

Agenda



DEVELOPMENT MANAGEMENT COMMITTEE

Date:	Wednesday, 10 February 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 20 January 2016 as a correct record.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 25.	1
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The code of conduct for members can be found in the council's constitution at
<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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10 February 2016

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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

10 February 2016

Item Number: 1

Committee Date: 10 February 2016

Application Reference:	15/0507	Type of Application:	Full Planning Permission
Applicant:	Absolute Genetics	Agent :	ML Planning Consultancy Ltd
Location:	LAND OFF MEDLAR LANE, MEDLAR WITH WESHAM, PRESTON, PR4 3HR		
Proposal:	RESUBMISSION OF 15/0205 FOR ERECTION OF 1 No AGRICULTURAL WORKERS DWELLING IN ASSOCIATION WITH EXISTING BUSINESS		
Parish:	MEDLAR WITH WESHAM	Area Team:	Area Team 2
Weeks on Hand:	29	Case Officer:	Ruth Thow
Reason for Delay:	Delays in consultation replies		
If viewing the agenda online the following is a Google Maps link to the general site location: https://www.google.co.uk/maps/@53.8125778,-2.8841942,559m/data=!3m1!1e3?hl=en			

Summary of Recommended Decision: Refuse

Summary of Officer Recommendation

The application site is an area of agricultural land to the northern side of Medlar Lane and approximately 1km from its junction with Fleetwood Road. The site is within the Countryside as designated by Policy SP2 of the Fylde Borough Local Plan. The application seeks permission for an agricultural worker's dwelling. The application is a full application which is supported by financial information, design and access statement, an 'agricultural need statement and letters of support. The proposed dwelling provides accommodation over three floors with an attached double garage to the side and balcony to the rear.

The application is assessed in line with local plan policy and the aims of the National Planning Policy Framework which require that there is an essential need for a worker to live permanently at or near the site.

In this instance it is considered that the applicant has not demonstrated a need to have a permanent presence on the site or that the business is sustainable and sufficiently profitable to support the dwelling being proposed in this application.

As a consequence the proposal is considered to be contrary to Policies SP2, SP10, SP12, HL2 and EP11 of the Fylde Borough Local Plan, as altered (October 2005) and the aims of the NPPF.

Reason for Reporting to Committee

The application is on the agenda at the request of the Chairman, Councillor Fiddler.

Site Description and Location

The application site is described as 'Land to side of Woodside', Medlar Lane, Wesham. The site is on the north side of Medlar Lane, on an elevated site to the road around 1km from Fleetwood Road. There is a mature woodland area to the east and the field is bordered to the roadside with a hedge. The site contains a single metal profiled building with the remaining area of the applicant's land holding a single field that surrounds the proposed dwelling site and this building. The wider area is rural in character with large fields and isolated dwellings, including one situated adjacent to the site to the east at 'Woodside'.

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

Details of Proposal

This application seeks permission for the erection of dwelling proposed to serve an agricultural worker in association with an existing agricultural business. The application is a resubmission of 15/0205 which was withdrawn prior to its determination by the council.

The application is a full application for two storey dwelling with a further floor in the roof space, a dormer and a balcony to the rear. The dwelling is designed to provide on the ground floor, a lounge, dining kitchen and WC with a single storey double garage attached to the side elevation. On the first floor the dwelling provides two bedrooms, two bathrooms and a dressing room, the second floor has no specific accommodation identified but is of the same scale as the first floor albeit there will be some elements with restricted headroom. The rear of the property has a two storey projecting gable with French doors and a balcony feature. A dual pitched roof porch is proposed to the front elevation and an external chimney feature is proposed to the west elevation.

The width of property is proposed at 9.8 metres by 9.7 metres deep with an eaves height of 4.9 metres with a ridge height of 7.4 metres. The porch is 2 metres by 1 metre with an overall height of 3.2 metres. The garage measures 6.1 metres in width by 8.7 metres with an eaves height of 2.5 metres and a ridge height of 4.3 metres. The materials of construction are proposed as red brick with feature stonework to corners and with a natural slate roof. Doors and windows are to be UPVC.

Access to the new dwelling is via the existing access off Medlar Lane and is to be sited to the west of the agricultural building, within a curtilage of 30 metres by 51 metres which is proposed to bordered by a hedgerow to the north and east sides of the application plot with an existing hedgerow to the west side.

The application is accompanied with a Design and Access Statement and a Planning Statement that includes an agricultural justification for the dwelling. This will be described and assessed in this report.

Relevant Planning History

Application No.	Development	Decision	Date
15/0205	ERECTION OF 1 No. AGRICULTURAL WORKERS DWELLING IN ASSOCIATION WITH EXISTING BUSINESS	Withdrawn by Applicant	15/06/2015
11/0602	ERECTION OF AGRICULTURAL BUILDING FOR WINTER HOUSING OF CATTLE AND STORAGE	Granted	01/06/2012

03/0864	PROPOSED CHANGE OF HOUSE TYPE FROM CONVENTIONAL HOUSE TO BUNGALOW WITH ROOMS IN ROOF SPACE FOR EXISTING APPLICATION 5/00/464	Granted	06/11/2003
00/0464	FULL APPLICATION FOR PROPOSED NEW DWELLING AND GARAGE FOR AGRICULTURAL WORKER	Granted	09/08/2000
99/0262	OUTLINE APPLICATION FOR AGRICULTURAL WORKERS DWELLING	Granted	08/09/1999
92/0774	RESUBMISSION OF APPLICATION 5/92/0079 FOR AGRICULTURAL WORKERS DWELLING	Refused	24/02/1993
92/0079	ERECTION OF AGRICULTURAL WORKERS DWELLING.	Withdrawn by Applicant	14/07/1992

Relevant Planning Appeals History

None

Parish/Town Council Observations

Medlar with Wesham Town Council notified on 30 July 2015 and comment:

No specific observation.

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

Confirm that there are no additional comments regarding the resubmitted application.

Comments received in regards to application 15/0205 (for the same proposal previously withdrawn):

"The existing access has restricted highway visibility in both directions off Medlar Lane. Although traffic flows and speeds along Medlar Lane are low, the access will see an intensification of use if the proposal is implemented. Further work on the position of the access is required in terms of improving highway visibility.

The positioning of the vehicular access together with hedgerow boundary treatment will be required so that some semblance of visibility is available to emerging drivers.

Currently the application cannot be supported from a highway perspective."

They then request conditions in the event that the application is to be supported, with these relating to the surfacing of the access and the reduction in the hedge height to 1m.

Principal Land Agent

In the interests of confidentiality and at the request of the applicant the financial figures have been removed from these comments, with the views included in full given their criticalness to the merits of the application.

"Introduction

A planning application has been submitted by Mr & Mrs Kirby who are Directors of

Absolute Genetics. The application refers to the erection of an agricultural workers dwelling for occupation in association with the applicant's business. The application is a resubmission of 15/0205 and included with the current application contains written submissions made by the applicants in response to comments made in my letter dated 8 June 2015 in respect to application 15/0205. In addition to the applicant's comments the agent has made an Agricultural Needs Statement as such I have also considered the information contained. I have not undertaken a further inspection of the application site nor have I discussed the agricultural circumstances relevant to the application further with the applicant or agent as I feel the basis of the recent submission is not in respect to a change of agricultural circumstances but rather with regard to the comments I made in my letter dated 8 June 2015.

Background Information

I assessed the application 15/0205 against Local Plan Policy SP10 and National Planning Policy NPPF.

I advised that I did not feel the scale and nature of the operations undertaken provided an essential need for one or more workers to reside on site; I advised that the annual financial performance of the operations showed significant fluctuations between relatively high profit and into loss; I commented that the applicant's brother owned the neighbouring residential property which is subject to an agricultural tie but is currently let out although the details of who occupies it and whether the occupant complies with the condition I am not aware of; I advised that whilst the applicant resides in Kirkham which is approx 3.5 miles from the site and has resided there for a long period I noted that there are existing dwellings closer to the site which I felt will become available from time to time; I advised that the proposed development was excessive to typical agricultural workers dwellings and in any case I felt the cost of construction would not be sustainable to the average profit earned

Submissions made by applicant and agent and my comments

- In the agent's submissions it advises the applicant is employed full time managing the business: Absolute Genetics and also employs 2 people on a part time basis, it advises the application site constitutes the centre of operations for the business Absolute Genetics which arose in particularly following erection of the agricultural building (NB application for this was 11/0602). It says that the applicant no longer relies upon the use of cattle housing facilities off the unit but this is not my understanding as approx 20 adult cattle are kept off site. I note the applicant in his submissions has added some details as to how the cattle are managed in particular with regard to the rearing heifers he keeps and would comment that this assists in demonstrating continuity to the cattle breeding program undertaken by the applicant.*
- In both the agents and applicants information there is reference made to the cattle husbandry tasks undertaken on site and feel this does reinforce the comments I made in my report.*
- It is acknowledged by the applicant that the annual profit / loss accounts do fluctuate and he makes the comment that the average over the 5 year period is £**,***.**. I would advise that an annual profit would need to be significantly higher in order to*

*substantiate a sustainable livelihood and to support a dwelling. It is evident that other than in 2010 when the annual profit was significant (£**.*k) the business has produced an annual loss in 1 year and for the 3 other years the profit has not exceeded £**.*k whilst expenses have remained relatively constant, although I note that there does not seem to be provision made for labour costs employed in the business. In view of the profits of the enterprise it appears that the applicant must have another source of income to sustain a livelihood.*

- *In the agents written submission it is stated that the size of the dwelling is modest given the applicants family situation but does not advise what situation is being referred to. In my opinion the size of the dwelling and garage is untypical large and based upon the information available is not justified.*
- *The applicant advises that the neighbouring dwelling Woodside is owned by his brother and he has no control over this property. It appears though that the dwelling may not be being used in accordance with the occupancy condition. On the face of it would seem appropriate to enquire whether the brother is willing to sell the dwelling. I recall that the dwelling has been advertised for sale in the recent past as such it is possible that the dwelling is surplus to the applicant's brother's requirements. In addition Esprick is within half a mile of the application site as such I raised this as an alternative to the applicant living at Kirkham as I feel the present scale and nature of the operation does not justify someone living on the premises.*

Assessment

I am of the opinion that the submissions made in respect to the current application do not alter my earlier comments made and as such do not consider an agricultural justification exists for and agricultural workers dwelling."

.....

The following are the comments dated 8 June 2015 in respect of application 15/0205 and so provide further information on the merits of this proposal. These are also included in full.

Introduction

An application has been submitted by ML Planning Consultancy Ltd on behalf of Mr & Mrs G Kirby for the erection of an agricultural workers dwelling at land to the side of Woodside, Medlar Lane. A site visit was made on 22 May whilst Mr Kirby was present. The information provided at the site meeting together with the written submissions forms the basis of this appraisal.

Background Information

The applicant trades as Absolute Genetics. I was informed by Mr Kirby that prior to establishing Absolute Genetics he farmed with his father and brother at South Greenhills Farm, Medlar Lane which adjoins the applicants land. At the time of the dispersal of the dairy herd at South Greenhills Farm, the applicant left the business and now operates an independent business being Absolute Genetics. Mr G Kirby purchased the land at the application site comprising 13 acres from his father, prior to this time the land had been farmed in conjunction with South Greenhills Farm's operations. In 2011 an agricultural building was erected at the site for the housing of the applicant's dairy cattle.

The application is for an agricultural workers dwelling in association with the applicants cattle genetics business which is centred around the applicant's agricultural building located at the land to the side of Woodside, Medlar Lane. The proposed dwelling would be occupied by Mr Graham Kirby and family.

The property Woodside is owned by the applicant's brother and its occupation is subject to an agricultural occupancy restriction. The erection of this dwelling was following the grant of planning permission in respect to application number 05/99/0262 submitted by Messrs Kirby who at the time ran a large mixed farming operation based at South Greenhills Farm. The purpose of this dwelling was to provide a second dwelling for the farm unit with particular emphasis upon accommodating an agricultural worker involved in the cattle management side of the business. At a meeting with the applicant in respect to the current application I was advised that South Greenhills Farm is no longer operational as a joint family farming arrangement. South Greenhills Farm is operated solely by the applicant's brother who no longer keeps cattle. The property Woodside is owned by the applicant's brother but he does not reside there. I was advised that the property is currently let but am not aware whether the occupant complies with the occupancy condition.

Previous Planning Applications

Property group have been consulted upon a number of agricultural related planning applications affecting South Greenhills Farm and the land owned by the applicant at the application site as follows:

- 1. Application number 5/92/79 agricultural workers dwelling on land where Woodside is located - Refused.*
- 2. Application number 5/92/772 re-submission of earlier application – Refused.*
- 3. Application number 5/97/801 for an agricultural building and silage clamp at South Greenhills Farm – Approved.*
- 4. Application number 5/99/0262 agricultural workers dwelling on land where Woodside is located – Approved.*
- 5. Application number 5/11/0602 for an agricultural livestock building, submitted by Mr Graham Kirby to be built on land he had acquired from his father where he proposed to operate his cattle genetics business from. Permission was granted for this building and it was evident from my recent inspection that the building has been erected and is in use by the applicant for the purpose it was applied for.*

Agricultural Land and Enterprise

Farming Operations: *Mr Graham Kirby operates a pedigree dairy cattle enterprise trading as Absolute Genetics. The business comprises the breeding and trading of high genetic merit dairy cattle. Absolute Genetics uses embryo transplant techniques to breed dairy cattle with highly desirable pedigrees.*

I was informed by Mr Kirby that the existing building at the site has the capacity to house approximately 50 cattle depending upon size. At the time of my site inspection there were 30 cattle being housed. Mr Kirby explained that the building is used to house the cattle that require close management and attention in terms of embryo transplant and marketing opportunities. In addition to the cattle at the application site Mr Kirby informed me that some cattle that he owns, these mainly being donor cows, are kept at other farms where they are managed in conjunction with the dairy herd at the host farm.

With regard to the number of cattle owned by the applicant I was advised that he has

approximately 20 donor cows which are mainly kept at friends farms. The remainder of the applicant's cattle comprises of young stock and calves which are kept for breeding and sale, two young stock bulls that will be sold and a group of in the region of six recip heifers which are kept until they have calved. It is understood that the total number of animals owned by the applicant is in the region of 50. Due to the nature of the business in terms of the breeding cycle and the sale of cattle, the number of livestock on the unit varies throughout the year.

Cattle and embryos are sold both privately and at specialised pedigree sales. The pedigrees available through Absolute Genetics appeal to an international market.

In terms of livestock management, Mr Kirby explained that donor cows are brought to the application site mid lactation to be fed supplementary minerals and a specialised diet in order to enhance fertility. Prior to embryo production the individual cow requires regular observation. It is understood that approximately one week after insemination a specialised technician flushes the animal in order to collect embryos. Mr Kirby explained that some embryos are retained to be sold as embryos. Approximately 10 recip heifers are housed in the building at the application site. Embryos are implanted in these cattle which is a process undertaken by a specialised technician. Post calving it is understood that the cows are managed and milked at the application site for approximately two weeks and then sold commercially. Calves are reared at the application site. Submitted with the application are annual profit and loss accounts for the business for years 2009 to 2014. I note from this information that there has been a wide fluctuation between the end of year figures.

Land: *The area of land at the application site comprises of 13 acres of grassland. It is understood that during the spring/summer in-calf heifers graze at the application site. The applicant rents, on a Farm Business Tenancy, a further 40 acres located two miles from the application site. I was informed that sheep graze the rented land throughout the winter with two crops of hay being taken later in the year.*

Labour & Accommodation

Mr Graham Kirby who is assisted by his daughter undertakes all daily management tasks associated with the cattle at the application site. I was informed that the daily operations involve feeding the cattle, caring for and rearing young calves and calving and milking duties when there are newly calved cattle. Mr & Mrs G Kirby and their daughter reside at Kirkham, approximately 3.5 miles from the application site where they have lived for substantial number of years.

Proposed Development

The application is for the construction of a detached three storey dwelling to be occupied in association with the established business, Absolute Genetics. It is understood that the dwelling would be occupied by Mr G Kirby and family. The proposed development is sited to the West of the existing building, utilising the existing access off Medlar Lane and agricultural land forming part of the 13 acres owned by the applicant.

The submitted plans illustrate the proposed ground floor accommodation to comprise a kitchen/dining area and separate lounge with an adjoining double garage to the east of the south elevation. The plans illustrate the first floor to comprise of one master bedroom with en-suite and dressing room and second bedroom also with en-suite. The submitted plans also illustrate the dwelling to have a second floor loft area. I have assessed the combined footprint of the dwelling to be in the region of 285m². I note the supporting information makes reference to 134m of living space. In addition an attached double

garage building is proposed. Although the overall footprint is not clear from the submitted plan I note its depth is almost 10 meters. The reason for the size has not been referred to except for garage and storage use.

Based on the submitted information and my discussion with Mr Kirby it is understood that the dwelling is required for the following reasons:

Firstly, the dwelling would enable there to be a 24 hour presence on site which Mr Kirby feels would benefit the health and welfare of the cattle. I was informed that currently, when cattle are calving the applicant travels from his current residence to the application site several times throughout the night. Mr Kirby explained that by living at the site he would be able to monitor the cattle on a more regular basis and therefore be readily available to provide assistance during calving. Secondly considering the potential high value of the applicant's cattle, it is understood that the proposed development would be of benefit to the security of the site. In addition, the applicant feels that the proposed development would enable him to more effectively and accurately manage his cattle in terms of health and welfare in relation to the embryo production and implanting process.

Assessment

I refer to Policy SP10 of the Fylde Borough Local Plan, as amended (October 2005) which provides guidance on agricultural workers dwellings. Policy SP10 states that dwellings will only be permitted on existing well established units where there is an existing functional need for a rural worker to reside on the unit, the need of which should be permanent and cannot be met by an existing dwelling in the locality, the business must be financially sustainable and the size of the dwelling should be appropriate to the needs of the unit. Paragraph 55 of the National Planning Policy Framework relating to agricultural workers dwellings also requires there to be an 'essential need' for a rural worker to live at or near their place of work.

With reference to the above planning policy requirements I have the following observations to make:

- 1. The nature of the applicants business does involve the intensive management of cattle whilst kept at the applicant's premises and I consider this relates to the manipulation of the breeding cycle of cows/heifers and the management of calving cattle. With respect to both of these, I recognise the requirement for the applicant to be on hand can be at any time i.e. day or night times. However I am of the opinion that the number of the applicants cattle concerned with these circumstances is relatively small and I do not consider does require/justify the applicant to be readily available at most times of the day/night. With reference to other aspects of the applicants cattle management requirements I would advise that these have the same characteristics associated with livestock farming enterprises but as far as the applicants enterprise is concerned it is of a small scale. I am of the opinion that the cattle management requirements do not create an essential need for a worker to reside on the premises.*
- 2. I have given consideration to the annual financial accounts as means of assessing the sustainability of the provision of a permanent dwelling. The accounts reveal a wide fluctuation in the financial performance of the business and I consider the average end of year profit/loss during this period does not demonstrate a sustainable operation to justify the provision of an agricultural workers dwelling.*
- 3. I am of the opinion that the planning history in respect to the erection of the property Woodside has relevance to the considerations of the need for a new agricultural*

dwelling as proposed. It is evident that this property is still owned by the Kirby family, no longer appears to be utilised in conjunction with the farm operations at South Greenhills Farm and has an agricultural occupancy condition.

4. *The applicant resides at Kirkham but it is evident there are existing dwellings closer to the site which I feel will become available from time to time.*
5. *I consider the size of the dwelling and garage are large and feel the cost of construction would outweigh the profits of a modest size viable farm enterprise and consider its scale is large when compared against other modern agricultural workers dwellings. In addition there has not been reasons made as to why these extra ordinary sizes should be approved.*

Conclusion

I am of the opinion that there is not an agricultural justification for the proposed development."

Neighbour Observations

Neighbours notified: 30 July 2015
Amended plans notified:
Site Notice Date: 05 August 2015
Press Notice Date:
No. Of Responses Received: 1 letter received
Nature of comments made:

- This queries whether the applicant works full-time on the site and refers to employment elsewhere before arguing that a dwelling should only be granted when the agricultural business is of a scale to require and support it, rather than just as a hobby as is this case.

3 Letters of support (submitted by the applicant with the application):

- Mr Kirkby's pedigree animals are famous as high genetic merit cattle, this is reflected in their high financial values
- He has invested in state of the art building
- He makes numerous daily trips from home to Medlar Lane
- His presence at building is vital
- He needs to ensure bio security is protected
- He is a knowledgeable vendor
- Auctioneers support the application
- A veterinary practice comment it would be unusual and a disadvantage not to have a permanent residency
- Further development of the business would be dependent on a dwelling on site

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
SP10	Permanent agricultural workers dwellings
SP12	Design of agricultural dwellings
EP11	Building design & landscape character
HL02	Development control criteria for new housing proposals

Other Relevant Guidance:

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

Site Constraints**Environmental Impact Assessment**

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

Comment and Analysis

This application is a full application which seeks permission for an agricultural worker's dwelling on land with an existing single agricultural building on site which was granted permission under application 11/0602.

The site is an elevated site to the north of Medlar Lane between the properties at 'Oak Farm' and 'Woodside'. 'Woodside' is owned by the applicant's family.

Policies

The policies relevant to this application are Policies SP2, SP10, SP12, HL2 and EP11 of the Fylde Borough Local Plan, as altered (October 2005) together with guidance and aims of the National Planning Policy Framework being a material consideration.

Policy SP2 states development will not be permitted except where proposals are essentially required for the purposes of agriculture, horticulture or forestry or other uses appropriate to a rural area.

Policy SP10 refers to new permanent dwellings required in connection with agriculture, horticulture or forestry and six criterion should be complied with. Paragraph 55 of the NPPF also provides guidance for this type of application.

Policy SP12 refers to the standard of design of agricultural dwellings and their siting.

Policy HL2 contains the criteria for housing development and Policy EP11 requires that new development is in keeping with the landscape character.

Background

This application is a re-submission of an earlier scheme for an agricultural workers dwelling on the site. The applicants Mr and Mrs Kirby, operate a business trading as 'Absolute Genetics'. This is the business of using embryo transplant methods to produce high quality cattle.

Current application

The main issues to consider in determining this application are whether there is justification for a new agricultural workers dwelling, having regard to the operation of the business, the above policies and the guidance in the NPPF.

Criterion 1 of Policy SP10 states *"there is a clearly established existing functional need which could not be met by an existing dwelling or other accommodation on the unit or in the general locality which would be available for occupation by the agricultural worker concerned"*.

Criterion 3 refers to the financial soundness of the enterprise:

"The unit and the agricultural activity concerned have been established for a least three years, have been profitable for at least one year, are currently financially sound and have a clear prospect of remaining so."

The applicant has submitted a Design and Access Statement, financial information and an 'Agricultural Need Statement' this states the applicant has previously operated in a number of locations in rented buildings elsewhere and now seeks to centralized the operation however, the site is remote and therefore a dwelling on site is required.

The functional need is stated as being for the supervision and monitoring of pedigree cattle and for the complex procedures involved in the embryo transplant together with the care of the cattle.

The applicant has also submitted financial information to the LPA in order to demonstrate that the business is based on a sound financial basis.

In order to assess applications of this nature the council employs the services of Lancashire County Council Land Agents for their advice. They have considered the information submitted with the application and their comments on this application and the previous (withdrawn) application are reported above.

The Land Agent commented on the 15/0205 application that the nature of the business required intensive manipulation of the breeding cycle of the cows and also a required management at the time of calving. However, they found that the number of cattle concerned was relatively small and so they did not consider this justified a presence on site at most times of the day/night. In regards to the financial aspects of the business the figures indicated wide fluctuations in the financial performance of the business. The average end of year profit/loss did not demonstrate a sustainable operation to justify the provision of an agricultural workers dwelling. Reference is also made to a dwelling with an agricultural tie that lies immediately adjacent to the site, and may not be currently occupied in accordance with that tie.

Since the withdrawal of the earlier application the applicants have submitted further information with the intention of addressing the comments expressed above.

The applicant's comments referred to the property adjacent to the application site, known as 'Woodside' which was referred to by the land agent. It was advised that this property was owned by applicant's brother and was not part of the family business and the applicant had no control over the dwelling.

The applicant also submitted audited accounts, with an average annual profit. He also advised that his wife and daughter assisted in the business along with some casual labour and it is his intention to erect a second building for quarantine purposes. It is stated that valuable semen and embryos are stored at the site and that over 300 miles was travelled in a recent week to and from the site.

All the additional information was again assessed by the land agent and his comments are reported

in full above. These concluded that the husbandry side of the business remains small scale and the additional information supplied does not demonstrate a need for a permanent presence on site. In regards to the profit of the business this would need to be significantly higher to substantiate a sustainable livelihood and to support a dwelling.

For the above reasons it is considered that the applicant has failed to demonstrate that there is a clearly established functional need for a worker to have a full time permanent presence on the site which need, if required, could not be met elsewhere and the profits from the business are not sufficient to substantiate an agricultural worker's dwelling. Therefore the proposal fails to comply with criteria 1 and 3 of Policy SP10 of the local plan and the essential need set out in the NPPF paragraph 55.

Scale of dwelling

Criterion 4 refers to size of dwelling. *"the dwelling required is of a size commensurate with the established functional requirement and could be sustained in the long term by the enterprise".*

The design and access statement refers to the dwelling as *"traditional farmhouse style building of simple construction, creating approximately 134 square metres of living space plus an attached double garage for cars and storage".*

The proposed dwelling provides three storeys of accommodation totalling 226 square metres with an additional 88 square metres for the garage.

The development will result in a large and imposing dwelling on the site. There will be some screening of the development by the woodland and the existing cattle building when viewed from the east but, due to the elevated and open nature of the site the proposed dwelling will be very visible in the landscape when viewed from the west.

Given the lack of clear financial evidence that the business generates sufficient and sustained profit to support a dwelling the proposed development is not justified and contrary to Criterion 4 of Policy SP10.

Visual impact

In addition to the scale of the dwelling, as commented above, the siting of the dwelling is approximately 40 metres from the highway resulting in a long access driveway and a large front garden curtilage. This setting and curtilage is not consistent with the neighbouring rural properties and is contrary to Policy EP11, Policy HL2 criterion 2 and Policy SP12 of the local plan.

Impact on neighbours

The siting for the dwelling is not located where it will have any impact on neighbours in terms of amenity having regard to loss of light or privacy, disturbance etc. In this regard the proposal would comply with criterion 6 of Policy SP10 of the local plan.

Access

Access to the site is proposed to be off Medlar Lane using the existing access point that serves the recently constructed agricultural building. This is located on the inside of a bend in that road where visibility is restricted in either direction due to the position of high hedges on the road

frontage.

LCC Highways Engineers have advised that the residential use now proposed for the access will involve an increased level of its use and that they cannot support the application in its current form. The issue of concern is the limited visibility available due to the hedges and that the vehicles accessing a dwelling are likely to offer a lower driving position than those accessing an agricultural building. To address this they advise that the hedgerow to the front of the site be reduced to a height of no greater than 1 metre to allow drivers a view over it. Currently the hedgerow is much higher than this and so provides some screening for the existing building and provides visual benefits to contribute to the rural character of the area, and in regards to biodiversity. The loss of the hedgerow would be detrimental to the character and appearance of this countryside area and accordingly contrary to Policy HL2 criterion 9 and criterion 5 of Policy SP10 of the local plan, in that the existing proposal cannot provide safe access.

Other material considerations

The NPPF requires that the council is able to provide for housing land equivalent to at least a 5 year supply of the council's housing target. The council has recognised that there is a need for Greenfield sites outside of settlements to be granted planning permission in order to provide that housing supply, but will only support their residential use when that is considered to be sustainable development.

Currently the council is able to deliver 4.3 years supply, as this is below the necessary 5 years supply the guidance in paragraph 14 of NPPF is relevant and this is a strong factor to be weighed in favour of residential development proposals. If a scheme is considered to deliver sustainable development and not have any adverse impacts that would significantly and demonstrably outweigh the benefit in housing supply, the guidance is clear that planning permission should be granted.

In addition Paragraph 55 promotes 'sustainable' development in rural areas and advises that Local Planning Authorities should avoid isolated homes in the countryside unless there are special circumstances such as: *"the essential need for a rural worker to live permanently at or near their place of work in the countryside"*; or other reasons relating to protection of heritage assets, the reuse of redundant buildings, and where the proposal is of an exceptional design that is *"outstanding or innovative in nature"*.

As reported above the applicant has failed to demonstrate that there is an 'essential need' for a worker to be permanently on site. In addition the scale and design of the dwelling is not considered to be 'outstanding or innovative in nature'. It is considered that the proposal does not comply with any of the above special circumstances and so is not in accordance with Paragraph 55.

The application has not demonstrated that the proposal is 'sustainable' in terms of the three dimensions to sustainable development set out in the NPPF i.e. economic, social and environmental and does not comply with any of the special circumstances set out above so is contrary to the aims of the NPPF.

Conclusions

This application seeks permission for an agricultural worker's dwelling. The application is a full application which is supported by financial information, design and access statement and an 'agricultural need statement and three letters of support including those from an auctioneer and a vet.

The applicant has applied on a previous occasions for a dwelling and in that earlier application and the current application the view is that the applicant has not demonstrated a need to have a permanent presence on the site or that the business is sustainable and sufficiently profitable to support the dwelling being proposed in this application.

Any benefits arising from the development in terms of housing supply are outweighed by the significant and demonstrable harm caused by the development. It is considered that there are no other material considerations or special circumstances to overcome that harm.

As such the proposal is contrary to Policies SP2, SP10, SP12, HL2 and EP11 of the Fylde Borough Local Plan, as altered (October 2005) and does not comply with the 'Special circumstances' set out in the Paragraph 55 of the National Planning Policy Framework and is not "the right type in the right place" as defined by the NPPF.

Recommendation

That Planning Permission be REFUSED for the following reasons:

1. The erection of a dwelling in this isolated rural location will have a harmful impact to the character of the rural area and so is contrary to Policy SP2 of the Fylde Borough Local Plan, and to para 55 of the NPPF which guides against the erection of dwellings in isolated rural locations other than where special circumstances are demonstrated.

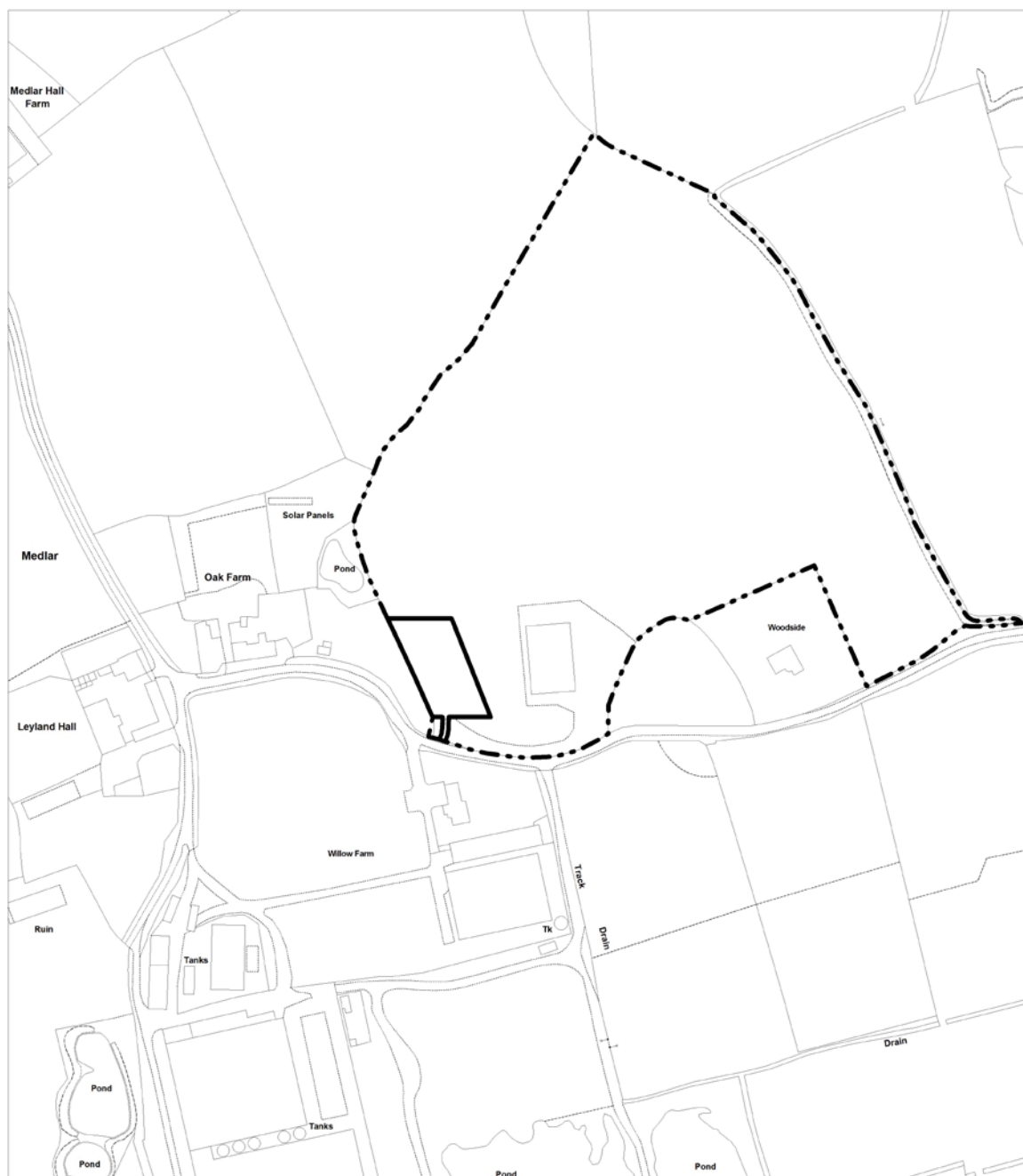
In this case the application fails to demonstrate such circumstances exist as it fails to:

- demonstrate that an existing or anticipated functional need exists for a permanent full-time rural worker to be available at the site on the basis of the nature and scale of the agricultural activity undertaken,
- demonstrate that the business is able to financially support accommodation for a permanent full-time rural worker of any scale on the site
- demonstrate that any need for a permanent full-time rural worker cannot be fulfilled by any other existing accommodation in the area which is suitable and available for occupation by the worker.

Given this position proposal conflicts with Policy SP2 and para 55 of the NPPF. The lack of any agricultural justification for the dwelling is also in conflict with Policies SP2, SP10, SP12, HL2 and EP11 of the Fylde Borough Local Plan, as altered (October 2005).

2. The proposal involves the erection of a substantial dwelling offering accommodation over three floors on an elevated site in the landscape. As such the proposal results in a large isolated dwelling in the countryside which is not in keeping with the rural vernacular or proportionate in scale to that of a rural workers dwelling (were a functional need for such a dwelling to have been demonstrated). There are no special circumstances to justify the erection of this dwelling or mitigate this harm to the rural area, and so the proposal is contrary to criterion 1 and 2 of Policy HL2, criterion 4 of Policy SP10 and Policy EP11 of the Fylde Borough Local Plan, and to guidance in paragraph 55 of the National Planning Policy Framework with which these policies are consistent.
3. The proposed erection of a dwelling on the site will intensify the use of the existing access point, and will alter the nature of vehicles that use it. This access is located at a point which offers limited visibility without the removal of sections, or severe pruning, of the existing hedgerow. Such works would reduce the positive contribution that this hedgerow makes to the character and appearance of the countryside and to the biodiversity of the area. Given these circumstances the application provides no certainty that there will be an appropriate standard of access to the

development with adequate visibility available in both directions, without which there is an unacceptable risk that the development will be harmful to highway safety contrary to criteria 9 of Policy HL2 of the Fylde Borough Local Plan and the guidance in paragraph 32 of the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/15/0507	Address Land off Medlar Lane, Wesham	Grid Ref. E.3419 : N.4355	Scale 0 10 20 30 40 m

Item Number: 2

Committee Date: 10 February 2016

Application Reference:	15/0587	Type of Application:	Full Planning Permission
Applicant:	Mr Daniel	Agent :	ML Planning Consultancy Ltd
Location:	SASWICK HOUSE, ROSEACRE ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3XD		
Proposal:	CHANGE OF USE OF AGRICULTURAL AND DOMESTIC OUTBUILDINGS TO PROVIDE FARM SHOP AND CAFE WITH ASSOCIATED ELEVATIONAL CHANGES TO BUILDING, PORCH EXTENSION TO FRONT AND PARKING AREA TO FRONT.		
Parish:	NEWTON WITH TREALES	Area Team:	Area Team 1
Weeks on Hand:	18	Case Officer:	Alan Pinder
Reason for Delay:	Need to determine at Committee		
If viewing the agenda online the following is a Google Maps link to the general site location: https://www.google.co.uk/maps/@53.8271033,-2.8704785,280m/data=!3m1!1e3?hl=en			

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is a brick outbuilding located at Saswick House Farm which is on Roseacre Road between Roseacre and Elswick in the Countryside area. The application relates to the re-use of this redundant piggeries/stables building located at Saswick House Farm and seeks planning permission for a change of use to mixed use farm shop and cafe.

Whilst these proposed A1/A3 uses are normally restricted to within settlements Part 3 Class R of the Town and Country Planning (General Permitted Development) Order 2015 does allow such a change of use subject to the prior notification procedure as part of government policy to support diversification of the rural economy. In this instance the applicant has chosen to apply for full planning permission however the provisions of Part 3 Class R are a material consideration and when considered on balance it is recommended that the use is an acceptable one in principle.

The design of the development is acceptable and makes a commercial use of buildings that are of a substantial construction. The parking arrangements have been revised to reduced their prominence and so are now acceptable and all other material considerations are satisfied. Accordingly the proposal is in accordance with Policy SP2 and SP8 of the Fylde Borough Local Plan and it is recommended that planning permission be granted.

Reason for Reporting to Committee

The Parish Council's objection is at odds with the case officer's recommendation of approval.

Site Description and Location

This application relates to the re-use of a redundant piggeries/stables building located at Saswick House Farm on Roseacre Road, approximately 1 km south of the settlement of Elswick and within

countryside as designated in the local plan. There is a Certified Location caravan site to the rear of the building and other dwellings adjacent at Saswick Court. Other than that the surrounding land uses are agricultural. There are a group of trees to the road frontage protected by TPO.

Details of Proposal

Planning permission is sought for the change of use of the redundant building referred to above to form a shop and cafe (A1/A3 use) with a floor area of approximately 188 square metres. The building is currently unused with the exception of a small section that is already being used for a small amount of retail by way of the sale of free range eggs and farmed meat (the applicant/owner is a butcher). Some external works are proposed to the building to facilitate the proposed change of use and these are:

1. Enclosure of the open fronted storage area at the south eastern end of the building with glazed panels to the front and blockwork with timber boarding to the rear
2. The provision of a timber framed canopy above the proposed entrance
3. The provision of car parking for 8 vehicles on the hardstanding to the front of the converted building
4. The glazing of existing openings on the north east elevation of the building

The following documents have been submitted in support of the application:

- A structural report that confirms that the building is capable of conversion to the intended purpose
- Ecological appraisal that assesses the impacts of the development on matters of ecological importance
- Design & Access Statement

The proposed hours of opening are 0900 hours to 1800 hours on each day of the week.

Relevant Planning History

Application No.	Development	Decision	Date
02/0440	ERECTION OF DOUBLE GARAGE AND STORE ALSO SINGLE STOREY SIDE EXTENSION	Granted	24/07/2002

Relevant Planning Appeals History

None

Parish/Town Council Observations

Treales, Roseacre & Wharles Parish Council notified on 06 October 2015 and comment:

“Whilst the Parish Council acknowledges that the application would help to diversify the rural economy in accordance with Policy SP2, Councillors object to the application in its current format as it does not meet all the criteria for conversion of agricultural buildings as outlined in Policy SP5.

1) SP5, para 3, para 9 - The siting of a car park adjacent to the road in fields will adversely prejudice the character and appearance of the countryside. This could be rectified by locating the car park adjacent to existing buildings within the domestic curtilage.

2) SP5, para 4 - Approximately 40% of the proposed buildings are currently open slatted barns which will require substantial redevelopment and reroofing.

3) SP5, para 7 - Councillors are concerned that the siting of a commercial kitchen immediately adjacent to residential properties at Saswick Court will give rise to conflict and adversely affect the amenity enjoyed by residents caused by the noise and smells which will be generated. Councillors therefore request that the kitchen is located away from residential properties.

4) SP5, para 8 - The existing access does not provide adequate sightlines onto Roseacre Road. The Parish Council requests that the Highways Department organises a site visit to take a view as to the provision of safe vehicular access.

The Parish Council would be interested to consider revised plans based on the above observations.”

Whilst no formal reconsultation has been undertaken with the Parish Council on the plans that revise the parking location a copy was sent through to the Clerk for their information.

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

They raise no objections to the proposal, commenting that the scheme will have a negligible impact on highway safety and network capacity. They suggest a condition relating to the surfacing of the access point.

Regeneration Team (Trees)

Raise no objection to the revised scheme as it removes any development from the Root Protection Area of the trees.

Refers to the need to protect the area around the parking areas from encroachment during construction and operation so as to ,minimise impacts on the trees and so suggests that a protective fencing condition be imposed to achieve that,

Finally he suggests the use of a cellular confinement system with a semi-porous wearing course across the whole of the accesses and new parking area to secure long-term protection of the trees from root damage by compaction.

Environmental Protection (Food Safety)

Raise no objections to the proposal, and provide advice regarding the need to register with the council under the food safety legislation.

Building Control Manager

Confirm that the structural engineers report looks satisfactory and so he does not foresee any issues with its suitability for conversion to the intended purpose.

Neighbour Observations

Neighbours notified:	06 October 2015
Site Notice Date:	16 October 2015
No. Of Responses Received:	None

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
SP05	Conversion of rural buildings to commercial use
SH15	Small scale out of centre retail development

Other Relevant Policy:

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

Site Constraints

Within countryside area

Environmental Impact Assessment

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

Comment and Analysis

Principle of the Use

As part of a series of deregulation measures introduced in recent years by the government, Class R of Part 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) permits the change of use of an agricultural building to flexible uses falling within use classes A1 and A3 where the cumulative floor space that is the subject of the change of use does not exceed 500 square metres. This is subject to a prior approval process, which has not been undertaken here, but as the total floor space to be converted here is approximately 188 square metres it indicates the general policy support for proposals of this nature. As such the provisions of Class R are a material consideration in the determination of this application and support the principle of the change of use.

Class R requires the local planning authority to assess the potential highways impacts, noise impacts, contamination risks on the site, and flooding risks on the site. These are considered further as follows:

Highways impacts - Part 3 requires the local highways authority to be consulted in respect of the assessment of any potential highways impacts. LCC Highways have been consulted and have raised no objections as they consider the proposed use to have a negligible impact on highway safety and capacity in the vicinity of the site.

Noise impacts - The council's environmental protection team have been consulted on the proposal and have raised no objections as the proposed use and opening hours are not considered to be of a kind that would generate unacceptable levels of noise.

Contamination risks - Part 3 requires determination of whether the site is contaminated land as described in Part 2A of the Environmental Protection Act 1990, which defines contaminated land as:

"...any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that:

- *significant harm is being caused or there is the significant possibility of such harm being caused; or*
- *significant pollution of controlled waters is being caused, or there is a significant possibility of such pollution being caused.*

The former use of the application site was as a piggeries and horse stabling. The council's environmental protection team have been consulted on the potential for contaminated land and have advised that given the previous use of the site and that the proposal involves the conversion of an existing building rather than demolition and re-build then there is no requirement for a contaminated land risk assessment and remediation strategy.

Flooding risk - The Environment Agency have been consulted on the proposed A1/A3 use and have raised no objections

Other matters

Character & Appearance - The change of use would utilise an existing agricultural building without any extensions other than an open porch to highlight the entrance, with some external alterations to facilitate the proposed A1/A3 use in this former agricultural building. These alterations are considered to be sympathetic to the visual character of the building, utilising existing openings, and the resulting building is considered to be a visual enhancement over the existing building. The Parish Council highlight the extent of these works, but the extent of the alterations is limited and would comply with the requirements of Policy SP5 which precludes extensive alterations to buildings that are being converted to commercial uses.

Neighbour amenity - The Parish Council have raised their concern regarding potential odours from the kitchen due to its proximity to the adjacent residential Saswick Cottages. The council's environmental protection team have been consulted on this potential issue and have advised that appropriate mechanical extraction and filtration equipment would adequately mitigate against potential odours. Hence if approved a condition requiring the submission and approval of such details prior to any first hot food preparation should be included in the decision notice

Ecology - The proposed conversion has the potential to impact on bat habitat and hence an ecological appraisal of the site has been carried out and the resulting report submitted with the application. The report advises that the development would have a low risk of disturbing bats in or loss of transitional or day roost sites but provides precautionary mitigation recommendations for improving the foraging habitat for bats which can be secured by condition.

Access and Parking - The site has an existing access to the highway that provides good visibility and will be adequate to serve the development. The scheme as it was originally submitted purposed that additional parking areas be formed adjacent to the road on the site frontage. This created concerns that it would have been overly prominent in the rural streetscene and would create potential impacts on the trees in that area. As a result revised plans have been secured which relocate these spaces to the immediate front of the building, and so address officer concerns, and should also address those raised by the Parish Council in this regard.

Conclusions

Whilst the proposed farm shop and cafe lie outside of any settlement a material consideration in the determination of this application are the provisions of Part 3 Class R of the Town and Country Planning (General Permitted Development Order 2015, which permit the change of use of agricultural buildings to flexible uses within class A1 (retail) and A3 (cafe). Having regard for Part 3

Class R and assessing the proposal against the criteria of policy SH15 of the Fylde Borough Local Plan it is considered on balance that the proposed change of use is acceptable in these circumstances.

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:

Approved plans:

- Location Plan - scale 1:2500, supplied by Stanfords and dated 19 August 2015
- Site Plan (showing 8 parking spaces) - Dwg No. LF/ID/3013, dated 12 August 2015 and received by the LPA on 18 December 2015
- Existing & Proposed Elevations and Plans - Dwg No. LF/ID/3012, dated 12 August 2015

Supporting Reports:

- Design and Access Statement
- Ecological Appraisal: Produced by Envirotech, dated 01/10/2015
- Structural Report: Produced by Keskin Consulting Structural Engineers, dated 22 September 2015

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

3. Notwithstanding any denotation on the approved plans samples of facing brickwork [including details of mortar colour], and roof treatment, including colour, shall be submitted to and approved by the Local Planning Authority prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

In the interest of securing a satisfactory overall standard of development.

4. The premises shall only be open to the public for the sale and consumption of food and drink, between the hours of 0900 to 1800 on any day.

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

5. Notwithstanding the provisions of the Town & Country Planning (Use Classes Order) 1987 [as amended] and the Town & Country Planning (General Permitted Development) (England) Order 2015 or any other legislation that amends or re-enacts those Orders, the premises hereby approved shall be used only as a 'farm shop and cafe' with the retail area limited to that indicated on the approved plans and the cafe area limited to that shown on the approved plans. The shop shall operate in a manner that ensures only food stuffs produced by farms and agricultural holdings within the Fylde Borough area are provided for sale.

Reason: To ensure an appropriate control is maintained over the extent of the retail use and the range of goods

6. The development hereby approved shall be carried out having due regard for the recommendations set out in paragraphs 6.4.1 to 6.4.9 of the submitted Ecological Appraisal, produced by Envirotech and dated 01 October 2015..

To safeguard the habitat and population of protected bats around the site that might be found during the development

7. Notwithstanding the provision of Article 3, Schedule 2, Part 3, Classes Q, R and S of the Town and Country Planning (General Permitted Development) (England) Order 2015 [or any Order revoking or re-enacting that Order], no further development of the buildings on the application farm relevant to those classes shall be carried out without Planning Permission.

Class Q relates to Agricultural to Residential Use
Class R relates to Agricultural to Commercial Use
Class S relates to Agricultural to Nursery Use

Reason: To ensure that the Local Planning Authority has control over any future development of the site to that which is appropriate given the location in the countryside remote from any settlement.

8. That prior to the first preparation of any hot food within the premises full details (including manufacturer's specifications) of appropriate mechanical fume extraction and filtration equipment shall be submitted to, and approved in writing by, the Local Planning Authority, and installed and brought into service for the operational life of the premises.

To ensure that the proposal provides an appropriate environment for customers and staff whilst avoiding any undue noise, odour and visual or other such harms to neighbouring residents or the character of the building and area.

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

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

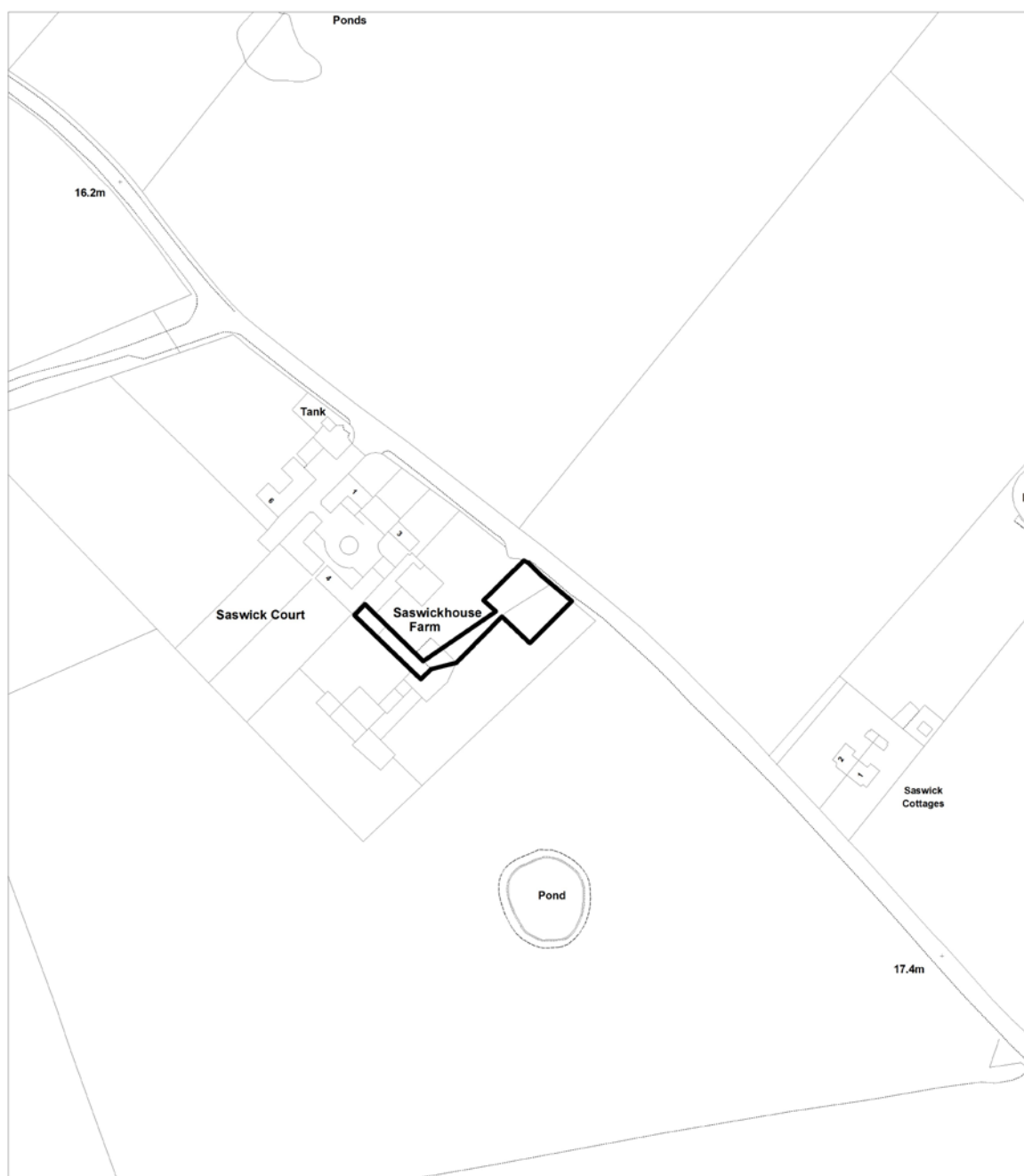
10. Prior to the first operation of the cafe/shop hereby approved the parking areas indicated on the approved plan listed under condition 3 of this planning permission shall be surfaced, drained and made available for the parking of motor vehicles. These spaces shall remain available for that purpose at all times thereafter.

To ensure that an appropriate level and location of on-site parking is provided for the development in the interests of highway safety.

11. That the extent of the conversion works undertaken as part of this planning permission shall be

limited to the insertion of glazing to the existing openings and the infilling of the areas of open sides to the structure and their cladding with timber, and the repair of the rear wall to the stable block where this has suffered from water ingress as shown on ML Plan LF/ID/3012 and the Structural Report as hereby approved.

To ensure the works are undertaken as a conversion of the building to retain its contribution to the rural character of the area as required by Policy SP5 of the Fylde Borough Local Plan.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/15/0587	Address Saswick House, Roseacre Road, Roseacre	Grid Ref. E.3427 : N.4371	Scale 0 10 20 30 40 m

Item Number: 3

Committee Date: 10 February 2016

Application Reference:	15/0661	Type of Application:	Full Planning Permission
Applicant:	Mrs Mason	Agent :	ML Planning Consultancy Ltd
Location:	NEARER HILLOCK FARM, HILLOCK LANE, BRYNING WITH WARTON, PRESTON, PR4 1TP		
Proposal:	CHANGE OF USE OF STORAGE BUILDING FOR MIXED USE OF STORAGE AND RETAILING OF FLOWERS WITH ERECTION OF LEAN-TO EXTENSION AND SITING OF DOUBLE HEIGHT STORAGE CONTAINER		
Parish:		Area Team:	Area Team 1
Weeks on Hand:	20	Case Officer:	Rob Clewes
Reason for Delay:	Delay due to notification/publicity		
If viewing the agenda online the following is a Google Maps link to the general site location: https://www.google.co.uk/maps/@53.7605607,-2.8851781,560m/data=!3m1!1e3?hl=en			

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is part of a farm holding that is located on the northern side of Hillock Lane in the countryside area north of Freckleton and Warton. The proposal relates to retrospective planning permission for the siting of containers used for storage, and an extension to and use of a building in storage use to a mixed storage and retail use. These works are all associated with a flower sales business that has located to the site in recent months.

The proposed use of the site as storage and retail is considered to accord with the thrust of the NPPF which seeks to support the sustainable diversification of the rural economy. Although the containers and extension will have some impact to the character of the countryside, the overall appearance of the site is considered acceptable due to the scale of the proposal in relation to the existing large buildings on site.

The impact on the level of use of the highway network associated with the use is also considered to be acceptable and does not lead to any safety or other concerns.

The proposal therefore complies with the NPPF and Policies SP2 and EMP3 of the Fylde Borough Local Plan and is recommended for approval.

Reason for Reporting to Committee

The application is subject of an objection from the Parish Council and so as the officer recommendation is to grant planning permission it is necessary for the decision to be made by the Development Management Committee.

Site Description and Location

The application site is part of an existing farm enterprise located on the northern side of Hillock Lane, north of Warton. It is situated in an area designated as countryside in the Fylde Borough Local Plan. The site comprises a group of outbuildings and storage containers and there is an area of hardstanding for the parking of vehicles. The site is surrounded by agricultural fields with the farm house of Nearer Hillock Farm, Further Hillock Farm and a dwelling opposite. The Helical Technology site is close by on the opposite side of Hillock Lane.

Details of Proposal

The proposal is for the change of use of an existing storage building to a mixed use of storage and retailing, the erection of a single storey lean-to for additional retail use, and the siting of a double height storage container to be used as storage.

The lean-to extension has a foot print of 6.1m by 3.1m and it has a mono-pitched roof which is 2.9m at its highest point. This is attached to the building that is used for the retail use and has a floor area of 18m x 11m.

The storage containers stand at a height of 4.8m with one on top of the other.

The development have already been carried out and therefore the application is retrospective, with the following information taken from the applicant's statement submitted in support of the application to give some clarification on the use of the site.

"Kirby's Flowers was an existing florist in Freckleton which lost their retail and storage premises and as such needed a new location. Margaret Mason used the barn on the site for storage in relation to her florist business Margaret Mason Flowers, which has its main retail premises in Friargate, Preston. The new business name is Mason Kirby Flowers and it is this business which retails from the site. Kirby's Flowers also brought their stock and incorporated that into the existing storage area.

Therefore the change of use has seen a retail area, which includes displays, in the existing storage building. Much of the building is taken up with storage and it is only a small area used for retail. The main building is used as storage, with a small area for retail. This retail area is intended for a low level of passing trade on the basis of customers who would visit Kirby's Flowers previous premises. The remainder of the building is used for storage of flowers and other items which the business uses for events. The main bulk of the florist business is now focused on events such as weddings; wherein arrangements are prepared in the building, loaded into the businesses vehicles and delivered to the site. Therefor some of the items in storage include polystyrene balustrades/room divides and hangings, all of these come together with the floral arrangements in the event venue.

Orders are placed either online or through Margaret Mason Flower's main shop in Friargate. Margaret Mason Flowers has four Light Goods Vehicles which are stationed on the premises in Preston. These vans are used to ferry goods between the premises in Preston to the site. These vehicles also do all the distribution of items to the events, as described above.

There are no Heavy Good Vehicle's that visit the site. The main bulk of deliveries are received through the Preston premises. There is occasion when the business has to distribute Christmas Trees on 7.5 tonne wagons, but again these distribute from the Friargate premises.

The applicant has taken measures to ensure that access to the site is convenient and safe. Eleven parking spaces are marked on the site. These accommodate the LGV's and 2 spaces are reserved for

the separate agricultural use of the site. 5 parking spaces are available for customers.”

Relevant Planning History

Application No.	Development	Decision	Date
15/0512	CHANGE OF USE FOR SITING OF DOUBLE HEIGHT STORAGE CONTAINER ASSOCIATED WITH FLOWER STORAGE BUSINESS	Withdrawn by Applicant	22/09/2015
15/0513	ADVERTISEMENT CONSENT FOR SITING OF 6 NON-ILLUMINATED POST SIGNS AT LOCATIONS ON HILLOCK LANE	Withdrawn by Applicant	22/09/2015
08/0464	NEW AGRICULTURAL STORAGE BUILDING AND NEW AGRICULTURAL YARD ACCESS FROM THE HIGHWAY	Granted	16/07/2008
02/1044	CHANGE OF USE OF AGRICULTURAL BUILDING TO FLORIST STORAGE	Granted	10/03/2003
02/0213	PROPOSED NEW AGRICULTURAL BUILDING	Granted	24/05/2002
96/0101	NEW AGRICULTURAL BUILDING FOR HOUSING CATTLE	Granted	27/03/1996
93/0273	PROPOSED FARM BUILDING	Granted	16/06/1993
93/0140	OUTLINE APPLICATION FOR A DETACHED FARM PROPERTY FOR AGRICULTURAL WORKER	Granted	11/08/1993
92/0776	CHANGE OF USE OF FARM WORKSHOP FOR STORAGE AND RETAIL OF GARDEN URNS.	Granted	21/12/1992
79/0399	EXTENSION TO DUTCH BARN AND CONVERSION OF LEAN TO INTO CUBICLE HOUSING.	Granted	27/06/1979

Relevant Planning Appeals History

None

Parish/Town Council Observations

Bryning with Warton Parish Council notified on 25 September 2015 and comment:

“The Parish Council Object to the proposal.

This application is a fundamental change from the former application 15/0512 and now proposes routine and regular retail on the site, despite representations to the contrary in the application, as opposed to storage and associated access. While the Parish Council would not in any way wish to preclude suitable business enterprises the former highway concerns as to traffic problem by the proposed change of use of this commercial site will cause further major issues for the road. Even though seasonal the sale and transportation of Christmas trees from the site is surely minded to increase customer attendance and hence the volume of associated traffic to both deliver and transport these large purchases away.

Hillock Lane is a rural country lane and in several spots, notably at its easterly end, is not capable of passing traffic side by side and the vision ahead is also limited at certain spots. Large vehicles such as Lorries and trucks are particularly hampering traffic when trying to enter or exit Hillock Lane at its junction Kirkham Road, Freckleton. There are observed instances where articulated Heavy Goods Vehicles have caused lengthy delays to the flow of traffic in both directions of Kirkham Road and to other users of Hillock Lane while attempting to negotiate the narrow junction. Because of the

subsequent Traffic problems on Hillock Lane all vehicles should be dissuaded from accessing commercial properties located on Hillock Lane from Kirkham Road. This application which is linked to the application 15/0662 encourages and promotes additional traffic to the extent that it, being retrospective, will only be a matter of time before a serious accident is caused if the application is approved. Application 15/0662 for the same site proves the representations made in this application to be untrue and it is the applicant's intention to generate far greater customer vehicular attendance. Additionally there is some concern as to the intentions of the applicant from the outset to bypass the planning process by first applying for storage use only and then extending it to retail in only a short while later. The County Council Highways need to seriously review the application and address the Hillock Lane access before this application is considered suitable to be approved."

Statutory Consultees and Observations of Other Interested Parties

LCC Highways

"There are no highway objections to this application as described. Given the low number of large commercial vehicles required to visit the application site, as described in the planning statement this application does not raise a severe highway impact."

BAe Systems

Comments - No objections

Ministry of Defence - Safeguarding

Comments - No objections

Neighbour Observations

Neighbours notified: 17 December 2015
Site Notice Date: 08 October 2015
No. Of Responses Received: None

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
EMP3	Business & industrial uses outside defined area
EP11	Building design and landscape character

Other Relevant Policy:

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

Site Constraints

Within countryside area

Environmental Impact Assessment

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

Comment and Analysis

The principle of the development

Policy SP2 of the Fylde Borough Local Plan seeks to control development in rural areas so as to preserve the rural character of the countryside, with a series of exceptions to the general approach of restraint. Of these, criteria 1 allows for development that is appropriate for a rural area and supports the rural economy, and criteria 5 allows for development associated with the continuation of existing uses where it does not harm the character of the countryside. Of further assistance is Policy SP8 which specifically relates to the expansion of existing businesses in countryside area and requires that this expansion does not have a harmful impact on the countryside, and does not involve expansion in the area or height of development. These all accord with the general guidance in para 28 of the NPPF which is supportive of sustainable economic development in rural areas.

In this case the site is a former agricultural building that is in use as storage associated with a flower enterprise and was approved for this use under reference 02/1044. The nature of the business has recently changed with the merger of the business with another flower shop and the bringing of the retail element to this site. The establishment of retail enterprises in locations remote from district and village centres has historically been a concern, but given the limited area that this use will take up, the planning history of this site, and the recent thrust of government legislation which is in favour of commercial uses of farm buildings it is not considered that a refusal to the application on this basis can be justified.

The originally submitted plans indicate that the majority of the building provides a mixture of showroom and retail area. This conflicts with the supporting statement that explains that the majority of the area is used for storage and the area for retailing is limited. Accordingly revised plans have been secured to accurately demonstrate the area for retailing and this is to be controlled by condition to ensure it is a flower retail use (and so an expansion of the existing business) and that the extent of retailing is limited to that area. Subject to these controls it is considered that the principle of the use sought is acceptable.

The impact to the character of the countryside

The lean-to extension is small and is not easily visible from outside the site due to the existing boundary treatments and the height of the adjoining buildings. This extension therefore has minimal impact on the character of the countryside.

The double height storage containers are visible from certain viewpoints due to their height, however their colour, dark green, is considered suitable and helps them blend in to the dark green cladding of the adjacent larger buildings on the site. Furthermore due to the size of these existing buildings the containers are not the dominant feature within the site and although double height are still sub-ordinate to the main buildings on site.

The impact to highway safety

The site has been operating as a flower storage business since 2002 and has been able to accommodate the HGV movements associated with this use over this time. This ensures that the site has a well-established pattern of use with clearly marked area for the parking of employee and customer vehicles with sufficient turning space allowing vehicles to exit the site in forward gear. The addition of retail to the site will not result in a sharp increase in vehicular movements to and from the site as a large proportion of the business will remain storage for the preparation of floral displays, and customer visits will be limited given the nature of the operation described in the supporting statement. The proposal is therefore considered acceptable with regard to its impacts on the highway network.

Conclusions

The application site is part of a farm holding that is located on the northern side of Hillock Lane in the countryside area north of Freckleton and Warton. The proposal relates to retrospective planning permission for the siting of containers used for storage, and an extension to and use of a building in storage use to a mixed storage and retail use. These works are all associated with a flower sales business that has located to the site in recent months.

The proposed use of the site as storage and retail is considered to accord with the thrust of the NPPF which seeks to support the sustainable diversification of the rural economy. Although the containers and extension will have some impact to the character of the countryside, the overall appearance of the site is considered acceptable due to the scale of the proposal in relation to the existing large buildings on site.

The impact on the level of use of the highway network associated with the use is also considered to be acceptable and for the scale of movements that would be associated with the use does not lead to any safety or other concerns.

The proposal therefore complies with the NPPF and Policies SP2 and EMP3 of the Fylde Borough Local Plan and is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This consent relates to the following details:

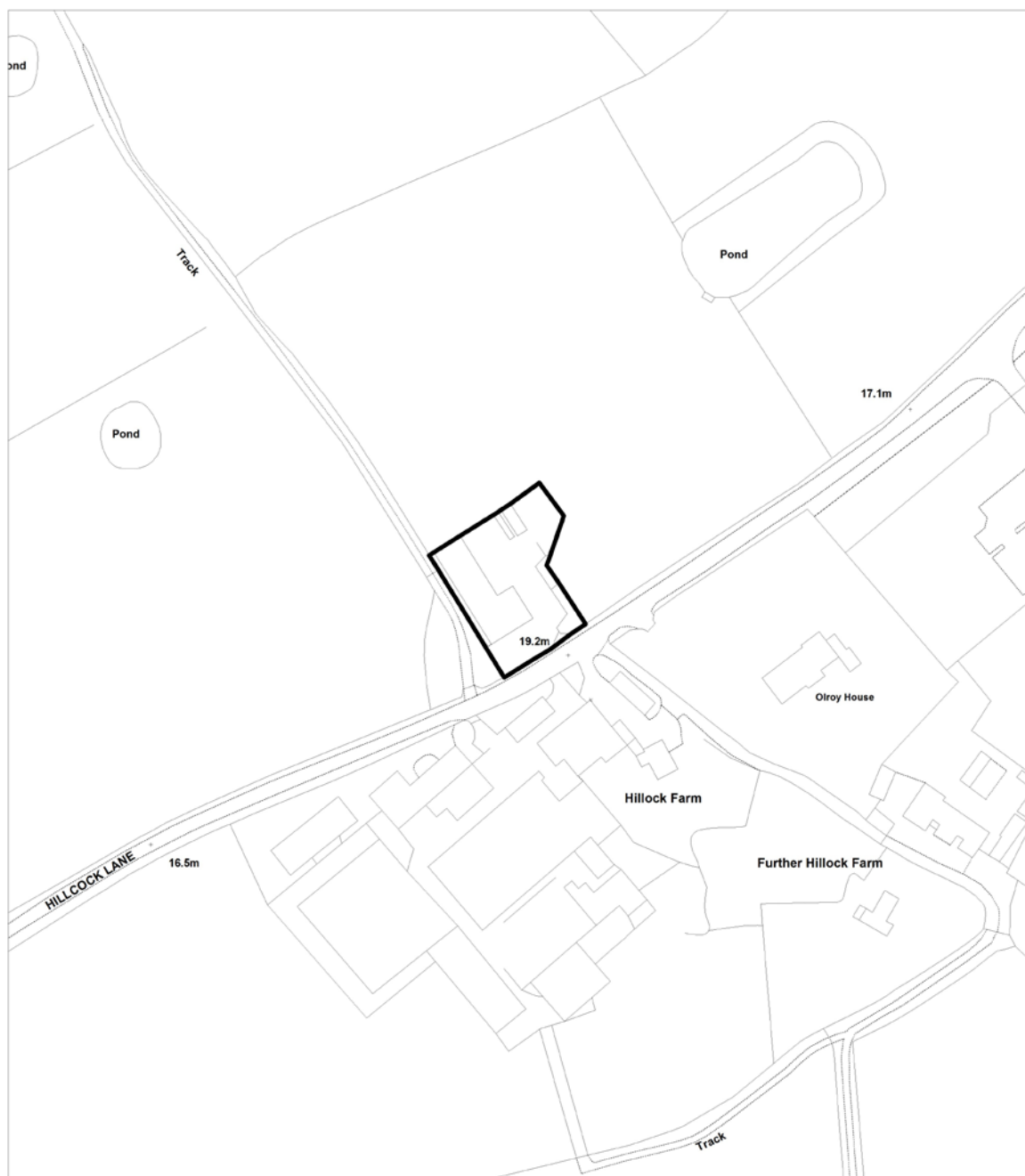
Approved plans:

- Location Plan
- Proposed Plans and Elevations - ML Planning Consultancy Ltd drawing LG/MM3027 dated 27/11/15

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

2. That the extent of the site utilised for Class A1 retail use shall be that area indicated as 'Retail Area' on drawing LG/MM/2027 (received 27 November 2015) as hereby approved, with all other areas shown on that drawing utilised for storage only within Class B8 of the Town and Country Planning (Use Classes Order) 1987.

To provide appropriate control over the extent of retail use of the site in the interests of minimising potential harm to neighbouring centres.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/15/0661	Address Nearer Hillock Farm, Hillock Lane, Warton	Grid Ref. E.3416 : N.4297	Scale 0 10 20 30 40 m

Item Number: 4

Committee Date: 10 February 2016

Application Reference:	15/0662	Type of Application:	Advertisement Consent
Applicant:	Mrs Mason	Agent :	ML Planning Consultancy Ltd
Location:	NEARER HILLOCK FARM, HILLOCK LANE, BRYNING WITH WARTON, PRESTON, PR4 1TP		
Proposal:	RESUBMISSION OF APPLICATION 15/0513 FOR ADVERTISEMENT CONSENT FOR SITING OF 2 NON-ILLUMINATED SIGNS		
Parish:		Area Team:	Area Team 1
Weeks on Hand:	20	Case Officer:	Rob Clewes
Reason for Delay:	Delay due to notification/publicity		
If viewing the agenda online the following is a Google Maps link to the general site location: https://www.google.co.uk/maps/@53.7605607,-2.8851781,560m/data=!3m1!1e3?hl=en			

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application relates to the display of advertisements associated with a flower storage and sales enterprise that is now established at Nearer Hillock Farm on Hillock Lane north of Freckleton and Warton.

The advertisement of the location of the site access is a benefit to highway safety and the signs proposed in this location are considered to be acceptable in principle and appropriate in their scale and design. The positioning of other signs on the approaches to the site was part of the original submission and leads to a cluttering of the countryside with the proliferation of signage to the detriment of the public amenity of the area. These signs have now been removed from the proposal.

As now presented the level of signage accords with paragraph 67 of the NPPF relating to the appropriate level of signage and so it is recommended that consent be granted.

Reason for Reporting to Committee

The application is subject of an objection from the Parish Council (albeit in its original form) and so as the officer recommendation is to grant consent it is necessary for the decision to be made by the Development Management Committee.

Site Description and Location

The application site is part of an existing farm enterprise located on the northern side of Hillock Lane, north of Warton. It is situated in an area designated as countryside in the Fylde Borough Local Plan. The site comprises a group of outbuildings and storage containers and there is an area of hardstanding for the parking of vehicles. The site is surrounded by agricultural fields with the farm house of Nearer Hillock Farm, Further Hillock Farm and a dwelling opposite. The Helical

Technology site is close by on the opposite side of Hillock Lane.

Details of Proposal

The original proposal was for 6 signs placed with these placed at the access to the business premises and also along Hillock Lane going eastwards to its junction with Kirkham Road. The revised proposal is now for 2 signs, both of which are non-illuminated. One sign is ground mounted and 0.9m high adjacent to the entrance of the site. The other is located on Hillock Lane around 10m to the east of the site access and is of an arrow design which is post mounted to a height of 2m above ground level so that it is visible above the hedge.

The signs to which this application relates are in position. There are also a number of other signs in position on the approaches to the site. None of these are included within this application and so will remain unauthorised and so subject to potential enforcement action irrespective of the determination of this application.

Relevant Planning History

Application No.	Development	Decision	Date
15/0512	CHANGE OF USE FOR SITING OF DOUBLE HEIGHT STORAGE CONTAINER ASSOCIATED WITH FLOWER STORAGE BUSINESS	Withdrawn by Applicant	22/09/2015
15/0513	ADVERTISEMENT CONSENT FOR SITING OF 6 NON-ILLUMINATED POST SIGNS AT LOCATIONS ON HILLOCK LANE	Withdrawn by Applicant	22/09/2015
08/0464	NEW AGRICULTURAL STORAGE BUILDING AND NEW AGRICULTURAL YARD ACCESS FROM THE HIGHWAY	Granted	16/07/2008
02/1044	CHANGE OF USE OF AGRICULTURAL BUILDING TO FLORIST STORAGE	Granted	10/03/2003
02/0213	PROPOSED NEW AGRICULTURAL BUILDING	Granted	24/05/2002
96/0101	NEW AGRICULTURAL BUILDING FOR HOUSING CATTLE	Granted	27/03/1996
93/0273	PROPOSED FARM BUILDING	Granted	16/06/1993
93/0140	OUTLINE APPLICATION FOR A DETACHED FARM PROPERTY FOR AGRICULTURAL WORKER	Granted	11/08/1993
92/0776	CHANGE OF USE OF FARM WORKSHOP FOR STORAGE AND RETAIL OF GARDEN URNS.	Granted	21/12/1992
79/0399	EXTENSION TO DUTCH BARN AND CONVERSION OF LEAN TO INTO CUBICLE HOUSING.	Granted	27/06/1979

Relevant Planning Appeals History

None

Parish/Town Council Observations

Bryning with Warton Parish Council notified on 25 September 2015 and comment:

"The Parish Council Object to the proposal.

As stated in response to the former application 15/0513 the Parish Council believe that the proposal of this quantity of signs is vastly excessive to the rural nature of the environment spoiling and

defacing the countryside. There is no justification for this level of signage spoiling the rural environment and it is understood from the County Council road signage should be limited to an essential nature.

Hillock Lane is a rural country lane and in several spots, notably at its easterly end, is not capable of passing traffic side by side and vision ahead also limited at certain spots. Secondly large vehicles such as Lorries and trucks are particularly hampering traffic when trying to enter or exit Hillock Lane at its junction Kirkham Road, Freckleton. There are observed instances where articulated Heavy Goods Vehicles have caused lengthy delays to the flow of traffic in both directions of Kirkham Road and to other users of Hillock Lane while attempting to negotiate the narrow junction. Because of the subsequent Traffic problems on Hillock Lane all delivery vehicles, Large vans and Trucks, should be dissuaded from accessing commercial properties located on Hillock Lane from Kirkham Road and the proposed signage would thus be counterproductive.

A similar condition of delivery routeing was imposed on the 'Helical Technology' site when they applied for increased commercial use of their site. It is appreciated that this is not always adhered to and difficult to enforce but the support of the company has helped in preventing this becoming a major issue. The Parish Council naturally support and encourage commercial enterprise within its boundary but consideration of the many other users of Hillock lane including other business users has to be taken into account.

Although the proposal to access Hillock Lane through Warton Village is far from desirable the country lane should not be hampered by HGV's and large delivery vehicles travelling to and from such a commercial site via a portion of the highway which is not able to cope without causing major problems for other road users.

It is the view that signage to the property would be better serviced by proper Lancashire County Council Highways local signage at the westerly end of Hillock lane and suitable company signage at the actual site. "

Statutory Consultees and Observations of Other Interested Parties

LCC Highways

"The 2no. signs must not be placed within the adopted highway and must not overhang the adopted highway.

I will require that the 2 no. signs are securely fixed and structurally stable so to safeguard against collapse and potential injury to users of the highway.

Taking the above into consideration I do not have any objections to the proposals as I consider them to have a negligible impact on highway safety and capacity in the vicinity of the site."

BAe Systems

Comments - No objections

Ministry of Defence - Safeguarding

Comments - No objections

Neighbour Observations

Neighbours notified: 25 September 2015

Amended plans notified: N/A

Site Notice Date: N/A
Press Notice Date: N/A
No. Of Responses Received: 1 letter received raising no objection

Relevant Planning Policy

Fylde Borough Local Plan:

SP02 Development in countryside areas

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

Para 67 of the NPPF confirms that the issues that the council can consider in its assessment of applications for advertisement consent are public safety and public amenity.

In regards to public amenity, the signs highlight the presence of the site to visitors and so are helpful to drivers in this rural location and so assist with public safety. The highway authority raise no objection to them subject to appropriate position and construction with respect to the highway boundary.

In regards to public amenity, Hillock Lane is in a countryside area and designated as an Area of Special Control for Advertisements. The number and extent of signs originally proposed was considered excessive and to result in a negative impact to the character of this part of the countryside and its visual amenity due to their cumulative impact. However those additional signs have now been removed from the application to leave just the two either side of the site entrance.

Running in conjunction with this application is application ref: 15/0661 which includes a small area in the existing building for retail purposes. It is therefore considered that it is not unreasonable to expect some level of advertisement signs in on the business premises, and that these two signs in the immediate vicinity of the site to which they relate do not harm public amenity.

Conclusions

The proposed erection of the two signs now proposed at the site entrance comply with guidance in paragraph 67 of the NPPF and Policy SP2 of the Fylde Borough Local Plan.

Recommendation

That Advertisement Consent be GRANTED subject to the following conditions.

1. a) All advertisements displayed, and any land used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Attached within the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- b) Any hoarding or similar structure, or any sign, placard board or device erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition to the reasonable satisfaction of the Local Planning Authority.

Attached within the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- c) Where any advertisement is required under the regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Attached within the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- d) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Attached within the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- e) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway [including any coastal waters]; or aerodrome [civil or military].

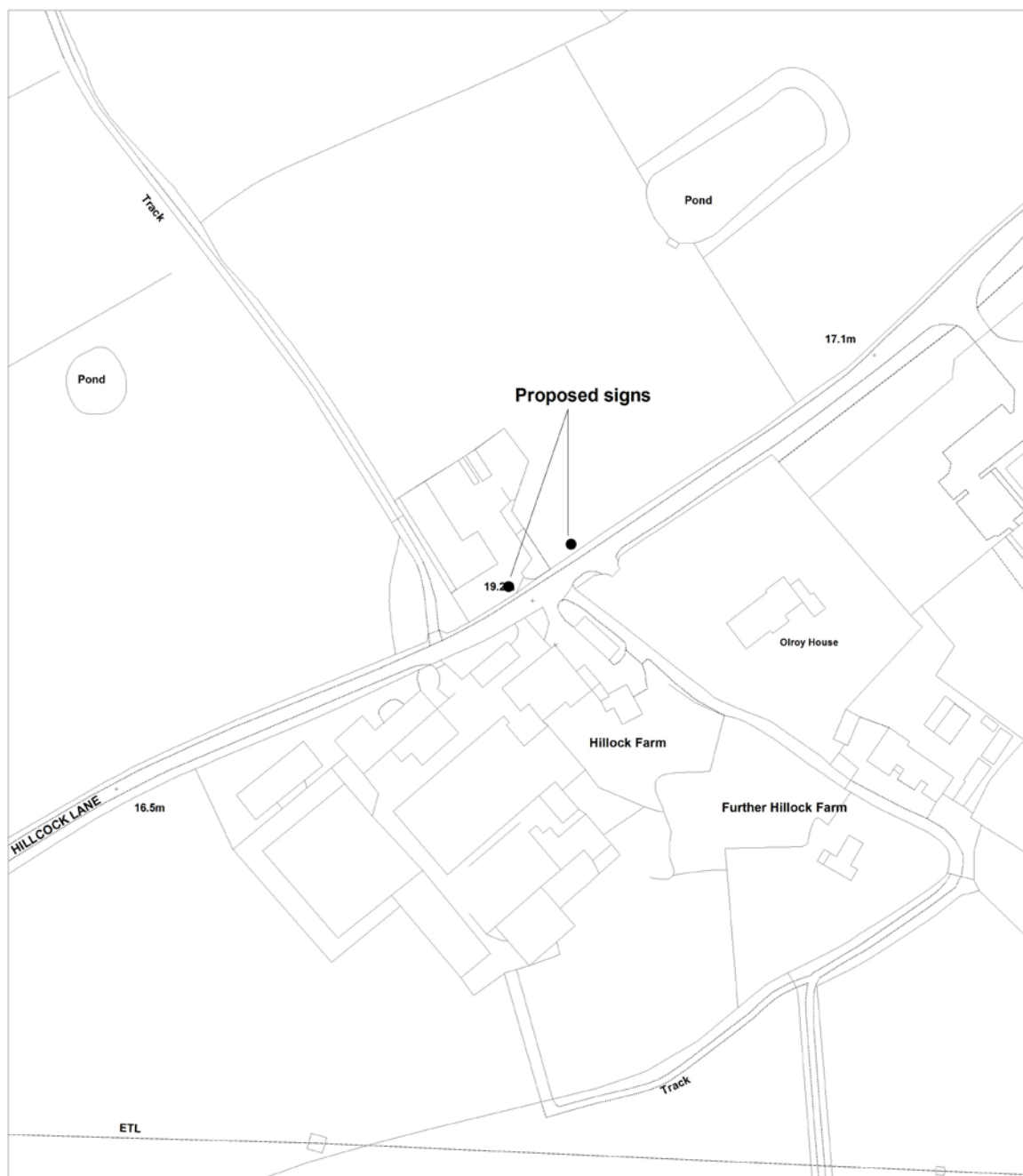
Attached within the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. This consent relates to the following details:

Approved plans:

- Site Plan and Elevations Signs 1 & 2 - ML Planning Consultancy drawing LG/MM3124 dated 27 November 2015

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



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/15/0662	Address Nearer Hillock Farm, Hillock Lane, Warton	Grid Ref. E.3416 : N.4297	Scale 0 10 20 30 40 m

Item Number: 5

Committee Date: 10 February 2016

Application Reference:	15/0724	Type of Application:	Reserved Matters
Applicant:	Rowland Homes	Agent :	De Pol Associates
Location:	LAND EAST OF FLEETWOOD ROAD AND NORTH OF, MOWBRECK LANE, MEDLAR WITH WESHAM		
Proposal:	APPLICATION FOR APPROVAL OF RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR ERECTION OF 159 DWELLINGS ASSOCIATED OUTLINE PLANNING PERMISSION 14/0779		
Parish:	MEDLAR WITH WESHAM	Area Team:	Area Team 1
Weeks on Hand:	16	Case Officer:	Kieran Birch
Reason for Delay:	Deferred at last meeting		
If viewing the agenda online the following is a Google Maps link to the general site location: https://www.google.co.uk/maps/@53.7932988,-2.8814222,560m/data=!3m1!1e3?hl=en			

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application is for the outstanding reserved matters associated with the residential development of a site for 159 dwellings on land north of Mowbreck Lane in Wesham. The site was granted planning permission in outline through application 14/0779 with access a detailed matter of that application, and this application seeks approval of the scale, appearance, layout and landscaping of the site.

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

Reason for Reporting to Committee

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

Site Description and Location

The application site is part of a larger 14.7 hectare site which benefits from outline planning permission for up to 264 dwellings. Reserved Matters approval has been granted for 100 dwellings on a 4.8 hectare area of land in the western part of the site which has access off Fleetwood Road

and is already under construction. This application site constitutes 9.9 hectares and is located directly adjacent to that site and north of Mowbreck Lane and the settlement boundary of Wesham in the open countryside.

It is of an irregular shape with Mowbreck Lane to the south, the adjacent site and Chapel Close to the west, and open countryside in agricultural use to the north and east. The land is undulating and comprises fields that are mainly separated by hedge and ditch boundaries with occasional trees. The Hodder Aqueduct which supplies the Fylde Coast with water from the Forest of Bowland crosses the site and so has a protective easement. Fleetwood Road is one of the main routes connecting Wesham to the M55 junction and towns to the north. Mowbreck Lane is a narrower rural type lane that serves residential properties, a caravan park and becomes a track as it connects to Treales to the east.

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

Details of Proposal

This application proposes the reserved matters of Appearance, Layout, Landscaping and Scale with respect to outline planning permission 14/0779 which relates to the erection of up to 264 dwellings and associated biodiversity area and landscaping. This outline planning permission confirms the approval of the access to the site from Fleetwood Road and Mowbreck Lane and was granted following the completion of a s106 agreement following a resolution to grant permission by the Development Management Committee at its meeting on 3 December 2014.

The application proposes the erection of 159 dwellings, of which 30% (47 units) are affordable dwellings. These dwellings are located within the areas of residential development indicated on the Parameters Plan approved as part of the outline planning permission. These dwellings are all at two storey with some amendments made to their layout and design throughout the consideration of the application. The house type Wallingford is considered to be two and a half stories as it also provides accommodation in the roof space, and at a height of 9.022m is only approximately 1m taller than the two storey dwellings.

The access road runs from the new access to Mowbreck Lane through to the western boundary of the site where it links to the access road approved in the western area of the site. A pedestrian route is also proposed to Mowbreck Lane. A play area is provided within the site as the public open space element required by the outline planning permission.

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

Relevant Planning History

Application No.	Development	Decision	Date
15/0782	APPLICATION UNDER S106A TO VARY	Withdrawn by	23/12/2015

	AFFORDABLE HOUSING TENURE MIX AND PROVIDER DEFINITION ASSOCIATED WITH RESIDENTIAL DEVELOPMENT SCHEME SECURED BY PLANNING OBLIGATION TO PLANNING PERMISSION 14/0779	Applicant	
15/0786	APPLICATION UNDER S106A TO VARY AFFORDABLE HOUSING TENURE MIX AND PROVIDER DEFINITION ASSOCIATED WITH RESIDENTIAL DEVELOPMENT SCHEME SECURED BY PLANNING OBLIGATION TO PLANNING PERMISSION 11/0763	Withdrawn by Applicant	23/12/2015
14/0779	RESUBMISSION OF APPLICATION 13/0754 FOR OUTLINE PLANNING PERMISSION FOR ERECTION OF UP TO 264 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, OPEN SPACE, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION. (ACCESS APPLIED FOR AND ALL OTHER MATTERS RESERVED)	Approved with 106 Agreement	12/03/2015
14/0041	APPLICATION FOR APPROVAL OF RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR ERECTION OF 100 DWELLINGS ASSOCIATED WITH OUTLINE PLANNING PERMISSION 11/0763	Granted	09/07/2014
13/0754	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLINGS AND REDEVELOPMENT OF THE SITE FOR UP TO 264 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, OPEN SPACE, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION. (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Refused	28/05/2014
12/0589	RESUBMISSION OF PLANNING APPLICATION FOR 11/0763 FOR OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLINGS AND DEVELOPMENT OF THE SITE FOR UP TO 100 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION.	Declined to Determine	10/01/2013
11/0763	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLINGS AND DEVELOPMENT OF THE SITE FOR UP TO 100 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION.	Refused	11/10/2012
08/1072	DEMOLITION OF EXISTING DWELLINGS AND REDEVELOPMENT OF THE SITE FOR UP TO 264 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, OPEN SPACE, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION.	Refused	26/03/2010
08/0856	DEMOLITION OF EXISTING DWELLINGS AND REDEVELOPMENT OF THE SITE FOR 215	Withdrawn by Applicant	11/12/2008

DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, OPEN SPACE, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION.

Relevant Planning Appeals History

Application No.	Development	Decision	Date
13/0754	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLINGS AND REDEVELOPMENT OF THE SITE FOR UP TO 264 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, OPEN SPACE, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION. (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Withdrawn	12/12/2014
11/0763	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLINGS AND DEVELOPMENT OF THE SITE FOR UP TO 100 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION.	Allowed	01/08/2013
08/1072	DEMOLITION OF EXISTING DWELLINGS AND REDEVELOPMENT OF THE SITE FOR UP TO 264 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT, OPEN SPACE, LANDSCAPING AND DEVELOPMENT RELATING TO BIODIVERSITY ENHANCEMENT / PROTECTION.	Dismissed	23/03/2011

Parish/Town Council Observations

Medlar with Wesham Town Council notified on 20 October 2015 and comment:

- *“Concerned that the Wallingford appears to be a three storey dwelling which may overlook existing properties.*
- *Adequate fencing is required around the pond.*
- *There are no details regarding the children’s play area in phase 2.”*

Kirkham Town Council notified on 20 October 2015 and comment:

“Object on the grounds that Council is concerned at yet another large scale development and the knock on effect it will have on Kirkham’s resources, highways, schools and drainage system.”

Statutory Consultees and Observations of Other Interested Parties

Natural England

Natural England have no comments to make on this application. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and

local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of his site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

Lancashire County Council - Highway Authority

No objections. The layout is acceptable and meets LCC requirements for the roads to be adopted and the car parking levels are acceptable. They request that two conditions regarding maintenance of the streets and constructional details of the streets are placed on any permission.

Environment Agency

The Environment Agency have no comments to make on the application as it is not a type which is listed in the 'when to consult the EA' document or in the DMPO.

United Utilities - Water

No objections to the proposed development provided that conditions are placed on any approval in relation to the development being drained in line with the submitted drainage plan which confirms that foul water drains into the public sewer and surface water drains to the watercourse through an open storage pond. They also comment that a water trunk main crosses the site and that they will not permit development 5m either side of the main. This main is shown on the application layout plan and there is no development proposed within it.

Highways England

No comments received.

Lancashire CC Flood Risk Management Team

The Drainage Strategy (12014-CRH-Z1-XX-DR-D-4001) submitted in support of the reserved matters application (15/0724) indicates that the surface water drainage for the developed site will be managed via a piped surface water drainage system which will discharge to an attenuation pond. The pond will then outfall to an existing watercourse at a point to be determined. Whilst the LLFA has no objection to this proposed method of surface water drainage, further clarification in relation to the run off rate and attenuation calculations is required. The Drainage Strategy (12014-CRH-Z1-XX-DR-D-4001) refers to agreed discharge rates which appear to have been based on a presumed greenfield run off rate of 5/l/s/h. The LLFA will require further evidence of the actual greenfield run off rate for the site and calculations to show the run off rates for all of the above (bullet pointed list) events. The LLFA also requires further information with regards to the storage requirements for the site. The Drainage Strategy (12014-CRH-Z1-XX-DR-D-4001) indicates that 2572m³ of storage will be provided by an attenuation pond to the north of the site. The FRA (29/11/2013) submitted to support the outline planning application (14/0779) stated that the attenuation requirements to accommodate a 1 in 30 event were between 2077 and 2983m³. For the 1 in 100 year event plus a 30% allowance for climate change the attenuation requirements are stated as 4316-5607m³. Whilst it is accepted that the original calculations were based on estimates, the LLFA will require further evidence of the drainage calculations in order to ensure the proposed system can accommodate the flows. The Drainage Strategy (12014-CRH-Z1-XX-DR-D-4001) states that the attenuation pond will outfall to an existing water course. The LLFA will require further details

regarding this proposal and further information is contained in the Land Drainage Consent section of this response. The FRA (29/11/2013) indicates that the site will be developed in 2 phases. The attenuation basin should be constructed and operational prior to any construction phase. This will ensure that site drainage during the construction process does not enter the watercourses at un-attenuated rates causing un-necessary flood risk. The applicant is advised to submit, to the local planning authority, details of how surface water and pollution prevention (Information on pollution prevention measures in line with Pollution Prevention Guidance (PPG)) will be managed during each construction phase of the development. The local planning authority is advised to consider using appropriate conditions to ensure this.

Lead Local Flood Authority Position

The Lead Local Flood Authority has no objection to the proposed development subject to the inclusion of the following conditions, in consultation with the Lead Local Flood Authority.

They then request conditions in relation to an appropriate surface water drainage scheme to be submitted, no occupation of development until completion of SuDs in accordance with agreed SuDS scheme and management and maintenance plan and that plan to be submitted prior to commencement of development. Also a condition which relates to details of management of surface water during construction phase and one the construction and operation or pond/attenuation basin prior to the main construction phase.

LCC Contributions

No comments received, LCC Education contributions covered in the outline application.

Greater Manchester Ecology Unit

I would regard the 'Biodiversity Reserve and Public Open Space Area – Planting Schedules & Management Regimes' as prepared by Appletons in Oct 2015, and the supporting dwg. No. 1923-10, as generally satisfactory.

The document does address the requirements of Condition 8 placed on the original application in that the habitats to be created are complementary to the habitat types of importance in the adjacent Wesham Marsh Biological Heritage Site (BHS). The 'Biodiversity Reserve' is also well located to be contiguous with the BHS wetlands.

One point that I would raise, however, is that there do not appear to be any details provided at this stage of the future responsibilities for the management of the Biodiversity Reserve in the long-term. For a relatively small 'wetland' site such as this on-going management is very important in order to maintain required water levels and to prevent natural succession to drier habitats from taking hold. Further, the area is shown as being adjacent to public open space and very close to substantial areas of housing. There may therefore be pressures to keep the space 'tidy', which would be contrary to its purposes as a space for wildlife. Future Management of the area will therefore require appropriate and adequate resources for management to be committed in perpetuity. I would therefore seek, either at this stage or as a Condition of any approval that may be granted to this Reserved Matters application, details of the future responsibilities, and future resources, for the implementation of the management regime for the Biodiversity Reserve and Public Open space areas.

Robust measures will be required for the successful retention of the hedgerows forming part of the boundaries of the site (British Standard 5837:2012 applies). The requirements of Condition 10 placed on the original permission (protection of amphibians) also apply to this Reserved Matters application. A Method Statement giving details of Reasonable Avoidance Measures to be taken during the site clearance and construction is still required.

Neighbour Observations

Neighbours notified: 20 October 2015

Amended plans notified:

Site Notice Date: 23 October 2015

Press Notice Date: 29 October 2015

No. Of Responses Received: Seven

Nature of comments made: Make objections to the development for the following reasons;

- Land in question is greenbelt and should remain so. (This is not correct).
- Already sufficient new houses in the area and Fylde.
- Mowbreck Lane a small lane and unsuitable for increased traffic.
- Impact on infrastructure.
- Impact on ecology.
- Application shows only one entrance - surely this isn't enough.
- Impact on residential amenity (noise, disturbance, loss of light, overlooking and overshadowing).
- Change the character of the area.
- Out of scale and character with surrounding development.
- Impact on highway safety.
- Loss of agricultural land.
- Flooding and drainage.
- Permission should not be granted for two and half or three storey dwellings.
- Hedges and trees on Mowbreck Lane should be retained.
- SSSI should be protected. (There is no SSSI near the site)
- Affordable housing should be spread throughout the site.
- The proposed pedestrian exit from the site at the south-east site corner is directly onto Mowbreck Lane which has no existing pavement on the site side. The positioning of an exit, should it be granted, should be more central on the southern boundary with a pavement for safety from vehicles and heavy farm traffic.
- The intended purpose of the narrow farm track access on the eastern boundary adjacent to Medlar House does not appear to have its usage defined on the Site Plan. We have legal right of way from Mowbreck Lane, with vehicular access to the rear of our property on this track and it is unclear how this track will be used and maintained. At outline planning stage this track was indicated to be a cycle path/pedestrian route.

Matters raised by neighbours which are not material planning issues and cannot be taken into consideration when determining the application;

Impact on property value

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
SP02	Development in countryside areas
EP01	Environmental Improvement Schemes
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP13	Planting of trees, hedgerows and woodland
EP14	Landscaping of new developments
EP17	Development in or near Biological & Geological Heritage Sites
EP18	Natural features
EP19	Protected species
EP21	Archaeology
EP22	Protection of agricultural land
EP23	Pollution of surface water
EP24	Pollution of ground water
EP30	Development within floodplains
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TR05	Public transport provision for large developments
TR09	Car parking within new developments
TREC17	Public Open Space within New Housing Developments
CF01	Provision of community facilities
CF02	Provision of new primary schools

Other Relevant Policy:

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

Site Constraints

Within countryside area

Environmental Impact Assessment

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

Comment and Analysis**Principle of development**

The principle of development and means of access to it have already been established through application 14/0779 which granted planning permission for the whole of this site and the adjacent one for up to 264 dwellings. Outline approval had already been granted for 100 of those dwellings on the western part of the site accessed from Fleetwood Road through application 11/0763 which was allowed at appeal, and subsequently reserved matters for that part of the site through application 14/0041. This application is for the reserved matters associated with the eastern part of the site with the access from Mowbreck Lane and is for 159 dwellings, so five dwellings less in total than permitted at outline stage. Those planning permissions established the principle and so there

can be no issue with the principle of the development involved here, only whether the submitted details are acceptable. As such the land's designation as Countryside in the Fylde Borough Local Plan is an irrelevance to the assessment of this application.

Access

The application includes a single vehicle access to the highway network which is to Mowbreck Lane opposite the junction with Park Lane. This access proposes a simple junction with that road which has already been considered by LCC and found acceptable in the outline application. The access leads to a central spine road that runs through the site at a standard 6.5m wide carriageway width with footways on both sides. A series of cul-de-sacs leave this to serve the residential properties, with a number also served off this road and give it a residential feel. The spine road leads to the western edge of the boundary site where it links with the spine road developed as part of the adjoining site which joins Fleetwood Road.

The previous reserved matters proposed a pedestrian access to the existing farm track from Mowbreck Lane which is directly adjacent to this application site but does not form part of the red edge for this application and has therefore been considered as part of the previous application. Condition 2 of reserved matters application 14/0041 requires prior to the construction of the 30th dwelling on that site that details of the track are agreed. The current application includes a proposed footpath from the development site to Mowbreck Lane as well as the pedestrian route adjacent to the highway and so will remove the need for the link to this track to be provided. LCC Highways have commented that the access in this position gives good links to a large proportion of the site. There is no pavement on this side of the road and LCC confirmed that only a short section of hardstanding will need to be provided to enable pedestrians to wait and cross the road.

These arrangements are all acceptable.

Layout / Appearance / Scale

The layout of the development is led by the constraints of the site, including the need to link the site to the spine road approved as part of the adjacent Reserved Matters site, and the access point onto Mowbreck Lane which has been approved through the outline application. Also the need to provide Public Open Space, the requirements of the biodiversity area to protect Wesham Marsh Biological heritage Site and the Thirlmere Aqueduct which runs east to west through the site has a 10m easement that cannot be built in.

The layout respects these constraints and delivers an appropriate mix of detached, semi-detached, short terraces and a block of flats. These are all at two storey asides the Wallingford which is considered two and a half storey and generally face outwards to the public vantage points, with the exceptions being on the western side of the Public Open space and some side elevations facing Mowbreck Lane. Whilst it would normally be preferable for dwellings to face the Public Open space in this case it is considered acceptable as dwellings to the east and south face the space and to the north it is open and linked to the Biodiversity area. A woodland area is proposed to be planted adjacent to the fence line which will screen the fence and properties to a degree. Whilst some side elevations face Mowbreck Lane the majority face outwards onto the road, and with the hedgerow to be retained and increased landscaping proposed within the site it is considered that the visual impact and the dwellings appearance will be acceptable.

The scale is considered acceptable with the majority two storey dwellings with eight two and half storey dwellings proposed. These eight are all located within the site and none face existing residential dwellings in the surrounding area. This complies with the outline application requirements of scale and specifically condition 5 which stated *"The reserved matters shall include*

details of dwellings in a range of scales and designs with no dwelling or residential building exceeding 3 storeys in height.” The proposal is considered to be in keeping with the character of the locality in terms of scale and also in meeting an appropriate density of development. With the inclusion of the POS and biodiversity area the density is as low as 16 dwellings per ha. The layout is considered to be acceptable within these constraints. The house designs are suitably mixed, but follow a ‘theme’ that will give a consistency in their appearance and quality that is also acceptable. The ‘theme’ matches that already approved for the 100 dwellings to the west and this application would provide a continuation of that theme. On corner properties visible from the roads within the site the rear gardens are proposed to be enclosed by walls rather than fences and a soft landscaping scheme is proposed around the entrance to the site on Mowbreck Lane which reflects the more rural nature of this part of the road as oppose to the Fleetwood Road entrance to the site to the west.

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

Affordable Housing

The outline planning permission that covers the site as a whole is accompanied with a signed section 106 legal agreement which requires that 30% of the approved dwellings are affordable with 80% of these to be social rent and the remainder of a tenure to be agreed but most likely to be shared ownership. The applicants have requested that this split in tenure be amended to a 50:50 split and an amendment to the definition of who can provide the affordable housing so it is not just RSLs. This would allow organisations such as Heylo Housing who are active in the sector but do not meet the definition of a Registered Social Landlord to take them on. Strategic Housing are happy with the proposed amendment.

This application provides 47 affordable dwellings within the layout which meets the required percentage and provides these throughout the development as a mixture of house types with 8 x 1 bedroom flats, 17 x 2 bedroomed houses and 22 x 3 bedroomed houses. The majority of these are positioned in the western portion of the site but there are a number elsewhere. The clustering of affordable housing makes their management easier for providers however it is important that affordable housing is integrated with market housing on a development site of this scale, and this is adequately achieved in this scheme. The proposed house types meet the size requirements of

Relationships between dwellings

The layout of the site and the house types has been assessed for their relationship to each other, and the relationship to the off-site neighbours. With regard to the former it is considered that the layout is acceptable and there will be no unacceptable lack of light or overlooking between dwellings or of private amenity space.

With regard to the relationships to off-site neighbours, the site has relatively few of these, with the dwellings on Chapel Close off Mowbreck Lane, Medlar House on Mowbreck Lane and the nine dwellings on the opposite side of Mowbreck Lane around the junction with Park Lane being the only such properties. The dwellings on Chapel Close are large detached houses in generous plots, as is Medlar House which is adjacent to the south west corner of the site, the dwellings along Mowbreck Lane around the Park Lane junction are a mix of true and dormer bungalows. Looking at the relationships specifically:

- 1, 2 and 3 Chapel Close are faced by the rear elevations of eight two storey properties, which have rear gardens between 11 and 13m deep, with the dwellings all 40m or more away.

- Medlar House has the rear elevation of two two-storey dwellings facing its side elevation, these being 21m away, with a number of trees on the boundary with the access road between the plots.
- The dwellings on Mowbreck Lane are faced by the front or side elevation of eight two storey dwellings, three of which have front garage projections. Their front elevations range from being 25m to 28m away.

These separation distances all exceed the 13m side to front/rear and 21m front to rear minimum and give an acceptable relationship between the new and the existing so that there will be no adverse overlooking or massing issues. The new dwellings are also all to the north or east of existing dwellings which will minimise loss of sunlight. Concern is expressed by the Town Council over the inclusion of the 2.5 storey Wallingford housetype. There are 8 of these in the layout and they are all positioned away from existing neighbours and in locations in the development where they add some variety to the roofscape without dominating or overlooking the neighbouring properties within the layout. The use of this housetype is supported in these circumstances.

Open space

The application provides an area of public open space and details of a play area within the public open space. The play space is proposed to be adjacent to an existing pond and includes a double swing, climbing structure and natural play elements, with park benches also provided. The open space is linked to the biodiversity area, some of which will be open to the public with a path running through it and enhanced by native woodland species and amenity grassland. The area to the north of this will be enclosed by a 1.5m fence and forms an attenuation zone and marshland adjacent to the biological heritage site. It is considered that the open space is appropriately located, is of an appropriate scale, is well overlooked by dwellings and will be accessible for all occupants of the site.

Landscaping and Ecology

Landscaping is the final of the reserved matters and is complicated here with the needs of the biodiversity area to provide for specific landscaping for that part of the site. That is provided in a separate detail that indicates the species that are provided in this area and the formation of a series of ponds and, marshland, and woodland to provide the buffer between the residential development and the Wesham Marsh BHS to the north. This was also provided with the Reserved Matters application 14/0041 for the dwellings to the west and the details provided here link in with that site. The Council's consults ecologist, the Greater Manchester Ecology Unit have commented on this element of the application and state that they find the submitted 'Biodiversity Reserve and Public Open Space Area – Planting Schedules and Management Regimes in support of the submitted drawing to be generally satisfactory. They state that it addresses the requirements of condition 8 of the outline approval in that the habitats to be created are complementary to the habitat types of importance in the adjacent Wesham Marsh Biological Heritage Site (BHS). The 'Biodiversity Reserve' is also well located to be contiguous with the BHS wetlands. They however raise the point that there is no details provided in the long term for the management of the Biodiversity Reserve and that for a small wetland site such as this one it is important in order to maintain required water levels and to prevent natural succession to drier habitats from taking hold. They therefore request details of the future responsibilities, and future resources, for the implementation of the management regime for the Biodiversity Reserve and Public Open space areas. This can be dealt with via a condition.

The remainder of the site landscaping is typical for a residential development of this nature with a series of ornamental trees in the majority of front gardens on public view and the provision of a landscaped and hedged entrance from Mowbreck Lane. The existing boundary hedges to Mowbreck Lane will be retained which was a requirement of condition 7 of the outline approval. Notwithstanding the approved plans which show a fence on the eastern boundary of the site, it

considered that in addition to a fence a hedgerow is appropriate to form the boundary with the open countryside.

Other matters

Matters raised in representations by neighbours regarding ecology, loss of agricultural land, the need for the dwellings, access and highway safety, the retained field access, visual impact and impact on infrastructure have already been considered in the outline application and are therefore not matters to be considered as part of this Reserved Matters application. With regard to drainage whilst conditions 11 and 12 of the outline approval require details of the surface water and foul water drainage strategies this application has been submitted with a proposed drainage strategy plan with foul water draining to foul sewer and surface water draining to an attenuation pond with capacity of 2572m³ and outfall flows restricted to previously agreed discharge rates to the exiting watercourse. United Utilities have no objections and request a condition that the site is drained in accordance with the submitted plan and LCC the Lead Local Flood Authority (LLFA) have commented that the principle of the submitted drainage strategy is acceptable but they required further evidence of the actual greenfield run off rate for the site and therefore the storage requirements. They also require further details about the precise location of the surface water outfall. They advise that the Lead Local Flood Authority has no objection to the proposed development subject to the inclusion of conditions in relation to an appropriate surface water drainage scheme to be submitted, no occupation of development until completion of SuDs in accordance with agreed SuDS scheme and management and maintenance plan and that plan to be submitted prior to commencement of development, a condition which relates to details of management of surface water during construction phase and one the construction and operation or pond/attenuation basin prior to the main construction phase in consultation with the Lead Local Flood Authority. With these conditions in place there are no issues with the drainage of the site.

Conclusions

This application is for the outstanding reserved matters associated with the residential development of a site for 159 dwellings on land north of Mowbreck Lane in Wesham. The site was granted outline planning permission through application 14/0779 and this application seeks approval of the scale, appearance, layout and landscaping of the site.

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

Recommendation

That the reserved matters be APPROVED 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. That the reserved matters application hereby approved shall relate to the following plans and reports:

Location Plan R081/1001

Master Plan R081/1000
 Street Scene R081/1002
 Site Layout Plan R081/1
 Fencing Layout R081/2
 Materials Schedule R081/3
 4 unit 1 Bed Apartments – FP APT/4/1B/P/01 REV A
 4 unit 1 Bed Apartments – EP APT/4/1B/P/02
 BURLINGTON HT105/P/111 REV C
 MARLBOROUGH (att garage) FP HT107/P/110
 MARLBOROUGH (att garage) Cheshire EP HT107/P/111 REV A
 MARLBOROUGH (att garage) Render EP HT107/P/112 REV A
 MARLBOROUGH (det garage) FP HT107/P/210
 MARLBOROUGH (det garage) EP HT107/P/212 REV A
 REYNOLD – FP HT130/P/110 REV A
 REYNOLD - Cheshire EP HT130/P/111 REVA
 REYNOLD - Render EP HT130/P/112 REV A
 VICTORIA HT132/P/111 REV C
 HATTON - Cheshire EP HT1139/P/111 REV C
 HATTON - Render EP HT1139/P/112 REV A
 WALLINGFORD HT140/P/100
 BELGRAVE HT146/P/115
 BONINGTON - Side Aspect with Bay – FP HT147/P/110-11
 BONINGTON - Side Aspect with Bay - Render EP HT147/P/112-11 REV A
 BONINGTON - Rear Aspect no Bay – FP HT147/P/113
 BONINGTON - Rear Aspect no Bay - Render EP HT147/P/202-38
 RENISHAW - Cheshire EP HT149/P/201 REV A
 RENISHAW - Render EP HT149/P/202 REV A
 HOLBROOK - Cheshire EP HT162/P/101 REV A
 HOLBROOK - Render EP HT162/P/102 REV C
 A2 - Cheshire EP HT164/P/1 REV A
 A3 - Cheshire EP HT165/P/1-1 REV B
 CHARLESTON - Cheshire EP HT166/P/111 REV A
 BRANTWOOD - Cheshire EP HT167/P/100
 Double Garage P/DG/1
 Single Garage P/SG/1
 1.8m Close Boarded Timber Detail SD.1 REV A
 900mm Post & Rail Fence Detail SD.21
 Knee Rail Fence SD.23 REV A
 1.8m Screen Wall SD.46 REV A
 1.2m Picket Fence Detail SD.89
 1.2m Rabbit Proof Post & Rail Fence Detail SD.103
 Proposed Drainage Strategy Plan 12014-CRH-Z1-XX-DR-D-4001 REV D1
 Proposed Site Levels 12014-CRH-Z1-XX-DR-D-4002 REV D1
 Playspace Details 1923-04
 Landscape Proposals Sheet 1 1923-06
 Landscape Proposals Sheet 2 1923-07
 Landscape Proposals Sheet 3 1923-08
 Landscape Proposals Sheet 4 1923-09
 Bio-diversity Area Proposals 1923-10
 Biodiversity Area Planting Schedule

Reason: In order to properly define the permission as agreed with the applicant and agent.

2. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate which is yet to be calculated. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

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

Reason: To ensure that the proposed development can be adequately drained, that there is no flood risk on or off the site resulting from the proposed development, and that water quality is not detrimentally impacted by the development proposal.

3. No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

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

4. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

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

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

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance, to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

5. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere, and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

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

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

7. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets and footways within the development have been submitted to and approved by the local planning authority. The streets and footways shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

Reason:-In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway

8. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason:- In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

9. No development shall be commenced until full details of the engineering, drainage and constructional details of the pedestrian access to the south of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be

constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason:- In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway

10. The play equipment as shown on drawing number 1923_04 shall be provided no later than prior the occupation of the 50th dwelling approved by this application. This facility shall thereafter be maintained available for public use at all times.

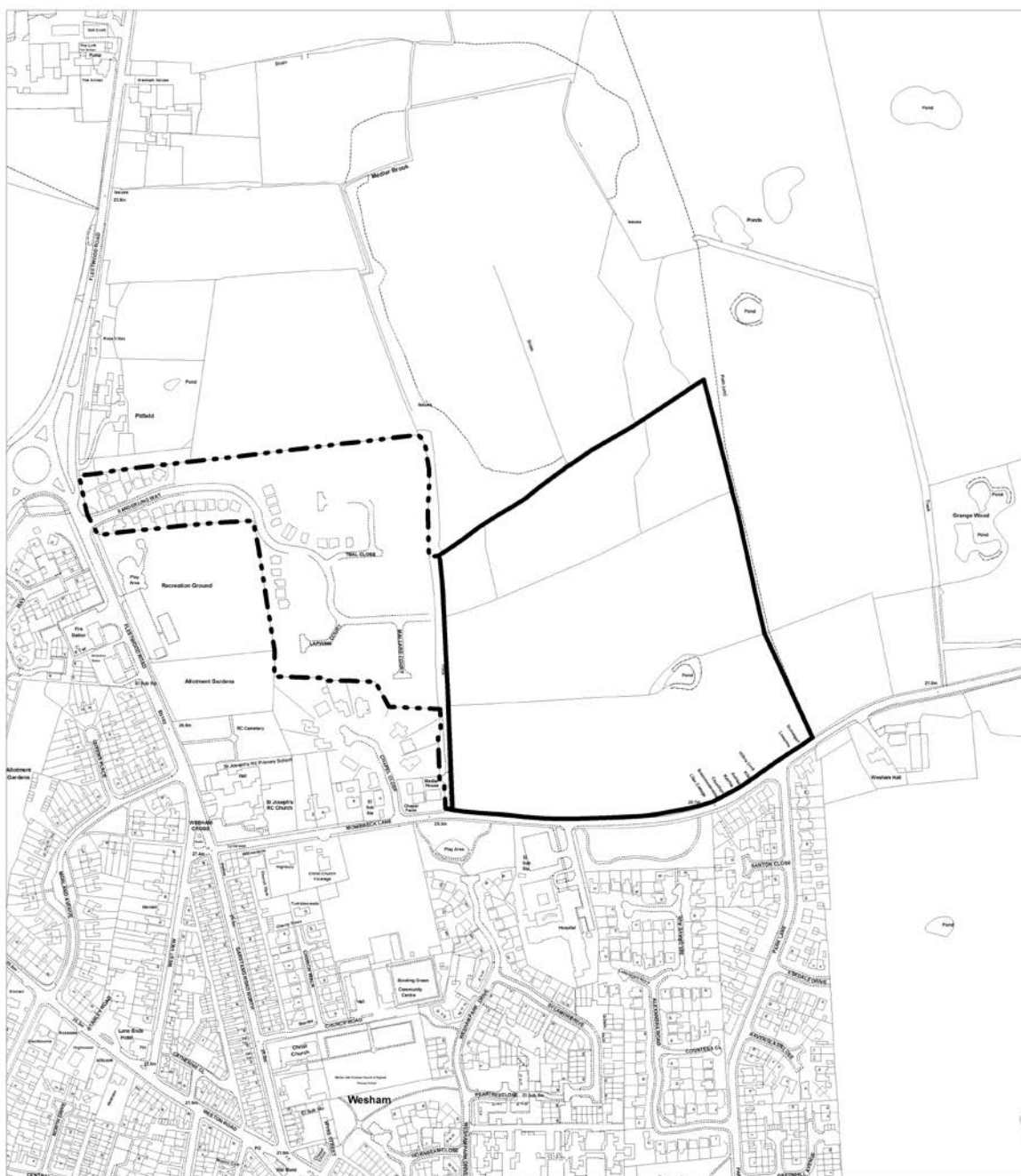
Reason: To ensure the provision of play equipment on site as required by Policy TREC17 of the Fylde Borough Local Plan.

11. Notwithstanding the approved plans, the eastern boundary of the site adjacent to the existing public right of way shall be formed by a native hedgerow, to be planted and maintained as part of the overall landscaping for the site.

Reason: In the interest of visual amenity.

12. Prior to the commencement of development on the site full details of the future responsibilities and resources for the implementation of the management regime for the Biodiversity Reserve and Public Open space areas shall be submitted to the Local Planning Authority for approval in writing. This area shall thereafter be maintained in full accordance with that approved scheme.

Reason: In order to ensure the Biodiversity Area is maintained and managed as intended in perpetuity.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/15/0724	Address Land east of Fleetwood Road and north of Mowbreck Lane, Wesham	Grid Ref. E.3420 : N.4334	Scale 0 25 50 75 100 m

Application Reference:	15/0733	Type of Application:	Full Planning Permission
Applicant:	Mill Farm Ventures	Agent :	PWA Planning
Location:	MILL FARM VENTURES, FLEETWOOD ROAD, MEDLAR WITH WESHAM		
Proposal:	CONSTRUCTION OF 11 NO. ALL WEATHER FLOODLIT FOOTBALL PITCHES, 1 NO. ALL WEATHER FLOODLIT HOCKEY PITCH, 1 NO. HOCKEY PITCH SPECTATOR STAND PROVIDING SEATING FOR 256 SPECTATORS AND TEMPORARY CHANGING FACILITIES.		
Parish:	MEDLAR WITH WESHAM	Area Team:	Area Team 2
Weeks on Hand:	16	Case Officer:	Kieran Birch
Reason for Delay:	Negotiations to resolve difficulties		
If viewing the agenda online the following is a Google Maps link to the general site location: https://www.google.co.uk/maps/@53.7986295,-2.8905962,559m/data=!3m1!1e3?hl=en			

Summary of Recommended Decision: Approve Subj 106

Introduction

This cover report serves as an update on the issues that led to the deferral of this application at January's Development Management Committee. The decision made at that committee was to defer the application in order to secure revised plans to resolve the objection from the Environment Agency over the proximity of the development to the Brook, and the consideration of additional landscaping to the northern boundary.

Since that meeting the applicants have met with the Environment Agency and subsequently revised the plans. The plans have been revised to move any development out of the 8m easement including the pitches and fencing which the Environment Agency state they will not allow. This has been achieved by reducing the widths of the 5-a-side pitches and the length of the 7-a-side pitches and slightly moving their location.

Additional drainage calculations have been provided to show that there is the capacity within the approved attenuation pond for any run off from the pitches, and at the time of writing this report additional Landscaping plans are being drawn which increase the amount of landscaping in this area.

Due to recent heightened flood risk situation and on-going post-flood recovery work the Environment Agency are stretched for resource and as such their consultation response is yet to be received. However given the absence of any development within their easement it is anticipated that there will be no objection from them, hence the application is re-presented for a decision at this time.

Officer opinion

The revised plans show no development within the 8m easement which was part of the Environment Agencies initial objections to the development. In the original report Officers considered the previous layout to be acceptable and to have an acceptable visual impact, and as the siting of the pitches has been pulled further from the northern boundary then this revised layout is also

considered acceptable. The shortening and moving of the pitches to meet the Environment Agencies easement requirements has resulted in the area available to be landscaped to be increased. The applicants landscaping plan which will shortly be submitted will reflect this larger area with additional tree, shrub and hedgerow planting proposed. As landscaping does not constitute 'development' and therefore trees and shrubs can be planted without needing planning permission, planting will not restrict access to the brook as a building or a fence would do for example as landscaping can be removed or cut down at little cost if necessary.

In addition there is a large amount of landscaping on this boundary adjacent to the main river already in the form of trees and a hedgerow which will serve to help soften the appearance of the development as the proposed landscaping is established. As said in previous applications the proposed landscaping will not screen the development and the fact that the development cannot be screened is not something on which a refusal of the application can be justified as the visual impact and the harm it will create has already been accepted by members.

Recommendation

It is anticipated that the Environment Agency response on the revised plans will be reported in the Late Observations Schedule and so at this time the recommendation on the application is as follows:

That the decision to grant planning permission be delegated to the Head of Planning and Regeneration and that this be subject to:

- *Confirmation from the Environment Agency that the revised layout addresses their concerns and so allows their objection to be withdrawn*
- *Receipt of revised landscaping plans to adequately soften the northern boundary to the development*
- *Completion of a variation of the existing Section 106 agreement in order to accommodate the increased number of pitches in the relevant definition and Obligations*

The planning permission shall 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)

The remainder of the original report is re-produced below for information.

Summary of Officer Recommendation

The application relates to the northern part of the Mill Farm stadium site which benefits from planning permission for a range of uses, one of which was outline planning permission for all weather sports pitches. This application, whilst over the same site area, includes a larger number of pitches and a supporter's stand and therefore has been submitted as a full application.

The principle of the development given sites previous approval and allocation in the Emerging Local Plan as a mixed use site is considered acceptable and there are no drainage or highways issues with the application. With conditions restricting the hours of use of the pitches and the operation of the floodlighting the impact on residential amenity is considered acceptable. The application site along with the larger site as a whole will have a detrimental visual impact but this has already been accepted through previous applications and the sites allocation. The application is therefore recommended for approval.

Reason for Reporting to Committee

The application constitutes a full application on a site that was granted both full and outline planning permission by planning committee and therefore is being reported to members.

Site Description and Location

The application site is part of the Mill Farm development granted planning permission under reference 13/0655 for a number of different uses including full planning permission for a 6,000 capacity football stadium, 11,431m² warehouse and distribution centre (class b8), 1,518m² neighbourhood retail store (class a1), internal spine road with access from a585 roundabout, associated parking, landscaping, drainage and infrastructure and outline planning permission (access approved with other matters reserved) for 8 x outdoor floodlit all weather pitches, changing room block, petrol filling station, 785m² non-food bulky goods retail unit (class a1), hotel (class c1), pub / restaurant (class a4), drive thru restaurant (class a3/a5), 492 space overflow car park & the formation of a surface water attenuation pond.

The full site is a 12.6 hectare site situated due north west of Wesham and west of Fleetwood Road, the A585. To the north of the site is Bradkirk Brook, a dwelling known as Demmingfield and the industrial premises at UPL. To the east is Mill Farm, further agricultural land and some alongside Fleetwood Road. To the south east is the settlement of Wesham and to the west is open countryside. Construction has commenced on the site but prior to development it comprised gently undulating agricultural land and the field boundaries are separated by hedgerows and trees. The site is allocated as a Countryside Area within the Adopted Fylde Borough Local Plan. Within the Council's Preferred Options for Development, the land is allocated as a mixed employment/leisure use, with 4 hectares specified for employment purposes. The application site comprises 2.44 hectares of the overall larger site and is located in the site area which was shown on the indicative plan and within the section 106 legal agreement to be part of the site to be applied for in outline for the all weather pitches. This plan showed within the site area one full size 3G football pitch, one full size artificial pitch, six small football pitches and a two storey changing room block. The land in question is currently undeveloped fields.

Details of Proposal

As stated above the hybrid application approved eight pitches in total, six small ones and two large ones. This application proposes over approximately the same site area two full size large pitches as previously approved and 10 smaller ones, of these 10 two are the same size as the previously approved six with the remaining eight created by halving the size of the remaining four previously approved. Also proposed is a stand which will accommodate 256 spectators and will serve the hockey pitch and portacabins to be used as changing rooms.

The football pitches will be constructed using all weather surfacing and will be separated by 3m high ball-stop fencing which will consist of a rebound fence and heavy welded mesh dark green in colour. All of the pitches will be floodlit using multiple floodlighting columns with the full size football pitch having 6 x 15 metre high masts and the smaller 5/7 a side pitches having 48 no. luminaires mounted on 8m high posts at fencing junctions.

The hockey pitch will be constructed using a proprietary sand dressed synthetic carpet system and will be enclosed to the north and south with a 1.2m high spectator fencing. It also will be floodlit using 8 x 15m high masts.

To the north of the hockey pitch it is proposed to erect a small spectator stand which support the use of the hockey pitch by hockey clubs. This stand is 22m in length, 4.9m in depth and with a maximum height of 4.8m. The stand is steel clad and provides seating for 256 spectators.

The outline planning application includes provision for a changing block building but as the final design of this building has not been settled the application proposes using three temporary portacabins as changing facilities in the interim. The application states that the temporary facilities will be replaced with a permanent building within 12 months of the first operation of the sports pitches. With this in mind the applicant is content to accept a planning condition which would provide only temporary consent for these 'buildings' for a period not exceeding 2 years from the date of the planning permission. The condition should require that the buildings be removed or a further application be submitted for their retention.

This full application places reliance upon the supporting technical information associated with application 13/0655 and as such supplementary technical reports are not provided, other than where directly related to the development now proposed. In particular, the application relies upon the following information which supports the over-arching hybrid planning application and its associated planning conditions:-

- Ecological impact assessment;
- Foul and surface water drainage strategy;
- Noise impact assessment;
- Tree survey
- Landscaping proposals – site wide landscaping proposals currently under consideration

Relevant Planning History

Application No.	Development	Decision	Date
15/0545	APPLICATION FOR NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 13/0655 FOR ALTERATIONS TO ELEVATIONS OF ALDI STORE	Granted	11/08/2015
15/0365	PROPOSED VARIATION OF CONDITION 20 OF PLANNING PERMISSION 13/0655 TO SET NOISE LIMITS WITHOUT ADDITIONAL INFORMATION BEING SUBMITTED.	Granted	20/08/2015
15/0309	APPLICATION FOR APPROVAL OF ALL RESERVED MATTERS RELATING TO THE SURFACE WATER ATTENUATION POND LOCATED TO THE NORTH OF THE SITE APPROVED UNDER OUTLINE PLANNING PERMISSION 13/0655	Granted	13/10/2015
15/0556	PROPOSED NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 13/0655 RELATING TO REVISED LEVEL OF OFFICE PROVISION AND ALTERATION OF DOOR AND WINDOW LOCATIONS	Granted	14/08/2015
14/0772	ADVERTISEMENT CONSENT FOR ERECTION OF NON-ILLUMINATED HOARDING SIGN FOR TEMPORARY PERIOD	Granted	
13/0655	HYBRID PLANNING APPLICATION (PART FULL / PART OUTLINE)	Approved with 106 Agreement	17/02/2015

FULL PLANNING APPLICATION – 6,000 CAPACITY
FOOTBALL STADIUM, 11,431m² WAREHOUSE
AND DISTRIBUTION CENTRE (CLASS B8),
1,518m² NEIGHBOURHOOD RETAIL STORE
(CLASS A1), INTERNAL SPINE ROAD WITH
ACCESS FROM A585 ROUNDABOUT,
ASSOCIATED PARKING, LANDSCAPING,
DRAINAGE AND INFRASTRUCTURE

OUTLINE PLANNING APPLICATION (ACCESS
SOUGHT WITH OTHER MATTERS RESERVED) –
, 8 X OUTDOOR FLOODLIT ALL WEATHER
PITCHES, CHANGING ROOM BLOCK, PETROL
FILLING STATION, 785m² NON-FOOD BULKY
GOODS RETAIL UNIT (CLASS A1), HOTEL (CLASS
C1), PUB / RESTAURANT (CLASS A4), DRIVE
THRU RESTAURANT (CLASS A3/A5), 492 SPACE
OVERFLOW CAR PARK & THE FORMATION OF A
SURFACE WATER ATTENUATION POND.

Relevant Planning Appeals History

None

Parish/Town Council Observations

The site is within the area of **Medlar with Wesham Town Council** who have objected to the application. Unfortunately the nature of their objection has been lost, and so a further copy sought from the Clerk. This will be reported as part of the Late Observations Schedule to Committee with any additional commentary that is necessary.

It is adjacent to the boundary with **Greenhalgh with Thistleton Parish Council** and so they have also been notified, and comment:

Greenhalgh residents have grave concerns that the operation of the pitches will result in significant visual intrusion, and noise and light pollution to house-holders on Bradshaw Lane, immediate neighbours and harm will be caused to wildlife activity around Bradkirk Brook. The designation of a hockey pitch with new stand for 275 spectators and an increased number of small pitches to be used from 8.00am to 10.00pm will create even greater intrusion than the previously notified scheme. The impact of 76 Kw of floodlighting from masts of nearly 50 feet against a deciduous hedge-line of 15 to 20ft blackthorn will be totally unreasonable. The proposed fencing of the football pitches is 1.5 metres lower than the FA recommends and no perimeter security fencing is shown. Without adequate fencing there will be dangerous trespass to retrieve lost balls from neighbouring land, the deep stream cutting and the attenuation pond. Landscaping is required to mask the visual impact of the pitches and stand (and to soften the impact of the huge distribution warehouse.)

Greenhalgh-with-Thistleton Parish Council therefore OBJECT to this application as there is no scheme showing proper landscaping or mitigation for light or baffling for noise, or adequate security fencing at the site boundary. Without proper mitigation the proposal is inappropriate in a Countryside location and is contrary to both the NPPF and saved Local Plan Policies.

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

No objections to the proposal. Whilst there are a number of minor changes from what was included in the masterplan and in the Transport Assessment they will not have a significant impact above what has already been assessed. They request that conditions 29, 31, 32, and 33 of the hybrid application be repeated.

Sport England

No objection subject to a design condition for the football pitches. Sport England consider the proposal is consistent with the requirements of NPPF and Sport England planning objectives to provide new sports facilities.

Environmental Protection (Pollution)

No objections.

The lighting columns would only be a problem if light emitted is shining directly into a habitable room (bedroom, living room). The information provided suggests that light nuisance would be avoided however the council's Nuisance legislation cannot deal with night glow. It may be necessary to impose a condition restricting the operation of floodlights to an agreed number of times per week and extinguished by 21.30/22.00.

Noise is more difficult to control as the main source will be spectator/ players shouting and cheering and this sound level cannot be regulated. The only way to control the noise and to ensure compliance with the LAeq of 55dB is to limit the times of operation. The LAeqT is time averaged sound level over the specific hours stated. It is likely during the use of the pitches the sound level will increase above 55dB but the time averaged sound level over the 16 hours will be required to be below 55dB. I would ask that condition 20 as discussed is also applied/relevant here.

Regeneration Team (Landscape and Urban Design)

No objections, landscaping issues covered in the discharge of conditions application.

United Utilities

No objections to the proposed development subject to conditions in relation to foul and surface water drainage conditions.

Environment Agency

No comments received at time of writing report. Comments will be reported to members in the late observations

LCC Lead Local Flood Authority

No comments received at time of writing report.

Neighbour Observations

Neighbours notified:	22 October 2015
Amended plans notified:	N/A
Site Notice Date:	22 October 2015
Press Notice Date:	29 October 2015
No. Of Responses Received:	Two letters of objection received.

Nature of comments made:

- Noise pollution. Assessment done previously does not consider the increase in pitches. Noise levels could form a statutory nuisance.
- Light pollution, night time glow created resulting in loss of amenity.
- Inaccuracies on form.
- Loss of wildlife corridor. Thick border of trees, hedges and shrubs with a sound barrier would make a big difference to noise and light.
- Impact on biodiversity.
- Inadequate landscape bunding and planting to the north, west and part east perimeters of the development.
- The number and type of pitches proposed for both commercial and community use is not supported by any evidence of need.
- The fencing plan provides inadequate barriers at the margins of the pitches. FA requires 4.5m, proposed are 3m.
- There is no dedicated parking or cycle storage provision. Potential undersupply when stadia in use.
- The pitch complex lacks appropriate changing room or management control facilities
- The proposed lighting scheme will cause environmental issues to wildlife, especially bats which fly the stream corridor.
- There is inadequate provision for spectator safety.

Relevant Planning Policy

Fylde Borough Local Plan:

EP14	Landscaping of new developments
EP28	Light pollution
EP27	Noise pollution
SP02	Development in countryside areas
TR09	Car parking within new developments

Other Relevant Policy:

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

Site Constraints

Within countryside area

Environmental Impact Assessment

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 as amended. Officers have 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

The main issues to be taken into consideration when determining this application are;

The principle of the development

Impact on residential amenity
Visual impact
Highways issues
Flooding and drainage

The principle of development

The principle of the development has been established by the previous hybrid application 13/0655 which allowed the development of the wider site, including sports pitches on the application site itself. This application has been submitted in full because it increases the number of pitches allowed by the outline application from eight to twelve, as well as introducing a small stand for supporters watching games on the hockey pitch. Therefore it could not be determined through a Reserved Matters application and a full application has been submitted.

The application site in the Fylde Borough Local Plan is located outside of any settlement on greenfield land that is allocated as Countryside, and the proposal is contrary to policy SP2 of that Plan. The hybrid application proposed was allowed by members when balancing the benefits of the scheme as a whole against the harm, with the provision of sports pitches being a benefit of the overall scheme. It allowed the development subject to a legal agreement which secured the delivery of the sports pitches together with information on their community use and pricing policy for their use.

Following that permission being granted the emerging Fylde Local Plan to 2032 Revised Preferred Option now allocates the land under Policy SL4 as part of the Kirkham and Wesham Strategic Location for Development, comprising MUS3 – Mill Farm Sports Village, Fleetwood Road, Wesham. This allocation is as a mixed use site for employment, leisure and retail. This application is for leisure and therefore complies with the sites allocation in the emerging Local Plan. This is supported by Policy GD6 –Promoting Mixed Use Development, which states that mixed use development will be encouraged on Strategic Sites to provide local retail centres, commercial, leisure and recreational opportunities close to where people live and work. Policy HW3 – Provision of indoor and outdoor sports facilities states that the Council will support new outdoor sports facilities where; a) they are readily accessible by public transport, walking and cycling, b) the proposed facilities are of a type and scale appropriate to the size of the settlement and c) where they are listed in an action plan in any emerging or subsequently adopted Playing Pitch strategy or Built Facilities Review.

The application provides an increased number of pitches over the same site area which will therefore provide greater opportunities for participation in sport. Sport England have confirmed that they have no objections subject to a design condition for the football pitches. England Hockey have commented that the technical specifications meet their guidance. The issue of whether there is a need or not for the pitches is not a reason for refusing the application, the provision of the pitches will be of a benefit to the community and were a positive when allowing the Mill Farm development as a whole.

As the application proposes a leisure use which will be available to the general public it is considered that the development complies with emerging Local Plan. The site also benefits from outline planning permission for the same use as the development proposed. The application is therefore acceptable in principle.

Impact on residential amenity

Noise

The hybrid application was subject to a noise condition (condition 20), which was amended through application 15/0365 to set noise limited without requiring additional information to be submitted. The revised condition reads as follows;

“The proposed development shall be designed so that cumulative noise from the proposed noise sources does not exceed:

50dB LAeq (16 hour) from 07.00 to 23.00, 45dB LAeq (8 hour) from 23.00 to 07.00 and 60dB LAFmax from (19.00 -0700 or 2300-0700) for single sound events at the façade of the nearest noise-sensitive property, and

55dB LAeq (16 hour) from 07.00 to 23.00 at the outdoor living areas of the nearest noise-sensitive property, for example rear gardens and balconies, or any such level as approved in writing by the Local Planning Authority.

Reason: In order to protect residential amenity.”

This was found to be acceptable to officers and was therefore recommended for approval with members subsequently allowing the application. Noise was considered as part of hybrid application 13/0655 which is why condition 20 was placed on the approval. The original report considered noise from these pitches and found that the community use of the pitches will be at a much lower level in terms of the number of spectators than the main football stadium, but will be more frequent and prolonged. These pitches (3G training, multi-use artificial and 6 all weather) were situated 208 metres from the nearest dwelling at Demmingfield. The Applicant’s Noise Assessment for that application calculated that for 50% of males shouting when on the pitch, for example, when celebrating a goal, when all pitches are in operation, the sound pressure within the nearest garden at would be 37dB LAeq (which is an average noise figure). This is below the Council’s Environmental Protection Officer’s suggested maximum figure of 55 dB LAeq for external noise in his consultation response.

The following condition was also put on that application with regard to opening times for the pitches;

Prior to the first use of the proposed sports pitches (5 a side, 3rd generation & artificial pitches), details of the hours of operation shall be submitted to and approved in writing by the Local Planning Authority. Any change from the approved scheme shall require the written consent of the Local Planning Authority.

That application proposed less pitches than is proposed by this application but over the same site area and therefore it is appropriate to consider whether 13 pitches and a 256 spectator stand will have an unacceptable noise impact. The applicant has applied for hours of opening between 08:00 to 22:00 on Monday to Saturday and 08:00 to 18:00 on Sundays.

The Council’s Environmental Protection Officer has considered the application and raises no objections. He states that noise is difficult to control as the main source will be spectator/ players shouting and cheering and that this sound level cannot be regulated. Unlike machinery there is no set decibel level at which people can shout at and therefore the only way to control the noise and to ensure compliance with the LAeq of 55dB is to limit the times of operation. The LAeqT is time averaged sound level over the specific hours stated. It is likely during the use of the pitches at times that the sound level will increase above 55dB but the time averaged sound level over the 16 hours will be required to be below 55dB. He asks that that condition 20 as amended is also

applied/relevant to this application.

The World Health Organisation has provided Guidance that sets ideal noise parameters to be experienced at dwellings such that disturbance is unlikely or minimal. One of these parameters is that the time averaged sound level for external areas e.g a garden limited to 55dB. When a sports match takes place or these pitches are in use it is likely that sound level will be above 55dB for the time that the pitches are in use. However time averaged for the period 08.00 – 22.00 then the sound level can be attained that falls below 55dB. The WHO takes into account that there are noise sources when in operation will be above a set parameters however as long as the time averaged value is below 55 then this is deemed acceptable.

Policy EP27 of the Adopted Local Plan relating to ‘Noise Pollution’ states that where appropriate planning permission will be granted subject to conditions to minimise or prevent noise pollution. It is considered that the proposed condition would minimise and seek to prevent noise pollution and complies with this policy. The NPPF para 123 states that planning decision should aim to;

“avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.”

It is considered that by limiting the noise allowed cumulatively from the site to a level acceptable to the World Health Organisation the condition succeeds in the preventing the development from giving rise to significant adverse impacts on the health and quality of life of surrounding dwellings and that the condition can control this and is appropriate considering the site is to be allocated as a mixed employment/leisure site and does not place an unreasonable restriction on the developers thus complying with that element of the NPPF.

The NPPG states that neither the NPPF nor the Noise Policy Statement for England expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development. It states that conditions can be used to specify permissible noise levels as appropriate at certain times of the day and that Noise can constitute a statutory nuisance and is subject to the provisions of the Environmental Protection Act 1990 and other relevant law. This includes noise affecting balconies and gardens. Therefore the levels if considered to be exceeding those allowed by the amended and original condition can be monitored by Environmental Protection and if necessary action taken using this Act. It is therefore considered that the amendment to the condition is acceptable.

Lighting

With regard to light the Council’s Environmental Protection Officer has commented that the legislation relating to light nuisance deals with how light affects a property or dwelling. Floodlights will of course light up the pitch and to some extent the surrounding area causing “night glow”. However the Nuisance legislation that the Council enforces can only control light that is causing a Statutory Nuisance to a habitable room in a dwelling. For example preventing sleep in a bedroom or causing excessive glare in a living room. This can be enforced by the serving of a Notice. The matter could be rectified by directing the light source/having them fitted with a shield and/or placing

restrictions on limiting their usage e.g. to be switched off after a certain time at night. Therefore the lighting columns would only be a problem if light emitted is shining directly into a habitable room (bedroom, living room). The information provided suggests that light nuisance would be avoided however the council's nuisance legislation cannot deal with night glow. The EHO states that it may be necessary to impose a condition restricting the operation of floodlights to an agreed number of times per week and extinguished by 21.30/22.00. Therefore as there will be no direct shining of light into residential properties there will be no unacceptable impact on dwellings.

Visual impact

The application will bring into this area of the site sports pitches with 3m high fencing constructed from green mesh, 15m high lighting columns, a 4.8m high spectator stadium and three changing room portacabins, which will in time be replaced by a more permanent structure.

The development of the sports pitches in the site area proposed and their visual impact was considered by the hybrid application. It was considered that these (and other uses on the site) are development not normally found in rural areas and that the development would significantly alter the views of the site. Officer's opinion was that the overall impression of the site will be one more typically found in an urban or urban fringe location, that landscaping would take time to mature, and that the illumination of the site was another area for concern and that the impression of the site would contrast to the rural appearance of the site at present. The report stated; *"The Local Plan contains a series of policies that refer to development needing to preserve the character of the area including EP10, EP11, EP18 and TREC10. It is considered that the visual impact of the development will conflict with these policies and this aspect must be seen as a negative aspect of the development."*

It was therefore acknowledged that the development as a whole conflicted with the existing character of the area and was a negative aspect of the development, and that the application was a finely balanced one, but that when considering both the positives and negatives of the application it was recommended for approval.

Therefore this development has already been allowed regardless of the negative visual impact it will have including the floodlighting, and the sites allocation in the emerging Local Plan effectively permits the sites development as an urban extension to the existing settlement. This application whilst slightly different in composition to what was allowed in the hybrid application proposes the same use in the same location and will have similar visual impact. The addition of the stand adds to the quantum of development but it is not considered unduly large considering the size of the stadium and employment building in close proximity to it, and would not have a significant impact on views of the site from the north or west and would have no impact when viewed from directly south or east of the site. The hybrid application included conditions in relation to landscaping the details of which have been submitted and found to be acceptable by the Council Landscape Officer. The landscaping proposed around this development is a continuation of the type found around the site, with a native mix hedgerow proposed with intermittent tree planting along the western boundary, this landscaping will help soften the appearance of the development in time. It will not however completely screen the development.

Highways issues

The highways issues surrounding the application site as a whole were considered by LCC Highways at that time and a number of conditions were placed on that permission. LCC Highways have commented on the proposals and state that they have no objections to the proposal and that whilst

there are a number of minor changes from what was included on the masterplan and in the Transport Assessment they will not have an significant impact above what has already been assessed. They request a number of conditions that were placed on the hybrid application be repeated on this one, including submission of a Delivery Management Plan, car parking being in place, a Car Parking Management Strategy and a Travel Plan being submitted. These can be placed on any permission granted and therefore there are no highways issues with the application.

Flooding and drainage

Whilst the drainage of the site as a whole was considered through the previous hybrid application and there are conditions on that approval which deal with the drainage of the site the applicant has submitted the proposed drainage scheme for this area of the overall site as well as accompanying strategy notes for the sports pitches. These state that the detailed design of the sports pitches and the under-drainage system is being carried out by specialist sports field providers. The proposed drainage system will allow the rain falling on the pitches to disperse into the sub-strata in all but the most extreme conditions. In such circumstances, a system of under-drains will collect the excess flows and discharge them into the adjacent attenuation pond. The outline of this system is shown on the submitted plan No 2255-13-SFD01-C1. The notes state that an allowance of 25% impermeability for the sports field has been incorporated in the designs for the overall site drainage systems and in the attenuation pond. There will be no discharge of surface water into any adoptable surface water drains on the site.

With regard to foul water the drainage from the charging rooms will be discharged into the main foul drainage system located in the site spine road. The pitches will therefore have separate foul and surface water drainage systems; surface water will discharge primarily to ground; excess surface water flows will discharge to the attenuation pond and foul water to the adoptable main drainage system. The three drainage bodies have been consulted and none of any objections to the proposal plans subject to conditions. There are therefore no flooding or drainage issues with the application.

Section 106 implications

The approved application 13/0655 was approved following the signing of a section 106 agreement which referred to the following;

All Weather Pitches: means the 6 no. all weather pitches in addition to 1 no. multi-use artificial pitch and 1 no. full size artificial pitch, forming part of the development.

All Weather Pitches Land: means the land intended (from time to time) to house the All Weather Pitches as shown edged red on all the All Weather Pitches Development Plan 4884/36 (annexed) or any subsequent plans approved at Reserved Matters.

As the 11 football pitches and one hockey pitch replaces these pitches then a deed of variation needs to be submitted to change the definition of the all weather pitches to cover what is proposed by this application instead of the current definition, to change the definition of All Weather Pitches to introduce a new plan to replace plan 4884/36 annexed to the present agreement and to remove the obligation in schedule 1 part 2 (5) to make reasonable endeavours to obtain reserved matters approval for the delivery of the All Weather Pitches. Obligation 6 requires the delivery of the pitches to practical completion within 5 years of the material operations date which is defined as being 'the later of the date of full and proper use and operation of a) the retail unit and b) the warehousing centre'. This will be required to be retained in an amended form to refer to the pitches proposed in this application. Schedule 1 Part 2 Obligation 7 states that "to ensure that the All Weather Pitches are operated in accordance with the document entitled "operating and Pricing Protocols" annexed

to this agreement, unless otherwise agreed with the Council'. This will need to be amended to consider the increase in number of pitches proposed by this development.

Conclusions

The application proposes a use which is acceptable in principle given the outline approval for that use at the site and the sites allocation in the emerging Local Plan. There are no highways and flooding issues and with conditions in place there will be no unacceptable impact on residential amenity. The visual impact of developing the site as a whole has already been considered, with the development being allowed despite the negative visual impact. The application is therefore considered acceptable.

Recommendation – See cover report for revised recommendation at 10 February meeting

That, Subject to variation of the existing Section 106 agreement in order to accommodate the increased number of pitches in the definition and Obligations 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):

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. Prior to the commencement of the development hereby approved, a Delivery Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The deliveries to the site shall take place in accordance with the plan unless the Local Planning Authority is notified in writing and agreement is reached regarding any proposed alterations.

Reason: In order to ensure highway safety is maintained at all time.

3. The car parking to serve the development hereby approved shall be surfaced, demarcated and made available for use prior to the use of the sports pitches, unless otherwise agreed in writing with the Local Planning Authority. The car park shall then be available at all times whilst the site is occupied.

Reason: To ensure that there is adequate parking for the development proposed when the buildings are occupied.

4. Prior to the first use of the development hereby approved, a fully detailed Car Parking Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The management of the car parking at the site shall be fully implemented in accordance with the approved strategy, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory car parking management strategy is implemented for the development.

5. The sports pitches hereby approved shall not be used in the one hour before, also during, and two hours after any AFC Fylde home football match with an expected attendance in excess of 1000 spectators or other large scale event (as identified prior to the start of each season through the procedures set out in the Stadium Management Plan and AFC Fylde Traffic Management Plan). The development shall then be operated in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to minimise the peak demand within the area and to ensure the availability of appropriate car parking within the site.

6. The Framework Travel Plan as approved/accepted/agreed for the site as a whole through application 13/0655 must be implemented in full in accordance with the timetable within it unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used/for a minimum of at least 5 years.

Reason: To ensure that the development provides sustainable transport options.

7. Notwithstanding any description of materials in the application no above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the fences buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

Reason: In order to ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

8. No development shall commence until details of the design and layout of the artificial turf football pitches, to include dimensions, run off areas, goal areas, materials, and the colour for these materials have been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England. The artificial turf football pitches shall not be constructed other than substantially in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with paragraphs 69-70 of NPPF.

9. Prior to the commencement of development, facilities shall be provided within the site by which means the wheels of vehicles will be cleaned before leaving the site. These wheel washing facilities shall be permanently retained during the construction period to the satisfaction of the Local Planning Authority.

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

10. The sports pitches hereby approved shall only be used between the hours of 08:00 and 22:00 on Monday to Saturday and between 08:00 and 18:00 on a Sunday.

Reason: To safeguard residential amenity.

11. The sports pitches floodlights hereby approved shall only operate between the hours of 08:00 and 22:00 on Monday to Saturday and between 08:00 and 18:00 on a Sunday.

Reason: To safeguard residential amenity.

12. The proposed development shall be designed so that cumulative noise from the proposed noise sources does not exceed:

50dB LAeq (16 hour) from 07.00 to 23.00, 45dB LAeq (8 hour) from 23.00 to 07.00 and 60dB LAFmax from (19.00 -0700 or 2300-0700) for single sound events at the façade of the nearest noise-sensitive property, and
55dB LAeq (16 hour) from 07.00 to 23.00 at the outdoor living areas of the nearest noise-sensitive property, for example rear gardens and balconies, or any such level as approved in writing by the Local Planning Authority.

Reason: In order to protect residential amenity

13. Prior to the commencement of development full details of the temporary changing facilities shall be submitted to the Local Planning Authority for approval in writing. The details shall include their location, size and materials and for the avoidance of doubt shall be removed from the site in full within two years of the date of this planning permission.

Reason: In order to ensure an acceptable visual impact in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

14. This permission relates to the following plans:

- Football Pitches Proposed Section Details;
- Hockey Pitch Proposed Section Details;
- Proposed Fencing Detail (drawing no. BEKASPORT-PLUS-30);
- Proposed Floodlighting Scheme (drawing no. UKS10042/B);
- Proposed Site Layout (drawing no. 4884_P_105);
- Proposed Stand Elevations (drawing no. 4884_P_109);
- Site Location Plan (drawing no. 4884_P_105);

Except where modified by the conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Fylde Borough Local Plan and the National Planning Policy Framework.

Item Number: 7

Committee Date: 10 February 2016

Application Reference:	15/0763	Type of Application:	Outline Planning Permission
Applicant:	Wainhomes (North West) Ltd	Agent :	Sedgwick Associates
Location:	LAND NORTH OF PRESTON OLD ROAD, NEWTON WITH CLIFTON		
Proposal:	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 74 DWELLINGS AND ASSOCIATED INFRASTRUCTURE (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)		
Parish:	CLIFTON	Area Team:	Area Team 1
Weeks on Hand:	14	Case Officer:	Matthew Taylor
Reason for Delay:	Design Improvements		
If viewing the agenda online the following is a Google Maps link to the general site location:			
https://www.google.co.uk/maps/@53.7986295,-2.8905962,559m/data=!3m1!1e3?hl=en			

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

The application seeks outline planning permission (access only) for a residential development of up to 74 dwellings on a 2.85 hectare parcel of land to the western edge of Clifton. The site is presently used as pastureland for grazing animals and falls within the Countryside Area as identified on the Fylde Borough Local Plan Proposals Map. Whilst the development falls outside the settlement boundary and, accordingly, would result in encroachment into the countryside, the Council is presently unable to demonstrate a five year supply of housing land and, therefore, FBLP policy SP2 which acts to resist residential development within the Countryside Area is in conflict with the NPPF. As a result, policy SP2 is out-of-date and the principle of residential development cannot be resisted on this basis.

Whilst the emerging Local Plan has not been submitted for examination and, accordingly, carries only limited weight, a *circa* 0.9 hectare parcel to the northeast corner of the site is allocated as a non-strategic housing site in this Plan. The aspirational housing figure of 50 dwellings across two sites in Clifton mentioned in the emerging Local Plan does not impose a restriction or limit on the amount of development permissible within Clifton, and this cannot be relied upon to restrict the expansion of the village. The proposed development, in combination with other applications which have a positive resolution (namely application 15/0165 for a development of up to 30 dwellings at Ash Lane), would result in an expansion of the village in the order of approximately 29.5% in a location on the edge of the settlement boundary which relates well to the existing built-up edge of Clifton and existing shops, services, employment opportunities and public transport facilities available both within and outside the village. Accordingly, the scheme would not result in the introduction of isolated homes in the countryside.

The proposed development represents a proportionate extension on the edge of the village

which would be well related to the existing settlement and development on the periphery of Clifton. The proposal, by virtue of the density and number of dwellings proposed, and its relationship to 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 any significant loss of the Borough's best and most versatile agricultural land and there are no other landscape designations to restrict its development for housing.

As has been demonstrated through numerous appeals, the principle of housing development cannot be resisted in the Countryside Area providing that it is sustainable in all other respects and that no other demonstrable harm would arise as a result. Whilst the development would result in encroachment into the countryside, it would make a valuable contribution to the delivery of new housing in the Borough in the absence of a five year supply. Additional benefits occur in this case as the development would deliver up to 22 affordable homes on the site. Therefore, on balance, it is considered that the benefits arising as a result of the development would outweigh the limited harm which has been identified in visual and landscape terms and, accordingly, that the principle of development is acceptable.

Satisfactory arrangements (including infrastructure improvements) would be made for access to the site and there is sufficient capacity to ensure that the level of traffic generated by the development would not have a severe impact on the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site. 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 adverse impacts in terms of ecology, flooding, drainage and contamination, nor would it be at unacceptable risk from any hazardous installations. The proposal would not affect the significance of any heritage assets in the locality and appropriate contributions would be secured to make the development acceptable in planning terms. 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.

Reason for Reporting to Committee

The application is for major development and the Officer recommendation is for approval. In addition, Newton with Clifton Parish Council have objected to the application.

Site Description and Location

The application relates to an irregularly-shaped parcel of land extending approximately 2.85 hectares in area to the north side of Preston Old Road and the west side of Stanagate/Clifton Green, Clifton. The site is located to the western edge of the village in close proximity to the signalised junction of Preston Old Road and the A583 (the dual carriageway of Blackpool Road). The site is set at a lower level (approximately 0.5m below) to Preston Old Road, with its southern boundary characterised by a combination of hedgerow and fencing atop a shallow banking, with a low retaining wall towards its western end. The site follows an undulating topography, with ground level falling gently away from the southern boundary towards a central low point before rising towards the northern end. A farm gate is located within the eastern boundary onto Clifton Green, though it appears that the principal means of access to the field is via an opening to the northeast (outside the site) off Clifton Lane.

The western boundary of the site is flanked by a narrow ordinary watercourse (not classified as a main river), with a linear belt of trees forming a strip of bankside planting marking this boundary. The site narrows to its southwest corner where the watercourse meanders along the western boundary, before merging with a large expanse of open farmland to the north. A row of tall pylons and overhead lines follow a linear trajectory running latitudinally and mark the northern perimeter, with lower columns supporting other overhead lines running diagonally across the site from its northwest corner towards Clifton Green. The eastern site boundary runs alongside a collection of dwellings on Stanagate and Clifton Green to the east. A vehicle sale showroom (Autologic) lies to the south of the site on the opposite side of Preston Old Road and a vehicle repair garage (Taylor's Garage) is located further to the east, along with a row of houses flanking Preston Old Road up to its junction with Lodge Lane. Dobbies Garden Centre, a large two-storey building, is located to the southwest of the site on the opposite side of the A583 beyond the signalised junction.

The land falls within the Countryside Area as defined on the Fylde Borough Local Plan (FBLP) Proposals Map. The site presently forms pastureland for grazing livestock and is designated as Grade 3 (good to moderate quality) agricultural land on the Agricultural Land Classification Map. A *circa* 0.9 hectare parcel off Clifton Green to the northeast corner of the site is allocated for a residential development of approximately 20 houses in the Revised Preferred Option version of the emerging Local Plan (RPO).

Details of Proposal

The application seeks outline permission for a residential development of up to 74 dwellings and associated infrastructure on the site. The only matter applied for 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.

Access to the development is proposed from the southern boundary of the site via Preston Old Road. This access would take the form of a priority (give way) junction located to the southeast corner, with its centreline located approximately 53m east of the signalised junction with Blackpool Road. The access would open onto a 5.5m wide estate road flanked by 2m wide footways. Visibility splays of 2.4m x 48m (westbound) and 2.4m x 35m (eastbound) would be provided at the junction, and involve a build out of the junction with a consequential localised 1m narrowing of the carriageway of Preston Old Road to a minimum of 7.7m in order to achieve the abovementioned visibility splays. The following off-site highway improvements are also proposed to the carriageway of Preston Old Road as part of the scheme:

- The formation of a T-shaped raised table around the junction between the site access and Preston Old Road.
- The upgrading of two existing bus stops (eastbound and westbound) located to the east of the site on Preston Old Road through the provision of raised boarding areas and road markings.
- The introduction of speed reducing surfaces including ‘slow’ and ‘gateway’ speed markings with traffic signs.
- The provision of a new footway on the northerly side of Preston Old Road from the site

access to the bus stop which lies to the east.

An illustrative masterplan has been submitted as part of the scheme. Whilst layout is not applied for at this stage and, accordingly, this drawing is for indicative purposes only, this shows the provision of approximately 0.5 hectares of open space within a triangular strip alongside the northern site boundary and a mix of 2, 3 and 4 bed dwellings comprising a mix of detached, semi-detached and terraced housing, and two blocks of apartments constructed around the main estate road and three cul-de-sacs. The masterplan also shows the retention of tree and hedgerow planting along the southern and western boundaries, with additional planting around the perimeter of the open space to the northern boundary where the development flanks open countryside.

Relevant Planning History

Application No.	Development	Decision	Date
09/0765	ERECTION OF 8NO. SEMI-DETACHED DWELLINGS FOR SOCIAL HOUSING.	Withdrawn by Applicant	06/07/2010
06/0191	RESUBMISSION OF APPLICATION 04/1012 FOR 8 NO. DWELLING HOUSES AND ASSOCIATED ACCESS, PARKING AND LANDSCAPING, ALL FOR USE AS SOCIAL HOUSING.	Finally Disposed Of	08/08/2013
04/1012	ERECTION OF 8 DWELLINGS FOR USE AS SOCIAL HOUSING	Refused	08/03/2005

Relevant Planning Appeals History

None

Parish/Town Council Observations

Newton with Clifton Parish Council were notified of the application on 10 November 2015 (and subsequently of amended plans received by the Council on 3 December 2015 and 21 January 2016). Following their meeting of 7 January 2016, the Parish Council object to the application on the following grounds:

- The proposed development does not conform to the LPA Local Plan revised Preferred Option in that it is contrary to several planning policies relating to agricultural land protection, housing, rural areas and sustainable development e.g. Policies SP1 which only permits development within defined limits and SP2 relating to development in Countryside Areas which recognises safeguarding the countryside for its own sake is consistent with sustainable development and PPS3 relating to previously developed "Brownfield" sites to be used before "Greenfield" and, consequently, agricultural land and NPPF paragraph 7.
- Policy SP2 presumes against development in the open countryside and limits such development to certain categories including for the purposes of agriculture, horticulture, forestry or other appropriate uses in rural areas. The proposal does not fall within these exceptions.
- The transport assessment provides insufficient information to determine whether the likelihood of significant adverse highway safety effects can be ruled out. The proposed road access/egress to/from the proposed development is Preston Old Road, Clifton. It is therefore reasonable to conclude that the increased traffic generation and related new access/egress is detrimental to highway safety in the locality generally and particularly the A583 Kirkham Bypass. The proposed development fails to demonstrate satisfactory access/egress with no adverse impact on the safe and efficient operation of the highway network as required to

comply with Policy HL2 Point 9 and paragraph 32 of NPPF.

- Drainage is a key issue highlighted in Policy HL2. It is considered that the proposed development does not fully address the capacity issues related to the sewer network. The current proposal will increase the number of dwellings in the parish by c. 18% and is therefore considered to have an adverse impact on the sustainability of existing infrastructure.
- The NPPF confirms that decisions on future strategic land use in the Borough, including any changes to the limits of development in the adopted Fylde Local Plan, should be plan-led via the Local Plan process. The site is not now needed to fulfil the LPA's achievable and realistic housing supply. Alternative sites include the Kirkham Triangle and Whyndyke Farm schemes. Decisions on allocation and release of new development sites must be done through the new Spatial Planning Process defined by PPS12, include public consultation, independent inspection and until a Fylde Borough Council Local Development Scheme Core Strategy is adopted together with its Strategic Locations for Development and its Draft Local Plan to 2032 – Revised Preferred Option this application must be considered premature.
- The development as proposed fails to meet the objectives of Policies EP10 and EP11 with regard to the distinct landscape character of the Borough in the context of the Lancashire Landscape Strategy. The development as proposed is considered detrimental to the visual amenity and landscape of the area and therefore conflicts with NPPF paragraph 17. The proposed development, if permitted, will further increase the number of dwellings, extend the settlement boundary, adversely impact on the countryside to an unacceptable degree and therefore is contrary to the local parish plan. Verification from the plan process shows that the location of the parish of Newton-with-Clifton in open countryside is strongly valued by the local community and the perception prevails that there has been too much development in the recent past to the detriment of parish amenity, character and tranquillity.
- The proposed development is to the detriment of the biodiversity, ecology and wildlife as it impacts on field pond(s) in the area.
- Concerns prevail with regard to amenities, infrastructure and services and specifically concerns exist in respect of road network capacity, medical facilities, schools and utilities in the parish and the surrounding area which are considered insufficient to accommodate the cumulative expansion in conflict with NPPF paragraphs 17, 21, 157, 162 and 177.
- The development site should be assessed against The Site Allocations and Development Management Policies criteria. Policy M2 in the Development Plan Document which defines areas within the plan for mineral safeguarding. The Policy states that planning permission will not be supported for any form of development unless the proposal is assessed against six criteria listed in the Policy to the satisfaction of the planning authority. It is considered that the application does not adequately demonstrate such an assessment.

Statutory Consultees and Observations of Other Interested Parties

County Archaeologist:

- The development site appears to form part of the town fields of the settlement, with the two western fields shown on the 1849 mapping having a characteristic medieval shape; it is also crossed by an earlier line of the road to Newton and Kirkham. Aerial photography shows that earthworks representing the former road line and 'ridge and furrow' ploughing survive on the western side of the plot. The majority of the site has however been subject to later ploughing and drainage, which is likely to have damaged or destroyed most of the potential for earlier archaeological remains. The surviving features are of some local significance, but are not thought to be so important as to require preservation at the expense of development. They do, however, merit recording before they are destroyed by the

development process.

- The surviving earthworks on the west side of the site should be surveyed, a plan and appropriate sections drawn up, and the area of the former road should be subject to a rapid archaeological excavation and recording exercise. These works do not need to be undertaken before a planning decision is reached, but can be required by the imposition of an appropriate planning condition.

Electricity Northwest:

- The development is shown to be adjacent to 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.
- There is a 6.6kV over head line and air break switch crossing the site. These will have to be diverted and removed from the site to allow the development to take place. The cost of this diversion will need to be borne by the applicant.
- There is a 33kV over head tower line to the north of the site. The developer will need to ensure safe clearances and wayleaves from this line and towers.

Greater Manchester Ecology Unit (GMEU):

- The Ecology Surveys and Assessments carried out by ERAP in support of the application have been undertaken to appropriate and proportionate standards. No further surveys are considered to be necessary prior to deciding the application.
- The application site is not designated for its wildlife value and is not adjacent to such sites. It is considered to have only low potential to support any specially protected or priority species, except for providing limited feeding opportunities for bats. The habitat features of most value to bats (trees, hedgerows and ditch) are capable of being retained as part of any development.
- While most open fields in this area could be considered to have at least some potential to support birds associated with the Ribble and Alt Estuaries SSSI, this site is close to a main road and existing built development such that it is considered unlikely to be of high value for birds. The site is dominated by species-poor improved agricultural grassland.
- The development will result in the loss of open grassland, with a consequent loss of openness, and may result in some limited harm to small areas of habitat of local nature conservation value. Mitigation for potential harm is possible, and enhancement of the site for wildlife may be possible. Overall, the site is not of substantive value for nature conservation and there are no objections to the application on nature conservation grounds. It is recommended that conditions should be attached to any permission granted requiring that:
 - Hedgerows, trees and ditches on the site should be retained and protected, or if losses are caused, these should be compensated by new landscaping;
 - At least 10% of the site should be retained as functional greenspace;
 - A Landscape Plan should be required for the development, including proposals for incorporating biodiversity enhancement features into the scheme.

Health and Safety Executive:

- HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Housing Services:

- The required 30% affordable housing element of the development should be delivered on site. Under present market conditions, the desired 80:20 tenure split between social rent

and shared ownership under policy H4 of the RPO is difficult to achieve. Therefore, a split of 60:40 (rent to shared ownership) is likely to be more appropriate. My Home Choice Fylde Coast currently has 235 households who have Newton with Clifton as an area of preference on their application. A mixture of 1, 2 and 3 bed provision would be most appropriate to meet existing needs. Any S106 agreement should, however, include provision for affordable housing to be offered to households Boroughwide.

Landscape Officer:

- The southern part of the site fronts onto the Preston Old Road/Blackpool Road junction, which is a busy interchange providing open views across the countryside to the north and the edge of Clifton village. There are medium to long range views from the eastern and western development boundaries which are interrupted by existing woodland planting. The overall character of the landscape is typical of Fylde, with an undulating landscape and hedgerows to the field boundaries with pockets of woodlands and single stand trees to the road side.
- The development will be highly visible from the Preston Old Road/Blackpool Road junction. The current layout has the potential to affect the surrounding landscape in this location. In particular, the development would be located in close proximity to the junction and, due to the location of the garage and 4 plots fronting onto Preston Old Road, would be highly visible from this vantage point. More landscaping than is presently shown on the masterplan is required along this frontage in order to mitigate this impact. There appears to be a sufficient set back from the road to allow for such a planting buffer to be introduced. The aim of this would be to screen the development from the Preston Old Road and the Blackpool Road junction.
- Clifton Green is located to the east of the site and part of the development will address this road and be prominently in view from it. The current layout will require the construction of a high timber fence to form the rear gardens of properties backing onto Clifton Green, thus blocking views into/across the open countryside in this location. If this boundary treatment was brought forward in the current manner, this would have an undesirable effect on the public realm of Clifton Green at this location, and would physically and visually disconnect the two neighbourhoods.

LCC (Education) - Position as of 29.01.16:

- There is predicated to be a shortfall of 28 and 194 new primary and secondary school places respectively at schools within 2 (primary) and 3 (secondary) miles of the site by 2020. Therefore, the proposed development is required to make an off-site contribution towards the delivery of new school places in order to offset its impact in this regard. As the application is in outline, it has been assumed that all dwellings delivered as part of the development would have 4 bedrooms. Whilst any planning obligation will need to include a formula to account for the exact bedroom mix applied for at reserved matters stage, a development of wholly four-bedroom properties would result in a requirement for:
 - 28 new primary school places at a cost of £12,029.62 per place.
 - 11 new secondary school places at a cost of £18,126.38 per place.

Lead Local Flood Authority (LLFA):

- No objections subject to the imposition of conditions requiring:
 - The submission of a surface water drainage scheme to demonstrate that the post-development rate of surface water runoff does not exceed the pre-development (greenfield) rate.
 - A SUDS management and maintenance scheme.

- A surface water lifetime management and maintenance plan.
- A construction phase surface water management plan.

Local Highway Authority (LHA):

- The C299 (Preston Old Road) in the vicinity of the development site is subject to a 20mph speed limit. To the northwest of the proposed means of access is the junction of Preston Old Road and the A583 (Blackpool Road) which is controlled by traffic signals. Blackpool Road is subject to a 50mph speed limit.
- Data provided by the developer shows that the two way traffic flow on Preston Old Road to be 140 and 173 vehicles in the AM and PM peak hour respectively and the developer states that this "shows that Preston Old Road is a relatively lightly trafficked road." LCC do not hold any traffic count data for this road, however, following site observation there is no reason to doubt the accuracy of the information provided.
- The speed count data provided by the developer indicates that the 85th percentile speed of vehicles on Preston Old Road to range from 23mph to 33.6mph depending upon direction of travel and time of day. There is no reason to doubt the accuracy of this information.
- The developer has used the TRICS database to estimate the quantum of traffic that the development will generate. The data shows that the proposal is likely to generate a maximum of 44 two-way vehicle movements in each of the AM and PM peak hours. This data has been checked and is considered to be acceptable for this site. Similarly, the trip distribution methodology is considered to be sound.
- The developer has taken into account relevant committed developments and allowed for traffic growth for future years. The committed developments and growth factors are considered acceptable for this site.
- The developer has undertaken capacity assessments for five nearby junctions. The assessment shows that all junctions apart from the A583 / A584 junction currently operate within capacity and will continue to operate within capacity in future years. The exception to this is the A583 (Blackpool Road)/A584 (Preston New Road) junction. This mainly operates within capacity, however, in the PM peak there are approaches to the signalised junction which are over capacity. The proposed development adds to the capacity issue here leading to an additional 5 vehicles in the MMQ (Mean Maximum Queue). Whilst under certain circumstances this would be a significant concern to LCC, the effect of the Preston Western Distributor (PWD) road on traffic on the highway network should be borne in mind. The PWD will reassign some traffic movements to other roads in the Fylde / Preston area and a number of improvements to junctions such as the A583 / A584 will be required. With this in mind the additional impact that this proposal will have here is relatively minor and not sufficient to substantiate a highways objection.
- The TA identifies 4 injury accidents, over a 5 year period, at the junction of Preston Old Road and Blackpool Road, of these 3 were serious. No injury accidents in the last 5 years have been recorded for Preston Old Road in the vicinity of the site access.
- Where the development site fronts Preston Old Road there is only a footway on the southern side of the road. The site access plan does show that footways will be provided into the site on both sides of the access road and that a footway will be provided on the northern side of Preston Old Road from the access to the east.
- Although Clifton, due in part to its size, has few facilities (no schools and limited employment opportunities), those facilities that do exist (e.g. Post Office, shops, garden centre) are within an accepted walking or cycling distance. There are bus stops close to the site access where service 61 (Blackpool – Preston) runs at 30 minute intervals in each direction.
- The developer has produced a Framework Travel Plan (FTP). The FTP can be considered to meet the minimum requirements, though timetables for travel surveys and additional

measures to promote sustainable travel modes should be incorporated into a full travel plan.

- The developer proposes a simple priority junction onto Preston Old Road as the means of access to the development. The form of access is considered acceptable. However, in order to achieve sightlines to meet the existing 85th percentile speed of traffic the developer proposes to "build out" the access into Preston Old Road. Modifications to the original access arrangement have been agreed and are shown on drawing A090876-004 Rev B. The agreed access arrangements show a reduced "build out" and the introduction of a junction table at the access, a modification of the existing road marking, the introduction of a "gateway" treatment (at the change in speed limit together with traffic signs) and the provision of road markings for the existing bus stops. These features should have the effect of reducing vehicle speeds on this section of Preston Old Road, thus allowing for a reduced sightline. These works, along with the provision of a new footway on the northerly side of Preston Old Road from the site access to the bus stop to the east, will need to be delivered under a S278 agreement in accordance with the details shown on drawing no. A090876-004 Rev B.
- A contribution of £6,000 should be secured towards the development, implementation and monitoring of a full travel plan by LCC for a period of up to 5 years.
- In conclusion, the development proposal does not have an unacceptable impact on the highway network and providing that highway mitigation measures are introduced on Preston Old Road, there are no highway objections to the proposal.
- Conditions should be attached to any permission granted requiring:
 - A scheme for wheel washing for construction traffic.
 - A scheme for the construction of the site access and off-site highway improvement works, which should be completed prior to first occupation of the dwellings.
 - The submission of a full travel plan.

Natural England:

- The site is relatively small and has constraints such as roads, built development and pylons which make it less likely to be favoured by SPA bird species. Therefore the development, in isolation, is not likely to have any significant effect on the SPA bird species for which the Ribble and Alt Estuary has been notified.
- The LPA should however, consider the potential for in-combination effects and will need to undertake a Habitat Regulations Assessment to consider the development's in combination effects with other plans and projects. There are an increasing number of solar farm and housing developments which could have an in-combination effect in terms of SPA bird displacement. Any necessary mitigation measures to ensure no adverse effect on the Ribble and Alt Estuaries, either alone and in-combination, will need to be agreed before planning permission is granted

National Grid:

- National Grid has a Major Accident Hazard Pipeline (MAHP) in the vicinity of the site (named Lostock Hall – Kirkham). The building proximity distance for this pipeline is 14.5m. From the information provided, it does not appear the proposed works will directly affect this pipeline.

Office for Nuclear Regulation (ONR):

- Lancashire County Council is responsible for the preparation of the Springfields off-site emergency plan required by the Radiation Emergency Preparedness and Public Information Regulations (REPPPIR) 2001. LCC have provided adequate assurance that the proposed development can be accommodated within their off-site emergency planning arrangements.

- The proposed development does not present a significant external hazard to the safety of the nuclear site. Therefore, ONR does not advise against this development.

Police (Lancashire Constabulary):

- The development should be built to Secured By Design Standards.
- The dwellings will be required to have PAS 24/2012 doorsets and windows or an equivalent standard in accordance with Approved Document Q as of 1 October 2015.
- Encouraging clear lines of sight across the scheme discourages criminal activity. Dwellings should be orientated so that passers-by, both vehicles and pedestrians and occupiers of other dwellings provide natural surveillance over the houses and vehicles.
- Front and rear doorsets should be fitted with a dusk till dawn security light unit and a 13 amp non switched fused spur suitable for an alarm system.
- The rear of the properties should be protected with a 1.8m close boarded fence arrangement and a lockable gate fitted as flush with the front of the building line as possible that restricts access to the rear of the property.

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. Policies EP10 and EP11 serve to protect the distinctive character of Landscape and Habitat features in Fylde.
- The Revised Preferred Option (RPO) version of the Local Plan was reviewed at Development Management (Policy) Committee on 17 June 2015 and approved to go out for consultation at Development Management (Policy) Committee on 16 September 2015. The consultation process runs until 3 December 2015. The draft RPO allocates land for the provision of up to 50 homes in Clifton at two locations. It proposes land north of 43 Stanagate which will accommodate 20 homes (part of the application site) and land east of Rowan Close, Ash Lane which will accommodate 30 homes, over the plan period from 2011 to 2032.
- The RPO identifies Clifton as a “Tier 2: Smaller Rural settlement”, as it has fewer essential services and employment opportunities, with poorer transport connections than those of the larger rural settlements within Fylde. For this reason development here is proposed to be limited to 50 new homes. Outline planning approval has already been granted at land east of Rowan Close and Ash Lane for 30 homes (planning application: 15/0165), and although the location site as part of this current application encompasses land identified in the emerging RPO, the land identified in the RPO is at a much smaller scale and is intended for only 20 new homes. The boundary of the RPO Stanagate site has been tightly drawn such that it rounds-off the existing settlement boundary. It is therefore envisaged any new development in this location would not extend beyond the existing building line, thereby reducing any visual impact on the surrounding landscape and reducing built up development sprawling into the open countryside.
- 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.

Tree Officer:

- Trees are only peripheral to the site and the layout as indicated poses no immediate threats from development to them. The stream that bounds the western edge of the proposed development is lined with trees, being initially a stretch of lapsed hedgerow but then becoming effectively a linear woodland as it moves north towards the pond at Stanagate

Plantation. Despite some trees that need safety work or felling, the trend is that the quality of this line of trees improves as it meets Stanagate, with many oaks, beech, sycamores and ash growing either side the stream.

- The suggested layout places these trees in domestic rear gardens which, if it transpired as a detailed layout, would remove any fear of construction in proximity to them. A tree survey identifies these trees and can be referred to for tree protection fencing in a planning condition.
- If development proceeds here, these trees will have a strategic function as a screen from the main road and so should be preserved for their intrinsic qualities.

United Utilities:

- Two public sewers cross the site and UU may not permit these to be built over. An access strip of 6m (3m to either side of the centre line of each sewer) will be required for maintenance/replacement purposes. A modification of the site layout or diversion of the affected public sewer at the applicant's expense may be necessary. Both sewers presently outfall to the watercourse that crosses the site and these existing outfalls should remain.
- The site should be drained on separate systems for foul and surface water disposal.
- The hierarchy in the NPPG identifies preferences for surface water drainage as follows: (1) infiltration; (2) a surface water body; (3) a surface water sewer, highway drain or another drainage system; (4) a combined 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 no surface water discharges to the public sewerage system.

Neighbour Observations

Neighbours notified:	10 November 2015
Site notice posted:	10 December 2015
Press notice:	10 December 2015
Amended plans notified:	All neighbouring occupiers who were originally notified of the application, along with those who made representations in response to the first round of public consultation, were notified following the receipt of amended plans on 4 December 2015 and 25 January 2016. A further 14 days (until 8 February 2016) has been given for comments following the latest round of public consultation. The points of objection summarised below reflect all letters received by the Council at the date of writing the report. Any additional representations will be reported to committee as late observations.
No. Of Responses Received:	24 individual letters and a petition containing 44 signatures.
Nature of comments made:	All letters and the petition are submitted in objection to the application.

The points raised in the objections are summarised as follows:

Principle of development:

- The proposed development site is located outside the settlement boundary of Clifton village within a designated Countryside Area. The proposal is contrary to Policy SP2 which limits development in the countryside to certain categories including for the purposes of agriculture, horticulture, forestry or other appropriate uses in rural areas. The proposal does not fall within these exceptions.
- Policy HL2 of the adopted Fylde Local Plan identifies criteria against which housing proposals

will be considered including that development should be of a scale that is in keeping with the character of the locality and is in a sustainable location (criteria 2 and 7). The policy is consistent with two core planning principles set out in paragraph 17 of the NPPF. There have been a number of recent developments in Clifton which have increased the size of the village. These have, however, been on a smaller scale to what is now proposed. A development of 74 dwellings on the edge of the village would be peripheral to the village centre and its scale would fundamentally and adversely alter the nature and character of the settlement.

- There are already a number of existing houses for sale in Clifton at a range of prices and a mix of dwellings are available in the village. Accordingly, there is no need or demand for additional housing in Clifton. The recent Rural Housing Survey carried out by Fylde Borough Council shows that the greatest need in Clifton is for purpose built housing for the elderly. This proposal does not meet this need.
- The proposed application is extending the village too much, bearing in mind the limited services it provides. Locating housing in Clifton should be in response to local need not to address any housing shortage across the Borough. There are larger towns like Kirkham and Lytham St. Annes which have many more facilities and better public transport that are more suited to accommodate any shortage. These towns are more sustainable locations for housing development than rural villages.

Landscape character:

- The proposal is on 2.85 hectares of land to the west of the village lying outside the settlement boundary. The boundary of the village at this point is defined by the residential properties which comprise Stanagate which has defined the boundary at this point for over half a century. From Preston Old Road the aspect north and west is open countryside with open views to the wooded area called Stanagate Plantation and beyond with views to the local parish church and the windmill. The development would extend the settlement well beyond its current, well-defined boundaries and would create an awkward, staggered edge to the village.
- The proposed development would occupy a greenfield site which is currently open countryside impacting on the open aspect at this location and the proposed developed would appear as a substantial 'urban style' extension to the village. Policies EP10 and EP11 are concerned with the distinct landscape character of the Borough in the context of the Lancashire Landscape Strategy. The strategy recognises the importance of both protecting and enhancing the character of each of the defined landscapes. Clifton Village and the proposal site lie within Characterisation type 15d – Coastal Plain. The strategy highlights the need to enhance the distinct character and setting of rural villages and avoid the introduction or proliferation of suburban building styles, materials and layouts. The proposed development in this location is exactly what the strategy seeks to avoid. Incremental development on the edge of Clifton is cumulatively undermining the rural role, character and setting of the village.
- The applicant suggests that the over head power lines and pylons have an urbanising effect on the land between them and the existing village. Power lines and pylons are a common feature across open countryside and can hardly be used to justify that they have an urbanising effect.
- The illustrative layout shows a development which would fail to integrate sympathetically with the remainder of the village and, in particular, with houses on Clifton Green. Dwellings would breach existing building lines and fail to address the frontage of Clifton Green, including one property stepping out with its gable end facing the road. The siting of the houses would also have an adverse impact on the privacy and amenity of surrounding occupiers through overlooking and loss of outlook.
- The applicant's Planning Statement states that they consider the rear garden elevation when approaching Clifton is "visually prominent and unattractive, giving the appearance of a harsh urban edge with residential paraphernalia being particularly apparent". Therefore, any

similar development which extends this boundary would be equally harmful.

Sustainability of location and availability of employment and services:

- The character and role of the village is such that there are limited services within the village. The facilities in the village comprise the post office which is also a general store which is at the heart of the village along with a sandwich shop and a hairdressers, all of which are located on Preston Old Road in close proximity to one another. There is no pub or restaurant in the village and the closest supermarkets are in Kirkham or Preston. The nearest primary school is located in Newton Village around 2 miles towards Kirkham, the latter being the nearest town centre some 3 miles away. There is also St. Mary's Primary School at Lea Town some 2 miles away to the north east. Accordingly, the development would be heavily reliant on travel by car.
- With respect to the nearest primary schools the evidence indicates that there will be a shortfall of places within 4 years. The ability for Newton Bluecoats to expand to accommodate additional places is not clear at this stage. The Fylde Local Plan to 2032 Revised Preferred Option is allocating around 115 new dwellings in Newton Village and 50 new dwellings in Clifton Village which will increase the need for places at the local schools. In addition, other than Newton Bluecoats school, the local primary schools in the rural area (St. Mary's at Let town, Lea Endowed at Cottam and Treales Primary School) are not accessible by bus, therefore these primary schools would have to be accessed by car.
- In employment terms the village has limited business with the majority of residents employed in the wider area in Preston, Kirkham, Warton and Blackpool. Whilst Springfields nuclear processing plant lies to the north of the village at Salwick and has in the past provided jobs for those living in the village this business has been and is currently downsizing therefore providing reduced opportunities for employment. The same is true of BAE in Warton.
- The bus routes through the village are limited to one bus route the no 61 which runs between Preston and Blackpool via Kirkham and operates around a half hourly service until only 9.40pm. The majority of residents in the village use their cars to access services including shopping, education, employment recreation and other uses such as medical services. It is therefore highly likely that the majority of new residents from the proposed development will use the private car therefore there will be increased car trips on the road network. This would be contrary to paragraphs 17, 34 and 37 of NPPF as well as Policy HL2.
- The applicant claims the site has good public transport links to Warton (and its Enterprise Zone). However there is no direct bus from Clifton to Warton. To access Warton one either has to take the No. 61 bus to Kirkham and change buses in Kirkham to Warton; or walk 20 minutes along the Blackpool Road (which is a fast and busy road) to the A584 and catch the No. 68 at Three Nooks. In addition reference is made to Salwick station which requires a 25 minute walk from the village to access a very limited train service, which is not a realistic option for residents.

Highway impacts and access:

- Point 9 of Policy HL2 requires satisfactory access and parking with no adverse impact on the safe and efficient operation of the highway network. This is consistent with paragraph 32 of NPPF. The access from the proposed development is on to Preston Old Road a few metres from the traffic lights and the exit off Blackpool Road into the village. This part of Preston Old Road has a bus stop opposite the proposed entrance to the new estate. It is regularly down to single file traffic and already suffers from poor visibility around the cars and vans parked for both garages close to the junction.
- The applicant is proposing to narrow the road at the point of the site access. This narrowing, combined with the fact that the village bus stop is almost directly opposite the proposed

access; that cars exit Blackpool Road into the village at this point at speed; and that a significant number of cars are normally parked on the roadside during the day as part of the daily business for Taylor's Garage, make the access from the proposed site extremely hazardous. In addition as the proposed site lies at least 1 metre below the level of Preston Old Road this also adds to the hazard of exiting the site.

- Business premises opposite the proposed entrance to the site rely on the availability of on-street parking on Preston Old Road. The proposed alternations to Preston Old Road would reduce the width of the carriageway and necessitate the introduction of waiting restrictions which would prevent parking in the vicinity of the access and, accordingly, remove this parking provision for surrounding residents and businesses. This would adversely affect the viability of these businesses and has the potential to remove these sources of employment from the village.
- The proposed access is located in close proximity to the signalised junction onto the A583. As the A583 has a 50mph speed limit, vehicles enter Preston Old Road at considerable speeds and the access is within this deceleration zone, only a short distance from the change in speed limit. The proximity of the site access to this junction would increase the risk of collisions to the detriment of highway safety. In addition, if the proposed fracking is allowed, this junction will also be used by HGVs visiting and returning from the Roseacre Wood site.
- The development should be accessed off Clifton Green rather than Preston Old Road in order that the houses follow the alignment and orientation of existing dwellings on Clifton Green.
- The proposed development will more than double the number of vehicles travelling along Preston Old Road. This route is incapable of accommodating these levels of traffic as it is already down to a single lane due to parked vehicles. Further use of the signalised junction on Preston Old Road will cause greater queuing for traffic on Blackpool Road.

Loss of agricultural land:

- Policy EP22 protects the best and most versatile land which includes Grades 1, 2 and 3A agricultural land and proposals that involve the loss of such land will not be permitted where it could reasonably take place on alternative sites. The applicant has submitted an agricultural Land use Assessment. However, this assessment does not provide a detailed survey of the soil and the site characteristics, it merely outlines the ALC system and provisional ALC grade along with a brief outline on other issues such as climate, geology and flood risk. No detailed survey of the soil has been undertaken and no soil profiles have been examined in accordance with the recommendation set out in Natural England's Technical Information Note 049 Agricultural Land Classification. The Acorus assessment only states that the soil is likely to be Subgrade 3b and is based on observation only without any examination of soil profiles. Other areas around the village have been identified as Subgrade 3a. Establishing the Subgrade is important as where Subgrades 1, 2 or 3a are identified, Policy EP22 requires consideration of alternative sites on previously developed sites, on land within the boundaries of existing developed areas or on poorer quality agricultural land.

Five year housing land supply:

- The NPPF at paragraph 47 requires authorities to have a 5 year supply of specific deliverable sites against their housing requirement. Fylde Council's latest position on their 5 year housing supply is set out in their statement dated March 2015 which highlights that according to the methodology applied by Fylde that they only have a 4.3 year housing supply. It is, however, contended that Fylde does have a 5 year supply. The 5 year Housing Supply Statement (March 2015) makes reference to the Housing Requirement Paper (2015) which concludes that a figure of 370 dwellings per annum will meet Fylde's objectively assessed need (OAN) for housing. This figure of 370 is based on the 2013 Fylde Coast

Strategic Housing Market Assessment (SHMA) (published 2014) and two Addendums.

- Fylde's approach to determining its housing land supply deals with its undersupply by applying it over the first five year period. However, some other authorities deal with undersupply over the plan period. It is worth noting that this approach has been adopted by Blackpool and their approach has been found sound by the Core Strategy Inspector. In his report on the examination into the Core Strategy, the Inspector indicates that whilst Planning Practice Guidance encourages addressing any housing shortfall within the first five years of the plan period where possible, there is nothing in national policy to indicate that this is an absolute requirement.
- In applying the undersupply to the first 5 years, this results in Fylde having an annual housing requirement of 591. This is a significant figure to deliver bearing in mind past delivery rates in Fylde. In light of the Inspector's report on the Blackpool Core Strategy in that there is no absolute requirement in NPPF for undersupply to be applied to the first 5 years of the plan period, it would be more realistic for Fylde to address the shortfall in supply over the plan period, rather than in the first five years. In adopting this approach it would result in a figure which is deliverable and will potentially provide Fylde with a 5 year housing supply.
- As set out in Fylde's 5 Year Housing Supply Statement, a 10% discount is applied on all Fylde sites. However, there does not appear to be clear evidence that schemes will not be implemented within five years. Not all authorities apply such a discount and national policy/guidance does not require an additional discount for non-delivery on sites. It is important to highlight that to address the persistent under delivery and in line with paragraph 47 of NPPF, Fylde does apply a 20% buffer to their 5 year housing requirement figure which equates to 1,850 dwellings. Whilst a 10% discount approach may have merit on small sites that are not individually assessed as part of the process, it seems unnecessary to apply a further discount to the supply figure for larger sites (10 units or more). Not applying a 10% discount to the larger sites will also assist in increasing the housing supply.
- In addition, recent planning permissions since March 2015 need to be taken into account. Of significance are the 360 additional dwellings in Warton which have recently been granted on appeal on land that is not currently included in Fylde's identified supply. These additional dwellings add to the housing supply and some of these units could potentially give the five year supply a boost.
- The Planning Committee should reconsider the approach Fylde has adopted to determining their 5 year housing supply to ensure that the Borough has a realistic supply figure that can be delivered.

Revised preferred option Local Plan:

- The new Fylde Local Plan is at the Revised Preferred Option stage and is a material consideration. The Proposed Settlement Hierarchy - Policy S1 identifies Clifton in the fourth category of the settlement hierarchy, a 'Tier 2 Smaller Rural Settlement'. The policy recognises that these smaller settlements have fewer essential services and employment opportunities and tend to have poorer transport connections.
- Paragraph 7.81 of the RPO states that 50 homes will be provided on 2 sites in Clifton over the lifetime of the plan (to 2032), 30 homes on land east of Rowan Close on Ash Lane and 20 homes on land north of 43 Stanagate. The land east of Rowan Close has already been the subject of an application and there is a resolution to grant permission. The land north of Stanagate is incorporated into the applicant's site. The applicant's site is much larger site proposing 74 new dwellings (amended application), 54 dwellings over and above the allocation in the Fylde Local Plan RPO. This increases the amount of housing proposed in the village by 108%.
- The larger site which is the subject of this application was rejected by the Council when

assessing sites for future housing development to be included in the RPO. The larger site would have extended the village further than the existing development along Clifton Green and would result in an unsustainable amount of development at Clifton adversely affecting the size and scale of the settlement. Instead, the proposed allocation site in the RPO of 20 dwellings can be seen as a rounding off of the village at this location – a gap site between the northern edge of Stanagate and the western edge of Clifton Green. NPPF states at paragraph 54 that rural areas housing development should be planned to reflect local needs. The scale of this development of some 74 dwellings goes well beyond the local need.

Affordable housing:

- In the supporting text at paragraph 6.12 of the RPO it states that affordable housing should be of an appropriate scale within a rural settlement to meet particular local need. It should be noted that the local need for affordable housing for Clifton, Newton and Treales villages combined is 21 over the plan period (2011 – 2032), equating to only 1 a year. The contribution of affordable housing from the application would be an over provision.
- The proposed allocations in the village including the allocations in Newton (some 115 dwellings) will be able to meet the local need for affordable homes. Providing in excess of the affordable local need in rural settlements is not sustainable, as these settlements and in particular Clifton, have limited local services and public transport. Any 'above local need' affordable housing should be located where the need arises in the higher order settlements which is evidenced in the SHMA; the focus for affordable housing being Lytham and St. Annes, Kirkham/Wesham, Freckleton/Warton. These settlements provide the opportunity to access a much wider range of services and public transport options and are more sustainable locations for housing development than rural villages.

Other matters:

- There would be substantial noise, dust, construction traffic and other hazards associated with the development which would cause a nuisance to surrounding residents during the construction period.
- The land is regularly waterlogged with large ponds forming within the field. Surrounding properties on Clifton Green have suffered from surface water flooding in the past. The topography of surrounding land directs runoff towards the watercourse at the western boundary of the site and the existing drainage system cannot cope with the volume of water entering it. The introduction of additional hard surfaces and dwellings would reduce the site's ability to absorb existing runoff and is likely to increase the potential for flooding both on the site itself and elsewhere.
- The development appears to involve the construction of dwellings over sewers which run through the site.
- Dwellings on the lowest part of the site appear to be below the level of the sewers that serve the village. Therefore, there is a possibility of effluent backing up after heavy rain. There does not appear to be a pumping station included in the plan to deal with this.
- The area of open space to the northern end of the site should be relocated to the eastern side in order to provide a greater buffer with adjacent houses.

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
EMP5	Hazardous installations
TR01	Improving pedestrian facilities

EP04	Alteration and adaptation of listed buildings
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
EP18	Natural features
EP19	Protected species
EP21	Archaeology
EP22	Protection of agricultural land
EP25	Development and waste water
EP29	Contaminated land
EP30	Development within floodplains
CF02	Provision of new primary schools
TREC17	Public Open Space within New Housing Developments

Other Relevant Policy:

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

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

S1 – The proposed Settlement Hierarchy
SD1 – The Spatial Development Framework
DLF1 – Development Locations for Fylde
H4 – Affordable Housing

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

Background:

Amended plans:

When originally submitted, the application sought permission for a development of up to 80 dwellings on the site. Amended plans were received on 3 December 2015 which indicate a reduction in this number to a maximum of 74 dwellings and the provision of a *circa* 0.5 hectare area of open space to the northern end of the site. In addition, plans showing a revised access arrangement at the development's junction onto Preston Old Road were received on 21 January 2016. The revised access arrangements follow concerns expressed by local residents and businesses with respect to the narrowing of the carriageway of Preston Old Road and also reflect changes requested by the Local Highway Authority.

All properties who were originally notified of the application, along with those who have made

representations in response to the initial rounds of public consultation, have been notified of the amended plans. The application is to be determined on the basis of the changes proposed in the amended plans received by the Council on 21 January 2016.

Principle of development:

Policy context and site allocation:

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 is located 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.

A number of representations have been made which refer to Fylde Borough's emerging Local Plan which has reached the Revised Preferred Options (RPO) stage (as of October 2015). Policy S1 of the RPO identifies Clifton as a "Tier 2 Smaller Rural Settlement" and recognises that "the smaller rural settlements have fewer essential services and employment opportunities and tend to have poorer transport connections".

Policy DLF1 of the RPO sets out strategic and non-strategic locations for new housing development. Clifton is noted as a location for non-strategic development sites (between 10 and 99 dwellings) in the policy, with paragraph 7.81 identifying two sites which are anticipated to deliver a total of 50 new homes. One of these sites (referred to as "Land North of 43 Stanagate") is anticipated to deliver 20 houses on a smaller parcel of land to the northeast corner of the application site. An extract from the allocations map to the RPO which indicates the extent of the two non-strategic sites in Clifton is shown in Figure 1.

In addition to the non-strategic locations for development mentioned in policy DLF1, the policy also states that an allowance should be made for other non-strategic sites "within and adjacent to Tier 2: Smaller Rural Settlements".



Figure 1 – extract from RPO allocations map.

Paragraph 216 of the NPPF indicates 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 this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Whilst the RPO Local Plan is a material consideration, it remains in its early stages of preparation. A submission version of the emerging Local Plan has not been prepared and it has not been subject to examination. Therefore, it carries only limited weight in the decision making process and this has been emphasised in a number of recent appeal decisions. For example, with respect to the appeal at Blackfield End Farm (BEF), the Secretary of State concludes as follows with respect to the weight to be attached to the emerging Local Plan:

- “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**” (emphasis added).

Given the limited weight which can be given the emerging Local Plan, the figure of 50 dwellings in policy DLF1 cannot be relied upon to restrict the scale of housing development in Clifton. Moreover, whilst the figure in the policy refers to the amount of housing to be delivered on allocated, non-strategic sites, it also recognises the potential for additional housing development on windfall sites outside these non-strategic allocations within and adjacent to the Tier 2 settlements. Accordingly, the figure cited in policy DLF1 should not be seen as a cap or threshold on the level of housing development which is permissible in Clifton, beyond which a moratorium would apply, but as a figure to guide development upon the allocated non-strategic sites.

Five year housing land supply:

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’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.

Objectors have questioned the Council’s methodology in calculating its five year supply figure. These fall into three broad categories as follows:

- *Dealing with the backlog arising from previous under delivery:*

Objectors contend that, rather than applying the backlog over the first five year period of the Plan (the ‘Sedgefield’ approach), this should be spread over the whole of the Plan period (the ‘Liverpool’ approach) in order to reduce the annual housing requirement. Objectors indicate that the ‘Liverpool’ approach has been successfully adopted as part of Blackpool’s Core Strategy.

Paragraph 35 of the ‘Housing and economic land availability assessment’ chapter to the NPPG advises that “local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible.” Therefore, applying the backlog to the first five years of the plan is in line with best practice in the NPPG and this approach has been accepted

- *Applying a 10% discount on all sites:*

The Council’s calculations include a blanket 10% lapse rate to account for circumstances where all existing and potential supply does not come forward within time or at the amount envisaged. This provides a buffer for the Council in order to account for situations where there has been a lack of or under delivery on allocated sites and those with planning permission and reduces the likelihood of being successfully challenged on the grounds of sites not being deliverable or developable (as required by paragraph 47 of the NPPF).

Whilst objectors consider this approach to be overly pessimistic and, instead, contend that the Council should assume that all sites will be delivered within five years, the Council's methodology in applying a generic rate of delivery (including the 10% lapse provision) has been accepted as being robust when tested at recent appeal inquiries. For example paragraph 140 of the BEF appeal decision states that:

- "Assessments of the delivery of housing from individual sites may vary over time, and for the purposes of calculating supply, I agree with the Council that there is merit in applying a generic rate of delivery. Moreover the build-out rates used by the Council are consistent with those achieved on large sites in Fylde. On the information submitted, I consider that the level of housing land supply is closer to the 4.1 years figure of the Council than the lower figure of 3.5 years promoted by the Appellant."
- *Updated position since March 2015:*

Objectors contend that the Council's position statement dated March 2015 is out of date as it does not factor in large scale developments allowed since this date (specifically, the 360 dwellings at BEF are mentioned).

The BEF decision post-dates the base date of the latest housing land supply position statement. Accordingly, permissions granted since March 2015 cannot simply be added to the supply as any uplift in the housing requirement and backlog would also need to be factored in over the same period. As BEF is an outline permission, it would only contribute 105 dwellings to the five year supply in any case and clearly would not tip the balance considering that the latest supply is 4.3 years.

The Council's approach to calculating its five year supply is informed by best practice within national guidance and has been tested at (and informed by) a number of recent appeal inquiries, all of which have concluded that the Council does not have a five year supply of housing land. The most recent example is provided by an appeal at Willow Drive (reference 3005671 with decision dated 14 January 2016) which concludes as follows with respect to the Council's five year supply:

- "It is agreed by the parties that, **using methodologies which meet current guidance**, Fylde Borough cannot demonstrate a five-year supply of deliverable housing land. There is disagreement as to whether the agreed number of permissions represents 3.8 or 4.3 years supply, however, for the purposes of this appeal, the difference carries little significance. The essential point is that the Council cannot demonstrate a five supply of housing land. In which case paragraph 49 of NPPF states that relevant policies for the supply of housing should not be considered up-to-date [emphasis added]."

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 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. Accordingly, the delivery of housing in the absence of a five year supply weighs in favour of the development.

Location and sustainability:

Criteria (1) 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.

- Are in a sustainable location having regard to the local availability of shops, schools, employment sources, public transport and other community facilities”.

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.

Paragraphs 34 and 38 of the NPPF state 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).
- “For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. **Where practical, particularly within large-scale developments**, key facilities such as primary schools and local shops should be located within walking distance of most properties” (emphasis added).

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

- (iv) 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.

Objectors have suggested that there are a lack of services in Clifton which are capable of supporting a development of the size proposed. Particular reference is made to a lack of shops, services, employment opportunities and access to public transport. The table in Figure 2 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.

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 2 – suggested acceptable walking distances (IHT).

Clifton is an identified settlement within policy SP1 (4) of the FBLP. The application site is located to the western end of the village on the edge of (but wholly outside) the settlement boundary of Clifton. There are a limited number of shops (including a post office/convenience store, sandwich shop and hairdressers) located centrally within the village further along Preston Old Road approximately 450m to the east which are within walking distance of the site. A car repair garage, vehicle showroom and large garden centre are also located within 100m around the junction with Blackpool Road. A pub (The Windmill Tavern) is situated at the junction of Clifton Lane and Church Lane approximately 1.5km from the site. Lancashire County Council have indicated that there are four primary schools within a 2 mile radius of the site (the closest of these being Newton Bluecoat Primary School) and two secondary schools within 3 miles (the closest of which is Kirkham Car Hill High School). The closest bus stops are located within 50m of the site access on Preston Old Road. The LHA indicate that these stops run a service (no. 61) between Blackpool and Preston at 30 minute intervals in each direction. William Pickles Park forms a recreation ground at the centre of the village which is also within comfortable walking distance and the Springfields BNFL plant is within 2km of the site.

As identified in paragraphs 34 and 38 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, however, follow that all development within the rural area is always unsustainable 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. Indeed, the test in paragraph 55 of the NPPF is to avoid “new **isolated homes in the countryside**” (emphasis added).

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 immediately outside the village and would not be unduly isolated from them in comparison to existing dwellings in Clifton. Moreover, the addition of up to 74 dwellings would be likely to help sustain and support the development of local facilities and services. The site is readily accessible by buses running between Blackpool and Preston (via Kirkham) and the 30 minute interval of this service is not so infrequent for this to be considered impractical for day-to-day use. There are other facilities including shops, schools and employment opportunities (e.g. the nearby garden centre and BNFL plant) within the maximum walking distances set out in figure 2 and reasonable accessibility to those outside the village between Preston and Blackpool via public transport. Therefore, it is considered that the development would have reasonable access to local shops, schools, employment sources, public transport and other community facilities relative to its rural setting and would not result in the introduction of isolated homes in the countryside for the purposes of FBLP policy HL2 and the NPPF.

Scale of development:

Objectors consider that the number of dwellings proposed is excessive relative to the size of the village and have referred to the aspirational figure of 50 dwellings referred to in the RPO Local Plan. The implications of the figure cited in the emerging Local Plan are dealt with in detail earlier in the report. It is, however, apparent that this figure cannot be relied upon to restrict the expansion of the village in the absence of a 5 year supply of housing land.

Criterion (3) of FBLP policy HL2 states that planning applications for housing will be permitted where they are:

- Developed at a net density of between 30-50 dwellings per hectare.

The proposal involves the development of 74 dwellings on a site measuring 2.85 hectares in area. A total of 0.5 hectares of the site is shown as open space, leaving a net developable area of 2.35 hectares. This equates to a net housing density of 31.5 dwellings per hectare. This is within the range identified in policy HL2 and is considered suitable to the site's rural setting.

There are, at present, approximately 352 dwellings within the settlement boundary of Clifton. In addition, there is a resolution to grant permission for 30 dwellings on a site to the east of village subject to a S106 agreement (application reference 15/0165) and an appeal has been lodged against the Council's refusal of planning permission for a development of up to 55 dwellings to the southwest of the village off Blackpool Road (application reference 15/0065).

Table 1 sets out the relative percentage increases in the size of the village which would arise under three possible development scenarios. Each percentage is relative to the existing number of dwellings within the settlement boundary (i.e. the number proposed/352 x 100). The proposed development for up to 74 dwellings would, in isolation, result in a 21% increase in the size of the village. This rises to 29.5% if considered in combination with the 30 dwellings proposed under 15/0165, and up to 45.1% if the 55 dwellings submitted under application 15/0065 (currently the subject of an appeal) are added.

Scenario	Development only	Development +15/0165	Development + 15/0165 + 15/0065
Percentage increase	21 %	29.5%	45.1%

Table 1 – expansion scenarios

In the worst case scenario the development would, in combination with other pending applications/appeals, result in a 45.1% increase in the size of the village. It cannot, however, be assumed that this appeal will be allowed and, accordingly, the figure of 29.5% represents the most relevant scenario under current circumstances.

With respect to the density and expansion figures above, it is not considered that the development (either alone or in combination with other pending permissions) would result in an enlargement to the village which, by virtue of its size and scale, would fundamentally or adversely alter its character. These figures must, however, be considered in combination with the development's relationship to the pattern of the existing settlement in visual and landscape terms.

Visual and landscape impact:

The fifth bullet point of the core planning principles set out at paragraph 17 of the NPPF indicates

that planning 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”.

Criterion (2) and (5) of FBLP policy HL2 states 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.
- 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.

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

Objectors have referred to the value of the site, in both visual and landscape terms, and reference has been made to its classification as a “Coastal Plain” in the Lancashire Landscape Strategy (LLS). The designation in the LLS covers much of the rural part of the Borough and is not unique to the site, nor does it impose any specific restrictions or prohibit development on the site as a matter of principle. Instead, FBLP policy EP10 refers to particular landscape and habitat features which should be afforded special protection when considering individual developments. In this case, the site accommodates three of the features listed – namely broadleaved woodland, hedgerows and a watercourse.

A tree survey has been submitted as part of the application. This includes a survey of hedges and trees both within and overhanging the site in respect of their condition, retention category and root protection area. The survey recommends the removal of two category ‘U’ trees and a short section of hedge alongside the boundaries with properties on Stanagate. It is, however, proposed to retain the existing hedgerows along the southern and western perimeters of the site and, with the exception of a decayed Ash, the tree belt to the northwest corner. Many of these specimens and the watercourse alongside the western boundary fall outside the development site and would be unaffected by the development. Accordingly, the most valuable landscape features on the site would be retained. Conditions have been imposed requiring the implementation of tree protection measures and the submission of a landscape strategy which provides for the retention of these features.

The site is situated on the edge of the settlement boundary of Clifton and forms part of an area of open countryside which extends to the north and west of the village. The site’s eastern boundary

abuts the built-up area of the village before extending in a northerly direction beyond the rear garden boundaries of nos. 36-62 Clifton Green for a distance of approximately 37m. The southern boundary flanks Preston Old Road alongside dwellings on Stanagate and the western perimeter is marked by an unnamed watercourse with bankside woodland planting. Open farmland lies to the north, with a pylon and overhead lines crossing the adjoining field in close proximity to the northern boundary. Ground level falls in a general northeast to southwest direction across the site, with the land set at a lower level to Preston Old Road. There is a relatively flat aspect to Clifton Green where the site levels out.

The site is prominently in view from approach in both directions at the signalised junction of Blackpool Road and Preston Old Road. On the westbound approach to this junction the site is seen alongside dwellings, a car repair garage and car showroom on Stanagate and Preston Old Road. However, this aspect changes when looking in a northerly direction on the opposite side of Preston Old Road where the site affords longer range views across open, rolling countryside. The windmill of the grade II listed Windmill Tavern PH is also visible in distant views beyond dividing hedgerows and power lines. Views from this vantage point afford the greatest sense of openness across the countryside. In contrast, when entering the village on the eastbound approach off Blackpool Road, views of the car showroom at the junction, the garden centre on the right hand side and the backdrop provided by the rear elevations of dwellings on Stanagate give the impression of leaving the countryside and entering the built-up area of the village. The watercourse and linear bankside tree belt contribute to this effect by providing a screening buffer which distinguishes the site from a larger expanse of open countryside to the west.

Vantage points from Clifton Green afford open views across the site towards a linear belt of woodland which increases in height and thickness towards the western perimeter of the site and extending in a northerly direction beyond the site boundaries. Expansive views of open land beyond the site are restricted by this treeline and, on both approaches along Clifton Green, are limited to a short gap between existing housing which lies to either side. More distant views from Clifton Lane are available through lapsed sections of hedgerow. From this vantage point, the northern boundary of the site is seen alongside the rear elevations and garden fences of nos. 36-62 Clifton Green, with Dobbies Garden Centre providing a more distant backdrop.

The boundaries of the development site would follow the pattern of residential development on Stanagate and Clifton Green and, from vantage points along Clifton Green and Preston Old Road, would be seen as a continuation of this built form on the edge of the village. The watercourse and bankside tree line which mark the western perimeter would be retained as a prominent screening buffer between the site and land to the west, affording a natural edge to the site. The illustrative masterplan indicates that, to its eastern end, the developed area of the site would align with the rear gardens of nos. 36-62 Clifton Green, before following a staggered arrangement extending modestly beyond this building line towards the northwest corner. This staggered layout and curvature to the northern perimeter of the development would avoid the introduction of an artificial, linear edge along this boundary, with a triangular area of open space providing a deep landscaped buffer to mark the transition between the dwellings and adjoining open farmland beyond. The profile and trajectory of the northern development boundary, and the buffer with open countryside beyond provided by the flanking open space, is considered to be an important arrangement which provides substantial mitigation of the development's visual and landscape impact along its most sensitive boundary. Accordingly, a condition is recommended to require that any application for approval of reserved matters follows the parameters shown on the illustrative masterplan on this part of the site.

The Council's Landscape Officer has identified that the development has the potential to harm

landscape character by virtue of its encroachment into the countryside. This is, however, the case with the overwhelming majority of sites in the Countryside Area and it follows that site-specific considerations will be important in determining the degree of harm arising in such circumstances. The development would diminish openness within the countryside and would interrupt existing open views across the site. Accordingly, there would be harm to landscape character in this regard. This harm would, however, be minimised by virtue of the development's relationship and integration with existing buildings and uses on the edge of the settlement and the mitigation to be introduced through the retention and provision of substantial areas of additional landscaping and open space along its most sensitive boundaries with adjoining land. Accordingly, and on balance, it is not considered that the limited visual harm which the development would cause to landscape character would be sufficient to outweigh the benefits of the scheme to a degree which would warrant refusal of the application. Moreover, substantial mitigation would be introduced in order to ensure that any adverse impact in this regard is suitably minimised.

The Council's Landscape Officer has also raised concerns with some aspects of the development layout, most notably with respect to the siting of buildings and boundary treatments on Preston Old Road and Clifton Green. Similar concerns have been expressed by objectors. As the application is in outline (with access only being applied for), such detailed matters are not being assessed at this stage and, instead, would be considered as part of any application for approval of reserved matters. The illustrative masterplan is for indicative purposes only in this respect.

Loss of agricultural land:

The site presently forms pastureland for grazing animals and is designated as Grade 3 (good to moderate 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.

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 Classification (ALC) assessment which includes a site specific desk study of the land, informed by a walkover survey, which considers factors of climate, geology, soil and site limitations in assessing the land's quality and agricultural grade. The report makes the following assertions on each matter:

- Climate – does not restrict land quality. Soil wetness is, however, likely to be a limiting factor.
- Geology – the site is underlain by a solid geology of Sherwood Sandstones Group overlain by glacial drift. The resulting soil type to the north of Clifton are mapped as Salop soils on the regional soil map. Salop soils are waterlogged for long periods in winter and are generally classified as wetness class iv. The predominant use of these soils in Lancashire is short term

- and permanent grassland, often to support dairying.
- Flooding – The site is in flood zone 1 and, accordingly, flood risk does not appear to affect the agricultural land quality of the site.

With reference to the above, and the observations in the site walkover survey, the report concludes as follows with respect to the quality of the land for agricultural purposes:

- The potential ALC grade has been determined from the geology and soils maps, a knowledge of the soil types and the results of the walkover survey. The description of Salop soil association as Wetness Class IV is supported by the evidence of standing water seen during the site walkover on 11 March 2015. Taking into account the known information about the site as outlined above, the land quality of this site is likely to be Subgrade 3b (moderate quality agricultural land).

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”.

The submitted Agricultural Land Classification report has been undertaken by a suitably qualified person and utilises appropriate desk (and walkover) surveys to assess the characteristics of the land and factors which affect its agricultural productivity. In this case, the report concludes that soil type and wetness are the main limiting factors to the quality of the agricultural land and assigns a classification of grade 3b. Accordingly, if the conclusions in the ALC report are accepted, the development would not result in the loss of Fylde’s best and most versatile agricultural land.

Objectors have questioned the conclusions in the ALC report, noting that this is based on a desktop study only and does not include sampling or laboratory analysis of soil resources on the site. Accordingly, objectors contend that a sequential approach to site selection which prioritises lower grade agricultural and brownfield land should be applicable.

Part of the application site (which is subject to the same ALC) is allocated as a non-strategic development site in the RPO Local Plan. This is also true of the other identified site in Clifton subject to application 15/0165. There are no alternative edge-of-settlement sites in Clifton of a lower agricultural grade (or which comprise previously developed land) capable of accommodating the proposed development. This lack of available lower grade agricultural and brownfield land is acknowledged through the allocation of both non-strategic sites in Clifton, and in a Boroughwide context through the allocation of a number of strategic and non-strategic sites noted as being grade 3 on the ALC map. It is, therefore, apparent through the allocations in the RPO Local Plan that it will be necessary to release a number of greenfield sites in ALC grade 3 in order to realise the Borough’s housing land supply targets.

Notwithstanding the applicant’s conclusions that the whole of the site is category 3b land, the loss of the Borough’s best and most versatile agricultural land for residential development has been allowed at a number of recent appeals and should not be seen as an overriding factor in the planning balance. For example, in allowing an appeal for 100 dwellings at Willow Drive, the Inspector states as follows:

- “Approximately 25% of the appeal site falls within category 3a of the Agricultural Land Classification. This would place it within the best and most versatile agricultural land, which paragraph 112 of NPPF seeks to protect in preference to using areas of lower agricultural land quality. The NPPF does not present an absolute embargo on the use of such land; only where ‘significant development of agricultural land’ is thought to be necessary should land

of a lower quality be preferred. In this appeal the area of best and most versatile land is relatively small, neither was it argued that it represents an essential component in the viability of an agricultural holding. Therefore it cannot be regarded as 'significant'. Whilst the loss of such land to development may be matter for regret, I do not see this as an overriding consideration in this appeal."

Whilst objectors question the methodology and conclusions in the applicant's ALC report, no site-specific analysis has been undertaken to disprove the conclusions in this assessment and there is no evidence before the Council to demonstrate that the conclusion in the ALC report which categorises the site as 3b land is fundamentally flawed. Moreover, other recent studies in the locality with similar characteristics in terms of drainage and soil type have arrived at the same conclusions (e.g. in the case of applications 15/0165 and 15/0065 – the latter concluding that up to 26% is 3a and 74% 3b). In this case, the constrained size and shape of the site are also factors which limit its importance for agricultural use when considered in the wider context of adjoining land to the north.

Given the above, it is not considered that the development would result in a significant loss of the Borough's best and most versatile agricultural land which would be sufficient to override the benefits the scheme would bring through the delivery of additional housing (part of which is allocated in the RPO Local Plan) in the absence of a five year supply. Evidence submitted by the applicant indicates that the site is unlikely to constitute the Borough's best and most versatile agricultural land and there is no substantive evidence to indicate otherwise.

Conclusion regarding principle:

The site lies within the Countryside Area and outside the settlement boundary of Clifton as identified on the FBLP Proposals Map. The proposed residential development does not fall within any of the categories of appropriate development outlined in FBLP policy SP2 and, accordingly, is in conflict with this policy. However, given the absence of a five year supply of housing land within the Borough, policy SP2 is out-of-date and is in conflict with the NPPF. As a result, little weight can be attached to this policy in the decision making process. In addition, and for the same reasons, the settlement boundary cannot be relied upon as a tool to limit the expansion of the village.

Whilst the emerging Local Plan has not been submitted for examination and, accordingly, carries only limited weight, part of the site falls within one of the non-strategic allocations of this plan. The aspirational housing figure of 50 dwellings across two sites in Clifton mentioned in the RPO Local Plan does not impose a restriction or limit on the amount of development permissible within Clifton, and this cannot be relied upon to restrict the expansion of the village. The development, in combination with other applications which have a positive resolution, would result in an expansion of the village in the order of *circa* 29.5% in a location on the edge of the settlement boundary which relates well to the existing built-up edge of Clifton and existing shops, services, employment opportunities and public transport facilities available both within and outside the village. Accordingly, the scheme would not result in the introduction of isolated homes in the countryside.

The density of development would be within the range outlined in policy HL2, whilst reflecting local circumstances and the site's rural setting. The development boundary would follow the built-up edge of the village, with a substantial area of open space providing a transitional buffer with adjoining open farmland to the north. The retention and strengthening of landscaping to the site boundaries and its relationship with natural features which distinguish the site from adjoining land would ensure that any harm to landscape character and visual amenity is minimised.

As has been demonstrated through numerous appeals, the principle of housing development cannot be resisted in the Countryside Area providing that it is sustainable in all other respects and that no other demonstrable harm would arise as a result. Whilst the development would result in encroachment into the open countryside, it would make a valuable contribution to the delivery of new housing in the Borough in the absence of a five year supply. Additional benefits occur in this case as the development would deliver up to 22 affordable homes on the site. Therefore, on balance, it is considered that the benefits arising as a result of the development would outweigh the limited harm which has been identified in visual and landscape terms and that principle of development is acceptable, having particular regard to the requirements of paragraphs 17, 34, 38, 47, 49 and 55 of the NPPF, and FBLP policies HL2, EP10, EP11, EP12, EP14 and EP22.

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.

Objectors have raised concerns with respect to the proximity of the proposed dwellings with existing properties on Stanagate and Clifton Green in terms of overlooking and loss of outlook. Whilst layout is reserved for later consideration, the illustrative masterplan demonstrates that the proposed dwellings are capable of achieving appropriate separation with surrounding properties in accordance with the spacing standards set out the Council's Supplementary Planning Document.

Whilst the development would, by virtue of its urbanising effect, alter the outlook across open fields presently enjoyed by adjacent properties (particularly those on Stanagate facing onto the site), the density of development proposed, combined with appropriate separation distances and controls over the scale and orientation of dwellings, is capable of ensuring that the development would have no undue impact on the privacy and amenity of adjoining occupiers through overlooking, overshadowing or loss of outlook. Such detailed matters will, however, require further consideration at reserved matters stage.

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.

In addition, 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.

Access:

The site is to be accessed via a single, priority (give way) junction onto Preston Old Road. This stretch of Preston Old Road is subject to a 20mph speed limit at this point. The access would be positioned to the southeast corner of the boundary, with its centreline approximately 53m from the signalised junction with Blackpool Road. The access would open onto a 5.5m wide estate road flanked by 2m wide footways. Visibility splays of 2.4m x 48m (westbound) and 2.4m x 35m (eastbound) would be provided at the junction. A build out of the junction onto the carriageway of Preston Old Road would be required in order to achieve these visibility splays and this would necessitate a localised 1m narrowing of Preston Old Road (to a minimum of 7.7m).

The following off-site highway improvements are also proposed to the carriageway of Preston Old Road as part of the scheme:

- The formation of a T-shaped raised table around the junction between the site access and Preston Old Road.
- The upgrading of two existing bus stops (eastbound and westbound) located to the east of the site on Preston Old Road through the provision of raised boarding areas and marked stopping bays.
- The introduction of speed reducing surfaces including 'slow' and 'gateway' speed markings with traffic signs.
- The provision of a new footway on the northerly side of Preston Old Road from the site access to the bus stop which lies to the east.

The proposed access arrangements have been modified during the course of the application in order to address comments made by objectors and the LHA. The previous arrangement showed a deeper build out of the junction which narrowed the carriageway to 6.5m and did not include any of the off-site highway works mentioned above. Concerns have been raised by objectors with respect to the proximity of the site access to the signalised junction with Blackpool Road, vehicle speeds along Preston Old Road and the potential for the narrowing of the carriageway to restrict parking on Preston Old Road.

The applicant has submitted a Transport Assessment (TA) in support of the application. The TA includes speed survey data which indicates that the average and 85th percentile speed of vehicles travelling westbound was 23.0 and 29.6mph respectively and 28.4 and 33.6mph respectively for vehicles travelling eastbound. The TA recognises that the higher eastbound traffic speeds are likely to be a result of the change in speed limit from 50mph to 20mph after the junction. In terms of accidents the TA identifies 4 injury accidents over a 5 year period at the junction of Preston Old Road and Blackpool Road, 3 of which were serious. No injury accidents in the last 5 years have been recorded for Preston Old Road in the vicinity of the site access.

With respect to the speed and accident data in the TA, the LHA consider that the siting and design of the access, including the visibility splays which would be achieved at its junction with Preston Old Road, are acceptable. Additional traffic calming measures would be introduced in order to reduce vehicle speeds on the approach to the junction which would provide further mitigation in this regard. A reduced build out for the junction is proposed which would retain the carriageway at a minimum width of 7.7m in order that existing on-street parking arrangements would not be affected by the development and no waiting restrictions would be required. When considered collectively, the proposed access arrangements and off-site highway works would ensure that safe and convenient access is achieved for the site and that the introduction of the access onto Preston Old Road would not have a detrimental impact on highway safety. An appropriate condition has been recommended in order to secure the proposed infrastructure improvements.

The access plan also shows the provision of a new footway along the grass verge to the east of the site in order to provide a continuous pedestrian route into the site and to the bus stop which lies to the east. Ground markings and raised boarding areas would also upgrade two nearby bus stops, thus encouraging the use of sustainable transport as a means of access to the site.

Traffic generation and network capacity:

Traffic counts undertaken as part of the TA indicate that two way flows on Preston Old Road in the peak am (08:00 – 09:00) and pm (16:30 – 17:30) periods were 140 and 173 vehicle movements respectively. The TA concludes that this makes Preston Old Road “a relatively lightly trafficked road” and this assertion is not challenged by the LHA.

With reference to the Trip Rate Information Computer System (TRICS) database, the TA estimates that the development would generate a maximum of 44 two-way vehicle movements in the peak am and pm periods. This equates to less than 1 vehicle movement per minute. It should also be noted that these figures relate to a development of 80 dwellings as initially proposed and, accordingly, would be lower for the 74 dwellings now proposed.

The TA includes capacity assessments for both the proposed site access junction with Preston Old Road and four other junctions nearby as follows:

- Preston Old Road / A583 (Blackpool Road) signalised junction
- A583 (Blackpool Road) / A584 (Preston New Road) signalised junction
- A583 (Blackpool Road) / Lodge Lane – priority junction
- Preston Old Road / Lodge Lane – priority junction

The capacity assessment shows that, with the exception of the A583/A584, all junctions currently operate within capacity and will continue to do so up to 2020 with the development traffic factored in. In the case of the A583/A584 junction, the capacity assessment demonstrates that this junction will operate within capacity during the peak am period, but identifies that there are approaches to the signalised junction which are currently over capacity in the pm peak. The proposed development is assessed as adding to this capacity issue through the addition of 5 extra vehicles in the peak pm period. However, the LHA do not consider this degree of impact to be at a level which could reasonably be considered severe for the purposes of the NPPF. Moreover, the LHA recognise that the Preston Western Distributor Road would have a positive impact on the capacity of this junction through traffic reassignment and junction improvements. Accordingly, the LHA consider that the additional impact arising as a result of the development on the capacity of the highway network would be “relatively minor and not sufficient to substantiate a highways objection”.

The traffic generation, trip distribution and junction capacity modelling undertaken in the TA provide a robust assessment of the development’s impact on the surrounding highway network, both adjacent to and further away from the site. The LHA are satisfied that the development would not have a severe impact on highway capacity and safety and, accordingly, the transport effects of the development are considered to be acceptable for the purposes of FBLP policy HL2 and the NPPF.

Parking:

The illustrative masterplan shows that properties would be served by a combination of in-curtilage and courtyard parking. Whilst the number and layout of parking spaces is a detailed issue to be considered at reserved matters stage, the masterplan demonstrates that sufficient parking provision

is capable of being made as part of the development.

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 policy EP15 indicates that development proposals which would affect the integrity of a designated European Site will not be permitted.

FBLP policy EP16 states that development proposals within or likely to prejudicially affect SSSIs will not be permitted unless damaging impacts on the nature conservation interest of the site can be appropriately avoided or mitigated.

FBLP policy EP18 encourages, where possible, the retention/replacement of existing natural features and, where appropriate, the introduction of additional features as part of the development in order to provide biodiversity enhancements.

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.

The land does not form part of any designated nature conservation site. An ecology survey has been submitted in support of the application. This makes the following conclusions:

- Hedgerow 1 is UK BAP Priority Habitat. The hedgerow and the ditch, with its associated shrub and tree line, are of local value as they provide structural diversity suitable for use by nesting birds and foraging and commuting bat species. The ditch and its associated tree and shrub line may also act as a wildlife link. These features should be protected during the course of development.
- The hedgerows, trees and shrubs at the site boundaries provide favourable foraging and nesting habitat for the species of birds detected within the site (and the wider area via the records search), including House Sparrow, a UK BAP Priority Species.
- No other protected species are associated with the site. The agriculturally improved grazed pasture provides only poor-quality terrestrial habitat for amphibian species, including Common Toad, a UK BAP Priority Species.

Natural England and GMEU have been consulted on the application. Natural England have assessed the development's potential to impact on overwintering bird species associated with the Ribble and

Alt Estuary Special Protection Area (SPA). In this respect, Natural England conclude that:

- “The site is relatively small and has constraints (roads, built development and pylons), making it less likely to be favoured by SPA bird species. As such [Natural England consider that] there will be no [likely significant effects] alone, but the LPA need to consider in-combination effects [by undertaking a Habitat Regulations Assessment]”.

Therefore, whilst Natural England consider that the development’s site-specific impacts are unlikely to have any significant effects on SPA bird species, they have advised that the LPA is required to undertake a Habitat Regulations Assessment (HRA) in accordance with Regulations 61 and 62 of the Conservation of Habitats and Species Regulations 2010. As the proposal is not necessary for the management of a European Site, the purpose of the HRA is to determine whether the proposal is likely to have a significant effect on any European site in combination with other plans and projects, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

As the HRA is to be based on information provided by the applicant, their ecologists (ERAP) have submitted a shadow HRA which, once agreed with Natural England, could then be adopted by the LPA. The HRA will need to be approved by Natural England and adopted by the LPA before any planning permission could be granted. However, as the site-specific impacts of the development are deemed to be acceptable by Natural England, it is recommended that members of the committee resolve to grant planning permission subject to the subsequent completion of a HRA to the satisfaction of Natural England. The preparation of the HRA is to be delegated to the Head of Planning and Regeneration and its conclusions agreed with Natural England before any decision can be issued.

In terms of other ecological impacts, GMEU consider that the site has only low potential to support any specially protected or priority species, except for providing limited feeding opportunities for bats. GMEU note that the habitat features of greatest value to bats are capable of being retained. Whilst the loss of open grassland to the development may result in some limited harm to small areas of habitat with local nature conservation value, GMEU consider that this impact can be mitigated through the retention and strengthening of existing landscaping, the provision of functional greenspace on the site at a rate of 10% of the overall site area and submission of a landscape plan to incorporate biodiversity enhancements. Appropriate conditions have been recommended in this regard and, with respect to the 10% open greenspace figure recommended by GMEU, the level of provision shown on the illustrative masterplan, at 0.5 hectares, equates to 17.5% of the site area and is therefore well in excess of this.

The ecology survey demonstrates that the development is capable of being carried out without adversely affecting 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, biodiversity enhancements, and to ensure that the development does not affect the favourable conservation status of protected species. This can be achieved through the imposition of appropriate conditions and the completion of a HRA before any permission granted, as recommended by Natural England and GMEU. The proposal is therefore in accordance with the objectives of FBLP policies EP15, EP16, EP18, EP19 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 the site 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.

The submitted FRA considers the site’s risk of flooding from six separate sources including fluvial, tidal, pluvial (overland), groundwater, sewers and artificial sources. The FRA concludes that the site is at a low risk of flooding from all sources and, accordingly, the main issue to be considered in this case is to ensure that the development incorporates a suitable strategy for surface water drainage in order that it does not itself increase the risk of flooding either on the site or 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 indicates that surface water from the existing site follows the falling topography of the site in a westerly direction to outfall into the unnamed watercourse on the western boundary. United Utilities has two surface water sewers which cross the southern part of the site and also outfall to the unnamed watercourse. The closest foul water sewers are located within Clifton Green to the east of the site, with a combined sewer to the south within Preston Old Road.

Whilst the detailed drainage design cannot be determined until reserved matters stage (being intrinsic to the development layout), an indicative drainage strategy outlined in the FRA establishes the following principles:

- An investigation of the online British Geological Survey Maps indicate that the site is underlain by the Sherwood Sandstone Group comprising of Sandstone. Therefore infiltration tests should be carried out in order to determine whether infiltration would be a viable SuDS solution.
- The surface water runoff generated by the development is proposed to discharge to the unnamed watercourse to the west of the site. Discharge from the site will be restricted to the equivalent of the existing greenfield runoff rates. The proposed surface water drainage system will need to be sized to attenuate runoff from storm events up to and including the 100 year return period storm event with a 30% allowance for climate change.
- Any overland flows generated by the proposed development must be attenuated on site but directed away from proposed buildings. External levels should fall away from property to minimise flood risk. Setting Finished Floor Levels a minimum of 150mm above the external levels (following any re-grade) should mitigate any risk of flooding from a variety of sources, including groundwater and surface water runoff risks at the proposed development.
- Foul water is to discharge to the public combined sewer network to the south of the site on Preston Old Road via a gravity connection (though a pumped solution may be required).

United Utilities and the Lead Local Flood Authority have been consulted on the application. No objections have been raised by either consultee. Instead, conditions have been recommended requiring submission of a detailed drainage strategy to ensure that the rate of surface water discharge from the site does not exceed the pre-development (greenfield) run off rate, that separate systems are installed for the discharge of foul and surface water and that appropriate management and maintenance plans are put in place in respect of any sustainable drainage system. United Utilities have also identified the presence of two surface water sewers crossing the site. These are noted in the FRA and the applicant would either need to diversify these or leave a suitable easement for access. This would be dealt with when layout is applied for at reserved matters stage. Therefore, adequate measures can be put in place in order to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the requirements of FBLP policies EP25 and EP30, and the NPPF.

Impact on heritage assets:

Heritage assets are defined in Annex 2 of the NPPF. Designated heritage assets include listed buildings. More generally, heritage assets can include a “site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions”.

Paragraphs 132 and 133 of the NPPF make clear that any development causing substantial harm or total loss to the significance of a designated heritage asset (including its setting) should be refused, other than in exceptional circumstances. This approach is supported by FBLP policy EP4 which states that development which would prejudice the setting of a listed building will not be permitted.

In addition, Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that:

- In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The grade II listed ‘Windmill Tavern’ is located approximately 580m to the north of the site boundary. The windmill is visible in distant views across the site from vantage points on Preston Old Road and Clifton Green. These views are, however, interrupted by other intervening landscape features including pylons, overhead lines and vegetation. However, the proposed residential development would, to a degree, obscure long-distance views of the windmill from these vantage points. Nevertheless, given the windmill’s distance from the site, and as the application land does not form the main vista in which the windmill is viewed at the junction of Church Lane and Clifton Lane, combined with the presence of intervening infrastructure in foreground views and the fact that glimpsed views of the windmill would be maintained between the proposed buildings, it is not considered that the development would have any harmful impact on the setting of the listed building, nor would it diminish its significance as a heritage asset. Moreover, it is recognised that existing dwellings on Stanagate and Clifton Green already have a similar effect and, as the development would border these dwellings, its effect would be no greater than that of existing buildings. Accordingly, there is not considered to be any conflict with the NPPF, FBLP or the Planning (Listed Buildings and Conservation Areas) Act 1990 in this respect.

The County Archaeologist indicates that earthworks associated with the line of an earlier road to Newton and Kirkham cross the western side of the site.

Paragraphs 128 and 139 of the NPPF state that:

- 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.
- Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

In addition, policy EP21 of the FBLP states that, where there is archaeological interest on a site, an archaeological assessment or field evaluation may be required. The policy indicates that proposals affecting the site or setting of remains of national importance will not be permitted. In the case of remains of local importance, consideration will be given to the importance of the remains as to whether their preservation in situ is justified or whether provision for the recording of the remains would be appropriate before any development commences.

The County Archaeologist notes that ploughing of the field is likely to have damaged or destroyed the potential archaeological remains, and that surviving features of the road would only be of local significance. Accordingly, any remains would not be of sufficient significance to require their preservation at the expense of the development, but they should be recorded before being lost to the development. The Archaeologists recommends that a condition is attached to any permission granted requiring a scheme of surveying and recording before development commences in accordance with a Written Scheme of Investigation. The requirements of FBLP policy EP21 and the NPPF will therefore be satisfied through condition.

Hazardous Installations:

The site falls within the outer consultation zones with respect to the Springfields BNFL site and a Major Accident Hazard Pipeline following the route of Blackpool Road to the south. Overhead power lines and pylons also cross the site and run alongside the northern site boundary.

Paragraph 194 of the NPPF states that local planning authorities should consult the appropriate bodies when determining applications for development around major hazards (including major hazard installations and pipelines).

FBLP policy EMP5 states that new developments in the vicinity of existing notifiable installations will be subject to consultation with the Health and Safety Executive (HSE) to determine the likely level of risk involved. The policy indicates that development which would unnecessarily increase the number of people at risk from hazardous installations will not be permitted.

The HSE have been consulted in accordance with the standing advice available through their PADHI+ system. This indicates that HSE do not advise against the granting of planning permission on the grounds of public safety. National Grid have indicated that the building proximity distance for the pipeline is 14.5m, and consider that the development's separation from the pipeline will ensure that this apparatus will not be directly affected.

Electricity Northwest have identified that there are overhead power lines both crossing the site and running alongside the northern boundary. The lines crossing the site will need to be diverted and a wayleave will be applicable with respect to the overhead tower lines to the north. No objection is, however, made with regard to interference with this apparatus.

The ONR have confirmed that the proposed development would not represent an external hazard to the Springfields site and have also received assurances from LCC that the development can be

accommodated within their off-site emergency planning arrangements. Therefore, ONR does not advise against the granting of planning permission on safety grounds.

The proposal would not result in an unacceptable risk to the public (including future occupiers), land or the surrounding environment as a result of its impact on hazardous installations or other infrastructure and is therefore in accordance with the requirements of FBLP policy EMP5 and the NPPF.

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:

- On the basis of the currently available information regarding the geo-environmental setting of the site and to confirm the assumptions made, an intrusive ground investigation should be carried out. This should be utilised to confirm the geological succession and engineering properties of the sub surface materials. The investigation will allow a quantitative assessment as to whether any of the potential risks identified in this study are present and are of material concern to the proposed development.
- Intrusive investigations may require the provision of appropriate gas monitoring points to assess the presence of any potential landfill gas generation from unrecorded buried materials. Despite the site being assessed as a low risk in terms of contamination it is recommended that the works should be undertaken in accordance with the recommendations laid down in BS 10175: 2011 "Investigation of Potentially Contaminated Sites".

Given the above, it is considered appropriate to impose a condition requiring intrusive site investigations in order to determine whether the site is contaminated and, if so, what remediation

measures are necessary to address this. 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.

Developer contributions:

Policy H4 of the draft RPO Local Plan 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. The NPPF also requires developments which generate significant amounts of movement to provide a Travel Plan in order to exploit opportunities for the use of sustainable transport.

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.

As the application is in outline, bedroom numbers are unknown at this stage. However, it is apparent that a development of up to 74 dwellings at the density proposed would exceed the 0.2 hectare threshold in policy TREC17. It is appropriate to require on-site provision of open space for a development of this size and the illustrative masterplan indicates the provision of some 5000 square metres of open space for this purpose. Accordingly, adequate open space is capable of being delivered on site in accordance with the requirements of FBLP policy TREC17. Open space provision is to be secured through planning obligation.

Affordable housing:

Policy H4 of the RPO requires all market housing schemes of more than 10 dwellings to provide 30% affordable housing on site. Therefore, the proposed development for up to 74 dwellings would generate a requirement for up to 22 properties on the site to be offered as on-site affordable homes.

Objectors have questioned whether there is a local need for affordable housing to be delivered on the site and consider that the delivery of up to 22 affordable homes on the site would result in an overprovision in rural areas which have limited access to local services and public transport and, accordingly, would not be sustainable.

The Council's Housing Service have indicated that there are 235 households on the Fylde Coast who have Newton-with-Clifton as an area of preference on their application. Accordingly, the Council's Housing Service have requested that the full 30% of affordable homes are delivered on site. Affordable homes would be offered in line with a tiered priority system from parish to Boroughwide level.

Policy H4 of the RPO Local Plan encourages the provision of affordable housing on the application site in order that it contributes towards the housing mix. Any planning obligation would, however, include provisions to allow the disposal of affordable homes by alternative means if, following negotiations with a Registered Provider, on-site provision was impractical.

The delivery of affordable housing at a rate of 30% is a clear social benefit which weighs in favour of the scheme in the context of the Local Plan and the National Planning Policy Framework. The applicant has indicated their intention to make this provision on site in accordance with the aspirations of RPO policy H4, though the precise details of the nature of this provision (e.g. the location, type, tenure and means of delivery of affordable housing) will be deferred for a later stage in accordance with parameters set out in a planning obligation.

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 2 miles of the development site and two secondary schools within 3 miles. LCC have indicated that, based upon the 2014 pupil census and resulting projections, the development will generate a pupil yield of 28 primary school places and 11 secondary school places (though this is based on the assumption that all 74 dwellings would be delivered as four bedroom houses).

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 indicated that the Primary Education contribution would be spent at Newton Bluecoat Church of England Primary School and the Secondary Education Contribution at Ashton Community High School. At present, there are no pooled contributions against either of these schools.

If applying the pupil yield assumed by LCC against current charges, the development would be required to make a financial contribution towards primary education of £336,829.36 and £199,390.18 towards secondary education. However, as bedroom numbers are unknown at this stage, a formula would 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.

Travel Plan contribution:

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. The applicant has submitted a Framework Travel Plan in support of the application. The LHA have requested that a condition be attached to any permission granted requiring the submission of a Full Travel Plan and, in addition, that a contribution of £6,000 is secured to enable LCC's 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.
- Help stage promotional events and activities including Walk to Work Week, Bike Week, car free days or measured mile walks etc.

The applicant has agreed to make the Travel Plan contribution in accordance with the request from the LHA.

Conclusions

The application seeks outline planning permission (access only) for a residential development of up to 74 dwellings on a 2.85 hectare parcel of land to the western edge of Clifton. The site is presently used as pastureland for grazing animals and falls within the Countryside Area as identified on the Fylde Borough Local Plan Proposals Map. Whilst the development falls outside the settlement

boundary and, accordingly, would result in encroachment into the countryside, the Council is presently unable to demonstrate a five year supply of housing land and, therefore, FBLP policy SP2 which acts to resist residential development within the Countryside Area is in conflict with the NPPF. As a result, policy SP2 is out-of-date and the principle of residential development cannot be resisted on this basis.

Whilst the emerging Local Plan has not been submitted for examination and, accordingly, carries only limited weight, a *circa* 0.9 hectare parcel to the northeast corner of the site is allocated as a non-strategic housing site in this Plan. The aspirational housing figure of 50 dwellings across two sites in Clifton mentioned in the emerging Local Plan does not impose a restriction or limit on the amount of development permissible within Clifton, and this cannot be relied upon to restrict the expansion of the village. The proposed development, in combination with other applications which have a positive resolution (namely application 15/0165 for a development of up to 30 dwellings at Ash Lane), would result in an expansion of the village in the order of approximately 29.5% in a location on the edge of the settlement boundary which relates well to the existing built-up edge of Clifton and existing shops, services, employment opportunities and public transport facilities available both within and outside the village. Accordingly, the scheme would not result in the introduction of isolated homes in the countryside.

The proposed development represents a proportionate extension on the edge of the village which would be well related to the existing settlement and development on the periphery of Clifton. The proposal, by virtue of the density and number of dwellings proposed, and its relationship to 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 any significant loss of the Borough's best and most versatile agricultural land and there are no other landscape designations to restrict its development for housing.

As has been demonstrated through numerous appeals, the principle of housing development cannot be resisted in the Countryside Area providing that it is sustainable in all other respects and that no other demonstrable harm would arise as a result. Whilst the development would result in encroachment into the countryside, it would make a valuable contribution to the delivery of new housing in the Borough in the absence of a five year supply. Additional benefits occur in this case as the development would deliver up to 22 affordable homes on the site. Therefore, on balance, it is considered that the benefits arising as a result of the development would outweigh the limited harm which has been identified in visual and landscape terms and, accordingly, that the principle of development is acceptable.

Satisfactory arrangements (including infrastructure improvements) would be made for access to the site and there is sufficient capacity to ensure that the level of traffic generated by the development would not have a severe impact on the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site. 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 adverse impacts in terms of ecology, flooding, drainage and contamination, nor would it be at unacceptable risk from any hazardous installations. The proposal would not affect the significance of any heritage assets in the locality and appropriate contributions would be secured to make the development acceptable in planning terms. 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

That, subject to:

(i) The completion of a planning obligation under Section 106 of the Town and Country Planning Act to secure:

- The provision of open space on site in accordance with the standards 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 site in accordance with the requirements of policy H4 of the Revised Preferred Options Local Plan and the National Planning Policy Framework.
- A commuted sum payment to the County Council towards the provision of new primary and secondary school places at Newton Bluecoat Church of England Primary School and Ashton Community High School respectively, in accordance with FBLP CF2 and the National Planning Policy Framework.
- A commuted sum payment of £6,000 to the County Council towards the preparation, implementation and monitoring of a Travel Plan.

(ii) The completion of a Habitat Regulations Assessment in accordance with Regulations 61 and 62 of the Conservation of Habitats and Species Regulations 2010.

Authority be delegated to the Head of Planning and Regeneration to GRANT planning permission 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, whichever is the later.

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 the development is commenced:- 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:

- Scale 1:2500 Location Plan received 6th November 2015.
- Drawing no. 0001 Rev B – Proposed site layout.
- Drawing no. A090876-004 Rev B – Proposed site access.

Except as provided for by other conditions to this permission, 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 means of access to the site 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. Access has been applied for and any application for reserved matters must be in accordance with and/or not exceed the parameters established as part of this permission.

4. Any application which seeks approval for the reserved matter of layout pursuant to condition 2 of this permission shall accord with the parameters shown on drawing no. 0001 Rev B with respect to: (i) the developable areas of the site; and (ii) the areas to be laid out as open space.

Reason: To ensure that any application for the approval of reserved matters accords with the parameters shown on the masterplan with respect to the developable and non-developable areas of the site in the interests of ensuring a pattern and layout of development which is sympathetic to the character and setting of the site and to minimise the development's visual impact on the surrounding landscape in accordance with the requirements of Fylde Borough Local Plan policies HL2 and EP11, and the National Planning Policy Framework.

5. 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.

6. No development shall take place until a report containing details of an investigation and risk assessment to determine the nature and extent of any contamination on the site (including whether it originates on the site) has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

- a survey of the extent, scale and nature of contamination;
- 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;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- 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 a verification report submitted to and approved in writing by the Local Planning Authority before any of the buildings 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.

7. 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:
- a) separate systems for the disposal of foul and surface water;
 - b) site investigation and test results to confirm infiltration rates;
 - c) 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 (including demonstration 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;
 - d) 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);
 - e) flood water exceedance routes, both on and off site;
 - f) means of access for maintenance and easements (where applicable);
 - g) a timetable for implementation, including any phasing of works;

The scheme shall be implemented in accordance with the duly approved details 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.

8. 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 7 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:
- a) arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company.
 - b) arrangements concerning funding mechanisms for the ongoing maintenance of all elements of any sustainable drainage system (including mechanical components) to include details such as:
 - on-going inspections relating to performance and asset condition assessments;
 - operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and
 - any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
 - means of access and easements for maintenance purposes;
 - 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.

9. 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:
- a) A phased programme and methodology of site investigation and recording to include:
 - i. a desk-based assessment including, where appropriate, historic building assessment(s), detailed survey and interpretative record;
 - ii. a targeted archaeological evaluation; and
 - iii. where appropriate, targeted area excavation.
 - b) A programme for post investigation assessment to include:
 - i. analysis of the site investigation records and finds;
 - ii. production of a final report on the significance of the archaeological interest represented.
 - iii. provision for publication and dissemination of the analysis and report on the site investigation.
 - iv. provision for archive deposition of the report, finds and records of the site investigation.
 - v. 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.

10. 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. A0908887776-004 Rev B, 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. A0908887776-004 Rev B in both directions at the junction of the site access with Preston Old 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).

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.

11. No above ground works shall take place until a scheme showing details of the siting, layout, design, construction and drainage for the following highway improvement works shown on drawing no. A090876-004 Rev B has been submitted to and approved in writing by the Local Planning

Authority:

- The formation of a raised table around the junction between the site access and Preston Old Road.
- The upgrading of two existing bus stops (eastbound and westbound) located on Preston Old Road to the east of the site access, the approximate positions of which are shown on drawing no. A090876-004 Rev B, to include the provision of raised boarders and bus stop 'cages', together with associated road markings.
- The introduction of speed reducing surfaces including 'slow' and 'gateway' speed markings, together with associated traffic signs, the approximate positions of which are shown on drawing no. A090876-004 Rev B.
- The provision of a minimum 1.8 metre wide footway on the northerly side of Preston Old Road between the site access and the eastbound bus stop, the approximate extent of which is shown on drawing no. A090876-004 Rev B.

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 and TR1, and the National Planning Policy Framework.

12. 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:

- details of measures to be introduced to promote a choice of travel modes to and from the site;
- 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;
- details of a Travel Plan co-ordinator;
- 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 (i) 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.

13. No development shall take place until a scheme for the protection of the unnamed watercourse which runs along the western boundary of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (i) Details of how surface water will be managed during the construction phase in order to prevent pollution of the watercourse.

- (ii) Details of the height, position and design of any protective fencing to be erected alongside the river corridor in order to prevent debris entering the watercourse.
- (iii) A timetable for the implementation of the measures in (i) and (ii).

The duly approved scheme shall thereafter be implemented in accordance with the details and timetable contained therein, and the protection measures maintained as such during the entirety of the construction period.

Reason: To ensure that satisfactory measures are put in place to prevent the pollution of the watercourse which runs adjacent to the site and to ensure that the watercourse does not become blocked by construction materials in the interests of maintaining water quality and to reduce the risk of flooding in accordance with the requirements of Fylde Borough Local Plan policies EP25 and EP30, and the National Planning Policy Framework.

14. 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:

- a) hours of work for site preparation, delivery of materials and construction;
- b) arrangements for the parking of vehicles for site operatives and visitors;
- c) details of areas designated for the loading, unloading and storage of plant and materials;
- d) details of the siting, height and maintenance of security hoarding;
- e) arrangements for the provision of wheel washing facilities for vehicles accessing the site;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from construction works; and
- h) 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.

15. 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 principles of the landscape strategy indicated on drawing no. 0001 Rev B. The scheme shall include, but not be limited to, the following details:

- (a) existing trees, hedgerows and other vegetation on/overhanging the site to be retained;
- (b) a compensatory planting scheme to replace any trees or hedgerows to be removed as part of the development;
- (c) the introduction of landscaping buffers along the northern and western boundaries of the site;
- (d) the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (i) to (iii);
- (e) the type, size, species, siting, planting distances and the programme of planting of hedgerows, 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 that a suitable landscaped buffer is introduced between the site and adjoining

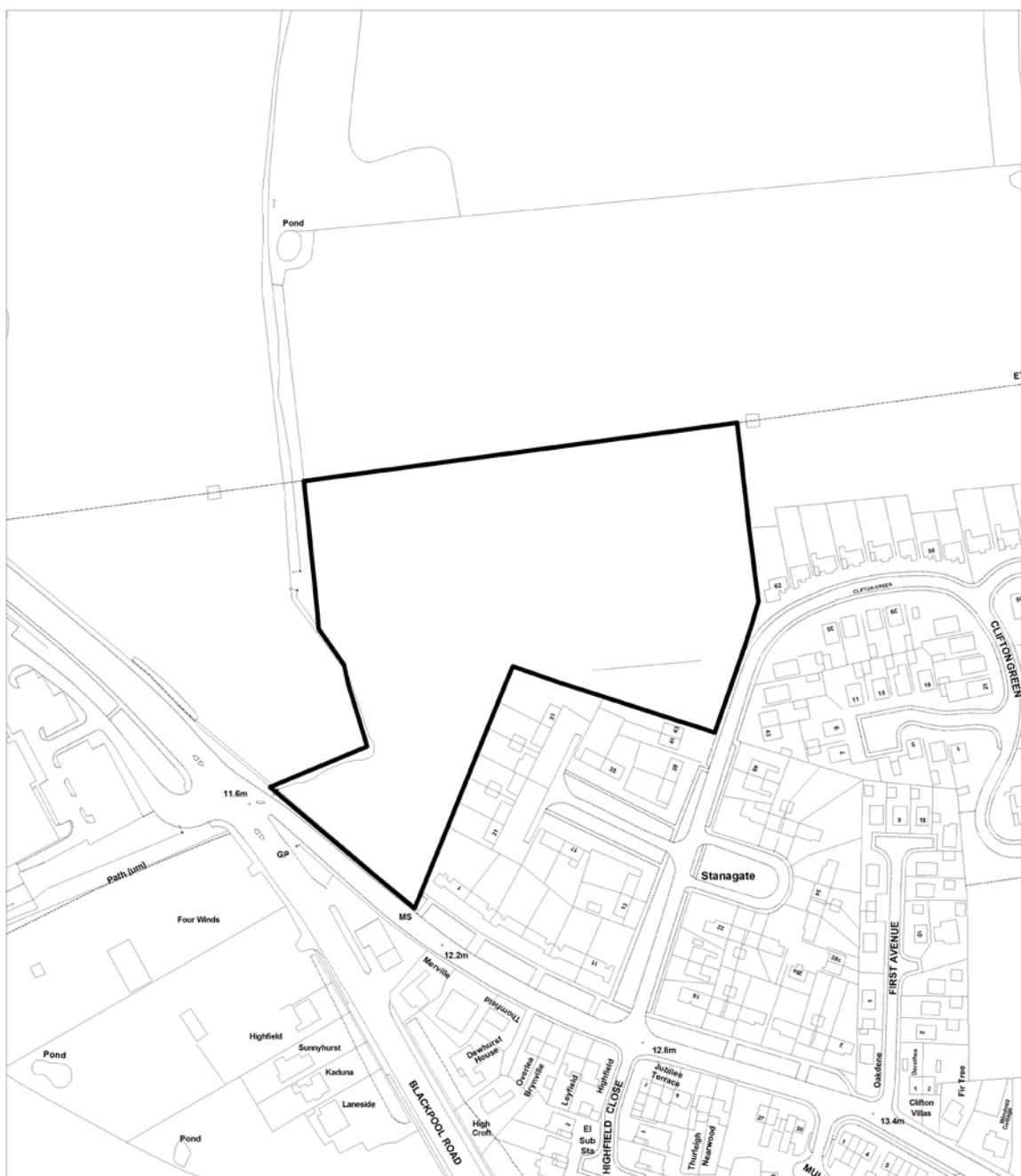
land in order to soften the development's visual impact on the open countryside and surrounding occupiers, and to ensure the introduction of appropriate compensatory landscaping and habitat replacement as part of the development in accordance with the requirements of Fylde Borough Local Plan policies HL2, EP10, EP12, EP14, EP18, EP19 and the National Planning Policy Framework.

16. No development shall take place until a Construction Exclusion Zone has been formed around the Root Protection Areas of those trees/hedgerows identified as being retained as part of the landscaping scheme submitted pursuant to condition 15 (i). 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 protect existing trees and hedgerows to the periphery of site which are to be retained as part of the development in accordance with the requirements of Fylde Borough Local Plan policy EP12.

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

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



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/15/0763	Address Land north of Preston Old Road, Clifton	Grid Ref. E.3462 : N.4305	Scale 0 10 20 30 40 m

Application Reference:	15/0811	Type of Application:	Full Planning Permission
Applicant:	Blackpool & the Fylde College	Agent :	IBI Group
Location:	FORMER BLACKPOOL AIRPORT TERMINAL BUILDING, SQUIRES GATE LANE, LYTHAM ST ANNES, BLACKPOOL, FY4 2QY		
Proposal:	DEMOLITION OF EXISTING AIRPORT TERMINAL BUILDING AND ERECTION OF A TWO STOREY COLLEGE BUILDING (USE CLASS D1) WITH ROOF-LEVEL SOLAR PANELS INCLUDING ASSOCIATED INFRASTRUCTURE, CAR PARKING AND LANDSCAPING		
Parish:	ST LEONARDS	Area Team:	Area Team 1
Weeks on Hand:	12	Case Officer:	Matthew Taylor
Reason for Delay:	Not applicable		
If viewing the agenda online the following is a Google Maps link to the general site location:			
https://www.google.co.uk/maps/@53.7763157,-3.0456965,1120m/data=!3m1!1e3?hl=en			

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application seeks full planning permission for the demolition of the existing, vacant airport terminal (and associated ancillary outbuildings) and the construction of a two storey college building (including associated infrastructure) in its place. The college would provide an education facility of sub-regional importance, delivering specialist skills training for the energy industry.

The site is subject to a restrictive allocation on the FBLP Proposals Map, with policy TREC19 indicating that development of airport and associated ancillary leisure uses only will be permitted in this area. Nevertheless, circumstances at the site have changed significantly since the adoption of the FBLP in 2005. In particular, the airport closed to large commercial flights in autumn 2014 and its classification has been downgraded in order that it is now only able to operate a limited number of commercial flights for light aircraft (currently provided by 'Citywing'), along with Bond Helicopters and other private charter flights. The existing terminal building is not used to accommodate these operations and, accordingly, has lain vacant since autumn 2014. The site also falls within an area which is soon to be designated as the Blackpool Enterprise Zone (BEZ). The forthcoming BEZ will encourage the development of non-airport related uses on the application site and adjoining land, and it is clear from ministerial announcements that the proposed energy college is anticipated to form a key anchor unit within the BEZ. Moreover, the emerging Local Plan does not impose the same restrictions on non-airport related development at the site as are applicable in the FBLP.

A prior approval application for the demolition of the airport terminal building has already been granted (application reference 15/0887). Therefore, the airport terminal can be demolished through a separate process occurring independently of the planning application (and regardless of its outcome). This is a material consideration when assessing the weight to

be attached to any desire to retain the terminal building. The development makes provision for the relocation of the existing Citywing terminal in alternative accommodation elsewhere within the site, the delivery of which can be controlled through planning condition in order to ensure that operations at the airport are maintained at current levels. The provision of any new terminal building with increased passenger carrying capacity would be subject to future demand and, if commercially viable, could be delivered through separate means which are not being assessed as part of the current application.

The proposed development would deliver a unique educational facility of sub-regional importance in a prominent, highly sustainable and accessible location within the urban area which is previously developed land. The college would provide an anchor unit within the EZ which would stimulate growth in line with the future development aspirations for this part of the site. The development would deliver an attractive, contemporary and energy-efficient building on the site which would raise the standard of design in the locality and would not prejudice the delivery of a replacement passenger terminal in an alternative location elsewhere on the site in the future. Therefore, it is considered that the benefits of the scheme would outweigh any harm arising by virtue of the development's conflict with the provisions of FBLP policy TREC19, in order that a departure from that policy is justified in this case.

The proposed development, by virtue of its size, scale, height, massing, layout and materials, would be compatible with the character of surrounding buildings – particularly those located along the southern frontage of Squires Gate Lane – and would make a positive contribution to the street scene by raising the standard of building design in the locality. The development would not have an oppressive or overbearing impact on surrounding occupiers by reason of its scale or siting, and would achieve a significant degree of separation with neighbouring dwellings to ensure that it would not unduly affect the amenity of nearby occupiers through loss of outlook, overshadowing, overlooking, noise generation or light pollution. Appropriate landscaping would also be introduced as part of the development layout and mitigation can be put in place to ensure that the scheme has no adverse impact on the function of the airport with respect to aerodrome safeguarding.

Satisfactory arrangements would be made for access by vehicles, pedestrians and cyclists, and the level of traffic generated by the development would have no adverse impact on network capacity either adjacent to or further away from the site. Adequate provision would also be made within the site for vehicle parking, servicing and manoeuvring. Appropriate mitigation can also be provided to ensure that the development would have no detrimental impacts in terms of ecology, flooding, contamination and drainage. 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.

Reason for Reporting to Committee

The application is for major development and the Officer recommendation is for approval.

Site Description and Location

The application relates to the site of Blackpool Airport located to the south side of the A5230 (Squires Gates Lane), Blackpool. In particular, the scheme involves a broadly square-shaped parcel of land measuring approximately 1.84 hectares in area which includes a collection of buildings of

varying sizes to the southern end of the site and a 207 space car park to the northern end flanking Squires Gate Lane. Existing buildings on the site are of a single storey height, with the largest of these forming the 'departure' lounge of the vacant airport terminal building occupying a rectangular footprint set back approximately 75m from Squires Gate Lane. The 'arrivals' section of the terminal building which was previously attached to the southwest corner has recently been demolished. A pre-fabricated building to the west side of the terminal is presently used as an airport administration block and departure/arrivals area for 'Citywing' to operate a limited number of flights to Belfast and the Isle of Man. The application site also includes a collection of five further outbuildings and car park within a *circa* 0.29 hectare parcel to the west of the Citywing terminal.

The surrounding area is characterised by a mix of airport, leisure, industrial and residential uses. Buildings immediately adjacent to the site include the split-level single/two storey 'Bond' helicopter headquarters to the east, a two-storey hotel (Premier Inn) and Public House to the northwest. A group of two-storey industrial units flanked by car parks to Squires Gates Lane lie further to the east and buildings of a similar (though slightly reduced) scale fall to the west. The terminal building has an enclosed yard to the rear which backs onto a taxiing area for aircraft to the south. The main runway is located a minimum of approximately 600m to the south of the site and falls within an area of Green Belt as defined on the Fylde Borough Local Plan (FBLP) Proposals Map. The closest dwellings are located on the opposite side of Squires Gate Lane a minimum of approximately 38m to the north and include a combination of predominantly two-storey houses (nos. 125 – 161 Squires Gate Lane) and taller three-storey flats (Cairn Court).

The site is presently accessed via a dedicated one-way system which runs in a loop from the junction with Squires Gate Lane in an easterly direction alongside the northern site boundary before turning in a southerly direction flanking the eastern boundary and then in a westerly direction through the site towards a northbound stretch which re-emerges onto Squires Gate Lane. This access drive is also shared by several adjacent buildings to the west and east of the site. A dedicated entrance chamfers off the access drive to the northwest corner of the site and opens onto the car park which is set across two tiers divided by a grassed embankment. The lower tier onto Squires Gate Lane includes a total of 57 spaces, with the upper tier to the south providing a further 150 parking bays. A flat-roofed, brick-built electricity substation and portakabin used as car hire offices are located centrally within the upper tier car park. The tiered arrangement of the car park results in the existing building occupying an elevated position in relation to Squires Gate Lane.

Details of Proposal

The application seeks full planning permission for the demolition of the existing airport terminal building, admin block and Citywing reception and the construction of a two-storey college building on the site. The college would provide an education facility to deliver the specialist skills training required for the energy industry (a D1 use).

The college would occupy a rectangular footprint to the southern end of the site in a similar position to the airport terminal, though it would have a smaller footprint. The building would measure a maximum of 88.5m in length and 34.5m in depth, with a staggered front elevation emphasising its main entrance onto a pedestrian forecourt forming a public realm area flanking the retained access drive to the north. The college would achieve a minimum set back of approximately 80m from Squires Gate Lane.

The existing car park to the northern end of the site would be retained in substantially the same form, though the total number of parking bays would fall to 167 in order to provide a motorcycle parking area, new substation and landscaping. The existing access into the site via the single-lane

drive from Squires Gate Lane would also be retained in its present form, as would the dedicated drop-off areas to the front of the building and pedestrian crossing points through to the car park. Hardstanding servicing areas would be provided to the rear of the building accessed via a separate drive flanking the west side of the building.

Externally, the college would be two storeys in height with the bulk of the building topped by a curved roof following a semi-circular profile reaching a maximum of 9.7m to the eaves and 11.1m to the ridge, falling away to the rear elevation. A lower, flat-roofed section would form the main entrance to the foreground of the building protruding on a chamfer to the northwest corner and would reach a maximum height of 7.6m. The lower level of the main entrance would comprise floor-to-ceiling glazing, with the upper section formed by a living/green wall running for a length of 17.8m across the façade. The external walls and roof of the building would be finished in coated composite aluminium cladding. Glazing would also be set in aluminium frames.

Twenty rows of solar panels are proposed to the rear roof plane of the building. The panels would be arranged in double-width columns with up to six panels in each. The solar panels would sit flush with the roof of the building to follow its curvature.

The application also includes the removal of existing portakabin and car wash buildings and the refurbishment and relocation of other buildings on the site within the parcel to the west of the proposed college building to allow the relocation of the existing 'Citywing' reception and formation of a new airport administration block within this area of the site to ensure the continuity of these existing operations in alternative accommodation prior to the demolition of the existing terminal building.

Relevant Planning History

Application No.	Development	Decision	Date
09/0424	USE OF PART OF FIRST FLOOR OF ANNEX BUILDING TO HANGAR 8 AS A SELF-CONTAINED RESIDENTIAL APARTMENT.	Refuse Certificate	23/10/2009
09/0259	CHANGE OF USE OF GROUND FLOOR OF EXISTING OFFICE BUILDING TO FLYING CLUB/SCHOOL WITH ASSOCIATED MEMBER FACILITIES, INCLUDING RECEPTION, BAR AND LOUNGE.	Granted	06/07/2009
05/0935	MODIFICATION OF CONDITION 2 AND 3 ON APPLICATION 03/912 TO ALLOW THE RETENTION OF THE BLUE CLADDING AND BALCONY SCREEN	Granted	16/12/2005
03/0912	PROPOSED ERECTION OF NEW HANGAR	Granted	28/11/2003
00/0323	AIRCRAFT HANGAR	Granted	01/11/2000
88/0663	AIRCRAFT HANGAR	Granted	05/10/1988
80/0906	PROPOSED HANGAR (REVISED SCHEME).	Granted	22/10/1980
79/0389	EXTENSION TO HANGAR FACILITIES.	Granted	27/06/1979
75/0265	LOW PROFILE HANGAR	Granted	04/06/1975

Relevant Planning Appeals History

None.

Parish/Town Council Observations

St Annes on the Sea Town Council were notified of the application on 19 November 2015. The Town Council have indicated that they have no specific observations in respect of the application.

Statutory Consultees and Observations of Other Interested Parties

Economic Development Officer: Comments as follows:

- (f) Concerning the economic ambitions of Government it is clear from the Ministerial Statement that the proposed development is a central component of the proposed Enterprise Zone for Blackpool Airport. In summary, Government conclude that “Blackpool is to become the latest place to benefit from an Enterprise Zone and will become a centre of excellence for the energy sector, boosting the local economy...The Minister said that the move would attract greater inward investment and help deliver hundreds of new jobs. It will also provide an opportunity to secure the long term future of Blackpool Airport.” The statement goes on to say: “The Blackpool Enterprise Zone will become a centre of excellence for the energy sector, with plans for a new Energy HQ, a dedicated new training facility to be developed by Blackpool and Fylde College. Backed by £6.2 million Growth Deal funding, it aims to provide job-ready students in engineering and advanced technology.”
- (g) It is clear that the proposed development is a central part of the proposed Enterprise Zone and that the role of the development is that of an anchor tenant around which the future of the Enterprise Zone will depend.
- (h) Concerning more local economic policy the proposed development is considered to fully accord with the economic ambitions set out in the Lancashire Strategic Economic Plan (2014) and the Fylde Borough Council Economic Development Strategy and Action Plan 2012-2030 (2012). Although both of these documents pre-date the announcement of the Blackpool Enterprise Zone and so do not reference it by name, it is clear that the purpose of the proposed development and the wider Enterprise Zone will help the Lancashire Enterprise Partnership and Fylde Borough Council achieve the ambitions set out in each of their respective economic strategies. Accordingly, it is considered that approval of the proposed development would be in full conformity with the economic ambitions of Government, the Lancashire Enterprise Partnership and Fylde Borough Council; as expressed in their respective strategies.

Environmental Health Officer (EHO): No objections. It is recommended that the following conditions are attached to any permission:

- (i) A full remediation report should be provided that deals with the findings in the contaminated land report. Details of the UXO survey shall be submitted along with any intrusive data samples to demonstrate that the site is suitably remediated prior to construction commencing.
- (ii) Demolition and construction work shall be limited to 08.00 – 18.00 Mondays to Friday, 08.00 – 13.00 Saturdays and no work activity to take place on Sundays or bank Holidays.
- (iii) The proposed wind turbines have the potential for a flicker effect on the residents of Squires Gates Lane opposite the site and, to a lesser extent, those on West Gate Road. A shadow flicker assessment should be submitted to demonstrate that this impact is acceptable.

Electricity North West:

- (iv) The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. These include live high and low voltage underground cables and a live distribution substation.
- (v) 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. 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.

Greater Manchester Ecology Unit (GMEU):

- The submitted ecology assessment does not identify any significant ecological constraints. The proposals would result in very low risks to nesting birds and bats. The level of risk means that only precautionary measures are required in order to avoid any adverse impacts to these species and these can be secured through informative notes attached to any permission.

Lead Local Flood Authority (LLFA):

- The LLFA has no objection to the application subject to the imposition of conditions requiring:
 - The submission of a surface water drainage scheme which includes details regarding pre and post development discharge rates for the 1 in 30 and 1 in 100 year storm events (+ a 30% allowance for climate change), details of any attenuation mechanisms and details of floor levels AOD. The drainage scheme should demonstrate that the rate of surface water discharge from the developed site does not exceed the existing run-off rate (yet to be confirmed).
 - That no part of the development is occupied until the sustainable drainage scheme for the site has been implemented in accordance with the approved details, and all attenuation tanks and flow control devices/structures are constructed and operational.
 - The submission of a surface water lifetime management and maintenance plan.

Local Highway Authority (LCC):

- Confirmed that there are no objections to the principle of development. Detailed comments to follow as late observations.

Local Highway Authority (Blackpool):

- Confirmed that there are no objections to the principle of development. Detailed comments to follow as late observations.

Ministry of Defence (MOD):

- The application originally included 2 wind turbines which have subsequently been withdrawn. As a result of the removal of the turbines, the MOD has no objection to the application. If at any time the application for the wind turbines is resubmitted, the MOD must be re-consulted and a further full assessment will be completed.

National Air Traffic Services (NATS): No objections following receipt of amended plans showing the removal of all wind turbines from the development. NATS have indicated that the building has the potential to affect the St Annes radar, but consider that this impact can be adequately mitigated through changes to the radar system to be funded by the developer. NATS have requested that a condition be attached to any permission granted requiring the submission and implementation of an appropriate mitigation scheme.

Natural England:

- Natural England has assessed this application using the Impact Risk Zones data (IRZs) and is satisfied that the proposed development, being carried out in strict accordance with the

details of the application as submitted, is not likely to have a significant effect on the interest features for which the Ribble & Alt Estuaries Ramsar and SPA have been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the sites conservation objectives.

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

Planning Policy:

- The proposed development site is located within the urban part of Blackpool at Squires Gate Lane. Local Plan Policy SP 1 operates so as to permit development in this location, subject to the other policies of the plan. The proposed development site is also located within an area addressed by policy TREC19. This policy designates the area for the development of airport and associated ancillary leisure uses. The proposed development does not represent one of these uses and is therefore contrary to policy TREC19. The validity of this policy is however reduced given the changing needs of the airport which are now significantly altered.
- Policy CF1 promotes development involving the provision of community facilities, subject to a range of criteria. A college building is such a facility which should be considered against these criteria.
- Policy CF9 operates in respect of wind turbines. In relation to criterion 1, as started above the proposed development site is located within the urban area. Notwithstanding this you need to be satisfied that residential or other amenities will not be prejudiced by the development.
- The Fylde Local Plan to 2032: Revised Preferred Option (RPO) version of the Local Plan was reviewed at Development Management (Policy) Committee on 16 September 2015 and approved for public consultation. That consultation ended on 3 December 2015.
- Policy T2 of the RPO sets out a policy approach in relation to the open lands of the airport. It seeks to safeguard such lands from non-airport related development and continue the operation and viability of the airport. The proposed development site is not located in the area of open lands. Instead, it is situated within an area that is not specifically allocated or designated by a particular policy in the emerging local plan. It is however located in close proximity to, but not adjacent to, an allocation for employment land – site ES5. This 5Ha site is proposed to be for B1(a), B1(b), B1(c), B2 and B8 uses. It is not considered that the proposed development of this brownfield site would prejudice this allocation.
- It should be noted that the emerging local plan was prepared in advance of the announcement of enterprise zone status at Blackpool Airport. The creation of an Energy Hub is however referenced at para 9.8 of the draft RPO which specifically mentions planning an energy logistics park, close to Blackpool Airport.
- Policy CL3 sets out the emerging policy approach for renewable and low carbon energy generation. The supportive approach to this type of development is criteria based.
- Para 33 of the NPPF states that plans should take account of airports and airfields growth and role. The enterprise zone at Blackpool Airport comes into effect in April 2016. The creation of a Lancashire Energy HQ college is a key element in delivering the enterprise zone. Para 199 of the Framework supports promoting economic gains for the area, such as boosting enterprise. The proposed development would support energy businesses on the Fylde Coast.

United Utilities:

- Surface water from the development should drain into the surface water sewer in Squires Gate Lane and not into the combined sewer which is the head of the Fylde Tunnel. This will mean that the developer will have to install a surface water pumping station to achieve the connection. Surface water could discharge to the surface water sewer at a maximum discharge rate of 10 litres per second. The drainage strategy shown on drawing no. MA1262-70-00-01 Rev C would meet United Utilities' requirements.

Neighbour Observations

Neighbours notified:	19 November 2015
Site notice posted:	27 November 2015
Press notice:	26 November 2015
Amended plans notified:	All neighbouring occupiers who were originally notified of the application, along with those who made representations in response to the first round of public consultation, were notified following the receipt of amended plans on 11 January and given a further 21 days to submit any additional comments. The points of objection summarised below reflect all letters received by the Council at the date of writing the report. Any additional representations will be reported to committee as late observations.
No. Of Responses Received:	36
Nature of comments made:	36 objections

The points raised in the letters are summarised as follows:

- In 2014, Blackpool Council assured the public that the airport would remain operational. However, the loss of the terminal would result in the cessation of commercial flights from the airport and, in turn, the effective closure of this transport hub to holidaymakers and businesses. The demolition of the terminal would remove any reasonable prospect of the airport being brought back into use in the future and would have an adverse impact on tourism and investment in the local economy by diminishing the accessibility of the area to international flights. Any application should include the provision of an alternative terminal of equal size before the existing building is demolished. The current proposal is contrary to FBLP policy TREC19 which seeks to retain airport and associated leisure uses only on the site.
- There are currently scheduled passenger flights to the nearby Isle of Man and Northern Ireland operating from the airport. These may well increase in the future but will need the passenger infrastructure to be able to cope with this. This capacity will not exist if the terminal is demolished.
- The indicative long term strategy which shows the erection of a replacement terminal on land to the south of the existing building is contrary to policy T2 of the emerging Local Plan as it is proposed to be built partly within the Green Belt. No plans for a replacement terminal appear to exist and the indicative scheme for a replacement terminal does not form part of the application. Therefore, the Council would be relying on the owners' assurances that an alternative terminal will be provided in future without having any specific control over this. It is, however, apparent that the owners will not rebuild the terminal until they have a serious offer from an airline, but there will be no facilities left at the airport that would attract such a serious offer. It therefore seems unlikely that a new terminal will ever be built.
- The terminal is a historic, landmark building which is part of the town's identity and should be preserved. There are plenty of alternative sites for the college building (for example, that which has recently been granted permission by Blackpool Council) without necessitating the demolition of the airport terminal.

- The purpose of designating the Enterprise Zone around the airport is to make this facility more viable. However, the demolition of the terminal building runs counter to the objectives of the Enterprise Zone. The restoration of flights to the airport would bring greater benefits to the area than the construction of the college. There is a great demand to use Blackpool Airport as an alternative to travelling to Manchester or Liverpool.
- The proposed wind turbines would create a hazard for air traffic and are likely to restrict the use of the airport for operating commercial flights. Indeed, NATS have objected to the application on these grounds. Furthermore, wind turbines are incompatible with residential uses bordering the site.
- The proposed energy college will undoubtedly be intended to serve the fracking industry and, accordingly, is likely to receive funding from the same. If the fracking operations proposed locally do not succeed, then there will be a lack of demand for the college and this will not be a viable facility.
- The revised plans which show the relocation of the Citywing portakabin indicate that the new building is to be even smaller than the current one (which holds a maximum of 20 people). This building is, therefore, incomparable to the size of the existing terminal which is to be demolished and is in stark contrast to the ambitions for the future development of the airport as set out in the emerging Local Plan.

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
TREC19	Blackpool Airport (ancillary and leisure uses)
CF01	Provision of community facilities
TR01	Improving pedestrian facilities
TR03	Increasing provision for cyclists
TR14	Blackpool airport
EP14	Landscaping of new developments
EP15	Protection of European wildlife sites
EP16	Development in or near SSSI's
EP18	Natural features
EP19	Protected species
EP25	Development and waste water
EP27	Noise pollution
EP28	Light pollution
EP29	Contaminated land
EP30	Development within floodplains

Other Relevant Policy:

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

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

T2 – Blackpool Airport

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) – category

10(b) developments. As the development does not involve more than 1 hectare of urban development which is not dwellinghouse development and the overall area of the development does not exceed 5 hectares, it does not exceed the threshold in Column 2 of the table relating to category 10(b) developments and, accordingly, is not Schedule 2 development. Therefore, the proposal is not EIA development and does not need to be accompanied by an Environmental Statement.

Comment and Analysis

Background:

Demolition of airport terminal:

A number of objectors have referred to the deleterious impact that the loss of the existing airport terminal building would have on tourism, the local economy and access to transport. These are matters dealt with in more detail later in the report. It should, however, be noted that, whilst the application includes the demolition of the terminal building, the site owner (Blackpool Airport Properties LTD) already has approval in place for these works of demolition pursuant to an application for prior approval submitted in accordance with the provisions of Part 11 of the Town and Country Planning (General Permitted Development) Order 2015 (application reference 15/0887). Supporting statements from the Airport submitted in connection with the application indicate that this demolition is to take place between February and March 2016, independently of the planning application for the college. Accordingly, the existing airport terminal can be demolished under separate legislation, regardless of the outcome of this planning application.

Amended plans:

When originally submitted, the application included the installation of two freestanding wind turbines with a hub height of 12m and a blade tip height of 14.8m within the car park to the front of the site. Amended plans were, however, received on 11 January which indicate the removal of these two wind turbines from the development following an objection from NATS.

The amended plans also include the extension of the site boundary to incorporate a 0.29 hectare parcel of land to the west of the proposed college building in order to allow the relocation of the existing Citywing terminal within this area as part of the development. This land is in the same ownership as the remainder of the application site and, accordingly, there has been no requirement to serve notice on any additional land owners in order to allow this change to the development boundary. A new round of public consultation has also been undertaken to inform other interested parties of this change. A phasing plan for the delivery of the relocated Citywing terminal building has also been provided and the delivery of this new terminal is a material consideration which could be controlled through planning condition.

The application is to be determined on the basis of the changes proposed in the amended plans received by the Council on 11 January.

Phasing:

The proposed building would be constructed in two phases, with phase 1 delivering an initial 2,200 square metres of Gross Internal Floor Area (GIFA) to the western end of the site and the second

phase affording the potential for future expansion through the provision of a further 750 square metres of GIFA to the eastern end. Despite the delivery of the building over two phases, all external parking, access, public realm, landscaped and servicing areas would be delivered collectively as part of the first phase of development. The phase 2 area of the building would be seeded with grass and retained as greenspace prior to the later phase of construction.

A phased approach is proposed due to funding arrangements. The applicant has submitted a funding application to the Lancashire Enterprise Partnership to cover the education accommodation to be delivered under phase 1, though it is desired to obtain permission for a future phase of expansion in order that this is in place to support any future application for additional funding which would enable the delivery of phase 2. As both phases are applied for as part of the scheme, the application is to be considered on the basis of the cumulative impact of both phases (i.e. a building with a GIFA of 2,950 square metres). The technical reports submitted with the application have been prepared on this basis and, accordingly, consider the impact of both phases of development in combination.

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.

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 eighth bullet point to the core planning principles set out in paragraph 17 of the NPPF indicates that planning decisions should:

- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

The Fylde Local Plan to 2032: Revised Preferred Option (RPO) version of the Local Plan was reviewed at Development Management (Policy) Committee on 16 September 2015 and approved for public consultation. That consultation ended on 3rd December 2015. Paragraph 216 of the NPPF states that, from the day of publication, decision takers may give weight to relevant policies in emerging plans according to the following principles:

- 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 this

Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

The emerging Local Plan is still at a relatively early stage in its preparation. The public consultation on the RPO has only recently finished and the Council is some way from finalising the version of the new Local Plan which will be submitted for examination. Therefore, whilst the RPO Local Plan carries some weight in the decision making process, this weight is limited and precedence should be given to the policies contained within the FBLP, except where these are in conflict with the NPPF.

Site allocation and specific policies:

FBLP policy SP1 seeks, wherever possible, to locate development within the limits of the settlement boundaries identified on the Proposals Map – criterion (1) of which relates to “Lytham and St Annes; land within Fylde Borough adjacent to the Blackpool boundary”. The site falls within this area and, accordingly, SP1 supports the general principle of this type of development within established settlement boundaries, subject to the provisions of other relevant policies.

The site falls within an area of land allocated for “leisure uses at Blackpool Airport” on the FBLP Proposals Map. FBLP policy TREC19 relates to this designation and states that:

- “The development of airport and associated ancillary leisure uses will be permitted in the area of Blackpool Airport shown on the Proposals Map. Proposals involving built development in the Green Belt will not be permitted”.

In addition, FBLP policy TR14 indicates that:

- “The open lands of the airport will be safeguarded from development under policy SP3 [Green Belts]. The continuing operation and viability of the airport as a sub-regional facility will be supported. Development required in relation to the operation of the airport will be located in the areas outside the Green Belt identified on the Proposals Map.

FBLP policy CF1 indicates that development involving the provision, extension or improvement of community services will be permitted, subject to five criteria. The first criteria requires that:

- “The development is located within a settlement except where necessarily required to provide a service to a rural area”.

Policy T2 of the RPO Local Plan sets out a policy approach in relation to the open lands of the airport and seeks to safeguard these from non-airport related development. However, the development site is not located within the area of open lands (which extends to the south of the existing terminal up to the boundary with the Green Belt) and, accordingly, is not captured by the restrictions in this policy. Unlike its current allocation in the FBLP, the application site is not designated by a specific policy in the RPO Local Plan, though paragraph 9.8 of the RPO Local Plan refers to the development of a “Fylde Coast Energy Hub [...] close to Blackpool Airport, to support energy businesses on the Fylde Coast”.

The RPO Local Plan was prepared in advance of the Government’s announcement of the Blackpool Enterprise Zone (BEZ) which is expected to be formally designated through a Statutory Instrument made in spring 2016. The area of the BEZ is to cover both the application site and adjoining land to the east within the administrative boundary of Blackpool Council. As highlighted by the Council’s Economic Development Officer, this statutory instrument will encourage the development of non-airport related uses within the BEZ, including “plans for a new energy HQ, a dedicated new training facility to be developed by Blackpool and Fylde College. Backed by £6.2 million Growth Deal funding, it aims to provide job-ready students in engineering and advanced technology”.

Accordingly, it is clear that the development of the college is a key component of the forthcoming BEZ.

With respect to airports, paragraphs 31 and 33 of the NPPF indicate that:

- “Local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including large scale facilities such as rail freight interchanges, roadside facilities for motorists or transport investment necessary to support strategies for the growth of ports, airports or other major generators of travel demand in their areas”.
- “When planning for ports, airports and airfields that are not subject to a separate national policy statement, plans should take account of their growth and role in serving business, leisure, training and emergency service needs”.

In terms of education, paragraph 72 of the NPPF states 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; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted.

With respect to tools such as the use of Enterprise Zones, paragraph 199 of the NPPF stipulates that:

- Local planning authorities should consider using Local Development Orders to relax planning controls for particular areas or categories of development, where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area, such as boosting enterprise.

Loss of airport terminal building and departure from the FBLP:

The proposed energy college is a non-residential education and training centre – a D1 use as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). It does not, therefore, fall within any of the categories of development permitted under FBLP policy TREC19 and, accordingly, represents a departure from the adopted Local Plan in this respect. The application also includes the demolition of the remainder of the former (now vacant) terminal building in order to allow the construction of the college.

Having regard to the circumstances above, along with the points made in objections from members of the public, it is considered that the main issues regarding the principle of development on the site are as follows:

- Whether the demolition of the existing airport terminal building represents sufficient grounds to refuse planning permission; and
- Whether there are any material considerations in favour of the development sufficient to justify a departure from the provisions of FBLP policy TREC19.

In terms of the first issue, it should be noted that the site owner (Blackpool Airport Properties LTD) already has consent in place for the demolition of the existing terminal building pursuant to an application for prior approval submitted in accordance with the provisions of Part 11 of the Town and Country Planning (General Permitted Development) Order 2015 (application reference 15/0887). The owner has indicated that this demolition will take place between February and March

2016, independently of the planning application for the college. Objectors have referred to the terminal as a heritage asset of historic significance. However, the building is not statutorily listed, does not fall within a conservation area, and it does not appear on a local list of non-designated heritage assets. Therefore, it would not be sustainable to resist its demolition on these grounds.

The airport closed to large aircraft in autumn 2014 following the withdrawal of commercial airlines 'Jet2' and 'Aer Lingus'. This led to the downgrading of the airport's classification (from CAA fire category 6 to category 2) when it reopened in December 2014, with the effect that the airport is now only capable of operating flights for light aircraft (e.g. 'Citywing', Bond Helicopters and other small charter flights). The existing airport terminal building is not required to accommodate passengers for these operations and, accordingly, has lain vacant since autumn 2014 (with the passenger arrivals building having been demolished in summer 2015).

At present, the only commercial passenger flights operating from the airport are those associated with Citywing, which operates a limited number of flights to Belfast and the Isle of Man. Citywing currently operates from a small portakabin building to the west of the main terminal which also includes the airport's administration offices. The application includes the relocation of the Citywing terminal and administration offices to a refurbished building which lies within a circa 0.29 hectare parcel to the west of the development site. A phasing plan has been submitted which indicates the delivery of the alternative Citywing reception and admin block before the existing portakabin and terminal buildings are demolished. Therefore, the scheme includes the provision of alternative accommodation in order to allow the continued operation of passenger flights from the airport at their current level. In this respect, the development would not result in any diminution in airport services in comparison to those presently offered and an appropriate condition has been recommended to ensure that development takes place in accordance with the submitting phasing plan.

The demolition of the existing terminal forms part of the airport's wider strategy to rationalise operations on the site in anticipation of the site's designation as part of the BEZ which is intended to allow the redevelopment of land to the north alongside Squires Gate Lane for alternative, non-airport related uses. The airport has also indicated their longer-term aspiration for the delivery of a new terminal building on land to the south of the site in closer proximity to the runway. The airport operator has provided an indicative masterplan which sets out a long-term strategy for this redevelopment which shows the potential for a new terminal building within an area of Green Belt to the south of the site. Objectors have indicated that the location of this building within the Green Belt would be contrary to Green Belt policy and the approach in policy T2 of the RPO Local Plan. It should be noted that the strategy outlined by the airport operator is for illustrative purposes only and no specific details are being considered as part of the current application. Moreover, the approval of this application would not prejudice the Council's position in respect of any future applications for a new terminal building within the Green Belt, the details of which would be subject to separate assessment at that time.

With respect to the second issue it is recognised that, as the development does not involve airport or associated ancillary leisure uses, it is in conflict with the requirements of FBLP policy TREC19. In spite of this, there are a number of benefits which would arise as a result of the scheme which represent material considerations in favour of the development. Specifically:

- The scheme would result in the provision of a new educational facility offering bespoke courses at a centre of sub-regional importance to the Fylde Coast. The development will widen the choice of education opportunities in accordance with paragraph 72 of the NPPF through the provision of a facility in highly sustainable location within the urban area which

is readily accessible by modes of transport other than private car.

- The site is previously developed (brownfield) land and falls within an area which is soon to be designated as the BEZ. A key aspiration of the BEZ is to provide a “centre of excellence for the energy sector, with plans for a new Energy HQ, a dedicated new training facility to be developed by Blackpool and Fylde College. Backed by £6.2 million Growth Deal funding, it aims to provide job-ready students in engineering and advanced technology”. Therefore, it is clear that the college would form an anchor unit to stimulate the first phase of development within the forthcoming BEZ and, accordingly, will be in conformity with national, regional and local economic growth strategies.
- The existing airport terminal is a redundant building which has lain vacant since the airport’s closure in autumn 2014 due to a lack of commercial viability. Regardless of whether permission is granted for the new college building, the terminal is to be demolished in order to rationalise existing operations at the airport. The college would have economic benefits by bringing a vacant site back into use and stimulating growth within the forthcoming BEZ.
- The proposed college building would not prevent or prejudice the future provision of a new airport terminal in an alternative location elsewhere on the site. Whilst this would be the subject of a separate application which is not currently before the Council, it is apparent that there would be more than sufficient space available within the remaining grounds of the airport to provide such a facility should there be sufficient demand in the future.
- The application site (and adjoining land flanking Squires Gate Lane) is not afforded the same designation or level of protection in the emerging Local Plan as it is in the adopted FBLP. In contrast to policy TREC19 of the FBLP, policy T2 of the RPO Local Plan only restricts the development of non-airport related uses in “the open lands of the airport” (which do not include the application site). Whilst the RPO has not been submitted for examination and, accordingly, carries only limited weight, it nevertheless sets out the future development aspirations for the Borough and, in the case of policy T2, allows a more flexible approach to the type of uses which will be permitted in areas surrounding the airport.

On balance it is considered that the economic and social benefits arising through the delivery of a new educational institution on the site, in combination with the fact that an extant approval already exists for the demolition of the airport terminal (regardless of the outcome of this planning application), are sufficient to outweigh any harm the development would cause by virtue of its conflict with the provisions of FBLP policy TREC19. Accordingly, it is concluded on the second main issue that a departure from the FBLP is justified in this case.

Summary regarding principle:

The airport terminal can (and will) be demolished through a separate process occurring independently of the planning application and this is a material consideration when assessing the weight to be attached to any desire to retain the terminal building. The development makes provision for the relocation of the existing Citywing terminal in alternative accommodation elsewhere within the site, the delivery of which can be controlled through planning condition in order to ensure that operations at the airport are maintained at current levels. The provision of a new terminal building with increased passenger carrying capacity would be subject to future demand and, if commercially viable, could be delivered through separate means which are not being assessed as part of the current application. Accordingly, it is not considered that the demolition of the terminal building, in isolation, represents sufficient grounds to refuse permission. Instead, the scheme should be assessed on the basis of the planning merits of the development which is to replace the airport terminal.

The proposed development would deliver a unique educational facility of sub-regional importance in

a prominent, highly sustainable and accessible location within the urban area which is previously developed land. The college would provide an anchor unit within the forthcoming BEZ which would stimulate growth in line with the future development aspirations for this part of the site. The existing terminal building is to be demolished and the site cleared, regardless of the outcome of this planning application, and an extant approval exists for this. The development would deliver an attractive, contemporary and energy-efficient building on the site which would raise the standard of design in the locality and would not prejudice the delivery of a replacement passenger terminal in an alternative location elsewhere on the site in the future. Therefore, it is considered that the benefits of the scheme would outweigh any harm arising by virtue of the development's conflict with the provisions of FBLP policy TREC19, in order that a departure from policy TREC19 is justified in this case.

Layout, scale, appearance and relationship with surrounding uses:

Paragraph 58 of the NPPF indicates that planning policies and decisions should 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;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- 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; and
- are visually attractive as a result of good architecture and appropriate landscaping.

Criteria (2) and (3) of FBLP policy CF1 stipulate that development involving the provision of community facilities will be permitted providing that:

- The development is appropriately located having regard to adjacent and nearby land uses and would not prejudice residential amenity.
- The development is appropriately sited, designed and landscaped and would not prejudice visual amenities or the character of the area.

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

In addition, policy EP28 states that development involving external lighting should avoid or minimise harm relating to loss of local character, amenity or reduction in highway safety. The policy advises that external lighting schemes must be well designed and the light intensity should not be excessive in relation to its function.

The existing airport terminal comprises a single storey building with sloping, monopitch roofs linked by a central glass atrium following a latitudinal alignment across the building. A series of other outbuildings, predominantly of a single-storey, portakabin style are located to the front and west side of the terminal. A two-storey building (Bond's) lies on adjacent land to the east, with other two-storey buildings (a pub and hotel) to the northwest flanking Squires Gate Lane in closer proximity to the highway frontage.

The proposed college building would occupy a similar position on the site to the existing terminal, though it would achieve a greater (by *circa* 5m) set back from Squires Gate Lane and would have a smaller overall footprint. The existing drop-off areas, access road and car park to the front of the building would be retained substantially in their present form, with minor modifications to ground markings and a reduction in the number of parking spaces to allow for the provision of motorcycle parking and a new substation within the car park.

The new building would be of a two storey height, some 5.7m taller to its eaves than the existing building, with its curved, semi-circular roof falling away to the rear. The ridge of the new building would, however, sit 1.2m below the highest point of the existing glass atrium to the terminal. The building's external walls would be finished in cladding with a protruding, chamfered section to the front elevation forming a main entrance comprising floor-to-ceiling glazing to the ground floor and a 'green wall' with a flat roof above. Solar panels would be mounted on the building's rear roof plane and would follow the curvature of the roof slope. Servicing facilities (e.g. bin stores etc.) and plant machinery would be located within an enclosed yard to the rear of the building.

The college would replace a building of comparable size and its siting would substantially follow the layout of the existing terminal, including the retention of associated infrastructure. Whilst of a greater scale and height in comparison to the terminal, given its staggered position in relation to Squires Gate Lane, the college would not appear as an unduly dominant or imposing feature in the street scene and there would be no change in levels to elevate it in relation to adjacent buildings. Squires Gate Lane is a diverse street scene which includes buildings of varying size, scale and height, including some of a greater scale than the proposed college (e.g. the row of neighbouring industrial units to the east set much closer to the road). This diversity is apparent to both the northern and southern frontages of the dual carriageway, with dwellings along the northern flank ranging between one and three storeys in height. There is, however, a clear distinction between the prevailing commercial and residential uses which characterise the respective southern and northern frontages of Squires Gate Lane.

The proposed college would sit comfortably amongst and between buildings of a commercial character and scale along the southern frontage of Squires Gate Lane whilst introducing an innovative, contemporary design concept which takes advantage of its prominent location and frontage onto the dual carriageway. The use of renewable technologies and softer external building treatments such as the green wall reflect the applicant's intention for the building to achieve a BREEAM rating of "excellent" with respect to building efficiency and performance. The building's curved, semi-circular roof also acts to maximise space internally whilst minimising its massing. The staggered alignment of the building's front elevation and the use of different external treatments and a protruding chamfer to the main entrance draws attention to this focal point and adds interest by avoiding a continuous, flat elevation across the façade. The college's external appearance would raise the standard of design for buildings along the southern frontage of Squires Gate Lane whilst remaining compatible with the size, scale, height, massing, layout and materials of surrounding buildings.

The building would achieve a minimum separation of approximately 118m with dwellings to the north on the opposite side of Squires Gate Lane, with the open land of the car park, access road and public realm works to the front of the building intervening between these uses. This level of separation, combined with the scale and height of the college, would ensure that the building has no undue impact on the amenity of surrounding occupiers in terms of loss of outlook, overlooking or overshadowing.

With respect to noise, as the site fronts onto the busy thoroughfare of Squires Gate Lane and is

adjacent to the airport runway and taxiing areas, background noise levels in the locality are already elevated beyond those which would be expected in a more suburban residential setting. When considered in this context, the proposed college would not form a dominant noise source in the area and its operation would not result in unacceptable noise and disturbance for neighbouring occupiers. A noise assessment has been submitted with the application which demonstrates that acceptable noise levels can be achieved for teaching spaces within the building using a combination of building fabric sound insulation techniques (e.g. walls, roofs, windows and doors) and external attenuation mechanisms (e.g. acoustic fencing).

The proposed solar panels would be fixed to the rear roof plane and, accordingly, would not be visible from public vantage points and dwellings on Squires Gate Lane. The applicant has submitted a glint and glare study which focuses on the impact of solar glare from the panels on aviation – specifically approach paths for each runway and the Air Traffic Control (ATC) tower. The study concludes as follows in this respect:

- The level of solar glare towards the 2 mile approach paths for all runways at Blackpool Airport would have no significant impact on approaching air traffic and is deemed acceptable based on FAA guidance.
- Solar glare is expected to occur towards the ATC tower and this would not be acceptable based on FAA guidance (which states that there should be no glare). However, given the small size of the solar panel area this glare would only occur for a very short period throughout the year, on a limited number of days (dependent on weather conditions), would only last for approximately 10-15 minutes on any day and would not originate near to a runway. Moreover, the impact of direct sunlight shining on the ATC tower would be significantly brighter than any solar reflection.

NATS, the MOD, BAE and Blackpool Airport have been consulted on the application. Following the removal of the two wind turbines from the scheme, none of these consultees have objected to the application on aviation safeguarding grounds (though NATS have requested the imposition of a condition requiring a scheme to mitigate the development's impact on the St Annes radar). Accordingly, it is not considered that there is any reason to resist the development on aviation safety grounds.

Schemes for external lighting and CCTV cameras have been submitted as part of the application. Lighting would be achieved through the provision of a combination of 6m and 8m lighting columns around the perimeter of the site and within the car park, and additional lighting on the building. The lighting specification indicates that luminance levels would be low across the site, and imperceptible outside the site boundaries. Accordingly, the external lighting proposed would have no undue impact on the amenity of surrounding uses. A total of 7 CCTV cameras are proposed to the site perimeter (including those within the car park). The position and orientation of these cameras would ensure that these would not infringe upon the privacy of neighbouring occupiers.

The proposed development, by virtue of its size, scale, height, massing, layout and materials, would be compatible with the character of surrounding buildings – particularly those located along the southern frontage of Squires Gate Lane – and would make a positive contribution to the street scene by raising the standard of building design in the locality. The development would not have an oppressive or overbearing impact on surrounding occupiers by reason of its scale or siting, and would achieve a significant degree of separation with neighbouring dwellings to ensure that it would not unduly affect the amenity of nearby occupiers through loss of outlook, overshadowing, overlooking, noise generation or light pollution. In addition, appropriate mitigation can be put in place to ensure that the scheme has no adverse impact on the function of the airport with respect to aerodrome safeguarding. The proposed development is therefore in accordance with the

requirements of FBLP policies CF1, EP27 and EP28, and the NPPF.

Landscaping:

FBLP policy EP14 requires development proposals to make suitable provision for landscape planting.

In addition, policy EP18 encourages, where possible, the retention/replacement of existing natural features and, where appropriate, the introduction of additional features as part of the development in order to provide biodiversity enhancements.

Aside from existing buildings, the site is presently characterised by large areas of open hardstanding forming parking, access and servicing areas, with the upper and lower tiers of the car park separated by a narrow banking comprising short amenity grassland with semi-mature ornamental trees and shrubs to the western end.

The development includes the introduction of additional soft landscaped areas both within the car park to the front of the building and alongside the pedestrian entrance at the front of the building. Further landscaping would be provided to the east side as part of phase 1, with the area for phase 2 development to be seeded and left as open greenspace bordered by tree and shrub planting prior to the commencement of that phase. The green wall to the front of the building above the main entrance would comprise a series of climbing plants to further soften the façade. Hard landscaping within the pedestrian forecourt and drop-off zone to the front of the building would comprise textured block paving to distinguish this for the tarmac car park and access road.

Within the car park, the existing grass verge between the two tiers would be landscaped through the addition of trees and shrubs upon the banking (including the retention of the two existing specimens to the western end). Additional shrub planting within the car park would add further soft landscaping within this hardstanding area in order to enhance the car park's appearance when viewed from the site's frontage onto Squires Gate Lane. Planting to the front of the building would be focussed alongside the pedestrian forecourt to provide an attractive entrance plaza. This would be supplemented by greenspace to the east side of the building to be delivered under phase 1, with a shrub planting border to the front of this open space prior to the commencement of the second phase.

The proposed landscaping strategy would enhance the present appearance of the site by introducing additional planting within the car park to the front of the site, reducing the amount of hardstanding and providing a more aesthetically pleasing frontage to Squires Gate Lane. Further planting to the front of the building would demarcate an entrance plaza to the building, framing a pedestrian walkway up to the main entrance. The proposed green wall would provide further softening in this respect. The delivery of greenspace to the east of the building in the interim period between the phase 1 and 2 works would also ensure an appropriate surface treatment between each phase. The landscaping delivered as part of the development would enhance the site's appearance and have a positive impact on the character of the street scene in comparison to the existing arrangement. Biodiversity enhancements would also be provided through introduction of additional landscaping. The proposal is therefore in accordance with the requirements of FBLP policies EP14 and EP18, and the NPPF.

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 (4) of FBLP policy CF1 states that the development of community services will be permitted providing that:

- Adequate vehicular access, parking, loading and manoeuvring areas for vehicles can be provided.

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 (2) and (4) of FBLP policy TR3 state that the Council will:

- Secure the provision of parking facilities for cyclists in schools and colleges.
- Improve facilities for cycling by “[requiring] the [provision] of attractive cycle routes within and into new developments.

A Transport Statement (TS) has been submitted in support of the application. This includes an assessment of the development’s impact on surrounding highway infrastructure. The Trip Rate Information Computer System (TRICS) database does not include a land use category associated with airports and as the terminal has now closed, a traffic count would not be representative of the site’s previous use when it was functioning as an international airport. Therefore, it is not possible to draw direct comparisons between the two-way trips that would have been associated with the site’s previous function and those which would arise as a result of the development. Accordingly, the TS considers the development’s impact alone (rather than in comparison to the previous use) and, resultantly, on a ‘worst case scenario’ basis. Moreover, all figures below relate to both phases of development in combination (i.e. the cumulative impact of phases 1 and 2).

Access:

The site would continue to be accessed via the existing signalised junction at Squires Gate Lane and Lytham Road which merges with the dedicated access drive extending into the site. The present one-way system would remain in force in order that all vehicle traffic continues to use the established access. Ingress and egress for the car park onto the one-way system would be controlled by vehicle barriers. Pedestrian and cycle access would also be gained via the existing route off Squires Gate Lane. A swept path analysis has also been undertaken to demonstrate that this access is also capable of accommodating larger articulated vehicles associated with deliveries, servicing and refuse collection. Dedicated delivery drop-off zones and a service yard are to be provided to the west side and rear of the building.

A Transport Statement (TS) submitted in support of the application also assesses the site’s accessibility by modes of transport including walking, cycling, rail and bus. The TS identifies that the site is readily accessible to built-up urban areas in Blackpool and Lytham St Annes by each mode of transport. The closest bus stops are located on Squires Gate Lane approximately 250m from the site and run frequent services (up to 6 per hour at peak times) past the site. Squires Gate railway station is also located approximately 550m to the west of the site.

As the site access has been used in the past to accommodate large volumes of traffic associated with the site's use as an international airport, it follows that the same access arrangements are capable of accommodating traffic associated with the proposed college development. In addition, it is apparent that the site is also readily accessible by modes of transport other than private car. Given the scale of development, a preliminary travel plan has been submitted with the application which sets out a series of objectives to encourage travel to the site by sustainable modes. A condition has been imposed requiring the submission of a full travel plan to set out a framework of targets and mechanisms (including a period of monitoring and review) to demonstrate the specific measures which will be used to achieve these objectives and thus maximise the use of sustainable transport for future users to access the site.

Traffic generation:

The submitted TS, with reference to the TRICS database, estimates that the development would generate a total of 45 two-way vehicle movements in the peak am period (08:00 – 09:00) and 34 movements in the peak pm period (16:00 – 17:00). This equates to one additional vehicle on the surrounding highway network every 1 minute and 20 seconds during the peak morning period and every 1 minute and 45 seconds during the peak afternoon period.

The TS considers this level of traffic generation as a percentage of existing annual average daily flows on Squires Gate Lane which provide a baseline scenario. This demonstrates that the maximum impact (which would occur in the peak am period) would be equivalent to a 4.8% increase in existing baseline traffic flows on Squires Gate Lane as a result of the development. The TS concludes that:

- “This is an insignificant impact, particularly considering [that] traffic associated with the existing airport has not been accounted for within the above assessment.”

Due to the absence of available data for airport uses in the TRICS database and the closure of the airport terminal in autumn 2014, it has not been possible to provide a direct comparison between the impact of the proposed development and the site's established use as an international airport in terms of comparative traffic generation and, accordingly, their respective impacts on the surrounding highway network. Nevertheless, it is apparent that the number of vehicle movements arising as a result of the previous use of the site as an international airport would have been substantial and concentrated at times when flights were departing/arriving at the airport. In this context, and given that the levels of traffic generation arising even without factoring in vehicle movements associated with the site's previous use are modest in percentage terms, it is not considered that the development would have any detrimental impact on the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site.

Parking:

The development would be served by the existing two-tier car park flanking Squires Gate Lane to the northern end of the site. Whilst this car park would be maintained in substantially the same form, modifications to the layout would be made to introduce additional disabled parking bays, motorcycle parking, landscaping and a new substation. Accordingly, there would be a 40 space reduction in the number of existing car parking spaces, with a total of 167 spaces to be retained to serve the college. The development would, however, deliver specific provision for parking of motorcycles (16 spaces) and bicycles (20 spaces) which is currently lacking on the site.

The Council does not presently have any adopted car parking standards. Policy T4 of the RPO Local Plan indicates that minimum standards will be set out in a Supplementary Planning Document, but recognises that “a flexible approach to the level of car parking provision will be applied, dependent

on the location of the development". Notwithstanding this approach, a Written Ministerial Statement by DCLG in March 2015 states that:

- "Local planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network".

In this case, it is apparent that the existing car park was designed to serve large volumes of traffic associated with the site's former use as an international airport. Whilst the development would result in a modest reduction in the number of spaces, it follows that the retained level of parking provision (including increased capacity for motorcycles and bicycles) will be sufficient to accommodate parking demand from the proposed use of a 2,950 square metre building as a college, including adequate provision for overspill parking within the site.

Conclusion on highway matters:

The proposed development would ensure that safe and convenient vehicle access can be gained to and from the site using existing access arrangements within the site and at the signalised junction on Squires Gate Lane. Suitable provisions would also be made for access by cyclists and pedestrians, and the submitted interim travel plan sets out measures to promote sustainable modes of travel for future users. The level of traffic generated by the development would not overload the capacity of the surrounding highway network and, as the current access arrangements were considered suitable to serve the site's established use as an international airport, it is considered that this would also be the case for the smaller college building. Satisfactory provision would also be made for vehicle parking and servicing commensurate to the size of the development and its location adjacent to the busy thoroughfare of Squires Gate Lane. The proposal is therefore in accordance with the requirements of FBLP policies CF1, TR1 and TR3, and the NPPF.

Ecology:

The land does not form part of any designated nature conservation site. The closest designated sites are the Ribble and Alt Estuary Special Protection Area (SPA, *circa* 890 m to the west) and the Lytham St Annes Dunes Site of Special Scientific Interest (SSSI, approximately 815m to the southwest).

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 policy EP15 indicates that development proposals which would affect the integrity of a designated European Site will not be permitted.

FBLP policy EP16 states that development proposals within or likely to prejudicially affect SSSIs will not be permitted unless damaging impacts on the nature conservation interest of the site can be appropriately avoided or mitigated.

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.

The site lies a significant distance from any nearby designated nature conservation sites of European or National importance and comprises previously developed land in an urban setting. Natural England have been consulted on the application and have indicated that the development is not likely to have a significant effect on the interest features for which the nearby SPA and SSSI have been notified. Therefore, the development would not affect the integrity of these sites would not conflict with the requirements of FBLP policies EP15 or EP16.

The application is accompanied by an Ecological Impact Assessment which includes details of surveys undertaken to establish whether the land has any site-specific ecology value. This survey makes the following conclusions:

- The site is generally of low ecological value comprising mainly buildings, car parks, roads and other hardstanding, along with small areas of amenity grassland and a small area of semi-improved grassland with little or no other semi-natural vegetation or habitat of significance.
- Whilst there are one or two niches within the existing buildings suitable for use by bats, the site is generally unsuitable in terms of both roosting and foraging. The site provides little or no suitable habitat for any other species of mammal such as badger, brown hare, deer or red squirrel.
- There are no water bodies on site and no historic records of great crested newts or common toad within 500m of the site boundaries. Habitats on the site what will be affected are unsuitable for use by this species as terrestrial habitat. The presence of or impact upon great crested newts and common toad is therefore highly improbable.
- There are no important habitats or vegetation communities occurring on site or close to the site boundaries that will be adversely affected by the proposals.
- With adequate mitigation to compensate for the very modest loss of habitat and the implementation of a number of relatively minor precautions in respect of bats and breeding birds there will be no negative ecological impact of any significance resulting from proposals to demolish the existing buildings and develop the site.

GMEU have been consulted on the ecology survey and agree with its conclusions with respect to the low value of existing habitats on the site and the lack of potential for existing features to support specially protected species (specifically birds and bats). Therefore, GMEU do not consider that any conditions are required in order to restrict the timing or phasing of development on ecological grounds. Accordingly, there are no specific ecological constraints on the site which should restrict development on nature conservation grounds. Therefore, the development would not be in conflict with the requirements of FBLP policy EP19 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.

The submitted FRA assesses the site’s risk of flooding from five separate sources including sea and river flooding, artificial sources (e.g. canals and reservoirs), groundwater, sewers and surface water. The FRA concludes that, due to a high water table and localised low points to the southwest corner of the site, the land is most susceptible to flooding from groundwater and surface water sources, though the risk across the site remains low. As the site falls within flood zone 1 and, accordingly, the type of development proposed is appropriate in accordance with the flood risk vulnerability classifications set out in the NPPG, the main issue to be considered in this case is with respect to ensuring a suitable strategy for surface water drainage from the site 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.

In addition, criterion (5) of FBLP policy CF1 states that the development of community services will be permitted providing that:

- Satisfactory foul and surface water drainage disposal arrangements can be provided.

The submitted FRA sets out a drainage strategy for the development based on the following principles:

- Any surface water drainage system will be designed to provide adequate capacity in order that it will not flood during the critical 1 in 30 year storm event and flood water generated from the critical 1 in 100 year (plus climate change) storm event shall be contained within the site.
- The shallow depth of groundwater on the site means that it would not be appropriate for surface water to drain via a soakaway. As there are no watercourses nearby, it is proposed that surface water from the site discharges to the public sewer system on Squires Gate Lane. It is United Utilities preference that the connection is to the 225m diameter surface water sewer at a rate of 10 litres per second, rather than the combined system at this location. A connection to the combined system could be achieved via gravity, whereas a pumped solution would be required to connect to the surface water sewer.
- On-site attenuation could be achieved using a combination of permeable paving, oversized pipes and cellular storage units. It is likely that cellular attenuation will be the most appropriate method of attenuation on the site due to limited space for open methods such as ponds.

- Foul drainage from the development will utilise the existing foul water infrastructure on the site which connects to the 939mm public combined sewer in Squires Gate Lane.

Both the LLFA and United Utilities have been consulted on the application. United Utilities have expressed their preference for surface water from the development to drain to the surface water sewer in Squires Gate Lane rather than the combined sewer. This is to ensure that bathing water quality standards are maintained and to reduce the risk of pollution associated with discharging to the combined sewer. This connection is likely to require a pumped solution and a maximum discharge rate to the surface water sewer of 10 litres per second. The applicant has provided an updated FRA and amended drainage plan to incorporate these requirements and UU have indicated that this strategy is acceptable. UU have also requested that separate systems are installed for the discharge of foul and surface water.

The LLFA have indicated that they have no objections to the scheme providing that the surface water drainage design includes adequate provision to control the rate of surface water discharge from the site by ensuring that this does not exceed the pre-development rate, plus a 30% allowance for climate change.

The requests from UU and the LLFA can be controlled through condition and, therefore, adequate measures can be put in place in order to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the requirements of FBLP policies EP25 and EP30, and the NPPF.

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 Phase I desk study which includes a qualitative risk assessment of potential sources of contamination on the site associated with historical uses. The report makes

the following conclusions:

- The qualitative risk assessment determined an overall negligible to moderate level of risk from potential contaminants to the development. The risk to the end user from ground gases and Unexploded Ordnance (UXO) is determined to be high.
- Key sources of perceived risk are linked to the railway and the construction/expansion of the airport. The nature and type of contamination within the made ground present may include; ash, mixed fill, hydrocarbons (e.g. fuel oils), heavy metals, herbicides, asbestos and assorted landfill materials.
- It is recommended that an intrusive investigation is undertaken to confirm the conceptual model or otherwise. As part of the site investigation it is recommended that a UXO engineer is present onsite during the intrusive site works to 'scan ahead' during boring activities. As an absolute minimum, a Detailed UXO report will be required.
- 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, and to assess if it is migrating to the site from external sources. Geotechnical samples should also be obtained in support of the design of foundations, roads and hard standing. In addition, the intrusive investigation will allow for the monitoring and sampling of groundwater/gas at the borehole locations aiding in the refinement of the conceptual model.

Given the above, it is considered necessary to impose a condition requiring intrusive (phase II) site investigations to allow for the monitoring and sampling of groundwater and ground gas and the submission of a remediation strategy before any development takes place. A detailed report concerning the potential for UXO will also be required. The need for such a condition is also identified by the Council's EHO. An appropriate condition has been recommended in this regard in order to ensure that the development does not conflict with the requirements of FBLP policy EP29 and the NPPF.

Conclusions

The application seeks full planning permission for the demolition of the existing, vacant airport terminal (and associated ancillary outbuildings) and the construction of a two storey college building (including associated infrastructure) in its place. The college would provide an education facility of sub-regional importance, delivering specialist skills training for the energy industry.

The site is subject to a restrictive allocation on the FBLP Proposals Map, with policy TREC19 indicating that development of airport and associated ancillary leisure uses only will be permitted in this area. Nevertheless, circumstances at the site have changed significantly since the adoption of the FBLP in 2005. In particular, the airport closed to large commercial flights in autumn 2014 and its classification has been downgraded in order that it is now only able to operate a limited number of commercial flights for light aircraft (currently provided by 'Citywing'), along with Bond Helicopters and other private charter flights. The existing terminal building is not used to accommodate these operations and, accordingly, has lain vacant since autumn 2014. The site also falls within an area which is soon to be designated as the Blackpool Enterprise Zone (BEZ). The forthcoming BEZ will encourage the development of non-airport related uses on the application site and adjoining land, and it is clear from ministerial announcements that the proposed energy college is anticipated to form a key anchor unit within the BEZ. Moreover, the emerging Local Plan does not impose the same restrictions on non-airport related development at the site as are applicable in the FBLP.

A prior approval application for the demolition of the airport terminal building has already been granted (application reference 15/0887). Therefore, the airport terminal can be demolished through a separate process occurring independently of the planning application (and regardless of its

outcome). This is a material consideration when assessing the weight to be attached to any desire to retain the terminal building. The development makes provision for the relocation of the existing Citywing terminal in alternative accommodation elsewhere within the site, the delivery of which can be controlled through planning condition in order to ensure that operations at the airport are maintained at current levels. The provision of any new terminal building with increased passenger carrying capacity would be subject to future demand and, if commercially viable, could be delivered through separate means which are not being assessed as part of the current application.

The proposed development would deliver a unique educational facility of sub-regional importance in a prominent, highly sustainable and accessible location within the urban area which is previously developed land. The college would provide an anchor unit within the EZ which would stimulate growth in line with the future development aspirations for this part of the site. The development would deliver an attractive, contemporary and energy-efficient building on the site which would raise the standard of design in the locality and would not prejudice the delivery of a replacement passenger terminal in an alternative location elsewhere on the site in the future. Therefore, it is considered that the benefits of the scheme would outweigh any harm arising by virtue of the development's conflict with the provisions of FBLP policy TREC19, in order that a departure from that policy is justified in this case.

The proposed development, by virtue of its size, scale, height, massing, layout and materials, would be compatible with the character of surrounding buildings – particularly those located along the southern frontage of Squires Gate Lane – and would make a positive contribution to the street scene by raising the standard of building design in the locality. The development would not have an oppressive or overbearing impact on surrounding occupiers by reason of its scale or siting, and would achieve a significant degree of separation with neighbouring dwellings to ensure that it would not unduly affect the amenity of nearby occupiers through loss of outlook, overshadowing, overlooking, noise generation or light pollution. Appropriate landscaping would also be introduced as part of the development layout and mitigation can be put in place to ensure that the scheme has no adverse impact on the function of the airport with respect to aerodrome safeguarding.

Satisfactory arrangements would be made for access by vehicles, pedestrians and cyclists, and the level of traffic generated by the development would have no adverse impact on network capacity either adjacent to or further away from the site. Adequate provision would also be made within the site for vehicle parking, servicing and manoeuvring. Appropriate mitigation can also be provided to ensure that the development would have no detrimental impacts in terms of ecology, flooding, contamination and drainage. 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

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

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

2. This permission relates to the following plans:

Drawing no. 50101 EX(90)12 Rev C – Planning application boundary plan.
Drawing no. 50101 SK(90)20 – Development plan.
Drawing no. 50101_SP(90)11 Rev N – External works plan phase 1.
Drawing no. 50101_SP(90)12 Rev E – External works plan phase 2.
Drawing no. 50101_SP(90)13 Rev E – Planting plan phase 1.
Drawing no. EL(20)02 Rev G – Proposed GA building elevations phase 1.
Drawing no. EL(20)13 Rev A – Proposed GA building elevations phase 2.
Drawing no. PL(20)03 Rev D – EHQ ground floor phase 1.
Drawing no. PL(20)04 Rev D – EHQ first floor phase 1.
Drawing no. PL(27)04 Rev B – EHQ flat roof plan phase 1.
Drawing no. PL(27)03 Rev B – EHQ curved roof plan phase 1.
Drawing no. PL(20)12 – EHQ ground floor phase 2.
Drawing no. PL(20)13 – EHQ first floor phase 2.
Drawing no. PL(27)13 – EHQ flat roof plan phase 2.
Drawing no. PL(27)12 – EHQ curved roof plan phase 2.
Drawing no. SE(20)02 Rev B – Indicative sections.
Drawing no. SE(90)02 Rev A – Indicative site sections phase 1.
Drawing no. SE(90)03 Rev A – Indicative site sections phase 2.
Drawing no. MA1262-70-00-01 Rev C – Proposed drainage layout.
Drawing no. DT(90)04 – Typical storage compound.
Drawing no. DT(90)03 Rev B – External works typical details hard landscape.
Drawing no. 015.066.M.112 Rev T2 – Indicative mechanical services elevations.
Drawing no. 015.066.E102 Rev T1 – External lighting planning layout.
Drawing no. 015.066.E104 Rev T1 – CCTV & external services layout.

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Fylde Borough Local Plan and the National Planning Policy Framework.

3. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the development shall be constructed sequentially in accordance with the two phases shown on drawing nos. 50101_SP(90)11 Rev N & EL(20)02 Rev G (phase 1) and 50101_SP(90)12 Rev E & EL(20)13 Rev A (phase 2). The first phase of development shall include those parts of the building and all associated external access, parking, servicing, manoeuvring and other landscaped areas and ancillary buildings and enclosures shown on drawing nos. 50101_SP(90)11 Rev N & EL(20)02 Rev G, and these external works shall be completed and made available for use before the building hereby approved is first occupied.

Reason: For the avoidance of doubt and to ensure that any phased development of the site takes place in an appropriate order and timetable which secures adequate provision of infrastructure to serve each phase in accordance with the policies contained within the Fylde Borough Local Plan and the National Planning Policy Framework.

4. Notwithstanding the requirements of condition 3 of this permission, no other development shall take place until the 'Citywing' reception/lounge and airport administration buildings have been relocated and made available for use in accordance with the details, phasing and timetable shown in the document titled "Enabling Works – Phasing Plans" by 'Blackpool Airport Properties Ltd'.

Reason: To ensure that satisfactory arrangements are made for the provision of alternative accommodation for existing airport operations in order to secure the continuity of these services

before any development which would result in the removal of these existing facilities from the site takes place.

5. Other than those works associated with the demolition of existing buildings on the site, no above ground works for each phase of development identified in condition 3 of this permission shall take place on the part of the site relating to that phase until a scheme to mitigate the development's impact on the St Annes radar has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: (i) details of all mitigation measures to be delivered as part of the development (during both the construction and operational phases); (ii) details of how these measures would avoid any detrimental impact to the St Annes radar; (iii) confirmation of the radar Operator's approval of the proposed measures; and (iv) a timetable for their implementation. The duly approved scheme shall thereafter be implemented in accordance with the details and timetable contained therein.

Reason: To ensure that the development does not have any harmful impact on the operation of the St Annes radar station in the interests of aviation safety and in order that the development does not prejudice the operation of any existing aerodrome in accordance with the requirements of Fylde Borough Local Plan policy TR14 and the National Planning Policy Framework.

6. Other than those works associated with the demolition of existing buildings on the site, no above ground works for each phase of development identified in condition 3 of this permission shall take place on the part of the site relating to that phase until samples or full details of all materials to be used on the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

Reason: To ensure use of appropriate materials which are sympathetic to the character of surrounding buildings and the street scene in the interests of visual amenity in accordance with the requirements of Fylde Borough Local Plan policy CF1 and the National Planning Policy Framework.

7. Other than those works associated with the demolition of existing buildings on the site, no above ground works for each phase of development identified in condition 3 of this permission shall take place on the part of the site relating to that phase until details of all windows and doors have been submitted to and approved in writing by the Local Planning Authority. Such details shall include their design, materials, finishes, colour treatment, reveals and opening profile. The windows and doors shall be installed in accordance with the duly approved details before the building hereby approved is first occupied, and shall be retained as such thereafter.

Reason: To ensure use of appropriate materials which are sympathetic to the character of the building and its surroundings in the interests of visual amenity in accordance with the requirements of Fylde Borough Local Plan policy CF1 and the National Planning Policy Framework.

8. Other than those works associated with the demolition of existing buildings on the site, 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 paragraph 3.3. of the 'Phase 1 Detailed Desk Top Study' by 'Curtins' (report reference EB1788/KR/4984) dated 2 August 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;
- 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;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- 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 the building hereby approved is 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.

9. Other than those works associated with the demolition of existing buildings on the site, no above ground works for each phase of development identified in condition 3 of this permission shall take place on the part of the site relating to that phase 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:
- a) separate systems for the disposal of foul and surface water;
 - b) measures to ensure that surface water from the development is discharged to the surface water sewer in Squires Gate Lane (as identified on drawing no. MA1262-70-00-01 Rev C) at a rate of not more than 10 litres per second;
 - c) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer for the 1 in 1 year, 1 in 30 year and 1 in 100 year rainfall events (including a 30% allowance for climate change), which shall not exceed the pre-development rate;
 - d) details of any necessary flow attenuation measures including temporary storage facilities and the use of SUDS where appropriate;
 - e) details of any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (e.g. refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
 - f) details of flood water exceedance routes (both on and off site);
 - g) evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
 - h) details of water quality and pollution prevention controls;
 - i) a timetable for implementation, including details of any phased delivery; and
 - j) details of a management and maintenance plan for the drainage system after completion, including any arrangements for adoption by an appropriate public body or statutory undertaker.

The scheme shall be implemented in accordance with the duly approved details before the building hereby approved is first occupied, and maintained as such thereafter.

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.

10. The building hereby approved shall not be first occupied until details of a management and maintenance scheme for any sustainable drainage system to be installed pursuant to condition 8 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:
- a) arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Management Company.
 - b) arrangements concerning funding mechanisms for the ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) to include details such as:
 - i. on-going inspections relating to performance and asset condition assessments;
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance of limited life assets; and
 - iii. any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
 - c) means of access and easements for maintenance purposes;
 - d) A timetable for implementation.

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

Reason: To ensure that satisfactory measures are put in place for the management and maintenance of any sustainable 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.

11. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, within 3 months of development first taking place details of the height, design, materials and finish of all boundary treatments and any other means of enclosure to be erected as part of the development (the siting of which is shown on drawing no. 50101_SP(90)11 Rev N) shall be submitted to and approved in writing by the Local Planning Authority. All boundary treatments and other means of enclosure shall be constructed in accordance with the duly approved details before the building hereby approved is first occupied, and shall be retained as such thereafter.

Reason: In the interests of site security and to ensure a satisfactory appearance in the interests of visual amenity in accordance with the requirements of Fylde Borough Local Plan policy CF1 and the National Planning Policy Framework.

12. The building hereby approved shall not 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:
- (i) details of measures to be introduced to promote a choice of travel modes to and from the site;
 - (ii) 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

- (iii) 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 three consecutive years following the implementation of the Travel Plan) of the effectiveness of the measures introduced under (i) 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 CF1, TR1 and TR3, and the National Planning Policy Framework.

13. Other than those works associated with the demolition of existing buildings on the site, 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:
- a) hours of work for site preparation, delivery of materials and construction;
 - b) arrangements for the parking of vehicles for site operatives and visitors;
 - c) details of areas designated for the loading, unloading and storage of plant and materials;
 - d) details of the siting, height and maintenance of security hoarding;
 - e) arrangements for the provision of wheel washing facilities for vehicles accessing the site;
 - f) measures to control the emission of dust and dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from construction works; and
 - h) 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.

14. Within 3 months of development first taking place a scheme for the layout, design, construction (including surface treatment) and drainage of all vehicle parking and servicing areas hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The duly approved parking and servicing areas shall be constructed and marked out in accordance with the duly approved scheme and made available for use before the building hereby approved is first occupied, and shall be retained as such thereafter for the parking and manoeuvring of vehicles.

Reason: To ensure that adequate provision is made for vehicle parking and manoeuvring, to ensure appropriate surface treatment and an adequate standard of engineering works to hardstanding areas and in order that satisfactory provisions are made for the disposal of surface water in accordance with the requirements of Fylde Borough Local Plan policies CF1, EP25 and EP30.

15. Notwithstanding any details shown on the approved plans and the requirements of condition 2 of this permission, within 3 months of development first taking place a scheme for the layout, design, construction (including surface treatment) and drainage of all external hard surfaced areas of the development (other than those covered by condition 13 of this permission) shall be submitted to and approved in writing by the Local Planning Authority. The hard surfaced areas shall thereafter be constructed in accordance with the duly approved scheme before the building hereby approved is first occupied.

Reason: In order to ensure satisfactory treatment of hard surfaced areas and a satisfactory

standard of engineering works in the interests of visual amenity in accordance with the requirements of Fylde Borough Local Plan policy CF1 and the National Planning Policy Framework.

16. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the landscaping scheme shown on drawing no. 50101_SP(90)13 Rev E shall be carried out during the first planting season after the part of the building to be delivered in accordance with the first phase of development identified in condition 3 of this permission is substantially completed and, other than those areas which are to be developed under phase 2 (as shown on drawing no. 50101_SP(90)12 Rev E), the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with the requirements of Fylde Borough Local Plan policies CF1, EP14 and EP18, and the National Planning Policy Framework.

17. Notwithstanding the requirements of conditions 2 and 16 of this permission, the building hereby approved shall not be first occupied until a scheme for the provision of the green wall (the extent of which is shown on drawing no. EL(20)02 Rev G) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, species, siting and a programme of planting. The duly approved scheme shall be carried out during the first planting season after the part of the building to be delivered in accordance with the first phase of development identified in condition 3 of this permission is substantially completed and shall be retained as such thereafter. Any climbing plants removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by specimens of a similar size and species to those originally required to be planted.

Reason: To ensure an appropriate treatment and finish for the green wall to be delivered as part of the development and to achieve satisfactory provision and maintenance of soft landscaping at the site in the interests of visual amenity in accordance with the requirements of Fylde Borough Local Plan policies EP14 and CF1, and the National Planning Policy Framework.

18. Before the building hereby approved is first occupied, details of the siting, size, height, materials and finish (including colour treatment) and design of the following structures and enclosures shown on drawing nos. 50101_SP(90)11 Rev N, DT(90)03 Rev B and DT(90)04 shall be submitted to and approved in writing by the Local Planning Authority:

- (i) cycle shelters;
- (ii) waste/bin storage areas;
- (a) storage compounds;
- (b) smoking shelter; and
- (c) new substation.

The duly approved structures and enclosures shall be constructed and made available for use before the building hereby approved is first occupied, and retained as such thereafter.

Reason: For the avoidance of doubt and to ensure the provision of appropriate facilities for future occupiers of the development and to ensure an appropriate appearance for ancillary structures to be erected as part of the development in accordance with the requirements of Fylde Borough Local Plan policies CF1 and TR3, and the National Planning Policy Framework.

19. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, any external lighting on the site shall be installed in accordance with the lighting scheme indicated on drawing no. 015.066.E102 Rev T1. No other lighting shall be installed on the site unless a scheme including details of: (i) its position and height on the site; (ii) its spillage, luminance and angle of installation; and (iii) any hoods to be fixed to the lights, has been submitted to and approved in writing by the Local Planning Authority prior to its installation.

Reason: To ensure that any external lighting to be installed at the site does not cause a nuisance to surrounding occupiers or detract from visual amenity in the surrounding area as a result of light pollution in accordance with the requirements of Fylde Borough Local Plan policy EP28 and the National Planning Policy Framework.

20. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, any external CCTV cameras on the site shall be installed in accordance with the scheme indicated on drawing no. 015.066.E104 Rev T1. No other CCTV shall be installed on the site unless a scheme including details of: (i) its position and height on the site; and (ii) its angle of installation, has been submitted to and approved in writing by the Local Planning Authority prior to its installation.

Reason: To ensure that any external lighting to be installed at the site does not cause a nuisance to surrounding occupiers or detract from visual amenity in the surrounding area as a result of light pollution in accordance with the requirements of Fylde Borough Local Plan policy EP28 and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/15/0811	Address Former Blackpool Airport Terminal Building, Squires Gate Lane, Lytham St Annes	Grid Ref. E.3314 : N.4318	Scale 0 10 20 30 40 m

Item Number: 9

Committee Date: 10 February 2016

Application Reference:	15/0866	Type of Application:	Outline Planning Permission
Applicant:	Mr Betts	Agent :	Shepherd Planning
Location:	LAND ADJACENT NOOKWOOD COTTAGE, BLACKPOOL ROAD, KIRKHAM, PRESTON, PR4 2RD		
Proposal:	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF THREE DWELLINGS (ACCESS AND SITE LAYOUT APPLIED FOR) AMENDMENTS TO PREVIOUSLY APPROVED SCHEME 15/0043.		
Parish:		Area Team:	Area Team 1
Weeks on Hand:	9	Case Officer:	Rob Clewes
Reason for Delay:	Need to determine at Committee		
If viewing the agenda online the following is a Google Maps link to the general site location: https://www.google.co.uk/maps/@53.7834189,-2.8985307,560m/data=!3m1!1e3?hl=en			

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is an irregularly shaped area of land to the north of the existing dwelling at Nookwood Cottage which is itself to the north of Blackpool Road to the west of the Ribby Road roundabout junction outside of Kirkham. The application is submitted in outline for the erection of 3 dwellings, and is effectively a revision to a planning permission for 3 dwellings approved under reference 15/0043.

As the site is outside of the settlement boundary on land allocated as Countryside in the Fylde Borough Local Plan the proposed residential development is not in compliance with policy SP2. However, a number of factors combined to allow the officer recommendation to be for approval. These are that the site is in close proximity to existing residential consents on adjacent land, has residential properties immediately neighbouring it, it is considered to be in a sustainable location, and it will assist in relieving the council's housing supply shortfall. As the site is within the Kirkham Triangle area of land which has existing large scale housing development consents in place the character of the countryside will not be affected.

Due to the spacing and orientation of the neighbouring residential properties there will be no detrimental impact to amenity. Highway safety, trees and health and safety matters raised no concerns with the relevant consultees. Therefore it is considered that the proposal complies with paragraph 17 of the NPPF and Policies SP2 and HL2, HL3 and HL6 of the Fylde Borough Local Plan and is considered acceptable.

Reason for Reporting to Committee

The application is subject of an objection from the Parish Council and so as the officer recommendation is to grant planning permission it is necessary for the decision to be made by the Development Management Committee.

Site Description and Location

The application site is a piece of land located on the northern side of Blackpool Road, Kirkham. Situated between Blackpool Road and the southern side of the site there are two residential properties, Nookwood Cottage and Nookwood Barn. Within the site there are trees to the north, and to the south and west there are other trees that benefit from a Tree Preservation Order. To the west of the site is other land owned by the applicant and then the Storey Homes development site. To the north are recreational fields operated by Kirkham Grammar School. The settlement of Kirkham is located to the east with the settlement boundary on the eastern side of the A585.

Details of Proposal

The proposal is an outline planning application with access and layout applied for relating to 3 no. detached dwellings. The layout locates plot 1 to the west of the site, with plot 2 at the northern part of the site and plot 3 at the southern end adjacent Nookwood Cottage. Plots 1 and 2 have attached garages and plot 3 has a detached garage. The access is gained by extending the existing access point from Blackpool Road serving both Nookwood Cottage and Nookwood Barn.

This application is a re-submission of previously approved application ref: 15/0043 which had a different layout whereby all the garages were detached. In addition the house layout to plot 1 has been revised.

Relevant Planning History

Application No.	Development	Decision	Date
15/0420	OUTLINE APPLICATION FOR ERECTION OF 1 NO. TWO STOREY DWELLING AND DETACHED GARAGE (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Granted	13/11/2015
15/0043	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF THREE DWELLINGS. (ACCESS AND SITE LAYOUT APPLIED FOR)	Granted	03/06/2015
14/0105	PROPOSED DETACHED DWELLING	Granted	07/04/2014
13/0418	CERTIFICATE OF LAWFULNESS FOR EXISTING USE AS A DWELLING	Withdrawn by Applicant	28/10/2013
04/0466	OUTLINE APPLICATION FOR DETACHED DWELLING	Refused	29/06/2004
03/0467	CHANGE OF USE OF COTTAGE TO FORM RESTAURANT & CAR PARKING	Refused	07/07/2003
03/0257	OUTLINE APP. FOR 2 NO. DETACHED DWELLINGS	Refused	09/05/2003

Relevant Planning Appeals History

Application No.	Development	Decision	Date
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04/0466	OUTLINE APPLICATION FOR DETACHED DWELLING	Dismiss	21/04/2005
03/0257	OUTLINE APP. FOR 2 NO. DETACHED DWELLINGS	Dismiss	21/10/2003

Parish/Town Council Observations

Kirkham Town Council notified on 14 December 2015 and comment:

Object on the following grounds:

- The site lies on a lower level than those houses on the Kirkham Triangle which have been flooded regularly over the Christmas period 2015. This highlights the dangers of continuing to build on flood plains.
- Vehicle access will cross over the pedestrian footpath between Kirkham Triangle and the Town.
- Access and egress in such close proximity to the roundabout and straight onto the busy 583 will be detrimental to highway safety.

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

At the time of writing this report no comments had been received. However, they raised no objection to application 15/0043 which was for the same scale of development and same access point.

Regeneration Team (Trees)

No objections subject to a condition to ensure appropriate protection is provided for the trees during construction.

Neighbour Observations

Neighbours notified:	14 December 2015
Amended plans notified:	N/A
Site Notice Date:	14 December 2015
Press Notice Date:	N/A
No. Of Responses Received:	None

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
HL03	Small scale rural housing development
EP11	Building design & landscape character
EP12	Conservation trees & woodland

Other Relevant Policy:

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

Site Constraints

Tree Preservation Order
Within countryside area

Environmental Impact Assessment

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

Comment and Analysis

The application is an outline application with the reserved matters of access and layout applied for. Design, scale and landscaping have not been applied for. Therefore the main issues regarding this application from the plans submitted are:

- Principle of the development
- Design and layout
- Impact to the countryside
- Impact to residential amenity
- Impact to highway safety

Principle of the development

The site is located within the countryside as shown on the adopted local plan. Therefore Policy SP2 applies which restricts the majority of development to preserve the openness and character of the countryside. The policy does allow for some exceptions, however new housing does not fall within these identified exceptions. Whilst the proposal does not fall within the identified exceptions the principle of the development in this particular case is considered acceptable due to the site being in close proximity to the settlement edge, being adjacent to other residential properties, and being adjacent to an area of land to the north and west bounded by Blackpool Road and the A585 which has been allocated as a strategic housing site in the emerging Fylde Local Plan to 2032 and where developments totalling 320 houses are under construction. Therefore when taking into account the provisions of Policy HL2 of the Fylde Borough Local Plan the proposal is considered compatible with and not isolated from nearby and adjacent land uses.

Secondly Section 6, Para 49 (Delivering a wide choice of high quality homes) of the National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development. As the site is not within a more sensitive area, such as Green Belt and is within a reasonable distance to the settlement of Kirkham it is a sustainable and accessible location that is not detached from local services. Due to the limited scale of the proposal the impact to these services will be minimal and due to the application site's location it is considered easily accessible in terms of public transport links to wider services. Furthermore policies relevant to housing should not be considered up-to-date if the LPA cannot demonstrate a five-year supply of housing. Whilst this matter does not on its own outweigh other material planning considerations there are no defensible objections to the principle of residential development in this case.

Design and layout

Policy HL2 of the Fylde Borough Local Plan sets out the guidelines for new housing developments. The size of the application site (0.269 hectares) would mean that the development should propose between 30-50 dwellings per hectare which in the case of this site would mean 8 units. The

development proposes 3 dwellings which clearly does not achieve this density but is acceptable here given the presence of the trees and the irregular shape of the site which restricts its ability to accept more dwellings without appearing cramped.

The proposed layout shows three detached dwellings appropriately spaced with sufficient distance between each property and the protected trees both within, and adjacent to, the site. The change in layout from that previously approved does not result in any detrimental impact to the character or openness of the area and the resulting foot prints of the properties are considered acceptable.

Impact to the countryside

The proposal will have an impact to the character and openness of the countryside, but as it sits adjacent to two existing residential properties it will not appear isolated. Furthermore the land levels of the site mean that the proposed properties will sit on lower ground than the adjacent highway on Blackpool Road so resulting in restricted views of the dwellings and minimising their impact to the openness of the countryside. Furthermore existing consents on adjacent land for large scale developments must be taken into account when assessing the impact the character and openness of the countryside. Due to there being consent in place for a total of 320 on land immediately adjacent the site the further addition of three detached dwellings will have little impact to the overall character of the countryside.

The scale of the development indicated will be at two-storey and will reflect the scale of the other residential properties in the surrounding area and will not appear out of keeping with the general rural character of the area. It is therefore considered that the character of the countryside will not be detrimentally affected.

Impact to residential amenity

Plots 1 and 2 of the proposed development will have no detrimental impact to the amenity of the nearby residential properties to their distance from and orientation with these properties. Plot 3 is immediately to the north of Nookwood Cottage. Due to its orientation it will create no loss of light to Nookwood Cottage. Although there will be some overbearing this will primarily be on the North facing side elevation and the front and rear elevations will remain largely unaffected. Due to the appropriate layout of the three dwellings their orientation with each other means that they will not have any detrimental impact on each other's amenity.

Impact to highway safety

The Lancashire County Council highway surveyor raised no objection to the previously approved proposal ref: 15/0043 as adequate sight lines are established and vehicles will be able to leave the site in forward gear. This proposal proposed the same access point with the same sightlines therefore the impact to highway safety is considered acceptable. Whilst the Town Council are correct in that the access will cross the footway that is to be extended to serve the Kirkham Triangle dwellings, this is a common highway situation and not one that creates any issue given the availability of good inter-visibility between all road users in that area.

Impact to trees

The Council's Tree Officer raised no objection to the proposal and requested that the remaining tree in the north eastern edge of the site be retained and any built development be at least 10m from this tree, with this a matter to be addressed by condition.

Flooding and surface water drainage

The application site lies outside Flood Zones 2 and 3 therefore is at minimal risk of fluvial or tidal flooding. With regards to surface water flooding the Environment Agency Surface Water Flood Map does indicate some small pockets of surface water flooding within and near to the site. This has been realised in recent weeks and so may have led to the Town Council's concerns on this matter. However, it is understood that recent works by the developer of the adjacent residential site to clear out a ditch have eased this position and this does not justify a reason for refusing further development. A standard condition is appropriate to ensure that satisfactory drainage arrangements for the site are agreed and implemented in the development of the site.

Conclusions

As the site is outside of the settlement boundary on land allocated as Countryside in the Fylde Borough Local Plan the proposed residential development is not in compliance with policy SP2. However, a number of factors combined to allow the officer recommendation to be for approval. These are that the site is in close proximity to existing residential consents on adjacent land, has residential properties immediately neighbouring it, it is considered to be in a sustainable location, and it will assist in relieving the council's housing supply shortfall. As the site is within the Kirkham Triangle area of land which has existing large scale housing development consents in place the character of the countryside will not be affected.

Due to the spacing and orientation of the neighbouring residential properties there will be no detrimental impact to amenity. Highway safety, trees and health and safety matters raised no concerns with the relevant consultees. Therefore it is considered that the proposal complies with paragraph 17 of the NPPF and Policies SP2 and HL2, HL3 and HL6 of the Fylde Borough Local Plan and is considered acceptable.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. That the details submitted for approval of reserved matters shall indicate properties that do not exceed two storeys in height.

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

3. Prior to any development activity commencing, the trees in the North Eastern corner of the site will be protected by erecting HERAS fencing at the Root Protection Areas (RPAs) at a minimum distance of 10m from the trunks of the trees, as shown by the dotted line on the approved site plan ref. 4033/SD3 Rev C. The trees shall be retained as part of the approved plan and shall not be felled without the prior consent of the Local Planning Authority.

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

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

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

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

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

To ensure the site and development are adequately drained.

5. Notwithstanding the provision of Article 3, Schedule 2, Part 1, Class(es) A, B, C, D, E and F of the Town and Country Planning General Permitted Development Order 2015 [or any Order revoking or re-enacting that Order], no further development of the dwelling[s] or curtilage(s) relevant to those classes shall be carried out without Planning Permission.

CLASS VARIABLES

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

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

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

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

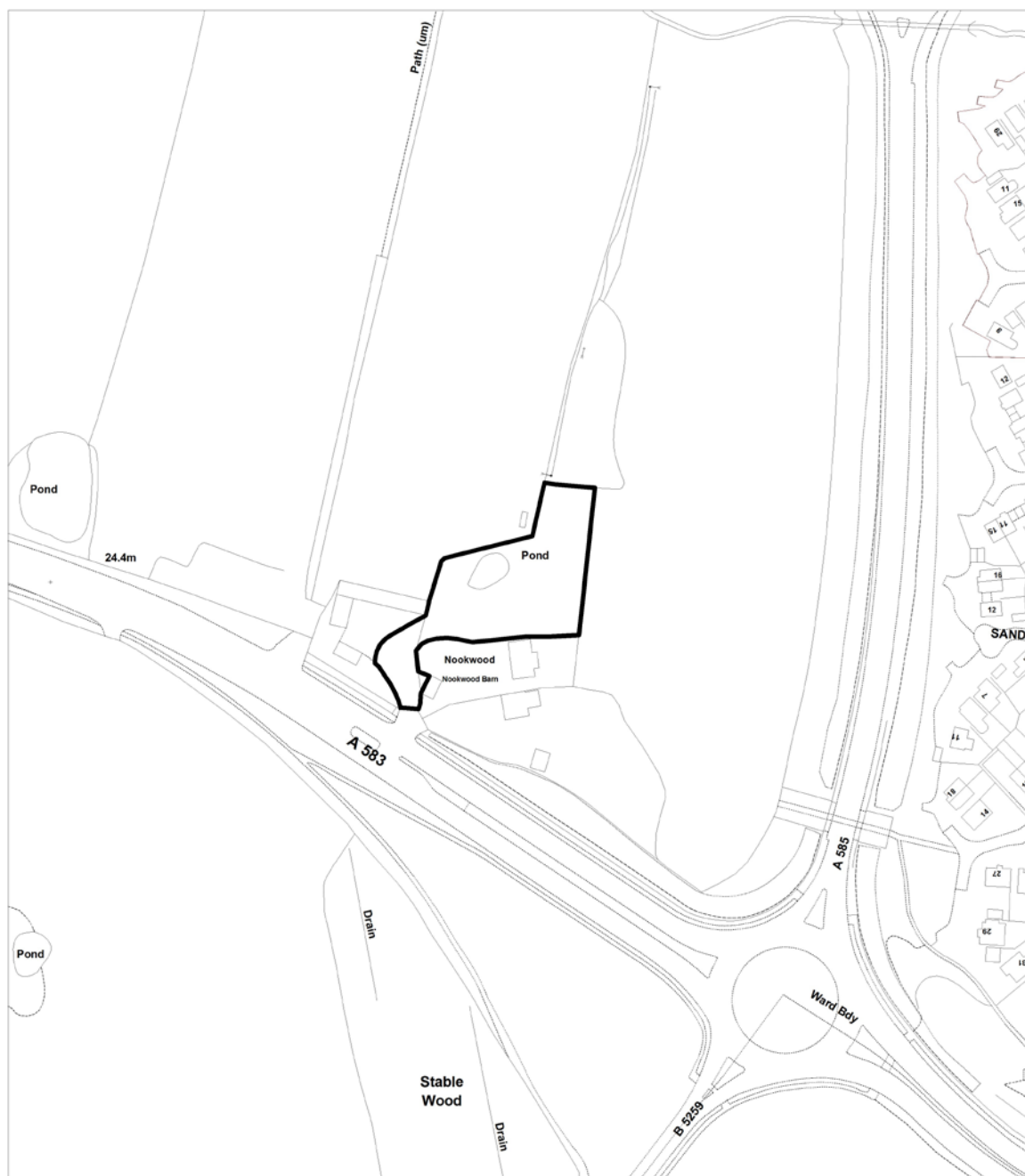
impact.

7. 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 11 December 2015, including the following plans:

Site Plan - 4033/SD14

Location Plan (received 11 December 2015)

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. 5/15/0866	Address Land adjacent Nookwood Cottage, Blackpool Road, Kirkham	Grid Ref. E.3410 : N.4322	Scale 0 10 20 30 40 m

LIST OF APPEALS DECIDED

The following appeal decision letters were received between 18/12/2015 and 29/01/2016. Copies of the decision letters are attached.

Rec No: 1 09 April 2014	12/0118	BUILDERS YARD, THAMES STREET, NEWTON WITH CLIFTON CHANGE OF USE OF LAND TO USE AS A RESIDENTIAL CARAVAN SITE FOR 4 NO. GYPSY FAMILIES EACH WITH 2 NO. CARAVANS, TOGETHER WITH THE ERECTION OF AN AMENITY BLOCK, ERECTION OF A BOUNDARY FENCE, INSTALLATION OF A PACKAGE SEWAGE TREATMENT PLANT, THE FORMATION OF A LANDSCAPED MOUND AND ALTERATIONS TO THE VEHICULAR ACCESS.	Called In Inquiry MA
Appeal Decision: Allowed: 12 January 2016			

Rec No: 2 20 March 2015	14/0302	LAND OFF WILLOW DRIVE, RIBBY ROAD, RIBBY WITH WREA OUTLINE APPLICATION FOR UP TO 100 DWELLINGS INCLUDING THE PROVISION OF ACCESS FOLLOWING THE DEMOLITION OF 15 WILLOW DRIVE	Public Inquiry AS
Appeal Decision: Allowed: 14 January 2016			



Department for
Communities and
Local Government

Philip Brown
Phillip Brown Associates
74 Park Road
Rugby
Warwickshire
CV21 2QX

Our Ref: APP/M2325/V/14/2216556
Your ref: The Old Builders Yard

12 January 2016

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 77)
APPLICATION BY ISSAC MCDONOUGH, THE OLD BUILDERS YARD, THAMES
STREET, NEWTON WITH SCALES, PRESTON, LANCASHIRE PR4 3RH
APPLICATION REF: 12/0118**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Mark Dakeyne BA (Hons) MRTPI, who held a public inquiry on various dates between 2 December 2014 and 2 February 2015 into the planning application made by your client to Fylde Borough Council (Application Ref. 12/0118) for:

The change of use of land to use as a residential caravan site for 4 gypsy families each with 2 caravans, together with erection of amenity block and alteration to site access or the change of use of land to use as a residential caravan site for 3 gypsy families each with 2 caravans, together with erection of amenity block and alteration to site access

on land at the Old Builders Yard, Thames Street, Newton with Scales, Preston, Lancashire PR4 3RH.

2. On 28 April 2014, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the local planning authority – Fylde Borough Council.

Inspector's recommendation

3. The Inspector recommended that planning permission be granted but on the basis of a 3 pitch scheme. For the reasons given below, the Secretary of State agrees with the Inspector's recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Phil Barber
Planning Casework Division
Department for Communities and Local Government
3rd Floor, Fry Building
2 Marsham Street
London SW1P 4DF

Tel 0303 44 42853
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Procedural Matters

4. The Secretary of State has noted the Inspector's remarks and actions at IR1-4.
5. On the 19 June 2015, the Secretary of State wrote to all parties to seek their views on the implications, if any, of the Judgments in *Mark Wenman v SSCLG & Waverley Borough Council* [2015] EWHC 925 (Admin) and *Woodcock Holdings Limited v SSCLG & Mid-Sussex District Council* [2015] EWHC 1173 (Admin) on their case. The only response received was from the Council.
6. The Council considered the Woodcock Holdings decision to have no bearing on the outcome of the current application. Turning to Wenman, the Council state the only Local Plan policy affected by the absence of a 5 year housing supply is policy SP2, which restricts development in the countryside save in certain circumstances. However, the Council considers that policy SP2 is a general policy relating to all types of development and should be read in the light of policy HL8, which is specific to Gypsy and Traveller accommodation and expressly contemplates development outside of settlement limits provided that the location is suitable and sustainable.
7. On 22 July 2015, following the judgment in Wenman, the Secretary of State issued a Written Ministerial Statement. However, given the circumstances of this case, it was not considered necessary to reference back to the parties for comments.
8. On the 21 September 2015, following the publication of the new Planning policy for traveller sites (PPTS, 2015), the Secretary of State wrote to all parties to seek their views on any additional implications, if any, of the new policy. Two responses were received, one from the Council and one from the Newton Residents' Association.
9. The Council provided some comments but stated that it did not consider the new policy to have any implications for their case as previously set out while the Association continued to object and considered the proposal to contravene paragraph 25 of the PPTS, 2015 which states local planning authorities should very strictly limit new traveller site development in the open countryside that is away from existing settlements. They also referred to the new PPTS definition but noted that no personal circumstances were advanced in relation to the application. In coming to his decision, the Secretary of State has carefully considered the impact of the new Planning policy for traveller sites on this application. As the above correspondence was copied to the parties to this case the Secretary of State does not consider it necessary to reproduce it here. Copies may be obtained on request to the address at the foot of the first page of this letter.

Policy Considerations

10. In deciding this application, 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 adopted development plan comprises the Fylde Borough Local Plan (FBLP), an amalgamation of two documents, the FBLP 1996 adopted in 2003 and the FBLP Alterations Review 2004-2016, adopted in 2005. The Secretary of State agrees that the most relevant

policies for this case are those set out by the Inspector at IR19–20, namely Policy SP2 and HL8 of the FBLP.

11. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (“the Framework”) Planning policy for traveller sites (PPTS, 2015) and the planning practice guidance published 6 March 2014.

Main issues

12. The Secretary of State agrees with the Inspector that the main considerations are those set out at IR203-204.

Sustainability

(i) Previous Use

13. For the reasons given at IR210-211, the Secretary of State agrees with the Inspector that the site falls within the definition of previously developed land (Annex 2 of the Framework) and that paragraph 17 of the Framework and paragraph 24 of the PPTS, 2012 (now paragraph 26 of the PPTS, 2015) which encourages the effective use of land by reusing land that has previously been developed apply.

(ii) General Location

14. The Secretary of State has given careful consideration to the Inspector’s analysis (IR212-213). The Secretary of State agrees with the Inspector (IR213) that the proposal would accord with the locational criteria of Policy HL8. The Secretary of State notes that the Inspector considers that Policy HL8 is consistent with paragraph 23 of the PPTS, 2012. However, that paragraph was amended by way of the PPTS, 2015. Paragraph 25 of PPTS, 2015 now states that it very strictly limits new traveller site development in open countryside that is away from existing settlements. While the site is in the open countryside, it is not away from existing settlements.
15. The Secretary of State agrees with the Inspector that in relation to Policy SP2 the proposed development would fall into the category of use appropriate to a rural area provided for by other policies of the plan, in this case Policy HL8 and while Gypsy and Traveller sites are not referred to in Policy SP2 (or its explanation) the policy would not be breached.

(iii) Accessibility

16. The Secretary of State has carefully considered the Inspector’s findings and conclusions on the accessibility of the proposed development (IR214-216). The site is well located in relation to accessibility of services and Criterion 5 of Policy HL8 would be met, would allow access to health services and for children to attend school in accordance with paragraph 11 of the PPTS, 2012 (now paragraph 13 of the PPTS, 2015). There is no evidence that the proposal would place undue pressure on local infrastructure and/or local services.

Character and Appearance

17. The Secretary of State has given careful consideration to the Inspector's analysis at IR217-230. He agrees with the Inspector that the character of the surrounding area is mixed and of variable quality and not particularly sensitive to change. He further agrees that these characteristics are a reflection of the mix of development within this transitional zone (IR217-219).
18. For the reasons given at IR226-229 the Secretary of State agrees with the Inspector that the 4 pitch proposal is dominated by hard landscaping treatment and lacks opportunity for soft landscaping. This would not represent positive enhancement of the environment and increase the site's openness – matters to which weight should be attached in accordance with paragraph 24 of the PPTS, 2012 (now paragraph 26 of the PPTS, 2015). He also agrees that the site would be capable of accommodating the 3 pitch scheme without having a significant effect on the character and appearance of the area so as to provide compliance with FBLP Policy HL8, EP10, and EP28.
19. The Secretary of State agrees with the Inspector that the design requirements of FBLP Policy EP11 and paragraph 56 of the Framework are met by a 3 pitch scheme on this previously developed site and that the impacts would be within acceptable bounds (IR230).

Setting of Listed Buildings

20. For the reasons given at IR231-235, the Secretary of State agrees that the settings of the listed buildings do not extend beyond their curtilages in the direction of the application site. He agrees with the Inspector's conclusion at IR236 that the proposal would not affect the settings of the listed buildings and as a result would do the settings no harm. FBLP Policy EP4 and the Framework Tests within paragraphs 132 and 134 do not apply.

Highway Safety

21. The Secretary of State has taken account of the Inspector's remarks in relation to highway safety and given the difficulties of getting mobile homes onto the site agrees (IR240) it is appropriate that the site should be limited to touring caravans only (IR237 – 245). He agrees with the Inspector that based on the actual dimensions of the site that the 4 pitch site would not provide adequate parking and turning space. Further agreeing with the Inspector, the Secretary of State views the 3 pitch layout as providing sufficient space for parking, turning, amenity and landscaping.
22. The Secretary of State agrees with the Inspector's conclusions (IR246) that the effects of the 3 pitch proposal on highway safety would be acceptable subject to the carrying out of off-site highway works to meet FBLP Policy HL8. Adequate parking would be provided. The proposal would achieve a safe and suitable access to the site and not result in severe residual cumulative impacts. It would meet the tests in paragraph 32 of the Framework.

Environmental Quality

(i) Layout

23. The Secretary of State has given careful consideration to the Inspector's findings regarding the layout of the proposed development (IR247-252). He agrees with the Inspector regarding the lack of space and unacceptable environmental quality regarding the 4 pitch proposal. He agrees that the proposed 3 pitch scheme would be of acceptable environmental quality in terms of its layout and further agrees that the 3 pitch scheme would provide a good standard of amenity in accordance with one of the core planning principles of paragraph 17 of the Framework. There would also be adequate play space for children promoting healthy lifestyles as referenced in paragraph 26 of the PPTS, 2015.

(ii) Contamination

24. The Secretary of State agrees with the Inspector's findings and conclusion at IR253-257 that subject to any necessary remediation the site would be of acceptable environmental quality for the proposed residential use.

(iii) Flood Risk

25. The Secretary of State has carefully considered the Inspector's findings and conclusion at IR258-265 and agrees that the development would not be in an area at highest risk from flooding so would be in accordance with the Framework and PPTS. He also agrees that the site would be of acceptable environmental quality in terms of the risks posed by flooding. He further agrees that there would be compliance with Policy EP30 of the FBLP and that satisfactory surface water drainage facilities can be provided in accordance with criterion 10 of Policy HL8 of the FBLP.

Local Environment

(i) Foul Drainage

26. The Secretary of State has had regard to the Inspector's comments at IR266-270 and agrees that policy EP25 and criterion 10 of the FBLP would be met as satisfactory sewerage treatment facilities can be secured by condition.

(ii) Noise

27. The Secretary of State has had regard to the Inspector's comments at IR271-274 and agrees that the effects on the local environment, with particular reference to noise, would be acceptable and that criterion 3 and 6 of Policy HL8 and Policy EP27 of the FBLP would be met.

Protected Species

28. The Secretary of State also agrees with the Inspector (IR275-277) that protected species would not be adversely affected by the proposed development and there would be no conflict with Policy EP19 of the FBLP.

The Need for and Provision of Gypsy and Traveller Sites

29. The Secretary of State has noted the publication in September 2014 of the Gypsy and Traveller Accommodation Assessment (GTAA) and that none of the main parties dispute the significant local need. He further notes that no provision has been made recently and none is proposed or planned other than the application site. The Secretary of State has carefully considered that the proposed 3 pitch development would contribute about 18% of the short term need and agrees with the Inspector that the development plan's failure to provide sites (including a 5 year supply) represents a failure of policy (IR281).
30. The Secretary of State agrees that occupation of the site can be controlled by condition so that it becomes a permanent site occupied by Gypsies and Travellers and that criterion 1, 2 and 4 of Policy HL8 of the FBLP are met (IR281).

Other Matters

31. The Secretary of State has carefully considered the Inspector's findings at IR282-289 and notes his conclusions.

Overall conclusions

32. In deciding the application, 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. The Secretary of State has had very careful regard to the Inspector's balancing of considerations at IR 297-306 and decides the application for a 3 pitch scheme is in accordance with the development plan.
33. The Secretary of State finds the use of previously-developed land, the location adjacent to a settlement and its relatively good accessibility to services are factors that weigh in favour of the development. He gives considerable weight to the unmet need for Gypsy sites in the Borough and wider area. He adds further weight to the lack of a 5 year supply and the consequent failure of policy. He considers that while there are no specific personal circumstances advanced in this case, he finds that granting a planning permission will likely have benefits in terms of Human Rights and the best interests of children, through providing a settled base, access to education and health care and improved well being. The Secretary of State weighs this in favour of both proposals.
34. The Secretary of State is though not satisfied that the 4 pitch scheme would be acceptable for reasons relating to impact on character and appearance, lack of parking and turning space and the environmental quality. The 4 pitch scheme would not accord with either the Framework or the PTS.
35. However, in favour of the 3 pitch scheme the Secretary of State has found the use of the land as a small scale self-contained Gypsy site would be sustainable with particular reference to previous use/current status, general location and accessibility. He has also found such use to be favourable with regard to not affecting the settings of nearby listed buildings, as having acceptable impacts on highway safety, being of acceptable environmental quality in terms of the risks posed by contamination and flooding, having no adverse effects on the local environment, in particular to foul drainage and noise and not adversely affecting

protected species. It would accord with development plan policies, the PPTS and meet Framework tests.

36. The Secretary of State has further found a 3 pitch scheme capable of acceptable impacts on character and appearance, provision of adequate space for parking and turning, capacity to ensure provision of a suitable layout so that environmental quality would be assured and have less impact on the highway network than a 4 pitch scheme. The 3 pitch scheme would accord with development plan policies, the PPTS and the Framework.
37. Weighing against the 3 pitch scheme the Secretary of State gives some weight to the impact on the character and appearance of the area and the possible use of the least sustainable drainage option. However, the benefits of the 3 pitch scheme would still significantly outweigh the harm.

Public Sector Equality Duty

38. In making his decision, the Secretary of State has had due regard to the requirements of the Public Sector Equality Duty, in particular the need to eliminate discrimination, advance equality of opportunity and foster good relations between those with protected characteristics and those who do not. The application is made on behalf of gypsies for a change of use of land to a residential caravan site for gypsy families. As such, the outcome of this application is likely to have an impact on the identified racial group of Gypsies and Travellers. The impacts are likely to be on Article 8 rights. In this regard and in coming to his decision he has considered the following impact on the protected group: the provision of and need for sites, the lack of alternative sites and human rights considerations. The Secretary of State recognises that granting this application would likely result in some Gypsy families having pitches on which to live in circumstances where there is significant local need and an absence of alternative sites and that this would help facilitate the Gypsy way of life. He also recognises that granting this application may also benefit some children and/or the elderly (age being a protected characteristic).
39. In the circumstances of the case, the Secretary of State has very carefully considered the Inspector's remarks at IR 297-306 and is mindful of potential equality impacts and is of the view that his decision to grant permission for a 3 pitch scheme is proportionate and justified in the circumstances.

Conditions

40. The Secretary of State has considered the Inspector's comments at IR290-296 and his recommended conditions at **Appendix C – Recommended Conditions**, as well as national policy as set out in the Framework and the planning guidance. The Secretary of State is satisfied that the proposed conditions are reasonable and necessary and would meet the test of paragraph 206 of the Framework. However, he considers that condition 3 should be amended to refer to the PPTS, 2015 rather than PPTS March 2012.

Formal Decision

41. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants planning permission for the change of use of land to use as a residential caravan site for 3 gypsy families each with 2 caravans, together with erection of amenity block and alteration to site access.

Right to challenge the decision

42. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within six weeks from the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
43. A copy of this letter has been sent to Fylde Borough Council, and a notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Phil Barber

PHIL BARBER

Authorised by the Secretary of State to sign in that behalf

Appendix – Recommended Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Scale 1:1250), Proposed Side Elevations of Amenity Block, Proposed Front and Rear Elevations and Floor Plan of Amenity Block (all Scale 1:100).
- 3) The site shall only be occupied as permanent accommodation and not as a transit site and only by “gypsies and travellers” as defined in Annex 1 Glossary of the Planning Policy for Traveller Sites March 2015 (or any policy guidance amending or adding thereto).
- 4) There shall be no more than 3 pitches on the site and on each of the 3 pitches hereby approved no more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed at any time.
- 5) Any caravans positioned on the site shall be touring caravans and shall be capable of being lawfully moved on the public highway, without division into separate parts, and shall not exceed 7m in length (excluding tow bar).
- 6) No more than one commercial vehicle per pitch shall be kept on the land for use by the occupiers of the caravans hereby permitted, and each vehicle shall not exceed a maximum gross weight of 3.5 tonnes.
- 7) No commercial activities shall take place on the land, including the storage of materials.
- 8) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the amenity block and details of the finished floor levels of the amenity block hereby permitted have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.
- 9) No electrical generator shall be used on the site unless it has been sited and enclosed in accordance with details which shall have been previously submitted to, and approved in writing by, the local planning authority.
- 10) No development shall take place until a site development scheme, based on a detailed site survey, has been submitted to, and approved in writing by, the local planning authority to include:
 - (i) a landscaping scheme to include: surfacing materials for all hard standings; screening to the refuse and recycling area; fencing and gates; the layout of amenity areas; and planting plans (including cultivation and other operations associated with plant and grass establishment; schedules of plants, noting species, plant sizes and proposed numbers/densities);
 - (ii) details of the layout and surfacing of the internal access road and parking and turning areas;
 - (iii) provision for refuse and recycling facilities and gas bottle storage; and,
 - (iv) external lighting.The site development scheme shall include a programme of implementation. The development shall be carried out in accordance with the approved details

and programme. No surfacing, fencing, gates or lighting shall be carried out or erected on the site other than that approved pursuant to this condition.

- 11) Any trees or plants included within the landscaping scheme required by condition 10 which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 12) No development shall commence until a scheme for the disposal of foul drainage from the site (including details of the future management and maintenance of the scheme) has been submitted to, and approved in writing by, the local planning authority. The site shall not be occupied for residential purposes until the foul drainage works have been completed in accordance with the approved scheme. Thereafter, the approved foul drainage shall be managed and maintained in accordance with the approved details for the lifetime of this development.
- 13) No development shall commence until a scheme for the surface water drainage of the site (including details of the future management and maintenance of the scheme) has been submitted to and approved in writing by the local planning authority. The site shall not be occupied for residential purposes until surface water drainage works have been completed in accordance with the approved scheme. Thereafter, the approved surface water drainage shall be managed and maintained in accordance with the approved details for the lifetime of this development.
- 14) Prior to the commencement of the development an investigation and risk assessment report of any contamination on the site shall be completed in accordance with a scheme that shall have been submitted to, and approved in writing by, the local planning authority. If the report indicates that remediation is necessary, details of a remediation scheme shall be submitted to, and approved in writing by, the local planning authority. The remediation scheme shall include all works to be undertaken, remediation objectives and remediation criteria, a timetable of works and site management procedures and shall be carried out in accordance with the approved details and timetable of works. Written notification of the commencement of the remediation scheme shall be given to the local planning authority at least 2 weeks before the start of the remediation works and a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to, and approved in writing by, the local planning authority prior to the first occupation of any of the development hereby permitted. If during the course of the development contamination not previously identified is found to be present at the site, no further development shall be carried out until an amendment to the remediation scheme giving details of how to deal with this contamination has been submitted to, and approved in writing by, the local planning authority. The remediation measures shall thereafter be carried out in accordance with the approved amended details.
- 15) No part of the development hereby permitted shall commence until a scheme for the construction of the site access and off-site highway works has been submitted to, and approved in writing by, the local planning authority. The site access works shall include a hard surface using tarmac, concrete or block

paving for a minimum of 5m from the highway into the site. The off-site works shall include measures to fill and surface potholes and provide street lighting columns on the un-surfaced section of Thames Street which runs in an east-west direction. The street lighting shall be designed to take into account the impact of lighting on bat activity in the vicinity. The site shall not be occupied until the site access and the off-site highway works have been completed in accordance with the approved details.

Report to the Secretary of State for Communities and Local Government

by Mark Dakeyne BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 30 March 2015

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING APPLICATION MADE BY

MR ISAAC MCDONOUGH

TO

FYLDE BOROUGH COUNCIL

Inquiry opened on 2 December 2014

The Old Builders Yard, Thames Street, Newton with Scales, Preston, Lancashire PR4 3RH

File Ref: APP/M2325/V/14/2216556

File Ref: APP/M2325/V/14/2216556

The Old Builders Yard, Thames Street, Newton with Scales, Preston, Lancashire PR4 3RH

- The application was called in for decision by the Secretary of State by a direction, made under Section 77 of the Town and Country Planning Act 1990, on 28 March 2014.
- The application is made by Mr Isaac McDonough to Fylde Borough Council.
- The application Ref 12/0118 is dated 20 February 2014.
- The development proposed is the change of use of land to use as a residential caravan site for 4 gypsy families each with 2 caravans, together with erection of amenity block.
- The reason given for making the direction was, in view of the proposed development's relationship with national policies on important matters set out below, the Secretary of State is of the opinion that the application raises issues of more than local importance which he ought to decide himself.
- On the information available at the time of making the direction, the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application are the proposal's consistency with the Fylde Borough Local Plan as adopted (October 2005) for the area; its conformity with policies contained in the National Planning Policy for Traveller Sites and the National Planning Policy Framework; and any other matters that the Inspector considers are relevant.

Summary of Recommendation: That planning permission should be granted.

Introductory and Procedural Matters

1. The inquiry sat for six days (2-5 and 9 December 2014 and 2 February 2015), closing on 2 February. I undertook an accompanied visit to the site and its surroundings on the morning of 10 December.
2. The application was considered by the Development Management Committee of Fylde Borough Council (the Council) on 18 December 2013 when it was resolved to grant planning permission subject to the Secretary of State (SoS) not calling in the application for his own determination. The application was called in on 28 March 2014. At the inquiry both the Council and the applicant gave evidence in support of the application whereas the Newton Residents Association (NRA), given Rule 6 status, opposed the application.
3. The application considered by the Council related to the change of use of the land for 4 gypsy pitches. Towards the end of the inquiry the applicant submitted a revised site layout showing 3 pitches¹ and asked that I consider this amended proposal in my report in addition to the original layout for 4 pitches. I deal with the implications of considering alternative schemes in my conclusions.
4. This report contains a description of the site and surroundings and its planning history, an explanation of the proposal, identification of the relevant planning policies, the cases of the parties and my conclusions and recommendation. Lists of appearances, inquiry documents and recommended conditions are appended.

The Site and Surroundings

5. The rectangular application site lies to the north of Thames Street and is about 47m wide and between 29m and 32m deep with an area of about 0.15 hectares. The land is relatively level, albeit with a slight rise of about 0.5m from front to

¹ See APP4

back, and is partly surfaced with a concrete hardstanding and hardcore/ash. Three trial pits have been dug on the site and there were some paving slabs stored towards the south-east corner. A French Drain has been laid close to the western boundary.

6. The site boundaries are marked by close boarded fences with concrete posts and bases, although the wooden panels have been removed from the enclosure along the site frontage. The fence to the rear boundary is on top of a small bank beyond which is a hedge. The base to the frontage fence is marginally above the level of Thames Street and is splayed at the point of access where there is a 2m high wooden framed and green mesh double gate.
7. Thames Street, where it passes the application site, is an unmade single track lane containing potholes. The carriageway width is between 3.3m and 4m. There are uneven grass verges but no lighting or footways along this stretch. Some 40m to both the west and east of the site, Thames Street turns north and rises up to meet Grange Lane. Both of these 100m sections of Thames Street are hard surfaced but still of single vehicle width and unlit. There are soft verges for most of these lengths but a pavement runs along a 45m section of the eastern limb between Grange Lane and the entrance to Harts Farm. Grange Lane itself has a 20mph speed limit, contains footways on both sides and lighting columns at regular intervals, including one at its junction with Thames Street East. There are no formal passing places along the three sections of Thames Street but a few access points and the wider sections at the bottom of Thames Street East and West provide opportunities for vehicles to pass each other.
8. To the north side of Thames Street, either side of the application site, are the southern end of the long plots of properties which front Grange Lane. These plots have a mixed character. The adjacent plot to the west contains some scrub and unimproved marshy grassland beyond which are access gates and the foot of the well maintained garden to Dixon's Farmhouse. To the east the plots are enclosed by fencing onto Thames Street and comprise a small parcel used for parking beyond which are some dilapidated sheds. To the north of the site are the sloping back gardens of houses on Grange Lane. The gardens are dotted with small trees. There are two modern detached houses 'fronting' Thames Street West and East, Autumn Fold to the west and Harts Farm to the east. There is also a long single storey outbuilding along the eastern boundary of Dixon's Farmhouse with Dagger Cottage.
9. South of Thames Street is a line of tall conifers with low slung poultry sheds and outbuildings. To the south-east is a timber clad single storey dwelling known as Pine Lodge. An L-shaped stable block lies beyond Thames Street West. Otherwise the area to the south of Thames Street comprises low lying fields crossed by a network of ditches which eventually drain to the River Ribble. Part of this area comprises the Newton Marsh Site of Scientific Interest (SSSI). There are farm tracks which cross this area from the foot of Thames Street West and East. That to the west is also a public footpath whilst the track to the east serves as a bridleway.
10. Grange Lane lies appreciably above the application site and is fronted by a mix of close knit properties, including historic buildings such as Dixon's Farmhouse and Dagger Cottage, both listed buildings, and modern semi-detached houses. The

development alongside Grange Lane forms the south-west extremity of the built up area of the village of Newton with Scales.

11. The village has a small convenience store/post office and hairdressers on Bryning Lane and a primary school along School Lane. These facilities are between about 400m and 800m from the application site by foot. There are footways and street lighting along both roads. There is also a public house at the intersection of Bryning Lane with Blackpool Road, the A583. There are bus stops on Bryning Lane, School Lane and Blackpool Road with a regular daytime service to Preston, Kirkham, Blackpool and Fleetwood (Mondays to Saturdays)² with a reduced service on Sundays.
12. The town of Kirkham lies some 2 miles to the north-west, linked by the A583, and provides a secondary school and a range of shops and other facilities, including a supermarket and health services.

Planning History

13. Aerial photographs and documentary evidence³ suggest that the site was used for a period between the 1960's and 1980's for the storage of building materials. Prior to that use it appears to have been marshy grassland. The site was not used for a time from the 1990's onwards when concrete became grassed over. The grass covering was scraped away to expose the concrete around 2007 and some further building material storage took place. A Lawful Development Certificate (LDC) was granted on 29 August 2008 certifying that the lawful use of the site was for the storage of building contractor's materials⁴.
14. The applicant acquired the site in 2010. In September/October 2010 works took place on the site comprising the erection of the close boarded fencing, the enlargement of the earth mound, the provision of splays to the access, the laying of some additional hardcore and the installation of the land drain⁵.

The Proposals

15. The planning application proposes the change of use of the land to a residential caravan site for 4 gypsy families. No business use is proposed, other than the ancillary parking of work vehicles. The proposal, as shown on the site layout plan, also includes the erection of a single storey amenity block close to the southern boundary, providing a kitchen/dining area, bathroom and laundry; screen fencing to the boundaries; and a landscaped mound to the rear boundary. The site layout plan accompanying the application shows 8 caravan bases and 7 parking spaces⁶. A package sewage treatment plant is shown to be sited to the south-west corner of the site. A brochure for a package sewage treatment plant was provided with the application⁷. Subsequently, in response to requests from the Council, a Phase 1 Environmental Report was provided⁸, it was confirmed that an alteration to the site access forms part of the proposal and it was

² Stated as an hourly service in SOCG1

³ See CD30, CD35 and NRA10

⁴ See CD16

⁵ See NRA10

⁶ See CD18

⁷ See APP3

⁸ See CD35

indicated that the site would only be used by touring caravans. Some of these elements were added to the description of development by the Council when the application was reported to the Development Management Committee of the Council.

16. The site layout plan for 3 pitches (paragraph 3 refers) shows the amenity block and package sewage treatment plant in a similar position to the original plan. The plan indicates that there would be bases for 6 caravans and 8 parking spaces. A hedgerow is proposed between the front boundary fence and Thames Street. The splay to the access is shallower, providing additional space within the site behind the fence and any gates.
17. The applicant's agent indicated at the inquiry that the plans had been drawn up on the basis that the site was about 52m wide by 30m deep. These measurements differ from those shown on the site survey carried out on behalf of the NRA and confirmed at the site visit. In particular the actual width of the site is some 47m.

Planning Policy and Guidance

18. The development plan, so far as it is relevant to this application, comprises the *Fylde Borough Local Plan*⁹ (FBLP) which is an amalgamation of two documents, the FBLP 1996 adopted in 2003 and the FBLP Alterations Review 2004-2016, adopted in 2005. The Proposals Map¹⁰ accompanying the FBLP shows the application site lying outside the settlement boundary of Newton in an area designated as open countryside. The settlement boundary of Newton runs to the rear of the dwellings on the south side of Grange Lane which I judge to be between 40m and 50m from the northern boundary of the application site.
19. Policy SP2 of the FBLP only allows development to be permitted in the countryside outside settlement limits in certain circumstances - in connection with agriculture or other uses appropriate to a rural area; in respect of the re-use of existing buildings and large developed sites; minor extensions to existing buildings; and development needed for the continuation of an existing enterprise which does not harm the character of the countryside. The criterion referring to uses appropriate to a rural area includes reference to uses provided for by other policies of the plan. Sites for gypsies and travellers are not referred to in the policy or its explanation.
20. However, Policy HL8 of the FBLP does deal with applications for caravan sites for gypsies and indicates that such proposals will be permitted where all of ten criteria are met. The criteria relate to identified need; that the application is made on behalf of gypsies; the type of site sought is clear (residential or mixed residential/business); the site size is appropriate to meet need, the site type and provide structural landscaping; the site is within or close to a settlement which can provide a primary school, public transport, shops and other community facilities; the site location would not give rise to nuisance; there is safe vehicular and pedestrian access and adequate parking; there would be no significant harmful effect on the landscape character of the area; any buildings are appropriately designed; and satisfactory drainage facilities are provided. The

⁹ See CD2

¹⁰ See CD49

policy goes on to say that sites will not be permitted in certain locations, including Green Belts, SSSI and in the open countryside away from settlements.

21. Policies TR1, EP4, EP10, EP11 and EP19 of the FBLP are also relevant as they deal with, amongst other things, safeguarding pedestrian safety, the settings of listed buildings, the landscape character of the Borough and protected species. Policies EP25, EP27, EP28, EP29 and EP30 of the FBLP relate to sewage treatment, noise, lighting, contamination and flooding, all matters which have been raised in evidence.
22. The Council is progressing an emerging plan, the *Fylde Local Plan to 2030* (FLP). A *Part 1 Preferred Options* version of the plan was published for consultation in June 2013¹¹. The FLP includes a draft policy, H4, which contains similar criteria to those contained within Policy HL8 of the FBLP, albeit that it does refer to the design of traveller sites according with the DCLG's *Designing Gypsy and Traveller Sites – Good Practice Guide* (GPG).
23. In addition to the existing and emerging plan there is local guidance of relevance, most notably *A Landscape Strategy for Lancashire – Landscape Character Assessment*¹². The application site lies on the border of two Landscape Character Areas (LCA), the Clifton and Hutton Enclosed Coastal Marsh and the Fylde Coastal Plain.
24. The *National Planning Policy Framework* (the Framework) was published in March 2012 and sets out the Government's policies to achieve sustainable development. The Government's *Planning policy for traveller sites* (PPTS) came into force at the same time as the Framework and is to be read in conjunction with it. The Government's *Planning Practice Guidance* (PPG) was published in March 2014. A document, *Consultation: planning and travellers*, was published by DCLG in September 2014. The intention is to amend PPTS, in due course.
25. Other relevant national guidance includes the GPG of May 2008 and *The Setting of Heritage Assets – English Heritage* dated October 2011.

Agreed Facts

26. I have covered a number of the undisputed facts in the previous paragraphs where I describe the site and surroundings, the planning history of the site, the proposals and the policy context.
27. Two Statements of Common Ground (SOCG) were submitted at the inquiry¹³. The first was agreed between the Council and the applicant. The NRA has suggested changes and does not agree with some elements of SOCG1¹⁴ but these have not been taken on by the other two main parties. The second SOCG is between Lancashire County Council (LCC) (the Highway Authority) and Sanderson Associates on behalf of the NRA.
28. In relation to SOCG1, it is agreed that there is an unmet need for traveller sites in both Fylde Borough and the sub-region. This need has been shown by the

¹¹ See CD3

¹² See CD50

¹³ See SOCG1 and SOCG2

¹⁴ See NRA12

*Fylde Coast Authorities Gypsy and Traveller Accommodation Assessment (GTAA)*¹⁵. In terms of Fylde Council area the need is for 26 pitches in the period 2014 to 2031 with 17 pitches required between 2014 and 2019. There is no provision currently planned or proposed and, therefore, the Council is unable to demonstrate a five year supply of deliverable sites. The NRA does not dispute the position in relation to need.

29. The Council and the applicant agree that significant weight should be attached to Policy HL8 of the FBLP as they consider it is consistent with the Framework and PPTS. All agree that little weight can be attached to the emerging FLP and Policy H4 at this early stage.
30. It is agreed by the main parties that the development would be of a scale which would not dominate the village of Newton as a whole and that the site is within walking distance of the village's facilities and bus service.
31. However, the NRA does not agree with the Council and applicant that the development would have an acceptable impact on the character and appearance of the area and the amenities of nearby residential occupiers. The NRA also differs from the other main parties in whether the development lies within the setting of the nearby listed buildings of Dagger Cottage and Dixon's Farmhouse. The NRA also dispute that the development would be acceptable in relation to flooding, drainage and contamination. The NRA refers to the development dominating the locally defined community centred on Grange Lane.
32. Within SOCG2 there is reference to the characteristics of Thames Street and its status as an unclassified adopted highway maintainable by Lancashire County Council (LCC). It is agreed that the proposal for 4 pitches would generate a maximum of 30 trips per day based on 7.5 trips per pitch. SOCG2 records that the matters not agreed are the severity of the impact of additional traffic movements, the accessibility of the site to a range of local facilities and whether the site layout is adequate in terms of parking and turning space.

The Case for the Applicant

*The material points are*¹⁶:

Introductory Points

33. The application is for a change of use of land to a gypsy site. The fact that the description includes reference to a 4 pitch site is not material¹⁷. Any limitation on the number or type of caravans or pitches has to be set out in conditions attached to the planning permission¹⁸. The formulation of such conditions will be a matter for the decision maker.
34. Much has been made of the site design and the available space for 4 pitches by the NRA. But the applicant is content that any change of use is made subject to the submission of a site development scheme. If the Inspector has any concerns about whether the site is large enough for 4 pitches, the number can be reduced

¹⁵ See CD6

¹⁶ Summarised from the applicant's closing submissions (APP6) and evidence at the inquiry

¹⁷ I'm Your Man Ltd v SSE 1999 77 P & CR 251

¹⁸ Reed v SoS and Bracknell [2014] EWCA Civ 241

to 3, to which the applicant has no objection and this can be reflected in both the wording of any condition limiting the number of caravans and in the design of the layout. Any reduction in the number of residential pitches proposed would clearly not prejudice anyone and would reduce concerns about traffic and landscaping.

35. The Council carried out a full consultation exercise and took into account all the objections raised, but indicated that they were minded to grant planning permission following careful analysis of the issues. The Council concede that the site complies with local and national policy and that any concerns raised by objectors can be adequately dealt with by conditions. The Council support the application.

Sustainability

(i) Previous Use

36. The lawful use of the site and the fallback uses are relevant considerations. The site is previously-developed land (PDL) with an existing commercial use, the storage of builder's materials. The development would have the benefit of making use of untidy vacant PDL on the edge of an existing settlement in accordance with paragraph 24 of PPTS. The LDC was issued relatively recently and there are building materials still on site. There is no evidence of abandonment. The operational works that took place in 2010 were not necessarily related to the residential use of the site and are now immune from enforcement action as they took place more than 4 years ago. The burden of proof is on the objectors to show abandonment.

(ii) General Location

37. Most sites in the Borough will be in the countryside and local and national policy allows for this. The site is not in an area of the Borough where development of gypsy sites will not be permitted such as the Green Belt. Although in designated countryside it does not lie away from a settlement. The locational criteria of Policy HL8 of the FBLP are met. Policy SP2 of the FBLP allows agriculture, horticulture and forestry development or 'other uses appropriate to a rural area, including those provided for in other policies of the plan....' PPTS makes it clear that some sites will be in rural areas and the countryside.
38. The site could not be better located, falling into a wedge of land at the very edge of the settlement which is already dominated by residential dwellings and their gardens. Appeal decisions have referred to sites some 300m from a settlement as not being 'away from a settlement'¹⁹.

(iii) Accessibility

39. The site is close to a settlement which provides a primary school, convenience store/post office, public house, church, recreation ground, and a regular and frequent bus service giving access by public transport to the wider range of community services and facilities available in nearby towns. Indeed the bus service is very good compared to most rural areas. The proposed caravan site is within walking distance of the community services and facilities available within Newton, including public transport. Consequently there would be no conflict with

¹⁹ For example appeal decision ref: APP/Z2830/A/12/2175053 dated 28 February 2013

criterion 5 of Policy HL8, or with the provisions of paragraph 23 of PPTS and paragraph 55 of the Framework.

40. The Council has identified Newton as a settlement where residential development can take place. Newton is clearly regarded as a sustainable location for development. The site is highly sustainable from the point of view of access to services and to transport links and in regard to the wider benefits of sustainability set out in PPTS and the Framework. This is a material consideration in favour of the development.

Character and Appearance

41. The PPTS does not rule out traveller sites in the countryside and paragraph 24 indicates that sites need not be completely hidden. Whilst soft landscaping may have a role to play, the implication is that some visual impact is likely to be experienced and there is likely to be harm with many traveller sites.
42. The application site is on the fringe of the village, in a position where it is screened from the wider countryside by a conifer hedgerow along the southern side of Thames Street, and by existing trees/hedgerows to the east and west. Even when viewed from Thames Street to the south, the site would be seen against a landscaped background, with built development on higher ground to the north. In these circumstances, the proposed caravan site would not have an unacceptable impact upon the character or appearance of the surrounding area. The lawful and fallback use of the site is also relevant in this regard.
43. All sites in Fylde would be in a LCA of some description. The site is not representative of either character areas referred to and would not affect important characteristics.
44. The site is situated on that side of Thames Street that is already in residential occupation either by dwellings, outbuildings or long gardens. Furthermore, no change of character is apparent on the south side of the road, due to the existence of buildings, including a dwelling, and by the presence of the long and very high residential hedging on that part of the road. The Inspector should prefer the landscape character evidence supplied by the Council and the applicant which was not substantially challenged.
45. The amenity building would be of domestic appearance, would be single storey and would be situated behind a fence. There are similar outbuildings nearby.
46. The applicant is happy that a landscaping condition be attached. The site is in a dip and does not dominate the properties. Views from the residences go over the site into the distance. It is submitted that a well maintained site would be an improvement on its current and past appearance and how it would remain in the future if no permission is granted. The applicant would have no objection to the frontage fencing being replaced by a hedgerow.

Setting of Listed Buildings

47. The applicant adopts the evidence of the Council. The distance between the site and the buildings, the change in levels and the density of intervening vegetation result in the site not forming part of the setting. In addition it should be emphasised that the setting has changed over time. The listed buildings are now in effect subsumed by the settlement. The setting has been reduced by the

development around the buildings, including recent development when no objections were raised in relation to setting. The listed buildings are primarily appreciated from Grange Lane onto which the main elevations front. None of the special characteristics of the buildings mentioned in the listing descriptions would be affected. There is no evidence of a historic link between the setting and the application site, indeed the evidence is to the contrary.

Highway Safety

48. The need to improve the road and provide external lighting have been raised as a means to stop the development on the basis that speeds will increase and lighting will be detrimental to one species of bats.
49. There can be no highway objection. Thames Street at this point is a dedicated public highway so in the first instance the responsibility for road maintenance and lighting is on the Highway Authority, who have up to now seen no need to either improve the condition of the road or to illuminate it. The applicant has now offered to do this as part of the grant of planning permission if considered necessary.
50. There is no evidence that any improvement in the surface of the road will affect safety or bring pedestrians into conflict with traffic, indeed the evidence is to the contrary. Simply put the amount of traffic on this road is negligible and the small amount of additional traffic generated by a 3 or 4 pitch gypsy site will not add to this in any meaningful way, whereby safety would be compromised. It would amount at the most to one additional movement every 15 minutes. Traffic speeds will remain low, below 20mph. There are places to pass. The nature and characteristics of Thames Street will remain an environment of shared space between pedestrians, horses, bicycles and vehicles. It will continue to have the characteristics of a 'quiet lane'.
51. The requirement for lighting can be met by condition. Further the amount of lighting the Highway Authority now considers necessary has reduced to about 3 columns, only required to provide ambient background lighting for pedestrians.
52. Nonetheless the applicant says that there is no need for lighting. The evidence already discloses that Thames Street is frequented by dog walkers and other pedestrians at night and that there has been no evidence of difficulty or conflict with road traffic or accidents associated with falling or tripping due to the surface of the road. There have been no relevant accidents, involving cars, horses, cycles or pedestrians. This is because of the level of traffic using the road. It is the type of road where shared use is the norm. Furthermore, the NRA conceded that no danger would be caused by vehicles since they will be using their lights at night, and that the only danger was due to the poor surface of the road. Since the road is to be improved it is difficult to see why this would remain an objection.
53. Furthermore, people walk in the dark on and adjacent to rural roads up and down the country without the assistance or need for lighting. To require all such areas to be illuminated would be impractical, undesirable and unsustainable and would affect night time tranquillity. When considered in that context it is submitted that the logic of the NRA position is untenable. The objection fails this basic test of practicality and sustainability. With the road surface improved to fill in obvious pot holes there is certainly no need for lighting.

54. The applicant has demonstrated that he can access the application site towing a caravan and, although this may necessitate use of the full carriageway width of Grange Lane in order to gain access to Thames Street, the speed limit along Grange Lane is 20 mph, traffic levels are extremely light, and conflict would be unlikely and would not, in any case, be unsafe. In fact, it would be little different to the farm traffic which makes use of Grange Lane and Thames Street.

Environmental Quality

(i) Layout

55. The proposed layout provides space for each of the 4 families to have up to two caravans in a manner which complies with standard caravan site licensing conditions²⁰. These standards include a requirement to have 3m between a caravan and the boundary and 6m between caravans. The hard-standings shown are about 8m by 3m whereas a touring caravan would have a maximum width of 2.4m. There would be a gap of 3m to the road. There would also be space for parking, a communal amenity building and planting.
56. The GPG is not generally applicable to private sites. The emerging policy H4 which refers to the GPG has not been subject to scrutiny and should be afforded little weight. Conditions on public sites are different in that households do not necessarily know their neighbours. There is a need for separate amenity blocks and a play area. In contrast private sites are normally designed to meet the needs of the applicant, in this case his extended family. The larger amenity block would be shared by the extended family and children would play on the hardstanding.

(ii) Contamination

57. The applicant has complied with the requirement to have an assessment prepared and as a result all parties agree that the site contains asbestos. But it is also agreed that further development of this site can occur subject to a condition with regard to the removal and the treatment of any contamination. The Environment Agency (EA) sees no risk to controlled waters.
58. The ability to deal with contamination and make the site safe through the grant of planning permission is of benefit to the community and is a powerful case for allowing the development.

(iii) Flood Risk

59. The EA agrees that flooding is not an issue for the proposed caravan site as it lies within Flood Zone 1. A Flood Risk Assessment (FRA) is not required. The site does not flood and any water on the site has been a result of ponding. The site slopes downwards towards Thames Street.
60. Surface water drainage can be satisfactorily controlled through the imposition of a planning condition requiring the submission of a scheme to be agreed by the local planning authority. The site is already hard-surfaced. There is the opportunity to install a sustainable urban drainage system to ensure that run-off does not increase as a result of the development.

²⁰ See for example APP5

Local Environment

(i) Foul Drainage

61. It is not practical to connect to the mains foul drainage system. A package sewage treatment plant is the next best option as proposed. The site could have a sealed cesspit if other means of drainage are not feasible, as used on many traveller sites. Cesspits for traveller pitches are smaller than for bricks and mortar housing. There would be space for an underground tank in the position shown and it could go under the access road and hardstanding. Foul drainage can be satisfactorily controlled through the imposition of a condition which will require the submission of a scheme to be agreed by the local planning authority. This is agreed by the EA, the Council and the applicant.

(ii) Noise

62. This is a quiet area but 4 residences would not make much difference. No noise or residential amenity concerns were raised by the Council. No expert noise evidence was called. The NRA conceded that no real noise issue existed.

Protected Species

63. There is no evidence that the site or individual trees along Thames Street are used for roosting. Bats flying around in such a location are not unusual. That is all the NRA snapshot survey shows.

64. The applicant agrees that any lighting considered necessary can be made suitable for bats.

The Need for and Provision of Gypsy and Traveller Sites

65. There is a general, Borough and personal need for a site. The Council concede a need exists for additional traveller sites in Fylde Borough (criterion 1 of Policy HL8) as demonstrated by the recent GTAA. The GTAA recognises that the Thames Street site would contribute to meeting the identified need²¹. This need should carry considerable weight in favour of the proposed development.

66. The Council does not have a development plan which sets pitch targets for gypsies and travellers²² and has not commenced preparing a Gypsy and Traveller Site Allocation Plan to meet the identified need. Consequently, the Council cannot identify a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against a locally set target and will not be able to do so for the foreseeable future. There are no alternative sites available to meet the need in either the Borough or region. The proposal would meet the need for a private site which would be provided at no expense to the public purse. Additional weight should be attributed to these factors.

²¹ See paragraph 8.15 of CD6

²² See paragraph 8 of PPTS

Other Matters

67. The burden of proof is on the NRA to sustain that the costs put forward are realistic and would prejudice the development going ahead. The figures put forward by the NRA are rejected. Even if the figures are accurate the applicant is prepared to pay. The likely costs split between 3 or 4 families would be affordable.
68. The failure of the Council to meet the need and provide a 5 year supply of sites is in clear breach of policy²³ and statute, including the Housing Act 2004, designed to address the inequality of provision between the settled and travelling communities. This is in the context of continuing failures placing a discriminated and vulnerable minority in an unequal position.
69. Human Rights and the best interests of children are relevant considerations even though the applicant does not rely on the personal circumstances of those who intend to occupy the site. The fact that there is a general identifiable need in the Borough, no sites are available to meet that need and there is a failure of policy and breaches of statute in that regard engages Articles 8²⁴ and 14²⁵ of the European Convention on Human Rights (ECHR). Article 8 places a positive obligation to facilitate a gypsy way of life. Article 14 requires the policy maker not to discriminate between the settled and travelling populations. The human rights of those evicted from the Fairfield Road site in the Borough would be affected if no alternative site was available.
70. The failure to apply the requirements of the Planning and Housing Acts equally to the settled and travelling communities would be discriminatory and offend the Equality Act 2010.
71. Article 6 of the ECHR guarantees the right of due process and restricts unlawful intervention by the Executive in judicial procedures such as public inquiries. Such interference is capable of judicial review. Article 1 entitles persons to the peaceful enjoyment of their possessions. The applicant has concerns that this case was called in. As a result there is an infringement of Article 6 and the Equality Duty. The weight of local objection is not a reason for call in as this occurs with most traveller sites, particularly when close to a settlement. The proposal does not give rise to any strategic or regional issues. The applicant has been put to considerable expense by the call in process. Furthermore, if the call in was fair and just it would be difficult to see any justification for interfering with the findings of the appointed person on the merits of the case.

Conclusions

72. Even though the development is generally in accordance with FBLP Policies SP2 and HL8, the development plan is out of date as there is no 5 year supply of deliverable sites. The presumption in favour of sustainable development applies as set out in paragraph 14 of the Framework. 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 this

²³ See paragraphs 3, 4, 9 and 25 of PPTS

²⁴ The right for respect for private and family life

²⁵ Prohibition of discrimination

Framework taken as a whole....' There are no adverse impacts here that significantly and demonstrably outweigh the benefits. There are no specific policies in the Framework which indicate that development should be restricted. It is for opponents to rebut the presumption in favour of sustainable development and this has not been done.

73. The site fulfils the three dimensions of sustainable development. In economic terms the site can be delivered and will not be away from a settlement. The site would meet the social needs of a number of gypsy families and could include some subject to eviction proceedings from the Fairfield Road site. The site raises no environmental issues. Indeed with the use of conditions the natural and built environment can be enhanced.
74. The Council has considered the criteria of Policy HL8 affected by NRA objections and agree that they are met or can be dealt with by condition. The development would comply with all relevant and up-to-date criteria contained within Policy HL8 of the FBLP, the most relevant policy, and, therefore, planning permission should be granted.
75. This is an ideal site which is small scale, totally self-contained and with no room for further expansion. There would be no more than 3 or 4 pitches. The applicant has worked closely with the Council to deal with the concerns of residents. Any concerns that remain are contrived, without merit and reflect a scattergun approach. The objections do not outweigh the clear advantages of the site. It is difficult to see where in the Borough there would be a better site. If permission is not granted it would be an opportunity missed. The overwhelming balance is in favour of granting planning permission.

The Case for the Council

The material points are²⁶:

Introductory Points

76. The development plan is at the heart of decision making. There is a statutory presumption that development which complies with the development plan as a whole should be granted planning permission. This presumption is now underpinned by paragraph 14 of the Framework which indicates that development which complies with the development plan should obtain approval without delay.
77. The policies of the FBLP chime remarkably well with the Framework and PPTS. The proper and sensible application of the relevant policies of the FBLP should lead to a conclusion that there is both a statutory and policy presumption in favour of the proposal. None of the evidence of the NRA has come close to dislodging this inevitable conclusion.
78. The impact of the development against the considerations set out by the SoS and Inspector would be less if the scheme is reduced from 4 to 3 pitches but there would be less contribution to need. Procedurally it would be appropriate to

²⁶ Summarised from the Council's closing submissions (FBC14) and evidence at the inquiry

accept the plan as an amendment as, applying the Wheatcroft judgement²⁷, it would be of lesser scale and would not prejudice any party.

Sustainability

79. Proposals that comply with the development plan are by definition sustainable and they should be permitted without delay. However, it may still be necessary to consider whether a particular proposal is sustainable overall when judged against the 3 elements of sustainable development – social, economic and environmental. A holistic judgement should be reached rather than a tick box exercise. It may be possible for a development to cause environmental harm but be sustainable overall. The answer to whether the development is sustainable cannot be answered effectively until all issues have been considered.

(i) Previous Use

80. It is unclear as to how the issue of abandonment of the use of the site for the storage of builder's materials has a bearing on the outcome of the application. It is whether the land can be described as 'previously developed' which is relevant, not whether a use has been abandoned, as policy at all levels encourages the redevelopment of PDL. It is one of the core planning principles of the Framework set out in paragraph 17. PPTS indicates that weight should be attached to the effective use of PDL when considering applications for traveller sites²⁸.

81. In this case there is clear evidence of fixed surface infrastructure. There is also evidence that buildings were present on the site in the past. The built development has not blended into the landscape in the process of time or been reclaimed by nature. The site is clearly PDL when judged against the definition in the Framework and the proposal would be a sustainable use of that land.

(ii) General Location

82. In policy terms it is entirely acceptable that the application site falls within the countryside by virtue of it being outside the settlement boundary but that is only part of the picture. There is nothing in national policy that bars traveller sites in the countryside. The only restriction is development 'in open countryside that is away from existing settlements.'²⁹ In terms of character and appearance the site could not be described as lying within open countryside. It is a small piece of land close to an existing settlement, rather than an isolated plot in an expansive rural landscape. It is adjacent to the settlement of Newton, not away from it.

83. The PPTS policy position is reflected by Policy HL8 of the FBLP which excludes development from a number of locations such as 'open countryside away from settlements'. This mirrors national policy so the same conclusion can be reached. It is important to note that Policy HL8 expressly prevents traveller sites in locations such as the Green Belt and sensitive nature conservation areas. Other than a site within settlement limits where should a Council seek to meet the future needs of travellers other than on a site which is adjacent to an existing settlement?

²⁷ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

²⁸ Paragraph 24 of PPTS

²⁹ PPTS paragraph 23

84. Policy SP2 of the FBLP is a generic policy dealing with development in rural areas but makes no reference to traveller sites. In this respect there is a degree of conflict with Policy SP2. But Policy HL8 is more consistent with PPTS. Policy SP2 should be afforded less weight as to give it full weight and interpret it as suggested by the NRA would mean no traveller sites in the countryside.

(iii) Accessibility

85. The touchstone for this issue is provided by criterion 5 of Policy HL8 of the FBLP. The proposed site should be 'within or close to a settlement which can provide a primary school, public transport, shops and other community services and facilities'. The site is less sustainable than locations close to a larger settlement. However, the Framework at paragraphs 32 and 34 requires decision makers to consider accessibility having regard to the nature and location of the site and policies for rural areas. Proposals in rural areas such as Thames Street cannot be expected to enjoy the same level of access to services and facilities as those in urban areas. Moreover, no one has suggested that there are any available, suitable and affordable sites that are more sustainably located. It is a normal feature of most traveller sites that they will be located within, or more probably adjacent to, rural settlements.
86. Nonetheless the application site fares well against Criterion 5 of Policy HL8. It is within walking distance of bus stops, convenience store/post office, primary school, public park and public house. There are spaces available at the local primary school and availability in other schools in the catchment, including the nearest secondary school³⁰. The site is sufficiently sustainable to meet both local and national policy requirements, in particular criterion 5 of Policy HL8 of the FBLP.

Character and Appearance

87. This issue is a matter of judgement but should be informed by the following matters. There is no policy presumption against traveller sites in the countryside. Indeed both PPTS and Policy HL8 of the FBLP appear to direct such development to locations on the edge of settlements, such as the application site. The policy framework therefore anticipates and accepts that there will be some change to the character and appearance of the area. The change may even have an adverse effect. But that cannot be the basis for refusing planning permission otherwise the provision of traveller sites would be stymied.
88. Although the area may be cherished by local residents, it does not have any landscape designation. It is not a 'valued landscape' within the meaning of paragraph 109 of the Framework. The current and longstanding appearance of the site is that of rather unkempt PDL. The baseline against which to judge the caravans and amenity block is not particularly sensitive to change. Any lighting could be designed to avoid an urbanising effect. The fencing would be similar to other boundary treatments along Thames Street.
89. The only building proposed, the amenity block, would be of appropriate design and materials. The blank elevation would be partly screened by the frontage treatment. The materials can be controlled so that they respect the local area

³⁰ LCC advise that Newton Primary School has 36 places and the secondary school 144 places

insofar as it is possible to identify a particular vernacular. Thus criterion 9 of Policy HL8 would be satisfied.

90. The development would be seen in the context of the built up edge of Newton and its impact would be influenced by the fact that there is development along a substantial length of Thames Street such as the poultry sheds. There would be a change to the character and appearance of the area and there may be some harm, but it is not at a level which would justify refusal of planning permission. Appropriate landscaping would ensure that 'the proposal would not have a significant harmful effect on the character and amenities of the area' so criterion 8 of Policy HL8 would be met.

Setting of Listed Buildings

91. The critical test is whether there is any effect on the setting of the listed buildings at Dagger Cottage and Dixon's Farmhouse. The Council did not advertise the application as affecting the setting of a listed building. The evidence of the Council should be preferred as it is based on an expert witness with both experience and specific qualifications in the field of heritage assets. Reference is made to an appeal decision from 1994 when a double garage at the rear of Dagger Cottage, fronting onto Thames Street, was adjudged not to affect the setting³¹.
92. The English Heritage guidance (paragraph 24 refers) and the consultation draft guidance of 2014 both explain that the setting of a listed building is generally more extensive than the curtilage. The application site is adjacent to land belonging to Dagger Cottage but is some 56m away from the building itself and some 58m from the nearest part of Dixon's Farmhouse. These distances are a relevant consideration in determining setting. Moreover, the well-established screening and topography of the land means that the setting on a physical basis is not affected. Views of the listed buildings from the site are restricted such that only the roof and chimney of Dagger Cottage are visible.
93. It is important to recognise that setting can change over time³². Change has occurred around the listed buildings with the development that has taken place along Thames Street, including the poultry sheds, Autumn Fold and the outbuilding at Dixon's Farmhouse. An informed understanding of the relatively limited extent of the settings of the two listed buildings leads to the conclusion that there would be no physical or visual effect on these settings. As far back as 1937 there did not appear to be a functional relationship between the listed buildings and the application site.
94. If there is any impact on the setting it would be neutral as the amenity block would be sympathetic, the caravans would be temporary and any lighting would be limited. The impacts would be diminished by the distance, topography and screening.
95. If harm is found to the setting there is a strong presumption against development. But if there is no effect on the setting then the presumption does

³¹ Appeal Decision Ref: APP/M2325/A/94/240367 dated 28 October 1994 (See FBC4)

³² See definition of 'Setting of a heritage asset' in the Framework and the English Heritage 2014 consultation draft guidance

not apply. Even if the presumption does apply the development would cause less than substantial harm to the setting of the heritage assets and the decision maker is entitled to reach a judgement that the public benefits outweigh the harm.

Highway Safety

96. The policy test in the Framework is that refusal of planning permission on highway grounds is only justified where the cumulative residual impact is severe. The development must result in a highway network that is materially more unsafe than the status quo. It is not sufficient to assert that there may be a greater number of cars on the highway network than previously or that there may be an increased risk of pedestrian/vehicle conflict.
97. As the proposal is to use touring caravans only, the residual towing movements would not be expected to be more severe than those associated with agricultural vehicle movements. The number of towed vehicle movements would be small as the touring caravans would normally remain on the site.
98. There are a number of important conclusions based on the interrogation of the evidence. Thames Street is lightly trafficked and would remain so after the development is carried out. There is no evidence of personal injury accidents along Thames Street or at the junctions with Grange Lane. There is no evidence of any conflicts between cars and non-car users such as pedestrians or horse riders. The road surface and its width mean that vehicle speeds are currently low and would remain slow even if part of the road was resurfaced.
99. The worst case scenario, assuming that 10% of the traffic generated by the development appears in the peak hours, would be an extra 3 vehicle movements in each hour. In other words there is the potential for one additional car every 20 minutes. That increase is not material, let alone significant enough to be categorised as having a severe impact on the free flow of traffic or give rise to the potential for a severe impact on highway safety for pedestrians.
100. The geometry of Thames Street means that there is good forward visibility giving both motorists and pedestrians sufficient time to take evasive action. It would be entirely possible for vehicles to pull into the access of the application site and at other locations along the route to allow other users to pass. Any safety concerns about pedestrians can be offset by the provision of street lighting and better surfacing. LCC recommend a condition to that effect. It is anticipated that the requirement would be for a small number of lighting columns and the filling and surfacing of the potholes on Thames Street. Such works would not lead to more than a marginal increase in speeds.
101. In the light of these points it is not tenable to conclude that the limited additional traffic generated by the proposal would have a severe affect on pedestrian safety with is the central tenet of the NRA's case.
102. There were also criticisms that the internal layout would be insufficient to accommodate vehicles towing caravans and parking. However, a vehicle and caravan were witnessed in a demonstration pulling onto the site, turning around and leaving in a forward gear. Refuse vehicles would not need to enter the site but would wait on Thames Street. There would appear to be sufficient space for

parking within the site. The lack of gritting of Thames Street in icy conditions makes it no different to many other rural roads.

103. There are no grounds to conclude that there would be a severe impact on highway safety. Whilst Thames Street is not perfect, the absolute level of traffic generation arising from the development would be low. Given the nature and amount of traffic using Thames Street, it cannot be concluded that the impact of the proposal would be unsafe or severe so criterion 7 of Policy HL8 of the FBLP and the Framework tests are met.

Environmental Quality

104. The questions of contamination and flood risk have been consulted upon on more than one occasion. At no point in the process has the EA expressed any view that the site would be at an unacceptable risk from flooding or that any contamination on the site is not capable of effective remediation. LCC as Local Lead Flood Authority (LLFA) have more recently concluded that there would not be an unacceptable local flood risk. Thus, the expert statutory consultees are all satisfied that the proposal can proceed. Considerable weight should be given to these views.

(i) Layout

105. The 3 pitch layout would provide more space for parking, sewage treatment, caravans and landscaping and would, therefore, have advantages, including in relation to visual impact. However, the 4 pitch scheme is still considered acceptable with space for planting around the site boundaries and between caravans.
106. Provision of a play area within the site would be preferable but the park is within walking distance. There would be adequate space for gas bottle storage and recycling facilities.

(ii) Contamination

107. The presence of contaminants has never been denied. The NRA witness accepted that any concerns could be addressed satisfactorily by the imposition of a fairly standard condition. This is also the position of the EA. The point appears to be about the potential costs of remedial works rather than any in principle objection. That is not a justification for refusing planning permission. There are no grounds to refuse planning permission for reasons relating to contamination of the site.
108. Policy EP29 of the FBLP, read sensibly, allows remediation measures through conditions. It is not possible to appreciate the full extent of remediation necessary until more investigations are carried out.

(iii) Flood Risk

109. The EA has considered the risk of tidal and fluvial flooding and has concluded that there are no grounds for refusing planning permission or requiring a site specific FRA. This position is confirmed in the EA statement on the called in application³³. The EA is aware that the site is near Flood Zones 2 and 3 but confirm that the

³³ See Appendix MA5 to FBC1

site is in a Flood Zone 1 where all development is appropriate. Nothing that the NRA has produced has undermined this position.

110. In terms of more localised flooding there have been incidents close to the site but the photographs taken by the NRA were at a time of a significant rainfall event as demonstrated by the Lancashire and Blackpool Local Flood Risk Management Strategy³⁴. That evidence does not represent a 'normal' situation along Thames Street. It is unlikely that the site would become marooned.
111. The discharge of surface water to a French Drain would allow the storage of excess water and then drainage into the surrounding ground over time.
112. There is no evidence or policy basis on which to reject the application for reasons of flood risk.

Local Environment

(i) Foul Drainage

113. Connection to the public foul sewer is not practicable due to the distance involved. The applicant is proposing the next best alternative, a package sewage treatment plant.
114. Since its inception LCC as LLFA has not raised any objections to the sewage treatment plant. Rather it suggests the type of tests that would be necessary in order to discharge a foul drainage condition. No other consultees such as the EA or the Council's Environmental Protection Department have raised objections. The installation of a package sewage treatment would require approval under the building regulations. If that is not feasible a cesspit would be an alternative, albeit the least sustainable method. There appears to be space for such an installation across the access road. The site can be adequately drained and would comply with criterion 10 of Policy HL8 of the FBLP.

(ii) Noise

115. This issue is something of a makeweight. The essence of the objection appears to relate to a potential increase in noise levels associated with outdoor living of travellers and the use of generators. The latter point can be addressed by the imposition of a condition preventing generators or requiring a scheme that ensures that any generator is housed in a sound reducing enclosure.
116. As to the former issue the Council has the ability to take action under the Environmental Protection Act should noise become a nuisance. But the noise of outdoor living is not inherently unacceptable. The existing households do not cause unacceptable noise when they have barbeques and carry out other activities in their gardens.
117. There is no tenable evidence that the use of the site would give rise to nuisance to neighbours. Matters such as the operation of plant, machinery and commercial activities can be controlled by condition. Criterion 6 of Policy HL8 of the FBLP would be met.

³⁴ See FBC9

Protected Species

118. This has been revealed as a 'non-issue' at the inquiry. The LCC expert ecologist was consulted twice on the application and on neither occasion was any objection raised on any ecological matter. The site is sub-optimal habitat for most species.
119. Whilst the NRA was entitled to raise concerns about the potential impact of street lighting on bats, it was explained that objections could be overcome by the imposition of a condition that required any street lighting to be 'bat friendly'. Both the applicant and the Council are comfortable with such a condition.

The Need for, and Provision of, Gypsy and Traveller Sites

120. There is unmet need at regional, sub-regional and local levels. The evidence on the need for additional traveller sites is uncontested (paragraph 28 refers). This consideration should attract substantial weight, a point accepted by the NRA, and should weigh very heavily in favour of granting planning permission. The provision of additional pitches in an area of acknowledged need renders the proposal socially sustainable. The first criterion of Policy HL8 relating to identified need has been met. The planning permission in February 2013 for a site at Bambers Lane, Westby did not increase the number of pitches in the Borough.
121. The application is made on behalf of gypsies and travellers as defined by PPTS so the second criterion of Policy HL8 is met. This aspect can be controlled by condition. The size of the site is appropriate to meet some of the need – just under a quarter of the 5 year requirement - so would make an important contribution to supply (Criterion 4 of Policy HL8).

Other Matters

122. NRA's concerns about the viability of the scheme are a red herring as one should only refuse to impose a condition where there is no prospect of it being complied with during the lifetime of the permission. That conclusion cannot be reached in the present case given the general nature of the viability evidence produced by NRA.
123. Even if the NRA's position on viability is a good one it does not take them anywhere. If it is not possible to devise a cost effective remediation scheme or satisfactory foul or surface water drainage then the Council would refuse to discharge the relevant conditions or the applicant would not be able to implement the scheme because it would be too expensive. Either way the development would not proceed.

Conclusions

124. The site does not lie within any of the locations where traveller proposals are to be resisted and could not be characterised as being 'in open countryside away from settlements.' As the proposal complies with relevant policies of the development plan and Policy HL8 in particular, the decision maker can conclude that there is a statutory presumption in favour of granting planning permission and permission should be granted without delay.
125. Additionally the decision maker can conclude that the development is socially, economically and environmentally sustainable. The Inspector is asked to

recommend that planning permission is granted and the SoS is requested to follow that recommendation.

The Case for the Newton Residents Association

The material points are³⁵:

Introductory Points

126. It is obvious that this site is unsuitable for residential development. It became apparent at the site visit that the layout plan is deficient as the site is around 5m narrower than shown on the plan. The decision maker can have little confidence in the accuracy of the plan. What was already a cramped and constrained site is plainly even more so. This elementary error is eloquent of a poorly thought through and prepared planning application by those who act on the applicant's behalf. It also means that there is insufficient room to accommodate the quantum of development proposed. The fact that this error became apparent when the applicant sought to challenge the accuracy of NRA's topographical survey provides a delicious irony. It was a classic example of an own goal by the applicant.
127. The introduction of a revised layout showing a 3 pitch site on the fifth day of the inquiry, after the close of the NRA's case, came as a surprise. NRA did not have an opportunity to comment on the amendment in a meaningful way. The promotion of the revised scheme reflects the weakness of the applicant's case. If the applicant was confident about his case for a 4 pitch site he would not have put forward a proposal for a smaller quantum of development so late in the day. It is symptomatic of the applicant's desperate attempt to salvage some kind of permission on the site.

Sustainability

(i) Previous Use

128. In terms of the previous use and current status of the land, case law³⁶ records that there are four factors which should be considered in deciding whether or not a certified use has been abandoned – the physical condition of the land; the period of non-use; whether there has been any other use; and evidence regarding the owner's intentions. The thrust of the evidence suggests that the site has not been used for the storage of builder's materials for a number of years, certainly since 2007. The application confirms that the current use is 'vacant' suggesting that the builder's yard use has been discontinued and is intended to be replaced by either a mixed use or a residential use.
129. The applicant has undertaken some preparatory works, namely the bund to the northern boundary, the excavation of the French Drain, the laying of hardstanding, the erection of perimeter fencing and the set back of the site entrance. These works represent positive steps towards the residential use of the site, a matter agreed by the Council, and are eloquent of the owner's intentions.

³⁵ Summarised from the NRA's closing submissions (NRA14) and evidence at the inquiry

³⁶ Trustees of the Castell-Y Mynach v SoS for Wales & Taff Ely Borough Council [1985] JPL40

130. The evidence suggests that the certified use has been abandoned and the 'base' use reverts to agriculture. It is against this background that the impact of the application should be judged.

(ii) General Location

131. It is common ground with the Council that the application site lies in 'open countryside' beyond the settlement boundary of Newton but cannot be reasonably characterised as being 'away from the settlement'. However, Policy SP2 of the FBLP is breached.

(iii) Accessibility

132. It is also common ground that the primary school, bus stop and convenience shop within the village are within a reasonably walking distance, when judged purely in arithmetic terms. However, that is not the approach advocated by Manual for Streets (MfS). This guidance makes clear that 'walkable neighbourhoods are typically characterised by having a range of facilities within...800m walking distance of residential areas which residents may access comfortably on foot'³⁷. The shortcomings of Thames Street are likely to inhibit the attractiveness of the route to access services (as opposed to the existing, largely recreational use of the lane for dog-walkers, cyclists and horse-riders). There are no health facilities in Newton.

Character and Appearance

133. The site occupies a sensitive transitional zone between the landscape character types of coastal plain and coastal marsh. The Council agreed that the application site and environs were reasonably representative of the Clifton and Hutton Enclosed Marsh LCA. The Council stepped back from stating that no harm would be caused by the development to conceding that 'very small material harm' is likely to be caused.
134. The proposal has not been tailored specifically to fit into the character of the area. The creation of a caravan site with 8 caravans, amenity block and domestic paraphernalia would create a discordant and incongruous feature in the landscape, being particularly conspicuous from Thames Street, a sensitive visual receptor. The presence of the poultry sheds, a development of simple functional form, does not justify further harmful proposals. The harm arising from the proposal, in the absence of mitigation, is exacerbated by the position of the only amenity block at a conspicuous location along the perimeter of Thames Street. A blank unattractive elevation faces Thames Street. As it is north facing it would not benefit from solar gain. The building cannot be described as a feature of high quality design or one that reflects the 'local vernacular style' required by FBLP Policy EP11 on the basis of its simple form, pitched roof and gable end. Lighting on the site would increase the impact of the development when seen from the properties above.
135. Given the tight highly constrained layout, little comfort can be derived from a promise of landscaping to soften the impact. The purpose of landscaping is to aid the sympathetic assimilation of the development into the landscape. The applicant promotes a landscaping condition. Such a condition is common-place.

³⁷ Paragraph 4.4.1 of MfS

However, for it to be deliverable there must be sufficient space on the site to provide such landscaping. It is clear that there is not enough room on site to accommodate meaningful landscaping. If the applicant thought there was, one would have expected him to have provided an amended plan setting out in broad terms the proposed landscaping. The only landscaping treatment along Thames Street, the conspicuous frontage of the site, is a close-boarded fence. The Council agreed that the fence does not represent a feature of high quality design. The fence would be an unsympathetic element of the landscaping of the site.

136. Regard should also be had to the effect of the development and the proposed conditions on the character of Thames Street itself. At the moment, Thames Street has a quiet and intimate character. The road feels like a country lane, or a 'farm-track'. It is the only country walkway readily accessible by foot from the village. It forms part of the Lund Way, a local footpath route, enhanced by Millennium funding. The highway improvement works, whilst welcome in narrow highway terms, are likely to alter the character of the road. The installation of the street lighting and re-surfacing will alter the tranquil, rural sense of place of what is at the moment an informal country lane unencumbered by street furniture and urbanising influences. Further, infilling the potholes and improving the road surface is likely to attract greater vehicular movements and lead to an attendant increase in conflicts which is likely to increase the over-running of the verges. This must inevitably detract, to some degree, from the character of the road.
137. The Framework 'attaches great importance to the design of the built environment'; requires that planning should 'always seek to secure high quality design...'; and tells us that decision makers should take account of the 'desirability of new development making a positive contribution to local character and distinctiveness'. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions. Mediocre design is no longer good enough.
138. The application offends FBLP Policies HL8 and EP11 as, in the absence of meaningful landscaping, the development is likely to give rise to a significant harmful effect on the landscape character and amenities of the area.

Setting of Listed Buildings

139. The SoS must pay special attention to the desirability of preserving or enhancing the setting of listed buildings. Preserve means 'do no harm'³⁸. The proper approach in law is crystal clear - the SoS must not simply give careful consideration but accord 'considerable importance and weight' to the desirability of preserving the setting of heritage assets when the decision maker undertakes his final planning balance.
140. The application site lies within the setting of the Grade II listed buildings of Dagger Cottage and Dixons Farmhouse. The list description for Dagger Cottage refers to a date of 1653. Dixons's Farmhouse is noted as dating from circa 1800 but may well be considerably older. It is plain that the curtilage of Dagger

³⁸ East Northants DC, English Heritage and the National Trust v SoS and Barnwell Manor Wind Energy Ltd [2013] EWHC 473 (Admin)

Cottage abuts the application site and extends down to Thames Street. Setting is normally greater than the curtilage. The Council agreed that, although much built development had been undertaken in the village since the 19th century, there had been no development between the application site and the two listed buildings. Further, the Council confirmed that it was unable to identify any change in character between the application site and the listed buildings.

141. It is common ground that the 19th century Dixon's Farmhouse was one of the principal farmhouses in the village. There is no documentary evidence to settle the historic use and ownership of the application site. However, it is probable that the application site was within the ownership and was farmed from Dixon's Farmhouse in the 19th century and, therefore, there was some functional link.
142. The creation of an 8 caravan gypsy site, including amenity block, access road and domestic paraphernalia, together with street lighting along Thames Street, would detract from appreciation of the heritage assets. In accordance with paragraph 134 of the Framework the proposal would cause less than substantial harm.

Highway Safety

143. Thames Street is endowed with a number of characteristics which taken together make it unable to safely accommodate a material increase in traffic. It is unlit; has no separate pedestrian footway; is not gritted in Winter; is of inadequate width as much of the carriageway falls short of the minimum width of 4.1m to allow cars to safely pass one another; has sharp corners which inhibit forward visibility; has a poor road surface with numerous potholes; has limited positive drainage; and has steep gradients on its east and west sections. Thames Street is well used for recreational purposes including by walkers, horse riders, cyclists and children playing. The proposal would generate additional pedestrian movements, including those of children occupying the site.
144. There have been a number of minor road traffic accidents along Thames Street. Longer or towing vehicles clip the wall at the junction of Thames Street West with Grange Lane. Under icy conditions Thames Street is impassable. Residents of Thames Street are forced to park on, and take their wheelie bins up to, Grange Lane as vehicles cannot negotiate the slopes. There is significant on-street parking in Grange Lane, more so in wintry conditions.
145. It is common ground between the NRA and the Council that Thames Street is lightly trafficked with around 30-40 vehicular movements per day. More traffic tends to use Thames Street West as it gives better access to the stables nearby. The number of movements would increase by around 30 per day. This constitutes a near doubling of the number of traffic movements, a material increase. A significant number of the movements could be made by vans and trucks. At times vehicles would be towing caravans. The Council considers that, once disaggregated to 3 additional vehicular movements in the peak hour, the increase can be discounted as unappreciative. It is submitted that this is not a proper and helpful way to view the agreed data set. Whilst the increase in vehicular movements for a 4 pitch gypsy site is relatively modest in absolute terms, against the very low baseline and the specific circumstances of a woefully inadequate single lane road, it is material.
146. There would inevitably be a material increase in conflict between vehicles entering and leaving the site and other road users. The extent of the conflict is

likely to be exacerbated by the lack of parking and turning space within the site. Parking on the internal access road would not be a satisfactory arrangement. This is likely to put pressure on visitors to park up on Thames Street. If this does occur, this would further reduce visibility along the road, block the use of the road for other road users, including emergency vehicles, and obscure the view of pedestrians.

147. The Council agrees that off-site highway works are necessary as otherwise the impact on highway safety would be unacceptable and even with the works there would be material harm but it would not be severe. It is noteworthy that LCC originally recommended refusal based upon a full appraisal of the scheme before them. It is surprising that the Highway Officer now finds himself as the witness for the Council in support of the planning application. He was unable to identify a material change of circumstance (such as a change to guidance or policy) which leads him to reach a different view now. The best he could say was that last year he had misunderstood FBLP Policy HL8. It is not clear why this would lead him to reach a different view on the acceptability of the impact on pedestrians.
148. Even with the benefit of the doubt for the change of heart, at the very least it does tend to suggest that the highways objection to the application has some merit and the overall highways judgment is finely balanced. If the NRA's objection to the proposal was without foundation, one would not have expected LCC to have recommended refusal on highway grounds a year ago.
149. Without the off-site works LCC does not consider that there would be a safe pedestrian access to the site. LCC estimate that the cost of implementing improvement works would be between £20,000 and £30,000.
150. NRA maintain the firm view that the street lighting and resurfacing, although slightly reducing the harm, fall short of addressing the principal source of danger, the inadequate carriageway width. Furthermore, improving the road surface would have the unintended consequence of allowing vehicles to increase their speed. One of the important safety attributes of the road, low vehicle speeds, would not continue post-mitigation.
151. The SoS is invited to find that the proposal offends Policy HL8 of the FBLP and Paragraph 32 of the Framework as it fails to provide a safe vehicular and pedestrian access and adequate parking for vehicles. Notwithstanding the proposed highway works the residual impact on pedestrian safety would be severe.

Environmental Quality of the Site

Site Layout

152. The Framework requires that planning should always seek a good standard of amenity for all existing and future occupants in addition to the requirements for good design referred to above.
153. The design is deficient and cannot, on any reasonable basis, be characterised as high quality design. The applicant's layout makes no provision for a children's play area, amenity space, gas bottle storage, visitor parking or sheds. Given the cramped nature of the site there would be very little private amenity space and, therefore, the absence of a play area is even more glaring. The Council agreed that it would have been better if the site included a play area.

154. The proposal to provide a single amenity block, rather than provision for each pitch, contravenes the GPG³⁹. This minimalist approach would not secure a good standard of amenity for all future occupants.
155. The layout does not accord with the well respected minimum distances between caravans, and between caravans and the perimeter of the site set out in the GPG (6m and 3m respectively). One caravan fails to meet the 3m set back distance with the site boundary. If the sealed cesspit is installed, a 7m minimum set back distance is required by DEFRA and EA guidance between it and habitable structures. There would be limited space for the turning and manoeuvring of vehicles.
156. The applicant has failed to produce a layout to show that the site can accommodate the quantum of development proposed. The site is too small to accommodate 4 pitches and meet the GPG. Policy H4 of the emerging FLP requires that gypsy sites should be designed in accordance with the GPG. Although primarily aimed at public sites, the Council confirmed that it is intended that all sites should be designed in accordance with the GPG. The Framework draws no distinction between public housing and private development. The GPG is an important material consideration in assessing the design quality of the proposal.
157. The applicant indicated that the site is intended to be occupied by a single extended family or a number of families that were known to each other but was not prepared to accept a condition to that effect. A number of features of the design such as the lack of play space and the single amenity block are deemed acceptable by the applicant on the basis that it is a single family site. The applicant could dispose of the site or part of it so the quality of the design is deficient.

(ii) Contamination

158. It is common ground that there is likely to be asbestos on the application site. Such a conclusion has been reached by the applicant's own Phase I contamination survey. It sits comfortably with the statutory declaration of the previous site owner who confirmed that he imported asbestos onto the site prior to 2007 when he sold it.
159. Policy EP29 of the FBLP provides that planning permission will only be granted for land which is suspected of being contaminated if 'the applicant can demonstrate the degree of contamination, if any, and where appropriate can identify acceptable measures to remove or treat the sources of contamination'. It is clear that the policy requires that the extent of contamination is known before planning permission is granted.
160. The applicant's Phase I study does not quantify the degree of contamination on the site. The NRA does not attempt the exercise. It is the applicant's case that the degree of contamination on the site can be addressed by way of condition providing for a Phase II study. This post-permission approach runs counter to Policy EP29 which is breached.

³⁹ Paragraph 7.17

(iii) Flood Risk

161. It is common ground that the EA maps show the application site lying in Flood Zone 1 but very close to land within Flood Zones 2 and 3. But the only access to the site, via Thames Street, passes through Flood Zone 2, including areas to either side of the site entrance. Future occupants cannot be guaranteed a safe and suitable access to the site and, in an extreme flood event, could be marooned on the site.
162. It is also common ground with the Council that the EA maps are only intended to be indicative. They include the bold caveat on their face that they 'are not always up to date, accurate or valid'. The Council agreed that, because the applicant has not undertaken a FRA, it is simply not known with any degree of precision whether the application site really is in Flood Zone 1.
163. NRA requested permission to go onto the land to undertake a levels survey but the applicant refused without good explanation, notwithstanding that the inquiry rules and Planning Inspectorate guidance encourage a constructive approach between parties. The applicant has refused to undertake his own levels survey. The best evidence is the site level survey commissioned by NRA which, the Council conceded, casts doubt on whether the site lies within Flood Zone 1 as it shows some parts of the site to be lower than some areas with Flood Zone 2. A site specific FRA should have been carried out.
164. Anecdotal evidence from local people explained how the site frequently contains standing water. Ponding can occur after anything greater than a light rain shower as the land lies so close to the high water table. The main flooding episodes occur when the dykes overflow, estimated to occur around five times every winter. This flooding also takes place on Thames Street. The local evidence and the site surveys call into question whether the EA maps are accurate and up to date. The NRA would have had no complaint if a site specific FRA had been undertaken but it has not.
165. As caravans are characterised as 'highly vulnerable' it is not a matter which can be lightly set aside. Given that the only access to the site goes through Flood Zone 2, there is a significant flood risk that has not been addressed adequately in evidence. The GPG advises that 'all prospective site locations should be considered carefully before any decision is taken to proceed, to ensure that the health and safety of prospective residents are not at risk'⁴⁰. It cannot be a feature of good planning or sound design to have the ground surface of a residential site covered in standing water.
166. The concerns of the NRA have been vindicated by the late response from the LCC LLFA. After the LLFA had been provided with NRA's evidence to the inquiry, it gave a clear recommendation that a FRA should be undertaken since the site is intended to discharge to watercourses which lie in Flood Zones 2 and 3. The evidence is plainly deficient.
167. If the Phase 2 Contamination Study requires further capping of the application site, this is likely to have the unintended consequence of altering the flood risk of the land. It is a matter of common sense that, if the application site is artificially

⁴⁰ Paragraph 3.3

raised, surface water from the site is likely to run off on to adjoining land. The extent of the impact has not been assessed.

168. The application offends FBLP Policy EP30. In the absence of a FRA, the SoS cannot be satisfied that the application is appropriate in flood risk terms.

Local Environment

(i) Foul Drainage

169. The foul drainage scheme advanced by the application is unacceptable in principle and is unlikely to work in practice. Guidance is clear that a package sewage treatment plant should not be located in an area which is prone to flooding⁴¹. The site frequently has standing water on it. The fact that this water egress is not fluvial or tidal and that the site falls within Flood Zone 1 on the EA maps is not significant. The standing water on the land would cause problems as it would seep into the treatment plant and cause untreated foul water to escape.
170. The treatment plant is dependent on the safe discharge of the treated foul water into the dykes or a drainage field. For this to work safely the dykes must be free-running all year round and the drainage field must allow the foul water to percolate away into the soil. This cannot be relied upon. When dry the dykes do not flow, the foul water will simply stagnate like a pond. Conversely in winter the dykes often overflow. The Council's own Flood Risk Manager confirmed that 'the main problem is that when the dykes are full there is nowhere for the water to go'. EA guidelines state that drainage fields will not work in clay soils (as found on the site) as they cannot pass the required percolation test, nor is their space on site to accommodate a drainage field.
171. After the LLFA had been provided with NRA's evidence to the inquiry, it gave a clear recommendation that percolation tests should be carried out on the site to determine the suitability of a sewage treatment plant.
172. The proposal for a treatment plant is not a viable option for the site and would be contrary to Policy EP30 of the FBLP as the development would adversely affect the water environment. It is for these reasons that the EA refused a treatment plant at Autumn Fold.
173. The only option is, therefore, a sealed cesspit which was proposed very late in the day and has not been considered by the LLFA. Whilst technically capable of being delivered on the site, there are a number of problems associated with its installation. It is the least sustainable drainage option and only considered as a last resort. It would take up more room than a treatment plant. For the 4 pitches a volume of about 127 cubic metres would be expected, equating to a length of some 17m. It could only be accommodated on the site if it went across the access road. The set back of at least 7m between the cesspit and habitable buildings/caravans would not be achieved. Based on the site layout it is clear that there would not be enough room to accommodate a cesspit of the proportions required alongside the access road. Cesspits are also extremely expensive with a cost range of between £26,000 and £32,000 and operational costs of £47,000 per annum.

⁴¹ EA Pollution Prevention Guideline 4

174. It was asserted by the applicant that normal requirements do not apply to gypsy sites with regard to cesspit size and emptying frequency. The NRA contends that such an approach would not accord with EA guidance and the building regulations.
175. Whilst a technical solution for the site may be possible, there is insufficient information before the inquiry to satisfy the decision maker. The proposal contravenes Policy HL8 as the applicant has failed to demonstrate that satisfactory drainage facilities are available. The evidence indicates that an acceptable solution would not be found.

(ii) Noise

176. The area and surrounding residential properties experience very little noise. There is infrequent significant noise from aircraft from the BAE Warton site but otherwise noise is typical of a residential area such as children playing in the streets and gardens, lawnmowers and the occasional summer barbeque. Recorded sound levels reflect a typical quiet residential/rural area. The area is particularly quiet at night. The development would lead to noise and disturbance from traffic and site occupants going through their normal routines where there are currently no noise sources.
177. The site has buildings on three sides. The hard non-absorptive properties of the housing would reverberate the sound. If there was a continuous sound such as a radio, generator or machinery the effect would be additive. It has been observed that the lower section of Thames Street has an amphitheatre effect in still, cold conditions which could further impact on the noise environment resulting from the proposal. The use of fencing and landscaping would provide some noise attenuation but would not be fully effective.

Protected Species

178. The applicant has failed to undertake any surveys whatsoever. The snap shot bat survey by NRA recorded 21 bats along Thames Street in a single evening. The ditches, trees and hedges along Thames Street would be attractive to bats. It is not known if any of the trees along Thames Street or around the perimeter of the application site provide bat roosts as they have not been surveyed. Nor is the extent to which they are capable of providing a habitat in future known.
179. Natural England's consultation response made clear that the presence of protected species should lead to a request that survey information be obtained from the applicant before determining the application. The Council failed to act upon this advice or make relevant consultees aware of the NRA evidence about bats along Thames Street.
180. Street lighting may disturb the foraging, commuting and feeding patterns of certain species of bats such as myotis. A requirement for bat friendly lighting has not been proven in the absence of details of whether such a scheme would be effective depending on the particular species and the likely cost.

The Need for and Provision of Gypsy and Traveller Sites

181. It is common ground that there is a significant unmet need for gypsy traveller pitches in the Borough. This is a significant consideration which properly weighs in favour of the applicant.

Other Matters

182. If the decision maker is satisfied that concerns are capable of being overcome by conditions, the SoS must be satisfied that there is a prospect of the proposal being delivered. It is material to have regard to the likely cost of the proposed conditions. In the normal course of events, the decision maker is not greatly concerned by the likely cost since this is a matter for the successful applicant once they possess their planning permission. However, cost does become relevant when the viability of the scheme is in jeopardy. This is the case here.
183. On a conservative estimate the conditions and site development gives rise to the following costs: connection to main electricity (£5,800); highway improvement works (£20,000-£30,000); Phase 2 Contamination Survey (£12,000-£18,000); sealed cesspit installation (£26,000-£32,000). It is common ground with the Council that the cost of the implementation of the conditions lays in the region of £68,000 - £86,000. This range excludes the extra cost of 'bat-friendly' street lighting which remains unknown, any landscaping scheme which remains the aspiration of the applicant, the cost of a Phase III mains electricity connection of around £15,000 and the cost of remedial decontamination should this be recommended by the Phase II Survey (at a cost of around £100,000). The worst case scenario is that the cost could be in excess of £200,000.
184. These costs are high and are not commensurate with the modest size of the residential development. They must call into question the viability of the site. Given the unusual circumstances of the case and the long shopping list of expensive mitigation measures required to render the site acceptable, one would have expected the applicant to have provided some evidence of the means by which he will deliver the conditions. Unless the applicant has recently won the lottery, there is no prospect that all the conditions will be implemented. If the application is approved, the Council is likely to get drawn into protracted and expensive enforcement action.
185. It is not a good feature of planning to grant planning permission with conditions that result in a disguised refusal as is the case here. If the site cannot be delivered it cannot be said to make a contribution to the identified shortfall in pitches in the Borough.
186. Although reference is made to the site being occupied by the applicant and family members, specific occupants have not been identified so it follows that the personal circumstances of the proposed site occupants are not a material consideration before the decision maker. This is not a case where the human rights of proposed site occupants, the rights of any children and the educational/medical needs of the occupants weigh in the planning balance.

Conclusion

187. The proposal would cause substantial harm which significantly and demonstrably outweighs the benefits of the proposal. It cannot be characterised as sustainable development in the terms sought by the Government. There are adverse impacts on the environmental and social dimensions of sustainable development and a neutral economic effect. The development does not accord with the thrust of the development plan and conflicts with important aspects of the Framework. The application should be refused.

The Case for Interested Parties

The material points are⁴²:

Elizabeth Oakes

188. She attended the Development Management Committee that dealt with the application, acting as a substitute for one of the Councillors who was unable to attend, and voted against the application. At that time the GTAA had not been published so no need for sites in Fylde had been identified. There is disappointment at the level of cooperation with Blackpool and Wyre in finding sites.
189. In relation to flooding the Environment Agency is only concerned with tidal and fluvial flooding not with that which arises from heavy rainfall and ponding. There are concerns about the sewage treatment plant discharging to open dykes. Flooding, sewage and contamination issues remain.
190. The applicant has not demonstrated, through tracking, that the access and egress would be satisfactory. Thames Street is not ideal so there would be a need for improvements which would not be funded by LCC. There is the possibility of the applicant seeking to vary the requirements of conditions as he is not in agreement with the extent of works required and the costs could be prohibitive.
191. The site is not suitable for housing or caravans for the settled population so why should it be suitable for gypsies and travellers.

Roy Astridge

192. Newton with Clifton Parish Council was granted Rule 6 status but decided not to present a case. Instead it relies on the case put by the NRA. The Parish Council commends the NRA on its excellent presentation to the inquiry.

Written Representations

193. The Council reports that 185 letters of objection were received to the application as originally submitted with a further 104 letters received following re-consultation. In addition 9 representations have been received in response to the call-in notification. Most of the points made are covered in the evidence of the NRA. Other issues raised are:
 - The address of the site, 'The Old Builders Yard', infers that the site could be used for the whole range of builders' functions, whereas the LDC is only for the storage of materials;
 - There is no proven need for the site;
 - The fences and bund give the impression of isolating the site from the rest of the community;
 - The proposal would cause air pollution;
 - Waste on the site could attract vermin;

⁴² Summarised from representations made at the inquiry

- The site could be left vacant for periods whilst occupants travel, resulting in a lack of supervision to deal with emergencies and maintenance of the sewage treatment plant;
- The area could be used as a transit site which would reduce further the level of maintenance and increase traffic movements;
- There are issues about who will pay for any works required and who will supervise that works are carried out to the required standard;
- Traveller vehicles could obstruct access to farmland and a nearby farmyard, detracting from the viability of the agricultural business;
- Children from the site could have an effect on the performance of local schools.

194. A letter was received by the Council from the MP for Fylde, Mark Menzies. The main points raised are:

- Heavy vehicles would need to pass housing and the local school to access the land;
- There are issues with flooding and sewerage;
- It is understood that the Local Plan contains no obligation to provide permanent accommodation for travellers based on the size of the population in the Borough. There should not be an expectation that Fylde makes allowance for the large number of pitches needed in Blackpool.

Conditions

195. SOCG1 contains a list of conditions agreed between the Council and applicant, save that the applicant does not consider that the condition relating to off-site highway works is necessary. A revised list of conditions⁴³ was produced during the inquiry to take into account matters raised during the proceedings and this formed the basis for discussions. The NRA accepts that the type of conditions put forward by the Council are necessary but has concerns about their enforceability and deliverability, taking into account the overall costs that would arise in meeting the requirements.
196. The standard condition requiring that development is begun within 3 years was put forward, although the NRA question whether this was appropriate as some development, such as fencing and the French Drain, has already taken place on site so the proposal is partly retrospective. A condition was suggested to list the plans to which the application relates. It was pointed out that reference will need to be made to the relevant site layout plan depending on whether any permission relates to a 3 or 4 pitch site.
197. Conditions were suggested to limit the use of the site to permanent occupation by gypsies and travellers and to control the number of caravans on the site. It was agreed that the caravans should be limited to tourers. In the interests of precision it was suggested that a maximum length of 7m (excluding tow bar) would be appropriate.

⁴³ See FBC13

198. Conditions limiting the number and size of commercial vehicles per pitch and preventing commercial activities were put forward. A condition requiring details of the external materials of the amenity block was agreed as necessary. The NRA also suggested that the finished floor levels of the building should be required as there were no details on the plans. Concerns about any electrical generator causing noise could be addressed by a requirement for details of its siting and enclosure to be agreed.
199. Conditions were suggested to require details of lighting and hard and soft landscaping within the site. The potential to deal with such elements, including boundary treatments, parking, internal access roads, amenity space and refuse/recycling storage, through a site development scheme, was discussed. The Council, supported by the NRA, suggested that soft landscaping should be maintained for a period of 10 years whereas the applicant felt that a 5 year period would be satisfactory and follow normal practice.
200. The disposal of foul and surface water drainage would be dealt with by separate conditions. The NRA was concerned that the requirement for 'schemes' may not be sufficiently robust. The requirement for a Phase 2 Environmental Audit to investigate contamination and specify remedial action was agreed as necessary by all parties.
201. There was discussion about the necessity for off-site highway works and the extent of any such works. The applicant was of the view that the case for off-site works had not been proven but was prepared to undertake any reasonable measures. Should the improvements to the surface of Thames Street and lighting extend in both east and west directions? How many street lights would be required? If lighting is to be installed it should be bat friendly.
202. The NRA drew attention to the references within the evidence to the site being occupied by a single extended family and whether this could be controlled by condition in view of their concerns about the density of development on the site. The Council had not come across such a condition and, in the absence of named persons, felt the imposition of such a condition would not be sufficiently precise.

Conclusions

The numbers in square brackets [] refer back to earlier paragraphs in this report which are relevant to my conclusions.

Main Considerations

203. Taking into account those matters upon which the Secretary of State particularly wished to be informed and having regard to the evidence, the main considerations in this case are:
- (1) whether the proposal would be sustainable with particular regard to its previous use/current status, general location and accessibility;
 - (2) the effect on the character and appearance of the area;
 - (3) the effect on the setting of nearby listed buildings;
 - (4) the effect on highway safety;
 - (5) whether the site would be of acceptable environmental quality in terms of its layout and the risks posed by contamination and flooding;
 - (6) the effects on the local environment, with particular reference to foul drainage and noise;
 - (7) whether protected species, bats, would be adversely affected by the development; and,
 - 8) the need for, and provision of, gypsy and traveller sites in the area.
204. My report will address each of these considerations in the context of local and national policies and come to an overall conclusion on the proposal's consistency with the FBLP and the extent of its conformity with PPTS and the Framework.

Procedural Matters

205. The description of development on the application form, as set out in the header to this report, should be amended to refer to the alteration to the site access [15]. However, notwithstanding that the Council referred to a more comprehensive description of development in its Committee Report [15], I take the landscaping shown on the site layout plan, including the fencing and mound, to be an indication only of the type of works that could be carried out as it was agreed at the inquiry that a detailed landscaping scheme would be required [199]. There is no certainly that a package sewage treatment plant would be suitable in this location [61, 114]. Therefore, the landscaping and treatment plant should not form part of the description of development. The description for a 4 pitch site should read:
- 'Change of use of land to use as a residential caravan site for 4 gypsy families each with 2 caravans, together with erection of amenity block and alteration to site access.'*
206. The applicant asked that I also consider a 3 pitch scheme as an alternative to the 4 pitch proposal [3]. There are two issues raised by this request – is the 3 pitch proposal materially different and would any party be prejudiced?
207. The application would remain fundamentally the same, a change of use of land to a gypsy site. Court judgements have held that limitations on the number of pitches and caravans need to be set by conditions attached to a planning permission rather than through the description of development [33]. The

substance of the proposal before the SoS, be it for a 3 or 4 pitch scheme, has not changed.

208. The 3 pitch plan was submitted towards the end of the inquiry after the NRA and other objectors had presented their evidence [127]. It was not the scheme that the Council considered. However, there would be no greater impact on any of the issues raised by objectors from a 3 pitch scheme. Indeed in respect of the some of the effects of the proposal, the 3 pitch scheme would cause less harm because it would be of lesser scale [78] and, it could be argued, would respond to some of the concerns of the NRA. Therefore, in accordance with the principles raised by the Wheatcroft judgement [78], no party would be prejudiced by the SoS considering the 3 pitch scheme as well as the 4 pitch scheme.
209. The description for a 3 pitch site should read:

'Change of use of land to use as a residential caravan site for 3 gypsy families each with 2 caravans, together with erection of amenity block and alteration to site access.'

Sustainability

(i) Previous Use

210. The site, by reason of the presence of fixed surface infrastructure, including concrete hardstanding [5], falls within the definition of PDL contained within Annex 2 of the Framework. Based on what I saw the fixed surface infrastructure has not blended into the landscape in the process of time [81]. The core planning principle of encouraging the effective use of land by reusing land that has been previously developed contained within paragraph 17 of the Framework and repeated in paragraph 24 of PPTS applies [36, 80].
211. The existence of the LDC for the storage of builder's materials [13] as a potential fallback position [36] is of some relevance in assessing considerations such as the effect on character and appearance and highway safety. It is not for the decision maker on this application to determine whether the use certified by the LDC has been abandoned. However, in the circumstances and notwithstanding the representations made by the NRA [128], I consider it unlikely that the storage of builder's materials use has been abandoned or that the base use should revert to agriculture [36, 130]. In any event, whether the use has been abandoned or not does not alter the fact that the site is PDL [80].

(ii) General Location

212. The site is in an area designated by the development plan as open countryside as it lies outside the settlement limits of Newton [18]. However, it is not in an area where traveller sites are restricted such as Green Belt or SSSI [37, 83]. The nearest SSSI is some distance to the south [9]. Given that the site is no more than about 50m from the settlement boundary [18] it cannot be described as 'away from the settlement', a point accepted by all the main parties [131]. Moreover, lying within the rectangular area of plots encompassed by the three limbs of Thames Street and Grange Lane and in close proximity to dwellings and other buildings, the site has a physical relationship with the built-up area of the village [8, 10, 38, 82]. The site cannot be described as isolated either in terms of its distance from the settlement or by reason of the characteristics of the site and

its surroundings [82]. The appeal decision referred to by the applicant demonstrates that sites approaching 300m away from a village have been determined as not being in an isolated location away from an existing settlement [38]. Moreover, the application site compares favourably to most traveller sites that I have come across in terms of its proximity to a settlement and lack of isolation.

213. The proposal would accord with the locational criteria of Policy HL8 of the FBLP by avoiding restrictive designations such as Green Belt and SSSI and not being in 'open countryside away from settlements' [20, 37, 83]. This element of Policy HL8 is consistent with PPTS that strictly limits sites 'in open countryside that is away from existing settlements' [82]. In terms of Policy SP2, the proposal would fall into the category of a use appropriate to a rural area provided for by other policies of the plan, in this case Policy HL8 [19, 37]. Therefore, whilst gypsy and traveller sites are not referred to in Policy SP2 or its explanation, the policy would not be breached by the proposal [84, 131].

(iii) Accessibility

214. The services available in the village and the site's proximity to them are a matter of fact [11]. The services are commensurate with a reasonably sized village. The village has the advantage of being served by a good bus service [39]. The site is within walking distance of the services [30], including the primary school and post office/convenience store. The nature of access for pedestrians and cyclists has some shortcomings [7, 132] but would, from my experience, still not dissuade occupiers of the site from accessing facilities by foot or cycle, particularly if better lit and surfaced. Indeed it would be a pleasant walk in daylight and good weather.
215. Although the site is not in or adjacent to an urban area [85], residential development can take place in Newton reflecting the Council's position that it is a sustainable settlement [40]. Like many villages of its size it does not possess health services [132] but, unlike the requirement for a primary school, there is no specific reference to health facilities in Policy HL8 of the FBLP [20]. Moreover, Kirkham does have a health centre and is accessible by a short bus ride or is a few minutes drive away [12].
216. All in all, the application site is well located in relation to accessibility to services given that it is within a rural area [85]. Criterion 5 of Policy HL8 would be met as the proposed site is within or close to a settlement which can provide a primary school, public transport, shops and other community facilities [20, 39, 85]. The proposal would allow access to appropriate health services and ensure that children can attend school on a regular basis in accordance with paragraph 11 of PPTS. There is no evidence that the proposal would place undue pressure on local infrastructure and services. For example school places are available [86].

Character and Appearance

217. All sites will be located in one LCA or another. In this case the application site is on the border of two LCAs [23]. The site and the immediate surroundings do not display the main characteristics of either the Fylde Coastal Plain (gently undulating farmland with large fields and blocks of woodland) or the Clifton and Hutton Enclosed Marsh (reclaimed and relatively enclosed marsh with large geometric fields and ditches). It is part of a transitional partially developed zone on the fringe of the village [133] between settlements and farmland on top of the small

escarpment to the north and the extensive low lying coastal marsh to the south [43]. For these reasons I would not describe the 'landscape' of the immediate area as one that is particularly sensitive to change. It is clearly distinguishable from the network of large fields and ditches with 'big skies' to the south of Thames Street [9].

218. The existing site has an unkempt appearance and seems to have done so for some time [88]. The character of the site was not materially altered by the actions of the owner in 2010 [14, 129]. Thus the baseline against which impact needs to be judged is not particularly sensitive [88].
219. The character of the immediate surroundings is mixed. The plots which end at Thames Street have an assortment of characteristics [8] with some visual detractors such as the sheds to the east. The development on the south side of Thames Street is also of variable quality, including the functional poultry sheds [9, 90, 134]. These characteristics are a reflection of the mix of development within this transitional zone [44].
220. The site itself benefits from the screening provided by vegetation and buildings to either side and the conifer trees opposite such that it is not readily visible from large sections of Thames Street, the wider village and the footpaths and bridleway hereabouts. Its location in a natural bowl is a further factor that adds to its lack of prominence [42, 46].
221. That said the development would be seen from various locations, including the sensitive receptor of Thames Street where it passes the site. Here the track functions primarily as a footpath and bridleway, forming part of the Lund Way [136]. The development would also be visible from the rear facing windows and gardens of properties in Grange Lane above, several of which I went to at the site visit. Although the main view from these properties is over the site to the coastal marsh and flood plains of the River Ribble [46], the form that any development takes would affect the degree of harm, particularly when seen close up.
222. Traveller sites are allowed to be located in the countryside, in certain circumstances. In this respect some visual impact and harm is likely to occur [41, 87, 133]. It is a matter of determining whether the impact falls within acceptable bounds.
223. Of the elements of the scheme, the amenity building would be close to Thames Street. However, its scale would be similar to the sheds to the east and the outbuilding in the curtilage of Dixons Farmhouse to the west. Its single storey form and simple design would be characteristic of the type of ancillary outbuilding that would be expected to be located at the foot of a long domestic plot. Although the south elevation would be blank [134], part of the building could be screened by fencing or soft landscaping along the roadside boundary. The materials of red brick and grey tile would be appropriate for the locality [45, 89,].
224. Apart from the building, the site would be occupied by touring caravans, vehicles, including commercial vans, and domestic paraphernalia. Such features are inevitable on a traveller site but would be perceived as a visual detractor [134]. However, the degree of impact that they have on the character and appearance of the surrounding area depends, to an extent, on the density of the development and the ability to soften the scheme with soft landscaping.

225. The site layout plans are very much an illustration of how a site of this size could be developed. They lack detail and do not appear to have been drawn up with particular regard to the character of the area [134]. They are also based on the assumption that the site is actually wider than it is [17].
226. The layout for the 4 pitch scheme as shown is tight as it is, without factoring in the inaccurate measurements. The caravan bases are shown close to the site boundaries and with limited space between them. Taking into account requirements for access, parking and sewage treatment, there would be limited space for any meaningful soft landscaping [135]. The proposed enclosure of all the site boundaries with close-boarded fencing would give the impression of isolation. The mound to the northern boundary, containing rubble, is unsightly when seen close up from neighbouring gardens. The domination of hard landscaping treatment and lack of opportunity for soft landscaping would not represent a positive enhancement of the environment and an opportunity to increase the site's openness, matters to which weight should be attached in accordance with paragraph 24 of PPTS.
227. So far as the 3 pitch layout is concerned, the inclusion of a hedgerow to the front boundary [16, 46], the removal of the reference to fencing and mound and the increased open space that would exist on the site between caravan bases and parking areas, give me the confidence that the lower density layout would allow sufficient scope for soft landscaping and provide the opportunity for the development to be well planned. Any lighting on the site could be low key [88]. A condition could be imposed to require a site development scheme so that all elements of layout and landscaping could be considered together [199]. This would provide an opportunity to enhance the site [46] and not enclose it with too much hard landscaping.
228. There would be some change to the character of Thames Street through surfacing and the provision of lighting, if off-site highway works were required [136]. However, discussion at the inquiry indicated that the extent of such works would be modest, comprising the filling of potholes and the installation of no more than 3 lighting columns which could be designed to have regard to the semi-rural location. As a result the low key highway works would not significantly change the quiet intimate character of Thames Street. Moreover, the relatively small numbers of additional vehicles [32] would not lead to any material increase in overrunning of the grass verges [136].
229. In conclusion the site would be capable of accommodating a small gypsy development comprising 3 pitches without having a significantly harmful effect on the character and appearance of the area, having regard to the characteristics of the site and surroundings. The amenity block would be of appropriate design. There would be space for structural landscaping. Therefore, there would be compliance with criteria 4, 8 and 9 of Policy HL8 of the FBLP. No important landscape features would be harmed so Policy EP10 of the FBLP would not be breached. External lighting can be controlled by condition to ensure compliance with Policy EP28 of the FBLP.
230. The requirements of Policy EP11 of the FBLP and the Framework for a high standard of design cannot be divorced from the reality of locating traveller sites in rural areas. A 3 pitch scheme on this PDL is capable of securing high quality design in the context of what it is [137]. The impact would be within acceptable

bounds. However, for the reasons given above I am not satisfied that the 4 pitch scheme would be acceptable.

Setting of Listed Buildings

231. The listed buildings of Dixon's Farmhouse and Dagger Cottage are part of the ribbon of close knit development fronting both sides of Grange Lane [10]. This building group is clearly distinguishable from the more loose knit character of development along the bottom of Thames Street. The buildings also sit appreciably above the site, some distance away and there is some intervening screening [92].
232. That said the curtilage of Dagger Cottage runs alongside the western boundary of the site [140]. The roof and chimney of Dagger Cottage are visible from the application site. English Heritage guidance explains that the setting of a listed building normally extends beyond its curtilage [92, 140].
233. The buildings and Dixon's Farmhouse in particular, as one of the principal farmsteads in the village, would have sat more in 'splendid isolation' in the past surrounded by farmland. However, that original setting has much changed over time with the development along Grange Lane, at Autumn Fold and in Dixon's Farmhouse curtilage itself [8, 10] hemming in the buildings to an extent. The part of the Dagger Cottage plot where it abuts the application site, with its scrub and marshy grassland [8], has little relationship with the listed building. Thus, even though there has been no physical development or change in character on the land directly between the application site and the buildings [140], this is a case where the surroundings of the heritage assets have evolved over time [93], in this case contracted.
234. The documentary evidence about the historic use of the application site does not prove any functional link between it and the listed buildings in the past [141]. Indeed records from 1937 indicate that the application site was connected with Newton Lodge Farm [47, 93].
235. The appeal decision referred to by the Council is 20 years old and precedes recent Government and English Heritage advice about setting. However, the conclusion that a building within the curtilage of Dagger Cottage but fronting onto Thames Street did not affect the setting is consistent with the approach that the Council has taken with the current application [91].
236. In conclusion the proposal would not affect the settings of the listed buildings and as a result would do the settings no harm. The settings of the listed buildings do not extend beyond their curtilages in the direction of the application site. The statutory test to pay special attention to the desirability of preserving or enhancing the setting of listed buildings does not apply [95, 139]. Therefore, the Framework tests within paragraphs 132 and 134 [142] and Policy EP4 of the FBLP do not come into play.

Highway Safety

237. The characteristics of Thames Street and its use for recreational purposes make it unsuitable for accommodating a significant number of vehicle movements [7, 143]. The evidence indicates that there would be a doubling of vehicle movements from a 4 pitch site, albeit less for a 3 pitch site. However, this is from a small base of no more than 40 trips per day [145]. In reality additional

movements would not exceed one additional vehicular movement every 15 to 20 minutes in peak periods [32, 50, 99, 145].

238. In addition the nature of Thames Street means that existing traffic speeds are low at less than 20mph. The main characteristics of Thames Street - its single vehicle width, the stretch of unmade surface and its alignment - would remain after any highway works such as the filling of potholes. So traffic speeds would remain low and below 20mph [50, 98]. Thames Street would continue to have characteristics similar to a quiet lane [50].
239. There is no record of reported accidents or conflict despite evidence of minor damage at the head of Thames Street West [144]. The informal passing places along the access route would remain so that vehicles and other road users could make way for others to pass on the infrequent occasions that users meet [7, 100]. There is good forward visibility along each of the three sections of Thames Street [100]. Even with the increase in vehicle movements, the overall numbers would remain small so conflict between drivers and other users, including cyclists, horse riders, pedestrians and children playing, would be unlikely [54]. It is of relevance that more vehicles currently use Thames Street West [145] whereas the site would be more likely to be accessed via Thames Street East.
240. The increase in vehicles passing through the village and affecting farm activity [193, 194] would be small. Given that it would be very difficult to get mobile homes onto the site it is appropriate that the site should be limited to touring caravans only. Caravans would only be moved off the site when occupiers would be travelling which would not be particularly frequent. Vehicles towing farm machinery and horse boxes already make use of the highway network [54, 97].
241. As traveller sites are often located in rural areas connections to the main highway network can sometimes be on roads which do not meet modern day highway design standards. In this case the site is not far from the nearest main road, the A583.
242. The layout plans show parking and turning space within the site [15, 16]. The applicant was witnessed turning a touring caravan within the site [102]. However, the turning demonstration was undertaken without other caravans and vehicles being on the site so was not realistic as to the position when the site is developed. Moreover, accommodating 4 pitches and adequate parking and turning space, particularly given the actual dimensions of the site, has not been shown to be necessarily achievable by the relevant site layout plan [146].
243. In contrast the 3 pitch layout does free up more space for parking and turning and, in my view, would allow sufficient space for vehicles to park and turn along with the other requirements such as amenity space and landscaping. On this basis there would be unlikely to be a need to park on Thames Street with the 3 pitch layout so the route would not be obstructed for other users, including emergency vehicles [146].
244. It would be unlikely that bin wagons would enter the site to pick up refuse or recycling material. Waiting on Thames Street for a few minutes would be a weekly occurrence, probably outside peak hours, and would not be an unusual situation in a rural area and not inherently unsafe [102]. Similarly the lack of gritting of Thames Street in winter would be a commonplace circumstance for a minor road in an edge of village location [144]. Given that occupiers of the site are likely to

have larger vehicles to allow towing, the gradients and any wintry conditions affecting Thames Street would be less of an obstacle.

245. The applicant puts forward the case that off-site highway works, particularly the lighting, are not necessary [52, 53, 201]. However, most pedestrians who currently use Thames Street do so for recreational purposes so have a choice about when they use the route. In contrast residential occupants of the application site without access to a vehicle would need to walk and cycle along Thames Street to access day to day shopping and educational needs and reach the bus route. To ensure that this route was more comfortable to use, particularly outside daylight hours, and to encourage travel by more sustainable modes than the private vehicle, surfacing and some lighting would be necessary. Works of a limited nature such as the provision of 3 lighting columns and the filling of potholes would improve the route for pedestrians and cyclists commensurate with the scale of the development whilst not materially altering the character of this byway. Based on what I saw and heard I would envisage that lighting columns would be placed at either end and halfway along the unmade section of Thames Street and that potholes would be filled throughout the unmade section. This would allow occupants a choice of route to the village.
246. In conclusion the effect on highway safety, particularly for pedestrians, would be acceptable, subject to the carrying out of off-site highway works. Criterion 7 of Policy HL8 of the FBLP would be met as there would be safe vehicular and pedestrian access [103]. Adequate parking would be provided by the 3 pitch scheme. I see Policy TR1 of the FBLP being primarily aimed at larger scale developments but the provision of better surfacing and lighting would ensure that the proposal would meet the requirement to improve facilities for pedestrians and encourage walking. The proposal, in achieving a safe and suitable access to the site and not resulting in severe residual cumulative impacts, would meet the Framework tests [96, 103].

Environmental Quality

(i) Layout

247. The size of site was confirmed at the site visit [17, 126]. Assumptions made by the applicant and the Council about the space available were on the basis of a site with greater dimensions. Even with the 4 pitch layout based on the greater width, some of the measurements caravan to caravan and caravan to site boundary are tight in comparison to the normal standards of 6m and 3m respectively [55]. It is therefore questionable whether the 4 pitch layout would provide the necessary separation to allow the minimum standards to be met [155], notwithstanding that the caravan bases shown are larger than required for a touring caravan [55].
248. In addition the 4 pitch layout would provide little space for other facilities and amenities. I have already addressed the issue of parking and turning space [242]. The layout does not show any amenity space, refuse and gas bottle storage or areas for small sheds [153]. The areas of hardstanding sandwiched between the caravans, parking areas and access road would provide little meaningful space for children to play. The only substantial open areas within the site would be taken up by the access road and parking areas which would not normally be suitable for children's play.

249. In contrast the 3 pitch layout does demonstrate to me that this level of development could be accommodated satisfactorily on the site as it would allow spacing standards to be met, provide more scope for amenity space between and to the side of the caravans and room for the other necessary facilities and amenities. Space for the provision of waste disposal and recycling facilities would combat the issue of vermin [193].
250. So far as meeting the guidance within the GPG is concerned, the document is primarily aimed at the design of public sites [56]. Whilst some of the advice is helpful, paragraph 1.13 recognises that small private sites are designed to meet the individual and personal preferences of the owner. In this case the proposal is for a small private site, probably to be occupied by the applicant's extended family [56]. Hence the provision of a single dayroom rather than an amenity block on each pitch would be acceptable [154].
251. Similarly the provision of a communal play area on a site of this size would not be necessary provided there is private space for children to play as would be the case with the 3 pitch layout [56, 153]. This would be no different to a small group of houses relying on private gardens for play with a public park provided nearby [106]. Although Policy H4 of the emerging FLP refers to the application of the GPG to all gypsy sites [22, 156], little weight can be attached to the Plan at its preferred options stage [22, 29].
252. In conclusion the 3 pitch scheme would be of acceptable environmental quality in terms of its layout and provide a good standard of amenity for future occupants of the land in accordance with one of the core planning principles of the Framework. There would also be adequate play space for children so promoting healthy lifestyles as referred to in paragraph 24 of PPTS. However, I am not satisfied, based on the evidence before me, that a 4 pitch layout would be of acceptable environmental quality.

(ii) Contamination

253. A Phase 1 study of potential contamination has been carried out on behalf of the applicant [15, 57, 158]. All parties are aware of the presence of some contaminated material on the site, including asbestos [107, 158]. The issue is whether it is necessary to carry out further investigation before the grant of any planning permission or whether a more intrusive and comprehensive investigation and any necessary remedial action can be dealt with by condition.
254. The nature of the contamination resulting from the importation of asbestos and builder's waste containing ash some time ago and the potential for oil/diesel spills is apparent and would not appear to be complex. The risk to controlled waters is low [57]. PPG indicates that developers should provide proportionate but sufficient site investigation information to determine the existence or otherwise of contamination. In this case the Phase 1 study is a proportionate response. Its recommendations are clear as to the need for a Phase II investigation to include soil sampling and for asbestos to be removed to a suitably licensed tipping location.
255. The NRA expert witness appeared to accept that the imposition of a suitably worded condition would be a satisfactory method of taking the matter forward [107]. The EA is content that a condition would address the issue of contamination [107]. PPG indicates that planning conditions can be used to

address site characterisation, the submission and implementation of a remediation scheme and monitoring.

256. The presence of some contamination will add to the costs of bringing the site forward for residential occupation. But that is a consequence of the effective use of PDL. The proposed development would allow the site to be remediated which would be of benefit to the community as a whole [58].
257. Subject to any necessary remediation I conclude that the site would be of acceptable environmental quality for the proposed residential use in terms of the risks posed by contamination and would not harm human health or the wider environment. There would be compliance with Policy EP29 of the FBLP on the basis of what is known about the site and the detailed measures that can be required through the imposition of a condition [108]. Although Policy EP29 does not specify that conditions can be used to deal with remediation, I consider that the two stage approach is proportionate in the circumstances rather than the interpretation that the further investigation is required pre-permission as advocated by the NRA [159, 160].

(iii) Flood Risk

258. The EA maps show that the site is in Flood Zone 1 which is not an area at risk from sources of flooding [161]. The site does not exceed 1ha in size and is not within a critical drainage area. Following PPG advice, based on the EA maps, a FRA is not required [59, 109].
259. Some parts of Thames Street are within Flood Zone 2 and very close to areas within Flood Zone 3 [161]. However, the site is generally slightly above the level of Thames Street and rises marginally from front to back [5, 6, 59,]. That said the survey undertaken on behalf of the NRA does indicate that certain points at the southern extremity of the site are slightly lower than parts of Thames Street to the east which are shown to be in Flood Zone 2 [163]. It is not surprising that this detailed information reveals some discrepancies in the relative heights of areas where two flood zones are in close proximity to each other. This is a reflection of the indicative nature of the EA Maps [162].
260. There is no evidence that the site has been subject to fluvial or tidal flooding, even when Thames Street has flooded when the nearby dykes overflow. The instances when ponding or standing water has occurred on the site appear to be more a result of a combination of existing ground conditions and heavy rainfall [59, 164]. Given the level difference between application site and Thames Street generally, I consider that it is reasonable to assume that the application site is still best defined as being in Flood Zone 1.
261. The two ways into the site along Thames Street pass through areas shown as Flood Zone 2. There have been occasions when Thames Street, in the vicinity of the application site, has flooded [164]. However, this flooding appears to have mainly coincided with significant rainfall events in the sub-region [110]. In normal rainfall conditions there is no evidence that Thames Street floods, albeit that the existing potholes would fill with water.
262. The filling of the potholes which would arise with the off-site highway works would have some benefits for the drainage of Thames Street by diverting water to the soft verges. Occupants of the site would be likely to have access to larger vehicles

than the norm. It is unlikely that residents of the site would be marooned [110, 161].

263. Much of the site is currently hard surfaced. Although a land drain has been installed towards the western boundary [5, 111], no proposals for surface water drainage of the site were before the inquiry. However, there would be an opportunity to provide a sustainable urban drainage system which would be capable of both improving the surface water drainage of the site itself and also ensuring that there would be no increase in run-off from the site [60, 111]. Indeed, through attenuation of surface water, run-off from the site could be reduced to greenfield rates. The details of surface water could appropriately be dealt with by condition. The LLFA would need to be satisfied that surface water run-off would not increase the risk of flooding elsewhere including as a result of any discharge to the dykes within Flood Zones 2 and 3 [166] but, with suitable attenuation, there is no reason why this could not be achieved.
264. There is the possibility that capping would need to take place as part of any site remediation [167]. However, it is unlikely that the site levels would be raised significantly. Any raising of the site would accentuate the difference between it and the nearby Flood Risk Zones 2 and 3. The implications of capping would be taken into account in the formulation of a surface water disposal scheme such that surface water would not run off onto adjoining land.
265. In conclusion the site would be of acceptable environmental quality in terms of the risks posed by flooding. There would be compliance with Policy EP30 of the FBLP as the development would not be subject to an unacceptable risk of flooding, create an unacceptable increase in the risk of flooding elsewhere or adversely affect the water environment as a result of increased surface water run-off. Satisfactory surface water drainage facilities can be provided in accord with criterion 10 of Policy HL8 of the FBLP. The development would not be in an area at highest risk from flooding so would be in accordance with the Framework and PPTS. The decision maker can take comfort from the fact that the EA remain of the view that a FRA is not required as set out in its statement to the inquiry dated 3 November 2014 [109].

Local Environment

(i) Foul Drainage

266. It would not be feasible to connect to the mains sewerage system. The proposal is for the next best alternative, a package sewage treatment plant [15, 61, 113]. However, there are some doubts as to the suitability of a package sewage treatment plant due to the ground conditions on the site and in the area; the ponding that occurs which means that water could seep into the plant and lead to untreated foul water escaping; and the ability of the local dykes to take discharge in both dry and wet conditions [169, 170]. Based on what I heard at the inquiry I consider that these reservations have some substance, notwithstanding the lack of objections from consultees [114].
267. That said a package treatment plant is not the only option for foul drainage. The possibility of using a sealed cesspit was discussed at the inquiry. This is the least sustainable option and one that is not referred to in that part of the PPG that relates to wastewater infrastructure. But it is a foul drainage solution that is often used for small traveller sites.

268. A sealed cesspit would require emptying at intervals but the traffic movements that would result would not be significant. I see no reason to dispute the evidence from the applicant that the tank would not need to be particularly large for a small site of 3 or 4 pitches. There would be room within the 3 pitch layout to site a tank under the hardstanding and/or access road without interfering with the areas for the caravans themselves [61, 173].
269. The detailed proposals for foul drainage would need to be addressed by a condition [61, 114]. If a package sewage treatment plant was proposed, the Council, advised by relevant consultees such as the LLFA, would need to be satisfied that discharge into ground or a watercourse would be feasible in terms of ground conditions, water quality and flood risk. If not feasible then the applicant would have the option of a sealed cesspit which, in the circumstances, would be a satisfactory alternative [114].
270. Accordingly, the effects on the local environment, with particular reference to foul drainage, would be acceptable subject to the imposition of a condition. Policy EP25 and criterion 10 of Policy HL8 of the FBLP would be met as satisfactory sewage treatment facilities can be secured by condition [114, 175].

(ii) Noise

271. The proposal is for a residential use in a residential area [62]. Whilst the locality is generally quiet there is no reason why up to four families living on the site would give rise to noise significantly above what would arise from normal residential occupation. It may be the case that gypsy families spend more time outdoors than the settled community but the noise of children playing or adults talking would not be inherently uncharacteristic or offensive [116]. The vehicle movements arising, calculated to be no more than one additional vehicle per 15 to 20 minutes in the peak, would not generate significant noise or disturbance.
272. There could be an element of reverberation of sounds off surrounding properties and the site is in a dip, described as creating an amphitheatre effect [177]. However, these characteristics are far from unique in siting residential uses near to each other. There is no evidence that the built environment and topography would lead to unacceptable noise levels.
273. Concerns about the use of generators and the carrying out of business activities can be addressed by conditions [115]. If noise were to become a nuisance the Council has the ability to take action [116] but I see no reason why the residential use should generate unacceptable noise.
274. I conclude that the effects on the local environment, with particular reference to noise, would be acceptable. Criterion 3 and 6 of Policy HL8 and Policy EP27 of the FBLP would be met as the site is to be used for residential purposes only and the location of the site would not give rise to nuisance to neighbours or unacceptably result in harm by way of noise [117].

Protected Species

275. The site itself does not display any of the features that suggest that it is a habitat of any significance. Indeed its characteristics suggest that it is sub-optimal [118]. Some bat activity has been recorded along Thames Street [178] but I agree with the applicant that such activity would be typical of a quiet semi-rural area with trees, hedges and ditches nearby [63]. There are no trees or other vegetation on

the developable part of the site. No potential roosts would be directly affected by development. Any resurfacing would not affect the verges or ditches. The ditches, trees and hedges along Thames Street would remain [178].

276. The evidence before the inquiry was that some species of bats are attracted to lights whereas others such as the myotis may be disturbed [180]. However, it was agreed that it would be possible to design street lighting, described as 'bat friendly', which took into account those species which could be adversely affected [64, 119].
277. In conclusion protected species, bats, would not be adversely affected by the development provided that any street lighting installed is to be 'bat friendly'. So there would be no conflict with Policy EP19 of the FBLP.

The Need for and Provision of Gypsy and Traveller Sites

278. In December 2013, when the Development Management Committee considered the application, the 2014 GTAA had not been published [188, 193]. However, the recently produced GTAA does now establish a significant need and this is not disputed by any of the main parties [28, 65, 120, 181]. There has not been any provision recently to meet that need [120]. Nor is there any proposed or planned provision other than the application site. The GTAA recognises that the application site would contribute to meeting the identified need [65].
279. The Council does not currently have a development plan that sets pitch targets. The emerging FLP does not contain targets although that is not to say that a later iteration of the plan will not include some, taking into account the recently published GTAA. The Council suggests that a single local plan will allocate strategic and smaller sites but adoption is not anticipated until March 2017⁴⁴ and so the stage when firm allocations are made is some way off.
280. The development plan's failure to provide sites, including a 5 year supply of sites to meet the need for 17 pitches between 2014 and 2019 [28], represents a failure of policy [66]. This failure has statutory implications for the Council in terms of the Housing Act 2004 [68] and the Public Sector Equality Duty under the Equality Act 2010 [70].
281. The applicant is a gypsy. The occupation of the site can be controlled by condition so that it is a permanent site occupied by gypsies and travellers [193]. The proposal would meet some of the need. As a 3 pitch site it would provide about 18% of the short term need identified which is a significant contribution. Criterion 1, 2 and 4 of Policy HL8 are met as a need for gypsy sites has been identified, the application is made on behalf of gypsies and the size of the site is appropriate to meet a part of the identified need [120, 121].

Other Matters

282. There are a number of potential costs arising from the development and compliance with conditions [182, 183, 190]. The costs associated with the provision of drainage and services such as electricity would apply to many gypsy and traveller sites and would certainly not be out of the ordinary. The costs of remediation are a consequence of taking on PDL and should not be held against

⁴⁴ Website statement by Fylde Borough Council produced on 26 November 2014

the applicant. The highway improvements would be modest and commensurate with a three household development.

283. The applicant suggests that the costs would not be prohibitive when split between 3 or 4 families [67]. It is also of relevance that many gypsies and travellers are experienced in undertaking ground works and the like. Such works would need to reflect the details agreed through conditions. It would be for the Council to ensure compliance [193]. There is insufficient evidence that the costs associated with developing the site would make it unviable.
284. In any event the test for not imposing conditions is when there is no prospect of them being complied with during the lifetime of the permission [122]. This is a high bar which is not reached in this case. Moreover, if the applicant decided that the site was too expensive to develop he could walk away. Alternatively an applicant who sought to cut corners to avoid some of the costs through not complying with conditions would not be able to implement the scheme or, if he did carry out lesser works, could be subject to enforcement action [123, 184]. But there is no evidence to suggest that any of these scenarios would result.
285. I consider that Newton as a whole is the nearest settled community in terms of paragraph 12 of PPTS rather than the cluster of house around Grange Lane. The main parties agree that the development would not dominate the community of the village of Newton [30]. Moreover, even if Grange Lane were judged to be the nearest settled community three or four households could not be said to dominate a group of around 30 dwellings either physically or socially [31]. The scale of the development and the sites proximity to the village should allow the promotion of peaceful and integrated co-existence between the occupants and the settled community in accordance with paragraph 11 of PPTS.
286. Traveller children may not reach the attainment levels of the settled population but this is often a reflection of their lack of a settled based [193]. It is all the more reason for providing more settled bases so that children are able to attend school on a regular basis and integrate with the settled community as promoted by paragraphs 4 and 11 of PPTS. Attainment levels are certainly not a reason to exclude children from what should be an inclusive education system.
287. There is no evidence that the proposed development would cause air pollution [193]. Environmental legislation is able to control nuisance caused by activities such as burning of waste materials. Families occupying the site may travel during certain periods of the year to attend horse fairs or other events. But it is unlikely that the site would be vacant for long periods such that the facilities would not be properly supervised and maintained [193].
288. The application does not include details of any specific occupants so personal circumstances are not a consideration [186]. That said the proposition that the decision would have implications for Human Rights and the best interests of children has some merit as the site would provide a settled base for a number of families who are likely to be without such provision or alternatively free up pitches elsewhere [69]. This is in the context of the need for sites within the Borough and the wider area and the lack of alternative sites.
289. The decision to call in the application and its affect on the right of due process is not a matter upon which I am able to comment [71].

Conditions

290. The conditions put forward and discussed at the inquiry are dealt with at paragraphs 195 to 202 of this report. With regard to the need for a commencement condition, the operational development undertaken in 2010 is now immune from enforcement action and was not necessarily related to the proposed use of the site so it is probable that the development has not commenced [36, 196]. In the circumstances it would be appropriate to apply a 3 year commencement condition. A condition specifying the plans to which the permission applies should be imposed for the avoidance of doubt and in the interests of proper planning. For the reasons given earlier in this report the 3 pitch scheme is the one that should be permitted. That said, as the layout is indicative and consideration has not been given to a scheme of landscaping and other site requirements, then the site layout plan and fencing should not be included in the list of plans [196, 205].
291. It is necessary to limit occupation of the site as the proposal has been considered on the basis of planning policies for gypsies and travellers and taking into account the impact of one that is permanently occupied, not a transit site [121, 197]. Control should be exercised on the number of pitches and caravans to give effect to a 3 pitch site [33, 197]. It is necessary to restrict the use to touring caravans [15, 240] in view of the limitations of the highway network. Specifying a maximum length of the caravans would give precision [197].
292. Limitations on the number and size of commercial vehicles and controls on business activities are needed due to the nature of the highway network and to protect the living conditions of nearby residents [117, 198, 273]. Details of the materials for the amenity block are required so that its appearance would be sympathetic to the area [89, 198]. I also agree that finished floor levels of the dayroom need to be agreed as they have not been provided and it is important that the height of the building close to Thames Street is controlled in the interests of visual impact [198]. The use of any electrical generator needs to be controlled to prevent undue noise emanating from the site [115, 198, 273].
293. On the basis that the site layout plan is indicative [290] and no details of soft and hard landscaping, amenity space, refuse and recycling areas, gas bottle storage and lighting have been submitted, a site development scheme is appropriate to allow all these elements to be considered comprehensively [46, 88, 90, 227]. I do not see any justification for going beyond a 5 year maintenance period for the landscaping as the site is not in a particularly sensitive area and would not be subject to significant structural landscaping [199].
294. There is clear justification for details of foul and surface water drainage to be submitted as further information is needed to demonstrate a method that would be satisfactory taking into account local conditions [60, 61, 114, 175, 263, 269, 270]. It is considered that requirements for schemes to be approved, implemented and managed and maintained would make such conditions sufficiently robust [200]. Similarly the presence of contamination on the site means that a Phase 2 Contamination Report is needed to deal with more intrusive investigations and remediation [57, 107, 200, 257].
295. The access into the site would need to be constructed of bound material. There is a requirement for some limited off-site highway works to ensure that the routes to the village are appropriate for occupants who wish to walk or cycle to local

facilities [100, 147, 214, 245]. The street lighting would need to be bat friendly [64, 119, 276].

296. With regard to controlling occupation of the site to an extended family, without names such a condition would not be sufficiently precise [202]. In reality a small scale 3 pitch private site is highly likely to be occupied by an extended family. Therefore, although the proposal is put forward on the premise that it would be occupied by an extended family group, I do not consider that it is necessary to control this element [157].

Overall Conclusions

297. In considering the proposed use against the main considerations which I have identified I am not satisfied, based on the evidence, that a 4 pitch scheme would be acceptable for reasons relating to impact on character and appearance [230], lack of parking and turning space [242] and the environmental quality of the layout [252].
298. However, the use of the land as a small scale self-contained residential gypsy site would be sustainable with particular regard to its previous use/current status, general location and accessibility [211, 213, 216]; would not affect the setting of nearby listed buildings [236]; would have an acceptable impact on highway safety [246]; would be of acceptable environmental quality in terms of the risks posed by contamination and flooding [257, 265]; would have no adverse effects on the local environment, with particular reference to foul drainage and noise [270, 274]; and would not adversely affect bats [277]. Conditions would ensure that the potential adverse impacts of the development would be made acceptable.
299. Moreover, a 3 pitch scheme would be capable of being accommodated on the site with an impact on character and appearance which would be within acceptable bounds [229, 230], providing adequate space for parking and turning [243] and ensuring the provision of a suitable layout so that the environmental quality of the proposal would be satisfactory [252]. A 3 pitch scheme would have less impact on the highway network than a 4 pitch scheme.
300. In addition to the lack of any significant adverse impact from a 3 pitch scheme there are benefits that need to be weighed in the balance. Although I would judge that the impact of the proposal on most of the considerations set out above would be neutral, the use of PDL, the location adjacent to a settlement and its relatively good accessibility to services are factors that weigh in favour of the development.
301. In addition, considerable weight should be attached to the unmet need for gypsy sites in the Borough and wider area [65, 120, 181]. Added to the need issue is the lack of a 5 year supply and the consequent failure of policy [280] which also add weight in favour of the proposal, particularly in the context of the Housing Act and Equality Act [280]. Even though specific personal circumstances do not come into play, the proposition that granting planning permission would also have benefits in terms of Human Rights and the best interests of children, through providing a settled base, access to education and health care and improved well being, should weigh in favour of the proposal [288].
302. Even if some harm is ascribed to the impact on the character and appearance of the area [229] and possible use of the least sustainable drainage option [267], the benefits would still significantly outweigh such harm.

303. The 3 pitch proposal would comply with Policy HL8 of the FBLP and its ten criteria [213, 216, 229, 246, 265, 270, 274, 281]. There would be no conflict with Policy SP2 of FBLP [213]. I have found compliance with other relevant policies of the development plan [229, 230, 246, 257, 265, 270, 274, 277], subject to the imposition of suitable conditions.
304. Judged against national policy, in terms of PPTS, the site would be sustainable economically, socially and environmentally (paragraph 11); would meet the need for sites (paragraph 22); would not be away from a settlement and be small scale (paragraph 23); and would make effective use of PDL. As a 3 pitch development it would be capable of being well-planned and soft landscaped, providing sufficient play areas and not being enclosed with too much hard landscaping (paragraph 24).
305. The proposal would contribute to the supply of housing including the 5 year supply. The proposal would achieve social gains in providing a settled base for 3 families and economic gains in allowing some of the occupants to work in the area. The environmental impacts when considered in the round would be beneficial overall. Although policies for the supply of traveller sites should be considered out of date or absent as there is no 5 year supply, those criteria-based and generic policies of the development plan that do exist and have particular relevance to the specific proposal, including Policy HL8, are consistent with the Framework and PPTS and are up to date. This is a case where the proposal accords with the development plan and should be approved without delay in accord with paragraph 14 of the Framework. The presumption in favour of sustainable development applies.
306. In conclusion planning permission should be granted but on the basis of a 3 pitch scheme.

Recommendation

307. I recommend that planning permission be granted for the development described at paragraph 209 of this report subject to the conditions set out in Appendix C.

Mark Dakeyne

INSPECTOR

APPENDIX A - APPEARANCES

FOR THE NEWTON RESIDENTS ASSOCIATION:

Jack Smyth of Counsel	Instructed by Tufnell Planning
He called	
Karen Smith MIHE	Sanderson Associates
Cath Retberg	Environment Manager
BSc MIEMA C Env	
Annette Sharkey	Local Resident
Louise Whalley	Environment Manager
BSc (Hons) AEMA	
James Wragg	Geosyntec Consultants Ltd
BSc (Hons) FGS	
Peter Sharkey	Local Resident
Robert McCormick	Local Resident
Michael Gornall	Local Resident
David Thompson CIMA	Senior Management Accountant
Peter Tufnell Dip TP MRTPI	Tufnell Town and Country Planning

FOR THE LOCAL PLANNING AUTHORITY:

Jonathan Easton of Counsel	Instructed by the Council's Legal Services
He called	
Anthony Glenn Robinson	Senior Engineer, Lancashire County Council
HND	
(C Eng)	
Robert Clewes MCD MSc	Planning Officer, Fylde Borough Council
Michael Atherton	Senior Planning Officer, Fylde Borough Council
BA (Hons) BP MRTPI	

FOR THE APPELLANT:

Alan Masters of Counsel	Instructed by Philip Brown Associates Limited
He called	
Philip Brown BA (Hons)	Philip Brown Associates Limited
MRTPI	

INTERESTED PERSONS:

Elizabeth Oakes	Fylde Borough Councillor
Roy Astridge	Newton with Clifton Parish Council

APPENDIX B – PLANS AND DOCUMENTS

Reference	Core Documents	Date
CD1	Planning policy for traveller sites DCLG	March 2012
CD2	Fylde Borough Local Plan As Altered	October 2005
CD3	Fylde Borough Local Plan to 2030 Part 1 Preferred Options	2013
CD4	Preferred Options Draft Consultation Comments to H4	
CD5	National Planning Policy Framework DCLG	March 2012
CD6	Fylde Coast Authorities GTAA Final Report	September 2014
CD7	Lancashire Sub Regional GTAA Final Report	May 2007
CD8	Report to Special Meeting of Fylde Council Development Management Committee (DMC)	18 December 2013
CD9	Late Observation Schedule to DMC	18 December 2013
CD10	DMC Minutes	18 December 2013
CD11	Consultation: planning and travellers DCLG	September 2014
CD12	Appeal Decisions Ref: APP/M2325/C/10/2134060-74 and 2134032 Land south of Fairfield Road, Hardhorn, Poulton-Le-Fylde	18 August 2011
CD13	Written Ministerial Statement by Nick Boles MP on local planning	6 March 2014
CD14	The Setting of Heritage Assets English Heritage Guidance	October 2011
CD15	Historic Environment Good Practice Advice: Planning Note 3: The Setting of Heritage Assets (Consultation Draft)	11 July 2014
CD16	Lawful Development Certificate and Plan relating to application site	29 August 2008
CD17	12/0118 Planning Application with covering letter including Design and Access Statement	20 Feb 2012
CD18	Application Plans	Undated
CD19	Extracts from Designing Gypsy and Traveller Sites – Good Practice Guide DCLG	May 2008
CD20	Environment Agency consultation response on planning application	17 April 2012
CD21	Natural England consultation response on planning application	11 April 2012
CD22	United Utilities consultation response on planning application	29 March 2012
CD23	Lancashire County Council (LCC) Ecology consultation response on planning application	30 April 2012
CD24	LCC Highways consultation response on planning application	1 May 2012
CD25	Sanderson Associates Transport Report on planning application on behalf of NRA	16 July 2012
CD26	Sanderson Associates Flood Risk Assessment Screening Study on planning application on behalf	August 2012

	of NRA	
CD27	Newton with Clifton Parish Council consultation response on planning application	3 May 2012
CD28	Letter from Environment Agency on planning application	28 May 2012
CD29	Letter to FBC from Philip Brown Associates Ltd on highway issues	28 August 2012
CD30	Ford Consulting Group Contaminated Land Report on behalf of NRA	6 August 2012
CD31	Preliminary Assessment of a proposed sewage treatment facility by Cath Retberg	June 2012
CD32	Letter to Michael Gornall (NRA) from Environment Agency	9 January 2013
CD33	Letter to FBC from Environment Agency	12 March 2013
CD34	Letter to FBC from Philip Brown Associates Ltd	16 April 2013
CD35	Phase 1 Environmental Audit Report by T J Booth Associates for applicant	January 2013
CD36	Amended application form questions 4 to 8	2 July 2013
CD37	Newton with Clifton Parish Council further consultation responses on planning application	1 and 7 August 2013
CD38	Letter from DCLG (NPCU) directing call-in of planning application	28 March 2014
CD39	United Utilities further consultation response on planning application	13 August 2013
CD40	Environment Agency further consultation response on planning application	15 August 2013
CD41	Extract from Planning (Listed Building and Conservation Area) Regulations 1990 Article 5a	As amended
CD42	Framework Technical Guidance (Flood Risk) pages 2 and 3	March 2012
CD43	LCC Highways further consultation response on planning application	13 September 2013
CD44	LCC Local Transport Plan 2011-2021	May 2011
CD45	LCC Ecology further consultation response on planning application	12 August 2013
CD46	Fylde Coast Strategic Housing Market Assessment	December 2013
CD47	PPG extract– Foul Drainage	March 2014
CD48	Newton with Clifton Parish Council letter about Statement of case	19 May 2014
CD49	Fylde Borough Council Local Plan Proposals Map Extract	October 2005
CD50	A Landscape Strategy for Lancashire – Landscape Character Assessment LCC	December 2000
Reference	Statements of Case	Date
NRA	NRA Statement of Case Ref: T1118	30 April 2014
FBC	FBC Statement of Case Ref: 173/njm	3 June 2014
APP	Applicant's Statement of Case Ref: 14/115	
Reference	Proofs of Evidence/Statements	Date
FBC1	Proof, summary and appendices of Michael Atherton (Planning)	4 November 2014

FBC2	Proof, summary and appendices of Rob Clewes (Setting of Listed Buildings)	4 November 2014
FBC3	Proof, summary and appendices of Anthony Glenn Robinson (LCC Highways)	4 November 2014
APP1	Proof, summary and appendices of Philip Brown	4 November 2014
NRA1	Proof, summary and appendices of Peter Tufnell	4 November 2014
NRA2	Conservation Advisory Note In Relation To Bats and appendices	4 November 2014
NRA3	Proof on Community Amenity and appendix	4 November 2014
NRA4	Proof and appendices of James Wragg	4 November 2014
NRA5	Preliminary Assessment of Sewage Treatment Plant and appendices – Cath Retberg	4 November 2014
NRA6	Estimate of costs incurred to satisfy requirements for development	4 November 2014
NRA7	Proof on flooding issue and appendix	4 November 2014
NRA8	Proof, summary and appendices of Karen Smith	4 November 2014
NRA9	Statement on Noise and General Disturbance - Acoustic Amenity	4 November 2014
NRA10	Statement on timeline and appendix	4 November 2014
NRA11	Assessment of proposed effects on landscape character, residential amenity and visual amenity and appendices	4 November 2014
Reference	Documents submitted at the Inquiry	Date
SOCG1	Statement of Common Ground between applicant and FBC	1 December 2014
SOCG2	Statement of Common Ground between FBC and NRA on highway and transport issues	November 2014
APP2	Appeal decision Ref: APP/T0355/A/2205599 dated 30 October 2014 – Land west of Forest Green Rd, Near Windsor	2 December 2014
APP3	Details of Package Sewage Treatment Plant	2 December 2014
APP4	Revised Site Layout showing 3 pitches	9 December 2014
APP5	Wyre Borough Council Schedule of Standard Conditions for Residential Sites	9 December 2014
APP6	Closing Submissions for the applicant	2 February 2015
FBC4	Appeal decision relating to Land to rear of Dagger Cottage	2 December 2014
FBC5	Opening Statement for the Council	2 December 2014
FBC6	Fylde Borough Local Plan Proposals Map	2 December 2014
FBC7	Lancashire County Council Highways Works Costing	3 December 2014
FBC8	E-mail dated 7 November 2014 from Principal Officer Environmental Protection Team	3 December 2014
FBC9	Extract Lancashire and Blackpool Local Flood Risk Management Strategy 2014-2017	4 December 2014

FBC10	E-mail dated 12 November 2014 from Consent and Enforcement Officer Flood Risk Management LCC	4 December 2014
FBC11	Extract from NPPG relating to conditions relating to land not in control of applicant	4 December 2014
FBC12	Extract from NPPG relating to land contamination	4 December 2014
FBC13	Revised Draft Conditions	9 December 2014
FBC14	Closing Submissions for the Council	2 February 2015
NRA12	Tracked changes/comments on SOCG1	2 December 2014
NRA13	Specification for Digital Sound Level Meter	4 December 2014
NRA14	Closing Submissions for the NRA	2 February 2015

APPENDIX C – Recommended Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Scale 1:1250), Proposed Side Elevations of Amenity Block, Proposed Front and Rear Elevations and Floor Plan of Amenity Block (all Scale 1:100).
- 3) The site shall only be occupied as permanent accommodation and not as a transit site and only by gypsies and travellers as defined in Annex 1 (Glossary) of Planning Policy for Traveller Sites March 2012 (or any policy guidance amending or adding thereto).
- 4) There shall be no more than 3 pitches on the site and on each of the 3 pitches hereby approved no more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed at any time.
- 5) Any caravans positioned on the site shall be touring caravans and shall be capable of being lawfully moved on the public highway, without division into separate parts, and shall not exceed 7m in length (excluding tow bar).
- 6) No more than one commercial vehicle per pitch shall be kept on the land for use by the occupiers of the caravans hereby permitted, and each vehicle shall not exceed a maximum gross weight of 3.5 tonnes.
- 7) No commercial activities shall take place on the land, including the storage of materials.
- 8) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the amenity block and details of the finished floor levels of the amenity block hereby permitted have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.
- 9) No electrical generator shall be used on the site unless it has been sited and enclosed in accordance with details which shall have been previously submitted to, and approved in writing by, the local planning authority.
- 10) No development shall take place until a site development scheme, based on a detailed site survey, has been submitted to, and approved in writing by, the local planning authority to include:
 - (i) a landscaping scheme to include: surfacing materials for all hard standings; screening to the refuse and recycling area; fencing and gates; the layout of amenity areas; and planting plans (including cultivation and other operations associated with plant and grass establishment; schedules of plants, noting species, plant sizes and proposed numbers/densities);
 - (ii) details of the layout and surfacing of the internal access road and parking and turning areas;
 - (iii) provision for refuse and recycling facilities and gas bottle storage; and,
 - (iv) external lighting.The site development scheme shall include a programme of implementation. The development shall be carried out in accordance with the approved details and programme. No surfacing, fencing, gates or

- lighting shall be carried out or erected on the site other than that approved pursuant to this condition.
- 11) Any trees or plants included within the landscaping scheme required by condition 10 which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
 - 12) No development shall commence until a scheme for the disposal of foul drainage from the site (including details of the future management and maintenance of the scheme) has been submitted to, and approved in writing by, the local planning authority. The site shall not be occupied for residential purposes until the foul drainage works have been completed in accordance with the approved scheme. Thereafter, the approved foul drainage shall be managed and maintained in accordance with the approved details for the lifetime of this development.
 - 13) No development shall commence until a scheme for the surface water drainage of the site (including details of the future management and maintenance of the scheme) has been submitted to and approved in writing by the local planning authority. The site shall not be occupied for residential purposes until surface water drainage works have been completed in accordance with the approved scheme. Thereafter, the approved surface water drainage shall be managed and maintained in accordance with the approved details for the lifetime of this development.
 - 14) Prior to the commencement of the development an investigation and risk assessment report of any contamination on the site shall be completed in accordance with a scheme that shall have been submitted to, and approved in writing by, the local planning authority. If the report indicates that remediation is necessary, details of a remediation scheme shall be submitted to, and approved in writing by, the local planning authority. The remediation scheme shall include all works to be undertaken, remediation objectives and remediation criteria, a timetable of works and site management procedures and shall be carried out in accordance with the approved details and timetable of works. Written notification of the commencement of the remediation scheme shall be given to the local planning authority at least 2 weeks before the start of the remediation works and a validation report that demonstrates the effectiveness of the remediation carried out shall be submitted to, and approved in writing by, the local planning authority prior to the first occupation of any of the development hereby permitted. If during the course of the development contamination not previously identified is found to be present at the site, no further development shall be carried out until an amendment to the remediation scheme giving details of how to deal with this contamination has been submitted to, and approved in writing by, the local planning authority. The remediation measures shall thereafter be carried out in accordance with the approved amended details.
 - 15) No part of the development hereby permitted shall commence until a scheme for the construction of the site access and off-site highway works has been submitted to, and approved in writing by, the local planning authority. The site access works shall include a hard surface using tarmac,

concrete or block paving for a minimum of 5m from the highway into the site. The off-site works shall include measures to fill and surface potholes and provide street lighting columns on the un-surfaced section of Thames Street which runs in an east-west direction. The street lighting shall be designed to take into account the impact of lighting on bat activity in the vicinity. The site shall not be occupied until the site access and the off-site highway works have been completed in accordance with the approved details.



RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act). This new requirement for permission to bring a challenge applies to decisions made on or after 26 October 2015.

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

Appeal Decision

Inquiry held 1–3 December 2015

Site visits made on 3 and 4 December 2015

by Geoffrey Hill BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14/01/2016

Appeal Ref: APP/M2325/W/15/3005671

Land at Willow Drive, Wrea Green, Preston, Lancashire PR4 2NT

- 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 Story Homes Ltd., against the decision of Fylde Borough Council.
 - The application Ref 14/0302, dated 16 April 2014, was refused by notice dated 3 September 2014.
 - The development proposed is described as “development of up to 100 dwellings including the provision of access following the demolition of 15 Willow Drive”.
-

Decision

1. The appeal is allowed and planning permission is granted for development described as “development of up to 100 dwellings including the provision of access following the demolition of 15 Willow Drive” on land at Willow Drive, Wrea Green, Preston, Lancashire PR4 2NT in accordance with the terms of the application, Ref 14/0302, dated 16 April 2014, subject to the conditions set out in the Schedule appended to this decision.

Application for Costs

2. At the inquiry an application for costs was made by Story Homes Ltd., against Fylde Borough Council. That application is the subject of a separate Decision.

Procedural and Preliminary Matters

3. The appeal was initially listed to be heard together with another appeal relating to broadly the same site for outline planning permission for up to 49 dwellings. That appeal (Ref APP/M2325/W/15/3006279) was withdrawn prior to the opening of the inquiry.
4. The appeal is in respect of an application for outline planning permission with all matters reserved for subsequent consideration, except for access.

Main Issues

5. There are two main issues in this appeal.
 - i). The effect of the proposed development on the setting and character of Wrea Green.
-

- ii). Whether, taken together with recent planning permissions for housing in the village, up to an additional 51 dwellings represents sustainable development, having regard to the accessibility to, and availability and capacity of, facilities and services.

Reasons

Policy context

6. The starting point for consideration of the appeal scheme is whether the proposed development accords with the development plan. The primary development plan policies here are HL2 and SP2 of the Fylde Borough Local Plan (FBLP).
7. The appeal site is outside the development boundary set for Wrea Green in the FBLP, and therefore in 'countryside'. Policy SP2 seeks to resist new residential development in the countryside, unless it is required for specific purposes. It is agreed that the appeal scheme does not fall within any of the categories of development allowed by Policy SP2. There is, therefore, a direct conflict with the development plan policy. In which case, it is necessary to consider whether there are material considerations which would justify making a decision other than in accordance with the policy.
8. The FBLP was adopted in October 2005, but only addressed housing land requirement up until 2006. It is, therefore, time expired. Paragraph 47 of National Planning Policy Framework (NPPF) seeks to boost significantly the supply of housing and local planning authorities are required to be able to demonstrate that there is five years worth of deliverable housing sites in their area, so as to meet the full, objectively assessed needs for market and affordable housing.
9. It is agreed by the parties that, using methodologies which meet current guidance, Fylde Borough cannot demonstrate a five-year supply of deliverable housing land. There is disagreement as to whether the agreed number of permissions represents 3.8 or 4.3 years supply, however, for the purposes of this appeal, the difference carries little significance. The essential point is that the Council cannot demonstrate a five supply of housing land. In which case paragraph 49 of NPPF states that relevant policies for the supply of housing should not be considered up-to-date.
10. Policy SP2 - read together with Policy SP1 - by setting development boundaries or limits, are relevant policies which influence the supply of housing land, in so far as they seek to confine or restrict the built up area of established settlements. In the circumstances of this appeal, and having regard to paragraph 49 of NPPF, whilst this does not necessarily render Policy S2 entirely obsolete, the development boundary for Wrea Green has to be seen to be out of date. Accordingly, the appeal scheme needs to be considered in the context of other development plan policies.

Setting and Character of Wrea Green

11. Policy HL2 requires that, amongst other matters, new development should be in keeping with the character of the locality in terms of scale and space around buildings. This principle is generally in accordance with NPPF and hence it can be regarded as a policy which is applicable in this case.

12. It was accepted at the inquiry that in order to meet the Council's requirement to maintain housing land supply across the Borough, greenfield sites will have to be taken for development.
13. The appeal site is on the south-eastern edge of Wrea Green. It is currently farmland, used for grazing. It looks out to the south and east over open countryside, with the southern edge of the site standing on a slight crest or rise in the landscape. Immediately to the west is a new housing scheme (The Fieldings), currently under development by Wainhomes. North of The Fieldings, the appeal site is adjacent to older housing in Willow Drive, with small areas of open space between the appeal site and the houses, or back garden hedges and fences of houses in Willow Drive running along the site boundary.
14. The site can be seen from public vantage points in the wider area, notably from Browns Lane, Bryning Lane and the footpath which runs between the riding stables at Bryning Lane and Hill Farm on Browns Lane. Because the southern part of the site occupies the crest in the landscape new development here would be seen from a number of points to the south and east. However, it was accepted at the inquiry that new development does not have to be completely screened to be acceptable.
15. Along most of the eastern boundary of the site is an established belt of trees covered by a Tree Preservation Order. This belt of trees would substantially screen the proposed development in views from the east, with the buildings only partially visible between the trunks and understorey planting. That is, it would not present a 'raw' edge of development in these wider views from the east. The appeal site does extend beyond the tree belt, but the Concept Block Plan shows that this southern extent need not be used for built development. That is, the development would not appear unduly conspicuous or obtrusive in flank views from the east, and this would be over distances of 600 metres or so.
16. If the extent of built development was restricted to generally align with the southern boundary of The Fieldings, development on the appeal site would still be visible from Bryning Lane and the footpath. These views would be from locations between 600 metres and 1100 metres away from the appeal site boundary, but these would not be constant or continuous views because established roadside hedges and hedges along the route of the footpath would interrupt or obscure views of the site.
17. The site is only some 112 metres wide at its southern end, which is about half the width of The Fieldings development. Such views would also take in the whole southern extent of Wrea Green, with housing to the west of Bryning Lane and The Green clearly visible from these view points. Taking into account this wider view of the southern edge of the village, the appeal scheme would constitute a relatively small extension of built development (about 10%). It also has to be recognised that landscaping on the appeal site (as indicated on the Initial Concept Block Plan), could substantially soften and probably screen much of the new development along this southern frontage.
18. In view of the limited extent and minimal visual impact that development on the appeal site would have, the degree of change would not be so great as to significantly and unacceptably alter the setting of the village in the landscape.

19. Consideration of the compatibility of the character of the proposed scheme is not solely an appraisal of its appearance in the landscape: it also requires a closer analysis of how the scheme would relate to the adjacent and surrounding development of the village. The core of the village is focussed around the impressively large village green. Around, or close to, the green is the majority of the village services, including the Spar shop, the primary school and the church. The housing in the core of the village is of a very mixed age and density, including terraces of small cottage-scale houses on Ribby Road, and large, individually designed modern houses facing on to The Green itself.
20. At the inquiry evidence was given on the density of development in the village, with figures given for whether a net or gross assessment was taken, or if separate assessments were made for the various historical phases of development in the village. Whilst such density figures may be helpful in giving a generalised picture of the pattern of development, the only policy reference for what may be an acceptable density for new development is that given at criterion 3 of Policy HL2: this looks for a net density of between 30-50 dwellings per hectare (dph). Very little of the development presently in the village is at this density.
21. The 30-50 dph figure may be based on the now cancelled Planning Policy Guidance 3 *Housing* advice, but it is not incompatible with NPPF for, although NPPF (para 47) says it is for councils to set their own approach to housing density, it was not said at this inquiry that the Council had sought to disassociate itself from the figure given in Policy HL2. Indeed, Policy H2 in the latest version of the emerging Fylde Local Plan to 2032 (FLP 2032)¹ maintains the Council's view that residential development will normally have a minimum density of 30 homes per hectare.
22. There is, therefore, potentially a degree of conflict, or at least tension, between criteria 2 and 3 of Policy HL2. In which case it is necessary to take a more nuanced approach to assessing character, rather than one based solely on housing density. What is more relevant is to take a rounded view on the likely impact of the development, bearing in mind the character of the immediate surroundings, and the underlying need to provide more housing of a kind which is thought to be appropriate in current market conditions.
23. The closest development is that in Willow Drive / Ash Grove and The Fieldings. The housing in Willow Drive is apparently in two phases; the earlier development from the 1970s and a later phase from the 1990s. Both phases are of relatively large houses and at a low density. The Fieldings is a recently permitted scheme, also of relatively large houses, at a gross density of 15.5 dph. The Council has granted planning permission for up to 49 dwellings on much of the appeal site, which would be at 12 dph.
24. The appeal scheme is only in outline and the layout and design of the houses – even the final number of houses – are matters for later approval. It is therefore not possible to state categorically whether the final scheme would be incompatible with the character of the surrounding development – that would be for detailed consideration if planning permission were to be granted in outline. However, it is possible to form an adequate view of the scale and extent of the proposed scheme based on the information provided with the

¹ Core Document 3.2: Fylde Local Plan to 2032, Revised Preferred Option, October 2015

application and as augmented at the inquiry. Using the information in the application documents, it was accepted that the development is likely to be at an average gross density of 17.2 dph and 24.2 dph net density.

25. Whilst this would be more intensive than The Fieldings, the difference would be largely imperceptible to those looking towards the site, and certainly from the viewpoints discussed above. Because development on the site would be partially set behind the older houses in Willow Drive it would not be possible to see much of it in close proximity from public vantage points, where a clear or stark contrast in the density of development might be apparent. Also, the Initial Concept Block Plan shows a variety of house types and size such that the design of the scheme could accommodate a more gradual change in density across the site, depending on how it may be perceived in relation to neighbouring development or views into the site. Within the site itself, a variety of micro-densities may be entirely appropriate and acceptable in order to create an interesting and varied street scene as well as providing a range of house types and size.
26. Drawing the above points together, the proposed scheme would have only a small impact on the landscape setting of Wrea Green, and not to the degree that it would appear unacceptably conspicuous, incongruous or disproportionately large in the views of built development on this side of the village. With regard to character, the proposed scheme would be largely set behind, and screened by, existing built development on one side, and an established belt of trees on the other. The proposed development would be mostly self-contained visually, and any variations in the style, type and size of housing within the scheme would not obviously contrast or conflict with other development either nearby or elsewhere in the village. The proposed scheme would not, on balance, conflict with the objectives of Policy HL2.

Sustainable development

27. It was argued that the proposed scheme would represent a disproportionate and unacceptable enlargement of the village. Recent planning permissions have added 183 new dwellings to the housing stock over the past 3 years. The proposed scheme would add up to another 51 dwellings, bringing the total potentially to 234. This would be an increase in the housing stock of the village in the order of 41%. The appellants do not dispute these figures. The Council's reasons for refusal contend that this amount of growth would be in conflict with criterion 7 of Policy HL2, which looks to match housing growth with the availability of local services and facilities. Again, whilst this policy pre-dates the publication of NPPF, it is generally in conformity with the expectations of NPPF and it can be given due weight in this appeal.
28. I acknowledge that the amount of new development committed so far in the village is not insignificant. However, what is relevant in this appeal is not the amount of growth *per se*, but whether that amount of growth (to include the appeal scheme) can be successfully accommodated in a sustainable manner.
29. NPPF states there are three dimensions to sustainable development: economic, social and environmental. Part of the environmental dimension has been discussed above. Given that greenfield sites will have to be taken somewhere across the Borough to meet the housing land supply requirements, the proposed scheme would be reasonably well integrated into the landscape. Planning conditions can be attached to ensure that wildlife and nature

conservation interests can be protected and enhanced by the development. The scheme meets the environmental dimension.

30. The development is not put forward as bringing any direct economic benefits in the form of new jobs, other than in the short term during the construction phase. However, additional residents in the village would add to the level of disposable income in the local economy and would contribute to the funding of public services. That is, whilst I may not regard these as major benefits, there would be at least a degree of recognisable economic benefit.
31. The social dimension is multi-faceted. A rapid and disproportionate growth in local population may have the potential to make it hard for new residents to integrate into village community life. However, no evidence was brought to the inquiry to demonstrate a lack of local clubs or societies, or social problems such as disaffected or bored youths causing damage, or the absence of opportunities for new residents to meet and integrate with existing villagers at other places. The proposed scheme would include open space and play areas which would be open to residents of the wider area, which could be seen as a positive social benefit.
32. The main focus of concern in this dimension is on the capacity of the village services and infrastructure to support the increased population. Reference was made to earlier appeal decisions where it was stated that the village could accommodate up to an additional 100 dwellings². It was noted that recent permissions have already exceeded that figure.
33. At the inquiry, time was spent in coming to an understanding of the basis for the figure stated in those appeal decisions. The statement is not presented as a clear and obvious limit or threshold; it simply sets a context for the four schemes that Inspector was considering at that time. There is no indication that the 100 figure is based upon a close, detailed analysis of the capacity of the facilities and services in the village or, if it had had regard to such capacity, what was the evidential basis for such a view.
34. Those four appeals were considered by written representations and there was no opportunity for competing evidence on such concerns to be aired and tested through cross-examination. Accordingly, I do not see that the figure given in those earlier appeal decisions has set a binding precedent or ceiling which cannot be exceeded. The current appeal has been considered at a public inquiry where evidence on the capacity of services and facilities was open to scrutiny. The decision in this appeal can therefore draw upon evidence which is specific to the proposed scheme, and does not rely upon apparently untested and generalised conclusions from earlier appeal decisions.
35. At planning application stage the Council consulted all relevant agencies and service providers to see if the proposed scheme would give rise to demand which could not be accommodated either within the current capacity, or through additional capacity as part of the design of the appeal scheme, or through contributions to off-site enhancements. None of the main service providers concluded that the proposed scheme could not be accommodated

² Core Document 3.12, Paragraph 37, Appeal Ref. APP/M2325/A/13/2209839, and similar references in CD3.9 Appeal Ref. APP/M2325/A/13/2200856; CD3.10 Appeal Ref. APP/M2325/A/13/2196494; and CD3.11 Appeal Ref. APP/M2325/A/13/2200215

with regard to water supply, drainage, flood protection, highway capacity and safety, schools provision and health services.

36. I saw at my site visit that there is a small industrial estate in the village, there is a general store (Spar shop), a church, a restaurant and a café, a hairdresser and a dentist. That is, there is a basic range of services available in the village sufficient to meet day-to-day needs. At present two bus services give access to a wider range of shops, services, leisure and recreational facilities in larger towns - notably at Kirkham, about 3½ kilometres away. At the inquiry it was said that one of the bus services may be under threat of having its subsidy withdrawn by the county council. However, the No.61 bus service is not seemingly under threat. This service links to Kirkham & Wesham railway station in 7 minutes and to Kirkham Market Square in 9 minutes. That is, there is a practical public transport alternative to the use of private cars to give access to a wide range of services. Indeed, it was said that this was better accessibility (in terms of time, at least) than might be experienced in larger cities. If allowed, a permission for the appeal scheme would be linked to a commitment to fund support for the No.61 bus.
37. Kirkham is also within an acceptable cycling distance of the appeal site.
38. I acknowledge that not all – perhaps only a minority – of new residents will use public transport or a bicycle in preference to private cars for the majority of their journeys. However, it is not a requirement of either the FBLP or NPPF to expect new residents not to use their cars. All that is required is to be satisfied that alternatives are available, to facilitate choice. In this case such alternatives are available.
39. The Community Association for the Protection of Wrea Green, and local residents, expressed their view that the infrastructure, services and facilities in the village at present were either overloaded or inadequate to support a greater population. That may be their view, but no specific evidence was brought to demonstrate what an acceptable level of provision ought to be, nor was there any quantified evidence to show how the present provision was deficient or to what degree. I acknowledge that local residents feel that service providers have not been giving a service which fully meets their expectations, but it was not shown that the present levels of service were consistently below minimum legal or industry standards. In any event, even if the undertakers have fallen short in some aspect of their duties, that would be a matter for other procedures to ensure compliance; the planning process has to assume that statutory undertakers undertake their duties conscientiously and in conformity with appropriate standards.
40. My attention was drawn to Policy S1 of FLP 2032, which identifies Wrea Green as a Tier 1 Larger Rural Settlement. Here it is explicitly noted as being a sustainable community albeit with a dependency on, and sustainable transport connection to/from, the larger service centres. That is, on the face of it, further development at Wrea Green is not incompatible with the latest Council thinking. Paragraph 7.80 and Table 3 of FLP 2032 notes 150 existing commitments at Wrea Green, but this is not linked to a policy which sets this as a ceiling. In any event, even if it were, this would have to be treated with some caution as the plan is in the early stages of the adoption process and it has not been scrutinised at Examination where assumptions about indicative growth levels, policies and allocations may be challenged and consequently

modified. It is also relevant to note that this figure has already been exceeded, not least through permissions granted by the Council.

41. Another significant social sustainability factor is the contribution the scheme will make to addressing the Borough's shortfall in housing land supply, including a number of affordable homes.
42. Based on the evidence heard in this appeal, I come to the view that the proposed scheme satisfies the social dimension of sustainability. As discussed above, I have found that the proposed scheme would meet the economic and environmental dimensions of sustainability. Consequently, I conclude on this second main issue that, taken together with recent planning permissions for housing in the village, up to an additional 51 dwellings would represent sustainable development, having regard to the accessibility to, and availability and capacity of, facilities and services. Accordingly, the proposed scheme would not be in conflict with the objectives of FBLP Policy H2(7).

Other Matters

43. Additional concerns were raised by the Community Association for the Protection of Wrea Green and by local residents.
44. Firstly, it was argued that in this era of localism, the views of the local residents should take precedence. The statutory requirement is that decisions on planning applications (and subsequent appeals) must be made in accordance with the development plan, unless material considerations indicate otherwise. An up-to-date and adopted local plan is a proper and compelling demonstration of the influence of localism. However, in this case the FBLP is an old policy document: aspects of it are clearly not up-to-date and are incompatible with the current government policy as expressed in NPPF. There is an emerging replacement local plan (FLP 2032), but this carries little weight in this appeal because, as explained above, it is only at a very early stage in the adoption process.
45. There is a Neighbourhood Plan for Wrea Green in preparation and this is a strong indication of local preferences. However, that plan is also at a very early stage of the preparation process: it has yet to be found to be compliant with an operative up-to-date local plan, it has not been open to Examination and – if necessary – modification, nor has it been subject to a referendum before being formally 'made' by the Council. That is, at this stage the Neighbourhood Plan also carries very little weight in the determination of this appeal.
46. Early iterations of FLP 2032 showed the appeal site as being within an Area of Separation between Wrea Green village and Ribby Leisure Village. However, in the latest version of FLP 2032 Policy GD3 excludes the appeal site from the Area of Separation. It was said at the inquiry that this does not make the appeal site appropriate for development, but neither does it make it inappropriate. Indeed, the Council has granted planning permission for up to 49 dwellings on much of the appeal site. Even if the one-time allocation of the appeal site in the draft FLP 2032 as part of an Area of Separation could have been seen as carrying any influence in this appeal, that draft allocation has now been superseded and proposals for development here need to be considered in the context of the operative development plan policies – in this case FBLP HL2, as discussed above.

47. People living close to the site expressed concern over noise and disturbance which would be generated during the course of development, which might harm their residential amenity. The Council's Environmental Health Officer had been consulted during the application process, and it was concluded that noise and vibration could be controlled to within acceptable limits. This clearly influenced the Council's thinking in that permission has been granted for up to 49 dwellings on part of the appeal site, a scheme which would give rise to essentially the same levels of noise and disturbance as the appeal scheme, albeit perhaps over a longer period. Indeed, the Council withdrew this as a reason for refusal before the inquiry opened. No detailed technical evidence was adduced by the local residents on this matter to demonstrate that such concerns could not be effectively controlled to within acceptable limits.
48. At the inquiry it was noted that it is proposed to construct acoustic barriers at appropriate locations near to existing dwellings, a matter that can be covered by a planning condition. Furthermore, guidance exists in the form of BS 5228:2009 *Code of practice for noise and vibration control on construction and open sites*. It was accepted that this, used in conjunction with planning conditions, would offer adequate safeguards for local residents.
49. Approximately 25% of the appeal site falls within category 3a of the Agricultural Land Classification. This would place it within the best and most versatile agricultural land, which paragraph 112 of NPPF seeks to protect in preference to using areas of lower agricultural land quality. The NPPF does not present an absolute embargo on the use of such land; only where 'significant development of agricultural land' is thought to be necessary should land of a lower quality be preferred. In this appeal the area of best and most versatile land is relatively small, neither was it argued that it represents an essential component in the viability of an agricultural holding. Therefore it cannot be regarded as 'significant'. Whilst the loss of such land to development may be matter for regret, I do not see this as an overriding consideration in this appeal.
50. Concern was expressed over the possibility that the proposed scheme would exacerbate incidents of flooding in the village. Photographs were produced of flooding at various points in and around the village, and verbal accounts were given of problems at particular locations. Also, instances were cited when the local sewage treatment works had been overwhelmed and untreated sewage discharged into Wrea Brook.
51. I do not doubt that these are real concerns for local residents but, as noted above, the relevant agencies with statutory responsibility for drainage and flood control and for water quality had been consulted at application stage. Their view was that the appeal scheme could be designed so as not to overload the present drainage system of the village and the surrounding area, nor would it result in unacceptable contamination of watercourses. No technical evidence was brought to the inquiry to demonstrate that this would not be so. Conditions can be attached to a planning permission to ensure that drainage arrangements are properly designed and operated so that the proposed scheme does not unacceptably add to, or overwhelm, the present drainage arrangements.
52. Similarly, concern was expressed over the adequacy of the local water supply to the appeal site, and how additional demand might impinge upon existing

residents, particularly with regard to maintaining an adequate pressure. As in the case of the other services required to support this proposed development, the statutory undertaker for water supply was consulted at application stage and raised no objections. If the present supply arrangements – or as may be affected by future development – do not meet statutory supply standards this would be a matter for other procedures; the planning system has to work on the basis that statutory undertakers will carry out their responsibilities properly.

53. It was argued that the proposed scheme would add to traffic through the village and on the main roads in this vicinity such that it would result in unacceptable congestion and increased risk of accidents. Lancashire County Council (LCC) as local highway authority has the statutory responsibility for highway safety and the free movement of traffic on the highways. No objections to the proposed scheme were raised by the local highway authority, subject to conditions being attached to a planning permission relating to the design of the site access, and the provision of footways and paved roadways within the scheme. No detailed quantified technical evidence was brought to the inquiry to demonstrate that, contrary to the local highway authority's conclusions, the amount of additional traffic generated by the proposed scheme would be so great as to give rise to the concerns expressed by the Community Association and local residents.
54. LCC is also the education authority. As for the highways aspects, LCC did not raise objections to the scheme on grounds of inadequate or insufficient school provision, subject to the payment of a financial contribution towards secondary education. No evidence was brought to the inquiry which identified the capacity of local schools and whether this is likely to be exceeded as a consequence of permitting the appeal scheme, which schools would be affected, and whether it would not be possible to accommodate children living on the appeal scheme at schools which meet the education authority's catchment area criteria.
55. The appeal scheme would provide up to 15 affordable dwellings on-site, and give funding for up to a further 15 elsewhere in the Borough. The Council accepts there is a need for additional affordable housing across the Borough. However, the Community Association for the Protection of Wrea Green argued that the proposed scheme would not assist in meeting local housing needs: the proposed scheme would introduce more affordable housing than is required to meet local needs.
56. The need for affordable housing directly related to the current village population was not used by the appellant as a main argument to support the appeal scheme. By the same token, neither is an arguable excess of provision for truly local requirements being claimed as grounds for objection by the Council. The amount to be provided on site may be in excess of the estimated need attributable to the current population profile in Wrea Green, but I do not see this as a reason to reject the appeal scheme.
57. Clearly there is a need for affordable housing in the Borough and it would be unreasonable to expect those who have a need for such accommodation to wait (for an unknown period) until opportunities came up in other locations, on the basis that they are not truly 'local' to Wrea Green. Whilst the need for such housing may be greatest in the more urbanised parts of the Borough it is

not a proper planning objective to seek to exclude, or to deny an opportunity to, anyone with a legitimate housing need if the development is acceptable on all other grounds. As discussed above, housing here can be provided on a sustainable basis.

58. It was argued that there is a need for starter homes and bungalows, rather than large houses. The appeal scheme is only in outline with the design of the dwellings as a matter for subsequent consideration. Whilst the overall density of development is relatively low, an illustrative layout tabled at the inquiry³ shows pockets of higher density and these could be marketed as starter homes. If other types of housing are likely to be commercially viable, or would meet a specific social need – such as bungalows – these too might be factored into the subsequent design for the scheme, subject to the approval of the Council.
59. I was asked to come to a definitive view on the housing land supply position in Fylde Borough. That would be beyond my remit for this appeal decision, given that it was not a matter in dispute between the parties. Furthermore, none of the other ‘stakeholders’ who may have an opinion – and supporting evidence – were present or called to give evidence on the point. Before the start of the inquiry a Statement of Common Ground was submitted, signed by the Council and the appellants, that accepted the Council did not have a five year supply of deliverable housing land⁴. No further technical evidence on this point was submitted to the inquiry.
60. Concern was raised as to the possibility of damage to nearby houses caused by vehicles, plant or other equipment either physically colliding with the properties or works on this site causing ground subsidence in the locality. If such damage were to occur that would indeed be matter for regret, but that would not be something to be controlled or remedied through the planning system. Remedies are available through other legislation or common law to achieve adequate redress if such damage were to occur.

Planning Obligation and Planning Conditions

Planning Obligation

61. A unilateral undertaking, made under Section 106 of the Town and Country Planning Act 1990 (as amended) was submitted by the appellants. The undertaking commits the developer to provide 30% of the scheme as affordable housing; half as part of the development, and the remainder through funding for affordable housing at another location elsewhere in the Borough. The undertaking includes a contribution towards the cost of secondary education, provision of an equipped playground as part of the development, and five years of funding support for bus service 61.
62. I have considered the offered undertaking in the light of the tests set out at Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010. I am satisfied that the obligations committed in the undertaking are necessary to make the development acceptable in planning terms, are directly related to the development and that they are fairly and reasonably related in scale and kind to the development. I am also satisfied that none of the contributions would exceed the limit of five obligations to any one project.

³ Drawing No. 472-STO 954

⁴ Document INQ.02, dated 30 November 2015

Planning Conditions

63. A suite of suggested planning conditions was tabled at the inquiry. I have considered these suggested conditions against the six tests set out at paragraph 206 of NPPF.
64. Nothing was said at the inquiry which indicates anything other than the usual time limits should be imposed on the commencement of development and the submission of details for the approval of reserved matters. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.
65. The Concept Block Plan which supported the application illustrates principles which need to be incorporated into the final design with regard to safeguarding the amenity of the area generally, of local residents and of neighbouring businesses. The planning obligation – discussed above – includes provision for a playground. This, and other public open space, should be included in the final design for the development to ensure that the provision meets the requirements of FBLP Policy TREC17. The developer should also demonstrate how that public open space is to be retained in an accessible and useable condition.
66. To ensure that there is satisfactory relationship between new dwellings and the surrounding development it is necessary to require the approval of finished floor levels for each dwelling. In order to protect the living conditions of neighbouring residents and the business interests of the neighbouring stables, it is necessary to require approval of the installation of acoustic barriers on, or adjacent to, parts of the site boundary, and for a detailed Construction Method Statement to be drawn up to manage activity on the site.
67. In the interests of highway safety, it is necessary to require that the site access is constructed in accordance with approved details, and that details of the roadways and footways and a programme for their construction, is agreed prior to the commencement of development. In order to promote sustainable transport options, it is necessary to require submission of a scheme which would promote a choice of transport modes.
68. In the interests of visual amenity of the site and its setting, in order to maximise the landscaping potential on the site it is necessary to require the retention and protection of all existing trees and hedges unless specifically approved for removal. In the interests of nature conservation and the protection and creation of wildlife habitat it is necessary to restrict the period during which trees and hedges may be removed, to require approval for external lighting, and the submission of a scheme for promoting nature conservation.
69. To ensure that the site is properly drained, and that the site drainage does not adversely affect or exacerbate the flood risk for neighbouring development and the wider area, it is necessary to require prior approval of details for drainage of the dwellings, and the site generally.
70. Two suggested conditions were put forward relating to off-site highway works. One would require the developer to take photographs of the condition of the surrounding highways prior to the commencement of development and to submit details of a scheme for repair or reinstatement in the event of damage being

caused. Another seeks the completion of off-site highway improvements which are deemed to be required as a direct consequence of development.

71. Whilst I fully understand the intention of these conditions is to ensure the safety and convenience of highway users and pedestrians, I consider they fail two of the tests set out in NPPF. A condition cannot require works to be undertaken on land not under the ownership or control of the appellant. Neither can it explicitly nor implicitly require the payment of monies or the undertaking of work off-site. Both of these factors are contrary to Planning Practice Guidance on the Use of Planning Conditions (PPG Refs. ID: 21a-009-20140306 and ID: 21a-005-20140306).
72. The condition requiring the completion of off-site highway improvements can be re-cast as a 'Grampian' style condition, simply referring to the need to have such works in place before the houses are occupied.
73. The one requiring repairs to be undertaken to the highway also fails the test of reasonableness in that it implies that any damage caused, and the subsequent costs of repair, would be a consequence attributable to the development, but without requiring proof of who had caused the damage, when and how. Other legislation is available to ensure that repairs are carried out to the highway where it can be demonstrated who has caused damage.

Overall Conclusion

74. Paragraph 14 of NPPF says that where relevant policies of the development plan are out of date, then planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. As discussed above, the proposed development is contrary to Policy S2 of FBLP but, because of the deficit in the housing land supply in the Borough, as discussed at paragraph 47 of NPPF, that policy can be considered as out of date and the presumption in favour of sustainable development set out at paragraph 49 of NPPF applies.
75. Policy HL2 of FBLP is a relevant policy which carries due weight in this appeal. Assessing the scheme against the sustainability criteria given in HL2 I find that the appeal scheme can be regarded as sustainable development, and that it would not seriously or unacceptably harm the setting and character of Wrea Green. I consider that improving the housing land supply in the Borough and offering the potential for a wider range and mix of house types to meet local needs are recognisable benefits. Allowing for the offered planning obligation and the controls which can be imposed through planning conditions, none of the other matters raised at the inquiry can be seen as representing adverse impacts which significantly and demonstrably outweigh the benefits. Accordingly, the appeal should be allowed and planning permission granted, subject to the conditions discussed above.

Geoffrey Hill

INSPECTOR

APPEARANCES

For Fylde Borough Council:

Mr J Easton of Counsel

Instructed by Legal Services Department,
Fylde Borough Council

He called:

Mrs Joanne Folland BA(Hons)
CMLI

Senior Associate Landscape Architect:
Randall Thorp

Mrs Jane Healey Brown BA(Hons)
MA MRTPI

Associate Director: Arup, Manchester

For Story Homes Ltd.:

Mr I Ponter of Counsel

Instructed by Barton Willmore LLP

He called:

Mr Brian Denney BA(Hons) DipLA
CMLI CENV MIEMA

Landscape and Environmental Planning
Director: Pegasus Planning Group

Mr Vincent Ryan BA(Hons) DipTP
MRTPI

Planning Associate: Barton Willmore LLP

Community Association for the Protection of Wrea Green & Ribby-with-Wrea Parish Council:

Mr John Rowson

Chairman, Community Association for the
Protection of Wrea Green.

Interested Persons:

Mr Frank Andrews

Fylde Borough Councillor

Mr Eric Murphy

Local resident

Mr John Maskell

Local resident

Mr Mick Mansell C.ENG MSc FIET
FRAeS

Local resident

Mr Roger Hooley

Local resident

DOCUMENTS

General inquiry documents

INQ.01 List of Core Documents for the inquiry

INQ.02 Supplementary Statement of Common Ground

INQ.03 CIL Compliance Statement

Put in by Fylde Borough Council

FBC.01 Mrs Healey Brown's proof of evidence including appendices +

	summary proof of evidence
FBC.02	Mrs Folland's proof of evidence including appendices + summary proof of evidence
FBC.03	Clip of annotated photographs put in by Mrs Folland
FBC.04	Plan annotated with measurement to the site boundaries from various points to the south and east of the site, put in by Mrs Folland.
FBC.05	List of draft planning conditions

Put in by Story Homes Ltd

SHL.01a	Mr Denney's proof of evidence including appendices.
SHL.01b	Mr Denney's summary proof of evidence
SHL.01c	Mr Denney's rebuttal proof of evidence
SHL.02a	Mr Ryan's proof of evidence (with errata sheet) including appendices.
SHL.02b	Mr Ryan's summary proof of evidence
SHL.03a*	Mr Gavin Stevenson's proof of evidence including appendices.
SHL.03b*	Mr Gavin Stevenson's summary proof of evidence
SHL.04	Draft Section 106 planning obligation
SHL.05	Copy of executed Section 106 planning obligation

* Mr Stevenson was not called to appear as a witness at the inquiry

Put in by Community Association for the Protection of Wrea Green & Ribby-with-Wrea Parish Council

CAPOW.01	Proof of evidence of Mr Rowson, including appendices.
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Put in by Interested Persons

3P.01	Text of statement by Mr Andrews
3P.02	Text of statement by Mr Murphy
3P.03	Text of statement by Mr Maskell
3P.04	Text of statement by Mr Mansell
3P.05	Text of statement by Mr Hooley
3P.06	Further copy of the text of the statement by Mr Andrews sent by email, with covering email.

PLANS

	<i>Drawing No.</i>	<i>Subject/ Description</i>
<i>Application Plans</i>		
Plan A.1	472-STO 09	Site Location Plan
Plan A.2	04 Rev E	Initial Concept Block Plan

Plan A.3	JN0820-DWG-0001B	Proposed Site Access Option
Plan A.4	06 Rev B	Constraints and Opportunities Plan
<i>Additional / Replacement Plans</i>		
Plan A.5	472-STO 950	Initial Concept Block Plan
Plan A.6	472-STO 954	Site Layout

APPENDIX

SCHEDULE OF PLANNING CONDITIONS

(22 Conditions in total)

Procedural

1. An application (or applications) for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:
 - a. the expiration of five years from the date of this permission; or
 - b. the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter approved.
2. Before any development is commenced applications must be submitted to the Local Planning Authority for approval in writing in respect of the following reserved matters:
 - a. the layout of the development
 - b. the scale of the development
 - c. the external appearance of the development
 - d. the landscaping of the site.

The development hereby permitted shall be carried out in accordance with the approved details.

Definition of Permission

3. 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 10 October 2014, including the following plans:
 - a. Site location plan: 472-STO 09
 - b. Proposed site access option: JN0829-Dwg-0001B
 - c. Initial Concept Block Plan: 472-STO 950

Details to be submitted for approval prior to the commencement of development or occupation of dwellings

4. The details submitted as part of the reserved matters shall be in general accordance with the Initial Concept Block Plan (472-STO 950) and shall respect the design and layout principles established by that plan. This shall include the provision of a buffer zone along the boundary shared with Langtons Farm, of a sufficient distance and design to minimise disturbance to the equestrian activities carried out on the adjacent land and which shall remain free from play equipment, dwellings and associated curtilages.
5. The reserved matters applications submitted pursuant to this outline planning permission shall include details of the amount, location, layout, design and phasing of provision of the public open space which will support the development. These details shall include an equipped playground, an area of informal public open space / park to the southern element of the approved site

area, an area of open space to the northern element of the approved site area, and other areas of incidental landscaping around the area of built residential development.

6. Prior to first occupation of any dwelling on the site, details shall be submitted to the Local Planning Authority for approval in writing of the on-going management arrangements of the communal areas of the site. The development shall thereafter be retained in accordance with the approved arrangements.
7. Details of finished floor levels and external ground levels for each plot shall be submitted to the Local Planning Authority for approval in writing before any development at that plot takes place. The development shall thereafter be completed in accordance with the approved details.
8. Prior to the commencement of any development details of the design, materials, height, appearance, siting and programme for installation of an acoustic boundary treatment and any associated landscape planting, to be constructed on the boundary of the site access and the boundary of the development site with neighbouring properties on Willow Drive and Langtons Farm shall be submitted to the Local Planning Authority for approval in writing. The approved boundary treatment shall be constructed in accordance with the approved details and programme, and retained as such thereafter.
9. No development shall take place, nor any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a. the identification of the site access for construction traffic,
 - b. the timing of the provision, and standard of construction, of the site access for construction traffic,
 - c. times of construction activity at the site,
 - d. times and routes of deliveries to the site,
 - e. the parking of vehicles of site operatives and visitors,
 - f. loading and unloading of plant and materials,
 - g. storage of plant and materials used in constructing the development,
 - h. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,
 - i. wheel washing facilities, including details of how, when and where the facilities are to be used'
 - j. measures to control the emission of dust and dirt during construction,
 - k. measures to control the generation of noise and vibration during construction to comply with BS5228:2009
 - l. a scheme for recycling/disposing of waste resulting from demolition and construction works,
 - m. measures to reduce the impact on the adjacent equestrian use during the construction period, including keeping the buffer zone referred to in

condition 4 free of plant and materials.

Access and Transport Arrangements

10. No above ground works shall take place until a scheme for the design, construction and drainage of the site access has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for a minimum visibility splay of 2.4 metres x 30 metres in both directions at the junction of the site access with Willow Drive. The site access shall be constructed in accordance with the approved scheme and made available for use before any of the dwellings hereby permitted 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 (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).
11. No development shall commence until a scheme of construction details pertaining to the site's internal pedestrian / vehicular carriageway surface complying with Lancashire County Council's relevant specifications where the roads are to be adopted, and the phasing of the construction of these, has been submitted to, and approved in writing by the Local Planning Authority. The site's new internal pedestrian/vehicular access road shall be constructed in accordance with the Lancashire County Council document 'Specification for Construction of Estates Road (2011)' to at least base course before construction of the dwellings take place unless otherwise agreed in writing with the Local Planning Authority as part of a phased programme of works.
12. Development shall not commence until a scheme for the installation of off-site highway improvement works, namely:
 - a. provision of traffic calming on Willow Drive; and
 - b. provision of Zebra Crossing on Ribby Road in the vicinity of St Nicholas Church;together with a phased programme for implementing these works has been approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the improvement works have been completed, or otherwise as agreed in writing by the Local Planning Authority.
13. The measures to promote a choice of transport modes outlined in the Final Travel Plan (FTP) by SAJ Transport Consultants of April 2014 shall, unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, be implemented in accordance with the details and timescales contained therein. An annual monitoring report which assesses the effectiveness of the measures introduced by the FTP for the first three years following the implementation of the FTP shall be submitted to the Local Planning Authority for approval in writing.

Landscaping and Ecology Mitigation

14. All existing lengths of hedgerow within the proposed residential development area shall be retained, except for where their removal is required for the formation of access points or visibility splays or in other limited circumstances where an equivalent or greater length of hedge is provided as a replacement

and has been previously agreed in writing by the Local Planning Authority. No removal, relaying or works to existing hedgerows shall be carried out between 1st March and 31st August inclusive in any one year unless otherwise agreed in writing by the Local Planning Authority, unless surveys by a competent ecologist show that nesting birds would not be affected.

15. Prior to any development activity commencing retained trees, either individually or, where appropriate as groups, will be protected by erecting HERAS fencing at the Root Protection Areas (RPAs) identified in the arboricultural survey (PDP drawings c-1087-01 Rev A and c-1087-02) or subsequent RPA survey drawing as may be submitted to and agreed in writing by the Local Planning Authority.

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

- lighting of fires;
- storage of site equipment, vehicles, or materials of any kind;
- the disposal of arisings or any site waste;
- any excavation;
- the washing out of any containers used on site.

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

16. No external lighting shall be installed until details of the lighting scheme have been submitted and approved in writing by Local Planning Authority. The principles of relevant guidance shall be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009).
17. Prior to commencement of works a fully detailed scheme for the identification and protection of wildlife species on the site shall be submitted to the Local Planning Authority for approval in writing. Development shall be carried out in accordance with the approved scheme. The scheme shall have particular regard to (but not exclusively):
 - amphibians
 - great crested newts
 - water voles
 - bird species
 - bats
18. No site clearance, site preparation or development work shall take place until a fully detailed landscaping/habitat creation and management plan has been submitted and approved in writing by the Local Planning Authority. The scheme shall demonstrate (1) adequate planting of native species appropriate to the locality to compensate for direct and indirect impacts, (2) that habitat connectivity through the site and to the wider area will be retained as a minimum, including for amphibians (3) that any planting along site boundaries will comprise appropriate native species, (4) provide details of habitat creation for amphibians and (5) maintenance and enhancement of the biodiversity value of retained and established habitats and the site as a whole. The

development shall be carried out in accordance with the approved details.

Drainage

19. The development hereby permitted by shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (6th October 2014/ SHO 02) and the following mitigation measures detailed within the FRA:
- a. limiting the surface water run-off generated by the 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site;
 - b. demonstration within the FRA that the improvement/protection and maintenance of existing flood defences will be provided;
 - c. finished floor levels are set 150mm above external levels.

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

20. Notwithstanding any indication on the approved plans, no development hereby permitted shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing, surface water must drain separately from the foul and no surface water will be permitted to discharge directly or indirectly into the existing foul /combined sewerage systems. Any surface water draining to the dedicated surface water sewer must be restricted to a maximum pass forward flow equivalent to greenfield runoff rates less a 30% betterment. The development shall be completed, retained and managed in accordance with the approved details.
21. No development shall commence until details of the design, based on sustainable drainage principles, of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include, as a minimum:
- a. information about the design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
 - b. a scheme to ensure that the drainage for surface water run-off will not exceed the pre-development greenfield runoff rate;
 - c. a scheme to ensure that any works required for the discharge of surface water will not causing flooding or pollution off-site (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
 - d. flood water exceedance routes, both on and off site; and
 - e. a timetable for implementation, including phasing as applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the permitted dwellings, or completion of the

development, whichever is the sooner. Thereafter the drainage system shall be retained and operated in accordance with the approved details.

22. No development shall commence until details of an appropriate management plan for the sustainable drainage system for the lifetime of the development has been submitted to, and approved in writing by, the Local Planning Authority. The management plan shall include as a minimum:
- a. the arrangements for adoption by an appropriate public body or statutory undertaker, management and operation by a Residents' Management Company;
 - b. arrangements concerning appropriate funding mechanisms for the operation of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - on-going inspections relating to performance and asset condition assessments;
 - operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
 - c. means of access for maintenance and easements where applicable.

The management plan shall be implemented in accordance with the approved details prior to first occupation of any of the permitted dwellings, or the completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and operated in accordance with the approved details.

End of Schedule of Planning Conditions.

DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT DIRECTORATE	DEVELOPMENT MANAGEMENT COMMITTEE	10 FEBRUARY 2016	6

REQUEST FOR ADDITIONAL SECTION 106 FUNDS, FORMER KWIK SAVE SITE, ST ANDREW'S ROAD, ST ANNES

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The former Kwik Save Site in St Annes was provided by Kensington Developments to meet the affordable housing provision on a market housing scheme they developed at Hastings Point in Lytham. The site was transferred to Great Places Housing Group and a Section 106 payment of £300,000, paid to the Council to help with the costs of that development, which was then paid to Great Places following full Council approval on the 30th March 2015.

The scheme is progressing well and due to be handed over in February 2016. Since Great Places entered into contract and commenced development at the site at Kwik Save, the Government's July Budget announced a 1% rent reduction to all affordable rent tenure properties. This has had significant impact on the financial appraisal of the scheme, from having a positive outturn at year 40, the new rent assumptions mean the financial appraisal makes a loss at year 40 of £146,030. To get back to a break even position at year 40 the scheme requires additional funding of £150,000.

Great Places have approached Fylde BC to request allocating further S106 funding to the scheme at the former Kwik Save site to mitigate against the full losses the scheme will incur, £150,000 OR any additional funding that may be available if the full amount is not acceptable.

RECOMMENDATION

The committee is requested:

To recommend to the Finance & Democracy Committee the approval of an additional £75,000 fully-funded revenue budget increase in 2015/16 to be met from a Section 106 contribution (Agreement Ref: 03/0157 - Queen Mary School Development) held by the council paid under planning obligations for affordable housing of the same amount, to offset half of the losses Great Places will incur on delivering affordable housing on the Kwik Save site, following the impact of 1% rent reduction to all affordable rent tenure properties announced in the Government's July 2015 Budget.

CORPORATE PRIORITIES (delete ✓ which are not relevant)			
To Promote the Enhancement of The Natural & Built Environment (Place)	✓	To Encourage Cohesive Communities (People)	✓
To Promote a Thriving Economy (Prosperity)	✓	To Meet Expectations of our Customers (Performance)	✓

SUMMARY OF PREVIOUS DECISIONS

30th March 2015 – Full Council

RESOLVED to approve the fully-funded revenue budget increase in the sum of £300,000 in 2015/16 to meet the payment to Great Places Housing Association to assist the provision of affordable housing at the former Kwik Save site in St Anne's.

1. The former Kwik Save Site in St Annes was provided by Kensington Developments to meet the affordable housing provision on a market housing scheme they developed at Hastings Point in Lytham. The site was transferred to Great Places Housing Group and a Section 106 payment of £300,000, paid to the Council to help with the costs of that development, which was then paid to Great Places following full Council approval on the 30th March 2015.
2. The transfer of the Kwik Save site and the Section 106 payment were, as part of the planning process, secured by a legal agreement under the Town and Country Planning Act 1990. The council is a signatory to this agreement. This agreement restricts the use of the site to the provision of affordable housing and also restricts the use of the Section 106 monies to the provision of affordable housing at that site.
3. Full planning permission was granted for 15 affordable houses, 7 two bedroomed houses and 8 three bedroomed houses all of which are to be provided at an affordable rent and Great Places entered into an agreement with Fylde BC for the payment of grant for the development of the former Kwik Save Site.
4. The scheme is progressing well and on programme to handover all of the 15 family homes in February/March 2016. Since Great Places entered into contract and started development of the site, the Government's July Budget announced a 1% rent reduction to all affordable rent tenure properties. This has had significant impact on the financial appraisal of the scheme, from having a positive outturn at year 40, the new rent assumptions mean the financial appraisal makes a loss at year 40 of £146,030. To get back to a break even position at year 40 the scheme requires this additional funding.
5. In response to these changes, Great Places have investigated various options to mitigate the impact. A request was made to Fylde BC in July 2015 to convert the tenure of some units from affordable rent to shared ownership as these generate a better financial return and would mitigate the losses in the financial appraisal. Concern was expressed as there is within St Anne's significant need for affordable rented accommodation, secured by an RSL. Great Places were asked to explore alternative options to mitigate against the predicted loss.

6. Since that request was made in July 2015 Government have published the Housing and Planning Bill on the 13th October 2015. The bill marks the start of to the Government's proposals to transform "generation rent" into "generation buy" sending a clear signal that the government wish to kick start a "national crusade to get 1 million homes built by 2020".
7. On the 30th November 2015 Great Places approached Fylde BC to request allocating further S106 funding to the scheme at Kwik Save to mitigate against the full losses the scheme will incur, £150,000 OR, if the full amount is not acceptable to the council, any additional funding that may be available.
8. As a result of Government's push for home ownership, Great Places were requested in January 2016 to look at the potential to sell some units for shared ownership to mitigate against the losses detailed in the financial appraisal of the site. They have responded by advising:
 - a. There is insufficient time to prepare for sales launches, show homes, adapting specifications and it is no longer as straightforward to just instruct them to sell properties on the site, when they are selling increased numbers of units on sites across the North West already.
 - b. Great Places would have to deal with long void periods from handover to eventual sales and occupation with associated risks and additional costs.
 - c. They have re-profiled their group business plan, submitted this for approval to the HCA, re-forecast their HCA development programme which has been approved and reported to their Board. Development targets have been reset and risks re-profiled.
 - d. There is also the matter of revising the S106 agreement to reflect shared ownership affordable housing provision on the site
9. Great Place's preference would be to continue with the 15 units being for affordable rent.
10. The original amount of £300,000 had been received specifically for the purpose of securing the delivery of affordable housing at the former Kwik Save site.
11. Your officers consider that it would not be appropriate to meet the predicted shortfall in full but to instead offer a sum of £75,000 towards this.
12. It is requested, therefore, that the Development Management Committee recommend to the Finance & Democracy Committee the approval of an additional £75,000 fully-funded revenue budget increase in 2015/16 to be met from a Section 106 contribution (Agreement Ref: 03/0157 - Queen Mary School Development) held by the council paid under planning obligations for affordable housing.
13. This additional funding would be provided on the understanding the properties are available to be let as affordable rented units.

IMPLICATIONS	
Finance	This report requests that the committee recommends to the Finance & Democracy Committee the approval of a fully funded revenue budget increase in 2015/16 of £75,000 to be met from a Section 106 contribution of the same amount to offset half of the losses Great Places will incur on delivering affordable housing on the Kwik Save site.
Legal	The legal implications are outlined in the report above.
Community Safety	None
Human Rights and Equalities	None
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	None

LEAD AUTHOR	TEL	DATE	DOC ID
Kirstine Riding	01253 658569	21/12/2015	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPEMENT DIRECTORATE	DEVELOPMENT MANAGEMENT COMMITTEE	10 FEBRUARY 2016	7

REVIEW OF CHARGING FOR PRE APPLICATION PLANNING ADVICE

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

This report outlines the proposed charges for pre-application planning advice and meetings to be charged by the Planning & Regeneration Service for the year 2016/17 commencing 1 April 2016. The projected outcome is an increase in income generation to support the Council's budget and an improvement in the efficiency and effectiveness of the Development Management team.

RECOMMENDATION

1. To recommend to Council, as part of the budget proposals, that the new fees and charges, as set out in Appendix 2, be approved and adopted from 1 April 2016.
2. That future requests submitted in writing to determine whether development requires an application for planning permission be determined by way of a formal submission of a Certificate of Lawfulness in accordance with S 192 of the Town & Country Planning Act 1990.

CORPORATE PRIORITIES

To Promote the Enhancement of The Natural & Built Environment (Place)	√	To Encourage Cohesive Communities (People)	
To Promote a Thriving Economy (Prosperity)	√	To Meet Expectations of our Customers (Performance)	√

SUMMARY OF PREVIOUS DECISIONS

The proposed fees and charges for services that are within the terms of reference of each programme committee are recommended to Council for approval as part of the annual budget-setting process. The fees for pre application charges relating to major development proposals under the current scheme were considered on 20 January 2016.

REPORT

1.0 Background

1.1 In September 1999 the Audit Commission published “The Price is Right” which advised Councils to focus attention on charges and addresses the following issues:

- Establishing clear principles for charging;
- Integrating charging into service management and forging links with corporate objectives;
- Setting clear objectives and targets to qualify success in charging e.g. what level of service is required or what level of take-up are we hoping to achieve;
- Building an understanding of users and markets;
- Improving decision making by taking into account of the likely impact of Portfolio Holder Report changes to charges; and
- Innovating via imaginative use of charging structures.

1.2 The Planning Advisory Service (PAS) has published a pamphlet ‘A Material World’ on the subject of charging for pre-application planning advice. In the summary, it recognises that many local planning authorities devote considerable time and effort to offering pre-application planning advice, seeing it as a key part of delivering a good planning service. Many requests for advice are of a speculative nature and do not lead to the submission of an application. If an application is eventually submitted, the application fee is for considering the application, rather than for the cost of the pre-application discussions. The Local Government Act 2003 gives planning authorities a discretionary power to charge for providing pre-application advice (as a service that an authority has the power, but is not obliged, to provide) and therefore allows authorities to recover at least some of those costs incurred before the application is submitted.

1.3 In January 2008, the Audit Commission published a further report entitled “Positively Charged”, which identified how different councils’ use their powers to charge for services and draws conclusions that support their earlier publication in that:

- Charging for local services makes a significant contribution to council finances and for district councils charges make the greatest contribution to service delivery;
- Councils use charges to influence individuals’ choices and to bring benefits to local communities. Charges can be set to encourage or discourage people to use services and through concessions to pursue local objectives; and
- Councils need to understand better the likely impact of charges on users and on patterns of service use.

1.4 Most recently revised on 26 March 2015 the National Planning Practice Guidance (NPPG) states that local planning authorities may charge for providing discretionary services under section 93 of the Local Government Act 2003, and that where charges are made they must not exceed the cost of providing the service. The guidance states that it is important that any charging does not discourage appropriate pre-application discussions and that local planning authorities need to consider whether charging is appropriate in all cases, given the potential for pre-application engagement to save time and improve outcomes later in the process. Local planning authorities are strongly encouraged where possible to provide at least a basic level of service without charge.

1.5 It is recognised that every Local Planning Authority (LPA) is different, including having regard to development pressures and the level of available resources, and charging may not be appropriate for every LPA. Likewise, those that do charge may elect to do it in various ways with various fee regimes and charging policies. The NPPG states that there is no 'one-size fits all' approach to providing efficient and effective pre-application services and that LPA's are encouraged to take a flexible, tailored and timely approach to pre-application services. The National Planning Policy Framework (NPPF) states that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties.

2.0 Key issues and Proposals

2.1 There are two main areas where charges can be applied. Firstly in relation to whether a particular development requires planning permission, and secondly, whether any particular development proposal is likely to be granted planning permission. Regarding whether planning permission is or is not required may be relatively simple to answer, and in such cases a fee would not be justified and will not be requested. For those circumstances where a more detailed assessment of a proposal is required to determine the need or otherwise for planning permission (i.e. where the development is one to which the Town and Country Planning (General Permitted Development)(England) Order 2015 applies) there is an existing statutory process which should be used. This requires the submission of an application for a Certificate of Lawfulness, the fee for which is set by the Government in the Fee Regulations. The council currently operates a system which charges for advice relating to the need to submit a planning application outside the legislative process. The key benefit of this service is that a person intending to carry out development can confirm that their proposal is permitted development and so does not require the submission of a planning application. Whilst this advice is provided in writing, it is not binding on the Council and has no legal status. Furthermore, there is no ability to appeal against the Council's advice if an applicant disagrees with it. A review of the charging regimes operated by other local authorities has revealed that a number have ceased to offer this service and now rely on formal applications for Certificates of Lawful Use for a Proposed Use or Development under Sn 192 of the Town & Country Planning Act 1990.

2.2 The present charging scheme deals only with the need for planning permission and pre application discussions relating to major development proposals, the purpose of which is primarily to advise whether planning permission is likely to be granted and how a scheme could be amended to make it more acceptable. This report proposes replacing the informal written advice on the need for planning permission with the statutory process for determining such submissions, and the extension of the major application scheme to include all smaller scale development types.

2.3 The fees for submitting planning applications required by Planning Legislation are set nationally and therefore the Council has no control over the level at which such fees are set. These fees have not increased from those set by Government on the 22 November 2012. The Council does, however, have control over other miscellaneous charges for non statutory services provided by the Planning & Regeneration Service.

2.4 In order to decide whether extending the scheme for charging for pre-application advice is appropriate for Fylde the following issues need to be considered:

- What are the possible reasons for charging?
- What are the possible reasons for not charging?

- What should we charge for and how should we set the charges?
- How will we collect payment?
- What level of service will we offer?
- What do we expect the outcomes to be?

What are the possible reasons for charging?

2.5 It is considered that the main drivers for extending the scope of charging are budgetary pressures and to partially recover costs of officer time engaged in carrying out a non-statutory function. It is also considered that it will lead to an improvement in the quality of submissions and filter out ill thought out proposals. For major and large scale major developments it has formalised the Development Team approach to pre-application discussions and has led to internal efficiencies benefiting service delivery. A significant proportion of officers' time is still however spent on minor development proposals which often involve complex issues that justify a more formal approach to pre application discussions. The more formal approach to giving pre-application advice arising from introducing charging will also provide more certainty to a prospective developer or resident. Furthermore, other local planning authorities in Lancashire have already extended their charging schemes and there has been general acceptance of such from local agents and developers.

What are the possible reasons for not charging?

2.6 It is considered that a possible result of introducing charging will be to discourage developers or residents from entering into pre-application discussions resulting in more ill thought out and unacceptable applications. However, this will be more likely to occur if disproportionate charges are imposed for minor development schemes or householder developments as the costs of pre-application discussions would represent a greater proportion of the overall development costs. Charges that are proportionate to the scale of the development should not give rise to negative impacts.

What should we charge for and how should we set the charges?

2.7 As with the current scheme, it is considered that for major, large scale major and minor developments a charge should be made for both written advice and for meetings at the same rate, to encourage developers to request a meeting. For householder development proposals a meeting may be impractical and unnecessary and it is proposed, therefore, that a lesser charge would be payable for written advice only. This will allow residents making enquiries without an agent some flexibility on the level of engagement they wish to receive from the Local Planning Authority. It is considered that a flat rate fee regime based on a proportionate fee will not deter discussions. Developers accept that paying for professional advice is part and parcel of the development process and any fees paid would, in any event, only form a very small proportion of the overall development costs. Furthermore, if developers felt that having such discussions would positively benefit the development process, perhaps in helping to save costs overall, then the opportunity for such discussions is likely to be welcomed. Engaging with the planning service at an early stage to discuss potential schemes also avoids unnecessary costs in terms of financial outlay and time delays in drawing up detailed schemes which are not likely to be acceptable.

2.8 It is proposed that general planning information, verbal advice on permitted development and specialist information, e.g. on trees and listed buildings will not be included within the charging

regime. It is also considered appropriate for there to be no charge for advice on any commercial alterations that do not create any additional floorspace, for example replacement shopfronts or for extensions/alterations to a dwellinghouse required to meet disabled needs. As with the existing scheme, it is considered that the charging regime should be simple and easy to understand and be such that the fee is paid up front. This avoids the need for complicated calculations of fee based on time, number of officers present, officer seniority or experience, which are more difficult for developers to understand, more difficult to administer and audit, and require invoices to be sent out after the meetings with the consequent problems of securing and chasing up payments. It also ensures that officers do not spend time on enquiries where no fee has been received. The existing scheme for Major and Significant Major charges £300 and £500 respectively for an initial meeting, with any follow up meeting half the initial fee. It is proposed that the revised scheme operates under a fixed fee basis where there will be no further charge for follow up meetings, exchange of correspondence etc. when part of the same pre-application enquiry. This will encourage developers to further engage with the Local Planning Authority prior to submitting a formal application and allow them to demonstrate they have taken the LPA's views on board and allow for engagement with elected members. Having regard to Fylde's circumstances and to other charging regimes used in other LPA's, it is considered appropriate that the fees (inclusive of VAT) to be charged should be those set out in Appendix 2.

How will we collect payment?

2.9 As stated above, a fee that can be collected up front is considered to be the best option. It is considered that once a request for a meeting has been accepted and all relevant details have been submitted, the relevant fee should be paid by cheque or preferably by credit/debit card over the phone prior to the meeting date. Failure to meet this deadline will result in the meeting being cancelled or rescheduled. It is also proposed that the Council's website be updated to be allow customers to submit their enquiries on an online form, and be able to make payment at the same time.

What level of service will we offer?

2.10 For major/large scale major and minor development proposals where advice is sought requests should be made by completing the Pre Application Advice Request Form available on the Council's web site or from our offices. For householder development it will be encouraged that the Council website and online form is used but to allow flexibility for resident's requests for advice can also be made in writing, either by letter or email. In all cases as much information as possible should be provided, including:

- a detailed description of the proposal
- details of current use(s)
- a plan identifying the location and extent/size of the site
- any draft plans of the proposed development where applicable showing height and scale of development.
- photographs may also be submitted if these assist in illustrating the proposed development

2.11 Where a meeting is required, it will normally be held within 28 days of the receipt of the written request, subject to the receipt of any further information that has been requested and providing the required fee has been paid in full. Before the meeting, the case officer will undertake a preliminary assessment of the proposal against current national and local planning policy, check the

site history and identify any likely constraints. If the proposal relates to a listed building or affects a conservation area, the case officer will arrange for the council's Conservation Officer to provide relevant advice.

2.12 In order to provide a meaningful response to the request, it may sometimes be necessary to involve internal and external consultees such as the local highway authority (Lancashire County Council). Some external consultees have their own arrangements for charging for pre-application advice, whilst service limitations may not allow other organisations to engage in pre application discussions. In the cases where the case officer thinks their involvement is appropriate the developer will be responsible for meeting this charge. The case officer will aim to provide a written response within 28 days of receipt of the request, or in cases where there is a meeting required, within 14 days following the date of the meeting. Whilst a meeting will be provided as part of the service, not all proposals will require a meeting and in those cases the case officer will discuss the matter with the applicants. For example, if a scheme put forward for pre-application discussion in principle is completely unacceptable, the developer will be informed in writing. If, after the developer has been informed of the council's view, they still wish to proceed with a meeting this will be made available to them.

2.13 The written response shall make it clear that any views or opinions expressed are given in good faith, without prejudice to the formal consideration of any planning application, which will be subject to public consultation and ultimately may be decided by the Development Management Committee. It shall also be made clear in the response that subsequent alterations to local and national planning policies might affect the advice given and may affect the consideration of any applications, particularly if applications are submitted some length of time after pre-application discussions take place.

What do we expect the outcome to be?

2.14 The outcomes will include:

- Increased income from pre application discussions to recover the cost of providing the service and thereby reducing budgetary pressure.
- Service delivery improvements – dealing with fewer speculative enquiries, increased speed in handling major applications and drop in the number of refused applications.
- Consistent approach to pre-application enquires from each officer.

3. Delegated Functions.

3.1 The advice provided to developers under the pre application advice service falls within the approved scheme of delegation. If the Development Management Committee agree with the proposed scheme as set out in this report, they are able to recommend the introduction and setting of charges to the Finance and Resources Committee.

4. Conclusion

4.1 The charging for the provision of pre application planning advice is a long established concept which has been adopted by many council's across the country. Whilst it may be argued that the introduction of fees will add to the costs of carrying out development, the benefits of running such a service can outweigh the disadvantages and may, in the long run, save unnecessary time and

expanse. Furthermore, the Council currently receives in the region of 900 planning applications per year which is a small number given that there are more than 35,000 households and many commercial premises within the borough. Whilst they are generally accompanied by the statutory application fee, this does not cover the cost of delivering the service or any pre-application advice that is given out. This means that the pre application advice that is currently being provided to these applicants by the Council is subsidised by the majority of residents and businesses who are not directly using the service as it is currently funded through the general revenue budget. The introduction of reasonable fees and charges would, therefore, pay for the service at its point of use and would reduce the financial burden on those residents and businesses who do not use the service.

IMPLICATIONS	
Finance	The adoption of the new charges will, it is expected, generate additional income. The actual figure is, however, dependent upon the number of pre-application enquiries received and the number of applications for Certificates of Lawfulness submitted. Applying the proposed scheme of charges to the pre-application enquiries received during 2015, the proposed fee schedule would have raised in the region of £25,000. It should be noted that the introduction of fees may result in a lower number of pre-application submissions. The additional income that is expected to be raised will be reflected in future updates of the Councils Financial Forecast.
Legal	The legislation that supports the proposals to provide pre-application planning advice and to charge for providing this service are contained in section 111 of the Local Government Act 1972- subsidiary powers of local authorities, section 1 of the Localism Act 2011- General Power of Competence and section 93 of the Local Government Act 2003- power
Community Safety	None
Human Rights and Equalities	The impact of the proposed scheme of charging on minority groups has been considered and it is proposed that a charge would not be made in regard to pre application submissions relating to improvements to facilitate disabled persons.
Sustainability and Environmental Impact	The scheme of pre application charging would maximise the opportunities to improve the sustainability and environmental impact of development proposals.
Health & Safety and Risk Management	None

LEAD AUTHOR	TEL	DATE	DOC ID
Mark Evans	01253 658460	December 2015	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Pre Application Advice on Major Development Schemes		http://www.fylde.gov.uk/assets/files/412/Documents-Strategic-Development-Planning-Pre-App-Advice-Leaflet.pdf

Appendix 1

Examples of charges for pre application planning advice.

LPA	Minor development - Initial meeting (£)	Significant major development - Initial meeting (£)
Wyre	50	740
Blackpool	144	600
Carlisle	No charge	No charge
Cheshire East	200	700
Chorley	120	720
Fylde	No charge	500
Hyndburn	120	600
Pendle	50	500
Preston	No charge	600
Ribble Valley	190	775
Rochdale	310	615
South Lakeland	36	720
South Ribble	50	500
St Helens	No charge	No charge
West Lancs	120	1200*
Wigan	No charge	No charge
Wirral	150	900

* Includes two site visits and two meetings for a 'significant development' (over 49 dwellings); £600 is charged for a 'major development' (10-49 dwellings) to include one site visit and one meeting. An hourly rate of £60 is applied.

Appendix 2

Proposed Schedule of Pre Application Charges

PRE – APPLICATION ENQUIRY FEE SCHEDULE – [*month 2016***]**

From [***date***], the relevant fee below will be payable in advance by cheque or credit/debit card payment through the Council's Contact Centre. **Please note a 1.85% charge is applied to credit card payments.**

With the exception of householder enquiries (unless specifically paid for), the enquirer will receive **at least** one meeting and a written response. The intention of the pre-application system is, however, to guide applicants through the entire process on a fixed-fee basis (i.e. there will be no further charge for follow up meetings, exchange of correspondence etc. as part of the same pre-app).

All prices are inclusive of VAT. Where a development falls into multiple categories, the highest fee applicable will be charged. Initial charges will be levied on the basis of what is proposed as part of the original enquiry. There will be no refund of fees in cases where schemes of a reduced size are negotiated during the pre-application process. If, however, a larger scheme than originally applied for is proposed during the pre-app, then the Council reserves the right to apply any uplift in charges, or to require a new pre-app, at its ultimate discretion.

Type of Enquiry	Charge
1. Large Scale Major Development	
<ul style="list-style-type: none"> Residential development of 200 dwellings or more (including changes of use). All forms of development on sites of 10 hectares or more. Non-residential development with a floorspace of 10,000 square metres or more (including changes of use). 	£1,000
2. Significant Major Development	
<ul style="list-style-type: none"> Residential development of between 50 and 199 dwellings (including changes of use). All forms of development on sites between 5 and 10 hectares. Non-residential development with a floorspace between 2,500 and 10,000 square metres (including changes of use). 	£750
3. Small Scale Major Development	
<ul style="list-style-type: none"> Residential development of between 10 and 49 dwellings (including changes of use). All forms of development on sites between 1 and 5 hectares. Non-residential development with a floorspace between 1,000 and 2,500 square metres (including changes of use). 	£500

4. Minor Development (A)		
<ul style="list-style-type: none">• Residential development of between 5 and 9 dwellings (including changes of use).• All forms of development on sites between 0.5 hectares and 1 hectare.• Non-residential development with a floorspace between 500 square metres and 1,000 square metres (including changes of use).	£350	
5. Minor Development (B)		
<ul style="list-style-type: none">• Residential development of 4 dwellings or less (including changes of use).• All forms of development on sites under 0.5 hectares.• Non-residential development that creates additional floorspace of under 500 square metres (including changes of use).	£250	
6. Householder Development		
Any extension or alteration to a dwellinghouse, including development within its curtilage (except where this falls into another category).	Written advice only	Meetings
	£50	£100

No charge is payable for the following enquiries:

- Permitted development enquiries – **verbal advice only** through the duty officer. If written confirmation is required, a Certificate of Lawful Development will be required.
- Applications for prior approval.
- Commercial alterations where no additional floorspace is created (e.g. shop fronts).
- Works to listed buildings.
- Advertisements.
- Extensions/alterations to a dwellinghouse required to meet disabled needs.

N.B. The fees above do not include any additional charges that may be levied by other external consultees who have adopted their own pre-application charging schedules (e.g. The Environment Agency, Natural England etc.). If applicants wish to engage with these bodies separately, they may need to pay additional charges to obtain the advice of the relevant organisation independently of the Council's pre-application advice procedure.