the east which has an extant outline permission for a single dwelling pursuant to planning approval 15/0367. The proposed dwelling would follow the established pattern of development along Kirkham Road and would be located amongst, and seen in conjunction with, existing buildings along its southern frontage.

The dwellinghouse would be contained within established boundaries and would not result in harmful encroachment into the open countryside or have an adverse impact on the character of the surrounding area by virtue of its scale, density or plot size. Whilst the site is located outside the settlement boundary and within the Countryside Area as defined on the FBLP Proposals Map, the Council is presently unable to demonstrate a five year supply of housing land and, accordingly, the principle of residential development cannot be resisted where the development is sustainable in all other respects.

The scheme would not result in any significant loss of the Borough's best and most versatile agricultural land and there are no other landscape designations to restrict the site's development for housing. Appropriate retention, compensation and strengthening of

landscaping is capable of being achieved as part of the scheme in order to mitigate any visual/landscape impacts and to ensure screening with surrounding properties. Satisfactory arrangements are capable of being made for vehicle access, parking and manoeuvring in order that the development would not have a detrimental impact on the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site.

The proposal is therefore considered to represent sustainable development in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Fylde Borough Local Plan.

Reason for Reporting to Committee

The Parish Council has objected to the application and the Officer recommendation is for approval.

Site Description and Location

The application relates to a rectangular parcel of land measuring approximately 700 square metres in area to the south side of Kirkham Road, Treales. The site is located between an undeveloped parcel of grassland to the west side of Primrose Farm which has outline planning permission for a single dwelling pursuant to planning approval 15/0367 and a collection of six dwellings to the west at White Hall served by an access road branching in a southerly direction off Kirkham Road.

The site falls outside the settlement boundary and within the Countryside Area as defined on the Fylde Borough Local Plan (FBLP) Proposals map. The land presently forms an area of unmaintained grassland which runs parallel with the access road serving dwellings at White Hall. The land is enclosed by a combination of post-and-rail fencing and hedging to its perimeter, with a group of taller trees flanking Kirkham Road along its northern boundary. Additional individual trees are located centrally and to the southeast corner of the site where the plot backs onto a large expanse of open farmland to the south. An unenclosed strip of maintained grassland containing smaller trees and a bench forms a buffer between the site and the adjacent access road to White Hall and is not included within the development site.

Dwellings at White Hall to the west run in a north-south direction flanking, but set back from, the access road. Five of these dwellings have been created following the conversion of existing barns on the site in the early 21 century pursuant to planning approval 99/0356 (the exception to this being the original 'White Hall' dwellinghouse which forms the southernmost of the group). Four of the dwellings are orientated in an easterly direction facing towards the site (though the northern dwellings are offset in relation to it) a minimum of approximately 23 m from the western site boundary. All dwellings facing the site are two storeys in height. Two detached properties (Birch House and Whitegarth) lie approximately 31m to the north of the site on the opposite side of Kirkham Road. Primrose Farm is located some 32m to the east, with a blank gable facing towards the site.

Details of Proposal

The application is submitted in outline, with all matters reserved, for the erection of one dwelling on the site. An illustrative plan has been submitted as part of the proposal. This shows a detached, two-storey dwellinghouse occupying a central location within the site with an independent access taken from Kirkham Road. This would necessitate the removal of two trees and a short section of

hedgerow within the group flanking the northern boundary and the removal of three other trees within the central areas of the site. Remaining trees on the site are shown to be retained, with a new hedge shown alongside the western perimeter.

As the application does not seek approval for any of the five reserved matters (access, layout, scale, external appearance and landscaping), all details shown on the illustrative plan are purely indicative and are not for detailed consideration as part of the proposal. The application seeks only to establish the principle of residential development for a single dwelling on the site.

Relevant Planning History

Application No.	Development	Decision	Date
07/0839	REVISED ELEVATIONAL DETAILS TO BARN 2, 3 AND 4. PREVIOUS APPROVAL ON APPLICATION 5/99/0356	Granted	09/11/2007
06/0732	ERECTION OF ONE BLOCK COMPRISING OF 3 SEPARATE GARAGES FOR DOMESTIC USE	Granted	16/10/2006
05/0761	TWO STOREY AND SINGLE STOREY EXTENSIONS AND GARAGE	Granted	23/09/2005
99/0356	AMENDMENT TO PREVIOUSLY APPROVED SCHEME 5/96/476 - CONVERSION OF REDUNDANT BARN INTO 5 DWELLINGS	Granted	11/08/1999
96/0476	CONVERSION OF REDUNDANT FARM BUILDINGS INTO 5 NO. DWELLINGS AND GARAGE BLOCK	Granted	06/11/1996
98/0682	AMENDMENTS TO DESIGN OF CONVERTED BARN APPROVED UNDER CONSENT 5/96/0476	Refused	27/01/1999

Relevant Planning Appeals History

None

Parish/Town Council Observations

Treales, Roseacre & Wharles Parish Council were notified of the application on 2 March 2016. The Parish Council object to the application on the following grounds:

- The erection of a dwellinghouse in this location would be detrimental to the character of the area and surrounding properties and would represent over intensive development outside the core settlement area.
- The creation of an access onto Kirkham Road would require the loss of substantial amounts of hedgerow and would further alter the street scene and character of Treales.
- The formation of a further dwelling accessing Kirkham Road would be detrimental to highway safety.
- The development is in conflict with policy SP2 of the FBLP and paragraphs 28, 58 and 26 of the NPPF.

Statutory Consultees and Observations of Other Interested Parties

LCC Highways:

- There are no highway objections to the scheme. LCC's five year database for injury related vehicular accidents indicates that there have been no reported incidents within 100m of the site access.

- Any application for approval of reserved matters which seeks permission for access will need to demonstrate that:
 - Visibility splays sufficient for a 30mph road will be required in both directions at the junction of the site access with Kirkham Road.
 - An appropriate turning area will be required within the curtilage in order that vehicles can enter/exit the site in forward gear.
 - Parking should be provided in accordance with the standards set out in the Fylde Borough Local Plan applicable at the time. Any garage must have internal dimensions of 6m x 3m to be counted as a parking space.

Tree Officer:

- The boundary hedge to Kirkham Road is of a poor quality. Originally hawthorn and privet, it is now overrun with ivy where it is intact but is in many places broken and open to the road. Evidently this was not an agricultural hedge in origin because privet is essentially a garden choice.
- The group of ash and sycamore inside the hedge are heavily suppressed with ivy and do not present an appealing form. One large sycamore is dead; others are misshapen and feature asymmetric canopies. These specimens are not of a quality which would justify protection by tree preservation order as they would not score well whether considered collectively or as individuals. This group of trees also conflicts with overhead phone lines and a street lamp.
- One ash tree (T14 in the survey) next to the existing access to White Hall shows better form than the others and should be retained. A condition should be attached to any permission requiring protection for this specimen to be put in place during construction. An oak tree along this access is also of moderately good form but should not be implicated by the proposal so long as this access is not used to service the development.
- The small trees on the internal hedge should not pose a constraint to the development. This inner hedge (between two properties) should be retained if permission is given, since the soft boundary seems more in-keeping with the rural atmosphere of this area than fencing. A planted horse chestnut of perhaps twenty five years' growth is to be removed to the western edge of the site. It is in twin-stemmed form, which detracts from its value to a small extent. Essentially this is a private garden tree and of a species that is currently out of favour because of the advance of horse chestnut canker. Therefore, it has little long-term value and, along with some frontage tree planting secured by landscaping condition, its loss could be compensated for elsewhere.
- In summary, there are no objections to this proposal, but suggest that improved road frontage planting is secured by planning condition, since those trees currently facing the road are of low public amenity value.

United Utilities:

- The site should be drained on separate systems for foul and surface water disposal. Foul water should drain to the public sewer and surface water should drain in the most sustainable way in accordance with the hierarchy in the PPG – a soakaway; surface water body; surface water sewer; and finally, a combined sewer.

Neighbour Observations

Neighbours notified:	2 March 2016
Site notice posted:	18 March 2016
Amended plans notified:	N/A
No. Of Responses Received:	2
Nature of comments made:	2 objections

The points of representation are summarised as follows:

- The site is rural agricultural land used for sheep grazing and should remain as such. A substantial area of the village's agricultural land has recently been lost to development. The development of the land would detract from the spacious, rural character and setting of the site and its surroundings.
- This is not an infill plot. It is land connected with and adjacent to White Hall Farm and the attached barn conversions. It is, therefore, distinct from the remainder of the village as forming part of the farm.
- Any windows on the side of the proposed dwellinghouse would look directly into the living areas of properties facing the site to the west. Any approval should include a condition to restrict the insertion of windows on the west side of the house facing White Hall.
- The trees at the front of the site provide a degree of privacy and amenity for existing residents adjacent to the site. It is evident that a number of these trees would need to be removed as part of the development. This would adversely affect the rural character of the area.
- Any new dwelling should be required to follow the building line on Kirkham Road in order that any building on this plot does not step out beyond the building line of Primrose Farm.
- The proposal is for a development which, as a result of recent other roadside residential planning approvals, will cumulatively create a ribbon of roadside development outside the Settlement Boundary of Treales Village in a designated countryside area. This will adversely impact the amenity of the area and the intrinsic value of the rural character of this countryside location.
- This stretch of roadside woodland and hedged land creates a strategic rural break in what will otherwise cumulatively become ribbon urbanised development.
- The development will make no material difference to addressing the overall shortfall in the Borough's housing land supply and will make no contribution towards the provision of affordable housing in the village.
- The development will not support the sustainability of Treales or Kirkham. Instead, it would introduce additional traffic movements because employment land has been removed from the village to allow additional residential development in the village and there is no public transport to provide access to shops.
- The development proposes additional residential road access and the consequential removal of hedging and woodland. The heritage characteristic of the Treales rural area is one of roadside woodland and hedged fields interspersed with family farmsteads. This cumulative development is not a form supported by the NPPF core principles para 17 or FBLP policy SP2. It materially adversely impacts the intrinsic character and beauty of the countryside and does not support thriving rural communities. The significance of the cumulative harm this development creates is not outweighed by other factors, and approval would prompt a decision in conflict with FBC and NPPF policies.
- The Development Committee should make an accompanied visit to the area and site to see the negative cumulative impact that will be created.

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character

EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP18	Natural features
EP22	Protection of agricultural land

Other Relevant Policy:

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

Fylde Local Plan to 2032 – Revised Preferred Option

S1 – The Proposed Settlement Hierarchy

DLF1 – Development Locations for Fylde

Site Constraints

Within countryside area

Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended), but does not exceed the threshold in Column 2 of the table relating to category 10(b) developments. Therefore, it is not Schedule 2 development for the purposes of the Regulations and, accordingly, is not EIA development.

Comment and Analysis

Principle of development:

Policy context and five year supply:

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The statutory development plan for Fylde comprises the saved policies of the Fylde Borough Local Plan (2005). However, paragraph 215 of the NPPF makes clear that, where there is conflict with between the policies in the Local Plan and the Framework, the NPPF should prevail.

As outlined at paragraph 14, the underpinning principle embedded within the NPPF is a presumption in favour of sustainable development. In terms of decision taking, this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the] Framework taken as a whole; or
 - specific policies in [the] Framework indicate development should be restricted.

Paragraph 55 of the NPPF states that:

- To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups

of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

In addition, the first and third bullet points to the 'Rural Housing' chapter of the NPPG identify that:

- It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing.
- Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

FBLP Policy SP2 indicates that, in Countryside Areas, development will only be permitted where it falls into 5 categories. None of these categories are applicable to the proposed development and, accordingly, there is conflict with policy SP2 in this regard.

Criteria (1), (2), (3) and (7) of FBLP policy HL2 state that planning applications for housing will be permitted where they:

- Are acceptable in principle and compatible with nearby and adjacent land uses.
- In keeping with the character of the locality in terms of scale, space around buildings, materials and design; and
- Developed at a net density of between 30-50 dwellings per hectare.
- Are in a sustainable location having regard to the local availability of shops, schools, employment sources, public transport and other community facilities”.

The latest version of the Emerging Local Plan (the Revised Preferred Options Local Plan to 2032, dated October 2015) does not identify Treales as a “Tier 1” or “Tier 2” Rural Settlement. Nevertheless, it makes allowances, under policies S1 and DLF1, for “minor infill development” on “sites of less than 10 homes” outside the Tier 1 and Tier 2 Rural settlements. It should, however, be noted that as the Emerging Local Plan has not been adopted or independently examined, it carries limited weight in planning decisions at present. Instead, the prevailing policy context is the FBLP and the NPPF.

FBLP policy SP2 indicates that the only circumstance where housing would be permissible within the Countryside Area will be in the case of rural exception sites for affordable housing in accordance with the provisions of policy HL3. However, this approach to resist private market housing in the countryside area cannot be considered to be up-to-date (and, accordingly, sustainable) for the purposes of the NPPF where a Local Planning Authority is unable to demonstrate a 5 year supply of housing. Indeed, paragraph 55 of the NPPF, supplemented by the Rural Housing chapter to the NPPG, supports the principle of sustainable housing developments in rural areas providing that it would not result in the construction of new isolated homes in the countryside.

Paragraph 47 of the NPPF requires Local Planning Authorities to “boost significantly the supply of housing” in order to “provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice

and competition in the market for land”. Paragraph 49 of the NPPF states that: “housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

The Council is presently unable to demonstrate a 5 year supply of housing land. The Council’s latest five year housing land supply position statement (dated March 2015) indicates that it is able to demonstrate a supply equivalent to 4.3 years (including a 20% buffer to deal with a period of persistent under delivery). Therefore, the absence of a 5 year supply places policy SP2 (and, allied to this, the approach in policy HL3) in conflict with the NPPF.

Given the above, reasons for refusal which, in effect, seek to place a moratorium on housing development outside the settlement boundary (and within the Countryside Area) in accordance with the provisions of out-of-date policy SP2 will not be sustainable. Therefore, despite conflicting with FBLP policy SP2, the release of windfall housing sites in the countryside area is, in principle, permissible in accordance with paragraphs 47 and 49 of the NPPF providing that there are no overriding policy or other material considerations to indicate that development should be resisted for other reasons.

Accessibility of location:

Paragraph 34 of the NPPF states that:

- “Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. **However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas**” (emphasis added).

The fourth bullet point to paragraph 001 of the ‘Rural Housing’ chapter to the NPPG states that:

- The National Planning Policy Framework also recognises that different sustainable transport policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

The site is located in the Countryside Area to the western end of the village, outside the settlement boundary defined on the FBLP Proposals Map. Treales is a small village which, aside from a Public House, lacks a number of public amenities. It is, however, located approximately 1.6km from Kirkham town centre and, accordingly, it follows that future occupiers are likely to rely on facilities in Kirkham.

The table in Figure 1 below is taken from the Institution of Highways and Transportation (IHT) document “Providing for Journeys on Foot” (2000). It indicates suggested acceptable walking distances for pedestrians without a mobility impairment for some common facilities in different locations. This is based on an average walking speed of 3mph.

Table 3.2: Suggested Acceptable Walking Distance.			
	Town centres (m)	Commuting/School Sight-seeing (m)	Elsewhere (m)
Desirable	200	500	400
Acceptable	400	1000	800
Preferred maximum	800	2000	1200

Figure 1 – suggested acceptable walking distances (IHT).

Kirkham is the largest neighbouring settlement which provides “town centre” facilities and, accordingly, the distances in the left hand column of Figure 1 would be applicable with respect to Kirkham. However, as Treales does not benefit from a town centre, it would fall within the category of “elsewhere” and, accordingly, longer walking distances to access the same facilities are expected. The pedestrian link between Kirkham and Treales is via a footway along Carr Lane. The closest school (Treales Church of England Primary School) is located approximately 1.8 km away, with other schools available in Kirkham within 2km of the site. As the distance between Kirkham town centre and Treales is approximately 1.6km (and, accordingly, some 0.4km above the preferred 1.2km maximum in Figure 1), it follows that many future occupiers of the development would be reliant on car-based journeys to access some local facilities. However, the site is within the preferred 2km maximum for district facilities (including employment and education opportunities).

As identified in paragraph 34 of the NPPF (and reiterated in the NPPG), it is inevitable that sites within the countryside will not benefit from the same accessibility to services as those within the urban area. It does not, therefore, follow that all development within the rural area is always unsustainable by virtue of its location and, as acknowledged at paragraph 55 of the NPPF, the introduction of housing in rural areas is capable of enhancing the vitality of rural communities by supporting local shops and services elsewhere. Therefore, the lack of specific services in individual villages should not stifle development in rural areas where such facilities exist nearby and, accordingly, a development would not result in “isolated homes in the countryside”.

Whilst Treales lacks any substantial shops, services and public transport links, it is located some 1.6km from Kirkham town centre and within 2km of three local schools. Kirkham includes a number of shops and services which are sufficient to serve the needs of outlying villages such as Treales, and the relatively close proximity of the two settlements means that they are closely allied to one another with respect to sharing services. Indeed, this is likely to be the case for the occupiers of other dwellings surrounding the site. Therefore, whilst there would be some reliance on car-borne journeys with respect to access to local facilities in Kirkham, it is not considered that the distance between the two settlements is so significant as to conclude that the development would deliver isolated homes in the Countryside for the purposes of paragraph 55 of the NPPF or conflict with FBLP policy HL2.

Scale and pattern of development:

Objectors have referred to the rural character and setting of the village and opine that this development would erode that character. Whilst the site is located outside the settlement boundary, the built form and structure of Treales extends beyond the ‘core’ to the eastern end of the village, particularly along the southern edge of Kirkham Road which presents a more built-up

frontage in contrast to the northern flank. The site is adjacent to a group of 6 dwellings at White Hall to the west, two dwellings on the opposite side of Kirkham Road to the north and the adjoining land to the east benefits from an extant outline permission for a single dwelling to the west of Primrose Farm (planning permission 15/0367). Assuming that permission 15/0367 is implemented, the application plot will be bounded by built development to three sides, with existing boundary treatments and planting creating both physical and visual segregation between the site and adjoining agricultural land to the south.

The settlement boundary cannot be relied upon to restrict the location of development in the absence of a 5 year housing land supply. Moreover, it is apparent in this case that the site would be located amongst an existing group of buildings flanking Kirkham Road and, accordingly, would not appear detached or isolated from other dwellings in the village. The proposed dwelling, by virtue of its location and relationship with surrounding buildings, would follow the existing pattern of development in Treales and would not erode the rural character and setting of the village.

Whilst the application is in outline with all matters reserved, the illustrative plan demonstrates that any new dwelling is capable of providing a spacious frontage to Kirkham Road by following the building line of adjacent (existing and approved) dwellings to the east. The new dwelling would occupy an elongated plot which is commensurate (or larger) in size to those afforded at other dwellings in Treales. The retention of a landscaped garden frontage to Kirkham Road, the staggered position of any new dwelling set back from the highway and the size of the curtilage would ensure that the construction of a single dwelling on the site would preserve rural character and would not appear unduly cramped.

Visual and landscape impact:

The site is located amongst a cluster of buildings to the western end of the village. Boundaries are characterised by a combination of post-and-rail fencing and established trees and hedgerows. Vegetation is thickest to the northern perimeter with Kirkham Road, with that to the eastern and southern boundaries following a more linear profile along the site perimeter. The site is not open to the agricultural land to the south. This is, instead, accessed via a gate at the southern end of the access road to White Hall.

Paragraph 17 of the NPPF set out core land-use planning principles which should underpin decision-taking. The fifth bullet point states that planning decisions should:

- “take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, **recognising the intrinsic character and beauty of the countryside** and supporting thriving rural communities within it” (emphasis added).

Criterion (5) of FBLP policy HL2 states that planning applications for housing will be permitted where they:

- Maintain or enhance biodiversity in the locality and retains or replaces important features and habitats including trees, hedgerows, woodlands, ponds and watercourses.

Policy EP10 indicates that the distinct character and important habitats of Fylde will be protected. The policy identifies that 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 EP11 states that new development in rural areas should be sited in order that it is in keeping

with the distinct landscape character types and features defined in policy EP10. Development should be of a high standard of design and matters of scale, features and building materials should reflect the local vernacular style.

Policy EP12 indicates that trees and hedgerows which make a significant contribution to townscape or landscape character, quality and visual amenity will be protected – including through the use of Tree Preservation Orders (TPOs) – and EP18 encourages, where possible, the retention/replacement of existing natural features and, where appropriate, the introduction of additional features as part of the development.

Policy EP14 requires new housing developments to make suitable provision for landscape planting.

The site is presently afforded a degree of seclusion from Kirkham Road owing to the thick covering of vegetation to the northern boundary. This comprises a lapsed privet hedge backed by taller trees. Owing to the screening provided by this vegetation, the site is visible only in glimpsed views where the access road to White Hall meets Kirkham Road.

The application is accompanied by a tree survey which assesses the condition, life expectancy and value of existing vegetation on the site. The survey indicates that the development would necessitate the removal of five existing trees on the site – two within the group alongside the northern boundary and three within the central areas of the site. It is also recommended that the roadside hedge to Kirkham Road is replanted within the next 10 years due to extensive Ivy cover. The survey concludes that remaining vegetation on the site (a total of 11 trees and the hedgerows to the eastern and southern boundaries) are capable of being retained as part of the development.

The Council's Tree Officer has inspected specimens on the site and does not dispute the conclusions in the tree survey. Moreover, the Tree Officer does not consider any of the trees (either individually or cumulatively) to be worthy of protection by Tree Preservation Order, noting that those to the roadside are heavily covered in Ivy and that the Horse Chestnut to the western boundary which is visible from Kirkham Road has a limited life expectancy. In summary, the Tree Officer concludes that those trees which would be lost as a result of the development are of limited value and adequate compensatory planting could be introduced to offset any losses. The specimens of greatest value – most notably an Ash and Oak to the northwest corner of the site – are capable of being retained and a condition should be attached to any permission requiring protection measures to be put in place during the construction period.

Existing landscaping along the southern boundary of the site (comprising both trees and hedging) provides visual separation between the plot and open agricultural land beyond. Accordingly, the site is distinct from adjoining farmland and does not have an open boundary to it. The sense of enclosure provided by the existing boundary planting (including the fact that this aligns with similar boundary treatments on developed/approved plots to the east) means that the site is viewed in a residential context in conjunction with dwellings at White Hall to the west rather than as an extension of the open agricultural land to the south. Given the site's established boundaries and its relationship with surrounding dwellings (both existing and proposed), it appears as a contained parcel amongst neighbouring residential development and would not encroach into open farmland beyond.

The proposed development would result in the loss of a small number of trees within the site in order to form an access from Kirkham Road and to allow the construction of a new dwelling within its central areas. The specimens which would be lost are unworthy of any specific protection through Tree Preservation Order and adequate compensatory planting is capable of being introduced in order to offset any losses. Other vegetation on the site (including that to the perimeter) is capable of

being retained as an integral part of the scheme. The proposed development would be seen in a residential context amongst and following the pattern of existing buildings so that it would maintain a spacious aspect to the street and would not adversely affect the character of the area. The site's established boundaries with adjoining open agricultural land would be maintained in order that the development would not result in harmful encroachment into the countryside and would not detract from the openness of the surrounding landscape or erode its rural setting. Accordingly, the proposal is considered to be in compliance with the requirements of FBLP policies HL2, EP10, EP11, EP12, EP14 and EP18, and the NPPF.

Loss of agricultural land:

The site is designated as grade 2 (very good quality) agricultural land on the Agricultural Land Classification Map. Paragraph 112 of the NPPF stipulates that:

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

In addition, FBLP policy EP22 states that development will not be permitted which would involve the permanent loss of the best and most versatile agricultural land (grades 1, 2 and 3a) where it could reasonably take place on previously developed sites, on land within the boundaries of existing developed areas or on poorer quality agricultural land. Policy EP22 identifies that there is no Grade 1 agricultural land within the borough and, resultantly, Grades 2 and 3a will be considered the best and most versatile (BMV).

The Agricultural Land Classification Map is based on the Ministry of Agriculture, Fisheries and Food Soil Survey of England and Wales 1969 which is intended for strategic purposes. This map is not sufficiently accurate for use in the assessment of individual sites. In this case, the Grade 2 classification covers the whole of Treales.

The application site measures approximately 700 square metres in area and is not open to wider expanses of worked agricultural land to the south. In particular, the site boundaries are enclosed by a combination of fencing and hedging, with the only access into the site being via a farm gate to the southern end of the access road to White Hall. The site comprises rough grassland and, whilst objectors suggest that it is used for grazing, there is no evidence of such a use taking place on the site in recent times. Given the small size of the plot, that it is physically separated from open farmland to the south without any direct access between the two and there is no evidence of recent agricultural use, the proposed development is not considered to result in any "significant development of agricultural land" for the purposes of paragraph 112 of the NPPF.

It is also noted that an Agricultural Land Classification report submitted in respect of the adjoining site to the east (application 15/0367) concluded, following soil sampling and analysis, that this land was Grade 3b and, accordingly, not BMV. As the application site is immediately adjacent, it is highly likely that the same result would be applicable for this site. In any case, paragraph 112 of the NPPF does not seek to place an absolute embargo on the use of land which may be BMV; only where "significant development" of such land would occur should development be resisted on these grounds. In this case, the area of land is small and does not represent an essential component in the viability of an agricultural holding. Therefore, it cannot be regarded as "significant" and, accordingly, is not an overriding consideration against the development.

Relationship with surrounding development:

Criterion (4) of FBLP policy HL2 states that planning applications for housing will be permitted where they “would not adversely affect the amenity and privacy of neighbouring properties”.

The site is surrounded by dwellings to three sides. Whilst the application is in outline with all matters reserved, an illustrative plan demonstrates that a detached, two-storey dwelling positioned centrally within the site would achieve minimum separation distances of approximately 25m with dwellings to the west at White Hall; 50m with properties on the opposite side of Kirkham Road; and 34m with the side of Primrose Hall Farm. These separation distances are far in excess of the 21m standard recommended between principal elevations of neighbouring dwellings set out in policy 1D of the Council’s SPD for residential extensions. The illustrative plan shows the side elevation of the proposed dwelling to run parallel to that of the property approved on the adjacent plot to the east as part of application 15/0367, with an indicative minimum separation of 4m shown between the two.

Objectors have raised concerns regarding the potential for overlooking towards dwellings at White Hall arising as a result of any windows which may be installed in the west side of the new house. It has been requested that a condition be imposed to prevent any such windows being installed. However, given the separation distances which would be achieved between the development and these houses, it is not considered that such a condition would be justified in this case in order to prevent overlooking.

Whilst detailed matters of layout, scale and external appearance are not applied for at this stage, the illustrative plan is sufficient to demonstrate that the development is capable of achieving an appropriate relationship with neighbouring dwellings with respect to the privacy and amenity of neighbouring occupiers.

Highways:

The second and third bullet points to paragraph 32 of the NPPF states that decision makers should take account of whether:

- Safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Criteria (9) of FBLP policy HL2 indicates that planning applications for housing will be permitted where they would have satisfactory access and parking and would not have an adverse effect on the safe and efficient operation of the highway network, either individually or cumulatively with other permitted developments.

Whilst access is not applied for at this stage, the indicative layout shows the provision of a single, dedicated access point for the dwellinghouse off Kirkham Road. Kirkham Road is a lightly trafficked route subject to a 30mph speed limit. The Local Highway Authority (LHA) consider that the proposed means of access into the site is acceptable providing that visibility splays for a 30mph road can be achieved at the junction of the site access with Kirkham Road and that sufficient turning space can be provided within the site in order that vehicles can enter and exit in forward gear.

The illustrative site plan demonstrates that visibility splays of 2.4m x 43m can be achieved in both directions at the junction of the site access with Kirkham Road. A turning area is also shown to the front of the property to demonstrate that vehicles would be able to enter the site, turn around and

exit in forward gear. Appropriate conditions have been recommended to ensure that these visibility splays and turning areas are provided as part of any application for approval of reserved matters in accordance with the recommendations of the LHA. Similar access arrangements are also evident at numerous other properties fronting onto Kirkham Road. The driveway to the front of the dwellinghouse is capable of providing off-street parking for a minimum of 2 vehicles. An integral garage is shown on the elevations of the dwellinghouse which could provide additional parking if required (though this would be determined at reserved matters stage).

The level of traffic and number of vehicle movements generated by one dwelling would not have any significant or perceptible impact on network capacity and the provision of suitable visibility splays, vehicle turning areas and off-road parking would ensure that the development would not have a severe impact on highway safety.

Other matters:

There are trees and hedges on the site which have the potential to support nesting birds and it is evident that some vegetation will need to be cleared in order to facilitate the development. As a precautionary measure, a condition has been recommended restricting any clearance of vegetation during the bird breeding season in order to avoid any adverse effects on nesting birds. A condition can also be imposed requiring the development to be drained on separate systems for foul and surface water as advised by United Utilities.

Policy H4 of the draft Revised Preferred Options Local Plan only requires affordable housing and other contributions to be delivered for “schemes of more than 10 homes”. As the scheme does not meet this threshold, there is no requirement for any contributions to be made towards these items in this case.

Conclusions

The proposal seeks outline permission (all matters reserved) for the erection of a single dwelling on a *circa* 700 square metre parcel of land to the south side of Kirkham Road, Treales. The site is located between groups of dwellings at White Hall to the west and on the opposite side of Kirkham Road to the north, and adjacent to a plot of land to the east which has an extant outline permission for a single dwelling pursuant to planning approval 15/0367. The proposed dwelling would follow the established pattern of development along Kirkham Road and would be located amongst, and seen in conjunction with, existing buildings along its southern frontage.

The dwellinghouse would be contained within established boundaries and would not result in harmful encroachment into the open countryside or have an adverse impact on the character of the surrounding area by virtue of its scale, density or plot size. Whilst the site is located outside the settlement boundary and within the Countryside Area as defined on the FBLP Proposals Map, the Council is presently unable to demonstrate a five year supply of housing land and, accordingly, the principle of residential development cannot be resisted where the development is sustainable in all other respects.

The scheme would not result in any significant loss of the Borough’s best and most versatile agricultural land and there are no other landscape designations to restrict the site’s development for housing. Appropriate retention, compensation and strengthening of landscaping is capable of being achieved as part of the scheme in order to mitigate any visual/landscape impacts and to ensure screening with surrounding properties. Satisfactory arrangements are capable of being made for vehicle access, parking and manoeuvring in order that the development would not have a

detrimental impact on the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site.

The proposal is therefore considered to represent sustainable development in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Fylde Borough Local Plan.

Recommendation

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

1. Application for approval of reserved matters must be made not later than the expiration of three years from the date of this permission and the development must be begun not later than: (i) the expiration of three years from the date of this permission; or (ii) two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The approval of the Local Planning Authority shall be sought in respect of the following matters before any development takes place:- the layout and means of access to the development, the scale and external appearance of the buildings and the landscaping of the site.

Reason: The application is granted in outline only under the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015 and details of the matters referred to in the condition have not been submitted for consideration.

3. This permission relates to the following plans:

- Scale 1:1250 Location Plan received 29/02/16.
- Drawing no. SWM/2016/01 - location plan and illustrative layout & elevations.

Any application for approval of reserved matters submitted pursuant to condition 2 of this permission shall accord with the outline permission insofar as it relates to the maximum number of dwellings and the site area.

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

4. No above ground works shall take place until details of finished floor levels for the building and ground levels for the external areas of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: To ensure a satisfactory relationship between the dwellinghouse and surrounding buildings before any ground works take place to establish site levels in the interests of residential

and visual amenity in accordance with the requirements of Fylde Borough Local Plan policy HL2.

5. No development shall take place until a scheme for tree protection measures (both above and below ground) to be implemented during the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Details of a construction exclusion zone (including protective fencing of a height and design which accords with the requirements BS 5837: 2012) to be formed around the root protection areas of those trees to be retained.
- Details of any excavation to take place within the root protection areas of those trees to be retained.
- Details of the foundations of any building, hardstandings and/or boundary treatments to be constructed within the root protection areas of those trees to be retained.

The development shall thereafter be carried out in strict accordance with the protection measures contained within the duly approved scheme throughout the entirety of the construction period.

Reason: To ensure that adequate measures are put in place to protect existing trees which are to be retained as part of the development before any construction works commence in accordance with the requirements of Fylde Borough Local Plan policies EP12 and EP14.

6. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 2 of this permission shall include a landscaping scheme for the site which contains details of:

- any trees, hedgerows and any other vegetation on/overhanging the site to be retained;
- compensatory planting to replace any trees or hedgerows to be removed;
- the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (i) or (ii); and
- the type, size, species, siting, planting distances and the programme of planting of hedges, trees and shrubs.

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

Reason: To ensure suitable retention and strengthening of existing landscaping on the site in the interests of visual amenity and to secure adequate provision of private garden space for the dwellinghouse in accordance with the requirements of Fylde Borough Local Plan policies EP14 and HL2, and the National Planning Policy Framework.

7. Any application which seeks approval for the reserved matter of access pursuant to condition 2 of this permission shall include a scheme which contains details of:

- The layout, design and construction of the site access which shall make provision for minimum visibility splays of 2.4 metres x 43 metres in both directions at its junction with Kirkham Road.
- The layout, design and construction of a turning area to be provided within the site which will allow vehicles to enter and exit the site onto Kirkham Road in forward gear.

The site access and turning area shall be constructed in accordance with the duly approved scheme and made available for use before the dwellinghouse hereby approved is first occupied. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent order following the revocation or re-enactment thereof (with or without modification), the visibility splay shall thereafter be kept free of any obstructions (including buildings, walls, fences, hedges, trees, shrubs or any other obstruction) over 0.6 metres in height.

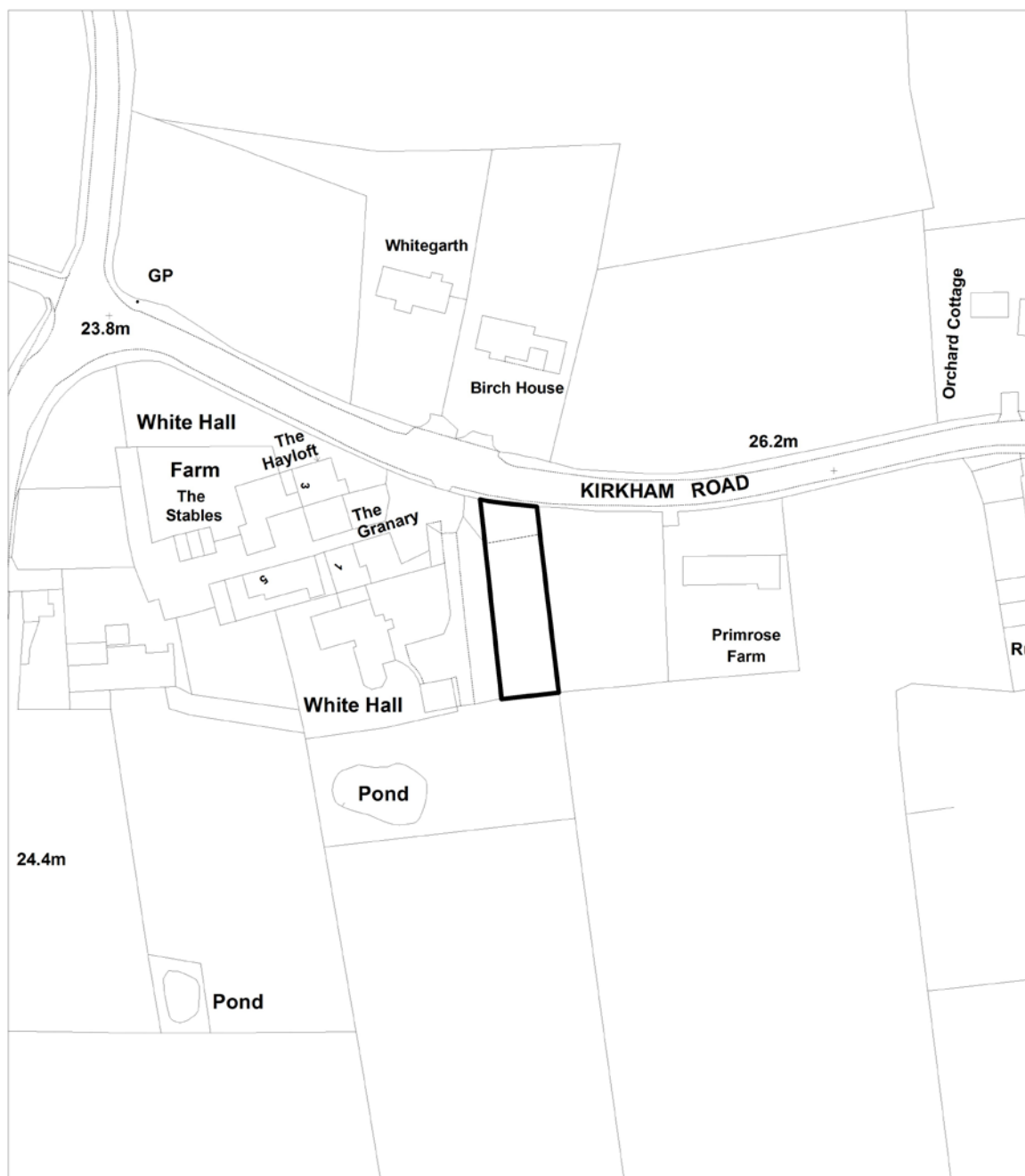
Reason: To ensure a suitable and safe means of access to the site for vehicular traffic and to achieve a satisfactory standard of engineering works in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

8. No site preparation, delivery of materials or construction works, other than quiet internal building operations such as plastering and electrical installation, shall take place other than between 08:00 hours and 18:00 hours Monday-Friday and between 08:00 hours and 13:00 hours on Saturdays.

Reason: To safeguard the amenities of occupiers of surrounding properties during the course of construction of the development and to limit the potential for unacceptable noise and disturbance at unsocial hours in accordance with the requirements of Fylde Borough Local Plan policy EP27 and the National Planning Policy Framework.

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

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



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0087	Address Land adjacent to White Hall, Kirkham Road, Treales	Grid Ref. E.3437 : N.4328	Scale 0 6 12 18 24 m

Item Number: 5

Committee Date: 25 May 2016

Application Reference:	16/0157	Type of Application:	Full Planning Permission
Applicant:	Aztex Venue CIC	Agent :	
Location:	STANLEY CASINO, SOUTH PROMENADE, LYTHAM ST ANNES, FY8 1LY		
Proposal:	CHANGE OF USE FROM CASINO (SUI GENERIS) TO THEATRE (SUI GENERIS), THEATRE SCHOOL (D1) AND CAFE (A3)		
Parish:	CENTRAL	Area Team:	Area Team 2
Weeks on Hand:	11	Case Officer:	Rob Clewes
Reason for Delay:	Need to determine at Committee		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to the former casino building on St Annes sea front, and proposes that it be used in part as a theatre and theatre school. This proposed change of use would bring a vacant unit back into use and would be appropriate for this seafront location, respecting the character of the area and would not prejudice the visual amenity of amenities of nearby residents. As there are no alterations proposed as part of this application it is not considered that the development would have a negative impact upon the character of the seafront nor on the adjacent Biological Heritage Site and Grade II listed Gardens. The proposal is therefore considered in accordance with the NPPF and Policies TREC8, TREC13, EP6 and EP17 of the adopted Fylde Borough Local Plan and recommended for approval.

Reason for Reporting to Committee

This application has been brought before the Development Management Committee due to the application site being in the ownership of Fylde Borough Council.

Site Description and Location

The application site is the former casino building situated within the Island leisure complex on the seaward side of South Promenade in Lytham St Annes. In addition to commercial uses within the building, the site is bordered by a car park and Salters Wharf pub to the southeast, a car park to the southwest, the lifeboat house and swimming pool to the northwest, and railway carriages and pedestrian walkway to the northeast. The building which is the subject of the application is single storey, accessed from the north eastern frontage of the premises. It is overlooked by hotels and apartments along South Promenade some distance to the northeast.

The site is located within the settlement of Lytham St Annes, and within an area designated for

tourist and leisure uses under policy TREC 8, as identified in the Fylde Borough Local Plan.

Details of Proposal

Planning permission is sought for the change of use of part of the ground floor casino to café, Theatre and Theatre School. The accommodation would provide a multi-function area hosting plays and rehearsals with the associated café. The proposed opening hours would be 8:30am to 1am Monday to Sunday including Public and Bank Holidays. The proposed number of staff members to be employed would be two full-time. No external alterations are proposed as part of this application.

Relevant Planning History

None

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 10 March 2016 and comment:

No specific observations

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

Comments - No objections

Regeneration Team (Economic Development)

Comments - No comments received

Neighbour Observations

Neighbours notified:	10 March 2016
Amended plans notified:	15 March 2016
Site Notice Date:	24 March 2016
Press Notice Date:	N/A
No. Of Responses Received:	1 letter received
Nature of comments made:	

Support the application

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
TREC08	Tourism Development on the Seafront
TREC13	Safeguarding of Public Open Space
EP06	Historic parks & gardens
EP17	Devt in or near Biological & Geological Heritage Sites

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 for consideration are the appropriateness of the proposed use for a seafront location and its impact upon amenities of the seafront and nearby residential properties.

The site is located within the settlement of Lytham St Annes and the proposal is deemed to be acceptable in this location, in accordance with Policy SP1. The key policy in the determination of the application is TREC8 which supports the development of new tourist and leisure facilities within the seafront areas at St Annes and Ansdell/Fairhaven.

The proposed change of use of part of the ground floor casino to a café, Theatre and Theatre School is deemed to be appropriate in principle in this seafront location and would bring a vacant unit back into use and in turn improve the overall vitality of the seafront. Policy TREC8 then requires that new uses respect the character of the area and do not prejudice the amenities of the area. With the change of use not involving any external changes to the site this requirement is satisfied, with the use proposed being complementary to the existing range of uses in this seafront location.

The proposed hours of use would be limited to 8:30am to 1am seven days a week and although potentially open till after midnight it is considered that the building is situated sufficiently away from the nearest residential properties for there to be minimal impact. Accordingly the proposal will be compliant with Policy TREC8.

The application site is also adjacent the Grade II listed Promenade Gardens and a Biological Heritage Site (BHS). The development does not propose any external alterations to the building and therefore it is considered that there will be no impact to the Gardens nor the BHS. The use of the site for tourist/leisure facilities is well-established and its continued use will not have any additional impact to the Gardens or BHS.

The Lancashire County Council Highways surveyor raised no objection to the proposal. The site benefits from a good sized par park and therefore it is considered that there will be no detrimental impact to highway safety.

Conclusions

The proposed change of use would bring a vacant unit back into use and would be appropriate for this seafront location, respecting the character of the area and would not prejudice the visual amenity of amenities of nearby residents. As there are no alterations proposed as part of this application it is not considered that the development would have a negative impact upon the

character of the seafront nor on the adjacent Biological Heritage Site and Grade II listed Gardens. The proposal is therefore considered in accordance with the NPPF and Policies TREC8, TREC13, EP6 and EP17 of the adopted Fylde Borough Local Plan and recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

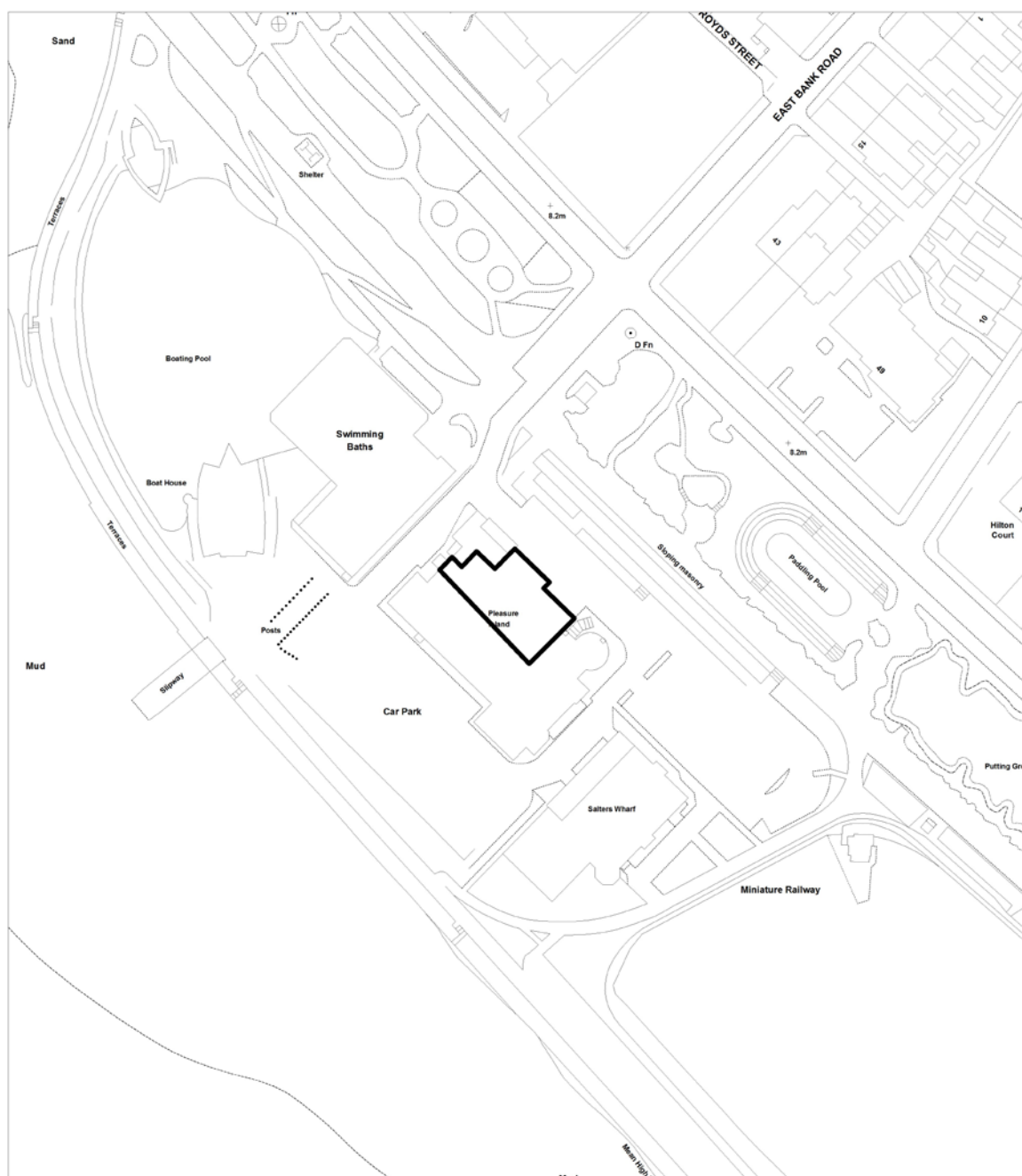
2. This consent relates to the following details:

- Location Plan - promap plan submitted 7 March 2016
- (i) Site Plan - annotated 'Change of Use application area (yellow) submitted 8 April 2016

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

3. The extent of the cafe use hereby approved shall be limited to that area indicated as cafe on the site plan listed in condition 2 of this planning permission, and shall be operated as an ancillary facility to the theatre operations only.

To define the permission and ensure that appropriate control over the extent of this town centre use is maintained.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0157	Address Stanley Casino, South Promenade, Lytham St Annes	Grid Ref. E.3322 : N.4286	Scale 0 6 12 18 24 m

Item Number: 6

Committee Date: 25 May 2016

Application Reference:	16/0260	Type of Application:	Change of Use
Applicant:	Mrs Lloyd	Agent :	Anthony Hart Design
Location:	95 COMMONSIDE, LYTHAM ST ANNES, FY8 4DJ		
Proposal:	CHANGE OF USE OF LAND TO REAR OF PROPERTY TO BE USED AS EXTENDED DOMESTIC CURTILAGE		
Parish:		Area Team:	Area Team 1
Weeks on Hand:	7	Case Officer:	Rob Clewes
Reason for Delay:	Not applicable		

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The proposal is for the change of use of land to the rear of a detached housing in Lytham to form an extended residential curtilage for that property. The principle of the proposal is acceptable as it is compatible with adjacent land uses and is within the Lytham St Annes settlement boundary.

There will be no impact to the visual amenity of the area given that the area is well separated from public vantage points and is an appropriate use in this predominantly residential area. The application is submitted retrospectively as a fence and wall have been constructed to incorporate the area into the garden to the dwelling, but these fall within permitted development and so do not form part of this application.

Taking the above into account it is considered that the proposal is acceptable and complies with policy HL5 of the Fylde Borough Local Plan and the NPPF and therefore recommended for approval.

Reason for Reporting to Committee

This application has been brought before the Development Management Committee due to the applicant being a close relation of Cllr Lloyd.

Site Description and Location

The application site is a piece of land to the rear of 95 Commonside which is a detached dwelling in a predominantly residential area of Lytham. The land forms part of a larger strip of land that runs behind No. 93-99 Commonside. The land does not currently appear to have any purpose other than as an access to the rear of these properties and the buildings on the opposite side. The area has the appearance of a back street, although as this has been gated off at one end for some years it no longer functions as such. To the north there are a series of non-residential buildings.

Details of Proposal

The proposal is for the change of use of the strip of land to domestic residential curtilage and as an extension to the rear garden of 95 Commonside. The piece of land measures 15.49m wide and 3.36m deep.

Relevant Planning History

None

Relevant Planning Appeals History

None

Parish/Town Council Observations

N/A

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

Comments - No comments received

Neighbour Observations

Neighbours notified:	12 April 2016
Amended plans notified:	N/A
Site Notice Date:	N/A
Press Notice Date:	N/A
No. Of Responses Received:	2 letters of objection received
Nature of comments made:	

- Impedes rights of access
- The wall/fence constructed encroaches on to neighbouring land
- The wall/fence constructed has been build next to or on utilities
- The area had become a habitat for wildlife
- Wall which was removed was in good condition
- The new fence is not of an appropriate appearance
- The new fence was supposed to be a further 2m out, not 3.5m

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL05	House extensions

Other Relevant Policy:

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

Site Constraints

None

Environmental Impact Assessment

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

Comment and Analysis

The main issues regarding this application are:

The principle of the development
Impact to the visual amenity of the area

The principle of the development

The land is located within the settlement boundary of Lytham St Annes as defined by the adopted Fylde Borough Local Plan. Therefore the general principle of development is considered acceptable subject to other relevant policies. Although there are no specific policies within the Local Plan relating to generic changes of use of land Policy HL5 - House Extensions is considered to be appropriate in this case as the proposal relates to residential curtilage. The proposal complies with the provisions of Policy HL5 as the proposed use is compatible with the neighbouring residential land uses and the use of the land as extended residential curtilage would not result in a detrimental impact to the amenity of the neighbouring properties.

Impact to the visual amenity of the area

The change of use of the land will not have a detrimental impact to the visual amenity of the area. The area is predominantly characterised by residential properties and the use of the land as an extended garden would not appear out of character. The area of land that this strip forms part of has the general appearance of being vegetated with bushes and trees and could easily be taken as being within a residential curtilage. It is therefore considered that the change of use would not drastically alter this existing appearance.

The submitted plan also shows details of a wall and fence that has been erected around the piece of land. This wall and fence does not form part of the application and is considered permitted development as they do not exceed 2m in height. The area of land is not considered to form part of a highway or adjacent a highway and therefore under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 a means of enclosure up to 2m high not adjacent a highway can be erected without the need for planning permission.

Other matters

The letters of representation received raised several issues including:

- Rights of access
- The wall/fence encroaching on to neighbouring land
- The wall/fence has been built next to or on underground services
- The area had become a habitat for wildlife

The rights of access and encroachment on to neighbouring land are not material planning considerations and are solely private matters between the relevant parties, although it is noted that the application is supported by Certificate A which advises that the whole of the site is within the applicant's control.

With regard to the wall and fence being built on/over or next to existing utilities this is a matter between the applicant and the relevant utility company should any issue arise.

In terms of affecting the existing wildlife within the area. All persons are responsible for ensuring that any works carried out on their land comply with all relevant Acts including the Wildlife and Countryside Act 1981.

Conclusions

The proposal is for the change of use of land to the rear of a detached housing in Lytham to form an extended residential curtilage for that property. The principle of the proposal is acceptable as it is compatible with adjacent land uses and is within the Lytham St Annes settlement boundary.

There will be no impact to the visual amenity of the area given that the area is well separated from public vantage points and is an appropriate use in this predominantly residential area. The application is submitted retrospectively as a fence and wall have been constructed to incorporate the area into the garden to the dwelling, but these fall within permitted development and so do not form part of this application.

Taking the above into account it is considered that the proposal is acceptable and complies with policy HL5 of the Fylde Borough Local Plan and the NPPF and therefore recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 8 April 2015, including the following plans:

1608 (01) 01 - Location plan

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



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0260	Address 95 Commonside, Lytham St Annes	Grid Ref. E.3345 : N.4280	Scale 0 5 10 15 20 m

INFORMATION ITEM



REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT MANAGEMENT DIRECTORATE	DEVELOPMENT MANAGEMENT COMMITTEE	25 MAY 2016	5

LIST OF APPEALS DECIDED

PUBLIC ITEM

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

SUMMARY OF INFORMATION

The following appeal decision letters were received between 8/4/2016 and 11/5/2016.

SOURCE OF INFORMATION

Development Services

INFORMATION

[List of Appeals Decided](#)

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members on appeals that have been decided.

FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

LIST OF APPEALS DECIDED

The following appeal decision letters were received between 08/04/2016 and 11/05/2016. Copies of the decision letters are attached.

Rec No: 1

16 December 2015 15/0635

BRADKIRK HALL FARM, WEETON ROAD, MEDLAR WITH
WESHAM, PRESTON, PR4 3NA
OUTLINE APPLICATION FOR THE ERECTION OF A
REPLACEMENT DWELLING (ACCESS APPLIED FOR WITH
OTHER MATTERS RESERVED)

Written
Representations
RT

Appeal Decision: Dismiss: 05 May 2016

Rec No: 2

28 January 2016 15/0637

LAND TO WEST OF HOLLY BANK, DIVISION LANE,
LYTHAM ST ANNES
ERECTION OF DETACHED TWO STOREY DWELLING
WITH GARAGE

Written
Representations
AP

Appeal Decision: Dismiss: 20 April 2016

Appeal Decision

Site visit made on 5 April 2016

by P Eggleton BSc(Hons) MRTPI

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

Decision date: 6 May 2016

Appeal Ref: APP/M2325/W/15/3139735

**Bradkirk Hall Farm, Weeton Road, Medlar with Wesham,
Lancashire PR4 3NA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by RG & JM Towers against the decision of Fylde Borough Council.
 - The application Ref 15/0635 was refused by notice dated 12 November 2015.
 - The development proposed is a replacement dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would support the principles of sustainable development; the effect on the character and appearance of the area; and the effect on the living conditions of future residents with regard to noise and smells from the adjacent agricultural business.

Reasons

3. The outline application is for a detached dwelling to the north of the farm. This would be served by the existing agricultural access. It is proposed that the new dwelling would replace the existing pair of semi-detached cottages immediately to the south of the farm. Only one of these is currently occupied.
4. The existing houses would be retained until vacated by the current tenant. Although this would eventually result in the houses being replaced, the open ended nature of the arrangement would effectively result in the addition of a dwelling for a potentially significant period of time. As an alternative, it has been suggested that a three-month timescale for demolition could be required. I have considered both options.

Sustainability

5. The Council indicate that they are unable to identify a five-year supply of land for housing. In these circumstances, the *National Planning Policy Framework* advises that policies relevant to the supply of housing should not be considered up-to-date. It also indicates that developments should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the
-

benefits when assessed against its policies as a whole. The main purpose of the *Framework* is to achieve sustainable development.

6. This site lies beyond the boundary of the nearest settlement. However, this is not a remote location and Wesham and its railway station are only a short distance away. That settlement appears to be the focus for significant new development and as this site is served by a footpath, access to it, on foot and by bicycle, is clearly possible. However, the first section of pavement is unlit and the road is unrestricted with regard to speed. I consider that these matters, together with the distances involved to the local services and facilities, would result in future residents relying on private vehicles for most trips. I am not satisfied that this site represents a sustainable location for new development.
7. Given the relatively poor sustainability credentials of the site, the replacement of two dwellings with one, would reduce the number of properties in the area that are situated in relatively unsustainable locations. However, given that two small cottages would be replaced by a four-bedroom house, I am not satisfied that there would be a significant reduction in the likely number of potential journeys required.
8. I accept that at present, only one of the houses is occupied and given their position within the farm yard, the living conditions of existing and potential future residents would be severely compromised by the activities of the farm. The net loss of a dwelling in these circumstances would not therefore result in significant harm to the overall provision of housing.
9. The proposal would require considerable investment which would result in benefits to the rural economy and local employment. The new house could also be built to the highest environmental standards.
10. Retaining the existing dwellings, without a fixed timetable for demolition, would effectively result in an additional dwelling in this relatively unsustainable location. In these circumstances, the proposal would result in harm to the sustainability objectives of the *Framework*, although I acknowledge that there would be some benefits to the appellants and their tenant. Replacing the dwellings would provide some limited overall benefits with regard to sustainability.

Character and appearance

11. The appellants are of the view that the proposal should be considered against Policy HL4 of the Fylde Borough Local Plan 2005 (LP) which relates to replacement dwellings in the countryside. The policy seeks to resist new houses if they would be substantially larger than the existing and would, by virtue of the scale, design or materials, be out of keeping with the rural character of the area or other traditional dwellings in the locality. This policy does not relate directly to the supply of housing as its purpose is to maintain the established building traditions of the area. As such, it accords generally with the environmental objectives of the *Framework* and can be afforded significant weight.
12. Although the application is made in outline, the plans include the footprint of the proposed dwelling which would be a four-bedroom property. The

dimensions of the existing dwellings have not been provided but from the plans, it would appear that the size of the new house would be similar to the overall combined size of the two existing dwellings.

13. I find nothing within the policy to suggest that it accepts the replacement of two dwellings with one. This being the case, when considering the size of a new dwelling, the policy provides no support for considering the amalgamated size of two dwellings for comparison purposes. I also find no support for allowing a replacement dwelling in a different location.
14. The proposed site is close to a number of existing agricultural buildings but it would extend development into an undeveloped area and further into the open countryside. The lack of screening and the exposed position of the dwelling would result in the house being extremely prominent within the landscape. The dwellings to be demolished are located within the developed area of the farm and as such, they have a very limited wider impact.
15. Even if I accepted that the replacement of two dwellings with one could be considered to fall within the scope of Policy HL4, I would not be satisfied that it encouraged the relocation of properties, particularly to sites that would be considerably more prominent and would harm the existing character and pattern of development. Even accepting a very broad interpretation of the policy, the proposal would not accord with its objectives. It would detract from the open character and appearance of the countryside.

Living conditions

16. The existing cottages are in a position that conflicts with the operation of the farm. The access is through the busy farmyard and the properties are very closely associated with the activities of this livestock enterprise. Living conditions within the properties would be far from ideal. This matter supports the replacement of these dwellings. The weight I afford to the removal of the two cottages from the centre of the farming activity is however reduced as the new dwelling would also be intimately related to the activity of the farm on the other side of the road. Whilst this part of the farm does not appear to be as intensively used, I agree with the Council that the proposed relationship would result in conflict between the existing and proposed new use.
17. I accept that the living conditions of future residents of the new dwelling would be better than the current arrangements with regard to the existing cottages. However, this does not overcome my amenity concerns. The proposal therefore conflicts with the amenity requirements of both Policy HL2 and the *Framework*.

Other matters

18. The appellants have suggested that a condition could be imposed to restrict the use of the new house to a person employed in agriculture in order to address the amenity concerns. Whilst such occupiers may be less sensitive to certain activities, I am not persuaded that reduced living quality within a house can be fully overcome by restricting its occupation. Furthermore, any need for a dwelling could be met by the existing empty cottage, if this argument were to be accepted.

19. An agricultural restriction would improve the sustainability of the dwelling if used by a worker on the farm, which I understand is the intention. However, as no agricultural justification for a new dwelling has been put forward and as the circumstances of this case would not satisfy Policy SP10 with regard to the functional need for a dwelling, I am not satisfied that such a condition would be reasonable in these circumstances.
20. I acknowledge that the appellants' preferred approach would be to retain the cottages until no longer required by the existing tenant. Given the personal circumstances of the occupant of this property, I afford weight to the benefits of its retention. Furthermore, displacing the resident would increase demands on the general housing stock.

Conclusions

21. The existing cottages contribute to the housing stock of the area. I have no doubt however, that the current scale of agricultural activity within their immediate vicinity, means that they fail to achieve the amenity objectives of the *Framework* with regard to the living conditions of existing and potential future residents. Their overall contribution to housing provision within the area is therefore of limited value. I therefore find support from the *Framework* for their replacement in a more satisfactory location. I also consider that there would be some limited benefits with regard to sustainability, overall.
22. The location of the proposed dwelling would result in significantly greater harm with regard to the character and appearance of the countryside. The weight I afford to the achievement of better quality housing is reduced because of my concerns with regard to the living conditions within the proposed dwelling. Although I have had regard to all the matters that provide weight in favour of the development, I conclude that the harm identified, particularly with regard to the character and appearance of the area, would significantly and demonstrably outweigh the benefits of the proposal. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR

Appeal Decision

Site visit made on 16 March 2016

By Elaine Worthington BA (Hons) MTP MUED MRTPI

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

Decision date: 20th April 2016

Appeal Ref: APP/M2325/W/16/3142470

Land adjacent Holly Bank, Division Lane, Lytham St Annes, Lancashire, FY4 5EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Cookson against the decision of Fylde Borough Council.
 - The application Ref 15/0637, dated 1 September 2015, was refused by notice dated 12 November 2015.
 - The development proposed is a proposed new detached property on land adjacent to Holly Bank, Division Lane and 505 Midgeland Road.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether or not the proposal is a sustainable form of development and would provide a suitable site for development having regard to policies which seek to protect the countryside, including its effect on the character and appearance of the surrounding area.

Reasons

3. The appeal site is an area of open land on the corner of Division Lane and Midgeland Road. It is outside any settlement boundary identified in the Fylde Borough Local Plan (Local Plan) and in the countryside in policy terms. The Council is unable to demonstrate a five year supply of housing land. Paragraph 49 of the National Planning Policy Framework (the Framework) indicates that where local planning authorities are unable to demonstrate a five year supply of deliverable housing sites, relevant housing supply policies should be considered out of date. Policy SP2 of the Fylde Borough Local Plan (Local Plan) seeks to strictly control development in the countryside, and in so far as it restricts housing outside settlements, it should be considered out of date.
 4. As such, in itself, the appeal site's location outside a settlement boundary does not necessarily preclude its development for housing in policy terms. The presumption in favour of sustainable development at paragraph 14 of the Framework indicates that where relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. Paragraph 7 establishes the three dimensions to sustainable development; economic, social and environmental.
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5. Local Plan Policy HL2 (criterion 7) requires housing to be in a sustainable location having regard to the availability of shops, schools, employment sources, public transport and other community facilities. The appellant accepts that there are limited facilities in the immediate vicinity of the appeal site but refers to others which he considers are in close proximity and lists them and their distance from the site. Whilst some of them, including a nursery and primary school, are within 1 mile of the site and could be reached on foot, other key services including the supermarkets referred to are all more than 2 miles away and would be unlikely to be accessible from the appeal site on foot.
6. The appellant also refers to employment opportunities at Whitehills Business Park, Squires Gate Industrial Area, and Amy Johnson Way Business Area as well as at Blackpool Airport (which has been approved as an enterprise zone). It has not been put to me whether these could be reached on foot or by bicycle, and I note that the airport is some 2.4 miles away. In any event, the range of jobs in these locations is likely to be relatively limited and it seems to me that wider employment opportunities would be located further afield in the main centres of Blackpool and Lytham St Annes.
7. The appellant refers to recently approved residential in nearby Marton which when complete will lead to the creation of further facilities to meet the growing demand from the new population. However, I am not aware of this area's location in relation to the appeal site, and in any case cannot be assured that any such services would necessarily be provided or when they would be forthcoming. Overall, in my view the site would not be close to existing main services and infrastructure such as shops, community facilities, schools and a wider range of employment opportunities and I am not persuaded that these could be reasonably reached on foot or by bicycle.
8. The appellant refers to a regular bus service along School Road and Common Edge Road which offers access to Preston, Blackpool and Lytham St Annes. However, the Council advises that the nearest bus stops are approximately 1 km away on School Road to the north and around 1.3 km away to the east on Common Edge Road. I saw at my visit that the routes to these stops do not in all cases have footpaths. This being so, and given the distances involved I have some sympathy with the Council's view that the future occupiers of the proposed house would be unlikely to walk such distances, particularly during bad weather and at times of darkness.
9. In practical terms, whilst there would be some limited opportunities for bus travel these factors would be likely to deter the future occupiers of the dwelling from taking up these more sustainable transport modes. This being so, I consider that they would have few alternatives to the use of a private vehicle to meet their day to day requirements.
10. The appellant considers the use of the private car to be essential for the modern family no matter what their proximity to amenities. Nevertheless, the location of homes close to facilities helps to reduce the need to travel and also the distances involved. I appreciate that those choosing to live in the countryside may well do so to suit their lifestyles and to spend as much time there as possible, but they would still need to access some services and facilities.

11. There is a wide range of facilities in Blackpool, Lytham St Annes and Preston along with railway and coach stations to access other parts of the country. The site is less than 5 minutes from the M55 motorway which links to the national motorway network. However, even in this context, I cannot see that the proposal would minimise the need to travel or reduce reliance on the car. This reliance of the future occupiers of the proposed house on the use of the private car to meet their day to day household, leisure and employment needs would be at odds with the aim of the Framework to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are, or can be made sustainable.
12. In terms of the economic dimension of sustainable development, the proposal would bring some short term benefits through construction activity along with on going benefits in terms of the spending capabilities of the future occupants and their potential employment within the borough. Council tax receipts would also result. That said, since the site is remote from employment, leisure and retail facilities the future occupiers would need to travel further afield for these basic amenities for day to day life. This would negate some of the benefits to the local economy and curtail the scheme's economic role.
13. With regard to the social dimension, the proposal would make better use of an under utilised site, boost housing land supply and widen the choice of quality homes in the area. It would provide a family home and a semi-rural way of life that would be an alternative to a housing estate. The appellant has dealt with contamination issues on the adjacent site where he is constructing a replacement dwelling on land also in his ownership and has undertaken ground monitoring. He is committed to the appeal site and I see no reason to question his ability to develop it or to doubt that it would come forward. The plot has a road frontage, street lights, services and can be connected to a mains sewer. The government encourages self build and the identification of land for this purpose. Furthermore, the future occupiers would support local schools and churches along with leisure and entertainment venues.
14. However, the future residents would be somewhat isolated from local facilities and services, along with leisure and work opportunities. Thus, the location of the site would to some extent limit the proposal's benefits in terms of the social role of sustainable development. As such, its contribution to enhancing or maintaining the vitality of the rural community (as required by paragraph 55 of the Framework) would not be great.
15. Turning to the environmental role of sustainability although there is a ribbon of development along the south side of Division Lane, the north side of the road is characterised by more sporadic development where existing dwellings are generally dispersed and separated by intermittent open areas that are in the countryside. The development here relates closely to the surrounding open land and the north side of the road has a semi-rural feel and more spacious character.
16. The appeal site is adjacent to Holly Bank to the east and the approved replacement house to the north. It is bounded by Midgeland Road to the west and there are houses opposite on the south side of Division Lane. It is also well contained by existing boundary trees and planting which would be retained. There are a variety of house styles and designs on Division Lane and the proposed house would be of a modest and traditional form, and would be

- positioned centrally in the plot to align with the neighbouring house at Holly Bank.
17. Even so, whilst the site does not adjoin farm land, there are paddocks beyond Midgeland Road to the west, and open land on the other side of Holly Bank to the east. Whilst the proposal would to some extent round off a corner plot between Holly Bank and the approved replacement house, it would nevertheless intrude into to a currently open site. As such, the proposal would expand the extent of built development along this part of the north side of Division Lane and would undermine the open nature of the site. It would consolidate development along this part of the road and detract from the fragmented pattern of development nearby and erode the semi-rural feel of the area. It would encroach into the defined countryside and, in introducing residential development, would detract from its rural character and appearance.
 18. The appellant refers to the site's former use as a haulage yard and its previously unsightly appearance. However, its currently open nature does not detract from its surroundings and is inkeeping with the area. Whilst I note the appellant's views, I see no reason why the site would necessarily be used for fly tipping if the appeal proposal were to be unsuccessful, or why it would not be within the control of the appellant as the landowner to prevent such actions.
 19. I note the appellant's view that the land serves no purpose and cannot be used for agriculture, and appreciate that the adjacent permitted house has a large curtilage in its own right. However, since the scheme would have an adverse visual impact on the character and appearance of the surrounding area, in my view overall it would fail to protect or enhance the natural environment. Although the proposed house would be energy efficient, additionally, since residents would be reliant on private car journeys for most services and amenities, the proposal would not foster sustainable modes of travel and would not help to minimise pollution or mitigate and adapt to climate change, including moving to a low carbon economy, as required by the environmental role of sustainable development. Accordingly, the proposal would not meet the environmental dimension of sustainable development.
 20. I have also had regard to the Council's argument that the current proposal would set a precedent for other similar development on the north side of Division Lane. Whilst each application and appeal must be treated on its individual merits, I can appreciate the Council's concern that the approval of this proposal could be used in support of such similar schemes. Allowing this appeal would make it more difficult to resist further planning applications for such proposals, and I consider that their cumulative effect would exacerbate the harm I have identified above. Although my decision on this appeal does not turn on this matter, it adds some weight to my conclusions.
 21. Most of the north side of Division Lane is within another local authority area, but the Council confirms that since 2005 no dwellings on Division Lane have been approved and two have been refused. On the other hand, the appellant refers to new infill and replacement dwellings (with increased floor areas) constructed here since 2000 as well as extensions and alterations he considers to breach the Local Plan. He also mentions larger housing developments approved elsewhere in the countryside. However, I have not been provided with any further information regarding those developments and I am not aware of the full circumstances that led to them. Consequently I cannot be sure that

they are directly comparable with the appeal scheme. In any event I am conscious that each planning application and appeal must be determined on its own individual merits.

22. Bringing matters together, the proposal's contribution to housing land supply and widening housing choice counts in its favour. However, along with the economic and social gains considered above, these benefits of the proposal are limited by its small scale and the scheme's reliance on the private motor car to access main services. Thus, it would play only a small role in building a strong and competitive economy or supporting a strong, vibrant and healthy community. There are no objections to the scheme from local residents or consultees and the appellant regards it to be supported by the Town Council. However, the absence of harm in these regards counts neither for, nor against the proposal.
23. Moreover, for the reasons given, the scheme would fail to result in positive improvements in the quality of the built, natural and historic environment anticipated by paragraph 9 of the Framework. Additionally, since it would rely unduly on private car journeys and would fail to encourage sustainable forms of transport, when considering the scheme as a whole, environmental gains would not be realised. This being so, the proposal does not amount to sustainable development. I confirm in any case, that the adverse impacts of granting permission in this instance would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
24. I therefore conclude on this issue that the proposal would not be a sustainable form of development and would fail to provide a suitable site for development having regard to policies which seek to protect the countryside, and have a harmful effect on the character and appearance of the surrounding area. Albeit that is of only limited weight (as set out above) this would be contrary to Local Plan Policy SP2. It would also conflict with Local Plan Policy HL2 criterion 2 which requires new housing to be in keeping with the character of the locality in terms of scale, space around buildings, materials and design, and with Local Plan Policy HL2 criterion 7 (as set out above).
25. Since the proposal would conflict with these policies, and having taken all material considerations into account, it would therefore not be in accordance with the development plan as a whole. Additionally, it would fail to support the core planning principles of the Framework of seeking to secure high quality design, conserving and enhancing the natural environment, and actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling.

Conclusion

26. For the reasons set out above, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR