

# Agenda

## DEVELOPMENT MANAGEMENT COMMITTEE

Date:	Wednesday, 2 September 2015 at 10:00am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman)</p> <p>Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Christine Akeroyd, Peter Collins, Michael Cornah, Tony Ford JP, Neil Harvey, Kiran Mulholland, Barbara Nash, Linda Nulty, Liz Oades, Albert Pounder.</p>

### Public Speaking at the Development Management Committee

Members of the public may register to speak on individual planning applications: see [Public Speaking at Council Meetings](#).

	PROCEDURAL ITEMS:	PAGE
1	<b>Declarations of Interest:</b> Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council’s Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 25.	1
	<b>DECISION ITEMS:</b>	
3	<b>Development Management Matters</b>	3 – 194
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# Development Management Committee Schedule 02 September 2015

Item Number: 1      Committee Date: 02 September 2015

<b>Application Reference:</b>	15/0065	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Beluga Projects Ltd	<b>Agent :</b>	NJL Consulting
<b>Location:</b>	LAND NORTH OF BLACKPOOL ROAD, NEWTON WITH CLIFTON		
<b>Proposal:</b>	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 55 DWELLINGS WITH ACCESS, PUBLIC OPEN SPACE AND ASSOCIATED INFRASTRUCTURE (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)		
<b>Parish:</b>		<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	30	<b>Case Officer:</b>	Andrew Stell
<b>Reason for Delay:</b>	Delays in consultation replies		

**Summary of Recommended Decision:**      Refuse

### Summary of Officer Recommendation

The application site is an area of generally flat agricultural land located to the south of Clifton village and so between the existing settlement and Blackpool Road. The land is entirely outside of the settlement and is allocated as Countryside in the Fylde Borough Local Plan.

The proposal is an outline application for the erection of up to 55 dwellings on the land with access applied for with this being a new vehicle access point to Blackpool Road generally opposite the Preston Caravan showroom. A pedestrian / cycle link is indicated to connect the site to the village along an existing public footpath route that runs through the site and leads to Preston Old Road close to the end of Silver Street. As initially submitted the application also included a building to offer 'local service provision' meaning a shop, restaurant or pub but this element has been deleted from the application.

Residential development is not one of the types of development that Policy SP2 is supportive of in Countryside areas and so the application is in conflict with this development plan policy. However, the more recent guidance in the NPPF requires that a council supports residential development where it is sustainable in the event that the borough is unable to demonstrate the necessary 5 years of housing supply (plus any buffer required due to under delivery). The latest position in Fylde (as at March 2015) was that the council is able to demonstrate only a 4.3 year supply of housing land and so if this scheme were to constitute sustainable development it should be supported.

Having weighed the various aspects of sustainable development carefully it is officer opinion that the proposal will cause undue harm to the setting of the village by the development of housing on the lower level which is prominent in views of the settlement from the south, and that the development proposed is poorly related to the settlement due to the limited connections with it. The scale of the development and the suitability of the access are

further concerns. It is considered that this causes harm of such significance that it prevents the proposal amounting to sustainable development and so it is appropriate that the application be determined in line with Policy SP2 and so planning permission should be refused.

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

The application involves major development that has attracted a level of public interest and so the Head of Planning and Regeneration feels it is appropriate that it be presented to the Development Management Committee for a decision.

### **Site Description and Location**

The application site is a 3.4 hectare area of generally flat agricultural land alongside the settlement of Clifton. It is bounded to the south by Blackpool Road (A583) and to the north by the rear gardens of properties at the edge of Clifton village. The eastern boundary is with other agricultural land that separates the site from Lodge Lane. A part of the southern boundary is with a drainage ditch that forms part of the land drainage network in the area. There is a public footpath crossing the site from north to south. The land is at a lower level than Clifton but includes a connection to that village where the public footpath joins the village. The site is a single field without any features of note. There is a hedgerow forming the boundary to the road that contains a number of trees that are now approaching maturity but were seemingly planted as part of the landscaping to that road on its construction. These are the subject of TPO 2015 No. 7.

Surrounding land uses to the north are the residential properties in the village, and to the south is the Preston Caravan Centre. All other surrounding land is in agricultural use.

### **Details of Proposal**

#### **The Application Details**

The application is submitted in outline and proposes the erection of up to 55 dwellings on the site. All matters are reserved for further consideration other than access. This is proposed to be via a single vehicular access point to Blackpool Road at a point that is opposite the showroom building for the Preston Caravan Centre. This is shown with a 5.5m width, 10 radii and 2m footways on both sides of the entrance (although there is no footway currently on this side of the road at this point). Visibility splays of 2.4m x 160m in both directions are shown and as the access is on the inside of a slight bend these will inevitably involve the removal of the frontage hedge and the trees within it. The public footpath that crosses the site is to be diverted as part of the proposals to follow internal roads within the development.

With the outline nature of the application no details of the size of the properties is provided, but 38 are indicated as being for market sale with the balance being affordable dwellings split between social rented and intermediate housing.

The application initially also included provision of a building for 'Local Service Provision' which was indicated as being within Use Classes A1, A3 or A4 so could be a shop, restaurant or pub. This was to have a floor area of 500m<sup>2</sup> and was shown as being located adjacent to the site frontage with Blackpool Road and served off the single vehicular access. This element of the proposal was removed from the submission following discussion between the agent and your officers.

### Submission Details

As with all applications of this scale and nature that application is supported with a range of documentation in addition to the required application forms, location plan, illustrative layout, access plans, etc. The reports submitted with this application are:

- Design and Access Statement
- Planning Statement
- Landscape and Visual Impact Appraisal
- Flood Risk Assessment and Drainage Strategy
- Ecological Survey and Assessment
- Transport Assessment
- Agricultural Land Classification
- Sustainability Statement
- Statement of Community Involvement

The conclusion to the original Planning Statement is included below to explain the reasons that the applicant's see the scheme is being one that should be granted planning permission.

*"We conclude that FBC cannot demonstrate a 5 year housing land supply at the present time and have confirmed this in a recent meeting. In any event, the 5 year housing supply figure is a minimum, not a maximum target. The Framework calls for Local Authorities to 'significantly boost' the supply of housing, with planning permission being granted unless to do so would cause significant and demonstrable harm.*

*Furthermore, no evidence has been advanced, however, as to how the adverse impacts of approving this scheme would 'significantly and demonstrably outweigh the benefits.' The information submitted in support of this application demonstrates that it represents a sustainable development. The scheme would deliver a number of significant, material benefits including:*

- *A contribution of approximately 55 dwellings towards the housing supply, helping to meet the minimum requirement of a 5 year housing land supply.*
- *The provision of approximately 17 affordable dwellings for the local area. When set against the findings of the SHMA (2014) of an annual need for 200 affordable homes, this is a significant benefit.*
- *The creation of around 11 full-time equivalent jobs each year through the duration of the construction period, as well as the general economic benefit to the borough, this will also help support the vitality and vibrancy of Clifton Village.*
- *A New Homes Bonus payment of approximately £500,000 to be spent as FCC see fit.*
- *The provision of additional public open space and reinstated footpath link into Clifton, as well as providing a community facility which is missing from the immediate area.*

*In the absence of any adverse impacts which would significantly and demonstrably outweigh these benefits, planning permission should therefore be granted."*

### Post Submission Information

Since the submission of the application a further report has been received in response to comments from Lancashire County Council who have highlighted the allocation of the site as in an area of sand and gravel interest. This has been submitted for the applicant by specialist Geological and Geo-Environmental Consultants and includes a review of the historic mapping and other resources for the site but has not involved any site investigations. This concludes that the site has a relatively thin layer of sands, silts and clays as it lies on the northern margin of a larger area of these materials,

and that this is only suitable as an aggregate and not critical as there are other reserves available in the surrounding area.

A further letter has been provided which responds to comments from a number of consultees. This highlights those which do not raise objection to the proposal and provides commentary on those which do, specifically the comments of the council's policy team which are covered elsewhere in this report.

A letter has been provided that relates to matters raised by the Parish Council and reiterates the elements of the original submission which support the appellant's case. This covers matters such as the need for and location of development, the principle of developing agricultural land, the scale and location of open space and issues associated with the proposed 'Local Service Provision' element of the application.

Finally the applicant has provided details which comment on a list of issues presented to them by officers during the consideration of the application. The points raised by the agent are summarised here:

- The council is unable to demonstrate a 5 year housing supply and so must accept that out-of-settlement development is needed to help meet that requirement of the NPPF
- The development will only have a low to moderate impact on the character and appearance of the area and so should be approved as it is similar in that respect to the proposal at Kings Close in Staining that was resisted by the council for this reason but allowed on appeal.
- The provision of a footpath link ensures that the development is well connected to the services that are available in the village, with the improvements to the levels and quality of this link ensuring it is available for all potential users.
- The provision of viewpoint photomontages indicate how the development will sit comfortably within the landscape and connect to the village, with the revised landscaping to Blackpool Road giving an area of public open space to benefit the residents and a wooded boundary to that aspect that mimic the other edges of the village.
- They argue that the effective landscaping of the site will ensure that it can be successfully integrated into the landscape without affecting the amenity of Clifton as a settlement and whilst it will be 'noticeable' for a time this is not incongruous in that location due to the adjacent caravan centre.
- That the scale of the development will not be excessive for the settlement, with the appeal Inspector's decision at Wrea Green cited as supporting an appropriate scale of settlement growth.
- The scheme has been amended to remove the proposal to place residential properties in the higher risk flood zones
- Confirm a commitment to enter into a s106 agreement to deliver 30% affordable housing on site, to provide funding for the upgrade of the public footpath link, to provide policy compliant public open space and to meet the education requests once the final housing mix has been established.

Alongside this information revised illustrative layout plans were presented which:

- removed the local service provision element
- revised the illustrative layout to ensure no development was proposed in Flood Zone 2
- revised the access location slightly
- provided a series of visual images to indicate how the site could appear from vantage points to the south post-development.

With the range of information provided a re-notification was undertaken with the neighbours.

### **Relevant Planning History**

There is no planning history on the site.

### **Relevant Planning Appeals History**

None.

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

**Newton with Clifton Parish Council** have been notified and comment as follows on the original submission:

*“At a meeting held on Thursday 5th March 2015 Council considered the above application and parishioner observations regarding the proposed development.*

*Discussion ensued and reference made to policy in planning documents; National Planning Policy Framework (NPPF), Fylde Borough Local Plan (as altered) October 2005, Joint Lancashire Minerals and Waste Local Plan and Fylde Local Plan to 2030 Part 1 Preferred Option and Sustainability Appraisal. Subsequently a resolution was adopted that Council submit a representation to the Local Planning Authority recommending that the proposed development be refused planning permission for the following reasons;*

- *The proposed development does not conform to the adopted Local Plan in that it is contrary to several planning policies relating to agricultural land protection, housing, rural areas and sustainable development e.g. Policies SP1 which only permits development within defined limits and SP2 relating to development in Countryside Areas which recognises safeguarding the countryside for its own sake is consistent with sustainable development and PPS3 relating to previously developed “Brownfield” sites to be used before “Greenfield” and, consequently, agricultural land.*
- i) *Policy HL2 of the adopted Fylde Local Plan identifies criteria against which housing proposals will be considered including that development should be of a scale that is in keeping with the character of the locality and is in a sustainable location. The Policy is consistent with two core planning principles set out in paragraph 17 of the NPPF Policy PPS7 that states all developments in rural areas should be well designed and inclusive in keeping and scale with its location and sensitive to the character of the countryside and local distinctiveness. The proposal will increase the number of dwellings by c.14%, extend the settlement boundary and adversely impact on the countryside to an unacceptable degree and scale.*
- ii) *The application site is quality agricultural land and Policy EP22 protects the best and most versatile land which includes Grades 1, 2 and 3A agricultural land and development proposals that involve the loss of such land will not be permitted where it could reasonably take place on poorer quality agricultural land or on land within existing developed areas. The site comprises c.26% Grade 3A (good quality) agricultural land. The planning application does not evidence consideration of alternative sites in accordance with the Policy.*
- iii) *The application development site is outside the settlement boundary and therefore conflicts with Policy SP2 which presumes against development in the open countryside outside the defined settlement boundary and limits development in the countryside to certain categories including for the purposes of agriculture, horticulture, forestry or other appropriate uses in*

- rural areas. The proposal does not fall within these exceptions.
- iv) *The amenity open space as proposed does not comply with Policy TREC17 in respect to new housing development. Open space must be provided as a single central useable facility unless otherwise agreed.*
  - v) *The suggested A1/A3/A4 potential use is unrelated to the existing village centre and in an inappropriate location. The proposed A1 use has the potential to have a significant impact on the existing post office/general store, sandwich shop and hairdressers which form the core of the local service provision in the village and therefore fails to comply with Policy SH10 and NPPF guidance.*
  - vi) *The development as proposed fails to meet the objectives of Policies EP10 and EP11 with regard to the distinct landscape character of the Borough in the context of the Lancashire Landscape Strategy.*
  - vii) *The proposed development fails to demonstrate satisfactory access/egress and parking with no adverse impact on the safe and efficient operation of the highway network as required to comply with Policy HL2 Point 9 and paragraph 32 of NPPF. The proposed development does not provide access/egress via the village road network emphasising a lack of integration with the existing village development. The only road access/egress to/from the proposed development is the A583 Blackpool Road opposite the existing caravan centre. The increased traffic generation and related new access/egress is considered detrimental to highway safety in the locality and wider highway network.*
  - viii) *The development as proposed is detrimental to the visual amenity and landscape of the area.*
  - ix) *The proposed development is to the significant detriment of the biodiversity, ecology and wildlife in the area.*
  - x) *It is considered that the proposed development does not properly address the capacity issues related to the sewer network. Drainage is a key issue highlighted in Policy HL2. The site has significant drainage issues and lies adjacent to Flood Zone 2.*
  - xi) *Existing amenities, infrastructure and services will be inadequate if the proposed development is granted planning permission.*
  - xii) *Until the Fylde Borough Council Local Development Framework Core Strategy is adopted this application must be considered premature. The proposed development site is in a new Strategic Development Area proposed by Fylde Borough Council. Decisions on allocation and release of new strategic sites must be done through the local spatial planning process defined by PPS12, including public consultation and independent inspection.*
  - xiii) *The development site should be assessed against The Site Allocations and Development Management Policies criteria. Policy M2, in the Development Plan Document which defines areas within the plan for mineral safeguarding. The Policy states that planning permission will not be supported for any form of development unless the proposal is assessed against six criteria listed in the Policy to the satisfaction of the planning authority. The application does not demonstrate such an assessment.*
  - xiv) *The proposed development is contrary to the local parish plan. Verification from the plan process shows that the location of the parish of Newton-with-Clifton in open countryside is strongly valued by the local community and the perception prevails that there has been too much residential development in the recent past to the detriment of parish amenity.*

*I shall be grateful if you will ensure the Council's observations are duly considered and recorded."*

No further re-notification has been undertaken with the Parish Council.

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

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

No comments have been received at the time of the preparation of this report.

### **Environment Agency**

They have assessed the original application and the accompanying Flood Risk Assessment. No objection is raised to the application subject to the development being implemented so that only less vulnerable development such as landscaping and car parking being sited in the areas of the site that fall within Flood Zone 2. They highlight that with the outline nature of the application it is not possible to assess this at this stage, but note that some elements are shown in this area on the illustrative plans and so expect that any approval will include appropriate conditions to ensure that vulnerable development is constrained to areas designated as Flood Zone 1 only. A failure to do this would place the development in conflict with the guidance in NPPF on flood risk.

They also make reference to the use of conditions to restrict surface water run-off to greenfield rates through the use of sustainable drainage systems, and ask that a condition is imposed to any approval that confirms that.

### **Planning Policy Team**

They refer to the location of the site in the Countryside as allocated by Policy SP2 of the Fylde Borough Local Plan, and that residential development is not one of the forms of development that is supported by that Policy. The comments also highlight the importance in that Plan to providing a form of development that respects the character of the landscape at the site, the implications for agricultural land quality, flood risk, and how the adverse impacts of the development could be assessed.

They provide guidance on the key sections of the NPPF which are relevant to the consideration of the application. Of particular importance is the weight that is given to supporting sustainable residential development where a local planning authority does not have a five year housing supply, and that Fylde does not. Finally they explain that there is limited information so they are unable to provide comments on the service facility aspect.

### **Strategic Housing**

No formal comments have been submitted, but the proposal has been discussed with the Strategic Housing Officer who confirms that there remains an on-going requirement for affordable housing in the borough, and that this should be located in areas where its residents would have a safe and convenient access to a range of services. They believe that Clifton is a suitable location for affordable housing of the scale proposed but have doubts over the accessibility of this site and its limited linkages with the village.

### **The Ramblers Association**

No comments have been received at the time of writing this report.

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

Objects to the development on the basis that the southern edge of Clifton village currently presents a well-defined boundary to the settlement that contributes positively to the village setting and landscape character in short, medium and long range views. The proposed development would compromise and impact adversely those qualities.

The development is located on a prominent route along the Fylde Coast where there is limited development and views of open countryside with hedgerows and trees dominate. The development would detract from that with the inevitable and large scale urbanising impact to this area and to the village setting in general. This is partly from the dwellings, but also from the access, removal of trees and hedgerow, footpaths, etc. that are required as a consequence of the development.

The scale of the development is excessive for the continuing organic growth of the village and does not integrate with it in any respect, as is indicated within the submission documents. The proposed mitigation would require significant screening and this in itself would be alien to the flat open character of the site.

The revised plans have been discussed with this officer who accedes that they go some way to addressing her concerns, but she remains opposed to the development.

#### **United Utilities**

Raise no objection to the proposal subject to the site being drained on separate foul and surface water systems. They suggest a condition be imposed to enforce this and to require that appropriate details for drainage are provided prior to the commencement of any development.

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

No comments have been received at the time of writing this report.

#### **Lancashire CC Flood Risk Management Team**

The requirements for consultation were revised during the consideration of the application to make the Lead Local Flood Authority a statutory consultee on major planning applications such as this and so their views have been sought. They have reviewed the Flood Risk Assessment that has been submitted to support the application and make comments which are summarised as follows:

- As part of the site is in Flood Zone 2 the local planning authority (LPA) should condition any approval to ensure that dwellings are not located in this area.
- The FRA proposes that the site be drained by gravity to Deepdale Brook at the pre-development rate of 17 litres per second. This will require Land Drainage Consent, and it will be necessary to demonstrate how the ponds that are to be required to achieve this rate are to be designed as part of the detailed design of the development.
- The FRA proposes to re-assess the drainage needs at detailed design stage as it will be driven by the nature of that development. This is an acceptable approach but must ensure that the pre-development discharge rate is maintained.
- The development proposes that the less vulnerable uses such as parking and landscaping are located in the higher flood risk area, which is an appropriate approach.
- The detailed design of the development will need to demonstrate how surface water from the development will be captured so that none of it runs onto the A583 Blackpool Road.
- There are no details of the maintenance of any of the SUDS drainage features that are suggested in the FRA and this is an important aspect that should be sought by the LPA as part of any planning permission.

- They offer supportive comments on the benefits of all developments managing their surface water within the application site so as to ensure that there is no surface water run-off to the highway or elsewhere.
- The need for Land Drainage Consent is highlighted and reference is made to the requirement for this to also consider impacts of the development on pollution and ecological aspects of the surface water drainage network.
- They conclude the assessment by stating that there are no objections to the development proceeding as outlined in the submission subject to the imposition of conditions to require that the development is undertaken in accordance with the details in the submitted FRA, that the details of a surface water drainage scheme are agreed as part of any reserved matters, that effective assurances are secured to ensure the lifetime maintenance of the drainage networks involved in the development, and that the development secures Land Drainage Consent

#### **Lancashire CC Minerals Planning Team**

They refer to the location of the site as being within a Minerals Safeguarding Area as defined by Policy M2 of the Lancashire Minerals and Waste Site Allocation and Development Management Policies Local Plan. This relates to an intertidal deposit of sand that may be present, with Policy M2 opposing development that would be incompatible with the working of the mineral.

They suggest that the developer be required to provide a Mineral Recourse Assessment to examine the quantity and quality of any minerals that are present and the effect of the development on the practicality of their extraction. The developer has provided some information on this and LCC have confirmed that their concerns are addressed providing that the council is satisfied that the need for housing outweighs the potential sterilisation of a possible mineral resource.

#### **Lancashire CC Archaeology**

Highlight that Clifton is mentioned in the Domesday Book but by the time of the 1<sup>st</sup> edition Ordnance Survey plan in 1845 was a settlement with a long main street and plots located with a back street to the southern side as would be found in a medieval settlement. As such they considered that the development to the rear of this street as is now proposed could encounter features such as rubbish pits, ditches to delineate property boundaries or the boundary of the settlement itself as well as the remains of ancillary outbuildings.

These archaeological remains are likely to be of a value that merits preserving by record rather than in situ and so a condition to require that an appropriate archaeological excavation and record is proposed. They ask that this is imposed to ensure compliance with para 141 of the NPPF and Policy EP21 of the Fylde Borough Local Plan.

#### **FBC Drainage & Flood Defence**

Confirms that there are no recorded incidents of flooding off-site in the area in the council's Flooding Register.

#### **Regeneration Team (Trees)**

The council's tree officer has visited the site and assessed the proposals for their implications for tree cover in the area. As much of the site is open agricultural fields there is little impact on tree matters from its development. However, there is a row of trees along the frontage with Blackpool Road that will be affected by the formation of

the access and the provision of the associated visibility splays. These were apparently planted as part of the highway construction and were retained have matured to form a valuable feature on this frontage. He confirms that the access is at the location where the majority of these trees will need to be removed and has objected to the application on that basis with Policy EP12 providing protection to such trees. A Tree Preservation Order has been served to provide protection to these trees given the contribution they make to public amenity. This has reference TPO 2015 No. 7.

#### **Lancashire County Council Education Team**

As with all applications that constitute major development, they have undertaken an assessment of whether the yield of children from the development can be accommodated within local schools. This involves an estimation of the likely yield of children from the development (given the outline nature of the application they have to estimate bedroom numbers), the forecasted level of children of school age in coming years, the capacity in the surrounding schools (2 miles for primary & 3 miles for secondary) and other developments and that service these schools.

For primary education there is forecast to be 67 place shortfall in the four schools (Newton Bluecoat, Lea St Mary's, St Bernard's and Lea Endowed C of E) that are within the catchment of the site in 2020, with the projected yield of 21 children from this development increasing that shortfall. Accordingly they make a request for a financial contribution from the development to help those schools address that shortfall of capacity. Using their accepted formula for this the contribution based on 21 places is £252,622.

For secondary primary education there is forecast to be 65 place shortfall in the three schools (Kirkham High, Ashton Community College and Hutton Grammar) that are within the catchment of the site in 2020, with the projected yield of 8 children from this development increasing that shortfall. Accordingly they make a request for a financial contribution from the development to help those schools address that shortfall of capacity. Using their accepted formula for this the contribution based on 8 places is £145,011.

Accordingly the combined education request is £397,633.

#### **Lancashire Constabulary**

Make general comments about aspects of the Secured By Design concept that would be beneficial in the design of any detailed layout for the site.

#### **Office for Nuclear Regulation**

As the site is within a proximity of the Springfield facility this authority is a consultee on the application. They have undertaken a series of consultations with the businesses and other bodies that oversee site safety at the facility along with an assessment of the scale and proximity of the proposal to establish whether it would involve a significant risk to public health. They have concluded that the site can be accommodated in the Springfields Fuels Limited Off-Site Emergency Plan and so they do not advise against the development.

## Neighbour Observations

<b>Neighbours notified:</b>	11 February 2015
<b>Site Notice Posted:</b>	11 February 2015
<b>Press Advertisement:</b>	26 February 2015
<b>Neighbour Re-notification:</b>	4 June 2015
<b>No. Of Responses Received:</b>	

The original notification attracted 14 individual letters, a report submitted on behalf of 30 signatories, and a planning consultant report submitted on behalf of a resident: all are in objection to the scheme.

The re-notification attracted a further 3 neighbour responses and a further letter from the planning consultant.

### **Summary of original comments made:**

#### Principle of Residential Development

- The site is allocated as Countryside in the Fylde Borough Local Plan and this proposal conflicts with that allocation
- The council may have a 5 year housing supply, as the most recent assessment is very dated so it is not possible to be certain.
- The scale of development proposed is excessive for any justifiable local needs as could be supported by para 54 of NPPF
- The latest rural affordable housing survey indicated a need for only 2 units per year in the village and so any justification that this development is to provide that is untrue as the level provided is excessive.
- The development will cause visual harm to the area by involving a substantial urban extension at a different level to that of the remainder of the village which is on a slight hill, hence the name Clifton
- The proposal involves the loss of greenfield site
- The village has only limited services available to support growth (post office/general store, hairdressers, sandwich shop) and so residents will have to travel to Kirkham or elsewhere to access anything but the most basic services
- The nearest schools are some distance from the site at 2 miles to Newton Bluecoat and 2 miles to Carr Hill in Kirkham
- There is only a limited bus service
- Employment opportunities are limited, with Springfield downsizing in recent years
- The development will create a harsh edge to the extended village and this will conflict with the rural character of the area and the Coastal Plain Landscape Character type. It is noted that the Landscape and Visual Assessment records the magnitude of change as being high.
- A significant extent of the site is best and most versatile agricultural land (26% from their survey)
- The council should avoid the development of greenfield land such as this

#### Service Provision (Note: no longer part of scheme)

- This is not integrated to the village and so will be of little benefit to its residents
- The scale of it is excessive to serve the needs of a rural village such as Clifton
- The vagueness of the provision indicates that there is a lack of actual need for this element of the application

- If this were to be a retail use it would have a significant impact on the village shop which is in a much better location to serve the village population
- A drive through restaurant would not be compatible with a village community
- The capacity of the local primary school to take additional children is questioned

#### Access

- The access to Blackpool Road does not integrate with the village in any way
- The proposed access is on the inside of a bend onto a well-used A road through the borough that is single lane in each direction at that point, but dualled both before and afterwards. This causes some confusion to drivers and with the proposed access in addition to the caravan sales access will cause a dangerous situation.
- The road is subject to speeds above the designated 50mph limit with the positioning of a speed camera evidence of that. This exacerbates safety concerns over the access.
- The road has a poor accident record and the provision of an additional access point can only compound this.
- There is likely to be a significant growth in traffic in the area should the Shale Gas extraction commence and this will have impacts for the safety of this junction.
- The traffic flows are 1,500-1,800 per hour and the introduction of a junction into this flow will reduce the capacity of the road to accommodate it safety

#### Drainage

- The site is poorly drained with its waterlogged state evident throughout the year. Residents have submitted photographs to support this.
- The site is adjacent to Flood Zone 2 and the submitted Agricultural Land Classification report confirms that it is often waterlogged
- The nature of the ground means that the proposal to drain the site by soakaway is unlikely to be successful
- Recent spring tides have seen the land of the application site largely underwater and it is not clear how the development could account for this occurring when dwellings are constructed.
- The council should prevent development where it will not be possible for the new homeowners to secure property insurance due to flooding as will be the case here
- There is a need for a foul pumping station to serve the development, with the network this will connect to having limited additional capacity as it is designed to serve a village

#### Other Matters

- The site is within an area allocated for minerals safeguarding and so should be assessed against the relevant policy of the minerals Local Plan.
- The layout indicated is inappropriate for a sustainable village extension, and the use of 2.5 storey dwellings would conflict with the scale of dwellings in the village generally
- The open space is poorly located within the site and will impact on existing residents but not be well located for either new or existing residents
- The upgrade to the public right of way is vague and misleading in the submission
- There has been a lack of community engagement prior to the submission of the application, with the statements made in the SCI about circulation of a leaflet disputed by a number of properties who would have received one.
- The development will enable some overlooking of properties
- Whilst not being habitat rich, the site provides hunting and foraging opportunities for many bats, birds and mammals.
- The village of Clifton has evolved organically over many years. This development will

involve a large increase in its population at one stage. Moreover, the separation of the site from the remainder of the village will not allow its residents to integrate with the remainder of the community

- Inconsistencies and inaccuracies in the submission are highlighted
- An application for 6 dwellings elsewhere in the village is a preferable scale and location for any expansion that is needed for Clifton
- Proposals to extend properties have been resisted where they would cause harm to the aspect of Clifton from Blackpool Road so a scheme as visually harmful as this is must be refused

#### Consultant letter

The letter from a planning consultant covers the following points:

- Principle of development – They accept that the council does not have a 5 year supply of housing and so must look at (and have approved) development of greenfield sites, but argue that these are to be of a suitable scale and location. They do not believe that this site meets that requirement.
- Character and appearance – The proposal is for a large site with a lengthy frontage to a main route through the borough making it particularly visually intrusive with inadequate mitigation
- Scale – the proposed inclusion of 2.5 and 3 storey dwellings conflicts with those in the area and the number of dwellings is disproportionate for the village.
- Main town centre use – the local service provision element is not supported by a sequential test to examine if it could be located within any town or edge of centre location. This element does not support Clifton, but will draw trade away from its existing services and so weaken its service provision.
- Flood Risk – As part of the site is FZ2 there is a need for the application to be supported with a sequential assessment to see if the development could be located elsewhere and this is absent.
- Accessibility – The access is to a busy road with 50 mph speed limit and no footway on the application side or crossing point. There is no detail on how the steep slope to provide pedestrian links to the village is to be addressed and the scheme is not accessible by any means other than car.
- Public Open Space – the illustrative areas of POS are below that required by Policy.
- Notice – they believe that the development should include certificate B served on the highway authority.

#### **Summary of additional points raised at re—notification**

- Do not believe that the path from the village to the site could be delivered in the manner shown on the images as the gradient is too steep to allow practical use by elderly or buggy users. It also runs to a private road only and so could not provide a continuous link to the services with a copse of protected trees preventing improvement to the other exit point.
- Fylde should have a 5 year housing supply due to the number of planning permissions granted such as at Whyndyke, the availability of empty houses, and revisions in the method of calculation
- The Revised Preferred Option is the proper method for allocating land for development, not through speculative planning applications.
- This site is different to that at Staining or Wrea Green which the developer quote as the visual impact here is will be high, and the level of available services is much reduced with the classification of those settlements in Tier 1 compared to Clifton being in Tier 2 evidencing that.
- The photomontages indicate the harm that the development will cause to the settlement in visual terms
- The site is remote from the village and can never be seen as an organic extension of it.

- The recent Rural Housing Needs survey indicated only a low requirement for affordable housing in the village and this is being met by other developments so there is no need for market development to support it.
- The revised road entrance continues to require the removal of the trees and hedgerows in that location so causing greater harm to viewpoints from this aspect.
- The drainage information is outstanding and despite regular clearing and dredging of the dykes it fails to take water away from this land leaving the site waterlogged for much of the year. No level of on-site storage will deal with this if water is not able to leave the site.
- The development is harmful to the setting of the village, conflicts with development plan policy, is o
- in a location that is remote and poorly accessible to the village services and that these services are not adequate to support the level of population that would be added to the village. There are other drainage, loss of agricultural land and design issues with the development and it cannot be considered as sustainable
- The only possible need for development in the village is houses for older people to downsize to and these are being met to the rear of the post office so this development is not required,
- The boundary line on the plan is queried.
- The site access to Blackpool Road is at a very dangerous location due to speed of traffic and the removal of all the trees and hedge in an attempt to make this safe would be harmful to the appearance of the area.

### **Relevant Planning Policy**

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

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
SP02	Development in countryside areas
HL06	Design of residential estates
EP01	Environmental Improvement Schemes
EP10	Protection of important landscape and habitat features
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP18	Natural features
EP19	Protected species
EP22	Protection of agricultural land
EP23	Pollution of surface water
EP24	Pollution of ground water
EP25	Development and waste water
EP26	Air pollution
TR01	Improving pedestrian facilities
TR03	Increasing provision for cyclists
TR05	Public transport provision for large developments
TREC17	Public Open Space within New Housing Developments
SP01	Development within settlements
EP30	Development within floodplains
CF02	Provision of new primary schools

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

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

## **Site Constraints**

Within countryside area

## **Environmental Impact Assessment**

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

## **Comment and Analysis**

### **Policy and Planning Background**

#### Introduction

Planning legislation requires that planning applications are determined in line with the development plan unless there are material considerations that dictate otherwise. 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.

#### Fylde Borough Local Plan

Under the Fylde Borough Local Plan the majority of this application site is outside of the settlement boundary of Clifton which extends around the properties to the north. The exception is part of the site that extends over a public right of way as it joins with Silver Street and Preston Old Road. The land is, therefore, almost all allocated as Countryside under Policy SP2 which restricts the majority of development to preserve its rural character, with the exceptions generally limited to agricultural or other such uses. New residential development 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 on the conflict with the Local Plan allocation would be appropriate.

#### Fylde Local Plan to 2032

The Fylde Borough Local Plan is dated, and work is advancing on its replacement which will look at the period to 2032. An initial 'Preferred Option' of the Plan looked at the scale and strategic locations for development in 2012, with a 'Revised Preferred Option' due for consultation shortly that looks at the development needs across the borough. With regard to Clifton there are two sites identified for potential residential development: one off Ash Lane and one off Stanagate. This application site is not included, although with this Plan remaining at a relatively early stage that fact alone is not decisive for the development of this site as the Plan has little weight.

#### Housing Supply

The NPPF places great weight in para 47 and 49 on the need for a local authority to be able to demonstrate a supply of housing equivalent to 5 years of the agreed supply figure, along with additional amounts when the council has had a persistent undersupply.

The council's annual housing requirement is established as being 4.3 years at 31 March 2015 as part of the evidence base put forward for the emerging Revised Preferred Option of the Fylde Local Plan to 2032. This is based on an up-to-date and agreed housing requirement of 370 dwellings per year and includes a 20% buffer as required by NPPF due to the persistent undersupply against that target. As such it is accepted that the council is unable to demonstrate the required 5 year housing supply and so the weight to be afforded the protective nature of Policy SP2 is reduced and that policy must

be considered out of date. The guidance in para 14 of NPPF is relevant and this is a strong factor to be weighed in favour of residential development proposals. If a scheme is considered to deliver sustainable development and not have any adverse impacts that would significantly and demonstrably outweigh the benefit in housing supply, 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 in a location that is sustainable, and if there are any other relevant factors to outweigh its development.

### **Principle of Development**

As this scheme is for outline planning permission the council must decide whether the principle of erecting 55 dwellings on the site is acceptable or not, and must also assess whether they can be safely accessed given that access is the one reserved matter also under consideration.

With the reduced weight afforded to the countryside designation in Policy SP2 of the Fylde Borough Local Plan, and the continuing lack of a demonstrable and deliverable 5 year housing supply it is necessary for the council to examine if the development of this site will cause any significant or demonstrable harm to outweigh the benefits of its contribution to local housing supply. The following sections of this report assess that in the context of whether the scheme provides sustainable development.

### Visual Impact of Development

The application site is a flat area of land that is located at a lower level than the remainder of the village, which as its name suggested is sited at a raised level above surrounding land. The result of this is that elements of the village are prominent in views from Blackpool Road and other approaches to the south, but due to the nature of these elements they present as an organically developed rural village in those views. In its present form this application site adds to that character by offering a flat expanse of agricultural land that rises gently up to the houses and so ensures that the village is physically separated from Blackpool Road (as the main viewing point), and ensures that there is an open aspect to this village approach. This is enhanced by the native species continuous roadside hedge interspersed with mature trees that are part of the character of this road as it runs through the borough between Preston and Blackpool.

It is inevitable that any development will change the character of an area, but it is considered that the development proposed here will involve a significant and adverse change to the character of this application site. This is a consequence of the scale of the development running for the whole distance between the existing settlement and the road, the inevitably dense character of modern residential development conflicting with the established character of the area, and the width of the site featuring development alongside this road, which is a key thoroughfare passing through the borough, for a distance of 250m with the impact of the access formation being of particular concern. This will involve the removal of a significant length of the hedgerow and the protected trees within it to ensure that the required visibility splays can be achieved for the access to meet standards. This will significantly alter the experience of users of Blackpool Road and cause a harmful impact to the character of that road and to the aspect of Clifton as a rural settlement. The degree of harm is recognised by the developer's landscape consultant who states: *"The magnitude of change is assessed as High for the proposal site with the change from farmland to built form. With mitigation planting implemented, this impact reduces to a Medium change, which will be adverse in the short term, however over time the impact will reduce as the residential properties become an established part of the landscape..."*

This was been raised with the applicant's agent at an early stage in the determination of the application. He has presented photomontages to indicate the claimed appearance of the

development from vantage points on Blackpool Road, but your officers consider that these serve to merely demonstrate that the level of visual impact is an unacceptable one. The revised plans submitted with these photomontages increase the area and level of landscaping in an apparent effort to "hide" the development. This is the wrong approach as landscaping should be used to complement not hide development, and this underlines the degree of visual harm that the residential development of the site undoubtable causes.

The location of the development will also diminish the value of the remaining land on that southern approach as its open nature cannot make the same positive contribution to the open aspect of that approach to the settlement if a large part of the approach is occupied by residential development or substantial structural landscaping designed to mask that development.

#### Character of Settlement

The village of Clifton was originally established along Preston Old Road and Lodge/Clifton Lanes, with newer development linking these and surrounding the William Pickles Park which serves as a central public open space feature for the village. The existing development in the village, including more modern developments, are all accessed off these roads and so provide a cohesive pattern as a village that has organically developed. These roads operate to a 20mph speed limit and so provide routes that are attractive and readily accessible by pedestrians and cyclists in addition to car users. The architecture, scale and pattern of development give Clifton its 'village feel'.

The development proposed here takes its sole vehicle access to Blackpool Road and in that regard conflicts with the established pattern of development in the village. The proposal does include a proposal to upgrade the existing public footpath connection to Preston Old Road, but with the sole vehicle access being to Blackpool Road it is inevitable that this will give the appearance that the development 'turns its back' on the village. This is compounded by the nature of that road with a 50 mph speed limit, lack of pedestrian footway on the development side, and the width of the road making it an unattractive proposition for a pedestrian to attempt to cross to reach the footway and then back to reach the village.

Essentially the development will appear as a remote development that does not add to the cohesive nature of the village as is sought by guidance in the NPPG promoting good design in residential neighbourhoods. The access location will promote the use of car-borne journeys to access shops, education, employment, etc. services and will not add to the village community. Further, the location of the development is effectively segregated from the remainder of the village by virtue of both its access arrangement and its location, and this minimises any benefit it could offer towards enhancing the vitality of the village.

#### Availability and Accessibility of Local Services

As is explained earlier Clifton is a rural village, and in common with many such villages has a limited range of services. There is a substantial employment site at Springfield which is located 1.5km from this site, there is the public open space at the William Pickles Park and there is the village post office/convenience store and a sandwich shop. The nearest primary school is at Newton which is 1.6km from the site (across Blackpool Road) and the nearest town centre services are in Kirkham which is 4km from the site. As such it is considered that the village has a basic level of services that are available within a convenient or accessible walking location of this site.

It is in recognition of that fact that the village has been classified in Tier 2 which is a 'Smaller Rural Settlement' in the Revised Preferred Option of the Fylde Local Plan to 2032. This hierarchy is proposed to assist with directing the majority of development to the larger settlements that are inevitably better able to accommodate the increased population growth, whilst recognising that a

degree of new development is beneficial to smaller villages to ensure that they can continue to function. The other Tier 2 settlements are Singleton and Weeton and are so defined as they have fewer essential services or employment opportunities and tend to have poorer transport connections to larger settlements.

Concerns have been expressed to the applicant's agent over the appropriateness of this scale of development in Clifton and they have responded by making reference to recent appeal decisions where planning permission has been granted around Staining and Wrea Green contrary to refusals of permission by this council. However, it must be noted that these two villages are both identified as Tier 1 settlements in this hierarchy which are larger rural settlements which provide small scale essential services and local employment. Such settlements are better equipped to support larger developments.

Officer concerns on this point follow on from those expressed earlier about the vehicular access location of this development. As Clifton has only limited services it is more likely that the occupiers of new developments around the village will need to access these services in other settlements. The lack of a safe or convenient walking route from the Blackpool Road entrance to these settlements will encourage the occupiers to make these journeys by private cars which must undermine the sustainability of the location for development and limit the benefits that it brings to enhancing the range of services on offer in the village.

The application does include a proposal to upgrade the existing public footpath that runs through the site across the field from Blackpool Road into the village. The latter part of this route involves a climb up the slope before a stile and then an overgrown surfaced path that connects to Preston Old Road. Their proposal is that this is re-graded to allow suitable use by pedestrians, buggies, wheelchairs, etc., and that it be surfaced and lit.

When this path emerges into the village it does so at the end of Silver Street which is an unsurfaced track that is in private ownership and serves a number of cottages. This provides a direct link to the bus stop in the village which would then allow connection to Newton, Kirkham and Blackpool travelling west or to Preston travelling east. However as Silver Street is in private ownership its upgrading to a suitable standard cannot be secured as part of this application and its lack of a proper surface would prevent its safe and convenient use by all. The alternative is that the connection to Preston Old Road itself could be improved by resurfacing and removing vegetation. This option is promoted by the developer and they suggest a commuted sum secured by s106 agreement would be appropriate to ensure it is maintained. The views of the highway authority would be helpful on the viability of this, but unfortunately are not available at this time. However, your officer's have concerns over this as it leads to a point of Preston Old Road where there is no footway (on this side of the road) travelling east and it is not possible to provide one given there is a copse of protected trees at this point and the footway would undoubtedly harm them. Whilst it would be possible to cross Preston Old Road to the footway on the opposite side and then re-cross to access the bus stop to travel west, this is clearly reducing the convenience, and safety, of this route further.

To conclude on this matter, it is your officer opinion that the scale of development proposed is excessive for a settlement of the scale of Clifton and the limited services that it offers to support that residential growth. Moreover, the orientation of the development's main access and the difficulties and inconvenience in the alternative pedestrian routes are such that the residents of the development would not be able to conveniently access these services by alternative transport means to the private car. The NPPF refers to promoting residential development in rural areas where it would maintain the viability of rural communities, with the NPPG building on this by stressing the importance of a local planning authority making decisions to support a thriving rural

community with services and facilities such as schools, local shops, cultural venues, public houses and places of worship. Other than a small village shop Clifton as a village does not have any of these services and taking account of all these matters in the round, it is concluded that this reduces the benefit that this development could bring to supporting them.

#### Density of Development

One of the 12 principles of planning in NPPF is that proposals make an effective use of land. There is no prescribed minimum density to deliver this and it is appropriate to ensure that development is undertaken at a level that reflects that of the surrounding areas to sit comfortably against that development.

This proposal involves the erection of 55 dwellings on a site that extends to 3.4 hectares although there are the landscaped buffer areas at either side of the frontage that reduce the area that is proposed for development below that figure. Using the gross scale the number of dwellings gives a density of 16 dwellings per hectare which around half the figure sought in Policy HL2 of the Fylde Borough Local Plan, but with the inclusion of the landscaped areas and the site's edge-of-village location it is considered that the development density is an appropriate one.

#### Benefits of Housing Development

The scheme will bring some benefits to the local and wider area. The housing delivery is welcome in assisting the council meet its targets for housing supply. The provision of 30% of the dwellings as affordable units would also help meet the identified need for such accommodation in the borough. There would be economic benefits from the construction of the dwellings and from the spending power of the new residents, with at least some of this being spent locally. The council will also benefit financially through the payment of New Homes Bonus from the new households. These are all matters that weigh in favour of the proposed development.

#### Summary to Principle of Development

The council has identified that it is unable to deliver the five year housing supply required by the NPPF. In such circumstances the council must support housing schemes that deliver sustainable development, and to assess this it must look at whether the adverse impacts from the proposal are such that they significantly and demonstrably outweigh the benefits.

In this case the proposal involves the development of a greenfield site outside of the settlement that is available for agricultural use and makes a positive contribution to the open aspect and appearance of Clifton as a rural village. The development will involve a change to that aspect which the developer's landscape assessment agrees is of high significance, and which your officers believe will be harmful to both the appearance of the settlement from this aspect, and to its character as a rural village. Moreover the position of the development and its vehicle access serves to segregate it from the community facilities that are available in Clifton and nearby the site. The limited level of these services and the scale of the development are such that it is likely that the private car will be the most readily used method of accessing these services which must conflict with the principles of sustainable development. The site itself is not served by public transport and has a less than convenient route to access these connections. Pedestrian and cycle links to these services are similarly restricted by the location on Blackpool Road and the indirect, inconvenient and uncertain connection along the public footpath into the village.

Whilst the council is unable to demonstrate its 5 year supply, the adverse impacts explained elsewhere in this report are such that they are considered to outweigh the benefits of delivering housing on this site. Accordingly the countryside protection secured by Policy SP2 of the Local Plan should take priority and the application be refused as being contrary to that Policy.

### **Loss of Agricultural Land**

The site of the proposed dwellings is almost entirely greenfield and seemingly available for agricultural use with grazing reported in various elements of the submission.

Data from Natural England concerning the agricultural land classification of the land of the application site lists it as being of Grade 3, and so potentially of a grade that is Best and Most Versatile Land depending on whether it is 3a or 3b. If it were 3a it would have some protection from development through Policy EP22 of the Fylde Borough Local Plan and by paragraph 112 in the NPPF. The application is supported by an Agricultural Land and Soil Resources report which took a number of samples of the actual soil and analysed these along with geological, climate and topographical data. This Study reports that the land is predominantly Grade 3b (74%) with the remainder Grade 3a. As such only a small element of the site is within the BMV classification and this is well below any definition of the 'significant' loss of BMV that is referred to in the NPPG. Accordingly it is accepted that the loss of the site to non-agricultural development would not be in conflict with Policy EP22 or para 112 of NPPF.

### **Access Arrangements**

Whilst the application is in outline, the access arrangements are sought as part of this submission and so are to be considered here. The access proposed is a single access point to Blackpool Road located midway across the site frontage and opposite to Preston Caravan Centre. This is a priority junction with no signals or other controls and offers a 5.5m wide carriageway and 2m footways on either side of the junction. A ghost island to allow right turning vehicles waiting to access the site is to be formed in the space available between the two running lanes of the carriageway using an area that is currently marked by diagonal lines to prevent vehicle use. As such no physical alterations to the carriageway are proposed, although a significant length of hedgerow and protected trees within it will need to be removed to provide the 2.4m x 160m visibility splays that are indicated in both directions as a consequence of the access point being on the inside of a bend.

The application is supported with a Transport Assessment that provides details of the access arrangements and the anticipated number of vehicle movements. This concludes that these can be safely and efficiently be accommodated on the surrounding road network using the access as is proposed.

Unfortunately the council is yet to receive the written views of County Highways on this matter and so your officers are unable to provide their definitive guidance on the safety and design of the access. However, from your officer's review of the records it is noted that there are a number of accidents recorded in that location, there are extensive speed warning signs, and that there is a fixed speed camera in attempts to influence driver speeds. Furthermore local residents and the Parish Council have all expressed severe reservations over the safety of the access. It is also noted that the footways proposed for the access point as shown in the submission drawings do not lead to any existing or proposed footways or crossings and so it is difficult to envisage that this could be considered as a safe route for pedestrians.

Notwithstanding this, in discussions with County Highways over the scheme they have indicated that the access could be designed to a satisfactory standard to allow a junction to Blackpool Road to provide a safe access. However the consequence of this is that the access would require the removal of a significant length of the hedgerow to the highway frontage and the protected trees that stand within in. This will cause further visual harm to the character of the area as described in the earlier sections of this report.

Criteria 9 of HL2 of the Fylde Borough Local Plan requires that the council only supports development where it has a “... *satisfactory access* ...” and is consistent with the NPPF which (at para 32) requires that a “ ... *suitable access* ...” is provided. In this case officers believe that whilst a safe access can be provided this is only at the unacceptable loss of a significant length of hedgerow and trees and that the visual harm that this will involve prevents that access from being considered as ‘satisfactory’ or ‘suitable’. It is concluded, therefore, that the proposal is in conflict with this development plan policy and supporting NPPF guidance.

### **Public Right of Way**

There is a public footpath that crosses the site and is known as Clifton Footpath No. 8. This runs from Blackpool Road to Preston Old Road and has a pleasant rural aspect due to the open agricultural land of the application site and the backdrop of the village. The routing of the footpath is to be changed to accommodate the, as yet unknown, layout of the development.

There are technical aspects relating to the diversion of a footpath that would need to be dealt with were this application to be supported, but it is clear that there will be a harmful impact from the development for users of this short route. At present it offers part of a pleasing circuit for dog walkers and other recreational users between the village and Blackpool Road before returning to the village in the direction of Dobbies or via Lodge Lane. This route would be retained but its character compromised by the development routing it through built development to the detriment of its value as a recreational route.

Criteria 6 of Policy TR1 of the Fylde Borough Local Plan refers to the maintenance of existing public rights of way, and whilst this right of way is maintained this development will compromise its enjoyment to users. However, the application ensures the maintenance of the route and so complies with the wording of the Policy meaning this cannot constitute a reason for refusal.

### **Mineral Extraction**

The site is within an area that is identified in the Joint Lancashire Minerals and Waste Development Framework Core Strategy DPD (2009) as offering a potential resource of intertidal sand. Policy M2 of that Plan opposes the development of such areas in a way that will adversely affect the practicality of recovering that resource without further investigation of the nature and quality of the resource.

The applicant has provided a Geological Mineral Assessment of the site which is based on desk top study and concludes that the minerals are of limited value and would only be useful as aggregate, and with the availability of better qualities of such minerals in the surrounding area this should not prevent the residential development of the site as proposed.

LCC have assessed this report and confirmed that their concerns have been addressed in this respect. This places the onus on this council to determine whether the benefits of housing provision outweigh the need to prevent the sterilisation of a possible mineral resource at this location. Having weighed these up your officers believe that the lack of certainty over the presence of this resource, and the applicant’s consultant advising that the resource is likely to be a commonly available one anyway, it is considered that the application should not be refused on this basis.

### **Drainage Matters**

The application site is an area of largely flat land that rises towards Clifton village and includes area that rises more steeply as a connection to the existing village. The illustrative plans indicate the development being sited largely on the flat area. The majority of this is within Flood Zone 1 which

is land that is at least likelihood of flooding, but the southern extent lies within flood zone 2 which is land at a medium risk of flooding.

The NPPF requires that all developments on sites of over 1 hectare are supported with a Flood Risk Assessment, which this application is, and that those which are within flood zones 2 and 3 are assessed further by the application of a sequential test that steers new development to areas with the lowest probability of flooding. One of the amendments made to the scheme during its consideration by the council is to present a Parameters Plan that indicates the extent of built development. This is a revision from that proposed initially and indicates that the land which is in the higher risk flood zones will not be the subject of any residential development. As such there is no longer a need for a sequential test to be undertaken.

The development of the site from its current greenfield state will dramatically increase surface water runoff rates and so require that these are attenuated to prevent overloading of the networks downstream. The Flood Risk Assessment confirms the intention to drain surface water by gravity to the watercourse system to the south, known as Deepdale Brook. With the outline nature of the application no details of the mechanism to achieve this are available, but a mixture of over-sized pipes for storage and balancing ponds and swales are suggested with these combining to restrict the flow to a suitable rate. This is a widely accepted solution for the development of greenfield sites such as this and did not attract any opposition from the Environment Agency as the initial key consultee on this matter, or from LCC as the Lead Local Flood Authority who took over this responsibility part way through the consideration of the application.

The Lead Local Flood Authority have made a particularly detailed assessment of the submission and do not raise any objection to the proposed surface water drainage of the site, subject to the imposition of conditions to control the rates of run-off to that stated in the FRA, to agree the detailed design of the drainage system, and to ensure that it is maintained appropriately by the developer. With the outline nature of the application it is unreasonable to require that these aspects are provided at this stage when the detailed nature and layout of the site is not under consideration. This is an approach that has been criticised by some residents who argue that the land is regularly waterlogged and that this must demonstrate that the existing greenfield run off rate from the site is inadequate to handle the amount of surface water that falls on the site or runs through it from higher ground.

Notwithstanding these comments, and officer observations that the site does hold water, the statutory consultees are clearly satisfied that the development can proceed subject to conditions following their assessment of the site and the drainage function it provides. In these circumstances it is officer recommendation that a reason for refusal on this basis could not be sustained and so the development is capable of complying with Policy EP23 and Policy EP30 of the Fylde Borough Local Plan and para 103 of the NPPF.

With regard to foul drainage, the relationship of the site to Clifton and its position of the site below the level of the village means that it will not be possible to connect to the foul sewerage system that serves the village. Instead the FRA proposes that a pumping station will be provided to pump all foul water from the southern edge of the site across its full width to the existing sewer in the village to the north. With the lowest part of the site being in Flood Zone 2 the FRA recognises that this pumping station will need to be above ground and located in a compound that will have a visual impact on this prominent part of the site, although it is not shown on the illustrative layouts. Notwithstanding these concerns the proposal is a technically viable one and with the lack of objection to this aspect from United Utilities it is considered to be acceptable.

As a summary to this aspect of the consideration officers are satisfied that technical solutions to the surface and foul water drainage of the site can be achieved through the detailed design of drainage systems at a time when the layout of the site is more certain. The proposal is therefore considered to be acceptable and policy compliant in that regard.

### **Ecology**

The site does not contain any ecological or biodiversity designations, and there are none within the vicinity of the site. However, the site has some hedge boundaries and there are other hedges, ponds and open agricultural land around it and so there is the potential to provide habitat for protected or priority species. The site is also located 1km from the Newton Marsh Site of Special Scientific Interest (SSSI) and 3.3km from the Ribble Estuary SSSI and SPA with both of these important for wintering birds.

The application is supported with an Ecological Survey and Assessment undertaken by a local ecology consultant. This presents a Phase 1 Habitat Survey of the site along with a more detailed presence and absence survey for any Great Crested Newts, and site surveys of the habitat and for presence of Badgers, breeding birds, bats, reptiles and water voles.

The survey reports conclude that there was no evidence of any protected or priority species at the site with an absence of badger, Great Crested Newt, reptiles or Water Voles. The time of year that the survey work was completed meant that bat activity could not be observed due to their hibernation but there are no structures on the site to provide a roost or nesting site and only a single tree provided any suitable bat habitat (and is one that does not require removal for the provision of the visibility splays for the access). As that could be retained in the layout of the dwellings, the only lost habitat feature is the opportunities for nesting birds to utilise the hedgerow to the Blackpool Road frontage and the use of the fields themselves for ground nesting or hunting.

It is considered that the revised parameter plan provides a suitable opportunity for areas of the site to provide compensatory hedgerow or other habitat mitigation, and it would be good ecological practice to build bat roosting and bird nesting opportunities into the dwellings to enhance their habitat. On this basis the survey is considered to adequately demonstrate that the proposed residential development of the site will not lead to any overriding harm to matters of ecological importance at the local scale covered by the survey.

However, in order to ensure compliance with national and European wildlife protection legislation it is necessary to await the views of Natural England on the potential for the development to adversely impact on wintering bird habitat in the area. These are major contributors to the designation of the Ribble and Alt Estuary Special Protection Area and these species do utilise surrounding agricultural land to support their use of the Estuary itself. At this time the views of Natural England are awaited on this matter and so it is not possible to be certain that there will be no conflict with Policy EP18 and EP19 of the Fylde Borough Local Plan and the guidance in para 118 of the NPPF which also supports the protection of importance ecological habitats. It is expected that further guidance on this matter will be provided at the Committee meeting.

### **Affordable Housing Provision**

The delivery of affordable housing is an important aspect of all residential development schemes. The Committee has recently supported the use of the Housing chapter of the emerging Fylde Local Plan to 2032 Revised Preferred Option as the policy document to support the provision of affordable housing in the borough. This explains that there is a significant need for affordable housing in the borough and that it is to be secured from all schemes of over 10 dwellings at a level of 30% of the total development, with on-site provision sought as a preference in all cases.

In this case the scheme is for 55 dwellings and so clearly exceeds the threshold for affordable housing provision. The application recognises this and confirms the intention that this be provided on site to the 30% figure quoted on the policy document as was the case with its preceding policy document, the Interim Housing Policy. The council's Housing team have confirmed that there is an on-going need for this level of provision and so there is no dispute between the council and the applicant on this aspect.

The only area of concern is over the appropriateness of providing affordable dwellings on this site, given that this report has already highlighted issues with the accessibility of services from it and the future residents' likely reliance on the private car if planning permission were to be granted. This must reduce the weight that can be given to the provision of affordable housing as a benefit of the scheme. However, given the commitment of the applicant to provide these dwellings it is considered that matters such as the level of on-site to off-site provision, the tenure of the properties, and the mechanics of their provision and occupation are matters that could be discussed at a reserved matters stage. On this basis the applicant's offer of delivery of 30% of the properties as affordable units is accepted and that no reason for refusal is necessary relating to this aspect with a planning condition appropriate to secure its delivery should planning permission be granted.

### **Public Open Space**

The Fylde Borough 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 amount to be provided is based on the number of bedspaces in the development, and can be met either by on site provision or by financial contribution to enhance existing facilities in the area.

In this case the outline nature of the application means that there is no certainty over the size of the dwelling proposed and so it is not possible to calculate the extent of public open space that would be required to comply with Policy TREC 17. However, it is very likely that this area could be provided on site due to the need for landscaping around the edges and the exclusion of development from areas of higher flood risk. As such it is suggested that the proposal will be capable of complying with Policy TREC17.

### **Education**

The capacity of the local schools to provide education to the children that move to new residential development sites is an important consideration in the determination of such applications. Lancashire County Council has provided a consultation response on this application that looks at the available education capacity in the primary schools within 2 miles of the site and secondary schools within 3 miles, and compares this to the expected yield of children from this and other committed developments that serve them. This provides a conclusion as to whether there is capacity to take the children from the development or not, and in circumstances where there is not Policy CF2 (as supported by para 72 of the NPPF) provides a mechanism for developers to make a financial contribution to enable this capacity shortage to be addressed. In April 2015 revisions to the Community Infrastructure Levy regulations mean that no more than 5 developments can contribute to a single project and so to comply with these regulations it will be necessary for any s106 agreement to identify the school where that capacity enhancement is to be delivered.

In this case the County Council as local education authority estimate that there will be a shortage of places at the local primary schools even without the children from this development and so they make a request for funding towards enhancing that provision. That contribution is calculated using their accepted formula and amounts to £252,622 for the 21 primary school children that would be

yielded from the development. With respect to secondary education they also anticipate a shortage and so request £145,011 for the 8 places yielded.

These sums would be secured by a s106 agreement prior to the grant of any planning permission, and usually include a formula based approach to allow the figures to be recalculated at the time of the reserved matters submission when the actual size of the dwellings (and so likely yield of children from them) is known. This would also provide an opportunity for the projects where the money would be spent to be identified.

The applicant has stated that they are agreeable to this in principle, although with the objections to the principle outlined above there has been no progress made on the drafting of a s106 agreement. The completion of the agreement would allow the development to comply with Policy CF2 of the Fylde Borough Local Plan, but in the absence of this being concluded a 'technical' reason for refusal on this basis is appropriate as there can be no certainty over this financial provision at the time of expected decision.

### **Relationship to Neighbours**

With the scheme being submitted in outline with all matters other than access reserved there can be no certainty over the relationships to the neighbouring properties. However, the site is a greenfield one that is located at a lower level than the existing properties which neighbour to the site. These are located on Silver Street, Mulberry Close and Highfield Close and the majority benefit from lengthy gardens that will further protect them from any amenity implications should the development proceed. In any event these matters are to be properly assessed as part of the consideration of a reserved matters application. The aspect to be considered at this stage is whether the site can accommodate the proposed number of dwellings without impinging on neighbour amenity, and the answer to that is that it can as it will be possible to secure a layout at that stage that complies with standard spacing arrangements and Policy HL2.

The only area of possible exception is the impact of the use of the pedestrian access route from the site to Preston Old Road. The occupiers of Silver Street have highlighted that that road is private and so cannot be formally considered to provide that route. The alternative route leading directly to Preston Old Road is close to some properties on Mulberry Close and at present appears to be little used. The development of the site would undoubtedly increase its level of use but as it is a public right of way that must be accepted and it is not considered that any objection to this increased use and so the increased disturbance it will bring to the occupiers of these properties can be sustained.

### **Overall Conclusion**

The application site is an area of generally flat agricultural land located to the south of Clifton village and so between the existing settlement and Blackpool Road. The land is entirely outside of the settlement and is allocated as Countryside in the Fylde Borough Local Plan.

The proposal is an outline application for the erection of up to 55 dwellings on the land with access applied for with this being a new vehicle access point to Blackpool Road generally opposite the Preston Caravan showroom. A pedestrian / cycle link is indicated to connect the site to the village along an existing public footpath route that runs through the site and leads to Preston Old Road close to the end of Silver Street. As initially submitted the application also included a building to offer 'local service provision' meaning a shop, restaurant or pub but this has been dropped from the application.

Residential development is not one of the types of development that Policy SP2 is supportive of in Countryside areas and so the application is in conflict with this development plan policy. However, the more recent guidance in the NPPF requires that a council supports residential development where it is sustainable in the event that the borough is unable to demonstrate the necessary 5 years of housing supply (plus any buffer required due to under delivery). The latest position in Fylde (as at March 2015) was that the council is able to demonstrate only a 4.3 year supply of housing land and so if this scheme were to constitute sustainable development it should be supported.

Having weighed the various aspects of sustainable development carefully it is your officers' opinion that the proposal will cause undue harm to the setting of the village by the development of housing on the lower level which is prominent in views of the settlement from the south, and that the development proposed is poorly related to the settlement due to the limited connections with it. The scale of the development and the suitability of the access are further concerns. It is considered that this causes harm of such significance that it prevents the proposal amounting to sustainable development and so it is appropriate that the application be determined in line with Policy SP2 and so planning permission should be refused.

### **Recommendation**

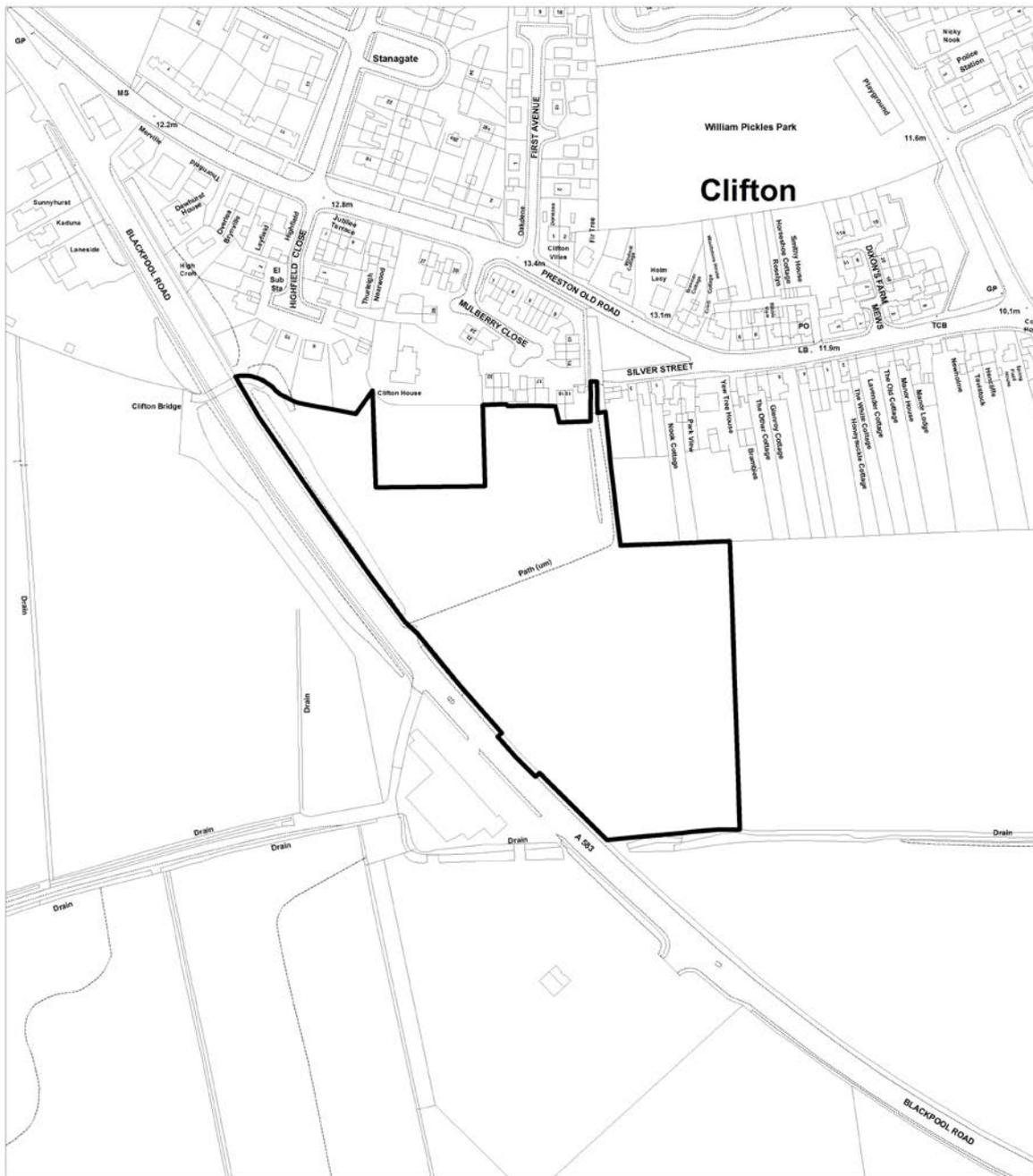
That Planning Permission be REFUSED for the following reasons:

1. Notwithstanding the council's current shortfall in housing supply being such that it cannot demonstrate the 5 year supply required by paragraph 47 of the National Planning Policy Framework (NPPF) it is not considered that this scheme delivers sustainable residential development, and creates harm to a degree that ensures it does not benefit from the support for such schemes that is described in para 14 of NPPF. Accordingly the application is to be determined against Policy SP2 of the Fylde Borough Local Plan and is in conflict with that Policy. The specific areas of harm are:
  - a) That the development involves the loss of the open aspect to the setting of Clifton as seen when approaching from the south, east and west. In doing so it will adversely affect the visual character of the area and the perception of the village as a small scale rural village in a countryside setting.
  - b) The proposal to introduce an access point to Blackpool Road to serve the development, and particularly the significant length of hedgerow and mature trees that are to be removed to facilitate that access and the necessary visibility splays will cause harm to the rural character of the area, and to users of this main route through the borough
  - c) The application site and its vehicular access arrangements are such that it is generally detached from the remainder of the village where its residents are less likely to see themselves as part of that rural community and so look elsewhere for their use of services thereby limiting the contribution that they make to supporting the vitality of Clifton as a rural community.
  - d) The site does not represent a logical location for settlement growth in that the development is not well located to the services that are available in Clifton as it only offers a footpath link to the village and provides no certainty as to how that is to be improved for safe, convenient, mobility-friendly access.
  - e) The scale of the development proposed is excessive for the reasonable local growth needs of Clifton and cannot be supported by the services that are available within that small rural village
2. The location of the access on the inside of a bend to a distributor road that is subject to a 50 mph speed limit necessitates the provision of a wide access with substantial visibility splays in both directions. These will require the removal of a significant length of the existing native species hedgerow that defines the edge of the highway and the trees protected by TPO 2015 No. 7 which stand within that hedgerow. This will cause a visual harm to the character of the area and

conflicts with the requirements of criteria 9 of Policy HL2 of the Fylde Borough Local Plan in that such access arrangements are not satisfactory, with paragraph 32 of the National Planning Policy Framework (NPPF) that such access arrangements are not suitable, and with Policy EP12 of the Fylde Borough Local Plan which protects trees and hedgerows that make a positive contribution to the landscape character of the area.

3. The proposal will generate an additional number of primary and secondary school aged children in the village at a time when there is anticipated to be a shortfall in capacity within local schools for their education needs to be accommodated. This is as a consequence of a combination of: the number of school places that will be available, the existing population making demands on those school places, and the granting of other planning permissions in the area that will also contribute children that will make demands on the available school places.

Policy CF2 of the Fylde Borough Local Plan enables a developer to make contributions to enhance education capacity to meet the requirements of their development, but in the absence of any such agreement being in place the shortfall of school places and lack of any mechanism to increase their supply means that the application is contrary to Policy CF2, which is consistent with paragraph 72 of the National Planning Policy Framework (NPPF) which refers to the need for a sufficient choice of school places to be available meet the needs of existing and new communities.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (10006084).	
Application No. 5/15/0065	Address Land north of Blackpool Road, Clifton	Grid Ref. E.3464 : N.4301	Scale 0 15 30 45 60 m

**Item Number:** 2

**Committee Date:** 02 September 2015

<b>Application Reference:</b>	15/0165	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	c/o Cassidy +Ashton Group Ltd.	<b>Agent :</b>	Cassidy + Ashton Group Ltd.
<b>Location:</b>	LAND EAST OF ROWAN CLOSE, ASH LANE, NEWTON WITH CLIFTON		
<b>Proposal:</b>	OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 30 DWELLINGS (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)		
<b>Parish:</b>	NEWTON WITH TREALES	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	24	<b>Case Officer:</b>	Matthew Taylor
<b>Reason for Delay:</b>	Awaiting consultation responses and revised plans		

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application seeks outline planning permission (access only) for a residential development of up to 30 dwellings on a 1.5 hectare parcel of land to the east of Clifton. The site falls outside the settlement boundary and within the Countryside Area as identified on the Fylde Borough Local Plan Proposals Map. Whilst the scheme would result in encroachment into the countryside, the Council is presently unable to demonstrate a five year supply of housing land and, accordingly, the principle of residential development within the Countryside Area cannot be resisted in these circumstances. The land is also identified as an allocated housing site in the Council's draft Revised Preferred Options Local Plan.

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

Satisfactory arrangements (including infrastructure improvements) would be made for vehicle access, parking and manoeuvring in order that the development would not have an adverse impact on the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site. The scheme would result in an acceptable relationship with surrounding uses and appropriate mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding and drainage, nor would it be at unacceptable risk from any hazardous installations. The proposal would not affect the significance of any heritage assets in the locality and appropriate contributions would be secured to make the development acceptable in planning terms. The proposed development is therefore in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Fylde Borough Local Plan.

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

The application is for major development and the officer recommendation is for approval. In addition, the officer recommendation conflicts with that of the Parish Council, who have objected to the application.

### **Site Description and Location**

The application relates to a triangular parcel of land measuring approximately 1.5 hectares in area located to the north side of Ash Lane, Clifton. The site is located to the eastern edge of the village, with its western boundary flanking existing dwellings on Ash Court and Rowan Close. The land falls within the Countryside Area as defined on the Fylde Borough Local Plan (FBLP) Proposals Map. The site presently forms pastureland for grazing animals and is designated as Grade 3 (good to moderate quality) agricultural land on the Agricultural Land Classification Map.

The highway of Ash Lane runs alongside the southern perimeter before turning sharply in a northerly direction at a prominent bend parallel to the eastern boundary. A grass verge backed by a continuous hedgerow marks the perimeter with Ash Lane and a mature Ash tree is located within the hedgerow to the southeast corner. The site is slightly elevated to Ash Lane and follows a general northerly rise across the land where a row of pylons and overhead power lines run diagonally parallel to the northern boundary.

The land is presently accessed via a farm gate from Ash Lane – a narrow road lined by shallow grass verges and flanked by hedgerows to either side. Ash Lane presently lacks a footway to either side along the stretch which shares a boundary with the site and narrows to the east to a single lane. The section flanking the southern site boundary is subject to a 30 mph restriction, with this increasing to 60 mph at the bend to the far eastern end.

The site is bounded by open farmland to the north and beyond Ash Lane further to the east. A dense area of woodland lies to the south on the opposite side of the road and forms a buffer with the grade II listed building of Clifton Hall beyond. The site abuts the urban edge of the village to the west, with this boundary seen against the backdrop of two-storey housing on Rowan Close and Ash Court, and their rear garden boundary treatments flanked by scattered vegetation backing onto the field.

### **Details of Proposal**

The application seeks outline permission for a residential development of up to 30 dwellings. The only matter applied for as part of the application is access. This is defined in the Development Management Procedure Order as follows:

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

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

The site access would occupy a broadly central position to the southern boundary where it would

form a junction with Ash Lane before merging into a cul-de-sac forming the main estate road extending in a north-westerly direction into the site to terminate at a turning head to the northwest corner. The application also includes the following off-site highway works as part of the access arrangements:

- a. The widening of the carriageway of Ash Lane to 5.5 metres for a distance of some 74 metres along the northern frontage of the road between the junctions with Clifton Hall and the site access.
- The introduction of a 2 metre wide footway flanking the northern frontage of the widened carriageway along the same stretch.

Maximum scale parameters indicate the dwellings to be two storeys in height. An indicative layout has been submitted as part of the application. This shows a development comprising 17 detached and 13 semi-detached properties of 3, 4 and 5 bedrooms (though this mix is purely indicative and would not be fixed under the outline permission).

Nine plots front onto cul-de-sacs branching in easterly and westerly directions off the main estate road to form a frontage to Ash Lane, with the remainder flanking both sides of the main estate road in a linear arrangement set at an oblique angle to existing dwellings on land to the west. Landscaping buffers are shown along the northern and western site boundaries, with hedgerows to be replaced/retained along the southern perimeter with Ash Lane. It should, however, be noted that as access is the only matter applied for, these elements of the layout are illustrative only and are not for detailed consideration as part of the scheme.

#### **Relevant Planning History**

None.

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

None.

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

Newton with Clifton Parish Council were notified of the application on 19 March 2015. The Parish Council object to the application on the following grounds:

- The proposed development does not conform to the adopted Local Plan in that it is contrary to several planning policies relating to agricultural land protection, housing, rural areas and sustainable development e.g. Policies SP1 which only permits development within defined limits and SP2 relating to development in Countryside Areas which recognises safeguarding the countryside for its own sake is consistent with sustainable development and PPS3 relating to previously developed "Brownfield" sites to be used before "Greenfield" and, consequently, agricultural land.
- Policy HL2 of the adopted Fylde Local Plan identifies criteria against which housing proposals will be considered including that development should be of a scale that is in keeping with the character of the locality and is in a sustainable location. The Policy is consistent with two core planning principles set out in paragraph 17 of the NPPF Policy PPS7 that states all developments in rural areas should be well designed and inclusive in keeping and scale with its location and sensitive to the character of the countryside and local distinctiveness. The proposal will further increase the number of dwellings, extend the settlement boundary and adversely impact on the countryside to an unacceptable degree and scale.
- The application site is quality agricultural land and Policy EP22 protects the best and most

versatile land which includes Grades 1, 2 and 3A agricultural land and development proposals that involve the loss of such land will not be permitted where it could reasonably take place on poorer quality agricultural land or on land within existing developed areas. The site has an existing agricultural use and comprises c.2.6ha in size situated within good quality arable pasture land. The planning application does not evidence consideration of alternative sites in accordance with the Policy.

- The application development site is outside the settlement boundary and therefore conflicts with Policy SP2 which presumes against development in the open countryside outside the defined settlement boundary and limits development in the countryside to certain categories including for the purposes of agriculture, horticulture, forestry or other appropriate uses in rural areas. The proposal does not fall within these exceptions.
- There are prevailing health and safety concerns relating to the electromagnetic field impulses emitting from the electricity pylon on the development site.
- The development as proposed fails to meet the objectives of Policies EP10 and EP11 with regard to the distinct landscape character of the Borough in the context of the Lancashire Landscape Strategy.
- The proposed development fails to demonstrate satisfactory access/egress and parking with no adverse impact on the safe and efficient operation of the highway network as required to comply with Policy HL2 Point 9 and paragraph 32 of NPPF. The only road access/egress to/from the proposed development is off Ash Lane, Clifton. The lack of adopted footways, increased traffic generation and related new access/egress on a narrow country lane, part of which is single track is considered detrimental to highway safety in the locality.
- The development as proposed is considered over intensive and detrimental to the visual amenity and landscape of the area.
- The proposed development is to the significant detriment of the biodiversity, ecology and wildlife in the area.
- It is considered that the proposed development does not properly address the capacity issues related to the sewer network. Drainage is a key issue highlighted in Policy HL2. The site has drainage issues and is located within Flood Zone 1.
- Existing amenities, infrastructure and services will be inadequate if the proposed development is granted planning permission.
- The development site should be assessed against the Site Allocations and Development Management Policies criteria. Policy M2 in the Development Plan Document defines areas within the plan for mineral safeguarding. The Policy states that planning permission will not be supported for any form of development unless the proposal is assessed against criteria listed in the Policy to the satisfaction of the planning authority. The application does not demonstrate such an assessment.
- The proposed development is contrary to the local parish plan. Verification from the plan process shows that the location of the parish of Newton-with-Clifton in open countryside is strongly valued by the local community. The perception prevails that there has been too much residential development in the recent past to the detriment of parish amenity and there still remains insufficient affordable housing for parishioners which this application fails also to address.

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

#### *LCC Highways:*

- Verbal indication that there are no objections to the application. Formal comments will be reported as late observations to committee.

#### *Electricity Northwest:*

- The development is shown to be adjacent to Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements.
- There is a high voltage overhead line running through the site of the proposed development. A safe working distance from this must be maintained at all times. The developer can apply to have this line diverted if required.

*Health and Safety Executive:*

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

*LCC (Education):*

- Requested that a contribution be made through planning obligation in order to provide education places at schools located within 3 miles of the site.
- Based upon the 2014 pupil census and resulting projections, a contribution for 11 primary school places is sought. No contribution is sought for secondary school places.
- At current rates, the development would be required to make a financial contribution towards education of £132,326. This is based on the need for 11 primary school places at a rate of £12,029.62 per place.

*Lead Local Flood Authority (LLFA):*

- The submitted FRA (as updated) includes a drain survey which clarifies that the culverted watercourse is separate to the highway drainage system. Calculations have also been provided to demonstrate current (greenfield) surface water runoff rates for different rainfall events. Any drainage system should ensure that there is no increase in the rate of surface water discharge to the outfall (whether this is to be the culverted ordinary watercourse or the surface system on Ash Lane) and, accordingly, the post-development runoff rate should not exceed the pre-development (greenfield) rate.
- Any grant of planning permission should be subject to a condition requiring details of the design, implementation, maintenance and management of a surface water drainage scheme to be submitted to the Local Planning Authority. The scheme shall include:
  - Information about the design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, 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;
  - The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield run off 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;
  - Site investigation and test results to confirm infiltrations rates;
  - A management and maintenance plan for the lifetime of the development which as a minimum shall include the arrangements for adoption by an appropriate public

body or statutory undertaker, management and maintenance by a Residents' Management Company, 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; ongoing inspections relating to performance and asset condition assessments, operation costs, 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.

- No development shall take place until further investigation is carried out to establish the location, status and condition of the suspected culvert which runs along the southern boundary of the site. The surface water drainage strategy should be developed to accommodate findings as appropriate, in consultation with the Lead Local Flood Authority.

*Environment Agency:*

- As proposed in the submitted Flood Risk Assessment (FRA), a condition should be imposed on any permission to limit the surface water run-off generated by the 1 in 100 year critical storm in order that it will not exceed the run-off from the undeveloped site and will not increase the risk of flooding off-site.

*United Utilities:*

- The site should be drained on separate systems for foul and surface water disposal. The hierarchy in the Building Regulations identifies preferences for surface water drainage as follows: (1) soakaways; (2) a watercourse; and (3) a sewer. A condition should be attached to any permission granted requiring details of foul and surface water disposal to be submitted to be submitted before any development takes place. The condition should require that surface water drains separately to foul water and no surface water should be permitted to drain to the existing sewer network.

*Regeneration (Landscape and Design):*

- The site/fields contribute to the village setting and landscape character within the immediate vicinity and to medium-to-long range views away from the village and to the village edge and Clifton Hall. The land rises slightly away from Ash Lane and, therefore, there will be a potential visual impact associated with the heights of the buildings and the integration of the development into the open countryside and the village edge.
- Semi mature trees, hedgerows and understorey planting exist along the edge of properties on Rowan Close. This planting assists in screening the existing housing and integrating the development into the open countryside. This planting edge should be retained and enhanced to create a continuous dense screen.
- The proposed development should ensure that the landscape treatment along Ash Lane provides a Hawthorn mix hedge with large indigenous tree planting (e.g. *Tilia cordata*, *Quercus robur*, *Aesculus hippocastanum* and *Carpinus betulus*). The development will be potentially incongruous to the surrounding countryside due to the 'straight' edge to the north and the rising topography will make this boundary highly visible to the surrounding countryside. Therefore, the landscape treatment to this edge should be a minimum of 6m wide and aim to be a mixed woodland mix with standards, feathered, and understorey of indigenous species. The architecture and morphology of the built form should aim to be irregular to ensure that the edge of the development integrates well into the surrounding countryside.

*Lancashire Constabulary:*

- The development should be built to Secured By Design Standards. The proposed layout of

the scheme adheres to Part 1 layout of the Secured By Design Scheme.

- Part 2 of Secured By Design - physical security should be incorporated into the scheme. Glazing in ground floor windows should be laminated, particularly at the rear and side of the dwellings so as to provide greater resistance against attack and windows should be fitted with restrictors to prevent opportunist crime. Front and rear doorsets should be doors of enhanced security tested and certificated to PAS 24 2012 security standards and should be fitted with a viewer and security bar/chain.
- The rear and side of the dwellings should be secured with a 1.8m fencing arrangement. This is particularly important as a number of the gardens directly adjoin open fields. Access to the rear of the dwellings should be restricted with a 1.8m lockable gate.
- The front and rear entrances of the dwellings should be illuminated with a dusk till dawn lighting unit.

#### *Natural England:*

- The application is in close proximity to the Ribble Estuary and Newton Marsh Sites of Special Scientific Interest (SSSI's). The Ribble Estuary also forms part of the Ribble & Alt Estuaries Ramsar and SPA.
- The proposal is not likely to have a significant effect on the interest features for which Ribble & Alt Estuaries Ramsar and SPA has been classified. Natural England therefore advises that the Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.
- Natural England is satisfied that the proposed development, being carried out in strict accordance with the details of the application, will not damage or destroy the interest features for which the Ribble Estuary and Newton Marsh has been notified. We therefore advise your authority that these SSSI's do not represent a constraint in determining this application.

#### *Greater Manchester Ecology Unit (GMEU):*

- The Ecological Surveys and Assessments submitted in support of the application have been undertaken by suitably qualified consultants and are to appropriate and proportionate standards. Further surveys are not necessary prior to deciding the application.
  - The application site is dominated by species-poor improved and semi-improved agricultural grassland of relatively low ecological value, although there are hedgerows and trees on the site and the periphery of the site that have local nature conservation importance. These features are capable of being retained.
  - Great crested newts have been found to be breeding in ponds close to the application site and newts may use the application site for foraging. Since the development has the potential to directly harm newts and will result in losses to terrestrial habitat that may be used by newts then, under the Conservation of Habitats and Species Regulations 2010, a Licence will be required from Natural England to derogate the terms of this legislation before work can commence that may harm newts. Three tests must be satisfied before a licence can be granted. These are:
    - That the development is "in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment";
    - That there is "no satisfactory alternative";
    - That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".
- b. All three tests must be satisfied before planning permission is granted on a site. The first two tests are essentially land-use planning tests for the LPA to consider. In terms of the third

(ecology) test, a mitigation strategy for avoidance of harm to newts has been put forward in the 'Simply Ecology' Great Crested Newt survey report (dated July 2015), together with proposals to compensate for losses to terrestrial habitat by improving a (smaller) area of the site. In terms of the suitability of this strategy, it is noted that:

- c. the local newt population is relatively small,
- d. no amphibian breeding ponds will be lost or significantly harmed by the scheme,
  - the habitat to be lost is of relatively low value as terrestrial habitat to amphibians and
  - the loss of available habitat, without mitigation, represents approximately 2% of the habitat available to the local newt meta-population.
- Habitat enhancement involves the establishment of a linear strip of permanently available rank grassland with hibernaculae at the northern edge of the development adjoining the wider landscape and proposals for new landscaping within the development footprint. Taken together, it is considered that the measures proposed for the conservation of great crested newts are acceptable in principle and that the development could proceed without causing substantive harm to local conservation status of great crested newts; the third test above could therefore be satisfied.
- It is recommended that the mitigation strategy described in Section 5 of the Simply Ecology GCN Survey report of July 2015 should be required to be implemented by condition. The applicant will also need to apply separately for a protected species License from Natural England, for which a more detailed Method Statement will need to be prepared.
- Hedgerows should be retained wherever possible and protected during the course of development. A condition should be attached to any permission granted requiring the submission of a detailed Landscape Plan. This should include planting plans, schedules, a timetable for implementation and further details of the creation and management of the habitat strip to be created to benefit great crested newts.

*Office for Nuclear Regulation (ONR):*

- ONR's advice on planning applications is informed by the views of the emergency planners within the relevant Local Authority (in this case, Lancashire County Council). After receiving a request for consultation on a formal planning application ONR would consider the following questions:
  - a) Does the proposed development represent an external hazard to a nuclear installation; and
  - b) Could the proposed development be accommodated within the Local Authority off-site emergency planning arrangements.
- The development does not present a significant external hazard to the safety of the nuclear site and, accordingly, there are no objections from ONR with respect to scenario (a). The emergency planners within Lancashire County Council (which is responsible for the preparation of the Springfields off-site emergency plan required by the Radiation Emergency Preparedness and Public Information Regulations (REPPPIR) 2001) have provided adequate assurance that the proposed development can be accommodated within their off-site emergency planning arrangements. Therefore, there are no objections from ONR with respect to scenario (b).
- Given the above, ONR does not advise against the development.

**Neighbour Observations**

<b>Neighbours notified:</b>	19 March 2015
<b>Site notice posted:</b>	10 April 2015
<b>Press notice:</b>	26 March 2015

**Amended plans notified:** N/A  
**No. Of Responses Received:** 3  
**Nature of comments made:** 3 objections

The points raised in the objections are summarised as follows:

- The existing highway of Ash Lane is incapable of supporting the increased level of traffic which will be generated by the development. The road is effectively a single lane, there are very few passing places, the surface is poorly maintained and vehicle width restrictions are frequently ignored. The additional vehicle movements at peak times would create conflicts with other road users including pedestrians, horse riders and cyclists which would be detrimental to highway safety. The estimate of 18/19 vehicle movements per hour during peak times in the transport statement is understated; this is likely to be much higher. There will also be a hazard caused by construction traffic while the houses are being built. This has already been witnessed by heavy construction vehicles entering Clifton Hall and blocking the lane while trying to gain access.
- Despite the lack of any accidents within 200m of the site access in the last 5 years, residents have experienced damage to hedges/fences and discarded car parts from accidents. A resident's dog was recently killed in a hit and run incident and walkers regularly have to jump on the grass verge to avoid speeding vehicles.
- The junction of Ash Lane and Lodge Lane does not have sufficient capacity to accommodate the additional traffic generated by the development. Vehicles commonly speed along Lodge Lane and any increased traffic will make this more hazardous.
- The proposal is contrary to policy SP2 of the Local Plan as it is designated as countryside and the site falls outside the settlement boundary. The land is agricultural and is not a suitable infill site to allow the expansion of the village. The development would diminish the rural character of Clifton and the openness of the countryside. This differs from the adjacent 'Newfield Jones' development completed some 10 years ago as this filled a gap between Squirrel Chase and Meadow/Ash Close.
- There is no need for a development of 4 and 5 bedroom houses in the area as the site is only a short distance from another large development at Cottam and Fulwood. Whilst this is in Preston, they should be considered in conjunction with housing needs in Fylde. There is no primary school in Clifton and many houses have been up for sale for several years indicating that there is insufficient demand for this type and size of house in the locality.
- It is likely that there are more landowners than stated in the application.
- The application form states that the development is not within 20 m of a watercourse. This is incorrect. Ash Lane is already prone to flooding at the first bend adjacent to the site. The proposed development would exacerbate this issue. Existing residents have also experienced issues with foul sewers due to a capacity issues. United Utilities have responded to a number of issues.
- The development would cause disruption to existing residents including noise and disturbance, pollution and other health effects as the development would take approximately 24 months to complete.
- The proposal would increase the risk of crime as construction sites are often targeted by thieves. This has the potential to increase the risk of burglaries in the area.

### **Relevant Planning Policy**

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

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
EMP5	Hazardous installations

TR01	Improving pedestrian facilities
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
EP19	Protected species
EP22	Protection of agricultural land
EP25	Development and waste water
EP30	Development within floodplains
CF02	Provision of new primary schools
TREC17	Public Open Space within New Housing Developments

### **Fylde Local Plan to 2030 – Preferred Options: Part 1 (emerging Local Plan):**

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

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

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

#### **Site Constraints**

Pipelines  
Within countryside area

#### **Environmental Impact Assessment**

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

#### **Comment and Analysis**

##### Principle of development:

##### *Policy context and five year supply:*

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

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

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

Paragraph 55 of the NPPF states that:

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

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

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

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

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

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

The latest (draft) version of the Revised Preferred Options Local Plan (RPO – dated June 2015) defines Clifton as a "Tier 2 Rural Settlement" under policy S1. Policy DLF1 identifies a number of non-strategic development sites (between 10 and 99 dwellings), including 50 homes across two sites in Clifton. An extract from the allocations map in the RPO is shown in figure 1. This identifies the application site as one of the development locations identified in the RPO. However, as the RPO has not been subject to independent examination, it carries limited weight in the decision making process.



Figure 1 – extract from RPO allocations map.

The site falls within the Countryside Area as defined on the FBLP Proposals Map. Policy SP 2 indicates that, in Countryside Areas, development will only be permitted where it falls into 5 categories. None of these categories are applicable to the proposed development and, accordingly, there is conflict with policy SP2 in this regard.

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

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

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

The Council has been successfully challenged at a number of recent appeals where it has sought to resist housing within the countryside area as a matter of principle. For example, in allowing an appeal for a residential development of 30 dwellings within the countryside area at Kings Close, Staining (appeal ref APP/M2325/W/14/2220410), paragraphs 8, 30, 31 and 32 of the Inspector's decision identify that:

- It is common ground between the main parties that there is not a five year supply of housing land in Fylde. I note that the Fylde District Group of the Campaign to Protect Rural England (CPRE) disputes this position, but I am satisfied that the evidence before me supports the view expressed in the statement of common ground. Accordingly, having regard to paragraph 49 of the National Planning Policy Framework (NPPF), relevant policies for the supply of housing cannot be considered to be up-to-date.
- The provision of additional housing in a Borough which does not have a five year land supply [is a] significant social benefit.
- Policies in the Local Plan concerning the supply of housing are out-of-date. In this situation, paragraph 14 of the NPPF explains that the presumption in favour of sustainable development means granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits, or policies in the NPPF indicate that development should be resisted.
- The proposal would cause moderate harm to the character and appearance of the area, thereby conflicting with Policy HL2 of the Local Plan. By virtue of the site's location beyond the limits of development there is also conflict with Policy SP2, although given the acknowledged need for some housing to be built in countryside areas and that the limits of development, in representing a mechanism for the supply of housing, are out-of-date, this is a matter of limited weight. On the other side of the balance, the provision of additional housing and affordable homes both carry significant weight. I conclude that the benefits of the proposal would not be significantly and demonstrably outweighed by the adverse effects, but that they would outweigh the harm identified. Accordingly the proposal would comply with the approach to sustainable development set out in paragraph 14 of the NPPF.

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

*Location and sustainability:*

Paragraphs 34 and 38 of the NPPF state that:

- "Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. **However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas**" (emphasis added).
- "For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. **Where practical, particularly within large-scale developments**, key facilities such as primary schools and local shops should be located within walking distance of most properties" (emphasis added).

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

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

Criterion (7) of FBLP policy HL2 states that planning applications for housing will be permitted where they:

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

The site is located on the edge of the existing village and is in comfortable walking distance of two local shops on Preston Old Road to the west. A large garden centre is located at the junction of Preston Old Road and Blackpool Road further west and a pub is situated at the junction of Clifton Lane and Church Lane within 1km of the site. The closest schools (Lea St Mary's and Newton Bluecoat) are within 1.5km and 2km respectively. William Pickles Park forms a recreation ground on the opposite side of Clifton Lane a short distance to the west and the Springfields BNFL plant provides a source of employment in Salwick to the north. Bus stops on Lodge Lane and Preston Old Road provide connectivity with other areas both within and outside the Borough.

As identified in paragraph 34 of the NPPF (and reiterated in the NPPG), it is inevitable that sites within the countryside will not benefit from the same accessibility to services as those within the urban area. It does not, 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.

The proposed development, by virtue of its location on the edge of the settlement, would be well connected to existing facilities and amenities both within and immediately outside the village and would not be unduly isolated from them in comparison to existing dwellings in Clifton. The site is accessible by modes of transport other than private car and has reasonable access (within 2 km) to employment and education opportunities in the locality. In addition, it is noted that LCC have requested a financial contribution towards education places at schools within 3 miles of the site. Given the scope of this catchment, it is considered that the presence of two schools within 2 km of the site means the site is sustainable with respect to access to education. Therefore, it is considered that the proposal represents a sustainable development within the countryside area for the purposes of FBLP policy HL2 (7) and paragraph 55 of the NPPF.

*Visual and landscape impact:*

The site is situated adjacent to, but outside, the settlement boundary of Clifton and is part of an area of open countryside which extends to the east of the village. The site's western boundary abuts the built-up area of the village for a distance of approximately 150m before extending into the countryside in an easterly direction for a length of approximately 245m along its northern boundary and alongside the highway of Ash Lane. The site falls to the southern end of a larger, broadly circular parcel of agricultural land which includes three ponds to the north. Whilst slightly elevated to Ash Lane, and despite some minor undulations, both the application site and adjoining land are relatively flat. This topography allows long-range views across open fields, with the hedgerow providing only minimal screening from vantage points on Ash Lane.

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

- "take account of the different roles and character of different areas, promoting the vitality

of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”.

With respect to general landscape impact, paragraph 115 of the NPPF states that:

- Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

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

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

Policy EP10 indicates that the distinct character and important habitats of Fylde will be protected. The policy identifies that particular priority will be given to the protection of important landscape and habitat features, including sand dunes, mud flats, marine marshes, beaches, broadleaved woodland, scrub meadows, hedgerows, wetlands, ponds and watercourses.

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

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

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

The site does not fall within any of the landscape designations identified in policy EP10, though hedgerows do exist to the southern and eastern edges. By virtue of its position on the edge of the settlement, the site is viewed in a more suburban context from vantage points looking in a westerly direction towards Clifton along Ash Lane. There are views of the Springfields British Nuclear Fuel (BNFL) plant across open fields to the north, though these are interrupted by several tall pylons and overhead power lines which mark the extent of the northern boundary. The site is seen in a more rural context when viewed in conjunction with the dense woodland which lines the opposite side of Ash Lane to the south and from vantage points looking in an easterly direction away from the village.

The development proposes up to 30 dwellings on a 1.5 hectare site, with maximum scale parameters indicating that the dwellings are to be no more than two storeys in height. The indicative layout shows a scheme of semi-detached and detached 3, 4 and 5 bedroom houses laid out to a density of 20 dwellings per hectare which replicates that of housing on Linden and Rowan Close to the west. Higher densities are evident on Meadow Close. Whilst this density falls below the threshold in policy HL2, lower densities such as this are considered to be appropriate in order to preserve rural

character in accordance with paragraph 47 of the NPPF which states that housing densities should reflect local circumstances.

The extension of the settlement to the east of Rowan Close and Ash Court would represent encroachment into the countryside which would, to an extent, diminish its openness. However, the outward extent of the site is already marked by hedgerows along the southern and eastern boundaries to Ash Lane, the northern boundary is contained by power lines and the western boundary would not extend beyond the northernmost urban edge of the existing settlement to the west. Therefore, it would not appear unusually isolated or detached from the adjacent settlement and, instead, would continue the frontage of residential development onto this stretch of Ash Lane resulting from the recent developments at Rowan and Linden Close.

Whilst the southern, eastern and western site boundaries are contained by a combination a hedgerows and the urban edge of the adjacent settlement, the northern boundary remains open to adjoining agricultural land beyond. It is noted that, by following the route of the adjacent power lines, the linear, chamfered profile of the northern boundary appears somewhat artificial. This is, however, also true of the abrupt edge formed by closely grouped properties on Rowan Close and Ash Court to the west and, on balance, it is considered that this could be adequately overcome through the introduction of appropriate planting along the northern boundary in order to present a softened, natural buffer to adjoining farmland, as suggested by the Council's Landscape Officer and shown on the indicative masterplan.

The site is flanked by a continuous hedgerow along the southern and eastern boundaries with Ash Lane. In addition, a mature Ash tree falls within the hedgerow to the southeast corner. Whilst a *circa* 74m stretch of hedgerow to the western end of the site would need to be removed in order to allow the widening of Ash Lane and associated provision of a footway, new landscaping (as shown on the illustrative layout) could be introduced to the back edge of the footway in order to compensate for this. The hedgerow is not of any intrinsic quality in terms of species or ecology and it is noted that a much longer stretch to the east of the access (including a prominent Ash tree) would be retained. Therefore, the development is capable of retaining and strengthening (including adequate compensation where required) planting in order to soften the developed edge to the countryside.

Whilst the development would result in encroachment into the countryside, its visual impact would be localised and satisfactory mitigation could be incorporated into the scheme, having particular regard to the retention and strengthening of landscaping, to ensure that any impact arising as a result of this encroachment is satisfactorily minimised. The density and scale of development proposed would be compatible with the site's location on the edge of the settlement and would represent a low-density and proportionate extension to the edge of the village which, where appropriately mitigated in order to be assimilated into its surroundings, would not have an unduly harmful impact on visual amenity or landscape character within the countryside. Therefore, the proposal is considered to be in accordance with the requirements of FBLP policies HL2, HL6, EP10, EP11, EP12, EP14 and EP18, and the NPPF.

*Conclusion regarding principle:*

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

settlement boundary cannot be relied upon as a tool to limit the expansion of the village.

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 is considered that, on balance, and in the absence of a five year supply, the scheme would result in an appropriate and proportionate development in Clifton. In particular, the proposal:

- Would result in development on a site allocated for housing in the RPO Local Plan which lies on the edge of the village, relates well to the existing settlement and is seen alongside it.
- Would limit its encroachment into the countryside by following established boundaries defined by existing buildings (west), landscape features (south/east) and utility infrastructure (north), and would not extend beyond these.
- Would, by virtue of its size, scale and density, be compatible with the rural character and setting of the existing village and surrounding buildings.
- Would make a valuable contribution to the supply of housing in the Borough in the absence of a five year supply.
- Would be accessible to shops and services in Clifton - relative to the scale of development and its rural setting.
- Would not result in isolated homes in the countryside.

Given the above, it is considered that the principle of development is acceptable, having particular regard to the requirements of paragraphs 17, 34, 38, 47, 49 and 55 of the NPPF, and FBLP policy HL2.

#### Loss of agricultural land:

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

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

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

The Agricultural Land Classification Map is based on the Ministry of Agriculture, Fisheries and Food Soil Survey of England and Wales 1969 which is intended for strategic purposes. The map is not sufficiently accurate for use in assessment of individual sites. The application is supported by an Agricultural Land Quality Report which provides a site specific assessment of soil resources, climate, the current use of the land and its agricultural quality based on the characteristics of the land and soil sampling at 10 locations across the site. The report concludes as follows with respect to the quality of the land for agricultural purposes:

- The loamy/clay textured soil suffers from waterlogging and would reduce a number of days when cultivations and harvesting could take place. Consistent yields of cereals or potatoes could not be achieved but consistent high yields of grass can be achieved which is part of the

definition of land and classification sub-category 3b.

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

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

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

#### Relationship with surrounding development:

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

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

The western site boundary flanks properties on Rowan Close, Ash Court and Meadow Close. Dwellings on Rowan Close and Meadow Close are orientated in order that they back onto the site, with those fronting onto Ash Court presenting gable elevations to the land. Whilst the development, by virtue of its urbanising effect, would alter the outlook across open fields presently enjoyed by adjacent properties (particularly those on Rowan Close), the density of development proposed, the introduction/retention of landscaping and the degree of separation achieved between the proposed dwellings and existing properties is capable of ensuring that the scheme has no undue impact on the privacy and amenity of adjoining occupiers through overlooking, overshadowing or loss of outlook. Such detailed issues will require further consideration at reserved matters stage as part of the layout.

#### Highways:

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

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

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

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

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

*Access:*

The site is to be accessed via a single junction onto Ash Lane occupying a broadly central position along the southern boundary. This access would fall some 18m to the east of the existing field gate and would achieve visibility splays of 2.4m x 45m onto Ash Lane in both directions. The site access would merge with a 5.5m estate road flanked by 2m footways to both sides and incorporating a turning head to the northwest corner.

A number of improvements would be made to the existing highway infrastructure in order to facilitate safe and convenient access to the site and to ensure that the development's impact is satisfactorily mitigated. These include:

- The widening of the carriageway of Ash Lane to 5.5 m along its northern frontage for a distance of 70 m between the access with Clifton Hall and the site access.
- The provision of a 2 m wide footway alongside the same widened section of carriageway.
- The introduction of two passing places further along Ash Lane to the northeast of the site.

The above infrastructure improvements would enhance the site's accessibility for pedestrians through the provision of a new footway up to (and around) the site access and the widening of the carriageway would increase forward visibility for motorists on the bend of Ash Lane to the east of the site. The proposed measures would ensure safe and convenient access to the site and would have additional benefits to the operation of the highway network further away from the site. An appropriate condition has been recommended in order to secure the proposed infrastructure improvements.

*Traffic generation:*

The submitted Transport Statement (TS), with reference to the Trip Rate Information Computer System (TRICS) database, estimates that the development would generate a total of 18 two-way vehicle movements during the weekday peak am period and 19 movements during the peak pm period. It is anticipated that the majority of journeys away from the site would be via the Ash Lane/Clifton Lane junction to the west. The TS identifies that there have been no recorded injury accidents during the most recent 5 year data period at the junction of Ash Lane/Clifton Lane (or the approach to it along the 20-30 mph zone of Ash Lane) and that this junction has sufficient visibility and capacity to accommodate the level of traffic likely to be generated by the development.

*Parking:*

The indicative layout shows each property to be served by individual driveways and garages providing in-curtilage parking at a minimum of two spaces per dwelling. The car parking standards in Appendix 4 of the emerging local plan require a maximum provision of 3 car parking spaces for 4+ bedroom dwellings. Given the density of development, there would be sufficient space available in order to ensure the provision of 3 car parking spaces for each plot in accordance with this standard when layout is considered at reserved matters stage. Therefore, the development is making adequate parking provision in accordance with the parking standards outlined in Appendix 4 of the emerging plan (which, in any case, are expressed as a maxima).

*Conclusion on highway matters:*

The proposed development would deliver a number of physical improvements to the existing highway infrastructure for both vehicle and pedestrian traffic in order to facilitate safe and

convenient access to the site. These improvements would also deliver wider benefits to highway safety and the free flow of traffic along Ash Lane. Sufficient capacity would be available within the highway network (as improved) to accommodate the level of traffic generated by the development. The illustrative layout also demonstrates that satisfactory access, parking and manoeuvring arrangements can be achieved as part of the scheme. Therefore, it is considered that the development is capable of being accommodated on the site without having an adverse impact on the safe and efficient operation of the surrounding highway network, both adjacent to and further away from the site. LCC Highways have not raised any objections to the scheme on the basis of the development's transport impacts and appropriate conditions can be imposed to ensure that the development delivers the stipulated highway improvements. The proposal is therefore in accordance with the requirements of FBLP policies HL2 and TR1, and the NPPF.

#### Ecology:

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

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

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

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

FBLP policy 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.

In circumstances where development has the potential to harm a European Protected Species identified in the Habitats Directive (92/43/EEC), the Local Planning Authority has a duty to consider the likelihood of a licence being granted for the carrying out of those operations in accordance with Regulation 53 of the Conservation of Habitats and Species Regulations 2010. This assessment is made through the application of three derogation tests as set out in 53(2)(e) and 53(9) of the Regulations. The Local Planning Authority should only grant permission where it is satisfied that the development is capable of meeting the following tests:

- That the development is "in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment";
- That there is "no satisfactory alternative";
- That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".

The application is accompanied by an ecology survey which assesses the value of existing habitats within the site and the development's potential impact on protected species. The report makes the

following conclusions:

- There are no designated nature conservation sites on or near to the development site. The main habitat on the site is improved/semi-improved grassland which is widespread in the area and of limited ecological value. Hedgerows run along the western and southern boundaries of the site and have some value for nesting birds and bat foraging.
- It is recommended that: (i) any trees and hedges to be retained are subject to protection measures during the construction period in order that the canopies and root systems of these specimens are not damaged; (ii) any removal of vegetation should take place outside the bird nesting season (March – August inclusive); and (iii) any landscaping scheme should comprise native tree planting.
- There are no ponds present within the development boundary. Great Crested Newts (GCN) are, however, present within four ponds to the north (ponds 8, 9 and 11) and east (pond 4) of the site. The closest of these (pond 8) is located approximately 80 to the north of the site. As the ground is flat pastureland, there are no barriers to movement so it can be assumed that GCN could enter the site, as this provides a suitable terrestrial habitat. In order to comply with the legislative protection afforded to GCN, a Natural England European Protected Species Licence will be required prior to any development commencing at this site.
- A mitigation strategy is set out at paragraph 5.1 of the report. This includes a series of measures to be implemented in order to avoid any negative impacts during the construction phase and for future habitat creation. Specifically, these measures include: (i) a temporary newt fence around the entire perimeter of the site during the construction phase; (ii) the capture of any GCN within the site and their release outside the site prior to development taking place (and before the installation of the above fencing); and (iii) the creation of a “receptor area” along the northern, hedge-lined site boundary which will provide a swathe of permanently available “rank grassland with hibernaculae” to create a new, preferential habitat for GCN in order to compensate for that lost to the development.

Both GMEU and Natural England have been consulted on the application. Natural England have confirmed that the development should not have any adverse impacts on any designated nature conservation sites. GMEU have considered the development’s impact on protected species, having particular regard to GCN and the mitigation strategy outlined in the ecology report. GMEU conclude that, aside from hedgerows and trees to the periphery, habitats on the site are of relatively low ecological value. However, as GCN have been found to be breeding in ponds close to the site and may use the land for foraging, the development has the potential to harm GCN due to the loss of terrestrial habitat. Therefore, a licence will be required from Natural England before any development can take place and the requirements of the three derogation tests must be satisfied before planning permission can be granted. Each of these tests is considered in turn below.

- That the development is in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment:

The development is not in the interest of public health and safety. However, the delivery of housing in the borough is in the public interest in social and economic terms with respect to ensuring the implementation of the Council’s Local Plan and its commitment to delivering an adequate supply of deliverable and developable housing sites (particularly in the absence of a five year supply). Additional social benefits arise in this case as the scheme would deliver affordable housing on site. Therefore, the first test is satisfied.

- That there is no satisfactory alternative:

The application site is allocated for housing in the RPO Local Plan. It is, therefore, recognised as one of two sites in Clifton which are considered, at a strategic level, to be acceptable in principle. Alternative sites elsewhere in the village would not be sequentially preferable. The alternative to developing the site would be to 'do nothing'. Therefore there is no satisfactory alternative, with respect to the availability of other sites or another form of development. Accordingly, the second test is satisfied.

- That the derogation is not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.

GMEU have provided specialist ecology support with respect to this test. A mitigation strategy has been proposed as part of the ecology survey in order to demonstrate that the development would not adversely affect the favourable conservation status of GCN. In assessing the merits of this strategy, GMEU have noted that:

- the local newt population is relatively small;
- no amphibian breeding ponds will be lost or significantly harmed by the scheme;
- the habitat to be lost is of relatively low value as terrestrial habitat to amphibians; and
- the loss of available habitat, without mitigation, represents approximately 2% of the habitat available to the local newt meta-population.

Given the above, GMEU consider that the mitigation strategy in the ecology report – which includes measures to avoid harm to GCN and a proposal to compensate for losses to terrestrial habitat by providing a habitat buffer along the northern edge of the site – is, in principle, sufficient to conclude that development could proceed without causing substantive harm to the favourable conservation status of GCN. Therefore, the third test is satisfied.

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 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 by GMEU. The proposal is therefore in accordance with the objectives of FBLP policy EP19 and the NPPF, and satisfactory evidence has been provided to demonstrate that the three derogation tests in the Conservation of Habitats and Species Regulations 2010 have been satisfied.

#### Flooding and drainage:

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

Paragraph 100 of the NPPF states that "inappropriate development in areas at risk of flooding [land within Flood Zones 2 and 3; or land within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency] should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere".

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

- (xv) Itself be subject to an unacceptable risk of flooding;

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

The submitted FRA considers the site's risk of flooding from five separate sources including tidal and fluvial, pluvial (overland), groundwater, sewers and artificial sources (e.g. canals and reservoirs). The FRA concludes that the site is at a low risk of flooding from all sources and, accordingly, the main issue to be considered in this case is to ensure that the development incorporates a suitable strategy for surface water drainage in order that it does not itself increase the risk of flooding either on the site or elsewhere.

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

The submitted FRA indicates that the closest foul water sewer is located at the junction of Ash Lane and Rowan Close. An existing drainage ditch/culverted watercourse lies to the west of the site and discharges to Deepdale Brook. Surface water run-off also discharges to the existing highway drainage infrastructure on Ash Lane. Whilst the detailed drainage design cannot be determined until reserved matters stage (being intrinsic to the development layout), an indicative drainage strategy outlined in the FRA establishes the following principles:

- Infiltration testing demonstrates that the site does not have sufficient porosity to make a soakaway system feasible. Therefore, the preferred means of surface water disposal is to discharge to the watercourse to the west of the site.
- As the site is not previously developed, the post-development rate of surface water discharge will need to be restricted in order that it does not exceed the pre-development (greenfield) rate, with a 30% allowance made for climate change. Calculations are provided for the 1 in 1 year (8.1 l/s), 1 in 30 year (15.7 l/s) and 1 in 100 year (19.3 l/s) events.
- There will be a need to provide on-site storage in order to restrict post-development run-off to the greenfield rate. This is likely to include a combination of underground storage tanks and oversized pipes as part of a combined SUDS system.
- Foul discharge to the existing sewer is likely to require a pumped solution due to the depth of the existing sewer at the junction of Rowan Close and Ash Lane.

United Utilities, the Environment Agency and the Lead Local Flood Authority have been consulted on the application. No objections have been raised by any consultee to the principle of development. Instead, conditions have been recommended requiring submission of a detailed drainage strategy to ensure that the rate of surface water discharge from the site does not exceed the pre-development (greenfield) run off rate, that separate systems are installed for the discharge of foul and surface water and that further investigations are undertaken to determine the status of the culverted watercourse running along the western and southern boundaries of the site.

None of these matters are considered to affect the principle of development on the site and appropriate conditions have been recommended at the request of the relevant consultees to ensure that a detailed drainage strategy is prepared at a later date. Therefore, adequate measures can be put in place in order to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the requirements of FBLP policies EP25 and EP30, and the NPPF.

### Impact on heritage assets:

Heritage assets (both designated and non-designated) are defined in Annex 2 of the NPPF. Designated heritage assets include listed buildings. The site boundary is located approximately 102 metres north of Clifton Hall, a grade II listed building set in spacious grounds largely enclosed by woodland. Of particular relevance in this case is the presence of a thick swathe of woodland along the northern perimeter of Clifton Hall which is protected by a Tree Preservation Order (TPO no. 1). This woodland flanks the southern frontage of Ash Lane and provides a substantial visual buffer between Clifton Hall and the site which means the listed building is not visible when looking in a southerly direction from within the site.

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

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

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

Given the degree of separation between the site and Clifton Hall and the density of intervening screening (including the fact that this is protected both by Tree Preservation Order and by virtue of being a designated landscape under FBLP policy EP10), it is not considered that the proposed development would have any impact on the setting of the listed building, nor would it diminish its significance as a heritage asset. Accordingly, there is not considered to be any conflict in this respect.

### Hazardous Installations:

The site falls within the outer consultation zones with respect to the BNFL site and a high pressure gas pipeline located to the north. Overhead power lines and pylons are also located in close proximity to the northern site boundary.

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

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

The HSE have been consulted in accordance with the standing advice available through their PADHI+ system. This indicates that HSE do not advise against the granting of planning permission on the grounds of public safety.

Electricity Northwest have identified that there is a high voltage overhead line running adjacent to the site. Electricity Northwest have indicated the need to avoid encroachment with respect to this apparatus (including any easements) and identify the potential for diversions at the developer's

expense if required. No objection is, however, made with regard to interference with this apparatus.

The ONR have confirmed that the proposed development would not represent an external hazard to the Springfields site and have also received assurances from LCC that the development can be accommodated within their off-site emergency planning arrangements. Therefore, ONR does not advise against the granting of planning permission on safety grounds.

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

#### Developer contributions:

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

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

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

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

#### *Open space:*

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

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

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

Whilst bedroom numbers will not be fixed as part of the outline, the indicative layout shows a mix of 13 three-bed, 10 four-bed and 7 five-bed houses. This would result in a requirement for 1152 square

metres of open space, which falls significantly below the threshold for on-site provision in FBLP policy TREC 17. Therefore, it is considered that a proportionate off-site contribution is applicable in this case.

The site is located *circa* 200 metres due east of William Pickles Park – a recreation ground which includes a combination of amenity open space, sports pitches and fixed play equipment. Given the site's location on the edge of the open countryside and the size of the recreation ground, William Pickles Park is considered to provide adequate public open space to serve a development of the size proposed. Accordingly, it is considered that the most appropriate contribution in this case would be towards the ongoing improvement/maintenance of existing facilities at William Pickles Park. A contribution of £1,000 per dwelling (up to £30,000 in total) has been applied in this regard in order to provide a proportionate off-site financial contribution in accordance with the requirements of FBLP policy TREC17.

*Affordable housing:*

Policy H4 of the RPO requires all market housing schemes of more than 10 dwellings to provide 30% affordable housing on site. Therefore, the proposed development for up to 30 dwellings would generate a requirement for up to 9 properties on the site to be offered as on-site affordable homes. The developer has agreed to make this on-site provision through planning obligation in accordance with the requirements of the RPO Local Plan and NPPF.

*Education:*

Paragraph 72 of the NPPF indicates that

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

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

LCC have identified five primary schools located within 2 miles of the development site and three secondary schools within 3 miles. LCC have indicated that, based upon the 2014 pupil census and resulting projections, the development will generate a pupil yield of 11 primary school places (though this is based on the assumption of a development for 30 four-bed dwellings as bedroom numbers are unknown at this stage). No contribution is sought for secondary school places as sufficient future provision will be available. Due to recent changes under the CIL regulations which limit the pooling of contributions for general infrastructure (to a maximum of five), LCC are required to identify a specific infrastructure project where the requested contribution would be spent. Whilst this could be through the provision of new places or a development project at a specific school, the restrictions on pooling mean that it will not be sufficient for the education authority simply to identify a general contribution towards new school places for any school which falls within a specific catchment and defer the specific details for a later stage. Officers have requested that LCC identify a specific primary school where the contribution will be spent (though this will fall within the 2 mile catchment identified) in order that this can be specified in any planning obligation.

If applying the pupil yield assumed by LCC against current charges, the development would be

required to make a financial contribution towards education of £132,326. This is based on the need for 11 primary school places at a rate of £12,029.62 per place. However, as bedroom numbers are unknown at this stage, a formula could be included as part of any planning obligation to secure a contribution which is proportionate in scale and kind to the development in accordance with the requirements of FBLP policy CF2 and the NPPF.

### **Conclusions**

The application seeks outline planning permission (access only) for a residential development of up to 30 dwellings on a 1.5 hectare parcel of land to the east of Clifton. The site falls outside the settlement boundary and within the Countryside Area as identified on the Fylde Borough Local Plan Proposals Map. Whilst the scheme would result in encroachment into the countryside, the Council is presently unable to demonstrate a five year supply of housing land and, accordingly, the principle of residential development within the Countryside Area cannot be resisted in these circumstances. The land is also identified as an allocated housing site in the Council's draft Revised Preferred Options Local Plan.

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

Satisfactory arrangements (including infrastructure improvements) would be made for vehicle access, parking and manoeuvring in order that the development would not have an adverse impact on the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site. The scheme would result in an acceptable relationship with surrounding uses and appropriate mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding and drainage, nor would it be at unacceptable risk from any hazardous installations. The proposal would not affect the significance of any heritage assets in the locality and appropriate contributions would be secured to make the development acceptable in planning terms. The proposed development is therefore in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Fylde Borough Local Plan.

### **Recommendation**

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

- A commuted sum payment of £1,000 per dwelling towards the provision, improvement and/or future maintenance of open space off site at William Pickles Park in accordance with the requirements of Fylde Borough Local Plan policy TREC17.
- The provision, tenure, delivery mechanism, occupation criteria and phasing for 30% of the dwellings to be offered as affordable housing (as defined in the National Planning Policy Framework) on site in accordance with the requirements of policy H4 of the Revised

Preferred Options Local Plan and the National Planning Policy Framework.

- A commuted sum payment to the County Council towards the provision of new school places and/or a specific infrastructure project at a primary school (or schools) located within a 2 mile radius of the site in accordance with FBLP CF2 and the National Planning Policy Framework.

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

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

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

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

3. This permission relates to the following plans:

- Drawing no. 8321-L01 – Location plan.
- Drawing no. 8321-P21 – Preliminary Proposals.

Notwithstanding the requirements of condition 2 of this permission, any application for reserved matters shall accord with the outline permission insofar as it relates to matters of access and the maximum number of dwellings.

Reason: The application is granted in outline only in accordance with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2015. 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. Details of finished floor levels and external ground levels for each plot shall be submitted to and approved in writing by the Local Planning Authority before any development at that plot takes place. The development shall thereafter be implemented in accordance with the duly approved details.

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

5. No development shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless

otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- separate systems for the disposal of foul and surface water;
- a detailed drainage strategy to demonstrate that the post-development surface water discharge rate to any soakaway, watercourse or sewer does not exceed the pre-development (greenfield) rate. The drainage strategy shall include information regarding: (a) the peak surface water runoff rate from the development for the 1 in 1 year rainfall event and the 1 in 100 year (+30% climate change allowance) rainfall event (including demonstration that the peak post-development runoff rate does not exceed the peak pre-development greenfield runoff rate for the same event); and (b) any necessary flow attenuation measures and the use of SUDS where appropriate;
- details of the measures taken to prevent flooding and pollution of any receiving groundwater and/or surface waters (including watercourses) and of any off-site works required to ensure adequate discharge of surface water without causing flooding or pollution (including refurbishment of existing culverts and headwalls or removal of unused culverts where applicable);
- flood water exceedance routes, both on and off site;
- means of access for maintenance and easements (where applicable);
- (i) a timetable for implementation, including any phasing of works;
- (ii) a management and maintenance plan for the lifetime of the development which, as a minimum, shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company, arrangements concerning appropriate funding mechanisms for the ongoing maintenance of all elements of any sustainable drainage system (including mechanical components), ongoing inspections relating to performance and asset condition assessments, operation costs, 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.

The scheme shall be implemented in accordance with the duly approved details before any of the dwellings are first occupied, or within any other timescale first agreed in writing with the Local Planning Authority.

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

6. No development shall take place until a scheme to demonstrate how the ordinary watercourse which runs along the western boundary of the site and the culvert which runs along its southern boundary will be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include investigations to establish the location, status, route, size, depth and condition of the watercourse/culvert, the location of any buildings in relation to the watercourse/culvert and details of an appropriate buffer to be maintained with the watercourse and/or culvert. The development shall thereafter be implemented in full accordance with the duly approved scheme.

Reason: In order that the development is not at risk of flooding and does not increase flood risk elsewhere, and to ensure adequate protection of the watercourse (including a satisfactory buffer with any new buildings) in accordance with the requirements of Fylde Borough Local Plan policies EP25 and EP30, and the National Planning Policy Framework.

7. Notwithstanding the requirements of condition 3 of this permission, no development shall take

place until a scheme for the design (including provision of an adequate visibility splay at the junction with Ash Lane), construction and drainage of the site access (the layout of which is shown on drawing no. 8321-P21) has been submitted to and approved in writing by the Local Planning Authority. The site access shall be constructed in full accordance with the duly approved details and made available for use before any of the dwellings hereby approved are first occupied, and the visibility splay kept free of any obstructions over 0.6 metres in height.

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

8. None of the dwellings hereby approved shall be first occupied until the following highway improvement works (as shown on the plan titled 'Proposed Off-Site Highway Improvements' appended to the Transport Statement by VTC dated 5 January 2015) have been implemented and made available for use in accordance with details (including their siting, layout, design, construction and drainage) which have first been submitted to and approved in writing by the Local Planning Authority:
- (iii) The widening of Ash Lane to 5.5 metres along its northern flank up to the site access (the layout and extent of which is shown on drawing no. 8321-P21)
  - (iv) The provision of a 2 metre wide footway alongside the widened section of carriageway detailed in (i) (the layout extent of which is shown on drawing no. 8321-P21).
  - (v) The introduction of two new passing places along the carriageway of Ash Lane.

Reason: In order to secure improvements to the highway network to ensure safe and convenient access and circulation for pedestrian and vehicle traffic, and to prevent obstruction of the highway in the interests of road safety in accordance with the requirements of Fylde Borough Local Plan policies HL2 and TR1, and the National Planning Policy Framework.

9. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include details of the following: - (i) hours for site preparation, delivery of materials and construction; (ii) the parking of vehicles of site operatives and visitors; (iii) loading and unloading of plant and materials; (iv) storage of plant and materials used in constructing the development; (v) the erection and maintenance of security hoarding; (vi) wheel washing facilities; (vii) measures to control the emission of dust and dirt during construction; and (viii) a scheme for recycling/disposing of waste resulting from construction works. The duly approved CMS shall be adhered to throughout the construction period.

Reason: In order to ensure that appropriate measures are put in place to limit noise, nuisance and disturbance to the occupiers of neighbouring dwellings during the construction of the development in accordance with the requirements of Fylde Borough Local Plan HL2, EP27 and the National Planning Policy Framework.

10. Notwithstanding any details contained within the application, no development shall take place until a comprehensive method statement identifying how Great Crested Newts are to be safeguarded during the construction period and appropriate mitigation measures (including habitat compensation and enhancement) are to be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority. The method statement shall demonstrate compliance with the principles of (but not be limited to) the Mitigation Strategy outlined in section 5.1 of the Great Crested Newt Survey by Simply Ecology Limited dated July 2015. The duly approved method statement shall be implemented in full accordance with the details, recommendations and timescales contained therein and any mitigation measures shall be fully implemented before any of the dwellings hereby approved are first occupied, and retained as such thereafter.

Reason: To ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species and to ensure the provision of appropriate habitat compensation in accordance with the requirements of Fylde Borough Local Plan policy EP19, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

11. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 2 of this permission shall include a scheme which demonstrates compliance with the principles of the landscape strategy indicated on drawing no. 8321-P21. The scheme shall include, but not be limited to, the following details:

- (vi) the extent of existing hedgerows and other vegetation on/overhanging the site to be retained;
- (vii) a compensatory planting scheme to replace any trees or hedgerows to be removed as part of the development;
- (i) the introduction of landscaping buffers along the northern and western boundaries of the site;
- (ii) the introduction of additional planting within the site which forms part of the internal development layout and does not fall within (i) to (iii);
- (iii) the type, size, species, siting, planting distances and the programme of planting of hedgerows, trees and shrubs.

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

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

12. No development shall take place until a Construction Exclusion Zone has been formed around the Root Protection Areas of those trees/hedgerows identified as being retained as part of the landscaping scheme submitted pursuant to condition 11 (i). The Construction Exclusion Zone shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012 and shall be maintained as such during the entirety of the construction period.

Reason: To protect existing trees and hedgerows to the periphery of site which are to be retained as part of the development in accordance with the requirements of Fylde Borough Local Plan policy EP12.

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

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with Fylde

Borough Local Plan policy EP19, the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/15/0165	Address Land east of Rowan Close, Ash Lane, Clifton	Grid Ref. E.3468 : N.4305	Scale 0 15 30 45 60 m

<b>Application Reference:</b>	15/0322	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mr Gallagher	<b>Agent :</b>	Firth Associates Ltd
<b>Location:</b>	15 + 17 EDEN AVENUE, LYTHAM ST ANNES, FY8 5PS		
<b>Proposal:</b>	PROPOSED CHANGE OF USE OF EXISTING FLATS TO A SINGLE DWELLING WITH THREE STOREY AND ONE AND A HALF STOREY EXTENSIONS TO SIDE FACING CLIFTON DRIVE, REMODELLING OF REMAINDER OF CLIFTON DRIVE ELEVATION, SINGLE STOREY EXTENSION (GARAGE) TO SIDE VIEWED FROM EDEN AVENUE, CREATION OF BASEMENT, AND REPLACEMENT OF WINDOWS WITH HARDWOOD AND DOORS WITH ALUMINIUM.		
<b>Parish:</b>	ANSDELL	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	15	<b>Case Officer:</b>	Rob Clewes
<b>Reason for Delay:</b>	Design improvements		

**Summary of Recommended Decision:** Grant

#### **Summary of Officer Recommendation**

The proposal is for the conversion and extension of an existing building located on the corner of Eden Avenue and Clifton Drive within the Lytham Avenues Conservation Area to a form a single dwelling house.

The building was constructed as a pair of semi-detached houses and has most recently been occupied as flats. The proposed conversion to form a single dwelling is compatible with the adjacent residential land uses and so is considered to be acceptable in principle.

The extensions that are proposed do alter the appearance of the building and will have an impact on the conservation area. However this impact is considered to be acceptable as it will result in the removal of previously poor alterations and help strengthen the visual appearance of the building. The additional mass of the building that results it is not considered so significant that the built form and style of the property will be lost.

The inclusion of some contemporary design/architecture is not in keeping with the general traditional style seen in the Conservation Area however in this case its inclusion is not considered unacceptable as it has been used appropriately to help highlight the break between the old and the new. The proposal will show a clear distinction between the original building and the extension which is considered to help strengthen the significance of the original building.

The proposal will have some impact to the amenity of the neighbouring properties however this impact is considered acceptable due to sufficient spacing being retained between properties.

The proposal includes a swimming pool within a basement room. The plant used in association with the pool could potentially create noise and therefore a condition is required

to maintain this impact to a satisfactory level to preserve their amenity.

Whilst the proposed basement lies within close proximity to the Root Protection Areas of the protected trees within the site a suitable method of works has been agreed which will be secured by condition to ensure that risk to these is minimised.

Overall the proposal is considered acceptable and in compliance with paragraphs 17, 56, 60, 61, 131, 132, 133, 135 and 137 of the NPPF and Policies SP1, EP3 and HL5 of the Fylde Borough Local Plan and recommended for approval.

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

This application has been brought before Development Management Committee following a request from the Vice-chairman of the Committee who expressed a view that the scale of the works and the prominence of the site are such that the development is of public interest and so should be determined by Committee.

### **Site Description and Location**

The application site is a pair of semi-detached red brick Edwardian properties located on the corner of Eden Avenue and Clifton Drive. The site is located within the Lytham Avenues Conservation Area. The properties were last used as self-contained flats, planning permission having been granted from this in 1967. The building (both properties) is two and a half storey in height and the roof is hipped consisting of large gables, in particular fronting onto Eden Avenue. There have been various alterations and additions to the building including two ground floor bay windows and the removal of a chimney stack and original windows from the elevation facing Clifton Drive. To the rear there are some single storey rear extensions. There is a large side garden between the building and Clifton Drive. During the consideration of this application some works have been undertaken to remove outbuildings and some elements of the property.

The surrounding area, in particular this part of the Lytham Avenues Conservation Area (north side of Clifton Drive, Eden Avenue, Elms Avenue, West Bank Avenue and Riversleigh Avenue) is characterised by detached and semi-detached Edwardian red brick properties. Many of the properties are matching in style or design however there are some properties that do have their own individual styles and the corner properties tend to be larger in size (height and mass).

### **Details of Proposal**

The proposal is for the conversion of No.15 and 17 Eden Avenue into a single dwelling house and the addition of a single storey side extension, a three storey and one and a half storey rear extension, creation of basement and alterations to existing elevations.

The plans brought before the Committee are revised plans with the main change from the original submitted plans being the inclusion of a basement room and the removal of part of the single storey rear extension. Below is a description of the revised plans.

The single storey side garage extension replaces the previous single storey garage extension. It is 6m wide and 9.6m deep. It has a hipped roof with a ridge height of 5m.

The rear extension consists of a three storey element which projects 4.6m off the rear elevation of

the existing two-storey out-rigger. Its design is to match the three storey gabled bay on the existing property and is therefore the same height and depth as that feature. The existing two-storey out-rigger will be altered with the addition of glazing and an increase in ridge height. The one and half storey extension projects 6.6m from the rear of the three storey extension and is 11.6m deep. The ridge of the roof is 7m high.

The proposed basement room sits under the three-storey extension and projects out underneath the garden area between the property and Clifton Drive.

The external materials for the most part are to match the existing property. There is a glazed section proposed between on the Clifton Drive elevation between the three-storey extension and the existing property.

**Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
15/0223	PROPOSED DEMOLITION OF SINGLE STOREY ELEMENT TO REAR AND TO SIDE		
14/0826	PROPOSED DEMOLITION OF 2 NO. EXISTING SEMI DETACHED DWELLINGS (CURRENTLY 6 FLATS) AND ERECTION OF NEW SINGLE DWELLING HOUSE TOGETHER WITH ASSOCIATED EXTERNAL WORKS.	Withdrawn by Applicant	04/03/2015

**Relevant Planning Appeals History**

None

**Parish/Town Council Observations**

N/A

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

**Regeneration Team (Heritage)**

Comments - Object to the proposal

The restoration of the original villa is welcomed and as long as the details are carried through this would be a far better outcome than demolition and rebuilding. It is assumed that the windows will be of a wooden sash type to match the originals and that they will be set in a reveal.

The spirit of the extended wing (the left hand side) matches the original villa in terms of scale, form, proportion, decoration and presumably materials.

The Avenues are characterised by a very similar form of development and although there are subtle differences in the detailing of many of the villas (including semi detached variants), the overall coherence and consistency that visually binds the development together includes the form, scale, building line, gables, acute roof pitches, proportions of solid to void and materials. The largely unaltered condition of the development results in an historic appearance/architectural style with the area having a particular historic

quality based on its age, collective style and resultant patina.

There is little evidence of modern architectural interventions that seek to challenge the historic, form and appearance of individual dwellings or the street scenes in general. It also appears that a basement is proposed and that large openings are proposed to the Clifton Drive frontage which would not appear consistent with the traditional bays above.

For this reason, and as opined previously, the introduction of the large concrete frame, significant areas of glass and the very large dormer in the roof would not complement the otherwise well-proportioned development that compliments the area. It is considered that this modern intervention would create an unresolved, unsatisfactory dichotomy between the two parts of the building when viewed as a whole.

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

Comments - A suitable condition should be applied to the proposed plant for the swimming pool to ensure that a statutory noise nuisance will not occur.

### **Civic Society**

Comments - We appreciate that the original plans for this house have been modified and improvements to its exterior impact have been made on the planning officer's advice.

We still have reservations about the nature of the development. This conservation area was created because the houses there were relatively unaltered and the general ambience of the area does persist. What is proposed is a very large house on a large footprint, out of keeping with its neighbours. It is bulky and we would argue that there is too much glazing on the Clifton Drive elevation.

The materials to be used should be a good match for the existing hundred year old Accrington brick.

We are pleased to hear that trees are to be kept and suggest that enough space is left on the boundaries to plant more.

### **Neighbour Observations**

**Neighbours notified:** 21 May 2015  
**Amended plans notified:** 25 June 2015 and 27 July 2015  
**Site Notice Date:** 03/06/2015  
**Press Notice Date:** 28/05/2015  
**No. Of Responses Received:** 8 responses received. 5 to the original plan 3 to the revised plans  
**Nature of comments made:**

#### Original plans:

No objection to the principle of the scheme  
The development is too large  
Extension will dominate the neighbouring properties  
The plant for the swimming pool will create noise  
Elements of the proposal are out of keeping with the conservation area  
Some of the proposed materials are not acceptable

Loss of light  
Loss of garden space  
Loss of privacy  
Extensions are too close to the boundary walls  
Impact to foundations of neighbouring properties

Revised plans:

No objection to the principle of the scheme  
Loss of privacy  
Impact to foundations of neighbouring properties  
The development is too large  
Elements of the proposal are out of keeping with the conservation area  
Extension will dominate the neighbouring properties

**Relevant Planning Policy**

**Fylde Borough Local Plan:**

SP01	Development within settlements
HL05	House extensions
EP03	Development within conservation areas

**Other Relevant Policy:**

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

**Site Constraints**

Conservation area site  
Article 4 direction  
Tree Preservation Order

**Environmental Impact Assessment**

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

**Comment and Analysis**

The main issues regarding this application are:

- (i) The principle of the development
- (ii) The design of the extension and its impact to the character of the conservation area
- (iii) The impact to residential amenity
- (iv) The impact to protected trees

**The principle of the development**

The application site is located within the Lytham St Anne's settlement boundary. The conversion of the existing properties into one single dwelling is considered acceptable and compatible with adjacent land uses. This will involve a loss of residential units from the existing flat use, but there are no policy objections to this. As the site is an existing residential site the principle of residential

extensions to the building is also considered acceptable.

#### The design of the extension and its impact to the character of the conservation area

A recent application (ref: 14/826) before the council proposed the demolition of the original building and a replacement single dwelling house. This was not considered acceptable as the loss of the building would have resulted in significant harm to the Conservation Area, which is a designated heritage asset, as the building occupied a prominent position within the conservation area and is considered to be a non-designated heritage asset in its own right.

This application proposes the retention of the original building with extensions and alterations to form a single dwelling house. In determining the appropriateness of a proposal within a conservation area special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area, as set out in section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

The size of the proposed three storey and one and a half storey extension does appear large on the submitted plan indicating a significant increase in mass and bulk. However having undertaken a comparative scale outline (produced from the submitted existing and proposed plans) this increase is not so significant that the overall size and mass of the property is drastically changed. The three-storey extension is matching in style and appearance to the existing three-storey bay on the existing property, with a steep gable and traditional style windows, and so the size and appearance of the extension is not considered unacceptable.

The greatest increase in mass, when compared to the existing building is the one and a half storey extension. This part of the proposal is wider and taller than the previous single storey extension in that part of the property but is not so large that it would appear incongruous when seen along Clifton Drive. The drop in height and the relationship with the three storey element is similar to those seen on the other corner properties along Clifton Drive.

An important feature of the Lytham Avenues Conservation Area is the spacing between the properties. The proposal would reduce the spacing between the application property and the properties to the rear on Elms Avenue but an adequate amount of spacing between the respective properties is retained, and the spacing seen generally between the properties along Clifton Drive is respected. The corner properties along Clifton Drive are all large buildings which act as "bookends" to their respective Avenue's. These properties were purposefully designed to be larger than the other non-corner properties so that they would stand out and be dominant within the street scene with their large steep gables visually prominent which is an overriding characteristic of the Lytham Avenues conservation area. The proposal reinforces these traits but not to an extent that it would appear out of character.

The proposal also includes a basement room which sits under the three storey element of the extension and projects forwards towards Clifton Drive. Part of the development includes a raised patio area that will also act as the roof to the basement. Such large basements are not common features but as it is largely underground it is considered that it will have limited impact on the character of the building or conservation area. The patio will be raised slightly but replaces an existing hard standing area and the narrow strips of glazing between the ground and the patio will allow natural light into the basement. This feature will create the appearance of the floating patio which will add some modest individuality to the property as is seen on other dwellings within the conservation area.

When assessing the appropriateness of the proposed design it is important to take into consideration the design of the existing property and its integrity in terms of its original appearance. The property has over the years been subject to many internal and external alterations. Whilst the built form (dominant bays, overall proportions and positioning) of the property has remained intact and is considered the primary characteristic of the building, many of the original features, especially on the Clifton Drive elevation, have been lost or significantly altered. The loss of two original windows, the part removal of an external chimney stack and the addition of ground floor bays and box dormer, as well as alterations on the Eden Avenue elevation have all detrimentally impacted on the appearance and integrity of the building. The integrity of a building must be considered as a whole not just in part. It is therefore considered that whilst the building is considered important in the wider context of the conservation area, including its highly visible location on the corner of Eden Avenue and Clifton Drive, the building as it exists at this moment in time does not make a positive contribution to the conservation area due to the loss of original features vital to its integrity. The proposal will result in the removal of these inappropriate alterations/additions, the insertion of new traditional style windows in the original part of the building reflecting the character of the Eden Avenue elevation, and the addition of a more modern interpretation of this style on the Clifton Drive elevation.

For the most part the design of the proposal is mainly of a traditional sympathetic appearance. However the proposal includes a glazed curtain wall element which sits between the bays of the original building and the extension and a large glazed opening on the front and rear elevation of the one and a half storey extension at ground floor. These glazed sections, along with the stone detailing in front and a dormer at the top of the curtain wall element are of a modern design and an example of contemporary architecture. The Council's conservation officer raised concern over this contemporary element as it differs from the characteristic style of the area and would appear inharmonious when the building is viewed as a whole.

Whilst this element does not reflect the traditional Edwardian architecture of the original building or the Conservation Area it is not considered unacceptable. The design approach for the scheme is to purposefully create a break in the Clifton Drive elevation in order to achieve two goals. The first is to create an entrance feature and establish the Clifton Drive elevation as the main/principle elevation. The second is to enable a clear distinction between the perception of old and new. How a building is perceived is important within a Conservation Area and the significance of assets can be highlighted by appropriate design. The dormer is set 2.5m further back than the front elevations of the bays either side meaning that it will appear subordinate to the visually dominant three storey bays. A discussion was held with the Agent with regard to setting the glazing and stone frame further back thereby creating an even more subservient appearance. However this would have meant the loss of an original internal fireplace which is to become a feature within the proposed new dwelling. It was considered that the retention of an original internal feature, of which there are few remaining was sufficient justification to keep the glazing in its proposed position.

If the proposed glazed area were to be constructed of matching brick and fitted with traditional windows the extension would clearly appear more sympathetic to the building and the wider conservation area. However as a result of this approach the extension would also merge into the original building creating a uniform appearance. This in turn would lead to a dilution of the significance of the original building whereby the form and balance of the original building would be lost as there would be no clear distinction between the original building and the extension. It is therefore considered that the contemporary approach, in this case, strengthens the historical character of the original building and the extension will highlight the evolution of the building over time and reflect design/building influences of the time the respective elements were constructed. This allows for a greater appreciation of the actual original part of the building and creates a sense of

individuality that is seen on the corner properties along Clifton Drive.

Overall it is considered that the proposal will not have a detrimental impact on the building, as a non-designated heritage asset, or on the Conservation Area as the designated heritage asset. The design approach is deemed appropriate as it will better reveal the significance of the original building and it will not lead to harm to the wider conservation area and therefore meeting the aims of paragraphs 131, 132, 133, 135 and 137 of the NPPF and Policy EP3 of the Fylde Borough Local Plan.

#### The impact to residential amenity

The proposed development will have an impact on the neighbouring properties due to the addition of extensions. Policy HL5 of the Fylde Borough Local Plan seeks to ensure proposed development does not detrimentally impact on neighbouring amenity.

With regards to No.13 Eden Avenue, to the north, there will be an increase in loss of light and overbearing by reason of the rear extension as it projects further than the existing two-storey out-rigger (by 4.6m) and the roof is higher (by 0.4m). This is considered acceptable to that neighbour with the majority of the impact will be on the rear garden to the application property. With a separation distance of 8.5m to the boundary with No.13 (the same as the existing building) it is considered that this distance is sufficient to minimise the impact both in terms of overbearing and loss of light to its side elevation and rear garden as a result of the increase in mass. The one and a half storey rear element of the proposal will not create a detrimental impact as its height is low enough for there to be no impact to No.13.

In terms of loss of privacy to No.13 there will be no detrimental impact as all north facing side elevation windows above ground floor belong to non-habitable rooms. However to ensure privacy is maintained these windows should be conditioned to be obscure glazed to ensure views into existing neighbouring windows would be restricted in the event that planning permission were to be granted. The ground floor north facing window of the Cinema room is not considered to create such an impact that there would be a detrimental loss of privacy.

With regards to the neighbouring properties to the rear on Elms Avenue it is considered that there will be no detrimental increase in impact, in terms of overbearing or loss of privacy. As there are no new first or second floor windows which directly face towards the properties on Elms Avenue there will be no change to the existing impact in terms of privacy. In terms of overbearing the proposal will result in greater mass and bulk closer to the Western boundary however this impact is also considered acceptable. The spacing distance of 8.6m from the three storey element of the proposal to the boundary with the Elms Avenue properties is considered sufficient when also taking into account the general spacing and closeness of the properties within the Lytham Avenues Conservation Area. In terms of loss of light due to their distance from and orientation with the proposed development there will be minimal loss of light. Any impact will be during the very early hours of the day and the properties will receive unrestricted light for large parts of the day therefore the impact is considered acceptable.

The proposal includes a basement room which will house a domestic swimming pool. To operate the swimming pool plant machinery will be required. After discussions with the Council's Environmental Health Officer (EHO) and researching the variants of types of plant it is considered that whilst located in the basement there could still be potential for noise from the plant which may impact on the amenity of the neighbouring properties. It is therefore considered reasonable to impose a condition on any consent forthcoming that the noise levels generated be no higher than existing

background levels.

### The impact to protected trees

The proposal was also assessed by the Council's tree officer due to the trees within the site. As a result of this assessment two Beech trees were protected. The revised plan includes a basement room which projects towards Clifton Drive and as a result within close proximity to the Root Protection Area (RPA) of the protected trees. In order to construct the basement excavation works will need to be undertaken requiring the removal of earth close to the RPA. These works have the potential to disrupt sensitive roots to the trees and therefore the Council sought details on the method of works around the RPA. As a result of discussions with the applicant a suitable method of works has been agreed to the satisfaction of the tree officer. Therefore a condition should be attached to any forthcoming consent ensuring the implementation of the method of works.

### Other matters

The comments received by interested parties raised concern over the impact the development could have on the foundations of neighbouring properties. The method of construction is not a material planning matter and it is the responsibility of the applicant/contractor to ensure all works are carried out in accordance with the relevant legislation. Damage to neighbouring property is a private matter between the relevant parties.

### Conclusions

The proposal is for the conversion and extension of an existing building located on the corner of Eden Avenue and Clifton Drive within the Lytham Avenues Conservation Area to a form a single dwelling house.

The building was constructed as a pair of semi-detached houses and has most recently been occupied as flats. The proposed conversion to form a single dwelling is compatible with the adjacent residential land uses and so is considered to be acceptable in principle.

The extensions that are proposed do alter the appearance of the building and will have an impact on the conservation area. However this impact is considered to be acceptable as it will result in the removal of previously poor alterations and help strengthen the visual appearance of the building. The additional mass of the building that results it is not considered so significant that the built form and style of the property will be lost.

The inclusion of some contemporary design/architecture is not in keeping with the general traditional style seen in the Conservation Area however in this case its inclusion is not considered unacceptable as it has been used appropriately to help highlight the break between the old and the new. The proposal will show a clear distinction between the original building and the extension which is considered to help strengthen the significance of the original building.

The proposal will have some impact to the amenity of the neighbouring properties however this impact is considered acceptable due to sufficient spacing being retained between properties.

The proposal includes a swimming pool within a basement room. The plant used in association with the pool could potentially create noise and therefore a condition is required to maintain this impact to a satisfactory level to preserve their amenity.

Whilst the proposed basement lies within close proximity to the Root Protection Areas of the

protected trees within the site a suitable method of works has been agreed which will be secured by condition to ensure that risk to these is minimised.

Overall the proposal is considered acceptable and in compliance with paragraphs 17, 56, 60, 61, 131, 132, 133, 135 and 137 of the NPPF and Policies SP1, EP3 and HL5 of the Fylde Borough Local Plan and recommended for approval.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

1. The development hereby permitted must be begun not later than the expiration of 3 years commencing upon the date of this permission, and where applicable should be undertaken in strict accordance with the plan(s) comprising all aspects of the approved development accompanying the decision notice.

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 8 May 2015, including the following plans:

Eden 1/010 Rev F - Proposed site plan  
Eden 1/011 Rev A - Proposed site plan indicating extent of basement  
Eden 3/310 Rev D - Proposed elevations  
Eden 1/110 Rev G - Proposed basement and ground floor  
Eden 1/111 Rev D - Proposed first and second floor

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

3. Notwithstanding any denotation on the approved plans samples of all external materials for the development, hereby approved, shall be submitted to and approved in writing by the Local Planning Authority no later than 21 days prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development.

Such details are not shown on the application and must be agreed to ensure a satisfactory standard of development to respect the character of the conservation area in accordance with Policy HL5.

4. The proposed first and second floor windows in the north facing elevation on the approved plan shall be glazed with obscure glass of Pilkington Grade 4 (or equivalent) and shall thereafter be retained or if replaced the glass shall be of the same type as previously agreed.

To safeguard the amenities of the occupants of adjoining residential premises.

5. Prior to the construction of the swimming pool a survey of the established background noise levels at the site including where the measurements were taken from shall be carried out and a plan indicating the technical details of how any mitigation measures required to prevent any increase in the hourly background noise level shall be submitted to and approved in writing by the Local

Planning Authority. The development shall thereafter be constructed and operated in accordance with this agreed scheme.

To safeguard the amenities of the adjoining occupiers.

6. All window frames on the proposed dwelling, unless otherwise agreed in writing with the Authority, shall be timber sliding sash frames set in 100mm reveal and thereafter maintained as such to the satisfaction of the Local Planning Authority.

To ensure a satisfactory standard of development in the interests of the overall quality of the built development.

7. The Method of works plan (ref: 073.1.01), received by the Authority on 3 August 2015 and the accompanying Written Statement detailing the method of construction of the basement shall be implemented in full.

To ensure satisfactory protection to the protected trees within the site.

8. Prior to the first occupation of the development a scheme detailing all hard and soft landscape works (including a maintenance regime) 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 ensure the adequate landscaping of the site in the interests of visual amenity.

9. Notwithstanding the provision of Article 3, Schedule 2, Part 14 of the Town and Country Planning General Permitted Development Order 2015 [or any Order revoking or re-enacting that Order], no renewable energy generation equipment shall be installed at the property without Planning Permission having first been obtained for that equipment.

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



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/15/0322	Address 15 & 17 Eden Avenue, Lytham St Annes	Grid Ref. E.3354 : N.4271	Scale 0 6 12 18 24 m 

**Item Number:** 4

**Committee Date:** 02 September 2015

<b>Application Reference:</b>	15/0366	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Metacre Ltd	<b>Agent :</b>	De Pol Associates
<b>Location:</b>	LAND NORTH OF AND OPPOSITE STANLEY FARMHOUSE, KIRKHAM ROAD, TREALES ROSEACRE AND WHARLES		
<b>Proposal:</b>	OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR THE ERECTION OF UP TO 8 DWELLINGS		
<b>Parish:</b>		<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	10	<b>Case Officer:</b>	Matthew Taylor
<b>Reason for Delay:</b>	Design Improvements		

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The proposal seeks outline permission (all matters reserved) for a residential development of eight dwellings on a 0.4 hectare parcel of land located to the north side of Kirkham Road, Treales. The site falls outside, though on the edge of, the settlement boundary and within the Countryside Area as defined on the Fylde Borough Local Plan Proposals Map. The Council is presently unable to demonstrate a five year supply of housing land and, accordingly, the principle of residential development within the Countryside Area cannot be resisted where the development is sustainable in all other respects.

The site area would follow established field boundaries and, by aligning with the edges of adjacent woodland to either side, would minimise the extent and visual impact of encroachment into the open countryside. The proposed dwellings would follow the ribbon of development along Kirkham Road and, by virtue of their number and density, would be compatible with the rural character of the surrounding landscape. The scheme would not result in the loss of the Borough's best and most versatile agricultural land and there are no other landscape designations to restrict its development for housing. Appropriate retention, compensation and strengthening of landscaping is capable of being achieved as part of the scheme in order to mitigate any visual/landscape impacts and to ensure screening with surrounding properties. Satisfactory arrangements are capable of being made for vehicle access, parking and manoeuvring in order that the development would not have a detrimental impact on the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site.

The proposal would result in an acceptable relationship with surrounding uses and would have no detrimental effect on the significance of any heritage assets. Appropriate mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding and drainage. The proposal is therefore considered to represent sustainable development in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Fylde Borough Local Plan.

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

The officer recommendation for approval conflicts with that of the Parish Council and, accordingly, the Council's Scheme of Delegation requires that the application is determined by the Development Management Committee.

### **Site Description and Location**

The application relates to a rectangular parcel of land extending to an area of 0.4 hectares located to the north side of Kirkham Road, Treales. The site is presently used as arable agricultural land and forms a narrow, outlying notch to the southern tip of a larger field which runs in a northerly direction parallel to Church Road. The site falls outside the settlement boundary and is designated as Countryside Area on the Fylde Borough Local Plan (FBLP) Proposals Map.

The land is bounded by a crescent-shaped treeline to the east and by a larger, rectangular area of woodland to the west. Sections of both areas of woodland are protected by Tree Preservation Order (TPO) – Area 1 and Group 1 of TPO 12 – where they adjoin/overhang the site. The plot merges with open farmland to the north and a row of four terraced dwellings (nos. 1-4 Kirkham Road) lie beyond the woodland to the east. A continuous, hawthorn hedgerow flanks the southern boundary to Kirkham Road, where a group of detached houses are located opposite the site. These include three large detached properties nearing completion on the former foundry yard site to the southwest.

The village of Treales follows a ribbon of development – principally residential properties – flanking both frontages of Kirkham Road. With the exception of the Derby Arms Public House, there is a lack of shops and public amenities within the village, though the town centre of Kirkham lies approximately 1.9km to the southwest, linked by Carr Lane.

### **Details of Proposal**

The application is submitted in outline, with all matters reserved, for a development of up to eight dwellings. The northern site boundary runs parallel to the edge of the adjacent woodland to the west and follows this alignment up to the periphery of the eastern treeline.

An illustrative masterplan has been submitted as part of the proposal. This indicates:

- Four pairs of semi-detached dwellings following a linear arrangement towards the northern end of the site with gardens backing onto the northern boundary. Each dwelling would have its own in-curtilage parking and four plots are shown to have detached garages.
- The provision of a 0.13 hectare (1,300 square metre) semi-circular area of open space to the southern portion of the site to form a 'village green'.
- The formation of a single vehicle access point from Kirkham Road to the southeast corner of the site. Visibility splays of 2.4m x 43m would be achieved in both directions.
- A strip of landscaping in the form of a new hedgerow and tree planting along the northern boundary to provide a buffer between the rear gardens of the houses and the field beyond.
- The retention of a 48m stretch of the existing hedgerow flanking the southern boundary and removal of a 24m stretch to form the site access to the southeast corner.
- The retention of all existing, protected trees overhanging the eastern and western site boundaries.

As the application does not seek approval for any of the five reserved matters (access, layout, scale, external appearance and landscaping), all details shown on the indicative layout are purely illustrative and are not for detailed consideration as part of the proposal. The application seeks

permission for the principle of residential development for a maximum of eight dwellings only.

### **Relevant Planning History**

None

### **Relevant Planning Appeals History**

None

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

Treales, Roseacre & Wharles Parish Council were notified of the application on 6 July 2015. The Parish Council object to the application on the following grounds:

- The application proposes unauthorised development within an area designated as countryside outside the settlement boundary of Treales. The proposal fails to take account of the different roles and character of different areas of the village, and to recognise the intrinsic character and beauty of the countryside by unacceptably encroaching upon it in conflict with the requirements of FBLP policy SP2 and the NPPF (paragraphs 7, 14, 17 and 55). It is also in conflict with policies S1 and GD4 of the emerging Local Plan. The emerging Local Plan demonstrates how the Borough will deliver its five year housing land supply. This does not rely on any sites in Treales over the plan period.
- The development fails to protect the rural character of the countryside, has a detrimental impact on the heritage landscape and adversely affects the setting of the village and its local distinctiveness.
- Treales is characterised by a concentrated village core approached by hedged, roadside fields and woodland interspersed with former estate farmsteads. This includes both designated and non-designated heritage assets. Open spaces such as the application site and heritage assets on the approach to it contribute to the setting and intrinsic value of the rural landscape.
- Treales is a local leisure destination for walkers, runners, horse riders and cyclists who are attracted by its attractive rural character and local distinctiveness. The Derby Arms is a destination Public House, with its countryside setting an important component to its success. The development does not respond to local character and history, does not reflect the identity of local surroundings and does not contribute to the wider social, cultural, economic and environmental benefits that the preservation of the heritage landscape brings and would erode these attributes of the village.
- The site is designated as best and most versatile agricultural land and its use for this purpose contributes to the local economy through revenue generation and local employment. The development would adversely impact on this agricultural function.
- Treales village comprises some 36 dwellings which provide a wide range of accommodation. When considered in combination with the 3 dwellings under construction at the Foundry Yard, the development would result in a 31% increase in the size of the village. When considered in combination with other applications currently awaiting determination by the Council (references 15/0367 and 15/0450), the proposed development would result in a 61% increase in the number of dwellings in Treales. It would also result in the formation of a continuous ribbon of development between Mowbreck Land and Moss Lane West which would destroy the intrinsic character and beauty of the countryside and the setting of Treales. The proposed development, both individually and cumulatively, would result in an unsustainable expansion of the village which would harm local character, distinctiveness, heritage and visual amenity.

- Cumulatively the developments currently being proposed will create a continuous ribbon of development 250% larger than the length of the present settlement boundary.
- The local school is oversubscribed and existing community facilities do not require an increase in population in order to be sustained. Treales does not have any shops or a bus service to sustain additional development. The emerging Local Plan makes provision for additional housing (both market and affordable) in Kirkham and Wesham which benefit from shops, services and public transport to serve the increase in population. This is not the case in Treales where any future occupiers would be reliant on car-borne journeys to access facilities.
- There are already 8 properties for sale or rent within the settlement boundary (equating to 22% of the housing stock) and only one sale completed since 2011. There is no demand for additional housing in the village and the ongoing agenda for fracking makes the village undesirable for purchasers.
- As the application is in outline with all matters reserved, no weight can be given to any of the details shown on the illustrative masterplan – including the layout and design of the dwellings.
- The development seeks to remove the roadside hedgerow which is characteristic of the village's rural character and setting and adversely impacts upon the setting of protected trees to the west. This would also result in a harmful impact on biodiversity as the hedgerow provides a valuable habitat and corridor.
- The proposed village green would necessitate the removal of roadside hedging and, owing to its restricted size, it offers little separation with neighbouring dwellings and the road, and also restricts the amount of off-road parking which can be offered. The proposed green fails to create a high quality open space for future users and, owing to its size, lacks any realistic recreational function.
- The application fails to prioritise the use of other underutilised residential land within the ownership of the applicant in the vicinity of the site.
- The applicant has failed to take account of the views of the community. The Parish Council provided clear direction that further development in the countryside would not be supported and, moreover, that the proposals for the village green would not be welcomed. The applicant has submitted the proposal in spite of this.
- The Parish Council have submitted a number of photographs of the site in support of their objection. These images are intended to "depict the unique character of Treales Village which will be significantly altered should planning be granted". In particular, the images refer to the value of roadside hedging, existing views afforded across open countryside from Kirkham Road and the value of existing tree lines which the Parish Council consider would be eroded by the development.

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

#### *LCC Highways:*

- An appropriate means of access can be provided as part of the development and the level of traffic generated would not have an unacceptable impact on highway capacity or safety. Therefore, there are no highway objections to the scheme.

#### *Tree Officer:*

- The site is flanked by groups of trees protected under TPOs. These trees would have increased functional value post-development as 'soft' screening and would provide visual/physical separation. The TPO would ensure they continue to serve that function.
- As put forward, the indicative layout poses no threat to these groups of trees, though any reserved matters application will need to demonstrate that adequate standoff distances can

be achieved and that trenching for construction of the garages and driveways was avoided either by generous siting away from the specimens or trenchless techniques.

- The existing hedge to the front of the site is indicated for removal in order to provide a new footway. Whilst the hedge is almost entirely a single species and is not 'ancient' for the purposes of the Hedgerow Regulations, it should be replaced in order to avoid either a solid boundary with the road or an open frontage, as both would appear incongruous to this rural context. Instead, either some tree planting or a relocated, new native species hedge to offset the loss of the current one would be appropriate.

#### *Landscape Officer:*

- The proposed 2m wide footpath along the site frontage would link with a 0.9m pathway to the east, with no path to the west. It is unlikely that the new footpath is needed and it would be more beneficial to retain the existing hedgerow along this frontage.
- The proposed village green isn't central to the village and, accordingly, would not provide a focal point for Treales. This concept has little value and, in addition, would result in the loss of the hedgerow and an open boundary which is not in-keeping with the street scene.

#### **Neighbour Observations**

<b>Neighbours notified:</b>	29 June 2015
<b>Site notice posted:</b>	19 June 2015
<b>Amended plans notified:</b>	N/A
<b>No. Of Responses Received:</b>	22
<b>Nature of comments made:</b>	21 objections, 1 support

The points raised in the objections largely reflect those raised by the Parish Council as summarised above. Additional points are, however, made by objectors and these are summarised below as follows:

- Other, recent developments in Treales have taken place on land which was previously occupied by buildings, hardstandings and was neglected/derelict. These developments have not resulted in encroachment into the countryside and, accordingly, have not spoiled existing views.
- Treales' local distinctiveness is afforded by the settlement being organised around a central village core approached by hedge-lined, roadside fields and woodland interspersed with farmsteads. The site is located outside the settlement boundary and, therefore, is excluded from the areas of the village where development is permissible under FBLP policy SP2. The site provides views across open countryside and has significant amenity value in visual terms, particularly for passing pedestrians and residents on the opposite side of Kirkham Road. The development would close the gap and result in harmful urbanisation of the village by changing its character and heritage landscape, thus diminishing local distinctiveness.
- Treales is a small village and should not be expanded in the manner (both in terms of size and location) proposed by this application. Treales village comprises some 36 dwellings which provide a wide range of accommodation. When considered in combination with the 3 dwellings under construction at the Foundry Yard, the development would result in a 31% increase in the size of the village. When considered in combination with other applications currently awaiting determination by the Council (references 15/0367 and 15/0450), the proposed development would result in a 61% increase in the number of dwellings in Treales. The development will also set an undesirable precedent for further expansion of the village and ribbon development in the future which would lead to a 250% extension to the length of the existing settlement boundary.

- There are already 8 properties for sale within the settlement boundary. There is no demand for additional housing in Treales.
- The existing hedgerow to the roadside is an attractive, natural feature which contributes to the rural character of the village and is beneficial to wildlife. It is unnecessary to remove this and replace it with a new footway. The development would also interfere with protected trees overhanging the site.
- The village lacks any infrastructure to deal with the increased population which has occurred due to recent building operations and is proposed as part of this application. In particular, there are no shops or schools in the village, no mains sewage facility and too many septic tanks are already discharging into too small an area. In addition, there is no mains gas supply and no public transport link. The telephone and electricity networks are operating at capacity and are prone to breakdown. The development is not required to sustain existing amenities in the village.
- The development would result in additional traffic generation which would be harmful to highway safety. No car parking facilities are to be provided for the village green which would result in visitors parking on the roadside, thus adding to congestion on this narrow stretch of Kirkham Road, causing an obstruction along the highway and blocking visibility at the site access. It would have been better to locate the access to the southwest corner and provide parking for the green.
- The number of dwellings proposed, along with 4 garages, would result in an overdevelopment of the site. The proposed village green is very small and would serve no function. The green is out of character and would become quickly derelict as there are no financial resources for Fylde or the Parish Council to maintain this. There is already alternative open space available nearby.
- There has already been noise and disturbance arising from the development of 3 dwellings on the Foundry Yard site. Another 12 months of construction work would cause unacceptable nuisance to residents.
- The ecological appraisal suggests the retention of hedgerows but this is shown to be removed on the layout. The wider site, and particularly an area of standing water to the north of the development parcel, is home to an array of species including deer, owls, bats, foxes, pheasants and Canadian geese.
- The site is designated as best and most versatile agricultural land and this existing activity contributes to the local economy. The loss of agricultural land would have an adverse impact on this economic enterprise.
- The southeast corner of the site frequently floods during heavy rainfall events.
- The application fails to prioritise the use of other underutilised residential land within the ownership of the applicant in the vicinity of the site.
- The applicant has failed to take account of the views of the community when the Parish Council provided clear direction that further development in the countryside would not be supported. Similarly, the proposed village green is not appropriate outside the settlement boundary. The application has been submitted in spite of these concerns.
- The development will fail to provide affordable housing supporting the local workers in the industry of agriculture; they will be unable to afford properties of this nature irrespective of the developer's claims.

The points raised in the letter of support are summarised as follows:

- There are no objections to any of the developments mentioned in the circular distributed to residents. The developments would enhance the village and increase the size of the community.
- A number of residents have moved away from the village due to a lack of amenities. However, if the village expands, there is the potential for such amenities to be delivered

within the village and supported by a growing population. This would also be the case for the existing pub. If no such expansion is allowed, there is a risk that any existing facilities would fall into decline and close down. This has occurred in a number of rural villages where a diminishing population means such uses become unviable.

- Recent developments in the village (e.g. The Orchard and Foundry Yard) have improved areas of the village which were previously occupied by unkempt wasteland and buildings.
- The developments would assist the progression of the village for the benefit of existing residents and future generations. People should be encouraged to move in to Treales rather than move out of it and this can only be achieved through expansion.

### **Relevant Planning Policy**

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

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
EP04	Alteration and adaptation of listed buildings
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP18	Natural features
EP19	Protected species
EP22	Protection of agricultural land
EP25	Development and waste water
EP30	Development within floodplains

#### **Draft Fylde Local Plan to 2032 – Revised Preferred Option**

S1 – The Proposed Settlement Hierarchy

DLF1 – Development Locations for Fylde

H4 – Affordable Housing

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

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

#### **Site Constraints**

Within countryside area  
Tree Preservation Order

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

### Main issues:

Given the designations on the site, and having regard to the representations from the Parish Council and objectors, it is considered that the main issues with the application are:

- Whether the site is a sustainable location for housing development, having particular regard to the accessibility of local shops, services and employment opportunities.
- Whether the development, either individually or cumulatively, would result in a disproportionate enlargement to the existing settlement.
- Whether the development would have a harmful impact on landscape character by virtue of its encroachment into the countryside and, if so, whether there are any steps which can be taken to overcome this harm.

Each of these issues are addressed in turn below.

### Principle of development:

#### *Policy context and five year supply:*

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

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

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

Paragraph 55 of the NPPF states that:

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

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

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

play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

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

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

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

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

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

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

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

The Council has been successfully challenged at a number of recent appeals where it has sought to

resist housing within the countryside area as a matter of principle. For example, in allowing an appeal for a residential development of 30 dwellings within the countryside area at Kings Close, Staining (appeal ref APP/M2325/W/14/2220410), paragraphs 8, 30, 31 and 32 of the Inspector's decision identify that:

- It is common ground between the main parties that there is not a five year supply of housing land in Fylde. I note that the Fylde District Group of the Campaign to Protect Rural England (CPRE) disputes this position, but I am satisfied that the evidence before me supports the view expressed in the statement of common ground. Accordingly, having regard to paragraph 49 of the National Planning Policy Framework (NPPF), relevant policies for the supply of housing cannot be considered to be up-to-date.
- The provision of additional housing in a Borough which does not have a five year land supply [is a] significant social benefit.
- Policies in the Local Plan concerning the supply of housing are out-of-date. In this situation, paragraph 14 of the NPPF explains that the presumption in favour of sustainable development means granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits, or policies in the NPPF indicate that development should be resisted.
- The proposal would cause moderate harm to the character and appearance of the area, thereby conflicting with Policy HL2 of the Local Plan. By virtue of the site's location beyond the limits of development there is also conflict with Policy SP2, although given the acknowledged need for some housing to be built in countryside areas and that the limits of development, in representing a mechanism for the supply of housing, are out-of-date, this is a matter of limited weight. On the other side of the balance, the provision of additional housing and affordable homes both carry significant weight. I conclude that the benefits of the proposal would not be significantly and demonstrably outweighed by the adverse effects, but that they would outweigh the harm identified. Accordingly the proposal would comply with the approach to sustainable development set out in paragraph 14 of the NPPF.

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

*Location and sustainability:*

Paragraphs 34 and 38 of the NPPF state that:

- "Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. **However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas**" (emphasis added).
- "For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. **Where practical, particularly within large-scale developments**, key facilities such as primary schools and local shops should be located within walking distance of most properties" (emphasis added).

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

- The National Planning Policy Framework also recognises that different sustainable transport

policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

The site is located in an area of open countryside to the western end of the village, outside the settlement boundary defined on the FBLP Proposals Map. Treales is a small village which, aside from a Public House, lacks a number of public amenities and access to public transport. It is, however, located approximately 1.9km from Kirkham town centre and, accordingly, it follows that future occupiers are likely to rely on facilities in Kirkham.

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

Table 3.2: Suggested Acceptable Walking Distance.

	Town centres (m)	Commuting/School Sight-seeing (m)	Elsewhere (m)
Desirable	200	500	400
Acceptable	400	1000	800
Preferred maximum	800	2000	1200

Figure 1 – suggested acceptable walking distances (IHT).

Kirkham is the largest neighbouring settlement which provides “town centre” facilities and, accordingly, the distances in the left hand column of Figure 1 would be applicable with respect to Kirkham. However, as Treales does not benefit from a town centre, it would fall within the category of “elsewhere” and, accordingly, longer walking distances to access the same facilities are expected. The pedestrian link between Kirkham and Treales is via a footway along Carr Lane. The closest school (Treales Church of England Primary School) is located approximately 1.8 km away, with other schools available in Kirkham within 2km of the site. As the distance between Kirkham town centre and Treales is approximately 1.9km (and, accordingly, some 0.7km above the preferred 1.2km maximum in Figure 1), it follows that many future occupiers of the development would be reliant on car-based journeys to access some local facilities. However, the site is within the preferred 2km maximum for district facilities (including employment and education opportunities).

As identified in paragraph 34 of the NPPF (as reiterated in the NPPG), it is inevitable that sites within the countryside will not benefit from the same accessibility to services as those within the urban area. Moreover, paragraph 38 recognises that it will not always be practical for key facilities (e.g. shops) to be located within walking distance of smaller scale residential developments. It does not, therefore, follow that all development within the rural area is always unsustainable by virtue of its location and, as acknowledged at paragraph 55 of the NPPF, the introduction of housing in rural areas is capable of enhancing the vitality of rural communities by supporting local shops and services elsewhere. Therefore, the lack of specific services in individual villages should not stifle development in rural areas where such facilities exist nearby and, accordingly, a development would not result in “isolated homes in the countryside”.

Whilst Treales lacks any substantial shops, services and public transport links, it is located some 1.9km from Kirkham town centre and within 2km of three local schools. Kirkham includes a number

of shops and services which are sufficient to serve the needs of outlying villages such as Treales, and the relatively close proximity of the two settlements means that they are closely allied to one another with respect to sharing services. Indeed, this is likely to be the case for existing residents. Therefore, whilst there would be some reliance on car-borne journeys with respect to access to local facilities in Kirkham, it is not considered that the distance between the two settlements is so significant as to conclude that the development would deliver isolated homes in the Countryside for the purposes of paragraph 55 of the NPPF or conflict with FBLP policy HL2. Indeed, other district facilities (e.g. schools and employment opportunities) are within walking distance.

*Scale and pattern of development:*

A number of objectors have referred to the size of the development in relation to the remainder of the village, opining that this would represent a disproportionate increase. In particular, objectors indicate that, individually, the development would result in a *circa* 31% increase in the size of the village, with this rising to *circa* 61% when considered in combination with applications 15/0367 (3 dwellings) and 15/0450 (8 dwellings).

The figures given by objectors are based on the principle that only existing housing within the settlement boundary should be counted when assessing the size of the village. However, it is apparent that the built form and structure of Treales extends beyond the settlement boundary. Indeed, some 14 dwellings between the junction of Kirkham Road with Carr Lane (west) and Treales Road (east) currently fall outside the settlement boundary. In addition, the settlement boundary cannot be relied upon to restrict the location of development in the absence of a 5 year housing land supply. Therefore, it is not considered that the size of the village can be limited only to those properties falling within the settlement boundary.

The Ordnance Survey plan indicates the presence of 49 dwellings within the village between Kirkham Road's junction with Carr Lane and Treales Road (including 14 which fall outside the settlement boundary). Therefore, the proposed development for 8 dwellings would result in a 16% enlargement to the village when considered individually. If considered in combination with the other abovementioned developments pending decision by the Council, the cumulative increase would be 39%.

Notwithstanding the objections from the Parish Council or the above figures, there is no adopted local or national policy which provides a definitive, quantitative figure (in percentage or other terms) as to what will constitute a proportionate (or disproportionate) extension to an existing village. It is, however, recognised that the emerging Local Plan makes allowances for infill developments of less than 10 dwellings on windfall sites in rural areas, subject to other sustainability requirements.

Objectors have referred to the negative precedent that the development would set with respect to future expansion of the village, with the potential to create a 'string village' some 250% larger than the existing. However, it is an established principle of the planning system that each application is determined on its individual merits and, as such applications are not before the Council for consideration, it would not be sustainable to refuse permission on these grounds. In this case, the scheme represents an infill development of 8 dwellings which, both individually and cumulatively, is not considered to represent a disproportionate increase to the village by virtue of its size and scale, having particular regard to its relationship with the remainder of the settlement.

Whilst the cumulative impact of allowing all pending applications would result in a more substantial increase to the size of the village, it is not considered that such an increase would be so unduly disproportionate as to warrant refusal of the application. Whilst in-combination effects are a

material consideration (e.g. with respect to transport, EIA assessment etc.), it is also an established principle of the planning system that each application is to be determined on its individual merits. The site is located on the edge of the settlement boundary in close proximity to existing dwellings, is contained on two sides by mature vegetation and would follow the pattern of the existing settlement which forms a linear 'ribbon' flanking Kirkham Road. Therefore, it is not considered that the proposed development would appear unduly dominant or disproportionate in the context of the village.

The scheme would deliver eight houses on a site measuring 0.40 hectares – a density of 20 dwellings per hectare. Whilst this falls significantly below the density range identified in FBLP policy HL2, lower densities such as this are considered to be appropriate in order to preserve rural character in accordance with paragraph 47 of the NPPF which states that housing densities should reflect local circumstances. Although layout is not applied for at this stage, the indicative masterplan shows a development of four pairs of semi-detached, two-storey houses. This form and density of development reflects the character of surrounding dwellings – most notably those in the terrace to the east – and is compatible with the spacious, rural setting of the village.

*Visual and landscape impact:*

The site is located between areas of protected vegetation to both sides, with its northern boundary running parallel to that of the rectangular woodland to the west. The site merges with open farmland to the north and a hedgerow flanks its southern boundary with Kirkham Road.

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

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

With respect to general landscape impact, paragraph 115 of the NPPF states that:

- Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

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

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

Policy EP10 indicates that the distinct character and important habitats of Fylde will be protected. The policy identifies that particular priority will be given to the protection of important landscape and habitat features, including sand dunes, mud flats, marine marshes, beaches, broadleaved woodland, scrub meadows, hedgerows, wetlands, ponds and watercourses.

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

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

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

The site occupies a prominent location within the village fronting onto Kirkham Road and merges with an area of open farmland to the north, alongside which it forms an outlying ‘notch’ to the southern end of the field boundary. The land provides an area of open countryside along the northern frontage of Kirkham Road between pockets of built development and is enclosed on both sides by dense areas of woodland which form a buffer with neighbouring buildings. Resultantly, there is a degree of visual segregation between these uses. As identified by objectors, it is recognised that the land provides visual relief and a sense of openness on the edge of the settlement boundary, particularly when viewed in conjunction with adjacent areas of woodland and other, similar, open spaces alongside the northern frontage of Kirkham Road. Accordingly, the site contributes to the structure and setting of the village and, in addition, has value with respect to visual amenity.

A TPO protects flanking woodland within a crescent-shaped area to the east and a rectangular parcel to the west. These woodlands comprise a series of tall, mature specimens which form a dense screen when approaching the site along both sides of Kirkham Road. A number of these protected trees overhang the site boundaries. The indicative layout and supporting tree survey demonstrate that the dwellings are capable of being accommodated on the site without encroaching upon the canopies and root protection areas of these trees and, accordingly, the TPO does not form a constraint to development for the purposes of policy EP12.

Surrounding buildings are predominantly residential in character and follow a narrow ‘ribbon’ of development flanking both sides of Kirkham Road, though there is a greater concentration of development to the south side. The proposed dwellings would be seen alongside the terrace to the east (nos. 1-4 Kirkham Road) and in conjunction with neighbouring houses on the opposite side of Kirkham Road. Therefore, whilst the scheme would result in the development of open countryside between two swathes of woodland and, resultantly, encroach upon it, the limited size of the site – having particular regard to the extent of its northern boundary and the natural enclosure afforded by adjacent woodland – would have the effect of ‘squaring off’ the outlying notch to the southern end of the existing field. The development would be contained by protected woodland on both sides and would follow the ribbon of housing along Kirkham Road which is characteristic of the pattern of development in Treales.

The site is not subject to any specific landscape designations (e.g. those identified in paragraph 115 of the NPPF) and, accordingly, its value can be considered to be no more than local. It does, however, contain features listed in FBLP policy EP10 – specifically hedgerows – which it would be beneficial to incorporate into the development layout. The southern boundary of the site onto Kirkham Road is formed by a continuous hawthorn hedgerow which makes a substantial contribution to visual amenity, and is characteristic of the site’s rural setting and follows the pattern of boundary treatments in the street scene. Whilst the scheme initially proposed the removal of this hedgerow in order to form a 2m wide footway across the frontage with Kirkham Road, amended plans have been submitted showing the omission of this footway and the subsequent retention of a 48m stretch of this hedgerow, with 24m to be removed in order to provide the site access to the

southeast corner. It is considered that the retention of this stretch of hedgerow, combined with the provision of a new hedgerow interspersed with trees along the northern boundary, would provide sufficient landscaped buffers in order that the development would not present an unduly harmful urban edge to Kirkham Road and adjoining countryside. An appropriate condition has been recommended in this regard.

Whilst the development would result in a degree of encroachment into the countryside by closing the existing 'green gap' between two swathes of woodland, this would be mitigated by:

- The retention of the majority of the existing hedgerow alongside the southern boundary to Kirkham Road.
- The provision of a continuous planting buffer (a combination of hedgerow and trees) along the northern boundary where the site merges with woodland to either side;
- Restricting the site area in order that it runs parallel with the northern boundary of the adjacent woodland to the west.

It is recognised that the development would result in the loss of a parcel of land which, whilst of a relatively modest area and not the subject of any protective landscape designation, forms an attractive green buffer which provides structure and visual relief in the village when travelling along Kirkham Road, particularly along the less intensively built-up northern frontage. It is, however, considered that the screening provided by the existing woodland to either side of the site, the proposed landscaping (both retained and supplemental), the size and extent of the site area (including restricting this to the outlying 'notch' and running parallel with the northern boundary of the adjacent woodland to 'square off' the field boundary), and the density of development are sufficient to avoid and/or mitigate any adverse impacts that the development would have on landscape character with respect to reducing openness and urbanisation in this rural setting. The site lies on the edge of the settlement boundary and would be seen in conjunction with surrounding dwellings to the east and south in order that it would not be viewed as an isolated development in relation to the remainder of the village. Accordingly, on balance, the proposal is considered to be in compliance with the requirements of FBLP policies HL2, EP10, EP11, EP12, EP14 and EP18, and the NPPF.

#### *Conclusion regarding principle:*

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

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 site has visual and structural value in the context of the village's rural setting and character, it is considered that, on balance, and in the absence of a five year supply, the scheme would result in an appropriate and proportionate development within Treales. In particular, the proposal:

- Would 'square off' the outlying notch to the southern end of the existing field and, by

following the boundaries of adjacent woodland (including utilising these as a means of visual enclosure), would not result in unacceptable encroachment into the countryside.

- Would follow the pattern of ribbon development along Kirkham Road on the edge of the settlement boundary which, by virtue of its size, scale and density, would be compatible with the rural character and setting of the existing village.
- Would make a valuable contribution to the supply of housing within the Borough in the absence of a five year supply.
- Would be accessible to shops and services in Kirkham - relative to the scale of development, its rural setting and accepting that it is not always practical for housing in the countryside to be located adjacent to such services.
- Would not result in isolated homes in the countryside.

Given the above, it is considered that the principle of development is acceptable, having particular regard to the requirements of paragraphs 17, 34, 38, 47, 49 and 55 of the NPPF, and FBLP policy HL2.

#### Loss of agricultural land:

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

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

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

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

The application is supported by an agricultural land quality report which provides a site specific assessment of climate, geology and soil resources (including sampling) in order to determine its agricultural quality and classification. The report concludes as follows:

- The soil profile comprises 30cm of medium clay loam topsoil which is slightly stony (1%) and has a moderately well developed medium subangular blocky structure which enables sufficient distribution of roots and pores.
- The subsoil consists of poorly permeable clay which is slightly stony (5%). The structure is poorly developed with the soil forming coarse angular blocky peds. Many medium distinct ochreous mottles are present in the subsoil which is gleyed and poorly permeable. The profile is poorly drained and of WC IV.
- Soil profiles of WC IV with a medium clay loam topsoil and subject to 215 field capacity days are limited by wetness and workability to subgrade 3b.

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

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

The submitted Agricultural Land Classification report has been undertaken by a suitably qualified person and utilises appropriate desk and field based evaluation techniques in accordance with best practice guidance to assess the characteristics of the land and factors which affect its agricultural productivity. Following site-specific investigation, the report concludes that the land falls within sub category 3b (moderate quality). In addition, it is noted that, as the site forms an outlying ‘notch’ to the southern end of the main field and comprises only *circa* 4.7 % of its overall area (at approximately 8.46 hectares), it makes a minimal contribution to the viability of agricultural operations on the wider land parcel and its loss would not prejudice the continuation of these operations on the adjoining land retained for these purposes. Accordingly, the development would not result in the loss of Fylde’s best and most versatile agricultural land and there is no conflict with the requirements of FBLP policy EP22 or the NPPF in this case.

#### Relationship with surrounding development:

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

The site is enclosed by woodland to both sides and bounded by open farmland to the north. A group of detached dwellings are located on the opposite side of Kirkham Road to the south and a row of terraced houses run latitudinally beyond the treeline to the east. The indicative masterplan demonstrates that the development is capable of achieving substantial separation with neighbouring dwellings in order that it would have no undue impact on the amenity of adjoining occupiers through overlooking, overshadowing or loss of outlook. Similarly, future residents would benefit from acceptable living conditions. The proposal would be compatible with the prevailing residential character of surrounding properties and, subject to consideration of detailed design issues at reserved matters stage, is capable of achieving a satisfactory relationship with surrounding uses for the purposes of FBLP policy HL2.

#### Highways:

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

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

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

Whilst access is not applied for at this stage, the indicative layout shows the provision of a single vehicle access point to the southeast corner of the site at the junction with Kirkham Road. This access is shown at a width of 5.5m with 2m footways to either side to allow two-way traffic flow and pedestrian access into the site. Visibility splays of 2.4m x 43m would also be achieved in both directions at the junction with Kirkham Road. The access would merge with a new estate road, with

private driveways to each plot branching off the main route to provide off-road parking to the side of the dwellings.

The arrangements shown on the indicative masterplan (though not fixed by this permission) would, with respect to the size, siting and design of the site access and the width and positioning of the new footways, ensure safe and convenient access for vehicles and pedestrians. Kirkham Road is a lightly trafficked route and, with respect to vehicle movements, the level of traffic generated by a development of eight dwellings would not have any significant impact on highway safety. The indicative layout also demonstrates that the scheme is capable of delivering sufficient in-curtilage parking to meet the maximum standard identified in the emerging Local Plan.

Whilst objectors have referred to a lack of dedicated parking to serve the village green to the front of the site, this space is intended to serve the local needs of the village only (i.e. those dwellings forming part of the development and in immediate walking distance who would not rely on car-borne journeys). Accordingly, the scheme should not result in any undue obstruction of the surrounding highway network through visitor parking when visiting the village green (if, indeed, this feature is provided as part of the scheme).

LCC Highways have not raised any objections to the scheme on the basis of the development's transport impacts and consider that the applicant has demonstrated that an appropriate means of access can be provided as part of the development in order that it would not have any adverse impact on network capacity or road safety. The proposal is therefore in accordance with the requirements of FBLP policy HL2 and the NPPF.

#### Ecology:

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

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

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

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

FBLP policy EP19 identifies that development which would have an adverse impact upon species specifically protected under schedules 1, 5 or 8 of the wildlife and countryside act 1981, (as amended) or their habitats will not be permitted.

The application is accompanied by an ecology survey which assesses the value of existing habitats within the site and the development's potential impact on protected species - including bats, birds, badgers and amphibians. The report makes the following conclusions:

- Due to its lack of structural diversity, regular disturbance due to ploughing and the abundance of similar habitat on adjoining land, the arable grassland which dominates the

site is of low ecological value.

- The greatest ecological potential is for foraging bats and nesting birds associated with trees within the adjacent woodland and the existing hedgerow which provides a link with this vegetation.
- Due to its size and age, one of the trees (an Ash) located alongside the eastern boundary has potential to support roosting bats within cracks/fissures. However, this specimen falls outside the site and would not be affected by the development.
- There are no ponds on the site and there are no records of any protected species occurring on or in close proximity to the site.
- Appropriate mitigation can be put in place through: (i) the retention of existing vegetation where possible; (ii) the timing of any vegetation clearance to avoid the bird breeding season; and (iii) the introduction of additional/compensatory planting as part of the scheme.

The ecology survey demonstrates that habitats on the site – dominated by worked, arable farmland – are of low ecological value. Whilst the species-poor hedgerow to the front of the site has some value in terms with respect to foraging bats and nesting birds, adequate mitigation can be put in place by restricting the timing of any vegetation clearance and requiring additional/compensatory planting to provide biodiversity enhancements through condition. Important trees within the adjacent woodland to the east and west of the site would be unaffected by the scheme.

The proposed development would not result in the loss of any high-value ecological features and, given the absence of any suitable habitats on the site to support any specially protected species, would not affect their favourable conservation status. Appropriate mitigation and biodiversity enhancements can be secured through condition. The proposal is therefore in accordance with the objectives of FBLP policy EP19 and the NPPF.

#### Flooding and drainage:

Paragraph 100 of the NPPF states that “inappropriate development in areas at risk of flooding [land within Flood Zones 2 and 3; or land within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency] should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere”.

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

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

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

The site is shown to fall wholly within flood zone 1 (land with a less than 1 in 1,000 or <0.1% annual probability of river/sea flooding) as defined on the Environment Agency’s Flood Map. As the site area is under 1 hectare there is no need for a site-specific Flood Risk Assessment to accompany the application, nor is there any requirement to consult the Lead Local Flood Authority. However, in

accordance with FBLP policies EP 25 and EP 30, and the NPPF, it is appropriate to impose conditions regarding schemes for the disposal of foul and surface water in order to ensure that the development is not itself at risk of flooding and does not increase flood risk elsewhere (including an appropriate allowance for climate change).

An appropriate condition is recommended in this regard in order to control foul and surface water discharge. Therefore, adequate measures can be put in place to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the requirements of FBLP policies EP25 and EP30, and the NPPF.

#### Heritage implications:

The grade II listed building of Smithy Farmhouse (a thatch-roofed cottage) is located some 93m to the west of the site. The Derby Arms Public House (another grade II listed building) falls approximately 82m to the east at the junction with Church Road. Objectors have raised concerns regarding the development's impact on heritage assets within the village, including its landscape character.

Designated heritage assets are defined in Annex 3 of the NPPF as follows:

- A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation

Paragraph 129 of the NPPF indicates that:

- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

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, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. This approach is supported by FBLP policy EP4 which states that development which would prejudice the setting of a listed building will not be permitted.

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

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

Objectors have referred to Treales as a "heritage landscape" and, with reference to historical maps, have pointed to its evolution over time and the development's failure to embrace this. Notwithstanding that the application is in outline with all matters reserved (and, accordingly, detailed design considerations and how these respond to the local vernacular are reserved for a later stage), Treales does not benefit from any statutory or local designation to support this. It is not uncommon for rural villages to evolve in the same manner as Treales and, aside from the two listed buildings within the village, there are no further designated heritage assets. It is also noted that a

number of mid-late 20 century developments within the settlement boundary have changed the character of the village over time, adding to its diversity. Therefore, it is not considered that Treales can be considered a “heritage landscape” for the purposes of the definitions in the NPPF.

Each of the nearby listed buildings are extensively screened from the site by dense areas of woodland along the eastern and western boundaries. In addition, a number of other buildings (of no discernible heritage value) intervene between each listed building and the site. Accordingly, the site is not seen in the same context as, or in conjunction with, either of these designated heritage assets. When considered in combination with the degree of separation between the site and nearby listed buildings, the screening provided by vegetation and other buildings would ensure that the development has no impact on their setting. Accordingly, there is no conflict with the requirements of the FBLP, NPPF or the Planning (Listed Buildings and Conservation Areas) Act.

#### Village green:

A number of objectors have made reference to the inadequacy of the village green with respect to its size, function and future maintenance. The indicative layout shows the provision of a 0.13 hectare (1,300 square metre) village green which forms a green buffer alongside Kirkham Road at the front of the site. As this is an outline application with all matters reserved, the provision of this village green would not be fixed as part of this permission (this being an intrinsic part of the layout) unless a specific condition was imposed requiring it to form part of any application for reserved matters.

In this case, no such condition is recommended. Firstly, as the strength of local objection (including that from the Parish Council) indicates that there is no desire for such a feature in this area of the village. Secondly, because there is no specific policy justification requiring the provision of open space on site for a development of this size; and thirdly, because it is considered that this would represent an unnecessary constraint to any future application for reserved matters which is likely to result in a poorer layout for the remainder development than could otherwise have been achieved in the absence of the green.

#### Developer contributions:

A statement submitted with the application indicates that 50% (4) of the dwellings could be offered as affordable homes. However, policy H4 of the draft Revised Preferred Options Local Plan only requires affordable housing to be delivered on “schemes of more than 10 homes”.

As the scheme does not meet this threshold, it is not considered that there is sufficient policy justification in this case to impose a requirement, either through condition or planning obligation, for the applicant to deliver the 4 affordable dwellings offered as part of the scheme as these are not required in order to make the development acceptable in planning terms for the purposes of the NPPF and the Community Infrastructure Levy Regulations.

#### Conclusions

The proposal seeks outline permission (all matters reserved) for a residential development of eight dwellings on a 0.4 hectare parcel of land located to the north side of Kirkham Road, Treales. The site falls outside, though on the edge of, the settlement boundary and within the Countryside Area as defined on the Fylde Borough Local Plan Proposals Map. The Council is presently unable to demonstrate a five year supply of housing land and, accordingly, the principle of residential

development within the Countryside Area cannot be resisted where the development is sustainable in all other respects.

The site area would follow established field boundaries and, by aligning with the edges of adjacent woodland to either side, would minimise the extent and visual impact of encroachment into the open countryside. The proposed dwellings would follow the ribbon of development along Kirkham Road and, by virtue of their number and density, would be compatible with the rural character of the surrounding landscape. The scheme would not result in the loss of the Borough's best and most versatile agricultural land and there are no other landscape designations to restrict its development for housing. Appropriate retention, compensation and strengthening of landscaping is capable of being achieved as part of the scheme in order to mitigate any visual/landscape impacts and to ensure screening with surrounding properties. Satisfactory arrangements are capable of being made for vehicle access, parking and manoeuvring in order that the development would not have a detrimental impact on the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site.

The proposal would result in an acceptable relationship with surrounding uses and would have no detrimental effect on the significance of any heritage assets. Appropriate mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding and drainage. The proposal is therefore considered to represent sustainable development in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Fylde Borough Local Plan.

### **Recommendation**

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

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

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

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

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

3. This permission relates to the following plans:

- Drawing no. 13-053-P02 Rev C – Proposed indicative site layout and street scene.
- Drawing no. 13-053-L02 Rev B – Location Plan.

Notwithstanding the requirements of condition 2 of this permission, any application for reserved matters shall accord with the outline permission insofar as it relates to the maximum number of

dwellings and the site area.

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

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

Reason: To ensure a satisfactory relationship between the new dwellings and between the development and surrounding buildings before any ground works take place to establish site levels in the interests of residential and visual amenity in accordance with the requirements of Fylde Borough Local Plan policy HL2.

5. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:
  - separate systems for the disposal of foul and surface water;
  - details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer (including any necessary flow attenuation measures and the use of SUDS where appropriate), which shall not exceed the pre-development (greenfield) rate, including an appropriate allowance for climate change.
  - details of how the scheme will be maintained and managed after completion.

The scheme shall be implemented in accordance with the duly approved details before any of the dwellings are first occupied and maintained/managed as such thereafter.

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

6. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include details of the following: - (i) hours for site preparation, delivery of materials and construction; (ii) the parking of vehicles of site operatives and visitors; (iii) loading and unloading of plant and materials; (iv) storage of plant and materials used in constructing the development; (v) the erection and maintenance of security hoarding; (vi) wheel washing facilities; (vii) measures to control the emission of dust and dirt during construction; and (viii) a scheme for recycling/disposing of waste resulting from construction works. The duly approved Construction Method Statement shall be adhered to throughout the construction period.

Reason: In order to ensure that appropriate measures are put in place to limit noise, nuisance and disturbance to the occupiers of neighbouring dwellings during the construction of the development in accordance with the requirements of Fylde Borough Local Plan policies HL2 and EP27, and the National Planning Policy Framework.

7. Any application which seeks approval for the reserved matter of landscaping pursuant to condition

2 of this permission shall include a scheme which demonstrates compliance with the principles of the landscaping strategy shown on drawing no. 13-053-P02 Rev C. The scheme shall include, but not be limited to, the following details (as shown indicatively on the approved plan):

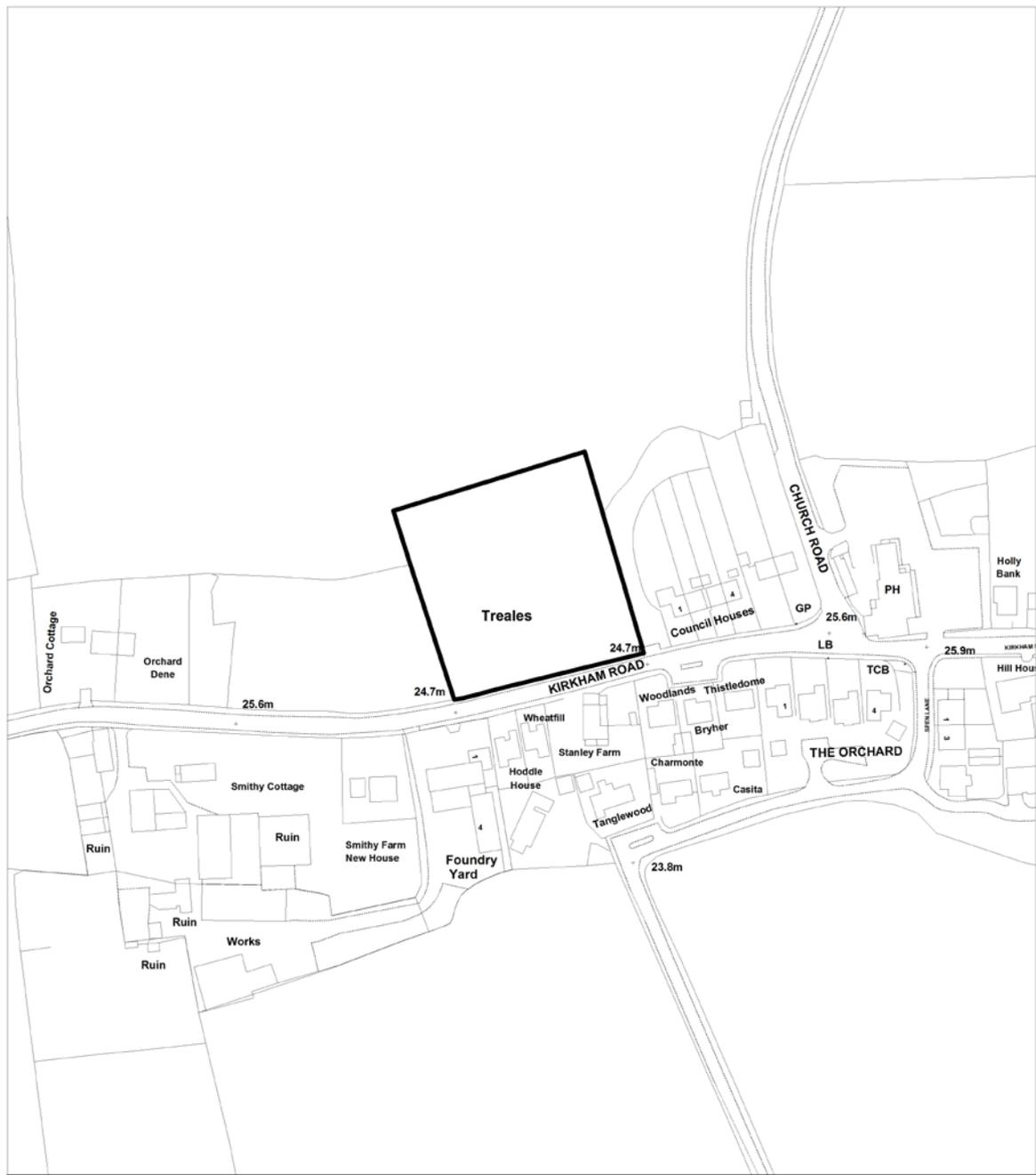
- the extent of existing hedgerows and other vegetation on/overhanging the site to be retained;
- a compensatory planting scheme to replace any trees, shrubs or hedgerows to be removed as part of the development;
- the introduction of a landscaped buffer along the northern site boundary;
- the type, size, species, siting, planting distances and the programme of planting of hedgerows, trees and shrubs.

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

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

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

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



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/15/0366	Address Land north of & opposite Stanley Farmhouse, Kirkham Road, Treales	Grid Ref. E.3440 : N.4329	Scale 0 10 20 30 40 m 

**Item Number:** 5

**Committee Date:** 02 September 2015

<b>Application Reference:</b>	15/0367	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Metacre Ltd	<b>Agent :</b>	De Pol Associates
<b>Location:</b>	LAND EAST AND WEST OF PRIMROSE FARM, KIRKHAM ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3SD		
<b>Proposal:</b>	OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR THE ERECTION OF UP TO THREE DWELLINGS		
<b>Parish:</b>	NEWTON WITH TREALES	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	14	<b>Case Officer:</b>	Matthew Taylor
<b>Reason for Delay:</b>	Need to determine at Committee		

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The proposal seeks outline permission (all matters reserved) for a small-scale infill housing scheme of three dwellings on two modest land parcels adjacent to Primrose Farm, Treales. The proposed dwellings would follow the ribbon of development along Kirkham Road and would be located amongst, and seen in conjunction with, existing buildings along its southern frontage. The houses would be contained within established boundaries and would not result in harmful encroachment into the open countryside or have an adverse visual impact on the surrounding landscape by virtue of their number, density or plot size. Whilst the site is located outside the settlement boundary and within the Countryside Area as defined on the FBLP Proposals Map, the Council is presently unable to demonstrate a five year supply of housing land and, accordingly, the principle of residential development within the Countryside Area cannot be resisted where the development is sustainable in all other respects.

The scheme would not result in the loss of the Borough's best and most versatile agricultural land and there are no other landscape designations to restrict the site's development for housing. Appropriate retention, compensation and strengthening of landscaping is capable of being achieved as part of the scheme in order to mitigate any visual/landscape impacts and to ensure screening with surrounding properties. Satisfactory arrangements are capable of being made for vehicle access, parking and manoeuvring in order that the development would not have a detrimental impact on the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site.

The proposal would result in an acceptable relationship with surrounding uses and would have no detrimental effect on the significance of any heritage assets. Appropriate mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding and drainage. The proposal is therefore considered to represent sustainable development in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Fylde Borough Local Plan.

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

The officer recommendation for approval conflicts with that of the Parish Council and, accordingly, the Council's Scheme of Delegation requires that the application is determined by the Development Management Committee.

### **Site Description and Location**

The application relates to two separate land parcels to the east and west sides of Primrose Farm, Kirkham Road, Treales. The two parcels have a combined area of 0.33 hectares (3,300 square metres) and are located within the Countryside Area as defined on the Fylde Borough Local Plan (FBLP) Proposals Map. The two parcels include:

- 'Parcel A' – A 0.23 hectare plot to the east side of Primrose Farm comprising agricultural land which merges with a larger area of farmland further to the south.
- (i) 'Parcel B' – A 0.11 hectare plot to the west side of Primrose Farm comprising an area of maintained greenspace which is physically and operationally separated from adjoining land by enclosures along its perimeter.

Parcel A is enclosed by a continuous hedgerow along its northern boundary and by an elongated agricultural building running at right angles on Smithy Farm to the east. Its southern boundary is open to a larger agricultural field to the south and a combination of fencing, hedging and a liner treeline mark the site's western boundary with Primrose Farm. The land is generally flat and is presently accessed by a farm gate to the northeast corner.

Parcel B lies between the garden of Primrose Farm to the east and an unkempt area of overgrown grassland to the west which separates the site from a row of four dwellings at White Hall. Whilst set at a slightly lower level to Kirkham Road, the site is flat and is enclosed by a combination of fencing, hedging and a dense treeline to Kirkham Road.

Surrounding uses include open farmland on the opposite side of Kirkham Road to the north (though the dwellings of Orchard Cottage and Birch House are located at oblique angles to the northeast and northwest respectively); a collection of farm buildings at Smithy Farm to the east (including the grade II listed 'Smithy Farmhouse'); a large expanse of agricultural land to the south and a row of four two-storey dwellings at White Hall orientated at right angles to Kirkham Road facing onto parcel B.

The village of Treales follows a ribbon of development – principally residential properties – flanking both frontages of Kirkham Road. With the exception of the Derby Arms Public House, there is a lack of shops and public amenities within the village, though the Town of Kirkham lies approximately 1.9km to the southwest, linked by Carr Lane.

### **Details of Proposal**

The application is submitted in outline, with all matters reserved, for a development of three dwellings. An illustrative masterplan has been submitted as part of the proposal. This shows a development of three, two-storey detached dwellings – two on parcel A and one on parcel B. Individual vehicle access points are shown for each property from Kirkham Road. This would necessitate the removal of two short sections of the hedgerow on parcel A and the felling of up to six trees along the northern boundary of parcel B in order to create these access points. With the

exception of these removals, the remainder of vegetation to the perimeter of both sites is shown to be retained, and new planting introduced along the southern boundary of parcel A.

As the application does not seek approval for any of the five reserved matters (access, layout, scale, external appearance and landscaping), all details shown on the indicative layout are purely illustrative and are not for detailed consideration as part of the proposal. The application seeks permission for the principle of residential development for a maximum of 3 dwellings only.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
76/0373	BEDROOM AND STORE, ENTRANCE PORCH, BEDROOM TO BATHROOM.	Granted	02/06/1976
76/0562	EXTENSIONS.	Granted	04/08/1976

### **Relevant Planning Appeals History**

None

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

Treales, Roseacre & Wharles Parish Council were notified of the application on 6 July 2015. The Parish Council object to the application on the following grounds:

- a) The application proposes unauthorised development within an area designated as countryside outside the settlement boundary of Treales. The proposal fails to take account of the different roles and character of different areas of the village, and to recognise the intrinsic character and beauty of the countryside by unacceptably encroaching upon it in conflict with the requirements of FBLP policy SP2 and the NPPF (paragraphs 7, 14, 17 and 55). It is also in conflict with policies S1 and GD4 of the emerging Local Plan. The emerging Local Plan demonstrates how the Borough will deliver its five year housing land supply. This does not rely on any sites in Treales over the plan period.
- b) The development fails to protect the rural character of the countryside, has a detrimental impact on the heritage landscape and adversely affects the setting of the village and its local distinctiveness.
- c) Treales is characterised by a concentrated village core approached by hedged, roadside fields and woodland interspersed with former estate farmsteads. This includes both designated and non-designated heritage assets. Open spaces such as the application site and heritage assets on the approach to it contribute to the setting and intrinsic value of the rural landscape.
- d) Treales is a local leisure destination for walkers, runners, horse riders and cyclists who are attracted by its attractive rural character and local distinctiveness. The Derby Arms is a destination Public House, with its countryside setting an important component to its success. The development does not respond to local character and history, does not reflect the identity of local surroundings and does not contribute to the wider social, cultural, economic and environmental benefits that the preservation of the heritage landscape brings and would erode these attributes of the village.
- e) The site is designated as best and most versatile agricultural land and its use for this purpose contributes to the local economy through revenue generation and local employment. The development would adversely impact on this agricultural function.

- f) Treales village comprises some 36 dwellings which provide a wide range of accommodation. When considered in combination with the 3 dwellings under construction at the Foundry Yard, the development would result in a 17% increase in the size of the village. When considered in combination with other applications currently awaiting determination by the Council (references 15/0367 and 15/0450), the proposed development would result in a 61% increase in the number of dwellings in Treales. It would also result in the formation of a continuous ribbon of development between Mowbreck Lane and Moss Lane West which would destroy the intrinsic character and beauty of the countryside and the setting of Treales. The proposed development, both individually and cumulatively, would result in an unsustainable expansion of the village which would harm local character, distinctiveness, heritage and visual amenity.
- g) Cumulatively the developments currently being proposed will create a continuous ribbon of development 250% larger than the length of the present settlement boundary.
- h) The local school is oversubscribed and existing community facilities do not require an increase in population in order to be sustained. Treales does not have any shops or a bus service to sustain additional development. The emerging Local Plan makes provision for additional housing (both market and affordable) in Kirkham and Wesham which benefit from shops, services and public transport to serve the increase in population. This is not the case in Treales where any future occupiers would be reliant on car-borne journeys to access facilities.
- i) There are already 8 properties for sale or rent within the settlement boundary (equating to 22% of the housing stock) and only one sale completed since 2011. There is no demand for additional housing in the village and the ongoing agenda for fracking makes the village undesirable for purchasers.
- j) As the application is in outline with all matters reserved, no weight can be given to any of the details shown on the illustrative masterplan – including the layout and design of the dwellings.
- k) The development seeks to remove roadside hedging and trees which are an important part of the village's character. The proposal fails to recognise the road geometry and the difference in levels between the road and the site will require additional vegetation removal in order to achieve extended visibility splays. This would also result in a harmful impact on biodiversity as the hedgerow provides a valuable habitat and corridor.
- l) The application fails to prioritise the use of other underutilised residential land within the ownership of the applicant in the vicinity of the site.
- m) The applicant has failed to take account of the views of the community. The Parish Council provided clear direction that further development in the countryside would not be supported. The applicant has submitted the proposal in spite of this.
- n) The Parish Council have submitted a number of photographs of the site in support of their objection. These images are intended to "depict the unique character of Treales as visitors leave the settlement boundary and head in a westerly direction along Kirkham Road". In particular, the Parish Council consider that the images show the development would be sited in an isolated location a significant distance from, and unrelated to, the village core and settlement boundary. The Parish Council opine that this would result in "the creation of an urbanised ribbon development removing the rural heritage landscape character of this open countryside location causing significant harm and loss of this amenity for current and future generations" which cannot be considered to be sustainable development.

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

*LCC Highways:*

- The development proposal is on 2 parcels of land; one each side of Primrose Farm. Both parcels have sufficient highway frontage for acceptable accesses to be provided.
- The level of traffic that would be generated is unlikely to have any significant impact on highway safety or capacity and as such no highway objections are raised.
- At reserved matters stage the development will need to deliver visibility splays of at least 2.4m x 43m at the junction with Kirkham Road. In addition, there would be an expectation for turning space to be provided within the curtilage of each dwelling in order that vehicle can enter/exit onto Kirkham Road in forward gear.

*Electricity Northwest:*

- The application has no impact on Electricity Northwest’s distribution infrastructure or other assets.

*Tree Officer:*

- The eastern site is bounded by a hawthorn hedge in good order which should be retained to a large degree. This isn’t an ancient hedge in terms of the 1997 Hedgerow Regulations but it nonetheless has value and the Council’s policy would be to seek retention. There are, however, no objections to the proposed accesses through it.
- In terms of trees, there do not appear to be any specimens of high value. There is one early mature sycamore on the north east corner, which is indicated for retention and should not be impacted by the proposal, and an offsite, veteran ash tree in the far south east corner, the latter being a tree with biodiversity rather than amenity value.
- The western, smaller site is bounded to Kirkham Road by a lapsed hedge that has in effect become some unruly trees. As individuals, none of these offer high levels of amenity, though one mature sycamore, set back by a couple of metres, exists among them. This tree is reported to be decayed and recommended for removal on safety grounds. Specimens within the existing treeline don’t present themselves as TPO candidates and, whilst they have functional value by providing screening for the development, as they are not important in amenity terms, some replacement landscaping might offer a better frontage to the street scene. It is advised that, with respect to this community of trees, wholesale removal and a soft landscaping plan should be sought. This would ensure an improved finished look to the development and with some appropriate tree planting to mitigate for the losses to the street scene.

**Neighbour Observations**

**Neighbours notified:** 3 June 2015  
**Site notice posted:** 19 June 2015  
**Amended plans notified:** N/A  
**No. Of Responses Received:** 20  
**Nature of comments made:** 19 objections, 1 support

The points raised in the objections largely reflect those raised by the Parish Council as summarised above. Additional points are, however, made by objectors and these are summarised below as follows:

- There is no objection to houses being built providing that they are small, in-keeping with adjacent properties and provide affordable homes. However, the development does not meet these criteria.
- The application includes the removal of a number of trees and stretches of hedgerow. These should be conserved in order to preserve the rural character and open aspect of the

countryside, rather than being replaced by intrusive large houses.

- Treales' local distinctiveness is afforded by the settlement being organised around a central village core approached by hedge-lined, roadside fields and woodland interspersed with farmsteads. The site is located outside the settlement boundary and, therefore, is excluded from the areas of the village where development is permissible under FBLP policy SP2. The site provides views across open countryside and has significant amenity value in visual terms, particularly for passing pedestrians. The development would close the gap and result in harmful urbanisation of the village by changing its character and heritage landscape, thus diminishing local distinctiveness.
- Treales is a small village which comprises some 36 dwellings providing a wide range of accommodation. When considered in combination with the 3 dwellings under construction at the Foundry Yard, the development would result in a 17% increase in the size of the village. When considered in combination with other applications currently awaiting determination by the Council (references 15/0366 and 15/0450), the proposed development would result in a 61% increase in the number of dwellings in Treales. The development will also set an undesirable precedent for further expansion of the village and a ribbon development which, cumulatively, would lead to a 250 % extension to the length of the existing settlement boundary.
- There are already 8 properties for sale within the settlement boundary. There is no demand for additional housing in Treales.
- The existing hedgerow to the roadside is an attractive, natural feature which contributes to the rural character of the village and is beneficial to wildlife. The development will result in significant removal of this feature in order to create new vehicle accesses with adequate visibility splays.
- The village lacks any infrastructure to deal with the increased population which has occurred due to recent building operations and is proposed as part of this application. In particular, there are no shops or schools in the village, no mains sewage facility and too many septic tanks are already discharging into too small an area. In addition, there is no mains gas supply and no public transport links. The telephone and electricity networks are operating at capacity and are prone to breakdown. The development is not required to sustain existing amenities in the village.
- The applications involve development in the countryside which has no near term employment demand. This, therefore does not encourage people to minimise journey lengths for employment, shopping, leisure, education and other activities.
- The development would result in additional traffic generation which would be harmful to highway safety. There will be an increase in road traffic at the point of access and, accordingly, an increased potential for road traffic collisions. Irresponsible parking will be encouraged adding to the danger to pedestrians and cyclists.
- The ecological appraisal suggests the retention of hedgerows but large areas of these features are shown to be removed on the layout. The ecological report states there is a low risk to bat colonies in the vicinity. There are a number of disused adjacent farm buildings and trees which provide home to bat colonies which would be disturbed during the construction phase. Bats can be viewed daily at dawn and dusk.
- The site is designated as best and most versatile agricultural land and this existing activity contributes to the local economy. The loss of agricultural land would have an adverse impact on this economic enterprise.
- The application fails to prioritise the use of other underutilised residential land within the ownership of the applicant in the vicinity of the site.
- The applicant has failed to take account of the views of the community when the Parish Council provided clear direction that further development in the countryside would not be supported. The application has been submitted in spite of these concerns.

The points raised in the letter of support are summarised as follows:

- There are no objections to any of the developments mentioned in the circular distributed to residents. The developments would enhance the village and increase the size of the community.
- A number of residents have moved away from the village due to a lack of amenities. However, if the village expands, there is the potential for such amenities to be delivered within the village and supported by a growing population. This would also be the case for the existing pub. If no such expansion is allowed, there is a risk that any existing facilities would fall into decline and close down. This has occurred in a number of rural villages where a diminishing population means such uses become unviable.
- Recent developments in the village (e.g. The Orchard and Foundry Yard) have improved areas of the village which were previously occupied by unkempt wasteland and buildings.
- The developments would assist the progression of the village for the benefit of existing residents and future generations. People should be encouraged to move in to Treales rather than move out of it and this can only be achieved through expansion.

### **Relevant Planning Policy**

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

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
EP04	Alteration and adaptation of listed buildings
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP18	Natural features
EP19	Protected species
EP22	Protection of agricultural land
EP25	Development and waste water
EP30	Development within floodplains

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

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

### **Draft Fylde Local Plan to 2032 – Revised Preferred Option**

S1 – The Proposed Settlement Hierarchy

DLF1 – Development Locations for Fylde

#### **Site Constraints**

Within countryside area  
Tree Preservation Order

### **Environmental Impact Assessment**

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

Therefore, it is not Schedule 2 development for the purposes of the Regulations and, accordingly, is not EIA development.

### **Comment and Analysis**

#### Main issues:

Given the designations on the site and having regard to the representations from the Parish Council and objectors, it is considered that the main issues with the application are:

- Whether the site is a sustainable location for housing development, having particular regard to the accessibility of local shops, services and employment opportunities.
- Whether the development, either individually or cumulatively, would result in a disproportionate enlargement to the existing settlement.
- Whether the development would have a harmful impact on landscape character by virtue of its encroachment into the countryside and, if so, whether there are any steps which can be taken to overcome this harm.

Each of these issues are addressed in turn below.

#### Principle of development:

##### *Policy context and five year supply:*

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

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

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

Paragraph 55 of the NPPF states that:

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

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

- It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework, in

the core planning principles, the section on supporting a prosperous rural economy and the section on housing.

- Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

FBLP Policy SP 2 indicates that, in Countryside Areas, development will only be permitted where it falls into 5 categories. None of these categories are applicable to the proposed development and, accordingly, there is conflict with policy SP2 in this regard.

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

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

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

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

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

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

this, the approach in policy HL3) in conflict with the NPPF.

The Council has been successfully challenged at a number of recent appeals where it has sought to resist housing within the countryside area as a matter of principle. For example, in allowing an appeal for a residential development of 30 dwellings within the countryside area at Kings Close, Staining (appeal ref APP/M2325/W/14/2220410), paragraphs 8, 30, 31 and 32 of the Inspector's decision identify that:

- It is common ground between the main parties that there is not a five year supply of housing land in Fylde. I note that the Fylde District Group of the Campaign to Protect Rural England (CPRE) disputes this position, but I am satisfied that the evidence before me supports the view expressed in the statement of common ground. Accordingly, having regard to paragraph 49 of the National Planning Policy Framework (NPPF), relevant policies for the supply of housing cannot be considered to be up-to-date.
- The provision of additional housing in a Borough which does not have a five year land supply [is a] significant social benefit.
- Policies in the Local Plan concerning the supply of housing are out-of-date. In this situation, paragraph 14 of the NPPF explains that the presumption in favour of sustainable development means granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits, or policies in the NPPF indicate that development should be resisted.
- The proposal would cause moderate harm to the character and appearance of the area, thereby conflicting with Policy HL2 of the Local Plan. By virtue of the site's location beyond the limits of development there is also conflict with Policy SP2, although given the acknowledged need for some housing to be built in countryside areas and that the limits of development, in representing a mechanism for the supply of housing, are out-of-date, this is a matter of limited weight. On the other side of the balance, the provision of additional housing and affordable homes both carry significant weight. I conclude that the benefits of the proposal would not be significantly and demonstrably outweighed by the adverse effects, but that they would outweigh the harm identified. Accordingly the proposal would comply with the approach to sustainable development set out in paragraph 14 of the NPPF.

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

*Location and sustainability:*

Paragraphs 34 and 38 of the NPPF state that:

- "Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. **However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas**" (emphasis added).
- "For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. **Where practical, particularly within large-scale developments**, key facilities such as primary schools and local shops should be located within walking distance of most properties" (emphasis added).

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

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

The site is located in an area of open countryside to the western end of the village, outside the settlement boundary defined on the FBLP Proposals Map. Treales is a small village which, aside from a Public House, lacks a number of public amenities. It is, however, located approximately 1.9km from Kirkham town centre and, accordingly, it follows that future occupiers are likely to rely on facilities in Kirkham.

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

Table 3.2: Suggested Acceptable Walking Distance.

	Town centres (m)	Commuting/School Sight-seeing (m)	Elsewhere (m)
Desirable	200	500	400
Acceptable	400	1000	800
Preferred maximum	800	2000	1200

Figure 1 – suggested acceptable walking distances (IHT).

Kirkham is the largest neighbouring settlement which provides “town centre” facilities and, accordingly, the distances in the left hand column of Figure 1 would be applicable with respect to Kirkham. However, as Treales does not benefit from a town centre, it would fall within the category of “elsewhere” and, accordingly, longer walking distances to access the same facilities are expected. The pedestrian link between Kirkham and Treales is via a footway along Carr Lane. The closest school (Treales Church of England Primary School) is located approximately 1.8 km away, with other schools available in Kirkham within 2km of the site. As the distance between Kirkham town centre and Treales is approximately 1.9km (and, accordingly, some 0.7km above the preferred 1.2km maximum in Figure 1), it follows that many future occupiers of the development would be reliant on car-based journeys to access some local facilities. However, the site is within the preferred 2km maximum for district facilities (including employment and education opportunities).

As identified in paragraph 34 of the NPPF (and reiterated in the NPPG), it is inevitable that sites within the countryside will not benefit from the same accessibility to services as those within the urban area. Moreover, paragraph 38 recognises that it will not always be practical for key facilities (e.g. shops) to be located within walking distance of smaller scale residential developments. It does not, therefore, follow that all development within the rural area is always unsustainable by virtue of its location and, as acknowledged at paragraph 55 of the NPPF, the introduction of housing in rural areas is capable of enhancing the vitality of rural communities by supporting local shops and services elsewhere. Therefore, the lack of specific services in individual villages should not stifle development in rural areas where such facilities exist nearby and, accordingly, a development would not result in

“isolated homes in the countryside”.

Whilst Treales lacks any substantial shops, services and public transport links, it is located some 1.9km from Kirkham town centre and within 2km of three local schools. Kirkham includes a number of shops and services which are sufficient to serve the needs of outlying villages such as Treales, and the relatively close proximity of the two settlements means that they are closely allied to one another with respect to sharing services. Indeed, this is likely to be the case for existing residents. Therefore, whilst there would be some reliance on car-borne journeys with respect to access to local facilities in Kirkham, it is not considered that the distance between the two settlements is so significant as to conclude that the development would deliver isolated homes in the Countryside for the purposes of paragraph 55 of the NPPF or conflict with FBLP policy HL2. Indeed, other district facilities (e.g. schools and employment opportunities) are within walking distance.

*Scale and pattern of development:*

A number of objectors have referred to the size of the development in relation to the remainder of the village, opining that this would represent a disproportionate increase. In particular, objectors indicate that, individually, the development would result in a *circa* 17% increase in the size of the village, with this rising to *circa* 61% when considered in combination with applications 15/0366 (8 dwellings) and 15/0450 (8 dwellings).

The figures given by objectors are based on the principle that only existing housing within the settlement boundary should be counted when assessing the size of the village. However, it is apparent that the built form and structure of Treales extends beyond the settlement boundary. Indeed, some 14 dwellings between the junction of Kirkham Road with Carr Lane (west) and Treales Road (east) currently fall outside the settlement boundary. In addition, the settlement boundary cannot be relied upon to restrict the location of development in the absence of a 5 year housing land supply. Therefore, it is not considered that the size of the village can be limited only to those properties falling within the settlement boundary.

The Ordnance Survey plan indicates the presence of 49 dwellings within the village between Kirkham Road's junction with Carr Lane and Treales Road (including 14 which fall outside the settlement boundary). Therefore, the proposed development for 3 dwellings would result in a 6% enlargement to the village when considered individually. If considered in combination with the other abovementioned developments pending decision by the Council, the cumulative increase would be 39%.

Notwithstanding the objections from the Parish Council or the above figures, there is no adopted local or national policy which provides a definitive, quantitative figure (in percentage or other terms) as to what will constitute a proportionate (or disproportionate) extension to an existing village. It is, however, recognised that the emerging Local Plan makes allowances for infill developments of less than 10 dwellings on windfall sites in rural areas, subject to other sustainability requirements.

Objectors have referred to the negative precedent that the development would set with respect to future expansion of the village, with the potential to create a 'string village' some 250% larger than the existing. However, it is an established principle of the planning system that each application is determined on its individual merits and, as such applications are not before the Council for consideration, it would not be sustainable to refuse permission on these grounds. In this case, the scheme represents an infill development of 3 dwellings which, both individually and cumulatively, is not considered to represent a disproportionate increase to the village by virtue of its size and scale, having particular regard to its relationship with the remainder of the settlement.

Whilst the cumulative impact of allowing all pending applications would result in a more substantial increase to the size of the village, it is not considered that such an increase would be so unduly disproportionate as to warrant refusal of the application. Whilst in-combination effects are a material consideration (e.g. with respect to transport, EIA assessment etc.), it is also an established principle of the planning system that each application is to be determined on its individual merits. The site, whilst outside the settlement boundary, is located between existing buildings to either side and would follow the pattern of the existing settlement which follows a 'ribbon' flanking Kirkham Road. Therefore, it is not considered that the proposed development would appear unduly dominant or disproportionate in the context of the village.

The scheme would deliver three houses on a site measuring 0.33 hectares – a density of 9 dwellings per hectare. Whilst this falls significantly below the density range identified in FBLP policy HL2, lower densities such as this are considered to be appropriate in order to preserve rural character in accordance with paragraph 47 of the NPPF which states that housing densities should reflect local circumstances. Although layout is not applied for at this stage, the indicative masterplan shows a development of three detached, two-storey houses set in spacious curtilages. This form and density of development reflects the character of surrounding dwellings – most notably Primrose Farm – and is compatible with the spacious, rural setting of the village.

*Visual and landscape impact:*

The site is located between housing and agricultural buildings forming a ribbon of development along Kirkham Road. Boundaries are characterised by established trees and hedgerows, and those shared with adjoining properties, with only the southern boundary of parcel A being partially open to adjoining farmland beyond.

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

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

With respect to general landscape impact, paragraph 115 of the NPPF states that:

- Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

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

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

Policy EP10 indicates that the distinct character and important habitats of Fylde will be protected. The policy identifies that particular priority will be given to the protection of important landscape and habitat features, including sand dunes, mud flats, marine marshes, beaches, broadleaved woodland, scrub meadows, hedgerows, wetlands, ponds and watercourses.

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

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

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

The site occupies a prominent location within the village fronting onto Kirkham Road on land to either side of Primrose Farm and between agricultural buildings at Smithy Farm (east) and a row of four dwellings at White Hall (west). Whilst the development would result in the infilling of these green ‘pockets’ between Primrose Farm, it would follow the general pattern of ribbon development along the more intensively developed southern frontage of Kirkham Road, and would be seen between existing buildings.

A TPO exists on the site – no. 12 (Treales) dated 1989. This TPO identifies three Sycamore trees (T12-14) to the northwest corner of parcel A. However, these trees have since been removed and, accordingly, the existing TPO is obsolete and does not form a constraint to the development.

The boundaries to parcel B are well established by existing vegetation and run in parallel with those of Primrose Farm. Parcel A is enclosed on three sides by a hedgerow (north), farm buildings (east) and a liner belt of trees (west). Whilst much of the southern boundary is open to adjacent land, the southernmost edge of parcel A would not encroach into the adjoining field beyond and, instead, would run in a chamfered alignment between the southwest corner of the adjacent agricultural building and the southeast corner of the garden of Primrose Farm. Accordingly, the site would follow the pattern of (and be contained by) development along the southern frontage of Kirkham Road and would not result in the development being seen outside or in insolation to the remainder of the settlement.

The site is not subject to any specific landscape designations (e.g. those identified in paragraph 115 of the NPPF) and, accordingly, its value can be considered to be no more than local. It does, however, contain features listed in FBLP policy EP10 – specifically hedgerows – which it would be beneficial to incorporate into the development layout. The northern boundary of parcel A is formed by a continuous hawthorn hedgerow which makes a substantial contribution to visual amenity in the street scene and is characteristic of the site’s rural setting. Parcel B is flanked by a row of unmaintained trees and hedging along its northern boundary which form a thick screen to Kirkham Road.

The proposed development would necessitate the formation of vehicle accesses from Kirkham Road, cutting through two short stretches of the hedgerow to the northern edge of parcel A, and requiring the removal of six specimens to the centre of the group running along the northern frontage of parcel B. Whilst objectors consider that the loss of this vegetation would adversely affect the street scene and rural character, the Council’s Tree and Landscape Officer does not consider any of the specimens on parcel B to be worthy of protection through TPO, nor are there any objections to the losses required in order to form vehicle accesses. Indeed, it is considered that the development provides the opportunity to rationalise landscaping on the site through appropriate retention and

compensatory planting where necessary.

The indicative layout shows the retention of the existing hedgerow along the northern boundary of parcel A (save for two short sections to be removed to form vehicle accesses) and five individual specimens to the northeast and northwest corners of parcel B. The layout also indicates the retention of existing vegetation along the remaining three boundaries of parcel B, and along the western perimeter of Parcel A. New hedge and tree planting is shown to be introduced along the southern boundary in order to create a physical boundary and segregation with adjoining farmland. Whilst detailed matters of landscaping are reserved for later consideration, a condition has been recommended requiring any application for reserved matters to demonstrate compliance with the principles shown on the illustrative layout with respect to the retention and supplementation of existing landscaping.

The development, by virtue of the number, density and scale of the dwellings proposed, together with appropriate retention and introduction of landscaping, would achieve a modest, low-density infill scheme of a scale which is compatible with surrounding buildings. The indicative layout also demonstrates that the development is capable of achieving a degree of separation and screening with Kirkham Road and open countryside in order that it would not appear as a dominant or intrusive addition to the street scene and surrounding landscape. The proposal would deliver a scheme with a spacious, rural character contained within defined boundaries which follows the pattern of development along Kirkham Road and would be sympathetically assimilated into its rural setting. Accordingly, the proposal is considered to be in compliance with the requirements of FBLP policies HL2, EP10, EP11, EP12, EP14 and EP18, and the NPPF.

*Conclusion regarding principle:*

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

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 of the development. It is considered that the scheme would result in an appropriate and proportionate infill development within Treales. In particular, the proposal:

- Would not encroach onto open countryside outside the built-up area of the village and would follow the form and pattern of ribbon development along Kirkham Road, particularly to the more intensively developed southern frontage.
- Would make a valuable contribution to the supply of housing within the Borough in the absence of a five year supply.
- Would be accessible to shops and services in Kirkham - relative to the scale of development, its rural setting and accepting that it is not always practical for housing in the countryside to be located adjacent to such services.
- Would not result in isolated homes in the countryside.

Given the above, it is considered that the principle of development is acceptable, having particular regard to the requirements of paragraphs 17, 34, 38, 47, 49 and 55 of the NPPF, and FBLP policy HL2.

Loss of agricultural land:

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

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

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

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

The application is supported by an agricultural land quality report which provides a site specific assessment of climate, geology and soil resources (including sampling and laboratory testing) in order to determine its agricultural quality and classification. The report concludes as follows:

- The soil profile comprises 26-30cm of medium clay loam topsoil which is slightly stony (1%) and has a moderately developed medium subangular blocky structure which contains many roots, pores and worms.
- The subsoil consists of poorly permeable clay which is slightly stony (5%). The structure is poorly developed with the soil forming coarse angular blocky peds. Both profiles observed show evidence of gleying within 40cm depth and are poorly permeable, resulting in them being of WC IV.
- Soil profiles of WC IV with a medium clay loam topsoil and subject to 215 field capacity days are limited by wetness and workability to subgrade 3b.

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

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

The submitted Agricultural Land Classification report has been undertaken by a suitably qualified person and utilises appropriate desk, field and laboratory based evaluation techniques in accordance with best practice guidance to assess the characteristics of the land and factors which affect its agricultural productivity. Following site-specific investigation, the report concludes that the land falls within sub category 3b (moderate quality). In addition, it is noted that parcel B is located to the northeast corner of a much larger field and comprises only *circa* 3.7 % of its overall area (at approximately 5.4 hectares) and, as parcel A is physically separated from the adjoining field, it is not

presently used for agriculture. Accordingly, the site makes a minimal contribution to the viability of agricultural operations on the wider land parcel and its loss would not prejudice the continuation of these operations on the adjoining land retained for these purposes. Accordingly, the development would not result in the loss of Fylde's best and most versatile agricultural land and there is no conflict with the requirements of FBLP policy EP22 or the NPPF in this case.

#### Relationship with surrounding development:

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

The site contains parcels which lie to either side of Primrose Farm and alongside a group of farm buildings running at right angles on Smithy Farm to the east. Primrose Farm is orientated with its principal (front and rear) elevations facing away from the site onto Kirkham Road (front) and open farmland (south). The adjacent agricultural building to the east of parcel A is formed by a blockwork plinth with sheet metal cladding to its upper reaches. Whilst parts of the building are in a state of disrepair, there are no windows or other viewing points into the application site which would unacceptably affect the privacy of future occupiers of the development. A separate, enclosed field parcel is located on the opposite side of Kirkham Road, with the dwellings of Orchard Cottage and Birch House orientated at oblique angles to the northeast and northwest respectively.

The indicative layout demonstrates that the dwellings are capable of achieving satisfactory spacing with existing buildings in order that the development would have no undue impact on the privacy and amenity of adjoining occupiers. The proposal would be compatible with the prevailing residential character of surrounding properties and, subject to consideration of detailed design issues at reserved matters stage, is capable of achieving a satisfactory relationship with surrounding uses for the purposes of FBLP policy HL2.

#### Highways:

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

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

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

Whilst access is not applied for at this stage, the indicative layout shows the provision of three individual vehicle access points for each dwelling from Kirkham Road. Kirkham Road is a lightly trafficked route and there is sufficient visibility along it to accommodate these three separate access points – an arrangement which is typical of other detached dwellings along this stretch, including Primrose Farm. The existing footway along Kirkham Road is sufficient for pedestrian access and there would be no need to remove the current hedgerow in order to widen the footway.

The level of traffic and number of vehicle movements generated by a development of three dwellings would not have any significant impact on highway safety and the indicative layout

demonstrates that the scheme is capable of delivering sufficient in-curtilage parking to meet the maximum standard identified in the emerging Local Plan.

LCC Highways have not raised any objections to the scheme on the basis of the development's transport impacts. Highways have highlighted the need for adequate (2.4m x 43m) visibility splays at the junction of each site access with Kirkham Road and for the provision of sufficient manoeuvring space within the curtilage of each dwelling to enable vehicles to enter/exit in forward gear at reserved matters stage. These are, however, matters for detailed consideration at a later stage, though there is no reason to suggest that this could not be achieved. Therefore, it is not considered that the development would have any adverse impact on the safe and efficient operation of the highway network in conflict with the NPPF of FBLP policy HL2.

#### Ecology:

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

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

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

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

FBLP policy EP19 identifies that development which would have an adverse impact upon species specifically protected under schedules 1, 5 or 8 of the wildlife and countryside act 1981, (as amended) or their habitats will not be permitted.

The application is accompanied by an ecology survey which assesses the value of existing habitats within the site and the development's potential impact on protected species - including bats, birds, badgers and amphibians. The report makes the following conclusions:

- Habitats on the site are of low ecological value and do not provide environments suitable to support specially protected species.
- The greatest ecological potential is for foraging bats and nesting birds associated with existing trees and hedgerows. None of the trees on the site support fissures suitable for roosting bats.
- There are no ponds on the site and there are no records of any protected species occurring on or in close proximity to the site. The character of intervening farmland to the south of the site provides a suboptimal commuting habitat for amphibians.
- Appropriate mitigation can be put in place through: (i) the retention of existing vegetation; (ii) the timing of any vegetation clearance to avoid the bird breeding season; and (iii) the introduction of additional planting as part of the scheme.

Whilst existing vegetation on the site has some value with respect to foraging bats and nesting birds, it is recognised that this habitat is limited to the site boundaries and, in contrast, that the majority of

is characterised by short sward grassland which has limited ecological value and does not provide any notable habitat capable of supporting protected species. The ecology survey provides a proportionate assessment of the importance and value of habitats on/adjacent to the site, including appropriate mitigation measures which can be secured through condition.

The proposed development would not result in the loss of any high-value ecological features and, given the absence of any suitable habitats on the site to support any specially protected species, would not affect their favourable conservation status. Appropriate mitigation and biodiversity enhancements can be secured through conditions relating to the retention/strengthening of landscaping and the timing of works involving the clearance of vegetation. The proposal is therefore in accordance with the objectives of FBLP policy EP19 and the NPPF.

#### Flooding and drainage:

Paragraph 100 of the NPPF states that “inappropriate development in areas at risk of flooding [land within Flood Zones 2 and 3; or land within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency] should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere”.

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

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

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

The site is shown to fall wholly within flood zone 1 (land with a less than 1 in 1,000 or <0.1% annual probability of river/sea flooding) as defined on the Environment Agency’s Flood Map. As the site area is under 1 hectare there is no need for a site-specific Flood Risk Assessment (FRA) to accompany the application, nor is there any requirement to consult the Lead Local Flood Authority. However, in accordance with FBLP policies EP 25 and EP 30, and the NPPF, it is appropriate to impose conditions regarding schemes for the disposal of foul and surface water in order to ensure that the development is not itself at risk of flooding and does not increase flood risk elsewhere (including an appropriate allowance for climate change).

An appropriate condition is recommended in this regard in order to control foul and surface water discharge. Therefore, adequate measures can be put in place to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the requirements of FBLP policies EP25 and EP30, and the NPPF.

#### Heritage implications:

The grade II listed building of Smithy Farmhouse (a thatch-roofed cottage) is located some 40 metres

to the east of parcel A. The Derby Arms Public House (another grade II listed building) falls approximately 300m further to the east at the junction with Church Road. Objectors have raised concerns regarding the development's impact on heritage assets within the village, including its landscape character.

Designated heritage assets are defined in Annex 3 of the NPPF as follows:

- A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation

Paragraph 129 of the NPPF indicates that:

- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

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, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. This approach is supported by FBLP policy EP4 which states that development which would prejudice the setting of a listed building will not be permitted.

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

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

Objectors have referred to Treales as a "heritage landscape" and, with reference to historical maps, have pointed to its evolution over time and the development's failure to embrace this. Notwithstanding that the application is in outline with all matters reserved (and, accordingly, detailed design considerations and how these respond to the local vernacular are reserved for a later stage), Treales does not benefit from any statutory or local designation to support this. It is not uncommon for rural villages to evolve in the same manner as Treales and, aside from the two listed buildings within the village, there are no further designated heritage assets. It is also noted that a number of mid-late 20th century developments within the settlement boundary have changed the character of the village over time, adding to its diversity. Therefore, it is not considered that Treales can be considered a "heritage landscape" for the purposes of the definitions in the NPPF.

The closer of the two listed buildings (Smithy Farmhouse) is extensively screened from the site by a large, two-storey high barn which follows a continuous, rectangular block running parallel to the eastern site boundary. The presence of this building means that Smithy Farmhouse is not visible from within the site. Moreover, the curvature of Kirkham Road to the east prevents views of Smithy Farmhouse (and the Derby Arms) in the same context as the site when looking along Kirkham Road. Accordingly, the site is not seen in the same context as, or in conjunction with, either of these designated heritage assets. The development has no impact on the setting of nearby listed buildings in Treales and, therefore, there is no conflict with the requirements of the FBLP, NPPF or the Planning (Listed Buildings and Conservation Areas) Act.

### Developer contributions:

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

### Conclusions

The proposal seeks outline permission (all matters reserved) for a small-scale infill housing scheme of three dwellings on two modest land parcels between Primrose Farm, Treales. The proposed dwellings would follow the ribbon of development along Kirkham Road and would be located amongst, and seen in conjunction with, existing buildings along its southern frontage. The houses would be contained within established boundaries and would not result in harmful encroachment into the open countryside or have an adverse visual impact on the surrounding landscape by virtue of their number, density or plot size. Whilst the site is located outside the settlement boundary and within the Countryside Area as defined on the FBLP Proposals Map, the Council is presently unable to demonstrate a five year supply of housing land and, accordingly, the principle of residential development within the Countryside Area cannot be resisted where the development is sustainable in all other respects.

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

The proposal would result in an acceptable relationship with surrounding uses and would have no detrimental effect on the significance of any heritage assets. Appropriate mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding and drainage. The proposal is therefore considered to represent sustainable development in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Fylde Borough Local Plan.

### Recommendation

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

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

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

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

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

3. This permission relates to the following plans:

- Drawing no. 13-053-P01 Rev B – Proposed indicative site layout and street scene.
- Drawing no. 13-053-L01 Rev A – Location Plan.

Notwithstanding the requirements of condition 2 of this permission, any application for reserved matters shall accord with the outline permission insofar as it relates to the maximum number of dwellings and the site area.

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

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

Reason: To ensure a satisfactory relationship between the new dwellings and between the development and surrounding buildings before any ground works take place to establish site levels in the interests of residential and visual amenity in accordance with the requirements of Fylde Borough Local Plan policy HL2.

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

- separate systems for the disposal of foul and surface water;
- details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer (including any necessary flow attenuation measures and the use of SUDS where appropriate), which shall not exceed the pre-development (greenfield) rate, including an appropriate allowance for climate change.
- details of how the scheme will be maintained and managed after completion.

The scheme shall be implemented in accordance with the duly approved details before any of the dwellings are first occupied and maintained/managed as such thereafter.

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

6. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include details of the following: - (i) hours for site preparation, delivery of materials and construction; (ii) the parking of vehicles of site operatives and visitors; (iii) loading and unloading of plant and materials; (iv) storage of plant and materials used in constructing the development; (v) the erection and maintenance of security hoarding; (vi) wheel washing facilities; (vii) measures to control the emission of dust and dirt during construction; and (viii) a scheme for recycling/disposing of waste resulting from construction works. The duly approved Construction Method Statement shall be adhered to throughout the construction period.

Reason: In order to ensure that appropriate measures are put in place to limit noise, nuisance and disturbance to the occupiers of neighbouring dwellings during the construction of the development in accordance with the requirements of Fylde Borough Local Plan policies HL2 and EP27, and the National Planning Policy Framework.

7. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 2 of this permission shall include a scheme which demonstrates compliance with the principles of the landscape strategy shown on drawing no. 13-053-P01 Rev B. The scheme shall include, but not be limited to, the following details (as shown indicatively on the approved plan):

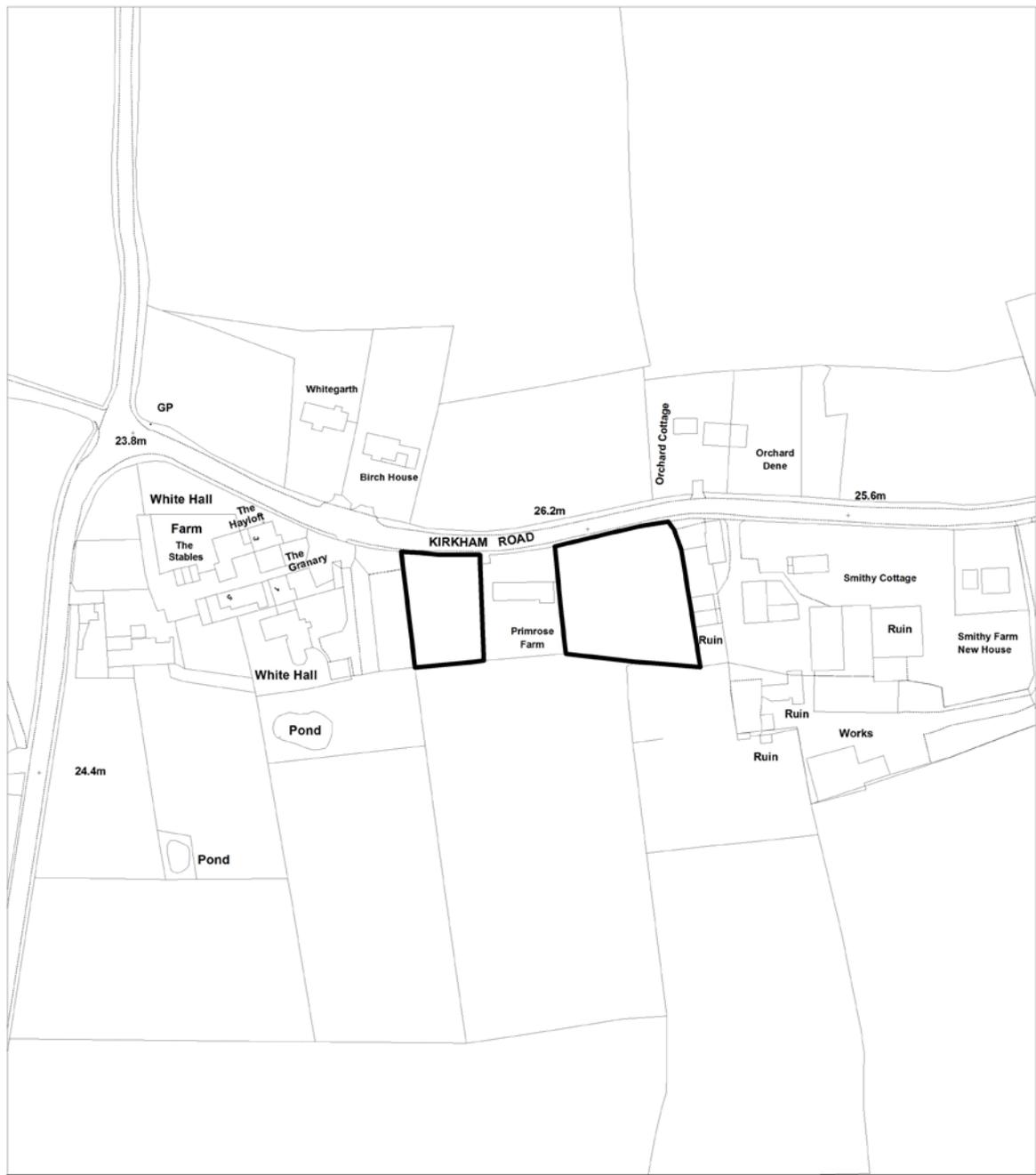
- the extent of existing hedgerows and other vegetation to be retained;
- a compensatory planting scheme to replace any trees, shrubs or hedgerows to be removed as part of the development;
- the introduction and/or strengthening of landscaped buffers along the site boundaries;
- the type, size, species, siting, planting distances and the programme of planting of hedgerows, trees and shrubs.

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

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

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

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



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/15/0367	Address Land east & west of Primrose Farm, Kirkham Road, Treales	Grid Ref. E.3438 : N.4328	Scale 0 10 20 30 40 m 

<b>Application Reference:</b>	15/0450	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Foundry Yard Partnership	<b>Agent :</b>	Savills (UK) Limited
<b>Location:</b>	FOUNDRY YARD, KIRKHAM ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3SD		
<b>Proposal:</b>	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING WORKSHOP BUILDINGS AND ERECTION OF UP TO 8 DWELLINGS (USE CLASS C3) INCLUDING ASSOCIATED WORKS (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)		
<b>Parish:</b>	NEWTON WITH TREALES	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	8	<b>Case Officer:</b>	Matthew Taylor
<b>Reason for Delay:</b>	Not applicable		

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The proposal seeks outline permission (access only) for a residential development of eight dwellings on a previously developed (former employment) site at the Foundry Yard to the south of Kirkham Road and rear of Smithy Farm, Treales. The site falls outside the settlement boundary and within the Countryside Area as defined on the Fylde Borough Local Plan Proposals Map. The Council is presently unable to demonstrate a five year supply of housing land and, accordingly, the principle of residential development within the Countryside Area cannot be resisted where the development is sustainable in all other respects.

The site area would follow the established, previously developed boundaries of the Foundry Yard and would not encroach into adjoining open countryside. The site already contains a number of former employment buildings and hardstandings and relates closely to other, adjacent built development within Treales. Substantial screening is capable of being introduced as part of the development in order to soften its visual impact along the rural edge of the site where it adjoins open farmland and the proposed development, by virtue of the number and density of dwellings proposed, would be compatible with the rural character of the surrounding landscape.

The scheme would not result in the loss of the Borough's best and most versatile agricultural land and there are no other landscape designations on the site to restrict its development for housing. Satisfactory arrangements would be made for vehicle access, parking and manoeuvring in order that the development would not have a detrimental impact on the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site.

The proposal would result in an acceptable relationship with surrounding uses and would have no detrimental effect on the significance of any heritage assets. Appropriate mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding and drainage. The proposal is therefore considered to represent sustainable development in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Fylde Borough Local Plan.

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

The officer recommendation for approval conflicts with that of the Parish Council and, accordingly, the Council's Scheme of Delegation requires that the application is determined by the Development Management Committee.

### **Site Description and Location**

The application relates to an irregularly-shaped parcel of land extending to an area of 0.32 hectares located to the rear of Smithy Farm, off Kirkham Road, Treales. The site, known locally as 'The Foundry', is presently occupied by a group of portal-framed former industrial buildings which are in a poor state of repair. These buildings follow rectangular footprints along the northern and southern site boundaries, and open onto a central, hardstanding service yard. The site is accessed via an unmade track which merges with a tarmac access road branching in a southerly direction off Kirkham Road to the northeast. In addition to the Foundry Yard, the existing access road serves a group of three detached houses located along its eastern flank which are under construction pursuant to planning approval 12/0090. An extant, outline planning approval (access only) exists on the site for the erection of eight two-storey industrial units (use classes B1, B2 and B8) including associated access roads and parking. This permission was issued on 23 May 2013 under application reference 10/0261.

Despite being previously developed, the site falls outside the settlement boundary and is designated as Countryside Area on the Fylde Borough Local Plan (FBLP) Proposals Map. The land is bounded by open farmland to the south and west, with existing boundaries formed by a combination of timber post-and-wire fencing and scattered vegetation. Smithy Farm lies to the north of the site, with the farmyard comprising a series of blockwork and portal-framed agricultural buildings in a general poor state of repair, and a thatch-roofed, two-storey cottage (Smithy Farmhouse) to the northern end which is a grade II listed building. To the east, the site abuts the access drive onto Kirkham Road, with the built up area of the village located beyond the three new dwellings (two of which fall outside the settlement boundary).

A further dwelling (Smithy Farm New House) lies to the west side of the access road at its junction with Kirkham Road. The garden of this property backs onto the site and includes a row of trees along its eastern boundary which are protected by Tree Preservation Order (TPO – no. 12). A maximum *circa* 2m high brick wall has been constructed alongside the western flank of the access road, separating these trees from the site.

The village of Treales follows a ribbon of development – principally residential properties – flanking both frontages of Kirkham Road. With the exception of the Derby Arms Public House, there is a lack of shops and public amenities within the village, though the town of Kirkham lies approximately 1.9km to the southwest, linked by Carr Lane.

### **Details of Proposal**

The application is submitted in outline and seeks permission for the demolition of all existing workshop buildings and the subsequent erection of up to eight dwellings on the site. Access is the only matter applied for. This is defined in the Development Management Procedure Order as follows:

*Access* – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the

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

An illustrative masterplan has been submitted as part of the proposal. This indicates:

- The formation of a new access road flanking the southern boundary and branching into a cul-de-sac to the northwest corner of the site. The road would merge with the existing tarmac route which opens onto Kirkham Road at a priority junction. Visibility splays of at least 2.4m x 43m would be achieved in both directions.
- Two pairs of semi-detached dwellings and one detached house (plots 1-5) running latitudinally through the centre of the site fronting onto the access road with their front elevations facing in a southerly direction onto adjoining countryside and their rear elevations facing towards Smithy Farm.
- A row of three terraced dwellings (plots 6-8) located at the head of the cul-de-sac to the northwest corner of the site, arranged at right angles to the remaining plots with gable elevations facing onto Smithy Farm.
- Each dwelling is shown to have its own in-curtilage parking, with three plots also benefiting from garages.
- The provision of landscaped buffers comprising a combination of trees and hedging alongside the northern and southern site boundaries.

Matters of layout, scale, external appearance and landscaping are reserved for later consideration. Therefore, any details relating to these matters which are shown on the indicative layout are purely illustrative and are not for detailed consideration as part of the proposal.

#### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
12/0090	DEMOLITION OF EXISTING WORKSHOPS AND CONSTRUCTION OF 3 DETACHED DWELLINGS AND ACCESS ROAD.	Granted	23/05/2013
10/0261	PROPOSED ERECTION OF 8 TWO STOREY B1 WORKSHOP / OFFICE UNITS AND 3 DETACHED TWO STOREY HOUSES TOGETHER WITH ASSOCIATED INTERNAL ACCESS ROADS AND PARKING AREAS.	Granted	23/05/2013
08/0825	OUTLINE APPLICATION FOR 12 NO. DWELLINGS	Refused	20/11/2008

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

None

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

Treales, Roseacre & Wharles Parish Council were notified of the application on 13 July 2015. The Parish Council object to the application on the following grounds:

- a) The application proposes unauthorised development within an area designated as countryside outside the settlement boundary of Treales. The proposal fails to take account

of the different roles and character of different areas of the village, and to recognise the intrinsic character and beauty of the countryside by unacceptably encroaching upon it in conflict with the requirements of FBLP policy SP2 and the NPPF (paragraphs 7, 14, 17 and 55). It is also in conflict with policies S1 and GD4 of the emerging Local Plan.

- b) There is no infrastructure of shops or non-school bus routes to sustain the development. The nearest facilities by road are in Kirkham town centre 3.7km away, which will unnecessarily introduce additional traffic and emissions.
- c) The local school is oversubscribed and existing community facilities do not require an increase in population in order to be sustained. The emerging Local Plan makes provision for additional housing (both market and affordable) in Kirkham and Wesham which benefit from shops, services and public transport to serve the increase in population. This is not the case in Treales where any future occupiers would be reliant on car-borne journeys to access facilities.
- d) The proposed residential development will adversely impact the regeneration of ongoing economic employment activity as per the extant planning permission for the site. The application site is designated for business use. Until the applicant closed down business activity on the site, there was an active small business community. The site was and could again be contributing to the employment economy, delivering an enduring revenue earning, staff employing and taxpaying supply chain. This development will adversely impact the enduring employment capacity of the locale and fail to contribute to building a strong, responsive and competitive economy. Indeed, residential construction industry activity worsens the net balance of payments deficit.
- e) Treales is characterised by a concentrated village core approached by hedged, roadside fields and woodland interspersed with former estate farmsteads. This includes both designated and non-designated heritage assets. The development fails to protect the rural character of the countryside, has a detrimental impact on the heritage landscape and adversely affects the setting of the village and its local distinctiveness.
- f) Treales is a local leisure destination for walkers, runners, horse riders and cyclists who are attracted by its attractive rural character and local distinctiveness. The Derby Arms is a destination Public House, with its countryside setting an important component to its success. The development does not respond to local character and history, does not reflect the identity of local surroundings and does not contribute to the wider social, cultural, economic and environmental benefits that the preservation of the heritage landscape brings and would erode these attributes of the village.
- g) Treales village comprises some 36 dwellings which provide a wide range of accommodation. The emerging Local Plan demonstrates how the Borough will deliver its five year housing land supply. This does not rely on any sites in Treales over the plan period. When considered in combination with the 3 dwellings under construction at the Foundry Yard, the development would result in a 31% increase in the size of the village. In combination with other applications currently awaiting determination by the Council (references 15/0366 and 15/0367), the proposed development would result in a 61% increase in the number of dwellings in Treales. It would also result in the formation of a continuous ribbon of development between Mowbreck Land and Moss Lane West which would destroy the intrinsic character and beauty of the countryside and the setting of Treales. The proposed development, both individually and cumulatively, would result in an unsustainable expansion of the village which would harm local character, distinctiveness, heritage and visual amenity.
- h) Cumulatively the developments currently being proposed will create a continuous ribbon of development 250% larger than the length of the present settlement boundary. Approving the application would set an undesirable precedent and make such future expansion difficult to resist.

- i) There are already 8 properties of a wide range of sizes currently for sale or rent within the settlement boundary. This is some 22% of the entire pre-2011 housing stock. There has been only one sale completed since 2011. The ongoing attempts to bring controversial heavy industrial fracking activities into this countryside area blight the property market and makes delivery of additional housing in this area problematic in the medium to long term.
- j) As the application is in outline with all matters reserved, no weight can be given to any of the details shown on the illustrative masterplan – including the layout and design of the dwellings.
- k) The application site is in an isolated and prominent location protruding into open countryside in an elevated position. The development would create an extended urbanised form four times the volume of the current structures. The urbanised site would be visible from: Spen Lane to the south and east; and Carr Lane to the south west (photographs are submitted showing these views of the site). To the north there is an agricultural property with a 17th century listed farmhouse. There is no other material residential or commercial property in the locality with which to form a design linkage to a new residential site. The development urbanises the countryside from rural business use to residential use. It does not enhance the setting of the countryside in this exposed, elevated and prominent site.
- l) The application causes significant risk of harm to the biodiversity of the roadside environment by major urbanisation to the locale. Bats and Barn Owls are observed around the site, which the development would interfere with in their countryside habitat.
- m) The applicant states that there have been discussions about this application with the Parish Council. There have been no discussions with the Parish Council about the content of this application. The Parish Council have previously objected to the development of the land for the use of residential development. The applicant subsequently applied for and received permission for continued business activity. The applicant refers to a survey of residents conducted in 2014. They indicate a response of some 35% of residents. They refer to 40 responders being in favour of housing and that 95% of responders were in favour of housing. This would indicate a sample size of 120 residents. There are only 36 dwellings within the settlement boundary of Treales. It is not, therefore, clear as to where the respondents surveyed are resident. The survey questions were not published with the results. There would appear to be a fundamental issue with the validity of the survey. It is also claimed in the design and access statement that there was a further survey in 2015; however, neither the questions nor answers have been published in this application.
- n) The scheme does not deliver any affordable housing and, therefore, is not compliant with the specification for a small scale exception site in policy HL3. In addition, the proposal does not relate to existing buildings and/or previously developed land within the settlement boundary. Accordingly, it is in conflict with FBLP policy HL1.
- o) The proposed isolated location, protruding into open countryside outside the village settlement is not compatible with nearby and adjacent land use. It does not respect the heritage landscape character of the village and its environs. The housing use is not compatible with existing adjacent and nearby land uses. The site is not well related to the existing built up area, resulting in an isolated development extending the length of the settlement boundary by some 30%. The development is therefore in conflict with policies HL2 and HL6.
- p) The application is in conflict with policy EP11. This proposed new development in this rural area is not sited in keeping with the distinct landscape character of the types described in the LCC Landscape Strategy. It proposes a prominent development, in an elevated position intruding into the open countryside, perpendicular to the existing settlement boundary, which will be illuminated into the night.

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

LCC Highways:

- Verbal indication that there are no objections to the application. Formal comments will be reported as late observations to committee.

Tree Officer:

- The indicative layout shows one mature tree (a sycamore) to the southwest corner of the site which presently lies adjacent to a large corrugated metal building. The indicative layout suggests that this tree will be retained. However, a survey will be required when layout is applied for to determine whether this is possible.

Landscape Officer:

- It would be positive if a hedgerow could be added alongside the southern boundary in order to ensure that the development is integrated with the adjoining countryside. The site is constrained by virtue of its size and shape. A planting plan will be required at a later stage to ensure the use of appropriate species.

*United Utilities:*

- The site should be drained on separate systems for foul and surface water.
- With respect to surface water, the following drainage options should be considered in the following order of priority – a soakaway; a watercourse; a sewer.
- Conditions should be attached to any permission granted relating to foul and surface water drainage. Any scheme for surface water drainage should ensure that the rate of discharge is restricted to existing run-off rates and no surface water should discharge to the public sewer system.

*Environmental Health Officer (EHO):*

The following conditions should be attached to any permission granted:

- An intrusive (phase II) site investigation and a remediation strategy should be submitted to deal with any contamination on the site.
- There shall be no burning of any materials on site. All waste shall be recycled where possible or taken to a licensed waste receiving site.
- Times of operation (demolition and construction) shall be restricted to 08.00-18.00 Mondays to Friday; 08.00-13.00 Saturdays and no activity on Sundays or bank Holidays.

**Neighbour Observations**

<b>Neighbours notified:</b>	13 July 2015
<b>Site notice posted:</b>	24 July 2015
<b>Amended plans notified:</b>	N/A
<b>No. Of Responses Received:</b>	11
<b>Nature of comments made:</b>	7 objections, 4 support

The points raised in the objections largely reflect those raised by the Parish Council as summarised above. Additional points are, however, made by objectors and these are summarised below as follows:

- The size of the proposed development represents a disproportionate enlargement to Treales outside the settlement boundary. The three submitted applications would create a continuous ribbon of development 250% larger than the length of the present settlement boundary. The inappropriate scale of the development creates a significant adverse impact

on the local distinctiveness of Treales, its environments and heritage Landscape amenity.

- Individually, the proposed development would result in a 31% increase in the size of the village (this comprising all properties within the settlement boundary). In combination with applications 15/0366 and 15/0367, this figure rises to 61%. This is an unsustainable enlargement to the village outside the settlement boundary.
- The proposal will set an undesirable precedent for further infill development in the village.
- The existing structures are an important habitat for wildlife including bats and barn owls.
- The development will overwhelm existing infrastructure and are not required in order to sustain existing community uses within and outside the village. There are no shops, medical facilities or access to public transport within the village. The local parish school is also oversubscribed.
- Recent building projects in Treales have been badly designed in an attempt to form pastiche architecture which erodes the character of the village. This will be added to by this development.
- The development would result in the removal of characteristic roadside trees and hedging which contribute to local distinctiveness. This includes interference with trees protected by TPOs.
- Treales village pre-2011 comprises of 36 properties within the settlement area, which offer a range of property prices and rentals. Treales already has 8 properties for sale within the settlement boundary (22% of the housing stock). There has only been one sale since 2011. This is due to the attempts to bring heavy industrial fracking into the countryside, blighting the property market. This combination makes delivery of additional houses highly problematic in the medium and even long term. Given the demonstrable stalled market delivery of home buyers for the housing stock for sale the applications will not credibly contribute in the near term to the deliverable housing stock to the housing supply requirement.
- Treales' Local Distinctiveness is a heritage landscape, characterised by a village core concentrated settlement area approached by hedged, road side fields and woodland interspersed with former farmsteads. This includes both designated and non-designated heritage assets. The development, both individually and in combination with applications 15/0366 and 15/0367, will significantly affect the heritage asset of Treales which is an irreplaceable resource. They do not contribute to the wider social, cultural economic and environmental benefits that conservation of this heritage landscape can bring to the leisure amenity, tourism and health.
- The development would result in the loss of best and most versatile agricultural land and would have an adverse impact on the viability of existing agricultural operations. It also fails to prioritise the use of other underutilised residential land in the locality.
- The application involves development in the countryside which has no near term employment demand. Indeed, the construction of houses on a previous industrial site would reduce employment opportunities in the area. Therefore, the development does not encourage people to minimise journey lengths for employment shopping, leisure, education and other activities.
- The applicant has failed to take account of the views of the community. The Parish Council provided clear directions that further development in the countryside in conflict with policies SP2, GD4 and NPPF para 55 would not be welcomed. In spite of this the applicant has submitted proposals.

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

- There are no objections to any of the developments mentioned in the circular distributed to residents. The developments would enhance the village and increase the size of the community, thereby allowing it to thrive.

- A number of residents have moved away from the village due to a lack of amenities. However, if the village expands, there is the potential for such amenities to be delivered within the village and supported by a growing population. This would also be the case for the existing pub. If no such expansion is allowed, there is a risk that any existing facilities would fall into decline and close down. This has occurred in a number of rural villages where a diminishing population means such uses become unviable.
- Recent developments in the village (e.g. The Orchard and Foundry Yard) have improved areas of the village which were previously occupied by unkempt wasteland and buildings and add to the character and quality of the area whereas the previous industrial buildings were at odds with it.
- The developments would assist the progression of the village for the benefit of existing residents and future generations. People should be encouraged to move in to Treales rather than move out of it and this can only be achieved through expansion.
- There is, at present, a lack of available low-cost housing in Treales. This means that younger residents in the village are unable to buy property in the village and, instead, are forced to move further afield. The proposed development would increase the housing stock in the village and the size of properties proposed would be affordable for younger residents.
- There is no need/demand for commercial units within Treales and, given the site's rural location, it is unclear what type of businesses would be attracted to the site.
- The developers have listened to the requests from residents who responded to their consultation and open night at the Derby Arms pub.

### **Relevant Planning Policy**

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

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
EMP3	Business & industrial uses outside defined area
EP04	Alteration and adaptation of listed buildings
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP18	Natural features
EP19	Protected species
EP22	Protection of agricultural land
EP25	Development and waste water
EP29	Contaminated land
EP30	Development within floodplains

#### **Draft Fylde Local Plan to 2032 – Revised Preferred Option**

S1 – The Proposed Settlement Hierarchy

DLF1 – Development Locations for Fylde

H4 – Affordable Housing

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

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

#### **Site Constraints**

Within countryside area  
Tree Preservation Order

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

#### Main issues:

Given the designations on the site, and having regard to the representations from the Parish Council and objectors, it is considered that the main issues with the application are:

- Whether the site is a sustainable location for housing development, having particular regard to the accessibility of local shops, services and employment opportunities.
- Whether the development, either individually or cumulatively, would result in a disproportionate enlargement to the existing settlement.
- Whether the development would have a harmful impact on landscape character by virtue of its encroachment into the countryside and, if so, whether there are any steps which can be taken to overcome this harm.
- Whether, having regard to the previous uses on the site and that which benefits from an extant planning approval, the site should be retained for employment use.

Each of these issues are addressed in turn below.

#### Principle of development:

##### *Policy context and five year supply:*

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

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

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

Paragraph 55 of the NPPF states that:

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

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

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

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

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

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

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

FBLP policy SP2 indicates that the only circumstance where housing would be permissible within the Countryside Area will be in the case of rural exception sites for affordable housing in accordance with the provisions of policy HL3. However, this approach to resist private market housing in the countryside area cannot be considered to be up-to-date (and, accordingly, sustainable) for the purposes of the NPPF where a Local Planning Authority is unable to demonstrate a 5 year supply of housing. Indeed, paragraph 55 of the NPPF, supplemented by the Rural Housing chapter to the NPPG, supports the principle of sustainable housing developments in rural areas providing that it would not result in the construction of new isolated homes in the countryside. The Parish Council have also referred to restrictions within FBLP policy HL1. Policy HL1 was not “saved” as part of the Secretary of State’s direction in October 2008. Therefore, it has been deleted from the FBLP and, accordingly, carries no weight in the decision making process.

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

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

The Council has been successfully challenged at a number of recent appeals where it has sought to resist housing within the countryside area as a matter of principle. For example, in allowing an appeal for a residential development of 30 dwellings within the countryside area at Kings Close, Staining (appeal ref APP/M2325/W/14/2220410), paragraphs 8, 30, 31 and 32 of the Inspector’s decision identify that:

2. It is common ground between the main parties that there is not a five year supply of housing land in Fylde. I note that the Fylde District Group of the Campaign to Protect Rural England (CPRE) disputes this position, but I am satisfied that the evidence before me supports the view expressed in the statement of common ground. Accordingly, having regard to paragraph 49 of the National Planning Policy Framework (NPPF), relevant policies for the supply of housing cannot be considered to be up-to-date.
3. The provision of additional housing in a Borough which does not have a five year land supply [is a] significant social benefit.
4. Policies in the Local Plan concerning the supply of housing are out-of-date. In this situation, paragraph 14 of the NPPF explains that the presumption in favour of sustainable development means granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits, or policies in the NPPF indicate that development should be resisted.
  - The proposal would cause moderate harm to the character and appearance of the area, thereby conflicting with Policy HL2 of the Local Plan. By virtue of the site’s location beyond the limits of development there is also conflict with Policy SP2, although given the acknowledged need for some housing to be built in countryside areas and that the limits of development, in representing a mechanism for the supply of housing, are out-of-date, this is a matter of limited weight. On the other side of the balance, the provision of additional housing and affordable homes both carry significant weight. I conclude that the benefits of the proposal would not be significantly and demonstrably outweighed by the adverse effects, but that they would outweigh the harm identified. Accordingly the proposal would comply with the approach to sustainable development set out in paragraph 14 of the NPPF.

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

*Location and sustainability:*

Paragraphs 34 and 38 of the NPPF state that:

- “Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. **However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas**” (emphasis added).
- “For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. **Where practical, particularly within large-scale developments**, key facilities such as primary schools and local shops should be located within walking distance of most properties” (emphasis added).

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

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

The site is an area of previously developed land located to the south side of Kirkham Road which has an established use for industrial purposes. The site falls outside, but adjacent to, the settlement boundary as defined on the FBLP Proposals Map. Treales is a small village which, aside from a Public House, lacks a number of public amenities and access to public transport. It is, however, located approximately 1.9km from Kirkham town centre which includes a range of shops, services and public transport links. Accordingly, it follows that future occupiers are likely to rely on facilities in Kirkham. The Parish Council opine that Kirkham Town Centre is located “3.7km away”. For clarity, the 1.9km figure cited above is taken along the shortest walking route from the edge of the site to the collection of shops at the roundabout between Preston Street and Freckleton Street, as measured via the Council’s GIS mapping system.

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

Table 3.2: Suggested Acceptable Walking Distance.

	Town centres (m)	Commuting/School Sight-seeing (m)	Elsewhere (m)
Desirable	200	500	400
Acceptable	400	1000	800
Preferred maximum	800	2000	1200

Figure 1 – suggested acceptable walking distances (IHT).

Kirkham is the largest neighbouring settlement which provides “town centre” facilities and, accordingly, the distances in the left hand column of Figure 1 would be applicable with respect to Kirkham. However, as Treales does not benefit from a town centre, it would fall within the category

of “elsewhere” and, accordingly, longer walking distances to access the same facilities are expected. The pedestrian link between Kirkham and Treales is via a footway along Carr Lane. The closest school (Treales Church of England Primary School) is located approximately 1.8 km away, with other schools available in Kirkham within 2km of the site. As the distance between Kirkham town centre and Treales is approximately 1.9km (and, accordingly, some 0.7km above the preferred 1.2km maximum in Figure 1), it follows that many future occupiers of the development would be reliant on car-based journeys to access some local facilities. However, the site is within the preferred 2km maximum for district facilities (including employment and education opportunities).

As identified in paragraph 34 of the NPPF (and reiterated in the NPPG), it is inevitable that sites within the countryside will not benefit from the same accessibility to services as those within the urban area. Moreover, paragraph 38 recognises that it will not always be practical for key facilities (e.g. shops) to be located within walking distance of smaller scale residential developments. It does not, therefore, follow that all development within the rural area is always unsustainable by virtue of its location and, as acknowledged at paragraph 55 of the NPPF, the introduction of housing in rural areas is capable of enhancing the vitality of rural communities by supporting local shops and services elsewhere. Therefore, the lack of specific services in individual villages should not stifle development in rural areas where such facilities exist nearby and, accordingly, a development would not result in “isolated homes in the countryside”.

Whilst Treales lacks any substantial shops, services and public transport links, it is located some 1.9km from Kirkham town centre and within 2km of three local schools. Kirkham includes a number of shops and services which are sufficient to serve the needs of outlying villages such as Treales, and the relatively close proximity of the two settlements means that they are closely allied to one another with respect to sharing services. Indeed, this is likely to be the case for existing residents. Therefore, whilst there would be some reliance on car-borne journeys with respect to access to local facilities in Kirkham, it is not considered that the distance between the two settlements is so significant as to conclude that the development would deliver isolated homes in the Countryside for the purposes of paragraph 55 of the NPPF or conflict with FBLP policy HL2. Indeed, other district facilities (e.g. schools and employment opportunities) are within walking distance.

#### *Scale and pattern of development:*

The eighth bullet point to paragraph 17 of the NPPF indicates that one of the Framework’s core planning principles is to:

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

Previously developed land is defined in Annex 2 of the NPPF as follows:

- “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; and 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”.

The most recent use of the site has been for industrial purposes. The land is currently occupied by a group of portal-framed buildings fronting onto a hardstanding service yard. Some areas of the site

have been retained as greenspace and others have become overgrown. However, these areas form a small proportion of the land and, owing to the presence of existing buildings and hardstandings, the majority of the site is previously developed (brownfield) land for the purposes of the definition in the NPPF. In accordance with paragraph 17, the re-use of previously developed land weighs in favour of the scheme. It is also noted that there is an extant permission for industrial development on the site which provides a fallback position for the applicant.

A number of objectors have referred to the size of the development in relation to the remainder of the village, opining that this would represent a disproportionate increase. In particular, objectors indicate that, individually, the development would result in a *circa* 31% increase in the size of the village, with this rising to *circa* 61% when considered in combination with applications 15/0367 (3 dwellings) and 15/0366 (8 dwellings).

The figures given by objectors are based on the principle that only existing housing within the settlement boundary should be counted when assessing the size of the village. However, it is apparent that the built form and structure of Treales extends beyond the settlement boundary. Indeed, some 14 dwellings between the junction of Kirkham Road with Carr Lane (west) and Treales Road (east) currently fall outside the settlement boundary. In addition, the settlement boundary cannot be relied upon to restrict the location of development in the absence of a 5 year housing land supply. Therefore, it is not considered that the size of the village can be limited only to those properties falling within the settlement boundary.

The Ordnance Survey plan indicates the presence of 49 dwellings within the village between Kirkham Road's junction with Carr Lane and Treales Road (including 14 which fall outside the settlement boundary). Therefore, the proposed development for 8 dwellings would result in a 16% enlargement to the village when considered individually. If considered in combination with the other abovementioned developments pending decision by the Council, the cumulative increase would be 39%.

Notwithstanding the objections from the Parish Council or the above figures, there is no adopted local or national policy which provides a definitive, quantitative figure (in percentage or other terms) as to what will constitute a proportionate (or disproportionate) extension to an existing village. It is, however, recognised that the emerging Local Plan makes allowances for infill developments of less than 10 dwellings on windfall sites in rural areas, subject to other sustainability requirements.

Objectors have referred to the negative precedent that the development would set with respect to future expansion of the village, with the potential to create a 'string village' some 250% larger than the existing. However, it is an established principle of the planning system that each application is determined on its individual merits and, as such applications are not before the Council for consideration, it would not be sustainable to refuse permission on these grounds. In this case, the scheme represents an infill development of 8 dwellings which, both individually and cumulatively, is not considered to represent a disproportionate increase to the village by virtue of its size and scale, having particular regard to its relationship with the remainder of the settlement, the established buildings/use and the extant permission for employment development.

Whilst the cumulative impact of allowing all pending applications would result in a more substantial increase to the size of the village, it is not considered that such an increase would be so unduly disproportionate as to warrant refusal of the application. Whilst in-combination effects are a material consideration (e.g. with respect to transport, EIA assessment etc.), each application is also to be determined on its individual merits. The site is located on the edge of the settlement boundary in close proximity to existing dwellings, is previously developed land already occupied by buildings, is

contained to the north and east by other built development in the village and would follow the pattern of the existing settlement which forms a linear 'ribbon' flanking Kirkham Road. Therefore, it is not considered that the proposed development would appear unduly dominant or disproportionate in the context of the village.

The scheme would deliver eight houses on a site measuring 0.32 hectares – a density of 25 dwellings per hectare. Whilst this falls below the density range identified in FBLP policy HL2, lower densities such as this are considered to be appropriate in order to preserve rural character in accordance with paragraph 47 of the NPPF which states that housing densities should reflect local circumstances. Although layout is not applied for at this stage, the indicative masterplan shows a form and density of development which reflects that of surrounding dwellings and is compatible with the spacious, rural setting of the village.

*Visual and landscape impact:*

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

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

With respect to general landscape impact, paragraph 115 of the NPPF states that:

- Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

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

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

Policy EP10 indicates that the distinct character and important habitats of Fylde will be protected. The policy identifies that particular priority will be given to the protection of important landscape and habitat features, including sand dunes, mud flats, marine marshes, beaches, broadleaved woodland, scrub meadows, hedgerows, wetlands, ponds and watercourses.

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

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

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

The site occupies a backland location to the rear of Stanley Farm. The screening provided by existing agricultural buildings at the farm means that the land is not prominently in view from Kirkham Road. Instead, the site is more visible across open countryside from public vantage points to the east/southeast on Spen Lane and, more distantly, to the southwest on Carr Lane. The Parish Council have provided photographs of the site from vantage points on Spen Lane and Carr Lane. Whilst the site is readily visible over a low hedgerow and farm gate on the bend of Spen Lane, these views diminish further to the south where a combination of taller trees and hedging provide a thick screen along the roadside. This is also the case along Carr Lane, where the site is only visible in glimpsed views through minor gaps in the roadside hedgerow – most notably from the railway bridge.

Ground level falls away to the south of the site, meaning that existing buildings occupy an elevated position in relation to adjoining farmland. There are, however, no public footpaths crossing the land to the south of the site (e.g. between Spen Lane and Carr Lane) which would provide direct views of the site from vantage points within adjoining fields to the south. The site's boundaries to adjoining farmland are formed by a combination of post and rail/wire fencing and scattered vegetation. A number of existing buildings are of a substantial height and massing. In particular, those to the southwest corner and alongside the northern boundary are of a two storey height and, accordingly, are readily visible from open land to the south, with minimal screening intervening in-between. Moreover, it is apparent from aerial photography that vehicles, containers and other paraphernalia associated with the previous industrial uses were positioned along the southern perimeter. Therefore, whilst the most sensitive boundary in visual/landscape terms is along the southern edge of the site where it transitions into open countryside, any impacts of the development must also be considered in the context of the site's established use.

The indicative layout shows the formation of a landscaped buffer along the full length of the southern boundary in the form of a Hawthorn hedgerow. This is to provide an intervening feature between the access road and open countryside beyond in order to create a softer edge. Dwellings fronting onto the road would also benefit from a front-facing aspect on the countryside, thus avoiding rear garden boundary treatments up against this perimeter – a principle mirrored at The Orchard, along Spen Lane and to the southernmost plot under construction at The Foundry. Plots 6-8 would be orientated with their gable elevations facing onto a separate field parcel to the southwest and, owing to their position within the site and surrounding topography, would be less visible.

The proposed development would be contained wholly within the existing grounds of the Foundry Yard and would not encroach into adjoining, open farmland. The fact that the site is previously developed and already contains a number of buildings/hardstanding serves to minimise any visual/landscape impact arising as a result of the proposed development in comparison to the established use. The site boundaries are already defined in the landscape by the previous use and, accordingly, its built form contributes to the structure and pattern of the existing village. The existing portal-framed buildings are of a mixed industrial/agricultural appearance and, by virtue of their materials, do not present an aesthetically pleasing aspect to adjoining countryside. The proposed development provides the opportunity to improve the appearance of the site within its existing boundaries through its redevelopment and, importantly, the introduction of landscaping along the southern boundary to provide a softer edge and, through the siting of buildings, greater separation with open countryside beyond.

A TPO protects a group of trees located to the west side of the existing access road, within the garden of Smithy Farm New House. These trees fall outside the site boundaries and would not be adversely affected by the development. As identified by the Council's Tree Officer, further information will be required with respect to root protection areas of any trees overhanging the site

at reserved matters stage.

The site is not subject to any specific landscape designations (e.g. those identified in paragraph 115 of the NPPF) and there are no specific features listed in FBLP policy EP10 occurring on the land. When combined with its established use (including existing built form), brownfield status and lack of encroachment into adjoining countryside, it is not considered that there are any visual/landscape impact reasons as to why a development of 8 dwellings could not be accommodated in a sympathetic manner on the site. The introduction of a landscaped buffer along the southern boundary is considered to be a critical component in achieving this and, accordingly, a condition has been recommended in order to ensure that this is bought forward as part of any application for reserved matters. The proposed development is therefore considered to be in compliance with the requirements of FBLP policies HL2, EP10, EP11, EP12, EP14 and EP18, and the NPPF.

*Loss of employment uses and extant permission:*

Whilst the existing buildings are vacant, the site's established use is for industrial purposes. There is also an extant planning approval for employment uses under outline planning permission 10/0261. Objectors have made reference to the loss of viable employment uses which previously existed on the site and opine that this employment use should be reinstated through the implementation of the extant outline planning approval, rather than developed for housing.

The first bullet point to paragraph 28 of the NPPF states that, in order to promote a strong rural economy, planning policies should:

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.

In addition, FBLP policy EMP3 makes allowances for business and industrial developments outside allocated sites (e.g. in rural villages) subject to five criteria and, under policy EMP4, the provision of a landscaped buffer zone where sites abut open countryside.

Paragraph 22 of the NPPF states that:

- Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

Whilst the site has an established industrial use, it is not allocated for this purpose in either the existing or emerging Local Plan. It is apparent that existing buildings on the site are now vacant and the failure to progress the extant outline permission suggests that there is insufficient demand and/or commercial viability for employment uses on the site. In any case, whilst the site has both a historical and extant permission for employment use, this does not preclude it from being developed for other purposes where alternative uses would be equally acceptable in accordance with the requirements of the FBLP and NPPF. In this case, having particular regard to the vacancy and condition of the existing buildings, it is not considered that there are sufficient grounds to resist the site's redevelopment for non-employment generating uses, or that its redevelopment for housing would undermine the prosperity of the rural economy. Accordingly, there is not considered to be any conflict with FBLP policy EMP3 or the NPPF in this regard.

The applicant has identified that the extant outline permission establishes the principle for 1,112

square metres of employment development on the site. In contrast, the indicative layout indicates a combined residential floor space of 970 square metres, with the dwellings to be two storeys in height and, accordingly, no taller than the approved employment buildings. The applicant opines that, as the proposed residential development would deliver a reduced size, massing and density of development in comparison to the extant outline, its impact (in both visual and transport terms) would be reduced commensurately.

Whilst the applicant's comparisons with respect to scale and floorspace may be correct, the extant permission is for a different form of development where its quantum can be restricted by floorspace. This is not, however, the case for residential permissions where access is the only matter applied for and, accordingly, the only restriction is with respect to the number (rather than floorspace) of dwellings. As the size of the dwellings would not be fixed under this outline permission, these comparisons are of limited significance at this stage. The extant employment permission does, however, establish the principle for a certain quantum of built development to be constructed on the site (regardless of the use). This is a material consideration and also represents a fallback position for the applicant.

*Conclusion regarding principle:*

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

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. The site is previously developed land and already accommodates a number of portal-framed buildings. Due to screening provided by neighbouring buildings and roadside hedgerows, it is barely visible from Kirkham Road and seen only in limited, glimpsed views from public vantage points on Spen Lane and Carr Lane. The site is located amongst other buildings on the edge of the settlement boundary. Therefore, it is considered that the scheme would result in an appropriate and proportionate development within Treales. In particular, the proposal:

- Would make a valuable contribution to the supply of housing within the Borough in the absence of a five year supply.
- Would result in the efficient re-use of previously developed land on the edge of the settlement boundary.
- Would be contained within the established boundaries of the former industrial premises, would not encroach into adjoining farmland and is capable of providing a suitable landscaped buffer along its periphery with open countryside.
- Would follow the pattern of ribbon development along Kirkham Road and, by virtue of its size, scale and density, would be compatible with the rural character and setting of the existing village.
- Would be accessible to shops and services in Kirkham - relative to the scale of development, its rural setting and accepting that it is not always practical for housing in the countryside to

- be located adjacent to such services.
- Would not result in isolated homes in the countryside.

Given the above, it is considered that the principle of development is acceptable, having particular regard to the requirements of paragraphs 17, 34, 38, 47, 49 and 55 of the NPPF, and FBLP policy HL2.

#### Loss of agricultural land:

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

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

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

The Agricultural Land Classification Map is based on the Ministry of Agriculture, Fisheries and Food Soil Survey of England and Wales 1969 which is intended for strategic purposes. This map is not sufficiently accurate for use in the assessment of individual sites. In this case, the Grade 2 classification covers the whole of Treales. Moreover, as the site is already developed for non-agricultural uses, the proposal would not result in the loss of the Borough’s BMV agricultural land, having particular regard to the scheme’s compliance with the intention of FBLP EP22 to direct development onto previously developed sites which are not in agricultural use. Therefore, there is no conflict with the requirements of FBLP policy EP22 and the NPPF in this case.

#### Relationship with surrounding development:

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

The site abuts Smithy Farm to the north and a group of three detached dwellings to the east which are nearing completion. Smithy Farm is characterised by a series of portal-framed buildings in varying states of repair. There are a number of dilapidated buildings within the farmyard which fall in close proximity to the site. The dwellings to the east occupy an offset position a significant distance away and, by virtue of this separation, future occupiers of these properties would not be unduly affected with respect to their amenity.

The indicative layout shows the introduction of a continuous landscaped buffer along the northern boundary in order to provide screening between the new dwellings and Smithy Farm. A solid wall is also shown to form the boundary treatment between the two sites to afford additional screening. The orientation of dwellings would also provide sufficient distinction between the two sites. Therefore, it is considered that the development is capable of achieving a satisfactory relationship with surrounding uses and acceptable living conditions for future occupiers. The recommended landscaping condition also refers to the need for screening along the northern boundary, as indicated on the illustrative layout. The proposal would be compatible with the prevailing residential

character of surrounding properties and, subject to consideration of detailed design issues at reserved matters stage, is capable of achieving a satisfactory relationship with surrounding uses for the purposes of FBLP policy HL2.

#### Highways:

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

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

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

Access is applied for as part of the scheme. The site would take its access from the existing road which serves the three new dwellings to the east and merges with Kirkham Road at a priority junction. This access road is of a sufficient width to allow two-way traffic flow and its design provides adequate visibility at the junction of Kirkham Road as required in Manual for Streets. The existing road would merge with the estate road to the new development (an indicative layout for which is shown on the illustrative plan) at its southwest corner, with the estate road flanking the southern boundary before branching off into two cul-de-sacs at the western end.

The proposed access arrangements would, with respect to the size, siting and design of the site access and the width and positioning of the new footways, ensure safe and convenient access for vehicles and pedestrians. Kirkham Road is a lightly trafficked route and, with respect to vehicle movements, the level of traffic generated by a development of eight dwellings would not have any significant impact on the capacity of the highway network, or road safety. The indicative layout also demonstrates that the scheme is capable of delivering sufficient in-curtilage parking to meet the maximum standard identified in the emerging Local Plan. LCC Highways have not raised any objections to the scheme on the basis of the development's transport impacts. Therefore, adequate measures can be put in place to ensure that the development has no adverse impact on the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site.

#### Ecology:

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

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

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

- If significant harm resulting from a development cannot be avoided (through locating on an

alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

- Opportunities to incorporate biodiversity in and around developments should be encouraged.

FBLP policy EP19 identifies that development which would have an adverse impact upon species specifically protected under schedules 1, 5 or 8 of the wildlife and countryside act 1981, (as amended) or their habitats will not be permitted.

The application is accompanied by an ecology survey which, following three separate visits to the site in the months of March, April and June, assesses the value of existing habitats and features within the site and the development's potential impact on protected species. The report makes the following conclusions:

- The site sits in a sheltered position surrounded by heavily disturbed and intensively used land. The site is poorly linked with woodland but adjoins the gardens of residential dwellings. Vegetation over the site comprises species characteristic of disturbed or heavily compacted ground and is severely limited by both land use and ground compaction.
- A thorough inspection of all buildings within the site and trees either upon or adjacent to the site boundaries revealed no evidence of roosting bats and, owing to the structure and condition of the buildings, low potential to support roosting sites. Bats are likely to use the surrounding landscape for foraging. The focus of this activity will be correlated with the woodland and gardens to the North, East and West. The site itself is not judged to be locally significant for foraging.
- A detailed inspection of all suitable habitat at the site and to a distance of at least 30m from the site boundaries revealed no signs of badger activity and no active setts were found. No indication of badger feeding was detected.
- No nest sites were found on the site. There are signs of past nesting in some of the more dilapidated storage buildings, but the level of past nest activity was low. The buildings are heavily disturbed and no recent signs of nesting have been found.
- There are no records of Great Crested Newts within 2km of the site. The closest pond is 200m to the west and is separated from the site by intensively grazed pasture. There are no hedgerows or other high quality dispersal routes leading from this pond to the site which are less than 250m long. The site comprises buildings and compacted hardstanding which has little value to amphibians and there is no standing water on the site which would be suitable for use by these species.
- There are no records of water voles within 2km of the site and there is a lack of suitable habitat to support this species.
- There is very little vegetation on the site (which is mainly dominated by disturbed ground) and plants comprise common, pioneer species. Trees are confined to site boundaries and do not have any significant ecological value which would prevent their removal or crown lifting. The proposed development will include soft landscaping which will replace existing areas of hard landscaping with very little ecological or structural value.
- The most significant ecological feature in the local area are the Biological Heritage Sites along Mowbreck Lane approximately 2km to the west. Given their distance from the site, these would not be affected by the proposal.

The ecology survey demonstrates that habitats on the site – dominated by buildings, bare ground and other disturbed land – are of low ecological value. There are no signs of protected species on the site and the structure/condition of existing buildings makes them undesirable for bat/bird roosting, affording only low potential to support these species. There is a scarcity of vegetation on the site to support foraging, with higher value habitats located outside the site. Additional

landscaping would be introduced as part of the scheme which are capable of providing biodiversity enhancements of significantly greater quality than currently exists on the site.

The proposed development would not result in the loss of any high-value ecological features and, given the absence of any suitable habitats on the site to support any specially protected species, would not affect their favourable conservation status. Appropriate biodiversity enhancements can be secured through condition. The proposal is therefore in accordance with the objectives of FBLP policy EP19 and the NPPF.

#### Flooding and drainage:

Paragraph 100 of the NPPF states that “inappropriate development in areas at risk of flooding [land within Flood Zones 2 and 3; or land within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency] should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere”.

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

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

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

The site is shown to fall wholly within flood zone 1 (land with a less than 1 in 1,000 or <0.1% annual probability of river/sea flooding) as defined on the Environment Agency’s Flood Map. As the site area is under 1 hectare there is no need for a site-specific Flood Risk Assessment to accompany the application, nor is there any requirement to consult the Lead Local Flood Authority. An indicative drainage strategy has, however, been submitted as part of the application. This includes the following provisions:

- The post-development rate of surface water discharge from the site is to be restricted in order that it does not exceed the existing (pre-development) rate, including an allowance for an increase of 30% to account for climate change in order to provide betterment in comparison to the current scenario. Surface water is to connect with the existing infrastructure for the adjacent (3 dwelling) site, with an outfall into a tributary of Spen Brook.
- Finished floor levels of the properties are to be set 150mm above adjacent ground levels in order to provide mitigation during an extreme rainfall event in order that exceedance flows provide no threat to the dwellings.
- Foul water is to drain to an on-site sewage treatment plant.

United utilities have commented on the application and indicate that they have no objections to the development providing that conditions are attached to any permission requiring that the site is drained on separate systems for foul and surface water, and that any scheme for surface water

disposal restricts the rate of discharge to existing (pre-development) run-off rates. In accordance with FBLP policies EP 25 and EP 30, and the NPPF, it is appropriate to impose conditions regarding schemes for the disposal of foul and surface water in order to ensure that the development is not itself at risk of flooding and does not increase flood risk elsewhere (including an appropriate allowance for climate change).

An appropriate condition is recommended in this regard in order to control foul and surface water discharge. Therefore, adequate measures can be put in place to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the requirements of FBLP policies EP25 and EP30, and the NPPF.

#### Heritage implications:

The grade II listed building of Smithy Farmhouse (a thatch-roofed cottage) is located some 35m to the north of the site. The Derby Arms Public House (another grade II listed building) falls approximately 195m to the northeast at the junction with Church Road. Objectors have raised concerns regarding the development's impact on heritage assets within the village, including its landscape character.

Designated heritage assets are defined in Annex 3 of the NPPF as follows:

- A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation

Paragraph 129 of the NPPF indicates that:

- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

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, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. This approach is supported by FBLP policy EP4 which states that development which would prejudice the setting of a listed building will not be permitted.

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

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

Objectors have referred to Treales as a "heritage landscape" and, with reference to historical maps, have pointed to its evolution over time and the development's failure to embrace this. Notwithstanding that the application is in outline with all matters other than access reserved (and, accordingly, detailed design considerations and how these respond to the local vernacular are reserved for a later stage), Treales does not benefit from any statutory or local designation to support this. It is not uncommon for rural villages to evolve in the same manner as Treales and, aside

from the two listed buildings within the village, there are no further designated heritage assets. It is also noted that a number of mid-late 20th century developments within the settlement boundary have changed the character of the village over time, adding to its diversity. Therefore, it is not considered that Treales can be considered a “heritage landscape” for the purposes of the definitions in the NPPF.

The Derby Arms is extensively screened from the site by intervening buildings and is not seen in the same context. In the case of Smithy Farmhouse, this building is much closer and can be seen within the site. This does not, however, mean that the development would automatically have an adverse impact on the significance of this heritage asset. Two large, portal-framed agricultural buildings intervene between the farmhouse and the site boundary, and provide a substantial screen which results in the farmhouse being visible only in glimpsed views between the adjacent buildings. This screening would be supplemented by new planting alongside the northern boundary between the two sites (as secured through condition and shown indicatively on the submitted masterplan). The curtilage (and setting) of the farmhouse is constrained (and contained) by the adjacent agricultural buildings and, accordingly, any impact on its significance is largely driven by the presence of these buildings.

Given the distance and screening between the farmhouse and the site, there is no fundamental reason to conclude that a development could not be delivered on the site (having particular regard to the reserved matters of layout, scale and external appearance) which is capable of preserving the significance of the listed building of Smithy Farmhouse (including its setting). Accordingly, there is no conflict with the requirements of the FBLP, NPPF or the Planning (Listed Buildings and Conservation Areas) Act.

#### Contamination:

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

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

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

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

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

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

The application is accompanied by a phase I ground investigation report which identifies the potential sources of contamination on the site as:

- The potential for hydrocarbon/oil sources from a vehicle workshop use in one of the buildings. However, the presence of a hydrocarbon contaminated soils in the underlying ground is considered relatively unlikely due to the concrete slab found within the building acting as a barrier to localised migration.
- The presence of contaminated soils from the historic works activity, including localised inorganic and organic contaminants.
- the potential for migration of contaminated soils and groundwater from the off-site historic smithy to the north; though this is likely to be minimal due to distance, ground conditions and site practices.
- The presence of asbestos sheeting within the fabric of the buildings poses a risk, which can be overcome by careful disposal and clearance of the site by a specialist contractor.

The report concludes that the site is at a “low/moderate risk from contamination” and recommends that further intrusive (phase II) ground investigations are undertaken in order to establish the location/extent of any contamination on the site, and any necessary remediation measures. An appropriate condition has been recommended in this regard in accordance with the advice of the Council’s EHO in order to ensure that the development does not conflict with the requirements of FBLP policy EP29 and the NPPF.

#### Developer contributions:

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

#### Other matters:

The applicant indicates that community consultation has been undertaken prior to submission of the application in the form of letters and a public meeting seeking feedback on preliminary proposals in June 2014. The applicant reports a 35% response rate, with 95% of respondents indicating their support for the redevelopment of the site for housing. The Parish Council has questioned the scope and validity of this consultation with respect to the extent of the survey area and the applicant’s failure to publish the questions and results of the survey.

Whilst the NPPF encourages applicants to engage with the local community as part of the planning process, there is no specific requirement for the applicant to undertake formal community consultation for this type of application, or to submit a Statement of Community Involvement which would provide further details of any consultation exercise. In any case, planning applications should not be determined purely on the basis of the strength (or lack) of public opposition or support for a development. Therefore, this should not be a determining factor in the outcome of the application.

#### Conclusions

The proposal seeks outline permission (access only) for a residential development of eight dwellings on a previously developed (former employment) site at the Foundry Yard to the south of Kirkham Road and rear of Smithy Farm, Treales. The site falls outside the settlement boundary and within the Countryside Area as defined on the Fylde Borough Local Plan Proposals Map. The Council is presently unable to demonstrate a five year supply of housing land and, accordingly, the principle of

residential development within the Countryside Area cannot be resisted where the development is sustainable in all other respects.

The site area would follow the established, previously developed boundaries of the Foundry Yard and would not encroach into adjoining open countryside. The site already contains a number of former employment buildings and hardstandings and relates closely to other, adjacent built development within Treales. Substantial screening is capable of being introduced as part of the development in order to soften its visual impact along the rural edge of the site where it adjoins open farmland and the proposed development, by virtue of the number and density of dwellings proposed, would be compatible with the rural character of the surrounding landscape.

The scheme would not result in the loss of the Borough's best and most versatile agricultural land and there are no other landscape designations on the site to restrict its development for housing. Satisfactory arrangements would be made for vehicle access, parking and manoeuvring in order that the development would not have a detrimental impact on the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site.

The proposal would result in an acceptable relationship with surrounding uses and would have no detrimental effect on the significance of any heritage assets. Appropriate mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding and drainage. The proposal is therefore considered to represent sustainable development in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Fylde Borough Local Plan.

### **Recommendation**

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

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

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

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

3. This permission relates to the following plans:

- Scale 1:1250 Location Plan received 7 July 2015.
- Drawing no. 1350 33 – Illustrative Master Plan Option 2.

Notwithstanding the requirements of condition 2 of this permission, any application for reserved matters 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. Any application for reserved matters must be in accordance with and/or not exceed the parameters established as part of this permission.

4. No development shall take place until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority to assess the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place. The submitted report shall include:

- a survey of the extent, scale and nature of contamination;
- an assessment of the potential risks to:
  - human health;
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
  - adjoining land;
  - groundwaters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments; and
- where unacceptable risks are identified, an appraisal of remedial options and proposal for the preferred option(s) to form a remediation strategy for the site.

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

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Fylde Borough Local Plan policy EP29 and the National Planning Policy Framework.

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

Reason: To ensure a satisfactory relationship between the new dwellings and between the development and surrounding buildings before any ground works take place to establish site levels in the interests of residential and visual amenity in accordance with the requirements of Fylde Borough Local Plan policy HL2.

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

- separate systems for the disposal of foul and surface water;
- details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer (including any necessary flow attenuation measures and the use of SUDS where appropriate) which shall not exceed the pre-development

- rate, including an appropriate allowance for climate change.
- details of how the scheme will be maintained and managed after completion.

The scheme shall be implemented in accordance with the duly approved details before any of the dwellings are first occupied and maintained/managed as such thereafter.

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

7. Notwithstanding the requirements of condition 3 of this permission, no development shall take place until a scheme for the design, construction and drainage of the site access (the position of which is shown on drawing no. 1350 33) has been submitted to and approved in writing by the Local Planning Authority. The site access shall be constructed in full accordance with the duly approved details and made available for use before any of the dwellings hereby approved are first occupied.

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

8. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include details of the following: - (i) hours for site preparation, delivery of materials and construction; (ii) the parking of vehicles of site operatives and visitors; (iii) loading and unloading of plant and materials; (iv) storage of plant and materials used in constructing the development; (v) the erection and maintenance of security hoarding; (vi) wheel washing facilities; (vii) measures to control the emission of dust and dirt during construction; and (viii) a scheme for recycling/disposing of waste resulting from construction works. The duly approved Construction Method Statement shall be adhered to throughout the construction period.

Reason: In order to ensure that appropriate measures are put in place to limit noise, nuisance and disturbance to the occupiers of neighbouring dwellings during the construction of the development in accordance with the requirements of Fylde Borough Local Plan policies HL2 and EP27, and the National Planning Policy Framework.

9. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 2 of this permission shall include a scheme which demonstrates compliance with the principles of the landscaping strategy shown on drawing no. 1350 33. The scheme shall include, but not be limited to, the following details (as shown indicatively on the approved plan):

- any trees and other vegetation on/overhanging the site to be retained;
- a compensatory planting scheme to replace any trees or other vegetation to be removed as part of the development;
- the introduction of landscaped buffers along the northern and southern site boundaries;
- the type, size, species, siting, planting distances and the programme of planting of hedgerows, trees and shrubs.

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

hedgerows or shrubs of similar size and species to those originally required to be planted.

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



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/15/0450	Address Foundry Yard, Kirkham Road, Treales	Grid Ref. E.3439 : N.4328	Scale 0 10 20 30 40 m 

**Item Number:** 7

**Committee Date:** 02 September 2015

<b>Application Reference:</b>	15/0458	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Story Homes Ltd	<b>Agent :</b>	Barton Willmore LLP
<b>Location:</b>	LAND OFF WILLOW DRIVE, RIBBY ROAD, RIBBY WITH WREA		
<b>Proposal:</b>	OUTLINE APPLICATION FOR THE DEVELOPMENT OF UP TO 49 DWELLINGS, INCLUDING THE PROVISION OF ACCESS FOLLOWING THE DEMOLITION OF 15 WILLOW DRIVE		
<b>Parish:</b>	RIBBY WITH WREA	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	8	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Not applicable		

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

#### **Summary of Officer Recommendation**

This proposal is an outline application for the erection of upto 49 dwellings on a 3.95 hectare site that lies on the edge of Wrea Green and so is allocated as Countryside in the Fylde Borough Local Plan. The application also seeks approval of the access arrangements which will be formed by demolishing 15 Willow Drive.

The site was refused planning permission for 100 dwellings over a larger site area through planning application 14/0302 for a number of reasons, primarily because it was not considered to form sustainable development primarily due to issues of scale and landscape impact, with residential amenity a further issue. Subsequently application 14/0735 was submitted for 49 dwellings, and was recommended for approval by officers however members chose to refuse the application in relation to the scale of the development and impact on neighbouring amenity.

The residential development of Countryside land is 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 (from March 2015) 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.

Having assessed the relevant considerations that are raised by this proposal it is officer opinion that the development is of an acceptable scale, is in an acceptable location and with contributions can deliver appropriate accessibility to the services that are necessary to support residential development. As a result of reducing the site area from the original proposal, the visual impact is also now considered to be acceptable. As such it is considered that the proposal does now deliver sustainable development and so it is recommended that the application be supported by Committee and so assist in delivering the housing supply requirements of para 17 of NPPF.

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

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

### **Site Description and Location**

The application site is a roughly rectangular area of land extending to 3.95 hectares and is located within the Parish of Ribby-with-Wrea but almost entirely outside of the defined settlement boundary to Wrea Green village. It is located to the east of Willow Drive and parts of Ash Grove and the south of Ribby Road and properties accessed off that road.

The site contains an existing residential dwelling (15 Willow Drive) which was occupied at the time of officer site visit and land that is greenfield and available for agricultural use. This land is divided into fields with "gappy" hedgerows and has hedges around its perimeter. There are also two ponds within the site, which is generally level but undulating in places although it rises gently to the south away from Ribby Road.

The land to the west is in residential use with the existing dwellings on Ash Grove and Willow Drive and the dwellings under construction by Wainhomes off Richmond Avenue. To the north there are residential properties off Ribby Road which back onto the site. To the east and south is further land in agricultural use, with a line of trees providing a screen to the west.

### **Details of Proposal**

The application is identical in site area and all respects to the application that was refused under reference 14/0735, and covers part of the site considered by application 14/0302 which was for up to 100 dwellings and covered 5.8 hectares. This proposal removes the southern element of that application thus reducing the site area to 3.95 hectares and the number of dwellings proposed is no more than 49 units. The application has been submitted in outline with access applied for but all other matters reserved.

The access point to the site is indicated as being from Willow Drive and involves the demolition of the existing dwelling at 15 Willow Drive. This would then allow an access to be provided through the area currently occupied by that property which would join Willow Drive with a simple priority junction and then the general highway network through the existing mini-roundabout at its junction with Ribby Road.

The illustrative concept plan indicates a spine road running north-south along the length of the site with a series of cul-de-sacs from it. The layout is generalised given the outline nature of the application, but gives details about areas where densities could be changed and the outlook of dwellings in certain parts such as around the pond and the site boundaries. Public open space is shown to the south of Langtons Farm and around the ponds on the site, with a new tree lined boundary to be formed at the southern boundary.

### **Supporting Information**

The application is supported with the usual suite of information comprising:

- Constraints and Opportunities Plan
- Initial Concept Block Plan

- A design and access statement
- A supporting planning statement
- Statement of Community Involvement
- An Agricultural Land Classification Report
- A Transport Statement and residential travel plan
- An Ecological Survey and Assessment
- Landscape and Visual Assessment
- A Flood Risk Assessment
- A tree survey
- Draft Heads of Terms for an s106 agreement

The information submitted is the same as the previous application asides for the Supporting Planning Statement which has been updated for this application. This document summarises the local and national policy designations and guidance that relate to an application of this nature, describes the application proposals and their formulation, and then promotes the planning merits of the scheme with particular reference to the findings of the Inspector determining the recent appeals. 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. It argues that this site is located on the edge of one of the larger settlements in the borough where there is a good level of access to a range of social, economic, education, recreational and transport services. They also refer to a lack of technical impediments (highways, ecology, flooding, drainage and landscape) to the development proceeding, and that it will deliver 30% affordable housing. The report concludes that the application is a sustainable form of development which is consistent with the planning principles of the NPPF.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
14/0735	OUTLINE APPLICATION FOR THE DEVELOPMENT OF UP TO 49 DWELLINGS INCLUDING THE PROVISION OF ACCESS FOLLOWING THE DEMOLITION OF 15 WILLOW DRIVE	Refused	13/01/2015
14/0302	OUTLINE APPLICATION FOR UP TO 100 DWELLINGS INCLUDING THE PROVISION OF ACCESS FOLLOWING THE DEMOLITION OF 15 WILLOW DRIVE	Refused	05/09/2014

### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>
14/0735	OUTLINE APPLICATION FOR THE DEVELOPMENT OF UP TO 49 DWELLINGS INCLUDING THE PROVISION OF ACCESS FOLLOWING THE DEMOLITION OF 15 WILLOW DRIVE	Appeal outstanding with joint public inquiry on both applications due to commence on 1 December 2015
14/0302	OUTLINE APPLICATION FOR UP TO 100 DWELLINGS INCLUDING THE PROVISION OF ACCESS FOLLOWING THE DEMOLITION OF 15 WILLOW DRIVE	

## Parish/Town Council Observations

**Ribby with Wrea Parish Council** notified on 15 July 2015 and comment:

*“ONCE AGAIN, THE PARISH COUNCIL STRONGLY OBJECT to the proposal for the following reasons:*

*Primarily, the parish council is somewhat bewildered that a further application for 49 houses has been lodged, by the same developer, when previously an initial application for 100 houses was not granted as was the secondary application for 49 houses – the same criteria as the abovementioned application 15/0458 – the parish council is keen to know what has changed in the interim period? As a parish council is dedicated in maintaining the integrity and landscape character of the village (and we must emphasize that it is a village and NOT an urban development as stated within the application documentation), we can only re-iterate the points already presented, which are those not only of the council members but those of the residents voicing opinions, without exception, whom the council ultimately represent.*

*The repetitive nature of Story Homes submitting applications is cynical and shows a constant disregard for both the needs and wants of the residents of the area. Quite simply, we consider that this is now bordering on ‘bullying’ tactics.*

*In a village of approximately 630 households, the recently approved residential developments within the parish have had a cumulative effect of adding an additional 144 houses. This alone would suggest that Wrea Green has received ‘its fair share’ of new development and any further housing would be considered excessive, to say the least. The development is not sustainable and equally detracts from the landscape character of the area in question which is mainly within the Local Plan’s ‘area of separation’. The fact that the goal posts keep moving with regards to the centre location of the village to suit the application is irrelevant – the Green is the cultural centre of the village. Should any further development be considered, which is very debatable, the proposals should be in consideration of the west side of the village and not the eastern. The proposed development is in the countryside outside the village settlement area and is contrary to the extant Fylde Local Plan, National Planning Policy Framework and Fylde Local Plan. The Planning Inspectorate commented that the village could accommodate up to a further 100 houses and would be exceeded by 40%.*

*Despite the apparent lack of a Fylde Borough 5 year housing supply, this application is not considered sustainable as it does not address any of the three dimensions of sustainability of the NPPF. It is contrary to SP2 and HL2 of the Fylde Local plan, and the NPPF which seeks to promote sustainability. In addition a realistic accessibility calculation indicates a very low total score. Also LCC, Environment Directorate, was not happy with the road safety aspects at the time of the last proposal and this Council considers that there is no reason for this view to be any different this time. Credence also has to be given to the projected increased traffic which will be generated along Ribby Road not only from the newly approved Wrea Green housing developments but also from those at Warton. As there are no additional employment opportunities within the village, the proposed development can only be assumed to be marketed as commuter housing. The lack of a local rail network stopping point and limited bus service would give rise to the assumption that a further 100 or so vehicles will be utilising the already overstretched road network daily. As access to the development is via a road, off a road, off a road, (all residential), how can an effective and safe road network be assured when the main access road in to the village is already in such a bad state of repair and considered by Highways as a non-priority ‘B’ road? Whilst it may be claimed that there can be no planning issue relating to the proposed Willow Drive entry to the site, it is hard to understand how at peak “trip times” the Willow Drive/Ribby Road Roundabout will be suitable on a road safety basis. A 2014 traffic police review has already indicated that on the existing traffic flow the roundabout it is “not fit for purpose” and*

*dangerous. This roundabout was originally installed to service 34 houses. The proposed development would materially increase the traffic flow which would most likely also develop Ribby Avenue into a "rat run" so that queueing traffic could leave the site from Manor Road, another entry to Ribby Road – certainly affecting the quality of life for these established areas and their residents.*

*Although Story Homes did initially have representation meetings both with the Parish Council and residents, no notice was taken of any views expressed. The proposed development would create a further imbalance to the village and would be contrary to the accepted and official draft Neighbourhood Plan. Said Neighbourhood Plan, evidently identifies the need for bungalows for the ageing population or affordable starter homes with a preference given to applicants with existing local connections - Wrea Green is an established community and not just a beautiful place to live and to be exploited by developers with large wallets. The area does not require large, 4/5 bedroom houses which will no doubt be evident if this proposal progressed. The development would also create a harder urban edge to what is a rural view of a rural village when approaching from the A583 along Ribby Road.*

*This application would also represent the further irreversible loss of Best Versatile Land (good quality agricultural land) outside the village settlement area. The local farmers are in need of such land and this Council refutes the developer's assessment of the land quality. As you are aware, the Parish Council has in recent years developed a thriving allotment area on similar land in the parish. This has been achieved by introducing satisfactory drainage on land that previously regularly had surface flooding and was in an extremely wet condition. Once again developers are trying to downgrade land quality, as a means to an end! Therefore, Policy EC3 of the Emerging Plan would not be complied with. The continued loss of BVL around Wrea Green is also destroying what has historically been an agricultural based village.*

*The village's sewerage system will be put under further pressure by this proposed development as it is considered locally to be already over-loaded, particularly if looked at in conjunction with the other recently approved and built developments and not solely as a stand-alone arrangement. The village pumping station at The Brooklands is often over-loaded and as a result, there are times effluent overflow has to be directed to Wrea Brook, apparently quite acceptable to United Utilities but not the local residents who suffer the consequences. Residents lower down Wrea Brook are also alarmed at the potential additional water that would be directed to this water course as localised flooding is frequently evident, as it is at the Ribby Road/Willow Drive roundabout which would be in close proximity to the entrance to this site. This situation is exacerbated by the fact that United Utilities does not appear to be fully au fait with the sewage/waste water systems that are extant within the parish. The applicant seems to be making out that Wrea Green is a small town to suit their own needs. Contrary to the developer's notes on the application, the village does not have an NHS dentist, no rail links, no garage, no netball team and certainly no pool club. This is a rural location! Developments of this magnitude take time - It is unacceptable in terms of noise and light pollution, loss of amenity, and the reduced quality of life to the residents of Willow Drive and Ribby Road; especially those adjacent to the proposed entrance to the development. To conclude, with the additional housing already approved and in progress in Wrea Green, this development is not sustainable on an economic, environmental or social basis. It would merely add to the permanent destruction of the character of this rural village, surrounded by an historic agricultural backcloth, which has already been eroded by the recent planning approvals. Consideration of the proposal, ONCE AGAIN, is simply pandering to the 'bully-boy' tactics of the developer looking to cash-in on a stunning and desirable segment of the Fylde, which should be maintained and protected by its councils."*

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

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

Comments made on previous application should be taken as being an appropriate response to this application. Previous comments;

*This is an outline application with only means of access being a detailed matter. The description of the application indicates that up to 49 dwellings are proposed, although scale is a reserved matter. This application is on the site of a previous application 14/0302 which was for up to 100 dwelling. On that application no highway objections were raised although a number of conditions were requested along with a S106 contribution.*

*A Transport Assessment (TA) has been provided in support of this application. The TA is based on the quantum of the development being 49 dwelling and my response will be based on this constraint. I would ask that you consider the following points when determining this application. The TA for this application is based on the TA that was submitted for the previous application and takes into account the highway comments that were made on that application and contains the basic information necessary for me to assess the application. The access to this development is the same as that for the previous application. Subject to the introduction of speed reducing measure this access in highway terms was acceptable. The developer is proposing a number of measures to mitigate against the impact of the development:*

- *A raised table will be provided at the site access junction as well as at the Willow Drive / Ribby Avenue*
- *Zebra Crossing on Ribby Road in the vicinity of St Nicholas Church.*
- *Upgrade the 2 bus stops on Ribby Road at the junction with Willow Drive*

*The above measures are considered necessary and appropriate to make the development acceptable and should be construction under a S278 agreement with the highway authority. The development is below the threshold whereby a Travel Plan is required.*

*I would request that the developer make the following S106 contribution. A contribution of £150,000 for public transport. To be used to supplement the County Councils subsidy of rural transport provision in the Wrea Green area. This payment can be split over 5 years with the first payment being made on the occupation of the 25th dwelling and the remainder annually thereafter.*

*Recommendation; Subject to the developer agreeing to enter into a Section 106 with a contribution toward public transport I can confirm that there are no highway objections to this proposal and would ask that the following conditions be imposed should you be mindful to grant planning permission.*

### **Lancashire County Ecology Service**

In their comments to the previous application they note that the application now covers a smaller area than previously and that the Ecological and Assessment report has been updated and now includes details of additional Great Crested Newt terrestrial surveys. They are satisfied that these surveys, and the efforts undertaken to access other sites, demonstrate that a risk to GCN or other amphibians is limited and so no objections are raised on this or other ecological matters.

They recommend if minded to approve that a series of matters are dealt with at Reserved Matters stage or through planning conditions relating to the layout minimising impact on natural features, lighting arrangements, water vole protection, bird and bat opportunities, ensuring the landscaping of the development enhances biodiversity options, etc.

#### **United Utilities - Water**

Raise no objections to the proposed development provided that a condition relating to the submission for the disposal of foul and surface waters prior to the commencement of development is included in any permission granted.

#### **Strategic Housing**

The application contains an affordable housing statement which accepts the principle of 30% affordable housing provision. The draft s106 needs some improvement, for example, qualifying persons needs to be expanded to enable non Wrea green residents to occupy if no local occupants can be found, the affordable mix by type and tenure needs to be agreed (normally 80% social rent and 20% tenure to be agreed), the numbers on site and off site (or cash) need to be agreed. These matters are capable of resolution through discussion if this application were to be recommended for approval.

#### **Regeneration Team (Trees)**

*The drawing ref 503 submitted for this outline application suggest an intention to retain all the trees internal to the site and the low density would allow for the spatial requirements of offsite trees such as the line of mature sycamores bounding Langton's Farm.*

*The drawing proposes access between Group 3 and Group 4, which is quite constrained. Group 4 comprises three high-value trees – two Turkey oaks and a beech – but I'm less impressed by the four trees in Group 3, which are evidently survivors from a grubbed out hedgeline and drainage ditch. The Turkey oak in this group has root damage and is not in good condition, while the remainder are not of ideal form. My instinct is that if access must be located through these two groups it would be wise to forego Group 3 in order to permit a better standoff to the high value trees in Group 4.*

*I previously TPO'd the linear woodland that marks the eastern boundary of the site and would now like to make a new TPO in respect of T1, a mature ash near the proposed access, Group 1, which are visually-dominant sycamores bounding the west of Langton's Farm, and the two Turkey oaks and beech tree in Group 4.*

*Trees around the site's two ponds are best ascribed biodiversity value, with those forming Group 6 being the better. There seems no intention to remove these.*

*The landscaping scheme proposes a woodland shelter belt of 10 metres' width at the southern limit of the site and I welcome this, but would only ask that we ensure there's sufficient thought given to re-stocking it over its establishment period as realistically many of the bare root transplant trees intended for here will fail and if the landscaping is to succeed it is likely an annual re-stock will be necessary.*

*It's unusual to see sweet chestnut included in a native woodland scheme but as the tree is highly attractive and may be well-suited to a future climate I think this is acceptable.*

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

Following the review of the Landscape Proposals, their plans show limited impact to the trees and hedgerows. The recommendations are to retain and improve the hedgerows, thus maintaining the landscape character limiting the visual impact of the development. The plan shows the retention of the existing pond. Further information is required with regards to the management and maintenance, and who will be responsible for this. Recommendation the provision of pedestrian/cycle links to the adjacent new development, to improve the site connectivity. The visual impact of the development will be concentrated to the south. The plans submitted for the southern boundary strip of trees are satisfactory.

**Environmental Protection (Pollution)**

Raise no objection to the development subject to standard controls over construction related disturbance.

**Electricity North West**

We have considered the above planning application and find it could have an impact on our infrastructure. The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements. If planning permission is granted the applicant should verify such details by contacting Electricity North West, Estates and Wayleaves, Frederick Road, Salford, Manchester M6 6QH. The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity. There is an LV service cable crossing the site east – west from the dwellings on Ash Grove. The applicant should be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant.

**Natural England**

Natural England has previously commented on this proposal under the previous application ref 14/0735 and made comments to the authority in our letter dated 27 November 2014. The advice provided in our previous response applies equally to this application although we made no objection to the original proposal.

Original response stated that they have no objections to statutory nature conservation sites and that based upon the information provided the development is unlikely to affect any statutorily protected sites or landscapes. With regard to protected species they have not assessed the application and refer the Council to its published standing advice on protected species which includes a decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of species being present as well as flow charts to enable assessments to be made of protected species surveys and mitigation strategies. They state that the application may provide opportunities to incorporate features into the design which are beneficial to wildlife and that the authority should consider securing measures to enhance biodiversity. The application may also provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment, use natural resources more sustainably and bring benefits to the local community, for example through green space provision and access to and contact with nature.

### **Campaign for the Protection of Rural England**

The CPRE have written to express objection to the proposal with a detailed letter, that highlights their view that the council is able to demonstrate a 5 year housing supply and so there is no need for the grant of planning permission for out of settlement sites without them being tested through the plan-led system. Their comments are summarised as follows:

- Exercise power to decline the application under (Section 70B).
- Identical application, except where parties have submitted a new representation all previous observations should be reconsidered.
- Planning Balance – conflict with policy, five year supply, alternative sites available, loss of countryside and agricultural land, cumulative scale of development and ecology.
- Conflict with the Local Plan Draft revised preferred option – site is within the area of separation.
- 5 year housing supply in Fylde – disagree with Fylde’s assessment as will never show a 5 year supply. Their calculations show over 5 year supply.
- Alternative sites – a number of other sites available, support the Whyndyke scheme.
- Development in countryside - contrary to SP2 of Local Plan which is not out of date
- Loss of agricultural land – loss of good quality land.
- Cumulative scale of housing in Wrea Green – amount of development excessive and unsustainable.
- Unresolved ecological survey matters – CAPOW independent ecologist says surveys insufficient.

### **LCC Contributions**

No comments received at time of writing report, their views will be reported through the late observations sheet.

### **Lancashire CC Flood Risk Management Team**

The Lead Local Flood Authority has no objection to the proposed development subject to the inclusion of conditions to ensure that the development is undertaken in accordance with the methodologies referred to in the submitted Flood Risk Assessment, that details of a suitable surface water drainage arrangement are submitted and agreed, and that appropriate arrangements are made for the management of that system through its lifetime.

### **Other interested parties**

#### **Councillor Frank Andrews**

*Two earlier applications for 100 homes and 49 homes on this site were correctly rejected by FBC DMC. It is difficult to understand why a third application, exactly the same as the second application has been made. The first 2 applications are due to be decided at an appeal process scheduled for December 2015 so the rush to submit an additional identical application is not understood.*

*Furthermore we are informed that the Borough Council Planning Officers have now paid a number of consultants to back their decision to recommend approval for these 49 homes.*

*To aggravate this we are also told that we are not allowed to see the advice the consultants have given because it is "legally privileged". Clearly this massively disadvantages my ward residents who don't understand why the council refuse to support them. Consultants are obviously able to produce the results that the paying authority wishes; indeed their opinion is no more valid than anyone else's. The only way this process can be seen to be fair is to make public their findings and to finance further professional studies initiated by myself and the Parish Council as to why they are wrong. However I will summarise why all our original concerns remain valid.*

*The first being that the entire application lies outside of the village boundary on high grade agricultural land that is currently well tended. The land in question is designated as "countryside" and to convert this to building land would contravene FBC own Local Plan [Policy] SP 2.*

#### *Quantity of New Build*

*Residents are very concerned over the amount of new build that is currently approved;*

- Richmond Avenue - 54 homes*
- North View Farm – 55 homes*
- 54 Bryning Lane – 25 homes*
- And smaller individual applications total - 10 homes.*

*That makes a total of 144 homes currently in build or approved to build in this small 633 house village/ward.*

*If you add the proposed 49 homes and subtract the modern house that has to be pulled down to give access the total number of new building in Wrea Green would total 192. This is clearly more than the infrastructure can take and would completely overload the village and alter it beyond recognition. Furthermore so much building at any one time would destroy the village social cohesiveness and it should be remembered that the importance of Cohesive Communities is underlined in the Fylde Plan. This substantial extra build cannot be supported nor has the need for it been demonstrated.*

#### *Need*

*Perhaps equally important is the complete lack of need for the huge amount of housing proposed. There are currently approximately 40 houses for sale/empty in the village. There might be a national requirement to build more homes but there is demonstrably no need in Wrea Green. The Office of National Statistics indicate the Fylde population is falling very slightly and for these reasons alone new applications should be limited in number and confined to within the existing village boundary.*

#### *5 Year Housing Supply*

*Fylde Borough has a tough 5 year housing target to meet but it is now very close to achieving this. Given the number of large applications elsewhere in the borough that are currently being considered there should be no rush to approve any further housing in Wrea Green.*

#### *Local Plan/Neighbourhood Plan*

*Whilst the FBC Local Plan is not yet complete Wrea Green has completed its Neighbourhood Plan and has undertaken its housing survey. Whilst the Local Plan awaits completion both these surveys, which recommend no further development in Wrea Green, should be honoured.*

### Road Access

*Access is another major problem as Ribby Road is one of the busiest roads in the village. Access to the proposed site will be via Ribby Road and Willow Drive. At peak times Ribby Road is at best "difficult" as it suffers queues of cars backing up while oncoming cars wait to pass parked cars. Recent experience clearly indicates that development directly off the 2 through roads creates less friction, less trouble and is far more acceptable than developments that create suburban networks. That is when the sole access is only via other deeply residential roads. As is the case here.*

### Separation

*Furthermore it eats away at the important green separation between the village and our nearest town, Kirkham. It is essential that Wrea Green is not allowed to creep ever bigger and that a clear countryside continues to surround the village.*

### Flooding

*Like many areas of the village there is wide concern over the frequency of flooding; especially evident in 2014 with its heavy rain fall. It is essential that surface water and foul water are adequately and properly removed. Local knowledge and experience indicates that Wrea Green's drainage is already overloaded and cannot be stretched further.*

*This application is an excessive development in a small residential village. It is unwanted, not needed and contravenes both the village and FBC Local Plans as it fails to meet the requirements of SP2, HL1 and HL3. I join with Wrea Green Parish Council and the CAPOW Action Group in asking for this application to be rejected.*

*If this is not possible then my ward should be given the finances and the time to get their own independent professional advice.*

## **Community Association for the Protection of Wrea Green**

Comments have been received from Community Association for the Protection of Wrea Green (CAPOW) which are summarised as:

- Documentation – the application is accompanied with old documentation which contains errors and misleading and inconsistent information.
- Site visit- they consider it essential members visit the site.
- Ecology – they have commissioned an ecology report from a consultant which states the surveys done by the applicants is inadequate.
- Access – Access is poor and the noise to residents would be great.
- Agricultural land – the report relates to the whole of the site including the land to the south and not the application site, and therefore the summary of land quantity is wrong. All the good quality land is in the revised site area.
- TPO's – indicative plan places dwellings too near to TPO'd woodland.
- Revised Planning Statement – many errors within the statement including access to facilities, planning policy and housing need.
- Sustainability – Argue that the accessibility score for the site is such that it has a 'low accessibility' to services and too many dwellings.
- Accessibility and access - The roundabout at Ribby Road / Willow Drive is frequently ignored by drivers resulting in regular 'near misses' and more vehicles on Willow Drive would exacerbate that. The proximity of the access to the neighbours on Willow Drive will harm their residential amenity during construction

- and beyond. The village is subject to speeding traffic.
- Infrastructure and cumulative flood risk – the sewerage system in Willow Drive could not accommodate the additional foul sewerage loadings from this development and that at Richmond Avenue without being upgraded. There are also known surface water flooding issues at Ribby Road which this development will exacerbate.
- Prematurity to the Local Plan, including the Area of Separation – the site is in agricultural use and is largely designated as an ‘area of separation’ in the FBC draft Local Plan
- Need for housing – if empty houses are added to the council’s published housing supply figure they will meet the required rate and so there is no need for additional development.
- Noise and pollution in Willow Drive.
- Change of Character of the Village – the scale of development in recent years in the village is a 20% growth without any additional infrastructure investment. This scheme increases that to 36% and is unacceptable. Use of greenfield site for housing, not in accordance with housing needs survey.
- Public Consultation – Express the view that the public consultation undertaken by the applicant explained that the community did not require additional housing, yet they have still made the application.

### **Neighbour Observations**

**Neighbours notified:** 15 July 2015

**No. Of Responses Received:** 42

**Nature of comments made:** All of the letters received are opposed to the development, with the points raised summarised as:

- Inadequate access.
- Local amenities would not be able to cope.
- Loss of BMV agricultural/greenfield land.
- Increase in flooding risk and drainage issues.
- The development will damage the character of Wrea Green as a rural village.
- Oversupply of new dwellings in Wrea Green and no need.
- Noise pollution,
- Increase in traffic and congestion.
- Need for small dwellings not large detached dwellings.
- School is oversubscribed.
- Impact on area of separation.
- Existing infrastructure insufficient.
- Contrary to the NPPF.
- Why so many new houses in Wrea Green.
- There has been a 30% increase in the size of the village
- The development should include bungalows.
- Access is unacceptable.
- Inspector decision that upto 100 houses only is sustainable.
- All the matters relevant to refusal of 100 homes apply to this application,
- Development is not in accordance with the housing needs survey or the draft neighbourhood plan.
- Developers are treating residents with contempt by submitting this application.
- Other housing approvals in the village, don't need this one.

- The Local Plan process should be used to determine where development takes place in the borough, this application is premature to it.
  - Size of the proposed development excessive.
  - The roundabout access to Ribby Road from Willow Drive is poorly designed and unable to accommodate additional vehicles.
  - Willow Drive is not built to a standard that would allow it to handle the additional construction and resident vehicles
  - The borough does not have a housing shortage and so there is no need for the development that is proposed
  - Noise created from proposed raised platform.
  - The development will damage the character of Wrea Green as a rural village
  - The public consultation event proved that the village is opposed to the development and the council should listen to those views
  - The application contains inadequate or inaccurate information.
  - The development will cause an enormous increase in traffic on Ribby Road and through the village which is already congested to gridlock at peak times
  - The village has seen a large number of applications in recent years as it is profitable for developers and not because they are needed. The council should resist this to protect the wishes of its residents
  - The environmental impact on the neighbouring dwellings to the access on Willow Drive will be excessive and seriously detrimental to their amenity for 5 years of construction
  - Telecommunications and other utility services in the village are poor and would be worsened for existing residents if stretched to serve these additional properties
  - Willow Drive was designed to accommodate 14 dwellings, and has since been extended considerably with the Becketts Forge scheme, but cannot cope with any further extensions.
  - The development will have a very harmful impact on the living conditions for the properties at each side of the access
  - The development will lead to the village almost merging with Ribby Hall and so with Kirkham
  - The development will have a very harmful impact on the residential amenity of the occupiers of Langton's Farm as it will dominate views from that property and cause disturbance to the occupiers of this property from the inevitable activity associated with development and occupation of this number of properties. The development will also disturb the horses owned by that property which are important given the intention of their daughter to compete at a high standard of equestrianism.
  - The scheme is insular and isolated from the rest of the village.
  - There can be no justification for the demolition of the perfectly sound property at No 15 simply to provide access to this site.
  - There is a widespread public opposition to the proposed development
  - Loss of view, increase in noise, overlooking and loss of light.
  - The site is allocated as Countryside in the Fylde Borough Local Plan and should therefore be protected as such
- The occupiers of Langtons Farm as well as writing letters of objection individually have submitted a detailed statement of objection made by a planning consultant on their behalf. This statement refers to the impact the development will have on their security, the concerns about the potential impacts of the development on show jumping horses, and the impact on amenity and privacy. Because of these concerns they request if approved a condition is placed on any permission to ensure adequate mitigation measures are included at reserved matters. A design impact statement written on behalf of the occupants has also been submitted which reiterates these views and expands on the negative impact the

development will have on their amenity by virtue of the overbearing and overly dominant impact will have on the existing farmhouse. A letter has also been supplied from a veterinary centre outlining the detrimental impact the development will have on horses at Langtons Farm. They also supply a letter from a security consultant outlining that the development will create issues relating to stress, theft and damage to property. They also supply a letter from an estate agent stating that their property would be de-valued if planning permission were granted.

### **Relevant Planning Policy**

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

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

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

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

#### **Site Constraints**

Within countryside area

### **Environmental Impact Assessment**

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

## **Comment and Analysis**

The main issues when considering this application are;

Planning History of the Site  
The principle of development  
Does the proposal deliver sustainable development?  
Visual impact on character  
Highways issues  
Drainage Matters  
Ecology and trees  
Affordable housing provision  
Public open space  
Public realm  
Education

### **Planning History of the Site**

The development proposed by this application was previously considered by members on 7 January 2015, as application 14/0735 which was recommended for approval by officers. The decision of that Committee was to refuse the application for the following reasons:

- *The scale of the development, taken in conjunction with recently approved residential developments around the village is excessive for the settlement of Wrea Green and the services available. There is no pressing local justification in terms of a demonstrable need for housing to be provided specifically in Wrea Green which would justify such a cumulative increase in the number of dwellings in the village. In such circumstances the application is contrary to Policy SP2 and Criterion 2 of Policy HL2 of the Fylde Borough Local Plan and the guidance of paragraphs 17, 58 and 118 of the National Planning Policy Framework as the proposal would result in a cumulative increase which would be detrimental to the character of the village.*
- *The scale of the development combined with the proximity of the access to the neighbouring residential dwellings will result in an unacceptable increase in traffic in close proximity to the dwellings and the private amenity space associated with the adjacent dwellings. Accordingly, due to the level of vehicle movements utilising that access which will cause noise and other disturbance to neighbouring residents, the proposal will result in an unacceptable reduction in residential amenity enjoyed by the occupiers of those properties. As such the proposed access location to the development will conflict with criteria 4 of Policy HL2 of the Fylde Borough Local Plan and paragraph 17 and 53 of the National Planning Policy Framework.*

Following this decision the applicants submitted an appeal against this refusal as well as a previous application 14/0302 that was refused by members as per officers recommendation for 100 dwellings at this site with additional land to the south. These are scheduled to be determined following a public inquiry that is to commence on 1 December 2015.

With regard to these appeals an item was presented to the 10 June 2015 meeting of Committee to allow consideration of the council's case following receipt of advice from a barrister and planning consultant whom were to be appointed to defend the Council's decisions. The advice received was that the case against the 100 dwelling appeal is generally strong and is one that should be pursued. However, the planning arguments to defend the appeal against the 49 dwelling scheme are considerably weaker, being entirely subjective and not supported by any technical consultee objection. The advice was that the case against this appeal will be a difficult one to successfully defend and subsequently officer's advice was to effectively withdraw objection to the principle of

development on this site for this number of dwellings.

With this current application being an identical resubmission of the appealed scheme for 49 it is useful to revisit that report. The consultant's conclusion was;

*“Unless new evidence is made available that demonstrates unacceptable traffic impact on existing neighbouring dwellings, then Reason 2 cannot be substantiated. This evidence would most likely contradict that considered previously by Fylde Borough Council officers. This means that the case would be dependent on Reason 1. There are elements of this Reason for Refusal which could be put forward, possibly in relation to the relationship between the scale of development and sustainable settlements. However, it should be noted that this is not a strong Reason for Refusal due to its relative subjectivity, as indicated in previous appeal cases, and the weight attributed presumption in favour of approval in NPPF where there is not a five year housing land supply, as is the case in Fylde. Furthermore, it is not anticipated from the desk review that there will be landscape ground for refusal in relation to Reason 1.”*

Members accepted that advice and so the Council's Statement of Case was presented on that basis and confirms in its introduction that the Council will not be presenting evidence in defence of the appeal relating to planning application 14/0735 (Appeal reference: APP/M2325/W/15/3006279) which was the proposal for 49 units. Following on from this applicant chose to submit this application.

Since that application was determined in January and the Committee consideration in June there has been little material change in the circumstances that would affect the decision: the site remains in the allocated countryside, the council remains unable to demonstrate a 5 year housing supply, the weight to be given to supporting schemes that help councils to deliver sustainable residential development remains high, the physical characteristic of the site remain the same. The only slight change is that the council has resolved to publish its Revised Preferred Option of the Fylde Local Plan to 2032 for consultation, but as that has yet to happen then it has no greater weight. In such circumstances it is inevitable that the officer recommendation is generally supportive of the development of this site, with this report covering the relevant planning issues and updating them from the previous reports where appropriate.

## **The principle of development**

### Policy Background

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

Under the Fylde Borough Local Plan the whole of this application site is outside of the settlement boundary of Wrea Green other than the dwelling and curtilage of 15 Willow Drive which are to provide the access to the site. The land is allocated as 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 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 on the conflict with the Local Plan allocation would be appropriate.

The Fylde Borough Local Plan remains a relevant policy document where it is consistent with the NPPF, with 'due weight' being given to relevant policies within the Local Plan, and the weight given to these policies depending upon the degree of consistency with the NPPF and remains the starting point for determining planning applications. Residential development proposals are assessed against Policy HL2 of the Fylde Borough Local Plan with this introducing a series of criteria. However when there is a conflict between the saved policies and the NPPF, the NPPF takes precedence, however it should be read as a whole and in context. On the face of it, the development is contrary to Local Plan policy SP2, however as stated above local plan policies should only be given 'due weight' and the weight given to them will depend on the consistency with the NPPF.

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.

#### Need for development/Five year housing supply/Housing mix

A Housing Requirements Paper was presented to the Council's Development Management Policy Committee on 17 June 2015. It summarises the findings of the SHMA and provides an analysis of housing need in light of the 2012-based Sub-National Population Projections and the Sub-National Household Projections. The Paper concludes that a figure of 370 dwellings per annum will meet Fylde's objectively assessed need for housing. This figure will be subject to public consultation when the Revised Preferred Options document is put out for consultation later this year but appropriate figure to use in assessing the five year housing supply figure.

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

The previous application was refused in part because the scale of development with this application along with other applications approved in the village. The scale of development is discussed later in this report however the housing land supply deficit is one that that gives great weight to the proposal and it has to be acknowledged that the housing land supply deficit is a Borough wide problem and should not be considered on anything other than a Borough wide basis. As the applicants statement correctly points out this reflects the conclusions of the recent appeal decision at Land opposite Rose Cottage, Holmes Chapel Road, Brereton Heath, Cheshire (Ref: APP/R0660/A/13/2192192, paragraph 13). Therefore if the development proposed is considered to be an acceptable scale the development cannot be refused on the basis that Wrea Green as a settlement has already taken its fair share of development. If a development is sustainable and clearly aligns with the requirements of the NPPF to boost significantly housing land supply it should

be approved without delay.

The SHMA is part of the evidence base for the emerging Local Plan. It looks at the types of housing there is in the Borough, and what tenures and house types there is a shortage of in relation to need. Broadly speaking Fylde has fewer smaller properties with significantly higher levels of larger 4 bed houses. This is particularly true in the four rural sub-areas, where on average around 35% of households have 4 or more bedrooms. This is considerably higher than the Fylde Coast and national averages of 17% and 19% respectively. If this application were to be approved it is considered that an appropriate housing mix would need to be provided in order to meet the requirements of the SHMA, and would address some of the issues raised by consultees in respect of the scale and type of the properties that are required in the borough and particularly in Wrea Green. However, this is a matter for consideration at the reserved matters stage rather than this outline stage where only the principle of the development is at stake.

#### Recent planning history

Asides the recent refusals on the application site there have been a number of major residential housing developments in recent years which are listed in the following table:

<b>Application</b>	<b>Site</b>	<b>Decision</b>	<b>Dwellings</b>
10/0709	Former Wareings site	Granted by FBC	15
12/0408	Richmond Avenue	Granted by FBC	54
12/0456	54 Bryning Lane	Refused by FBC and allowed at appeal	25
12/0720	Moss Side Lane	Refused by FBC and dismissed at appeal	50
13/0137	Adj. 53 Bryning Lane	Refused by FBC and dismissed at appeal	32
13/0507	North View Farm, Ribby Rd	Refused by FBC and allowed at appeal	49
14/0491	North View Farm, Ribby Rd	RM Granted by FBC	42
15/0296	North View Farm, Ribby Rd	Granted by FBC	13

The key points from the Inspector's decisions were:

- He accepted that the council's methodology for calculating its 5 year housing supply was appropriate and that the appeals should be determined in line with guidance in paras 14 & 47 of the NPPF
- He acknowledged that there was scope for some sustainable residential development in and around the village
- He stated that the Richmond Avenue scheme "will provide early support for village services and contribute significantly towards and local needs for housing arising in the village."
- With reference to the scale of development that could be accommodated he opined 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."
- He refers to a distance of 1000m from dwellings to services or transport connections as being a suitable guidance distance that people are likely to walk to access those services and connections
- He made reference to the need for development to not compromise the character and appearance of the settlement, with this being the key determining factor in the dismissal of two of the appeals
- He agreed that a residential scheme should provide affordable housing at 30% of the total scale of the site, but accepted that this could be split between on and off site provision with the payment of a sum of £50,000 in lieu of each on-site dwelling not provided being a

suitable approach.

- He accepted that the payment of contributions to offset a shortfall of school places was an appropriate mechanism for addressing that shortfall that complied with policy and guidance
- He did not accept that the council could reasonably require public realm contributions from developments as the absence of an actual scheme meant that this would not comply with the CIL regulations

### **Does the proposal deliver sustainable development?**

The previous application at the site for 49 dwellings was considered by officers to constitute sustainable development, however members chose to refuse the application for the reasons outlined above. The first reason for refusal was that the scale of the development in conjunction with the other recently approved residential developments around the village is excessive for Wrea Green and services available and that there was no pressing local justification in terms of a demonstrable need for housing to be provided specifically in Wrea Green which justify such a cumulative increase in the number of dwellings in the village. The second reason related to amenity and will be dealt with in paragraphs below.

#### Accessibility of Site

The Inspector agreed that there was scope for some development in Wrea Green but expressed a view on the scale of the development that would be appropriate without any enhancement of the services in the area. The services that exist cover the basic day-to-day needs that would be expected in a rural village with a shop, primary school, regular bus service through the day, employment area, church, pub, day nursery, community hall, cycle route, play area and village green. This site is located outside of the settlement boundary, but is immediately adjacent to it and in the area of the village that is closest to Kirkham (where higher level services are available) and is conveniently located to the bus services on Ribby Road and the existing village play area off Wray Crescent. The majority of the services are clustered in the centre of the village which is less than 800m from the centre of the site, and so within walking distance. It is considered that the site has a reasonable accessibility to these services by virtue of this proximity, and over the access arrangements to them. County Highways consider the mitigation proposed by the applicant;

- A raised table will be provided at the site access junction as well as at the Willow Drive / Ribby Avenue
- Zebra Crossing on Ribby Road in the vicinity of St Nicholas Church.
- Upgrade the 2 bus stops on Ribby Road at the junction with Willow Drive

together with a contribution of £150,000 towards public transport to be appropriate. These are considered to be reasonable and proportionate for a development of this nature and so could be imposed by condition and legal agreement should the development be acceptable.

#### Scale of the development

The application for 100 dwellings was refused partly due to concerns over the scale of growth that they would bring to the village, and whilst officers considered the revised plans for 49 dwellings to be of an acceptable scale members felt that the development along with those already approved would be excessive for Wrea Green and services available and that there was no pressing local justification in terms of a demonstrable need for housing to be provided specifically in Wrea Green which justify such a cumulative increase in the number of dwellings in the village. Officers maintain that 49 dwellings is of an acceptable scale of growth for the village in this position and the analysis provided below is the same as the previous application and is given greater weight by the

fact that members have chosen not to defend that refused appeal.

The Inspector's decision letters suggest that a growth of 100 dwellings could be accommodated above those that had been previously approved, which includes the Richmond Avenue scheme. He then proceeded to allow two of the appeals with a combined 74 dwellings. The North View farm schemes has since had reserved matters approved but with a reduction of 7 dwellings to that approved at outline and additional 13 dwellings have full planning permission on the site adjacent. This application for up to 49 dwellings would be in excess of the capacity that the Inspector considered could be accommodated and would bring the total up to 129. The applicant expresses the view that they do not consider that a development or developments for up to 49 dwellings in total would put undue pressure on existing infrastructure, and that the Inspector is not ruling out the acceptability of a higher number of dwellings. Your officers accept that this is not an unreasonable interpretation of the Inspector's wording, however, as the appeals were dealt with via written representations it is not clear how the figure of 100 dwellings was arrived at. The Inspector in those appeals states that *'there is no compelling evidence that granting permission for any one of the four proposals under consideration would be likely to overwhelm the current services available within the village. I acknowledge that the nature of the settlement is such that residents of the development would still be substantially reliant on car travel to higher order settlements for many services'*. As stated above he also mentioned that up to 100 dwellings would not put undue pressure on existing infrastructure. None of the dismissed appeals were dismissed for reasons of sustainability or pressure on existing infrastructure and the Planning Inspector had no evidence before him to demonstrate that more than 100 dwellings in total would have an unacceptable impact on the village.

The applicants submission states that *'there remains a lack of compelling evidence to substantiate the claim that there is a "significant likelihood" that services will be unable to meet the needs of this additional population. As the Inspector states in paragraph 32 of the appeal decision at North View Farm, Wrea Green (App Ref. APP/M2325/A/13/2209839), surely businesses within the village would welcome the additional custom from further residential development, which will help to support and maintain the viability of the village. Wrea Green is one of the larger villages in Fylde with a range of existing facilities, including relatively good public transport links and the Council acknowledges that it cannot meet projected housing requirements without some release of greenfield land in the countryside adjoining villages. Notwithstanding this, the Inspector in the four Wrea Green appeals concluded that a development or developments for up to 100 dwellings in total (in addition to those permitted at Richmond Avenue), would not put undue pressure on existing infrastructure. However, the Inspector had no evidence before him to demonstrate that more than 100 dwellings in total would have an unacceptable impact on the village and does not seek to identify evidence to support this comment. Allied to this the Inspector does not dismiss the two appeals at Land south of Moss Side Road (APP/M2325/A/12/2200856) and Land adjacent to 53 Bryning Lane (APP/M2325/A/13/2200215) on the basis of any undue pressure on existing infrastructure that would ensue. Therefore, it is difficult to assess the weight which should be attributed to this comment. When all elements of infrastructure in Wrea Green are addressed, as they are within the planning application, no harm can be identified arising from this development proposal'*.

Your officers would agree with this statement. The reduction from 100 to 49 dwellings at this site is significant, and whilst Wrea Green's capacity to expand its non-residential infrastructure is constrained by the road network, Conservation Area and railway line, the occupants of these dwellings would be in the same situation as existing residents of the village. The NPPF encourages development in rural areas to promote the retention and development of local services and facilities in villages (para 28), with the council recognising this in its support for the development of the former Wareings site and the land off Richmond Avenue. This development would provide further

custom to existing businesses. It is important that the development in an area is not excessive so that the available services are able to meet the needs of the population without those residents having to leave the village for their needs which would reduce the sustainability of the development. In addition, a significant increase in the number of dwellings in a village may lead to a change on the character of the village itself with increased traffic and urban expansion impacting upon the setting of the village. This was the case with the previous application, however a reduction to 49 dwellings with the mitigation proposed for the highways impact and the reduction in size of the site in terms of the setting of the village makes this application on balance a more sustainable development.

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. For the reasons explained in this section it is contended 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. Paragraph 55 of NPPF relates to development in rural areas and is supportive of it where it will enhance or maintain the vitality of rural communities. Whilst with the recent developments in the village there can be no argument that this scheme is required to support the vitality of Wrea Green it is not considered that this in itself is enough to warrant refusal of the application. In the four recent appeal decisions in Wrea Green the Inspector concluded "There is no compelling evidence that granting permission for any one of the four proposals under consideration would be likely to overwhelm the current services available within the village. I acknowledge that the nature of the settlement is such that residents of the development would still be substantially reliant on car travel to higher order settlements for many services". This nature would continue albeit with an increase in the number of dwellings using existing services in the village.

### **Principle of the development – conclusions**

The site is located directly adjacent to the rural settlement of Wrea Green. It is adjacent to existing housing to the north and west. The site is located south of Ribby Road, a main road that runs through Wrea Green and its associated bus routes and is within reasonable distance of local and community services in Wrea Green which include a primary school, pre-school, a public house, shop, dental practice, garage, café and tea rooms, restaurant, hair salon, sporting clubs and facilities and two places of worship. Wrea Green does lack retail facilities, this is due to the size of the settlement and its constraints. The lack of shops means that existing residents must travel or have their shopping delivered and it would be the same for the residents of the proposed site. The proposed development is located directly adjacent to the existing settlement, and it is considered that the site is sustainable in relation to the settlement and would not be 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 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). Furthermore when considering the housing objective of the NPPF the most up to date evidence of housing need in Fylde is the Strategic Housing Market Assessment which has been recently updated and again through an analysis of housing need in light of the 2002 sub-national population projections (May 2014) and finds that in order to meet the authorities housing needs approximately 300-420 dwellings per annum will need to be provided. The 2013 SHMA is part of the evidence base for the local plan, and is a material consideration in the determining of planning applications. The proposal would therefore contribute to meeting this identified need for dwellings in the emerging Local Plan and the housing supply for the Borough as a whole. Providing that the suitable accessibility enhancements

discussed in this report are delivered, this site is considered to be a suitable location for development, and the scheme of a scale that can be accommodated without causing evidenced harm to the settlement of Wrea Green. On this basis the proposal is considered to be sustainable in relation to the settlement 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.

### **Visual impact on character**

Application 14/0735 was considered to have an acceptable visual impact by Officers and members whilst not supporting the application in relation to scale and residential amenity chose not to refuse it for reasons of visual impact on the character of Wrea Green. Reason for refusal one related to the scale of the development being excessive and the advice from consultants was *“it should be noted that this is not a strong Reason for Refusal due to its relative subjectivity, as indicated in previous appeal cases, and the weight attributed presumption in favour of approval in NPPF where there is not a five year housing land supply, as is the case in Fylde. Furthermore, it is not anticipated from the desk review that there will be landscape ground for refusal in relation to Reason 1.”* Therefore the reason for refusal whilst referring to scale did not refer to that scale having an unacceptable visual impact on the settlement or its character.

The application site is open countryside that lies beyond the settlement boundary and is currently greenfield land that remains in agricultural use. It is lain to grass and so forms a typical part of the countryside in Fylde borough. The issues to be considered are the visual impact of the development on its immediate surroundings and how the application site fits in with the established urban form of the village. The application has been submitted with a landscape and visual impact assessment and has been considered by the Councils Landscape and Urban Design Officer who raises no objections to the proposal stating that the development will have limited impact to trees and hedgerows thus maintaining the landscape character and limiting the visual impact of the development. They state that the visual impact will be concentrated to the south and that the details submitted with regard to the planting on the southern boundary is acceptable, this includes a mix of species which can grow to upto 4m in height. The Council’s Tree Officer also welcomes this stretch of planting.

With regard to direct visual impact, these will be significant to properties that bound to the site on Willow Drive, Ash Grove, the recently re-built dwelling at Langtons Farm, and to those under construction by Wainhomes of Richmond Avenue. There will also be some visual impact to dwellings off Ribby Road that back onto the site across intervening land and to others on Bryning Lane that will see it in a similar relationship. The development is not likely to be directly visible approaching the village from Kirkham as the land levels and a row of trees outside the site will largely obscure these views. This application has reduced the size of the application site and number of dwellings so that the developments southern boundary is now approximately 160m further north than the refused application. The application also proposes a robust southern development boundary to appear as a new settlement boundary including a new tree belt. The application site also does not extend as far south as the housing site located to the west. The site as existing is an undeveloped agricultural field containing ponds and hedgerows. Beyond the southern and eastern boundary are fields and to the north and west residential development. Beyond the red edge boundary to the south is a farm and there is sporadic development to the west on the south side of Preston Road It is located in the open countryside directly adjacent to the settlement of Wrea Green. Clearly the development of an undeveloped field will have an impact upon this character. The proposal is for a residential development which is the same as the adjacent land to the north and west and with the reduction in site area the impact on the character and setting of the village are

significantly reduced. The significant existing woodland to the east of the application site provides a natural boundary and backdrop to the development. When viewed from the south this development will appear further set into the village than the adjoining residential development with this development screening views from the west. The landscape features – the ponds, and tree/hedgerow boundaries are to be retained. The additional planting within the site on the existing grassed field will result in an increase in vegetation features within the site. The dwellings immediately adjacent to the site would experience a change in outlook to the rear of their properties but this change in outlook is not something that would warrant refusal of this application. Para 58 of NPPF refers to the quality of developments and includes a requirement for planning decisions to respond to the local character of an area. This is a similar requirement to criteria 2 of Policy HL2 which requires that a development is in keeping with the character of the locality. It is considered that the development site area proposed, bounded by existing development to the north and west, with a considerable woodland area to the east would not have an unacceptable impact on the character of the settlement and would not create an unacceptable visual impact that would warrant refusal of the application.

### **Area of Separation**

The Fylde Local Plan to 2032 will become the successor to the current Fylde Borough Local Plan. The initial draft proposed an Area of Separation and covers an area between the existing eastern edge of the Wrea Green settlement and the edge of Ribby Hall Leisure Village and crosses both sides of Ribby Road. The Policy is intended to maintain the character and distinctiveness of this area between Wrea Green and Kirkham. This Policy is to be retained in the Plan as it moves to Revised Preferred Option stage.

With the exception of the northern part of the application site to the rear of Willow Drive, the majority of the site is within the area covered by this Policy. The application acknowledges the presence of this Policy, but discounts the weight that can be attributed to it as they say there is no evidence base to justify it is needed, and that there is no landscaping assessment presented to justify the boundary of the area that has been designated or that development within it would harm the character of either Wrea Green or Kirkham. They also make a general point about the early stage of preparation of the Plan which means that it carries very little weight overall as a policy document. In the assessment of this application the Area of Separation is a material consideration, but is one that has little weight as it is in a Plan that it at an early stage and has not been tested at examination. It is not considered that this proposed Area can justify a reason for refusal of this application.

### **Loss of Agricultural Land**

The application site is entirely greenfield land that is in agricultural use. The applicant provided a survey of the site which confirms that it is a mixture of Grade 3a and Grade 3b land, with the northern part from the boundary with Langtons Farm extending approximately 60m into the site being Grade 3a and so a grade that is regarded as Best and Most Versatile Land that is protected from development by Policy EP22 of the Fylde Borough Local Plan and by paragraph 112 in the NPPF. The loss of Best and Most Versatile Agricultural land is a factor that must count against a development and raises conflict with Policy EP22 of the Fylde Borough Local Plan and para 112 of the NPPF as quoted in NPPF. However, the area of BMV is limited and it is not considered to constitute a “significant development of agricultural land” as is required by the more recent NPPF guidance. There have also been a series of appeal decisions nationally where agricultural land protection has been seen as being of secondary importance to delivering residential development where those are the only competing factors to be weighed in a decision. Accordingly the loss of

this area of Best and Most Versatile Agricultural Land is not an issue that is considered to justify a reason for refusal of the application.

### **Highways issues**

Planning application 14/0735 was considered by members and not refused for any highways issues. LCC have considered this application and state that in highways terms the proposal is a repeat of that application and that those comments are appropriate for this application.

The application proposes a single vehicular access which is to be achieved by the demolition of the dwelling at 15 Willow Drive which allows a 5.5m wide access and a 1.8m wide footways on the south side to connect to the existing highway on Willow Drive via a simple priority junction. Willow Drive is built to a similar standard and connects to the general highway network via a mini-roundabout at Ribby Road. The County Highway Authority have been consulted on the application and raise no objections to the proposal. The application has been submitted with a Transport Assessment which they have considered and commented on. The application is outline with all matters reserved asides access. The County Highway Authority have stated that the application is on the site of previous application 14/0302 for 100 dwellings to which they raised no objections, although there were a number of conditions and s106 contribution required. His response to this application is on the basis of it being for only upto 49 dwellings. They state that subject to speed reducing measures the access to the development is acceptable in highway terms. The applicant is proposing the following mitigation measures to make the development acceptable;

- A raised table will be provided at the site access junction as well as at the Willow Drive / Ribby Avenue
- Zebra Crossing on Ribby Road in the vicinity of St Nicholas Church.
- Upgrade the 2 bus stops on Ribby Road at the junction with Willow Drive

The County Highway Authority state that the above measures are necessary and appropriate to make the development acceptable and should be construction under a S278 agreement with the highway authority. They also state that the development is below the threshold where a Travel Plan is required and request a contribution of £150,000 for public transport to be used to supplement the County Councils subsidy of rural transport serving Wrea Green. This payment can be split over 5 years with the first payment being made on the occupation of the 25th dwelling and the remainder annually thereafter. Thus this addresses the highways related reason for refusal of the previous application.

With regard to network capacity Willow Drive and Ribby Road are subject to a 20mph limit with Ribby Road serving as one of the main arterial roads into Wrea Green and links the village with Ribby Hall, Kirkham, Wesham and the M55 as well as serving many of the residential areas of the village. The Transport Assessment includes an assessment of the accident record and road capacity issues in the area and uses the standard TRICS methodology to anticipate the vehicle movements associated with the development. This gives an additional 33 vehicle movements in the morning peak and 38 in the afternoon peak periods. LCC Highways raise no objections to the proposal in terms of network capacity. There are therefore no highway issues with the proposal.

### **Neighbouring amenity**

The second reason why application 14/0735 was refused by members was because the scale of the development (49 dwellings) combined with the proximity of the access to the neighbouring residential dwellings will result in an unacceptable increase in traffic in close proximity to the

dwelling and the private amenity space associated with the adjacent dwellings which would cause noise and other disturbance to neighbouring residents thus reducing their residential amenity. The advice received from the consultants dealing with the two appeals was that unlike the application for 100 dwellings that was refused this reason is not backed up by any technical consultee objection and therefore it is difficult to argue the case to substantiate this reason. The consultant's conclusion with regard to reason two was; *"Unless new evidence is made available that demonstrates unacceptable traffic impact on existing neighbouring dwellings, then Reason 2 cannot be substantiated. This evidence would most likely contradict that considered previously by Fylde Borough Council officers"*.

This application has been submitted with the same access proposed as the previous one, the access will be laid out in accordance with the submitted plans which show a 5.5m wide access, a 1.8m wide footway on the south side and a 1m service strip to the north side. To the north side of the service strip there is 4.5m to the boundary within which landscaping is proposed and on the south side of the pavement there is 4m of landscaping proposed. This landscaping will consist of hedgerows adjacent to the boundaries with trees shrubs and turf within these areas. The boundaries themselves will be formed by brick walls which as well as being aesthetically pleasing will also form an acoustic buffer between the access road and the residents gardens.

As outlined above the scale of the development has considerably reduced with a reduction of 51 dwellings. As such the amount of traffic using that access will be half of that previously considered. The trips per hour in the morning and afternoon peaks reduced from 68 and 76 trips to 33 and 38 trips as stated in the applicants Transport Assessment. The proposed access passes between 11 and 17 Willow Drive which are both detached two storey houses that back onto the main part of the application site and side-on to the access; with No. 11 having its lounge and a bedroom separated by 2m from the access point and No. 17 having its garage and utility room separated by 2.5m from the access point and its kitchen and bedroom in the main body of the house 7m away. Both have gardens of a 12-14m depth that will border the application site on two sides. Clearly there will be some additional traffic passing 11 and 17 Willow Drive but with the proposed brick walls and landscaping adjacent to the access road it is considered that the disturbance to these properties is not unacceptable to the point that could justify refusal of this application. Traffic calming measures will also reduce the speed and therefore noise of vehicles using the access road. There have been no objections received from the Environmental Health officer with regard to the noise created by vehicles passing these dwellings and it is considered that the impact on these properties is reduced to an acceptable level with this reduced scale of development and mitigation proposed.

The application site has a generally rectangular form with properties on Willow Drive, Ash Drive and the Wainhomes development adjacent to its western boundary and so having the potential to be affected by it in terms of the loss of view, loss of aspect, overlooking, massing and increased disturbance during construction and occupation. Such relationships are inevitable with any settlement extension type application and cannot justify the refusal of this outline application. The scale of the site and number of dwellings proposed ensures that these relationships can be satisfactorily addressed as part of the consideration of any reserved matters application.

This application raises two more site specific areas that need consideration. The first is that the very northern part of the site features a finger of land that is 30m wide between the rear of Willow Drive properties, the rear of the barn conversion at 81 Ribby Road and the side of the dwellings at Langtons Farm. Related to this is the relationship with Langtons Farm which is a particularly large property with a limited extent of rear garden and stables to the side which are to support the occupier's equestrian hobby. The illustrative layout with the application recognises that this is a narrow area that will need special treatment in the design of the development and suggests that a

single detached dwelling may be an appropriate way to deal with the finger of site, and that an area of public open space around the site entrance loosely framed by proposed development would be used to relate to the Langtons Farm property. The submissions made on behalf of the occupiers of Langtons Farm suggest that a condition is appropriate to ensure an exclusion zone of 30m from their boundary is created where there shall be no domestic gardens, play equipment, POS or buildings, as well as a planting buffer zone and erection of boundary treatments. Whilst the occupier is looking to protect his horses from disturbance this raises the point that the horses could lead to potential nuisance issues to the future occupiers of the site, and so a condition to provide a buffer zone is considered reasonable. The illustrative layout plan already indicates an area of public open space is provided to the rear of this property and whilst it is only an illustrative plan, this layout could be the subject of a condition to ensure the reserved matters layout is in general accordance with it.

Many of the neighbours surrounding the site have raised objections to the proposal on the basis of how the proposed dwellings will relate to them, and such matters are a standard assessment to be made at part of the reserved matters stage. Criteria 4 of Policy HL2 of the Fylde Borough Local Plan requires that new residential development proposals do not adversely affect the amenity and privacy of neighbouring properties. In respect of the access arrangements for the scale of development proposed in this application it is considered that there would not be an impact that would justify refusal of this application, there are no objections from the Council's Environmental Health Officer.

### **Drainage Matters**

Neither of the two previous applications considered by the LPA were refused for reasons of drainage. The application site almost entirely a greenfield site that falls gently down towards the north. The site contains two ponds that are connected by land drains to the wider surface water drainage system in the area which connects through to Wrea Brook across Ribby Road. The application is supported with a Flood Risk Assessment and a Drainage Management Strategy which have been assessed by the Environment Agency and United Utilities as the two key consultees on such matters.

As with much of the land around Wrea Green the site is located in Flood Zone 1 which is the least likely to suffer tidal or fluvial flooding. In the determination of the application it is important to establish, in principle, how the surface and foul water drainage works are to be designed and implemented to ensure that they offer a practical solution for site drainage without causing any flooding issues.

### Surface Water

The development of the site from its current largely greenfield state will increase surface water runoff rates and so require that these are attenuated to prevent overloading of the networks downstream. The Drainage Management Strategy assesses the options for drainage and concludes that a connection to the surface water sewer which exists in Willow Drive is the most suitable solution for the draining of the site. This solution has been reached following discussions with United Utilities who raise no objection to the application in their consultation reply. The discharge rate will need to be restricted to ensure that the Willow Drive sewer and the drainage system it flows into is able to handle the additional run off from the site, but this is a usual position with outline planning applications on greenfield sites such as this. A condition can be imposed on any planning permission to secure appropriate details of the drainage arrangements. The Environment Agency also raise no objection to the proposal subject to satisfactory details of the surface water drainage of the site being secured by condition. LCC the Lead Local Flood Authority (LLFA) have commented on the application in their new role. They also have no objections subject to conditions

requiring the development to be in accordance with the submitted FRA, details of the sustainable drainage principles are submitted and a surface water lifetime management and maintenance plan is submitted,

With this being an outline planning application it is necessary for it to simply provide sufficient comfort that a site can be drained effectively, without providing the full details of that drainage solution. In this case the application proposes a viable solution of draining the site to the existing surface water system serving neighbouring dwellings at a controlled rate. This is considered to be a viable solution that does not raise any objections from the drainage consultee and so is considered to allow the scheme to accord with Policy EP30 and criteria 10 of Policy HL2 of the Fylde Borough Local Plan and para 100 and 103 of the NPPF.

#### Foul Water

The undeveloped nature of the site at present means that there are no foul drainage flows at present. The Drainage Management Strategy provides an estimation of the level of foul water that is likely to be produced by the 49 dwellings proposed. There is an existing foul water sewer in Willow Drive that they propose to connect into. Concern has been expressed locally about the capacity of the system and the pumping station in the village that is an essential element of the drainage system. The site drainage is likely to be largely gravity fed, with pumping likely to be required to drain properties at the northern part of the site closest to Ribby Road.

United Utilities are the statutory drainage body and so have been consulted on this element of the application. They do not raise any objection to the scheme, although correspondence from them in the Flood Risk Assessment acknowledges the local concerns over flooding incidences. Accordingly, no reason for refusal relating to the foul drainage controls in Policy EP25 and criteria 10 of Policy HL2 of the Fylde Borough Local Plan and para 120 of NPPF can be justified.

#### **Ecology and trees**

The previous application for 49 dwellings was not refused because of any ecological impact and officers maintain that the development will not have an unacceptable impact on ecology or biodiversity. The site does not contain any ecological or biodiversity designations, and there are none within the vicinity of the site. However, the site contains two ponds and hedges, and has hedge boundaries and there are other hedges, ponds and open agricultural land around it. As such there is a reasonable likelihood that the site will provide habitat for protected or priority species. The application has been submitted with an ecological assessment which has been considered by both Natural England and LCC Ecology when the previous application was considered not to have any ecological impacts and for this application the Greater Manchester Ecology unit have also commented. As a consequence of the reason for refusal placed on the proposal for 100 dwellings which did relate to ecology the applicants undertook further terrestrial searches in September 2014 order to satisfy the Council that Great Crested Newts were not present within the site. These searches involved the placing of artificial refuges across the site. The response of Natural England, LCC Ecology and GMEU are outlined in full in the consultation responses sections above. Natural England raise no objection in relation to statutory nature conservation sites and refer officers to standing advice in relation to protected species. LCC Ecology's response is more extensive with their comments stating the main issues arising from the proposal are the potential impacts on amphibians, bats and habitats.

#### Habitat

There are no national or locally designated sites within the application site or in any vicinity to it. The site generally comprises semi-improved grassland used for grazing so does not provide a good

habitat for wildlife. The site does contain a number of trees, ditches and ponds and is bounded by hedges that provide better habitat, but it seems that the development can be designed to maintain them and so subject to conditions to ensure that it is unlikely that there will be any conflict with habitat protection legislation from the development of the site. The maintenance of these can be secured by a condition on any approval of planning permission and will deliver a biodiversity benefit from the development of the site.

#### Amphibians

Surveys of the ponds within and around the site have been undertaken to establish the presence or absence of Great Crested Newts or other species. These surveys found no Great Crested Newts, but Common Toad, Common Frog and Smooth Newts were identified at the ponds in the site. These ponds are to be retained in the development and the submission proposes mitigation to maintain these species in a favourable conservation status. Further survey work was carried out following refusal of the last application with LCC stating that whilst these do not follow standard procedure given the quality and location of habitats to be affected in their view the surveys give a reasonable indication that Great Crested Newt are not using the site. Given the access refusal to nearby ponds, the applicant in LCC Ecology Officers opinion has made reasonable efforts to establish the presence/absence of Great Crested Newts. Due to the survey restraints they recommend a precautionary method statement be required which can be secured by permission. They state that as the surveys did not follow standard guidance they recommend Natural England's advice is sought. Natural England did not comment on protected species, and given LCC Ecology's view that the surveys are acceptable it is considered that the methods used are adequate subject to the mitigation advised by LCC being a requirement of any approval. They also recommend a mitigation strategy and method statement for common toads, with details of the requirements of this strategy outlined above.

#### Bats

A survey of the site has revealed that the dwelling to be demolished to provide the access is in use as a day roost by a single Common Pipistrelle bat, and that there are trees on the site that have roosting potential. The Ecology report argues that the benefits and practicalities of the development are such that it would pass the three tests required to allow Natural England to issue the appropriate licence for the loss of the roost in the dwelling, and suggest a series of works as mitigation including the siting of bat boxes in the development site. The trees are to be retained with roosting options enhanced in the development with bat boxes and tiles. The County Council ecologist believes that the suggested mitigation is adequate to form the basis of a licence application.

#### Other species

The development has the potential to remove nesting and / or feeding opportunities for birds, including 5 UK BAP Priority Species that were identified in the site assessment. The application proposes mitigation for this development, which is considered to be appropriate to comply with the legislation and guidance on such matters. The Survey included searches for other species that could be found in a site of this nature, including reptiles and water voles, but no evidence of other protected species was identified.

Local residents group CAPOW have submitted a letter from a consultant ecologist "ecology services" whom they have employed which states that the survey's produced in support of this application are inadequate. They state that the terrestrial survey undertaken is not considered suitable to determine the presence or absence of newts and does not adhere to NE's guidelines and in their opinion are inadequate. They refer to Natural England's standing advice and that using it would result in an amber – offence likely and that they disagree with the comments of LCC and they

consider the levels of survey to be insufficient and that information should be considered before a planning decision is made. Their comments have been made without the benefit of a site visit and are based on a review of the documents submitted with the applications.

GMEU as well as considering the application on the Council's behalf from an ecological perspective have also considered the content of this letter, they state that they would agree with the Ecology Services response that a terrestrial habitat search using refugia would be insufficient to assess the likely risk of harm to great crested newts that could arise from the development if this were the only basis used for the assessment. But it is not. All the ponds in the site have been surveyed properly, and other ponds nearby were relatively recently – all with negative results. An assessment has been made of the quality of the terrestrial habitat within the site and beyond, including ponds that have not been surveyed. These searches were comprehensive utilising over 160 artificial refugia placed across the site. A search for existing newt records was also undertaken, indicating that a small population of great crested newts was present in ponds some distance away to the north/east of the application site, where the pond network and the landscape connectivity is good for supporting great crested newts. There is also good amphibian habitat to the south of the site. GMEU state that weight should also be given to the fact that the ERAP ecologists have clearly spent significant time on the application site, and in preceding years on the land around it. They also comment that from the plans submitted the ponds within the site can be retained and protected. They state that no potential breeding ponds for amphibians will be lost to the scheme and terrestrial habitat losses will be confined to relatively poor quality habitats forming a small part of a much wider pond-scape to the east and south. Landscape connectivity is capable of being retained. The long-term local conservation status of amphibians is therefore capable of being protected. They therefore conclude that the survey effort was adequate and the proposed response to the possible risk of harm to amphibians that could arise from the scheme is proportion to the assessed risk. Their recommendation is that a method statement giving full details of the reasonable avoidance measures to be undertaken during the course of the scheme be submitted and that a comprehensive habitat and landscape conservation, creation and management scheme with an emphasis on the conservation of amphibians. There are therefore no issues with the level of survey work done in consideration of newts for the proposed development and subject to conditions the development will not have an unacceptable impact upon them.

The application presents an examination of the potential ecological impacts from the residential development of the site and concludes that there would be no significant impacts that cannot be mitigated. With appropriate conditions in place as suggested by LCC Ecology 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 an undeveloped site such as this, however this proposal retains the biodiversity of greatest value and a landscaping condition will be put on any permission to mitigate the loss of biodiversity to a degree. It is considered that whilst there will be some loss of biodiversity that with mitigation the development of the site is acceptable and that the loss does not warrant justification for refusal of the application.

### Trees

The application has been considered by the Council's tree officer who has previously made a Tree Preservation Order (TPO) on the linear woodland that marks the eastern boundary of the site and now would like to make a new TPO in respect of T1 which is a mature ash near to the proposed access, Group 1 which are visually dominant sycamores to the west of Langtons Farm and the tow oaks and beech tree in group 4 which is located adjacent to the access. He states the trees around the ponds are best ascribed biodiversity value and the development does not propose to remove them. With regard to the proposed woodland belt at the southern end of the site the officer

supports this but would ask that we ensure there's sufficient thought given to re-stocking it over its establishment period as realistically many of the bare root transplant trees intended for here will fail and if the landscaping is to succeed it is likely an annual re-stock will be necessary. This can be subject to a condition.

### **Affordable housing provision**

The application proposes that the proposed development will meet the requirement to provide 30% affordable housing, providing a mix of 50% on site and 50% as a commuted sum in lieu. This will help contribute towards meeting the Council's affordable housing needs. The Applicant has drawn up a draft S106 Agreement which secures this contribution, and whilst there is further work to be undertaken to enable this to be considered as satisfactory in all respects, it is acceptable in principle.

The council has recently undertaken a survey of the specific needs and demands for affordable housing in Wrea Green with the Parish Council. This has found that the stable and elderly nature of the local population reduces the demand for affordable housing in the village. As a consequence it is likely that a lower percentage of dwellings on new developments will be required to be delivered as affordable units, with the balance of the provision provided elsewhere, or a financial contribution made to assist in the delivery of affordable units elsewhere in the borough such as Lytham or Kirkham where the Housing Needs Study confirms that there is a significant shortfall in the supply of affordable properties. This approach was taken in the schemes recently considered at appeal and was supported by the Inspector as a suitable mechanism for delivering affordable housing. The delivery of affordable housing in this way from the development is a positive benefit that must count in its favour given the need for such accommodation across the borough.

### **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 whilst the illustrative layout does not indicate any facility being included, the density is such that there would easily be space within the site to provide one should it be required. As an alternative, the site is close to the existing play area off Wray Crescent, albeit that this would require crossing of Ribby Road, and shares a boundary with the Wainhomes development that will include a play area. These give reasonable access to play facilities and so it may be that actual on site provision is not required. Whichever delivery mechanism is taken up it is considered that the proposal could comply with Policy TREC17 and so no reason for refusal on this matter is justified.

### **Public realm**

The council's Interim Housing Policy seeks contributions from developments to assist in the delivery of public realm improvements as are identified in the council's Regeneration Framework 2010. This document identifies the conservation area in Wrea Green as an area where improvements could be undertaken, but does not identify a specific project as the funding for its implementation was unknown at the time of drafting of the Framework. The council has secured funding from the Richmond Avenue development towards implementing this project of £30,000 and sought funding from the other residential development schemes around the village on a similar cost per dwelling basis. This was reliant on Policy EP1 of the Fylde Borough Local Plan which relates to improvements to conservation areas being implemented. In considering the appeals the Inspector concluded that the sites were located too far from the village conservation area for the funding to

meet the requirements of the CIL regulations to be necessary to make the development acceptable. Against that background it is not considered that the council can reasonably request contributions from this development for public realm improvements without those improvements being necessary for the development.

## **Education**

LCC Education assessed the previous application and found that the development will create a requirement for 19 primary places requiring a contribution of £228,563 and 7 secondary school places requiring a contribution of £126,885. That requirement is likely to be the same for this application but at the time of writing written confirmation was awaited. The draft section 106 submitted with the application seeks to address this by securing a contribution to enhance education capacity to meet the requirements of the proposed development.

The capacity of the village primary school to accommodate the children from this site, along with others from schemes recently approved in the village, has been raised as a concern by the Parish Council and many residents. Lancashire County Council has previously provided a consultation response on this matter. This confirms that Ribby with Wrea Primary is currently at capacity and is anticipated to be at least 10% above capacity in 2019. However, their assessment of education capacity does not look just at the capacity in the nearest school, but at the capacity of all local education authority controlled schools within 2 miles of the site for primary education, and 3 miles for secondary. Where there is a shortage of places Policy CF2 of the Fylde Borough Local Plan allows for the council to secure financial contributions from developments to assist in increasing education provision in an area. This is consistent with para 72 of the NPPF which confirms the government's commitment to education and encourages local planning authority's to work with developers to meet the education needs of the area. That situation exists with respect to both primary and secondary education, with the contribution request amounting to a combined sum of £355,448. This will be reassessed when accurate bedroom information becomes available. With this contribution secured through the section 106 there will not be an unacceptable impact on educational establishment's capacity.

## **Conclusions**

This proposal is an outline application for the development of up to 49 dwellings on a greenfield site designated as Countryside in the Fylde Borough Local Plan. With the exception of a property that is to be demolished to provide the access to the site, the whole area is adjacent to, but outside of, the village boundary of Wrea Green. Residential development of such areas is contrary to Policy SP2 and so this would require a refusal of the application unless there were material considerations that outweighed the determination of the application in accordance with the development plan.

As members are aware, the NPPF requires that the council is able to deliver at least a 5 year supply of housing land, and is supportive of sustainable development which is described as a 'golden thread' to the document. This is articulated in paragraph 14 which states that councils should grant planning permission for such proposals where the development plan is silent or out of date on the subject unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or there are conflicts with other material planning considerations. The council continues to be unable to deliver a 5 year supply of housing land as 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'.

Whilst members have previously refused the same development because of concerns over scale and

residential amenity, they have resolved not to defend that decision at appeal. This proposal is considered to deliver a sustainable form of housing development as is required by NPPF. The scale of development and its context in relation to the setting of Wrea Green is considered acceptable and whilst there would be some visual impact it is not considered that there would be sufficient harm to warrant refusal of the application. As the application is outline the siting of the dwellings is unknown but it is considered that a layout can be achieved that both protects residential amenity and respects biodiversity. Planning conditions can be used to ensure this. The proposal is considered to form sustainable development and so it is recommended that the application be supported by Committee and so assist in delivering the housing supply requirements of para 17 of NPPF.

The authority to grant planning permission should be delegated to officers so that they can issue the decision on satisfactory conclusion of a s106 agreement that provides for affordable housing, funding for investment in local education capacity and sustainable transport improvements.

### **Recommendation**

That the authority to grant Planning Permission be delegated to the Head of Planning & Regeneration 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 with either off site provision or a financial contribution for any of that 30% not provided on site.
- a financial contribution of £150,000 towards the improvement of public transport and/or sustainable transport initiatives in the vicinity of the site,
- a financial contribution of £228, 563 towards primary school places and £126,885 towards secondary school places. (or other such sum calculated at a later date based on the actual bedroom numbers within the development)

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

And 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 October 2014, including the following plans:

Proposed site location plan 472-STO 501  
Landscape Mitigation Plan - YOR.2195.008  
Proposed site access option - JN0829-Dwg-0001B  
Concept Block Plan - 472-STO 503

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

4. The details submitted as part of the reserved matters approval shall be substantially in accordance with the illustrative Concept Block Plan (472-STO 503) and shall respect the design and layout principles established by this plan, which shall also include the provision of appropriate protection for amenity with respect to the proximity of equestrian activity to the northern boundary of the site.

Reason: In the interests of neighbouring residential and visual amenity.

5. The new estate road/access between the site and Willow Drive shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

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

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

7. No construction of any dwelling shall commence until the approved scheme referred to in Condition 5 has been constructed and completed in accordance with the scheme details.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works

8. No development shall take place, including any works of demolition, until a Construction Method

Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the identification of the site access for construction traffic
- 1. times of construction activity at the site
- 2. times and routes of deliveries to the site
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works

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

9. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of programmed landscaping for the area of residential development. The scheme shall include details of: all existing trees and hedgerows and those that are to be retained, together with measures for their protection during the course of the development; all planting and seeding; hard surfacing and the materials to be used; and, means of enclosure. All hard and soft landscape works shall be carried out in accordance with the approved programme and details. Any trees or plants which within a period of 5 years commencing with the date of their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

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

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

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 details of bird nesting opportunities to be installed with the re-developed site have been submitted and approved in writing by Fylde Borough Council. The details shall include provision for Song Thrush, Dunnock and House Sparrow (Species of Principal Importance). Consideration should also given to provision of opportunities for other declining species of bird such as House Martin and Swift. The approved details shall be implemented in full.

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

15. No works shall commence until full details of bat roosting opportunities to be installed within the re-developed site (in addition to that required by NE licence) have been submitted and approved in writing by Fylde Borough Council. Approved details shall be implemented in full. Please see the Bat Conservation Trust website Bat Product Listv5 (642 KB) on [www.bats.org.uk/pages/new\\_build](http://www.bats.org.uk/pages/new_build)

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 (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. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (6th October 2014/ SHO 02) and the following mitigation measures detailed within the FRA:

- Limiting the surface water run-off generated by the 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- Demonstration within the FRA that the improvement/protection and maintenance of existing flood defences will be provided.
- Finished floor levels are set 150mm above external levels.

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 and to reduce the risk of flooding to the proposed development and future occupants.

19. 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. Unless otherwise agreed in writing, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into the existing foul /combined sewerage systems. Any surface water draining to the dedicated surface water sewer must be restricted to a maximum pass forward flow equivalent to greenfield runoff rates less a 50% betterment. 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

20. 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 design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post

development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;

- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. 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;

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

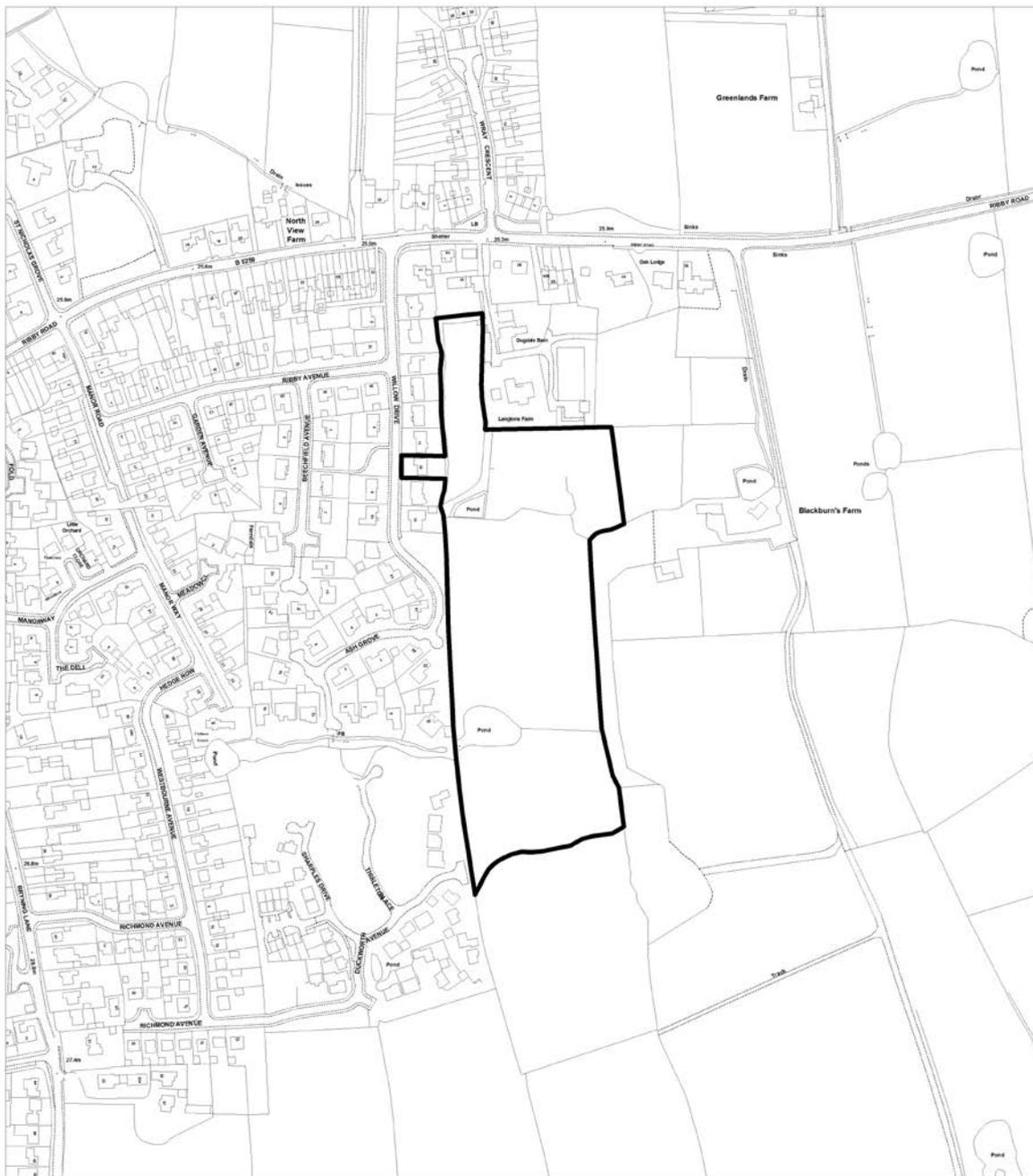
Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off the site resulting from the proposed development, and to ensure that water quality is not detrimentally impacted by the development proposal

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 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:
- c. on-going inspections relating to performance and asset condition assessments
- d. 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;
- e. means of access for maintenance and easements where applicable.

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

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



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/15/0458	Address Land off Willow Drive, Wrea Green	Grid Ref. E.3402 : N.4313	Scale 0 20 40 60 80 m

## Appeal Decisions

There are no appeal decisions to report in the period 7 August 2015 to 21 August 2015.