

Agenda



DEVELOPMENT MANAGEMENT COMMITTEE

Date:	Wednesday, 11 January 2017 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, Jan Barker, Michael Cornah, Neil Harvey, Kiran Mulholland, Barbara Nash, Linda Nulty, Liz Oades, Albert Pounder, Heather Speak.</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 meetings held on 30 th November, 1 st December and 7 th December 2016 as correct records.	1
3	Substitute Members: Details of any substitute members notified in accordance with council procedure rule 25.	1
	DECISION ITEMS:	
4	Development Management Matters	3-229
	INFORMATION ITEMS:	
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Contact: Lyndsey Lacey-Simone - Telephone: (01253) 658504 – Email: democracy@fylde.gov.uk

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

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11 January 2017

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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
- Fylde Local Plan to 2032 (Publication Version) August 2016
- 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 and Housing Market Requirement Paper 2016
- Five Year Housing Land Supply Statement at 31 March 2016
- 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

11 January 2017

Item Number: 1

Committee Date: 11 January 2017

Application Reference:	15/0114	Type of Application:	Outline Planning Permission
Applicant:	Lancashire County Council	Agent :	Eric Wright Group
Location:	LAND ON THE NORTH & SOUTH SIDE OF OLD HOUSE LANE, WESTBY WITH PLUMPTONS		
Proposal:	OUTLINE APPLICATION FOR MIXED USE DEVELOPMENT OF UP TO 265 DWELLINGS AND 1.5 HECTARES OF EMPLOYMENT DEVELOPMENT (CLASS B1A/B1B/B1C/B2/B8) WITH ACCESS FROM WESTBY CLOSE AND WITH EMERGENCY ACCESS FROM OLD HOUSE LANE AND BOARDMANS WAY AS REQUIRED. ALL MATTERS OTHER THAN ACCESS TO BE RESERVED		
Parish:	WARTON AND WESTBY	Area Team:	Area Team 1
Weeks on Hand:	99	Case Officer:	Kieran Birch
Reason for Delay:	Negotiations to resolve difficulties		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7889628,-2.9968454,1009m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

The proposal is an outline application for up to 265 dwellings and 1.5 hectares of employment development on a 14 hectare site located adjacent to the existing Whitehills estate. The site is currently allocated as Countryside in the Fylde Borough Local Plan, but is allocated for mixed use development in the emerging Fylde Local Plan to 2032 as part of the Blackpool Periphery Strategic Location for Development.

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

Having assessed the relevant considerations that are raised by this proposal it is officer opinion that the development is acceptable in principle but drainage issues need to be overcome. However the size of the site for residential development is acceptable and is in an acceptable location to form sustainable development. The visual impact is also considered to be acceptable and the development would not have a detrimental impact on the amenities of

the area. There are no objections from LCC Highways with regard to traffic generation or safety issued although conditions and a legal agreement will be necessary to implement the development appropriately.

It is considered that the proposal does deliver a sustainable form of development and so it is recommended that the application be supported by Committee and so assist in delivering the housing supply requirements of para 17 of NPPF and the employment needs of the Borough.

Reason for Reporting to Committee

The application is a major development and therefore as officers are minded to approve the application it has to be considered by the Development Management Committee in line with the Council's scheme of delegation.

Site Description and Location

The application site is 14 hectares and is owned by Lancashire County Council and was formerly formed part of the County's Agricultural Estate. There are 4 'islands' (which fall outside of the red edge) within the Estate which accommodates 6 private dwellings. There are a further 4 dwellings within the application site. Three of these houses are vacant and the final dwelling is occupied on an Agricultural Holdings Act (AHA) Tenancy. Other than a small number of farm buildings the remainder of the site is greenfield land that has not been previously developed. There is a public footpath number 4 (5-15-FP4) that runs through the middle of the site. The land to the north is characterised by large scale office development as part of the Whitehills Business Park and to the east and south east are small employment units. To the west of the application site is a caravan park and residential development.

Details of Proposal

The application is made in outline and was originally submitted for 200 dwellings and 5.6 ha of employment land. This has been revised to 265 dwellings and 1.5 hectares of employment land. All matters other than access are reserved for future approval.

Access to the site will be taken from Westby Close which is located off Brooklands Way, via Hallam Way which is the main road that runs through the Whitehills Estate. The illustrative plan does not show the siting of dwellings but areas within which they will be located, as well as areas of landscaping buffers, a linear park and the employment land located to the south of the access road adjacent to existing employment buildings.

The application states that the dwellings will be a mix of housing and buildings sizes with 2, 3 and 4 bedroom dwellings designed as detached, semi-detached and mews type dwellings, of which 30% will be affordable dwellings. Whilst scale isn't a detailed matter the application states the vast majority of dwellings will be two storey, with some 3 storey dwellings sited at focal locations. It states that red brick will be used for the dwellings with occasional use of render and tile hanging. Existing hedgerows are proposed to be retained and enhanced.

Relevant Planning History

None.

Relevant Planning Appeals History

None

Parish/Town Council Observations

Westby with Plumpton Parish Council notified on 26 February 2015 and comment:

“Objection on the following;

Potential loss of good fishing pond.

Pond off Old House lane is not site on the plan.

Object to inadequate access from Old House lane.

Where is the effluent and surface water to be disposed?”

Statutory Consultees and Observations of Other Interested Parties

Environment Agency

The EA initially objected to the application as the FRA did not include enough information around the discharge of surface water. The applicants are required to submit a FRA which demonstrates that development will not increase flood risk elsewhere. This has yet to be received.

Lancashire County Council - Highway Authority

LCC Highways response is 19 pages long and the below is a summary of their response. The full response is available to view on the Councils website.

LCC have carried out a re-assessment of the impact of the proposed changes (i.e. the increase in dwellings from 200 to 265, but a subsequent reduction in employment land use dropping from 11,000sqm previously to an estimated 4,500sqm (30% of the 1.5 Hectare site).

The latest application proposals (Masterplan Option 4) for 265 dwellings and 1.5 Hectares of Employment Land accessed off Westby Close have been reviewed to assess the overall impact of the proposed changes on the assessment traffic figures. Net change Am -26 Pm -6 It can be seen that the net (2-way) effect of the revised proposals makes very limited material difference to the overall trip generation of the development.

Access strategy

The original application considered access from Boardmans Way. Having reviewed the current use of the road network in the vicinity of that proposed main access to the site, LCC considered this would lead to unacceptable routing and safety issues for traffic between the existing employment and proposed residential land uses. The original access proposal via Boardmans Way was therefore considered unsuitable to serve this large residential development and the developer has agreed to a new access strategy.

Having reviewed the existing road layout and traffic/parking situation, LCC Highways consider that Westby Close presents a much more satisfactory access to the development site. Currently there is one access off Westby Close serving office type land use rather than the more industrial uses. There is no other frontage onto Westby Close and on street parking is at present significantly less problematic than on the approach to

the previously proposed Boardmans Way site access.

The main site access is to be provided from a new roundabout. This is to be a standard roundabout and the illustrative masterplan layout (Option 4) shows the approximate location which is agreed 'in principle' subject to detailed design.

The site access junction scheme should also include gateway treatment and traffic calming measures as necessary to residential areas. The latest proposal will deliver access from Westby Close to serve both the residential and employment elements of the proposed site. The employment land use will access from the south arm of a new standard roundabout at the eastern edge of the proposed site, with the access for the residential elements to the north and west arms of the proposed roundabout. The residential elements will now be separated from the existing employment uses to the south by an area of green space, creating a suitable buffer zone. Provision for pedestrian and cycle provision will be provided to and through the new access roundabout from both the employment and residential areas. A high quality pedestrian/cycle route will be provided through the green space buffer zone in the south of the site and continue north through the linear park, as shown in the Masterplan (Option 4). This shared pedestrian/cycle route should be 3.5m wide and run to the northwest (red edge) boundary of the site, with access for sustainable modes only onto Old Houses Lane (as indicated by the orange arrow on the masterplan). For completeness the Master plan should have indicated the yellow dotted line denoting this pedestrian/cycle route up to the northwest corner.

Secondary Access from the West via Cropper Road (Wainhomes Site) – Proposed for Public Transport Only

Fylde Borough Council Planning Committee passed a resolution to approve the Wainhomes residential development located to the west of this current proposed site in October 2015. The Wainhomes development included a proposal to deliver an access road right up to the eastern edge of their site to facilitate access, in particular Public transport, to this proposed site and the wider Whitehills Business Park.

The developer of this site agreed to utilise the access opportunity delivered from the Wainhomes site and to provide a suitable connection that would support the potential for PT routing into and through the site. LCC would wish to see the link road continued into the proposed site with the same standard/highway boundary extents that should include footway provision on both sides etc. This additional access opportunity for public transport is welcomed by the LHA and it is considered would, in combination with an agreed main access strategy via Westby Close, address many of the vehicular access issues identified with the original submission.

Old houses lane - Old Houses lane is a narrow, private road (Cul-de-sac of some 615m in length) serving less than 10 premises. There is no footway provision on the lane. This application does not propose vehicular access to the site via Old Houses Lane. LCC Highways have carried out preliminary site observations and measurements on Old Houses Lane that indicate this private road does not appear to be suitable in its current form to accommodate increased traffic movements (without improvements that would require land not in the control of the applicant) or a PT service (with an access that could be suitably controlled/managed).

PROW - The proposed application impacts on Public Right of Way (PROW), Footpath No.

4. The latest illustrative site Masterplan layout (Option 4) does indicate a diversion of the PROW may be necessary to accommodate the site proposals. Any cost associated with changes to Public Rights of Way as a result of this development will need to be borne by the developer, whether physical measures or the legal procedures.

Public Transport - This shows that the site is not as well served by the frequency and distribution of bus services as listed within the TA. I consider this development will deliver a car dependent site unless improvements are delivered. It is essential that funding is secured to provide a long term, viable public transport service into and through Whitehills Business Park (BP) to serve this development. Any new bus service(s) to be provided within Whitehills BP will need 'pump prime' funding to ensure delivery. Any Public Transport proposals should seek to provide a frequent service throughout the day and also consider evenings and weekends to a range of destinations. In order to secure the long term sustainability of the site any service provided needs to be viable once any initial funding period has past. It is essential that a level of flexibility is maintained with regard to route choice for any public transport options identified. The proposals should not compromise the opportunity to introduce positive changes to the provision of public transport services in the future with regard to improved accessibility or maximising patronage. Funding should also be made available at an early stage in the site development to ensure the use of PT is encouraged and promoted from the outset.

M55 to Heyhouses link road - The M55 to Heyhouses Link Road is a proposed highway scheme, referenced within the Local Plan and LCC's Highways and Transport Masterplan, to support delivery of currently approved and future developments. LCC has sought, where appropriate, to secure funding to deliver this scheme and its linkages to the wider network. The developer of this site has agreed to provide a contribution to the M55 Heyhouses Link Road through a commitment to support the delivery of the link road by providing the land necessary to deliver the site compound. This will be made available for the duration of the link road construction programme and not prejudice the timing of the link road delivery.

Section 106 requirements

Improvement to Cropper Road/Whitehill Road/School Road Roundabout.

Trigger point - occupation of 75th residential dwelling

Planning Contribution Request => £20,000

Improvement to the A583/Whitehill Road Traffic Signals

Trigger point - occupation of 50th residential dwelling

Planning Contribution Request => £50,000

Pedestrian and Cycle Improvements to enhance connectivity to the wider network

Trigger point - occupation of 100th residential dwelling

Planning Contribution Request => £120,000

S106 - Public Transport

Trigger point – 1st payment of £120,000 on occupation of 50th residential dwelling (then second payment of £120,000 after a further 12 months)

Funding contribution => £240,000

S106 - Travel Plan (TP)

Trigger point – 1st occupation on site

Funding contribution £18,000

S278 Works;

The main site access is to be provided from a new roundabout. The main site access is to be a standard roundabout, the illustrative masterplan layout (Option 4) shows the approximate location which is agreed 'in principle' subject to detailed design.

The site access scheme should also include gateway treatment/traffic calming measures to residential areas.

Trigger point - Prior to 1st occupation on site

2) Jenny Lane Footpath Improvement Scheme

Provision of a 2m wide pedestrian footway on Jenny Lane for 160m (southeast side) from south of Old Houses Lane to tie in to existing footpath at Brunel Way roundabout (to include dropped kerbs over Old Houses Lane and other side road access points). This s278 scheme to include clearance of the overgrown vegetation to the existing footway at the junction of Old Houses Lane with Jenny Lane and a traffic management scheme /signing/markings scheme to reinforce the nature and limited access to Old Houses Lane.

Trigger point - occupation of 75th residential dwelling

Conclusion and Recommendation

This development will have an impact on the local transport network. The highway authority is fully aware of the prevailing conditions local to this development and at pinch points on the surrounding network experienced by motorists. LCC have worked with the applicant to identify an acceptable access strategy and necessary mitigation measures that can be considered go some way to mitigate the impacts from this development. I consider these measures in parallel with an agreed access strategy would make the development acceptable in regards to highways and transport (capacity, sustainability and accessibility). The developer has committed to a strategy of highway improvements and mitigation measures and these are set out under the headings 'S278 Works' and 'Planning Obligations (s106 Planning Contributions)'. It is LCC's view that, overall, with delivery of the requested necessary measures, the residual cumulative impacts of the development would not be severe or compromise overall safety.

In conclusion, with consideration for all the information now provided, LCC Highways Development Control would have no objection to the proposed development providing that appropriate funding (s106) for sustainable measures is secured and that all s278 measures as agreed and detailed above are delivered by the developer in line with agreed trigger points. These measures are considered necessary, directly related and reasonable in both scale and kind. It is essential that suitable conditions are put in place to ensure these necessary measures are delivered by the developer in line with required trigger points.

National Air Traffic Services

Satisfied that the outline proposal is unlikely to impact on communications and radar installation in St Annes. The potential for impact exists for development, so require a condition restricting to this height and that NATs be consulted if development is proposed that exceeds this height.

Regeneration Team (Economic Development)

In making these comments I have primarily concentrated on the evidence and

information presented in relation to the provision of employment land to Fylde commercial property market and the impact upon the wider economy of Fylde. I have made limited comments on matters relating to 'planning policy' leaving these instead to be dealt with by better informed and more experienced colleagues.

I note from the application details that the plans have been recently revised and my comments relate to 'Proposed Illustrative Structure Plan – Option 4 – Rev A'. The general changes made in my view are to considerably increase the overall amount of land provided for housing and to significantly reduce the overall amount of land provided for employment uses. I also note that in the revised plans, land to the north that is still within the red line of the site, does not appear to have any further development proposals shown, I have estimated this area to be 1.99 Ha. I have assumed that this area has now been removed from the planning application.

In reaching my conclusions on the proposed development I have given limited weight to the policies contained within the current Local Plan, Fylde Borough Local Plan 1996-2006, Alterations Review (2005), and have instead given significant weight to both the policies and in particular the evidence base of the proposed Local Plan, Fylde Local Plan to 2032 Publication Version (2016).

The application site falls entirely within an area of land covered for by Policy EC1 and in particular is referred to as site MUS1 in the Fylde Local Plan to 2032 Publication Version (2016). MUS1 provides a gross land allocation of 5.7 Ha of employment land for the plan period to 2032 and as such I have judged this application against this policy and objective.

The total site area referred to as MUS1 also contains land, approximately 5 Ha, which has been the subject of a planning approval; 15/0472. This decision provided for approximately 0.48 Ha of employment land and as such the previous objective of 5.7 Ha could be reduced to 5.22 Ha. The revised plans make provision for a further 1.52 Ha of employment land and thus the objective could again be reduced further to 3.7 Ha. However this would leave only approximately 1.99 Ha of land within the area covered by MUS1 not subject to a previous consent or this application and would accordingly leave the overall objective of 5.7 Ha of employment land unmet. Accordingly the objective would be somewhere between 3.7 Ha and 1.71 Ha undersupplied; an undersupply of somewhere between 30% and 43% of the original target.

All of the above may be acceptable when balancing other material considerations, however given the focus of my comments is limited to the provision of employment land and more generally what is of benefit to the wider Fylde economy I cannot support the proposed revisions. I may be moved from this position by detailed evidence as to how the level of employment land provision under MUS1 could not be delivered in a viable way over the plan period, however at this moment in time I am unaware of any such evidence.

Conclusions

On balance I feel that the refusal of this application would be the most advantageous economic outcome for Fylde. In reaching this conclusion I relied heavily on the findings of the Council's Employment Land and Premises Study (FELPS), Fylde Borough Local Plan 1996-2006, Alterations Review (2005) and the Fylde Local Plan to 2032 Publication Version (2016). I also feel that to refuse consent would be in-line with the objectives of the NPPF, the denial of this land to the industrial market would have an overall adverse

economic impact and I feel that there is a reasonable prospect of the land being used for industrial purposes during the 'plan period' to 2032.

United Utilities - Water

No objections provided that a condition relating to a scheme for the submission of foul and surface water being submitted and approved in writing.

Electricity North West

It could have an impact on infrastructure. There is a 132kV overhead line within the proposed development site. There is an overhead low voltage mains/service cable within the site. Applicants are advised they will have to pay for any diversion.

Lancashire CC Flood Risk Management Team

Objects to the proposal as The FRA submitted with this application does not comply with the requirements set out in paragraph 30 of the Planning Practice Guidance, and therefore paragraph 103 of the NPPF cannot be satisfied. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA:

- Is out of date with regards to the revised planning application. The FRA has not been updated to take account of the proposed increase in property numbers at the site.
- Estimates the existing 100 year greenfield surface water run-off rate using the loH124 method for a 50ha site but does not give details of the rate for the 14.3ha site being brought forward. In addition the FRA does not consider climate change.
- Does not consider the runoff created from the proposed development and therefore the level of attenuation that would be required to achieve a greenfield run-off rate.
- Does not consider the risk of groundwater flooding as this is stated as not being an issue, however the northern part of the site is at high risk from groundwater flooding and the southern half of the site is at medium risk.
-

Lancashire County Archaeology Service

No objections, no significant archaeological implications.

Greater Manchester Ecology Unit

Thank you for consulting the Ecology Unit on the above application. I have the following comments relating to Ecology.

Ecological survey effort

I would regard the ecological surveys submitted in relation to the application as satisfactory and sufficiently up-to-date. No further surveys need to be undertaken prior to deciding the application.

Impact on the Ribble and Alt Estuaries European protected site

Although the application site is within 5km of the Ribble and Alt Estuary SPA it is separated from the SPA by significant established built development. It is also close to roads and human habitation, such that I would not consider that the site will support any of the bird species for which the SPA has been designated in any significant numbers. The proposed development will not therefore cause any harm to the special interest of the SPA.

Impact on Locally Designated Sites

The application site is not designated for its nature conservation value at a local level and is not particularly close to any locally designated sites.

Impact on Protected and Priority Species

I would accept that the site is unlikely to support great crested newts and that the buildings on the site have only low potential to support roosting bats. Reptile surveys have not detected the presence of any reptiles on the site. Although water voles have in the past been recorded on an adjacent site I would not consider that this application site is of high value for water voles.

The site does however have some value for bat foraging, although providing the site incorporates some Landscaping and greenspace the loss of bat habitat ought not to be significant for local bat populations.

Impact on Habitats

Whilst I would accept that the site does not support habitats of high nature conservation value it does support some habitats of local value including a pond, hedgerows, broadleaved trees and open grassland. I would recommend that the pond, the hedgerow and the trees be retained if at all possible, or if lost the losses should be compensated by recreating habitats as part of a holistic and comprehensive Landscape Creation and Management Plan for the site. This Plan should be required as part of any Reserved Matters Application that may result.

Retained trees and hedgerows should be suitably protected from harm during the course of any approved development.

Impact on Nesting Birds

As the works involve the clearance of vegetation that may be used by nesting birds, I would recommend that the following condition (BS 42020:2013) be attached to any permission:

No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended)

Blackpool Borough Council

No comments received.

Chief Education Officer

Has made an assessment on the basis of all the dwellings being four bedrooms. When this was for 200 dwellings this yielded a requirement for 76 primary school places and a contribution of £914,251 and 30 secondary school places and a contribution of £543,791. This needs to be re-assessed for the increase in dwellings to 265 and has been requested of LCC Education but at the time of writing has not been received.

Neighbour Observations

Neighbours notified:	26 February 2015
Amended plans notified:	14 September 2016
Press Notice Date:	12 March 2015
Number of Responses	3 to original plan 3 to revised plans
Summary of Comments	

Original plans comments

Three letters of objections

- Contrary to policy SP2.
- Indicative layout detrimental to amenity.
- Emergency access on Old House Lane is a concern as not adopted and not suitable for heavy traffic.
- Increase in noise and vibration.
- Increase in traffic flow.
- Inappropriate access from Boardman's Way – parking on streets.
- No local bus service in area.
- Impact on wildlife.

Revised plans comments

Two letters of objection one of support

- Emergency access to Old House Lane is not suitable and is concern it will be used as a short cut and used for parking.
- No houses on plans so don't know if I am going to be overlooking or if they will be in character.
- Drainage and flooding issues.
- Object to change from greenbelt land.
- No details of how emergency access will be controlled.
- Change to character of old house lane.
- The revised plan is much better particularly if the road running from Blackpool and Fylde Industrial Estate/Peel Centre can be connected up to Whitehills at the top of Brooklands Way at some stage
- The plots off Brooklands Way and Westby Close are more trade/retail driven, particularly now the convenience store is up and running and following the completion of the sale of the site adjacent to B&Q to Wren Kitchens. It makes sense to access residential from this side rather than driving through office and industrial units and also allows for a more reasonable landscape buffer splitting the two areas. The previous plan had gardens backing directly on to commercial units which was a bit odd.
- The proposed employment parcel squares off the business park nicely with potential to link through from Plumpton Close.

Relevant Planning Policy

Fylde Borough Local Plan:

EP11

Building design & landscape character

EP14	Landscaping of new developments
EP19	Protected species
EP22	Protection of agricultural land
EP23	Pollution of surface water
EP24	Pollution of ground water
EP25	Development and waste water
HL02	Development control criteria for new housing proposals
SP02	Development in countryside areas
TREC17	Public Open Space within New Housing Developments

Fylde Local Plan to 2032:

NP1	Presumption in favour of Sustainable Development
M1	Master planning the Strategic Locations for Development
SL2	Fylde-Blackpool Periphery Strategic Location for Devt
GD1	Settlement Boundaries
GD6	Promoting Mixed Use Development
GD7	Achieving Good Design in Development
EC1	Overall Provision of Empt Land and Existing Sites
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
INF1	Service Accessibility and Infrastructure
INF2	Developer Contributions
ENV4	Provision of New Open Space

Other Relevant Policy:

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

Site Constraints

Within countryside area
Article 4 direction

Environmental Impact Assessment

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

Comment and Analysis

The main issues that need to be considering this proposal are;

Principle of the development/Impact on character of the area
Residential amenity
Highways
Flood risk and drainage
Ecology
Public open space
Education

Principle of the development

Policy background

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

The statutory development plan in this case comprises the saved policies of the Fylde Borough Local Plan (2005). In addition the National Planning Policy Framework is a key material consideration. In accordance with the NPPF 'due weight' should be given to the relevant saved policies within the Local Plan and the weight given to these policies depending upon the degree of consistency with the NPPF. The starting point for determining this applications therefore remains the saved policies of the Local Plan. If there is a conflict between these saved policies and the NPPF, the NPPF takes precedence, however it should be read as a whole and in context. In accordance with paragraph 215 of the National Planning Policy Framework (NPPF) 'due weight' should be given to the relevant saved policies in the FBLP, the weight given dependent on the degree of consistency with the NPPF.

The saved policies of the now dated FBLP will be replaced by the emerging Fylde Local Plan to 2032 which has recently been submitted to the Planning Inspectorate, and so has some weight. Policy SL2 designates this site as part of the Blackpool Periphery strategic location for development as a mixed use site, with the site proposed to include residential and employment land. Although this policy does not have full weight in the decision making process, policies in the emerging Local Plan are a material consideration.

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

Need for residential development

Under the Fylde Borough Local Plan the whole of this application site is outside of any settlement boundary in Fylde and is land allocated as open countryside under Policy SP2. This Policy restricts the majority of development to preserve its rural character, with the exceptions generally limited to agricultural or other such uses. New residential development, retail and commercial development as proposed is clearly contrary to this Policy and so it is important to assess whether there are any material considerations that would justify overruling this Policy objection. If there are not then a reason for refusal because of the conflict with the Local Plan allocation would be appropriate. It is accepted that the FBLP is dated, work has been going on for some time on the emerging Local Plan, including where major strategic housing sites will be located. The application site is proposed within Policy SL2 – The Blackpool Periphery Strategic Location to be a mixed use development. The

principle of the development proposed is, therefore, in line with the site's allocation in the emerging Local Plan and would thus comply with that aspect of the development plan, however the split between employment and residential uses needs to be considered.

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

In section 6 of the NPPF 'Delivering a wide choice of high quality homes', it requires the significant boosting of housing and that local authorities should use their evidence base to meet the full objectively assessed needs for market and affordable housing in the housing market area. For market and affordable housing a five year supply of land should be maintained. Housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 47). Applying this policy context to the development requires considering the NPPF as a whole and assessing the weight which should be applied to SP2 and also considering the sustainability of the development and the balance of any positive or adverse impacts, within the NPPF context of seeking to boost housing supply and economic growth.

The NPPF requires that local planning authorities provide for housing land equivalent to at least a 5 year supply of the council's housing target. The Council's emerging housing figure is 370 dwellings per annum and the latest assessment of this from March 2016 confirms that the Council is unable to demonstrate the required 5 year supply of housing. The presumption in para 14 of NPPF is therefore activated and this is a strong factor to be weighed in favour of residential development proposals. If a scheme is considered to deliver sustainable development and not have any adverse impacts that would significantly and demonstrably outweigh the benefit in housing supply, that guidance is clear that planning permission should be granted. There is, therefore, a need to assess whether this particular proposal delivers housing at a scale and location that is sustainable, and if there are any other relevant factors to outweigh its development.

Does the proposal deliver sustainable development?

It is a basic planning principle that development should be directed to the most appropriate location, and the NPPF requires development to be sustainable. This is explained throughout the NPPF with its 'presumption in favour of sustainable development' which includes the economic, social and environmental sustainability of development. The sustainability of the location is a key aspect of this. The development is situated in close proximity to junction 4 of the M55 motorway and is also situated close to the route of a bus service and another cycle routes & pedestrian links. The proposal is for housing and employment in an area where housing development is already taking place all around the site and is also situated adjacent to the Whitehills employment area. A shop is located on the employment site and also on the adjacent Wainhomes site which is currently being development. This combination of uses in close proximity to each other also offers the potential for a reduction in travel between the home, work and small scale convenience shopping. The development would not have any direct adverse impact on the built form of the nearest settlements, which is essentially the urban area of Blackpool. Also, there is potential for the additional residents that would accrue from this development to bring economic benefits to the nearest town and local centres and increased patronage of community facilities. Therefore, it is

considered that the proposal amounts to a sustainable form of development. Previous appeals and applications have been allowed in the vicinity of the site, and these sites having been considered by Inspectors to be situated in a sustainable location. This has resulted in the formation of dwellings in this area and it is considered that the proposal will help to form critical mass that will help support other services such as bus services as required by LCC Highways and dealt with below and other local facilities. Therefore whilst the application would be contrary to Policy SP2 of the Local Plan in this instance there is greater weight to be given to the NPPF due to the site's sustainable location and the NPPF's housing objectives and presumption in favour of sustainable development.

Mix of residential and employment uses

The proposed mix of employment and residential uses is considered acceptable. Site MUS1 –Cropper Road East within policy SL2 – The Blackpool Periphery Strategic Location of the plan to 2032 outlines that the site should be capable of delivering 451 dwellings within the plan period and providing 5.7 hectares of employment land. As this application provides 265 dwellings and 1.5 hectares of employment land and other applications have provided 0.48ha of employment land within the allocation and approximately 2ha of land remains means that the overall objective of 5.7ha would be unmet as outlined in the Economic Development Officers response above. The use of all that land for employment would result in approximately a shortfall of 0.7 ha. This shortfall is considered acceptable when considering the application sites constraints with regard to access to the site, the overhead cables easement requirements, existing dwellings located within the site which need to be respected and the need for a landscaped buffer between residential and employment uses. The council's requirement to meet housing supply requirements is also a key consideration here. The outcome is that the layout being considered for determination is the most appropriate as it is not inappropriately accessed off Boardmans Way as originally proposed, with both employment and residential uses accessed off Westby close and a buffer provided between the two uses and existing and proposed dwellings. The cable easements means areas under them cannot be developed and the existing dwellings and private roads mean that employment uses cannot be constructed near to them. The employment parcel is appropriately located to the south of the residential area adjacent to existing employment uses. Furthermore the proposed allocation does not state explicitly where the employment and residential areas should be. It is important that the 1.5 ha of employment land is included as part of the application as employment land and offices are still required at the site and having permission in place is necessary to see the sites development in accordance with the emerging Local Plan.

Impact of development on character of area

Whilst the principle of the development is accepted another issue is the impact of the development visually on the character of the area. In this case the application site consists of agricultural land which has effectively been sterilised by surrounding developments. The NPPF states that the intrinsic character and beauty of the countryside should be recognised however in this case the site is not an area designated for its landscape quality and furthermore the application site is located north of an employment site with further developments to the west under construction. It has to be acknowledged that the development will have some impact on the character of the area however it is considered that the degree of harm will be very limited. The site is effectively contained visually by surrounding development and as such will not appear unduly intrusive in views from any direction, this was also considered when allocating the site in the Local Plan to 2032. The indicative layout shows the provision of POS and landscaping on the sites southern boundary which will help to soften the developments appearance. This application effectively fills the gap between developments already permitted. It is not considered the development will have a significant site visual impact, it will be well contained and surrounded by residential dwellings and existing landscape features.

Principle of development summary

It is considered that the proposed development in this location is sustainable and complies with the three dimensions of sustainability outlined in the NPPF. Whilst contrary to the adopted Local Plan countryside allocation this plan is outdated and the site is proposed to be allocated as a mixed use site in the Local Plan to 2032 which adds weight to the principle in favour of development. This development is for 265 dwellings and 1.5 hectares of employment land which is considered appropriate. The proposal would comply with the NPPF requirement that housing applications should be considered in the context of the presumption in favour of sustainable development. Furthermore, Fylde is not able to demonstrate that it currently has a 5 year supply of housing which is a material consideration of weight in favour of the proposal. The proposal would, therefore, contribute to meeting this identified need for dwellings in the emerging Local Plan and the housing supply for the Borough as a whole as well as providing employment land for which the allocation requires. The site is considered to be a suitable location for development and the development is acceptable in principle.

Layout/Residential amenity

The application is an outline application with all matters reserved asides for access into the site. Appearance, layout and scale are matters reserved for future consideration however the illustrative masterplan submitted shows the access road for the site to be taken from Westby Close and as access is a detailed matter it is inevitable that this layout will be the one in the Reserved Matters application. Located to the north of this access is the residential element and to the south the employment land, with a landscaped buffer around the access road. Shown on the plan are emergency accesses to Boardmans Way, and pedestrian, cycle and emergency accesses to Old House Lane and the adjacent Wainhomes site which is also proposed to be a bus gate controlled connection. The layout is considered acceptable in terms of the principle of establishing the locations of residential and employment development, but the detailed Reserved Matters will need to carefully consider siting and landscaping. Furthermore the principle of accessing a residential site through an employment site is not one that would normally be accepted as good planning, however the site has been allocated for mixed use development and the existing highways network surrounding the site means that the proposed access is the only realistic viable option. In order to make this route acceptable it is considered appropriate that the scheme makes a contribution of £1000 per dwelling to the Whitehills Business Park Environmental Improvements scheme. This scheme including signage and wayfinding, improved street lighting, boundary treatments, tree planting, greases verges being enhanced and significant public art. This contribution will serve to enhance the arrival route to the residential site. The contribution of £1000 appropriate and can be justified through the adopted Local Plan and the emerging Local Plan which is due to be adopted March next year. This will therefore be part of the heads of terms to the 106 legal agreement.

Highways

The application has been made in outline with access a detailed matter for consideration. It is proposed that the site will be accessed from Westby Close, which is linked to Brooklands Way via Hallam Way which is the main road that runs through the site. Both uses are proposed to be taken via this route with emergency, bus and pedestrian access proposed to Old House Lane, Boardmans Way and the adjacent Wainhomes residential site. The provision and details of these accesses will need to be subject to the condition. LCC Highways have considered the application and raise no objection. They have commented at length with regard to the submitted Transport Assessment which is reported above, and state that the proposal in this application will create less highways

movements than the original submission of less residential and more employment land. They consider the access via Westby Close to be more appropriate than originally proposed via Boardmans Way due to the on street parking in that area. They consider that the site access to the site needs to be improved from a sustainable transport point of view in order to be sustainable development. The following mitigation measures are required in order to make the development acceptable from a highways point of view;

Improvement to Cropper Road/Whitehill Road/School Road Roundabout. Trigger point - occupation of 75th residential dwelling. Planning Contribution Request => £20,000

Improvement to the A583/Whitehill Road Traffic Signals. Trigger point - occupation of 50th residential dwelling. Planning Contribution Request => £50,000

Pedestrian and Cycle Improvements to enhance connectivity to the wider network. Trigger point - occupation of 100th residential dwelling. Planning Contribution Request => £120,000

S106 - Public Transport. Trigger point – 1st payment of £120,000 on occupation of 50th residential dwelling (then second payment of £120,000 after a further 12 months). Funding contribution => £240,000

S106 - Travel Plan (TP). Trigger point – 1st occupation on site Funding contribution £18,000

S106 – Use of the site for provision as a compound for the M55 to Heyhouses Link Road.

S278 works – Main site access as a standard roundabout. The site access scheme should also include gateway treatment/traffic calming measures to residential areas. Trigger point - Prior to 1st occupation on site

S278 works - Jenny Lane Footpath Improvement Scheme. Provision of a 2m wide pedestrian footway on Jenny Lane for 160m (southeast side) from south of Old Houses Lane to tie in to existing footpath at Brunel Way roundabout (to include dropped kerbs over Old Houses Lane and other side road access points). This s278 scheme to include clearance of the overgrown vegetation to the existing footway at the junction of Old Houses Lane with Jenny Lane and a traffic management scheme/signing/markings scheme to reinforce the nature and limited access to Old Houses Lane. Trigger point - occupation of 75th residential dwelling

With these contributions/off site works and conditions to meet these requirements in place there are no highways issues with the application.

Flood risk and drainage

The site is identified as being within an area designated on the Environment Agency's Flood Map as Flood Risk Zone 1. This is land defined as having a less than 1 in 1000 annual probability of flooding. All uses of land are regarded as appropriate within this zone. The application has been submitted with a FRA however this has not been updated to reflect the change in balance between the mix of residential and employment. As such the LLFA and EA have objected to the development. United Utilities have not objected. Clearly a technical solution to the drainage of the site can be developed so that surface water run off rates are restricted to greenfield rates and so that if infiltration is not possible water is discharged into a watercourse at a controlled rate using flow control devices to restrict flows and store water on site. However with the objections from the statutory drainage consultees it is considered appropriate for the recommendation be to delegate

the application to the Head of Planning and Regeneration to approve subject to the withdrawal of these objections from the EA and LLFA.

Ecology

The application has been submitted with an ecological appraisal of the site. GMEU, the Council's ecologists, have considered the application and state that the surveys submitted in relation to the application as satisfactory and sufficiently up-to-date and that no further surveys need to be undertaken prior to deciding the application. They state that although the application site is within 5km of the Ribble and Alt Estuary SPA it is separated from the SPA by significant established built development. It is also close to roads and human habitation, such that they would not consider that the site will support any of the bird species for which the SPA has been designated in any significant numbers. The proposed development will not therefore cause any harm to the special interest of the SPA. GMEU accept that the site is unlikely to support great crested newts and that the buildings on the site have only low potential to support roosting bats. Reptile surveys have not detected the presence of any reptiles on the site. Although water voles have in the past been recorded on an adjacent site I would not consider that this application site is of high value for water voles. The site does however have some value for bat foraging, although providing the site incorporates some Landscaping and greenspace the loss of bat habitat ought not to be significant for local bat populations.

GMEU whilst accepting that the site does not support habitats of high nature conservation value it does support some habitats of local value including a pond, hedgerows, broadleaved trees and open grassland. They would recommend that the pond, the hedgerow and the trees be retained if at all possible, or if lost the losses should be compensated by recreating habitats as part of a holistic and comprehensive Landscape Creation and Management Plan for the site. This Plan should be required as part of any Reserved Matters Application that may result. Retained trees and hedgerows should be suitably protected from harm during the course of any approved development. As the works involve the clearance of vegetation that may be used by nesting birds, GMEU recommend that a condition preventing works during the bird breeding season.

Therefore with these conditions in place a scheme some degree of biodiversity enhancement will be possible in the development of the site. The report submitted shows there will not be any unacceptable effect on protected species or priority habitat subject to appropriate mitigation and compensation and conditions will be used to ensure this. It is considered that with mitigation the development of the site is acceptable.

Public open space

The Local Plan requires that open space be provided on site in residential developments of this scale in line with the amount per plot detailed in Policy TREC17, with appropriate provision made for the on-going maintenance of this. The outline nature of the application means that there can be no clarity on this matter, however the illustrative layout shows areas of open space within the development. It is considered that the proposal could comply with Policy TREC17 and so no reason for refusal on this matter is justified.

Affordable Housing

The Council's Strategic Housing team have confirmed that the findings of the Housing Needs Study remain valid and this indicates that there remains a shortage of affordable housing in all parts of the borough. If members are minded to approve the scheme, the Applicant will have to enter into a

section 106 agreement to ensure the provision of up to 30% of the properties as affordable dwellings, which would then be resolved through the usual reserved matters applications.

Education

At the time of writing the report LCC Education have not commented on the revised application in terms of increased numbers, although from initial discussions it is expected that there will be a need to secure contributions to meet the education needs of the development,. Their views will be reported to members in the late observations and an appropriate contribution secured by legal agreement.

Conclusions

The proposal is considered to form sustainable development, providing housing and employment land for which there is an identified need. The principle of the development is considered to be acceptable. There are no material considerations that could justify a refusal of the application however it is considered that amendments to the submitted layout are necessary and for that reason it is recommended that approval of the application be delegated to the Head of Planning.

Recommendation

That the decision on the application be delegated to the Head of Planning and Regeneration, with any decision to grant planning permission being subject to the following and any variation of these which the Head of Planning & Regeneration considers to be appropriate:

- Submission of a satisfactory drainage scheme for the site and the withdrawal of objections to the site drainage arrangements from the Environment Agency and Lead Local Flood Authority
- the completion of a Section 106 agreement in order to secure necessary infrastructure works
- a series of planning conditions

Suggested Heads of Terms of s106 Agreement

- provision, retention and operational details for 30% of the proposed dwellings to be affordable properties,
- a financial contribution of up to £1000 per dwelling towards public realm improvements on Whitehills estates
- a financial contribution to be determined towards primary and secondary education
- Improvement to Cropper Road/Whitehill Road/School Road Roundabout. Trigger point - occupation of 75th residential dwelling. Planning Contribution Request => £20,000
- Improvement to the A583/Whitehill Road Traffic Signals. Trigger point - occupation of 50th residential dwelling. Planning Contribution Request => £50,000
- Pedestrian and Cycle Improvements to enhance connectivity to the wider network. Trigger point - occupation of 100th residential dwelling. Planning Contribution Request => £120,000
- Public Transport. Trigger point – 1st payment of £120,000 on occupation of 50th residential dwelling (then second payment of £120,000 after a further 12 months). Funding contribution => £240,000
- Travel Plan (TP). Trigger point – 1st occupation on site Funding contribution £18,000
- Use of the site for provision as a compound for the M55 to Heyhouses Link Road construction.

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

Suggested Planning Conditions

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

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

or

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

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

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

Nos. (1,2,3 & 5)

(Reserved matters are:-

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

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

3. Prior to the commencement of the development hereby approved, a scheme shall be submitted to and approved in writing by the Local Planning Authority which shall demonstrate how the infrastructure including the proposed vehicular access and services to the proposed employment land shall be delivered. Full details of the proposed pedestrian, emergency accesses and bus gates and how they will be delivered, controlled and maintained shall also be submitted. This scheme shall be implemented to the satisfaction of the Local Planning Authority, prior to the occupation of the first dwelling.

In order to ensure a satisfactory comprehensive development of the whole site.

4. A detailed scheme of landscaping for the proposed landscape buffer shall be submitted to and approved in writing by the Local Planning Authority, prior to construction of the development hereby approved. The landscaped buffer shall be implemented simultaneously with the residential development to the satisfaction of the Local Planning Authority and maintained in perpetuity.

To ensure a satisfactory standard of development.

5. No development shall take place until a plan detailing the protection and/or mitigation of damage to populations of Water Vole, a protected species under The Wildlife and Countryside Act 1981 as amended and their associated habitat during construction works and once the development is complete. Any change to operational, including management, responsibilities shall be submitted to and approved in writing by the local planning authority. The Water Vole protection plan shall be carried out in accordance with a timetable for implementation as approved.

Reason: This condition is necessary to protect the Water Vole population and their habitat within

and adjacent to the development site. Without it, avoidable damage could be caused to the nature conservation value of the site.

6. No development shall take place until a landscape creation and management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:
- detail extent and type of new planting (NB planting to be of native species)
 - details of maintenance regimes
 - details of any new habitat created on site
 - details of treatment of site boundaries and/or buffers around water bodies
 - details of management responsibilities

Reason: In order to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy.

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

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

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

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

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

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

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

9. The on-site provision of public open space shall be in accordance with the provision of Policy TREC17 of the Fylde Borough Local Plan and shall include facilities for children's play provision in accordance with a scheme of which shall be agreed by the Local Planning Authority and constructed and made available for use in accordance with a timetable for construction which shall be approved in writing by the Local Planning Authority.

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

10. No development shall take place in any individual phase of the development hereby approved that exceeds 15m in height above ground level, unless there has been submitted to and approved in writing by the planning authority and by the radar Operator - NATS (En-route) plc, either:
- detailed plans for the proposed buildings in that individual phase, demonstrating that there would be no detrimental impact upon the operation of the St. Annes Radar; or,
 - details of a scheme to mitigate any detrimental impact upon the St. Annes Radar.

Development shall not take place other than in complete accordance with such a scheme as so approved unless the planning authority and NATS (En-route) plc have given written consent for a variation.

Reason: To avoid a potential impact on the safety of air traffic due to a technical impact on the NATS RSS St. Annes Secondary Surveillance Radar.

11. No part of the development hereby approved shall commence until a scheme for the construction all site access and the off-site works of highway improvement have been submitted to, and approved by the Local Planning Authority in consultation with the Highway Authority. The site accesses and off-site highway works shall be completed before the development is first occupied unless otherwise agreed in writing by the Local

Planning Authority. The following schemes to be covered by this condition include:

(i) The Main Site access junction on Westby Close. The main site access will provide a new standard roundabout. The main site access is to be a standard roundabout. The illustrative masterplan layout (Option 4) shows the approximate location which is agreed 'in principle' subject to detailed design.

The site access junction scheme should also include gateway treatment/traffic calming measures to residential areas.

(ii) Jenny Lane Footpath Improvement Scheme

Pedestrian footway on Jenny Lane (southeast side) from south of Old Houses Lane to tie in to existing footpath at Brunel Way roundabout (to include dropped kerbs and tactile paving over Old Houses Lane). This s278 scheme to include clearance of the overgrown vegetation to the existing footway at the junction of Old Houses Lane with Jenny Lane and a traffic management scheme/signing scheme to reinforce the nature and limited access to Old Houses Lane.

Note: Delivering these s278 works may require a review, consultation and implementation of new/or changes to TROs; the full cost for these to be funded by the developer.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site. Also, in order to provide safe access to the site for all users (motorised and non-motorised).

12. Prior to the first occupation of any part of the development hereby approved, the access and off-site highway works set out in condition 11 should be constructed in accordance with the details approved, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the development will provide a safe access to the site and ensure that users of the development have appropriate access to sustainable transport options

13. Prior to the commencement of development a phasing programme for the implementation of the residential development, the construction of the access roads and highway works in their entirety, and the implementation of public open space, landscaping and other associated works shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved phasing programme.

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

14. The Framework Travel Plan as agreed 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

15. No development of any phase shall take place until a Construction Environmental Management Plan (CEMP), for the construction and operation of that proposed phase of development, is submitted to and approved by the Local Planning Authority. The plan shall detail:
- i. how biodiversity would be protected throughout the construction period
 - ii. the potential impacts from all construction activities on both groundwater, public water supply and surface water and identify the appropriate mitigation measures necessary to protect and prevent pollution of these waters
 - iii. the parking of vehicles of site operatives and visitors;
 - iv. loading and unloading of plant and materials;
 - v. storage of plant and materials used in constructing the development;
 - vi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vii. wheel washing facilities to be retained throughout the construction period by which means the wheels of vehicles may be cleaned before leaving the site;
 - viii. a scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site);
 - ix. a Management Plan to identify potential ground and water contaminants;
 - x. details for their storage and how water courses will be protected against spillage incidents and pollution during the course of construction;
 - xi. a scheme to control noise during the construction phase,
 - xii. the routing of construction vehicles and deliveries to site including the direction of construction traffic away Old Houses Lane.

The development shall then proceed in full accordance with this approved plan.

Reason: In order to safeguard the biodiversity of the site, protect the water environment and public drinking water supplies, and to maintain the operation and safety of the local highway network, and to minimise the risk of pollution to occupiers of nearby buildings during site preparation and construction, in accordance with the provisions of the NPPF.

16. The development hereby approved shall not be commenced until a details are submitted that set out the proposals for the management and operation of Old Houses Lane and how access for existing properties served of Old Houses Lane will be maintained/facilitated.

Reason: To ensure that a satisfactory Management Strategy is implemented for the maintenance and operation of Old Houses Lane post development.

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

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

18. Prior to the commencement of any of the commercial development hereby approved, a fully detailed Parking Management Strategy for that commercial development shall be submitted to and approved in writing by the Local Planning Authority. The management of the car parking and cycle parking at the site shall be fully implemented in accordance with the approved strategy, unless otherwise agreed in writing by the Local Planning Authority. The Parking Management Strategy will include an assessment and strategy to ensure adequate parking provision is delivered for all proposed site uses for both car parking and cycle parking.

Reason: To ensure that a satisfactory Parking Management Strategy is implemented for the development. This in turn will ensure adequate parking is provided for all uses so that the access to the site is not restricted, resulting in safety and capacity issues.

19. Notwithstanding the approved plans prior to the commencement of development a phasing plan for the completion of the road within the site to be built up to and contiguous with the southern boundary as shown by the red edge on the submitted site location plan shall be submitted to and approved in writing by the Local Planning Authority.

So as to not prejudice the future development of the adjacent land in accordance with Policy HL2 of the adopted Fylde Borough Local Plan.

20. The car parking provision for each commercial unit as identified in the Parking Management Strategy for that unit shall be surfaced, demarcated and made available for use prior to the that unit being first occupied unless otherwise agreed in writing with the Local Planning Authority. The car parking shall then be available at all times whilst that part of the development is occupied.

Reason - To ensure that there is adequate parking for the development proposed when the buildings are occupied and the site is built out.

21. No commercial unit shall be occupied until space and facilities for bicycle parking have been provided in accordance with the Parking Management Strategy for that unit. The approved space and facilities shall then be retained and permanently reserved for bicycle parking.

Reason - To ensure that adequate provision is made for bicycle parking so that persons occupying or visiting the development have a range of options in relation to mode of transport.

22. No phase of the development hereby approved shall commence until a pedestrian and cycle signing strategy for that phase has first been submitted to, and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The scheme shall satisfy the needs of all elements of the site and be constructed in accordance with the approved details in a timescale agreed in line with the phasing set out in condition 3, and thereafter retained. The Strategy to also provide details of the following:
- how those footpaths and cycle ways not adjacent to the highway are to be managed by a site management/maintenance strategy and not the local highway authority; and
 - details regarding provision for PROW FP4 through the site.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the final

details of the pedestrian and cycle network are acceptable before work commences on site and that these will be maintained thereafter. Also, in order to provide users of the development with appropriate

23. Construction/demolition shall be limited to the following hours - 08.00 - 18.00 Mondays to Fridays; 08.00 -13.00 Saturdays and no activity on Sundays and Bank Holidays

Reason: To protect neighbouring residential amenity.

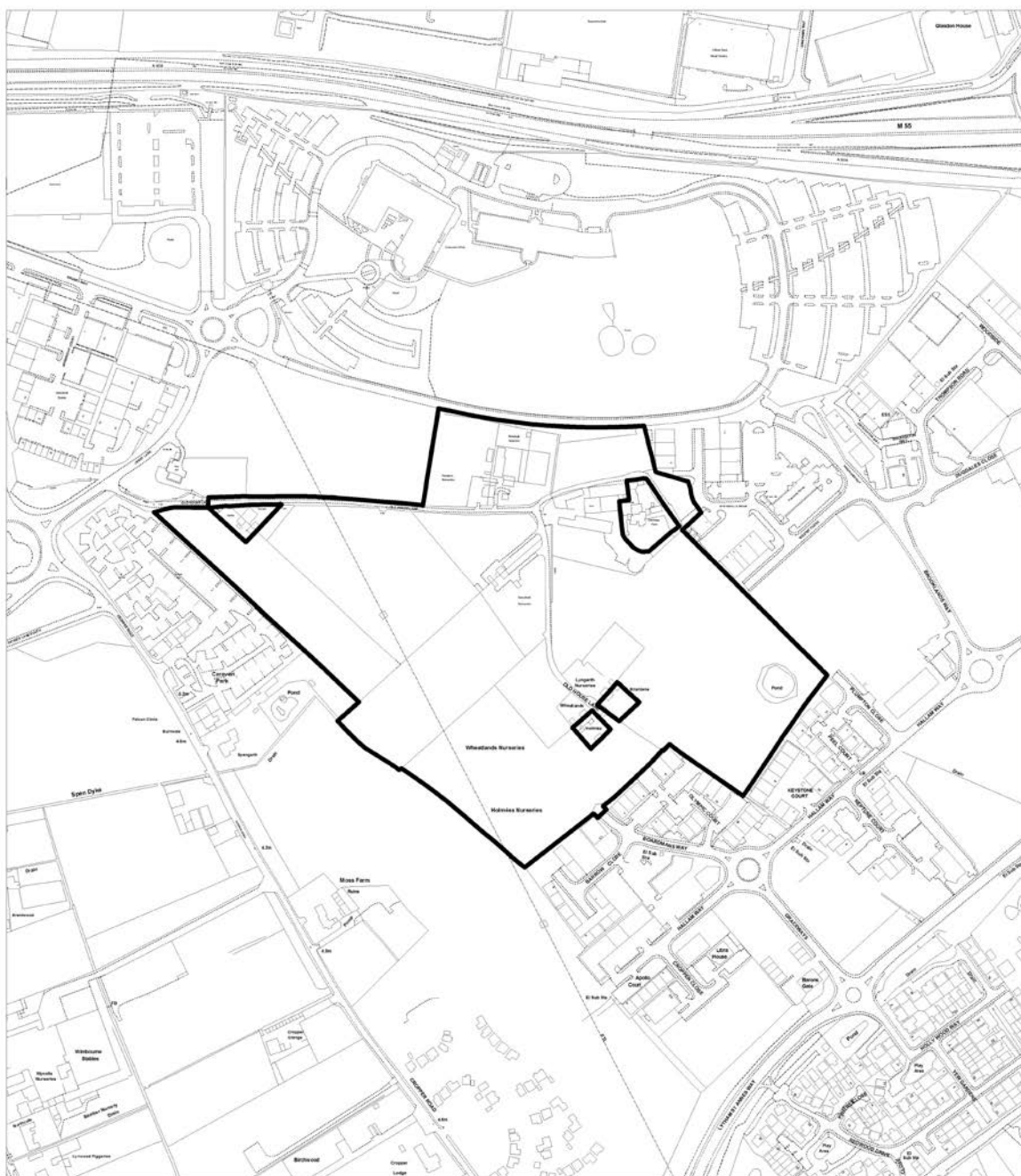
24. No removal of or works to any hedgerows, trees or shrubs shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

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

25. 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 18 February 2015, including the following plans:

- Proposed site location plan 14012 LP00
- Illustrative structure plan Option 4 Revision A

Reason: 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. 5/15/0114	Address Land on the north & south side of Old House Lane, Westby	Grid Ref. E.3346 : N.4330	Scale 0 25 50 75 100 m

Item Number: 2

Committee Date: 11 January 2017

Application Reference:	16/0062	Type of Application:	Full Planning Permission
Applicant:	Persimmon Homes Lancashire	Agent :	
Location:	FORMER PONTINS HOLIDAY CAMP, CLIFTON DRIVE NORTH, LYTHAM ST ANNES, FY8 2SX		
Proposal:	RESIDENTIAL DEVELOPMENT OF 353 DWELLINGS COMPRISING 326 DWELLINGHOUSES AND 27 APARTMENTS INCLUDING ASSOCIATED INFRASTRUCTURE		
Parish:	ST LEONARDS	Area Team:	Area Team 2
Weeks on Hand:	49	Case Officer:	Kieran Birch
Reason for Delay:	Design Improvements		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7718154,-3.0523829,1010m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

This application relates to the northern parcel of the former Pontins site. It is for full planning permission for the erection of 372 residential units on a 7.2 hectare site located on the east side of Clifton Drive on a brownfield site that benefits from outline planning permission for residential development, and which is allocated for residential use in the emerging Fylde Local Plan to 2032. The principle of the development is therefore considered acceptable and the development will contribute to the Council meeting its required 5 year supply of housing and is considered to be sustainable development.

It is officer's opinion that the development is of an acceptable layout and design and that the visual impact on the area is acceptable. There are no objections from LCC Highways with regard to traffic generation or safety, and drainage consultees raise no objections to the proposed drainage of the site. Natural England have confirmed that they have no objections to the principle of the development although further consideration of the mitigation proposals in the Appropriate Assessment is required.

As such it is considered that the proposal delivers a sustainable form of development and it is recommended that the application be supported by Committee and so assist in delivering the housing supply requirements of para 17 of NPPF. The final decision on the application should be delegated to officers subject to satisfactory resolution of ecological matters, and the completion of a legal agreement to secure affordable housing delivery and various infrastructure improvements.

Reason for Reporting to Committee

The application is a Major application and as such needs to be determined by the Development Management Committee.

Site Description and Location

The application site covers an area of approximately 7.2 hectares and is located wholly in Fylde borough but on the administrative border of Fylde and Blackpool. The Application Site lies approximately 2.5km from the centre of Lytham St Anne's and approximately 5km south from the centre of Blackpool, and is located immediately adjacent to the A584 Clifton Drive North. The site is bordered to the west by the A584 which provides primary access to the site. To the west of the A584 is the Irish Sea with circa 100m depth of sand dunes. To the east is the South Fylde rail line running between Lytham and Blackpool. This railway line separates the site from Blackpool International Airport. The site is bounded to the south with sand dunes which are currently open to the public and utilised for dog walking and recreation. To the north the site is currently bounded by a road (New Road) which separates the site from a housing estate containing blocks of flats up to 3 stories tall. The site comprises of a variety of open habitats, ephemeral / short perennial, bare ground, hard standing, raised banks and three large spoil heaps.

Details of Proposal

The proposed development comprises the re-development of the Application Site for approximately 7.2ha residential use and includes a maximum of 372 residential units. The scheme will also provide for approximately 5.7ha of public open space adjacent to the housing units and between the site and dwellings to the south. The application includes bungalows, two storey dwellings, two and a half storey dwellings, and three storey apartment blocks. These are in the form of detached, semi-detached and small terrace of dwellings. The proposal includes 30% affordable housing and these are spread appropriately throughout the site.

Access to the site will be from a single vehicle access point located off the A584 Clifton Drive North which will take the form of a typical ghost island right turn priority controlled junction. An emergency access to New Road is proposed in the north east corner of the site along with a pedestrian access to the railway station. The Proposed Development will provide a network of on-site pedestrian/cycle routes which will be permeable from the established off-site pedestrian/cycle network. In particular, a number of pedestrian/cycle links will be provided from Clifton Drive North which will provide direct pedestrian/cycle linkages to the bus stops and cycle route on Clifton Drive North. In addition, footways on Clifton Drive North will be widened to enable the on-road cycle lanes to be relocated off-road on a shared footway/cycleway. To assist pedestrians and cyclists in crossing the A584 Clifton Drive North, it is proposed that the speed limit along the sites frontage is reduced from 40mph to 30mph. In addition, pedestrian refuges will be provided on relevant pedestrian and cyclist desire lines.

The dwellings are arranged in a classic grid iron arrangement with feature buildings located at key viewpoints and on the sites frontage. A mix of surface materials is proposed and landscaping is proposed throughout the site. The three storey apartments are located in the north west corner of the site adjacent to the existing blocks on New Road and a landscaped pedestrian footpath adjacent to them leads into the site. The design of the dwellings is considered acceptable and they follow a theme throughout featuring a mix of red brick and render and incorporating front gables into a number of the property types. The design reflects those in the site to the south.

EIA development

The Council when considering a previous application (outline) which was withdrawn determined that the development was EIA development in light of the potential cumulative impacts that may arise from the development in the context of other development proposals (the Queensway application). Therefore an Environmental Statement (ES) has been submitted with this application, with the scope of the ES being agreed with the LPA through pre-application discussions. The ES reports the findings of the EIA undertaken in respect of the proposed development and includes the following sections;

- Ecology
- Transportation
- Air Quality
- Noise
- Water resources and flood risk
- Ground Conditions
- Heritage
- Landscape and visual impact
- Cumulative impacts.

Relevant Planning History

Application No.	Development	Decision	Date
16/0204	NON-MATERIAL AMENDMENT TO PLANNING PERMISSION 15/0447 FOR THE INTRODUCTION OF ARTIFICIAL STONE SILLS AND HEADERS TO WINDOW AND DOOR OPENINGS ON 15 PLOTS (NOS. 43-48; 54-55 AND 56-62) INCLUDING THE GILBY, HATFIELD, KENDAL, ROSEBERRY, CHEDWORTH, RUFFORD AND CLAYTON HOUSE TYPES	Granted	14/04/2016
15/0778	ERECTION OF THREE DETACHED BUNGALOWS	Approved with 106 Agreement	22/01/2016
15/0447	MINOR MATERIAL AMENDMENT TO PLANNING PERMISSION 14/0392 FOR REALIGNMENT OF DWELLINGS ON PLOTS 59,60 AND 62, AND SUBSTITUTION OF HOUSE TYPES AS FOLLOWS: (I) REPLACEMENT OF ROSEBERRY HOUSE TYPE WITH KENDAL HOUSE TYPE ON PLOTS 36 AND 57, AND WITH GILBY HOUSE TYPE ON PLOT 47; (II) REPLACEMENT OF KENDAL HOUSE TYPE WITH ROSEBERRY HOUSE TYPE ON PLOTS 37 AND 61, WITH GILBY HOUSE TYPE ON PLOT 49, AND WITH FOUR HANBURY (SEMI-DETACHED) HOUSE TYPE ON PLOTS 10 AND 13; (III) REPLACEMENT OF WINSTER HOUSE TYPE WITH GILBY HOUSE TYPE ON PLOT 50 AND WITH THREE ALNWICK (MEWS) HOUSE TYPE ON PLOTS 11 AND 12; (IV) REPLACEMENT OF CORBY HOUSE TYPE WITH GILBY HOUSE TYPE ON PLOTS 54 AND 55; (V) REPLACEMENT OF CHEDWORTH HOUSE TYPE WITH GILBY HOUSE TYPE ON PLOT 14 AND (VI) REPLACEMENT OF	Approved with 106 Agreement	23/12/2015

15/0382	HATFIELD HOUSE TYPE WITH CLAYTON HOUSE TYPE ON PLOT 48 SUBSTITUTION OF HOUSE TYPES PURSUANT TO RESERVED MATTERS APPROVAL 14/0392 TO REPLACE LUMLEY HOUSE TYPE ON PLOTS 2, 7 AND 20 WITH HATFIELD HOUSE TYPE	Granted	11/09/2015
14/0563	ADVERTISEMENT CONSENT FOR ERECTION OF NON-ILLUMINATED POST SIGN MEASURING 6M X 3M	Granted	07/10/2014
14/0392	APPLICATION FOR APPROVAL OF RESERVED MATTERS OF LAYOUT, SCALE, LANDSCAPING AND APPEARANCE RELATING TO OUTLINE PLANNING PERMISSION 10/0877 FOR 73 DWELLINGHOUSES AND ASSOCIATED INFRASTRUCTURE AND OPEN SPACE.	Approved with 106 Agreement	23/12/2014
14/0246	SCOPING OPINION REQUEST UNDER ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS RELATING TO PROPOSED RESIDENTIAL DEVELOPMENT	Advice Issued	30/04/2015
11/0611	RESERVED MATTERS FOR APPROVAL : ACCESS, APPEARANCE, LANDSCAPE, LAYOUT AND SCALE FOR 238 DWELLING UNITS.	Withdrawn by Applicant	05/09/2011
10/0877	OUTLINE PLANNING FOR REDEVELOPMENT OF THE SITE FOR UP TO 73 DWELLINGS TOGETHER WITH ASSOCIATED DEVELOPMENT AND OPEN SPACE (PHASE 2)	Approved with 106 Agreement	01/05/2013
08/1049	REDEVELOPMENT OF SITE FOR UP TO 275 DWELLINGS TOGETHER WITH ASSOCIATED INFRASTRUCTURE AND OPEN SPACE	Approved with 106 Agreement	01/05/2013

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 05 February 2016 and comment:

"Object

- 1. Cramped site – over intensive development*
- 2. Insufficient access to Clifton Drive North – one junction is insufficient to cope with the size of this proposed development and the number of traffic movements anticipated.*
- 3. There are no comments from LCC Highways, surely an application of this size must require a report."*

Statutory Consultees and Observations of Other Interested Parties

Blackpool Airport

No objections but request a condition that requires developers to notify them of any structure such as cranes on the site which exceeds the maximum height of the proposed development.

Blackpool Borough Council

No comments received.

United Utilities - Water

UU will have no objections to the development provided foul and surface water drainage conditions are placed on any approval.

Environment Agency

We have no objection in principle to the proposed development, but wish to make the following comments:-

We very much welcome the commitment for off-site mitigation as part of this development, as stated in Section 3.19 (pg. 8) of the Environmental Statement Non-Technical Summary, as the Lytham Foreshore Dunes are not only ecologically important, but they also act as a soft sea defence which will afford protection to the development and its occupants.

Although it has not been submitted as part of this planning application, we are aware of the Access - General Principles drawing, which was shared with the Fylde Dunes Steering Group of which the Environment Agency are members, and we have the following comments on this in relation to the off-site mitigation:-

The proposed alignment of the footpaths across the dunes is west-south-west and based on a recently commissioned geomorphology study/report the alignment should be changed to north-west-north. The routes should correspond to the central refuges/pedestrian crossing, however only one of the proposed central refuges does and the orientation is not conducive to what we are aiming to achieve.

Access to viewpoints (dune summits) will need to be managed as all peaks will deflate in response to trampling pressure. We suggest that if formal access to these peaks is provided then not to sign them, or go behind the peak or use chestnut paling to funnel people.

We would like consideration to be given for re-locating the existing pedestrian crossing to be explored further; its current siting is not aligned to any of the formal access routes we are looking to create.

Lancashire County Council - Highway Authority

LCC Highways have responded in full with a 16 page response which is available to view in full on the Council's website and is summarised below.

The site benefits from an extant outline planning permission for 275 dwellings and that this has also been considered when preparing this response. The proposal is a Full Planning Application for the erection of 353 No. residential units and associated infrastructure on the site of the former Pontin's holiday camp with vehicular access from the A584 Clifton Drive North. The proposal site is phase 1 of a larger site, of which phase 2 (73 dwellings), to the south, has already commenced construction.

Operation of existing highway

The local highway network includes A584 Clifton Drive North between its junction with Squires Gate Lane and its junction with Highbury Road West, both of these junctions are under signal control. The current posted speed of Clifton Drive North at the site entrance is 40mph. Drawing SK005 P1 shows a suggested relocation of the 30mph zone to just south of the phase 2 site access. LCC would welcome the development funding a speed limit review and implementation of a change to the TRO to amend this speed limit if deemed necessary. I consider this should be done as a s106 contribution to avoid additional delay to construction on the site during the consultation process. LCC would request a s106sum of £15,000 to cover this and to be paid prior to commencement to allow for the extended time needed for consultation. There is an existing pelican crossing on Clifton Drive North in

the vicinity of the former Pontins site access. A584 Clifton Drive North has advisory cycle ways on both northbound and southbound carriageways, these form part of National Cycle Route 62 Preston to Blackpool

Traffic Surveys and Traffic Growth

using TEMPRO 7 based on MSOA Fylde004 and without any reductions of the alternative assumptions for households, the growth factors for 2011 to 2014 were:

AM Peak: 1.0155 (1.5%)

PM Peak: 1.0156 (1.6%)

Even though these figures are slightly above the observed growth, they would result in a negligible change in traffic and to avoid costly re-analysis I am willing to accept the developer's assumption of zero growth between 2011 and 2014 with the consideration that the results submitted will be slightly better than would be expected.

Personal Injury Accident Data

I have reviewed the latest accident data from LCCs Mapzone for a five year period from Feb 2011 to Jan 2016 and there were 13 collisions on the A584 Clifton Drive North between its junctions with Squires Gate Lane and Highbury Road West. I concluded that the Lancashire PIA data does not suggest any particular accident pattern that would be a cause for concern.

An independent Stage 1 Road Safety Audit (RSA) would be required for the site access as part of the s278 agreement for its construction.

Sustainable Transport & Links

NPPF sets out the principles 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.

Should the LPA be minded to approve this application, it would be appropriate to seek planning obligation contributions from this development to support improvements to the local network and sustainable transport links. This funding will be used to implement changes to limit the negative impact of this large development on the existing network. It should be noted that the Phase 2 development has already committed to supplying the following sustainable improvements:

1. Upgrade of 2 No bus stops (2500B0295, Thursby Home o/s and 2500B0246, Thursby Home opposite) to quality bus standard, although it is noted that the Thursby Home o/s stop has previously been upgraded with a raised platform.

Pedestrian and Cycling Measures

It is clear there will need to be good provision of pedestrian/cycle routes through the site to the site access and also the existing bus stops. I request that the developer give further consideration to the delivery of measures to support improvements for pedestrians and cyclists to improve connectivity to amenities and support for wider connectivity improvements, for example improved 3.5m wide pedestrian/cycle shared links into the site and a direct pedestrian link to Squires Gate Rail Station. These improvements to pedestrian/cycle links will help promote sustainable travel in line with NPPF. Drawing SK005 P1 shows the introduction of a shared ped/cycle route along a widened footway and a number of pedestrian refuge islands along Clifton Drive North, this would support the reduction in the speed limit to 30mph (as detailed above) and would also promote sustainable cycle usage between the site and Lythan/St Annes and beyond and provide crossing opportunities for pedestrians using the northbound bus stops. If this was developer funded as part of a s278 agreement it would be welcomed by LCC as it would be seen as part of the maximising of sustainable transport opportunities

in line with NPPF. Additional construction details would need to be provided as part of the s278 scheme.

There is an existing pelican crossing in the vicinity of the old Pontin's entrance. This would benefit from upgrade to a Puffin in order to provide long term safe crossing facilities from the site to the northbound bus stops and the northbound advisory cycle lane for the residents at both phase 1 and phase 2 of the development. This should also be done as part of the s278 agreement.

Public Transport - Bus

Any proposed PT improvements should be delivered early in the development build out to support PT from the earliest opportunity, I would suggest prior to commencement of phase 1 as phase 2 is already well into construction. The current bus services in the immediate vicinity of the site are all fully commercial services with 15 min frequencies.

It should be noted that paragraph 3.22 of the TA refers to a tram frequencies table, not bus frequencies as suggested.

The A584 past the site is an important bus corridor and as such any additional junction delay caused by development traffic will have a detrimental effect on public transport provision and sustainability. Because of this I feel that mitigation should be applied at any junctions along this corridor showing additional congestion caused by the development traffic, this specifically refers to the junction with Highbury Road West.

I consider the 4 no existing bus stops for northbound and southbound services, adjacent to the proposed site, should be upgraded to Quality Bus Standard as appropriate. These are 2500B0244 Starr Gate (by) and 2500386 Clifton Drive North (by) for southbound services and 2500385 New Road (opp) and 2500B0296 Clifton Drive North (opp) for northbound services. This work should also to be delivered through a s278 agreement and should be completed prior to construction on phase 1.

Public Transport - Rail

The proposed development site is adjacent to Squires gate rail station, this has an hourly service between Blackpool South station and Colne, via Preston. The current pedestrian route between the site and the station is not direct and involves the use of two sets of steps. On drawing PB-LSA-PL1-PH1 rev D a direct and flat/ramped link to the station, as suggested by both myself and Network Rail in their consultation response, has been included. It should be noted, however, that there is a strip of land between the proposed pedestrian link and the station platform that is outside the application boundary and may be in the ownership of a third party. Further information as to the deliverability of this link was requested from the applicant but is outstanding. The aspiration to see the phase 3 extension of the tram link along the Blackpool South line as far as Kirkham still exists and this would increase the frequency and number of public transport destinations for the site when this direct link is in place.

Sustainable Measures to be Funded by the Developer (done under a s278 agreement)

- Upgrade of 4no bus stops to DDA compliant standard with shelters
- Upgrade of Clifton Drive North Pelican crossing to Puffin crossing
- Installation of MOVA at the A584/Highbury Road West junction
- DDA standard pedestrian/cyclist access to Squires Gate Station

These four items would help the development to maximise sustainable transport options in line with NPPF.

Development Traffic Generation and Distribution

As previously noted the trip generation and distribution of development traffic is acceptable.

Access Strategy

It is proposed that vehicular access to the 353 residential dwellings will be from a single junction off A584 Clifton Drive North. The proposed new access is to be provided to the north of the former Pontins holiday camp access. Drawing PB-LSA-PL1-PH1 Rev E shows the addition of an emergency access located off New Road to the north east of the development site between plots 5 and 252. This would provide suitable emergency access were the main access to be blocked, however, further details should be provided to show how this emergency access will be maintained and will allow emergency vehicle, pedestrian and cyclist use only. Details of any bollards and their means of operation should be included in this information. Provision of these details as an access management strategy note could be conditioned so as not to slow up the process.

No detailed plans or drawings were provided to show the main vehicular access and so no highway comments have been provided. The site access works will need to be done as part of a s278 agreement with LCC as the highway authority and detailed construction drawings should be submitted to and approved by LCC prior to commencement of the development, this should be conditioned.

As requested previously, the pedestrian/cycle paths at either side of the main access should be at least 3.5m wide to allow for shared use and to provide a visual promotion of the site's sustainable transport options.

Internal Site Layout, Parking Standards/Parking Provision

I would make the following observations based on the Feature Plot Plan (drawing PB-LSA-PL1-PH1 Rev E) and the planning department is advised to consider these comments before determining the application, although it is accepted that they cannot be used as a reason for a highways objection. In line with my previous comments it should be noted that, with the current layout, LCC would NOT be willing to accept the development for adoption. The Highway Development Control Section is of the opinion that the revised proposed internal highway layout is still not the principles of Manual for Streets and Creating Civilised Streets, due to the regimented layout. The internal spine road is to be designed as a 20mph road with better use of horizontal deflection, rather than vertical deflection. Typically the speed reducing features to be at a maximum of 75m centres. Many of the shown ramps for plateaus and road humps are obstructing access to private drives. The minimum internal single garage size to be 6x3m and this includes integral garages. The Joint Lancashire Structure Plan and recommends the following individual parking provision: -

- One-bedroom properties to have 100% parking.
- Two to three bedroom properties to have 200% parking.
- Four to five bedroom properties to have 300% parking.

The Joint Lancashire Structure Plan and recommends an average of 1.5 secure cycle spaces per dwelling/bedroom for communal cycle storage areas for the apartments to support social inclusion and promote sustainable forms of transport. At the apartments provide a turning head to be either a prescribed "Access Way" turning head from Lancashire County Council Residential Design Guide or prove the turning head layout by swept path analysis for a twin axel refuse vehicle. The applicant should provide accurate details of the required turning head before determining the application and the turning head protected under condition, for perpetuity.

Traffic Growth and Junction Capacity Analysis

Junction capacity analysis using the industry standard Li

Sig and PICADY programmes were carried out for the signalised junctions at A584/Highbury Road West, A584/Squires Gate Lane, Squires Gate Lane/Lytham Road and Squires Gate Lane/Amy Johnson

Way and the priority junction of A584/site access (Phase 1 northern and Phase 2 southern access). These were done for both observed base year flows (except the site access junction) and "with development" flows (including the site access junction) for the future assessment year of 2024. The use of 2024 for future year flows would give an estimated build out time of 8 years, this would equate to approximately 44 dwellings per year. This is optimistic but achievable and is therefore acceptable as a future analysis year.

Traffic Growth to Analysis Year (2024)

The base year flows were factored up to 2024 from the 2011 observed flows using factors obtained from the TEMPRO/NTM programme in order to obtain a future analysis year base figure. The original TA used TEMPRO traffic growth calculations for 2011 to 2024 using alternate assumption figures for Colne and not Lytham, this would have increased the number of future households to 2453 and not 1463 as detailed in the TA, the correct St Annes figures should have a total of 2100 households remaining in the dataset. The re-submitted TA has corrected the wording in paragraph 6.7 but has retained the Colne figures.

Additionally a discount of 348 dwellings to avoid double counting is also incorrect as, at most, TEMPRO/NTM would have accounted for only 275 dwellings at the site, as this was the level of development previously granted permission. If the full discount of 348 dwellings was used, the committed development flows for Phase 2 should be added to the base flows. These errors would effectively remove traffic from the future network, causing an underestimation of the junction reserve capacity. I consider that the correct growth rates using TEMPRO 7 should be AM Peak: 1.1349 (13%) and PM Peak: 1.1394 (14%)

Junction Capacity Analysis

Of the 5 junctions analysed, only two (A584/Highbury Road West and A584/Site Access) are within Lancashire, the remainder are the responsibility of Blackpool Council and the LPA should seek advice from Blackpool on the capacity modelling of these junctions. (Consulted but no comments received).

A584/Highbury Road West

2014 – LinSig modelling shows that this junction operates within capacity.

2024 – LinSig modelling shows that this junction will operate either close to or above capacity during the peak hours. This congestion will have an effect on the reliability of public transport along this corridor.

A584/Site Access Junction

2014 – n/a

2024 – PICADY modelling shows this junction will operate within capacity.

Errors in the calculations of the background traffic figures, as detailed above, will have resulted in over estimating the reserve capacity of the junctions in both the 2014 and the 2024 without development scenario.

With the combination of peak hour capacity issues and traffic figures calculation errors, I would expect that because of the increased delay predicted at the junction caused by the development traffic, the developer would provide suitable mitigation, under a s278 agreement, at the A584/Highbury Road West junction, this could be in the form of the upgrade of the traffic signals to incorporate MOVA to compensate for additional delay caused by development traffic. This would be to improve reliability of public transport along this corridor and would be part of the developer's commitment to sustainable transport options and should be done prior to commencement as phase 2 has already put additional traffic onto this part of the network.

Travel Plan

Full Travel Plan

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

- Contact details of a named Travel Plan Co-ordinator
- Results from residential travel survey
- Details of cycling, pedestrian and/or public transport links to and through the site
- Details of the provision of cycle parking.
- Objectives
- SMART Targets for non-car modes of travel, taking into account the baseline data from the first survey
- Action plan of measures to be introduced, and appropriate funding
- Details of arrangements for monitoring and review of the Travel Plan for a period of at least 5 years

To ensure that suitable wording is used if the Planning Authority decides to secure a Travel Plan through the use of a condition a suggested wording is included below.

On a development of this size we would normally request a contribution of £24,000. This is to enable Lancashire County Council's Travel Planning Team to provide a range of services as outlined below. Section 106 contributions will primarily be used to enable the Sustainable Travel team to

- Appraise Travel Plan(s) submitted to the Planning Authority and provide constructive feedback.
- Oversee the progression from Framework to Full Travel Plan in line with agreed timescales.
- Monitor the development, implementation and review of the Travel Plan for a period of up to 5 years.
- Support the development and implementation of the Travel Plan.
- Develop and provide 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.

If Fylde Council were minded to approve this application, a commitment from the developer would be required to ensure appropriate funding is available to support the measures and targets of the Travel Plan. This funding would only be required if Travel Plan targets are not achieved (and is to be made available to the developers appointed travel plan coordinator and not passed to the LPA or the LHA). Note: the funding must have the potential to deliver a real change to more sustainable modes. Such a change could be delivered through funding towards a bike (and safety equipment) for each household and a month's travel on public transport to encourage modal shift. The level offered must be adequate to deliver the measures necessary to support the targets within the Travel Plan. LCC consider funding of £180 per dwelling is appropriate for this site and to be retained by the developers appointed travel plan coordinator (and not LCC or Fylde) for 5 years from first occupation

Phasing Plan

I would recommend that a phasing plan be submitted by the developer and approved by the highway authority/LPA prior to the commencement of construction of the site, including timings for s278 works and sustainable measures. This phasing plan should be conditioned.

S278 Works

Should the Local Planning Authority be minded to approve this application the applicant is advised that the new site access will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal.

The proposed s278 works are expected to include the following measures:

- Design and construction of the site access junction and all secondary pedestrian/cyclist accesses onto the highway network.
- Narrowing of highway by white lining and pedestrian refuge islands and widening of footway for shared pedestrian/cycleway as shown in drawing SK005 P1.
- Upgrade of 4no bus stops on Clifton Drive North to DDA compliant standard with shelters
- Upgrade of Clifton Drive North Pelican crossing to Puffin crossing
- DDA standard pedestrian/cyclist access to Squires Gate Station
- Upgrade of A584/Highbury Road West traffic signals to include MOVA

The Trigger points for s278 highway changes will be before commencement of development and indicated as so within the phasing plan, unless otherwise agreed with LCC and the LPA:

In an e-mail (dated 21st September), the applicant agreed to submit s278 for the following;

- Design and construction of the site access junction and all secondary pedestrian/cyclist accesses onto the highway network.
- Costs of TRO for change of 30mph limit on Clifton Drive North
- Narrowing of highway by white lining and pedestrian refuge islands and widening of footway for shared pedestrian/cycleway as shown in drawing SK005 P1.
- Upgrade of 4no bus stops on Clifton Drive North to quality bus standard
- Upgrade of Clifton Drive North Pelican crossing to Puffin crossing
- pedestrian/cyclist access to Squires Gate Station

I am happy to see the applicant offering these, but would be happy to have the speed limit change carried out with a speed limit review and done via a s106 agreement so that the development is not delayed during the TRO consultation process and have included this in the s106 contributions below.

Planning Obligations (s106 Planning Contributions)

It is appropriate to seek planning obligation contributions from this development to support improvements to the local network and sustainable transport links. This funding will be used to implement changes to improve routes to amenities; employment, retail and recreation from this development to the wider network. A considered request for Section 106 contributions towards sustainable transport has been based on a detailed assessment of the site and the submitted Transport Assessment (and supplementary information). The planning contributions requested are detailed below:

(i) Travel Plan Support

LCC request a sum of £24,000, which is appropriate for a development of this scale and in line with LCC's Planning Obligations Policy Paper, to enable Lancashire County Councils Travel Planning Team to provide a range of Travel Plan services.

Trigger - Occupation of the 1st dwelling.

In addition, if Fylde Council were minded to approve this application, a commitment from the developer would be required to ensure appropriate funding is available for five years from first occupation to support the measures and targets of the Travel Plan, as set out above under the heading Travel Plan. It is suggested that this is £850 per dwelling. This funding would only be required if Travel Plan targets are not achieved (and is to be made available to the developers appointed travel plan coordinator and not passed to the LPA or the LHA).

Trigger - Occupation of the 1st dwelling and made available for 5 years.

(ii) Speed Limit Review and Implementation of Changes to TRO

LCC requests a sum of £15,000 in order to carry out a speed limit review and implement any changes to the speed limit TRO based on any findings of the review. If the review recommends that there should be no change or if underspend occurs, any remaining funding will be returned to the developer. The reason for putting this as a s106 request is to avoid any unnecessary delays to the development while the review and TRO consultations go ahead.

Trigger – Prior to commencement.

Requested Planning Obligations (s106 Planning Contributions) - Summary

Travel Plan Support £24,000

Funding to support measures and targets within the Travel Plan £180 per dwelling (to be made available to appointed travel plan coordinator)

Speed Limit Review and implementation of TRO changes £15,000

Total £39,000 + the £180 per dwelling travel planning commitment

Summary and Recommendation

Lancashire County Council, as highway authority, have no highways objections to this application in principle, providing that all the recommendations and the s278 and s106 proposals made in this consultation response have been accepted, and the following conditions and notes have been included. If the recommendations, notes and conditions are not accepted, LCC would have issues supporting the development on sustainability and highway safety grounds.

Natural England

A large amount of dialogue with Natural England has been undertaken with the following a summary of the latest response;

We have reviewed the details of the Appropriate Assessment and advise that on the basis of information provided, it is not possible to ascertain that the proposal will not result in adverse effects on site integrity and therefore further is required. We provide our detailed advice in Appendix A.

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is within 200m of the Ribble and Alt Estuaries Special Protection Area (SPA) which is a European site. The site is also listed as Ribble and Alt Estuaries Ramsar site¹ and also notified at a national level as Ribble Estuary Site of Special Scientific Interest (SSSI) and Lytham St Annes Dunes SSSI.

Further information required

Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard for Natural England's advice.

Natural England notes that the Habitats Regulations Assessment - Appropriate Assessment (HRA) has

not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

The appropriate assessment concludes that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that it is not possible to ascertain that the proposal will not result in adverse effects on site integrity.

Natural England advises that the assessment currently does not provide enough information and/or certainty to justify the assessment conclusion for your authority to grant planning permission at this stage.

Whilst we do not object to the principle of development on this site, further assessment and consideration of the mitigation options is required. It is not clear whether the provision of a large scale mitigation area will be successful as it is proposed and further details are required about the role of the proposed warden and the overall package of mitigation for recreational disturbance on the foreshore.

We would welcome an opportunity to discuss the proposed mitigation strategy with the applicant, with input from yourselves and the warden service. Any advice we provide to the applicant would be chargeable via the Discretionary Advice Service (details below).

Once the mitigation measures have been reconsidered and will reduce the damage likely to be caused to the designated sites from recreational pressure, we will be happy to re-consider the details of the application and amend our position as appropriate.

Environmental Protection (Pollution)

With reference to your memorandum dated 5th February 2016, there are no objections to the above proposals in principle, however I would add the following conditions:

Activity onsite shall be restricted to 8am until 6pm Monday to Friday and 8am until 1pm on Saturdays. No noisy works should be carried out on Sundays and Bank Holidays.

As the site is now approaching the dwellings on New Road, the applicant shall be mindful of any dust produced as a result of the construction activity. Therefore a dust management plan shall be submitted that covers the following points:

- provide and use suitably covered skips and enclosed chutes, or take other suitable measures in order to minimise dust emission to the atmosphere when materials and waste are removed from the premises. All skips used for the storage of waste should be kept covered so far as is reasonably practicable*
- provide, fix and maintain suitable screens or awnings to screen the building and scaffold so as to effectively minimise dust and debris from falling or being blown over the boundaries*
- provide, maintain and use a supply of water and means of dispensing it, to dampen dust in order to minimise its emission from the site*
- do not permit the sweeping of any dust or dusty material without effectively treating it with water or other substance in order to minimise its emission from the premises*
- With regard to the excavation and subsequent movement of material from a construction site, consider the following:*
- where possible, dampen down the area being excavated to reduce the possibility of wind blown dust*

- wash down all machinery and vehicles (including wheels) prior to leaving the site or joining a public highway, thus preventing dust being transported outside the construction area

The site was known to be contaminated with small amounts of asbestos. The applicant shall submit documentation to demonstrate that the asbestos has been managed/removed and that the soil content is below recommend guidelines.

Irrespective of further airport use all dwellings shall be subject to the following noise criteria:

The proposed development shall be designed so that cumulative noise from industrial, commercial or existing road traffic sources within habitable rooms does not exceed 35dB LAeq (16 hour) from 07.00 to 23.00, 30dB LAeq (8 hour) from 23.00 to 07.00, and 45dB LAFmax from (19.00 – 0700 or 2300-0700) for single sound events, and to all outdoor living areas, for example rear gardens and balconies, do not exceed 55dB LAeq (16 hour) from 07.00 to 23.00 and 45dB LAeq (8 hour) 23.00 – 07.00 or any such level as agreed in writing by the Local Planning Authorities. Prior to the submission of an application for full planning permission a noise study shall be undertaken to demonstrate that the development meets this requirement.*

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

Strategic Housing

Affordable housing should be split 70/30, with 70% being affordable rent and 30% DMS. Because of the sites location adjacent to Blackpool it would be appropriate to if a Fylde resident cannot be found then it be offered to residents of Blackpool, but Fylde should get first priority.

Drainage & Flood Defence

Our records which date from 2010 show that the site has no recorded flooding events.

Parks Manager

Has provided a SPA mitigation proposals document which provides details of a proposed Coastal Ranger Post for 5 years whom would lead on SPA coastal protection, promotion and conservation: raising awareness and educating on value of local ecological heritage. Undertaking patrols and enforcement duties. As well as signage and information boards, bins and monitoring and evaluation of activities.

National Air Traffic Services

No safeguarding objections to the development.

Lancashire CC Flood Risk Management Team

No objections to the proposed development subject to conditions in relation to the development being carried out in accordance with the submitted FRA and surface water drainage details and its management being submitted and approved.

Greater Manchester Ecology Unit

The site itself is not of intrinsic substantive ecological value, although there were a few scattered plant species of some local interest. Rather, the ecological value of the site lies in its context, as it is surrounded by sites of high nature conservation value, including the Ribble and Alt Estuaries SPA / SSSI, the Lytham St Anne's Dunes SSSI and the Biological Heritage Sites at Lytham Foreshore Dunes and Salt Marsh and St Anne's Old Links Golf Course.

I would agree with the conclusions of the ES that the potentially most harmful impacts that could be caused by the development proposal to the special interest of these protected sites could arise from increased recreational use of the surrounding sand dunes, shore and estuary, particularly arising from dog walking. This impact on the nearby SPA has in fact been identified as requiring further formal Assessment under the terms of the EU Habitats Directive; it is understood that this Assessment is being undertaken by others. I would comment that one of the most effective ways of mitigating for recreational disturbance is through effective wardening of protected sites.

The main proposals for mitigating for this identified impact as put forward in the Ecology chapter of the ES are to provide managed access from the new development into the adjacent sand dune and coastal habitats, in the form of boardwalks, signboards, dog bins etc. While I would agree that these measures would be useful I could not find details of these proposals re-iterated elsewhere in the application documentation, although I note that 'all final offsite mitigation methods are to be agreed with the Fylde Sand Dunes Project (partnership between Fylde Borough Council and LWT and Blackpool Council'. I would recommend that these measures, once finally agreed, are required to be implemented; if they are to be provided 'off-site' perhaps they could be included in any future S106 that may be drawn up for the scheme?

I would further support the additional proposals for mitigating possible harm to adjacent sites by –

- *Erecting robust fencing between the site and the adjacent nature conservation areas to prevent encroachment during any construction period.*
- *Appointing an 'Ecological' Clerk of Works during the course of any construction period to oversee ecological mitigation measures.*
- *Preparing and implementing a robust 'Environmental' Construction Method Statement which should include details of measures to be taken to prevent harm to adjacent nature conservation sites during the course of construction.*

In terms of mitigating for potential harm caused to habitats and species on the application site I would support proposals in the ES to translocate any important plants and (re)establish any important habitats for birds into ecological mitigation / compensation areas. The Landscaped areas, and particularly the land to be left open between the southern and northern parts of the development, may provide suitable opportunities for relocating any sensitive species. However, currently the Landscaping of these areas of open space does not appear to accurately reflect the open coastal landscapes and habitats that provide the context for the site. The areas are also relatively small and will be subject to disturbance, meaning that it may not be suitable for use by displaced nesting birds. I would therefore prefer the areas of open space to be larger and for them to better address the local landscape character. Consideration should also be given to fencing off some areas so that are suitable for use by nesting birds. In addition, long-term management of these areas of open space should be secured by requiring long-term management plans to be prepared and, once approved, implemented (I could find reference to a long-term Habitat and Landscape Management Plan in the ES but not the actual Plan?)

Other Ecology considerations –

- *Site and ground clearance works should not commence during the optimum period for bird nesting (March to August inclusive). The site supports important populations of ground-nesting birds, particularly Ringed Plover.*
- *A Method Statement should be required to address the possibility of encountering common lizards during any site clearance works. A 'refuge' area will be required to allow for reptiles to be safely moved from active work areas.*
- *Japanese Rose, an invasive plant species, should be removed from the site as appropriate.*

Electricity North West

Could have an impact on their infrastructure. There are a number of ENWL underground cables on the former Pontins Site. A number, but not all, of these are out of commission. Safe digging practices must be followed in this area.

Ministry of Defence – Safeguarding

No comments received

BAe Systems

No objections to the proposal.

Regeneration Team (Heritage)

No comments received.

Lancashire County Archaeology Service

No objections to the development.

LCC Contributions

LCC Education have requested £732,564 towards 60 primary school places and £975,055.84 towards 53 secondary school places. Due to the scale of the proposed development LCC may also be seeking a school site to address the impact of the development. This would be a 1 form entry site primary school site. The size of the site required will be 11,220m². This request is based on each dwelling being a four bedroom detached dwelling which is not the case, there are a number of smaller properties and therefore this will need to be recalculated. This has been requested of LCC but at the time of writing the report had not been received.

Network Rail

Network Rail has no objection in principle to the above – but due to the proposal being next to Network Rail land and critical railway infrastructure we would comment as follows.

Network Rail would wish to see specific reference made to the topics covered by our consultation response in the decision notice. The associated conditions should be worded to require the express agreement of Network Rail prior to the commencement of the development.

Network Rail has a statutory obligation to ensure the availability of safe train paths and as such we are required to take an active interest in any development adjacent to our infrastructure that potentially could affect the safe operation of the railway.

Developer Contributions

The proposal will be next to Squires Gate Railway Station, and due to the potential for increased footfall at the station we would request that the LPA strongly consider a developer contribution towards enhancements at the station.

The following enhancements should be considered:

- *Level access to the platform from Pontins side – an assessment required*
- *Car drop off area adjacent to the platform - an assessment required*
- *New 3 bay Macemain platform shelter - £25K*
- *New platform seating - £10K*

As Network Rail is a public body it is not reasonable to expect funding for railway infrastructure mitigation measures as a result of third party commercial developments. Developer contributions from CIL towards enhancements at railway stations should be viewed in the same way as contributions towards highways, or local infrastructure improvements. LPAs and developers are welcome to contact

Network Rail prior to the submission of outline planning applications to determine if proposals could impact upon footfall at railway stations. If there is a potential for impact then a developer contribution towards any necessary enhancements should be included as part of the planning obligations.

RAMS

Network Rail requests that the developer submit a risk assessment and method statement (RAMS) for the proposal to the Network Rail Asset Protection Engineer once the proposal has entered the development and construction phase. The RAMS should consider all works to be undertaken within 10m of the operational railway. We require reviewing the RAMS to ensure that works on site follow safe methods of working and have taken into consideration any potential impact on Network Rail land and the operational railway. The developer should contact Network Rail Asset Protection prior to works commencing at AssetProtectionLNWNorth@networkrail.co.uk to discuss the proposal and RAMS requirements in more detail.

Fencing

If not already in place, the developer must provide, at their own expense, a suitable trespass proof steel palisade fence of at least 1.8m in height adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon or over-sailing of Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment. Any existing Network Rail fencing at the site has been erected to take account of the risk posed at the time the fencing was erected and not to take into account any presumed future use of the site, where increased numbers of people and minors may be using the areas adjacent to the operational railway. Therefore, any proposed residential development imports a risk of trespass onto the railway, which we would remind the council, is a criminal offence (s55 British Transport Commission Act 1949). As the applicant has chosen to develop a proposal next to the railway, they are requested to provide a suitable trespass proof fence to mitigate any risks imported by the proposal.

Network Rail is a publicly funded organisation and it would not be reasonable to require Network Rail to fund boundary works, fencing and boundary enhancements necessitated by third party commercial development adjacent to the railway.

Network Rail's Asset Protection Engineer will need to review the fencing to ensure that no works to the foundations undermine or destabilise Network Rail land, or encroach onto Network Rail land. The applicant is reminded that any works close to the Network Rail boundary, and any excavation works are also covered by the Party Wall Act of 1996. Should any foundations, any excavations or any part of the building encroach onto Network Rail land then the applicant would need to serve notice on Network Rail and they would be liable for costs. An applicant cannot access Network Rail land without permission (via the Asset Protection Team) and in addition to any costs under the Party Wall Act, the applicant would also be liable for all Network Rail site supervision costs whilst works are undertaken. No works in these circumstances are to commence without the agreement of the Network Rail Asset Protection Engineer.

We would request a condition is included in the planning consent as follows:

"Prior to occupation of the dwellings the developer is to provide a suitable trespass proof fence adjacent to the boundary with the railway."

Reason: To protect the adjacent railway from unauthorised access

Should the council obviate Network Rail's request for a trespass proof fence and decide that an acoustic fence is more suitable then we would have the following comments.

Acoustic fencing / close boarded fencing that is proposed to be installed along the boundary with Network Rail is a cause for concern. Therefore the acoustic fence and its foundation design would be subject to the Network Rail Asset Protection Engineer review. Any acoustic fencing should be set back from the boundary with Network Rail by 1m. Over the height of 1.8m, Network Rail would have to consider the impacts of wind loading on the fence. There is the potential for the fence to topple over and fall onto or towards the operational railway and damage Network Rail's existing boundary treatments, safety critical lineside equipment as well as the issue of falling into the path of trains using the line. De-stabilisation of land, soil slippage and railway fencing foundations being undermined should also be considered as potential areas impacted by a high acoustic fence. We also request a 1m stand off to ensure that the supports for the acoustic fence do not encroach onto Network Rail land or impact upon the railway. We would request a condition is included in the planning consent as follows:

Condition:

"Prior to the commencement of the development, acoustic fencing mitigation measures shall be submitted to the Local Planning Authority and Network Rail."

Reason: To protect the adjacent railway boundary.

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

- *There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network*

Rail air-space and no encroachment of foundations onto Network Rail land and soil.

- *Any future maintenance must be conducted solely within the applicant's land ownership.*
- *Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by a third party that may adversely impact its land and infrastructure. Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.*

Scaffolding

Any scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, should they topple over in the direction of the railway then there must be at least a 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.

This is to ensure that the safety of the railway is preserved and that scaffolding does not:

- *Fall into the path of on-coming trains*
- *Fall onto and damage critical and safety related lineside equipment and infrastructure*
- *Fall onto overhead lines bringing them down, resulting in serious safety issues (this is applicable if the proposal is above the railway and where the line is electrified).*

The applicant is requested to submit details of proposed scaffolding works to the Network Rail Asset

Protection Engineer for review.

We would request a condition is applied as follows:

“Any scaffolding which is to be erected /constructed within 10metres of a boundary to a railway line must be erected in such a manner that at no time will any poles over-sail the railway line. A method statement giving details of measures to be taken to prevent construction materials from the development reaching the railway (including protective fencing) shall be submitted to the LPA before the development commences.”

Reason - In the interests of railway safety

Vibro-Impact Machinery

If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement must be submitted to the Network Rail Asset Protection Engineer.

- All works shall only be carried out in accordance with the method statement and the works will be reviewed by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling.*
- The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.*

Maximum allowable levels of vibration - CFA piling is preferred as this tends to give rise to less vibration. Excessive vibration caused by piling can damage railway structures and cause movement to the railway track as a result of the consolidation of track ballast. The developer must demonstrate that the vibration does not exceed a peak particle velocity of 5mm/s at any structure or with respect to the rail track. If vibro-impact equipment is to be used we would request a condition is added to the planning consent as follows:

“Prior to any vibro-impact works on site, a risk assessment and method statement shall be submitted to the LPA and Network Rail.”

Reason – to prevent any piling works and vibration from de-stabilising or impacting the railway.

Demolition / Refurbishment

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Review of the method statement will be undertaken by the Network Rail’s Asset Protection Engineer before the development can commence. Network Rail would wish to comment that any applicant is strongly recommended to employ companies to demolish buildings / structures belonging to the National Federation of Demolition Contractors. This will ensure that all demolition works are carried out to professional standards and the company itself will also include liability insurance as part of its service.

Condition states:

Prior to the commencement of the development a method statement for the demolition of existing buildings on site must be submitted to the Local Planning Authority and Network Rail. Demolition.

Reason: Due to the proximity of buildings to trees and the railway line.

Drainage

All surface water is to be directed away from the direction of the railway. Soakaways, as a means of storm/surface water disposal must not be constructed near / within 20 metres of Network Rail’s boundary or at any point which could adversely affect the stability of Network Rail’s property. Once

water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway.

- *Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains.*
- *Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's property.*
- *Proper provision must be made to accept and continue drainage discharging from Network Rail's property.*
- *Suitable foul drainage must be provided separate from Network Rail's existing drainage.*
- *Drainage works could also impact upon culverts on developers land.*

Water discharged into the soil from the applicant's drainage system and land could seep onto Network Rail land causing flooding, water and soil run off onto lineside safety critical equipment / infrastructure; or lead to destabilisation of land through water saturation.

Full details of the drainage plans are to be submitted to the Network Rail Asset Protection Engineer.

No works are to commence on site on any drainage proposals without agreement of the documentation by the Network Rail Asset Protection Engineer.

We would request that a condition is included in the planning consent as follows:

Condition:

"Prior to the commencement of the development details of the disposal of both surface water and foul water drainage directed away from the railway shall be submitted to the Local Planning Authority and Network Rail."

Reason: To protect the adjacent railway from the risk of flooding and pollution.

No infiltration of surface water drainage into the ground is permitted other than where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. If the developer and the LPA insists on a sustainable drainage and flooding system then the issue and responsibility of flooding and water saturation should not be passed onto Network Rail and our land. The NPPF states that, "103. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere," We recognise that councils are looking to proposals that are sustainable, however, we would remind the council in regards to this proposal in relation to the flooding, drainage, surface and foul water management risk that it should not increase the risk of flooding, water saturation, pollution and drainage issues 'elsewhere', i.e. on to Network Rail land. Details of the design and implementation of an appropriate surface water sustainable drainage scheme, based on sustainable drainage principles, should be agreed with Network Rail.

Excavation

Network Rail will need to review all excavation and earthworks within 10m of the railway boundary to determine if the works might impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to be informed of any alterations to ground levels, de-watering or ground stabilisation and we would need to agree the works on site to ensure that there is no impact upon critical railway infrastructure. When under-taking ground works, developers should take all necessary measurements from the boundary with Network Rail land and not the distance from their works to the nearest railway tracks.

We would request a condition is included in the planning consent as follows:

Condition:

"Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to the Local Planning Authority and Network Rail."

Reason: To protect the adjacent railway.

The NPPF states:

120. To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

2m Gap

Network Rail requests that the developer ensures there is a minimum 2 metres gap between the buildings and structures on site and our boundary fencing.

- To allow for all construction works on site and any future maintenance to be carried out wholly within the applicant's own land ownership and without encroachment onto Network Rail land and air-space. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949).*
- To ensure that should the buildings and structures on site fail or collapse that it will do so without damaging Network Rail's boundary treatment or causing damage to the railway (e.g. any embankments, cuttings, any lineside equipment, signals, overhead lines) and to prevent the materials from the buildings and structures on site falling into the path of trains.*
- To ensure that the buildings and structures on site cannot be scaled and thus used as a means of accessing Network Rail land without authorisation.*
- To ensure that Network Rail can maintain and renew its boundary treatment, fencing, walls.*
- That the proposal will not be impacted by overhead electrified lines. Induced voltage can affect structures or individuals up to 20m from the overhead line. AC lines have overhead cables, DC lines are third rail.*
- There are no Party Wall issues for which the applicant would be liable for all costs.*
- To ensure that the applicant does not construct their proposal so that any foundations (for walls, buildings etc) do not end up encroaching onto Network Rail land. Any foundations that encroach onto Network Rail land could undermine, de-stabilise or other impact upon the operational railway land, including embankments, cuttings etc. Under Building Regulations the depth and width of foundations will be dependant upon the size of the structure, therefore foundations may impact upon Network Rail land by undermining or de-stabilising soil or boundary treatments.*

The NPPF at Section 17, bullet 4 states:

"Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings"

We believe this comment supports our position on the location of buildings close to the railway boundary.

Noise

Network Rail recommends that the LPA and the developer (along with their chosen acoustic contractor) engage in discussions to determine the most appropriate measures to mitigate noise and vibration from the existing railway to ensure that there will be no future issues for residents once they take up occupation of the dwellings. Consideration might be given by the developer and the LPA to existing British Standards, the National Planning Policy Framework,

Regulatory Services guidance, e.g. Significant Observed Adverse Effect Level (SOAEL), the Noise Policy Statement for England and the World Health Organisation (WHO) recommendations when considering noise and vibration mitigation measures for third party proposals in proximity to the railway. Network Rail is aware that residents of dwellings adjacent to the railway have in the past discovered issues

upon occupation of dwellings with noise and vibration from the existing operational railway, as a consequence of inadequate mitigation measures for the site, and therefore it is a matter for the developer and the LPA via mitigation measures and conditions to ensure that these issues are mitigated appropriately prior to construction.

- The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains.
- Network Rail also often carry out works at night on the operational railway when normal rail traffic is suspended and often these works can be noisy and cause vibration.
- Network Rail may need to conduct emergency works on the railway line and equipment and these would not be notified to residents in advance due to their safety critical nature.
- The proposal should not prevent Network Rail from its statutory undertaking. Network Rail is a track authority. It may authorise the use of the track by train operating companies or independent railway operators, and may be compelled to give such authorisation. Its ability to respond to any enquiries regarding intended future use is therefore limited.

Landscaping

We would draw the council's and developer's attention to the Department of Transport's 'Transport Resilience Review: A Review of the Resilience of the Transport Network to Extreme Weather Events' July 2014, which states, "On the railways, trees blown over in the storms caused severe disruption and damage on a number of routes and a number of days, particularly after the St Jude's storm on 28th October, and embankment slips triggered by the intense rainfall resulted in several lines being closed or disrupted for many days..... 6.29 Finally the problem of trees being blown over onto the railway is not confined to those on Network Rail land. Network Rail estimate that over 60% of the trees blown over last winter were from outside Network Rail's boundary. This is a much bigger problem for railways than it is for the strategic highway network, because most railway lines have a narrow footprint as a result of the original constructors wishing to minimise land take and keep the costs of land acquisition at a minimum." In light of the above, Network Rail would request that no trees are planted next to the boundary with our land and the operational railway. Network Rail would request that only evergreen shrubs are planted and we would request that they should be planted a minimum distance from the Network Rail boundary that is equal to their expected mature growth height.

- Trees can be blown over in high winds resulting in damage to Network Rail's boundary treatments / fencing as well as any lineside equipment (e.g. telecoms cabinets, signals) which has both safety and performance issues.
- Trees toppling over onto the operational railway could also bring down 25kv overhead lines, resulting in serious safety issues for any lineside workers or trains.
- Trees toppling over can also destabilise soil on Network Rail land and the applicant's land which could result in landslides or slippage of soil onto the operational railway.
- Deciduous trees shed their leaves which fall onto the rail track, any passing train therefore loses its grip on the rails due to leaf fall adhering to the rails, and there are issues with trains being unable to break correctly for signals set at danger.

The Network Rail Asset Protection Engineer is to review the landscaping plans.

Network Rail has a duty to provide, as far as is reasonably practical, a railway free from danger or obstruction from fallen trees. Trees growing within the railway corridor (i.e. between the railway boundary fences) are the responsibility of Network Rail. Trees growing alongside the railway boundary on adjacent land are the primary responsibility of the adjoining landowner or occupier.

All owners of trees have an obligation in law to manage trees on their property so that they do not cause a danger or a nuisance to their neighbours. This Duty of Care arises from the Occupiers Liability Acts of 1957 and 1984. A landowner or occupier must make sure that their trees are in a safe condition and mitigate any risk to a third party. Larger landowners should also have a tree policy to assess and manage the risk and to mitigate their liability.

Parking / Hard Standing Area

Where a proposal calls for hard standing area / parking of vehicles / turning areas near the boundary with the operational railway, Network Rail would very strongly recommend the installation of suitable high kerbs or crash barriers (e.g. Armco Safety Barriers). A suitable small earth bund, which could be managed by the applicant, would also be acceptable. This is to prevent vehicles from accidentally driving or rolling onto the railway or damaging lineside fencing. We would draw the LPA and developer's attention to the Department of Transport's, 'Managing the accidental obstruction of the railway by road vehicles.' (2003).

"The report (Health and Safety Commission, 2002) following the rail incursion at Great Heck in February 2001 recommended that the Department for Transport develop guidance on the application of measures to manage risk where roads meet, cross or run close to railways.

This guidance is most relevant to:

- _ road bridges over railways;*
- _ roads running alongside railways; and*
- _ cul de sacs ending at railways."*

In cases like these the developer will need to provide a risk assessment to determine what protection should be given to the railway and its boundary as a result of placing a road and parking spaces adjacent to railway land. The Road Vehicle Incursion Risk (RVI) should be considered by the developer in conjunction with the LPA and the Highways team. A risk assessment will provide a clear framework for any mitigation measures necessary when constructing a proposal that includes vehicle parking spaces and roads adjacent to the railway. We would request that a condition is included in the planning consent as follows:

Details of appropriate vehicle safety protection measures along the boundary with the railway shall be submitted to the Local Planning Authority (in consultation with Network Rail."

Reason: to prevent the design and layout of the road and parking spaces from impacting the adjacent operational railway with accidental vehicle incursion.

Network Rail believes that the condition is necessary and appropriate to this development to protect our infrastructure from damage to lineside fencing, or from vehicles accidentally rolling onto the railway and causing a close call.

Neighbour Observations

Neighbours notified:	19 February 2016
Site Notice Date:	18 March 2016
Press Notice Date:	18 February 2016
Number of Responses	10
Summary of Comments	

- Concerned about the lack of extension from the tramway onto the railway line, minimal space for such a proposal.
- Impact on infrastructure – schools and medical facilities.
- Natural dune habitat should be created alongside railway.
- Support the proposal for improved access to railway and better platform facilities. Cycle route also recommended.
- Increase in traffic and impact on road infrastructure.
- Alternative uses would be better suited.
- Too many dwellings will result in damage to the dunes
- Access to the station should include car parking.
- Impact on drainage affecting adjacent golf course.

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
EP15	Protection of European wildlife sites
EP16	Development in or near SSSI's
EP17	Devt in or near Biological & Geological Heritage Sites
EP27	Noise pollution
HL02	Development control criteria for new housing proposals
SP01	Development within settlements
SP03	Development in green belt
TR14	Blackpool airport
TREC17	Public Open Space within New Housing Developments

Fylde Local Plan to 2032:

Other Relevant Policy:

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

Comment and Analysis

The main issues when considering this application are;

- Principle of the development
- Design and layout
- Highways issues
- Impact on residential amenity
- Affordable housing
- Flood risk and drainage
- Ecology
- S106 Contributions

Principle of the development

The principle of residential development on the site has been established following outline planning approval 08/1049 which gave permission for up to 275 dwellings on the site. Since that application was permitted planning policies have changed. The RSS is no longer part of the development plan and the site is now allocated as HSS4 for housing and as a strategic location for development in the Fylde Local Plan to 2032. Given the planning history of this brownfield site and its allocation in the new Local Plan the principle of developing the residentially is acceptable. Given that the previous permission allowed 275 dwellings and this full application proposes 353 dwellings what needs to be assessed is whether there are any additional impacts with the increased 78 dwellings at the site. The number has increased principally due to the inclusion of a number of apartment blocks and there are no policy issues with the greater mix in dwelling types. In fact the greater mix of house types is encouraged in the emerging Local Plan. Therefore the principle of the development is considered acceptable.

Application 08/1049 was EIA development. This is a full planning application for the 372 dwellings and is also EIA development and, accordingly, a new Environmental Statement has been submitted to assess the effects of the scheme.

Design and layout

The proposal is a full application and its layout proposed is a 'gridiron' arrangement which is considered to be appropriate in this urban context. The increase in housing density through the provision of apartment blocks within the site offers a greater variety of property types and is also an efficient use of a brownfield site to meet the housing requirements of the Borough. The proposal provides 2, 3, 4 and 5 bed properties delivering an appropriate mix of detached, semi-detached, short terraces and a blocks of flats. These generally face outwards to the public vantage points, with the exception being to the railway line. Properties front out and face Clifton Drive North and the large area of Public Open Space to the south of the development site.

Along the sites frontage with Clifton Drive North the dwellings are designed to have additional building design detail to enhance their appearance and this is repeated on key properties within the site. Feature junctions with different surface materials are proposed throughout the estate to add interest and increase legibility. Within the site in the north west corner is a green walkway which will provide a convenient pedestrian access to the site. The proposed layout is considered to be acceptable. 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 dwellings are proposed to be constructed in a mix of brick and render, with pitched roof and gable frontages incorporated in some designs. The design and layout are 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.

The proposed landscaping includes details of the landscaping within the proposed POS area and along the sites key frontages and includes native trees, feathered trees, native shrub planting, grass and bulbs. The POS is a large grasses areas filled with trees and shrubs set around a footpath which will link to the development to the south. The landscaping in this area is considered acceptable. 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. The proposed landscaping is considered acceptable.

Highways

The application proposes 353 dwellings which is an additional 78 to the 275 previously approved. LCC Highways have been consulted and confirm that they have no objection to the development and that the development will have an acceptable impact on the capacity of the surrounding roads and junctions and that the proposed access is acceptable. However this stance of no objection is subject to various elements of mitigation including;

- A reduction in speed along Clifton Drive North to 30mph. £15,000 to fund review.
- Introduction of a shared pedestrian/cycle route along a widened footway and a number of pedestrian refuse islands along Clifton Drive North.
- Upgrade of the existing pelican crossing to a Puffin Crossing.
- Upgrade four nearest bus stops to the site to Quality Bus Standard.
- Installation of MOVA at the A584/Highbury Road West junction
- DDA standard pedestrian/cyclist access to Squires Gate Station
- Full Travel Plan contribution of £24,000, £180 per dwelling to support measures and targets within the plan.
- Design and construction of the site access junction and all secondary pedestrian/cyclist accesses onto the highway network

This mitigation is necessary due to the increase in traffic the development will bring above that which has already been approved. LCC have also commented on the internal layout and state whilst it cannot be used as a reason for a highways objection that the current layout would not be adopted by LCC. This is not a planning matter in terms of determining the application as in officer's opinion is acceptable. They therefore offer no objections but request conditions in relation to these off site works. With such conditions and contributions in place there are no highways issues with the application.

Residential amenity

The issue of impact on the occupiers of the proposed dwellings from noise from the railway and the airport was considered extensively when granting approval for residential development at the site. It was found that if the properties were designed with materials that reduce noise transmission and consideration given to the positioning of the habitable rooms and facades then this would deliver satisfactory levels of amenity for the proposed residents of this scheme, who will not be adversely affected by prolonged spells of aviation noise in external areas due to the short time span of peak sound events. It was also found that this mitigation would also apply to road and train traffic. The development of this site would not unduly restrict the expansion of the Airport, nor will it harm the living conditions of existing and future residents to an unacceptable degree. It is proposed to attach conditions, sufficient to ensure adequate noise and sound insulation mitigation, in order to achieve acceptable internal noise levels for future residents. The Councils EHO officer has confirmed that he has no objections to the development and requests conditions in relation to the hours of operation of the site, the management of dust impact on adjacent dwellings, the removal of asbestos and the noise insulation mitigation. Your officers have considered the National Planning Policy Framework and are of the opinion that the proposal would not be in conflict with this guidance in relation to noise from existing sources to the occupiers of the dwellings.

With regard to the amenity of existing properties it is not considered that the development will have a detrimental impact on their residential amenity. There are no dwellings directly to the south or west of the application site. To the east is the railway and beyond that residential dwellings on Martin Avenue which are two storey dwellings and are in excess of the 21m spacing standard required away. To the north of the site are dwellings off New Road consisting of three storey apartment blocks with amenity space between them to the north again sufficient distance away to not unacceptable impact upon their amenity. The siting of the dwellings within the site complies with the Councils spacing standards and are typical of an urban residential situation. Thus the development will not have an unacceptable impact on the residential amenity of surrounding dwellings or the proposed.

Affordable housing

The 106 for the southern site defers the provision of affordable housing on this site on the basis that the northern site will provide all the affordable (i.e. 30% of the overall number of dwellings across both the northern and southern sites). The Council acknowledges that the recent budget has resulted in a number of challenges for Registered Providers (RPs) in the delivery of affordable housing, particularly in the social rented sector. Moreover, there is a recognition that imposing a restriction in planning obligations stating that affordable units can be offered to Fylde residents only results in an additional restriction which makes it difficult to dispose of affordable dwellings.

The policy in the emerging Local Plan (H4) is a replacement to the Council's Interim Housing Policy with respect to affordable housing. This refers to a desired tenure mix of 80:20 social rent to intermediate. It is, however, recognised that a flexible approach will need to be taken to this mix,

particularly in the short term. We are assessing suitable mixes on a site-by-site basis and will give much greater flexibility to sites where there is evidence of communication between developers and RPs. Therefore, in this case the Housing Officer has indicated that a 70:30 mix is acceptable for this site, and that also due to its location that if no Fylde residents can be found that the dwellings can be offered to Blackpool residents. The delivery of this affordable housing will need to be secured via a legal agreement.

Flood risk and drainage

The application site is located within Flood Zone 1 so is therefore an appropriate location for dwellings, however due to the size of the development proposed the application has been submitted with a Flood Risk and Foul Drainage Assessment. The FRA considers the site existing site condition, the proposed development and the potential fluvial and coastal flood risk sources.

The FRA states that the permeable area at the site will decrease from 6.92 ha to 4.41 ha with development of the site, it also found that due to the ground water level been identified as being between 1.1m and 1.8m below ground level it will not be feasible to utilise infiltration measures as it is a requirement that in the design of any infiltration system that the natural ground water table is a minimum of 1m below any infiltration system. The nearest watercourse is 2.3km away so discharge into that is not feasible. It is proposed to drain the surface water runoff within the application site via a gravity drainage system discharging into the existing 300 mm diameter public combined sewer connection which discharges from the western boundary of the application site into the public combined sewer in Clifton Drive North. The existing surface water discharge rate from the application site has identified this as being 200 l/s. It is proposed to restrict the peak discharge to either 78 l/s which is a 61% reduction in the existing discharge rate to the public sewer, or if necessary 22.6 l/s with on site attenuation being provided by utilising either below ground storage tanks or over sized pipe work to store the 1 in 30 year storm event volume.

The proposed finished floor levels of the residential units will be set at 150 mm above surrounding ground levels which will allow any flooding from an extreme event to remain in the access roads and car parking areas and drain off site. Foul sewage will be discharged into the public sewer to which UU have no objections. Other drainage consultee the EA and the LLFA have also confirmed that they have no objections and simply request conditions requiring the development to be carried out in accordance with the FRA and requiring details about the surface water discharge system and its long term management and maintenance. There are therefore no flood risk or drainage issues with the application.

Ecology

The application has been submitted with a Phase 1 Habitat Survey, Bat Surveys, Wintering Bird Surveys and an Environmental Statement which considers the impact of the development on Ecology and Biodiversity as well as a HRA and Appropriate Assessment. The site itself is not of intrinsic substantive ecological value, although there were a few scattered plant species of some local interest. Rather, the ecological value of the site lies in its context, as it is surrounded by sites of high nature conservation value, including the Ribble and Alt Estuaries SPA / SSSI, the Lytham St Anne's Dunes SSSI and the Biological Heritage Sites at Lytham Foreshore Dunes and Salt Marsh and St Anne's Old Links Golf Course.

GMEU have commented that potentially the most harmful impacts that could be caused by the development proposal to the special interest of these protected sites could arise from increased recreational use of the surrounding sand dunes, shore and estuary, particularly arising from dog

walking. This impact on the nearby SPA has been identified as requiring further formal Assessment under the terms of the EU Habitats Directive by Natural England, their first response to the application stated that *“The assessment concludes that your authority cannot rule out the likelihood of significant effects arising from the proposal, either alone or in-combination. On the basis of the information provided, Natural England concurs with this view. Natural England therefore advises that your authority should not grant planning permission at this stage. An Appropriate Assessment should now be undertaken, in order to assess the implications of the proposal for the European site, in view of the site conservation objectives”*.

The applicants subsequently submitted a shadow AA in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations, 2010 (as amended – the Habitats Regulations) to enable Fylde Council to be able to conclude an assessment of the likely significant effects of the proposed development by Persimmon Homes of 353 new houses at the former Pontin’s holiday camp site at Lytham St. Anne’s, on the integrity of Natura 2000 Sites. The AA finds that the proposed re- development site itself is not considered important in maintaining the populations of qualifying bird species for which the SPA and Ramsar site have been designated, because either these bird species were:

- not recorded within the proposed re- development site;
- not recorded in significant numbers; or
- not recorded during the period for which the SPA and Ramsar site is designated as important for the population of that bird species.

As the site is not important in maintaining the populations of qualifying bird species for which the SPA and Ramsar site have been designated, it is not considered to be functionally linked land and therefore there will be no loss of functionally linked land as a result of the proposed re-development of the site and no adverse effects on the SPA or Ramsar site and their qualifying species populations. There is evidence that the integrity of the Ribble and Alt Estuaries SPA/Ramsar site is being adversely affected because these key species within the ZOI form an important part of the overall qualifying populations of these bird species in winter (or passage) in the SPA/Ramsar. The evidence indicates that two of the key conservation objectives of the SPA are currently not being met:

- The populations of several of the qualifying species are not being maintained and are in fact in significant decline; and
- The distribution of qualifying species within the SPA/Ramsar site is not being maintained, with some qualifying species (such as black-tailed godwit) now no longer recorded for example within the ZOI at St. Anne’s beach or in significantly reduced numbers.

The current baseline means that any additional pressures that result from proposed new development in Fylde and especially on the Fylde coast are likely to have significant adverse effects on the integrity of the SPA unless controlled and managed adequately. It also means that to achieve the conservation objectives of the SPA, action will be required to restore the declining populations of qualifying bird species and therefore future development must not take place in such a way as to prejudice such positive conservation action and indeed should seek to contribute to a solution to the current declines. Various studies of recreational impacts on waterbirds around the coast of England have all demonstrated that recreational activities have effects on foraging waterbirds. The recreational activities that have the greatest frequency and cause the most level of disturbance events are walking with dogs off lead, walking with dogs on lead and walking. These impacts are greatest when they occur on the inter-tidal zone where the waterbirds are foraging. A study of recreational impacts on waterbirds in the SPA’s of the Liverpool City Region, including the Ribble and Alt Estuaries SPA, Lytham Beach (the adjacent count sector to St. Annes’ beach) ranked fifth highest out of 16 count sectors in the Ribble & Alt Estuary SPA where the highest scores indicated the

highest levels of disturbance in terms of intensity, frequency and number of disturbance types.

In addition to the new dwellings on the proposed development site, there is a total of a further 3,794 homes proposed to be built within the Local Plan period which could also generate further recreational visits to the Ribble and Alt Estuaries SPA and Ramsar site and could therefore also contribute to disturbance impacts on the wintering and passage bird populations for which it is designated. Furthermore, planning permission has already been granted for the building of 76 new homes adjacent to the proposed re-development site Council (planning application reference number 10/0877). The AA predicts that the development will generate a total 1,804 visits to the natural environment each week when fully occupied. The planned residential developments within strategic locations SL1 and SL2 will generate a further 15,967 visits a week, giving a cumulative total of 17,771 visits per week. It is important to note that these visits will be in addition to existing visits and there is currently no data available to indicate what the existing visitor patterns are to this area. Without mitigation therefore, it is considered certain or near certain that this level of additional recreational visits will result in a significantly greater number and frequency of disturbance events to waterbirds.

Given the importance of the wintering and passage waterbird populations in this area the significant declines in the populations of some species witnessed in recent years and the known vulnerabilities of waterbird populations to recreational disturbance it is considered that this level of additional visits will have an adverse effect on the integrity of the Ribble and Alt Estuaries SPA and Ramsar site, without mitigation.

As such the AA considers the potential mitigation measures available and their likely effectiveness in preventing adverse effects to the integrity of the SPA and Ramsar site as a result of the predicted significant increase in recreational pressures. To effectively mitigate the impacts of the predicted volume and frequency of recreational visits from the proposed development alone and in combination with other planned residential development, it is considered that on site mitigation measures are required. The most critical element in this package is considered to be a coastal warden or ranger service. Liley and Tyldesley (2013) consulted with key professionals to canvass views on the effectiveness of a range of mitigation options. Wardening scored fourth highest in terms of perceived effectiveness and was the highest scoring option for on site mitigation measures. GMEU have also commented that one of the most effective ways of mitigating for recreational disturbance is through effective wardening of protected sites. Agreement has been reached in principle for a developers contribution sufficient to fully fund a full time coastal ranger post for a period of five years or a part-time ranger post (over the critical passage and wintering bird periods) for 10 years, along with sufficient funds to cover operating overheads and for essential materials such as signage and leaflet production. Access management will also need to seek to manage dogs off lead, either by restrictions (e.g. through a Dog Control Order) and/or by providing allocated and restricted dogs off lead areas. The development will also include 2.29ha of ecological mitigation area, which will include the retention / enhancements of habitats of ecological value such as some of the sand dunes and coastal grassland on Site. It will also include a reptile receptor site (complete with reptile / amphibian hibernation sites), areas suitable for plant translocation operations to retain important plant species, and it will also provide valuable habitat for nesting and wintering bird species. Additional ecological mitigation and enhancements include the provision of ten bat bricks and ten bird boxes within the final development design and a three metre buffer strip along the Sites eastern boundary with the Blackpool South Railway Line BHS. These measures will help provide additional nesting/roosting features and will benefit the Local populations of bats and birds. Proposed off-site mitigation to limit effects on the surrounding nature conservation sites once the site is occupied, include; the provision of boardwalks / fenced footpaths through Lytham Foreshore Dunes and Saltmarsh BHS, fencing-off the dune system on Clifton Drive North, provision of dog

waste bins and information boards to inform local residents of the ecologically sensitive nature of the sites. A Habitat Landscape Management Plan is also going to be produced to detail the management regime for the site and this will be implemented for twenty years.

Natural England's response to the AA is outlined in the consultation response section. They state the assessment currently does not provide enough information and/or certainty to justify the assessment conclusion for your authority to grant planning permission at this stage. They state that they do not object to the principle of development on this site, but further assessment and consideration of the mitigation options is required. They state that it is not clear whether the provision of a large scale mitigation area will be successful as it is proposed and further details are required about the role of the proposed warden and the overall package of mitigation for recreational disturbance on the foreshore. At the time of writing a teleconference with NE and the applicants has been arranged and it is envisaged that further information will be provided for members in the late observations. In any case the recommendation to members if minded to approve will be for that to be subject to NE agreeing the mitigation in the AA and that it form part of the legal agreement.

Section 106 contributions

The s106 agreement for the previous outline application includes contributions towards: (i) education; (ii) public realm; (iii) railway station improvements; (iv) travel plan; and (v) TRO and it is considered that these contributions along with a requirement for 30% of the dwellings to be affordable dwellings are appropriate to be included in the revised section 106 agreement, to accompany this application. As the legal agreement for the southern section of the site has been varied so the affordable housing requirement of that site is met by the northern site this will also need to be addressed. The delivery and management of the public open space between the two sites will also need to be clarified and incorporated into the legal agreement and conditions

Conclusions

The application is considered to be in a sustainable location, is a brownfield site which has previously been granted permission, is a housing allocation in Emerging Local Plan and given the lack of a five year housing supply will assist in the delivery of housing. LCC Highways have no objections to the application. The biodiversity of the site has been considered and it has been concluded that subject to appropriate mitigation that there will be not be any unacceptable impact on ecology. The development is considered acceptable.

Recommendation

That the decision on the application be delegated to the Head of Planning and Regeneration, with any decision to grant planning permission being subject to the following and any variation of these which the Head of Planning & Regeneration considers to be appropriate:

- Natural England support for an Appropriate Assessment in respect of the ecological matters and the proposed mitigation
- the completion of a Section 106 agreement in order to secure necessary infrastructure works
- a series of planning conditions

Suggested Heads of Terms of s106 agreement

- provision, phasing, tenure, retention and operational details for 30% of the proposed

dwelling in this site to be affordable properties along with the transferred 30% obligation from the southern parcel

- a financial contribution to be determined towards primary and secondary education,
- a financial contribution of £100,000 towards public realm in St Annes.
- £24,000 towards Travel Plan Support and £180 per dwelling if targets are not achieved.
- £15,000 towards speed limit review and TRO
- £25,000 towards a new platform shelter at railway station
- £10,000 towards new platform seating at railway station
- £30,000 per annum for five years towards a Warden post

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

Suggested Planning Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 28 January 2016, including the following plans:

Planning Layout: PB.LSA.PL.1.PH 1 Rev E

Material Schedule 203.MS.01

Feature Plots Plan LSA.NP.FPP Rev. B

House Type drawings:

- Alnwick
- Gilby
- Hanbury
- Hatfield
- Kendal
- Moseley
- Roseberry
- Rufford Det
- Rufford Semi
- Souter
- Winster

Plans Received Nov 16

- Clandon Plus (Feature Frontage)
- Clandon Plus (Feature Internal)
- Clayton Corner (Feature Frontage)
- Hatfield (Feature Internal)
- Hatfield (Feature Frontage)
- Pontins Apartments Dated 31.10.16
- Roseberry (Feature Frontage)
- Roseberry (Feature Internal)

Ridge Heights Rev 2

Surface Treatment Plan – LSA.PHN.303

Boundary Treatments Plan – LSA.PHN.302

LPH4RPF.01 – 4post & rail fence

SDF02.02 1.1m Bow Top Railing

Ecology reports;

- WYG Shadow Appropriate Assessment of the Likely Significant Effects on the Integrity of Natura 2000 Sites (Dated 25/10/16)
- A085096 Pontins, Lytham Reptile Mitigation Strategy
- A085096 Pontins, Lytham Reptile survey July 16
- July 2015 GCN Report
- FP.EL.01.NPH Rev B Ecology Layout

Highways;

- WYG Transport Assessment Issue 2 April 2016
- WYG Travel Plan April 16

Landscaping (Principle Drawings Final detail will require updating)

- 4830 04 Rev A Mar 16
- 4830 05 Rev A Mar 16
- 4830 06 Rev A Mar 16
- 4830 07 Rev A Mar 16

E3P Remediation & Enabling Works, Verification Report 10-007-r1 Nov 2014

WYG Environmental Statement

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

3. Prior to the commencement of development details of all existing and proposed levels across the site and finished ground floor levels of all buildings shall be submitted to the Local Planning Authority for written approval. The development shall be carried out in accordance with the approved details.

In order to ensure a satisfactory visual impact of the development and to minimise the impact on aviation interests

4. Notwithstanding the approved plans, prior to the commencement of site preparation & the construction on any dwelling hereby approved, a satisfactory programmed landscaping scheme for the area of residential development including habitat creation, enhancement & management, hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented during the first planting season following the completion of development and any tree or shrub planted which dies or is felled, uprooted, wilfully damaged or destroyed in the first five year period commencing with the date of planting shall be replaced by the applicants or their successors in title. The scheme shall implement the recommendations of the Environmental Statement

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

5. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) January 2016, reference Persimmon Homes, Job No. A085096, compiled by WYG Engineering and the following mitigation measures detailed within the FRA:
 1. Limiting the surface water run-off so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 2. Provision of compensatory flood storage and/or possible infiltration following the review of the

whole site and detailed design of the surface water drainage system

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

Reason

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

1. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
2. To ensure safe access and egress from and to the site.
3. To reduce the risk of flooding to the proposed development and future occupants

6. 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 appropriate runoff rate. 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.

Reasons

1. To ensure that the proposed development can be adequately drained.

2. To ensure that there is no flood risk on or off the site resulting from the proposed development

7. 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;

c) 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.

Reasons

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

8. 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.

Reasons

1. To ensure that the drainage for the proposed development can be adequately maintained.
2. 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.

9. A Traffic Management Plan for the construction works, to be approved in writing by the planning department before any works begin on site and to include:-

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials used in the construction of the development;
- Storage of such plant and materials;
- Wheel washing facilities;
- Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- Routes to be used by vehicles carrying plant and materials to and from the site;
- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

Reason: to protect existing road users.

10. No development shall commence until a site access management plan explaining the operation, control and maintenance of the emergency access has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure that the access is maintained and operational in the event of the emergency services requiring secondary access to the site.

11. Prior to the commencement of development a phasing programme for the implementation of the residential development, the construction of the access roads and highway works in their entirety, offsite and sustainable transport works, the implementation of public open space, landscaping and other associated works shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved phasing programme.

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

12. No development shall commence until the submitted Framework Travel Plan has been approved in writing by, the local planning authority. The provisions of the Framework Travel Plan shall be implemented and operated in accordance with the timetable contained therein 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 option

13. The Framework Travel Plan as approved/accepted/agreed 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 option

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

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

15. No part of the development shall be commenced until all the highway works within the adopted highway have been constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980. Reasons: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

Reasons: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users

16. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets 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].

Reasons: - To ensure that the estate streets serving the development are completed and maintained to the approved standard, and are available for use by the occupants, and other users of the development, 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

17. Prior to the commencement of development or site clearance works, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall detail noise and dust mitigation measures during construction in

accordance with the Environmental Statement.

In order to protect the amenities of neighbouring residents during construction.

18. The proposed development shall be designed so that cumulative noise from industrial, commercial or existing road traffic sources within habitable rooms does not exceed 35dB LAeq (16 hour) from 07.00 to 23.00, 30dB LAeq (8 hour) from 23.00 to 07.00, and 45dB LAFmax from (19.00 – 0700* or 2300-0700) for single sound events, and to all outdoor living areas, for example rear gardens and balconies, do not exceed 55dB LAeq (16 hour) from 07.00 to 23.00 and 45dB LAeq (8 hour) 23.00 – 07.00 or any such level as agreed in writing by the Local Planning Authorities. Prior to the commencement of development a noise study shall be undertaken to demonstrate that the development meets this requirement and the details including any mitigation submitted and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details prior to the first occupation of any dwelling.
* The evening standard LAFmax will only apply were the existing evening LAFmax significantly exceeds the LAeq and the maximum levels reached are regular in occurrence, for example several times per hour

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

19. The on-site provision of public open space shall be in accordance with the provision of Policy TREC17 of the Fylde Borough Local Plan and shall include facilities for children's play provision in accordance with a scheme of which shall be agreed by the Local Planning Authority and constructed and made available for use in accordance with a timetable for construction which shall be approved in writing by the Local Planning Authority.

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

20. A scheme of site lighting (construction and operational phase) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

In order to limit the impact of artificial light on protected species.

21. Construction/demolition shall be limited to the following hours - 08.00 - 18.00 Mondays to Fridays; 08.00 -13.00 Saturdays and no activity on Sundays and Bank Holidays

Reason: To protect neighbouring residential amenity

22. There shall be no buildings constructed over the public sewers situated within this site. A minimum access strip width of 6 metres, 3 metres either side of the centre line of the sewer shall be maintained at all times.

In order to maintain satisfactory drainage facilities.

23. No development of any phase shall take place until a Construction Environmental Management Plan (CEMP), for the construction and operation of that proposed phase of development, is submitted to and approved by the Local Planning Authority. The plan shall detail:
- i. how biodiversity would be protected throughout the construction period
 - ii. the potential impacts from all construction activities on both groundwater, public water supply and surface water and identify the appropriate mitigation measures necessary to protect and prevent pollution of these waters
 - iii. the parking of vehicles of site operatives and visitors;
 - iv. loading and unloading of plant and materials;

- v. storage of plant and materials used in constructing the development;
- vi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vii. wheel washing facilities to be retained throughout the construction period by which means the wheels of vehicles may be cleaned before leaving the site;
- viii. a scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site);
- ix. a Management Plan to identify potential ground and water contaminants;
- x. details for their storage and how water courses will be protected against spillage incidents and pollution during the course of construction;
- xi. a scheme to control noise during the construction phase,
- xii. the routing of construction vehicles and deliveries to site including the direction of construction traffic a
- xiii. measures to prevent the pollution of local ground and surface water and air pollution during construction

The development shall then proceed in full accordance with this approved plan.

Reason: In order to safeguard the biodiversity of the site, protect the water environment and public drinking water supplies, and to maintain the operation and safety of the local highway network, and to minimise the risk of pollution to occupiers of nearby buildings during site preparation and construction, in accordance with the provisions of the NPPF.

24. At least 21 days before commencement of the development, the developer must contact the Operations Team, Blackpool International Airport, Squires Gate Lane, Blackpool, FY4 2QY (Tel: 01253 472509 or by email to safeguarding@blackpoolairport.com) if any equipment to be used during construction will exceed the maximum height of the finished development (eg tower cranes, piling rigs). Notification of the equipment shall be made in writing and include:
- its position (OSGB grid coordinates to 6 figures each of Eastings and Northings);
 - height above ordnance datum;
 - anticipated dates on site;
 - emergency contact numbers for the crane operator and site manager

The equipment must be operated in accordance with BS 7121 and further advice can be found in Civil Aviation Authority Advice Note 4 'Cranes & Other Construction Issues'.

Reason: In the interest of aerodrome safeguarding and in accordance with Policy AS7 of the Blackpool Local Plan 2001 - 2016

25. Prior to occupation of the dwellings the developer is to provide details of a suitable trespass proof fence adjacent to the boundary with the railway for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be in place prior to occupation of any dwelling and be retained thereafter.

Reason: To protect the adjacent railway from unauthorised access

26. Prior to the commencement of the development, acoustic fencing mitigation measures shall be submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details and shall be in place prior to occupation of any dwelling and be retained thereafter.

Reason: To protect the adjacent railway boundary

27. Any scaffolding which is to be erected /constructed within 10metres of a boundary to a railway line

must be erected in such a manner that at no time will any poles over-sail the railway line. A method statement giving details of measures to be taken to prevent construction materials from the development reaching the railway (including protective fencing) shall be submitted to the LPA before the development commences. . The development shall be carried out in accordance with the approved details and shall be in place throughout construction.

Reason - In the interests of railway safety

28. Prior to any vibro-impact works on site, a risk assessment and method statement shall be submitted to the LPA and Network Rail for approval in writing. Construction including any approved mitigation shall be in accordance with this statement.

Reason – to prevent any piling works and vibration from de-stabilising or impacting the railway.

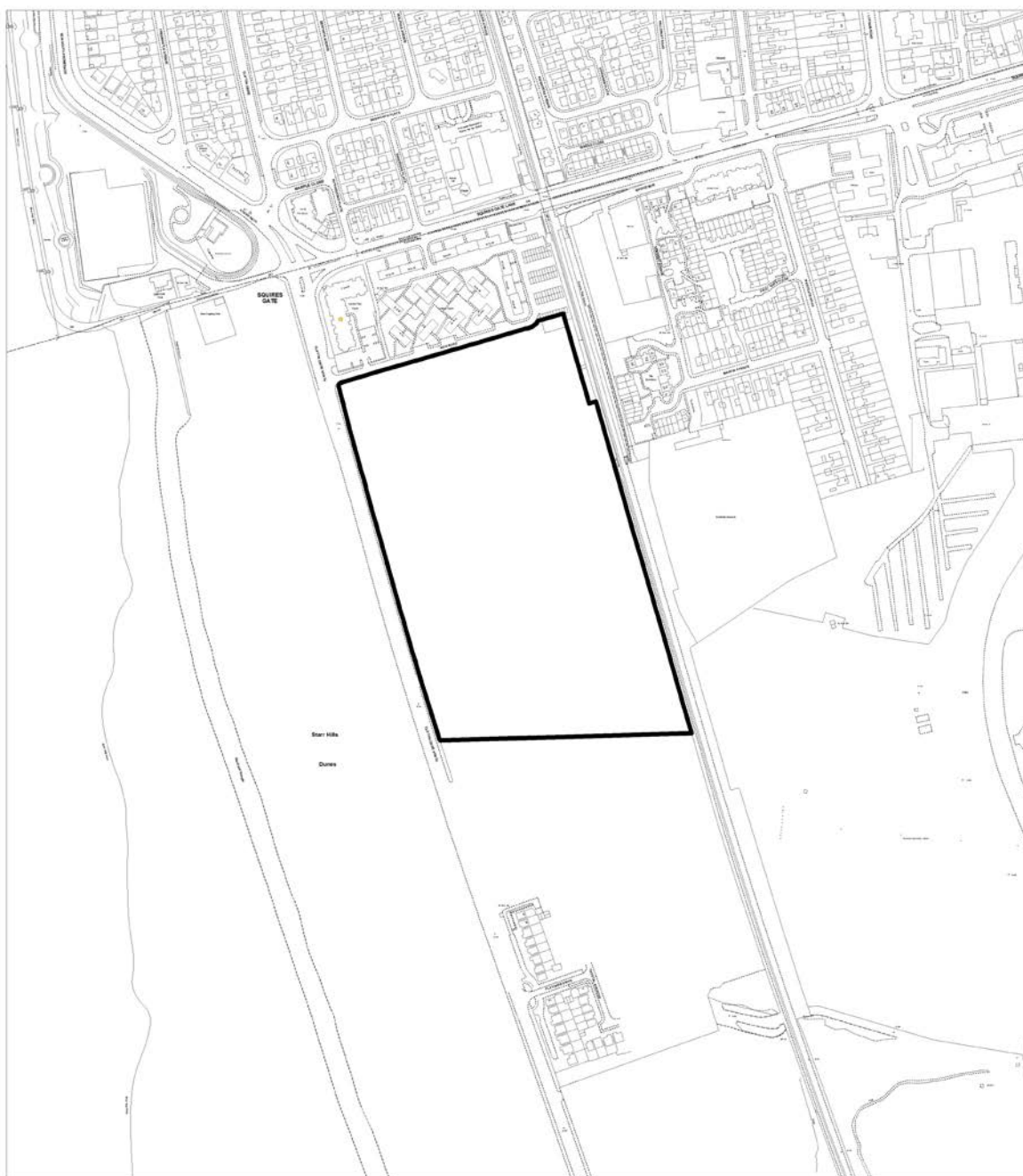
29. Prior to the commencement of the development details of the disposal of both surface water and foul water drainage directed away from the railway shall be submitted to the Local Planning Authority and Network Rail.

Reason: To protect the adjacent railway from the risk of flooding and pollution.

30. Details of appropriate vehicle safety protection measures along the boundary with the railway shall be submitted to the Local Planning Authority (in consultation with Network Rail.

Reason: to prevent the design and layout of the road and parking spaces from impacting the adjacent operational railway with accidental vehicle incursion.

31. A NUMBER OF CONDITIONS WILL BE REQUIRED WITH REGARD TO ECOLOGY AND MITIGATION, THESE WILL BE FINALISED ONCE NATURAL ENGLAND HAVE AGREED THE MITIGATION PROPOSED



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0062	Address Former Pontins Holiday Camp, Clifton Drive North, Lytham St Annes	Grid Ref. E.3308 : N.4314	Scale 0 25 50 75 100 m

Application Reference:	16/0180	Type of Application:	Outline Planning Permission
Applicant:	Story Homes Limited	Agent :	Barton Willmore
Location:	LAND NORTH OF MILL LANE, ELSWICK		
Proposal:	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 50 DWELLINGS AND ASSOCIATED INFRASTRUCTURE (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)		
Parish:		Area Team:	Area Team 2
Weeks on Hand:	42	Case Officer:	Rob Buffham
Reason for Delay:	Need to determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.8397991,-2.8772793,504m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Approve Subj 106

Summary of Officer Recommendation

The proposal for consideration by Members is an outline application for up to 50 dwellings, seeking matters relating to access only, on land north of Mill Lane, Elswick. The site is allocated as a Countryside Area in the adopted Fylde Borough Council Local Plan and Submission Version of the Fylde Local Plan 2032.

The development falls outside the settlement boundary of Elswick, representing encroachment into the countryside and is therefore contrary to Policy SP2 which acts to restrict residential development within such areas. Notwithstanding this, the Council cannot demonstrate a five year supply of housing land and Policy SP2 is in conflict with the NPPF. Consequently Policy SP2 is out-of-date and the principle of residential development cannot be resisted on this basis.

The proposed development, would result in an expansion of the village in the order of approximately 11% in a location on the edge of the settlement boundary which relates well to the existing built-up edge of Elswick and existing shops, services, and public transport facilities available both within and outside the village. Nor would it 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 impact. 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.

Numerous appeals have demonstrated that 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 not result in the introduction of isolated homes in the countryside and would make a valuable contribution to the delivery of private and

affordable housing in the Borough in the absence of a five year supply.

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 and drainage. 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 Development Plan.

Therefore, on balance, it is considered that the benefits arising as a result of the development would outweigh the restrictive countryside designation and the principle of development is supported.

The officer recommendation is that members support the application and delegate the authority to grant planning permission to officers subject to further discussion concerning contributions to improve public transport and a legal agreement to secure affordable housing and contributions to secondary education provision.

Reason for Reporting to Committee

The application is a major development which is recommended for approval by Officers. In accordance with the Councils adopted Scheme of Delegation the application must therefore be referred to the Development Management Committee for determination.

Site Description and Location

The application site is adjacent to the eastern boundary of Elswick, being bound by housing to the west on Linden Fold/ Ash Close, two dwellings to the south on Lodge Lane/ Mill Lane, and farm holdings to the north on Bond Lane and east. The site is 4.7 hectares in size and is almost rectangular in form, comprising of a relatively flat, grassed parcel of land with centrally located pond. Trees, hedgerow and residential fencing define the current site boundaries.

The site is designated as Countryside in the adopted Fylde Borough Local Plan (FBLP) and Submission Version of the Fylde Local Plan 2032 (SVFLP).

Details of Proposal

Outline planning consent is sought for up to 50 dwellings on the site, seeking approval of vehicular access arrangements only. Detail relating to appearance, landscaping, layout and scale are to be assessed through subsequent reserved matters application(s).

Members should note that amendment to the original submission has been received which has reduced the number of dwellings from 100 to 50.

The submission indicates that the sole vehicular access to the development will be via a new access road to the north of Mill Lane. This proposed arrangement will result in a change of priority with vehicles using the access road having priority over those vehicles using the existing Mill Lane carriageway.

The revised indicative layout does not provide a detailed plot layout, instead highlights development blocks of housing which are sited adjacent to the eastern edge of the village envelope. The road

layout encourages housing to be generally outward facing where opposing the countryside boundaries of the site. The Planning Statement refers to scale of buildings being 2 storey, though the Design and Access Statement refers to housing being predominantly 2 – 2.5 storeys in height, designed with an ethos of a modern version of traditional suburban architecture similar to that in the locality.

Relevant Planning History

There have been no previous applications on this site, but members should note that there are two other residential planning applications in Elswick which are currently being assessed by the Planning Authority.

- 16/0645 – land north of Beech Road, Elswick – Full application for construction of 50 dwellings.
- 16/0846 – land east of Copp Lane, Elswick – Outline (access) application for construction of up to 36 dwellings.

Relevant Planning Appeals History

None

Parish/Town Council Observations

Elswick Parish Council notified on 22 March 2016 and were re-consulted on the revised proposal on 28 November 2016. The following comments are applicable to the revised proposal:

Raise a strong objection to the proposal, on the following grounds:

Size and Scale

There is a risk that if approved, a further application could be submitted to increase the numbers of housing on the same site. Due to its size and existing amenities, the Parish Council considers that this proposal is inappropriate development. Following a resolution at the Parish Council meeting held on the 24th November 2016, the Parish Council requests that if the Development Management Committee is minded to approve this amended outline proposal from 100 houses to 50 – that part of the scheme is designated as public open space.

Sustainable Development

Elswick scored low in sustainability assessments taken at the beginning of the Local Plan process. The Development Control Committee in March decided that Elswick should be defined in the emerging Local Plan as a Tier 2 Smaller Rural Settlement with an allocation of 50 houses.

Planning permission has already been granted for 18 houses and further small applications are awaiting approval which will account for half the number of houses allocated. Two other large applications are also awaiting determination, one for 50 and one for 36 houses. If these are also approved, the village could be faced with more than 3 times the number allocated in the emerging Local Plan - increasing the size of Elswick by 36%.

Elswick has no school, no health centre and one newsagents. Nearest health centre is 1.5 miles and supermarket 6 miles away. Similar distances must be travelled for shopping or recreational purposes. Very little employment opportunity. Since designation as a Tier 2 settlement, sustainability has further deteriorated with the loss of the bus service to Blackpool and the

announcement that the largest employer in the village (Bonds) will close. The proposal will place additional burden on the local health service(s) which has a 3-4 week waiting list and no space to expand. A senior partner at the Centre has confirmed the need for an additional GP but with no space to accommodate. 160 houses have been approved and applications for a further 330, it is essential therefore that a new Health Centre is built before any further housing applications are approved.

Whilst many people are attempting to find affordable housing, by moving into a rural location such as Elswick will result in higher transport costs resulting in a negative effect on any savings made on affordable house costs. For affordable housing to be sustainable it must be closer to employment and offer multiple transport options.

Fylde Borough Local Plan/ Emerging Local Plan

The site is allocated as open countryside and residential development is therefore contrary to Policy Sp2 and GD4, since it is not one of the five identified categories of acceptable development,

Undermining the Developing Neighbourhood Plan

Bringing about changes proposed in this scheme will undermine the spirit of Localism that governs the neighbourhood planning process introduced in the Localism Act 2011. If an application of this scale is approved by the Planning Authority, it runs the risk of causing considerable damage to the Neighbourhood Planning Process.

The overwhelming message from the questionnaire is that villagers wish to see the housing allocation in the emerging Local Plan distributed uniformly throughout around the village with several small developments rather than one or more large housing estates, enabling the village to grow whilst retaining its character.

Transport and Traffic

Concerns for impact of the development on the Thistleton junction with the A585. People describe crossing the A585 at the northerly Thistleton junction a 'nightmare' and turning left at the southerly junction 'highly dangerous'. Excessive waiting times at both junctions encourage frustrated drivers to take chances by pulling out in front of fast moving traffic. With poor and diminishing public transport services, cars are a necessity in Elswick and virtually all traffic movements involve accessing the A585.

The Parish Council understands that the Agency has imposed restrictions on Wyre Borough Councils development plans due to the over capacity on the road and considers that no further development should be approved in Elswick until the capacity of the road is resolved and improvements undertaken at the Thistleton junctions.

Site History

The proposed site has severe drainage problems spending most the year under water. Mill Lane also has severe flooding issues. Furthermore, there is a culvert from Mill Lane lying below Lodge Lane which creates flooding at the Elswick United Reformed Church. Any development which includes draining into the culvert will compound these flooding issues.

Summary

Elswick Parish Council strongly objects to this planning application by its size and scale and feels it is inappropriate for the location of the site and would therefore have a significant adverse impact on the character and appearance of the area. The Parish Council believes this proposal:

- *undermines the development of the Neighbourhood Plan*

- *places a further burden on existing stretched facilities*
- *fails to be of an appropriate scale for the village of Elswick*
- *does not meet standards for sustainable development*
- *will compound the traffic issues already experienced at the junctions of the A585*
- *planning for health care considerations have not been addressed causing extra demand pressures on the local health centre.*

The Parish Council therefore asks the Development Management Committee to reject this application outright.

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

No objection to the proposal, subject to condition.

Access

The developer is proposing a simple priority junction from the development site onto Mill Lane, the effect of which would change priorities so that the development site has priority over the cul-de-sac part of Mill Lane. These arrangements meet with design standards and are acceptable.

Where Mill Lane meets Lodge Lane the junction will undergo alterations to ensure that sightlines appropriate for the measured speed are met. The alterations will entail a slight narrowing of the carriageway of Lodge Lane. The principle of this has been agreed with the developer.

On the revised Framework Master Plan for the site pedestrian / cycle access to Bonds Lane is indicated although no details have been provided.

Trip Rates / Traffic Generation.

The trip rates used by the developer show that in the AM peak 29 vehicle movements would occur (7 in and 22 out) and 33 vehicle movements (22 in and 11 out) in the PM peak. The trip rates used by the developer are extracted from the TRICS database and can be assumed to be representative for a development of this scale at this location.

Distribution / Junction Capacity.

The distribution of trips on to the highway network has been examined and I can confirm that the distribution used is acceptable to LCC.

The TA considers the impact at the following junctions:-

- Site access with Mill Lane
 - a) B5269 Lodge Lane / Mill Lane
 - b) B5269 Lodge Lane / Roseacre Road / Ash Road
 - c) A585 Fleetwood Road / B5269 Thistleton Road

Traffic growth and committed developments have been considered and no future

operational issues for 2021 are predicted for a) to c) above.

The assessment does not take into account any traffic that may be generated as a result of the Fracking site at Roseacre Wood (still at appeal). However, the assessment was undertaken on the basis of the quantum of development being 100 dwellings and not 50 dwellings. Junctions a) to c) have ample reserve capacity and as such it is not considered necessary for further analysis to be carried out.

Junction d) is on the trunk road network and the views of the HE should be sought here.

Site Accessibility.

The National Planning Policy Framework (NPPF) states in paragraph 17 that development should “make the fullest possible use of public transport, walking and cycling and focus significant developments in locations which can be made sustainable”.

When the development was for up to 100 dwelling the developer offered a Travel Plan (TP), however, the development is now below the threshold for which a TP is required.

A number of improvements to encourage walking and use of public transport have been agreed.

Pedestrian / Cycling Considerations.

In addition to the pedestrian / cycle link to Bonds Lane a number of improvements have been agreed with the developer.

There are sections of Lodge Lane between the development site and the village centre where pedestrian provision is poor. This was highlighted to the developer and an in principle scheme of improvements has been agreed. The final details of which would be subject to a detailed design and would be carried out under an s278 agreement.

The junction of Lodge Lane and Roseacre Road is overly wide to encourage pedestrian movements and with alterations to kerblines and footway modifications a more attractive pedestrian route could be established. An in principle scheme has been agreed with the developer. The final details of which would be subject to a detailed design and would be carried out under an s278 agreement.

Public Transport.

Recent cuts to the funding of subsidised bus services throughout Lancashire has led to the removal or reduction of public transport services. Service 78 is fully commercial whilst services 75A & 80 are LCC tendered (subsidised). Service 80 (to Preston) only runs every two hours compared with an hourly service prior to cuts. It is recommended that the hourly service be reinstated in order to provide alternative modes of travel to the car.

The projected cost of restoring an hourly service (Mon – Sat) for Service 80 would be in the region of £100k per annum. LCC would normally ask that funding for 5 years be secured. In addition to this the developer should upgrade local bus stops to have raised boarding areas to improve accessibility for a wider range of users. The locations of which would need to be agreed.

Road Safety.

There are no recorded injury accidents within the last 5 years at or close to the site access.

The road safety record for the village as a whole is relatively good with only 4 injury accidents, all resulting in slight injuries. Examining the causation factors for the accidents, no common cause is identified and as such it can be concluded that the additional traffic that this proposal puts on the highway network will not be adversely severe.

Layout.

Layout is a reserved matter with no indicative layout being provided. I would advise that prior to the submission of any reserved matters application (should outline permission be granted) that the developer consult with LCC to ensure that the internal layout meets with adoptable standards.

Construction.

LCC have raised concerns over the effect of HGV's in the area through the Fracking applications.

The TA includes a section of construction traffic and that a Construction Traffic Management Plan (CTMP) will be produced and will include the following:-

- d) The parking of vehicles by operatives.
 - Site visitors.
 - The loading, unloading and storage of plant and materials.
 - Wheel-washing facilities.
 - The routing of delivery vehicles.
 - A programme of works (including traffic management measures).

LCC would also recommend that the CTMP also include road condition surveys.

Highways England (HE)

No objection, subject to condition for provision and implementation of a Travel Plan.

There are known issues with the Thistleton junction near to the application site, with congestion arising due to vehicles, particularly those turning right, finding it difficult to enter onto; or to cross over the A585(T) mainline at peak times. This also results in safety concerns as drivers seek to enter the A585(T) due to insufficient gaps in mainline traffic. An increased number of vehicles using this junction in the future would therefore be likely to exacerbate these issues.

Calculations presented in the Technical Note demonstrate that the development would generate between 15 and 16 trips that would use the Thistleton junction in the AM or PM peak hours. This equates to an additional vehicle every 3 to 4 minutes.

Accident analysis presented within the TN found that between from 2011 to October 2016 that 11 accidents have occurred at the junction, six accidents have occurred at the junction alone in 2016. 9 involved vehicles using the junction and making turning

manoeuvres at the junction. 8 of the incidents occurred outside of peak times. HE conclude that this is due to inadequate gap acceptance by drivers at the junction to enter onto the A585 mainline or cross it and this occurs throughout the daytime periods, which is a reflection of how heavy the A585 route flows can be throughout the day.

The submission refers to forecast increases being minimal, 6 right-turners from Thistleton Road in Weekday AM peak and 9 right-turners from Mile Road in Weekday PM peak, equating to an additional right-turning vehicle every 10 and 15 minutes.

Concluding that this will not result in any material changes to the operation or highway safety of the junction. Notwithstanding, HE comment that however small these increases in traffic are, the risk of incidents happening at the junction will undoubtedly increase incrementally as development comes forward that is served by Thistleton junction in areas such as Elswick.

HE conclude A single development of 50 dwellings will possibly raise the risk only marginally. In this case, HE gives weight to the fact that this development of 50 dwellings is within the agreed housing allocation for Elswick within the Submission Version Fylde Local Plan. As a result, HE view is that they do not raise any objection to this application subject to a condition requiring a Travel Plan.

HE have raised concern that the incremental development coming forward in this area is cumulatively and significantly increasing the number of turning movements at the Thistleton junction, with a corresponding significant increase in risk to safety.

HE is of the view that, should this development be granted consent, further speculative development within Elswick would not be in accordance with the Fylde Local Plan, or the emerging Local Plan that is clearly cogent of the safety issues that affect Thistleton junction as described above. In view of the findings of this review, there is now a need for both applicants and the relevant Local Planning Authorities to seriously consider the need for a safety improvement scheme at Thistleton junction to accommodate further development.

In the absence of such an approach (and when viewed against the current situation of there not being an up to date Local Plan for Fylde), as the highway authority for the trunk road, we can only consider development on a case by case basis. We have no option other than to accept that, in isolation, each small development may not have a significant / severe impact. We would however urge Fylde Council to consider the cumulative and negative impact on safety of all of these new developments with a view to resisting further development until a coordinated approach to infrastructure mitigation can be achieved.

United Utilities - Water

No objection to the proposal subject to conditions requiring implementation of drainage for the development in accordance with the Flood Risk Assessment & Outline Drainage Strategy Report – unless otherwise agreed in writing by the Planning Authority, and, submission and approval of a scheme for the management and maintenance of SUDS.

Natural England

No comments to make on the application. This 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.

Greater Manchester Ecology Unit

No objections subject to conditions.

An ecological assessment has been provided for the site, additional information relating to great crested newts and bat survey work has been provided by the applicant.

Great Crested Newts – The Survey work and additional information do appear to show that the population detected historically on the site is now no longer breeding on the site.

This does not necessarily preclude GCN from terrestrial habitat. However of the ponds not surveyed only one is close to the development site, the remainder sufficiently distant, combined with partial barriers to reduce the risk to a level that is acceptable.

On balance therefore the risks are very low if the pond no longer exists and low should the pond still exist for a very small area in the northern part of the development site. It is accepted that no further survey work is required and that with reasonable avoidance measures (RAMS) any residual risk can be removed. RAMS are suggested by condition. Bats - bat activity was primarily associated with the hedgerows and pond which are to be retained, the main species present being common pipistrelle. There are therefore no significant impacts on bat activity as a result of the development proposal. Pre-cautionary recommendations as identified in the Bat Activity Appendix should be conditioned for implementation.

Other Protected Species

It is accepted that the site has been assessed as low risk for all other likely protected species.

Nesting Birds

Some impacts on boundary hedges will occur in order to create access to the site, potential bird nesting habitat. The field also could provide nesting habitat for ground nesting birds such as lapwing and skylark. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. A condition is suggested restricting works to trees, shrubs, hedgerows etc... outside of the bird nesting season (1 March – 31 August), unless further survey work demonstrates no active bird nests are present on the site.

Ecological Impact of the Development (excluding the above)

The site will result in the loss of a significant area of semi-improved grassland a low value ecological feature. The majority of the high value habitats: the pond, hedgerows and mature trees are to be retained and ecological linkage created across the site to ensure the pond does not become isolated. The NPPF states that the planning system should contribute to and enhance the natural environment through a range of actions.

Adequate land is being retained to enable mitigation to occur, as long as adequately enhanced. Mitigation for the loss of semi-improved grassland, short sections of hedgerow, potentially trees and associated bird nesting habitat can be provided on site, subject to a condition requiring submission and agreement of an ecological management plan for:

- mitigation for loss of semi-improved grassland;
- mitigation for Loss of trees and hedgerows and associated loss of bird nesting

- habitat;
- enhancement of the retained hedgerows;
- protection and buffering habitat for the pond;
- a five year implementation and management plan.

It is noted that the pond, whilst being retained, is proposed to be used for surface water attenuation. It is expected that works will be required to increase holding capacity and provision of an overflow. In the absence of GCN, no objections are raised subject to mitigation for any habitat lost.

LCC Education Contribution Assessment

Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 8 secondary school places. However LCC will not be seeking a contribution for primary school places since there is sufficient capacity within existing schools to cater for the demand created. The contribution relates to £20,303.59 x 8 places = £162,428.72

Following an initial scoping exercise of the local schools it has been determined that Lancashire County Council intend to use the Secondary education contribution to provide additional Secondary places at Kirkham Carr Hill High School, subject to confirmation over the deliverability of this and the range of other projects that are assigned to this school.

Regeneration Team (Heritage)

No comments received.

Regeneration Team (Trees)

"The illustrative masterplan indicates existing trees to the site boundaries for retention and the contents of the tree survey suggest this is feasible. Having looked at all trees from within the site yesterday I'm left in an unusual position because I feel that the tree survey rates them, in the main, as better trees than they are.

Site photographs accompanying the survey show that it was done in the early Summer and I feel that seen in full leaf these trees do possess high levels of beauty and amenity, but focused inspection during Winter reveals a different picture.

Several of the visually dominant ash trees to the northern boundary are declining and not suitable for the long-term. It's therefore best to regard the site as substantially unscreened on this boundary.

Trees to the south on Mill Lane are mostly self-sown sycamores and many have been damaged, presumably by managing the drainage ditch. They've all grown in competition with one another and have that leggy, attenuated form as a consequence. Ivy has added to their suppression. They work as a collective, scoring low as individuals. Some would be lost to the proposed access but I see no strong defence for them on amenity grounds at any rate it's difficult to see these trees as ideal long-term screening for the site. Among these trees is a veteran ash tree (T38 in the survey): it's the best tree on this boundary and is a landmark specimen, but it has signs of internal decay such as nesting holes in primary branches that indicate the wood is not as it should be. Since these overhang the

lane, which would post-development become a busy thoroughfare, I feel it probably isn't realistic to suggest the tree will be a long –term feature of the site.

Of those few trees internal to the field, only T2, a mature sycamore on a boundary with a private property, has wider amenity value. One other boundary tree has been rated as a 'B' in the survey but it's lost one of its two primary stems and is in effect only a part of a previously twin -stemmed sycamore.

The overall picture then is one of trees that have amenity but which would not be suitable for retention within a development.

Drainage infrastructure is also bound to impact trees and tree roots since it must be routed through the site to the existing mains, and the pond appears to have formed a natural "sluice" where it runs overland to Bonds Lane. This would have to be culverted to a drain, or otherwise remedied, and I imagine difficulties there viz-a-viz construction, pipework and tree retentions.

The proposal to culvert the existing ditch on Mill lane will also cost trees, but these are low-value and are growing so tightly to property boundaries that they're not ideal for retention, and again, many are already damaged at their stems.

In all, this seems to turn on appropriate landscaping rather than integrating existing trees into a large development. What seems clear is that the current screen of trees can't be relied upon to remain for an indefinite period. If the Council were minded to consent to this proposal, I feel it should include the provision for a substantial buffer plantation around the site so that successor trees are growing in readiness for when the existing ones have to be removed."

Regeneration Team (Landscape and Urban Design)

No comments received.

Environmental Protection (Pollution)

No objections subject to the following conditions relating to hours of construction being controlled and a construction management plan, including dust controls, being secured by condition.

National Air Traffic Services

No objection to the proposal. The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria.

Strategic Housing

No objection to the proposal, subject to the provision of 30% affordable housing within the development. Concerns raised to whether apartments could be let in this location.

Electricity North West

No objection to the proposal. ENWL have considered the proposal and find it has no impact on Electricity Distribution System infrastructure or other ENW assets. Any requirements for a supply of electricity will be considered as and when a formal application is received.

Lancashire County Archaeology Service

No objection to the proposal, it is not considered that any formal archaeological investigation is justified.

The site appears to lie to the east of the medieval settlement of Elswick and aerial photography suggests that the plot has been ploughed or drained heavily in the early to mid-20th century and that it was originally more than one field. It also contains a large pond, which probably originated as a marl pit in the 18th or early 19th century. The Historic Environment Record does not list any sites within or immediately adjacent to the proposed development site, beyond the site of Elswick Windmill, which is shown on William Yates' map of 1786 but not on Greenwood's 1812 map or the first edition OS 1:10,560 sheet. The mill, which probably gave its name to Mill Lane, seems to have been located to the east of the development site, perhaps in the vicinity of Mill House Farm.

Wyre Borough Council

No comments received.

Environment Agency

No comment to make.

Lancashire CC Flood Risk Management Team

No objection to the proposal, subject to conditions requiring surface water drainage scheme and confirmation of finished floor levels to be submitted as part of any subsequent reserved matters application.

Lancashire Constabulary

No objections raised, but do make recommendations in order to prevent the opportunity for criminal and anti social activity in and around the site including physical security, natural surveillance, car parking, rear gardens.

Neighbour Observations

Neighbours notified:	22 March 2016
Amended plans notified:	18 May 2016 & 8 November 2016
Site Notice Date:	30 March 2016 & 11 November 2016 (amendment)
Press Notice Date:	31 March 2016
Number of Responses	143
Summary of Comments:	The main concerns raised by residents are summarised below:

- Need for the development.
- Contrary to the NPPF and represents a huge intrusion into open countryside.
- Urbanise and destroy the character of the Village with no mitigating benefit.
- Other more appropriate sites that are available and have been submitted as part of the call for 'Non Strategic Development Sites'.
- Lack of local services and amenities in Elswick – no post office, school or health centre.
- Lack of health services. The nearest health centre at Gt Eccleston Health is at capacity with waiting times of up to 4 weeks to see a Doctor or Nurse

- Lack of employment opportunities.
- Lack of local school and added pressure to existing schools, the nearest Primary School being in Gt Eccleston and Secondary School at Carr Hill, Kirkham.
- Validity of the Transport Assessment and Travel Plan.
- Highway safety. Speeding occurs on Lodge Lane with various accidents being reported. Poor access to Lodge Lane from Mill Lane and capacity to deal with traffic generated by the proposal. Exacerbation of existing congestion and highway safety problems on the A585.
- Congestion on the roads from this and other residential development recently approved in Elswick.
- Highway safety during 4 year construction period.
- Limited Bus Service – hourly bus service, with no service after 19:00 and on Sundays.
- Possible closure of Mill Lane during construction of the site access and impact this will have for existing residents/ businesses which use this access road.
- Unwillingness of the applicant to provide affordable housing within the scheme.
- Validity of the Flood Risk Assessment
- Exacerbate existing drainage and surface water problems. Photos illustrating flood problems at the junction of Mill Lane/ Lodge Lane, water logged ground conditions on the site, including over topping of the pond have been received.
- Ecology – use of the field and pond by wildlife such as ducks and swans, as a breeding ground for frogs and newts, trees and hedgerows are prime nesting sites and refuge for bats and woodpeckers.
- Lack of available countryside for the emergency landing of hot air balloons.
- Damage the local housing market.
- Upgrade of electricity and substation will be required

Relevant Planning Policy

Fylde Borough Local Plan:

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TR01	Improving pedestrian facilities
TR05	Public transport provision for large developments
TREC17	Public Open Space within New Housing Developments
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP18	Natural features
EP21	Archaeology
EP19	Protected species
EP22	Protection of agricultural land
EP26	Air pollution
EP27	Noise pollution
EP29	Contaminated land
EP30	Development within floodplains

Fylde Local Plan to 2032:

NP1	Presumption in favour of Sustainable Development
S1	Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde

SL5	Development Sites outside Strategic Locations for Devt
GD1	Settlement Boundaries
GD4	Development in the Countryside
GD7	Achieving Good Design in Development
GD9	Contaminated Land
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
HW1	Health and Wellbeing
INF1	Service Accessibility and Infrastructure
INF2	Developer Contributions
T4	Enhancing Sustainable Transport Choice
T5	Parking Standards
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV2	Biodiversity
ENV4	Provision of New Open Space
ENV5	Historic Environment

Other Relevant Policy:

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

Site Constraints

Within countryside area

Environmental Impact Assessment

A screening request was submitted to the Planning Authority where, on 3rd August 2015, it was determined that residential development of the application site of up to 120 dwellings did not constitute EIA development for the purposes of the definition contained within the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

Comment and Analysis

The main issues pertinent in the assessment of this proposal are:

- Principle of development.
- Relationship with Surrounding Development.
- Highways.
- Flood risk and drainage.
- Ecology.
- Trees.
- Heritage.

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 NPPF advocates 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. Where the development plan is absent, silent or relevant

policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in Framework. It advises that decision takers at every level should seek to approve applications for sustainable development where possible.

The site is located within the Countryside Area as defined on the Proposals Map of the FBLP and SVFLP. Policies SP2 and GD4 are of relevance and seek to safeguard the natural quality of the countryside area by supporting development related to agriculture, horticulture, forestry or other uses appropriate to a rural area only. The development proposed cannot be categorised as such and is therefore contrary to Policies SP2 and GD4. Elswick Parish Council have raised objection to the proposal on such grounds.

Notwithstanding this, assessment of principle against the NPPF and other material considerations must be made to determine whether there is sufficient justification to outweigh this position.

Housing Need

The NPPF emphasises the importance of housing delivery. Indeed, a five year supply for market and affordable housing, with an additional 5% buffer (20% for those local authorities consistently under providing), should be maintained. Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing are not considered up to date if a 5 year supply of deliverable sites cannot be demonstrated.

The Councils most recent five year housing land supply position statement, as of 31 March 2016, indicates a supply equivalent to 4.8 years. In the absence of a five year supply, policies of the development plan which relate to housing supply, including FBLP Policy SP2, cannot be considered up to date and in conflict with the NPPF. Therefore, the release of housing sites in the countryside area is acceptable in accordance with paragraphs 47 and 49 of the NPPF, provided that there are no overriding policy or other material considerations to indicate that development should be refused.

Policy DLF1 of the SVFLP sets out a targeted strategy for new residential development within Fylde, identifying Elswick as a Tier 2: Smaller Rural Settlement location. Justification text to Policy SL5 confirms that Tier 2 locations can accommodate up to 50 homes over the plan period with delivery being reliant upon windfall development as opposed to allocated sites. Members should note that there are two other housing applications currently being assessed by the Planning Authority, 50 dwellings on land north of Beech Road (16/0645) and 36 dwellings on land to the east of Copp Lane (16/0846). There is also committed development within the village on Bonds Ice Cream (8 units), Elswick Trading Park (9 units) and Chapel Farm (5 units). Collectively these developments will exceed the 50 unit provision within Policy SL5, though it is considered that the proposal will make a significant contribution to meeting this overall target.

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 SVFLP is a material consideration, it is yet to be examined in public. Representation has been received to Policies DLF1 and SL5 with specific regard to Elswick and its classification as a Tier 2 Smaller Rural Settlement, this includes specific objection to any housing provision for Elswick, and conversely request for Elswick to be upgraded to a Tier 1 Settlement capable of accommodating between 100-150 new homes over the plan period. Since the SVFLP has unresolved objections with specific reference to housing provision in Elswick, relevant policies can only have limited weight in the decision making process. This position has been emphasised in a number of recent appeal decisions and on this basis the figure of 50 dwellings referenced in policy SL5 cannot be relied upon to restrict or support housing development in Elswick.

The Council approved an application made by Elswick Parish Council to designate an 'Elswick Parish Neighbourhood Area' on 1 August 2016. This will allow the Parish to formulate policies within a Neighbourhood Plan including location housing which, if adopted, will become material in the determination of planning applications within the approved Area. Since the Neighbourhood Plan for Elswick is only an emerging document, no weight can be attached to it in the determination of this current application.

Does the proposal deliver sustainable development?

The National Planning Policy Framework requires developments to be sustainable. There are many aspects to be considered in that assessment, with the key issues for a residential scheme in this location being availability and accessibility of services, scale of development and visual impact.

Accessibility and Availability of Services

Objectors have suggested that there is a lack of services which are capable of supporting a development of the size proposed. It should be noted that Elswick Parish Council have raised concern to the sustainability of the development, based on the settlement scoring low in the sustainability assessments used to inform the emerging Local Plan. This is based upon a lack of health centre, education facilities, post office, supermarket and further eroded by reduced employment opportunities from loss of Bonds Ice Cream and reduced bus services.

Elswick is an identified settlement within Policy SP1(4) of the FBLP. Elswick is also defined as a Tier 2 settlement in the SVFLP. This is an acknowledgement that Elswick is capable of accommodating sustainable growth, albeit that it may have a dependency on other settlements for some services.

The application site is located to the east of the village on the edge of the settlement boundary of Elswick. Elswick has a number of local services within its envelope, including two public houses, Church, Village Hall/ Community Centre, nursery, children's equipped play area, tennis courts, bowling green and post box. Great Eccleston Copp C of E Primary School is located within walking distance to the north on Copp Lane, the closest secondary school being Car Hill in Kirkham. It is noted that there are few employment opportunities in Elswick, indeed Bonds Ice Cream is due to close and that residents rely on connections to other villages, including Gt Eccleston, for some services including Post Office and Health Centre.

According to the Lancashire County Council web site, closest bus stops are located immediately adjacent to the site entrance to both sides of Lodge Lane, accessible on foot by the existing footpath network. This provides the number 80 service between Myerscough and Preston every 2 hours (not on Sunday). There are five other stops within Elswick which operate the 75a (Myerscough to Preston, one stop at 06:27) and 78 (Poulton to Lytham and St Annes, hourly) services. It is reported by LCC Highways that the 78 service provider has indicated that they will be withdrawing its route through Elswick in the New Year, though this has not been confirmed.

Concern has been raised by residents with regards to pressure on existing health with waiting times of up to 4 weeks, education facilities, lack of employment opportunity and reduced bus service affecting the sites sustainability. It is acknowledged that this matter does impinge on the sustainability of the site, however it is considered that such matters alone are not sufficient to refuse the development on sustainability grounds. LCC Education comment that there is currently a shortfall of primary and secondary school places and that the development will add to this. On this basis, a financial contribution is requested from the development which will be used to increase provision, in this circumstance £275,959.20 for 15 secondary places is sought.

As identified in paragraphs 34 and 38 of the NPPF, 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.

The proposed development, by virtue of its location on the edge of the settlement, would be well connected to existing facilities and would not be isolated from them in comparison to existing dwellings within the village envelope. Moreover, the addition of up to 50 dwellings would help sustain and could act as a catalyst for the development of local facilities and services. The site is accessible by 3 bus services, providing sustainable connectivity to larger settlements of Poulton, Kirkham, Preston and Lytham St Annes. Gt Eccleston Copp C of E Primary School is within walking distance and there are other facilities including shops, primary school and health care opportunities at Gt Eccleston Village, as well other settlements accessible via the bus services offered. On this basis, the site is considered to be in a sustainable location, would not result in the introduction of isolated homes in the countryside and will enhance or maintain the vitality of the rural area (paragraph 55). Therefore whilst the application would be contrary to Policy SP2 of the FBLP in this instance there is greater weight to be given to the NPPF due to the sites sustainable location, housing objectives and presumption in favour of sustainable development.

Scale of Development

The scale of development proposed is intrinsic to the scheme design, the NPPF states that design is a key aspect of sustainable development and that permission should be refused for development of poor design. Policy HL2 of FBLP supports residential development subject to a number of set criteria, with reference to scale of development this criteria includes development to be in-keeping with the character of the locality and a density of between 30-50 units per hectare. Elswick Parish Council comment the proposal will increase the size of Elswick by 36% when added to approved developments and current housing applications. Residents have raised concern to the scale of development and how this would alter the village character.

The indicative layout provide for a density of 11 dwellings per hectare (DPH), based on a site area of 4.7 hectares referred to in the submitted application form. This DPH figure is low in comparison to policy requirements, though it is recognised that a significant amount of open space is provided indicatively within the scheme. Furthermore, density requirements of Policy HL2 are not representative of a village setting or location of the development within countryside, being akin to a higher density urban area. The application site represents a transition between the village boundary and countryside beyond and on this basis a lower density scheme providing a sense of openness is more appropriate and could be supported.

The nature of the outline application has not provided detailed layout or elevation drawings of dwellings proposed. There is contradiction between the Planning Statement and Design and Access

Statement which refers to scale being either 2 storey, or 2-2.5 storeys dependent on which document is read. Notwithstanding this, the scale referred to in both documents would be in-keeping with that in the locality and wider village envelope. It is recommended that appropriate conditions to restrict the size of dwellings are attached to any subsequent approval notice

There are approximately 463 dwellings in the village of Elswick. Based on this total, the proposal of 50 units will therefore result in an 11% increase in the village size. Cumulatively, with approved development at Bonds Ice Cream (8 units), Elswick Trading Park (9 units) and Chapel Farm (5 units) the village has the planning permissions that would involve a 16% growth, which would increase to 26% if considering the current residential scheme on Beech Rd (50 units) and to 34% with the Copp Lane residential proposal (36 units). It is not considered that this proposal would be an unacceptable scale of growth to the settlement and that there are sufficient services within the settlement to meet the needs of existing and prospective occupants. These figures are, however, intended only to give a quantitative context to the level of expansion which would arise as a result of the development. There is, in policy terms, no set percentage restricting the degree to which an existing settlement can expand. Instead, the consideration is whether any impacts arising as a result of the development's size, scale and relationship to the settlement would give rise to significant and demonstrable harm which would outweigh the benefits that it would otherwise deliver. The development's impact on the character and appearance of the area in visual and landscape terms are considered to be of principal significance in this regard.

Visual and Landscape Impact

Policy HL2 supports new residential development which is compatible with adjacent land uses and would be in-keeping with the character of the locality. 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 broadleaved woodland, scrub meadows, hedgerows, wetlands, ponds and watercourses. Policy EP11 states that new development in rural areas should be sited so that it is in keeping with landscape character, 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. This reflects guidance contained within the SVFLP and NPPF.

The applicant has submitted a Landscape and Visual Appraisal of the development which concludes that there will be a moderate effect on the local landscape during the initial construction phase, which will reduce to slight-moderate following establishment of landscaping. The application site lies between 2 Lanes which contains the effect on the wider character area, being assessed to have a low change which corresponds to a slight moderate effect on wider landscape character. A high visual change is reported for housing adjacent to the application site and a low change to public footpaths once landscaping is established.

The applicant has submitted Arboricultural Impact Assessment (AIA) which includes a survey of trees within and overhanging the site in respect of their condition, retention category and root protection area. The assessment concludes that a few trees must be removed to facilitate the proposed access, however it would be possible to develop the site whilst retaining all or majority of higher value trees and that majority of existing hedgerow could also be retained. Accordingly, the most valuable landscape features on the site would be retained. Conditions are suggested 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 eastern edge of the settlement boundary of Elswick and forms part of an area of open countryside which extends to the north and east of the village. The site's eastern and southern boundary abuts the built up area of the village adjacent to dwellings on Lodge Lane, Linden Fold and Ash Close. Existing dwellings have a rear facing aspect to the countryside with rear gardens and associated boundary treatment adjoining countryside. A mix of trees and hedgerow form a natural boundary to other elevations of the site. The site is not considered to be in a particularly prominent location, with only glimpsed views through open fields, trees and individual housing being afforded when entering the village by road on Lodge Lane; as demonstrated in the Landscape and Visual Impact Assessment. There is a Bridleway located approximately 160m to the east though affords limited views of the application site being hampered by landscaping, housing and farm buildings. There are of course more prominent views of the site when seen at close quarters from adjacent housing, Bonds Lane and Mill Lane, these roads however are not heavily trafficked.

The Illustrative Framework Plan splits the application site in two, with housing to the village side of a deep landscape buffer which incorporates the retained pond. This is considered to be a natural expansion of Elswick which relates well to the defined Village boundary designated in the adopted FBLP. The proposal provides opportunity for an outward facing development, with significant landscaping buffer and retained natural features that will act as a soft barrier to assimilate the proposal into the countryside setting, enhancing the appearance of the village edge. Such features are intrinsic to the proposal making a successful transition between urban and rural, forming appropriate mitigation against the countryside encroachment.

It must be accepted that the proposal will result in the urbanisation of a countryside location with resultant harm to landscape character. Notwithstanding, this is the case for the majority of sites in the Countryside Area and it follows that site-specific considerations will be important in determining the degree of harm arising. The development would diminish openness and would interrupt existing external views of the site where available, though the site is not considered to be in a prominent location. Any harm would be minimised by virtue of the development's relationship with existing buildings on the edge of the settlement, retention of existing features and provision of new landscaping within the proposal. It is not considered that the limited visual harm 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 minimised.

It is important that the parameters of the Illustrative Framework Plan are provided within any subsequent reserved matters planning application, this can be controlled by condition.

Loss of agricultural land

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, 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, with Grades 2 and 3a 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 indicates the site to be Grade 2, though is only accurate to about 80ha. The application is supported by an

Agricultural Land Classification (ALC) assessment which concludes that land quality on the whole site is limited by soil wetness and topsoil texture, mainly to subgrade 3b (75%), with a smaller area of subgrade 3a (25%). Development of majority of the site therefore accords with NPPF and FBLP policy for use of poorer quality land in preference to that of a higher quality. With regards to the 3a classification on site, 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. Use of the 3a portion of the site is further constrained by its small size relative to the application site and detachment from other higher grades of land by field boundaries, roads and housing.

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.

Principle of Development – Conclusion.

The site lies within the Countryside Area and outside the settlement boundary of Elswick as identified on the FBLP and SVFLP Proposals Maps. The proposed residential development does not fall within any of the categories of appropriate development outlined in FBLP policy SP2 and SVFLP Policy GD4 and is therefore in conflict with this policy. However, given the absence of a five year supply, housing supply policies including those restrictive policies such as SP2 and GD4, are considered out-of-date and in conflict with the NPPF. As a result, little weight can be attached to Policy SP2 in the decision making process. For the same reasons, the settlement boundary cannot be relied upon as a tool to limit the expansion of the village.

The SVFLP is yet to be examined in public. Representation has been received to Policies DLF1 and SL5 with specific regard to Elswick and its classification as a Tier 2 Smaller Rural Settlement, this includes specific objection to any housing provision for Elswick, and conversely request for Elswick to be upgraded to a Tier 1 Settlement capable of accommodating between 100-150 new homes over the plan period. Since the SVFLP has unresolved objections with specific reference to housing provision in Elswick, relevant policies can only have very limited weight in the decision making process and should not be relied upon to either restrict or support housing development in Elswick.

The application site is considered to be in a sustainable location and would not result in the introduction of isolated homes in the countryside. The scale of development is considered appropriate and would not unacceptably undermine the character of Elswick. The development represents a rounding off of the defined Village Boundary in this locality, a deep landscaping buffer to open countryside and outward facing development will provide a transitional buffer between urban and rural and act to enhance the village setting. The site is not considered to be in a highly prominent location, retention of natural features and strengthening of landscaping to the site boundaries 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 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 30% affordable housing on the site. 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 the Development Plan and NPPF.

Relationship with surrounding development:

Policy HL2 of the FBLP and GD7 of the SVFLP supports new residential development that would have no adverse effect on the amenity and privacy of neighbouring properties. This amenity impact includes privacy, dominance, loss of light, over shadowing or disturbance resultant from the development itself on neighbours, or during the construction period. The SPD provides additional guidance with particular reference to separation distances between dwellings to ensure the amenity of residents is safeguarded.

The Illustrative Framework Plan sites development pockets adjacent to the eastern boundary of Elswick and there are a number of dwellings adjacent which could be affected by the proposals. Indeed concerns have been raised with particular reference to noise and vibration disturbance during the construction period.

The planning application is made in outline form with detailed siting of dwellings being reserved for subsequent application, the relationship between dwellings proposed and neighbours cannot therefore be assessed at this time. Notwithstanding this, Policy HL2 and GD7 are clear in that amenity of existing residents must be safeguarded and it is expected that any subsequent reserved matters application is compliant with these Policies.

The proposal will intensify use of the site and increase the number of vehicles on access roads, including Lodge Lane and Mill Lane. The level of vehicle activity associated with the development is not considered to have a significant noise impact on adjacent residents and is therefore unlikely to cause an unacceptable disturbance. It is inevitable that there will be some disruption for residents during the construction period. This disruption however is temporary, for duration of the build and is therefore acceptable. Conditions can be imposed to reduce this disruption for neighbours and construction hour's restriction, wheel wash facility and dust controls are recommended.

Highways:

Paragraph 32 of the NPPF states that decision makers should take account of whether safe and suitable access to the site can be achieved for all people, and, improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Policy HL2 supports new residential development provided satisfactory access and parking arrangements are provided, and do not adversely affect the safe and efficient operation of the highway network, either individually or cumulatively with other permitted developments. Policy TR1 also encourages the improvement of facilities for pedestrians to encourage walking as an alternative means of travel. Policy GD7 and T5 of the SVFLP reiterate the above highway policy position.

Objection has been raised by Elswick Parish Council and local residents in relation to highway safety implications resultant from additional vehicle movements on the surrounding road network, this includes exacerbation of existing problems at the Thistleton junction with the A585. Criticism is also made of the submitted Transport Assessment and accuracy of the data provided.

The submission indicates that the sole vehicular access to the development will be via a new access road to the north of Mill Lane. This arrangement will result in a change of priority with vehicles using the access road having priority over those vehicles using the existing Mill Lane carriageway. The junction of Mill Lane/ Lodge Lane will be adapted to improve visibility and will entail a slight narrowing of the Mill Lane/ Lodge Lane junction to provide a junction build out. The existing footpath network will be continued from Lodge Lane into the application site and pedestrian linkage to Bonds Lane is also provided.

The applicant has submitted a Transport Assessment (TA) in support of the original application for 100 units. In addition, a Technical Note (TN) has been provided to support the revised proposal of 50 dwellings, though elements of the submitted TA are still of relevance.

The TA confirms that Traffic Surveys were undertaken at Am and PM peak times at 4 junctions which included two on Lodge Lane and two on the A585. It is reported that the development is forecast to generate a 2 way total of approximately 59 trips in the AM peak and 67 trips in the PM peak hours being spread on to the network. In summary the TA concludes that the development proposals would have a minimal impact on the local highway network, acknowledging that the site access junction off Mill Lane is designed to accord with highway safety design standards and will have sufficient capacity to accommodate additional traffic. Furthermore, the TA also considers that the junction of Mill Lane/ Lodge Lane and that of Lodge Lane/ Roseacre Road/ Ash Road are forecast to operate within capacity, and the proposal would have a minimal impact on the operation of the A585 Fleetwood Road/ B5269 Thistleton Road junction. The TA also considers the site to be highly accessible with linkages to the existing footpath network, close proximity to cycle routes and Bus Stops promoting alternative transport modes.

The TN provides additional information relating to the Thistleton junction of the A585. Traffic generated by the approved development of 90 dwellings at Copp Lane, Great Eccleston is referred to in the TN. It is expected that the development is forecast to generate a two way total of approximately 29 trips in the Am peak hour and 33 trips in the PM peak hour, resulting in approximately 16 two way trips during weekday peak times at the Thistleton junction, equivalent to an additional vehicle every 3 to 4 minutes. The junction has been forecast to operate within its theoretical capacity and in excess of its theoretical capacity by 2021. The development itself will result in minimal increase and on this basis the TN concludes that the proposed development will have minimal impact on the operation of the junction. The TN reports 10 accidents at the Thistleton junction between September 2011 and May 2016, 3 of which were classified as serious injury and the remaining 7 of slight injury. All accidents are considered attributable to driver error and not vehicle speed or deficiency in the layout of the junction. The proposal will result in an increase in right turn movements at the Thistleton junction, however these are equitable to an additional right turning vehicle every 10-15 minutes during the peak period and are not considered to result in any material changes to the operation or highway safety of the junction. Visibility at the junction is also reported to have no deficiencies and that a bid is currently with Highways England for improvements to the junction, including signage and road marking improvements.

With regards to the highway assessment of the proposal, Highways England (HE) consider impact of the proposal on the A585 trunk road, LCC Highways are responsible for all other roads.

LCC Highways comment that the proposed site access to Mill Lane meets with design standards and is acceptable. The junction of Mill Lane/ Lodge Lane will require alteration to ensure visibility sight lines and will involve a slight reduction in width of Lodge Lane to enable a junction build out. Agreement to the principle of this junction design has been agreed between the applicant and LCC Highways. The trip rates referred to in the TN are representative of the development, traffic growth and committed development have been considered and the main affected junctions (site access/ Mill Lane, Mill Lane/ Lodge Lane and Lodge Lane/ Roseacre Road/ Ash Road) are considered to have ample capacity with no future operational issues for 2021.

LCC Highways comment that there has been no recorded injury accidents in the last 5 years at or close to the site and road safety for the village is relatively good, with only 4 injury accidents all resulting in slight injury. No common cause of accident is apparent and LCC Highways conclude that the additional traffic that the proposal puts on the highway network would not be adversely severe.

There are known issues with the Thistleton junction with the A585, with congestion arising due to vehicles, particularly those turning right, finding it difficult to enter onto; or to cross over the A585(T) at peak times. This also results in safety concerns as drivers seek to enter the A585(T) due to insufficient gaps in moving traffic. An increased number of vehicles using this junction in the future would therefore be likely to exacerbate these issues.

Calculations presented in the Technical Note demonstrate that the development could generate between 15 and 16 trips that would use the Thistleton junction in the AM or PM peak hours, equating to an additional vehicle every 3 to 4 minutes. Accident analysis presented within the TN found that 11 accidents occurred at the junction between 2011 to October 2016, 6 of which were in 2016. 9 of the incidents involved vehicles using and making turning manoeuvres at the junction and 8 occurred outside of peak times. HE conclude that this is due to inadequate gap acceptance by drivers at the junction to enter onto the A585 mainline or cross it and this occurs throughout the daytime periods, which is a reflection of how heavy the A585 route flows can be throughout the day.

This impact is reported in the TN to not result in any material change to the operation or safety of the junction. This is disputed by the HE who comment, the risk of incidents happening at the junction will undoubtedly increase incrementally as development comes forward. Notwithstanding this, HE raise no objection to the proposal on the basis that it would possibly raise the risk only marginally. In making this judgement, HE gives weight to the fact that the proposal of 50 dwellings is within the agreed housing allocation for Elswick within the Submission Version Fylde Local Plan. As a result, HE do not raise objection to this application subject to a condition requiring a Travel Plan.

HE have raised concern that the incremental development (over 300 dwellings) coming forward in this area is cumulatively and significantly increasing the number of turning movements at the Thistleton junction, with a corresponding significant increase in risk to safety. Reference is made to 90 dwellings approved by Wyre BC on Copp Lane, 86 dwellings split between two current applications in Elswick (16/0645 50 units on Beech Road, 16/0846 36 units on Copp Lane) and a further 93 properties at Gt Eccleston (16/0650) being considered by Wyre BC. On this basis HE urge Fylde Council to consider the cumulative and negative impact on safety of all of these new developments with a view to resisting further development until a coordinated approach to infrastructure mitigation can be achieved.

The development proposes pedestrian improvements through provision of footpath connectivity from the development to the existing network on Lodge Lane, a pedestrian link to Bonds Lane is also indicated on the Framework Plan. Measures to improve pedestrian linkages to the village centre have also been agreed with the applicant, this includes reduction in width of the Lodge Lane/ Roseacre Road junction by alterations to kerb lines and footways. This will improve access for existing and prospective occupants to facilities and services within Elswick, enhancing sustainability of the site. LCC Highways have requested that adjacent bus stops be upgraded to provide raised boarding areas to improve accessibility for a wider range of users, this can be controlled by condition.

Elswick currently has a regular bus service by 75A, 78 and 80. The 80 service now runs every two hours compared to an hourly service prior to recent cut backs and comment from LCC Highways states that 78 service is likely to be withdrawn from Elswick in the New Year. LCC Highways recommend that contributions are provided to retain the 78 service and reinstate the hourly frequency of the 80 service, £50k per annum for 5 years is sought. LCC highways report that costs of these service improvements would be approximately £750k, though only a contribution of £50k a year for 5 years has been requested. Justification for this contribution amount has been requested.

Furthermore, requested contributions do not cover total costs for providing the enhanced services; there is a significant funding shortfall, and understanding of how this shortfall will be provided has also been requested. In the event that an LCC Highway response is not received, it is requested that authority to grant planning permission be delegated subject to further discussion with LCC Highways regarding this matter.

The TA makes reference to submission of a Construction Traffic Management Plan (CTMP) in order to manage the impact of the construction traffic on the highway network. The CTMP will consider elements such as parking for operatives and visitors, loading and unloading and storage of materials, vehicular routes to the site and wheel wash facilities. LCC Highways have raised concern to the effect of HGV's in the area associated to the Fracking proposals, and whilst not objecting to construction of this proposal, do consider that a CTMP would be beneficial. A condition requiring approval of a CTMP is suggested.

Whilst the highway concerns of residents is noted, in light of the LCC Highways and Highways England assessment of the proposal it is considered that the development provides for a safe and suitable access and that impact on the network would not be severe, in accordance with the development plan and NPPF.

Parking:

The planning application is made in outline form with detailed assessment of parking provision being reserved for subsequent application. The submission does not provide a detailed layout of plots and proposed parking arrangements cannot be assessed at this time. Notwithstanding this, Policy HL2 and TL5 are required that residential development provides for appropriate car parking and it is expected that any subsequent reserved matters application is compliant with this Policy.

Flood Risk and Drainage

The site falls entirely within flood zone 1, as defined on the Environment Agency's Flood Map. Since the site is over 1 hectare in area, a Flood Risk Assessment (FRA) has been submitted with the application, this also incorporates an Outline Drainage Strategy Report and a Permeability Assessment.

Paragraph 100 of the NPPF states that *"inappropriate development in Flood Zones 2 and 3 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"*. Policy EP30 states that development will not be permitted which would be subject to an unacceptable risk of flooding or create an unacceptable increase in the risk of flooding within the development site, or elsewhere. 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. Policies CL1 and CL2 of the SVFLP reflect EP25 and EP30, and encourage use of sustainable urban drainage systems.

Residents have raised concern with regards to reported flooding at the junction of Mill Lane/ Lodge Lane providing photos to demonstrate, reference is also made to flooding on site from overtopping of the pond, water retention on site including standing water and boggy ground. Concern is also raised to the accuracy of the submitted Flood Risk Assessment.

The FRA indicates that closest surface water features is the pond located centrally on the site, United Utilities have a combined sewer on Lodge Lane and Ash Lane and sewers within Ash Close and Linden Fold. It confirms the site to be in Flood Zone 1 'Low Probability', is not at risk from flooding and that surface water flooding does not pose a significant risk to the development. The FRA

concludes that ground investigation and percolation testing has confirmed that the site is not suitable for an infiltration based sustainable urban drainage system (SUDS). Surface water drainage will therefore be stored and attenuated using a range of SUDS storage techniques including detention basins, attenuation ponds, geocellular crates and flow control chambers.

Members should note that the detailed drainage design cannot be determined until reserved matters stage, though an indicative drainage strategy has been outlined in the FRA. This includes use of and improvements to the existing pond which will act as an attenuation pond. Housing and highway surface water run off for development located to the south of the site are to drain into a detention basin which will be used to restrict flows to 5 litres per second into an open drainage ditch that serves Mill Lane. Highways to the north of the site will drain into the re-engineered pond on site that will restrict flow to 8 litres per second before discharging into Thistleton Brook/ River Wyre. Revisions to the pond will ensure capacity for required additional storage and overflow mechanism to mitigate flood risk within the development site. Housing to the north of the site will use geocellular attenuation crates located beneath driveways, before discharging into the drainage ditch on Bonds Lane also. With regards to foul water, it is proposed to use existing foul sewerage infrastructure in the locality. This will require provision of a pumping station for dwellings in the northern area of the development.

The proposal has been considered by the Lead Local Flood Authority, Environment Agency and United Utilities who have not raised objection to the proposal, but do require specific conditions to be attached to any subsequent approval notice. Such conditions include 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, detail of finished floor levels, provision of pond/ detention basin prior to main construction phase, and that appropriate management and maintenance plans are put in place in respect of any sustainable drainage system. On this basis, whilst the concerns of residents is noted, it is considered that adequate measures can be put in place in order to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the development plan and NPPF.

Ecology

Paragraph 109 of the NPPF states 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. Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity, 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.

The site has no specific nature conservation designation in the Local Plan, though is within a Site of Special Scientific Interest (SSSI) impact risk zone associated with the Wyre Estuary SSSI. Policy EP15 indicates that development affecting the integrity of a designated European Site will not be permitted. 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. Policy EP18 encourages the retention/replacement of existing natural features and the introduction of additional features as part of the development in order to provide biodiversity enhancements. 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. Policies ENV1 and ENV2 of SVFLP reflect this current policy position.

Residents have raised concern to the development impinging on the current ecological value of the site, including use of the field and pond by wildlife such as ducks and swans, as a breeding ground for frogs and newts, with trees and hedgerows being prime nesting sites and refuge for bats and woodpeckers.

An ecology survey has been submitted in support of the application. The survey indicates desktop bird records obtained from LERN and Fylde Bird Club show no SPA, Ramsar or SSSI wintering bird species have been recorded within the 1km grid square where the site is located. The survey concludes that development will not impact upon the populations of wintering birds at Wyre Estuary SSSI and Morecambe Bay SPA/Ramsar. Given the location of the development in relation to the SSSI and SPA/Ramsar it is considered that development proposals will not have any direct impact as works will have no direct effect on the SSSI and it is not considered that any indirect impacts will occur (through increased visitor pressure, etc.) given that the SSSI is 3.5km away from the site. Natural England concur with the report findings, commenting that the application is not likely to result in impacts on statutory designated nature conservation sites or landscapes. GMEU also accept these findings and no further measures are required.

The dominant grassland habitat within the site was noted to be of moderate ecological value at the time of survey. The pond, hedgerows and trees around the boundaries are also of value as they provide good foraging, nesting, commuting and sheltering opportunities for a range of common and widespread fauna. Retention of important habitats including pond, trees and hedgerows is suggested and has been provided in the indicative layout. New landscaping of the site should provide for the native replacement of trees, scrub, wild flower area and hedgerow, retained trees and hedgerow should be protected during the construction phase.

Trees on site have been surveyed for bats and additional survey work has been undertaken. GMEU comment that bat activity is primarily associated with foraging along the hedgerows and pond which are to be retained, the main species present being common pipistrelle. Given the retention of most of these features there is unlikely to be significant impacts on bat activity as a result of the proposal. Precautionary measures, nesting opportunities for birds and bats have been recommended and should be conditioned.

The site provides suitable nesting habitat for a range of bird species that use hedges, scrub and trees. The grassland also provides habitat for ground nesting birds. Any works that affect these features during the nesting season has the potential to disturb nesting birds. All birds in the UK are protected while undertaking nesting activities under the *Wildlife and Countryside Act 1981 (as amended)*, site clearance/ set up should therefore be avoided during this period unless further survey demonstrates otherwise. This can be controlled by condition. The site provides suboptimal habitat for wintering birds. Wintering birds would not be interested in the pond on site and prefer more open fields away from sources of disturbance. There is much more optimal habitat of this nature for wintering birds in the surrounding area. Adjacent residential development and road noise is likely to cause disturbance to these bird species. Taking into account the nature of the habitats on site and the desktop results from Fylde Bird Club there are no implications for development with regards to wintering birds. GMEU accept these findings and no further measures are required.

Ponds on and adjacent to the site have been sampled for great crested newt eDNA. All samples were found to be negative confirming that none of the ponds had been used for breeding by great crested newts during the 2015 breeding season. GMEU comment that it appears that the historic population of great crested newts is no longer breeding on the site. This does not preclude GCN from terrestrial habitat, but of the ponds not surveyed only one is close to the application site, the remainder

sufficiently distant, combined with partial barriers to reduce the risk to an acceptable level. There is a road acting as a barrier between the closer pond and the application site. Given this barrier, associated risk to GCN from the development is categorised low and the Ecology Statutory Consultation response advises that no further survey work is necessary, subject to use of reasonable avoidance measures.

There are no records of badgers, water vole or otters within 1km of the site and there was no evidence of such during the extended Phase 1 habitat survey. The site has some foraging value for reptiles, however, there is limited sheltering and hibernation habitat and there are no reptile records. GMEU accept these findings.

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, as recommended above. Indeed GMEU have no objection to the proposal subject to condition, and Natural England has no comment to make. The proposal is therefore in accordance with the objectives of the development plan and the NPPF.

Trees

There are a number of trees on the site which afford amenity value to the locality, though are not protected by Tree Preservation Order. Policy EP12 states that trees and hedgerows which individually or in groups make a significant contribution to townscape or landscape character will be protected. Policy GD7 of the SVFLP seeks to protect existing landscape features.

The majority of trees and hedgerow to the site periphery are indicated to be retained within the development. Notwithstanding this, a number must be felled to facilitate provision of the new vehicular access from Mill Lane. The application is supported by an Arboricultural Impact Assessment (AIA) which states that the site can be developed without significant tree loss and majority of hedgerow can be retained, it is not considered that the trees to be removed will detract significantly from the character of the area. The AIA recommends that root protection areas (RPA) inform the detailed site layout with inbuilt stand-off distances to ensure trees can grow without conflict to housing, services should also avoid RPA's. A detailed AIA should also be submitted with the reserved matters application, as well as replacement planting within the scheme.

The Tree Officer disagrees with the AIA, and considers trees are of lower value due to their health. Comments state that 'the current screen of trees cannot be relied upon to remain for an indefinite period and suggests a substantial buffer plantation around the site so that the successor trees are growing in readiness for when the existing ones have to be removed. On this basis the proposal is considered to accord with Policies EP12 and GD7, subject to protection of retained trees and hedgerows, and provision of additional tree planting within the development which can be controlled by condition.

Heritage

Elswick Memorial United Reformed Church is located approximately 60m to the south of the application site on Lodge Lane. According to the Historic England web site, the Robert Moss Gravestone and the Old Congregational Chapel located within the grounds of the church are Grade II Listed. 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 and

ENV5 of SVFLP which states that development which would harm the setting of a listed building will not be permitted.

The Grade II heritage assets are located approximately 60m to the south, on a similar land level to the application site. There are two dwellings with associated garden curtilage located opposite the Assets on Lodge Lane, which act to obscure a direct line of site between the Assets and the application site. Glimpsed views may be obtained, but are interrupted by the presence of this housing and tree planting to the southern boundary of the application site on Mill Lane. The County Archaeologist has not raised any objection to the proposal.

On this basis it is not considered that the development would have any harmful impact, nor would it diminish significance on the setting of the listed heritage assets, in accordance with the development plan and NPPF.

Other issues

Open space:

Policy TREC 17 of the FBLP and ENV4 of the SVFLP supports new residential development subject to the provision of amenity open space (including facilities for children's play where appropriate) in accordance with standards relevant to the number of bedrooms within each dwelling provided. The outline nature of the application means that there can be no clarity on this matter, however the illustrative layout shows areas of open space within the development.

Affordable housing

Paragraph 50 of the NPPF requires affordable housing to be provided where needs have been identified. Policy H4 of the SVFLP requires a 30% provision of affordable housing in new development, being based on The Fylde Coast SHMA 2014 which sets out the need for affordable housing in the Borough.

The Council's Strategic Housing team have commented on the application and support the development subject to provision of 30% affordable housing on the site. If members are minded to approve the scheme, the Applicant will have to enter into a Section 106 Legal Agreement to ensure provision of 30% affordable dwellings within the development. The Legal Agreement will secure the contribution amount and any required phasing of the payment. Given the outline nature of development, the contribution will be reassessed once accurate bedroom information becomes available.

Education

It is expected that development provides for any identified shortfall in local education provision. Policy CF2 of the FBLP and INF2 are of relevance and place such a requirement on development.

The response from LCC Education confirms that there is a shortfall of secondary school capacity and that the development will be required to provide a financial contribution equivalent to 8 secondary school places of £162,482.72. This amount is based on the revised scheme of 50 dwellings. The contribution will be used to provide additional Secondary places at Kirkham Carr Hill High School and will be required by Section 106 Legal Agreement.

It should be noted that there is no requirement for contribution toward primary school provision since there is sufficient capacity within existing schools to cater for the demand created.

Conclusions

The development falls outside the settlement boundary of Elswick, representing encroachment into the countryside and is therefore contrary to Policy SP2 and GD4, which act to restrict residential development within such areas. Notwithstanding this, the Council cannot demonstrate a five year supply of housing land and Policies SP2 and GD4 are in conflict with the NPPF. Consequently these policies are out-of-date and the principle of residential development cannot be resisted.

The SVFLP has not been submitted for examination and there is specific objection relating to Elswick being a Tier 2 Rural Settlement and the amount of housing provision in Elswick. Relevant emerging policies therefore carry limited weight. On this basis the figure of 50 dwellings referenced in policy SL5 cannot, at this time, be relied upon to restrict or support housing development in Elswick.

The proposed development, would result in an expansion of the village in the order of approximately 11% in a location on the edge of the settlement boundary which relates well to the existing built-up edge of Elswick and existing shops, services, and public transport facilities available within the village. Accordingly, the scheme is considered sustainable and would not result in the introduction of isolated homes in the countryside. Nor would it have any significant adverse effects on landscape character or quality and appropriate mitigation can be introduced as part of the scheme in order to minimise impact. 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.

Recent appeals have demonstrated that 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 with the added benefit of 30% affordable housing on the site. Therefore, on balance, it is considered that the benefits arising as a result of the development outweigh the limited harm which has been identified in visual and landscape terms and, accordingly, that the principle of development is acceptable.

The development provides for satisfactory 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. 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 and drainage. 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 Development Plan.

Recommendation

That the authority to GRANT planning permission be delegated to the Head of Planning and Regeneration, subject to further discussion with the Highway Authority regarding contributions towards bus service enhancements, and, on completion of a Section 106 agreement that will secure:

- provision, retention and operational details for 30% of the proposed dwellings to be affordable properties
- a contribution towards addressing the shortfall of secondary education capacity to serve the occupants of the development. This is expected to be £162,478.72, to provide 8 secondary

places at Kirkham Carr Hill High School, with the agreement also clarifying the phasing of its payment.

- should the Head of Planning and Regeneration be satisfied that there is a justified need for bus service enhancements after discussions with the local highway authority, then the development should make a proportionate contribution towards the enhancement of the bus service to the village

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

1. Application for approval of reserved matters must be made not later than the expiration of three years from the date of this permission and the development must be begun not later than:
 - the expiration of three years from the date of this permission; or,
 - 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:
 1. Layout.
 2. Scale.
 3. External appearance.
 4. Landscaping.

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:
 1. Drawing number 15-063 LP01 (Site Location Plan).
 2. Amended drawing number 15-063 FP02 revision H (Framework Plan).
 3. Drawing number 0826-F02 revision B (Proposed Access Arrangement).

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 amended drawing number 15-063 FP02 revision H:

1. the developable areas of the site.
2. the areas to be laid out as open space and landscape buffer.
3. the scale of development being no greater than 2 - 2.5 storeys in height.

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 Policies HL2 and EP11 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

5. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 2 of this permission shall provide for a development which demonstrates compliance with the principles of the landscape strategy indicated on drawing number 15-063 FP02 revision H. The scheme shall include, but not be limited to, the following details:

- retention of existing trees, hedgerows and other vegetation on/overhanging the site.
- a compensatory planting scheme to replace any trees or hedgerows to be removed as part of the development.
- the introduction of a landscape buffer and public open space to the east of the built form proposed.
- the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (1) to (3).
- the type, size, species, siting, planting distances and the programme of planting of hedgerows, trees and shrubs.

The 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 to ensure the introduction of appropriate compensatory landscaping and habitat replacement as part of the development, in accordance with Policies HL2, EP10, EP12, EP14, EP18, EP19 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

6. Prior to commencement of the development hereby approved, 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. The development shall thereafter be implemented in accordance with the 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 Policies HL2 and EP30 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

7. As part of any reserved matters application and prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage

scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

Those details shall include, as a minimum:

- 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.
- The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate.
- 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).
- Flood water exceedance routes, both on and off site.
- A timetable for implementation, including phasing as applicable.
- Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates.
- 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 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 Policies EP25 and EP30 of the adopted Fylde Borough Council Local Plan as altered (October 2005) 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 6 of this permission has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover the full lifetime of the drainage system and, as a minimum, shall include:

- arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company.
- 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 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 Policies EP25 and EP30 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

9. All detention 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 watercourse at un-attenuated rate and to prevent the risk of flooding during the construction period, in accordance with Policies EP25 and EP30 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

10. There shall be no on site works, including site set up and the removal of any trees or shrubs until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:

- construction vehicle routes to and from the site.
- arrangements for the parking of vehicles for site operatives and visitors.
- details of areas designated for the loading, unloading and storage of plant and materials.
- details of the siting, height and maintenance of any security hoarding.

Reason: In the interests of highway safety and general amenity of the area, in accordance with Policy HL2 of the adopted Fylde Borough Council Local Plan as altered (October 2005).

11. Prior to commencement of the development hereby approved, a detailed design of the site access, including the junction of the application site with Mill Lane and junction of Mill Lane with Lodge Lane, shall be submitted to and approved in writing by the Local Planning Authority. The approved access design shall be implemented prior to commencement of the the development and retained thereafter.

Reason: To enable all construction traffic to enter and leave the site in a safe manner without causing a hazard to other road users, in accordance with Policy HL2 of the adopted Fylde Borough Council Local Plan (October 2005).

12. Prior to commencement of any works on the site, wheel wash facilities shall be provided within the site which will be used to clean the wheels of vehicles before leaving the site. The wheel wash facilities shall be available for use throughout the construction period.

Reason: To avoid the spread of mud and debris from the application site on to the road network, in the interests of highway safety and general amenity of the area, in accordance with Policy HL2 of the adopted Fylde Borough Council Local Plan (October 2005).

13. Prior to commencement of the development hereby approved, a scheme for the construction of off site highways shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include, but is not limited to, the following:

1. continuation of existing footpath network on Lodge Lane to Mill Lane.
2. pedestrian environment improvements to Lodge Lane, including kerb realignment at the junction of Lodge Lane and Roseacre Road.
3. provision of raised boarding areas to local bus stops in vicinity of the site.

The approved scheme of off site highway works shall be implemented prior to first occupation of the development and retained thereafter.

Reason: To safeguard highway safety and ensure the efficient and convenient movement of all highway users, in accordance with Policy HL2 of the adopted Fylde Borough Council Local Plan (October 2015).

14. Prior to occupation of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include measures to encourage alternative sustainable modes of transport by prospective occupants of the development. The approved Travel Plan 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 for a minimum of 5 years.

Reason: To encourage the use of sustainable modes of transport by prospective occupants of the development, in accordance with Section 4 (Promoting Sustainable Transport) of the National Planning Policy Framework.

15. Prior to commencement of the development hereby approved, a scheme to protect retained trees and hedgerow during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall indicate trees and hedgerow for retention and provide for a Construction Exclusion Zone around the Root Protection Areas of those trees/hedgerows identified as being retained. 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 on or overhanging the which are to be retained as part of the development, in accordance with Policy EP12 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

16. No clearance of trees and shrubs in preparation for or during the course of development shall take place during the bird nesting season (1st March - 31st August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of 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 Policy EP19 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

17. Construction of the development hereby permitted shall only take place between the hours of:

08:00 - 18:00 Monday to Friday.

09:00 - 13:00 Saturday.

No on site works on Sundays or Bank Holidays.

Reason: To safeguard the amenity of neighbouring residents, in accordance with Policy HL2 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

18. Prior to commencement of the development hereby approved, a scheme for the control of noise, vibration and dust during the period of construction shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be used throughout the construction

process.

Reason: To protect the amenity of neighbours of the development, in accordance with Policies HL2 and EP26 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

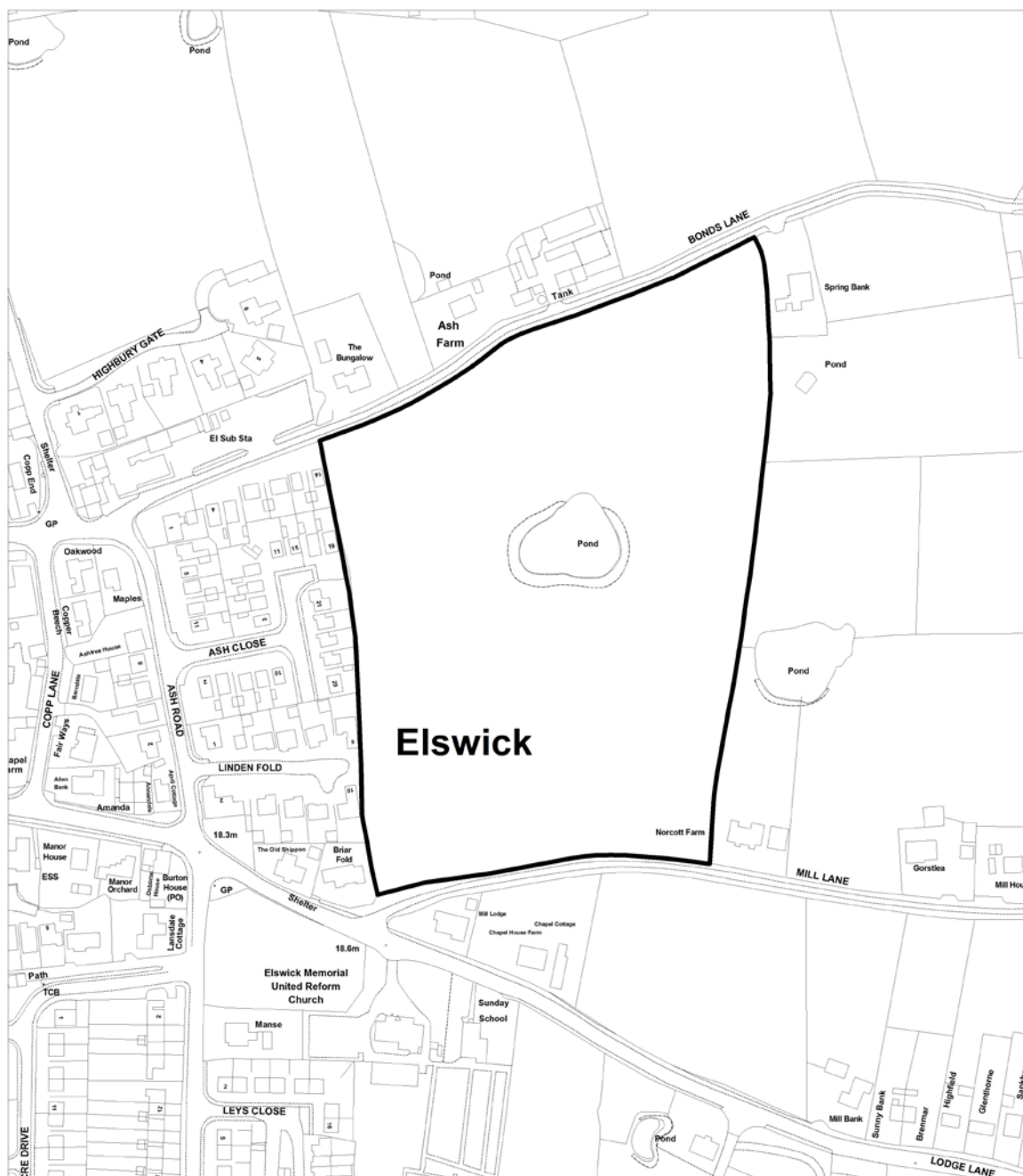
19. Prior to commencement of the development hereby approved, an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The content of the plan must include:
- a) on site mitigation for loss of semi improved grassland.
 - b) on site mitigation for any changes to the open water habitat on site, to include full design details for any alterations to the pond.
 - c) replacement trees and hedgerows on the site.
 - d) enhancement of retained hedgerows on or overhanging the site.
 - e) provision of bat and bird boxes within the development.
 - f) lighting scheme to avoid lighting to the pond and immediate surrounding vegetation.
 - g) a five year implementation and management plan.

The approved planting will be implemented in accordance with the approved details during the first planting season after the development is substantially completed. Any trees or hedgerow 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. The approved bat/ bird boxes and lighting shall be implemented prior to last occupation of the development and be retained on the site in perpetuity.

Reason: To ensure adequate mitigation for the loss of habitat resultant from the development, in accordance with Policies HL2, EP18 and EP19 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

20. There shall be no on site works, including site set up and the removal of any trees or shrubs, until a Reasonable Avoidance Measures (RAM) method statement for amphibians has been submitted to and approved in writing by the Local Planning Authority. The method statement shall outline the RAM measures to safeguard amphibians during any on site works associated to the development. The approved statement shall be implemented for duration of the construction period.

Reason: To safeguard features of ecological interest on the site during the construction period, in accordance with Policies EP18 and EP19 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0180	Address Land north of Mill Lane, Elswick	Grid Ref. E.3423 : N.4384	Scale 0 10 20 30 40 m

Item Number: 4

Committee Date: 11 January 2017

Application Reference:	16/0619	Type of Application:	Outline Planning Permission
Applicant:	Mactaggart & Mickel	Agent :	Colliers International
Location:	LAND SOUTH OF (OPPOSITE MARTINDALE), MOSS SIDE LANE, RIBBY WITH WREA		
Proposal:	OUTLINE APPLICATION FOR APPROXIMATELY 50 DWELLINGS ACCESSED FROM MOSS SIDE LANE WITH ACCESS APPLIED FOR AND ALL OTHER MATTERS RESERVED		
Parish:	RIBBY WITH WREA	Area Team:	Area Team 1
Weeks on Hand:	21	Case Officer:	Andrew Stell
Reason for Delay:	Need to determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7739896,-2.9207061,505m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Refuse

Summary of Officer Recommendation

The application site is an area of agricultural land extending to 3.3 hectares and is located to the south west of Wrea Green village off Moss Side Lane. It is designated as Countryside in the adopted Fylde Borough Local Plan and in the emerging Fylde Local Plan to 2032.

The proposal is an outline application for the erection of up to 50 dwellings on the site with the access to be provided from a priority junction to Moss Side Lane in the vicinity of the existing field gate. All other matters are reserved although an illustrative plan submitted with the application indicates that the built development is to be compressed in the eastern portion of the site so that it is set back from the road and so from views into the site from that road and the village Conservation Area. This is intended to address some of the concerns expressed by the Inspector who dismissed an appeal against the council's refusal of an earlier application for 50 dwellings on the site that was made in 2012.

As the council is unable to demonstrate that it can deliver a 5 year housing supply as required by the NPPF it is necessary to examine if this proposal represents sustainable development, as if it does then planning permission should be granted irrespective of the development plan allocation.

Your officers have carefully considered the submission and consider that the proposal does not deliver sustainable development and so is unacceptable in principle. The first reason for this relates to the scale of development that has occurred in Wrea Green since 2011 (i.e. the emerging Plan period) which has seen around 260 dwellings granted planning permission which is well in excess of the growth envisaged in that Plan. This increase in the scale of the village and so its population has not been matched by any growth in the range or capacity of local services and so it is considered that unsustainable trips to neighbouring settlements for employment, education, shopping, leisure, etc. are unacceptably likely to occur.

Furthermore the proposal to compress the development has not successfully mitigated the harm that it will cause to the character of the village, to the setting of the conservation area, or to the rural character of Moss Side Lane. It has also created a further concern through developing the area proposed for the dwellings at a density that is far in excess of that which would be expected in an edge of rural village location such as this.

There are also concerns over the highway arrangements particularly over the design of the access, the visibility available and the opportunities to provide a safe and convenient connection for pedestrians from the site to the remainder of the village and beyond.

Finally, the unacceptability of the scheme in principle means that there is no progress on concluding a legal agreement that would be required to secure appropriate levels of affordable housing, improvements to the public realm of the village, and primary and secondary education capacity. Accordingly this must also result in a reason for refusal of the application.

It is therefore concluded that the submitted scheme does not represent sustainable development for these various reasons and so the officer recommendation is that the application should be refused.

Reason for Reporting to Committee

The application involves major development. With the level of public interest raised by this application and other similar schemes in the locality, the Head of Planning & Regeneration concludes that this application should be determined at Committee.

Site Description and Location

The application site is an irregularly shaped area of land that sits to the south west of Wrea Green and extends to around 3.3 hectares. It is adjacent to, but largely outside of, the settlement boundary and mainly consists of farmland, although the application site also includes areas of highway land. The site bounds Moss Side Lane to the west with residential development on the opposite side of that road. To the north of the site are a couple of dwellings with the land to the south and west in agricultural use.

Being outside of the settlement the application site is designated as Countryside in the Fylde Borough Local Plan, with that designation carried forward in the emerging Fylde Local Plan to 2032. The dwellings are proposed to be built adjacent to, but outside of, the village conservation area boundary which is centred on The Green and the historic core of the village. The land rises up slightly from Moss Side Lane and is predominantly a single field with hedgerows around, although there is a small part of a second field to the front corner of the site. A series of trees on the road frontage are protected under TPO 2016 No. 5 although that has yet to be confirmed and is subject to objections from this applicant.

Details of Proposal

The Submission

The application proposes the residential development of the site for approximately 50 dwellings. It

is an outline application with access applied for but all other matters reserved.

The access point to the site is indicated as being to Moss Side Lane opposite to Orchard Cottage at a point within the 20mph zone for the village. The access is proposed to be a simple priority junction with a footway provided at each side of the access. The footway to the west runs for a short distance to provide an opportunity for a dropped kerb with uncontrolled crossing of Moss Side Lane. The footway to the east indicates a connection to the existing footway network in the village that currently terminates to the side of Five Oaks close to the junction of Moss Side Lane with The Green. Two uncontrolled crossing points are provided on this easterly section of new footway. The access point provides visibility splays of 2.4m x 43m in both directions with these available over the footways and helped by the site access being on the outside of a bend in the road.

The site layout is not the subject of this application. However, an illustrative masterplan is presented which indicates that the properties are to be concentrated in the eastern part of the site with the road frontage elements providing areas of open space described as a 'pocket park' to the north of the access, a 'retained paddock' to the south of the access, and a 'waterside park' on the western and southern elements of the site. The supporting planning statement explains that this *"maintain the vistas of the open countryside experienced by the Wrea Green Conservation Area to the north and views from the receptors within, namely the Village Green."* (Ref: para 6.38 of Planning Statement).

Of the 50 dwelling proposed, 47 are for market sale with the other 3 being affordable dwellings. This is less than the 30% provision that is normally required of developments of this scale. However, the planning statement submitted in support of the application explains that the developer will contribute financially to the council to meet this shortfall and so allow affordable properties to be provided elsewhere in the borough to meet identified needs.

Supporting Information

The application is supported by the usual suite of information for such applications, including:

- A design and access statement
- A Landscape and Visual Appraisal
- A planning statement
- A Statement of Community Involvement
- An Agricultural Land Classification Report
- A Phase 1 Geo-environmental Desk Study Report
- A Flood Risk Assessment
- A Drainage Strategy Report
- A Transport Statement
- A Preliminary Ecological Appraisal Report

The Planning Statement summarises the local and national policy designations and guidance that relate to an application of this nature, describes the application proposals and their formulation, before assessing the planning merits of the scheme. This assessment concludes that the borough is unable to demonstrate that it has the 5 year supply of housing required by NPPF and so new residential development should be supported that is appropriate and in a sustainable location. The conclusion of the Planning Statement is reported here:

"The outline application is for a residential development for approximately 50 dwellings with open space and associated landscaping, all details of which are reserved for future consideration. Access into the site is not reserved and approval is sought for vehicular and pedestrian access from Moss

Side Lane, Wrea Green.

Mactaggart and Mickel have discussed the application with the local planning authority and agreed the supporting information that accompanies the proposal. The applicant has also actively engaged with local communities and stakeholders throughout the development of the proposals submitted.

This report has assessed the application proposals against those relevant national and local planning policies. The analysis finds that the proposed development would conflict with Local Plan policy SP2 which restricts new development in areas defined as open countryside. However, NPPF establishes a presumption in favour of sustainable development and states that relevant policies for the supply of housing should not be considered up to date where the authority cannot demonstrate a five year supply of deliverable housing sites.

Colliers International demonstrate in Section 6 of this report that Fylde Borough is unable to demonstrate a five year supply of housing land supply at present. The need for further residential development is a material consideration that justifies overruling the Local Plan policy. The NPPF supports new development that is appropriate and in a sustainable location and it is considered that the application site complies with this and other policies contained in NPPF.

This report demonstrates that the application site is sustainable and accessible and does not comprise the highest quality agricultural land. Development of the site in the south west of Wrea Green would assist in rebalancing the form of the village resulting in The Green becoming more central within the village. The proposed access and improvements to the footpath and enhances the accessibility of the site and will ensure that the development has a safe and appropriate access.

The application proposes approximately 50 dwellings which is considered to be an appropriate scale for the village and would assist in meeting the Borough's housing needs. Discussions with Fylde Council have advised on the delivery of affordable housing and it is proposed that 3 units can be delivered on site if sought and a contribution to fund 12 affordable units elsewhere in the borough will address the need most effectively. The delivery of open space and education are also addressed in the report and are proposed to be secured within a S106 legal agreement.

Detailed matters of layout, appearance and landscaping of the proposed development are reserved but the design and access statement and Indicative layout demonstrate that the proposal makes efficient use of land that will benefit from high quality of design creating a quality sense of place that will enhance the vitality of Wrea Green.

With regard to ecology, the site has been fully assessed over a number of years. The updated Preliminary Ecological Appraisal does not identify any ecological constraints to the development proceeding. However, suitable and sound mitigation measures can be included as planning conditions to ensure that all ecological habitats remain suitably protected.

Matters of flood risk and drainage have been carefully considered with the benefit of historical knowledge and information. These have been fully addressed and it is considered the proposed development complies with policy requirements to ensure that flood risk and surface water run-off are not increased as a result of the proposed development.

The need for further residential development to meet housing requirements is a material consideration which substantially outweighs the loss of the area identified as countryside. The proposed development would make a positive contribution to the vitality of Wrea Green and would not result in any substantial harm on the historic or natural environment and therefore represents

sustainable development in accordance with NPPF and other relevant policies.

Mactaggart and Mickel request that Fylde Borough Council grants outline planning permission for this well-conceived sustainable development proposal."

Post-Submission Information

No further information has been provided during the consideration of the proposal.

Relevant Planning History

Application No.	Development	Decision	Date
12/0720	OUTLINE APPLICATION FOR APPROXIMATELY 50 DWELLINGS ACCESSED FROM MOSS SIDE LANE WITH ASSOCIATED OPEN SPACE AND LANDSCAPING (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Refused	15/03/2013

Relevant Planning Appeals History

Application No.	Development	Decision	Date
12/0720	OUTLINE APPLICATION FOR APPROXIMATELY 50 DWELLINGS ACCESSED FROM MOSS SIDE LANE WITH ASSOCIATED OPEN SPACE AND LANDSCAPING (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Dismissed	16/04/2014

Parish/Town Council Observations

Ribby with Wrea Parish Council notified on 25 August 2016 and comment:

"Subsequent to the Ribby with Wrea Parish Council meeting of 12th September 2016, the above planning application was discussed and considered by the Parish Council. The following was noted:

- a) This application was refused on appeal previously and there are no notable changes with the new application.*
- b) The police safety document of the previous application emphasized the danger of the entrance to the proposed development. This still applies.*
- c) It was also noted that NO safe footway could be developed.*
- d) It was noted that some of the properties would be 3 storeys and, in addition, the properties would be constructed on raised ground – height would definitely be a concern.*
- e) Historic Orchard Cottage will be detrimentally affected.*
- f) The application documents also show numerous inconsistencies and the area has clearly NOT been surveyed correctly.*
- g) It was questioned how a bus stop would be constructed where the land is part private property and not public ground. Indeed, the bus service no longer serves the area proposed.*
- h) Egress is not acceptable and cannot be made so due to the location of the proposed development.*

The parish council, therefore, STRONGLY recommends REFUSAL."

Statutory Consultees and Observations of Other Interested Parties

Regeneration Team (Trees)

The tree officer confirms that the trees which are subject to TPO 2016 NO. 5 and stand to the immediate west of the access point are not obviously affected by the current proposal.

Environment Agency

No comments have been received as the development does not impact on main river drainage.

Lancashire County Council - Highway Authority

No comments have been received at the time of writing this report. However, it is understood from discussions with the Highway Authority that formal comments will be received before this application is considered by Committee and will suggest that the information presented is inadequate in that: there is no demonstration of actual speeds at the access point and so no certainty that the proposed visibility is appropriate, there are concerns over whether extended visibility can be provided, there are concerns over the geometry of the junction design, there are concerns over the delivery of the footpath connection, and over the sustainability of the site.

Lancashire CC Flood Risk Management Team

They have provided a comprehensive response that explains much of the legislative background to surface water drainage, and guidance that supports that legislation.

With regards to the specifics of the scheme they raise no objections subject to the imposition of conditions that ensure a surface water drainage scheme is proposed which will achieve appropriate drainage of the site by sustainable means and will control water –run-off to a greenfield rate with betterment for climate change incorporated into it. A condition is also requested to ensure that this drainage scheme is maintained by the developer.

The response also highlights that there is a separate legislative regime for agreeing the discharge point from the site and that Land Drainage Consent will be required if that is to be to the ordinary watercourse alongside the road.

Greater Manchester Ecology Unit

They have assessed the application and particularly the Preliminary Ecological Appraisal that is presented with the submission. They confirm the competency of the ecologist involved in this and so are satisfied that the findings are generally appropriate.

They highlight that the development will lead to a small loss of hedgerow and that this could provide habitat for breeding birds. They recommend that the removal of this feature be undertaken outside of the bird breeding season and that a condition be imposed to ensure that is complied with.

The survey confirms that there is a population of Great Crested Newts within 250m of the site, but as the site itself is sub-optimal newt habitat with limited connectivity to the known breeding pond there are no particular concerns raised over the development of

the site. They conclude that the development would not require a European Protected Species Mitigation Licence but that a precautionary works mitigation statement would be needed and can be secured by condition.

Finally, they welcome the creation of the waterside park and ask that this includes species that are native to the area and so will maximise the biodiversity available.

Strategic Housing

Confirm that the development should provide for 30% of the dwellings as affordable units, but accept that as there have been a number of affordable units delivered in the village recently they would consider off-site contributions for some of these at a level that reflects the market value of properties in Ribby with Wrea.

United Utilities - Water

Raise no objections in principle to the development.

With regards to water drainage they also refer to the proposed surface water and foul water drainage arrangements as presented in the Flood Risk Assessment that supports the application. These are said to be acceptable and should form the basis of a condition to require the appropriate implementation of these elements, with the surface water scheme requiring that drainage to be separate and to follow the water drainage hierarchy. A further condition is suggested to ensure that these drainage works are maintained by the developer.

With regards to water supply they highlight that the developer will need to meet the capital costs of extending the water supply system to serve the development, and that each property should be provided with a metered supply/ They also refer to the presence of a water supply main on the site boundary and the easement that will protect that during development.

Environmental Protection (Pollution)

Raise no adverse comments on the application subject to a condition being imposed that will require the submission of a Construction Management Plan to ensure that appropriate controls over noise, dust, vibration, times of work/delivery, etc. is imposed to protect the amenity of surrounding residents during the construction phase.

LCC Education

They have provided comments on the application. These assess the availability of primary and secondary schools in a 2 and 3 mile radius of the site respectively to accommodate the expected children it will yield, with this assessment including information on current pupil numbers, expected changes due to birth rates, migration and other committed developments in the catchment areas of the schools. The yield of children from the development is based on the figures provided in the application form of anticipated bedrooms sizes in the development, although as the layout is not applied for this can only be an indication and the calculation of this would normally be reassessed at the time of the development being implemented, but is appropriate for the purposes of this assessment.

The conclusion of this for primary education is that there is a shortfall of places available to meet the anticipated yield of children from the development. That yield is anticipated to be 14 children, and with the County Council's methodology requesting a

contribution of £13,474.53 for each place this results in a primary contribution request of £188,643.42. It is suggested that this money would be used to increase school place capacity at St Peter's Catholic Primary School in Lytham which has no current projects assigned to it.

The conclusion of this for secondary education is that there is a shortfall of places available to meet the anticipated yield of children from the development. That yield is anticipated to be 6 children, and with the County Council's methodology requesting a contribution of £20,303.59 for each place this results in a secondary contribution request of £121,821.54. It is suggested that this money would be used to increase school place capacity at Carr Hill High School in Kirkham which has 3 current projects assigned to it and is proposed as a project for a series of other schemes under consideration. This would need further consideration as part of the negotiations for any s106 agreement to secure this funding so as to ensure the limit of 5 contributions for any single project in the CIL regulations is not breached.

To address the combined primary and secondary education shortfall to meet the anticipated education needs of this development The Local Education Authority therefore request a combined contribution of £310, 464.96 although this would change should the mix of dwellings change when a scheme is actually developed.

Lancashire Constabulary

Offer general guidance over the benefits of designing residential layouts in a way that minimises the opportunities for crime, and the local and national policy links to that. No specific comments are made on this application.

Neighbour Observations

Neighbours notified:	25 August 2016
Site Notice Date:	26 August 2016
Press Notice Date:	15 September 2016
Number of Responses	19
Summary of Comments	

Public Comments

1. Concerns over the expansion of the village in recent years without any associated improvement in the range or availability of services to support the greater population. The lack of places at the school and absence of any health centre are quoted as specific examples of this
2. The previous refusal of this application by the council and an appeal inspector should mean that this application is similarly refused as nothing has changed since then
3. The visual impact of the development will be very harmful to the village, will be very prominent from Moss Side Lane as the road is elevation and will detract from the conservation area
 - The additional traffic from the development will cause serious traffic and safety issues on the approach to the site, with the occasional on-street parking by existing residents highlighting how dangerous any alterations to the road network in this area would be.
 - The significant level of development in recent years means that the council must now have a 5 year housing supply
 - If this scheme is allowed then there will certainly be further development on the land to the east of it as it would then be surrounded by houses
 - There is a significant drainage issue in the area which leads to the road being impassable at

times of heavy rain and so no further development should be permitted in that area.

- The development of additional properties in the village could increase crime and disorder concerns in the village
- The site is rural in nature and supports wildlife with protected species in the wider area and so should be protected
- The increased runoff rates will exacerbate flooding issues that are already occurring in the area
- The access position on the bend prevents a safe vision for all road users of the turning movements at the entrance
- The revision to the layout from the appeal scheme will not improve the relationship to the green as they will still be clearly visible from that aspect and will harm its character
- The visual impact assessment refers to establishing trees and shrubs to camouflage the development from view and this is not an appropriate approach to village design
- The use of the site access by all vehicles to the site will have serious disturbance impacts to the occupiers of the properties that are in proximity to it, and will make living in Orchard Cottage which is directly opposite, intolerable.
- The development will increase demands on water supply which is already affected by low pressure in the village
- Whilst there may be a need for a small number of affordable properties for young families this development is unlikely to provide them and so will not be meeting a local need for more housing
- The development site remains on a prominent road frontage whatever the illustrations on the application show and should not be developed in line with the previous appeal decision
- There is a shortage of school places to serve the existing population at both primary and secondary level and so no new dwellings could be supported without this vital infrastructure being in place
- There is a need for a health centre to be available to serve the growing population of the village
- A resident highlights the emphasis placed on the provision of a footpath from the site to The Green, but argues that this is not deliverable as the area available that is part of the highway is limited to around 1m in width and so could not accommodate a footpath
- The development will lead to the loss of Grade II agricultural and which should be protected from development.
- The development is at a density which is overly dense for the rural village location in which it is situated
- There will be a loss of privacy to various neighbouring properties around the site
- Whilst the council has allocated the village for some growth the recent reduction in LCC bus subsidies makes it less sustainable as a location for new development

Councillor Comments

“There is widespread concern within my ward over the number of applications currently being submitted for large developments within the village. If this application were approved it would raise the number of dwellings from 635 approximately 3 years ago to 938. Clearly this amount of new housing is excessive, and even with the government’s directive to build outside boundary settlements this colossal number is totally unsustainable in a village with just one shop; it is also entirely without identifiable need.

Please remember also that the access point on Moss Side Lane is near blind at this point, the school is now full and the bus service has recently been reduced. The development is totally unsustainable. Worse it would impact on Wrea Green’s Conservation Area and I would urge rejection for these many reasons.

As a borough councillor I know that Fylde Borough have tried hard to meet all the government's planning instructions and like many other areas find ourselves in an impossible situation but this proposed development is not listed in the emerging Local Plan and it should be rejected."

CAPOW Resident Group Comments

They have provided a lengthy submission which opposes the development on the grounds summarised in the resident comments section above, and so is not summarised in any detail here but relate to:

- Harmful impact on the setting of the Conservation Area and Moss Side Lane
- The excessive scale of development in the village since 2011
- There are known surface water drainage issues in the area around the site which can only be exacerbated by this development
- The site is not allocated for development in the local plan
- The proposal would not be sustainable development
- The ecological appraisal is inadequate
- There is no need for any additional affordable housing in the village and so no need for any further housing to deliver it
- The public consultation on the development is inadequate
- The land is of a better agricultural quality than they suggest
- There will be disturbance to neighbouring residents
- The site access is at a dangerous point on a busy road that sees regular speeding traffic
- There are numerous errors in the submitted documentation which are then explained in detail

CPRE Comments

The local branch of the Campaign to Protect Rural England has submitted comments on the application which refer to the planning history of a refused scheme and a dismissed appeal and argues that they are relevant to this scheme. They also argue that the emergency of the Fylde Local Plan to 2032 since that time has provided greater clarity over the location of the areas where housing supply is to be met and so the development of sites such as this which are outside of the Plan should be resisted. They provide detailed comments on this which are summarised as:

- Conflict with saved local plan policies – they refer to conflict with HL2, SP2, HL3 and EP22.
- 5 Year housing supply – they argue that the council is mis-calculating this figure and using their methodology has a 6.3 year supply.
- Site is not proposed for housing in the new local plan – they highlight this and argue it is therefore not needed to meet the borough's development needs.
- Loss of agricultural land – they refer to the potential discrepancies in the submitted report which could ensure that the quality is higher than the Grade 3b that is claimed and then explain the policy issues that this would raise.
- Impact on conservation area and village character – they refer to the key gateway location of the site and the harm it would cause if developed as proposed.

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development in Countryside
HL02	Development control criteria for new housing proposals

HL06	Design of residential estates
TR01	Improving pedestrian facilities
TREC17	Public Open Space within New Housing Developments
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP18	Natural features
EP25	Development and waste water
EP27	Noise pollution
EP30	Development within floodplains

Fylde Local Plan to 2032:

H2	Density and Mix of New Residential Development
H4:	Affordable Housing
S1	Settlement Hierarchy
GD4	Development in the Countryside
GD7	Achieving Good Design in Development
SL5	Development Sites outside Strategic Locations for Devt
INF2	Developer Contributions

Other Relevant Policy:

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

Site Constraints

Tree Preservation Order
Conservation area site
Within countryside area

Environmental Impact Assessment

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

Comment and Analysis

Policy Background

Other than the part of the site that incorporates the highway the site is located in the Countryside as designated by Policy SP2 of the Fylde Borough Local Plan. This Policy seeks to preserve the rural character of areas by resisting development that is not of a rural nature. The residential development proposed here is in conflict with this development plan Policy.

This Plan is clearly dated and will be replaced by the Fylde Local Plan to 2032 when that Plan is adopted in 2017. This Plan has recently been submitted to the Planning Inspectorate in advance of its formal examination and so has weight appropriate to the Submission Version, albeit this remains limited due to the lack of examination. This site is designated as part of the Countryside in that Plan under Policy GD4 which seeks to retain the rural character and so allows only limited development. The proposal is therefore in conflict with this emerging Policy also.

As planning legislation requires that the development plan is the starting point for decisions on applications, the conflict with the existing and emerging Plan are significant issues for the application. However, legislation also requires that other material considerations are considered in the decision. One of the most important of these is the requirement in para 14 and 49 of the NPPF for the council to demonstrate that it can deliver a 5 year housing supply. The latest position in Fylde at 31 March 2016 is that the housing supply is equivalent to 4.8 years and so this is a shortfall against that NPPF requirement. This is a material consideration that must be considered in the determination of this application and is assessed later in this report.

When the Fylde Local Plan to 2032 was approved for consultation a particular reference was made to the policies of the Housing Chapter which was expressly to be supported for use in the assessment of planning applications and so these are used in this report. The scale of development in the village is a further issue that the emerging Plan touches on. The Plan designates Wrea Green as a Tier 1: Larger Rural Settlement where some growth is to be focussed, with that text suggesting that a scale of around 100-150 dwellings over the Plan period is appropriate in the commentary to Policy SL5. That figure has been exceeded by various permissions around the village since 2011 and so the overall scale of development in the village is a matter for consideration with this application.

The Parish has been designated as a Neighbourhood Plan Area and work commenced on a Neighbourhood Plan. However, work on this remains at an early stage and it can be given no weight in decisions on residential applications.

Planning History

The application site is the same as that which was the subject of an earlier application for residential development of 50 properties in 2012 under reference 12/0720. That application was refused planning permission by the Development Management Committee at its meeting on 31 March 2013 for 6 reasons relating to the principle of the development of the site being unsustainable against the NPPF requirements, the scale of development in the village and its visual impact on this location, concerns over drainage and ecology, and the lack of any mechanism to deliver the affordable housing and public realm improvements that the council requested.

An appeal against this was lodged and whilst the council was able to resolve a number of the matters with the developer (drainage, ecology and contributions) the principle of the scale of development in the village at that time and the visual impact of the development of this site remained areas of contention between the council and the applicant. The appeal was determined through the written representations procedure and was dismissed, with the Inspector's concluding paragraph being:

"In conclusion, while the absence of a five-year supply in the Borough points to a pressing need to increase housing land supply, including provision for affordable housing, in accordance with the advice in the Framework and the planning policy guidance, I consider that the adverse effects of granting permission for the development, with specific reference to the harm to the countryside setting of Wrea Green and the setting of the conservation area, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Accordingly, the appeal is dismissed."

This appeal is the only planning history on the site and was considered against the development plan position that remains in place today, against the NPPF requirements, and at a time when the council had a poorer housing supply position than is currently the case. It represents a significant material

consideration in the determination of this application.

Scale of Development in Wrea Green

One of the main concerns raised by residents is over the scale of the expansion of Wrea Green that has taken place in recent years, with this being a concern as it is felt that the village does not have the range and quality of services to sustain further increases in population, and that the growth is harmful to its character as a rural village. This was an area of concern to the council in its refusal of the earlier application on this site in 2012, and with the refusal of other applications at that time. Accordingly it was an area that the appeal Inspector considered in his report as, if all the schemes under consideration at that time were to be approved, it would have resulted in a 33% growth in the number of dwellings in the village compared to the figure in 2011. His conclusion on this was that the council had accepted the need to release some greenfield land to meet housing requirement, and that there was scope for some growth in Wrea Green as *“it is one of the larger villages in Fylde with a range of existing services, including relatively good public transport links”*. He concluded that *“I do not consider that a development or developments for up to 100 dwellings in total (in addition to those already permitted at Richmond Avenue), would put undue pressure on existing infrastructure.”* (para 37). He then allowed two appeals which collectively could have allowed for 75 dwellings to be constructed.

Since that time these approved sites have been the subject of further applications and there are several other applications that have come forward and been approved. The position in respect of schemes of 5 dwellings or more since 2011 is shown in the table below:

Reference	Site	Scheme	Status
10/0709	Former Wareings site	Erection of 15 dwellings	Built
12/0408	Land off Richmond Avenue	Outline for 55 with RM for 54 dwellings	Nearly all built
13/0507	North View Farm	Outline for 49 with RM for 42	Under construction
13/0803	The Grange, Ribby Road	Outline for 5 dwellings	No RM submission
14/0302	Willow Drive	Outline for 100 with RM for 86	Commenced recently
16/227	Rear of 91 Ribby Road	Outline for 8 bungalows	No RM submission
16/0156	Rear of 54 Bryning Lane	Erection of 36 dwellings	Ctte supported

This table confirms that planning permission exists for the erection of 256 dwellings, and with several other smaller schemes there has been a growth of over 40% of the number of dwellings in the village since 2011. In that time there has been no growth in the services available to support the population that will have increased by a similar percentage.

Notwithstanding that position, the planning status of the village has been clarified in its allocation as a Tier 1: Larger Rural Settlement in the Fylde Local Plan to 2032. This is presumably in recognition of the presence of a range of basic services (school, employment area, church, shop, social club, pub, restaurant/hotel, recreation facilities, etc.), the availability of public transport links to other settlements; and the strategy followed in that Plan to allocate housing growth at all the existing large population centres.

This background illustrates the difficulties that this strategy causes within the timeframe of the preparation of a Local Plan, particularly in the context of current national policy relating to 5 year housing supply: once an area is identified for growth it is difficult to restrict that growth to be only focussed in the sites which are allocated in that Plan. In Wrea Green there has been development on the allocated sites (Wareings, North View Farm, Richmond Avenue and 54 Bryning Lane) but also at sites that were not initially allocated for development (such as Willow Drive) where the need to

support housing growth to meet the 5 year housing supply has been such a powerful factor in planning decisions that permissions have been granted.

When the emerging Fylde Local Plan to 2032 is adopted that will change as it will then be the development plan and will be the starting point for all planning decisions. However, until then the council must weigh up the harm caused by development of individual sites against the continuing need to deliver the 5 year housing supply required by the NPPF.

The Justification to Policy SL5 considers that the Tier 1: Larger Rural Settlements are capable of accommodating 100-150 homes over the plan period of 2011-2032. The position in Wrea Green is that there has been roughly double that expected growth in the first 5 years of that plan period. This is a clear area for concern as it is likely to lead to the harmful impacts of service accessibility and visual harm that could detract from the rural character of the village. These are assessed in the following sections of this report.

Accessibility to Services

The designation as a Tier 1: Larger Rural Settlements is based on evidence to support the Local Plan in the Settlement Hierarchy Background Paper of March 2016. This looked at the settlements across the borough and ranked them by their scoring on a range of criteria which include the existing population, the level of bus service, the availability of primary schools, the access to open space, access to health and retail services, etc. This Paper concluded that Wrea Green was a larger rural settlement alongside Staining and Newton, and so was considered suited to accommodate more population growth than the smaller rural villages such as Singleton, Weeton, Elswick and Clifton.

The services available in the village are concentrated around the junction of The Green, Station Road and Ribby Road where those roads meet at a roundabout and the village shop, Church, Primary School and public house are located. Other services are available in close proximity to that point with the shops on Ribby Road and the shops, Institute and employment area on Station Road. This location also provides the stopping point for the bus services through the village and is on a designated cycle route.

These services are all located around 500m from the centre of this site and so would be within a convenient walking distance. This walk is reliant on a footway being provided on the eastern side of Moss Side Lane to link the site access to the existing footway network on The Green, and whilst it is noted that a neighbour disputes the applicant's ability to implement this due to land ownership claims, the applicant has consistently expressed confidence in being able to provide that.

However, the appeal Inspector commented that he could not be confident that the access proposals were deliverable at that time, and this may well be the case now. As an alternative the application proposes unregulated crossing points for Moss Side Lane at each side of the access point, but officers are concerned over the safety of their use given the limited visibility available on the when crossing from the western side of this road. If it proves that a continuous footway can be provided from the site to the existing network then it must be accepted that this site offers appropriate accessibility to the services that are available in the village and beyond, conversely if this footway cannot be provided then officers conclude that these services would not be safely accessible.

The principal concern lies with the adequacy of these services to serve the increased population levels. The education authority confirm in their consultation response that there is insufficient primary education capacity at schools local to the site, there is no local doctor or dentist, the village shop is limited in its size, there is no indoor sports facility, and that bus services have recently reduced. Moreover, the services highlighted above are concentrated at the road junction where highway and other circumstances ensure that there is limited physical scope for their expansion with

the designation of that area as part of the village Conservation Area providing a further constraint on service expansion. The village employment area is similarly constrained by its proximity to the railway line which prevents any expansion.

Officers share resident concerns over the ability of the village services to provide for the needs of an ever increasing population, and with the extent of the settlement growth that this scheme would bring being so much over that envisaged in the emerging Local Plan there is a real risk that these services will not be able to provide for the needs of the expanded village population. The consequence of this is that there will be further trips to other settlements for school, retail, employment, etc. and that must undermine the sustainability of the site for residential development.

This excessive scale of development in the village conflicts with criteria 7 of Policy HL2 of the Fylde Borough Local Plan and is a requirement that is addressed in Policy GD7 of the emerging Plan and in Policy SL5 which presumably includes the limit on new dwellings in recognition of the services available to support them.

Visual Impact of Development

This was a key issue in the determining of the appeal scheme on this site. Whilst it must be noted that the appeal scheme proposed a different illustrative layout with a larger area of housing, the number of dwellings sought and the size of the application site are the same. The Inspector concluded that the critical views for assessing the impact of the development were *“from Moss Side Lane itself in the vicinity of the appeal site and from within the village, notably from the green itself looking out towards Moss Side Lane”*. He continued in para 42 of the decision letter to state *“The appeal site and existing trees and woodland on its boundaries make a very strong contribution to the rural setting of the village, which I consider to be particularly important to the setting of the conservation area, of which the Green is the focal point. The retention of open countryside on this side of the village, where it can be appreciated from the Green, appears to me particularly important. While planting could mitigate the visual impact of built development to a limited degree, and it would be possible to lessen the impact by restricting development near to Moss Side Lane to single-storey, the proposal would nevertheless involve a substantial urban extension into a sensitive part of the setting of the village.”*

He also referred to the harmful impacts of the access construction in the following paragraph stating: *“In addition to the urbanising influence of the dwellings themselves, the access arrangements would require substantial changes to the appearance of Moss Side Lane to accommodate visibility splays and a bus stop. The rural character of the locality would be eroded by the removal of a hedgerow and the construction of the new access. This would conflict with criterion 2 of LP Policy HL2 as it would be out of keeping with the character of the area. It would result in significant harm to the setting of the village and the conservation area.”*

This application attempts to address those concerns by setting the development back from the site frontage by around 50m and so retaining areas of paddock and open space to the site frontage to mitigate the concerns of the Inspector. It is not considered that this revision will achieve the desired effect and so will not address the concerns of the Inspector which are shared by officers here. The site is elevated above Moss Side Lane and so irrespective of the setback the dwellings will inevitably be prominent when travelling in both directions on Moss Side Lane and so will influence the views of the village and remove the current open spacious nature of the site that is appreciated on this road which extends almost to the heart of the village at The Green. Further, the continued obvious need for the site access at this point will reduce the benefits of this separation with the road and associated footpaths, lighting, guard rails, signage, etc. having an

urbanising impact on Moss Side Lane.

This visual harm will be significant and will adversely affect the character of Moss Side Lane and the pleasant rural setting that it provides to the village. This is contrary to criteria 1 and 2 of Policy HL2 of the Fylde Borough Local Plan and to criteria a, b, c, g, j and l of Policy GD7 of the Fylde Local Plan to 2032.

Density of Development / Mix of Dwellings

The application site extends to 3.3 hectares and as the scheme is for 50 dwellings this gives a density of 14 dwellings per hectare, which is generally consistent with that found in the surrounding area of the village. However, the illustrative master plan and other elements of the submission confirm that the intention is to locate the dwellings in the eastern part of the site only as part of the attempt to minimise its visual impact as was identified by the Inspector as a reason for the refusal of the application. The consequence of this is that the dwellings are to be located in an area of around 1.6 hectares which provides an actual density for the development of almost 32 dwellings per hectare. Whilst a target density of 30 dwellings per hectare is used in Policy H2 of the Fylde Local Plan to 2032, Policy HL2 of the Fylde Borough Local Plan, and historically in other national policy documents it is a high density for a rural site such as this which has been identified by a previous appeal scheme as visually sensitive. The consequence of this is that the part of the site to be developed will inevitably have a density that is markedly higher than the surrounding properties which will highlight the visual impact concerns highlighted in the proceeding section of this report.

The normal position with an outline application such as this is that the developer does not specify the scale of the dwellings that are proposed. That is not the case here and the application form confirms the intention to provide 5 x 2 bed roomed dwelling, 16 x 3 bed and 29 x 4+ bedrooms. This is a matter that is covered in Policy H2 of the Fylde Local Plan to 2032 which states that all schemes should provide 50% of the scheme as 1-3 bedrooms and those in close proximity to rural settlements should provide 33% at 1-2 bedroom size. In this case the comparable percentages are 42% at 1-3 bed size rather than the 50% sought, and 10% at 1-2 bed size rather than the 33% sought. These figures will result in a development that is unduly focused on larger properties. With the outline nature of the application this cannot be a reason for refusal of the application but is a factor that weighs against it in the overall planning balance. If planning permission were to be granted, the mix of dwellings would be determined at the reserved matters stage.

Impact on Setting of Conservation Area

The site does not contain any listed buildings and is not within the village Conservation Area which extends around The Green, but it does come close to its southern edge. The excerpt from the Inspector's decision letter quoted earlier highlights that the rural nature of the site with its trees and hedgerow boundaries makes an important contribution to the setting of the conservation area, and with that in mind he saw its retention as a rural form important to that setting. He concluded that the development proposed in that scheme would *"result in significant harm to the setting of the village and the conservation area"*, and that this *"would not be outweighed by the wider public benefits of the proposal in terms of the contribution to housing supply, including affordable housing."* Accordingly the adverse impact of that scheme on the setting of the Conservation Area contributed to his decision to dismiss the appeal irrespective of the housing supply position.

The reduced extent of the site that is proposed to accommodate the dwellings in this scheme over the earlier application is intended to minimise the Conservation Area setting impacts. Given the conclusions reached on the overall visual impacts are that this approach does not adequately mitigate the visual harm to the rural character of the area, it is consistent to conclude that they do not address the harm caused to the setting of the conservation area either. This setting is of a rural

‘finger’; extending to the edge of the village Green and so as a historical reminder of the village as it previously existed as a small community with fields around the Green area..

The adverse impacts on the setting of the Wrea Green Conservation Area is such that the development is contrary to Policy EP3 of the Fylde Borough Local Plan, to that element of Policy ENV5 of the Fylde Local Plan to 2032 relating to conservation area settings, and to guidance in para 134 of the NPPF which requires this ‘less than substantial harm to the significance of a designated heritage asset’ to be weighed against its benefits.

Summary to Principle of Development

The scheme involves a growth in the village that is well in excess of that envisaged in the emerging Fylde Local Plan to 2032. On its own this is not a reason to resist the development of the site as it is necessary to establish whether this further growth will lead to any significant and demonstrable harm. In this case the range of services to support the further expansion of the village has not been increased, and has limited opportunity to do so with the restricted nature of the village centre due to the physical characteristics at the Green/Ribby Road/Station Road junction, and the conservation area status. Furthermore the site is a visually prominent one, and whilst efforts have been made to compress the development to increase the set back from Moss Side Lane and other vantage points it will remain unduly and harmfully prominent from these vantage points, with the compressed nature resulting in particularly high density for an edge of village location that compounds the visual impact.

The development will undoubtedly bring some benefits to the village in terms of economic activity and will contribute towards the council’s overall need for housing and affordable housing. However, these benefits are not considered to be sufficient to outweigh the harm that is caused. The officer conclusion is therefore that the scheme does not represent sustainable development and so planning permission should be refused with the policy basis for this contained in criteria 4 of Policy HL2 of the Fylde Borough Local Plan which requires that development “*is in a sustainable location having regard to the local availability of shops, schools, employment sources, public transport and other community facilities.*” This is carried forward in the justification for Policy SL5 of the Fylde Local Plan to 2032 which suggests limits for expansion of settlements over the Plan period which are already considerably breached, and so GD4 of that Plan which allocates the site as Countryside.

This is a consistent conclusion to that reached by the Inspector who examined the previous refusal for an identical scale of residential development on an identical site area in 2014. That appeal was considered against the same development plan policies of the Fylde Borough Local Plan and with the council being unable to demonstrate a 5 year supply of housing - at that time the council was only able to demonstrate a 4.5 year supply. Whilst the illustrative layout and other information with this application compresses the area for development the officer conclusion is that this does not address the fundamental concerns that led to the previous application being refused and dismissed at appeal.

Access Arrangements

The site access arrangements is for consideration in this application rather than being reserved for a later submission. The proposal is to access the site from Moss Side Lane with an access formed at roughly the point of the existing field gate which is opposite the property of Orchard Cottage. This access would be a simple priority junction that leads to a 5m wide road with visibility of 2.4m x 43m in both directions. To connect to the existing village new footway is proposed from this access to the existing network at the junction of Moss Side Lane and The Green. Unregulated crossing points are proposed on this new footway at both sides of the access. It would be usual for the council to

present this report with the benefit of comments from LCC as the local highway authority, but unfortunately those comments have yet to be received at the time of writing this report. They will of course be reported to Committee should they be received in time, but with the similarity to the previous application it is possible to utilise their comments on that scheme as a guide, albeit that they pre-date the 20mph limit's introduction.

Whilst formal comments have not been received the highway authority have discussed some initial concerns with the access arrangements that are proposed. The first of these relates to the adequacy of the visibility spays that are proposed at 2.4m x 43m. Their concern is that these are based on the standard that is required for a road in a 30mph area but there is no evidence to support that vehicle speeds in this particular area are actually at that speed. As such it is possible that higher speeds are occurring and so the proposed visibility may be inadequate. This in turn could require the site access to be provided with greater visibility or some speed reduction measures introduced to the highway. Secondly they have some concerns over the geometry of the junction being adequate to safely allow larger vehicles to access the site. They also express uncertainty over the ability of the developer to implement the pedestrian footway links to the existing network in the village and so to the services available in Wrea Green and beyond.

The site proposes a pedestrian link to the existing footway on The Green which extends just passed its junction with Moss Side Lane but terminates at the side of the rear garden to the corner property 'Five Oaks'. The proposal is to extend this to meet the new access point. The owner of 'Five Oaks' disputes that this is possible as he believes the land involved to be within his ownership. There was some discussion over this as part of the appeal exchanges on the previous application, with no firm conclusion seemingly reached from the comments reported earlier from the Inspector's decision letter. This is not progressed in this submission so no conclusion can be drawn on it.

Whilst part of this extended footway will run alongside Five Oaks there is a stretch that will be on the site frontage, and in the event that the Five Oaks land is not available this element will be the only opportunity to connect a pedestrian route from the site to the village. To facilitate that the application indicates a series of unregulated crossing points to allow access to the opposite side of Moss Side Lane. On the application side these are all located where reasonable visibility is available. However, the return crossing points from the western side of Moss Side Lane are all located on the inside of the road bend where visibility is very restricted by the geometry of the road and the presence of garden hedges and buildings. From officer site visit that was undertaken outside of peak hours it was possible to cross that road from any of these points only with a reliance on being able to hear vehicles approaching. This is an obvious safety concern given that not all road users will be able to do that and the use of the route by cyclists and drivers of quieter vehicles will impact on this safety element. The safety of these crossings would be a particular concern should the Five Oaks land not be available to provide a connection to the village and safer crossing points, and the local highway authority have been specifically asked to comment on these element. Without their availability officers are concerned that there is no safe pedestrian connection from the site to the village which will undermine the accessibility to the services available.

With regards to the more general matters, the access connects to Moss Side Lane which is a classified road and one of the main routes to connect Wrea Green to other settlements, in this case to Lytham and St Annes. As such it is designed to accommodate traffic flows that reflect that status and it is not considered that the limited number of additional peak hour movements that would result from this development will have any material impact on the operation of that highway or its junctions with The Green or elsewhere in the village that are not being improved under other consented developments. At the time of the previous application there was a bus service along that road and so the developer was asked to provide a new stop outside the development to

enhance the attractiveness of its use as a connection to other settlements. Budget and subsidy cuts have meant that this service no longer operates and so this stop forms no part of this application. It is possible that the local highway authority will request some alternative enhancement to public transport provision in their comments for the Committee to consider.

Without the formal comments from the highway authority it is not possible to reach a definitive position on this important consideration at this time and so their views will be reported to Committee and the recommendation revised accordingly. Were the principle of the development to be acceptable it would be usual to enforce the provision and maintenance of the visibility splays by condition, and possibly to require that physical traffic calming features be introduced to support the signed 20mph limit. Should they object then a reason for refusal based on the site access not being acceptable would also be required and would be linked to Policy HL2 of the Fylde Borough Local Plan, to Policy GD7 of the Fylde Local Plan to 2032 and to para 32 of the NPPF.

Tree Issues

The application site comprises parts of two fields which are available for agricultural use and do not contain any trees of note. There is a hedge that separates them but this is shown as part of the open space area that separates the residential development from Moss Side Lane and so is not adversely affected by the proposals. There are also hedges around the site boundary but the illustrative layout indicates that the built development will be separated from them. As such the development of the dwellings will not impact on trees or hedgerows as presented.

The provision of the access point and the associated footway extension will require the removal of some hedgerows. Part of this is of a domestic nature as it forms the boundary to Five Oaks, and part is more agricultural in nature on the site frontage to Moss Side Lane. Whilst the loss of these hedgerows is not desirable, the proposal provides ample opportunities for their replacement with equivalent or better lengths and species mix, and so it is not considered that there are any specific concerns over this, other than the general urbanising impact that the development will create as has been discussed earlier. It is however possible that any revised visibility splays will impact on trees on the road frontage to the south of the access point.

The submission of the application prompted the council's Tree Officer to visit the site to assess if there was to be any impact on trees that make a significant contribution to the local amenity. He does not believe that to be the case, but his visit did highlight the quality of a number of trees on the Moss Side Lane road frontage that are beyond the proposed access point in this application when travelling from the village. These were considered to be of such quality that he has protected them by Tree Preservation Order. The legislation for this allows for a public consultation with landowners and other interested parties before a decision is made whether to 'confirm' the order. This order is the subject of both objections and support and those matters are under consideration separate to this application. However, the Tree Officer is satisfied that the proposals do not place any direct threat to these trees and so no objection on this ground is raised, although a revised access visibility may impact on them.

Drainage

The site is in an elevated position above the road at Moss Side Lane with the area that the dwellings are proposed being at the higher part of the site. The natural drainage flows will therefore be towards the road, and particularly into a paddock area in the western edge of the site. From there an open watercourse carries it northwards towards Warton and Lytham and into the drainage network of the Ribble Estuary.

With regards to surface water drainage, the site is in Flood Zone 1 and so at the least risk of flooding

from rivers or sea. The main cause of potential flooding is therefore from rainfall, with the development of the site clearly increasing the rate that this could run-off from the site. There have historically been surface water flooding issues in the area around the site which it is understood are caused by blockages in culverted sections of the watercourse to the west of the site. The Flood Risk Assessment documents an assessment of this and concludes that the runoff from this site is unlikely to be a significant contributor to this flooding issue and that LCC as Lead Local Flood Authority have confirmed they have no powers to require the developer to undertake any improvements to this situation beyond controlling the rate of discharge of surface water from the site. The submission includes a Sustainable Drainage Strategy which documents how the rate of flow from the site is to be restricted. This proposes that ponds are formed within the open space area that is to be part of the scheme, with these designed to store sufficient volumes of water that any storm events will not create a greater run off rate than would be the case under greenfield conditions. The relevant drainage body accept that this is an appropriate solution and do not raise any objections to this in principle subject to conditions that require the final details of this to be provided, that the scheme be maintained and to advise that Land Drainage Consent is likely to be required to connect the site drainage to this watercourse. Accordingly these surface water drainage arrangements are acceptable and comply with Local Plan policy.

The proposed foul drainage arrangement is that a separate foul drainage system is to be installed in the development which serves all the properties and then is pumped (due to the ground levels involved) to the existing foul sewerage system. The developer refers to discussions with United Utilities over the discharge point for this, and it is noted that they have not raised any objection to the proposal in their consultation replies. Whilst conditions are required to ensure the final design of the pumping station and the foul water drainage arrangements in general, these are acceptable in principle and so no objection is raised on this aspect of the development.

Ecological Issues

As a greenfield site on the edge of the village there is a clear potential for the development to have ecological implications. The application is supported with an ecological appraisal that looks at the relevant elements of this with reference to both desk based research and field study. The council's ecological adviser has assessed the submitted appraisal and is satisfied that the conclusions reached are valid ones. The specific elements assessed are summarised as:

- Designated Sites – The site is not designated and there are no such sites within any reasonable proximity to the site
- Habitats – Around 90% of the site is arable farmland with limited ecological value. The remainder of the hedgerow and a small section of ditch that are also considered to have limited biodiversity benefits.
- Breeding Birds – There is limited opportunity on site for it to support breeding birds although the site and its hedgerow will provide habitat for foraging. The hedgerows are to largely be retained and enhanced through the provision of alternate areas for those lost. A condition is needed to protect these during construction, and to time the works to avoid impacts on any breeding birds, but overall there are no particular concerns for the impact on these species.
- Bats – There are no buildings within the site that could provide any bat habitat. Surveys of the trees around the edge of the site have found that only those on the northern boundary have the potential to support roosts, and as these are to be retained there are no adverse impact on this protected species.
- Badgers – No bat activity has been recorded, and none was found when the site was surveyed for this species in 2013. It is not considered that there will be any adverse impact on this species from the development of the site.
- Amphibians – There are no ponds within the site, but there are 24 ponds within 500m of it. Of

these 14 have been surveyed in 2013 and 2016 by this applicant for their suitability to support amphibians and the presence/absence of great crested newts. Of these, one pond was found to support a population in both 2013 and 2016, however that is located over 250m from the site with no records of Newts in the ponds that are between the site and this pond. With that limited connectivity evidence and the absence of ponds on the site the report concludes that the development of the site will not have a significant effect on the status of this Newt population. That conclusion is considered to be valid with a condition appropriate to ensure that method statement for the development of the site is submitted and complied with during any development.

It is accepted that the site doesn't directly support any protected or priority species, but does provide foraging opportunities for them and some are known to be present in the surrounding area to the site. As such it is appropriate that a series of precautionary measures are incorporated into any planning permission to ensure that the hedgerows are protected, there are no bat roosts present at the time of building demolition, and that amphibians are protected from harm during its construction. With these all capable of being addressed by condition the proposal will not be in conflict with Policy EP18 and EP19 of the Fylde Borough Local Plan relating to protected and priority species and their habitats.

Affordable Housing

The provision of affordable housing is an accepted element of residential development and is underpinned by para 50 of the NPPF. The council's position on this is established by Policy H4 of the Fylde Local Plan to 2032 which confirms that all residential schemes of more than 10 dwellings should provide for 30% of the total dwellings for affordable purposes and secured through that policy and Policy INF2. With this scheme being for 50 dwellings that would amount to 15 dwellings.

The application addresses affordable housing in the submitted Planning Statement and acknowledges that the scheme should provide this at the levels explained here. This Statement explains that as there is a limited identified need for affordable housing in the village of Wrea Green the applicant is proposing only 3 x 2 bedroomed houses on site and would make the full contribution up with the provision of a commuted sum in lieu of the remaining 12 affordable units.

There is some evidence of a limited local need for affordable housing from a survey undertaken in the village in 2012 and there have been a number of properties providing to meet that need in recent years. However, affordable housing is a borough-wide requirement and with Wrea Green being designated in the emerging Fylde Local Plan to 2032 as a location that is appropriate to accommodate the growth needed for the rural parts of the borough, then it should follow that it provides for the affordable housing requirements of that rural area also. Accordingly officers suggest that the majority, if not all, of the 30% provision should be met on site.

Were officers looking to support the application then this is a matter that would be the subject of further discussions with the applicant so that an agreement was reached over the extent of the affordable housing provision, the size of the properties provided, their tenure, and the extent of any commuted sum payable should they not all be provided on site. As officers are recommending refusal of the application on matters of planning principle these discussions have not taken place. The consequence of this is that there is no mechanism in place to secure the delivery of any affordable housing from this scheme and a reason for refusal on the basis of this matter not being adequately resolved at the time of the decision on the application is appropriate. This would relate to a failure to satisfy the requirements of Policy H4 of the Fylde Local Plan to 2032 and the supporting guidance in para 50 of the NPPF. In the event that the application was to be refused, and that the applicant submits an appeal it is expected that officers will undertake those discussions

so that this matter can be properly addressed through any appeal.

Public Open Space

It is an accepted requirement of residential development proposals that they provide an appropriate amount and quality of public open space provision to serve the needs of their residents. This is addressed through Policy TREC17 of the Fylde Borough Local Plan, and Policy ENV4 of the emerging Fylde Local Plan to 2032, with both requiring an amount of public open space to be provided that is based on the scale of development proposed.

With this being an outline application it is not possible to specify the extent of the open space that would be required to comply with these policies. However, it is clear that the extensive areas of open space that will separate the compressed residential development parcel on the site indicated on the illustrative masterplan will provide sufficient open space to meet any such requirement. What is less certain is the provision of play space. The Planning Statement explains that a formal play area is to be provided within the development and that this is illustrated on the masterplan also, yet there is no such area shown. Notwithstanding this, there is a clear scope for one to be provided in a location that would be accessible to the residents of the new development, and with this it is considered that any concerns over the provision of open space in the development could be addressed by condition. On this basis no reason for refusal is proposed and it is hoped that any appeal submission, in the event that this application is refused, will incorporate clarity on this matter.

Public Realm Works

At the time of the appeal on this site the council argued that this development should be expected to make a proportionate contribution to enhancing the public realm of the village so that it was more attractive to the new residents to utilise for their day-to-day needs. The applicant accepted this and included a contribution of £27,250 in a Unilateral Undertaking submitted to support their appeal that would then be payable in the event that the appeal was allowed and planning permission granted. As the appeal was dismissed this commitment is not payable. In dismissing the appeal the Inspector assessed the merits of this approach and found that the council's case was based on a tenuous policy link and that as there was no project to spend the money then it would not be appropriate to collect it under the CIL regulations.

Since the appeal decision was issued the council has worked with the Parish Council to progress a scheme for environmental improvements in the Conservation Area utilising funding from other developments in the village and so there is a scheme that could benefit from additional funding were that to be secured from this development. The policy basis has also been strengthened with the emergence of the Fylde Local Plan to 2032 as Policy INF2 of that plan looks at infrastructure contributions from developments. Whilst the Plan is not yet adopted and so has only limited weight, it does indicate an intention that this is to be pursued as a method of enhancing the areas of the borough where additional population growth is to be focused.

Officer advice on this is that there is a benefit from improving the public realm of the village in that this will make it a more attractive destination for the occupants of a development on this site. This makes it justified on planning grounds and necessary to ensure that the residents will utilise the services in this area. Accordingly it does comply with the requirements of the CIL regulations. As with the affordable housing provision, the officer recommendation for refusal has meant that no direct discussions over the amount of contribution or a mechanism to secure its provision have taken place with the applicant. This means that at the time of decision there is no mechanism to secure these contributions and so a reason for refusal based on the conflict with Policy EP1 of the Fylde Borough Local Plan and INF2 of the Fylde Local Plan to 2032 is justified. Again, this is a

matter that officers would likely to discuss further with the applicant in the event that they are to appeal a refusal of this application.

Education

The availability of appropriate education facilities to serve the needs of a new development is supported by para 72 of the NPPF and is a requirement of Policy CF2 of the Fylde Borough Local Plan and Policy INF2 of the Fylde Local Plan to 2032. An assessment of education capacity is undertaken for all major residential developments by LCC as part of their role as Local Education Authority. This assessment examines the primary schools that are within 2 miles of the site and the secondary schools within 3 miles and examines the capacity at those schools, the anticipated changes in the school role through birth rates, etc., and the implications of development proposals in their catchment.

With regards to primary education in this case they have looked at the 6 primary schools within this catchment and advise that there is expected to be a shortfall of 27 places in 5 years' time (when the development is likely to be completed). This shortfall will be increased by the 14 primary school age children that are expected to be yielded from a development of this size (albeit that is a rough estimate due to the outline nature of the application). Therefore they conclude there is inadequate primary education capacity to serve the needs of the development. To help address that shortfall they request that the developer provides a financial contribution to help them meet the additional school place requirements. This is calculated using an approved methodology and equates to £13,474.53 per place to give a total education request of £188,643.42.

With regards to secondary education in this case they have looked at the 2 secondary schools within this catchment and advise that there is expected to be a shortfall of 382 school places in 5 years' time (when the development is likely to be completed). This shortfall will be increased by the 6 secondary school age children that are expected to be yielded from a development of this size. Therefore they conclude there is inadequate secondary education capacity to serve the needs of the development. To help address that shortfall they request that the developer provides a financial contribution to help them meet the additional school place requirements. This is calculated using an approved methodology and equates to £20,303.59 per place to give a total education request of £121,821.64.

The payment of such requests accords with Local Plan policies and so can be secured through a s106 agreement in the event that planning permission is to be granted. The County Council advise that they intend to spend the primary contribution at St Peter's Catholic Primary School in Lytham, and the secondary contribution at Kirkham Carr Hill High School. These are both schools that fall within the defined catchment area of the site and so are likely to serve the educational needs of its residents. The CIL regulations which govern such contributions require that there are no more than 5 contributions to any one project, and that is not the case at these schools there is only one other development that could contribute to St Peter's Primary, and 3 that will to Carr Hill although there are 5 other developments that could contribute to it should they be granted permission.

As with affordable housing and public realm contributions this funding would generally be secured through a s106 agreement to be negotiated with the applicant, but the officer recommendation is such that these discussions have not taken place. Therefore there is no mechanism to secure this funding and so officers recommend that this forms part of a reason for refusal, albeit one that could be addressed should a legal agreement be provided as part of any appeal against a refusal of permission.

Conclusions

The application site is an area of agricultural land extending to 3.3 hectares and is located to the south west of Wrea Green village off Moss Side Lane. It is designated as Countryside in the adopted Fylde Borough Local Plan and in the emerging Fylde Local Plan to 2032.

The proposal is an outline application for the erection of up to 50 dwellings on the site with the access to be provided from a priority junction to Moss Side Lane in the vicinity of the existing field gate. All other matters are reserved although an illustrative plan submitted with the application indicates that the built development is to be compressed in the eastern portion of the site so that it is set back from the road and so from views into the site from that road and the village Conservation Area. This is intended to address some of the concerns expressed by the Inspector who dismissed an appeal against the council's refusal of an earlier application for 50 dwellings on the site that was made in 2012.

As the council is unable to demonstrate that it can deliver a 5 year housing supply as required by the NPPF it is necessary to examine if this proposal represents sustainable development, as if it does then planning permission should be granted irrespective of the development plan allocation.

Your officers have carefully considered the submission and consider that the proposal does not deliver sustainable development and so is unacceptable in principle. The first reason for this relates to the scale of development that has occurred in Wrea Green since 2011 (i.e. the emerging Plan period) which has seen around 260 dwellings granted planning permission which is well in excess of the growth envisaged in that Plan. This increase in the scale of the village and so its population has not been matched by any growth in the range or capacity of local services and so it is considered that unsustainable trips to neighbouring settlements for employment, education, shopping, leisure, etc. are unacceptably likely to occur.

Furthermore the proposal to compress the development has not successfully mitigated the harm that it will cause to the character of the village, to the setting of the conservation area, or to the rural character of Moss Side Lane. It has also created a further concern through developing the area proposed for the dwellings at a density that is far in excess of that which would be expected in an edge of rural village location such as this.

There are also concerns over the highway arrangements particularly over the design of the access, the visibility available and the opportunities to provide a safe and convenient connection for pedestrians from the site to the remainder of the village and beyond.

Finally, the unacceptability of the scheme in principle means that there is no progress on concluding a legal agreement that would be required to secure appropriate levels of affordable housing, improvements to the public realm of the village, and primary and secondary education capacity. Accordingly this must also result in a reason for refusal of the application.

It is therefore concluded that the submitted scheme does not represent sustainable development for these various reasons and so the officer recommendation is that the application should be refused.

Recommendation

That Planning Permission be REFUSED for the following reasons:

1. The proposed development, which follows a series of other major residential developments around Wrea Green over the emerging Fylde Local Plan to 2032 plan period, would result in the expansion of the village far in excess of the scale of growth that is envisaged for this Tier 1: Larger Rural Settlement in that Plan. In the absence of any commensurate qualitative or quantitative expansion in the services available in the village to support that growth, it is considered that this expansion will result in an unsustainable number of trips to locations outside of the village to access these services, and with the distances involved, it is considered that a large number of these trips are likely to be by unsustainable transport means. This would be a significant and demonstrably harmful consequence of this additional development that would ensure that it does not constitute sustainable development as required by the NPPF irrespective of the council's shortfall in its 5 year housing supply. The scale of development is contrary to criteria 7 of Policy HL2 of the Fylde Borough Local Plan, to Policy SL5 and GD4 of the Submission Version of the emerging Fylde Local Plan to 2032, and to the guidance in Chapter 6 of the NPPF as a whole.
2. The proposed development is located on an elevated site at a critically sensitive transitional location on a key approach to the centre of the village where the character of the open countryside predominates. The residential development proposed will detract from that rural character both by the nature of the land use and the density of its development if undertaken in line with the submitted illustrative masterplan. The proposed separation of the built residential development from off-site vantage points does not adequately mitigate this harm. It is considered that this would be a significant and demonstrably harmful consequence of this additional development that would ensure that it does not constitute sustainable development as required by the NPPF irrespective of the council's shortfall in its 5 year housing supply. The harmful visual impact of the development is contrary to criteria 2 of Policy HL2 of the Fylde Borough Local Plan, to criteria a), c), g), h), j) and l) of Policy GD7 of the Submission Version of the emerging Fylde Local Plan to 2032, and to the guidance in para 17 of the NPPF.
3. The proposed development will involve the loss of an open area of agricultural land that has a rolling appearance and is surrounded by trees and hedges that are typical of the Fylde countryside and so make a strong contribution to the setting of the village conservation area, and to critical views of the countryside looking out from The Green and the conservation area which surrounds it. The change to this character and setting that would be an inevitable consequence of the proposed development that would be significant and demonstrably harmful to a degree that would ensure that the proposed does not constitute sustainable development as required by the NPPF irrespective of the council's shortfall in its 5 year housing supply. Accordingly the development is contrary to Policy EP3 of the Fylde Borough Local Plan, to that element of Policy ENV5 of the Submission Version of the emerging Fylde Local Plan to 2032 relating to conservation area settings, to criteria e) of Policy GD7 of the Submission Version of the emerging Fylde Local Plan to 2032 and to guidance in para 134 of the NPPF which requires this less than substantial harm to the significance of a designated heritage to outweigh its benefits.
4. The application fails to deliver certainty:
 - That the access has visibility splays that are appropriate for the actual vehicle speeds at the proposed access point,
 - That these visibility splays can be provided without leading to the loss of trees and hedgerows that are important to the rural character of the area,
 - That the junction is designed to safely accommodate all vehicle movements that would be reasonably required to regularly use it to serve the proposed development
 - That a continuous pedestrian link can be provided to the existing footpath network in the village either directly on the eastern side of Moss Side Lane or via safe pedestrian crossing

points to the western side of that road

In the absence of any evidence that these provisions may be secured, the access arrangements and associated connectivity to the existing highway and pedestrian network cannot be in accordance with the requirements of criteria 9 of Policy HL2 of the Fylde Borough Local Plan, to criteria p) and q) of Policy GD7 of the Submission Version of the emerging Fylde Local Plan to 2032, and to guidance in para 32 of the NPPF.

5. The proposed development is required to make contributions towards the delivery of affordable housing on the site and financial contributions off-site towards the provision of new primary and secondary school places, public realm enhancements and transport improvements. The applicant has failed to put any mechanism in place to secure these contributions and, accordingly, the development is contrary to the requirements of Fylde Borough Local Plan policies CF2, EP1, TR1, TR3 and TR5, policies SL3, H4 and INF2 of the Submission Version of the Fylde Local Plan to 2032 and chapters 4, 6 and 8 of the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0619	Address Land south of (opposite Martindale) Moss Side Lane, Wrea Green	Grid Ref. E.3395 : N.4311	Scale 0 10 20 30 40 m

Item Number: 5

Committee Date: 11 January 2017

Application Reference:	16/0639	Type of Application:	Full Planning Permission
Applicant:	RP Tyson Construction	Agent :	Smith & Love Planning Consultants
Location:	THE GABLES, 35-39 ORCHARD ROAD, LYTHAM ST ANNES, FY8 1PG		
Proposal:	ERECTION OF FOUR STOREY BUILDING PROVIDING 19 NO. APARTMENTS WITH ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING		
Parish:	CENTRAL	Area Team:	Area Team 2
Weeks on Hand:	21	Case Officer:	Rob Clewes
Reason for Delay:	Application Deferred by Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.748865,-3.0290499,505m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Introduction

Members will recall that this application was deferred on legal advice at the 7 December 2016 meeting of the Development Management Committee.

Since that meeting the applicant's agent has provided some additional supporting text to cover matters that were raised during the above meeting which is included below. In addition the views of the Town Council on the layout have been received and so they are also included here.

The application is unchanged from the scheme that was presented to that meeting, and the officer recommendation remains for approval.

Agent's Comments

"Since the original submission and following extensive consultation between RP Tysons, Croft Goode and Fylde Borough Council the proposals have been developed in order to reduce the scale and impact of the development upon the neighbouring properties.

To achieve this the following amendments have been made:

- a) The proposals have reverted back to a flat roof design in keeping with the scale and massing of the previously approved development (Ref: 05/0648).*
- b) The fenestration has been redesigned to more sensitively reflect the rhythm and pattern of the neighbouring properties along Orchard Rd.*
- c) Vertical 'bands' of white render have been included to divide the areas of masonry and create a more varied elevation in keeping with residential properties along Orchard Road.*
- d) The two elements visible upon approach from St Annes town centre have been treated alternately in white render and masonry to divide the areas of masonry*
- e) Red Brick masonry will be chosen to closely reflect that of the neighbouring properties.*
- f) Feature Masonry Detailing has been added to provide texture and relief along the Orchard Road*

Elevation and further divide the massing.

- g) *The balcony to the south east has been reduced to minimise overlooking of neighbouring gardens.*

The previously approved scheme has established scale, mass and siting principles that acknowledge the prominent location of the site on approach from St Annes Town Centre. The location creates an opportunity to build important views and develop a design which reflects this relationship. The amended proposal seeks to build upon this and integrate the development into its context through the use of familiar materials and by replicating the rhythm and pattern that can be seen throughout the local area."

St Annes Town Council Comments

"The Town Council wish to see the retention of the pitched roof and gables as approved as part of the previous application (September 2016), on the grounds of aesthetics and harmonising with the existing street scene. In reference to the emerging neighbourhood plan we would like to see solar panels installed to increase sustainability."

Additional Neighbour Representations

Since the previous report was finalised an additional 8 responses were received which object to the revised plans on the following grounds as reported in the previous Late Observations report:

- Revised plans not in keeping with the character and overall look of the street
- Previous submitted plans were more appropriate
- Loss of light
- Loss of privacy
- No public notice has been put at the site advertising the revised plans
- Shortness of time to make comments on the revised plans

Officer Report

The officer report below is that which was presented on the agenda of the 7 December 2016 meeting without any alterations.

Summary of Officer Recommendation

The application site is a broadly rectangular area of land that is located outside of, but in close proximity to, the town centre of St Annes. Surrounding land uses are mixed with some residential properties and office uses including the Job Centre which is opposite in a large four storey building. The site has frontage to Orchard Road and is on the corner with Richmond Road and is accessed from Richmond Road. The existing site is currently undeveloped except for the base of the previously approved development ref: 05/0648.

The application is for full planning permission for the erection of a four-storey block of flats comprising of 19 x two bed units. The proposed development is arranged in an appropriate layout within the development site and when viewed from off site, and it creates no concerns over its relationship to off-site neighbouring properties or the streetscene.

The proposal offers a good opportunity to redevelop a brownfield settlement site that is well related to existing shops and other services for residential properties. The scheme satisfies all elements of Policy HL2 relating to new residential development and HL6 relating to the design of residential estates and is in compliance with the provision of the NPPF. As such it is

recommended that the Committee support the application.

It would be usual for developments of this scale to provide contributions towards affordable housing and other infrastructure matters. This scheme does not do so as it has been confirmed that contributions have been made as a result of the previous approval ref: 05/0648 therefore accordingly the recommendation to Committee is that planning permission be granted without any such contributions.

Reason for Reporting to Committee

The application involves major development and so the Scheme of Delegation requires that the decision on the application is made by the Development Management Committee.

Site Description and Location

The Gables site is on the corner of Orchard Road and Richmond Road, near to St Annes town centre and so is close to local amenities. It is also a transitional site in that it is located prominently between the quieter residential area to the southeast and the commercial area to the northwest. The commercial buildings opposite dominate the site itself but in terms of the scale of adjacent properties it sits well in its environment. Orchard Road and Richmond Road in terms of their appearance are principally late Edwardian Streets and present a rhythmic form of development consistent with the fashion of the times. The current condition of the site detracts from the surroundings as it has lain undeveloped for many years following the demolition of the previous building on site, except for the constructed base of a previously approved scheme as a result of previous consent ref: 05/0648.

Details of Proposal

The proposal is for the construction of a modern block of 19 apartments. The development is 4 storeys in height with a flat roof with its overall height being 11.6m. The proposed building would be a landmark building holding the corner of Richmond Road and Orchard Road. Whilst it is a single building, the foot print consists of two parts, the element fronting Orchard Road (33.2m by 10.4m) and the element fronting Richmond Road (10.4m by 13m). In terms of its scale and massing it reflects the different characters of modern commercial buildings opposite the site whilst preserving the rhythmic qualities of Edwardian properties along Orchard Road. 19 car-parking spaces are provided served from an access off Richmond Road.

Relevant Planning History

Application No.	Development	Decision	Date
05/0648	DEMOLITION OF EXISTING HOTEL, NEW BUILD OF 19, 2 BED UNITS AND APARTMENTS IN 4 STOREY BLOCK, WITH GLAZED LOBBY AND 19 CAR PARKING SPACES. INCLUDING 2 AFFORDABLE UNITS. TO BE DEVELOPED IN CONJUNCTION WITH APPN NO 5/05/0647 - ROCK FACTORY, REAR OF 79-89 ST ALBANS ROAD, ST ANNES	Granted with S106 agreement	05/10/2006
93/0582	C/U OF 41 ORCHARD ROAD FROM REST HOME TO HOTEL AND TWO STOREY LINK EXTN BETWEEN NO 41 AND EXISTING HOTEL AT 35,	Granted	10/11/1993

Relevant Planning Appeals History

None

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 07 September 2016 and comment:

"The Town Council would like to see the use of solar panels to support sustainability as per the policies in the emerging Neighbourhood Plan".

Statutory Consultees and Observations of Other Interested Parties

Lancashire County Council - Highway Authority

Raise no objections subject to standard comments about ensuring parking is surfaced and the access is properly constructed.

Strategic Housing

No objections to lack of affordable housing provision as it was secured via previous approval ref: 05/0648.

LCC Contributions

Contribution required towards 1 Primary School place and 1 Secondary School place totalling £20,303.59 and £13,474.53 respectively.

Lancashire CC Flood Risk Management Team

No objections subject to standard conditions.

United Utilities - Water

No objections subject to standard conditions.

Neighbour Observations

Neighbours notified:	07 September 2016
Amended plans notified:	21 November 2016
Site Notice Date:	30 September 2016
Press Notice Date:	15 September 2016
Number of Responses	2 responses received
Summary of Comments	Letters raise objection:

- Building is too high
- Loss of privacy
- Design is not in keeping with surrounding area
- Proposed off street parking is not sufficient
- Strain on utilities
- St Annes is a holiday town and new buildings should not detract from this

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TREC17	Public Open Space within New Housing Developments

Fylde Local Plan to 2032:

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
ENV4	Provision of New Open Space
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
T5	Parking Standards

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**Policy Background**

The site is located within the settlement boundary where the principle of residential development is accepted under Fylde Borough Local Plan Policy SP1 and emerging Fylde Local Plan to 2032 Policy GD1. Policy HL2 of the FBLP and H2 of the FLP32 provides the development control criteria for housing proposals, which seeks to ensure, amongst other things, that proposals are acceptable in design terms, do not adversely affect neighbouring amenity, are compatible in land use terms, are situated in sustainable locations, are acceptable in highways safety terms and maintain or enhance local biodiversity.

The site is within an area designated as a Secondary Holiday Area within the Fylde Borough Local Plan. Policy TREC2 allows for development that is compatible with a residential area. The majority of buildings within the immediate locale are used for residential purposes and therefore the use of the site for residential purposes is considered acceptable. Furthermore the proposed holiday area within the emerging Fylde Borough Local Plan to 2032 omits this area from the designated holiday area.

Within the Core Planning Principles of the NPPF encouragement is given for the effective reuse of previously developed land provided that it is not of high environmental value. With the council's on-going shortfall of housing supply (currently 4.8 years) it is imperative that sites which are brownfield and in accessible settlement locations are brought forward to meet that supply unless there are compelling reasons why not. This site is classed as previously development land, and is not

of high environmental value. It is located near to public transport routes and community facilities such as a Medical Centre (0.5 miles) and a Primary School (0.2 miles) and is close to the town centre (0.2 miles). This makes it a site where the principle of residential development should be supported, subject to the detailed considerations in the remainder of this report, so as to assist in achieving a five year housing supply.

Design and impact to the street scene

As part of the assessment of the application officers secured revised plans proposing a broader pallet of materials and reducing the overall scale of the building by altering the roof style to closer reflect the previously approved scheme. The assessment below is of the revised plans.

The proposed development is designed in a contemporary style reflecting, to a degree, the style of the recently approved alterations to Westmorland House (Job Centre) on Orchard Road. The proposed building is larger than the previous building that stood on the site and is taller and generally larger than the traditional residential properties which abut the site. However its size and general massing are considered acceptable as the site is on a highly visible corner and therefore in terms of urban design it should be expected that any building on a plot such as this would be more imposing than those that only front onto the road. In addition, its size and appearance relate well with the other focal point buildings in this locale such as Westmorland House (due to be refurbished) and the Synagogue. The proposed materials are considered appropriate and the pallet of materials will create an interesting focal point within the street scene.

The general appearance and setting is considered appropriate and the design is of a good standard that will enhance and compliment the surrounding area. The design and style of the properties is considered to comply with criterion 2 and 3 of Policy HL2 of the Fylde Borough Local Plan and criterion a, c and l of Policy GD7 of the emerging Fylde Borough Local Plan to 2032.

Impact to neighbouring amenity

The nearest neighbouring residential properties are the existing dwellings/flats which abut the northeast and southeast boundaries of the site on Richmond Road and Orchard Road. Further residential properties also face the site on the opposite side of Orchard Road. It is considered that the proposal will not have a detrimental impact on the amenity of these neighbouring properties.

The separation distance between the nearest elevation and the facing side elevation of No.21 Richmond Road is 13m. This separation distance is considered sufficient to ensure that any overbearing or loss of light would be minimal and comparable to that which was previously approved under application ref: 05/0648. The proposed windows in the elevation face onto the main side elevation of No.21 which does contain two ground floor windows. However the separation distance and that the majority of windows for the flats in this section of the development face onto Richmond Road means that any loss of privacy will be minimal.

The nearest neighbouring property No.41 Orchard Road, to the southeast, will receive an increase in mass and bulk due to the proximity of the development to the side elevation. This level of overbearing is however considered acceptable as the majority of the impact is on the main side elevation which does not contain any primary windows. Due to the orientation of the properties there will be minimal loss of light with any impact being during the later hours of the day. This level of impact is considered acceptable. There will be minimal loss of privacy as the side elevation windows face onto the main side elevation of the neighbouring property and the rear elevation windows face into the proposed car park area for the development.

The neighbouring properties, facing the development, on the opposite side of Orchard Road will not

suffer a detrimental impact to their amenity in terms of overbearing nor loss of privacy as the separation distance of 21m from front elevation to front elevation is considered sufficient to mitigate any impact. There will be no loss of light as these neighbouring properties are to the south of the proposed development.

The proposal is therefore considered to comply with criterion 4 of Policy HL4 and criterion b of the emerging Fylde Borough Local Plan to 2032.

Access/Impact to highway safety

The proposed development is accessed off Richmond Road via an existing access point. The Lancashire County Council Highways surveyor has confirmed that the proposed access, layout, including turning areas are acceptable and that the site can provide a safe and suitable access to that road. The development proposes 1 off street parking spaces per unit with dedicated cycle storage also on site and this level of provision is acceptable.

There are no highway safety implications from the development which is in accordance with criterion 9 of Policy HL2 of the Fylde Borough Local Plan subject to conditions to ensure that the development is appropriately implemented and parking areas provided.

Developer Contributions

The application site was subject to a previously approved application (ref: 05/0648) and works have commenced on this scheme. The consent included the benefit of a signed section 106 agreement to include various contributions including Public Open Space and affordable housing to be provided off site at the former Rock Works site on Carlton Road. It has been confirmed that all required payments along with the agreed affordable housing has been provided and therefore no further contributions are required for this application. Although there has been a request from LCC Education for a contribution towards school places with this application it is considered that the Council cannot reasonably expect to make a request from the developer as the previous permission has been implemented and this did not require any contributions towards education.

Conclusions

The application site is a broadly rectangular area of land that is located outside of, but in close proximity to, the town centre of St Annes. Surrounding land uses are mixed with some residential properties and office uses including the Job Centre which is opposite in a large four storey building. The site has frontage to Orchard Road and is on the corner with Richmond Road and is accessed from Richmond Road. The existing site is currently undeveloped except for the base of the previously approved development ref: 05/0648.

The application is for full planning permission for the erection of a four-storey block of flats comprising of 19 two bed units. The proposed development is arranged in an appropriate layout within the development site and when viewed from off site, and it creates no concerns over its relationship to off-site neighbouring properties.

The proposal offers a good opportunity to redevelop a brownfield settlement site that is well related to existing shops and other services for residential properties. The scheme satisfies all elements of Policy HL2 relating to new residential development and HL6 relating to the design of residential estates and is in compliance with the provision of the NPPF. As such it is recommended that the Committee support the application.

It would be usual for developments of this scale to provide contributions towards affordable housing

and other infrastructure matters. This scheme does not do so as it has been confirmed that contributions have been made as a result of the previous approval ref: 05/0648 therefore accordingly the recommendation to Committee is that planning permission be granted without any such contributions.

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 - 15-2061-PN005
- Site Plan - 15-2061-PN001 Rev C
- Proposed Elevations - 15-2061-PN003 Rev C
- Proposed Elevations 2 - 15-2061-PN007 Rev A
- Proposed Floor Plans - 15-2061-PN002 Rev B
- Proposed Street Scene - 15-2061-PN006 Rev B

Supporting Reports:

- Design and Access Statement

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

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

Reason: To ensure that the materials have a satisfactory appearance.

4. Prior to the first occupation of any of the units, the access, turning and parking areas shall be implemented and laid out in full in accordance with the approved details shown on submitted plan ref: 15-2061-PN001 Rev C , with those areas thereafter retained available for the parking of motor vehicles.

Reason: In order to ensure the provision of adequate off street car parking that is in keeping with the character of the area.

5. Notwithstanding any denotation on the approved plans details of all boundary treatments and other means of enclosure (including the access gates, cycle and bin stores), including their means of construction, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any built development on site. Thereafter only those approved details shall be used in the development unless otherwise agreed in writing with the Authority.

Reason: To ensure a satisfactory standard of development.

6. Prior to the commencement of works samples/details of all hard and soft landscape works shown on plan ref: 15-2061-PN001 Rev C (including the access driveway of the site and parking areas) shall be submitted to and confirmed in writing by the Local Planning Authority. The works shall be carried out using the agreed materials.

Reason: To ensure a satisfactory appearance.

7. Prior to the commencement of development a scheme for the disposal of foul and surface waters for the entire site, based on the hierarchy of drainage options in the National Planning Practice Guidance and sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall, as a minimum, include the following:

- Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), 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;
- The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 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);
- Flood water exceedance routes, both on and off site;
- A timetable for implementation, including phasing as applicable;
- Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- 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 In order to ensure adequate and proper drainage of the site.

8. Prior to the commencement of development a scheme outlining details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall, as a minimum, 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;

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

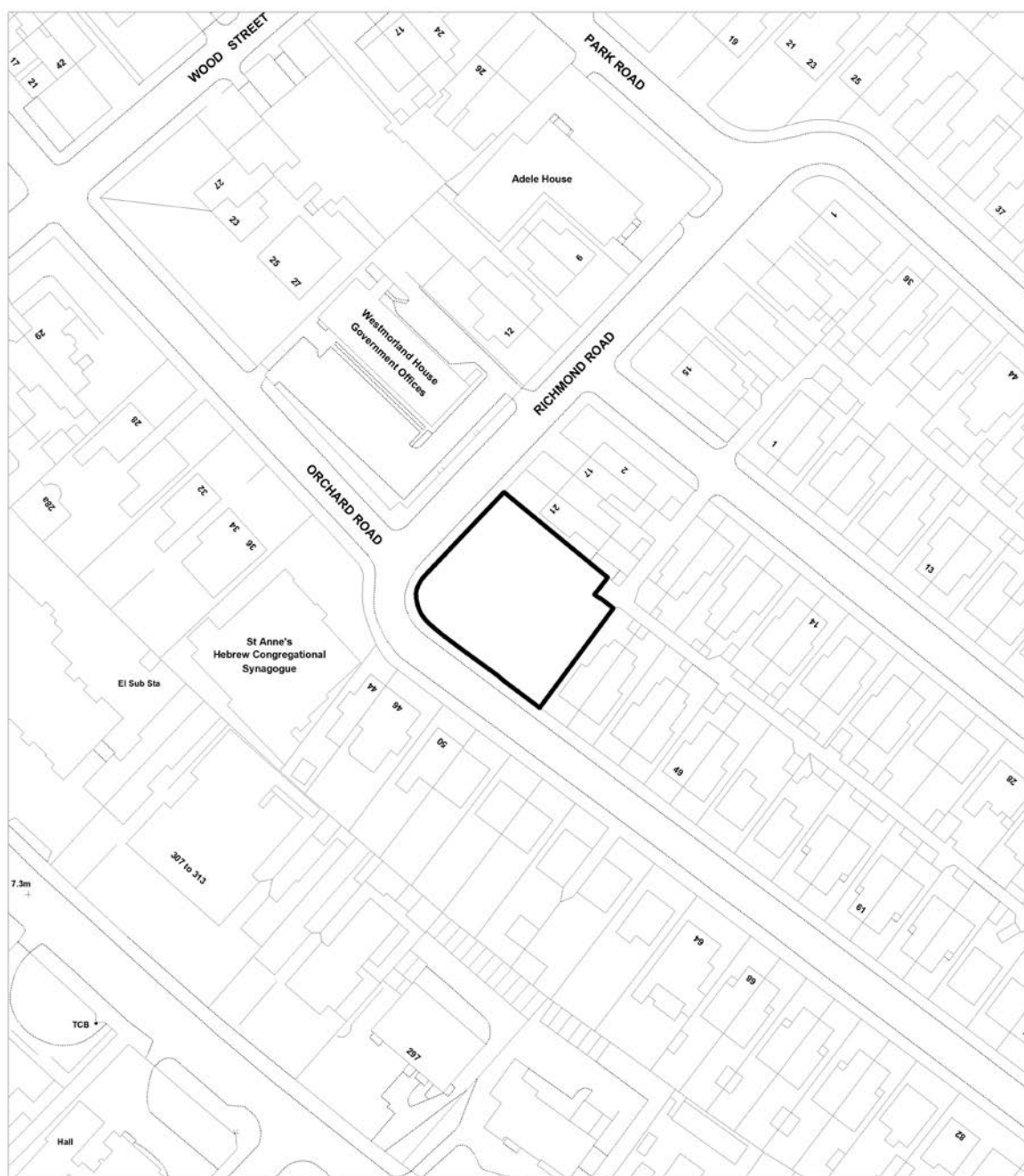
9. Prior to the commencement of development a detailed scheme for the design of the revised site access shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the access with, kerb alternations, surfacing and other such engineering matters along with a phasing scheme for the implementation of these works. The approved scheme shall be implemented as part of the development in accordance with the approved phasing scheme

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site in accordance with Policy HL2 of the Fylde Borough Local Plan.

10. 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,

Reason: To ensure the development is implemented without compromising residential amenity or highway / pedestrian safety.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0639	Address The Gables, 35-39 Orchard Road, Lytham St Annes	Grid Ref. E.3322 : N.4286	Scale 0 6 12 18 24 m

Item Number: 6

Committee Date: 11 January 2017

Application Reference:	16/0730	Type of Application:	Outline Planning Permission
Applicant:	Mr Norcross	Agent :	Clover Architectural Design Limited
Location:	58 (AND LAND TO REAR) PRESTON OLD ROAD, FRECKLETON, PRESTON, PR4 1PD		
Proposal:	OUTLINE APPLICATION FOR UPTO 9 DWELLINGS WITH ACCESS APPLIED FOR AND ALL OTHER MATTERS RESERVED		
Parish:	FRECKLETON EAST	Area Team:	Area Team 1
Weeks on Hand:	14	Case Officer:	Claire Booth
Reason for Delay:	Need to determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7534813,-2.863857,253m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The application site is a vacant area of land that was formally used as a builders/ joiners yard but is within the centre of the village and surrounded by residential properties. The proposal is for the site to be developed residentially but is submitted in outline with all matters other than access reserved.

The application site is located within the Freckleton settlement boundary where the principle of residential development is acceptable under Local Plan policies SP1 and HL2, and the equivalent policies in the emerging Fylde Local Plan to 2032. The proposed access is to Preston Old Road which is the main road through the village and so suitable for the traffic volumes that would be generated by this site. Whilst there are concerns over the visibility that is available at the access, there is no objection to this from the Highway Authority and it is considered to be suitable for the limited scale of development proposed which is likely to generate less traffic and smaller vehicles than the previous, and still lawful, use/

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as the golden thread running through both plan-making and decision taking. The Framework states at paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development and this application should be approved on that basis.

Reason for Reporting to Committee

The application has been referred to Development Management Committee as the officer recommendation is for approval whilst the Parish Council have objected to the proposal on both residential amenity and highway safety grounds.

Site Description and Location

The application site is comprised of the parcel of previously developed land to the rear of 56-64 Preston Old Road which up until 2013 was an active employment site. The site is currently vacant. The site benefits from two access points, with the main access being off Preston Old Road and a secondary access to Croft Butts Lane.

The site is surrounded by residential properties on all sides, and is situated within the Freckleton settlement boundary, as defined by the Fylde Borough Local Plan (as altered 2005).

Details of Proposal

The application seeks outline planning permission for up to nine dwellings including access, with all other matters reserved. The proposed access would be via the Preston Old Road entrance located between the gables of no. 56 Preston Old Road and no.58 Preston Old Road.

Relevant Planning History

Application No.	Development	Decision	Date
13/0436	OUTLINE APPLICATION FOR ERECTION OF 9 DWELLINGS (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Granted	16/12/2013

Relevant Planning Appeals History

None

Parish/Town Council Observations

Freckleton Parish Council notified on 04 October 2016 and comment:

"The Parish Council objects to this application for the following reasons:

- The proposed properties, on the western side of the plot, will have a negative & detrimental effect on the neighbouring property. (same reason as application 16/0308, considered in May '16, at the same location)*
- The road at the entrance to the site is congested with parked vehicles and heavy goods vehicles, coaches and caravans regularly using this road."*

Statutory Consultees and Observations of Other Interested Parties

BAe Systems

No comments or observations received.

Ministry of Defence - Safeguarding

The MOD has no safeguarding objections to this proposal.

Lancashire County Council - Highway Authority

The revised plan for the previous application (13-014/1001/F), which wasn't attached to the current application but is referenced on the application form, shows sightlines of 2m x 35m, which for a development of this size would not be acceptable.

The minimum sightlines would be 2.4m x 35m, which can't be achieved over land in the

applicants control or adopted highway to the northwest of the proposed access. However, given that these plans have already been approved and planning permission granted based on them, I can't object on these grounds.

As such, based on the available information, I have **no highway objection** to the applicant's proposals.

United Utilities - Water

United Utilities will have no objection to the proposed development subject to conditions relating to foul and surface water drainage.

Lancashire CC Flood Risk Management Team

The Lead Local Flooding Authority has no objections to this proposal.

Neighbour Observations

Neighbours notified:	04 October 2016
Number of Responses	One
Summary of Comments	<p>We oppose this on the grounds of the end property being built so close to the boundary that it will have a massive impact on our house.</p> <ul style="list-style-type: none">a. Our house is a dormer bungalow and the end wall of a two storey house will overshadow our property.b. Plans have recently been refused for a two storey garage to be built at the rear of our premises, due to the height and impact this would have on their property.c. Comment that nine of the surrounding properties are all owned by the same Norcross family and therefore they are unlikely to object to the proposed development.

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
HL01	New residential development
HL02	Development control criteria for new housing proposals

Fylde Local Plan to 2032:

S1	Proposed Settlement Hierarchy
S2	Density and Mix of New Residential Development
GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
T5	Parking Standards

Other Relevant Policy:

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

Environmental Impact Assessment

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

Comment and Analysis

Outline permission for the site and principle of development

It is important to note that the principle of this residential development has been established by the outline approval referred to in the planning history section, application, 13/0436 which Committee approved on 18 December 2013.

Policy GD1 of the Submission Version of the Fylde Local Plan to 2032, supports development of previously developed land within settlements, subject to other relevant Local Plan policies being satisfied.

Within Policy S1 - 'The Proposed Settlement Hierarchy' of the emerging Local Plan Freckleton is identified as a Local Service Centre and is identified as being well placed to provide for future housing and employment needs. This Policy states that new development within Freckleton will be located by way of infilling or rounding-off of the existing settlement. The application site is in infill parcel of land surrounded by residential dwellings and therefore accords with this requirement. Moreover, the Council's preferred choice for new dwellings is to locate them on previously developed land as is the case here. As a result, the application site is still considered to be located in a suitable location for new dwellings. The principle of development therefore remains to be acceptable.

Matters being applied for: Access

The definitions for all the 'matters' is laid out in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Access is the only matter being applied for at this stage.

'Access', is defined as: "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."

The Framework advises that planning decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site and safe and suitable access to the site can be achieved for all people. Paragraph 32 of the Framework confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are 'severe'.

The Highway Authority has been consulted on the application and made aware of the Parish Council's concerns relating to visibility and access. The Highway Authority note that this is an Outline application with access a detailed matter, and has not fundamentally changed from the previous application for this site (13/0436).

A plan for the application (13-014/1001/F), shows sightlines of 2m x 35m, which for a development of this size would not be acceptable. The minimum sightlines would be 2.4m x 35m, which can't be achieved over land in the applicants control or the adopted highway to the northwest of the proposed access. However, given that these plans have already been approved and planning permission granted based on them LCC do not object on these grounds.

It is also considered that the limited scale of the development proposed and the size of vehicles that it will generate are likely to be less in number and smaller in size than would be the case under the previous builder's yard use which could re-commence at any time without needing planning permission. This fallback is a further consideration in support of concluding that the access arrangements here are acceptable.

Other Matters

The application included an illustrative layout plan which illustrated nine dwellings in two terrace blocks. As initially submitted, this plan did not state it was for "illustrative purposes" as required by the relevant legislation. As a consequence, the LPA therefore assessed the effect of the layout on the amenity of surrounding residents.

It is considered it will not be possible for nine two storey dwellings to fit on the site. Firstly, the plans indicate that a dwelling would be sited within 1.5m of the boundary with no. 62 Preston Old Road and 12m from the rear wall of that property. In relation to no. 60 Preston Old Road, the distance to the boundary of the curtilage would be within 6.0 metres and 15m of their rear wall. Whilst Officers have not been within these two properties, it is highly likely that at two storey, the dwellings nearest to them would be over dominant, overbearing and oppressive and would consequently adversely affect their amenity.

Turning to the dwelling at the opposite end of the two blocks; no. 54A Preston Old Road, Officers have been in to their property and within their garden area. It is considered that building a two storey dwelling right up to their boundary would appear overbearing and oppressive when the occupants use their rear amenity space, and a two storey dwelling would overshadow their garden and property. Again this is, and would not be, acceptable.

The LPA made the agent aware of these concerns. The Agent therefore amended the Layout Plan to confirm that it is for "illustrative purposes only". They also confirmed a slight tweak to the description of development to include the words '**up to**' nine dwellings. Depending on the scale of each of the dwellings which will come forward at the Reserved Matters stage, this will give the LPA control in ensuring that the amenity of neighbours will not be harmed. This will also give the applicant a workable permission as it will give flexibility in the number of dwellings up to a maximum of nine units, should Members be minded to approve this application.

Conclusions

The application site is located within the Freckleton settlement boundary where the principle of residential development is acceptable under Local Plan policies SP1 and HL2. The vacant site is classed as Previously Developed Land.

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as the golden thread running through both plan-making and decision taking. The Framework states at paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

Policy S1 of the Council's emerging Local Plan also supports the infilling and rounding-off of the Local Service Centres of Freckleton is one.

The principle of allowing dwellings on the site is therefore supported by both local and national policies.

'Access' is the only 'matter' being applied for. The Highway Authority have confirmed that the necessary site lines are achievable from the access.

The outline application for up to nine dwellings is therefore recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

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

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

Reserved matters are:-

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

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

3. No dwellings hereby approved shall be occupied until the site access has been constructed in accordance with the details shown on approved drawing number; 1001 Rev F and made available for use.

Reason: To ensure that satisfactory access is provided to serve the development.

4. The dwellings shall be no higher than two storeys

Reason: In the interests of neighbouring residential amenity and the character of surrounding forms of development

5. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of

flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

6. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

7. Details of the external roofing and facing treatments 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.

Reason: In the interests of visual amenity and the appearance of the development in the locality

8. Prior to the commencement of the development hereby approved, details of the boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be provided prior to the occupation of the dwellings and retained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

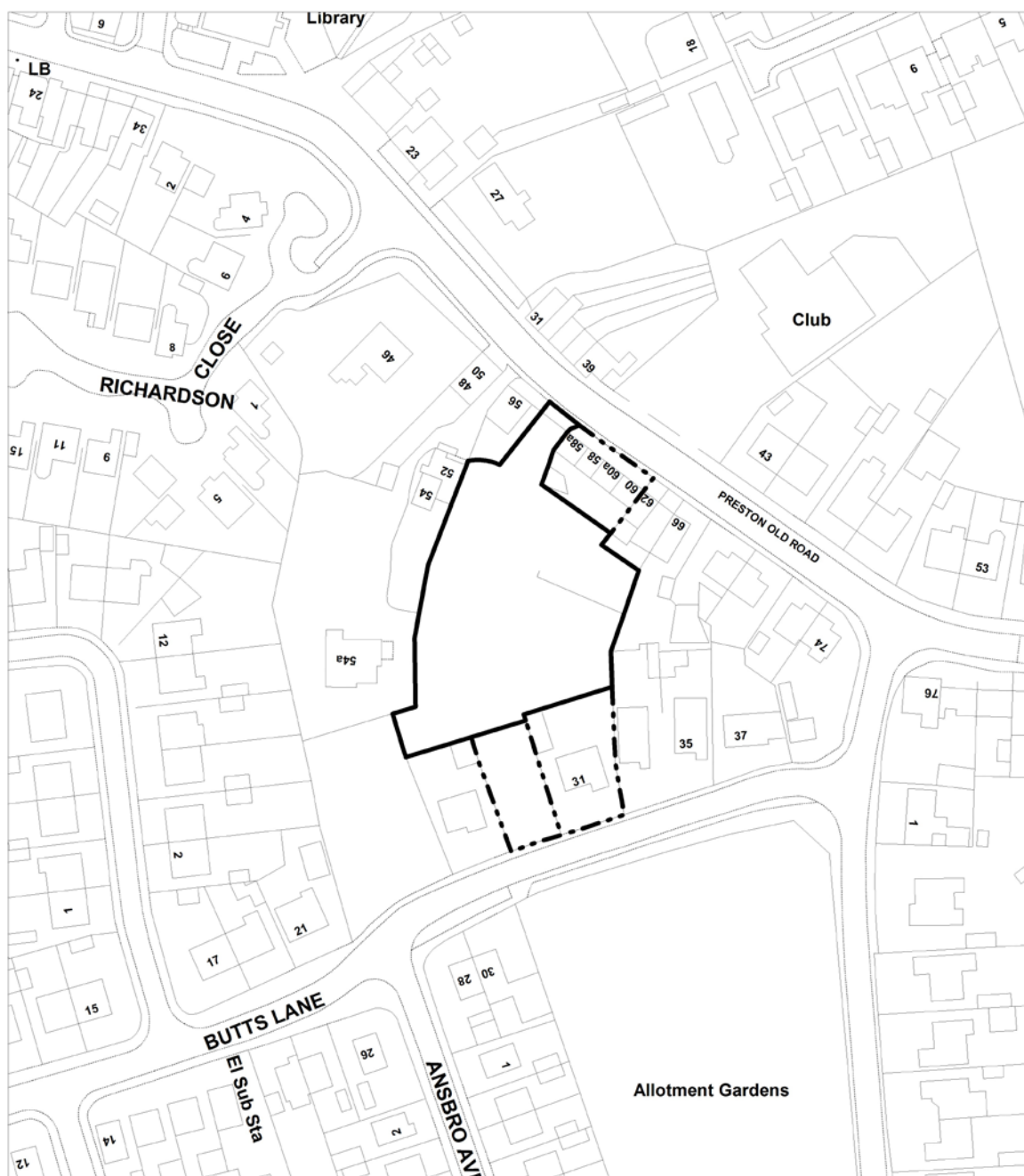
Reason: To provide an appropriate finished appearance of the development and to maintain an appropriate level of privacy between dwellings as required by Policy HL2 of the Fylde Borough Local Plan (as altered 2005)

9. Prior to the commencement of any development details shall be submitted to and approved in writing by the Local Planning Authority of the existing and proposed ground levels across the site, and the proposed Finished Floor Levels of the proposed dwellings. The development of the site shall be undertaken in accordance with these approved details unless any deviations are submitted to and agreed in writing by the Local Planning Authority prior to the commencement of construction of the plot in question.

Reason: To ensure the site is constructed with a satisfactory appearance in the area as required by Policy HL2 of the Fylde Borough Local Plan.

10. Prior to any on site construction a Construction Plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include the location of any site compound, delivery vehicle routing to the site, construction traffic parking and any temporary traffic management measures, times of construction works and times of deliveries. The development shall be implemented in accordance with the approved Construction Plan.

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



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0730	Address 58 (and Land to rear) Preston Old Road, Freckleton	Grid Ref. E.3432 : N.4288	Scale 0 6 12 18 24 m

Item Number: 7

Committee Date: 11 January 2017

Application Reference:	16/0731	Type of Application:	Full Planning Permission
Applicant:	CMC New Ventures Ltd	Agent :	Firth Associates Ltd
Location:	84 CLIFTON STREET, LYTHAM ST ANNES, FY8 5EJ		
Proposal:	EXTERNAL CANOPY		
Parish:	CLIFTON	Area Team:	Area Team 1
Weeks on Hand:	15	Case Officer:	Rob Buffham
Reason for Delay:	Need to determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7368262,-2.9629312,63m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Refuse

Summary of Officer Recommendation

The proposal involves the formation of an external canopy to wrap around the front and side elevations of this corner property which is a former bank premises located on the edge of Clifton Square in Lytham. It is within the designated town centre and conservation area but is not listed.

The officer view is that the works would be detrimental to the architectural merit of the host building and result in the felling of high amenity value trees and would not, therefore, conserve or enhance the Lytham Town Centre Conservation Area contrary to adopted and emerging policies of the Development Plan. This represents poor design, which for the purposes of the NPPF and Development Plan is not considered sustainable.

Reason for Reporting to Committee

The Head of Planning and Regeneration considers that the proposal is of public interest and so appropriate that it be presented to the Development Management Committee for consideration.

Site Description and Location

This proposal relates to the former Royal Bank of Scotland building; now vacant, and is a corner terrace premises which faces onto Clifton Street and the pedestrianised Clifton Square. The property is an imposing two storey building, which appears to have been purposely built as a bank premises, constructed of red brick and slate with contrasting stone surrounds to the windows and doors and ornate brick/ stone eaves level detail.

The site is centrally located within the Lytham Town Centre Conservation Area and is designated as a Secondary Shopping Frontage in the adopted Fylde Borough Local Plan. There are 3 trees within the

site frontage of the application site which, being located within the Conservation Area, are afforded protective status.

Details of Proposal

The planning application proposes the erection of an external canopy that would wrap around the full ground floor frontage of the property, being of a lean-to design and projecting 5.6m from the building to an overall height of 4m (2.8m to eaves). The structure would be built above a concrete plinth which raises the existing land levels by 100mm above the current Square level. Construction materials have not been stated, though drawings indicate the roof to be glazed and a glass balustrade (1m in height) about the perimeter of the covered area.

Two trees are shown for removal to facilitate construction of the proposal.

It should be noted that a separate planning application was submitted to change the use of the building to a restaurant and bar (16/0728) and has recently been approved.

Relevant Planning History

Application No.	Development	Decision	Date
16/0728	CHANGE OF USE OF EXISTING BANK (CLASS A2) TO RESTAURANT (CLASS A3) WITH ANCILLARY BAR (CLASS A4)	Granted	24/11/2016
12/0145	ADVERTISEMENT CONSENT TO DISPLAY 2 X EXTERNALLY ILLUMINATED FASCIA SIGNS AND 2 X EXTERNALLY ILLUMINATED HANGING SIGNS.	Granted	15/05/2012

Relevant Planning Appeals History

None

Parish/Town Council Observations

Not applicable.

Statutory Consultees and Observations of Other Interested Parties

Regeneration Team (Heritage)

They have reviewed the application and comment:

“The principle of a canopy at a landmark site located at a highly prominent corner in the conservation area is an issue and my opinion is that a canopy, that is a historic feature for small shops, is not appropriate at this sensitive site.

The architecture of the building is decorative and the building makes a strong contribution to the special historic character of the street. Features at ground floor should not be obscured by a canopy and the proposed canopy would dilute the effect of the architecture and upset views of the building.

Approval would set a precedent for pressure for inappropriate additions to other landmark locations in the conservation area. The design of the proposal does not make a

positive contribution to the appearance of the building or the character of the conservation area.

Mature trees make an important contribution to the character of the conservation area and removal of two would exacerbate the harm to the conservation area. I appreciate the tree officer's comments that pressure can be expected for removal of the other tree if the canopy was allowed.

I see no merit in the proposal and object as the proposal would not only fail to appropriately conserve the character of the conservation area but would significantly harm the character of the Lytham Conservation Area."

Tree Officer

They have reviewed the application and comment:

"The proposal as indicated on drawing RBS/1/001 extinguishes two public realm trees in a key square at the heart of Lytham's Conservation Area and places a structure beneath the canopy of a third.

The trees – a London plane, a whitebeam and a lime – are important components of Clifton Street's tree-lined character and are part of the overall design of Clifton Square. They shouldn't be seen in isolation or taken on their individual merits, though I rate the lime and London plane as strong candidates in their own right anyway.

I can't support this application therefore: it's unusual to see an application contingent on the removal of public realm trees in a Conservation Area, where trees are considered important to character and sense of place, and at any rate I would not wish to see a glass-canopied structure under the canopy of the lime tree, where it's shading effect, leaf litter, overhang and Summer aphid secretions would give rise to requests to prune or remove the tree to prevent spoiling of the glass canopy."

Neighbour Observations

Neighbours notified: 30 September 2016

Site Notice Date: 4 October 2016

Press Notice Date: 13 October 2016

Number of Responses 1

Summary of Comments Objections raised relating to:

- The structure is an obtrusive feature which would not integrate with the façade of the building.
- The proposal would have an adverse impact on the architectural and historic character of the building and Market Square.
- The canopy would be too onerous and cumbersome and spoil the look and feel of the conservation area.
- It would set a dangerous precedence.
- It is not in-keeping with the architectural standards in the local area.

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
TR01	Improving pedestrian facilities
EP03	Development within conservation areas
EP01	Environmental Improvement Schemes
EP12	Conservation trees & woodland
EP18	Natural features
EP27	Noise pollution
SH16	Restaurants & hot food shops

Fylde Local Plan to 2032:

NP1	Presumption in favour of Sustainable Development
GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
EC5	Vibrant Town, District and Local Centres
T5	Parking Standards
ENV2	Biodiversity
ENV5	Historic Environment
ENV1	Landscape

Other Relevant Policy:

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

Site Constraints

Conservation area site

Environmental Impact Assessment

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

Comment and Analysis

The main issues pertinent to the assessment of this proposal are principle of the development, design bearing in mind the site's location within a Conservation Area, amenity, trees, ecology and highways.

Principle

The application site is located within the urban area of Lytham to where development is primarily focussed by Policy SP01 of the adopted Local Plan, and GD1 of the emerging Local Plan. The principle of the proposal is, therefore, acceptable, subject to other relevant policy considerations of the development plan.

Design

The application site is also located within the designated Lytham Town Centre Conservation Area.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. Paragraph 56 recognises that good design is a key aspect of sustainable development

and that permission should be refused for poor development that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 131 of the Framework states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of the heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of development on the significance of a designated asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Policy EP3 of the adopted Local Plan states that development will only be supported where the character or appearance of the area, and its setting, are appropriately conserved or enhanced. This includes the physical setting of the area, settlement form, townscape, character of buildings and structures, character of open spaces, and views into or out of the conservation area.

Emerging Policy NP1 reflects the sustainable development requirements of Framework. Policy GD7 expects new development to be of a high standard taking account of and seeking to positively contribute toward the character and appearance of the local area. Emerging Policy ENV5 states that development within conservation areas should conserve or enhance those elements that make a positive contribution to their special character, appearance and setting. Proposals that better reveal the significance of these areas will be supported also.

More importantly, Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that local planning authorities pay special attention in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. This means that they must take account of this in development control decisions and controls relating to trees.

The application site maintains a highly prominent position in the Conservation Area, being located to an exposed corner plot adjacent to the main thoroughfare through Lytham. Whilst not listed, 84 Clifton Street is considered to be of architectural merit making a strong contribution to the special historic character of the street and Area. There are external views of the building façade, including at close quarters from Clifton Square, but also more distant views from adjacent streets. It is one of a number of commercial premises which has a front facing aspect over Clifton Square. This pedestrianised square is used by other businesses for alfresco dining, its openness and landscaped qualities are an important feature of the Conservation Area.

The proposed canopy would wrap around the ground floor of the building and mask important features, such as stone surround to windows and stone detailing about the pedestrian entrance to the premises. The projection of the canopy from the building introduces a sprawling footprint which introduces a horizontal emphasis to the ground floor. This will be at odds with the more vertical scale of the existing building (and those in the locality), giving the property an unbalanced appearance. The proposal will extend out into Lytham Square, and impose on the openness of this important space. Mature trees make an important contribution to the landscape character of the conservation area and removal of two from such a prominent location would exacerbate this harm.

On this basis it is considered that the proposal would detract from, and would not conserve, the character of the conservation area. The prominent location of the application site will only serve to exacerbate this assessment. This represents poor design, which for the purposes of the Framework and Development Plan is not considered sustainable.

The submitted Heritage Statement refers to the proposal securing the long term future of the building, provide an active frontage and have a positive effect on the vitality of vibrancy of the town centre. Whilst this is acknowledged, the applicant has failed to demonstrate any compounding need for the external canopy and there is no reason why longevity of the building cannot be achieved in the absence of the external canopy or an amended scheme that seeks to address the concerns raised above. To this end, it has been suggested to the applicant that the impact of the proposal could be reduced by:

- amending the application to introduce two separate canopies in order to reduce the bulk and prominence of the canopy and open up views to the architectural detail around the main entrance,
- reducing the projection of the canopies from the building,
- reducing the span of the canopies to move away from the trees,
- removing the raised floor to give the canopy a more open appearance,
- re aligning the supports to reflect the structure of the parent building and
- lifting the eaves to open up views of the buildings architectural detailing.

The applicant has considered making these amendments but concludes that the changes would reduce the number of covers that could be catered for and so render the proposal unviable. It is recognised that there are regeneration benefits associated with the proposal encouraging a vacant building back in to use. Notwithstanding this, it is considered that this does not outweigh the harm to the Conservation Area.

Amenity

Policy SH16 of the adopted Local Plan supports restaurant/ bar uses provided the amenity of nearby residents are not unduly prejudiced by the development, taking into account the characteristics of the area concerned. Policy EP27 (Noise) is also relevant to the assessment and supports new development provided it does not give rise to unacceptable levels of noise.

The site is designated as a Secondary Shopping Frontage, emerging Policy EC5 states that development within such areas should not create unacceptable disturbance to residents or other users of the centre and surrounding areas.

The development could impinge on neighbouring land uses by virtue of noise from the external eating area proposed. The submitted application form does not provide detail of opening hours, though the application form for the change of use proposal confirmed opening hours to be 10:00 – 01:00.

The application site is located within the heart of Lytham and there are a number of similar late night establishments in the locality, including restaurants, wine bars and public houses; some also have alfresco dining. The presence of these existing premises and associated internal/ external activity results in increased late night noise levels, particularly focussed about Henry Street and Clifton Square. Whilst the proposal will increase late night activity, this would be akin to the late night activity created by existing premises and it is considered that the proposal would not significantly increase noise levels in the locality. The Environmental Protection officer has requested hours of use restriction (no use after 22:00) to mitigate noise escape from the external dining area which can be conditioned appropriately if planning permission were to be granted.

Trees

Policy EP12 of the adopted Local Plan states that trees which individually or in groups make a

significant contribution to townscape, quality and visual amenity will be protected. Emerging Policies GD7 and ENV1 requires existing landscape feature to be conserved, maintained, protected and wherever possible enhanced. In the event of loss like for like replacement will be expected.

The proposal requires removal of 2 mature trees and works within the root protection area of a third. The scheme does not provide for any replacement planting in lieu of those trees to be felled.

It is considered that the trees to be removed are of high amenity value and together positively contribute toward the character of the Conservation Area, retention should therefore be afforded significant weight.

Ecology

Policy EP19 states that development which would have an adverse impact on protected species or their habitat(s) will not be permitted, appropriate mitigation can be used in certain circumstances. Emerging Policy ENV2 reiterates this stance, acknowledging that the benefits of the proposal could outweigh the need to maintain the population in certain circumstances.

The loss of trees from the site could affect bat roosting and/ or foraging habitat, as well as nesting bird habitat. The application does not provide any supporting information. Notwithstanding this, the existing building stock in the locality is a more viable roosting alternative and on this basis it is considered unlikely that bats use the trees for roosting, though may use the tree line for foraging. With this in mind it is considered that the trees have little ecological value, a condition to control felling outside of the bird nesting season is suggested.

Highways

Policy SH16 supports restaurant uses provided the local road network can accommodate the expected levels of vehicular traffic and adequate parking facilities are available nearby. It is also expected that new development provide parking provision in accordance with the Joint Lancashire Structure Plan Parking Standards (March 2005), which for restaurant development in accessible locations is 1 space for every 8 square metres of development. Policy T5 of the emerging Local Plan states that car parking should be provided on site where possible, so as to ensure there is no detrimental effect on highway safety and that a flexible approach to provision will be applied dependent on location.

Paragraph 32 of the Framework also states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

The proposal would require a parking provision of approximately 16 spaces (131sqm footprint approximately), but does not provide for any off street parking. Notwithstanding this, it is considered that there is ample publicly available parking in the vicinity whether on street or visitor car parks, which outweighs the requirement for on-site provision and according with requirements of Policies SH16 and Policy T5. Any detrimental impact of this on street parking could not be classed as severe for the purposes of assessment against the Framework.

Conclusions

The application relates to the construction of an external canopy at 84 Clifton Street, Lytham. It is considered that the proposal would be detrimental to the architectural merit of the host building and result in the felling of high amenity value trees and would not, therefore, conserve or enhance the Lytham Town Centre Conservation Area contrary to the provisions of Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and the adopted and emerging policies of the

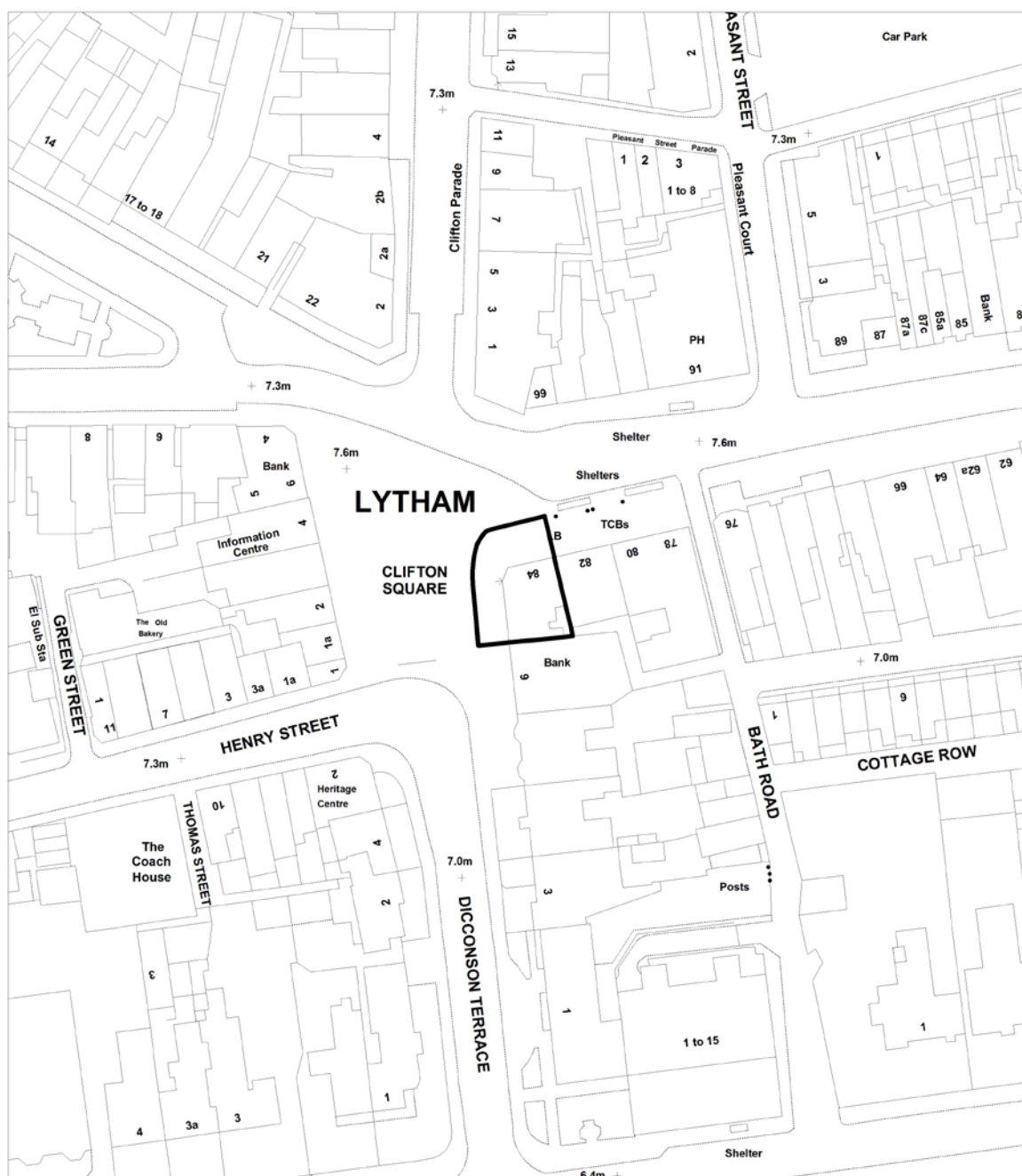
Development Plan. This represents poor design, which for the purposes of the NPPF and Development Plan is not considered sustainable. Accordingly the application is recommended for refusal.

The proposal is acceptable in all other regards.

Recommendation

That Planning Permission be REFUSED for the following reasons:

1. The erection of the proposed canopy would result in the introduction of an imposing feature that would wrap around the frontage of this prominent building within the Lytham Town Centre Conservation Area. Accordingly the proposal would obscure the architectural detailing of the existing building which would be detrimental to the character of the building and the wider conservation area and so contrary to policies EP3, EP12 and EP18 of the Fylde Borough Local Plan (2005) and Policies GD7 and ENV5 of the emerging Fylde Local Plan to 2032 and would be contrary to the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The erection of the proposed canopy would result in the erosion of the open character of Clifton Square and the loss, or threat to, three existing trees which form an important feature within the street scene. Accordingly the proposal would be detrimental to the character of the conservation area and so contrary to policies EP3 and EP12 of the Fylde Borough Local Plan (2005), Policies GD7 and ENV5 of the emerging Fylde Local Plan to 2032 and the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0731	Address 84 Clifton Street, Lytham St Annes	Grid Ref. E.3365 : N.4271	Scale 0 5 10 15 20 m

Item Number: 8

Committee Date: 11 January 2017

Application Reference:	16/0848	Type of Application:	Full Planning Permission
Applicant:	Mr PROCTER	Agent :	ML Planning Consultancy Ltd
Location:	WILLOW VIEW COTTAGE, KIRKHAM ROAD, NORTH OF BYPASS, FRECKLETON, PRESTON, PR4 1HU		
Proposal:	ERECTION OF 1 NO. SINGLE STOREY DWELLING WITH A DETACHED DOUBLE GARAGE AS REPLACEMENT FOR THE EXISTING STORAGE BUILDINGS.		
Parish:	FRECKLETON EAST	Area Team:	Area Team 1
Weeks on Hand:	10	Case Officer:	Ruth Thow
Reason for Delay:	Need to determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7656913,-2.8780647,252m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

This application refers to land within the Green Belt area located between Freckleton and Kirkham and proposes the erection of a detached single storey dwelling as a replacement for an existing timber building and a brick built garage that exist on the site.

A Lawful Use Certificate was granted in June 2016 which established that the buildings had been used in association with the applicant's plumbing business and so fall within the definition of 'previously developed land' as set out in the National Planning Policy Framework (NPPF).

One of the exceptions to the usual restriction on development in Green Belt area is where the development proposed does not have a greater impact on the openness of land which has been previously developed, and so it is considered that the principle of development here is accepted. It is considered that the re-development addresses the requirements of the relevant policies of the current local plan, and the submission version of the new local plan. It therefore represents sustainable development and complies with the aims of the NPPF and so is recommended for approval by Members.

Reason for Reporting to Committee

The officer recommendation for approval is contrary to the views of Freckleton Parish Council.

Site Description and Location

The application site is land to the rear of Willow View Cottage, Kirkham Road, Freckleton. In particular the application relates to an area of land to the west side of Willow View and Swallow Cottage, currently the site of an existing workshop and storage building in a commercial use which

has a certificate of lawfulness in association with a plumbing business.

The site is surrounded by open fields to the north, west and immediately to the south with some built development further south and having some sporadic residential properties to the east of the site which is designated as Green Belt on the Fylde Borough Local Plan, as altered (October 2005).

Details of Proposal

This application seeks permission for the erection of a single storey, four bedroomed dwelling with a detached, double garage as a replacement for the existing storage buildings. One of which is constructed in concrete block and the other timber and asbestos with an authorised use for storage in connection with applicant's plumbing business.

The proposed dwelling measures 20 metres in length by 12 metres in width and is designed with an eaves height of 2.5 metres and a ridge height of 4 metres.

The dwelling has a curtilage measuring 36 metres by 27 metres with the remainder of the existing hard standing to be returned to grass for agricultural use.

The proposal also includes the provision of a detached garage measuring 6.3 metres in width by 6 metres, designed with a pitched roof with an eaves height of 2.2 metres and a ridge height of 3.3 metres.

The site plan includes indicative landscape of the site, with the footprint of the proposed dwelling and garage occupying a 134% reduction in square metres from the area of land occupied by the existing buildings.

Relevant Planning History

Application No.	Development	Decision	Date
16/0441	RESUBMISSION OF APPLICATION 15/0843 FOR ERECTION OF 2No DETACHED DWELLINGS TO REAR FOLLOWING REMOVAL OF EXISTING OUTBUILDINGS	Withdrawn by Applicant	09/08/2016
16/0247	CERTIFICATE OF LAWFULNESS FOR EXISTING USE OF AGRICULTURAL BUILDING FOR (B8) STORAGE IN ASSOCIATION WITH PLUMBING BUSINESS	Approve Certificate	07/06/2016
15/0843	ERECTION OF 2No DETACHED DWELLINGS TO REAR FOLLOWING REMOVAL OF EXISTING OUTBUILDINGS	Refused	10/02/2016

Relevant Planning Appeals History

None

Parish/Town Council Observations

Freckleton Parish Council notified on 08 November 2016 and comment:

The Parish Council are against this application for the following reasons:-

- The area is designated as Green Belt
- The building is not being replaced like for like. It is a wooden structure and is proposed to be replaced with a brick built structure.
- This building should only be replaced with an agricultural building not a residential property.

Statutory Consultees and Observations of Other Interested Parties

BAe Systems

No objections.

Ministry of Defence - Safeguarding

No safeguarding objections.

Lancashire County Council - Highway Authority

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

Greater Manchester Ecology Unit

They comment:

"I have the following comments to make on the proposal;

- *The Ecological Assessment appears to have used recognised techniques, but identifies a number of constraints associated with the survey; in particular that the assessment was undertaken in December which is outside the survey season for the majority of both animal and plant species.*
- *In addition the report is difficult to validate for planning purposes as it does not contain;*
 - *A data search of the local Records centre (LERN) so a number of known records have been omitted from the interpretation and maps*
 - *The report does not include a detailed species list and it is therefore impossible to assess the validity of plant species recorded and the evaluation that only species poor habitats are present*
 - *The Report indicates that no breeding ponds for amphibians are on or near the application site (section 6.2.1). This is very misleading as the pond within 10m of the site has only been assessed in a coarse manner (HSI) which it is accepted only gives a broad assessment of the likelihood of specifically great crested newts being present and does not give any indication of suitability or presence of common toad. In addition, the pond landscape in the vicinity of the application site is very dense and the lack of breeding records for amphibians (a criteria in HSI) does not indicate a lack of species presence. In many cases this is not an issue but in such an area, where the numbers and density of ponds is extremely high and it is known that the majority are un-surveyed the lack of more detailed analysis could represent a significant constraint on the site's evaluation.*
- *Assessments which present inadequate information can lead to considerable costs to applicants/developers and delays in processing planning applications. However, in this particular instance it is my professional opinion based on the level of information submitted and the configuration of this particular application site that in this case, conclusions can fortunately be drawn from the submitted report.*

- *I concur with the assessment of the buildings for their potential to support roosting bats (Habitat Regulations 2010). It is important to note that bats and their roosts are protected - at all times – even if disturbed as part of an otherwise lawful activity such as a planning permission. If at any stage bats are found or suspected all work should cease and the advice sought and implemented from the consultant ecologist.*
- *I concur with the assessment that the application site supports habitats of only local value, which formed part of the yard of the associated farm when it was operational. As such landscaping and replacement of any scrub lost will provide suitable mitigation. I would recommend that any permission if granted, is supported by a condition to provide landscape details to include locally native planting of hedgerows to the curtilage of the smaller garden area, provision of bat, bird boxes (particularly swallow) to compensate for loss of bird nesting habitat in the old barn/garage and an amphibian hibernacula to be constructed outside the margins of the new gardens but within the application site. This would be in line with the NPPF (2012) which guides planning decisions to move from a state of net loss to biodiversity to one of gain.*
- *It is recommended that a site clearance methodology is conditioned on any grant of permission. This is to ensure that the vegetation, including any scrub and undergrowth is undertaken outside the bird breeding season (March – August inclusive) and that Reasonable Avoidance Measures are used for the clearance of any suitable hibernacula/refugia which might be used by amphibians is cleared carefully by hand guided by the consultant ecologist. This should include the provision that if any newts – of any species – are discovered then all work should cease until they have been formally identified by a suitably qualified ecologist.*

In summary and conclusion;

- *Although the submitted Ecological Assessment is constrained and lacking in certain elements, in this particular instance given the nature of the application site and the scale of the proposal, it is considered that no further ecological survey work is necessary.*
- *However, conditions are recommended in order that a precautionary approach is adopted to the clearance of the site and the potential presence of amphibians (great crested newt) which may be using debris and undergrowth as daytime refugia.*
- *Other conditions are recommended in order that any permission, if granted, will avoid the infringement of other wildlife legislation and will result in suitable mitigation for the small loss of biodiversity features present on the application site.”*

United Utilities - Water

Raise no objection, and recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy.

Regeneration Team (Trees)

Has reviewed the application and comments:

“I have no tree protection issues with this application. The two veteran willows adjacent the pond are fine old trees but I doubt they have enough remaining lifespan to warrant a TPO, and at any rate they have some of the features that make them liable decay.

These two trees aren't threatened with removal for development purposes and the proposal is peripherally outside their root protection areas. “

Neighbour Observations

Neighbours notified: 08 November 2016
Site Notice Date: 09 November 2016
Number of Responses none received

Relevant Planning Policy

Fylde Borough Local Plan:

SP03	Development in green belt
HL02	Development control criteria for new housing proposals
EP14	Landscaping of new developments
EP19	Protected species
EPA	Development and waste water

Fylde Local Plan to 2032:

GD2	Green Belt
GD7	Achieving Good Design in Development
ENV1	Landscape
ENV2	Biodiversity
INF1	Service Accessibility and infrastructure

Other Relevant Policy:

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

Site Constraints

Within Green Belt

Environmental Impact Assessment

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

Comment and Analysis

This application seeks permission for the erection of a single storey, four bedroomed dwelling with a detached, double garage as a replacement for the existing two storage buildings. One of which is constructed in concrete block and the other timber and asbestos with an authorised use for storage in connection with applicant's plumbing business, located to the rear of Willow View Cottage.

Policies

The site is within land designated as Green Belt on the Fylde Borough Local Plan, as altered (October 2005), as such the following policies are relevant to this application. Policies SP3, HL2, EP14, EP19 and EPA together with the Policies of the submission version of the local plan to 2032 GD2, GD7, ENV1, ENV2 and INF1 and the aims and guidance of the National Planning Policy Framework (NPPF).

Policy SP3/GD2 refer to development in Green Belt. These policies advise that development will not be granted planning permission except in very special circumstances which justify an exception in line with Paragraph 89 of the Framework.

Policies HL2/GD7 provide the development control criteria. Development will be expected to be of a high standard of design, taking account of the character and appearance of the local area.

Policies EP14/ ENV1 refers to the landscaping of new developments.

Policies EP19/ENV2 relates to protected species and biodiversity.

Policy EP25/INF1 refers to new development and the treatment of waste water.

All of the above are relevant to this application.

Principle of development

When considering the principle of the development being proposed regard must be had to the Development Plan with determination of the application in accordance with this plan unless material considerations indicate otherwise. The statutory development plan and material considerations in this case comprises the above saved policies of the Fylde Borough Local Plan, as altered (October 2005), the Policies of the submission version of the new Local Plan to 2032 and the National Planning Policy Framework (NPPF).

In accordance with the NPPF 'due weight should be given to the relevant saved policies within the Local Plan and the weight given to these policies depending upon the degree of consistency with the NPPF. The starting point for determining this applications therefore remains the saved polices of the Local Plan. If there is a conflict between these saved policies and the NPPF, the NPPF takes precedence, however it should be read as a whole and in context.

With regard to development in the Greenbelt Section 9 of the NPPF refers to protecting Greenbelt land and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with its essential characteristics being openness and permanence.

Paragraph 89 states that a LPA should regard the construction of new buildings as inappropriate in Green Belt. Exceptions being *'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'*

'Previously developed land' is defined in the NPPF glossary as "land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time".

As reported above, this application proposes the demolition of the existing buildings and the

erection a single storey dwelling and detached garage.

The buildings have a lawful use in connection with the applicant's plumbing business and proven by application no. 16/0247 for a Lawful Use Certificate granted in June 2016.

Having regard to the definition in the NPPF the existing buildings fall within one of exceptions to the green belt policy in that the site of the dwelling and garage has been demonstrated to be 'brownfield' land and as such is previously developed land. The quoted section of para 89 therefore requires an assessment as to whether the proposed dwelling will have a greater impact on the openness. In that regard the proposed dwelling and garage will occupy a 134% reduction in the developed area of that of the current buildings, with the scale of the dwelling and the garage both proposed to be lower in height than the height of the existing storage buildings. The layout of the dwelling follows the same forward building line as that of the storage building footprint.

Given these combination of factors the proposed development will not compromise the openness of the Green Belt above that of the existing buildings to be demolished. Consequently the proposal complies with criterion 2 of Policy HL2, Policy GD7 of the emerging local plan and the aims of the NPPF.

Therefore, the principle of re-development on this site is accepted and can be considered as an exception to the green belt designation, as set out in Paragraph 89 of the NPPF. Accordingly the principle of development complies with criterion 1 of Policy HL2 and Policy SP3 of the local plan.

Visual impact

Criterion 2 of Policy HL2 of the current local plan refers to visual impact and requires that development "*would be in keeping with the character of the locality in terms of scale, space around buildings, materials and design.*"

Policy GD7 of the submission version of the local plan to 2032 requires that (c) *the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development relates well to the surrounding context.*

In considering the impact of the development in respect of visual amenity, the character of the surrounding area is comprised by a mix of agricultural and residential development. Whilst this application will result in a backland form of development, there are the buildings to the south, off Hillock Lane, at Rowan Veterinary Centre and those to the north at Linton which are in the vicinity of the application site which assist to make the proposed dwelling less isolated in the landscape and less out of character with the existing built development in the surrounding area.

Due to the set back distance from Kirkham Road, the lower land level difference between the site, which rises towards the highway and the smaller scale of the dwelling in comparison to the existing building, the proposal will have little impact on the visual amenity of the street scene. Some views maybe obtained across the fields and from other vantage points than Kirkham Road however, the development can provide additional landscaping to bolster the existing planting and to provide a buffer from loss of view from wider view points.

In addition the scale of the dwelling being proposed is less than that of the existing buildings and is lower in height, designed to mimic the characteristics of an agricultural building and the scheme proposes materials which will appear similar to materials consistent with an agricultural type of building. As a result the new dwelling will result in minimal visual impact beyond that of the

existing building.

Notwithstanding the above, potential harm, to visual amenity could arise from extensions to the dwelling and the addition of curtilage buildings. This however, could be prevented by the removal of domestic 'permitted development rights' and this will be a condition of this permission.

As a result of the scale and siting of the proposed dwelling it is considered that the development will have no significant greater impact on the visual amenity than the existing buildings proposed to be demolished. Consequently the proposal complies with criterion 2 of Policy HL2 and GD7 and the aims of the NPPF in particular paragraph 17.

Impact on residential amenity

The development is located to the rear of the existing two dwellings, Willow View Cottage and Swallow Cottage. The rear of these properties and the surrounding garden areas are open to views from the development site with the current arrangement and the existing landscaping however, there is evidence of some small Beech saplings which given time would provide a hedge to screen some views. Landscaping can also be provided on the development site to further prevent any loss of privacy between sites.

In addition the application is put forward by the owner of Willow View Cottage, that property nearest the site. It is not certain from the application whether the proposal is for the current occupier of Willow View to occupy the new property or whether this will be offered on the open market however, subject to an adequate landscaping scheme the development will not result in an unacceptable loss of amenity for either the existing or proposed occupiers of the properties.

There are no other neighbours likely to be affected and therefore the proposal complies with Policy HL2 and GD7 and Paragraph 17 of the NPPF in this regard.

Access & highway issues

Access to the site is via an existing access off Kirkham Road which serves the existing two dwellings. This is a recently constructed new access which did not raise any issues from LCC Highway Engineers at the time of the application, and whilst they have not responded to this particular application it is considered that the proposed dwelling is unlikely to generate significantly more traffic than the large commercial vans and vehicles currently using the track to access the storage building.

As a consequence it is considered that the proposal is acceptable in regard to highway safety matters.

Drainage/flooding issues

The proposal is located in Flood zone 1 and therefore is in an appropriate location in regards to flooding issues. Foul water is to be disposed via a package treatment plant however, as a condition of this application a drainage plan to identify the method of disposal of foul and surface water treatment will be required as a condition of this application, the plan should include provisions for surface water to be drained into a soakaway within the site to prevent flooding elsewhere.

Conditions requiring full details of both foul and surface water drainage to be submitted will be required.

Ecology issues

The application is accompanied by an 'Ecological Appraisal' which assesses the site for its habitat and the potential to impact on a range of protected species. The council's ecological consultant has advised that there is a lack of detailed analysis in some areas of the report and is lacking in some elements. However they advise that given the nature of the application site no further ecological survey work is required subject to conditions as a precautionary approach to developing the site.

Accordingly the proposal is acceptable in regards to the protection of species and therefore in compliance with Policy EP19 of the local plan and Policy ENV2 of the emerging plan and the requirements of the NPPF.

Other matters - sustainability

The site is located approximately 1 mile north of Freckleton's local shopping area as defined on the Local Plan proposals map and all the services and facilities that are available there. In addition Kirkham Road has a regular bus route which carries passengers between St Anne's, Lytham, Freckleton, Kirkham and Wesham. The route includes a number of school buses to take children to Carr Hill High School, Myerscough College and Bispham Campus. There is a large employment site at BAe in Warton, with the nearest primary school being Freckleton Strike Lane Primary School which is just off Kirkham Road.

Whilst the application site is located within the Greenbelt outside of any settlement, it is considered to be in reasonably close proximity to services and so with the support from the para 89 issue described above is considered to be sustainable development.

Conclusions

Freckleton Parish Council have objected to the proposal however, the reasoning for the recommendation for approval is addressed in the commentary above.

This proposal is a full application for the re-development of a 'brownfield' site, as established by the Lawful Development Certificate issued on 7th June 2016. As this land whilst located in the Green Belt, falls under the definition of 'brownfield' as set out in the NPPF the re-development of the land forms one of the exceptions to Green Belt policies.

In addition, the council continues to be unable to deliver a 5 year supply of housing land as is required by the NPPF, and no part of the development plan currently provides any realistic method of doing so without the development of out-of-settlement sites that deliver 'sustainable development'. This proposal will deliver housing in a location which is considered to meet the three dimensions of sustainable development as set out in the NPPF without resulting in a detriment to the visual amenity, openness of the Green Belt or detriment to the amenity of neighbours.

It is considered that there are no other material considerations and therefore the proposed development complies with the requirements of Fylde Borough Local Plan policies, as altered (October 2005) SP3, HL2, EP14, EP19 and EPA and Policies GD2, GD7, ENV1, ENV2 and INF1 of the submission version of the local plan and the aims of the National Planning Policy Framework.

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 - drawing no. 'Standfords' Map data
- Site plan - drawing no. LF/AP/3114
- Proposed Plans, elevations and site plan - drawing no. LF/AP/3126

Supporting Reports:

- Design and Access Statement - ML Planning Consultancy Ltd
- Ecological Appraisal- "Envirotech" dated December 2015

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

3. Prior to the commencement of development and notwithstanding any denotation on the approved plans samples of facing materials [including details of colour of brick/render/cladding etc], and roof treatment, including colour, shall be submitted to and approved in writing by the Local Planning Authority. 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. Prior to the commencement of the development hereby approved, full details of the means of surface water drainage of the site shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage shall not include any connections to the public foul sewer system and should it involve a Sustainable Urban Drainage System (SUDS) then details of the future management of the SUDS and a management company that will be established to oversee the maintenance of the drainage system shall form part of the submitted scheme. The approved works shall thereafter be implemented, fully commissioned and maintained on site during the development.

To ensure a satisfactory means of drainage is provided and that there is no increase in the volumes of surface water discharged from the site in accordance with Policy EP25/INF1 of the local plan and as required by the NPPF.

5. Prior to the commencement of the development hereby approved, full details of the means of foul water drainage of the residential development area shall be submitted to and approved in writing by the Local Planning Authority. This approved scheme shall be implemented during the development and shall include that the development is drained on a separate system with only foul drainage connected into the foul or combined sewer.

To ensure that appropriate measures are taken to provide suitable drainage from the site as required by Policy EP25/INF1 of the Fylde Borough Local Plan and as required by the NPPF.

6. That prior to the commencement of any development details shall be submitted to and approved in writing by the Local Planning Authority of the proposed ground levels across the site, and the proposed finished floor Levels of the proposed dwelling. The development of the site shall be undertaken in accordance with these approved details unless any deviations are submitted to and agreed in writing by the Local Planning Authority prior to the commencement of construction of the plot in question.

To ensure the site is constructed with a satisfactory appearance in the Countryside as required by Policy HL2/GD7 of the Fylde Borough Local Plan and the aims of the NPPF.

7. No site clearance, site preparation or development work shall take place until a landscaping scheme incorporating ecological habitat creation (bat bricks and/or tubes, bat boxes, bird boxes etc) and retention, enhancement and management schemes has been submitted and approved in writing. The scheme shall demonstrate maintenance of wildlife habitat (quantity and quality), including hedgerows and shall demonstrate that the development will be permeable to the passage of wildlife. Specific details shall also include means of enclosures, car parking [as applicable] hard surfacing materials, provision of refuse receptacles, lighting and services as applicable soft landscape works shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

To enhance the quality of the development in the interests of the amenities of the locality and in the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework, Section 11.

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

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

9. No site clearance works shall take place until a site clearance methodology statement is submitted to and agreed in writing by the Local Planning Authority. The methodology statement shall identify the clearance of the vegetation on site, including any scrub and undergrowth is undertaken outside the bird breeding season (March – August inclusive) and that Reasonable Avoidance Measures are used for the clearance of any suitable hibernacula/refugia which might be used by amphibians is cleared carefully by hand guided by the consultant ecologist. Should any protected species be found during clearance, demolition and construction works all site works shall cease and ecological advice shall be sought from a suitably qualified person and a detailed method statement and programme of mitigation measures submitted to and agreed in

writing with the Local Planning Authority. Thereafter those agreed measures shall be implemented.

In accordance with Policy EP19 of Fylde Borough Local Plan, as altered (October 2005) and the Conservation of Habitats and Species Regulations 2010 (as amended). The Wildlife and Countryside Act 1981 (as amended), The Natural Environment and Rural Communities Act 2006.

10. Vegetation clearance works, demolition work or other works that may affect nesting birds will be avoided between March to September inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections undertaken by a suitably qualified ecologist and submitted for approval to the Local Planning Authority in advance of those works being undertaken..

In compliance with the Wildlife and Countryside Act 1981 (as amended) and Policy EP19 of the Fylde Borough Local Plan, as altered (October 2005) and Paragraph 118 of the NPPF.

11. Prior to the commencement of development details of boundary treatment to define the domestic curtilage of the dwelling hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. The agreed means of enclosure shall be erected / planted prior to the first occupation of the dwelling to provide a physical separation around the red edged areas shown on drawing no. LF/AP/3114 and any other land in the applicant's ownership. This fencing and hedging shall be retained in that location at all times thereafter.

To effectively define the area of domestic curtilage for the dwelling and so the extent of development in accordance with Policies HL2/GD7 of the Fylde Borough Local Plan and in the interests of visual amenity in the Green Belt.

12. Notwithstanding the provisions of Schedule 2, Part 1, Classes [A, B, C, D and E] of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), the dwelling hereby approved shall not be altered or extended, and no buildings or structures shall be erected within its curtilage.

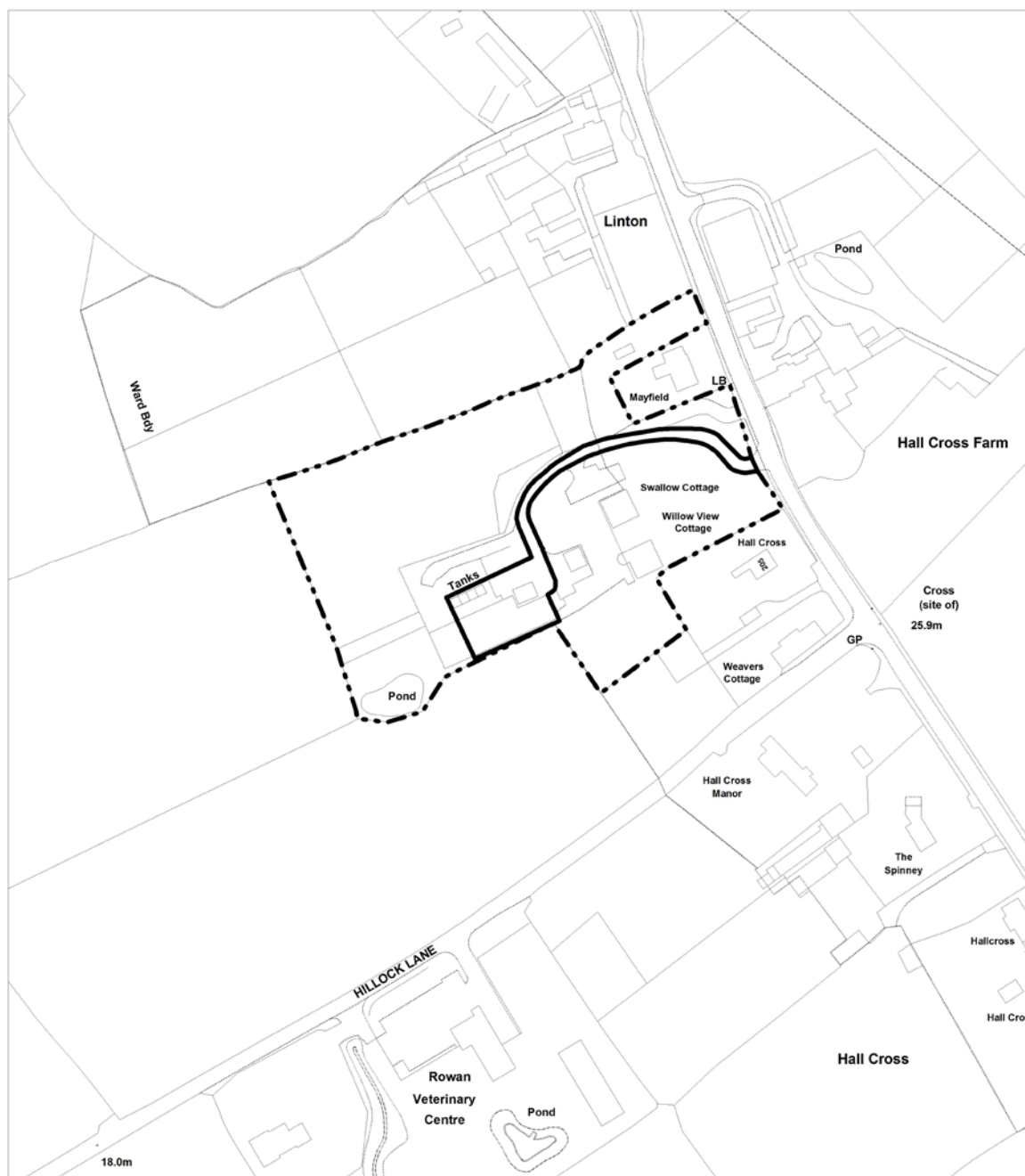
Reason: In order to prevent overdevelopment of the site in the Green Belt and to ensure that satisfactory provision of outdoor amenity space for the dwellinghouse is maintained and to safeguard the amenities of the occupiers of adjacent dwellings in accordance with the requirements of Fylde Borough Local Plan policies HL2 and SP3 and Policy GD7 of the submission version of the local and the NPPF.

13. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any equivalent Order following the revocation and re-enactment thereof (with or without modification), there shall be no further development of the dwelling or curtilage relevant to the above class(es) shall be carried out without planning permission.

Reason: In the interests of the visual amenity of the site in the Green Belt in accordance with the requirements of Fylde Borough Local Plan policies HL2 and SP3 and Policy GD7 of the submission version of the local and the NPPF

14. The garage hereby approved shall not be modified or converted for any other purpose without prior approval of the Local Planning Authority and shall be used and retained as a private garage only and no trade or business shall be carried on, in or from the building.

To safeguard the amenities of the neighbourhood in accordance with Policies HL2 of the Fylde Borough Local Plan, as altered (October 2005) and Policy GD7 of the submission version of the local plan and as required by the NPPF.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0848	Address Willow View Cottage, Kirkham Road, North of Bypass, Freckleton	Grid Ref. E.3422 : N.4302	Scale 0 10 20 30 40 m

Item Number: 9

Committee Date: 11 January 2017

Application Reference:	16/0857	Type of Application:	Change of Use
Applicant:	Mr Furnell	Agent :	
Location:	5-7 HENRY STREET, LYTHAM ST ANNES, FY8 5LE		
Proposal:	CHANGE OF USE OF GROUND AND FIRST FLOOR FROM RESTAURANT/CAFE (CLASS A3) TO DRINKING ESTABLISHMENT (CLASS A4)		
Parish:	CLIFTON	Area Team:	Area Team 1
Weeks on Hand:	10	Case Officer:	Rob Buffham
Reason for Delay:	Need to determine at Committee		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7365401,-2.964178,63m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Grant

Summary of Officer Recommendation

The proposal for consideration by Members is for the change of use of ground/ first floors of 5-7 Henry Street, Lytham to a bar. The application site is located within Lytham Town Centre, allocated as a Secondary Shopping Frontage and designated within the Lytham Town Centre Conservation Area as defined by the adopted Fylde Borough Council Local Plan and Submission Version of the Fylde Local Plan 2032.

The proposed use is considered to be a main town centre use and is therefore appropriate within this secondary shopping frontage, in accordance with Policies SH08 and GD5.

Planning history for the site illustrates an authorised restaurant/ ancillary bar use, restricted by planning conditions which control opening hours and timing of amplified music in order to safeguard neighbouring amenity. The proposed use is considered to have no greater noise disturbance impact to immediate neighbours of the application site than that currently witnessed, and would not unacceptably impinge on residents in the locality; provided existing restrictions are imposed on any future occupier of the premises. On balance therefore, the relationship of the proposal to adjacent neighbours is considered acceptable, in accordance with Policies SH09, EP27 and EC5.

The proposal would not prejudice highway safety or harm the setting/ character of the Conservation Area, in accordance with the NPPF and Policies T5, EP03 and ENV5.

The officer recommendation is that members grant planning permission.

Reason for Reporting to Committee

The Head of Planning and Regeneration considers that the proposal is of public interest and so

appropriate that it be presented to the Development Management Committee for consideration.

Site Description and Location

The proposal relates to a mid-terrace property constructed of red brick and slate. The premises is currently in use as a restaurant at ground floor and ancillary bar at first floor. There is an external covered bin store area located to the rear of the property, accessed via a walkway that serves as access to neighbouring properties.

The site is located within Lytham Town Centre, is designated as a Secondary Shopping Frontage and Lytham Town Centre Conservation Area in the adopted Local Plan and Submission Version of the Fylde Local Plan to 2032.

Details of Proposal

Planning consent is sought for a change of use of both ground and first floors of the premises to a Class A4 use which is defined as a drinking establishment. No external alteration of the building is sought through this proposal.

The submitted application form does not provide detail of proposed opening hours. The Environmental Protection officer has confirmed that the premises licence allows operation 10:00-23:30 on Sunday, 10:00-23:00 Monday to Thursday, 10:00-01:00 Friday to Saturday. This varies from the planning restriction (planning ref: 11/0741) which requires closing by 23:30 Sunday to Wednesday, midnight on a Thursday and 1am on Friday/ Saturday at ground/ first floors.

Relevant Planning History

Application No.	Development	Decision	Date
14/0630	ADVERTISEMENT CONSENT TO DISPLAY 1 X EXTERNALLY ILLUMINATED FACIA SIGN, 2 X EXTERNALLY ILLUMINATED HANGING SIGNS AND SIGNAGE ON EXISTING CANOPIES	Granted	06/01/2015
11/0741	MODIFICATION OF CONDITION 3 ON PLANNING PERMISSION 99/0131 AND CONDITION 3 ON PLANNING PERMISSION 99/0264 TO EXTEND OPENING HOURS TO 01:30AM ON FRIDAYS AND SATURDAYS	Granted	19/03/2012
09/0714	PROPOSED WINDOW AND DOOR ALTERATIONS AND CANOPY TO FRONT.	Granted	08/12/2009
05/1065	MODIFICATION OF CONDITION 3 OF PLANNING PERMISSION 99/0264 TO ALLOW EXTENSION OF OPENING HOURS.	Refused	28/07/2006
99/0264	CHANGE OF USE OF SHOPS (NO.S 5 & 7) TO RESTAURANT AT GROUND FLOOR WITH ANCILLARY FACILITIES AT FIRST AND SECOND FLOORS OF NO. 5 ONLY AND GROUND AND FIRST FLOOR EXTENSIONS TO REAR	Granted	26/05/1999

Relevant Planning Appeals History

None

Parish/Town Council Observations

Not applicable.

Statutory Consultees and Observations of Other Interested Parties

Environmental Protection (Pollution)

They have reviewed the application and state:

“With reference to the above application there are concerns with respect to the change of use from Class A3 to Class A4 and the proposed opening hours.

There are concerns that this will have a potential for noise nuisance as it is common place for bars to be accompanied by amplified entertainment e.g. DJ or music through a sound system. Historically complaints have been received concerning noise from amplified music affecting a neighbouring dwelling. This resulted in the service of a Noise abatement Notice in February 2011. Since then there have been no similar complaints received due to sound insulation being fitted to party wall.

However I have been made aware that there are still noise concerns regarding this property which may become more apparent if the change of use is granted without conditions attached. In my opinion if the premise is to become a bar, which I have no objections to per se however there are concerns that noise will increase due to performances of amplified music that will now not affect the comfort of patrons having a sit down meal. Therefore I would ask for a condition that would limit the amplified music to background music only. However, in cases where music is played twice per week or less (Friday and Saturday), then it is acceptable for music to be ‘just audible’ within noise-sensitive premises before 23.00 hours. The music must still be inaudible after 23.00 hours.

Complaints are continuing however concerning noise from Henry Street in general and whilst it is accepted that there will be an increase in noise and activity on Friday and Saturdays there is no expectation that this should occur on Sundays or weekdays. In my opinion we need to protect this situation and not permit an increase in hours on Sundays – Thursdays as requested.

There is no objection to the current hours of use restriction imposed by condition (23:30 Sunday to Wednesday, midnight Thursday, 01:00 Friday/ Saturday).”

Environmental Protection (Licensing)

They have reviewed the application and state:

“The premises currently benefits from a Premises Licence issued in accordance with the Licensing Act 2003. Application was made in August 2016 to vary the licence to relax restrictions on the premises linking the sale of alcohol to the provision of meals and to also increase the operating hours. Following a consultation period, the strict link between alcohol and food was removed but the application to extend the hours was withdrawn.

There are still conditions attached to the premises seeking to prevent the premises from

becoming a high volume vertical drinking establishment such as:

- *Whenever licensable activities are available at the premises a waiter/waitress service shall be available.*
- *Seating in the ground floor area will be provided for at least 70% of the total maximum capacity of that part of the premises as detailed in this licence. Similarly, seating will be provided in the upstairs room for at least 50% of the total maximum capacity of that part of the premises as detailed in this licence."*

Lancashire Constabulary

Lancashire Constabulary do not object to the planning application, though given the crime figures reported in the area, it is important that crime risks are reduced where possible within the design.

In the last 12 month period there have been 89 violent crimes, 43 criminal damage offences and 37 burglary offences in the area around this site. These include 4 alcohol related crimes.

It is requested that CCTV of customer seating and dance floor areas be provided by condition.

Neighbour Observations

Neighbours notified:	01 November 2016
Amended plans notified:	01 December 2016
Site Notice Date:	11 November 2016
Press Notice Date:	10 November 2016
Number of Responses	6 letters and a 21 named petition of objection.
Summary of Comments	Amenity – intensification of existing problems of late night noise and disturbance, particularly to the resident living above the premises as well as those living in the vicinity.
	Alcohol related anti-social behaviour including littering, damage to cars, flower beds, noise from cars late at night.
	Concerns relating to waste and storage of refuse such as bottles.

Relevant Planning Policy

Fylde Borough Local Plan:

SP01	Development within settlements
EP27	Noise pollution
SH08	Secondary shopping frontage (Lytham)
SH09	New development in town centres (general)
EP03	Development within conservation areas

Fylde Local Plan to 2032:

ENV5	Historic Environment
GD1	Settlement Boundaries
EC5	Vibrant Town, District and Local Centres
ENV5	Historic Environment

Other Relevant Policy:

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

Site Constraints

Conservation area site

Environmental Impact Assessment

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

Comment and Analysis

The main issues pertinent in the assessment of this proposal are the principle of the use proposed in this location, the amenity of residents around the site, highway safety and heritage.

Background - Planning History

The 1999 planning permission (99/0264) has established the use of the premises as a ground floor restaurant with ancillary first floor bar at 5-7 Henry Street, subject to restrictions on opening hours. A subsequent application in 2011 (11/0741) approved extended opening hours at 5-7 Henry Street to midnight on Thursday, 01:00 Friday and Saturday and 23:30 for all other days and applied a further restriction of no amplified music after midnight.

It should be noted that the 2 apartments located above and adjoining the first floor of the application site were granted consent in 2013 (13/0098), following establishment of the existing ground and first floor uses at 5-7 Henry Street and the extended hours of opening. Sound proofing was required within flat 9b, and it is understood that the first floor of the application site has also undertaken similar works.

Principle of the Land Use Proposed

The site is located within the urban area of Lytham to where development will be primarily focussed by Policy SP01 of the adopted Local Plan and GD1 of the Submission Version of the Fylde Local Plan 2032. The site is designated as a Secondary Shopping Frontage in both the adopted and Submission Version Local Plans. Policies SH08 and EC5 are of relevance to this designation and support town centre uses, such as food and drink, at ground and upper floor levels.

The proposed bar use is considered to be a main town centre use and is therefore appropriate within this secondary shopping frontage, in accordance with Policies SH08 and EC5, subject to amenity, highway and heritage considerations.

Amenity

Policy SH09 supports land uses appropriate to a town centre, provided the proposed development would not significantly harm residential or other amenities. Policy EP27 reaffirms this position and states that development which unacceptably results in harm by way of noise pollution will not be permitted. Policy EC5 states that uses involving operational hours in the evening or night should not create unacceptable disturbance to residents or other users of the centre and surrounding areas.

The development could impinge on neighbouring land uses by virtue of noise from the land use proposed, including noise transmission through walls to adjoining residents, as well as increased

activity outside the premises associated with frequenters entering/ leaving the establishment in the late evening. Indeed, there has been objection to existing amenity problems including noise within an adjoining flat and exacerbation of existing late night noise disturbance on Henry Street.

The submitted application form does not provide detail of proposed opening hours. The applicant has confirmed that opening hours were not provided since it was assumed that those currently in place will be adhered to. The Environmental Protection officer has confirmed that the premises operates 10:00-23:30 on Sunday, 10:00-23:00 Monday to Thursday, 10:00-01:00 Friday to Saturday. This varies from planning restrictions imposed by approval reference 11/0741, which requires closure of the premises to the public by 23:30 Sunday to Wednesday, midnight on a Thursday and 1am on Friday/ Saturday; applicable to ground and first floor.

There are residential premises adjacent to the application site, including a flat above and to the side of the first floor of the proposed bar use. Members should note that these flats were granted consent retrospectively in 2013 at the time when the restaurant/ bar use had been implemented and operating the above hours of use restriction. It is understood that soundproofing of the first floor bar and flat above the application site was undertaken enabling approval of the retrospective application. The Environmental Protection officer has confirmed that there has been no further noise nuisance complaint from residents of this property since the soundproofing was installed.

The main source of noise concern arises from amplified music being played within the first floor of the application site and disturbance this may cause to occupants of the adjoining flats. It is considered that the nature of the use proposed is akin to that in existence at present. The relationship of a first floor bar including use of amplified music to its immediate neighbours has been previously assessed to be acceptable under the variation to hours of operation application made in 2011 (11/0741) and the retrospective application for these flats made in 2013 (13/0098). The 2011 application considered the amenity impact of residential occupation (unlawful at the time of assessment) around the premises, resulting in conditions restricting hours of operation and no use of amplified music after midnight. The 2013 retrospective application for the flats also considered noise disturbance to prospective occupants, referring to noise insulation of flat 9B and concluding no adverse effect to occupiers. On this basis it is considered that the proposal would not unacceptably impinge on neighbouring amenity to any greater extent than that currently witnessed by the existing bar use. It is advised that hours of use and amplified music controls currently in place are replicated from those currently imposed by condition, indeed the Environmental Protection officer has no objection to this approach or the restrictions proposed.

Adjoining properties at ground floor include a stairwell which serves as access to the apartments above and café. Such uses are not considered to be noise sensitive and therefore any disturbance resultant from internal noise transmission from the ground floor bar is not considered to be of significance.

The application site is located within the heart of Lytham and there are a number of similar late night establishments in the locality, including restaurants, wine bars and public houses. The presence of these existing premises and associated internal/ external activity results in late night noise disturbance, particularly focussed about Henry Street and Lytham Square. Whilst the proposal may increase late night activity along Henry Street and within the locality, this would be akin to the late night activity created by existing premises and it is considered that the proposal would not significantly increase disturbance to warrant refusal of the proposal.

On this basis, whilst the amenity concern of adjacent residents is noted, the relationship of the proposal to adjacent neighbours is considered acceptable, in accordance with the development plan,

subject to replication of hours of use and music amplification restrictions previously conditioned by 11/0741.

Highways

Paragraph 32 of the NPPF also states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. It is also expected that new development provide parking provision in accordance with the Joint Lancashire Structure Plan Parking Standards (March 2005), which for a public house in accessible locations is 1 space for every 8 square metres of development. Policy T5 of the emerging Local Plan states that car parking should be provided on site where possible so as to ensure there is no detrimental effect on highway safety and that a flexible approach to provision will be applied dependent on location.

The proposal does not provide for any off street parking and does not therefore accord with the Councils adopted Parking Standard. Notwithstanding this, it is considered that there is ample publicly available parking in the vicinity which outweighs the requirement for on-site provision and according with requirements of Policy T5, adopted Parking Standards and the NPPF.

There is no reference in the submission to servicing or how such vehicles will access the site. There is no service yard for the building which will act to displace servicing to the street, though this would be no different than the existing service arrangements for the building and majority of other commercial premises in the locality. Given the nature of the use proposed, it is unlikely that larger HGV vehicles will service the bar, and that any disruption to the local network would be temporary and for a short period only. On this basis, whilst servicing of the premises is not ideal, any associated highway impact cannot be considered severe and the development should not be refused on such grounds.

Heritage

The site is located within the Lytham Town Centre Conservation Area. Policy EP03 and ENV5 require new development to conserve or enhance the character and/ or appearance of conservation areas.

The proposal does not involve any external alteration of the building and the use proposed is consistent with similar establishments within the locality. On this basis the proposal would conserve the character and appearance of the Conservation Area.

Other Matters

Residents have raised concerns with regards to servicing of the use proposed, including on site storage of beer kegs/ bottles, waste and bottle recycling. The objector refers to how submitted drawings do not demonstrate suitable storage areas within the premises for beer kegs, bottles etc, existing waste storage facilities not being adequate for the proposed use and how this would encourage unauthorised use of a public passageway for waste storage to the rear of the premises.

The submission has not provided proposed floor plans, though such drawings are not considered necessary for assessment of the development and there is an expectation that the internal floor area will provide standard facilities such as toilets, bar area etc. With regards to cellar storage of beer kegs/ bottles etc, this will be dependent on the needs of the occupier and consideration of whether such an area is fit for purpose is not intrinsic to the planning assessment.

The applicant has submitted a waste strategy confirming that the existing restaurant/ bar use has external storage within a covered yard located to the rear of the premises where commercial bins are provided. This area is accessed via a walkway between buildings to which the applicant has a right of passage over. The external store will be used as bin provision for the bar, one of the two

existing 1100ltr bins will be replaced by two glass recycling bins, which will be wheeled to the end of the walkway for private collection. The collection and disposal of bottles/waste is managed by the premises license which requires *“No deliveries, removal of bottles, refuse and other commercial vehicle movements onto the premises to take place before 0730 hours and after 2000 hours”* and takes place on Monday, Wednesday and Saturday.

The measures proposed are similar to the current restaurant/ bar operation, as well as those occupying similar commercial premises adjacent and raises no significant concern. Given the close proximity of neighbours and the noise disturbance created by waste bottle processing, it is considered that any external activity related to processing of bottle waste be restricted to appropriate times of the day in accordance with the premises license.

It is expected that waste storage be contained within the bin store and/ or internally within the building. Any unauthorised use of the rear passage, which may include displaced waste storage, is a private matter between the applicant and land owner.

Residents have also raised concern about whether there is sufficient capacity in the drainage infrastructure to accommodate waste from the proposed use, reference is made to waste drinks etc. The existing restaurant/ bar use will generate a similar amount and type of waste as that proposed and is not therefore considered to place significant pressure on existing drainage infrastructure. Notwithstanding this, United Utilities has verbally confirmed that since this is a change of use application no consent from themselves is required and that there is an assumption that the existing network can accommodate any waste generated from the proposal.

Lancashire Constabulary have requested that CCTV is installed within the premises; it is understood that there is already CCTV coverage and that this is a requirement of the licensing regime.

Conclusions

The application relates to an existing restaurant/ bar located on a Secondary Shopping Frontage within the Town Centre of Lytham. The principle of the land use proposed is acceptable within the Secondary Shopping Frontage, and would not be detrimental to the amenity of neighbouring premises or prejudice highway safety and would conserve the character and appearance of the Conservation Area, in accordance with adopted and emerging policies of the Development Plan and NPPF.

Planning history for the site illustrates an authorised use which operates with opening/ closing time and amplified music restrictions imposed by planning conditions to safeguard neighbouring amenity. The proposed use is considered to have no greater noise disturbance impact to immediate neighbours of the application site than that currently witnessed, and would not unacceptably impinge on residents in the locality; provided existing restrictions are imposed on any future occupier of the premises.

Accordingly the application is recommended for approval.

Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This consent relates to the following details:

Approved plans:

- Ordnance Survey Location Plan of 5-7 Henry Street, Lytham, FY8 5LE.
- Existing Ground Floor Plan Drawing number 100.
- Existing First Floor Plan Drawing Number BUFF/1/100

3. The premises hereby approved shall only be available for use by members of the public between the hours of:

Sunday to Wednesday (inclusive) -	7.00am to 23.30pm
Thursday -	7.00am to midnight
Friday and Saturday -	7.00am to 01.00am (the following day)

and

there shall be no amplified music or other amplified entertainment performed within the premises between 00.00 hours (midnight) and 09:00 hours on any day.

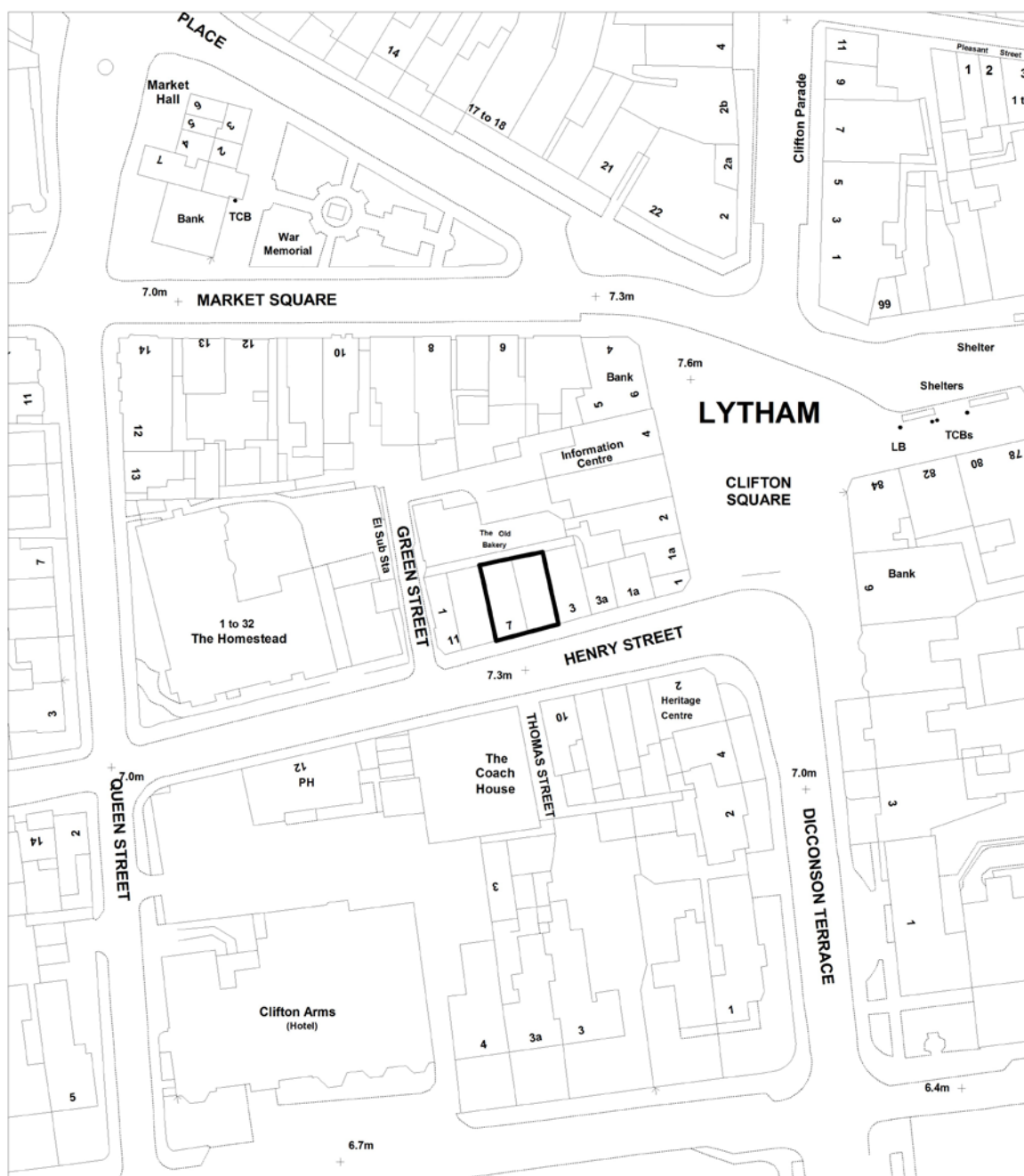
and

there shall be no new entry or re-entry to the premises (other than of those persons who were within the premises but left to smoke) beyond 00.00 hours (midnight) and 01:00 on any day.

and

The external processing of waste bottles shall only take place between the hours of 07:30 - 20:00 on any day.

Reason: To provide appropriate control over the use of the premises in the interests of safeguarding the amenity of the occupiers of nearby residential properties and the general area as required by Policies SH09 and EP27 of the adopted Fylde Borough Local Plan (October 2005) and EC5 of the Submission Version of the Fylde Local Plan 2032.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0857	Address 5-7 Henry Street, Lytham St Annes	Grid Ref. E.3365 : N.4271	Scale 0 5 10 15 20 m

Item Number: 10

Committee Date: 11 January 2017

Application Reference:	16/0903	Type of Application:	Outline Planning Permission
Applicant:	Rushcliffe Properties Ltd (in liquidation)	Agent :	Emery Planning Partnership Ltd
Location:	VALENTINES KENNELS, WILDINGS LANE, LYTHAM ST ANNES, FY8 3RJ		
Proposal:	RESUBMISSION OF APPLICATION 14/0580 FOR OUTLINE APPLICATION FOR ERECTION OF UP TO 53 NO. DWELLINGS (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)		
Parish:	HEYHOUSES	Area Team:	Area Team 2
Weeks on Hand:	9	Case Officer:	Kieran Birch
Reason for Delay:	Not applicable		

If viewing online this is a Google Maps link to the general site location:

<https://www.google.co.uk/maps/@53.7608575,-3.0026249,505m/data=!3m1!1e3?hl=en>

Summary of Recommended Decision: Delegated to Approve

Summary of Officer Recommendation

This application is for outline planning permission for the erection of 53 residential units on a 1.7 hectare site located on the east sides of Wildings Lane, St Annes on land allocated as Countryside in the Fylde Borough Local Plan. The site is directly adjacent to and would be surrounded by development to the north, south and west approved by the Queensway outline application 08/0058 for which the Reserved Matters application 15/0400 is currently being considered by the Council. The application is a re-submission of application 14/0580 which has been previously considered members and was refused and is now subject to an appeal albeit the council has resolved to revise its position on the appeal in the light of legal advice.

The residential development of Countryside land in contrary to Policy SP2 of the Fylde Borough Local Plan. However, a key material consideration in the determination of residential planning applications is the need for the council to deliver a supply of housing land equivalent to 5 years of its agreed annual target. The council's latest published information is that it is unable to deliver the necessary housing supply and so, in accordance with the National Planning Policy Framework (NPPF), a proposal that delivers sustainable development must be supported unless it will cause significant and demonstrable harm. The site is also proposed to be included as part of an extended St Annes settlement boundary in the neighbourhood plan by the Planning Inspectorate.

Having assessed the relevant considerations that are raised by this proposal it is officer opinion that the development is of acceptable scale and is in an acceptable location to form sustainable development. The visual impact is also considered to be acceptable and the development would not have a detrimental impact on the amenities of the area to an extent that would justify refusal of planning permission. The status of the site as a Biological

Heritage site has been considered and the evidence submitted shows the development would not impact upon the reasons why the site was allocated as such. The highways impact of the development and the closing up of Wildings Lane in the future could be controlled by condition and legal agreement, and the scheme will make a necessary contribution to the M55 Heyhouses Link Road. There are no objections from LCC Highways with regard to traffic generation or safety. As such it is considered that the proposal delivers a sustainable form of development and it is recommended that the application be supported by Committee and so assist in delivering the housing supply requirements of para 17 of NPPF..

Reason for Reporting to Committee

The application site is a 1.7 hectare site located on the eastern side of Wildings Lane in St Anne's. The site is located in the open countryside in the adopted Local Plan but is located within 160m of the settlement boundary. The land to the north, south and west of the application site has outline planning permission for 1150 dwellings through outline planning permission 08/0058, this is also currently subject to a reserved matters application 15/0400 for the erection of 927 dwellings on the majority of the site covered by the outline planning permission. The application site as existing is a designated Biological Heritage site and has previously been part developed and used as commercial kennels. The application states it is categorised as previously developed land because of the kennels however this would only apply to part of the site. The landscape surrounding the site is typical of the area and comprises low lying, poorly drained, level, grazing land, with ditches and wind sculpted woodland. The site itself is flat and has an average level of 4.5 – 5.0m AOD. Residential properties along Wildings Lane are located to the south and west of the application site.

Site Description and Location

The application site is a 1.7 hectare site located on the eastern side of Wildings Lane in St Anne's. The site is located in the open countryside in the adopted Local Plan but is located within 160m of the settlement boundary. The land to the north, south and west of the application site has outline planning permission for 1150 dwellings through outline planning permission 08/0058, this is also currently subject to a reserved matters application 15/0400 for the erection of 927 dwellings on the majority of the site covered by the outline planning permission. The application site as existing is a designated Biological Heritage site and has previously been part developed and used as commercial kennels. The application states it is categorised as previously developed land because of the kennels however this would only apply to part of the site. The landscape surrounding the site is typical of the area and comprises low lying, poorly drained, level, grazing land, with ditches and wind sculpted woodland. The site itself is flat and has an average level of 4.5 – 5.0m AOD. Residential properties along Wildings Lane are located to the south and west of the application site.

Details of Proposal

The application as submitted is an outline application for up to 53 dwellings on land to the east of Wildings Lane in St Anne's. The application has been accompanied with an indicative site plan, Environmental Statement (ES) and Transport Assessment all (TA) of which are important documents when considering this application with regard to its location as described in the preceding section. The dwellings on the indicative plan are shown spaced around the site with an area of Public Open Space (POS) shown on the southern edge of the site. The proposal indicates that 30% of the 53 dwellings would be provided as affordable housing units.

Access is a detailed matter for this application. There are two basic access scenarios:

- an 'interim' solution which proposes the Site will be accessed via an improved Wildings Lane; and,
- a 'future' solution which proposes the Site will be accessed through the adjacent Kensington Developments Ltd (KDL) 'Queensway' development site, once that scheme is fully developed out to the Site frontage in accordance with its approved masterplan. (Application ref: 08/0058; Appeal ref: APP/Q2371/V/11/2157314).

The reason that two access scenarios are submitted is because the approved Queensway masterplan scheme shows the stopping-up of Wildings Lane to vehicular traffic (some 100m south of the application site), and that the current route of Wildings Lane will be redeveloped. Therefore, once Wildings Lane is stopped up and developed over there will be no access available from this application site via Wildings Lane. At that point in time, it is anticipated that traffic from the proposed development would 'switch' to route via the Queensway scheme and the new east-west link road that will be constructed to serve that site. The implications and issues surrounding this approach are discussed in the report below.

The application has been submitted with the following documents;

- Illustrative site layout
- Location plan
- Environmental Statement
- Design and Access statement

The Council has previously determined that the development was EIA development in light of the potential cumulative impacts that may arise from the development in the context of other development proposals (the Queensway application). Therefore an Environmental Statement (ES) has been submitted with this application, with the scope of the ES being agreed with the LPA through pre-application discussions. The ES reports the findings of the EIA undertaken in respect of the proposed development and includes the following sections;

- Ecology
- Transportation
- Air Quality
- Noise
- Water resources and flood risk
- Ground Conditions
- Heritage
- Landscape and visual impact
- Cumulative impacts.

Relevant Planning History

Application No.	Development	Decision	Date
14/0580	OUTLINE APPLICATION FOR ERECTION OF UP TO 53 NO. DWELLINGS (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Refused	14/12/2015
12/0477	OUTLINE APPLICATION FOR UP TO 66 DWELLINGS (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Withdrawn by Applicant	10/07/2013
09/0801	NEW PLANNING PERMISSION TO REPLACE	Granted	27/01/2010

	AN EXTANT PLANNING PERMISSION IN ORDER TO EXTEND THE TIME LIMIT FOR IMPLEMENTATION ON APPLICATION 06/0809		
06/0809	PROPOSED DWELLING AND DEMOLITION OF KENNELS	Granted	05/01/2007
06/0142	DEMOLITION OF KENNELS TO CREATE NEW DWELLING	Withdrawn by Applicant	02/05/2006
03/0109	REPLACEMENT DWELLING (REVISED SUBMISSION OF 02/0912)	Granted	10/03/2004
02/0912	PROPOSED REPLACEMENT DWELLING	Refused	29/11/2002
01/0403	PROPOSED ERECTION OF 8 DWELLINGS	Refused	05/09/2001
93/0292	CHANGE OF USE OF LAND FOR THE STORAGE OF TOURING CARAVANS	Granted	16/06/1993
77/0485	TEMPORARY MOBILE HOME.	Granted	29/10/1977

Relevant Planning Appeals History

Application No.	Development	Decision	Date
14/0580	OUTLINE APPLICATION FOR ERECTION OF UP TO 53 NO. DWELLINGS (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Refused	On going
01/0403	PROPOSED ERECTION OF 8 DWELLINGS	Dismiss	14/02/2002

Parish/Town Council Observations

St Anne's on the Sea Town Council notified on 11 November 2016 and comment:

Object.

- *Outside the settlement boundary.*
- *Negative impact on Lytham Moss heritage site.*
- *Traffic issues / management impact on Wildings Lane / Heyhouses Lane.*
- *Negative impact on health provision, schools / dental surgeries.*
- *No report on impact on local schools.*
- *Concern over the cumulative impact of this and other applications on the infrastructure transport / medical / health provision*

Statutory Consultees and Observations of Other Interested Parties

National Air Traffic Services

The technical assessment for the St Annes Secondary Radar (SSR) shows potential for the development to cause reflections and give rise to duplicate radar plots on the air traffic controllers' display. Analysis of the radar configuration shows that there are existing obstructions further away than the proposed development, currently causing reflections. As such, this impact could be mitigated by a further configuration of the radar parameters. In order to do so however, more accurate details of the proposal would be required.

Accordingly, NATS is satisfied that it can conditionally withdraw its objection to the development, subject to the imposition of the planning condition and informative quoted below. This planning condition essentially protects its operation by requiring the developers to engage with NATS and provide further details on the development, or to agree to mitigation measures.

Condition 1

No development shall take place in any individual phase of the development hereby approved, unless there has been submitted to and approved in writing by the planning authority and by the radar Operator - NATS (En-route) plc, either:

- detailed plans for the proposed buildings in that individual phase, demonstrating that there would be no detrimental impact upon the operation of the St. Annes Radar; or,*
- details of a scheme to mitigate any detrimental impact upon the St. Annes Radar.*

Development shall not take place other than in complete accordance with such a scheme as so approved unless Fylde Borough Council and NATS (En-route) plc have given written consent for a variation.

Reason:— in the interests of aircraft safety.

For the purpose of condition 1 above;

“Operator” means NATS (En-route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hant, PO15 7FL or such other organisation licensed from time to time under section 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act).

Informative 1

“Developers and applicants are advised that the application site is within the safeguarding zone of the St. Annes Radar Installation, operated by NATS (En Route) plc (“NERL”). On receipt of an application related to this granting of planning permission in principle (PPiP)/Outline consent, the planning authority will consult NERL to determine if proposed buildings and structures would have an adverse impact upon the operation of the radar installation and if mitigation to any impact is possible.

If an unacceptable impact and a viable mitigation is identified, the developer will be expected to agree with NERL a mitigation package prior to determination of an application.

Blackpool Airport

16/0903 - This will be a request for further information. We require a bird strike risk assessment and if necessary a mitigation plan to be put in place by the developers. Apologies for not getting the response to you yesterday, I will forward on this afternoon.

The response was never received.

Natural England

We have commented previously on the 2014 application on the same site and whilst our previous concerns remain the same, the documents submitted must be up to date and reflect the current situation on site.

We have reviewed the details of the application and the Shadow Screening Assessment (ref. 60206P2R1, dated 5th November 2014) advise that currently there is not enough

information to determine whether the likelihood of significant effects can be ruled out and therefore further information is required. We provide our detailed advice in Appendix A.

Further information required

Natural England notes that the Habitats Regulation Assessment (HRA) has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

The assessment rules out the likelihood of significant effects arising from the proposal, both alone or in-combination with mitigation measures being provided.

On the basis of information provided, Natural England advises that there is currently not enough information to rule out the likelihood of significant effects. Natural England therefore advises that your authority should not grant planning permission at this stage.

Natural England advises that the information and evidence gaps could potentially be resolved with additional information formally submitted by the applicant in order to amend the proposal.

Whilst we are not opposing the principle of development on this site, we recommend that any information gaps should be met by the formal submission of information, so that the project as a whole, i.e. as submitted with all information and measures to protect the European site, can be screened to check whether the likelihood of significant effects can be ruled out.

We advise the following;

- 1. The HRA is 2 years out of date, whilst it is not necessary to carry out further bird surveys, the HRA must be up to date.*
- 2. The site is adjacent to the BHS boundary and potential functionally linked land therefore there will be potential for disturbance of birds using the adjacent fields during construction. This needs to be mitigated against. The HRA suggests 3 mitigation options;*
 - 3. Proposed mitigation option 1 – we agree that undertaking works likely to cause high levels of noise/vibration disturbance outside of the overwintering period (October to March) will not result in the significant disturbance or displacement of SPA birds.*
 - 4. Proposed mitigation option 2 – we consider this option as unviable. Although the option states that weekly checks will be undertaken for the presence of SPA birds, once the check has been completed and work has commenced, any birds wanting to use the fields within 200m of the development will be subject to disturbance.*
 - 5. Proposed mitigation option 3 – we agree that postponing site development until after the implementation of the Queensway/M55 Link Road FCA and/or Nature Park has commenced will not result in the significant disturbance or displacement of SPA birds.*

Another option to consider with the other measures above is the use of acoustic screening during construction works close to the BHS.

You should clarify with the applicant which measures they propose to implement and secure their implementation.

The implementation of the proposed recreational disturbance mitigation measures outlined in Section 7 (page 11) should also be secured.

The term used - "short term Significant Adverse impact at a regional level" –is not a relevant term for an HRA; does the applicant mean likely significant impact (LSE)? This should be clarified.

Once the above points have been clarified and the HRA is up to date, we would be happy to review the new HRA and revise our position.

Lancashire County Council - Highway Authority

LCC Highways have provided a 16 page response to the application which is available to view in full on the Councils website, the below forms a summary and picks out the key points;

Background

In recent years, LCC and Fylde BC have sought to set out a way forward in delivering long term, sustainable, economic development in the area. An accepted approach was developed as part of the agreements, scrutinised and set out at two public inquiries, involving the Kensington Development site (Queensway 1,150 Dwellings).

LCC Highways Development Control has set out in detail in our previous Statutory Consultation responses on the previous application and also in regard to the Roseacre application our position in regard to the principle of further development off Wildings Lane (copies of which are available on the LPA planning portal with all other documents relevant to this application). LCC Highways Development Control consider the approach set out at Public Inquiry in respect of future housing proposed at the Queensway site (Kensington Development) for the area taking access from the East-West Link road is the properly planned approach which supports residential development and the necessary highways and transport infrastructure and services (including improved bus service provision). The submitted application with access served off Wildings Lane is not in-line with this approach. LCC have repeatedly expressed our concern that a move away from this approach could potentially put at risk the delivery of the emerging draft Local Plan in this area.

This proposal seeks to take access off Wildings Lane north of the point where the road was to be closed, to vehicular traffic, as part of the approved wider area development proposals (Kensington/Queensway 1,150 dwelling site).

LCC Highways statutory consultation comments provided to the LPA in regard to planning application (PA No. 14/0580, Valentines Kennels) set out our position in regard to this application and the wider development of the Strategic Site. LCC Highways considered at that time that there were adverse highway and transport impacts associated with that development, both direct and indirect. However, LCC considered that the issues the proposal raised could not simply be considered a highways matter; the highways issues related not to capacity but the need for a properly planned approach.

The highways issues highlighted by LCC for the Valentines Kennels application 14/0580, on their own, were not considered sufficient to warrant an objection with consideration

for NPPF and the need to demonstrate a 'severe' impact.

Therefore, in reaching our final position in regard to the Valentines Kennel application (14/0580), LCC provided the following final position statement: 'LCC understand that highways issues are only one element in the numerous considerations that Fylde BC must weigh up in the decision making process. If Fylde Borough Council considers the issues raised by LCC are not inextricably linked to the need for a properly planned approach in-line with your emerging draft policy document then any weight behind highways Reasons for Refusal fall away and as such I would expect Fylde BC decision to reflect this. It is for the LPA to balance all information provided in coming to a decision.' I would note that the LPA officer recommendation to committee in regard to the Valentines Kennels application was 'to approve'. At the Fylde planning committee on 09/12/2015 the application was refused and there is currently an appeal pending.

A – The proposed Access Strategy

LCC state that they have been clear that Wildings Lane cannot be used to provide future access into any part of the Queensway development except for sustainable travel modes.

Two scenarios are assessed in the TA these being;

Scenario 1 – Access taken via Queensway site and the proposed East-West Link

Scenario 2 – Access taken from Wildings Ln. via Heyhouses Ln. (Interim access proposal)

Clearly the current Valentines Kennels application proposes that the development is accessed from Wildings Lane via Heyhouses Lane. In the longer term, when the Queensway site is built out and the prohibition of vehicular traffic on a section of Wildings Lane is enforced (in line with the masterplan for the approved Queensway residential planning permission) the proposal is that access can then be taken from the new East-West Link Road.

Scenario 1 – Access Taken via Queensway site

LCC have considered this scenario and the information presented in the TA and consider the traffic impact would be minimal when the additional infrastructure and PT provision (to be delivered as part of the Queensway development) is in place.

Scenario 2 – Access from Wildings Lane via Heyhouses Lane

This is the second of the two fundamental scenarios that have been presented. LCC have given consideration to potential outcomes and sought to assess the implications, impacts and risks for the highway and transport network.

In their previous response they highlighted their questions and matters of concerns with the application. These included consideration and assessment of how the development can come forward with regard to the Queensway development without prejudicing it, the implications of if VK comes forward prior too, at the same time or after the QW development, the scale of the development of QW at the time of development and the potential for other areas of the Queensway site to be developed outside or in place of the Phase 1 area. They also considered if the road was wide enough to undertake the proposed works, what the impact would be on the sustainable link, the risk of prohibiting QW traffic down WL, the level of contribution from this development to infrastructure and what mitigations and contributions agreed and consistent with the

QW development and agreed at PI.

The TA sets out how the stopping up of WL can be conditioned. LCC's view is that once residents have established a pattern of use this will introduce a significant level of uncertainty that the prohibition of vehicular traffic on Wildings Lane could be guaranteed (particularly if this use has been established over a significant number of years). If the prohibition to through traffic on Wildings Lane is not delivered the implications and impact on Wildings Lane and the proposed key sustainable link from Queensway, and the junction with Heyhouses Lane, will be significantly greater and therefore this should form part of any consideration, assessment and decision regarding this proposal.

Following discussion between the applicant and Officers at Fylde it has been suggested that this matter can be satisfactorily addressed through the legal documents associated with individual house purchases and through conditions attached to both this Valentines Kennels application and subsequent Reserve Matters application for the Kensington site.

This scenario also raises questions over the impact and consequences of abortive and potentially short lived works on Wildings Lane. The Interim Site Access and Highway Improvement Plan as submitted originally was not considered acceptable. It was LCC view that there was not sufficient adopted highway width to deliver the proposed works on Wildings Lane. A further potential scenario that must be considered was if the Queensway development, for whatever reason, never comes forward and therefore the provision to be delivered on Wildings Lane becomes the permanent 'not interim' access arrangement. Therefore any proposal in regard to access to this site has to be acceptable on its own under this potential long term scenario. Therefore, it was LCC Highways position that a revised/enhanced site access and highway improvement scheme was required.

Latest Interim Site Access and Highway Improvement Proposals

The resubmitted application proposes that the development is accessed from Wildings Lane, via Heyhouses Lane in the interim period before the wider development of the Strategic location results in the prohibition of vehicular traffic on part of Wildings Lane. As previously stated LCC has been passed a revised site access plan. The latest plan titled 'Proposed Interim Site Access Improvements' (Drawing No. SCP/14137/100, Revision C) was passed to LCC Highways on 16th December 2016. This includes details in regard to site access, visibility splays (sightlines) and swept path analysis for the proposed access.

LCC did not support the original proposed access strategy and highway works (application 14/0580) and initially submitted with this application. Their view was that further work was required to make the scheme acceptable, the concerns were related to highway safety and included that a safe and suitable access can be provided, issues of vehicular and pedestrian/cycle conflict, an existing pinch point on Wildings Lane needed addressing in line with the Roseacre app, the long straight carriageway needed considering for traffic calming, and there was a need for further consideration of manual for streets to deliver self-policing low speeds along Wildings Lane as well as the footway in line with the Roseacre application.

The approved Kensington Development, Queensway 1,150 dwellings which surrounds this application site will result, in future, in part of Wildings Lane being restricted to motorised traffic. It is therefore imperative that conditions are attached to any approval for this Valentines Kennels application, should the LPA be minded to approve, that

ensures future residents of the proposed site fully understand the proposed interim and future access provision. This being that access to the site from the south via Wildings Lane and Heyhouses Lane is only an interim access strategy and that the longer term access strategy will see access taken from the proposed East/West access road via a new signalised roundabout at Queensway/Kilnhouse Lane and/or the proposed M55 to Heyhouses Link Road. LCC Highways has worked with the developers Transport Consultant (SCP) to develop an interim access scheme which demonstrates the principles of the agreed layout subject to detailed design.

*Highway Comments on the latest interim Access Proposals provided to LCC Highways
The latest plan titled 'Proposed Interim Site Access Improvements' (Drawing No. SCP/14137/100, Revision C) was passed to LCC Highways on 16th December 2016.*

1) I consider the latest layout for the access onto Wildings Lane is acceptable. The layout delivers:

- Acceptable sightlines from the sight access;*
- Safe pedestrian facilities and required junction geometry for a twin axle refuse vehicle; and*
- Seeks wherever possible to reduce conflict between pedestrians/cyclists and vehicular traffic;*

2) The latest layout includes consideration for visibility splays as requested by LCC based on the guidance from table 7.1 from Manual for Streets and an estimated 85th percentile speed of 20 mph. The sight lines are to be provided in both directions, ensuring the entire sight line requirement is fully over land within the applicants control and/or over the adopted highway and to include all works which would be required to provide the sight lines'.

3) I consider the proposal for a shared space layout as agreed for the approved Roseacre application is appropriate and acceptable. However, this is only with consideration for the proposed development and the approved Roseacre development (and the number of vehicular movements that these sites could be expected to generate over the length of shared space highway south of the proposed Roseacre site access). LCC Highways must raise our concerns to the LPA over the potential for any increase in vehicular traffic over this proposed section of shared space highway. This concern is related to our previously stated position in regard to the need for a properly planned approach. LCC Highways would have concerns in regard to the suitability of a shared space approach under some potential scenarios. The following issues and their influence have been taken into consideration when assessing the acceptability of the proposed shared space layout:

- a) the potential number of pedestrian/cycle movements from the approved Queensway 1,150 dwelling development on this key designated sustainable link to the superstore and routes to schools and employment etc.*
- c) the impact of development frontage and access onto Wildings Lane, previously designated as a key sustainable link as part of the approved Queensway development. This will inevitably lead to on street parking that will in my opinion lead to a significant reduction in the amenity for sustainable users and the quality of the key designated sustainable link as approved for the Queensway development.*
- d) a recent letter of objection from Kensington Developments Limited which clearly*

provides a statement of intent from them to submit a new residential planning application for the lands at the southern section of their approved development through Wildings Lane were the Roseacre application to be approved.

6) *Wildings Lane, from Jubilee Way to the site is currently a shared surface carriageway as there are no footpaths and from our adoption plans it would not be possible to provide a continuous footpath from Jubilee Way to the site. To reduce traffic speeds along Wildings Lane and in the interest of highway safety for pedestrians LCC Highway Development Control Section have previously recommended a junction improvement at Jubilee Way to change the priority at the junction and provide a speed reducing feature. I would acknowledge the latest layout plan submitted by the applicant has included this measure.*

With consideration for the above, I consider and the latest 'Interim Site Access Improvements' layout presented to LCC Highways is acceptable 'in principle' in order to demonstrate that a safe and suitable access can be delivered. I would however expect that a number of changes may be necessary following the detailed design process.

B – Specific comments on the TS

With consideration to the latest improvements scheme and the associated access proposals LCC are satisfied that the impact on the QW sustainable link as result of this development cannot be considered too full under the NPPF descriptive criteria of a 'severe' impact.

There have been no reported accidents along Wildings Lane or at the junction with Heyhouses in the last 5 years.

The Transport Assessment presented an assessment of the Wildings Lane/Heyhouses Lane junction. The assessment of this junction showed no capacity issues

The modelling does not include all committed and approved development (for example the partial build out of the approved site to the south (former Government offices). There has also been further applications and approvals with impact in the area since the original assessment was prepared and the application submitted. Given this, LCC does not agree with the forecast traffic flows/assessment presented in the original TA. However, when this is supplemented with LCC knowledge of the network, it is suitable to gauge additional development related traffic flows but not absolute impacts. As such the TA should not be used by future developers as a basis for any Transport Assessment. The traffic forecasts included in the TA provide a simple basis on which the LHA can review the impact of this proposal. Any future Transport Assessment submitted for subsequent major planning applications in this area (post December 2016) will need to completely update traffic data. (Note: LCC took note of the impending Valentines Kennels appeal site in our review and comments for of the recently approved Roseacre site). Highway officers are aware of existing conditions on the surrounding highway network, particularly on Queensway between Kilnhouse Lane and School Lane, and are working closely with developers to ensure that suitable infrastructure is secured to mitigate against impacts, whilst working within constraints of National Planning Policy Guidelines (NPPF). However, I would note that the current traffic position is such that it may be difficult for the LHA to support further applications of a similar or greater scale in this location without delivery of the wider highway infrastructure improvements, pedestrian and cycle facilities and

Public Transport services deemed necessary at the two public inquiries for the large residential strategic site (Queensway 1,150 dwellings).

LCC agree with the future assessment year of 2024 and with the trip rates and distribution. The site falls below the required threshold for a Travel Plan but it is expected the developer will support the principles of a Travel Plan.

Public Transport

The current bus services in the immediate vicinity of the site have been reviewed by LCC with consideration for the latest position with respect to funding of subsidised services. The latest position (as 8th March 2016) is that Service 78 is to be withdrawn at the following times, Mondays to Saturday Evenings and Sundays, as LCC has been advised that this part of the service is not currently commercially viable.

C – Construction Traffic Impact

The impact during construction for this development is a significant concern given the need for a consistent approach to be applied to all development and consideration for the level of committed development (including the Kensington/Queensway development) and the recently approved Roseacre site within the local area. Therefore, this matter is closely tied in with LCC's comments in regard to the need for a proper planned and phased approach to deliver development in this location.

LCC have considered the key issues in coming to a view in regard to the assessment of the disruption and impact of construction traffic on Wildings Lane as a result of the proposed development. This assessment includes consideration for known site conditions (the need for surcharging or pilling) and potential HGV movements/requirements.

I must also highlight that the approved Queensway development considered safety and impact on residents of Wildings Lane, Jubilee Way, Manor Crescent etc., recreational users (dog walkers, cyclists and equestrians, particularly considering Wildings Lane links to the Bridleway network). Therefore, this proposal should address the similar issues raised in regard to enforcement, and control. The applicant has indicated that construction traffic will be governed by a Construction Management Plan and that, given the size of the proposed site, the impacts will be much more time-limited than for the larger strategic site.

I consider it is appropriate to attach a planning condition to any approval granted ensuring that a construction management strategy will be submitted and agreed, to overcome or at least somewhat mitigate issues. It will include for example no waiting/parking on the public highway for all site related vehicles, the site compound to accommodate all site related needs, including parking) it will also include time restrictions for site access by vehicles, times of construction, site security, specific safety measures on the lane whether to support deliveries or access, wheel cleaning etc.

Note: allowing the Valentines Kennels site to use Wildings Lane for construction access raises practical issues in regard to all Queensway traffic (construction and residential) making use of Wildings Lane during the interim transition whilst that portion of Wilding's Lane immediately adjacent to the large approved Queensway site remains open (prior to being closed to vehicular traffic). However, I consider issues can be somewhat mitigated/controlled by conditions attached to both this application and the wider Queensway site.

To be absolutely clear, LCC consider the approach set out and agreed at the Queensway development Public Inquiry in respect of all future housing proposed for the area taking

access from the East-West Link road is the properly planned approach which supports and best guarantees delivery of the necessary highways and transport infrastructure and services (including improved bus service provision). This approach also protected existing residents of Wildings Lane from the direct effect of construction traffic on the lane. This Valentines Kennels application does not support this approach and potentially puts at risk the wider development aspirations as set out in the emerging draft Local Plan. This is a concern to LCC as local highway authority. However, in regard to this site and the scale of development it would be difficult to argue that the impact was severe if an appropriate condition controlling all aspects of the impact of construction traffic was attached to any approval.

D – Internal Site layout, parking standards and provision

This is an outline application and such matters will be dealt with at RM. LCC have provided general comments to support the planning process. These include following the principles of manual for streets, the areas to be adopted being indicated, adequate parking being provided, appropriate planting around the highway, electric vehicle charging infrastructure, appropriate access for servicing and waste vehicles. LCC are the LLFA and as such their views are provided in a separate response and subject to condition.

E – S278 Works

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

It is expected that for development to be acceptable in highway and transport terms, works will be necessary and must be secured through a s278 Agreement when detail is agreed.

The following scheme is to be delivered as part of a s278 Agreement:

- *The main site access junction off Wildings Lane and associated improvement works on Wildings Lane as agreed 'in principle' subject to detailed design (please refer to more detailed comments provided above on page 6 under the heading '(A) The Proposed Access Strategy, (ii) Latest Interim Site Access and Highway Improvement Proposals', that highlight the principles of the agreed layout and which are in 'Proposed Interim Site Access Improvements' (Drawing No. SCP/14137/100, Revision C).*

Trigger point – prior to 1st occupation

Note: Delivering these s278 works may require a review, consultation and implementation of new/or changes to TROs; the full cost for these to be funded by the developer.

F – Planning Obligations (s106 contributions)

Planning Obligation requirements are expected to be applicable to development sites for which the LPA are minded to approve within this area, which includes the Strategic

Location for Development. A coordinated request for Planning Obligations from developments that rely on the wider infrastructure deemed necessary to support development in this area will form the basis of the Highway Authority response and a will be a material planning consideration.

LCC Highways consider the starting point for each developer should be to look at what was deemed necessary for the Queensway development with consideration for scale and impact.

LCC would request a funding contribution from the Valentines Kennels development towards the M55 to Heyhouses Link Road Scheme. The suggested funding request is based on the number of dwellings and is based on a proportionate contribution (proportionate with the Kensington site) with regard to the scale of this application in comparison to the larger site and the latest overall estimated scheme cost.

Therefore, based on a proportionate contribution (i.e. with regard to the scale of this application in comparison to the Kensington site and the necessary M55 to Heyhouses Link Road having regard to public body contributions and the overall estimated scheme cost) the requested sum would equate to £450,000.

No agreement has been reached with the developer in regard to the requested s106 funding. However, the applicant has previously indicated a willingness to reach an agreement on an appropriate contribution. LCC Highway recognise that it is for the LPA to secure the appropriate level of funding through the planning process and that this must give consideration to a sites overall viability.

In emphasising the need to reach agreement on an appropriate contribution I would add that Highway officers are aware that existing conditions on the surrounding highway network have deteriorated in the last year or so, particularly on Queensway between Kilnhouse Lane and School Lane. Congestion is also experienced at peak times on St Annes Road East. LCC officers are working closely with developers to ensure suitable infrastructure is secured to mitigate against impacts, whilst working within constraints of National Policy Planning Guidelines (NPPF).

The current traffic position is such that it may be difficult for the LHA to support any further applications without the delivery of highway improvement. It is LCC's view that the principle of further development in this area requires infrastructure as set out in the local plan and the emerging local plan and as detailed at the two Queensway public inquiries. It is considered that this proposal could be considered to mitigate its impact by delivering, at an earlier opportunity, improvements deemed necessary to support the wider development in this area.

G – Summary and recommendation

LCC's Highway Development Control teams stated position is well documented in regard our view that the previously agreed/planned approach set out at two public inquiries for the Queensway site that supports delivery of the local plan and emerging plan (Strategic Location for Development) and the necessary infrastructure to support further development is the correct approach to deliver development in this location. However, notwithstanding the concerns LCC has expressed in regard to piecemeal development creating a shift away from the principles considered by LCC to be the properly planned

approach, LCC has sought to best address all highway matters in relation to this current application. In providing comments in regard to this development proposal, LCC have conducted a review of the Transport Assessment submitted in support of the planning application. With consideration for all the information provided and mitigation proposed by the applicant, Lancashire County Council consider that overall impact from this development cannot be considered to fall under the NPPF descriptive criteria of a 'severe' impact.

In conclusion, with consideration for all the information now provided, LCC Highways Development Control would have no objection to the proposed development providing that all mitigation measures (s278 and s106) are delivered by the developer in line with agreed trigger points. It is essential that suitable conditions are put in place to ensure necessary measures are delivered by the developer in line with required trigger points

United Utilities - Water

No objections – request condition in relation to foul and surface waters being drained on separate systems and details of surface water drainage scheme being submitted.

Electricity North West

No comments received.

Environmental Protection (Pollution)

Raise no objection subject to conditions to secure a construction management plan and to control hours of construction work.

Lancashire Archaeology Advisory Service

The previous application on this site was commented on by Mr Moir of Lancashire County Archaeology Service. He noted the presence of Mesolithic (10,000-3,500BC) flint scatters east and west of the proposed development site. He also stated that an assessment of the neighbouring Queensway site had indicated that there was archaeological potential hereabouts and that a scheme of further investigation is required. It was not considered that this assessment work needed to be undertaken before a planning decision was made, but that it should be required by a planning condition. We see no reason to change these recommendations and would suggest the following same condition is applied to any consent granted to the application.

Planning Policy Team

Thank you for your email dated 11 November 2016, inviting planning policy comments on the above. I have assessed the proposal against the Fylde Borough Local Plan (As Altered: October 2005), the emerging draft Publication Local Plan to 2032 (the Plan) and the emerging St Annes on the Sea Neighbourhood Development Plan (SANDP).

The application site although adjacent to, lies outside the settlement boundary of St. Anne's town, and as such lies within open countryside. The site is also currently allocated as a Biological Heritage site.

Fylde Borough Local Plan (As Altered: October 2005)

The Local Plan as Altered together with the Joint Lancashire Minerals and Waste Core Strategy DPD 2009 and the Joint Lancashire Minerals and Waste Local Plan Site Allocations and Development Management Policies DPD form the statutory Development Plan for Fylde.

The proposed development site is located in the Countryside Area as defined by Policy SP2 of the adopted Local Plan. Policy 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 Policy SP2.

The emerging draft Publication Local Plan

The Fylde Local Plan Publication Version (the Plan) was published for pre-submission consultation on 11 August 2016. The Publication Version is the Fylde Local Plan as the Council wishes to adopt it, and is the version that will shortly be submitted for examination. Therefore, it carries significant weight.

Policy SL1 of the Plan relates to strategic locations for development for Lytham and St Annes, and allocates land for up to 1,150 new homes, situated on the northern edge of St Annes, approximately 2km from the town centre, (site number HSS1), which directly abuts the northern, southern and western boundary of the application site.

The emerging St Annes on the Sea Neighbourhood Development Plan

The Submission version of the St Anne's on the Sea Neighbourhood Development Plan (SANDP) was submitted to Fylde Borough Council on the 25 January 2016 and underwent a six week public consultation process. Following this an Independent Examiner was appointed to examine the SANDP, and took the exceptional decision to examine the SANDP at a Public Hearing and subsequently submitted his final report on the 10 August 2016, that concluded, subject to the suggested modifications, that the SANDP was capable of meeting the legal requirements set out in the Localism Act 2011, including meeting with the "Basic Conditions", and should proceed to Referendum.

The majority of the recommended modifications suggested by the Examiner are in line with the Publication version of the emerging Local Plan, with just one exception. The Examiner has recommended that the settlement boundary of St. Anne's be amended to incorporate land currently identified as countryside outside of the Green Belt, to the west of Heyhouses Lane, St Annes, including the land in which this application relates to. The Examiner considers that the inclusion of this land would offer St. Anne's town the flexibility to be able to meet its housing needs over the next 15 years.

A majority of the application site is designated as a Biological Heritage site, predominantly due to the presence of nesting Tree Sparrows. However, it was made apparent at the SANDP Public Hearing and subsequent evidence submitted as part of this planning application that the Tree Sparrows have been absent from the site for a number of years.

It should also be noted that Natural England raised no objection to the application site being included within the settlement boundary of St. Annes as part of the consultation on the Examiner's proposed minor modifications.

Paragraph 216 of the NPPF indicates relevant factors when considering the amount of weight to be given to emerging plans. Unless other material considerations indicate otherwise, decision-takers may give weight from the day of publication, which depending upon the stage of preparation (the more advanced the preparation, the greater the weight that may be given). The extent of 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 with relevant policies in the emerging plan to the policies in the NPPF.

As the SANDP has reached Referendum stage, I consider it has considerable weight.

Five Year Housing Supply Statement

The Council has published an updated Five Year Housing Supply Statement. The updated housing supply statement, with a 31 March 2016 base date, provides a 4.80 year housing supply. 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.

Summary

The proposal is contrary to Policy SP2 of the adopted Fylde Local Plan. However, as the Plan has allocated land surrounding the application site as a strategic location for housing, I consider from a planning policy point of view it would be difficult to resist housing development on this site.

It is for the decision-taker to determine the weight to be attached to these material considerations as part of the planning balance, in line with paragraph 49 of the NPPF's presumption in favour of sustainable development and the Council's lack of a 5 year supply of housing.

Environment Agency

No objections – the development is not listed in the when to consult the EA list of developments.

Lancashire CC Flood Risk Management Team

Provide no objections subject to conditions in relation to the reserved matters to include surface water drainage scheme to be submitted and agreed, details of a management and maintenance lifetime plan for suds, and construction phase surface water management plan.

Other interested parties

TEP (employed by Kensington)

TEP is appointed by Kensington Developments Limited to act as Conservation Manager for the Farmland Conservation Area (FCA) on Lytham Moss, part of the Lytham Moss Biological Heritage Site. The FCA was established to compensate for the impact of the Queensway residential development and the M55 Link Road. These developments formally commenced in September and October 2016, and the FCA has been now been brought into use to secure the required compensation. A masterplan showing the FCA (as-built) is attached. We write with reference to the Shadow Habitats Regulations Screening Assessment for the development, prepared by the applicant (Ref: 60206P2R1, dated 5th November 2014). This report pre-dates the formal establishment of the FCA and the commencement of the above developments. TEP is concerned that the process of determining the above planning application should be in conformance with NPPF, notably paragraph 118. This states: When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles: the following wildlife sites should be given the same protection as European sites:

— potential Special Protection Areas and possible Special Areas of Conservation;
— listed or proposed Ramsar sites; and
— sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

As noted above, the Queensway Farmland Conservation Area has been established to compensate for adverse effects arising from the Queensway development and the M55 Link Road development, on the European site known as Ribble and Alt Estuaries and Martin Mere Special Protection Areas (SPAs). Both the aforementioned developments have now commenced and the FCA has been established and is now operational. The FCA therefore requires protection to the same extent as the SPAs themselves.

Whilst the report examines the potential impacts of the development on Lytham Moss as a whole, including the relevant SPA qualifying bird species, it makes no specific assessment of the potential impacts on the FCA.

Whilst we note the report considers construction-phase mitigation, there is no mitigation proposal for addressing potential adverse operational impacts on the FCA. Now that the FCA has been established, the applicant should recognise that residents from the proposed

development will be able

to directly access the rights of way network on Lytham Moss from Wildings Lane, and this additional recreational pressure, over and beyond the anticipated pressure from incoming Queensway residents has not been considered. This may result in additional burden being placed on KDL as owners of the FCA, to ensure the management targets in respect of bird numbers and lack of disturbance are delivered.

I also note that another application has been made on land south of Valentine's Kennels (ref 16/0061) and I have written to your authority separately because of our concerns that their HRA assessment does not consider the effects on the FCA. I note that the two current applications should also consider their cumulative recreational effects on the FCA.

In order that your authority reaches a decision in full consideration of NPPF policy applying to compensatory sites, we suggest that the applicant is asked to revisit the shadow HRA screening report and assess the operational effect on the FCA in its own right. We can supply details of the FCA management plan if required.

We understand that failure to take into account the full range of impacts could lead to a challenge and Judicial Review of the decision

Natural England and the applicants have been made aware of this letter and asked to address it in the HRA and their response.

Neighbour Observations

Neighbours notified:	11 November 2016
Press Notice Date:	24 November 2016
Number of Responses	Four
Summary of Comments	Objections, summarised as follows;

- Quiet lane will be noisy.
- Over intensive and loos of countryside. Not in accordance with new Local Plan.
- In response to the examiner's report on St Annes Town Council's emerging neighbourhood plan, Natural England have called for an assessment of the habitat on land East of Wildings Lane, including Valentines Kennels. This report should be considered when determining the application
- LCC does not support further piecemeal development off Wildings Lane beyond the existing built environment that is not in line with the properly planned approach as set out at the Queensway inquiry
- Development off Wildings Lane that is not in accordance with a properly planned approach is contrary to the decision by the Secretary of State in relation to the larger Queensway site insofar as it secures a high quality pedestrian/cycleway through Wildings Lane to Heyhouses Lane
- Residential amenity is adversely impacted by the visual impact of the development. The effect of the development on the character of the neighbourhood with the loss of existing views of countryside from neighbouring properties would adversely affect the residential amenity of neighbouring owners
- LCC highlight major concerns with regards to impact during construction and access by HGVs routeing, deliveries, parking, access; disruption and safety on Wildings Lane and the Wildings Lane/Heyhouses Lane junction for all users. This is further exacerbated by the recent approval of application 16/0061 (Roseacre) on 2 November 2016, given the potential for two lots of construction traffic using Wildings Lane at the same time. There is no evidence that these matters have been sufficiently considered and therefore safety has again been compromised.
- There is poor street lighting along Wildings Lane. The old-style lampposts provide very little illumination. No provision has been made for any improved illumination.
- Increased congestion at the junction of Wildings Lane and Heyhouses Lane will cause traffic to short-cut through Jubilee Way (an access only estate).
- Pedestrian access down Wildings Lane is poor and the lane is narrow. Traffic to the development during construction and once the houses are occupied raise real safety concerns that have not been addressed.
- There is a long history of objections from residents against over-development at this site which deserves full consideration. In the event that these objections are over-ridden the priority must be to secure the pedestrian/cycleway access and stop up the lane as soon as possible to avoid opening the flood gates to other developments being accessed via Wildings Lane. To that end, we would ask that developer contributions are sought towards the provision of the East/West link road to expedite the construction of the planned road infrastructure. This will mitigate safety concerns for Wildings Lane residents and ease traffic congestion on Heyhouses Lane and Queensway.
- Flooding and drainage issues.
- Parish's concern about impact on infrastructure is a valid one.
- Impact on access to the pavement adjacent to the road for person with wheelchair.

Relevant Planning Policy

Fylde Borough Local Plan:

EP11	Building design & landscape character
EP14	Landscaping of new developments
EP23	Pollution of surface water
EP22	Protection of agricultural land

EP19	Protected species
EP24	Pollution of ground water
HL02	Development control criteria for new housing proposals
EP25	Development and waste water
SP02	Development in countryside areas
TREC17	Public Open Space within New Housing Developments

Fylde Local Plan to 2032:

NP1	Presumption in favour of Sustainable Development
S1	Proposed Settlement Hierarchy
SL1	Lytham and St Annes Strategic Location for Development
SL5	Development Sites outside Strategic Locations for Devt
GD1	Settlement Boundaries
GD4	Development in the Countryside
GD7	Achieving Good Design in Development
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
INF1	Service Accessibility and Infrastructure
INF2	Developer Contributions
T1	Strategic Highway Improvements
T4	Enhancing Sustainable Transport Choice
ENV1	Landscape
ENV2	Biodiversity
ENV4	Provision of New Open Space

Other Relevant Policy:

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

Site Constraints

Within countryside area

Comment and Analysis

The main issues when considering this application are;

- Principle of the development
- Impact on the character of the area
- Highways issues
- Ecological issues
- Impact on residential amenity.

The principle of the development

Policy Background

When considering the proposal regard must be had to the Development Plan with determination in accordance with this plan unless material consideration dictate otherwise. The statutory development plan and material considerations in this case comprises the saved policies of the Fylde Borough Local Plan (2005) and the National Planning Policy Framework. In accordance with the

NPPF 'due weight' should be given to the relevant saved policies within the Local Plan and the weight given to these policies depending upon the degree of consistency with the NPPF. The starting point for determining this applications therefore remains the saved policies of the Local Plan. If there is a conflict between these saved policies and the NPPF, the NPPF takes precedence, however it should be read as a whole and in context. The Local Plan identifies the site as being in the open countryside and as such policy SP2 – Development in countryside areas applies, this policy restricts development in the countryside asides for certain types of development of which the development proposed by this application is not one. Therefore on the face of it the application is contrary to Local Plan policy and so it has to be assessed whether or not the NPPF and other material considerations would justify overruling this policy.

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

In section 6 'Delivering a wide choice of high quality homes' of the NPPF it requires the significant boosting of housing and local authorities should use their evidence base to meet the full objectively assessed needs for market and affordable housing in the housing market area. For market and affordable housing a five year supply should be maintained. Housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 44). Applying this policy context to the development requires considering the NPPF as a whole and assessing the weight which should be applied to SP2 and also considering the sustainability of the development and the balance of any positive or adverse impacts, within the NPPF context of seeking to boost housing supply and economic growth;

Consultation on the publication version of the emerging Fylde Local Plan to 2032 took place in August and September 2016 with the Local Plans section now having submitted that plan to PINs making it the submission version. Therefore some weight can be given to the policies in this plan. At a meeting of the Development Management Committee on the 16 September 2015 this site along with the Roseacre site were proposed by Officers to be included as part of the housing allocation for St Anne's. The sites were previously part of the H2 Housing allocation in the original preferred options. H2 was removed as a potential allocation due to the majority of the site being declared as a Biological Heritage Site by Lancashire County Council. However the application site is not included in that designation and therefore given the approval of planning permission for housing through the Queensway approval Planning Policy Officers proposed to include these sites in the Revised Preferred Option. Members at that meeting determined that the Council had previously accepted their deletion when it agreed the draft version of the Revised Preferred Option on the 16 June and that these two areas of land should not be taken forward in the Revised Preferred Option.

The St Annes Neighbourhood Development Plan has recently been through a Public Hearing and the Examiner produced his report. The Independent Examiner Mr John Slater BA (Hons), DMS, MRTPI concluded that subject to a number of modifications the NDP met with the 'Basic Conditions' and could proceed to Referendum. One of the modifications proposed was the extension of the settlement boundary of St Annes, to incorporate land identified as countryside outside the Green Belt to the west of Heyhouses lane, including the land that is subject to this planning application. The Examiner considers that the inclusion of this land would offer St Annes the flexibility to meet its

housing needs over the next 15 years. Part of the land included is the Lytham Moss biological heritage site so Natural England have objected although that objection does not extend to the application site as it is not included within that designation. The St Annes on the Sea NDP has since been to the Development Management Committee with a recommendation that subject to the completion of the Habitat Regulations Assessment and the making of any amendments to the NDP to ensure it is compatible with EU obligation the Committee accept the Examiner's modifications and recommend to Full Council that the NDP proceeds to Referendum (earliest date February 2017).

The National Planning Policy Framework requires developments to be sustainable. Proposals are to be considered against an economic, social and environmental role in this regard. Economically to ensure sufficient land of the right type is available in the right place to support growth and innovation. Socially by providing the supply of housing required with access to local services and environmentally by protecting and enhancing natural, built and the historic environment and improving biodiversity.

Accessibility of the site

The application site is located on the eastern edge of Wildings Lane, which is a road that joins Heyhouses Lane to the south. Of significance is that the land to the north south and west has planning permission for residential development including the provision of a new primary school. The site is located approximately 160m from the settlement of St Annes and all the services and facilities located there. There are bus services along Heyhouses Lane, with the nearest bus stop approximately 320m away, with bus numbers 78 and 688 stopping here. Directly opposite the Wildings Lane and Heyhouses Lane junction is the former EDS site which has been developed with residential development, the Water's Edge Public House and a Booths supermarket. Clifton Primary School is located 0.5 miles from the site and St Annes Technology and Performing Arts Secondary School is 1 mile away. Whilst the application site is located within the open countryside, it is located in close proximity to Saint Annes and to the services within the settlement and the wider area can be accessed by walking or by local bus services. The site can be seen, therefore, to be in a sustainable position and comply with the NPPF requirement that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 49) and that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural areas and that Local Planning Authorities should avoid new isolated homes in the countryside (paragraph 55). Whilst the application would be contrary to Policy SP2 of the Local Plan in this instance there is greater weight to be given to the NPPF due to the site's sustainable location and the NPPF's housing objectives and presumption in favour of sustainable development.

Housing supply

The NPPF requires LPA's to 'identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.'. The latest five year housing supply for Fylde Council is that as of the 31 March 2016 when Fylde has a 4.8 year supply. Therefore planning policies for the supply of housing for the purposes of determining applications are considered out of date and this is significant as the NPPF states that where relevant policies are out-of-date, permission should be granted unless any adverse impacts outweigh the benefits, or other policies indicate otherwise, when assessed against the NPPF. This is a material consideration when determining the planning application. If a scheme is considered to deliver sustainable development and not have any adverse impacts that would significantly and demonstrably outweigh the benefit in housing supply, that

guidance is clear that planning permission should be granted.

Scale of development

The scale and density of the development proposed would be in line with that approved on the adjoining land. The highways issues surrounding the application are discussed in greater length below but the application proposes to utilise Wildings Lane until the Queensway site and access to it is developed and then this interim access will be closed to vehicles in line with the previous approval. It is not considered that the addition of up to 53 units would be an unacceptable scale of growth to the settlement and that there are sufficient services within the settlement to meet the needs of the occupiers of the dwellings. Policy HL2 of the Fylde Borough Local Plan lists a series of criteria that a development needs to comply with to be acceptable, with many of these consistent with the core planning principles in para 17 of NPPF and with other sections of that guidance. Criteria 2 requires that development should be of a scale that is in keeping with the character of the locality. It is considered that the scale of development proposed in this scheme is acceptable and would not be of a scale that would warrant refusal of the application. The scale of the development proposed in this application is considered to be sustainable development and is not inappropriate to the size of St Anne's or its services and would relate to the surrounding approved housing development.

Impact on the character of the area/visual impact

The application site is located directly adjacent to an approved residential scheme and the Planning Inspector when allowing that development at appeal considered the visual impact that proposal would have on the character and appearance of St Annes. This application effectively infills an area excluded from the development that the Inspector permitted to the north and south. The most significant view of the site will be from the east but with the development of the adjacent site and an appropriate scheme of landscaping it would be viewed as having a consistent boundary in line with the adjacent developments. The trees within the site that are of the best quality are shown to be retained on the indicative layout submitted and any Reserved Matters would need to reflect this. Tree and hedgerows are proposed and the existing ditches to the north and eastern boundaries will be retained with a scheme of landscape enhancement. The provision and retention of these features will assist in integrating this development into the setting of the adjoining development and St Annes. It is not considered the development will have a significant visual impact, it will eventually be well contained and surrounded by residential dwellings and existing natural landscape features.

Principle of the development – summary

The site is located in close proximity to the urban settlement of St Annes, but is located in an area classified as open countryside in the Fylde Borough Local Plan. It is adjacent to the approved housing to the north, south and west. The site is located 300m north of Heyhouses lane, a main road that runs through St Annes and its associated bus routes and is within reasonable distance of local and community services in St Annes. The proposed development is considered to be sustainable in relation to the settlement and would not represent an unacceptable growth to the settlement in terms of scale and would therefore comply with the NPPF requirement that housing applications should be considered in the context of the presumption in favour of sustainable development. Furthermore when considering the housing objective of the NPPF Fylde does not have a five year housing supply for which there is an identified need. The proposal would therefore contribute to meeting this identified need for dwellings in the emerging Local Plan and the housing supply for the Borough as a whole. The proposal would therefore contribute to meeting this identified need for dwellings in the emerging Local Plan and the housing supply for the Borough as a whole.

Furthermore the St Annes Neighbourhood Plan is proposed to be amended to include the site within the settlement boundary. This site is considered to be a suitable location for development, and the scheme of a scale that can be accommodated without causing evidenced harm to the settlement. The principle is therefore acceptable.

Highways

When considering the previous application 14/0580 whilst not explicitly stating they objected to the application they raised concerns in their response, which members based a reason for refusal for that application on. As outlined in the consultation response section above they state that they have no objections to the development provided that all mitigation measures are delivered by the developer in line with the agreed trigger points. The application has again been made in outline with access a detailed matter for consideration, a Highways Transport Assessment (TA) by SCP Transportation Planning has been submitted with the application. The Transport Assessment outlines the impact of the development and the proposed access arrangements to the site. The County Highway Authority have been consulted and their extensive comments are reported in the consultee section. The application proposes that initially the site will be accessed via Wildings Lane and then, when the Queensway site's highway network is constructed, it will then be used. The TA considers the existing highways conditions, the trip generation and traffic assignment generated by the development and the two different accesses and the impact on the various junctions from both scenarios.

Proposed access solutions proposed and highways impact

The main highways consideration for this development is the proposed access to the site. The application proposes two basic scenarios;

- An 'interim' solution which proposes the site will be accessed via an improved Wildings Lane; and,
- A 'future' solution which proposes the site will be accessed through the adjacent Kensington Developments Ltd (KDL) 'Queensway's development site, once that scheme is fully developed out to the sites frontage in accordance with its approved masterplan

The reason why two access solutions are proposed and assessed in the TA is because the approved Queensway masterplan includes the stopping up of Wildings Lane to vehicular traffic and that the current route of Wildings Lane will be redeveloped as Wildings Lane is not appropriate to serve a development of the scale of that proposed on the Queensway site. Therefore once Wildings Lane is stopped up and developed the traffic from this application site will switch to the highways serving the Queensway site including the new east-west link road.

During the 'interim' solution the application proposes to improve a section of Wildings Lane to make it acceptable to use by the prospective residents of the site. These improvements are proposed over the 250m of Wildings Lane that lies between the proposed site access and the metalled, residential cul-de-sac to the south. The road improvements feature a section of carriageway 3.7m wide to reduce vehicle speeds a footway of 1.8m width on its eastern side. The application states that these 'interim' improvements can be achieved wholly within the extent of the existing adopted boundary, a copy of which has been transposed / underlaid at scale to Wildings Lane on the plan submitted in the TA. The improvements agreed as part of the Roseacre application (16/0061) recently approved by members will be replicated and put in place if the Valentines Kennels site is developed prior to that application. This includes the verge being converted to footway and a priority change at the junction of Wildings Lane with Jubilee Way.

The 'future' solution will result in the proposed development linking up with the adjacent housing development and utilising the highways network approved by that application. The signed Section 106 Agreement between KD and FBC / LCC states that the TR6 M55 – Heyhouses Link Road shall be completed in full prior to the occupation of the 425th residential unit on that site (total approved units = 1150). The route of the new link road will run alongside the existing North Houses Lane / Wild Lane route. Funding is secured to turn the existing route into a bridleway in the S106 Agreement. As part of the Queensway scheme, KDL are also obligated through the S106 Agreement to construct the east-west link road (known as TR5) between the M55 Link Road and Queensway. The S106 obligates KDL to fund the delivery of the TR5 route in full prior to the occupation of the 375th dwelling on the site. At the point this infrastructure becomes available the site will no longer use the 'interim' access which will then be closed to vehicles.

The TA considers the highways impact of both the 'interim' and 'future' accesses, looking at the impact on various junctions in the vicinity. For the interim measure the TA considers the impact of the site being accessed by Wildings Lane with the TA study area includes the Heyhouses Lane /Wildings Lane junction, the Heyhouses Lane / Former Govt Offices site mini-roundabout access (planned) and the Heyhouses Lane / Blackpool Road signalised junction, and in the second 'future' access scenario, (b) the TA study area includes the planned Queensway site access roundabout, the planned TR6 M55 Link Rd / TR5 East-West Link Road roundabout and the planned TR5 East-West Link Road / Queensway site internal connector road junction. The TA submitted considers a development of up to 60 dwellings whereas the application is for up to 53 residential units. The applicants have confirmed that the application was amended to 53 units in order to achieve the best form of development on the site after the TA assessments had been prepared. As the TA has been prepared on a higher quantum of development than will ultimately delivered from the site it is considered to be robust and acceptable. The applicants have, however, provided the trip generation figures for 53 units which are as follows;

Proposed residential dwellings – Trip Rates (per Dwelling) and estimated Traffic Generation				
Mode	Weekday AM Peak Hour (8-9am)		PM Peak Hours (17-18pm)	
	Arrivals	Departures	Arrivals	Departures
Trip rates	7	24	23	12
Cyclists	0	1	1	1
Pedestrians	2	9	5	3
Public Transport	0	2	1	0

The amendment from 60 to 53 units results in four less vehicle movements in the AM hour and five in the PM hour (both two-way). The TA demonstrates that there would not be an adverse impact on Wildings Lane as a consequence of this development with the effect of this level of traffic on local resident's amenity on Wildings Lane being found to be Minor-Adverse. The NPPF paragraph 32 states that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe". The above trip rates are not considered to be severe to the degree that could warrant refusal of the application. LCC in their consultation response to this application agree that the development would not have a severe impact on the highways network and that there are no capacity issues.

With regard to the interim solution shown on the plan titled 'Proposed Interim Site Access Improvements' (Drawing No. SCP/14137/100, Revision C LCC state that they consider it acceptable. They state that it delivers acceptable sightlines, safe pedestrian facilities and required junction geometry for a twin axle refuse vehicle; and seeks wherever possible to reduce conflict between pedestrians/cyclists and vehicular traffic. They state that they consider the proposal for a shared

space layout as agreed for the approved Roseacre application is appropriate and acceptable. However, this is only with consideration for the proposed development and the approved Roseacre development (and the number of vehicular movements that these sites could be expected to generate over the length of shared space highway south of the proposed Roseacre site access). The implication of this is that any additional vehicular movements would not be acceptable. They also state that the junction improvement shown at Jubilee Way is a measure that they have previously recommended. They conclude that the plan submitted is acceptable in principle and shows that a safe and suitable access can be delivered.

The 'future' access arrangements will see the largest percentage impact on the eastern section of the planned TR5 Link Road where an impact of 8.4% is forecast in the PM peak however. The effect of this level of traffic flow in the area is found to be Negligible. With regard to the future access scenario the County Highway Authority state that if an application were to be submitted with access taken from the approved East-West link road delivered in line with the Queensway site then they would support the application and that the traffic impact would be minimal. The County Highway Authority, therefore, accept that the level of traffic generated by this development would be acceptable in its impact on Wildings Lane and would provide a safe access, however, they would have concerns if the access were to remain open and not closed up as proposed within the Queensway development. Both the outline approval and the pending Reserved Matters applications show Wildings Lane to be closed to vehicles, and an access plan is a condition of the outline approval. The issues surrounding the proposed approach are outlined below.

Restricting use of Wildings Lane to the application site only

Both the County Highway Authority and your Officers raised concerns with the applicant's plan with regard to the proposed 'interim' and 'future' solutions in the previous application which resulted in the applicants providing information in order to overcome these concerns. The main concern of both the County Highway Authority and LPA is that allowing this development could prejudice the stopping up of Wildings Lane to vehicular traffic in the future, something that is a requirement of the Queensway application (condition 17 requires submission of a movement strategy) and also that the occupiers of the adjacent site could utilise the Wildings Lane access, which if allowed to occur would result in a severe impact which would clearly be unacceptable. The mechanisms proposed by the applicants for this development to ensure the Kensington Developments scheme does not utilise Wildings Lane during the 'interim' solution are through the approved Queensway scheme itself which shows Wildings Lane to be closed to traffic in both the outline and pending Reserved Matters application. The phasing plans submitted with the pending Reserved Matters Kensington application show that phase 2 includes completion of the link road, with phases 3 and 4 to be completed after this road is available. Phases 3 and 4 are those nearest to the Valentines Kennels site. As this is shown as part of the RM application the applicant argues that a requirement to close a highway can, and is regularly included within a planning condition, and has given examples of such condition, stating that a road closure is normally progressed pursuant to, and dependent upon a planning permission. They state that a condition with the following wording could be used;

- *No part of the Queensway scheme shall be accessed via Wildings Lane, except by pedestrians and cyclist users.*
- *Full details, including details of any road closure/s to Wildings Lane (or processes to that effect), construction phases, and proposed road dedication boundaries should be submitted and approved by the LPA. The approved road infrastructure (including that approved as part of phase 2) shall be subsequently implemented prior to the occupation of any unit served by the road infrastructure within phase 3. For the avoidance of doubt, the plans should include details to ensure that the ability of any adjacent landowner/s to access the public highway are not*

prejudiced by the closure of Wildings Lane or other works, as shown on the approved plans.

This condition or similar would prevent any element of the Queensway development from using Wildings Lane in a vehicle and require that details of the road closure to this road including phases to be submitted to the Local Authority and that the approved infrastructure would be in place prior to the occupation of any dwelling contained within Phase 3. The applicants view is that the use of planning conditions to prohibit occupation of any dwellings in phase 3 or 4 of the Queensway development prior to the laying out, completion and opening of the estate road indicated on the phasing plan and, the closure of Wildings Lane to vehicular traffic; at which point traffic from the Valentines Kennels site could start using the new road and KDL could start occupying phase 3 would be wholly reasonable, in full accord with the NPPF and NPPG and serve to address any concerns the LPA might have. Should KDL subsequently wish to reconsider their access arrangements and utilise Wildings Lane they would require a new planning application to do so at which point the LPA would be able to consider the merits of any such proposal in light of the relevant policy at that time.

It is considered that such measures will offer the LPA an appropriate degree of control over the proposed interim solution. A planning application should be considered on its own merits, the Queensway scheme has been approved on the basis that none of the development would be accessed by vehicles via Wildings Lane. To change this approach would need a planning application to alter the approved access arrangements. If this occurred the Local Planning Authority would be able to take appropriate enforcement action.

Closing up of Wildings Lane following availability of Queensway road network

Whilst it is considered that in principle the use of the 'interim' access arrangement can be controlled so that it is only used by occupiers of the application site', the closing up of this access to vehicles when the Queensway highways network following completion of phase 2 becomes available also needs to be considered. Occupiers of the development could be second or third occupiers who at that point would be accustomed to using the Wildings Lane access, as it forms a more direct and quicker route to St Anne's town centre. The County Highway Authority previously have raised this as a concern as potentially occupiers of the development could then object to the closing up of the road because once residents have adopted a pattern of use over a number of years. The County Highway Authority stated that if the road is not closed then the implications and impact on Wildings Lane and the proposed key sustainable link from Queensway, and the junction with Heyhouses Lane, will be significantly greater and that this situation should form part of any assessment and decision regarding this proposal. In the Queensway application, Wildings Lane has been set aside for use as a 3m wide high quality access for non-motorised sustainable modes to support the sustainable development of the large Queensway development. It will also serve as an emergency access route for this site which could ultimately deliver up to 1,150 dwellings. This facility is an important element in the overall sustainability of the approved Queensway development.

The applicants suggest that the 'switch' to access the site via the Queensway road network is secured via a S106 legal Agreement rather than a planning condition. Which would give the LPA and the County Highway Authority more assurance that any developers would not challenge such an agreement at a later date because legal agreements are much harder to change than planning conditions. To ensure that Wildings Lane is stopped up as and when the Queensway highways infrastructure is completed and it is no longer needed as a vehicular access for the application site the applicants have proposed that the most appropriate method for the stopping up of Wildings lane to be via Section 247 of the Town and Country Planning Act 1990. Any application for a Stopping-up Order made under this section of the Act would, if the Secretary of State is satisfied to do so, allow the stopping-up to be carried out in accordance with a valid and relevant planning permission. The

requirement for the stopping-up can also be secured by way of planning condition. The applicants state that any objections to such an application would only be given significant weight if the objecting party would be unreasonably prejudiced by the proposals. Objections from individuals or groups who simply don't like the planning permission that the Section 247 is submitted pursuant to can carry no weight and cannot frustrate the process by objecting to the Stopping-up.

Therefore as long as the residents of the application site have been made fully aware of the planning approval and the requirements for the stopping up of the access in the future their objections would not carry significant weight and are highly unlikely to be considered by the Secretary of State as sufficient to refuse the order. The applicants therefore propose to make first and subsequent occupiers of the proposed dwellings aware of the requirement to stop up Wildings Lane by the following mechanisms;

- Notification within the sales particulars of the interim and future access arrangements. This could be required through the Section 106 Agreement;
- The properties could be sold on a leasehold or freehold basis with a clause within the leasehold/freehold disposals (title documents) identifying the planning permission and interim and future access arrangements

Therefore second or third occupiers would be aware of the future access arrangements to their dwellings through their title deeds. The applicants commissioned solicitors who have proposed the following wording which they consider adequately and lawfully addresses this matter;

"The [Tenant] [Transferee] acknowledges and accepts that:

- *the [Landlord][Transferor] (or the developer of the Queensway Estate) intends to stop up Wildings Lane pursuant to s247 of the Town and Country Planning Act 1990 (as amended) or other legal means as part of the residential development of the Estate and/or the Queensway Estate; and*
- *following the stopping up of Wildings Lane access to the Estate will be over and along the roads (constructed or to be constructed) through the Queensway Estate including those shown coloured [green] on Plan [1b]."*

Definitions to be used with deed are:

"Estate" – would be defined by reference to a plan of the development of the 53 dwellings and the planning approval reference number;

"Queensway Estate" means the residential development on the land shown edged red on Plan [1a].1

With this clause included within the deeds there can be no point at which any future occupier of the site can assert that they have not been duly notified of the access arrangement and as such if they were to object to a stopping up order it would carry immaterial weight and would not be sufficient to warrant refusal of the order. Fylde Borough Council's Legal Officers have considered this aspect of the development and their view is that there is sufficient comfort that the Secretary of State will consider it necessary to stop up Wildings Lane under s247 of the Town and Country Planning Act 1990 in order for the Queensway development to be carried out should the Valentines Kennels application be approved. They state that they believe that the County Highway Authority's concerns that the future residents of the development could have an adverse impact on any decision to stop up Wildings Lane are ameliorated by the issues that the Secretary of State must consider when making his decision and also the steps proposed by the applicants in terms of notifying the future residents of the site of the fact that Wildings Lane will be stopped up. The SoS will consider highway safety and also the fact that Wildings Lane will be stopped up as part of the Queensway

development) which means the SoS will give weight to the fact that the Queensway development has been approved on the basis that the residents do not use Wildings Lane as an access and unless he was persuaded that there was less of a danger to highway safety by not closing up the road and allowing them to use it he is likely to make the necessary order. In FBC's Legal officers' view there is a good and cogent planning case to stop up Wildings Lane, despite any objections from the residents and they would not expect the SoS to make a decision contrary to good planning. Therefore, notwithstanding the concerns of LCC over the control of the use of the access and its closure, it is considered that both of these can be adequately controlled.

Your officers have balanced all the information provided by the applicants, the advice taken from Legal Officers and come to the conclusion that the development of the site from a highways point of view can be controlled so that it does not have severe impact on the highways network. The concerns of the County Highway Authority with regard to the misuse of the Wildings Lane are shared by the LPA however, with the measures proposed in place this can be controlled along with the closing up of the road when its use is no longer necessary. LCC Highways have provided conditions which they would like to be placed on any permission granted, these include schemes for the site access and off site highway works, including the site access junction with Wildings Lane and an agreed highway improvement scheme on Wildings Lane and its implementation, a phasing condition for the whole of the site and the highway works, a Construction Environmental Management Plan being submitted and visibility splays being maintained.

Highways impact during construction

During construction it is proposed that mitigation measures be carried out to ensure that access into and out of the site onto the Local Highway Network by construction traffic is safe. These will take the form of appropriate temporary traffic management measures. Wheel washing facilities will be provided in the site to ensure that no mud or debris is carried onto the highway. The County Highway Authority have requested that a Construction Environmental Management Plan be submitted prior to development, and this will include the following details;

- a) how biodiversity would be protected throughout the construction period
- b) the potential impacts from all construction activities on both groundwater, public water supply and surface water and identify the appropriate mitigation measures necessary to protect and prevent pollution of these waters
- c) the parking of vehicles of site operatives and visitors;
- d) loading and unloading of plant and materials;
- e) storage of plant and materials used in constructing the development;
- f) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- g) wheel washing facilities to be retained throughout the construction period by which means the wheels of vehicles may be cleaned before leaving the site;
- h) a management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures and including actions to be taken in the event that any dust control equipment employed on site fails;
- i) a scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site);
- j) a Management Plan to identify potential ground and water contaminants;
- k) details for their storage and how water courses will be protected against spillage incidents and pollution during the course of construction;
- l) a scheme to control noise during the construction phase,
- m) the routing of construction vehicles and deliveries to site.

They request that no construction or associated vehicle movements should take place on Sundays or Bank Holidays or outside the hours of 0800-1800 Monday to Friday and 0800-1300 on Saturdays and that the development shall then proceed in full accordance with this approved plan. It is considered that with the control of all these measures that the highways impact during the construction phase can be managed so that it does not have an unacceptable impact.

Internal layout

The layout of the development is reserved for future consideration, however the indicative layout shows a range of parking arrangements, including to the front, rear and side of the dwellings with a ratio of 150% for two bedroom units and 200% for three and four bedroom units. The final layout should accord to manual for streets.

Highways contributions

LCC state that obligations are expected to be applicable for sites within this area. They consider that the starting point for each developer should be to look at what was deemed necessary for the Queensway development with consideration for scale and impact. LCC would request a funding contribution from the Valentines Kennels development towards the M55 to Heyhouses Link Road Scheme. The suggested funding request is based on the number of dwellings and is based on a proportionate contribution (proportionate with the Kensington site) with regard to the scale of this application in comparison to the larger site and the latest overall estimated scheme cost. Therefore, based on a proportionate contribution (i.e. with regard to the scale of this application in comparison to the Kensington site and the necessary M55 to Heyhouses Link Road having regard to public body contributions and the overall estimated scheme cost) the requested sum would equate to £450,000. No agreement has been reached with the developer in regard to the requested s106 funding. However, the applicant has previously indicated a willingness to reach an agreement on an appropriate contribution. LCC Highway recognise that it is for the LPA to secure the appropriate level of funding through the planning process and that this must give consideration to a sites overall viability. As the levels of contributions have not been agreed, if members are minded to approve the application the resolution would therefore be to delegate to officers to approve subject to agreement of an appropriate level of contributions towards highways.

Highways conclusion

The development of up to 53 dwellings in isolation will not have an unacceptable impact on Wildings Lane or the junction with Heyhouses lane in terms of capacity or safety and appropriate conditions can be imposed to ensure that the construction phase does not have an unacceptable impact on residential amenity. LCC Highways have confirmed that they have no objections and that the interim access solution provides a safe access. When the Queensway site becomes available to the application site the improved access will be closed to vehicles and become the sustainable link that was approved as part of the Queensway site. A Section 106 agreement can be used to ensure that residents of the Valentines Kennels site are aware that the road will be closed post occupation and use of the road, and this legal agreement would also facilitate the closure of the road with the applicants bearing the cost for doing so. Contributions would also be made towards sustainable transport and towards the delivery of the Moss Road which is a benefit of the scheme. Therefore there are no sustainable highways reasons to refuse the application.

Ecology

The application site is identified as a Biological Heritage Site designated because of a tree sparrow population that resided in the trees and is adjacent to Lytham Moss Biological Site which is designated because it is a site within which 0.5% or more of the British population of any wild non-breeding species of wildfowl or wading bird is regularly present. This includes pint footed geese. The conservation interest of the site is in part a direct result of its agricultural use. Wintering and passage populations of certain wildfowl and wading birds are of national and in some cases, of international significance. In this case Lytham Moss is known to support Wintering Birds related to the European Site. The site itself comprises a number of buildings with grassland and woodland. As well as the impact on the Biological Heritage Sites the development has the potential to cause impacts on common toad, breeding birds, bats, hedgehog and bluebell. The NPPF Chapter 11 states in terms of the natural environment that 'the planning system should contribute to and enhance the natural and local environment by:

- a) Protecting and enhancing valued landscapes, geological conservation interests and soils;
- b) Recognising the wider benefits of ecosystem services;
- c) Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline of biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures...'.

Of relevance when considering the ecological impact of this development is the proposed Queensway development which will occupy a large area of open farmland located around the application site. Included as part of this scheme is farmland conservation area (ecological mitigation land) which is proposed to be established prior to development and the Nature Park also approved is to be created following the completion of 200 dwellings during phase 1 of that scheme.

The following ecological surveys were undertaken for the application site:

- Desktop Survey;
- Extended Phase 1 Habitat Survey (including assessment for species of conservation concern);
- Arboricultural Assessment;
- Badger Survey;
- Day Time Bat Inspection Survey;
- Reptile Survey;
- Tree Sparrow Survey; and,
- Water Vole Survey.

These surveys were carried out by appropriately qualified ecologists and use acceptable methodologies.

Wintering Birds and Habitat Regulations Assessment

'Habitats Regulations Assessment' (HRA) relates to the Conservation of Habitats and Species Regulations, and applies to European sites (SPA, SAC and Ramsar sites). As at this site, however, a development site does not need to be within the European designated site to fall under the provision of the Regulations – in this case the surrounding area (Lytham Moss Biological Heritage Site) is known to support significant populations of wintering birds (and these are qualifying species of the Ribble Estuary SPA) and the Local Planning Authority therefore need to be satisfied that the development does not result in a significant effect on the European site as a result of impacts on the

wintering birds. Natural England in their initial response to the previous application confirmed that the species that may experience an adverse effect from the proposals are pink-footed geese, whooper swans and Bewicks swan, subsequently an updated study for these three birds was included in the HRA report which was submitted as a standalone document following correspondence from Natural England which included requests that further details was required in relation to the impacts associated with the SPA, specifically the effects of pink-footed geese, clarity about the three mitigation options, recreational pressures outside of the proposal both alone and in-combination and that the standalone HRA was produced. Subsequently the applicant submitted a shadow Habitats Regulation Assessment (HRA) with that information which finds that there is no likely significant impact on the European site and therefore an Appropriate Assessment is not required. The submitted Environmental Statement paragraph 7.143 outlines three options for mitigation associated with construction, which were clarified in the HRA document. Option 1 is to undertake works likely to cause high levels of noise and vibrations outside of the overwintering period (October to March). Option 2 is to check that no overwintering birds are present prior to undertaking works and Option 3 is to delay development of the site until the implementation of the Queensway/M55 Link Road and/or Nature Park have commenced. Natural England then commented on the options submitted and recommend options 1 or 3 be utilised as they consider option 2 to be unviable, as although the option states that weekly checks will be undertaken for the presence of SPA birds, once the check has been completed and works commenced, any bird wanting to use fields within 200m of the development will be subject to disturbance. Option 1, they state, will not result in the significant disturbance or displacement of SPA birds and no likely significant effect can be concluded and Option 3, they agree, will not result in the significant disturbance or displacement of SPA birds and no likely significant effect can be concluded. It has been found that there would be no likely significant effect and this has been accepted by Natural England (if option 1 or 3 is used). Accordingly, the findings of the shadow HRA would be adopted as the Council's own subject to the removal of reference of the Ecology Chapter the ES within it. The same HRA was submitted with the revised application however NE have stated that the HRA is 2 years old and whilst no further surveys are necessary the HRA must be up to date, they have also suggested with regard to the three options that another option to consider with the options above would be the use of acoustic screening during construction works close the BHS and that clarification is needed on which option will be used. They state that the implementation of the proposed recreational disturbance mitigation measures outlined in Section 7 (page 11) should also be secured. The HRA submitted has been revised accordingly and the mitigation can be subject to condition. NE's views have been sought but at the time of writing had not been received and will therefore be supplied via an update sheet.

Biological Heritage Site

A Biological Heritage Site (BHS) is a term which identifies that an area has biodiversity interest. In the case of Lytham Moss as discussed above this is because of wintering birds. In the case of the application site it is because of the presence of nesting tree sparrows. The Habitat Regulations only apply to sites which support the qualifying features of the European Site and therefore the sparrow designation is not related to the European site and does not need to be considered as part of the HRA and thus Natural England have not made any comments with regard to this element of biodiversity. The BHS designation was for tree sparrows and that designation was based upon artificially maintained populations (i.e. a nest box scheme which has not been maintained). This has resulted in the tree sparrows no longer maintaining a population in the boxes and, therefore, whilst the BHS designation remains extant the purpose of its designation is no longer applicable. There are no records of tree sparrows breeding within the site since 2006. The application includes details of a Tree Sparrow Survey which was undertaken over the course of four visits, with the nest holes located and observed each day. No sparrows were recorded and none were recorded during similar

surveys in 2011. Tree sparrows are social birds and nest in colonies. Historically a nest box scheme operated at the Site provided sufficient breeding opportunities, however, this has since ceased and now only three bird boxes remain. The Site was assessed to be of negligible ecological value for breeding tree sparrow. The applicant is proposing as part of the development of the site to retain the trees with the greatest biodiversity value, and to compensate for the loss of the (deteriorating) nest boxes which without maintenance/repair will not be suitable for tree sparrows in the future by providing additional nesting opportunities throughout the development. The LCC Ecology Service (prior to their disbandment) were consulted on the previous application, they stated that given this situation that a refusal of the application based on significance adverse effects on the BHS would be difficult to support at a planning appeal, particularly as the trees themselves have no particular biodiversity value, other than the tree sparrow boxes which are attached them, which is clearly an artificial form of nesting.

The Queensway application at outline stage included mitigation for tree sparrows (in the form of pole-mounted nest boxes within the farmland conservation area) as that residential development effectively isolates the other part of the Lytham Moss BHS from tree sparrow feeding habitat (although surveys carried out for that application similarly did not record evidence of breeding tree sparrows in that part of the BHS). The LCC Ecology Service stated that notwithstanding impacts on the BHS mitigation/compensation in the form of pole or tree mounted nest boxes at the application site that are maintained this time (which would need to be secured as part of any permission) might provide more certainty of nesting opportunities at this site in the medium/long term. The application includes proposals to erect 20 Tree Sparrow nest boxes on the site in order to attract back and support a significant colony of the birds which will be a benefit of the development if approved. These would be located within the eastern hedgerow to facilitate foraging in Lytham Moss. They would be placed on telegraph poles within the hedgerow and this would minimise any potential for disturbance. Tree planting is also proposed as part of the application which will be a benefit to birds of all species. With regard to the proposed indicative layout the LCC Ecology Service stated that the treatment of the eastern boundary is more in keeping with what was proposed in outline for Queensway and found acceptable at Inquiry. It is considered that the application can be subject to a Habitat Management Plan and that with this in place the development will bring about additional habitat for Tree Sparrows over what already exists (and is not used) at the site. There are therefore no issues with the development proposed with regard to the sites status as a Biological heritage site.

Protected Species

A survey of the site was undertaken for Badgers, this included all land within the site and that extending 30m from the site boundary. No records were found during the desk study and none were found during the survey so there is no impact upon badgers.

A survey of bats at the site was undertaken which inspected the buildings and trees on the site. A desk study was undertaken which found records of bats over 500m from the site boundary. The survey found five trees that had potential for roosting bats. The ES states that at best, the trees provided opportunities for solitary males and non-breeding females on a transitional basis during the summer. Although no signs of bats were identified during the survey, the risk of transitional roost establishment between the survey date and site development remains. The buildings themselves because of their poor state of repair were open to the elements and as such provided negligible bat roosting potential. The LCC Ecology Service have commented that bat opportunities should be provided in trees and buildings and that this should be subject to a condition. They also state that the LPA should consider a condition to the effect that no external lighting without permission and that it should accord with the relevant guidance.

Four records of brown hare (*Lepus europaeus*) were identified during the consultation process and all were greater than 400 m from the site boundary. No brown hares were identified within or adjacent to the site during any of the site survey visits. The species are typically associated with agricultural land requiring extensive areas of open grassland and tall vegetation as cover, particularly during the breeding season. The site is small and the habitats within it were largely unsuitable, particularly in comparison with the extensive areas of suitable habitat in the local area. The ecological value of the site is assessed as negligible for brown hare.

A survey of reptiles was undertaken over four visits and found no reptiles and as there are no records within the local area, the ecological value of the Site is assessed as negligible for reptiles.

A water vole survey was carried out using best practice guidelines and looked for water voles signs for the entire length of ditches around the site. Three records of water vole were found in the wider area however no water voles or signs of water vole were recorded during the site survey. One of the ditches however was found to be suitable for voles. The ephemeral nature of the ditch reduces the likelihood of water vole residence. The ecological value of the site is assessed as negligible for water voles. The LCC Ecology Service have commented that the ditches will need to be checked again for voles prior to commencement of development.

Trees

The proposal includes the loss of a number of trees centrally within the site, which individually have been assessed to be of limited quality. Some of these trees, however, present opportunities for protected species and their loss could be compensated for. The LCC Ecology Service have commented that proposed replacement tree planting within residential gardens will not be sufficient to offset habitat losses at the site. The Council's Tree Officer has previously considered the value of the trees at the site and has determined that they are not worthy of a preservation order and as such has no objections to their removal. It is proposed that the trees of the greatest value to the BHS are retained around the southern boundary of the site and that these will be managed to slowly phase out those with limited remaining contribution and promote a more sustainable, safer and better quality group of trees in the longer term. The application states that 44 existing trees will be retained and 40 new ones are proposed to be planted in compensation for those felled. A condition would be required to ensure this happens and so that the majority of the replacement trees are not located within gardens.

Impacts and proposed mitigation

The submitted ES states that the loss of habitat within the site without mitigation may impact on the future capacity of the site to support tree sparrows and the development in general will impact upon biodiversity. The application in terms of mitigation and benefit proposes the following;

- Approximately 300 m of native species rich hedgerow will be planted along the northern and western boundary. This will establish a priority habitat within the Site, impose a net gain in the Sites biodiversity and create an important habitat resource.
- Approximately 44 existing trees will be retained along the southern and eastern boundary and a further 40 new native trees are proposed to be planted within new hedgerows and gardens
- 20 Tree Sparrow boxes are proposed to support a significant colony within the Site. It is proposed that these are placed on telegraph poles along the eastern boundary of the Site within the newly planted hedgerow. This will provide easy access into the neighbouring

Lytham Moss (for foraging), limit disturbance from the residential dwelling proposed as part of this development and the adjacent Queensway project (to the north, south and west), and tie in with planting proposed as part of the Queensway illustrative Masterplan.

- No site clearance during bird breeding season. Creation of purpose built hibernacula and refugia for amphibians during construction and the use of ACO Wildlife Kerbs, which incorporate a "bypass pocket" set into the kerb, will be positioned behind all gully pots, with the gully positioned in the middle of the kerb.
- In addition to tree sparrow boxes other bird boxes to support general species to be placed in the retained trees in the south of the site.
- During construction the inspection of trees prior to felling for bats, and the creation of bat boxes throughout the site and places on the retained trees to the south and east of the site.
- To ensure wildlife movements it is proposed that small gaps (c.13x13cm) between gardens fences will facilitate movements.

Ecology summary

The application presents an examination of the potential ecological impacts from the development of the site and concludes that there would be no significant impacts that cannot be mitigated. With appropriate conditions in place it is considered that there will not be any unacceptable impact on protected species or priority habitat. The scheme results in a loss of biodiversity, as does any scheme in a site such as this, however this proposal retains the trees of greatest value and ecological and landscaping conditions would be imposed on any permission in order to mitigate the loss of biodiversity. It is considered that, whilst there will be some loss of biodiversity, with mitigation the development of the site is acceptable and that the loss does not warrant justification for refusal of the application. The submitted HRA is acceptable and subject to the final document being agreed with Natural England will be adopted by the Council.

Flooding and drainage

The site is not located in a flood zone and is, therefore, located in an area where the development of a more vulnerable use such as dwellings is acceptable. The site is over 1 hectares and accordingly the application has been submitted along with a Flood Risk Assessment (FRA) and outline drainage strategy prepared by Resource and Environmental Consultants Ltd (July 2014). The submitted FRA states that topographic survey of the site has been completed and it shows that the site slopes to the south and east with elevation differences of circa 0.4m and 0.14m. Land elevations in the north are approximately 4.484AOD and approximately 4.884AOD in the south. Land along the western boundary is at approximately 4.736m AOD and slopes to approximately 4.594m AOD at the eastern boundary. A topographic low point at the site has been identified at 4.155m AOD located within the northeast corner and a high point of 5.508m AOD close to the southern boundary. The FRA indicates that the total site area is 1.75 hectares and at present only 2.8% of it is an impermeable area. The proposed indicative site plan would result in 39.54% of the site or 0.69 hectares being impermeable. The undeveloped site has a run off rate of 8.8 l/s and 21 l/s for the 1 in 100 year storm event. It states that the run off rates would be restricted to existing greenfield run off rates or a minimum of 5 l/s to prevent the increased risk of surface water flooding. In order to restrict surface water run off to the same as the undeveloped site sustainable urban drainage systems (SUDS) should be used.

The FRA considers discharge via infiltration as means of surface water drainage stating that because of the existing naturally high ground water that it is unlikely that infiltration across the whole site would be suitable. It is therefore proposed that surface water drainage is into one or both of the adjacent watercourses to the south and east to mimic the existing situation with surface water drains placed within the highways of the development with the proposed outfall locations

determined by detailed design. The flow of the water would be restricted by a hydrobrake and at greenfield rates. Because of the restricted flow there will be storage requirement during periods of intense rainfall which has been calculated to be between 286 and 416 cubic metres. The FRA states that this volume can be spread over a number of site controls and infrastructure. The exact SUDS methods used will be determined by the detailed design. With regard to foul water there is no dedicated foul or combined sewer in the vicinity of the site, the nearest being along Jubilee Way to the south. Consultation with UU found that any new foul connections are to be made upstream of the man hole where sewers are linked to ensure that the current system is not overloaded as a result of this development and the wider Queensway scheme.

The FRA and drainage strategy submitted have been considered by United Utilities, the Environment Agency and the Lead Local Flood Authority (LLFA). United Utilities have no objections to the development, they request a condition relating to 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. The Environment Agency have no objections. LCC as the Lead Local Flood Authority (LLFA) have no objections and request conditions requiring the reserved matters application to include details of surface water drainage as well as details of the surface water management and maintenance in the long term and during construction. There are therefore no flooding or drainage issues with the application.

Ground Conditions

Because it was determined that this application when combined with other approved developments would form EIA development it was scoped that Ground Conditions would need to be included as part of the Environmental Statement. A ground conditions and contamination assessment has been submitted to establish the likely contamination risks, and resultant effects upon receptors including construction workers, future users of the development, the underlying soil, surface waters and groundwaters. Historical maps show that the site comprised undeveloped agricultural land up to 1966 when a kennels was developed linked to Wildings Lane. Given the historic land uses on the Site, the overall risk of ground contamination on the Site is considered to be negligible. During construction and demolition of the existing kennels on the site works would be subject to health and safety controls required by law. Post construction the occupiers of the new development would be protected by the constructed dwellings and hardstanding as well as ground gas protection measures incorporated into the new development as necessary. The Councils Environmental Protection Officer has requested a condition requiring the submission of a desk study which assesses the potential for onsite contamination and gases.

Residential amenity

The application is an outline application with all matters reserved asides access which is a detailed matter for consideration and is discussed above. It is, however, considered that a site layout can be designed which would meet the councils spacing guidance and would not harm residential amenity. There are no existing residential dwellings in proximity to the site but it would be adjacent to development proposed by the Queensway application to the north south and west. The reserved matters application for that development is currently being considered by officers and shows the layout of these dwellings. The dwellings directly to the north and south of the application site either have their rear or side elevations facing the application site and those to the west either their front or side elevations. Back courtyard parking is also prevalent adjacent to the boundaries. The indicative layout shows the access to the site taken from Wildings Lane with a collector road leading through the site to a turning head with dwelling access roads leading off it, with the dwellings grouped around these roads. It is considered that a layout that accords with the principles

established in the indicative plan would result in no unacceptable loss of light or overlooking created to surrounding dwellings. The existing dwellings to the south on Wildings lane would not experience any overlooking or loss of privacy as a consequence of this development. There are therefore no issues with this development when constructed in terms of impact on residential amenity.

Noise and Vibration

Whilst the development when completed will not create overlooking or loss of light the construction phase of the development has the potential to create a noise and vibration impact to residential properties along Wildings Lane. The Environmental Statement submitted with the application includes a noise and vibration impact assessment which identifies the key sources of noise and vibration associated with the site upon the nearest sensitive receptors. To do this the report looks at baseline conditions using surveys and considers the proposed works and likely effects during the site preparation, construction and operational phases. The impact of the construction of the site is that it is inevitable with any major development that there will be some disturbance caused to those nearby during the clearance and construction phases of the Site. However, disruption due to construction is only temporary, limited to the Site and is of medium term duration. Specific details of the construction phases are unknown at this stage. It is anticipated that construction will take place on a plot-by-plot basis due to the nature of the Proposed Development. It would be expected that noise would be intermittent and would decrease in intensity over the duration of the construction period. Hours of operation can be controlled by planning condition and the Councils EHO has requested that construction periods are limited to 08.00 – 18.00 Mondays to Fridays; 08.00 -13.00 Saturdays and no activity on Sundays and Bank Holidays. With regard to vibration it states that there is potential for vibration to be felt at the nearest property but that the impact would be negligible. With regard to the construction generated road traffic noise it states a 25% increase in traffic movements will only result in a 1dB increase in noise levels. Similarly a 58% increase would be required for 2dB and 100% increase for a 3dB increase. It is noted that a 3dB increase in noise levels is generally barely perceptible to the average human. Upon completion of the development it is anticipated that local road traffic noise levels may change as a result of development generated vehicle movements. The biggest increase in noise will be along Wildings Lane with a 3.2 db increase predicted, but it is considered that this would not be perceptible. These levels correspond to external noise levels only and standard thermal double glazing with open windows should provide sufficient internal protection from this noise source.

Air Quality

The development has the potential to cause air quality impacts at sensitive locations. These may include fugitive dust emissions from construction works and road vehicle exhaust emissions associated with traffic generated by the proposals. The report submitted assesses potential construction phase air quality impacts as part of the Environmental Statement. In order to prevent any unacceptable impact upon Air Quality mitigation measures have been identified. These include displaying communications material, site management, monitoring of the dust, preparing and maintaining the site, and general good practice dust control measures. With these in place there will not be a significant impact. Again during operational phase the vehicle exhaust emissions of traffic generated by the development were assessed and found not be significant at any sensitive location in the vicinity of the site.

Cultural Heritage

The Environmental Statement as requested also considers Cultural Heritage and finds that there are no designated or non-designated heritage assets within or close the application site with the nearest

being St Anne's Conservation Area, over 500m away from the site. Features of the site which are of potential heritage interest are the ditches which border the site to three sides and demonstrate the historic drainage of the former bog to create agricultural land, and these will be retained as part of the development. The land was drained in relatively recent times (1600's) and therefore the archaeological potential of the site is low.

Cumulative impacts

The Environmental Statement considers issues such as noise, vibration and air quality separately and finds that individually their impact is acceptable. However the collective impact needs to be considered to determine if that would be significant. The ES finds that consideration of the on-site impacts and the wider implications of the development in the area have concluded that the development will not cause negative cumulative impacts when considered in addition to existing and forthcoming developments in the local area.

Other issues

Public open space

The Local Plan requires that open space be provided on site in residential developments of this scale in line with the amount per plot detailed in Policy TREC17, with appropriate provision made for the on-going maintenance of this. The outline nature of the application means that there can be no clarity on this matter, and the illustrative layout does not indicate any facility being included, this will need to be addressed at Reserved Matters. It is considered that the proposal could comply with Policy TREC17 and so no reason for refusal on this matter is justified.

Affordable housing

The Council's Strategic Housing team have not commented on the application. But have confirmed that the findings of the Housing Needs Study remain valid and this indicates that there remains a shortage of affordable housing in all parts of the borough. If members are minded to approve the scheme, the Applicant will have to enter into a section 106 agreement to ensure the provision of up to 30% of the site as affordable dwellings, which would then be resolved through the usual reserved matters applications.

Education

The improvement of any identified shortfalls in local education facilities is a recognised aspect of a major residential development proposal such as this one, with Policy CF2 of the Fylde Borough Local Plan providing a mechanism to secure for this where Lancashire County Council advise that such an anticipated shortfall is identified. In this case at the time of writing there has been no response from LCC Education so this will be supplied to members in the late observations. This response is likely to be the same as the previous application which was that there was an anticipated short fall of twenty primary school places in the area to accommodate the additional children that would result from the development and the Applicant would have to make a contribution in the order of £240,592 towards this. There was also a shortfall of eight secondary school places and the applicant would have to make a contribution of £145,011 towards this. Because the application has been made in outline this amount will be re-calculated when the precise number of bedrooms is known upon submission of a reserved matters application. This contribution would be secured through a section 106 agreement, if permission was granted.

Aviation

As with the Roseacre application Blackpool Airport require further information in the form of a bird strike risk assessment and if necessary a mitigation plan to be put in place by the developers. This information was received via an email but a full response has not been received. That application was approved subject to the withdrawal of the objection from Blackpool Airport or the appropriate consideration of these comments and other matters in accordance with the Town and Country Planning (Safeguarding of Aerodromes, Technical Sites, and Military Storage Areas) Direction 2002. Since that decision the applicants for that site have attempted to engage with Blackpool Airport but no response has been received. It is officer's opinion that a planning condition can appropriately deal with this issue. A bird strike risk assessment can be conditioned to be submitted prior to the commencement of development and that any mitigation would need to be approved in writing with the LPA and implemented in accordance with the approved details.

Conclusions

The application is considered to be in a sustainable location and given the lack of a five year housing supply will assist in the delivery of housing. The proposed 'interim' and 'final' access arrangements are considered acceptable subject to appropriate conditions and legal agreement and during the interim period the development will not have an unacceptable impact on Wildings Lane. LCC Highways have no objections to the application. The biodiversity of the site has been considered and it has been concluded that subject to appropriate mitigation that there will be not be any unacceptable impact on ecology. The impact on residents throughout construction has been considered and whilst there will be some impact as with any major construction project it is concluded that the impact would not be so harmful as to refuse this application. Therefore the application is recommended for approval.

Recommendation

That authority to grant planning permission be delegated to the Head of Planning and Regeneration to GRANT planning permission to allow a Habitat Regulation Assessment to be undertaken, and subject to the completion of a Section 106 agreement in order to secure:

- provision, retention and operational details for 30% of the proposed dwellings to be affordable properties,
- a financial contribution of up to £450,000 towards the M55 to Heyhouses Link Road
- a financial contribution to be determined towards primary and secondary education,
- habitat management plan for the future maintenance of the Tree Sparrow nesting boxes, and
- the stopping up of Wildings lane to traffic and securing clauses within future leases or transfers of the residents of the proposed development so that they are fully aware that the interim access will be closed.

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

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

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

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

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

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

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

Nos. (1, 2, 3 and 5)

(Reserved matters are:-

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

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

3. 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 November 2016, including the following plans:

Proposed site location plan 14061 Drawing number 00
Illustrative site layout plan 14061 Drawing number 02 Rev A
Proposed interim site access improvements to Wildings Lane SCP/14137/100 REV C

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

4. No part of the development hereby approved shall commence until a scheme for the construction all site access and the off-site works of highway improvement have been submitted to, and approved by the Local Planning Authority in consultation with the Highway Authority. The site access and off-site highway works shall be completed before the development is first occupied unless otherwise agreed in writing by the Local Planning Authority. The following schemes to be covered by this condition include:

-The Interim site access and highway improvement scheme on Wildings Lane as agreed 'in principle' subject to detailed design and shown in revised site access plan (Drawing No. SCP/14137/100, Revision C)

Note: Delivering these s278 works may require a review, consultation and implementation of new/or changes to TROs; the full cost for these to be funded by the developer.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the final

details of the highway scheme/works are acceptable before work commences on site. Also, in order to provide safe access to the site for all users (motorised and non-motorised).

5. Prior to the first occupation of any part of the development hereby approved, the access and off-site highway works set out in condition 4 should be constructed in accordance with the details approved, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that the development will provide a safe access to the site and ensure that users of the development have appropriate access to sustainable transport options

6. Development shall not begin until a phasing programme for the whole of the application site and for the highways works referred to, has been submitted to and approved in writing by the local planning authority. The Phasing strategy to give consideration for approved wider development of the Strategic Location and the approved Roseacre site. Development shall be carried out in accordance with the approved phasing programme unless an alternative programme has otherwise been submitted to and approved in writing by the Local Planning Authority.

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

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

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

8. No development of any phase shall take place until a Construction Environmental Management Plan (CEMP), for the construction and operation of the development, is submitted to and approved by the Local Planning Authority. The plan shall detail:
- i. how biodiversity would be protected throughout the construction period
 - ii. the potential impacts from all construction activities on both groundwater, public water supply and surface water and identify the appropriate mitigation measures necessary to protect and prevent pollution of these waters
 - iii. the parking of vehicles of site operatives and visitors;
 - iv. loading and unloading of plant and materials;
 - v. storage of plant and materials used in constructing the development;
 - vi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vii. wheel washing facilities to be retained throughout the construction period by which means the wheels of vehicles may be cleaned before leaving the site;
 - viii. a management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures and including actions to be taken in the event that any dust control equipment employed on site fails;
 - ix. a scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site);
 - x. a Management Plan to identify potential ground and water contaminants;
 - xi. details for their storage and how water courses will be protected against spillage incidents and pollution during the course of construction;
 - xii. a scheme to control noise during the construction phase,
 - xiii. the routing of construction vehicles and deliveries to site.

No construction or associated vehicle movements should take place on Sundays or Bank Holidays or outside the hours of 0800-1800 Monday To Friday and 0800-1300 on Saturdays. The development shall then proceed in full accordance with this approved plan.

Reason: In order to safeguard the biodiversity of the site, protect the water environment and public drinking water supplies, and to maintain the operation and safety of the local highway network during site preparation and construction, in accordance with local Policy and the provisions of the NPPF.

9. The approved Kensington Development, Queensway 1,150 dwellings which surrounds this application site will result, in the future, with Wildings Lane being restricted to motorised traffic. Therefore prior to the first occupation of any part of the development hereby approved details of the interim and future access for motorised vehicles will be passed to residents of the site within the welcome pack and also made clear within associated travel plan information.

Reason: To ensure future residents of the proposed site fully understand the proposed interim and future access provision., with the long term access to be taken from the proposed East/West access road via a new signalised roundabout at Queensway/Kilnhouse Lane and/or the proposed M55 to Heyhouses Link Road.

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

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

11. No external lighting shall be installed until details of the lighting scheme have been submitted and approved in writing by Fylde Borough Council. The principles of relevant guidance shall be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009).

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

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

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

13. Prior to the commencement of works there shall be a further precautionary inspection/survey of ditches to inform any change in the habitat quality for and use by water voles. The report of the survey (together with proposals for mitigation/compensation, if required) shall be submitted to Fylde Borough Council for approval in consultation with specialist advisors. Any necessary and

approved measures for the protection of Water Vole will be implemented in full.

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

14. No works shall commence until full details of bird nesting opportunities to be installed with the re-developed site have been submitted and approved in writing by Fylde Borough Council. The details shall include provision for Tree Sparrow, Song Thrush, Dunnock and House Sparrow (Species of Principal Importance). Consideration should also given to provision of opportunities for other declining species of bird such as House Martin and Swift. The details shall include details of nesting opportunities in trees, within/on buildings and a minimum of 20 tree sparrow boxes within hedgerows. The approved details shall be implemented in full.

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

15. No works shall commence until full details of bat roosting opportunities to be installed within the re-developed site have been submitted and approved in writing by Fylde Borough Council. Approved details shall be implemented in full.

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

16. No tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected.

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

17. 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 Fylde Borough Council. 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 and in and around ditches (3) that any planting along site boundaries will comprise appropriate native species, (4) provide details of habitat creation for amphibians and (5) maintenance and enhancement of the biodiversity value of retained and established habitats and the site as a whole. The approved details shall be implemented in full.

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

18. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of programmed landscaping for the area of residential development. The scheme shall include details of: all existing trees and hedgerows and those that are to be retained, together with measures for their protection during the course of the development; all planting and seeding; hard surfacing and the materials to be used; and, means of enclosure. The landscaping scheme shall include a tree belt, no less than 5 metres deep, along the

eastern boundary of the site, which shall comprise a suitable mix of native tree species. All hard and soft landscape works shall be carried out in accordance with the approved programme and details. Any trees or plants which within a period of 5 years commencing with the date of their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

19. As part of any reserved matters application and prior to the commencement of any development the following details shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Lead Local Flood Authority.
1. Surface water drainage scheme which as a minimum shall include:
 - 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, means of access for maintenance and easements where applicable, 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 flood levels in AOD;
 - b) The drainage scheme should demonstrate that the surface water run-off must not exceed 5 litres per second. 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 where applicable;
 - f) Site investigation and test results to confirm infiltrations rates;
 - g) details of water quality controls, where applicable.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

This condition is required for the following reasons:

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development, elsewhere and to future users.
3. To ensure that water quality is not detrimentally impacted by the development proposal.

Although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk.

20. 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.

Reasons

1. To ensure that the drainage for the proposed development can be adequately maintained.
2. 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.

21. 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;
 - c) 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.
- Reasons
- 1. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development
 - 2. To reduce the flood risk to the development as a result of inadequate maintenance
 - 3. To identify the responsible organisation/body/company/undertaker for the sustainable drainage system.
22. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.
- Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off and to reduce the risk of flooding
23. Construction/demolition shall be limited to the following hours - 08.00 - 18.00 Mondays to Fridays; 08.00 -13.00 Saturdays and no activity on Sundays and Bank Holidays
- Reason: To protect neighbouring residential amenity.
24. Prior to the commencement of development, the following information shall be submitted to the Local Planning Authority (LPA) for approval in writing:
- (a) A desk study which assesses the risk of the potential for on-site contamination and ground gases and migration of both on and off-site contamination and ground gases.
 - (b) If the desk study identifies potential contamination and ground gases, a detailed site investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an identification and assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part 2A, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied buildings, on services and landscaping schemes, and on wider environmental receptors including ecological systems and property. The sampling and analytical strategy shall be submitted to and be approved in writing by the LPA prior to the start of the site investigation survey.
 - (c) A remediation statement, detailing the recommendations and remedial measures to be implemented within the site.
 - (d) On completion of the development/remedial works, the developer shall submit

written confirmation, in the form of a verification report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.
Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings.

25. No development shall take place in any individual phase of the development hereby approved, unless there has been submitted to and approved in writing by the planning authority and by the radar Operator - NATS (En-route) plc, either:
- detailed plans for the proposed buildings in that individual phase, demonstrating that there would be no detrimental impact upon the operation of the St. Annes Radar; or,
 - details of a scheme to mitigate any detrimental impact upon the St. Annes Radar.
- Development shall not take place other than in complete accordance with such a scheme as so approved unless Fylde Borough Council and NATS (En-route) plc have given written consent for a variation.

Reason:— in the interests of aircraft safety.

For the purpose of condition 1 above;

“Operator” means NATS (En-route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hant, PO15 7FL or such other organisation licensed from time to time under section 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act).

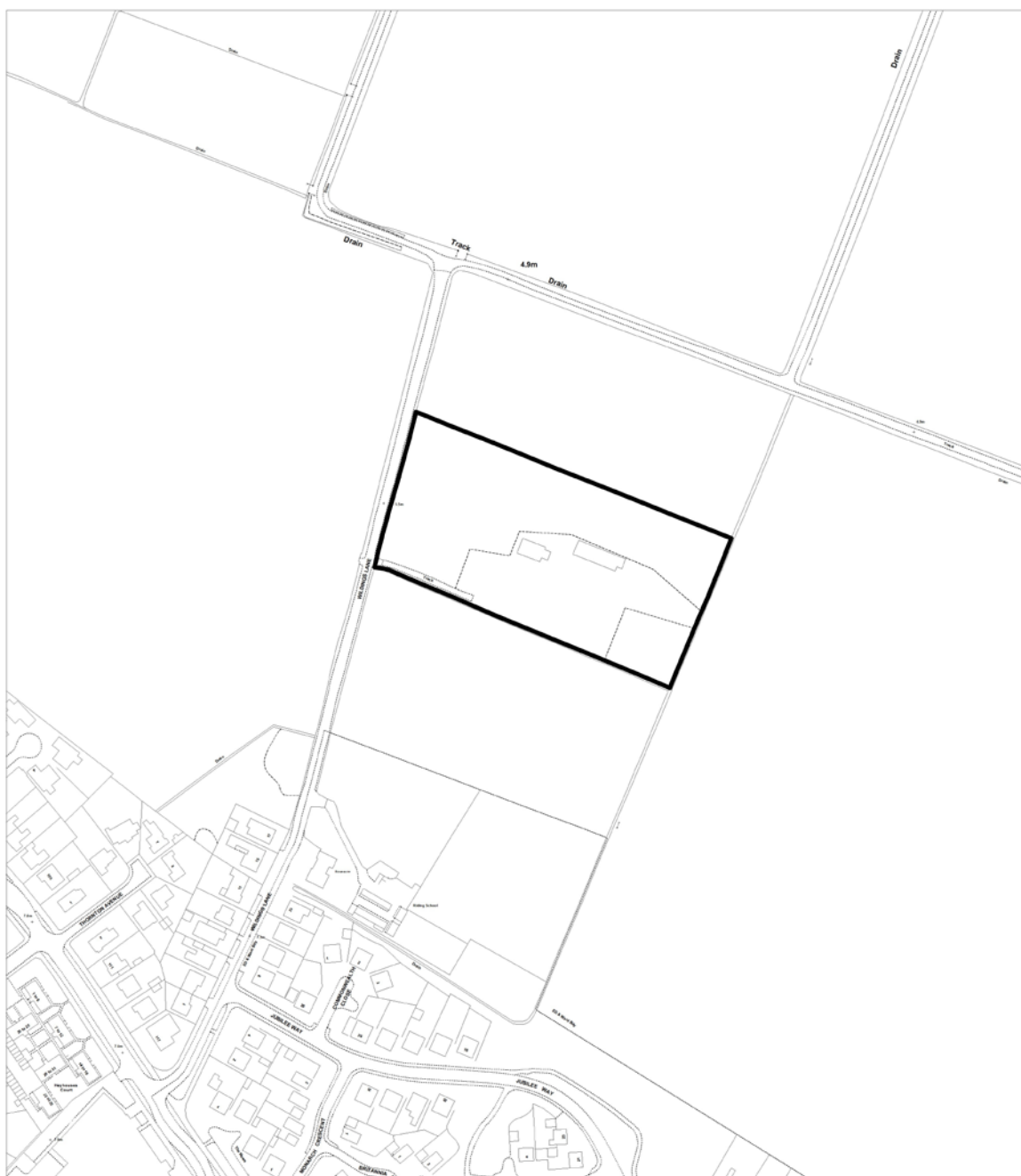
26. Notwithstanding the approved plans prior to the commencement of development full details of all boundary treatments shall be submitted for approval in writing to the Local Planning Authority. For the avoidance of doubt this shall include details of signage on appropriate boundaries to highlight the importance and sensitivity of the surrounding area and that fences shall be dog proof to prevent dogs accessing adjacent land independently.

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

27. Prior to occupation of the dwellings hereby approved full details of a homeowner's pack that will be made available to new and future homeowners, which would highlight and explain the sensitivity of the surrounding areas, the importance of keeping dogs on a lead and identifying other suitable recreational areas locally shall be submitted to and approved in writing by the Local Planning Authority.

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

28. A number of conditions will be required with regard to ecology and mitigation, these will be finalised once Natural England have agreed the mitigation proposed.



Development Services Fylde Council		(c) Crown Copyright and database right (2016). Ordnance Survey (100006084).	
Application No. 5/16/0903	Address Valentines Kennels, Wildings Lane, Lytham St Annes	Grid Ref. E.3341 : N.4298	Scale 0 15 30 45 60 m

INFORMATION ITEM



REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES	DEVELOPMENT MANAGEMENT COMMITTEE	21/12/2016	5

PLANNING APPEALS

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY OF INFORMATION

An examination of appeal decisions has been carried out for the period from 1 October 2015 to 30 September 2016. During this 12 month period, 21 appeals were determined which was similar to the previous period. Of those appeals that progressed to a decision, 81% were dismissed which compares very favourably with the England average of 68%¹ and was similar to the previous period (82%). The limited number of public inquiries held during the period will have reduced the demand on Council resources compared to previous years.

SOURCE OF INFORMATION

Head of Planning & Regeneration from information held on Acolaid, the Service's computerised records system.

LINK TO INFORMATION

Break down of appeals determined between 1 October 2015 and 30 September 2016

WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

The Policy Development Scrutiny Committee considered a report on 9th October 2014 outlining the background to planning appeals, an assessment of the appeal decisions over the previous 2 year period and the policy on reducing the number and cost of those appeals. The committee resolution included that the success rate in defending planning appeals continued to be monitored, with a similar monitoring report to be brought to the Development Management Committee annually.

FURTHER INFORMATION

Contact Mark Evans, Head of Planning & Regeneration, 01253 658460 mark.evans@fylde.gov.uk

¹ 12 months to October 2016

LIST OF APPEALS DECIDED

The following appeal decision letters were received between 24/11/2016 and 21/12/2016. Copies of the decision letters are attached.

Rec No: 1

15 September 2016 16/0435

18 CECIL STREET, LYTHAM ST ANNES, FY8 5NN

Householder

VARIATION OF CONDITION 2 ON PLANNING
PERMISSION 16/0207 TO INCREASE DEPTH OF REAR
EXTENSION AND WIDTH OF VERANDA.

Appeal
PM

Appeal Decision: Part allowed: 01 December 2016

Rec No: 2

23 November 2016 16/0213

234 CLIFTON DRIVE SOUTH, LYTHAM ST ANNES, FY8
1NH

Householder

RETROSPECTIVE APPLICATION FOR ERECTION OF
800MM HIGH CLOSE BOARDED TIMBER FENCE ABOVE
BOUNDARY WALL TO CLIFTON DRIVE SOUTH

Appeal
RC

Appeal Decision: Allowed: 20 December 2016

Rec No: 3

24 October 2016 16/0102

GORST FARM, LODGE LANE, ELSWICK, PRESTON, PR4
3YH

Written
Representations

RESUBMISSION OF APPLICATION 15/0576 FOR
OUTLINE APPLICATION FOR ERECTION OF 5 NO.
DETACHED DWELLINGS, FOLLOWING THE DEMOLITION
OF EXISTING BARNs. (ACCESS APPLIED FOR ALL OTHER
MATTERS RESERVED)

RT

Appeal Decision: Dismiss: 15 December 2016

Rec No: 4

22 September 2016 16/0087

LAND ADJACENT TO WHITE HALL, KIRKHAM ROAD,
TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3SD
OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR
THE ERECTION OF ONE DWELLINGHOUSE

Written
Representations
MT

Appeal Decision: Allowed: 25 November 2016

Appeal Decision

Site visit made on 28 November 2016

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1st December 2016

Appeal Ref: APP/M2325/D/16/3156756

18 Cecil Street, Lytham St Annes FY8 5NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr C and Mrs K McIntyre against the decision of Fylde Borough Council.
 - The application Ref 16/0435, dated 10 June 2016, was refused by notice dated 11 August 2016.
 - The application sought planning permission for a single storey extension and glazed open-sided veranda to rear without complying with a condition attached to planning permission Ref 16/0207, dated 11 May 2016.
 - The condition in dispute is No 2 which states that: "This permission relates to the following plans:
 - Proposed side (south facing) elevation - Dwg No. 15-0970-7(B)
 - Proposed ground floor plan - Dwg No. 15-0970-2(B)
 - Proposed east facing elevation - Dwg No. 15-0970-6(A)
 - Proposed section A-A - Dwg No. 15-0970-8(A)
 - Proposed section B-B - Dwg No. 15-0970-9(A)
 - Proposed section C-C - Dwg No. 15-0970-10(A)
 - Proposed roof plan - Dwg No. 15-0970-3(A)Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings."
 - The reason given for the condition is: "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."
-

Decision

1. The appeal is allowed in part and planning permission is granted for a single storey extension and glazed open-sided veranda to rear at 18 Cecil Street, Lytham St Annes FY8 5NN in accordance with the application dated 10 June 2016, without compliance with the conditions previously imposed on planning permission 16/0207 dated 11 May 2016 and 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.
 - 2) The permission relates to the following plans only in so far as they relate to the proposed veranda, and not to the proposed extension:
 - Proposed ground floor plan - drawing number 15-0970-2(D)
 - Proposed roof plan - drawing number 15-0970-3(C)
 - Proposed rear elevation - drawing number 15-0970-6(C)
 - Proposed side elevation - drawing number 15-0970-7(D)
-

Proposed section A-A - drawing number 15-0970-8(B)

Proposed section B-B - drawing number 15-0970-9(B)

Proposed section C-C - drawing number 15-0970-10(B)

Proposed inner rear west facing elevation - drawing number 15-0970-11(A)

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

- 3) Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, no development shall take place until samples or full details of all materials to be used on the external surfaces of the extension (including those used in the construction of windows and doors) have been submitted to, and approved in writing by, the local planning authority. Such details shall include the type, colour, finish and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials

Background and Main Issue

2. Permission has been granted, subject to conditions, for a single storey extension and a glazed veranda at the rear of the appeal property. This appeal relates to an application to vary one of the conditions to enable amendments to the plans with which the proposal has to accord. The revised plans would increase the width of the veranda and the length of the extension.
3. The main issue in the appeal is whether the condition is reasonable and necessary in order to protect the living conditions of the occupiers of No 16 Cecil Street with regard to light and outlook.

Reasons

4. The appeal property is a mid-terrace property with a large outrigger offset from the common boundary with No 16. No 16 has a similar outrigger, and as a result the ground floor windows on both the rear elevations of the main house and the side elevation of the outrigger on each dwelling receive limited light, and have a restricted outlook. No 16 currently has an open-sided glazed veranda between the outrigger and the common boundary but the translucent nature of its roof means it does not significantly reduce the amount of light to the ground floor windows on either No 16 or No 18.
5. The scheme that has been approved would create a similar veranda adjacent to the rear elevation of the host property, and then a single storey extension beyond this. The Council has not raised any concerns with the slight increase in the width proposed to the veranda, and I am satisfied that this element would not have an adverse impact on the living conditions of the occupiers of the neighbouring property. As this element could be implemented independently of the extension, I consider it can be allowed on its own.
6. The approved extension would be off-set approximately 400mm from the common boundary, and would extend as far as the outrigger on No 16. It is sought to extend the length of this part of the extension by just over two metres. I accept that the additional length is not in itself substantial, and the distance the extension is from the boundary is not to be altered. Nevertheless, I am in no doubt that the presence of built form of this length, so close to the

boundary with No 16, would have an overbearing impact on the adjoining dwelling. Whilst the orientation of the properties is such that the extension would not impact on the amount of sunlight received, it would have a detrimental impact on the level of daylight, and would create an unneighbourly sense of enclosure to this adjacent property.

7. I accept that No 16 has a garage at the end of its garden that extends the full width of the plot. However, as this is set away from the dwelling it does not have a detrimental impact on the outlook from, or light received by, the windows on either No 18 or No 16, as would be the case with the proposal.
8. By defining the approved plans, the disputed condition ensured the protection of the living conditions of the occupiers of No 16 Cecil Street with regard to outlook and light. Amending the condition as now sought, to include a longer extension, would result in harm to the living conditions, contrary to Policy HL5 of the *Fylde Borough Local Plan As Altered (adopted October 2005)* which requires that house extensions do not unduly impact on the amenity of adjacent and nearby residents. However, as the wider veranda would not have harmful effects, it is reasonable to grant permission subject to the amended condition, but limited to approval only of the veranda. The original form of the extension would continue to benefit from the permission previously granted.
9. In support of the appeal my attention was drawn to other rear extensions in the vicinity which it is stated are larger than that proposed here, and do not always use materials to match the host property. However, I do not have the full details of the circumstances that led to these proposals being considered acceptable, and so cannot be certain that they represent a direct parallel to the appeal proposal, particularly in relation to the impact of the extensions on windows on adjacent properties. In any case I have determined the appeal on its own merits.

Other Matters

10. The appeal property is located within Lytham Conservation Area. Although the proposal would be visible from East Cecil Street, the Council concluded it would preserve the character and appearance of the conservation area. From my own observations, I see no reason to come to a different conclusion in this regard.

Conclusion

11. For the reasons set out above, I conclude the appeal should be allowed insofar as it relates to the veranda. I have therefore granted a new planning permission, with new conditions which indicate that the development should accord with new plans only insofar as they relate to the veranda.

Alison Partington

INSPECTOR

Appeal Decision

Site visit made on 14 December 2016

by B.Hellier BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20th December 2016

Appeal Ref: APP/M2325/D/16/3159254

234 Clifton Drive South, Lytham St Annes, Lancashire, FY8 1NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Walton against the decision of Fylde Borough Council.
 - The application Ref 16/0213, dated 21 March 2016, was refused by notice dated 29 June 2016.
 - The development proposed is erection of 800mm high close boarded timber fence above boundary wall to Clifton Drive South.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of 800mm high close boarded timber fence above boundary wall to Clifton Drive South at 234 Clifton Drive South, Lytham St Annes, Lancashire, FY8 1NH in accordance with the terms of the application, Ref 16/0213, dated 21 March 2016.

Preliminary matter

2. The fence has been erected and the application and appeal are retrospective.

Main issue

3. I consider the main issue is the effect of the fence on the character and appearance of the street scene.

Reasons

4. Clifton Drive South is a wide road being the main approach to Lytham St Annes from the south. It is characterised by low density detached and semi-detached houses with good front gardens. These almost universally have 1m high brick boundary walls at the back of the footway, generally with hedges and/or shrubs above. These common boundary elements make for a green and harmonious approach to the town.
5. The appeal property is a substantial detached house on a corner plot with Derbe Road. The fence is close-boarded and well made. It runs for about 22m along the Clifton Drive South frontage. It is set immediately behind the existing brick wall. This has decorative bays with inverted crenellations and moulded terracotta copings matching the design on neighbouring properties. The fence projects 0.8m above the wall giving an overall height of the

wall/fence of about 1.8m. It matches an almost identical fence along the return frontage on Derbe Road which has been in place for some years.

6. Whilst the townscape has attractive features it is not of the highest quality and it is not a designated conservation area. The fence is not an unduly prominent feature nor is it out of scale with its setting. It is modest in height and of a dark unobtrusive colour. It is overtopped in places by shrubs and over time, if encouraged, they will grow and soften its geometric line. Importantly the front brick wall, which has considerable character and which contributes positively to the unity of the streetscape, is retained. I do not find there is a significant adverse effect on either the character or the appearance of the street scene. The proposal therefore satisfies Policy HL5 of the Fylde Borough Local Plan which says that the scale, design and appearance of development within the curtilage of a dwelling should not adversely affect the street scene.
7. There is a bus shelter in Clifton Drive South outside the appeal property. Before the fence was put up people at the bus stop could see through the vegetation into the garden. I saw that the bus stop was well used. I also noticed, between the shelter and the garden wall, discarded plastic water bottles, drink cans, a vodka bottle (empty) and cigarette packets. There were two empty water bottles squashed between the new fence and the wall. The appellant says that area has a problem with drug users and he has recently had his house broken into. The benefits the fence brings in protecting the property from overlooking and anti-social behaviour weigh in its favour and they reinforce my conclusion on the main issue.

Conclusion

8. For the reasons given above I conclude that the appeal should be allowed.

Bern Hellier

INSPECTOR

Appeal Decision

Site visit made on 28 November 2016

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15th December 2016

Appeal Ref: APP/M2325/W/16/3157840

Gorst Farm, Lodge Lane, Elswick, Lancashire PR4 3YH

- 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 Gorst Estates against the decision of Fylde Borough Council.
 - The application Ref 16/0102, dated 12 February 2016, was refused by notice dated 11 May 2016.
 - The development proposed is the demolition of existing barns and erection of 5 No. detached dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with the means of access to be determined at this stage. I have dealt with the appeal on this basis, treating the site plan which shows a layout for the site as indicative. However, I note that the description of development given on the application form states that the development would be for 5 detached dwellings.

Main Issues

3. The main issues in the appeal are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the settlement pattern for the area.

Reasons

Character and Appearance

4. The appeal site is a long narrow site that lies between Gorst Farmhouse and the access track leading to Selborne Farm. The site is occupied by a number of vacant barns which vary in age, size and materials, some silo bays, and areas of hardstanding, although at the time of my visit some of the barns had been demolished. A number of the barns had been granted permission for their conversion to other uses but it was agreed that these had not been implemented, and that their last use was for agricultural purposes. It is proposed to demolish the remaining barns on the site and to develop the site

for housing. To this end I understand that recently outline permission¹ has been granted for 2 dwellings on the site.

5. The wider area is largely open countryside, with fields surrounding the site. This landscape is relatively flat and open, with the fields generally bounded by low hedges, or post and wire fences. There are some small woodland areas, and some isolated trees. Existing development comprises mainly agricultural buildings, and associated farmhouses. However, there is a short ribbon of development on the opposite side of the road that extends from the site towards Elswick, and a small garage /car sales unit on the same side of the road as the appeal site. Nevertheless these are physically separated from the village by open fields. The houses opposite are mainly detached dwellings set in reasonable size plots fronting the road.
6. I accept that the layout of the site is not to be determined at this stage, but given the relatively narrow nature of the site, if it is to accommodate 5 detached dwellings, it is highly probable that the layout would take a linear form, with at least some of the houses being set behind others. The proposal would therefore be likely to have a number of houses without a direct street frontage, and accessed by a long shared access drive. This would not only be out of character with the general pattern of development within the surrounding area, but would result in an uncharacteristic depth of residential development. This incongruous form of development would be highly visible on both the approach into and out of Elswick, where the site can be seen in open views across the intervening fields.
7. Whilst the barns, and the site in general, cannot be described as attractive, it is typical of a farmstead, and what one might expect to see in the open countryside. Whilst the footprint of 5 dwellings may be considerably less than the barns, houses are not normally regarded as contributing positively to the visual amenity of the countryside, in the way that agricultural buildings do. In addition, the introduction of garages, gardens and domestic paraphernalia would clearly mark the site as residential and not agricultural. Notwithstanding the fact that the appellant has suggested a condition to ensure the southern most part of the site is returned to pasture, the character of the site would be fundamentally altered, to the visual detriment of the open and rural character of the area.
8. The design of houses in the area varies and, whilst the appearance of the dwellings is not to be determined at this stage, I am satisfied that in this regard an acceptable scheme could be achieved. However, this does not overcome my other concerns regarding the visual impact of the proposal.
9. Consequently, I conclude that the proposed development would significantly harm the character and appearance of the area. Accordingly it would conflict with Policy HL2 of the *Fylde Borough Local Plan As Altered (adopted October 2005)* (FBLP) which requires that new housing development is compatible and in keeping with the character of the locality.

¹ Application Reference 16/0576

Effect on settlement pattern

10. The appeal site is located in open countryside as defined by the FBLP. In order to protect the character and appearance of the countryside both national and local policies seek to restrain new development in such areas unless it meets specific criteria. Policy SP2 of the FBLP sets out the circumstances when new development in the countryside is acceptable. It is no part of the appellant's case that the proposal would meet any of the criteria in this policy.
11. The *National Planning Policy Framework* (the Framework) sets out in paragraph 47 that to boost significantly the supply of housing, local planning authorities should be able to demonstrate a 5 year supply of deliverable housing sites. It is accepted by both main parties that the Council cannot do this, as the latest figures indicate that there is only a 4.8 year supply.
12. Although the shortfall in supply is not substantial, in the absence of a 5 year supply of housing land, paragraph 49 of the Framework 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. In the light of this, Policy SP2, which seeks to control the supply of housing in the countryside, is out-of-date.
13. Paragraph 14 of the Framework states that where the development plan is absent, silent, or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. This does not mean that the policies are irrelevant, but that the decision maker must determine the weight that they should be given. In this case, as the shortfall in the 5 year housing land supply is not substantial, I consider that moderate weight can be given to these policies.
14. To conclude; the proposed development would conflict with Policy SP2 of the FBLP. However, in the absence of a 5 year housing land supply, this policy cannot be considered up-to-date.

Other Matters

15. The demolition of the barn adjacent to the road would improve the visibility at the existing access. However, although not proposed to be used to serve the development, as there is already an alternative access to the site with better visibility I give this little weight. It is accepted that the site can be developed without having any impact on the living conditions of other residents, but an absence of harm in this regard is a neutral factor.

Planning Balance and Conclusion

16. As outlined above, in the absence of a 5 year housing land supply, paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. The

Framework (paragraph 7) states that there are three dimensions to sustainable development. In terms of the economic role the construction of new houses would provide some temporary work for local contractors, and spending by the new residents would be beneficial to the economy of the area. However, the effect of this small scale proposal would be limited.

17. The scheme would provide new housing, and it is suggested that a variety of different sized dwellings could be provided to accord with the findings of the latest Strategic Housing Market Assessment. This could help to maintain diversity within the local population. Although not within the settlement boundary, the site is in reasonable proximity to the limited services within Elswick which include a bus service, shop and 2 public houses. Whilst this is a benefit of the scheme, the contribution of 5 houses to housing delivery, and towards the maintenance of the vitality of local services would be small.
18. I have already concluded that that proposed development would harm the character and appearance of the countryside, contrary to the environmental dimension of sustainable development. In addition, despite the previous permissions for the conversion of some of the barns, as it is agreed that the buildings were last used for agricultural purposes, the Framework confirms that the site does not constitute previously development land, as the definition in Annex 2 excludes land that is or has been occupied by agricultural buildings.
19. Overall, the proposal would not make a significant contribution to either the economic or social dimension of sustainable development and would be inconsistent with the environmental dimension. Therefore, I consider that the adverse impacts of the development would significantly and demonstrably outweigh the benefits, and so the proposal would not be sustainable development. As such the presumption in favour of sustainable development set out in paragraph 14 of the Framework does not apply.
20. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR

Appeal Decision

Site visit made on 15 November 2016

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25 November 2016

Appeal Ref: APP/M2325/W/16/3157346

**White Hall, Kirkham Road, Treales Roseacre and Wharles, Lancashire
PR4 3SD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Stephen Wilson-Mills against the decision of Fylde Borough Council.
 - The application Ref 16/0087, dated 6 February 2016, was refused by notice dated 25 May 2016.
 - The development proposed is the erection of one dwelling house.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of one dwelling house at White Hall, Kirkham Road, Treales Roseacre and Wharles, Lancashire PR4 3SD in accordance with the terms of the application, Ref 16/0087, dated 6 February 2016, and the plans submitted with it subject to the conditions set out in the Schedule to this decision.

Procedural Matter

2. The proposal is for outline planning permission with all matters reserved. I have noted that proposed plans have been submitted for illustrative purposes only. I have determined the appeal on that basis.
3. I note that at the time of determination of the planning application the Council was unable to demonstrate a five year supply of housing land. As such, in accordance with paragraph 49 of the National Planning Policy Framework (the Framework), the Council's policies for the supply of housing cannot be considered to be up-to-date. Furthermore, paragraph 14 of the Framework makes it clear that where development plan policies are out-of-date, planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. Given the lack of a five year housing land supply Policy SP2 of the Fylde Borough Local Plan As Altered October 2005 (the LP) which relates to

development in countryside areas is out-of-date. Therefore residential development on sites such as this are, in principle, acceptable providing that there are no adverse impacts that would significantly outweigh the benefits of the proposal. In this case the key issue of concern with respect to adverse impacts is the effect of the proposal on the character and appearance of the area.

6. The appeal site is outside any defined settlement boundary and is within the Countryside Area as defined by the development plan. It is currently an area of poorly maintained grass adjacent to a tarmac access road which serves existing residential properties at White Hall.
7. The site is a narrow strip of land situated between the group of buildings at White Hall and Primrose Farm. Its boundaries are mainly formed of a mix of trees and hedgerows and the boundary opposite White Hall is a timber post and rail fence. It is largely screened from the surrounding area. However, there are some passing glimpse views of the site through the landscaping. Nonetheless, the site is not a clearly defined open space which forms an obvious or significant landscape buffer between existing buildings.
8. Given the enclosed nature of the site resulting from the boundary treatments and its relationship with existing residential development the proposal would be seen very much in the context of that existing form of development rather than as part of its agricultural surroundings. Its character is very different from the nearby open agricultural land and from my site visit I observed that it has the character of a self-contained small parcel of ancillary land with little function. It makes a very limited contribution to the character, appearance and rural setting of the area.
9. Although building a house on the site would inevitably lead to narrowing the space between existing buildings in the area the form of development would not necessarily be cramped or harm the quality of the landscape at the edge of the village.
10. The proposal would result in the loss of some trees. However, it is clear from the tree survey submitted with the planning application that those which would be lost are of limited value. Adequate compensatory planting could be provided through suitably worded landscape conditions in order to compensate for the loss. Remaining trees could also be protected through a condition. The retention of the site's remaining boundaries would ensure that the residential development is not exposed to the surrounding agricultural landscape.
11. I therefore conclude that the proposal would not be harmful to the character and appearance of the area and would be in accordance with Policies HL2 EP11 and EP12 of the LP and the Framework

Other matters

12. I am aware of other matters raised from interested parties that are not addressed above.
13. The appeal site is not part of an existing agricultural holding. Therefore, it cannot be considered to be important for agricultural purposes and this matter is not a significant consideration in assessing the proposal.

14. I do not consider that the traffic and vehicle movements associated with one additional dwelling would be significant in terms of the capacity of the highway network. Furthermore, the provision of suitable visibility splays and turning facilities on site would ensure that the development does not harm highway safety in the vicinity.
15. At this stage it is not possible to fully assess the effect of the proposal on the living conditions of the occupants of neighbouring properties with particular reference to overlooking as the application is outline only with all matters reserved.

Conditions

16. I have attached conditions limiting the life of the planning permission and setting out the requirements for the reserved matters in accordance with the Act.
17. In order to ensure the satisfactory integration of the development with its surroundings I have attached detailed landscaping and tree protection conditions.
18. I have also attached conditions relating to visibility splays and the provision of turning space within the site to ensure there is no harm to highway safety in the vicinity of the site.
19. In order to ensure the satisfactory relationship between the proposal and its surroundings I have attached a condition relating to finished floor levels.
20. Finally, in order to protect the living conditions of the occupants of nearby residential properties I have attached a condition limiting the times of construction.

Conclusion

21. For the above reasons and taking account of other matters raised I conclude that the appeal should be allowed.

Alastair Phillips

INSPECTOR

SCHEDULE

Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) No above ground works shall take place until full details of the finished levels, above ordnance datum, for the proposed buildings and external areas of the site in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 5) No development shall take place until a scheme for tree protection measures (both below and above ground) to be implemented during the construction period has been submitted to and approved in writing by the local planning authority. The scheme shall include details of a construction exclusion zone, including protective fencing, to be formed around the root protection areas of those trees to be retained. It shall also include details of any excavation to take place within the root protection areas of those trees to be retained and details of the foundations of any building, hard-standing and / or boundary treatments to be constructed within the root protection areas of those trees to be retained. The protective fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.
- 6) Any application which seeks the approval for the reserved matter of landscaping pursuant to condition 1 of this permission shall include details of:
 - i) any trees, hedges or other vegetation on the site to be retained;
 - ii) compensatory planting to replace any trees or hedgerows to be removed; and
 - iii) the type, size, species, siting, planting distances and a programme of planting for hedges, trees and shrubs.
- 7) The landscaping works shall be carried out in the first planting and seeding seasons following the first occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants 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.

- 8) Any application which seeks the approval for the reserved matter of access pursuant to condition 1 of this permission shall include details of:
- i) the layout, design and construction of the site access which shall make provisions for minimum visibility splays of 2.4 metres x 43 metres in both directions at its junction with Kirkham Road; and
 - ii) the layout and construction of a turning area to be provided within the site which will allow vehicles to enter and exit the site in forward gear.

The site access and turning area shall be constructed in accordance with the approved details and made available before the dwelling hereby approved is first occupied. The visibility splay shall thereafter be kept free of any obstructions (including buildings, walls, fences, hedges, trees, shrubs or any other obstruction) over 0.6 metres in height.

- 9) No site preparation, delivery of materials or construction works shall take place only between 08:00 and 18:00 on Mondays to Fridays and between 08:00 and 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays