

# Agenda

## PLANNING COMMITTEE



Date:	Wednesday, 15 March 2017 at 10:00am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman)</p> <p>Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Christine Akeroyd, Jan Barker, Michael Cornah, Neil Harvey, Kiran Mulholland, Barbara Nash, Linda Nulty, Liz Oades, Albert Pounder, Heather Speak.</p>

### Public Speaking at the Planning Committee

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

	PROCEDURAL ITEMS:	PAGE
1	<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>Confirmation of Minutes:</b> To confirm the minutes, to be circulated, of the meeting held on 8 March 2017 as a correct record.	1
3	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 25.	1
	DECISION ITEMS:	
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Contact: Lyndsey Lacey-Simone - Telephone: (01253) 658504 – Email: [democracy@fylde.gov.uk](mailto:democracy@fylde.gov.uk)

The code of conduct for members can be found in the council's constitution at  
<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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## Background Papers

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

- Fylde Borough Local Plan (As Altered) October 2005 (Saved Policies)
- Joint Lancashire Minerals and Waste Local Plan
- Fylde Local Plan to 2032 (Publication Version) August 2016
- National Planning Policy Framework
- National Planning Practice Guidance
- The Community Infrastructure Levy Regulations 2010 (as amended)
- Conservation of Habitats and Species Regulations 2010 (as amended)
- Strategic Housing Market Assessment (SHMA) 2014 and Addendum I and II November 2014 and May 2015 and Housing Market Requirement Paper 2016
- Five Year Housing Land Supply Statement at 31 March 2016
- Strategic Housing Land Availability Schedule (SHLAA)
- Other Supplementary Planning Documents, Guidance and evidence base documents specifically referred to in the reports.
- The respective application files
- The application forms, plans, supporting documentation, committee reports and decisions as appropriate for the historic applications specifically referred to in the reports.
- Any additional information specifically referred to in each report.

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

# Development Management Committee Schedule

## 15 March 2017

**Item Number:** 1

**Committee Date:** 15 March 2017

<b>Application Reference:</b>	16/0374	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Mr Webb	<b>Agent :</b>	PWA Planning
<b>Location:</b>	DALMENY HOTEL, 19-33 SOUTH PROMENADE, LYTHAM ST ANNES, FY8 1LX		
<b>Proposal:</b>	OUTLINE APPLICATION FOR ERECTION OF A 5 STOREY BUILDING TO PROVIDE 34 APARTMENTS AND ASSOCIATED PARKING FOLLOWING THE DEMOLITION OF EXISTING BUILDINGS (NO. 272-278) TO THE CLIFTON DRIVE SOUTH FRONTAGE (ACCESS LAYOUT AND SCALE APPLIED FOR)		
<b>Parish:</b>	CENTRAL	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	39	<b>Case Officer:</b>	Rob Clewes
<b>Reason for Delay:</b>	Design Improvements		

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

<https://www.google.co.uk/maps/@53.7488157,-3.0310576,277m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant subject to s106 agreement

### Summary of Officer Recommendation

The application is submitted in outline and relates to the demolition of two thirds of the part of the Dalmeny hotel that fronts onto Clifton Drive South in St Annes and the replacement of this with a five storey block of 34 apartments at a mix of 1 and 2 bedrooms. The other element of the Hotel on that frontage and that part on South Promenade is unaffected by this application.

The scheme would make efficient use of a previously developed site within the defined settlement boundary of Lytham St Annes and would occupy a highly accessible location within the town centre. The development, by virtue of its size, scale, layout, height and massing, would be compatible with the pattern and character of development and the street scene along Clifton Drive South, and would not harm the setting of the area.

The apartment block would have an acceptable relationship with surrounding buildings in order that the development would not unduly affect the privacy and amenity of neighbouring occupiers through overlooking, overshadowing or loss of outlook. Satisfactory arrangements would be made for vehicle access, parking and manoeuvring in order to ensure that the development does 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.

Satisfactory measures can be put in place through conditions to deal with drainage and

contamination and there is no requirement for developer contributions to make the development acceptable in planning terms in this instance. The proposed development is therefore in accordance with the requirements of the relevant policies of the National Planning Policy Framework, the adopted Fylde Borough Local Plan and the submission version of the Fylde Local Plan to 2032.

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

The application is for major development and the Officer recommendation is for approval. Accordingly, the Scheme of Officer Delegation requires that the application is determined by the Planning Committee.

### **Site Description and Location**

The application site comprises of the rear part of the Dalmeny Hotel which consists of three red brick buildings fronting Clifton Drive South and so is located a short distance from St Annes town centre. The main part of the Dalmeny Hotel fronts South Promenade and is outside of the application site. The three buildings affected by the proposal have been incorporated into the Hotel over time providing rooms and other associated hotel facilities.

The buildings are built in red brick with two being three-storey high and the third building two-storey. All three buildings are the original buildings first erected on site and all have had varying degrees of alterations and extensions carried out since construction with the result that they are connected to each other and to the main hotel complex fronting South Promenade.

The surrounding area is generally characterised by large hotels or blocks of apartments fronting onto South Promenade and smaller, yet in some cases still substantial, residential and commercial properties fronting onto Clifton Drive South. Alongside the southernmost building is the Post Office building which is three-storey in height and has a broad frontage. Along this particular stretch of Clifton Drive there are varying styles of buildings with Hardaker Court being a four-storey block of flats on the opposite side of Clifton Drive South.

### **Details of Proposal**

As originally submitted the application sought the demolition of all three buildings and the erection of a five-storey block of flats comprising of up to 50 units. Following an initial assessment of this the northernmost building No.280 was identified as having a high level of heritage value and as a result was considered a non-designated heritage asset. As such officers sought revisions to the scheme to retain this building. Following discussions and negotiations with the applicant a revised scheme was received for up to 34 units and the retention of No.280 Clifton Drive. The description below is of the revised scheme and this is the proposal under consideration.

The application seeks outline permission for the demolition of two buildings (No.272-278) and the erection of a five storey block of 34 apartments (26 x two-bed and 8 x one-bed). Matters of access, layout and scale are applied for. These are defined in the Development Management Procedure Order as follows:

**Access** – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning

permission is granted or, as the case may be, in respect of which an application for such a permission has been made.

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

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

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

The proposed apartment building would be five-storey and would have a footprint measuring 30.2m metres in width and 27.8 metres in depth (at its deepest point) and, with respect to its layout, would follow the main front wall of the existing buildings. The building would form a single continuous 'block' with recessed elements to the front elevation.

The site would continue to be accessed to Clifton Drive South with an access 'in' at one side of the frontage and 'out' at the other, with a further access alongside the Post Office access to provide access to the rear. Parking is provided on the frontage along with a partial basement level.

#### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
14/0670	PROPOSED RAISED OUTDOOR SEATING AREA TO THE FRONT OF EXISTING HOTEL WITH ALTERATIONS TO EXISTING WINDOW TO PROVIDE ACCESS DOOR	Granted	08/12/2014
11/0063	NEW PATIO TO FRONT WITH NEW PATRIO DOORS AND NEW WINDOW PANEL	Granted	05/04/2011
02/0152	IN-FILL EXTENSION TO PROVIDE SPA & PLAY POOL	Granted	27/03/2002
99/0640	NEW GROUND FLOOR ENTRANCE TO FUNCTION SUITE, EXTENSION TO FUNCTION SUITE, NEW CANOPY TO MAIN HOTEL ENTRANCE, EXTENSION TO BAR WITH SLOPING GLAZING, REFURBISHMENT OF EXISTING BALCONIES WITH NEW FACINGS.	Granted	03/11/1999
92/0851	ALTERATIONS TO APPROVED DEVELOPMENT 5/88/077 TO AFFORD FOUR-STOREY SIDE EXTENSION TO PROVIDE 23 BEDROOMS AND TWO CONFERENCE ROOMS	Granted	21/12/1992
91/0443	ERECT LINK CORRIDOR AND CONFERENCE ROOM.	Granted	14/08/1991
88/0494	GROUND FLOOR LINK TO REAR OF HOTEL	Granted	07/09/1988
88/0077	CONFERENCE & LEISURE FACILITY SERVING HOTEL	Granted	02/03/1988
87/0461	NEW LEISURE & CONFERENCE FACILITY	Refused	11/11/1987
83/0062	ERECTION OF 4 - 6 METRE FLAGPOLES.	Granted	02/03/1983
82/0810	ALTERATIONS TO FACADE AND NEW COVERED AREA TO ENTRANCE.	Granted	02/02/1983
74/0593	ALTERATIONS AND NEW BEDROOM SUITES.	Granted	23/10/1974

## **Relevant Planning Appeals History**

None

## **Parish/Town Council Observations**

**St Anne's on the Sea Town Council** notified of the original submission for 50 dwellings and objected to the development proposed at that time as follows.

1. *Takes no account of the Town Council emerging Neighbourhood Development Plan (See pages 81, 83, 85).*
2. *Creates a massing effect with a negative impact on the street scene of a major arterial route.*
3. *No mix of housing types.*
4. *Contrary to FBC's Policy TREC1 (residential and not tourism related).*
5. *Contrary to national NPPG re. surface water drainage. (No suds).*
6. *Clarification needed re – housing supply calculation of 6.3 years supply, this goes against the application.*
7. *Proposed access will impact on pedestrian crossing.*
8. *Re Section 6 of application form, indicates no change to access from the highway but the plans indicate otherwise.*
9. *Insufficient car parking.*
10. *No affordable housing on site.*

They have been re-consulted on the revised plans for 34 dwellings and comment:

*The Town Council are pleased to see that some of the issues we identified are currently being addressed.*

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

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

*Comments - The latest proposal results in the scale of the development being reduced to 34 apartments.*

*The developer has taken on board previous comments relating to the access arrangements and drawing 2016-05-02D Rev D shows the acceptable access arrangements.*

*The developer is proposing 34 car parking spaces for the apartments and retaining 10 spaces for the hotel. It is noted that no mobility spaces are provided, LCC would recommend that 1 space to mobility standards should be provided for the apartments and 1 space for the hotel. LCC would not object to a reduction in car parking spaces due to the town centre location of the site and that any displaced parking which would take place on nearby roads would not lead to any access or road safety issues.*

*The National Planning Policy Framework (NPPF) states in paragraph 17 that development should "make the fullest possible use of public transport, walking and cycling and focus significant developments in locations which can be made sustainable". In order to address LCC's concerns it is suggested that "halo boards" be provided on the belisha beacons of the crossing (making the crossing more conspicuous) and the renewal of the anti-skid surfacing in the approach lanes to the crossing.*

*The above works should be carried out under a s278 agreement with LCC together with the creation of the new vehicular accesses to the site and reinstatement of kerbs / footway for the existing accesses to be closed.*

*I can confirm that there are no highway objections to this proposal and would ask that conditions be imposed on any permission.*

**United Utilities - Water**

Comments - No objections subject to conditions

**Strategic Housing**

Comments - *We would be looking to secure 30% affordable housing contribution on this site. The proposed development is within the centre of St Annes close to services and facilities. Within the area there is high demand for 1 and 2 bedroom units.*

**Lancashire CC Flood Risk Management Team**

The Lead Local Flood Authority has no objection to the proposed development subject to the inclusion of conditions.

**LCC Education Authority**

They have assessed the expected yield of school children from a development of this scale and the availability of places in local schools for them. They conclude that there is sufficient capacity for primary education subject to 2 applications that are pending, however these are both schemes that Committee have resolved to grant planning permission and so there will be a shortfall of primary education capacity to meet the education needs of this development. They report an existing shortfall of capacity for secondary education irrespective of decisions on pending applications.

In order to address these shortfalls they request that Fylde secures financial contributions from the development using their agreed methodology for this. This relates to 1 single primary place and 2 secondary places and is for a combined sum of £47,252.65 for Primary and Secondary school places.

**Civic Society**

Comments (to initial scheme) - *We feel that the buildings from The Public Offices to the Drive Methodist Church, should be retained as far as possible and that the present Conservation area be extended to include them. It would be a great loss to this sequence of buildings, if we were to lose those in the proposal and, in particular, the detached building to the west. The latter is a good example of a high quality villa from early St Annes.*

*The proposed apartment block presents an architecturally uninspired, out of scale and visually intrusive interruption to what could, with sensitive refurbishment, be a high quality street scene so valuable to central St Annes.*

**Regeneration Team (Trees)**

Comments - *It seems the only on-site trees is the trio of hollies near the entrance off Clifton Drive. There's a sort of evergreen shrub bed here that isn't very distinctive.*

*One of the hollies is in poor condition, but then it has had a brick utilities box built right*

*next to its stem so that will have impacted it negatively.*

*It seems from the plan ref 2016-05-02A that new tree planting is intended for the Clifton Drive frontage, which would be very welcome so long as it comprised the right types of tree and space is allowed for their future growth. Clifton Drive demands landscape (rather than garden) trees – it's essentially a wide boulevard so bigger trees are needed to make a significant contribution to it.*

*Otherwise though I offer no objection on arboricultural grounds. There are some large sycamores offsite in the grounds of number 282 whose roots will be across the boundary, but the largest of these is damaging the wall and has a large basal cavity, so not a tree for long term retention. It appears from the drawing that this area isn't going to be used for parking so no construction will occur here.*

### **The Victorian Society**

*Comments - We object to the application, which would entail the total loss of locally significant non-designated heritage assets, which make a positive contribution to Lytham's historic environment and the quality of the local streetscape.*

*272-280 Clifton Drive South are good quality, attractively detailed and characterful examples of their type. They contribute positively to the character and appearance of the local streetscape, to the setting of the adjacent Conservation Area and to the setting of the Grade II-listed Drive Methodist Church (Herbert Isitt, 1877-1901). All three buildings merit inclusion in the Conservation Area, with which they share essential characteristics. We recommend it is extended to incorporate them, as well as the post office and the Drive Methodist Church.*

*The application proposes the total demolition and replacement of the southern-most two of the buildings and the construction of a five-storey building in their stead. This would result in the loss of two non-designated heritage assets, and would cause harm to the setting of the Conservation Area and the listed Church. Cumulatively this would amount to a considerable level of harm to the area's historic environment.*

*It is a core planning principle that heritage assets are conserved "in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations". Paragraph 131 of the NPPF states that local planning authorities should take account of the "desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation". It highlights also the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality. Paragraph 132 stresses that "great weight" should be given to the preservation of heritage assets. Paragraph 58 compels the Council to ensure that developments "respond to local character and history, and reflect the identity of local surroundings and materials". In addition, paragraph 135 of the NPPF states that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application". The loss of the buildings on Clifton Drive South is therefore a material consideration in determining this application, one that the Council is obliged to take into account.*

*National policy presumes in favour of sustainable development, which requires equal regard be paid to economic, social and environmental issues. The protection and*

*sensitive management of the historic environment is a key part of the environmental aspect and, by proposing the loss of these locally significant buildings, it is one this scheme neglects. This application does not, therefore, constitute sustainable development.*

*Implementation of this scheme would result in the total and unjustified loss of locally significant buildings and harm to the setting and appreciation of designated heritage assets. On this basis we object and recommend that the application is refused consent.*

### **Neighbour Observations**

<b>Neighbours notified:</b>	20 June 2016
<b>Amended plans notified:</b>	22 December 2016
<b>Site Notice Date:</b>	09 January 2017
<b>Press Notice Date:</b>	09 February 2017
<b>Number of Responses to Initial Plans</b>	1 response received
<b>Summary of Comments</b>	5-storey building would create loss of light Loss of privacy Impact to highway safety If trees are to be removed they should be replaced with mature trees
<b>Number of Responses to Revised Plans</b>	1 response received
<b>Summary of Comments</b>	A 5-storey building would not be in keeping with other buildings on Clifton Drive

### **Relevant Planning Policy**

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

SP01	Development within settlements
TREC01	Primary Holiday Areas
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TREC17	Public Open Space within New Housing Developments
EP25	Development and waste water
EP29	Contaminated land
TR10	Car park design

#### **Fylde Local Plan to 2032:**

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
EC7	Tourism Accommodation
ENV5	Historic Environment
H2	Density and Mix of New Residential Development
T5	Parking Standards
INF2	Developer Contributions
NP1	Presumption in favour of Sustainable Development
ENV4	Provision of New Open Space
H4	Affordable Housing



**Other Relevant Policy:**

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

**Site Constraints**

None

**Environmental Impact Assessment**

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

**Comment and Analysis**

The main issues regarding this application are:

Principle of the development  
Scale and layout of the development  
Access and impact to highway safety  
Relationship with neighbouring land uses  
Heritage matters  
The need for contributions

**Principle of the development**

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

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

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

The eighth bullet point to paragraph 17 of the NPPF states 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.

The Council is currently progressing through the submission stage of the new Local Plan to 2032 and although not yet adopted it is considered that the policies within it carry moderate weight as they are based on up to date evidence and information.

The site falls within the settlement boundary of St Annes and within a Primary Holiday Area as

defined on the Fylde Borough Local Plan (FBLP) Proposals Map. FBLP Policy TREC1 and Fylde Local Plan to 2032 (FLP) Policy EC7 seek to protect these defined tourist areas by resisting proposals that are for non-tourism uses. Therefore the proposal is not in compliance with Policy TREC1/EC7. However it is considered that the two buildings which would be lost as a result of the proposal do not provide accommodation and facilities to an extent that their loss would be detrimental to the defined holiday area. They form part of an existing ongoing business in the Dalmeny Hotel which is extensive in size and capacity, and the loss of the two buildings will not harm its operational viability with the majority of the Hotel remaining. It is therefore considered that whilst in conflict with Policies TREC1 and EC7 the harm to the tourist area, as a result of the loss of these two buildings, will be minimal.

Furthermore it is considered that the main tourist area is fronting the promenade on South Promenade and this stance is supported by the significant reduction of defined tourist areas in the submission version of the FLP which re-defines the tourist areas to a much smaller area primarily on the Promenade. In their supporting statement the applicant has stated that the part of the aim of the proposal is to release capital in order to re-invest it back into the main Dalmeny Hotel. Whilst this may be the intention there has been no evidence to support this and there is no unimplemented planning permission for refurbishment works (although internal works would not require that).

Criterion 7 of FBLP policy HL2 states that housing will be permitted where a site is in a sustainable location having regard to the local availability of shops, schools, employment sources, public transport and other community facilities. As the site is already occupied by buildings/hardstanding it constitutes previously developed (brownfield) land for the purposes of the definition in Annex 2 of the NPPF. The proposal would make efficient use of previously developed land within the defined settlement boundary of St Annes and would also occupy a highly accessible location close to the town centre. Whilst the development would result in the loss of accommodation associated with the existing hotel, this would be substituted for a use which is equally acceptable within the town centre and would contribute to the vitality and viability of the Town Centre. The residential units provided by the scheme would also contribute towards the council's housing supply requirements as is promoted throughout the NPPF. Accordingly, it is considered that the principle of development is acceptable in this location.

#### Scale and layout of the development

Criteria 1, 2 and 3 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;
- Developed at a net density of between 30-50 dwellings per hectare, with greater densities (over 50 dwellings per hectare) permitted in locations with good public transport;

In addition, policy HL6 indicates that well designed housing schemes which respect the character of the area will be permitted. Proposals which involve poor designs and/or layouts which would prejudice the character of the area will not be permitted.

The proposal would create a five-storey block of 34 apartments on a site measuring approximately 2325 square metres in area. This would result in a housing density of 146 dwellings per hectare. Whilst this is significantly above the range identified in policy HL2 the policy does allow for higher densities in locations with good access to public transport. In this case, the site falls within the settlement boundary of St Annes and is in a highly accessible location close to the Town Centre and therefore readily accessible by various modes of transport other than private car. Given the site's

location, comparable housing densities are also common elsewhere in the locality (e.g. at Hardaker Court on the opposite side of Clifton Drive South). Therefore, the proposed development would not appear incongruous to its town centre setting with respect to its size and density.

The new building would, for the most part, form a rectangular block with its main front wall following the alignment of the existing properties, thus maintaining the current separation with the highway and the building line along Clifton Drive South. The apartment block would have a similar foot print to the two existing buildings when taking into account the existing extensions to the rear. Parking areas would be located within a forecourt to the front of the building and a basement under the building. The proposed development, by virtue of its size and layout, would respect the existing pattern of development along Clifton Drive South and would sit comfortably both within the site and in relation to adjacent buildings.

The existing buildings are set across three floors, with No.280 being a tall two-storey building with the two-storey Public Offices buildings further to the north. Nevertheless the adjacent Post Office building to the south forms a unique building in the street scene being characterised in a somewhat grander appearance both in design and massing. Further diversity is added by the four-storey Hardaker Court development on the opposite side of Clifton Drive South.

When considered amongst the mix of adjacent buildings surrounding the site, and particularly alongside the Post Office building to the south and the Hardaker Court development on the opposite side of Clifton Drive, it is considered that the height of the proposed apartment building represents an acceptable scale of development on Clifton Drive. Although proposed to be five-storey the overall height would be closely comparable to the maximum height of the existing buildings and would remain lower than the adjacent Post Office building but taller than No.280 therefore closely reflecting the character and relationship of the row of existing buildings.

The proposed apartment building, by virtue of size, scale, layout, massing, height and proportions, would be sympathetically assimilated into the street scene and would sit comfortably amongst adjacent buildings. Therefore, it is considered that the development, insofar as it relates to the matters of layout and scale, is acceptable for the purposes of the FBLP and the NPPF.

#### Access and impact to highway safety

The third bullet point to paragraph 32 of the NPPF states that 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 TR10 sets out six criteria for developments including car parks as follows:

- the car parking scheme provides a high degree of safety for vehicle drivers, cyclists and pedestrians;
- the car park is accessible to emergency service vehicles;
- the car park includes the provision of a landscaping scheme which will enhance the character and quality of the development without compromising security;
- the car park is well designed using surface materials, boundary treatments, lighting and other street furniture items of high quality;
- the scheme provides facilities for the parking of motorcycles and cycles;

- where car parks are being provided for employees or the general public, the scheme incorporates facilities for the vehicles of disabled persons.

The development is to be accessed via the creation of new access points from Clifton Drive South towards the southern end of the site with a separate new access to the north for the retained No.280. This would result in the separation of the existing forecourt shared by the existing buildings. The southernmost access would be used only for deliveries to the site and not used as the main access to the site. The main pedestrian entrance is shown located centrally at the front of the site to the rear of the building. The proposed access and associated manoeuvring areas within the site would allow sufficient space to enable vehicles to enter/exit in forward gear, including satisfactory visibility at the junction with Clifton Drive.

The existing use of the building as hotel facilities generates a number of vehicle movements to the site in connection with staff and visitor comings and goings throughout the day. It is not considered that the proposed residential development would lead to a significant increase in traffic generation at the site when considered in comparison to the existing use which could be considered to have a greater impact on highway safety.

The development would include provision for off-road car parking on the forecourt and via the provision of a basement parking area. The layout and design of the car parking areas would not create a detrimental impact to the street scene and would be considered an improvement with appropriate landscaping (which is a matter reserved).

Policy T5 of the submission version FLP requires proposed developments to provide on-site parking but does not set out specific criteria. The proposed level of off street parking is considered appropriate and the site's highly accessible location close to the town centre ensures that there is access to a range of other modes of transport, including access to local amenities within comfortable walking distance, which would minimise the need for car-borne journeys.

The proposed development would facilitate safe and convenient access and circulation for vehicle traffic to and from the site and would ensure satisfactory parking and manoeuvring arrangements are provided as part of the scheme. Therefore, 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, either adjacent to or further away from the site. No objections have been received from LCC Highways on transport grounds and appropriate conditions can be imposed to ensure that the development provides satisfactory facilities for vehicle access, parking and manoeuvring in accordance with the FBLP/FLP and the NPPF.

#### Relationship with neighbouring land uses

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.

Surrounding uses include the Dalmeny Hotel and the Post Office Building with residential uses on the opposite side of Clifton Drive South. Whilst external appearance is reserved at this stage, indicative floor plans show windows to habitable rooms to be located in all four elevations. As adjacent properties to the back and side of the apartment block are not in residential use, the general national guidance of 21 metre separation distance would not be applicable to these buildings. The front elevation of the building would, however, face towards the corresponding front elevation of Hardaker Court which includes habitable room windows. As the front elevation of the apartments would achieve a minimum separation of 50 metres with Hardaker Court, it is considered that this would maintain more than adequate levels of privacy and amenity for the occupiers of these flats.

With respect to amenity for future occupiers, habitable room windows to the main living areas would be positioned on the building's front, rear and side elevations. The depth and layout of the building would result in the insertion of habitable room windows in side elevations at the rear most part of the building, thereby facing No.280 and the Post Office building. These side-facing windows will however, benefit from enough spacing and light (by reason of being at the southern side of the proposed building) and the level of separation achieved between the side elevations of the apartments and adjacent properties would ensure an open aspect to the sides of the building and, accordingly, a satisfactory visual aspect from any windows in order that future occupiers would not suffer a sub-standard level of amenity.

#### Heritage matters

The revised proposal under consideration would result in the complete loss of two original Edwardian buildings. However, the buildings are not within a conservation area nor are they statutorily listed meaning that they do not benefit from any form of formal protection. Despite this an assessment of the significance of the historic nature of the site was carried out. Resulting from this assessment was the submission of the revised plans which now propose the retention of No.280. Of the three buildings it is considered that, with the information available, that No.280 holds a greater historic significance than the other two buildings. No.280 and its sister building No.282 were originally designed as the early doctor practices in the town and were designed by Arnold England who was commissioned to design several of the buildings within the then new town of St Annes. These two buildings are seen as a pair and have an important relationship with each other, both architecturally and historically. Therefore No.280 is considered a non-designated heritage asset as set out in paragraph 135 of the NPPF and its loss would be harmful to the character of the area. Hence the scheme was revised to remove the proposal to develop the site of this building.

The other two buildings, still proposed to be demolished in the revised scheme, whilst original, are considered to have a lower level of significance both architecturally and historically. Although they do contribute to the general historic character of the area they are not considered to make such a contribution that their loss would be considered unacceptable. These two buildings have a far lesser standing in the street scene than the adjacent Post Office building and are not of a comparable architectural quality to No.280. Their facades whilst pleasant in appearance are not unique and are similar to many other Edwardian buildings in the wider area. Whilst their retention would be preferable it is considered that there is insufficient justification to class these two buildings as non-designated heritage assets and a replacement building could be appropriately designed (appearance a reserved matter) which would contribute positively to the general historic character of the area.

Overall the revised scheme proposes the retention of an identified non-designated heritage asset (No.280) and it is considered that the harm from the two buildings proposed to be demolished is not so significant that it is unacceptable.

#### The need for contributions

Policy INF2 (Developer Contributions), Policy ENV4 (Provision of New Open Space) and Policy H4 (Affordable Housing) within the submission version of the Fylde Local Plan to 2032 (FLP) outline the circumstances where contributions will be sought towards affordable housing, public open space and public realm improvements. A threshold of 10 dwellings is identified in the policy for when the above requirements are triggered. As the scheme is for 34 units, contributions could be sought from the development if needed.

In this case, the Council Strategic Housing Officer has requested that the scheme provide 30% affordable units as per Policy H4 and LCC have requested a contribution of £47,252.65 to help meet an identified shortage of primary and secondary school places to serve the development.

The applicant has argued that the provision of any contributions would render the development unviable, and has sought to evidence that through the submission of a viability assessment. Paragraph 173 of the NPPF states that development “*should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.*” The Council has engaged specialist consultants to undertake an assessment of the submitted viability assessment. They have concluded that the scheme, as now proposed, can withstand contributions amounting to £300,000 whilst still providing the applicant with a level of profit that would encourage them to undertake the development.

The combination of on-site affordable housing, education contributions, enhancements to public open space and enhancements to public realm would far exceed the £300,000 figure and so make the scheme unviable. The delivery of housing to meet the needs of all communities is a priority of the council’s Corporate Plan and so the officer recommendation is that the funding that this development provides should be utilised for the delivery of affordable housing projects in the borough. The most effective way of achieving this is through payment of a financial contribution to the council in lieu of delivery of affordable housing within the scheme which would be difficult for a Registered Provider to manage given its flatted nature.

This would roughly equate to the provision of around 20% of the development as affordable units and would mean that no education, public realm or public open space contributions were delivered. These could all be justified and it would be appropriate to secure them if the scheme were more viable. As such members may wish to revise the recommendation accordingly should they not believe that affordable housing delivery be given the greatest priority.

#### 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 and, as it is under 1 hectare in area, the application does not need to be accompanied by a Flood Risk Assessment.

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.

As the existing building is already served by infrastructure providing connections to the foul and surface water sewer network it is not considered that the disposal of foul and surface water from the site should be considered as a constraining factor to development on the site for the purposes of FBLP policy EP25. An appropriate condition requiring the submission of a detailed drainage strategy for foul and surface water (including a requirement that the rate of surface water discharge does not exceed the pre-development rate) has been imposed in this regard.

#### Contamination:

The 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.

In addition 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.

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.

As the site is located within the urban area and is previously developed, it is considered appropriate to impose a condition requiring intrusive site investigations in order to determine whether the site is contaminated and, if so, what remediation measures are necessary to address this. An appropriate condition has been recommended in this regard in order to ensure that the development does not conflict with the requirements of FBLP policy EP29 and the NPPF.

## **Conclusions**

The application is submitted in outline and relates to the demolition of two thirds of the part of the Dalmeny hotel that fronts onto Clifton Drive South in St Annes and the replacement of this with a four storey block of 34 apartments at a mix of 1 and 2 bedrooms. The other element of the Hotel on that frontage and that part on South Promenade is unaffected by this application.

The scheme would make efficient use of a previously developed site within the defined settlement boundary of Lytham St Annes and would occupy a highly accessible location within the town centre. The development, by virtue of its size, scale, layout, height and massing, would be compatible with the pattern and character of development and the street scene along Clifton Drive South, and would not harm the setting of the area.

The apartment block would have an acceptable relationship with surrounding buildings in order that the development would not unduly affect the privacy and amenity of neighbouring occupiers through overlooking, overshadowing or loss of outlook. Satisfactory arrangements would be made for vehicle access, parking and manoeuvring in order to ensure that the development does 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.

Satisfactory measures can be put in place through conditions to deal with drainage and contamination and there is no requirement for developer contributions to make the development acceptable in planning terms in this instance. The proposed development is therefore in accordance with the requirements of the relevant policies of the National Planning Policy Framework, the adopted Fylde Borough Local Plan and the submission version of the Fylde Local Plan to 2032.

## **Recommendation**

That, Subject to the completion of a Section 106 agreement in order to secure:

- the payment and phasing of payment of a financial contribution of £300,000 towards the delivery of off site affordable housing.

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

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

1. 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.

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 external appearance of the building and the landscaping of the site.

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 shall be for the construction of no more than 34 residential units and relates to the following plans:

- Location Plan
- Proposed Site Plan and Access Plan - 2016-05-02D
- Floor Plans and Street Scene - 2016-05-03C
- Basement Floor Plan - 2016-05-05

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, layout and scale.

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. Matters of access, layout and scale have been applied for and any application for reserved matters must be in accordance with and/or not exceed the maximum 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:

- (i) a survey of the extent, scale and nature of contamination
- (ii) 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.
- (iii) 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 apartments 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 for the building and external ground levels for the site shall be submitted as part of any Reserved Matters application. The development shall thereafter be implemented in accordance with the duly approved details.

Reason: In order to ensure an acceptable relationship between the proposed development and surrounding buildings in accordance with the requirements of Fylde Borough Local Plan policy HL2.

6. 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:

- (i) separate systems for the disposal of foul and surface water;
- (ii) details of the rate of surface water discharge from the site to any soakaway, watercourse or surface water sewer (including any necessary flow attenuation measures and the use of SUDS where appropriate), which shall not exceed the pre-development rate.
- (iii) details of how the scheme will be maintained and managed after completion.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the combined public sewer, the pass forward flow rate to the public sewer must be restricted to 15 l/s.

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

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water

in accordance with the requirements of Fylde Borough Local Plan policies EP25 and EP30, and the National Planning Policy Framework.

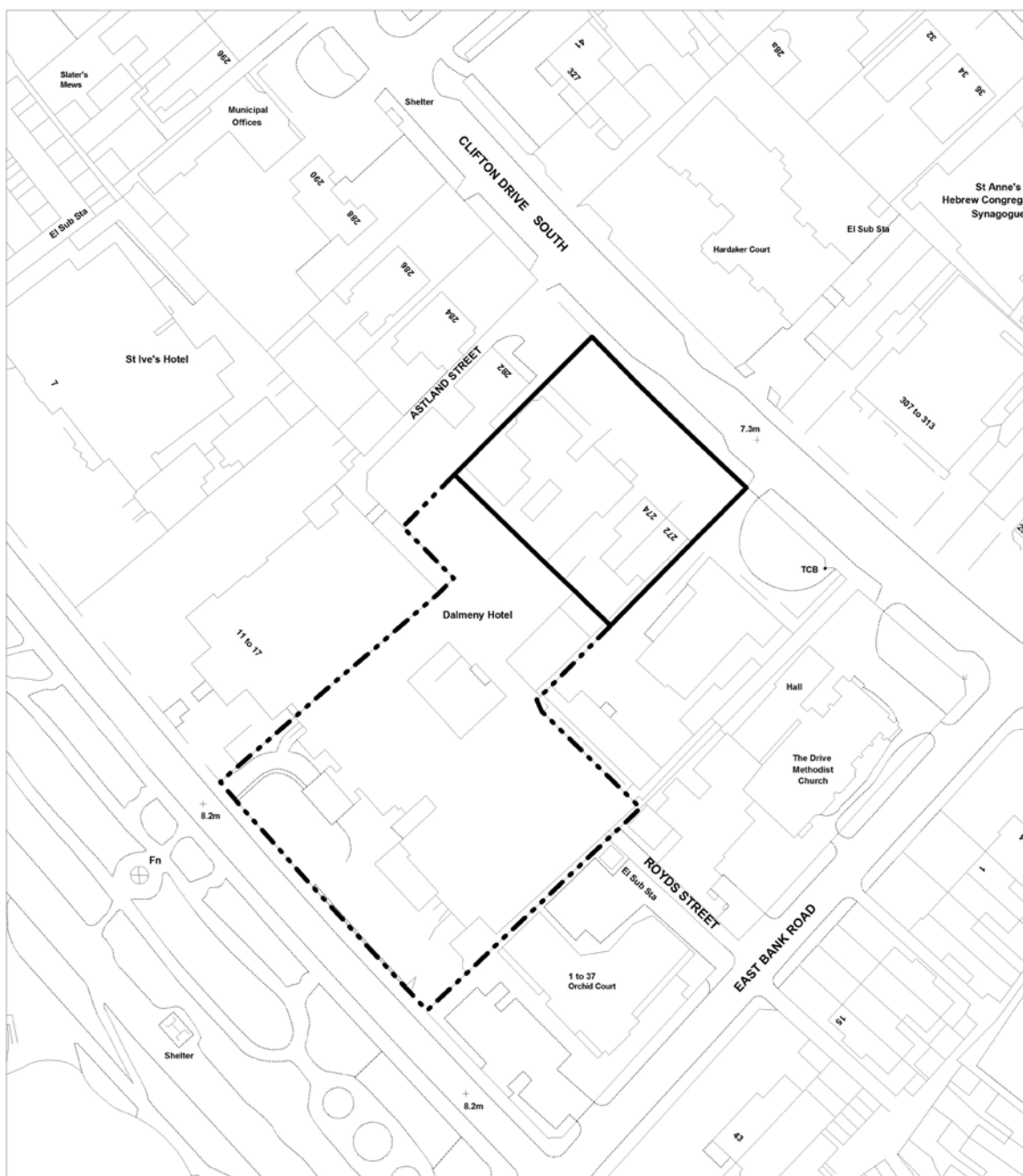
7. Notwithstanding the requirements of condition 3 of this permission, no development shall take place until a scheme for the design and construction of the site access, provision of halo boards on the belisha beacons of the pedestrian crossing, the renewal of the anti-skid surfacing in the approach lanes to the pedestrian crossing, vehicle parking and other hardstanding areas (including their surface treatment and provision for the drainage of surface water from them) hereby approved has been submitted to and approved in writing by the Local Planning Authority. The access, parking and hardstanding areas shall be constructed and made available for use in accordance with the duly approved scheme before any of the apartments are first occupied.

Reason: To ensure that there is adequate provision for vehicles to be parked clear of the highway and to achieve suitable visibility at the junction between the site access and Clifton Drive South in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

8. No development shall take place, nor any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a. the identification of the site access for construction traffic,
- b. the timing of the provision, and standard of construction, of the site access for construction traffic,
- c. times of construction activity at the site,
- d. times and routes of deliveries to the site,
- e. the parking of vehicles of site operatives and visitors,
- f. loading and unloading of plant and materials,
- g. storage of plant and materials used in constructing the development,
- h. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,
- i. wheel washing facilities, including details of how, when and where the facilities are to be used'
- j. measures to control the emission of dust and dirt during construction,
- k. measures to control the generation of noise and vibration during construction to comply with BS5228:2009
- l. a scheme for recycling/disposing of waste resulting from demolition and construction works,

Reason: To ensure the development is implemented without compromising residential amenity or highway / pedestrian safety.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/16/0374	Address Dalmeny Hotel, 19-33 South Promenade, Lytham St Annes	Grid Ref. E.3321 : N.4285	Scale 0 6 12 18 24 m

**Item Number:** 2

**Committee Date:** 15 March 2017

<b>Application Reference:</b>	16/0639	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	RP Tyson Construction	<b>Agent :</b>	Smith & Love Planning Consultants
<b>Location:</b>	THE GABLES, 35-39 ORCHARD ROAD, LYTHAM ST ANNES, FY8 1PG		
<b>Proposal:</b>	ERECTION OF FOUR STOREY BUILDING PROVIDING 19 NO. APARTMENTS WITH ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING		
<b>Parish:</b>	CENTRAL	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	30	<b>Case Officer:</b>	Rob Clewes
<b>Reason for Delay:</b>	Application Deferred by Committee		

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

<https://www.google.co.uk/maps/@53.7496119,-3.0287831,277m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

### **Introduction**

Members will recall that this application was debated at the 11 January 2017 meeting of the Development Management Committee. The resolution that was agreed was that a decision on the application was deferred to allow officers the opportunity to discuss the potential for changes to the design of the scheme, specifically with reference to an alternative to the flat roof design.

Those discussions have taken place and the applicant has presented a revised scheme that features a building with a pitched roof with side gables and secondary gables on the Orchard Road frontage. This revision has been the subject of further consultation with the Town Council and local residents.

St Annes Town Council have commented: *"Support. We would like to see the inclusion of solar panels to aid sustainability as per the St. Anne's emerging Neighbourhood Plan"*.

No additional neighbour representations have been received as a result of the revised plans.

Whilst the revised roof detail has resulted in a taller building and so a more awkward relationship to neighbouring dwellings and the streetscene, it is clearly in-line with the design approach advocated by local members and residents at the January meeting to which there was some sympathy amongst Committee members. Officers are satisfied that the increased height is not so harmful to warrant a refusal of the application and so the recommendation remains for approval.

The officer report below is largely that which was presented on the agenda of the 11 January 2017 meeting with minor updates to reflect the revisions made to the proposal.

### **Summary of Officer Recommendation**

The application site is a broadly rectangular area of land that is located outside of, but in close proximity to, the town centre of St Annes. Surrounding land uses are mixed with some residential properties and office uses including the Job Centre which is opposite in a large four storey building. The site has frontage to Orchard Road and is on the corner with Richmond Road and is accessed from Richmond Road. The existing site is currently undeveloped except for the base of the previously approved development ref: 05/0648.

The application is for full planning permission for the erection of a four-storey block of flats comprising of 19 x two bed units. The proposed development is arranged in an appropriate layout within the development site and when viewed from off site, and it creates no overriding concerns over its relationship to off-site neighbouring properties or the streetscene.

The proposal offers a good opportunity to redevelop a brownfield settlement site that is well related to existing shops and other services for residential properties. The scheme satisfies all elements of Policy HL2 relating to new residential development and HL6 relating to the design of residential estates and is in compliance with the provision of the NPPF. As such it is recommended that the Committee support the application.

It would be usual for developments of this scale to provide contributions towards affordable housing and other infrastructure matters. This scheme does not do so as it has been confirmed that contributions have been made as a result of the previous approval ref: 05/0648 therefore accordingly the recommendation to Committee is that planning permission be granted without any such contributions.

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

The application involves major development and so the Scheme of Delegation requires that the decision on the application is made by the Development Management Committee.

### **Site Description and Location**

The Gables site is on the corner of Orchard Road and Richmond Road, near to St Annes town centre and so is close to local amenities. It is also a transitional site in that it is located prominently between the quieter residential area to the southeast and the commercial area to the northwest. The commercial buildings opposite dominate the site itself but in terms of the scale of adjacent properties it sits well in its environment. Orchard Road and Richmond Road in terms of their appearance are principally late Edwardian Streets and present a rhythmic form of development consistent with the fashion of the times. The current condition of the site detracts from the surroundings as it has lain undeveloped for many years following the demolition of the previous building on site, except for the constructed base of a previously approved scheme as a result of previous consent ref: 05/0648.

### **Details of Proposal**

The proposal is for the construction of a modern block of 19 apartments. The development is 4 storeys in height with a pitched gable ended roof with its overall height being 14.6m to the ridge (compared to a height of 11.6m in the previous flat roofed incarnation). The proposed building

would be a landmark building holding the corner of Richmond Road and Orchard Road. Whilst it is a single building, the foot print consists of two parts, the element fronting Orchard Road (33.2m by 10.4m) and the element fronting Richmond Road (10.4m by 13m). In terms of its scale and massing it reflects the different characters of modern commercial buildings opposite the site whilst preserving the rhythmic qualities of Edwardian properties along Orchard Road. 19 car-parking spaces are provided served from an access off Richmond Road.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
05/0648	DEMOLITION OF EXISTING HOTEL, NEW BUILD OF 19, 2 BED UNITS AND APARTMENTS IN 4 STOREY BLOCK, WITH GLAZED LOBBY AND 19 CAR PARKING SPACES. INCLUDING 2 AFFORDABLE UNITS. TO BE DEVELOPED IN CONJUNCTION WITH APPN NO 5/05/0647 - ROCK FACTORY, REAR OF 79-89 ST ALBANS ROAD, ST ANNES	Granted with S106 agreement	05/10/2006
93/0582	C/U OF 41 ORCHARD ROAD FROM REST HOME TO HOTEL AND TWO STOREY LINK EXTN BETWEEN NO 41 AND EXISTING HOTEL AT 35, 37, 39 ORCHARD ROAD	Granted	10/11/1993

### **Relevant Planning Appeals History**

None

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

**St Anne's on the Sea Town Council** notified on 07 September 2016 to the original proposal and comment:

*"The Town Council would like to see the use of solar panels to support sustainability as per the policies in the emerging Neighbourhood Plan".*

They offered further comments on the scheme previously presented to Committee in a response of 16 December 2016 which stated:

*"The Town Council wish to see the retention of the pitched roof and gables as approved as part of the previous application (September 2016), on the grounds of aesthetics and harmonising with the existing street scene. In reference to the emerging neighbourhood plan we would like to see solar panels installed to increase sustainability."*

Finally, they have offered comments on the scheme that is now under consideration on 16 February 2017 which state:

*"Support. We would like to see the inclusion of solar panels to aid sustainability as per the St. Anne's emerging Neighbourhood Plan."*

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

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

Raise no objections subject to standard comments about ensuring parking is surfaced and the access is properly constructed.

### **Strategic Housing**

No objections to lack of affordable housing provision as it was secured via previous approval ref: 05/0648.

### **LCC Contributions**

Contribution required towards 1 Primary School place and 1 Secondary School place totalling £20,303.59 and £13,474.53 respectively.

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

No objections subject to standard conditions.

### **United Utilities - Water**

No objections subject to standard conditions.

## **Neighbour Observations**

<b>Neighbours notified:</b>	07 September 2016 / 21 November 2016 / 31 January 2017
<b>Amended plans notified:</b>	21 November 2016
<b>Site Notice Date:</b>	30 September 2016
<b>Press Notice Date:</b>	15 September 2016
<b>Number of Responses</b>	2 responses received to original and 5 to first revision
<b>Summary of Comments</b>	

### Original Scheme

- Building is too high
- Loss of privacy
- Design is not in keeping with surrounding area
- Proposed off street parking is not sufficient
- Strain on utilities
- St Annes is a holiday town and new buildings should not detract from this

### First Revision

- Building should have gables to reflect other in area and its name
- Building is prominent and so should be well designed with a gabled roof of a comparable height to others
- The flat roof will reduce the light available to the neighbouring dwelling
- There will be a loss of privacy from new openings that overlook neighbours
- Request that the original pitched roof is reinstated in the design

### Second Revision

No comments have been received.

## **Relevant Planning Policy**

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

SP01	Development within settlements
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TREC17	Public Open Space within New Housing Developments

### **Fylde Local Plan to 2032:**

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
ENV4	Provision of New Open Space
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
T5	Parking Standards

### **Other Relevant Policy:**

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

## **Site Constraints**

None

## **Environmental Impact Assessment**

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

## **Comment and Analysis**

### **Policy Background**

The site is located within the settlement boundary where the principle of residential development is accepted under Fylde Borough Local Plan Policy SP1 and emerging Fylde Local Plan to 2032 Policy GD1. Policy HL2 of the FBLP and H2 of the FLP32 provides the development control criteria for housing proposals, which seeks to ensure, amongst other things, that proposals are acceptable in design terms, do not adversely affect neighbouring amenity, are compatible in land use terms, are situated in sustainable locations, are acceptable in highways safety terms and maintain or enhance local biodiversity.

The site is within an area designated as a Secondary Holiday Area within the Fylde Borough Local Plan. Policy TREC2 allows for development that is compatible with a residential area. The majority of buildings within the immediate locale are used for residential purposes and therefore the use of the site for residential purposes is considered acceptable. Furthermore the proposed holiday area within the emerging Fylde Borough Local Plan to 2032 omits this area from the designated holiday area.

Within the Core Planning Principles of the NPPF encouragement is given for the effective reuse of previously developed land provided that it is not of high environmental value. With the council's on-going shortfall of housing supply (currently 4.8 years) it is imperative that sites which are brownfield and in accessible settlement locations are brought forward to meet that supply unless



there are compelling reasons why not. This site is classed as previously development land, and is not of high environmental value. It is located near to public transport routes and community facilities such as a Medical Centre (0.5 miles) and a Primary School (0.2 miles) and is close to the town centre (0.2 miles). This makes it a site where the principle of residential development should be supported, subject to the detailed considerations in the remainder of this report, so as to assist in achieving a five year housing supply.

#### Design and impact to the street scene

As part of the initial assessment of the application officers secured revised plans proposing a broader pallet of materials and reducing the overall scale of the building by altering the height of the roof which was flat in style. This gave benefits in that it replicated the previously approved scheme on the site, but was also lower in overall scale so that the visual impact of the four-storey building compared to the largely 3-storey neighbours was less apparent, and the massing relationship to these neighbours was improved.

However, the introduction of this flat roof drew criticism from the Town Council, ward councillor and residents in that it did not reflect the overriding style of properties in that part of Orchard Road, and Committee were minded to refuse the development on the basis of this design. As a consequence of this a further revision to the design has been prepared which is the scheme under consideration now.

This reintroduces a pair of pitched roofs that run parallel to Orchard Road along the length of the building and so present as gables when the building is viewed from Wood Street. The elevation to Orchard Road also has a pair of gable features on that frontage close to either end of the building to provide interest to the roofscape on that longer elevation. There has been no alteration to the accommodation provided in the development and so the pitched roofs add around 3m to the overall height of the building at their ridge height. The contemporary design approach that was adopted in the earlier iterations of the scheme has been retained with a mixed palate of brick, render, glazing, recesses and cladding used to help break up the mass of the building. Two small areas of flat roof has been retained: one is along the centre of the building between the two gables viewed from Orchard Road and is needed to retain the roof at a manageable height, and the other is to the part of the building adjacent to 41 Orchard Road to help the building step down to the height of that existing dwelling.

The proposed development is designed in a contemporary style reflecting, to a degree, the style of the recently approved alterations to Westmorland House (Job Centre) on Orchard Road. The proposed building is larger than the previous building that stood on the site and is taller and generally larger than the traditional residential properties which abut the site. However its size and general massing are considered acceptable as the site is on a highly visible corner and therefore in terms of urban design it should be expected that any building on a plot such as this would be more imposing than those that only front onto the road. The revised roof treatment accentuates that and is an acceptable design approach to a building in such a location. In addition, its size and appearance relate well with the other focal point buildings in this locale such as Westmorland House (due to be refurbished) and the Synagogue. The proposed materials are considered appropriate and the palate of materials will create an interesting focal point within the street scene.

The retention of the small areas of flat roof in the building are important in ensuring that the increased height of the building is not overly dominating to the streetscene and neighbouring dwellings, and whilst the building is slightly dominant to the neighbours on Orchard Road, this is not so harmful to warrant a refusal of the application given the clear support for a building of this design and the planning history for this level of residential development on the site.

The general appearance and setting is considered appropriate and the design is of a standard that will enhance and compliment the surrounding area. The design and style of the properties is considered to comply with criterion 2 and 3 of Policy HL2 of the Fylde Borough Local Plan and criterion a, c and l of Policy GD7 of the emerging Fylde Borough Local Plan to 2032.

#### Impact to neighbouring amenity

The nearest neighbouring residential properties are the existing dwellings/flats which abut the northeast and southeast boundaries of the site on Richmond Road and Orchard Road. Further residential properties also face the site on the opposite side of Orchard Road. It is considered that the proposal will not have a detrimental impact on the amenity of these neighbouring properties.

The separation distance between the nearest elevation and the facing side elevation of No.21 Richmond Road is 13m. This separation distance is considered sufficient to ensure that any overbearing or loss of light would be minimal and comparable to that which was previously approved under application ref: 05/0648. The proposed windows in the elevation face onto the main side elevation of No.21 which does contain two ground floor windows. However the separation distance and that the majority of windows for the flats in this section of the development face onto Richmond Road means that any loss of privacy will be minimal.

The nearest neighbouring property No.41 Orchard Road, to the southeast, will receive an increase in mass and bulk due to the proximity of the development to the side elevation. This level of overbearing is however considered acceptable as the majority of the impact is on the main side elevation which does not contain any primary windows. Due to the orientation of the properties there will be minimal loss of light with any impact being during the later hours of the day. The retained flat roof in this area is important in ensuring that the massing and loss of light suffered by this property is not excessive. There will be minimal loss of privacy as the side elevation windows face onto the main side elevation of the neighbouring property and the rear elevation windows face into the proposed car park area for the development.

The neighbouring properties, facing the development, on the opposite side of Orchard Road will not suffer a detrimental impact to their amenity in terms of overbearing nor loss of privacy as the separation distance of 21m from front elevation to front elevation is considered sufficient to mitigate any impact. There will be no loss of light as these neighbouring properties are to the south of the proposed development.

The proposal is therefore considered to comply with criterion 4 of Policy HL4 and criterion b of the emerging Fylde Borough Local Plan to 2032.

#### Access/Impact to highway safety

The proposed development is accessed off Richmond Road via an existing access point. The Lancashire County Council Highways surveyor has confirmed that the proposed access, layout, including turning areas are acceptable and that the site can provide a safe and suitable access to that road. The development proposes 1 off street parking spaces per unit with dedicated cycle storage also on site and this level of provision is acceptable.

There are no highway safety implications from the development which is in accordance with criterion 9 of Policy HL2 of the Fylde Borough Local Plan subject to conditions to ensure that the development is appropriately implemented and parking areas provided.

### Developer Contributions

The application site was subject to a previously approved application (ref: 05/0648) and works have commenced on this scheme. The consent included the benefit of a signed section 106 agreement to include various contributions including Public Open Space and affordable housing to be provided off site at the former Rock Works site on Carlton Road. It has been confirmed that all required payments along with the agreed affordable housing has been provided and therefore no further contributions are required for this application. Although there has been a request from LCC Education for a contribution towards school places with this application it is considered that the Council cannot reasonably expect to make a request from the developer as the previous permission has been implemented and this did not require any contributions towards education.

### Conclusions

The application site is a broadly rectangular area of land that is located outside of, but in close proximity to, the town centre of St Annes. Surrounding land uses are mixed with some residential properties and office uses including the Job Centre which is opposite in a large four storey building. The site has frontage to Orchard Road and is on the corner with Richmond Road and is accessed from Richmond Road. The existing site is currently undeveloped except for the base of the previously approved development ref: 05/0648.

The application is for full planning permission for the erection of a four-storey block of flats comprising of 19 x two bed units. The proposed development is arranged in an appropriate layout within the development site and when viewed from off site, and it creates no overriding concerns over its relationship to off-site neighbouring properties or the streetscene.

The proposal offers a good opportunity to redevelop a brownfield settlement site that is well related to existing shops and other services for residential properties. The scheme satisfies all elements of Policy HL2 relating to new residential development and HL6 relating to the design of residential estates and is in compliance with the provision of the NPPF. As such it is recommended that the Committee support the application.

It would be usual for developments of this scale to provide contributions towards affordable housing and other infrastructure matters. This scheme does not do so as it has been confirmed that contributions have been made as a result of the previous approval ref: 05/0648 therefore accordingly the recommendation to Committee is that planning permission be granted without any such contributions.

### Recommendation

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This consent relates to the following details:

#### Approved plans:

- Location Plan - 15-2061-PN005

- Site Plan - 15-2061-PN001 Rev D
- Proposed Elevations - 15-2061-PN003 Rev D
- Proposed Floor Plans - 15-2061-PN002 Rev C
- Proposed Street Scene - 15-2061PN006 Rev C

Supporting Reports:

- Design and Access Statement

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

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials.

Reason: To ensure that the materials have a satisfactory appearance.

4. Prior to the first occupation of any of the units, the access, turning and parking areas shall be implemented and laid out in full in accordance with the approved details shown on submitted plan ref: 15-2061-PN001 Rev D , with those areas thereafter retained available for the parking of motor vehicles.

Reason: In order to ensure the provision of adequate off street car parking that is in keeping with the character of the area.

5. Notwithstanding any denotation on the approved plans details of all boundary treatments and other means of enclosure (including the access gates, cycle and bin stores), including their means of construction, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any built development on site. Thereafter only those approved details shall be used in the development unless otherwise agreed in writing with the Authority.

Reason: To ensure a satisfactory standard of development.

6. Prior to the commencement of works samples/details of all hard and soft landscape works shown on plan ref: 15-2061-PN001 Rev D (including the access driveway of the site and parking areas) shall be submitted to and confirmed in writing by the Local Planning Authority. The works shall be carried out using the agreed materials.

Reason: To ensure a satisfactory appearance.

7. Prior to the commencement of development a scheme for the disposal of foul and surface waters for the entire site, based on the hierarchy of drainage options in the National Planning Practice Guidance and sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall, as a minimum, include the following:

- a. Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- 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;
- f. Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g. Details of water quality controls, where applicable.

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

Reason In order to ensure adequate and proper drainage of the site.

- 8. Prior to the commencement of development a scheme outlining details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall, as a minimum, include:
  - a. The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company.
  - b. Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
    - i. on-going inspections relating to performance and asset condition assessments.
    - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
  - c. Means of access for maintenance and easements where applicable.

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

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

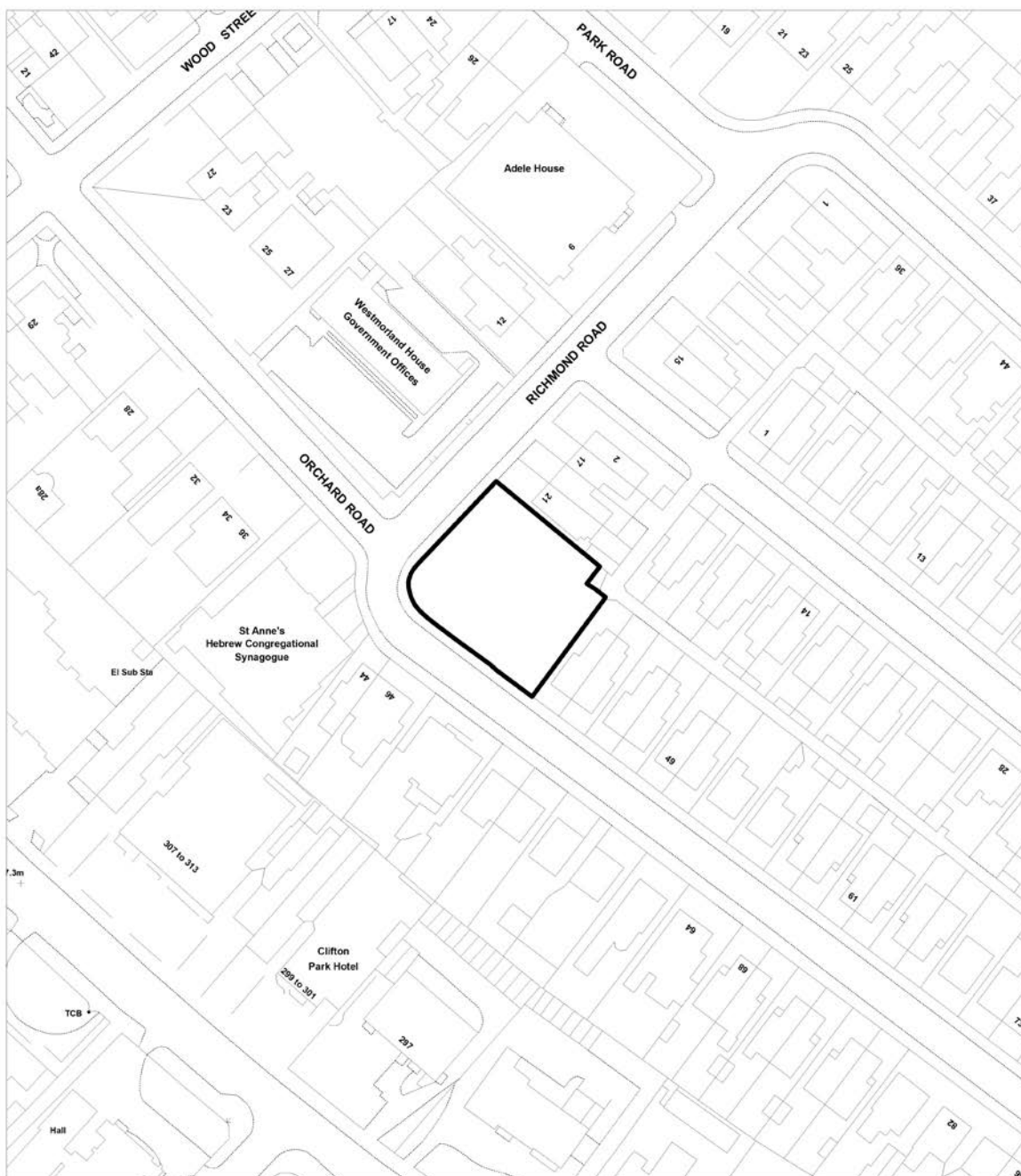
9. Prior to the commencement of development a detailed scheme for the design of the revised site access shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the access with, kerb alternations, surfacing and other such engineering matters along with a phasing scheme for the implementation of these works. The approved scheme shall be implemented as part of the development in accordance with the approved phasing scheme

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site in accordance with Policy HL2 of the Fylde Borough Local Plan.

10. No development shall take place, nor any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a. the identification of the site access for construction traffic,
- b. the timing of the provision, and standard of construction, of the site access for construction traffic,
- c. times of construction activity at the site,
- d. times and routes of deliveries to the site,
- e. the parking of vehicles of site operatives and visitors,
- f. loading and unloading of plant and materials,
- g. storage of plant and materials used in constructing the development,
- h. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate,
- i. wheel washing facilities, including details of how, when and where the facilities are to be used'
- j. measures to control the emission of dust and dirt during construction,
- k. measures to control the generation of noise and vibration during construction to comply with BS5228:2009
- l. a scheme for recycling/disposing of waste resulting from demolition and construction works,

Reason: To ensure the development is implemented without compromising residential amenity or highway / pedestrian safety.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/16/0639	Address The Gables, 35-39 Orchard Road, Lytham St Annes	Grid Ref. E.3322 : N.4286	Scale 0 6 12 18 24 m

**Item Number:** 3

**Committee Date:** 15 March 2017

<b>Application Reference:</b>	16/0645	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Prospect (GB) Limited	<b>Agent :</b>	GL Hearn
<b>Location:</b>	LAND NORTH OF, BEECH ROAD, ELSWICK		
<b>Proposal:</b>	ERECTION OF 50 DWELLINGS TO BE ACCESSED FROM BEECH ROAD WITH ASSOCIATED LANDSCAPING, PARKING, PUMPING STATION AND ELECTRICITY SUB-STATION FOLLOWING DEMOLITION OF EXISTING AGRICULTURAL BUILDING		
<b>Parish:</b>	ELSWICK AND LITTLE ECCLESTON	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	28	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Negotiations to resolve difficulties		

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

<https://www.google.co.uk/maps/@53.8405455,-2.8849268,553m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Approve Subj 106

**Summary of Officer Recommendation**

The proposal for consideration by Members is a full application for the erection of 50 dwellings on land north of Beech Road in Elswick. The site is allocated as a Countryside Area in the adopted Fylde Borough Council Local Plan and Submission Version of the Fylde Local Plan 2032.

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

The proposed development, would result in an expansion of the village in the order of approximately 11% in a location on the edge of the settlement boundary which has an acceptable relationship with the settlement area and provides a convenient and safe access to existing shops, services, and public transport facilities available both within and outside the village. Nor would it have any significant adverse effects on landscape character and quality, and appropriate mitigation can be introduced as part of the scheme in order to minimise impact. The development would not result in any significant loss of the Borough's best and most versatile agricultural land and there are no other landscape designations to restrict its development for housing.

Numerous appeals have demonstrated that the principle of housing development cannot be resisted in the Countryside Area providing that it is sustainable in all other respects and that no other demonstrable harm would arise as a result. Whilst the development would result in encroachment into the countryside, it would not result in the introduction of isolated homes



in the countryside and would make a valuable contribution to the delivery of private and affordable housing in the Borough in the absence of a five year supply.

The scheme would result in an acceptable relationship with surrounding land uses and appropriate mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding and drainage. The proposal would not affect the significance of any heritage assets in the locality and appropriate contributions would be secured to make the development acceptable in planning terms. The proposed development is therefore in accordance with the requirements of the relevant policies of the National Planning Policy Framework and it is recommended that permission be granted on completion of a s106 agreement.

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

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

### **Site Description and Location**

The application site is irregular in shape and extends to approximately 2.6 hectare in area. It is located on the north western edge of Elswick, on the north side of the B5269 'Beech Road'. The land falls within the open countryside as defined on the Fylde Borough Local Plan Proposals Map. The site presently comprises grazing land and includes an existing agricultural outbuilding, two existing ponds, and mature trees and hedgerows delineating field boundaries. It is designated as Grade 3b (good to moderate quality) agricultural land on the Agricultural Land Classification Map and has a generally flat topography which gently falls away to the north. The site does not contain any statutory or non-statutory nature conservation, landscape or heritage designations and is classified as flood zone 1 (low probability) on the Environment Agency (EA) flood map.

The site is situated on the north western edge of the village adjoining the settlement boundary. Immediately to the south of the site is a grass verge containing a group of mature trees and flower beds created for the Royal Horticultural Society's 'Britain in Bloom' campaign. Directly opposite the site are residential properties situated on the south side of Beech Road. These dwellings are mixed in character and of relatively low density. The centre of Elswick is located within walking distance of the site. In wider terms, the site is bound to the west by three residential properties, grazing land and beyond that by Meagles Lane; to the south by Beech Road; to the east by grazing land and beyond that by residential properties on Copp Lane; and to the north by open fields, an existing pond, and beyond that by Langtree Lane. The site is situated approximately 2km to the south of Great Eccleston, a large village, within in the administrative boundary of Wyre Borough Council (WBC), which comprises a range of facilities, services and amenities.

### **Details of Proposal**

The proposal is a full planning application for the demolition of an existing agricultural outbuilding and the erection of 50 dwellings, with car parking, a pumping station, a substation and a new access from Beech Road.

The 50 dwellings are proposed to constitute 50% 3 bedrooms and 50% 4 bedrooms, with 15 of the 50 to be affordable housing units. The access road will be approximately central to the sites frontage

with Beech Road and five dwellings will front to Beech Road. Within the site the collector road is relatively straight and runs west to east, it leads to two dwelling access roads leading off it to the north and south, and at the end of the collector road are two further dwellings access roads. Dwellings face out into the countryside and landscaping is proposed throughout the site, with concentrations around the front and countryside boundaries of the site. The proposed dwellings are two storey across the site, with some dwellings having single storey garages. The dwellings are traditionally designed with front gables and are to be constructed in red brick.

### **Relevant Planning History**

There have been no relevant previous applications on this site but members should note that there has recently been a previous application for 50 dwellings in Elswick:

16/0180 – Land north of Mill Lane. Outline (access) application for construction of 50 dwellings. This was refused by Committee.

And there are two other pending major residential applications;

16/0846 – land east of Copp Lane, Elswick – Outline (access) application for construction of up to 36 dwellings.

16/1038 – Land west of West View, Elswick - Outline application for construction of up to 19 dwellings with all matters reserved.

### **Relevant Planning Appeals History**

None

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

**Elswick Parish Council** notified on 08 September 2016 and comment:

*“The Parish Council wishes to submit the following formal response, which represents a strong objection to the above planning application.*

#### **Neighbourhood Plan, Size and Scale**

*Fylde Borough Council’s Development Management Committee decided on 9 March 2016 to reduce the number of homes in Elswick from 140 to 50 and to change its status to a Tier 2 Smaller Rural Settlement.*

*Elswick’s Neighbourhood Area was approved by Fylde Borough Council on the 3rd August 2016, and as such has Elswick has an emerging Neighbourhood Plan.*

*The Parish Council is aware the Neighbourhood Development Plan is a lengthy process, but its purpose assists the community to manage their neighbourhood. It is the Parish Council’s intention to consider the residents preferences in order to allocate suitable sites in and around Elswick to provide 50 homes over the plan period, in addition to the existing commitments. Development of sites that are not currently proposed for allocation would seriously pre-empt and undermine the Neighbourhood Plan.*

*Other developments have already been approved, and this would increase the size of Elswick even further. Due to its size and existing amenities, the Parish Council does not consider that Elswick is*

*able to sustain large scale developments and feels that this proposal is inappropriate development.*

#### Adjoining Authorities

*Wyre Borough Council has recently objected to any large scales developments in Elswick as this will significantly limit Wyre Borough Councils development plans which are being restricted by the Highways Agency due to the traffic problems on the already busy A585 and by the lack of amenities in the area. If this development is allowed to go ahead, this will severely impact on Wyre Borough Councils development plans.*

#### Sustainable Development

*Assessments taken at the beginning of the Local Plan process scored Elswick as low in sustainability. Elswick has no school, no health centre and only one small newsagents shop. The nearest health centre is 1.5 miles away and the nearest supermarket is 6 miles away. Elswick has recently lost the bus service to Blackpool. There is very little employment opportunity/industry in Elswick with most people being employed in Blackpool or further afield.*

*This development threatens significant additional burden on the local health services and other local amenities. The village has to rely on services elsewhere, in particularly Great Eccleston in Wyre, where the local health centre has long waiting lists.*

#### Transport and Traffic

*The majority of traffic travelling out of the village will access the A585 which is already extremely busy, and has been highlighted as an issue by the Highways Agency as a restriction for Wyre Borough Councils development plans. The Highways Agency accepts that the Thistleton junction of the A585 is dangerous and plan future improvements to the junction. The Parish Council considers that further development in the village should be rejected until improvements have been undertaken at this junction.*

#### Summary

*The Parish Council asks the Development Management Committee to reject this application as it considers the proposed development to be both unsustainable and inappropriate."*

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

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

*No objections to the proposal subject to conditions.*

##### Access Strategy

*The developer is proposing a simple priority junction from the development site onto Beech Road. Given the scale of the development and existing traffic conditions on Beech Road the proposed access type is acceptable. To determine the necessary sightlines at the access the developer has undertaken a speed survey. The developer has observed traffic speeds for 200 vehicles in each direction to obtain the 85th percentile speed of traffic. The developers calculated 85th percentile speed are 26mph for westbound traffic and 32mph for eastbound traffic. Whilst obtaining the speed of 200 vehicles (in free flow conditions) is an acceptable approach for traffic speed assessment no time of day has been provided as to when these speed readings were obtained. Neither of the 2 dates would be acceptable for volume assessment as the local schools had finished for the summer and the second date is a Bank Holiday.*

*LCC holds traffic count data for a large number of locations countywide, which includes a*

count site on Beech Road at the westerly end of the development site. There have been 2 counts undertaken at this location using an automatic traffic counter collecting data between 14 – 22 September 2013 and 18 – 24 October 2013. The 85th percentile speeds from these counters are 34mph for westbound traffic (from both counts) and 35mph and 36mph eastbound traffic.

The sightlines shown on the site access are dimensioned at 2.4m x 44m to the west and 2.4m x 33m to the east which would be considered adequate for the speeds obtained by the developer. For a road with an 85th percentile speed of 36mph the recommended sightline, using the methodology in *Manual for Streets*, would be 2.4m x 55m.

LCC are concerned that the sightlines would on first glance appear to be insufficient, however, on site observations are that sightlines greater than those proposed by the developer can be provided to the east. Nonetheless it is still considered that some traffic calming measures should be provided to further regulate the speed of vehicles along Beech Road.

When entering Beech Road at its westerly end traffic that enters from the Thistleton direction does so without significantly reducing speed. This is down to the geometry of the junction and that Thistleton Road is subject to the national speed limit (60mph) changing to 30mph on the approach to the junction. To influence vehicle speeds it is suggested that gateway signing and treatment be provided here and the junction of Beech Road and Thistleton Road be modified to reduce entry speeds into Beech Road. The latter would have benefits for pedestrians by reducing the distance that pedestrians are required to be on the carriageway when crossing the road. These works should be carried out under an s278 agreement. With regards to reducing speeds in the vicinity of the site access it is suggested that a junction table be provided. Again these works should be carried out under an s278 agreement.

#### Trip Rates/Traffic Generation

The trip rates used by the developer show that in the AM peak 26 vehicle movements would occur (8 in and 18 out) and 24 vehicle movements (17 in and 7 out) in the PM peak. The trip rates used by the developer are extracted from the TRICS database. These trip rates are slightly lower than those accepted for the recent Mill Lane development proposal. If the accepted trip rates for Mill Lane were applied here it would only add 4 or 5 vehicle movements in each of the peak hours.

#### Distribution/Junction Capacity

No junction capacity or distribution has been provided in the TS, however, given the existing traffic levels in Elswick and the predicted traffic levels from this development LCC have no concerns over highway capacity. The assessment does not take into account any traffic that may be generated as a result of the Fracking site at Roseacre Wood (still at appeal). However, having regard to the previous work undertaken when assessing the Mill Lane application which was recently refused planning permission LCC do not consider that this developer needs to carry out further assessment in order to show that the impact would not be severe.

#### Site Accessibility

The National Planning Policy Framework (NPPF) states in paragraph 17 that development should “make the fullest possible use of public transport, walking and cycling and focus significant developments in locations which can be made sustainable”. The development is below the threshold for a Travel Plan, however, this does not mean that travel planning

*initiatives should be ignored, and as such the developer should still be providing welcome packs selling the virtues of sustainable travel with an emphasis on walking, cycling and public transport.*

#### *Pedestrian / Cycling Considerations.*

*As part of the development proposal the developer is proposing to construct a footway along the site frontage. No further improvements have been identified by the developer. LCC would as a minimum expect to see the proposed footway link into the existing footway to the west of the site.*

#### *Public Transport*

*Recent cuts to the funding of subsidised bus services throughout Lancashire has led to the removal or reduction of public transport services*

- *Service 78 is fully commercial whilst services 75A & 80 are LCC tendered (subsidised).*
- *Service 80 (to Preston) only runs every two hours compared with an hourly service prior to cuts. It is recommended that the hourly service be reinstated in order to provide alternative modes of travel to the car.*

*The projected cost of restoring an hourly service (Mon – Sat) for Service 80 would be in the region of £100k per annum. LCC would normally ask that funding for 5 years be secured.*

*When consulted on the development off Mill Lane LCC requested that the developer contribute £250k (spread over 5 years). To be seen as being fair and equitable a similar level of contribution should be sought.*

*In addition to this LCC consider it necessary that the developer upgrade local bus stops to have raised boarding areas to improve accessibility for a wider range of users. The locations of which would need to be agreed. These works should be included as part of any off-site highway works and carried out under an s278 agreement.*

#### *Road Safety*

*Within the TS the developer identifies 2 injury accidents in the last 5 years, neither of which occurred on Beech Road. If the study area was extend an additional 2 injury accident within the same period can be identified. All 4 injury accidents resulting in slight injuries. Examining the causation factors for the accidents, no common cause is identified and as such it can be concluded that the additional traffic that this proposal puts on the highway network will not be adversely severe.*

#### *Layout*

*The internal layout of the site generally meets with the standards LCC would expect to see in order for the roads to be offered and accept for adoption. However, there are 2 location where minor alterations would be required. The turning heads adjacent to plots 17 / 22 and 25 / 32 require a 0.5m wide service strip including along the long side of the hammer head. This is unlikely to impact on the adjoining landscaping and could be resolved through the s38 adoption process. Where garages are proposed the internal dimensions should be 6m x 3m in order to be classified as a car parking space. LCC would also require the provision of cycle parking at all dwelling, details of which could be agreed and be the subject of a discharge of planning condition.*

### Construction

LCC have raised concerns over the effect of HGV's in the area through the Fracking applications. The TA includes a section of construction traffic and that a Construction Traffic Management Plan (CTMP) will be produced. LCC would also recommend that the CTMP also include road condition surveys.

### Recommendation

Subject to the developer entering an s106 for sustainable transport improvements I can confirm that there are no highway objections.

Request a number of standard highway conditions.

### **Greater Manchester Ecology Unit**

The Ecology surveys submitted in support of the application have been undertaken by suitably qualified consultants and are to appropriate and proportionate standards. No further surveys need to be conducted prior to deciding the application.

### Impact on protected nature conservation sites

The application site itself is not designated for its nature conservation value. Although it is within 3km of the Morecambe Bay/Wyre Estuary protected sites, the character of the application site means that it does not have significant value for the bird communities associated with the Estuary/Bay.

### Impact on protected species and important habitats

The ponds on and close to the site have not been shown by survey to support the specially protected species great crested newt, but common toad, a priority species for conservation, may occur locally. The site will have some value as a feeding resource for foraging bats and birds, although the features of most interest to bats (ponds, hedgerows and trees) are capable of being retained as part of the scheme and there is extensive alternative bat feeding habitat available close by such that I would not consider that the proposed development will have any long-term harmful effects on local bat populations. The Landscape Plan for the site is satisfactory and will contribute to the retention of at least part of the local nature conservation value of the site.

I would recommend that in order to protect important species and habitats –

- Ponds, hedgerows and trees are retained and protected as part of any approved scheme, or new planting implemented if any trees or shrubs are lost to the scheme
- The Method Statement for avoidance of harm to amphibians as described in the 'ERAP' Ecological Survey and Assessment report (ERAP Ltd ref: 2016-114) should be required to be implemented in full. This will also help other wildlife that may use the site
- No vegetation clearance required to facilitate the scheme should take place during the optimum period for bird nesting (March to July inclusive).

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

No objections subject to standard drainage conditions.

### **LCC Contributions**

Are not seeking contributions in relation to primary school places as there is sufficient capacity. State that there are no secondary schools within 3 miles of the site. However seek a contribution towards 6 places totalling £121,821.54.

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

- *In terms of existing trees, there are none internal to the site that have strong merit. I note from submitted plans an intention to retain trees however and they appear to have been allowed for in the indicative layout.*
- *All but the dividing hedgerow can be retained but I caution that the state of two – the western hedge towards Meagles Lane and parts of the northern hedge towards Langtree Lane - are in parts quite poor. The hedge towards Copp Lane is tall and still reasonably dense so currently offers screening.*
- *Trees surrounding the pond at the rear of 'Images' are of biodiversity value but poor overall. Collapsed willows compose most of the stock here, with one alder that might be a reasonable amenity tree if the dense covering of ivy were taken away.*
- *The offsite amenity trees (London planes, cherries etc) planted in the verge along Beech Road gain added value if development proceeds because they will screen buildings and complement new landscaping. They are not at issue.*
- *I note an intention to provide a deep (approx. 10m) strip around the boundaries planted with standard trees.*
- *Trees pose no obstacles to the development. I see no obvious TPO candidates among them and by accident of nature none are growing where they offer any obstruction to development. New amenity tree and woodland planting along the spine roads and in front gardens is important.*
- *Hedges to all peripheries should be retained, restocked and managed in accord with policies in GD7 (I) of the emerging local plan to 2032 – Achieving Good Design in Development.*
- *The council should seek woodland buffer planting to all peripheries rather than standard trees. Policy ENV1 (a) and (b) support this broadly and para 14.6 gives support.*

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

Comments were sought from an external Landscape consultant to assess the submitted LVIA. Their comments in respect of the key aspects of this are:

#### *Comments on Development Location*

*Whilst in plan the site extends northwards in to the farmland there are limited opportunities from which this extension would be seen. The site is barely perceptible from Copp Lane to the east due to the existing housing and vegetation alongside it. Approaching Elswick from the west, on the B5269, the view is quite rural. The roof of the house on the corner of Beech Road and the High Street can be seen but to the north side of the road development is not visible. In this view there is a definite transition with development south of Beech Road and open farmland to the north. It is anticipated that some roofs of proposed housing would be partially visible but the effects would not be significant due to the screening provided by existing intervening vegetation and the hedgerow and trees along Meagles Lane.*

*Near to Little Eccleston a PRow runs through open farmland on slightly higher ground than the site and around 1km from it. There are long views across the open landscape back towards Elswick. Isolated buildings are visible but views of the village are filtered by existing intervening vegetation. Development of the site would extend housing northwards closer to the viewer and would increase the amount of built form in the view. Buffer planting proposed would in time provide screening of the proposed development and at a distance of around 1km away the change in the view would not be significant.*

*The proposed development site is visible from Langtree Lane but effects would not be significant as they would be experienced by few visual receptors.*

*From Beech Road the site frontage would be visible and the effects would be significant as described in relation to my comments on the application drawings below.*

*The farmland along the settlement edge is influenced by the proximity of urban form which reduces the sense of tranquillity and remoteness. Residential development is part of the existing character, although shelterbelts and trees along the settlement edge filter views of built form. The landscape is not designated and is considered to be moderately sensitive. Proposed residential development within the site would not be uncharacteristic within the landscape context.*

*Comments on the proposed site layout*

*To the west of the site access off Beech Road the proposed housing sits too close to the road. The building line should be set back to correspond with that of The Paddock to minimise the visual effects on those travelling eastwards on Beech Road.*

*Ideally a wide verge should be incorporated along the frontage with Beech Road to correspond with that further east. A hedgerow and some trees should be planted at the back of this verge to continue the vegetated character of the view.*

*The buffer planting proposed along the northern, western and part of the eastern boundary is in character with the existing settlement edge and is essential in ensuring that the proposed housing scheme integrates into the surrounding landscape. The section of the eastern boundary near to Beech Road also requires a landscape buffer as views from Beech Road of gable ends and boundary fences would be unacceptable.*

**Environmental Protection (Pollution)**

No objections, requests a condition in relation to construction site noise and vibration.

**Natural England**

No objections.

**United Utilities - Water**

No objections. Request standard drainage conditions.

**Environment Agency**

No objections.

**Strategic Housing**

*There will be a requirement of 30% affordable housing on this site which equates to 15 units. These are detailed on the site plan as the Woodrush range and are all in one area of the site. Data is not available on the extent of housing need within Elswick. From MyHomeChoice Fylde Coast the Choice Based lettings System for Fylde registered provider landlords, there are a number of households registered who have ticked Elswick as an area of preference for rehousing, but this does not clarify if they have a local connection to the Parish, but they will have a local connection to wider Fylde.*

*The SHMA Analysis of Housing Need Addendum November 2014 gives an indication of*



*future housing need in Rural East as 8 and Rural North East as 5 newly arising households in need per annum. It is therefore proposed that housing need within the area may not be sufficient to require 15 units on this site and a mixture of off-site commuted sums and on site provision may be acceptable.*

## **Highways England**

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

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

The applicants at HE request produced a technical note to supplement the TS submitted with the application. HE have reviewed both and make following observations;

The Technical Note states that the traffic flows generated by this committed development have been extracted from the Technical Note prepared by Croft for the Mill Lane proposal, dated November 2016, and assigned at this junction based on the surveyed turning proportions. This is considered by us to be a reasonable approach and is consistent with that which has been adopted in the Croft Technical Note

For the trip distribution, the Technical Note states that, in order to ensure a consistent approach, the trip rates which were used in the Croft Technical Note for the Mill Lane proposal have been used in the trip generation calculations, as these were accepted by Highways England in its response on that scheme. This approach is accepted and the trip rates are considered appropriate to use. These equate to 7 arrivals at AM weekday peak, 22 departures at AM peak, 22 Arrivals at PM peak and 11 Departures. HA state no further information is required.

A total of 16 new trips in the AM and PM peak hours are forecast to use the Thistleton junction when the proposed development is fully occupied.

Whilst it is acknowledged that a relatively low number of additional trips are forecast to pass through the junction in each of the peak hours, there are known issues regarding the operation of the Thistleton junction. Highways England has therefore requested that the applicant undertake a detailed junction capacity assessment in order to clearly demonstrate the impact of the proposed development on the operation of the junction.

*The submission refers to forecast increases being minimal, 6 right-turners from Thistleton Road in Weekday AM peak and 9 right-turners from Mile Road in Weekday PM peak, equating to an additional right-turning vehicle every 10 and 15 minutes. Concluding that this will not result in any material changes to the operation or highway safety of the junction.* Notwithstanding, HE comment that however small these increases in traffic are, the risk of incidents happening at the junction will undoubtedly increase incrementally as development comes forward that is served by Thistleton junction in areas such as Elswick.

HE conclude A single development of 50 dwellings will possibly raise the risk only

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

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

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

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

### **Neighbour Observations**

<b>Neighbours notified:</b>	14 November 2016
<b>Press Notice Date:</b>	15 September 2016
<b>Number of Responses</b>	Eleven
<b>Summary of Comments</b>	

- Increase in traffic in area and on A585.
- Unsustainable – lack of facilities in the village.
- Too many housing applications in village.
- Lack of employment in area.
- Impact on utilities infrastructure.
- Reduced bus services.
- Lack of homes for first time buyers.
- Flooding and drainage issues
- Tier 2 settlement in the Local Plan.

### **Relevant Planning Policy**

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

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TR01	Improving pedestrian facilities
TR05	Public transport provision for large developments

TREC17	Public Open Space within New Housing Developments
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP18	Natural features
EP21	Archaeology
EP19	Protected species
EP22	Protection of agricultural land
EP26	Air pollution
EP27	Noise pollution
EP29	Contaminated land
EP30	Development within floodplains

#### **Fylde Local Plan to 2032:**

NP1	Presumption in favour of Sustainable Development
S1	Proposed Settlement Hierarchy
DLF1	Development Locations for Fylde
SL5	Development Sites outside Strategic Locations for Devt
GD1	Settlement Boundaries
GD4	Development in the Countryside
GD7	Achieving Good Design in Development
GD9	Contaminated Land
H1	Housing Delivery and the Allocation of Housing Land
H2	Density and Mix of New Residential Development
H4	Affordable Housing
HW1	Health and Wellbeing
INF1	Service Accessibility and Infrastructure
INF2	Developer Contributions
T4	Enhancing Sustainable Transport Choice
T5	Parking Standards
CL1	Flood Alleviation, Water Quality and Water Efficiency
CL2	Surface Water Run-Off and Sustainable Drainage
ENV1	Landscape
ENV2	Biodiversity
ENV4	Provision of New Open Space
ENV5	Historic Environment

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

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

#### **Site Constraints**

Within countryside area

#### **Environmental Impact Assessment**

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 when considering this application are;

The principle of the development  
Design/layout  
The visual impact of the development  
Highways issues.  
Impact on residential amenity  
Flooding and drainage  
Ecology  
Other issues

### **The principle of the development**

#### **Policy Context and Site Allocation**

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF advocates a presumption in favour of sustainable development. In terms of decision taking, this means approving development proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in Framework. It advises that decision takers at every level should seek to approve applications for sustainable development where possible.

The site is located within the Countryside Area as defined on the Proposals Map of the Fylde Borough Local Plan (FBLP) and Submission Version of the Fylde Local Plan to 2032 (SVFLP). Policies SP2 and GD4 of these plans are therefore of relevance and seek to safeguard the natural quality of the countryside area by supporting development related to agriculture, horticulture, forestry or other uses appropriate to a rural area only. The development proposed cannot be categorised as such and is therefore contrary to Policies SP2 and GD4. Elswick Parish Council have raised objection to the proposal on this basis.

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

#### **Housing Need**

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

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

Policy DLF1 of the SVFLP sets out a targeted strategy for new residential development within Fylde, identifying Elswick as a Tier 2: Smaller Rural Settlement location. Justification text to Policy SL5 confirms that Tier 2 locations can accommodate up to 50 homes over the plan period with delivery being reliant upon windfall development as opposed to allocated sites. Members should note that they recently refused planning application 16/0180 which was an application for 50 dwellings on land north of Mill Lane, its refusal reason being;

*“The development of the site for up to 50 dwellings will, in combination with recent planning approvals, result in a level of development in Elswick that will exceed that assumed in the emerging Fylde Local Plan, which is at an advanced stage of preparation, and identified Elswick as a tier 2 settlement expected to support only limited expansion. In the absence of any significant community facilities within the village and a limited public transport service in the village, the proposal would result in increased journeys by private motor vehicle and so would be economically, socially and environmentally unsustainable and contrary to the provisions of Policy S1 of the emerging Fylde Local Plan to 2032.”*

There is another application for 36 dwellings on land to the east of Copp Lane (16/0846) which is currently being considered and one for 19 dwellings off West View. There is also committed development within the village on Bonds Ice Cream (8 units), Elswick Trading Park (9 units) and Chapel Farm (5 units). Collectively these developments will exceed the 50 unit provision within Policy SL5, though it is considered that the proposal will make a significant contribution to meeting this overall target.

Paragraph 216 of the NPPF indicates that *“from the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

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

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

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

### Does the proposal deliver sustainable development?

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

### Accessibility and Availability of Services

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

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

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

There are bus stops located immediately adjacent to the site on Beech Road to the east and another on the High Street, within walking distance to the south. The closest on Beech Road provides the number 80 service between Myerscough and Preston every 2 hours (not on Sunday). There are five other stops within Elswick which operate the 75a (Myerscough to Preston, one stop at 06:27) and 78 (Poulton to Lytham and St Annes, hourly) services. LCC have confirmed in their consultation response that Service 78 is fully commercial while 75a and 80 are LCC subsidised. They have confirmed that the 80 is a two hourly service and they recommend that the hourly service be re-instated to provide sustainable transport solutions. They request a contribution of £250k from this development towards providing that service spread over 5 years.

Concern has been raised by residents with regards to pressure on existing health with waiting times of up to 4 weeks, education facilities, lack of employment opportunity and reduced bus service affecting the sites sustainability. It is acknowledged that this matter does impinge on the sustainability of the site, however it is considered that such matters alone are not sufficient to refuse the development on sustainability grounds. LCC Education comment that there is currently a shortfall of secondary school places and that the development will add to this. On this basis, a financial contribution is requested from the development which will be used to increase provision, in this circumstance 6 places totalling £121,821.54. Clarification has been requested as to which school will benefit from the contributions and this will be in the late observations.

As identified in paragraphs 34 and 38 of the NPPF, it is inevitable that sites within the countryside will not benefit from the same accessibility to services as those within the urban area. It does not, however, follow that all development within the rural area is always unsustainable and, as acknowledged at paragraph 55 of the NPPF, the introduction of housing in rural areas is capable of

enhancing the vitality of rural communities by supporting local shops and services. Indeed, the test in paragraph 55 of the NPPF is to avoid new isolated homes in the countryside.

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

#### Scale of Development

The scale and density of the development proposed would be in line with that in the vicinity. The application proposes 50 two storey dwellings over an area of 2.6 hectares which is an appropriate density for the settlement of Elswick. Elswick Parish Council comment the proposal will increase the size of Elswick when added to approved developments and current housing applications. Residents have raised concern to the scale of development and how this would alter the village character.

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. There are approximately 463 dwellings in the village of Elswick. Based on this total, the proposal of 50 units will therefore result in an 11% increase in the village size. Cumulatively, with approved development at Bonds Ice Cream (8 units), Elswick Trading Park (9 units) and Chapel Farm (5 units) the village has the planning permissions that would involve a 16% growth, which would increase to 26% if the current residential scheme on Mill Lane (50 units) was granted at appeal and to 34% were the Copp Lane residential proposal (36 units).

It is not considered that this proposal would be an unacceptable scale of growth to the settlement and that there are sufficient services within the settlement to meet the needs of existing and prospective occupants. These figures are, however, intended only to give a quantitative context to the level of expansion which would arise as a result of the development. There is, in policy terms, no set percentage restricting the degree to which an existing settlement can expand. Instead, the consideration is whether any impacts arising as a result of the development's size, scale and relationship to the settlement would give rise to significant and demonstrable harm which would outweigh the benefits that it would otherwise deliver. The development's impact on the character and appearance of the area in visual and landscape terms are considered to be of principal significance in this regard.

#### Loss of agricultural land

Paragraph 112 of the NPPF stipulates that Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. In addition, Policy

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

The applications has been submitted with an agricultural land survey which shows that land quality on the whole site is limited by soil wetness and topsoil texture, mainly to subgrade 3b (99%). Development of majority of the site therefore accords with NPPF and FBLP policy for use of poorer quality land in preference to that of a higher quality. Given this, it is not considered that the development would result in a significant loss of the Borough's best and most versatile agricultural land.

#### Design/layout

The proposal is a full application and therefore the design of the dwellings and their layout can be fully assessed. A mix of house types are proposed. Firstly when considering the layout it is constrained by the size and access to the site and the need to provide an area of Public Open Space within the development. The layout has been revised since its submission at officers request so that the dwellings fronting Beech Road are set back from the road to correspond with that of the Paddock and so that landscaping can be added along with a wide verge at the front of the site to continue the character that existing on this part of Beech Road. Additional landscaping has also been added to the eastern boundary of the site to soften the developments appearance when viewed from Beech Road. The internal layout is considered to be appropriate in that an area of public open space is provided with the dwellings on the boundaries of the site facing out towards the countryside which is a basic design principle. The dwellings are appropriately located around the site, with sufficient distance between each other and neighbouring dwellings. The mix of housetypes around the site is acceptable with the design following a 'theme' which gives a consistency to their appearance and quality that is also acceptable. The dwellings typically have front gables and are constructed in red brick with pitched tiled roofs. The overall design of the dwellings is considered acceptable, with their design and scale acceptable considering the sites context and location.

#### Landscaping

Policy EP14 of the FBLP discusses landscaping, and states that all new development must make suitable provision for landscape planting. Where appropriate, planning permission will be granted with conditions to ensure the proper implementation and maintenance of such schemes. The application has been submitted with full landscaping plans and planting schemes however these have not been updated when the site layout was amended. It is however possible to assess the plans that have been submitted and condition that amended plans be submitted and approved prior to the commencement of development which reflect the revised layout. The landscaping plans are typical for a residential development of this nature with a series of ornamental trees in the majority of front gardens on public view and the provision of a landscaped boundary to sites peripheries. The landscaping is considered acceptable as it is character with the existing settlement edge and the tree planting along the northern boundary of the site is essential in ensuring that the development integrates into the existing landscape character, which features a number of existing shelterbelts and trees along settlement edges. In terms of hard landscaping a condition will be placed on any permission granted to ensure that the details are submitted, along with street lights prior to the commencement of development.

#### Impact on character of the area

Policy HL2 supports new residential development which is compatible with adjacent land uses and would be in-keeping with the character of the locality. Policy EP10 indicates that the distinct



character and important habitats of Fylde will be protected. The policy identifies that particular priority will be given to the protection of important landscape and habitat features, including broadleaved woodland, scrub meadows, hedgerows, wetlands, ponds and watercourses. Policy EP11 states that new development in rural areas should be sited so that it is in keeping with landscape character, development should be of a high standard of design and matters of scale, features and building materials should reflect the local vernacular style. Policy EP12 states that trees and hedgerows which make a significant contribution to townscape or landscape character, quality and visual amenity will be protected. Policy EP14 requires new housing developments to make suitable provision for landscape planting. This reflects guidance contained within the SVFLP and NPPF.

The applicant has submitted a Landscape and Visual Appraisal of the development which concludes that there will be a moderate effect on the local landscape. This has been assessed for the council by external consultants who have generally agreed with the findings of that document.

The application site lies to the north of Beech Road and it has been found to have an acceptable visual impact when viewed from the outskirts of the village. As stated above the shape of the development site and the location of the site to the north of the Beech Road means the development would not be in character with the historic settlement pattern. It would also result in the reduction of a view from Beech road looking north.

The site is situated on the northern edge of the settlement boundary of Elswick and forms part of an area of open countryside which extends to the north of the village. The sites western (part) and southern boundary abuts the built up area of the village. Existing dwellings on Beech Road that are located to the north side have a rear facing aspect to the countryside with rear gardens and associated boundary treatment adjoining countryside. The site is not considered to be in a particularly prominent location, with only glimpsed views through open fields, trees and individual housing being afforded when entering the village by road; as demonstrated in the Landscape and Visual Impact Assessment. There are of course more prominent views of the site when seen at close quarters from adjacent housing and from Beech Road.

Whilst the development of the site would not be in character with the historic settlement pattern it is not considered that the visual harm of allowing this development warrants refusal of the application. The application proposes an outward facing development, with significant landscaping buffer and retained natural features that will act as a soft barrier to assimilate the proposal into the countryside setting. Such features are intrinsic to the proposal making a successful transition between urban and rural, forming appropriate mitigation against the countryside encroachment.

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

#### Principle of the development conclusions

The site lies within the Countryside Area and outside the settlement boundary of Elswick as

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

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

The application site is considered to be in a sustainable location and would not result in the introduction of isolated homes in the countryside. The scale of development is considered appropriate and would not unacceptably undermine the character of Elswick.

As has been demonstrated through numerous appeals, the principle of housing development cannot be resisted in the Countryside Area providing that it is sustainable in all other respects and that no other demonstrable harm would arise as a result. Whilst the development would result in encroachment into the open countryside, it would make a valuable contribution to the delivery of housing in the Borough, in the absence of a five year supply. Additional benefits occur in this case as the development would deliver up to 30% affordable housing on the site. On balance, it is considered that the benefits arising as a result of the development would outweigh the limited harm which has been identified in visual and landscape terms and that principle of development is acceptable, having particular regard to the requirements of the Development Plan and NPPF.

### **Highways issues**

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

As the application is for 50 dwellings it was submitted with a Transport Statement, it not being development of a scale which requires a Transport Assessment. During the course of the application an objection was received from Highways England which requested further information, and as such a technical note was submitted by the applicants. With regards to the highway assessment of the proposal, Highways England (HE) consider impact of the proposal on the A585 trunk road, LCC Highways are responsible for all other roads.

LCC Highways have commented on the proposed access strategy and state that due to the speed of

vehicles travelling along Beech Road and the sightlines available it will be necessary to introduce some traffic calming measures to regulate the speed of vehicles, they propose a junction table near the site access, gateway signing and modification to junction between Beech Road and Thistleton Road to reduce speeds. They have no objections to the access and this can be considered safe. With regard to the trip rates and traffic generated by the development they state that the TS shows that the AM peak will be 26 vehicle movements (8 in and 18 out) and 24 vehicle movements (17 in and 7 out). They state these are lower than those accepted for the Mill lane development but if they were applied here it would only add 4 vehicles to the peak hours. They raise no objections to the traffic generated by the development. The TS which has been considered by LCC doesn't look at traffic distribution but given the traffic levels of the development they have no concerns over highway capacity. As outlined previously they consider that in order for the development to be sustainable that the development contribute 250k towards bus service 80 so that this is an hourly service. They also consider that the footway should link to the existing footway to the west. They have confirmed that the layout is acceptable. As such there are no highways issues from LCC's point of view.

Highways England consider the impact on the A585 trunk road. During consideration of the application they requested that further information be submitted and a Technical Note was provided an assessment of and looked at the impact on the Thistleton junction of the A585. HE state that flows presented in the TN are acceptable and are broadly consistent with those included in the TA for the Mill Lane development (refused by members). The TN states *"With the additional traffic generated by the development there will be no material increase in RFC values or queue lengths when compared to the without development scenario"* and *"The A585 movements are still predicted to operate well within capacity with minimal queuing."*

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

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

Calculations presented in the Technical Note demonstrate that the development could generate between 15 and 16 trips that would use the Thistleton junction in the AM or PM peak hours, equating to an additional vehicle every 3 to 4 minutes. Accident analysis presented within the TN found that 11 accidents occurred at the junction between 2011 to October 2016, 6 of which were in

2016. 9 of the incidents involved vehicles using and making turning manoeuvres at the junction and 8 occurred outside of peak times. HE conclude that this is due to inadequate gap acceptance by drivers at the junction to enter onto the A585 mainline or cross it and this occurs throughout the daytime periods, which is a reflection of how heavy the A585 route flows can be throughout the day.

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

HE have raised concern that the incremental development (over 300 dwellings) coming forward in this area is cumulatively and significantly increasing the number of turning movements at the Thistleton junction, with a corresponding significant increase in risk to safety. Reference is made to 90 dwellings approved by Wyre BC on Copp Lane, 86 dwellings split between two current applications in Elswick (16/0180 50 units on Mill Lane, 16/0846 36 units on Copp Lane) and a further 93 properties at Gt Eccleston (16/0650) being considered by Wyre BC. On this basis HE urge Fylde Council to consider the cumulative and negative impact on safety of all of these new developments with a view to resisting further development until a coordinated approach to infrastructure mitigation can be achieved.

Whilst the highway concerns of residents is noted, in light of the LCC Highways and Highways England assessment of the proposal it is considered that the development provides for a safe and suitable access and that impact on the network would not be severe, in accordance with the development plan and NPPF. Conditions requested by both LCC and HE will be placed on any approval granted.

### **Impact on residential amenity**

Policy HL2 of the FBLP and GD7 of the SVFLP supports new residential development that would have no adverse effect on the amenity and privacy of neighbouring properties. This amenity impact includes privacy, dominance, loss of light, over shadowing or disturbance resultant from the development itself on neighbours, or during the construction period. The SPD provides additional guidance with particular reference to separation distances between dwellings to ensure the amenity of residents is safeguarded. The proposed layout shows that dwellings will be appropriately located so as not to create any unacceptable overlooking or loss of light to neighbouring dwellings. The nearest property to the site is The Paddock, the revised layout has the proposed dwelling to the east 6m from its side elevation, which is an acceptable distance for a side to side relationship. Dwellings within the site are located 10.5m from the side of the Paddocks rear garden which meets the Councils spacing standards and will not create any unacceptable overlooking or loss of privacy. The dwellings fronting Beech Road are located over 30m from the dwelling on the other side of the road and as such exceed the Council spacing standards and will not have any unacceptable impact. The level of vehicle activity associated with the development is not considered to have a significant noise impact on adjacent residents and is therefore unlikely to cause an unacceptable disturbance. It is inevitable that there will be some disruption for residents during the construction period. This disruption however is temporary, for duration of the build and is therefore acceptable. Conditions can be imposed to reduce this disruption for neighbours and construction hours restriction, wheel wash facility and dust controls are recommended.

## **Flooding and drainage**

The site is not located in a flood zone and the application has been submitted with a Flood Risk Assessment and drainage strategy. The FRA outlines that in line with common practice the surface water discharge from the proposed development will mimic that from the existing site. The site is greenfield and the run off has been calculated at 14.6l/s and the development will be restricted to this rate. It is proposed to connect to the watercourse to the north of the site, attenuation on site will be in the form of oversized pipes and of-line cellular storage with a flow limit. Foul connection can be made to the 225mm diameter combined sewer in Beech Road via a pumping station in the north of the site. The EA, UU and the LLFA all have no objections to the application subject to appropriate conditions outlined later in this report. There are therefore no flooding or drainage issues with the application.

## **Ecology**

The application has been submitted with appropriate surveys which have been carried out by suitable qualified consultants. GMEU state that no further surveys are needed to be conducted prior to deciding the application. They state that the site is not designated and that whilst it is within 3km of the Morecambe Bay/Wyre Estuary protected sites the nature of it means that it does not have any value for bird communities associated with the Estuary/Bay. Similarly Natural England raise no objections in this regard. GMEU state that whilst the site may have some value locally as a feeding resource for bats and birds the features of most interest can be retained and there is extensive alternative feeding habitat in the area. The landscape plan from an ecology point of view is acceptable. They recommend conditions protecting ponds, hedgerows and trees, the method statement submitted to avoid harm to amphibians being implemented in full and no vegetation clearance during bird nesting season. As such with these conditions in place there are no ecology issues with the application.

## **Other issues**

### Affordable housing

Paragraph 50 of the NPPF requires affordable housing to be provided where needs have been identified. Policy H4 of the SVFLP requires a 30% provision of affordable housing in new development, being based on The Fylde Coast SHMA 2014 which sets out the need for affordable housing in the Borough. The Council's Strategic Housing team have commented on the application and support the development subject to provision of 30% affordable housing on the site. A plan identifying the affordable housing has been provided. If members are minded to approve the scheme, the Applicant will have to enter into a Section 106 Legal Agreement to ensure provision of 30% affordable dwellings within the development.

### Education

It is expected that development provides for any identified shortfall in local education provision. Policy CF2 of the FBLP and INF2 are of relevance and place such a requirement on development. The response from LCC Education confirms that there is a shortfall of secondary school capacity and that the development will be required to provide a financial contribution equivalent to 6 secondary school places of £121.821.54. The contribution will be used to provide additional Secondary places at a school to be confirmed by LCC and will be required by Section 106 Legal Agreement.

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

## **Conclusions**

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

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

The proposed development, would result in an expansion of the village in the order of approximately 11% in a location on the edge of the settlement boundary which has an acceptable relationship with the settlement of Elswick. Accordingly, the scheme is considered sustainable and would not result in the introduction of isolated homes in the countryside. Nor would it have any significant adverse effects on landscape character or quality and appropriate mitigation can be introduced as part of the scheme in order to minimise impact. The development would not result in any significant loss of the Borough's best and most versatile agricultural land and there are no other landscape designations to restrict its development for housing.

Recent appeals have demonstrated that the principle of housing development cannot be resisted in the Countryside Area providing that it is sustainable in all other respects and that no other demonstrable harm would arise as a result. Whilst the development would result in encroachment into the countryside, it would make a valuable contribution to the delivery of new housing in the Borough in the absence of a five year supply with the added benefit of 30% affordable housing on the site. Therefore, on balance, it is considered that the benefits arising as a result of the development outweigh the limited harm which has been identified in visual and landscape terms and, accordingly, that the principle of development is acceptable.

The development provides for satisfactory access to the site and there is sufficient capacity to ensure that the level of traffic generated by the development would not have a severe impact on the safe and efficient operation of the surrounding highway network. The scheme would result in an acceptable relationship with surrounding uses and appropriate mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding and drainage. The proposal would not affect the significance of any heritage assets in the locality and appropriate contributions would be secured to make the development acceptable in planning terms. The proposed development is therefore in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Development Plan.

## **Recommendation**

That, 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
- the payment, and its phasing, of a financial contribution of £250,000 towards the improvement of public transport and/or sustainable transport initiatives in the vicinity of the site,
- the payment, and its phasing, of a financial contribution of £121,831.54 towards addressing the expected shortfall of secondary education capacity to serve the occupants of the development,

with the project it is to be allocated to be confirmed at Committee.

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

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

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on the 19 August 2016, including the following plans:

Site Location Plan (drawing ref. 16025\_00);  
Site Layout Plan (drawing ref. 16025\_01\_Rev\_E);  
Section and Streetscene (drawing ref. 16025\_03 Rev B);  
Boundary Treatment Plan (drawing ref. 16025\_04);  
Affordable Housing Layout Plan (drawing ref. 16025\_05 B);  
House Type Plan - Shallon (drawing ref. 16025\_HT01);  
House Type Plan – Samphire (drawing ref. 16025\_HT02);  
House Type Plan – Samphire Side Aspect (drawing ref. 16025\_HT03);  
House Type Plan – Mallow (drawing ref. 16025\_HT04);  
House Type Plan – Sorrell (drawing ref. 16025\_HT05);  
House Type Plan – Brookline (drawing ref. 16025\_HT06);  
House Type Plan – Charlock (drawing ref. 16025\_HT07);  
House Type Plan – Woodrush (drawing ref. 16025\_HT08);  
House Type Plan – Hollhock (drawing ref. 16024\_HT10)  
Garage Details Plan (drawing ref. 16025\_HT09);  
Sales Centre Details Plan (drawing ref. 16025\_HT10);  
Tree Survey Plan (drawing ref. 5307.01);  
Tree Protection Plan (drawing ref. 5307.02C);  
Landscape Proposal Plan (1 of 2) (drawing ref. 5307.03);  
Landscape Proposal Plan (2 of 2) (drawing ref. 5307.04); and  
Proposed Site Access Arrangements Plan (drawing ref. SCP/16316/F01 Rev F)

Reason: 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 the roof treatment and wall cladding [both inclusive of colour] shall be submitted to and approved 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 unless otherwise agreed in writing with the Authority.

Such details are not shown on the application and must be agreed to ensure a satisfactory

standard of development.

4. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

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

Those details shall include, as a minimum:

a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;

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;

f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;

g) Details of water quality controls, where applicable.

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

Reason: To ensure that the proposed development can be adequately drained, and that there is no flood risk on or off the site resulting from the proposed development

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

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



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

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

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

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

8. Prior to commencement of development facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

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

9. No part of the development shall be commenced until the site access works have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

10. No part of the development hereby approved shall commence until a scheme for the construction of the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. No part of the development hereby approved shall be occupied until the approved scheme has been constructed and completed in accordance with the approved details.

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 and 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.

11. No part of the development hereby approved shall commence until a Construction Traffic Management Plan been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. The Construction Traffic Management Plan shall thereafter be complied with at all times until the development is complete.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that traffic associated with the construction of the development does not create a danger to other highway users.

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

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

13. Prior to occupation of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include measures to encourage alternative sustainable modes of transport by prospective occupants of the development. The approved Travel Plan must be implemented in full in accordance with the timetable within it unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for as long as any part of the development is occupied for a minimum of 5 years.

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

14. Prior to commencement of the development hereby approved, details of finished floor levels and external ground levels for each plot shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to ensure a satisfactory relationship between the new dwellings and between the development and surrounding buildings in the interests of residential and visual amenity and to minimise flood risk, in accordance with Policies HL2 and EP30 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

15. Demolition or construction work shall not begin until a scheme for protecting the surrounding residential premises from noise, vibration and dust from the site during these works has been submitted to and approved in writing by the Local Planning Authority. All measures which form

part of the approved scheme shall be adhered to throughout the period of demolition and/or construction.

Reason: To safeguard the amenity of neighbouring properties by reducing the noise/vibration levels emitted from the site.

16. The times of 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.

Reason: To safeguard the amenity of neighbouring properties.

17. The method statement within ERAP report reference 2016-114 shall be implemented in full throughout the construction period.

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

18. No clearance of trees and shrubs in preparation for or during the course of development shall take place during the bird nesting season (1st March - 31st August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance of trees and shrubs shall take place until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason: In order to prevent any habitat disturbance to nesting birds, in accordance with Policy EP19 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

19. Prior to commencement of the development hereby approved, a scheme to protect retained trees and hedgerow during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall indicate trees and hedgerow for retention and provide for a Construction Exclusion Zone around the Root Protection Areas of those trees/hedgerows identified as being retained. The Construction Exclusion Zone shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012 and shall be maintained as such during the entirety of the construction period.

Reason: To protect existing trees and hedgerows on or overhanging the site which are to be retained as part of the development, in accordance with Policy EP12 of the adopted Fylde Borough Council Local Plan as altered (October 2005) and the National Planning Policy Framework.

20. No development shall take place until full details of scheme indicating areas of public open space and / or children's play areas have been submitted to and approved by the Local Planning Authority. Such a scheme should make provisions in accordance the Council's adopted policy on public open space in terms of layout and requirements, and include a phasing scheme for the construction of this play area and open space. The approved scheme shall be implemented and the areas provided retained as open space and play area thereafter.

Reason: To ensure adequate on site play space is provided and retained in accordance with Policy TREC17 of the Fylde Borough Local Plan.

21. Samples of materials proposed for all hard surfaced areas and street lighting within the site shall be submitted to the Local Planning Authority for approval 14 days prior to the commencement of any surfacing work on site, and thereafter only approved materials shall be used either during the initial works or subsequently in any repairs to the surfaces.

Reason: In the interests of visual amenity and to contribute to the overall quality of the development.

22. Notwithstanding the provision of Article 3, Schedule 2, Part 1, Class(es) A, B, C, D, E, F and G of the Town and Country Planning General Permitted Development Order 2015 [or any Order revoking or re-enacting that Order], no further development of the dwelling[s] or curtilage[s] relevant to those classes shall be carried out without Planning Permission.

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

23. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the proposed garages shall be retained solely for the housing of a private motor car, and at no time shall any works be undertaken that would prevent it from being used for that purpose.

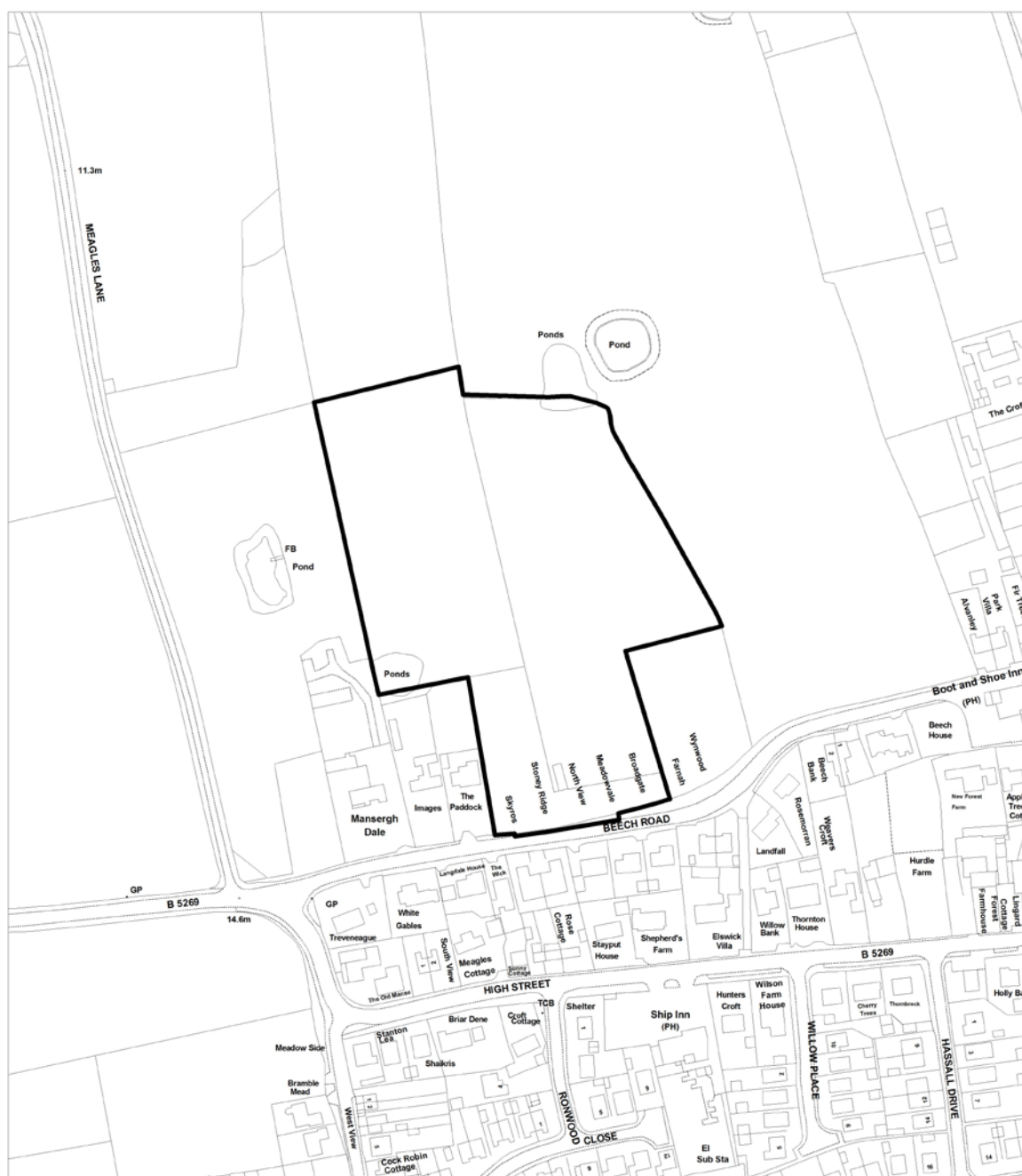
Reason: The use of the garage for any other purpose would result in the loss of an off-street parking space and would therefore require consideration by the Local Planning Authority.

24. Obscure glazing shall be provided in the first floor side elevation windows of the dwellings hereby approved and shall thereafter be retained.

Reason: To safeguard the privacy of adjoining residents

25. All landscape works shall be carried out in accordance with the approved details shown on landscaping proposal sheets 5307.03 and 5307.04 prior to the occupation of any part of the development or in accordance with a program to be agreed in writing with the Local Planning Authority and shall thereafter be retained and maintained. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced by trees of similar size and species to those originally required to be planted.

Reason: To ensure a satisfactory standard of development and in the interest of visual amenity in the locality.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/16/0645	Address Land north of Beech Road, Elswick	Grid Ref. E.3418 : N.4385	Scale 0 10 20 30 40 m 

**Item Number:** 4

**Committee Date:** 15 March 2017

<b>Application Reference:</b>	16/0847	<b>Type of Application:</b>	Reserved Matters
<b>Applicant:</b>	Wainhomes Northwest Ltd	<b>Agent :</b>	DGL Associates Limited
<b>Location:</b>	LAND TO THE REAR OF MOSS FARM, CROPPER ROAD, WESTBY WITH PLUMPTONS, BLACKPOOL, FY4 5LB		
<b>Proposal:</b>	APPLICATION FOR APPROVAL OF RESERVED MATTERS OF APPEARANCE, LAYOUT, SCALE AND LANDSCAPING PURSUANT TO OUTLINE PLANNING PERMISSION 15/0472 FOR THE ERECTION OF 80 DWELLINGS		
<b>Parish:</b>	WARTON AND WESTBY	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	21	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.7861081,-2.9903204,1108m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

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

The application is for the approval of reserved matters on a residential development on land at Cropper Road, Westby. The scheme proposes 80 dwellings and the formation of areas of public open space following the grant of outline planning permission 15/0472.

The scheme delivers the affordable houses, on site public open space, vehicular access and an appropriately designed layout. As such the proposal is in full accordance with the relevant policies of the Fylde Borough Local Plan and other material considerations. Therefore it is recommended that the reserved matters be approved subject to a series of conditions relating to matters not included in the outline planning permission.

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

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

#### **Site Description and Location**

The application site is a 5.15 hectare site located to the north of Lytham St. Annes Way, west of Hallam Way and the Whitehills Industrial Estate and to the east of a recently approved housing development accessed from Cropper Road (Ref 14/0310) which is currently being constructed. The application site is situated due west of the Whitehills Industrial Estate and currently comprises unused agricultural land.

It is allocated as a Countryside Area according to the Adopted Fylde Borough Local Plan but under the emerging Fylde Local Plan to 2032 it is allocated for a mix of employment & residential uses to

reflect the outline permission (15/0472).

### **Details of Proposal**

The application is for the reserved matters approval of appearance, landscaping, layout and scale and relates to the residential area only and not the employment element approved at outline.

It is for 80 dwellings, with a mix of mews houses, semi-detached houses and detached houses. The development includes 2, 3 & 4 bed houses, over 2 & 2.5 storeys. These are from the developer's standard range of house types of a typical style, design and materials to others constructed by these developers on new sites and reflect those already built on the first phase alongside Cropper Road. The three no. vehicular access points to the residential areas are in the same location as the previous outline permission. The scheme also delivers two areas of Public Open Space, with one at either end of the site. One is to be laid out as a formal park with play provision making a larger area with the POS approved with the development already commenced, and the other is proposed to be informally laid out as grassland with planting. There are also landscaped footpath/cycle routes through the site linking the development to the wider area and landscaped buffers also proposed to the site boundaries.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
15/0861	DISCHARGE OF CONDITION 3 (BOUNDARY DETAILS) AND VARIATION OF CONDITION 7 (APPROVED SITE LAYOUT) ON RESERVED MATTERS APPROVAL 14/0310, AND DISCHARGE OF CONDITION 4 (LANDSCAPE BUFFER) AND CONDITION 6 (SURFACE WATER DRAINAGE) OF PLANNING PERMISSION 12/0717	Advice Issued	17/02/2016
15/0771	APPLICATION UNDER S106A TO VARY AFFORDABLE HOUSING REQUIREMENT ASSOCIATED WITH RESIDENTIAL DEVELOPMENT SCHEME SECURED BY PLANNING OBLIGATION TO PLANNING PERMISSION 12/0717 TO ALLOW FOR PAYMENT IN LIEU OF ONSITE PROVISION	Withdrawn by Applicant	23/12/2015
15/0472	OUTLINE APPLICATION FOR THE ERECTION OF UPTO 80 NO. DWELLINGS AND 1500M2 OF OFFICES WITH ACCESS APPLIED FOR OFF CROPPER ROAD AND ALL OTHER MATTERS RESERVED (RESUBMISSION OF APPLICATION 14/0818)	Approved with 106 Agreement	12/02/2016
14/0818	OUTLINE APPLICATION FOR THE ERECTION OF UPTO 100 NO. DWELLINGS WITH ACCESS APPLIED FOR OFF CROPPER ROAD AND ALL OTHER MATTERS RESERVED	Refused	06/03/2015
14/0310	APPLICATION FOR APPROVAL OF RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR ERECTION OF 145 DWELLINGS AND 1 NO. SHOP UNIT ASSOCIATED WITH OUTLINE PLANNING PERMISSION 12/0717	Granted	09/09/2014
12/0717	OUTLINE APPLICATION FOR PROPOSED DEVELOPMENT OF UP TO 146 DWELLINGS, A	Approved with 106 Agreement	16/10/2013

CONVENIENCE STORE AND 9,358 SQUARE METERS OF INDUSTRIAL/OFFICE FLOOR SPACE. MEANS OF ACCESS APPLIED FOR, ALL OTHER MATTERS RESERVED.

### **Relevant Planning Appeals History**

Application No.	Development	Decision	Date
14/0818	OUTLINE APPLICATION FOR THE ERECTION OF UPTO 100 NO. DWELLINGS WITH ACCESS APPLIED FOR OFF CROPPER ROAD AND ALL OTHER MATTERS RESERVED	Withdrawn	22/02/2016

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

**Westby with Plumpton Parish Council** notified on 08 November 2016 and comment:

*The parish council would ask that, as with all future developments, the issue of traffic restrictions are considered; particularly speed control approaching the entrance. Speed limits should be restricted to 30mph on all developments. These developments are targeted at families which would imply children – hence the request for speed restrictions. Other than this, the parish council has no further observations.*

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

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

No comments received.

#### **United Utilities – Water**

A drainage plan needs to be submitted in order to satisfy condition 9 of the outline approval.

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

No objections raised but for the avoidance of doubt once planning permission has been obtained that does not mean that land drainage consent will be given.

### **Neighbour Observations**

<b>Neighbours notified:</b>	08 November 2016
<b>Site Notice Date:</b>	22 November 2016
<b>Press Notice Date:</b>	24 November 2016
<b>Number of Responses</b>	No comments received

### **Relevant Planning Policy**

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

EP11	Building design & landscape character
EP14	Landscaping of new developments
EP19	Protected species
EP22	Protection of agricultural land



EP23	Pollution of surface water
EP24	Pollution of ground water
EP25	Development and waste water
HL02	Development control criteria for new housing proposals
SP02	Development in countryside areas
TREC17	Public Open Space within New Housing Developments

#### **Fylde Local Plan to 2032:**

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

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

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

#### **Site Constraints**

Within countryside area

#### **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**

##### **Introduction**

This application is a Reserved Matters submission considering the detailed matters of landscaping, appearance, layout and scale. The principle of development and the access to the site have been established through outline planning permission 15/0472.

Other matters such as ecology, flood risk and drainage, ground levels, highways, off-site highway works, links to the employment land, protection of existing trees, construction plan, and the phasing of the development were considered at outline stage and conditions were placed on that permission that will need to be complied with and further information supplied to discharge some of those conditions prior to the commencement of development.

The principle of developing the site and its access has therefore been established by the outline application and the lands designation within the Local Plan as open countryside is no longer a consideration. The main issues therefore when considering this application are;

Appearance/Layout/Scale  
Landscaping  
Highways  
Impact on residential amenity  
Other issues

### **Appearance/Layout /Scale**

The layout of the site has been influenced by its constraints and shape that dictates that the site will be accessed from the two access points from Cropper Road through a previously approved residential scheme. There is also a need for a buffer between the residential and employment uses, to avoid the overhead power lines that run through the site, and to reflect the access to the adjacent land. For that reason the layout submitted for this application is very similar to that approved at outline.

The access road for the residential element enters the application site through the existing housing permission at a central point of the site where the road then runs to the east and west with access roads off it and the dwellings grouped around these roads. The layout follows the pattern established by the design parameters of the outline approval and to facilitate access through the site. The houses have also been designed to overlook the main access points and areas of open space and the layout also seeks to provide focal points within the site. The layout is considered to be appropriate in this context and delivers 2, 3 and 4 bedroomed dwellings in a mix of detached, semi-detached and terraced dwellings. These are of a range of styles and vary between 2 and 2.5 storeys and are the housebuilders standard design and follow a theme that will give a consistency in their appearance and quality that is also acceptable. The dwellings are proposed to be constructed in a brick, with pitched and hipped roofs, with gable frontages incorporated in some designs. The design and layout are considered to be appropriate and comply with the requirements of criteria 1 & 2 of Policy HL2 and Policy HL6 of the Fylde Borough Local Plan and the paragraphs in the design chapter of the NPPF which they relate to.

More recent policy controls under H2 of the Fylde Local Plan to 2032 seeks to ensure that new residential developments are focussed on providing smaller properties to meet the identified need for such in the borough. In this case the 80 dwellings comprises 50% x 4 bed and 50% 2 or 3 bed and so is therefore in compliance with this emerging policy which requires that 50% of the development is brought forward as 1-3 bedroom units.

### **Landscaping**

As landscaping was a reserved matter the application has been submitted with landscaping plans. The landscaping proposed for the site is typical of a residential development of this nature and size with a series of ornamental trees in the majority of front gardens on public view and the provision of a landscaped and hedged buffer with the land to the north. Hedges proposed within the site forming boundaries to some front gardens. Trees and native shrubs are proposed within the buffer zone between the residential element and the employment area and around the areas of public open space. With these conditions requiring the landscaping to be carried out in accordance with the submitted plans the landscaping proposed for this development is acceptable.

### **Highways**

With regard to the previous outline application (ref: 15/0472) which established the principle of the residential development and the access, the County Highway Authority raised no objection. They concluded there is adequate capacity on the existing highway network to safely accommodate the traffic that will be associated with the proposal and raised no objection, subject to the proposed highway improvements. They were of the opinion that there was sufficient capacity for the

highway network to cope with the altered traffic flow. The internal layout of the development is considered acceptable with a satisfactory network of primary and secondary routes and car parking provision within the site. This route is designed to naturally restrict vehicle speeds as is sought by the Parish Council. The proposal also includes a pedestrian access to the employment area to the north and a vehicular access link to the site to the north which has planning permission for residential development. This will facilitate the provision of a bus service through the site. The proposed improvements to pedestrian and cycle access along Cropper Road and through the site will enhance connectivity for these modes of transport to the wider network.

### **Residential Amenity**

The houses have been situated so they would not give undue rise to issues of loss of privacy at a level which would prejudice neighbouring residential amenity, resulting from overlooking as they are situated a satisfactory distance from existing and proposed dwellings.

### **Other issues**

#### Affordable Housing

The section 106 agreement under the outline approval required 30% affordable housing provision and that an affordable housing statement be submitted to provide details of these units, including their tenure, how they will be transferred to a Registered Provider and how they will be retained in perpetuity. This reserved matters proposes a mix of bedroom types with 24 of the units being affordable housing. There is a demand for affordable housing in this part of the borough and the units which this development would provide will be beneficial in meeting the identified demand for affordable housing in the area, and the borough as a whole. The provision of this affordable housing is secured through the existing s106 attached to the outline permission.

#### Public Open Space

The public open space provided on site links in with that provided on the south side of the site as well as providing links to the wider area in line with Policy TREC17 of the Local Plan. The areas of open space are easily accessible and are overlooked by a number of dwellings. The use of these areas for the siting of the open space is an obvious benefit of the layout. The Applicant proposes the management & maintenance of open space and play areas through the formation of a Management Company, therefore, a condition is required regarding the ongoing maintenance of the open space, to ensure the management of the open space continues in perpetuity.

#### Flood Risk

There are no objections and conditions in the outline application ensures there are no flooding issues.

#### Section 106 Contributions

The decision on the outline application 15/0472 required contributions of £10,000 towards improvements to the highway network around the Cropper Road/School Road roundabout. The 106 also requires within 20 working days of this Reserved Matters application being granted for the owner to notify the County so that primary and secondary school contributions can be calculated and made. No further action is required on this as a consequence of this application.

### **Conclusions**

This application is for the outstanding reserved matters associated with the residential development of a site for 80 dwellings on land north of Cropper Road in Westby with Plumpton. The site was granted planning permission in outline and this application seeks approval of the scale, appearance,

layout and landscaping of the site. The proposal offers an appropriately designed development that meets all the obligations of the planning permission. The dwellings are of an appropriate scale and design and have an acceptable relationship with each other and with their off-site neighbours. As such the proposal is considered to comply with all relevant elements of Policy HL2 and Policy HL6 of the Fylde Borough Local Plan and the guidance in NPPF relating to housing design with which those Policies are consistent. It is therefore recommended that the reserved matters be approved subject to conditions.

### **Recommendation**

Reserved Matters Approval be GRANTED subject to the following conditions:

1. 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 the 20/10/16, including the following plans:

- Site Layout and Landscape Context Drawing - No. 1402WHD/CRB/SL02 Rev D
- Location Plan - Dwg No. 1317WHD/CRB/SL01
- Landscape Proposals (Full Site) 1:500 @ A0 - Dwg No. 4749.10
- Landscape Proposals Sheet 1 of 3 (1:250@A0) - Dwg No. 4749.07 Rev A
- Landscape Proposals Sheet 2 of 3 (1:250@A0) - Dwg No. 4749.08 Rev A
- Landscape Proposals Sheet 3 of 3 (1:250@A0) - Dwg No. 4749.09 Rev A
- House Type - Baird End Gable (Plans and Elevations) - Dwg No. 3.217/P(EG)/B/L
- House Type - Baird Front Gable (Plans and Elevations) - Dwg No. 3.217/P(FG)/B/L
- House Type - Bell (Plans and Elevations) - Dwg No. 2.213/P/B/L Rev B
- House Type - Claydon (Plans and Elevations) - Dwg No. 3.118CB/P/B/L10/300
- House Type - Haversham SA (Plans and Elevations) - Dwg No. 4.341SA/P/B/L
- House Type - Trevithick (Plans and Elevations) - Dwg No. 3.205CB/P/B/L10/300
- House Type - Stephenson (Plans and Elevations) - Dwg No. 4.203/P/B/L10/300 Rev C
- House Type - Haversham (Plans and Elevations) - Dwg No. 4.342/P/B/L10/300 Rev A
- House Type - Oxford (Plans and Elevations) - Dwg No. 4.309/P/B/L10/300 Rev B
- House Type - Scott (Plans and Elevations) - Dwg No. 4.406/P/B/P13/300
- House Type - Montgomery (Plans and Elevations) - Dwg No. 5.133/P/B/L10/300 Rev F
- House Type - Nelson SA (Plans and Elevations) - Dwg No. 4.403DA/P/B/L10/300
- House Type - Nelson (Plans and Elevations) - Dwg No. 4.135/P/B/L Rev A
- House Type - Newton (Plans and Elevations) - Dwg No. 4.201/P/B/L
- House Type - Shakespeare (Plans and Elevations) - Dwg No. 4.341/P/B/L
- House Type - Brancaster SA (Plans and Elevations) - Dwg No. 3.113SACB/P/B/L10/300
- House Type - Brancaster (Plans and Elevations) - Dwg No. 3.113CB/P/B/L10/300
- House Type - Wren DA (Plans and Elevations) - Dwg No. 4.404DA/P/B/L10 300
- House Type - Wren (Plans and Elevations) - Dwg No. 4.216/P/B/L

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

2. Notwithstanding any denotation on the approved plans samples of the roof treatment and wall cladding [both inclusive of colour] shall be submitted to and approved by the Local Planning Authority prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

Reason: Such details are not shown on the application and must be agreed to ensure a satisfactory standard of development.

3. A full specification of all proposed surface materials shall be submitted to the Local Planning Authority for approval prior to the commencement of the development; thereafter only those approved materials shall be used upon the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of the overall quality of the finished development.

4. Prior to the commencement of any development hereby approved, a schedule of all boundary treatments around the site perimeter, between individual neighbouring plots and between plots and the internal roadway shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in full accordance with this approved schedule of boundaries.

Reason: To provide an appropriate finished appearance of the development and to maintain an appropriate level of privacy between dwellings as required by Policy HL2 of the Fylde Borough Local Plan.

5. Tree, shrub & grass planting plans as approved under this planning permission shall be implemented during the first available planting season following the completion of the development, and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current silvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.

Reason: To ensure a satisfactory standard of development and in the interest of visual amenity in the locality.

6. Prior to the occupation of any dwelling hereby approved, details of the on-going maintenance of the communal areas of the site, the areas of public open space, the landscape buffer and any other areas that are not part of the domestic curtilage to any dwelling shall be submitted to and approved in writing by the Local Planning Authority. These details shall then be implemented and operated thereafter.

To ensure the on-going maintenance and management of these public areas in the interests of the character of the area and the amenity of the occupiers of the development.

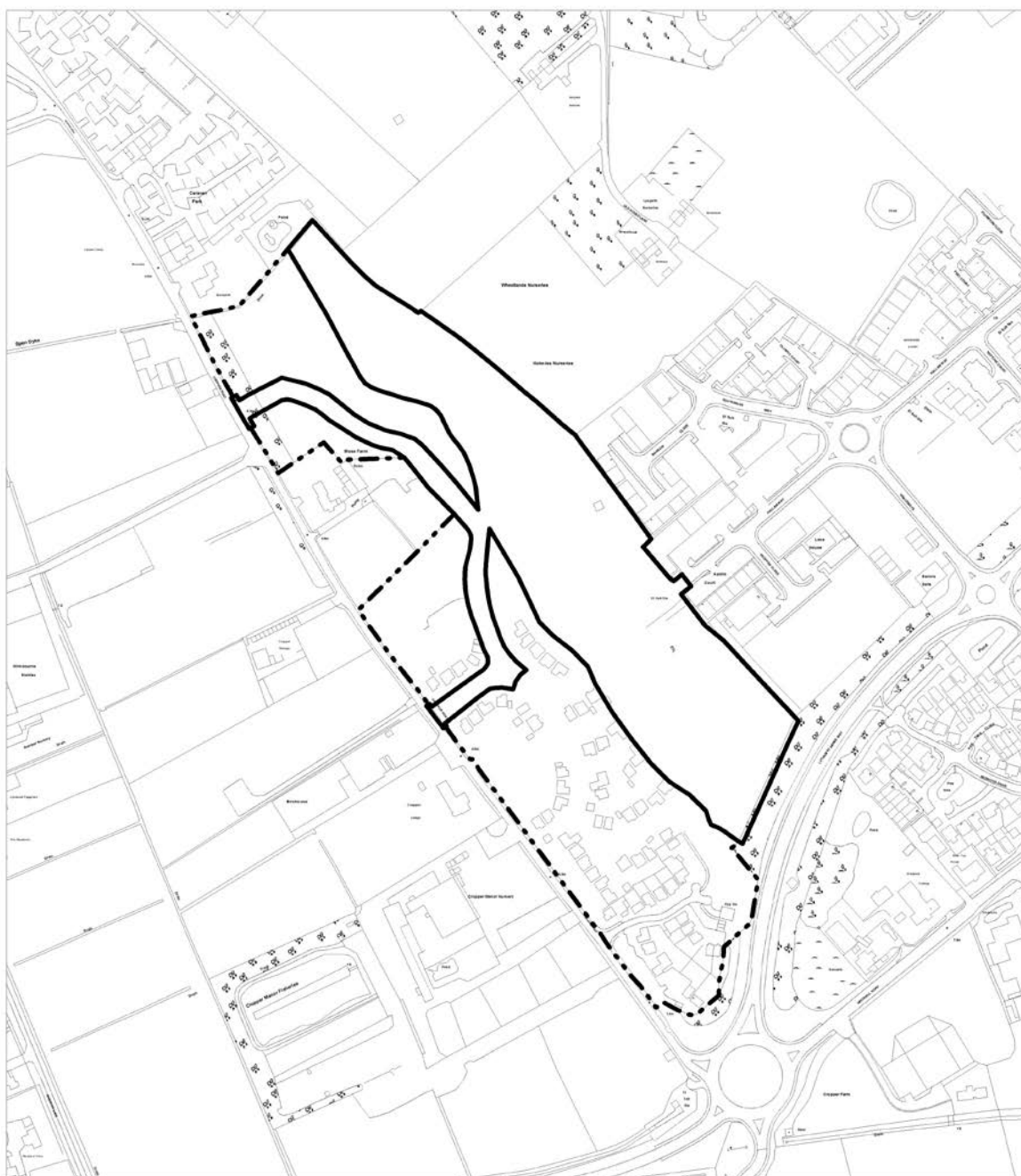
7. Notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the proposed garages shall be retained solely for the housing of a private motor car, and at no time shall any works be undertaken that would

prevent it from being used for that purpose.

Reason: The use of the garage for any other purpose would result in the loss of an off-street parking space and would therefore require consideration by the Local Planning Authority.

8. Obscure glazing shall be provided in the first floor side elevation windows of the dwellings hereby approved and shall thereafter be retained.

Reason: To safeguard the privacy of adjoining residents in accordance with Policy HL2 of the Fylde Borough Local Plan



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/16/0847	Address Land to the rear of Moss Farm, Cropper Road, Westby	Grid Ref. E.3346 : N.4327	Scale 0 20 40 60 80 m

**Item Number:** 5

**Committee Date:** 15 March 2017

<b>Application Reference:</b>	16/0874	<b>Type of Application:</b>	Householder Planning Application
<b>Applicant:</b>	Mr Donaldson	<b>Agent :</b>	Clover Architectural Design Limited
<b>Location:</b>	11 UPPER WESTBY STREET, LYTHAM ST ANNES, FY8 5NH		
<b>Proposal:</b>	PART TWO STOREY SIDE AND REAR EXTENSION AND SINGLE STOREY REAR EXTENSION		
<b>Parish:</b>	CLIFTON	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	19	<b>Case Officer:</b>	Claire Booth
<b>Reason for Delay:</b>	Negotiations to resolve difficulties		

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

<https://www.google.co.uk/maps/@53.7383182,-2.9691664,139m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application relates to the eastern end of a traditional semi-detached pair of dwellings located on the north side of Upper Westby Street at its junction with Back Cecil Street West. The boundary of Lytham Conservation Area exists on the opposite side of the street and so this property is outside of that area.

Permission is sought to erect a part two storey side and rear extension and a single storey rear extension. The proposals involve the partial removal of the cobbled brick wall running along Back Cecil Street located at the side of the dwelling. The wall to the front and rear of the side additions will be retained.

The proposals are suitably designed and will not have a significant adverse effect on either visual amenity, residential amenity or the character and appearance of Lytham Conservation Area. Subject to matching materials being used, the proposal is recommended for approval.

**Reason for Reporting to Committee**

The application is presented to Planning Committee due to the applicant being related to an employee of the Council.

**Site Description and Location**

The application relates to the eastern end of a traditional semi-detached pair located on the north side of Upper Westby Street at its junction with Back Cecil Street West. The boundary of Lytham Conservation Area exists on the opposite side of the street.



The 1930s semi-detached pair have matching bay windows and attractive brick archways around their front doors. Both dwellings are brought together by the traditional boundary walls which are constructed of red brick to first floor cill height and cream rendered to eaves level. The properties have blue slate roofs with the ridge and verges of the hipped roof covered in red tiles which match into the brickwork and chimney stack on the property. The properties share a prominent brick chimney stack.

The dwellings have low brick boundary walls to the principal elevation. A taller cobbled boundary walls exists at the side of the dwelling bounding Back Cecil Street West. The Serpentine Walk exits to the rear of the dwelling at the end of this side street.

### **Details of Proposal**

Permission is sought to erect a part two storey side and rear extension and a single storey rear extension. The single storey rear extensions will replace an existing UPVC conservatory. The proposals involve the partial removal of the cobbled brick wall running along Back Cecil Street located at the side of the dwelling.

The side extension was initially proposed to run flush with the front elevation of the dwelling. Concerns were expressed over this due to the design and effect on the host dwelling, over-development of the plot, and the harmful effect on the character and appearance of Lytham Conservation Area adjacent.

After extensive discussions with the applicant and works to the design of the proposals, amended plans have been received illustrating a part single storey / part two storey side extension which would project 1.4 metres beyond the rear elevation of the dwelling and for a single storey rear extension which would project an additional 1.9 metres.

The ground floor of the two storey side extension is to be set back from the principal elevation by 2.2 metres. The two storey side element would be set back an additional 3.2 metres (5.4 from the front elevation). The side extension would be built onto the boundary of the property with Back Cecil Street.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
16/0873	SINGLE STOREY EXTENSION TO REAR FOLLOWING DEMOLITION OF EXISTING CONSERVATORY	Withdrawn by Applicant	21/12/2016
10/0455	RETROSPECTIVE APPLICATION FOR ORANGERY TO REAR.	Granted	05/10/2010
84/0519	CONCRETE GARAGE	Granted	12/09/1984

### **Relevant Planning Appeals History**

None

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

Not applicable.

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

Conservation Officer raises concerns about the effect the initial proposals would have upon the setting of Lytham Conservation Area.

### **Neighbour Observations**

<b>Neighbours notified:</b>	15 November 2016
<b>Amended plans notified:</b>	09 February 2017
<b>Number of Responses:</b>	Representations have been received from three nearby residents. One neighbour supports the proposals, two neighbours raise concerns.
<b>Summary of Comments:</b>	<ul style="list-style-type: none"><li>• Changes to no. 11 are not in balance with the street scene which is of three bedroom semi-detached properties.</li><li>• The proposals are oversized and out of keeping with the local area which will have a negative impact on the visual amenity</li><li>• Change of roof shape and the removal of the rear chimney stack. This indicates a considerable change to the character of the building</li><li>• The properties, when viewed from the exterior, will look disproportionate and degrade the character of the area.</li><li>• Alleges the house is rented out to a number of people and raises concerns the house will become a House in Multiple Occupation (HMO)</li></ul>

### **Relevant Planning Policy**

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

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

#### **Fylde Local Plan to 2032**

Policy GD1:	Settlement Boundaries
Policy GD7	Achieving Good Design in Development
Policy ENV5	Historic Environment

#### **Other Relevant Guidance:**

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
	Residential Design Guides in Extending Your Home SPD

#### **Site Constraints**

Adjacent to Lytham (Town Centre) Conservation Area

### **Environmental Impact Assessment**

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

## **Comment and Analysis**

### **Principle**

The application site is located within the settlement area of Lytham. Policy SP1 of Fylde Borough Local Plan, as altered, October 2005 and Policy GD1 of Fylde Local Plan to 2032 Submission Version apply and confirm that the principle of residential extensions is acceptable subject to the normal planning criteria as examined below. Further guidance is provided in Policies HL5 and GD7 of the aforementioned plans.

Lytham Conservation Area exists on the opposite side of Upper Westby Street and the impact on the character and appearance of the conservation area is an important consideration, as to its the effect on both visual and residential amenity.

### **Effect on the adjoining Conservation Area**

The first consideration in the assessment of this application is the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of planning functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

The property in question is not located within the Conservation Area, however, it does border the boundary of it. The properties on Upper Westby Street make a positive contribution to the setting of the conservation area.

The proposed first floor side and rear extension will change the appearance of the dwelling, particularly in views towards the conservation area from the Serpentine along Back Cecil Street towards the application site. This would create harm, to the character and appearance of the conservation area, but as harm caused would be less than significant the scheme is acceptable. The retention of the side boundary walls to the front and rear of the side additions will assist in reducing the effect of the proposals on the setting of the conservation area, and so there are no overriding concerns on this basis.

### **Design and Appearance in Streetscene**

The property is the eastern end of an identical pair of semi-detached dwellings which make a positive contribution to the streetscene. The side additions would be built up to the boundary of the property with part of the boundary walls being removed.

Due to the substantial set back of the side addition proposed at both ground and first floor, the impact on the appearance of the street scene when viewing the proposals from Upper Westby Street will be minimised.

It is acknowledged that the bulk and massing of the proposed additions will be mainly visible when viewing the rear of the dwelling travelling along Back Cecil Street from the Serpentine. However, the harm to visual amenity is not considered to be so significant to warrant refusal of the application on this ground.

The extension will be built in materials which match those of the existing property. This will further assist in minimising the visual impact of the proposals. A condition requiring brick and tile samples to be submitted is recommended.

Subject to suitable materials being used, the design and scale of the extensions accord with the requirements of criteria 1 of Policy HL5 of the adopted Local Plan, and Policy GD7 of the emerging

#### Relationship to Neighbours

The two neighbours adjoining the site were potentially affected by the proposals and as such the plans have been amended to alleviate Officer concerns.

No.9 Upper Westby Street is the western end of the semi-detached pair. A rear conservatory which projects 3.3 metres from the rear elevation, which was granted permission by application 10/0455, will be replaced. The agent has suggested the existing side wall on the boundary will be retained during the build and the drawings confirm this by showing the existing glazing which overlooks this neighbour will be blocked up. The eaves height of the proposed extension will therefore be the same as the existing conservatory.

The proposed single storey addition will have a hipped roof at the point nearest to the shared boundary. The pitch of this roof will be slightly shallower than the existing conservatory. Whilst the neighbour will now have an outlook on to a solid roof rather than a glazed roof, the difference to the effect on the neighbour will not be so significant to justify recommending the application be refused on this ground.

In terms of the two storey rear projection, due to its small projection, the proposed two storey element will not result in an undue sense of enclosure.

The side additions will bring the property closer to no. 13 Upper Westby Street. This dwelling has three first floor windows on the gable. The window nearest the front of the dwelling is a secondary window to a bedroom, the central window serves a landing and the window nearest the rear elevation is the sole window to the rear bedroom. Due to both the separation distance and the western orientation of these windows, the proposed first floor side addition will not remove a significant amount of light or have an overbearing or oppressive impact.

To conclude, the proposal has an acceptable relationship to its neighbours in all regards and thus complies with criteria 2 of Policy HL5, and Policy GD7 of the aforementioned plans.

#### Scale of development on the plot

The proposal retains appropriate levels of amenity space and so complies with criteria 3 of Policy HL5, and Policy GD7.

#### Parking and Access Arrangements

The proposal retains an appropriate level of parking for the site and does not compromise the access arrangements or highway safety and so complies with criteria 4 and 5 of Policy HL5, and Policy GD7 of the emerging plan.

#### Bats

The site is located in close proximity to the Serpentine Walk, a wooded walk where bats may be present. Separate legislation exists to protect any bats, and it is appropriate that an informative note advising the applicant of the statutory protection surrounding bats be incorporated into the decision.

#### Other Matters

The neighbours' concerns that the house is being let out to different people are noted, however, at this stage a material change of use from a normal dwellinghouse has not occurred. If the need arises on completion of the proposals, if approved, the Council will re-investigate.

## **Conclusion**

The application relates to the erection of extensions at a dwelling in the settlement of Lytham St Annes on the edge of Lytham Conservation Area. Having viewed the proposal and assessed the issues raised, it is considered that the proposal accords with Policy HL5 of the Fylde Borough Local Plan, Policy GD7 of the Fylde Local Plan to 2032 (Submission Version) and other relevant development plan policies, and the guidance in the House Extensions SPD. Accordingly the application is recommended for approval.

## **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following details:

### Approved plans:

- Location Plan - Dwg. No. 1002
- Proposed Plans and Elevations - Dwg. No. 1105 Rev: C, received 26 February 2017
- Proposed Side Street Elevation - 1106, received 26 February 2017

Reason: To clarify the amended plans to which this permission relates.

3. Prior to the commencement of development samples of all external facing and roofing materials (notwithstanding any details shown on the submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved materials prior to first occupation.

Reason: To ensure the materials to be used are appropriate to the locality in the interests of visual amenity and the character and appearance of the adjoining conservation area.



**Item Number:** 6

**Committee Date:** 15 March 2017

<b>Application Reference:</b>	16/0876	<b>Type of Application:</b>	Variation of Condition
<b>Applicant:</b>	Euro Garages	<b>Agent :</b>	PWA Planning
<b>Location:</b>	MILL FARM SPORTS VILLAGE, FLEETWOOD ROAD, MEDLAR WITH WESHAM		
<b>Proposal:</b>	REMOVAL OF CONDITION 6 (HOURS OF USE RESTRICTION) ATTACHED TO PLANNING APPROVAL 16/0065, TO ALLOW 24 HOUR OPENING OF PETROL STATION AND KIOSK.		
<b>Parish:</b>	MEDLAR WITH WESHAM	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	18	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.798191,-2.8885516,1108m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

This is an application that seeks to remove a condition that controlled the hours of use as imposed on planning permission 16/0065 which was the full application for the petrol station and drive thru on the Mill Farm site in Wesham.

The proposal seeks to remove condition 6 of the planning permission so to allow the petrol station to operate on a 24 hour basis. The NPPF in para 123 directs local planning authorities to ensure that developments should not create noise that causes adverse effects on health and quality of life, with this interpreted at a local level by Policy EP27 of the Fylde Borough Local Plan. The Environmental Protection Officer has no objection to the removal of the condition and does not consider that its removal will create any unacceptable light or noise issues. Accordingly the application is recommended for approval.

**Reason for Reporting to Committee**

This application is before members because Medlar with Wesham Town Council have objected to the application and requested that it be considered at Committee.

**Site Description and Location**

The application site is part of the Mill Farm development granted planning permission through reference 13/0655 for a number of different uses including full planning permission for a 6,000 capacity football stadium, 11,431m<sup>2</sup> warehouse and distribution centre (class b8), 1,518m<sup>2</sup> neighbourhood retail store (class a1), internal spine road with access from a585 roundabout, associated parking, landscaping, drainage and infrastructure and outline planning permission (access approved with other matters reserved) for 8 x outdoor floodlit all weather pitches, changing room

block, petrol filling station, 785m<sup>2</sup> non-food bulky goods retail unit (class a1), hotel (class c1), pub / restaurant (class a4), drive thru restaurant (class a3/a5), 492 space overflow car park & the formation of a surface water attenuation pond.

The full site is a 12.6 hectare site situated due north west of Wesham and west of Fleetwood Road, the A585. To the north of the site is Bradkirk Brook, a dwelling known as Demmingfield and the industrial premises at UPL. To the east is Mill Farm, further agricultural land and some alongside Fleetwood Road. To the south east is the settlement of Wesham and to the west is open countryside.

Construction has commenced on the site for a number of the uses but prior to development it comprised gently undulating agricultural land and the field boundaries are separated by hedgerows and trees. The site is allocated as a Countryside Area within the Fylde Borough Local Plan, although the Submission Version of the Fylde Local Plan to 2032 allocates the site as a mixed employment/leisure use, with 4 hectares specified for employment purposes.

This application site comprises 0.4 hectares of the overall larger site and is located in the site area which was shown on the indicative plan with the outline for the petrol station and drive thru restaurant. The land in question is currently developed and the drive thru and the petrol station operational and has been built in accordance with application 16/0065.

### **Details of Proposal**

The proposal is to remove condition 6 of planning permission 16/0065 to allow 24 hour opening of the petrol station and kiosk. The current approval restricts the opening hours to between 06:00 and 23:30 on any day.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
16/0065	PROPOSED ERECTION OF 4 PUMP PETROL FILLING STATION INCLUDING SINGLE STOREY RETAIL BUILDING (CLASS A1), CANOPY, PARKING AREA AND ASSOCIATED WORKS. ERECTION OF SINGLE STOREY BUILDING PROVIDING 'DRIVE THRU' RESTAURANT (CLASS A3) AND ASSOCIATED WORKS INCLUDING CAR PARKING.	Granted	06/07/2016
15/0898	PROPOSED EXTENSION OF CAR PARK TO NORTH OF STADIUM TO PROVIDE NET INCREASE OF 95 SPACES	Granted	21/03/2016
15/0742	DISCHARGE OF CONDITION 3 ON APPLICATION 15/0309 FOR A SCHEME (DRAWING NO. 2255 - 13) IS SUBMITTED WHICH SHOWS A BUND / CHANNEL TO CONNECT THE APPROVED ATTENUATION POND WITH THE ADJACENT BROOK	Advice Issued	
15/0733	CONSTRUCTION OF 11 NO. ALL WEATHER FLOODLIT FOOTBALL PITCHES, 1 NO. ALL WEATHER FLOODLIT HOCKEY PITCH, 1 NO. HOCKEY PITCH SPECTATOR STAND PROVIDING SEATING FOR 256 SPECTATORS AND	Approved with 106 Agreement	11/07/2016



15/0365	TEMPORARY CHANGING FACILITIES. PROPOSED VARIATION OF CONDITION 20 OF PLANNING PERMISSION 13/0655 TO SET NOISE LIMITS WITHOUT ADDITIONAL INFORMATION BEING SUBMITTED.	Granted	20/08/2015
15/0309	APPLICATION FOR APPROVAL OF ALL RESERVED MATTERS RELATING TO THE SURFACE WATER ATTENUATION POND LOCATED TO THE NORTH OF THE SITE APPROVED UNDER OUTLINE PLANNING PERMISSION 13/0655	Granted	13/10/2015
14/0772	ADVERTISEMENT CONSENT FOR ERECTION OF NON-ILLUMINATED HOARDING SIGN FOR TEMPORARY PERIOD	Granted	04/02/2015
13/0655	HYBRID PLANNING APPLICATION (PART FULL / PART OUTLINE)	Approved with 106 Agreement	17/02/2015
	FULL PLANNING APPLICATION – 6,000 CAPACITY FOOTBALL STADIUM, 11,431m2 WAREHOUSE AND DISTRIBUTION CENTRE (CLASS B8), 1,518m2 NEIGHBOURHOOD RETAIL STORE (CLASS A1), INTERNAL SPINE ROAD WITH ACCESS FROM A585 ROUNDABOUT, ASSOCIATED PARKING, LANDSCAPING, DRAINAGE AND INFRASTRUCTURE		
	OUTLINE PLANNING APPLICATION (ACCESS SOUGHT WITH OTHER MATTERS RESERVED) – , 8 X OUTDOOR FLOODLIT ALL WEATHER PITCHES, CHANGING ROOM BLOCK, PETROL FILLING STATION, 785m2 NON-FOOD BULKY GOODS RETAIL UNIT (CLASS A1), HOTEL (CLASS C1), PUB / RESTAURANT (CLASS A4), DRIVE THRU RESTAURANT (CLASS A3/A5), 492 SPACE OVERFLOW CAR PARK & THE FORMATION OF A SURFACE WATER ATTENUATION POND.		

### **Relevant Planning Appeals History**

None

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

**Medlar with Wesham Town Council** have provided two consultation responses on the application.

The first was sent shortly after consultation and is dated 17 November 2016. This states:

*“Option A – The Council has no specific observations to make upon this proposal.”*

The second response is dated 21 January 2017 and states:

*“At its meeting on 17th November 2016, Wesham Town Council considered application 16/0876 which sought to remove a previous condition (6) limiting opening hours of the Filling Station and kiosk at Mill Farm. The Council decided to make no specific observation as an overnight filling station was seen to possibly be an advantage to the community. This was not a unanimous decision and*

*several Councillors were of the opinion that the application should be opposed..*

*However, over the past week or so, it has become clear that the Developer intends not only to open the filling station overnight, but also the Sainsburys Local store located in the attached retail unit. An illuminated sign now advertises a 24 hour Sainsburys store.*

*The original description of 16/0876 states 'petrol station and kiosk' as does the Supporting Statement.*

*The dictionary definition of 'Kiosk' is 'a small open fronted structure or booth for selling goods or conducting transactions'. The Town Council had naturally construed this to imply the Night Service Point, normally used for filling station transactions when the retail units are closed overnight.*

*The Council feels that application 16/0876 had not been described properly and that it has been misled as to the intention of the developer.*

*At a meeting on Tuesday, 24th January 2017, members of the Council indicated their opposition to 24 hour operation of the food-store for reasons of its environmental impact on the locality through the night and for its effect on the commercial viability of convenience food-stores in Wesham and Kirkham.*

*In view of these circumstances, our changed views and the misleading description of the application, is it possible to formally request that this application be referred for consideration by the Development Management Committee?"*

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

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

*I have no highways comments on this application and offer no objection.*

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

*With reference to your memorandum to discharge the above application condition. I have further considered the information provided by the applicant and do not consider that 24 hour opening would have an impact on neighbour amenity.*

*There is a similar premises along Fleetwood Road that also has a 24 hour operation and looking at the history of this site, there has been no detrimental effect on the vicinity when considering potential noisy activities.*

*Re-examining the layout of the site, in my opinion there would not be an impact of light nuisance from vehicular movements especially onto an already illuminated road network.*

### **Neighbour Observations**

<b>Neighbours notified:</b>	11 November 2016
<b>Number of Responses</b>	No comments received.

### **Relevant Planning Policy**

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

EP27	Noise pollution
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#### **Fylde Local Plan to 2032:**

GD6	Promoting Mixed Use Development
GD7	Achieving Good Design in Development

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

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

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

The proposal is to remove an existing condition that controls the hours of use of the petrol station and kiosk to between 06:00 and 23:30 so that it can operate for 24 hours a day. Condition 6 was placed on the full permission in order to safeguard residential amenity. Therefore what needs to be assessed in this application is whether or not allowing the petrol station and kiosk to operate over a 24 hour period would unacceptably impact on residential amenity.

The nearest residential properties are located on the opposite side of the A585 to the east, with Rose Villas located approximately 110m metres away and Pitfield approximately 130m away from the petrol station. These dwellings have been consulted and have raised no objections to this application. When considering the full application for the petrol station the applicants asked for it to be 24 Hour opening but the Councils EHO stated that;

*'There are dwellings nearby that will be affected by the activities of the site mainly from traffic movements and potential light nuisance from the premises itself and car headlights. It is accepted that the area is served by a main road but has much reduced traffic after 23.00. If services are open after this time this will encourage further disturbance adding to already changed environment'.*

The applicants in order to overcome the Environmental Protection Officers concerns have made this application and have submitted lighting details for the petrol station and drive thru and a supporting statement. The lighting details shows that neighbouring properties will not be affected by light from the application site, and in any case these dwellings would be more impacted by the intervening street lighting along Fleetwood Road. The supporting statement states that the development would not affect residential amenity due to the distances between the site and neighbouring dwellings, and the amount of development and tree planting between these dwellings and the site. It states that whilst there will be new trips to the site between 23:00 and 07:00 the level of trips will be significantly less than during the daytime and will not give rise to significant noise. It also states that there will be no alcohol sold on site which is often the reason for later trips to Petrol Filling Stations.

The EHO's response to this application is outlined above. He states that he has further considered the information provided and does not think that the application will have an impact on amenity. He

states that the similar premises along Fleetwood Road north of the M55 operates in a similar way and there has been no detrimental effect on amenity in the vicinity of the site. He states by looking at the site layout, and as such the way that vehicles will operate when using the site, that there would not be an impact of light nuisance especially onto an already illuminated road network.

Policy EP27 of the Adopted Local Plan relating to 'Noise Pollution' states that where appropriate planning permission will be granted subject to conditions to minimise or prevent noise pollution. It is considered that in this instance that the condition is not required to prevent noise pollution and as such can be removed. The NPPF para 123 states that planning decision should aim to;

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

It is considered that the removal of the condition would not have an impact on health or quality of life as there would not be an impact from light nuisance as outlined above and there are no noise issues to residential dwellings due to the distances involved and the fact that there is already a level of disturbance from traffic on Fleetwood Road. Due to the presence of the main road and the other uses on Mill Farm it is not considered that the area is an area of tranquillity.

Another material consideration as outlined by NPPF paragraph 216 is the emerging Fylde Local Plan to 2032 (Publications version) which allocates the land under Policy SL4 as part of the Kirkham and Wesham Strategic Location for Development, comprising MUS3 – Mill Farm Sports Village, Fleetwood Road, Wesham. This allocates the site as a mixed use site, stating that it is a mixed use site for employment, leisure and retail. This is supported by Policy GD6 –Promoting Mixed Use Development, which states that mixed use development will be encouraged on Strategic Sites to provide local retail centres, commercial, leisure and recreational opportunities close to where people live and work. Policy GD7 – Achieving good design in development paragraph b. states that development will ensure that amenity will not be adversely affected by neighbouring uses, both existing and proposed.

The NPPG states that neither the NPPF nor the Noise Policy Statement for England expects noise to be considered in isolation, separately from the economic, social and other environmental dimensions of proposed development. It states that conditions can be used to specify permissible noise levels as appropriate at certain times of the day and that Noise can constitute a statutory nuisance and is subject to the provisions of the Environmental Protection Act 1990 and other relevant law. This includes noise affecting balconies and gardens. The hybrid application has a condition on it that restricts the level of noise from the site as a whole which will further protect the amenity of the area.

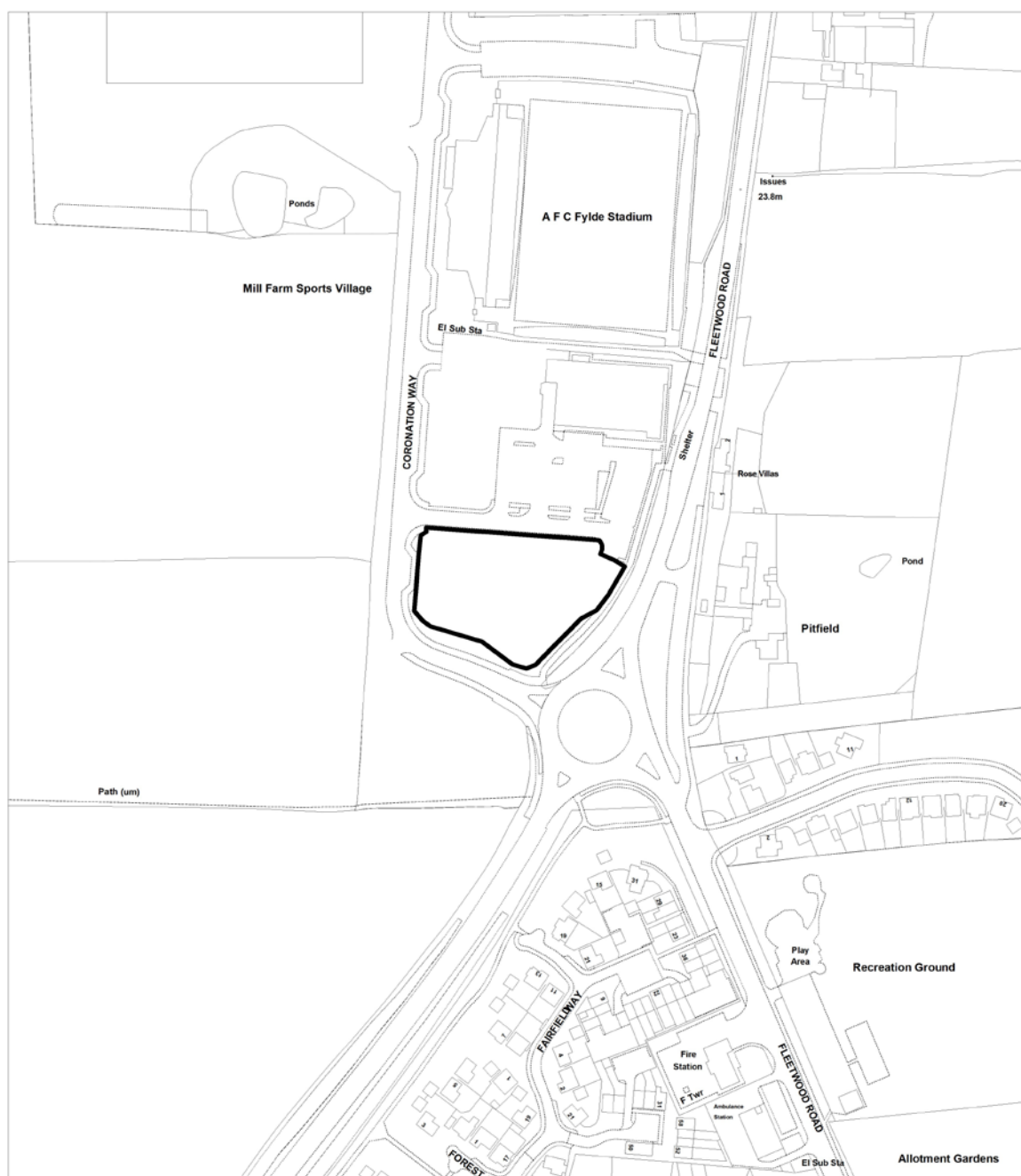
Therefore given the sites location on an allocated employment, leisure and retail site, the proximity of the A585 and the distances to the residential dwellings and the lack of objection from them, there will not be an unacceptable impact on neighbouring residential amenity

### **Conclusions**

Having assessed the impacts of a 24 hour operation of this facility carefully officers are satisfied that this operation will not have any unacceptable impact on neighbouring residential amenity. As such there is no reason to retain the condition that restricts opening hours and so the application is supported.

### **Recommendation**

That the application be GRANTED and so condition 6 of planning permission 16/0065 be removed.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/16/0876	Address Mill Farm Sports Village, Fleetwood Road, Wesham	Grid Ref. E.3414 : N.4336	Scale 0 10 20 30 40 m 

**Item Number:** 7

**Committee Date:** 15 March 2017

<b>Application Reference:</b>	16/0933	<b>Type of Application:</b>	Variation of Condition
<b>Applicant:</b>	Mr & Mrs Bryze	<b>Agent :</b>	Shepherd Planning
<b>Location:</b>	GREENLANDS FARM, RIBBY ROAD, RIBBY WITH WREA, PRESTON, PR4 2PA		
<b>Proposal:</b>	VARIATION OF CONDITION 2 ON APPLICATION 10/0725 TO INCLUDE USE AS A SELF CONTAINED HOLIDAY LET ANCILLARY TO THE MAIN PROPERTY		
<b>Parish:</b>	RIBBY WITH WREA	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	16	<b>Case Officer:</b>	Claire Booth
<b>Reason for Delay:</b>	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.7786429,-2.9055717,1108m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application relates to an annexe associated with Greenlands Farm House. The property is located within a countryside area between Wrea Green and Wesham and is located to the South-West of Ribby Hall Holiday Village on the north side of Ribby Road.

When the planning application for the annexe was submitted to the council in 2010 it was explained that its use was to allow for an elderly relative to be cared for at the property. Planning permission was granted with a condition imposed to ensure that its use was linked to the residential occupation of the Greenlands Farmhouse dwelling. Permission is now sought to vary this planning condition to allow it to be used as either as an annexe or as a holiday let.

Whilst this use is wider than that originally permitted it is considered that a holiday use of the existing annex building would be compliant with the Council's Tourism policies and the holiday let use would benefit local economic and social activity. The use would also maintain the environmental quality of the rural area in which it is located as there is no new building work involved. It is also considered the holiday let use would not lead to an adverse effect on highway safety.

As a result it is recommended that permission be granted for the variation of Condition no. 2 of planning permission 10//0725 to allow the annexe building to also be used for holiday let purposes.

**Reason for Reporting to Committee**

The officer recommendation for approval conflicts with the views of the Parish Council.

### **Site Description and Location**

The application site relates to a detached outbuilding that was converted to an annexe ancillary to the main house. The annexe is located to the rear of the property known as Greenlands Farm

The existing annexe is a timber clad single storey structure. The building comprises a two bedroomed self contained holiday unit. It has a small kitchen, lounge and bedroom with ensuite facilities. There is a single parking space adjacent to the northern elevation of the annexe.

Greenlands Farm House is located within a countryside area between Wrea Green and Kirkham to the South-West of Ribby Hall Holiday Village and is accessed along a single track lane from Ribby Road.

### **Details of Proposal**

Permission is sought to vary a planning condition restricting the annex accommodation to a holiday let. The holiday let use has already commenced and the annexe is advertised on AirBnB.

The building in question was originally a double garage, approved as annexe accommodation courtesy of application 10/0725. Condition 2 of this application has the use restricted to ancillary domestic uses:

*"That the ancillary domestic outbuilding shall be used for ancillary domestic purposes related to the occupation of Greenlands Farm as a single dwelling only. It shall not be used for any commercial purpose or fitted with any cooking facilities to enable its use as an independent unit of accommodation. At no time shall this building be sold or sub let from Greenlands Farm as defined in the submitted location plan.*

*Reason: To ensure that this building remains ancillary to Greenlands Farm to prevent inappropriate commercial use, or the creation of an independent dwelling that would be contrary to Policy SP2 and inappropriate given the scale of the site available."*

It is suggested that the condition be varied to read;

*"The outbuilding subject of this application shall only be used for either domestic uses ancillary (incidental) to the main dwelling at Greenlands Farm, or as a unit of self-contained holiday accommodation. No other trade or business shall be operated from the building without the prior consent of the Local Planning Authority, and the building shall not be sold separately or otherwise disposed of separately from Greenlands Farm".*

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
10/0725	RETROSPECTIVE APPLICATION FOR THE ERECTION OF A FIRST FLOOR EXTENSION TO SIDE OF PROPERTY AND THE RETENTION OF A DETACHED OUTBUILDING TO REAR FOR ANCILLARY RESIDENTIAL ACCOMMODATION	Granted	23/12/2010



### **Relevant Planning Appeals History**

None to report.

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

**Ribby with Wrea Parish Council** notified on 02 December 2016 and comment:

*"It was noted that the application in question has always had a kitchen contained within and therefore, in the eyes of members of the parish council, has always constituted a self-contained unit. The original plans were clearly NOT adhered to and simply permitting retrospective approval would set a dangerous precedent. The planning system is in place for a reason.*

*The parish council, therefore, recommends REFUSAL on this matter."*

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

#### **National Grid**

No objections

#### **HM Inspector of Health & Safety**

No observations received

#### **Tourism Officer**

Supports this application - *"It would seem to be a quality development in a popular rural location (not far from Ribby Hall) and from looking at the reviews of those who have already stayed, would seem to be a praiseworthy business with much praise from customers."*

#### **Highway Authority**

No objections

### **Neighbour Observations**

<b>Neighbours notified:</b>	02 December 2016
<b>Site Notice Date:</b>	13 January 2017
<b>Number of Responses</b>	None received

### **Relevant Planning Policy**

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

SP02	Development in countryside areas
TREC03	Tourist Accommodation Outside Lytham St Annes
TREC05	Major Tourism Development
TREC06	Static Caravans and Chalets

#### **Fylde Local Plan to 2032:**

GD4	Development in the Countryside
EC6	Leisure, Culture and Tourism Development
EC7	Tourism Accommodation

**Other Relevant Policy:**

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

**Site Constraints**

Pipelines  
Within countryside area

**Environmental Impact Assessment**

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

**Comment and Analysis****Principle of development**

In the countryside areas outside of settlement development limits, development will only be permitted where it both benefits economic or social activity without leading to a significant increase in car travel and maintains or enhances environmental quality and accords with other policies of the adopted and emerging Fylde Local Plans and include limits of a sustainable form of countryside recreation or tourism facility.

In this case the unit of holiday accommodation is independent in respect of having a fully functioning kitchen, shower room and no interconnecting door to the main dwelling house due to its standalone location in the garden area. Therefore it would result in creating a separate unit of accommodation to the main dwelling house and is sited within the unsustainable location and therefore requires planning permission to regularise its use.

The provision of a holiday unit within this site is acceptable in principle due to its proximity to Ribby Hall village which is located approximately 400m due North-East, and its rural location. The condition restricting the permanent use of the building as a separate dwelling was imposed to ensure that this building remains ancillary to Greenlands Farm to prevent inappropriate commercial use, or the creation of an independent dwelling in a countryside location remote from services and amenities and inappropriate given the scale of the site available. To allow its use as holiday accommodation would not conflict with that as an independent residential use would not be lawful under the amended condition as suggested by the applicant.

It is considered that the retrospective proposal would accord with the provisions of Policies SP2, TREC03 and TREC05 of the current adopted local plan and policies GD4, and EC6 of the Fylde Local Plan to 2032 (Submission Version). The NPPF also supports rural tourism.

It is recommended that the condition could be varied to allow the building to be used for holiday use. Controls would be appropriate to ensure that no person stays for more than 28 days per calendar year, and requiring the owner to maintain an up to date register of people staying at the property to ensure that no single occupancy of the unit shall occur that would be residential in nature.

**Character and Appearance of the Area**

Policy EP11 of the adopted plan and Policy GD7 of the emerging Local Plan requires that development is sympathetic in scale to the surrounding built development and open spaces in terms

of layout, design, use of materials, landscaping and use of boundary treatments. It is noted that there are no proposed external alterations to the existing building. The existing parking space exists and is located between the north facing elevation and the boundary of the residential curtilage. The boundary timber post and rail fence, combined with it lying directly adjacent to the building minimises the effect on the appearance of the countryside.

#### Highway Safety

Paragraph 32 of the NPPF makes it clear that decisions should take into account whether a safe and suitable access to the site can be achieved.

The building would remain integral to the main property. The main dwelling has an area available for parking and one parking space is available at the side of the building itself. Whilst it is acknowledged that the holiday let use will result in the occupancy of the building changing frequently, due to the access lane serving only one other property, highway safety will not be compromised severely to warrant refusal of the application on this basis.

#### Residential Amenity

Greenlands Farm is an isolated dwelling surrounded by fields. There are therefore no nearby residents which would be affected by the use of the building being used for holiday let purposes.

#### Other Matters

National Grid gas pipelines exist in the vicinity of the building. Due to no engineering or building works being proposed, the statutory undertaker has raised no objections to the proposal.

#### Conclusions

It is considered that the use of the building is compliant with the Councils Tourism policies and would benefit local economic and social activity without leading to a significant increase in car travel. It is also considered the holiday let use would not lead to an adverse effect on highway safety. The use would maintain the environmental quality of the rural area in which it is located. As a result it is recommended that permission be granted for the variation of Condition no. 2 of planning permission 10/0725 to allow the annexe building to also be used for holiday let purposes.

#### Recommendation

That the Variation of Condition be GRANTED subject to the wording of Condition 2 of planning permission 10/0725 being changed as follows:

2. The outbuilding subject of this application shall only be used for either domestic uses ancillary (incidental) to the main dwelling, or as a unit of self-contained holiday accommodation occupied for a period not longer than 28 days in any one calendar year in accordance with written records of occupancy to be available for inspection by the Local Planning Authority at any time. No other trade or business shall be operated from the building without the prior consent of the Local Planning Authority, and the building shall not be sold separately, or otherwise disposed of, separately from the main dwelling 'Greenlands Farm'.

Reason: To ensure that this building remains ancillary to Greenlands Farm given the scale of the site available and to prevent inappropriate commercial use, or the creation of an independent dwelling as the permanent use of the site for those uses would be inappropriate because of being in an unsustainable location.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/16/0933	Address Greenlands Farm, Ribby Road, Wrea Green	Grid Ref. E.3404 : N.4317	Scale 0 10 20 30 40 m 

**Item Number:** 8

**Committee Date:** 15 March 2017

<b>Application Reference:</b>	16/0969	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Mr Bradley	<b>Agent :</b>	Graham Anthony Associates
<b>Location:</b>	LAND ADJ TO ST MICHAELS C E SCHOOL, CHURCH ROAD, WEETON WITH PREESE, PRESTON, PR4 3WD		
<b>Proposal:</b>	OUTLINE APPLICATION FOR THE ERECTION OF UP TO 14 DWELLINGS TOGETHER WITH THE PROVISION OF A PUBLIC CAR PARK AND PUBLIC OPEN SPACE/RECREATION AREA (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)		
<b>Parish:</b>	STAINING AND WEETON	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	14	<b>Case Officer:</b>	Claire Booth
<b>Reason for Delay:</b>	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.8009595,-2.9388172,1108m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Refuse

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

The proposal for consideration by Members is an outline application with access (all other matters are reserved) for the erection of 14 dwellings, together with the provision of a public car park and open space/ recreation area. The site is an area of land off Church Road, Weeton located at the side and rear of four properties consisting of Weeton St Michaels Church (a grade II listed building), Weeton St Michaels Primary School, and two residential dwellings, one of which is the historic vicarage to the Church. The site is allocated as a Countryside Area in both the adopted Fylde Borough Council Local Plan (FBLP) and Submission Version of the Fylde Local Plan 2032 and is classified as Grade 2 agricultural land.

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

Cumulatively with other approved development in Weeton in recent years, the proposal here will result in the provision of 62 dwellings. Weeton's designation as a Tier 2 rural settlement in the emerging Fylde Local Plan to 2032 recognises the settlement's sustainability to accommodate 50 homes over the plan period. Whilst the proposal is considered to be in general accordance with the indicative scale suggested in the Tier 2 target of the emerging Fylde Local Plan to 2032, it must be noted that this site is not in, or adjacent to, the village of Weeton. As such it is physically and visually detached and therefore would not be seen as an extension to the village itself.

The development would also result in the loss of 6.4 Ha of best and most versatile agricultural land, subgrade 2, although this alone should not be seen as an overriding factor in the planning balance. However, the proposed development would have a significant adverse impact on the setting and significance of Weeton St Michael Church and on the landscape character and visual amenity of the area. The scheme also does not demonstrate a safe vehicular access due to issues over the provision and retention of sight lines and the speeds of vehicles using Church Road at that point.

The proposed development is therefore contrary to the requirements of the relevant policies of the National Planning Policy Framework and both adopted and emerging Development Plans.

The officer recommendation is that members refuse the application for a series of reasons as listed at the foot of this report.

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

The application involves major development and a ward councillor (Cllr Singleton) has requested that it be determined at Committee for consistency with other recent residential development applications.

### **Site Description and Location**

The proposed development is located on arable agricultural fields to the south of the village of Weeton on a roughly triangular parcel of land equating to approximately 6.4 hectares (approximately 16 acres).

The site is bounded by the M55 motorway to the north, Westby Wood and the Preston-Blackpool railway line to the South-West, and four existing properties to the East. These properties are located on the brow of a hill and include St Michaels CE Primary School, two dwellings, and St Michaels Church.

St Michaels Church is a Grade II listed building. Westby Wood is protected by a Woodland Tree Preservation Order.

Site access is currently provided via a field gate access off the B5260 Church Road that is located to the immediate north of one of the dwellings which is called Weeton Manor.

The land in question is designated Countryside within both the Fylde Borough Local Plan and the Submitted Version of the Emerging Plan; Fylde Local Plan to 2032. The fields proposed to be developed are classified as Grade 2 agricultural land.

### **Details of Proposal**

The outline proposal, including access, is for the development of the site to consist of 14 residential dwellings, with other areas of the site to be offered to St Michaels Church and St Michaels CE Primary School for potential playground and graveyard extensions. A further section is also to provide a 36 space car park for shared use by the church and school.

Access to the site will be via an improved access junction from B5260 Church Road at the location of the current field access adjacent to the boundary of Weeton Manor.

An indicative layout has been provided which specifies the proposed access road and the circulation routes within the site. The site plan indicates 14 large dwellings surrounding an oval shaped area of public open space. The 36 bay car park is to be located to the north of the dwellings at the rear of Weeton Manor and would similarly be oval in shape.

This proposal seeks to provide a number of community benefits including car parking facilities for the adjacent school and church, land to be offered to the school for use as playing fields and land offered to the church to provide an extension to the existing graveyard.

### **Relevant Planning History**

There is no relevant planning history to report.

### **Relevant Planning Appeals History**

None.

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

The application site is entirely within the Parish of Weeton with Preese. The neighbouring Parish, Westby with Plumpton, has also been notified of the application by virtue of its proximity to the site. The comments of both these Parish Councils' are noted below.

**Weeton with Preese Parish Council** notified on 08 December 2016 and comment:

*"Weeton Parish Council recommends refusal on the aforementioned planning application. Two Parish Councillors declared an interest regarding this matter and the remaining three Councillors voted 2 : 1 against approving the application based on the following reasons:-*

- *No local housing needs in Weeton*
- *The proposed development is not supported by any retail outlets*
- *Local policy concerning reduced travel demands would not be possible as no permanent bus service exists."*

**Westby with Plumptons Parish Council** notified on 08 December 2016 and comment:

*"Subsequent to the Westby with Plumptons' Parish Council meeting of 12th January 2017, the above planning application was discussed and considered by the Parish Council.*

*The majority of councillors considered the proposed application as sympathetic to the rural environment. The parish council has no objection to the proposed planning application and, therefore, recommends APPROVAL."*

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

### **Highways England**

No objections, subject to conditions requiring improvement of the boundary with the M55.

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

They have provided a detailed response which examines all the key highway issues with the development and raises objections to the proposals on highway safety grounds due to insufficient information being submitted to ensure a safe access can be achieved for all users of the development. The suggested visibility splays are also based on out-of-date speed data and therefore cannot be relied upon.

The summary to their response is reproduced here:

*“Although the site would add some additional traffic, I would expect the highway network to have adequate capacity for the additional vehicle trips generated, subject to a suitable site access junction being delivered.*

*The addition of new northbound and southbound bus stops are vital to the sustainability of the site and to help mitigate the development impact on congestion. The current bus services, which would serve the proposed development, are provided by Lancashire County Council. It is important that sustainable transport options are maximised including a regular bus service.*

*The key difficulties with this application have regard to the site access:*

- *Clarification on the location of the adopted highway boundary has not been provided. As a result, I cannot be certain that the land required is available to deliver the proposed site access junction.*
- *Evidence has not been provided to show that the proposed visibility splays achieved by the proposed access are adequate. Until this is supplied, I cannot be certain that the proposed site access junction will provide a safe and suitable access and that land required for the visibility splays at this junction will be within the application boundary.*
- *The application boundary shown in drawing SCP/4453/F01 is incorrect. This needs amending to show that adequate visibility splays can be delivered with the application boundary.*

*While I accept that this is an outline application for access with all other matters reserved, I do not consider the documentation presented to date allows me to conclude that a safe and suitable access can be achieved. For this reason the LHA cannot support the application as it stands.”*

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

Raises concern about the effect on the adjacent woodland, stating:

*“It is foreseeable that occupancy would place pressure on the woodland, because it would become an adjunct to the housing and be exploited for leisure. This often comes at the expense of natural woodland regeneration and the woodland ground flora within it. The cumulative result of this is woodland degradation.*



*Pressure might also arise from the shading effect of the trees on gardens or houses. This might be in the form of 'nuisance' from the woodland to structures such as outbuildings and greenhouses, where complaints about shading or, moss growth on glass roofs arise. Large trees close to residential development also generate perceived hazard issues that can lead to pressure to remove trees or prune them heavily."*

**Greater Manchester Ecology Unit**

No objections, subject to conditions protecting biodiversity and biodiversity enhancement measures being sought.

**Lancashire CC Flood Risk Management Team**

No objections, subject to conditions.

**Strategic Housing**

Based on the proposed layout of large detached dwellings this site does not blend itself to affordable housing provision and the site is fairly remote. Housing would be looking to secure off site affordable housing contribution from this scheme at the rates as detailed in the emerging local plan.

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

Objections received:

*"Whilst the proposed development indicates a well-spaced layout of generously proportioned dwellings with a significant amount of planting, the scheme would encroach into designated open countryside and result in a significant amount of development outside of the existing village of Weeton.*

*The visual effects of the scheme would also be significant in several long-reaching views from the south and west and be at odds with the landscape character of this area. It would have a significant effect on the setting of the listed Church. The large amount of planting suggested by the proposed landscape buffers which are indicated on the Proposed Site Plan would help to mitigate views of the new dwellings in the long term, but this would unacceptably change the landscape character of this area. The necessity for such landscape buffers would suggest that the development does not sit comfortably within this landscape and requires screening to integrate it into the existing adjacent countryside."*

**Regeneration Team (Heritage)**

Objects due to the impact of the development on the setting of the listed Church and its associated buildings (non-designated heritage assets).

**Natural England**

No objections subject to appropriate mitigation being secured by condition.

**United Utilities - Water**

No objections, subject to conditions being imposed regarding the management and maintenance of a Sustainable Drainage System and Surface Water being adequately dealt with.

**Environmental Protection (Pollution)**

Raises objections in relation to the proposed access road and car park adversely affecting

the amenity of occupiers of Weeton Manor.

**Environment Agency**

No objection, subject to conditions.

**LCC Contributions**

Have undertaken the usual assessment of capacity to meet the education needs of the proposed development. This concludes that there is currently a very small surplus of primary school places although this would be a shortfall if any of the applications currently pending a decision in the schools' catchments were to be determined. It also concludes that there is a shortfall of secondary capacity irrespective of other decisions and so a financial contribution is requested for secondary education which would amount to £40,607 for the 2 spaces expected to be yielded from the development.

**Lancashire Constabulary**

No objections subject to security measures reducing the opportunity for crime both during the construction period and once the dwellings are occupied.

**Neighbour Observations**

**Neighbours notified:**

10 January 2017

**Site Notice Date:**

14 December 2016

**Press Notice Date:**

15 December 2016

**Number of Responses**

Five responses have been received, three from nearby occupiers and two from other interested parties, namely from Weeton St Michaels Parochial Church Council and the Chair of Governors' for Weeton St Michaels School. Whilst the Church and School adjoin the application site their observations are reported in the 'other interested parties' section below

**Summary of Comments**

- Suggests that in the past the School has approached the applicant and asked about buying some land and advises the cost was prohibitive. Also advises the School then offered the applicant the full market value plus 'hope value' and were turned down again. It is suggested that the landowner is using the land in question as a bargaining counter.
- Concerned the location of the carpark will not relieve congestion due to users of the car park having to walk from the car park down the access road to where it joins Church Road and then walk up to the School and Church.
- Highway safety concerns that extra houses will create extra traffic at the time the school starts in the morning which will cause a traffic jam with vehicles entering the car park and leaving the housing development.
- The access road will create more danger for children walking from the village to the school as they have another road to cross which will be busy at the time children will be walking to school.
- No overriding need for houses in the immediate locality.
- Development on agricultural fields between two villages is inappropriate as there is no infrastructure in either village.

- The countryside area between Weeton and Great Plumpton should be preserved.
- The development will blight existing properties.
- The front elevation and boundary of Weeton Manor will face towards the proposed entrance to the above planned site and also the car park which will be illuminated.
- The access to the car park would be only 5 meters away from the front elevation of Weeton Manor containing lounge and bedroom windows resulting in a loss of amenity and loss of privacy.
- Concerns raised about noise and traffic pollution which would be less than 5 meters away from their property.
- Concerns relating to invasion of privacy with visitors and homeowners being able to constantly see in to Weeton Manor as the proposed entrance and car park would be only 5 meters away from the property.
- Concerned about effect on the ability of existing drains taking water from at least two of the four cellars in the existing buildings abutting the site.
- Concerned about the effect developing the fields will have on pipes serving septic tanks to at least three of the four existing properties.

#### **Other Interested Parties**

##### **Weeton St Michaels Parochial Church Council**

Advises that the Church has not requested land in order to extend the burial ground, and that detailed discussions have not taken place with the Church, as asserted in the application.

##### **Chair of Governors' Weeton St Michaels Primary School**

Advises that the Governors' are neither in favour or against the application, but should the application be approved, request that they would like to see the existing drainage schemes maintained or incorporated into the new proposed sewerage scheme.

#### **Relevant Planning Policy**

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

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
HL03	Small scale rural housing development
HL06	Design of residential estates
TR01	Improving pedestrian facilities
TREC17	Public Open Space within New Housing Developments
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP18	Natural features
EP25	Development and waste water
EP27	Noise pollution

**Fylde Local Plan to 2032:**

S1	The Proposed Settlement Hierarchy
SL5	Development Sites outside Strategic Locations for Devt
H1	Housing Delivery and the Allocation of Housing Land
DLF1	Development Locations for Fylde
H2	Density and Mix of New Residential Development
H4:	Affordable Housing
H6	Isolated New Homes in the Countryside
GD4	Development in the Countryside
GD7	Achieving Good Design in Development
ENV1	Landscape
ENV2	Biodiversity
ENV4	Provision of New Open Space
INF2	Developer Contributions

**Other Relevant Policy:**

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

**Site Constraints**

Within countryside area  
Woodland Tree Preservation Orders

**Environmental Impact Assessment**

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

**Comment and Analysis****Policy Context for assessing Principle of Development**

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 indicates that development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF advocates a presumption in favour of sustainable development and in terms of decision taking this means approving development proposals that accord with the development plan. Where the development plan policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in Framework. It advises that decision takers at every level should seek to approve applications for sustainable development where possible.

Certain policies in the Borough local plan are consistent with the NPPF, remain relevant to decision-making and will be referred to where relevant in this report. However, in the context of a national housing shortage and the identified need for additional housing in the Borough, policies in the adopted local plan in respect of housing provision are now out of date.

In respect of emerging local plans, paragraph 216 of the NPPF advises that weight may also be afforded to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater

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

Although it is within the Weeton Parish boundary, the application site lies considerably outside the settlement boundary of Weeton, and as such lies within open countryside, as designated within both adopted and emerging Local Plans.

The site is located within a Countryside Area as defined on the Proposals Maps associated with both the Fylde Borough Local Plan and Fylde Local Plan to 2032 (Submission Version). Policies SP2 and GD4 of these plans are of relevance and seek to safeguard the natural quality of the countryside area by supporting development related to agriculture, horticulture, forestry or other uses appropriate to a rural area only. The development proposed cannot be categorised as such and is therefore contrary to Policy SP2 of the adopted Local Plan and Policy GD4 of the emerging Local Plan, which is at an advanced stage in the plan making process and can be afforded appropriate weight in the decision making process.

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

In accordance with the economic role of sustainable development, housing is seen as a key component to economic growth and is recognised as such not only within the National Planning Policy (NPPF) Framework but in the Government Policy 'The Plan for Growth'. The delivery of new housing of the right type, at the right time in the right location is fundamental to economic growth. Paragraph 47 of the NPPF requires LPA's to boost significantly the supply of housing and the theme throughout is that LPA's should make every effort to objectively identify and then meet housing needs.

The social role of the NPPF seeks to support communities by providing the supply of housing required to meet the needs of the present and future generations and by creating an accessible high quality built environment.

The Fylde Local Plan Submission Version (the Plan) was published for pre-submission consultation on 11 August 2016. The Submission Version is the Fylde Local Plan as the Council wishes to adopt it, and is the version that has recently been submitted for examination. Therefore, it carries significant weight.

The emerging submitted Local Plan sets out the Vision for Fylde and a Development Strategy that sets out how the Council envisages the Borough will develop to the year 2032. The Settlement Strategy is centred on four strategic locations for development, together with a lesser degree of development in the larger and smaller rural settlements. The policies in the Plan are up to date and in line with National policy and legislation. Proposed development sites are located in sustainable locations, which avoid Green Belt, areas at risk of flooding and areas of biodiversity interest.

The application site falls outside any of the proposed strategic locations for development or any rural settlement, and as such conflicts with the aims and objectives of the Council's Vision for Fylde and Development Strategy.

Moreover, Policy SL5 of the emerging Plan establishes that new residential development in Tier 2: Smaller Rural Settlements should not exceed 50 dwellings over the total plan period (2011 to 2032) and that these dwellings should be in, or adjacent the settlement boundary. The application site is clearly divorced from the settlement boundary contrary to the requirements of this policy. It is clear therefore that the proposal fails to accord with both adopted and emerging spatial planning policies.

Whilst this is the case, in accordance with the economic role of sustainable development, housing is seen as a key component to economic growth and is recognised as such within the Framework. Paragraph 47 of the NPPF requires LPA's to boost significantly the housing supply and requires LPA's to have a deliverable five year housing supply. Where a 5 year supply of deliverable sites cannot be demonstrated paragraph 49 of the NPPF advises such applications should be considered in the context of the presumption in favour of sustainable development.

#### Housing Supply

The latest available position on this (31 March 2016) is that the Council is able to demonstrate a 4.8 year housing supply using the Sedgefield Method of calculation. Due weight will accordingly be given when considering whether the proposal constitutes 'Sustainable Development' when judged against the sustainable development definition laid out in Paragraph 7 of the NPPF. In this regard consideration of emerging planning policies assist in the assessment.

Policies of the development plan which relate to housing supply, including Fylde Borough Local Plan Policy SP2, cannot be considered up to date and are in conflict with the NPPF. Therefore, the release of housing sites in the countryside area is acceptable in accordance with paragraphs 47 and 49 of the NPPF, provided that they are in the right location, and there are no overriding policy or other material considerations to indicate that development should be refused.

Policy S1 sets out the settlement hierarchy for where new development should be located. It directs development towards the main strategic locations of the Key Service and Local Service Centres including the larger rural settlements. Due to having fewer essential services and employment opportunities Policy S1 defines Weeton as a Tier 2 Smaller Rural Settlement and Policy DLF1 reaffirms that Weeton is a Tier 2 settlement. The justification text to Policy SL5 confirms that Tier 2 locations should be able to accommodate up to 50 homes over the plan period (2011-2032) with delivery being reliant upon windfall development as opposed to allocated sites. This Policy is an acknowledgement that Weeton is capable of accepting a certain amount of growth based upon an assessment of the village's location, services and accessibility through the Local Plan review process. This Submitted Version policy is material in the assessment of the proposal, with the Public Examination scheduled to commence on 27 March 2017, there has been no specific objection to Weeton being designated as a Tier 2 Rural Settlement. On this basis it is considered that due weight is attributable to the policy, albeit that the site is neither within nor adjacent to Weeton.

The justification text to Policy SL5 suggests that Tier 2 rural settlements can accommodate 50 dwellings over the plan period (2011 to 2032). Taking that further, 48 units have been approved within Weeton over the plan period (2011 – 2032) namely development at Birkett House (09/0770 – 1 unit approved on 29 May 2013), The Laurels (12/0772 – 16 units), St Michael's Close (12/0772 – 4 units), Moons Cottage (15/0456 – 1 unit), Knowsley Farm (16/0493 – 1 units) and last month Land West of Church Road (16/0811 – 25 units). Collectively these commitments over the plan period including that of the current proposal, will result in an additional 62 units within or adjoining the village of Weeton. Whilst this is clearly over the 50 dwelling indicated in the Plan, it is not excessively so and the proposal is considered to be in general accordance with the indicative scale suggested in the Tier 2 target of the emerging Fylde Local Plan to 2032. However, it must also be

noted that this site is not in, or adjacent to, the village of Weeton but is physically and visually detached and therefore would not be seen as an extension to the village.

#### Does the proposal deliver sustainable development?

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

Whilst the site is adjacent to St Michaels Church and Primary School concern has been raised to the sustainability of the site in relation to the lack of shops and services in Weeton and Little Plumpton for everyday basic needs. Those areas of the borough able to provide a number of key facilities and services being in Kirkham and Wesham. The village also has with a reduced bus service which is reported to end mid-2017. The implications of this are assessed in the following sections of this report.

#### Accessibility and Availability of Services

The application site is located approximately 200 metres south from the defined village boundary and 350m from the village core. This site is therefore physically detached from some of the services in the village although it is accepted that St Michaels Primary School and St Michaels School lie adjacent to the application site.

With regards to other available services and amenities within the village, there is a Community Hall, Public House, post box, equipped play area and public open space. These services and amenities are located some 350m to the south of the application site with a second primary school located at Weeton Barracks which is around 2 miles distant. Whilst pavements exist to and from the village, the walk to and from these services is not particularly attractive, being downhill from the application site, uphill from the centre of the village, along a raised path, partly tree lined, and under the motorway bridge. There is no continuous footway to the school at Weeton Camp.

In addition, there are no higher level services in the village, for example, a secondary school, shop, bank, employment opportunities, railway station, etc. This is reflected in its 'Tier 2 Rural Settlement' status in the emerging Fylde Local Plan (Submission Version) and so makes it highly likely that the residential development of the site as proposed here will result in a large number of journeys being made by unsustainable means to access services. This is thereby contrary to the NPPF's requirement to located development where it will lead to a low carbon future.

The proposed site location is currently served by bus stops located in Weeton village centre. The nearest northbound stop is 460m north of the proposed site access. The nearest southbound bus stop is a further 100m away. With a distance of around 200m from the centre of the site to the proposed access, this means the nearest bus stops are well over 600m away from the proposed dwellings.

The existing stops in Weeton village are served by the number 75 service between Preston and Fleetwood, running past the site on the B5260. This service has a 2 hour frequency during the day from Monday to Saturday. There is no Sunday or evening service. This level of frequency is not sufficient to be considered a real alternative to the private car as it will not satisfy the needs of all users as part of their journey to work, school or appointments. In addition, LCC revenue budget to provide bus services is under severe pressure and this situation is likely to continue in future years.

The conclusion here is that whilst there is a general day-to-day level of services in Weeton village,

this site is physically detached from the village and due to the distance and nature of the route to access them, the route does not have an attractive or convenient connection to these limited services especially during inclement weather and during the dark winter months. There are similar limitations on the accessibility to higher level services available in other larger settlements. In their assessment of the application the Local Highway Authority highlight that the site falls well short of being an accessible site using a quantitative accessibility score, and conclude that the proposal will result in a car dominant development.

Officers share that opinion and therefore it is considered that the approval of this application would lead to an unsustainable form of development in a location that does not benefit from adequate access to local services or facilities. This would place further reliance on the private motor-vehicle to access key services and amenities contrary to the NPPF presumption in favour of sustainable development. The proposal is clearly contrary to Policies S1 and SL5 of the emerging plan and the sustainability principles of the NPPF. A reason for refusal on this basis is therefore recommended.

#### 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 application site measures approximately 6.4 hectares in area and is open to wider expanses of worked agricultural land. In particular, the site boundaries are enclosed by a combination of fencing and woodland with the only access into the site being via a farm gate to the southern end of the access road to Church Road.

The application is supported with a letter that explains that the site is Grade 3 and seeks to dismiss the importance of the loss of higher grade land due the amount that is available in the borough and the need to develop some greenfield land to meet housing requirements. However, the site is not Grade 3 as claimed, but part of a swathe of Grade 2 agricultural land. Other land around the village, including the adjoining site to the north approved by Members at the last meeting, is categorised as Grade 3, as it is slightly lesser quality. The application site is clearly available for higher value agricultural uses. However, the site is not of a scale where its loss to agriculture would, on its own, justify a reason for refusal of the application, but the loss of Grade 2 land when lesser quality land is available to meet the boroughs housing requirements must count against the proposal in the overall planning balance.

#### ‘Access’ and highway safety

‘Access’, is being applied for as part of this Outline application. ‘Access’ is defined within the Development Management Procedure Order, 2015 as:



*“the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.”*

The NPPF advises that planning decisions should take account of whether opportunities for sustainable transport modes have been taken up depending on the nature and location of the site and safe and suitable access to the site can be achieved for all people. Paragraph 32 of the Framework confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are ‘severe’.

This outline proposal indicates a single point of access for all modes of transport from Church Road and indicates the circulation routes around the development.

LCC accident data indicates that over the last 5 years there have been two road traffic collisions in the vicinity of the site. These collisions consist of a ‘slight’ and a ‘serious’ accident, and with such an accident record improvements would be required at the highway access.

The sight lines and any highway improvements associated with the access would need to be undertaken on land within the applicant’s control or the adopted highway. In their consultation response LCC Highways have queried whether this is the case and raise doubts over whether the land required to deliver the proposed site access junction is available. Notwithstanding this, it is proposed that vehicular access into the development site will be provided off the B5260 Church Road, via an improved access junction at the location of the current access. This drawing shows that this junction will provide a 6m corner radii, a 5.5m carriageway, 2m footways on both sides and 2.4m x 43m visibility splays to both the north and south.

The adequacy of these suggested visibility splays are based on a survey conducted by LCC in September 2011 which suggests a Northbound 85th percentile speed of 34mph, and a Southbound 85th percentile speed of 36mph. However, as the weather conditions during this survey period are unknown, it is not known whether reducing the 85th percentile speed by 2.5mph to obtain the wet weather speed is suitable. Therefore, the LHA considered that visibility splays for these speeds should be provided at 2.4m x 51.4m on the south side of the proposed access junction and a visibility splay of 2.4m x 55.9m is required on the north side of the proposed access junction. It is not clear if this is achievable.

The 2011 data suggests the currently proposed visibility splays are not adequate. Notwithstanding the above, as this data is now over 5 years old and was collected at a point around 70m south of the proposed access, and so LCC have indicated that new speed data should be obtained in order to determine the required visibility splays. This was advised by the highway authority prior to submission of the application but has not been provided. Until this is carried out, LCC raise concerns that there is no certainty that the visibility splays shown are appropriate, but the currently available data makes this doubtful. Due to the above, the Highway Authority object to this application as currently presented on the grounds of insufficient evidence to demonstrate a safe access can be provided. From officer site visit it is understandable that the highway authority would require certainty over access safety and so officers concur with these views from the highway authority.

The site proposes a shared parking area for the Church and School within the development. However, there is no direct access between these properties and the car park and the highway officer is concerned that this will limit its use and so the current on-street parking would remain more preferable for people dropping children off and collecting them from school.

In relation to the access and circulation routes for which approval is being sought, the submitted drawing shows that this junction will provide 2m footways on both sides of the access road. However, the highway authority consider the developer suggested pedestrian and cycle access would need to be widened to at least 3m wide to accommodate cyclists and to deliver safe and suitable access from the proposed dwellings to the classified road. The submitted drawings fail to show that this is achievable and thus the proposal again fails to deliver a safe access for all users of the development.

Turning to public transport accessible from the site, the proposed site location is currently served by bus stops located in Weeton village centre. As already advised, the nearest northbound stop is 460m north of the proposed site access with the nearest southbound bus stop being a further 100m away. With a distance of around 200m from the centre of the site to the proposed access, this means the nearest bus stops are well over 600m away from the proposed dwellings.

The existing stops in Weeton village are served by the number 75 service between Preston and Fleetwood, running past the site on the B5260. This service has a 2 hour frequency during the day from Monday to Saturday. There is no Sunday or evening service. This level of frequency is not sufficient to be considered a real alternative to the private car as it will not satisfy the needs of all users as part of their journey to work, school or appointments. In addition, LCC revenue budget to provide bus services is under severe pressure and this situation is likely to continue in future years.

Whilst pavements exist to and from the village, the walk to and from these services is not particularly attractive, being downhill from the application site, uphill from the centre of the village, along a raised path, partly tree lined, and under the motorway bridge. The highway authority consider that the positioning of new northbound and southbound bus stops, to quality bus standards, in the vicinity of the site which could also serve the school and church are vital to the sustainability of the site and to help mitigate the development impact on congestion. It is also important that sustainable transport options are maximised including a regular bus service. The current bus services, which would serve the proposed development, are provided by Lancashire County Council.

To conclude this section, there are key difficulties with the access arrangements, particularly over the adequacy of the proposed access visibility, the availability of land to deliver that visibility, the design of the pedestrian access arrangements, and the accessibility of the site to services by sustainable means including the bus service. As a result, the highway authority raise objection to the development. Your officers agree with this assessment, with the failure to demonstrate a safe access can be achieved to serve all users of the development being contrary to Policy HL2 of the adopted plan and Policy GD7 of the emerging Local Plan. A reason for refusal on this basis is appropriate.

### Heritage

Reference has been made within this report to the three roles of sustainable development as identified within the NPPF. The environmental role means contributing to protecting and enhancing the built and historic environment. Indeed conserving heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations is a core planning principle. Significance derives not only from a heritage assets physical presence, but also from its setting.

As Members will note from the site location section of this report, St Michaels Church which is located between the old vicarage and the primary school, is a Grade II listed building and is part of four properties in the group. The Church is dated 1842. The other buildings in the group, including

the historic Vicarage and the School are considered to be non-designated heritage assets.

Part of the significance of the church is its rural setting, with its associated buildings, located remotely from the village. Their historic positioning is clearly divorced from the village where, prior to the introduction of M55, the buildings and Church spire would have been seen uphill from the village. The listed Church has a peaceful ambience that provides the community with a space for pastoral enjoyment. As such the church has communal value as well as the historic and architectural value reflected in its listed status. The rural setting of this Church is mostly experienced within the Grave Yard located at the rear of the building where the gently rolling farmland adjacent adds significantly to the tranquillity of the adjacent countryside and the Church's setting. This is also experienced from Church Road and between the adjacent buildings.

The residential and other development of the land immediately to the rear of Church will impact harmfully on its setting as the dominant feature on the raised land in which it sits with its School and the two properties that were presumably constructed to support them. Modern housing and the creation of a car park in close proximity and directly down the hill from the church yard would adversely affect the ambience of the Grave Yard and thus the historic character and setting of the listed building. The proposed dwellings would also be clearly visible in views between the group of buildings and would harm the discreet and elevated setting in which this group of historic buildings are experienced.

Para 129, 131 and 132 of the NPPF explain that the decision on a planning proposal should carefully consider the impact that the proposal would have on the setting and significance of designated heritage assets such as a listed building. In this case the harm to the setting of the Church is particularly significant and must result in a reason for refusal of the proposal. This NPPF guidance is locally interpreted in Policy ENV5 of the FLP32 and EP4 of the FBLP and the development of the site with the proposed scheme in conflict with these policies.

#### Landscape Character and Visual Amenity

Policies EP10 and EP11 of the adopted Local Plan and Policies GD7 and ENV1 of the emerging Local Plan serve to protect the distinctive character of the landscape and habitat features in Fylde.

The application site is within a landscape character area known as the Coastal Plain. Its key characteristics are its arable fields, ditches and hedgerow and gently undulating farmland. Field sizes are large and natural field boundaries tend to be low clipped hedgerows, however hedgerow loss is prominent.

Whilst the proposed development indicates a well-spaced layout of generously proportioned dwellings with a significant amount of planting, the scheme would encroach into designated open countryside and result in a significant amount of development outside of the existing village of Weeton.

The village of Weeton is compact and allows virtually every property to be seen from the junction of Church Road and Mythop Road. The development is of a scale that would physically dominate the site and harm the established compact nature of the village, appearing as a substantial rural cul-de-sac in a divorced location from the main built form of the rest of the village. This would adversely affect the visual amenity of this area of countryside.

It is acknowledged that Members have recently approved an Outline development, on the fields on the north side of the motorway, however, the dwellings in that scheme were restricted to be at the northernmost end of the site which directly abuts the existing settlement with the southern end of

the site nearest to the motorway planned as open space, thereby ensuring the dwellings do not encroach in to a larger area of the boroughs countryside and maintaining the villages compact character. That cannot be the case here with the site separated from the village by the M55 and areas of countryside.

Furthermore, the application site is particularly visually prominent when viewed on the Church Road approach from Little Plumpton where it is at an elevated level when viewed around the bend, and from the M55 where the site is level to the road and so will be particularly visible. The visual urbanising effects of the proposal would also be significant in several long-reaching views from the south and west and be in conflict with the rural landscape character of this area. It would also have a significant effect on the setting of the listed Church, a designated heritage asset.

The urbanisation of the countryside by the presence of the dwellings and car park would be further compounded by the new access point where the need for greater visibility splays, associated parking areas, and the potential for associated domestic paraphernalia the development would have a significant visual presence.

The large amount of planting suggested by the proposed landscape buffers which are indicated on the illustrative Site Plan would help to mitigate views of the new dwellings in the long term, however, this level of planting buffers would itself unacceptably change the landscape character of this area. In addition, the necessity for such landscape buffers suggests that the development would not sit comfortably within this landscape and so emphasises the harm to both landscape character and visual amenity that this proposal would cause. It is hereby considered the proposals are contrary to Policies EP4 and EP11 of Fylde Borough Local Plan (October 2005) and Policies GD7, ENV1 and ENV5 of the Fylde Local Plan to 2032 (Submission Version). A reason for refusal on this basis is appropriate.

#### Scale of Development

The scale of development proposed is intrinsic to the scheme's design, with the NPPF stating that design is a key aspect of sustainable development and that permission should be refused for development of poor design. Policy HL2 of FBLP supports residential development subject to a number of set criteria, with reference to scale of development this criteria includes development to be in-keeping with the character of the locality and a density of between 30-50 units per hectare.

The indicative layout provides for a density of 2 dwellings per hectare (DPH), based on a site area of 6.4 hectares referred to in the submitted application form. This DPH figure is incredibly low in comparison to policy requirements where a DPH of 30 is targeted. When the areas of the site that are indicatively proposed as open space, church and school land, the proposed car park and extensive tree planting within the scheme, the density of the developable area is approximately 4 DPH. Whilst, the density requirements of Policy HL2 are not representative of a village setting or location of the development within countryside, being akin to a higher density urban area, the application proposal clearly represents an inefficient use of land. The applicants' assertion that the number of dwellings has been reduced from that initially envisaged to provide a sense of openness to protect the setting of the listed Church, fails due to the harm caused to the historic significance of the church's setting and the landscape character and appearance of the area. A reason for refusal based on this inefficient use of the site is appropriate.

The evidence base for the Fylde Borough Local Plan 2032 confirms that there is a need for smaller properties to be maintained and developed across the borough. This is reflected in Policy H2 of that emerging Plan which requires that 50% of developments are 1-3 bedroom and 33% are 1-2 bedroom in rural areas. In this case the outline nature of the application means that there can be

no certainty on the scale of properties, but the illustrative site plan indicates dwellings with a sizeable footprint that cannot be reflective of this emerging policy requirement, irrespective of the claim in the application form that 6 of the 14 (43%) would have 3 bedrooms. This is a further aspect where the application is unacceptable and so forms part of this reason for refusal.

#### Affordable Housing

The provision of affordable housing is an accepted element of residential development and is underpinned by paragraph 50 of the NPPF. The council's position on this is established by Policy H4 of the Fylde Local Plan to 2032 which confirms that all residential schemes of more than 10 dwellings should provide for 30% of the total dwellings for affordable purposes and secured through that policy and Policy INF2. With this scheme being for 14 dwellings this would amount to 4 dwellings.

The application addresses affordable housing in the submitted Planning Statement and acknowledges that 30% of the scheme should be for affordable homes. However, based on the indicative layout of the development showing large detached dwellings, the Council's Strategic Housing team have advised that this site does not lend itself to affordable housing provision due to both the indicative substantial scale of the properties and the site being remote from essential shops and services, as explained earlier in the report. The Council's Strategic Housing section would be looking to secure off site affordable housing contribution from this scheme at the rates detailed in the emerging local plan, i.e. 30% to secure housing in a more accessible location.

Were officers looking to support the application then this is a matter that would be the subject of further discussions with the applicant so that an agreement was reached over the extent of the affordable housing provision, the size of the properties provided, their tenure, and the extent of any commuted sum payable should they not all be provided on site. As officers are recommending refusal of the application on matters of planning principle these discussions have not taken place. The consequence of this is that there is no mechanism in place to secure the delivery of any affordable housing from this scheme and a reason for refusal on the basis of this matter not being adequately resolved at the time of the decision on the application is appropriate. This would relate to a failure to satisfy the requirements of Policy H4 of the Fylde Local Plan to 2032 and the supporting guidance in paragraph 50 of the NPPF. In the event that the application was to be refused, and that the applicant submits an appeal it is expected that officers will undertake those discussions so that this matter can be properly addressed through any appeal.

#### Public Open Space

It is an accepted requirement of residential development proposals that they provide an appropriate amount and quality of public open space provision to serve the needs of their residents. This is addressed through Policy TREC17 of the Fylde Borough Local Plan, and Policy ENV4 of the emerging Fylde Local Plan to 2032, with both requiring an amount of public open space to be provided that is based on the scale of development proposed.

With this being an outline application it is not possible to specify the extent of the open space that would be required to comply with these policies. However, it is clear that the area of open space that the dwellings would surround, indicated on the illustrative site plan should provide sufficient open space to meet any such requirement. A condition could therefore be imposed to require that this is provided in a reserved matters application to ensure compliance with the relevant policies.

#### Education

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

The response from LCC Education confirms that there is a shortfall of secondary (2 places) school capacity and that they request that the development provides a financial contribution of £40,607.18 to provide 2 places at Lytham St Annes Performing Arts College.

The Education Authority have not requested any contributions for primary education as at present there is just about capacity in local schools to meet the education capacity needs of this development. However, this is dependent on a number of outstanding applications not being approved, as if they were (and some have Committee resolutions to grant) then the primary education capacity to serve this development would also be in shortfall. However, the application is to be determined based on the current position, which is that there is primary capacity.

In addition to these usual assessments, LCC have considered the intention to provide some additional land to the local primary school, Weeton St Michaels. Whilst the land is not needed to address the impact of the development LCC recognise the benefit that this additional land could provide to the school and would allow additional local places at this school to be provided in the future. Therefore, should the gift of this land be included in a Section 106 agreement, following any consent, LCC have advised they would be interested in investigating options for the development of this land alongside the school and the diocese.

This said, similarly to the need to secure affordable housing, as there is no mechanism in place within the application to secure education contributions or secure the land indicated as being offered to the school and diocese as part of this proposal a reason for refusal on the basis of this matter not being adequately resolved at the time of the decision on the application is appropriate. This would relate to a failure to satisfy the requirements of Policy INF2 of the Fylde Local Plan to 2032 (Submission Version). In the event that the application was to be refused, and that the applicant submits an appeal it is expected that officers will undertake those discussions so that this matter can be properly addressed through any appeal.

#### Residential Amenity

The main elements to consider in relation to residential amenity include; the location of the new access, the indicative location of the proposed car park; the area to be allocated for a school playing field, and the siting of the proposed dwellings.

The access road to the new dwellings and the proposed car park would utilise the existing agricultural access that runs adjacent to Weeton Manor's principal elevation and will serve both the new development and the proposed car park. The indicative layout plan indicates the car park would be located to the rear of Weeton Manor. No pedestrian links are indicated through the site to the rear of the school or Church, therefore, users of the car park would also use the access road to walk round to the church and school.

The principal elevation of Weeton Manor, which includes windows serving ground floor habitable rooms and a first floor bedroom, is orientated in a north east direction and overlooks and borders the proposed access road. The rear of the property overlooks and adjoins the area proposed as a car park. As a consequence, this property would be subject to noise disturbance from vehicles accessing and egressing both the dwellings and the car park. This would occur at various times of the day and night depending on the movements of the future occupiers of the dwellings. There would also be disturbance from patrons attending the school and from the noise of running engines, car doors opening and closing, and people talking as children, parents and users of the Church and School walk to and from the respective buildings. Again, this could occur in the early morning and evenings from both within the car park at the rear of the property and along the access road running along the front of the dwelling.

In addition to the above, it is highly likely that the car park and access would need to be illuminated for the safety of users. The amenity of the occupiers of Weeton Manor, would therefore also be adversely affected by light pollution from both vehicle headlights using the access road and any stanchions used to illuminate the car park and pedestrian access routes in the mornings, evenings and during winter months, therefore illuminating their property. The amenity of the occupiers of Weeton Manor would therefore be seriously harmed by the proposed development. The Council's Environmental Protection section share these concerns. The proposal is therefore contrary to Policy HL2 of the adopted plan and Policy GD7 of the emerging plan. Refusal of the application on this basis is therefore recommended.

The area allocated for the school would be an extension to the existing school yard. As the school already exists, is used during school hours, and the number of pupils will not grow significantly, it is not considered that the proposed enlargement of the playground would result in conditions that are demonstrably worse than residents already experience.

The indicative Site Plan illustrates that the rear garden area of plots abutting the rear boundary of The Old Vicarage, a residential dwelling, would be between 50 and 60 metres away. These garden areas would be separated from the garden area of this dwelling by an intervening parcel of land being offered to the Church for an extension to the graveyard.

In respect of the internal relationship of the development site, due to Access being applied for, the details submitted set the circulation routes around the site as well as the access itself. It is important to remember that this is an outline scheme with matters of layout reserved for future submission, however, it would appear from the road layout indicated that acceptable distances can be provided between dwellings.

The M55 motorway bounds the northern boundary of the site. Noise from this motorway could affect the amenity of occupiers of the proposed dwellings. However, these concerns could be mitigated by appropriate insulation and secured by condition. If permission were to be granted, due to the proximity of the school, church and two dwellings, a construction management plan would also need to be conditioned that would need to include dust suppression measures and mitigation against construction noise.

To conclude on this aspect, due to the proposed location of the access road to the development which will serve both the proposed dwellings and the car park serving users of the Church and School, along with the car park location and the need for lighting of both the car park and the access road, the proposal would lead to conditions which would adversely affect the amenity of the occupiers of Weeton Manor to a degree which is considered to be unacceptable. For this reason, the development would be contrary to Policy H2 of the adopted plan and Policy GD7 of the emerging plan and accordingly it is suggested the application also be refused on this basis.

#### Ecology/Biodiversity/ Nature Conservation

In respect of the environmental role of NPPF, specific guidance is offered on conserving and enhancing the natural environment at both the national level and at a local level. Local Policy 19 of the adopted plan and Policy ENV2 of the emerging plan reflect the national requirements.

In respect of nature conservation, an Ecological Appraisal supports the application. Both Natural England and the Council's Ecological Consultants (GMEU) have inspected the proposals. Natural England have confirmed that the deciduous woodland adjoining the site is a Priority Habitat, as identified by Natural England. These priority habitats are recognised as being of 'principle

importance' for the conservation of biological diversity.

The ecological survey was undertaken on 8th November 2016, which is outside the optimum time to conduct such a survey, however, given the nature of the site the consultant Ecologist is satisfied that the results would not be significantly different if they were undertaken at the optimal time of year.

#### *Bats*

The bat survey element of the appraisal notes a number of the trees within the woodland were considered to have moderate to high potential to support roosting bats. Natural England advise that if any of the trees with moderate to high potential to support a bat roost are to be lost to the development then they should be re-inspected for bat presence/absence prior to any works and recommend that a condition to this effect be placed on any permission, if granted.

#### *Birds*

The small sections of hedgerow and the trees on site have the potential to support nesting birds. All birds, with the exception of certain pest species, and their nests are protected under the terms of the Wildlife and Countryside Act 1981 (as amended). In order to protect wild birds works to trees and hedgerows should not be undertaken in the main bird breeding season (March to July inclusive), unless nesting birds are found to be absent by a suitably qualified person. This could be secured by condition.

#### *Mammals/Amphibians*

Although no signs of mammals/amphibians were found on the proposed development site, it is possible that mammals/amphibians could cross the site. Therefore in order to avoid any possible harm to mammals/amphibians Reasonable Avoidance Measures (RAMs) will need to be adopted in full during works. The Council's ecology consultants have suggested reasonable precautionary measures and if permission was to be granted, these RAMS would be conditioned.

Providing that the above precautions are adopted and implemented it is considered that no harm to species listed above will be caused by the development.

#### *Invasive Species*

A small stand of the invasive Japanese knotweed exists on part of the site. It is an offence under the terms of the Wildlife and Countryside Act to allow this plant to grow in the wild. Japanese Knotweed is also classified under the Environmental Protection Act 1990 as "controlled waste". The act states that controlled waste should be disposed of by qualified contractors within licensed disposal site. The Ecology consultant suggests a condition requiring the safe removal and disposal of the invasive species. A planning condition could be used to secure this.

#### *Lighting*

Artificial lighting can affect the feeding and commuting behaviour of bats. Bats will forage over the wooded area and are likely to use the retained trees/hedgerows on this and the wooded site on the opposite side of Church Road for commuting. In order to safeguard bats using the woodland any lighting (during construction and post development) would need to be directed away from the woodland, retained trees/hedgerows and new boundary planting. A lighting plan could be secured by condition.

#### *Biodiversity Enhancement*

It is recommend that opportunities for biodiversity enhancement be incorporated into the new development and given the sites location adjacent to an ancient woodland and the resultant disturbance to the woodland that would occur (discussed in the following section) it is reasonable to



seek biodiversity enhancement measures.

In conclusion the Council and its consultant ecologists are satisfied that the development of the site would not cause any overriding ecological / biodiversity harm that could not be adequately mitigated by the suggested conditions. As such no reason for refusal on this matter would be justified.

#### Trees/Woodland

The NPPF advises local authorities at paragraph 109 that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. At a local level, policy EP12 of the Fylde Borough Local Plan to 2005 (as altered) requires that trees, woodlands and hedgerows which make a significant contribution to landscape character, quality and visual amenity are protected. In view of this a Tree Preservation Order (TPO) 2017.01: Westby Woods, Church Road Weeton, was issued and confirmed without objection on 9 February 2017.

The submission version of the emerging Fylde Local Plan to 2032 also recognises the importance of trees and woodlands in the landscape but phrases this in terms compliant with the NPPF. Policy GD7 requires proposals to protect existing landscape features and natural assets as an integral part of the development.

Section 14.3 of the emerging Plan also supports the preservation of landscape features such as woodland, stating;

*“Development needs to respect and enhance the special significance of areas of biodiversity and landscape importance. These resources have many functions, including the provision of wildlife habitats, improvement of the visual aspects of the Borough and provision of a high quality, attractive landscape which helps make Fylde a popular place to live, work and visit.”*

Policy ENV1 (b) states *“development proposals will ensure that existing landscape features will be conserved, maintained, protected...”*

Westby Woodland to the South West of the site is an historic broadleaf woodland. Deciduous trees also wrap round the rear of the Old Vicarage. Individual trees also exist at the rear of the Church, School and Weeton Manor.

All trees to be retained on, or bordering, the site would need to be protected from the development to prevent damage to the root system. Protection should follow guidelines presented within BS 5837:2012 ‘Trees in relation to design, demolition & construction’. Both Natural England and the Council’s Arboriculture Officer require a condition to this effect should be placed on any permission.

Due to the indicative spacious layout of the development, direct tree losses are not envisaged, and there is some merit in the proposal to plant a new woodland buffer around the site to “frame” the development. The council’s tree officer however balanced his view of this by expressing reservations based on experience about the effect that development close to a mature woodland area can have. Colloquially this may be termed tree resentment – residents develop an antipathy towards the trees because of their shading effect, leaf litter, fear of windblow in severe weather for example. New occupiers will also exploit the woodland for leisure, which tends to degrade the woodland ground flora, which do not adapt to site disturbance, and also reduces the habitat value of the woodland since many woodland species are renowned for timidity and will not co-exist alongside human occupation. The accumulation of these indirect pressures can lead to a gradual depletion of woodland, both in terms of its composition and diversity but also its ecological value.

Development alongside a woodland area also has the effect of changing the soil hydrology because impermeable surfaces and drainage schemes are introduced into what was open land. The result of this can be a gradual loss of woodland as trees cannot grow new roots into an altered water table quickly enough to survive the change.

The development of the site will not lead to any direct harm to protected trees, and is of a sufficient size where the dwellings could be adequately separated to minimise indirect harm. The proposal as indicated will not therefore be so harmful to justify a reason for refusal of this application based on tree matters, however, it will be weighed against the proposal in the overall planning balance.

#### Flood Risk and Drainage

Due to the application constituting major development, the Lead Local Flooding Authority, United Utilities and the Environment Agency have all considered the application.

The site falls entirely within flood zone 1, as defined on the Environment Agency's Flood Map. Since the site is over 1 hectare in area, a Flood Risk Assessment (FRA) has been submitted with the application, this also incorporates an Outline Drainage Strategy Report. A topographical survey has also been carried out for this site. The site has a general fall to the watercourse that runs parallel to the site's south-western boundary.

Paragraph 100 of the NPPF states that *"inappropriate development in Flood Zones 2 and 3 should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere"*. Policy EP30 states that development will not be permitted which would be subject to an unacceptable risk of flooding or create an unacceptable increase in the risk of flooding within the development site, or elsewhere. Policy EP25 stipulates that development will only be permitted where foul sewers and sewerage treatment facilities of adequate design and capacity are available to meet additional demand or their provision can be secured as part of the development. Policies CL1 and CL2 of the Submission Version Fylde Local Plan to 2032 reflect Policies EP25 and EP30, and encourage use of sustainable urban drainage systems.

The Lead Local Flooding Authority has no objections subject to any development containing surface water drainage and a Sustainable Urban Drainage Scheme (SuDs) which includes a Management and Maintenance Plan. United Utilities have also raised no objection subject to conditions relating to foul and surface waters. Furthermore, the Environment Agency similarly raises no objections and recommends conditions relating to surface waters. As such, the proposal is therefore considered to be acceptable in respect of drainage and flood risk in accordance with Policies EP25 and EP30 of the Fylde Borough Local Plan, and Policies CL1 and CL2 of the emerging Local Plan (Submission Version).

Whilst detailed design and layout is a reserved matter, in accordance with SuDs best practice the first 5mm of rainfall must be infiltrated on site. This can be achieved by the use of green roofs, pervious paving on hard standing areas (under-drained if ground conditions do not suit) and by landscaping the development so that water is directed to permeable areas such as filter strips and grass verges. The reserved matters applications would need to demonstrate that these matters are appropriately addressed in the detailed design and layout of the development.

#### Contaminated Land

A Phase 1 Contaminated Land Study has been submitted with the application. The Study provides an investigation of the land use history of the site and surroundings to establish whether any contamination is present that may impact on a sensitive end land use. No sources of contamination

have been identified on the site. However, the site of a former clay pit/pond that has historically been filled in and the nature of the material would need to be confirmed. If planning permission were to be granted, the applicants' consultant recommends a watching brief would be required in case any unforeseen contamination be found so that appropriate measures are taken to identify and mitigate against any risk proposed.

The Environment Protection Officer has confirmed that there are no objections to the application subject to a watching brief condition and the implementation of any remedial measures that might be considered necessary. Therefore, in relation to this particular detailed consideration, the application is acceptable subject to appropriate conditions.

#### Secure by Design

Paragraph 58 of the Framework requires planning decisions to aim to *"create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion"*.

The indicative layout of the development has been designed to create natural surveillance and address the key principles of 'Secured by Design' guidance. In particular, areas of public open space will be directly overlooked by residential properties. The development also includes clearly defined and well-lit public, private and semi-private spaces, defensible space to each property frontage, and well defined routes which benefit from natural surveillance, all of which discourage crime.

In light of the above, it is considered that the proposed development will be consistent with the principles of the NPPF and Policy GD7 of the emerging plan in terms of designing out crime to create *"safe and secure environments that minimise opportunity for crime and maximise natural surveillance"* and has adopted the principles of Secured by Design. Lancashire Police Constabulary therefore have no objection in principle to the development, subject to the development being carried out in accordance with a number of security recommendations.

#### Conclusion

The proposal is an outline application for the residential development of a greenfield area of land that is allocated as Countryside in the Fylde Borough Local Plan. Saved policy SP2 of that plan resists such development and so the proposal is in conflict with that development plan policy. However, the council is not currently able to demonstrate a 5 year housing supply. Although the shortfall in supply is not substantial, in the absence of a 5 year supply of housing land, paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In the light of this, Policy SP2, which seeks to control the supply of housing in the countryside, is out-of-date.

Paragraph 14 of the Framework states that where the development plan is absent, silent, or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. This does not mean that the policies are irrelevant, but that the decision maker must determine the weight that they should be given. In this case, as the shortfall in the 5 year housing land supply is not substantial, it is considered that moderate weight can be afforded to these policies.

The report presented here undertakes a thorough assessment of all relevant factors and finds that there are several that weigh against the proposal representing sustainable development when assessed in the planning balance. The development will have the following harmful impacts:

- Accessibility of Location - The site does not have a close or convenient access to a range of the day-to-day services, or to those available within Weeton village. There is a very limited accessibility to higher order services available in other settlements.
- Visual Impact – The development of the site will lead to a harmful visual impact by the removal of the open rural character of this prominent elevated site, and the provision of an urban cul-de-sac of development remote from the compact village area of Weeton.
- Access – There is no certainty that an appropriately safe access can be provided for vehicle or pedestrian use.
- Efficiency of land use – the development proposed is at a very low density and so will require a substantial area of land for a negligible contribution to housing supply, with the dwellings proposed to be large and so unsuited to the identified need for more small dwellings across the borough.
- Heritage – The development will harm the setting of the listed St Michaels Church.
- Amenity – The use of the site will harm the amenity of neighbouring residents at Weeton Manor.
- Infrastructure – There is no mechanism in place to address shortages in education capacity.
- Agricultural land – the scheme will involve the loss of best and most versatile agricultural land.

In its favour, the scheme will:

- Contribute to the boroughs housing supply.
- Possibly contribute additional land to the school for their use, to the church for their use, and to both for a shared parking facility.
- Possibly contribute to affordable housing provision in the borough, although the relatively isolated location of the site in relation to the village reduces this benefit;
- Likely bring economic benefits through the investment in the construction of the properties themselves and the spending undertaken by their residents.

The decision on the application needs to balance these factors together in the light of guidance contained in the development plan and the Framework. Officers are very clear that the negatives of the proposals far outweigh the positives and therefore the application is unacceptable in principle and is recommended for refusal for a number of reasons as explained in this report.

### **Recommendation**

That Planning Permission be REFUSED for the following reasons:

1. The application site is in a divorced location that is outside any of the Borough's defined Key or Local Service Centres, outside of any Tier 1 or Tier 2 settlements, and located where the only services that are safely and readily accessible by sustainable transport means are the Church and Primary School. Occupants of the development would therefore be heavily reliant on the private car to access both basic and secondary services and amenities. Accordingly, the proposal does not represent a sustainable location for residential development contrary to criteria 7 of Policy HL2 of the Fylde Borough Local Plan, to Policies S1, SL5, and GD4 of the Submission Version of the Fylde Local Plan to 2032 and the key sustainability principles of NPPF with which these policies are consistent.

2. The application site comprises Grade 2 best and most versatile agricultural land that is located outside the settlement boundary of any town or village, in a rural location where the general character of the countryside is established by large open fields bounded by low clipped hedgerows in agricultural uses. The proposal will lead to demonstrable harm being caused to this established character of the area, particularly by way of:

- Development of a site that is separated from any settlement and will introduce urban development so as to result in a discordant and incongruous pattern and form of development that will conflict with the open rural character of the locality;
- The proposed dwellings and public car park would result in a visually intrusive, dominant and discordant development within the locality that would harm both the rural landscape character and visual amenity of the immediate area. Combined with the associated domestic paraphernalia, the approval of this scheme would lead to domestication of the countryside to the serious detriment of visual amenity; and,
- The proposed introduction of landscaping buffer zones in an attempt to mask the development from public view will themselves present as incongruous features in the local landscape.

Accordingly the proposal conflicts with criteria 1 and 2 of Policy HL2 and with Policy EP11 of the Fylde Borough Local Plan, with Policies NP1, ENV1 and criteria a, b, g, h, and j of Policy GD7 of the Submission Version of the Fylde Local Plan to 2032, and to paragraphs 7, 14, 17, 49, 55 and 58 of the NPPF with which those policies are consistent.

3. Notwithstanding the intended mix of uses on the site, the proposed development of 14 dwellings on a greenfield site that extends to 6.4 hectares represents a particularly inefficient use of that land meaning that the contribution to housing supply made is limited when weighed against the loss of this land from agricultural, other rural uses, or as part of the open landscape of the borough. Further, the dwellings as indicated on the proposed site plan are all large properties and so would not meet the identified local need, as set out in the Strategic Housing Market Assessment, for a mix of properties to be provided on new developments.

This inefficient land use conflicts with the aims of Policy HL2 of the Fylde Borough Local Plan in that respect, with Policy H2 and criteria a, c, g and h of Policy GD7 of the Submission Version of the Fylde Local Plan to 2032, and to the core planning principle in paragraphs 17 of the NPPF which requires that land is used effectively. The prevalence of larger properties indicated in the submitted layout conflicts with Policy H2 of the Submission Version of the Fylde Local Plan to 2032 and paragraph 50 of the NPPF which requires dwellings to be provided at a size that reflects local demands.

4. The application fails to deliver certainty:

- That the access has visibility splays that are appropriate for the actual vehicle speeds at the proposed access point;
- That these visibility splays can be provided without leading to the loss of grass verges and land that is important to the rural character of the area; and,
- That the junction is designed to safely accommodate all vehicle, cycle and pedestrian movements that would be reasonably required to regularly use it to serve the proposed development.

In the absence of any evidence that these provisions may be secured, the access arrangements and associated connectivity to the existing highway and pedestrian network cannot be in accordance with the requirements of criteria 9 of Policy HL2 of the Fylde Borough Local Plan, to criteria i), p)

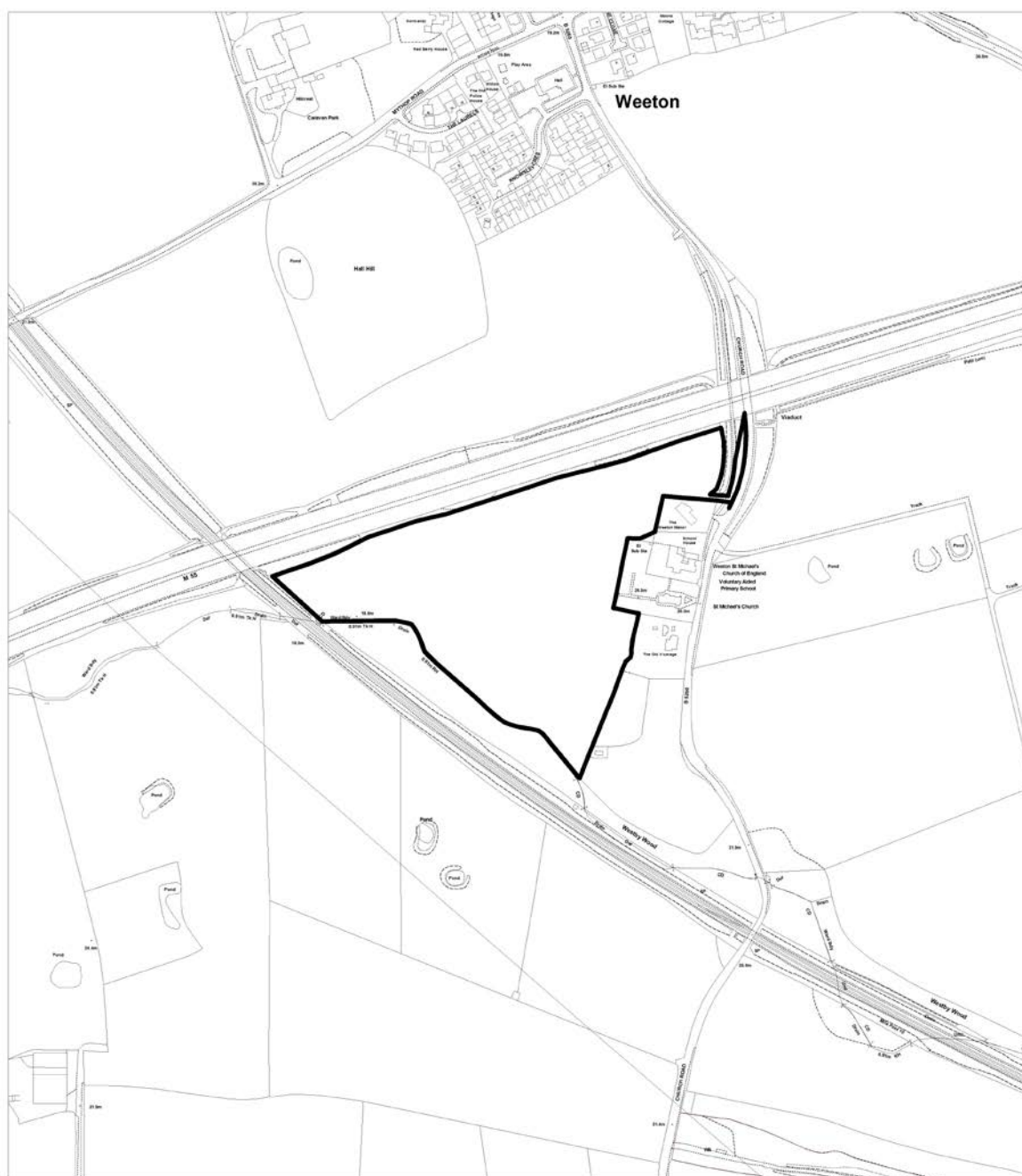
and q) of Policy GD7 of the Submission Version of the Fylde Local Plan to 2032, and to guidance in paragraph 32 of the NPPF.


5. The proposal, by virtue of its siting on rolling pastoral farmland to the rear of Weeton St Michaels Church (Grade II listed) and its significant landscaping buffers has an unduly harmful impact upon the character, significance and setting of the designated heritage asset and those undesignated heritage assets adjacent to the Grade II listed building. For this reason, the development is contrary to the requirements of Fylde Borough Local Plan Policy EP4, Policy ENV5 of the Submission Version of the emerging Fylde Local Plan to 2032 and paragraphs 17, 115, 131 and 132 of the NPPF.
6. The proposed location of the access road to the development to the front of Weeton Manor and the location of the car park at the rear of this property, including the need for the illumination of both areas, would lead to conditions which would, by virtue of noise, disturbance, loss of privacy and light pollution seriously adversely affect the amenity of the occupiers of Weeton Manor and harm the enjoyment of their dwellinghouse.

Accordingly the development is in conflict with the requirements of Policies H2 and EP27 of the Fylde Borough Local Plan, to criteria b, c, and g of Policy GD7 of the Submission Version of the Fylde Local Plan to 2032, and the key sustainability principles of NPPF with which these policies are consistent.

7. The proposed development is of a nature and scale which is required to make contributions towards the delivery of affordable housing on the site and financial contributions towards the provision of additional secondary school places. The applicant has failed to put any mechanism in place to secure these contributions and, accordingly, the development is contrary to the requirements of Fylde Borough Local Plan policies CF2, and to policies H4 and INF2 of the Submission Version of the Fylde Local Plan to 2032, and chapters 4, 6 and 8 of the National Planning Policy Framework.

The development also fails to provide any certainty over the delivery of the car parking, school land and church land that are claimed to be delivered as community benefits from the development.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/16/0969	Address Land adj. to St Michaels C of E School, Church Road, Weeton	Grid Ref. E.3383 : N.4341	Scale 0 25 50 75 100 m 

**Item Number:** 9

**Committee Date:** 15 March 2017

<b>Application Reference:</b>	16/0975	<b>Type of Application:</b>	Householder Planning Application
<b>Applicant:</b>	Maplefield Homes Ltd	<b>Agent :</b>	AC Architectural Consultancy
<b>Location:</b>	LANE END FARM, THISTLETON ROAD, GREENHALGH WITH THISTLETON, PRESTON, PR4 3XA		
<b>Proposal:</b>	PROPOSED FORMATION OF NEW VEHICULAR ACCESS TO THISTLETON ROAD		
<b>Parish:</b>	SINGLETON AND GREENHALGH	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	14	<b>Case Officer:</b>	Alan Pinder
<b>Reason for Delay:</b>	Design Improvements		

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

<https://www.google.co.uk/maps/@53.8344726,-2.9029142,277m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

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

The application relates to the formation of a new vehicular access from the front curtilage of Lane End Farm onto Thistleton Road. This is a residential dwelling that lies within the hamlet and conservation area of Thistleton.

Whilst the Parish Council and some neighbours have objected to the scheme on highway safety grounds it is noted that County Highways have no objection. The access would replicate the function and appearance of several similar vehicle access along this small stretch of road and hence is not considered to be unduly harmful to the existing character and appearance of the wider street scene and conservation area.

On balance it is considered that the proposed access is acceptable and accords with the relevant policies of both the Fylde Borough Local Plan and the submission version of the emerging Fylde Local Plan to 2032. Members are therefore recommended to approve the application.

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

The officer recommendation for approval is at odds with the Parish Council's recommendation that the application be refused.

#### **Site Description and Location**

The site comprises a two storey detached dwelling which was the former farmhouse at Lane End Farm, occupying a corner plot on the northern side of the junction of the B5269 road (to Elswick) and Thistleton Road, which runs through the village of Thistleton. The site is bordered to the west by a redundant two storey red brick barn (still part of the former farm domain but not within the application site), to the north by the farm yard and Lane End Cottage, to the east by a paddock



(which is included within the application site), and to the south by the Thistleton Road with houses opposite. The site enjoys access from the farmyard to the north serving a series of outbuildings and precast garages. The redundant two storey barn to the west benefits from an extant planning permission (13/0521) for conversion to 3 dwellings together with associated detached garages.

The site is in designated countryside within the village of Thistleton (not defined as a settlement for planning policy purposes) and within Thistleton conservation area as identified in the Fylde Borough Local Plan.

### **Details of Proposal**

Planning permission is sought for the formation of a new vehicular access onto Thistleton Road to serve the dwelling. The original siting sought for the access would have been in the south eastern corner of the front garden curtilage. The proposal has since been revised to relocate the access approximately 11.5 metres from the curtilage boundary with the neighbouring property, Lilac Cottage, in order to provide the visibility splay of 2 x 73 metres as required by County Highways.

The access would be 'open' and the application does not propose any form of gate, built boundary finish, or other means of enclosing the access. Instead new hedging is to be planted to either side of the access.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
16/1024	VARIATION OF CONDITION 1 ATTACHED TO PLANNING APPROVAL 16/0841, INCLUDING REDUCTION OF DWELLINGS FROM 3 TO 2 AND CHANGES TO EXTERNAL OPENINGS.	Undetermined at present	
16/0841	APPLICATION TO VARY CONDITION 2 OF PLANNING PERMISSION REF. 13/0521 TO INCLUDE LIST OF ALL APPROVED DRAWINGS	Granted	13/12/2016
16/0794	TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION	Granted	02/12/2016
13/0521	PROPOSED CONVERSION OF EXISTING AGRICULTURAL BUILDINGS TO 3 NO. DWELLINGS, CONVERSION OF BRICK STABLE BUILDING TO PROVIDE GARAGES	Granted	25/06/2014
07/0631	PROPOSED TWO STOREY SIDE EXTENSION, PORCH TO FRONT, VARIOUS INTERNAL ALTERATIONS AND CONVERSION OF REAR OUTBUILDINGS TO FORM 3 NO. GARAGES (AS AMENDED)	Granted	14/08/2007

### **Relevant Planning Appeals History**

None

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

**Greenhalgh with Thistleton Parish Council** notified on 12 December 2016 and comment:

*"If you look back at application 13/0521 there was a request for vehicular access much as in the new*

*application and you will also see that 13/0521 was refused for various reasons but particularly with regards to additional access to Thistleton Road. In one response LCC Highways (Mr Glen Robinson) refused the vehicular access as there was insufficient sightline onto the road nor was there a footway on that side of the road. Achieving sufficient sightline and a footway would require permission from third parties. The junction just west of Lane End Farm is virtually blind when travelling from Elswick and turning left onto Thistleton Road due to the large trees and hedging and thus having an access on to Thistleton Road very close by would create a dangerous situation. Access to Lane End Farm is currently to the rear via access from the B5269 road and in the plans for the development behind the farmhouse we can't see why this access cannot be maintained. Therefore for the reasons of lack of sightline or footway and particularly for the potential for creating a hazardous location, Greenhalgh with Thistleton Parish Council strongly request this application is refused."*

Following consultation on the revised siting of the access, whilst the parish council recognises that the sightlines are now improved they wish to maintain a strong objection to the proposal."

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

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

Officers initially considered the previous comments submitted under planning application ref. 13/0521 for a similar vehicular access to be relevant to the initial proposal. These comments were:

*This section of Thistleton Road is subject to a 40 mph speed limit and for an access with an intensification of vehicular use I would expect to see sightlines of 2m x 73m. This sightline cannot be achieved here without the cooperation of adjacent landowners*

As a result of these comments officers secured a revision to the access position proposed in the application and then undertook consultation on the revised siting of the access. County Highways have raised no objection to the proposal on highway safety grounds and welcome the improved sightlines that would now be provided.

### **Neighbour Observations**

<b>Neighbours notified:</b>	12 December 2016
<b>Site Notice Date:</b>	21 December 2016
<b>Number of Responses:</b>	Three letters of objection
<b>Summary of Comments:</b>	<ul style="list-style-type: none"> <li>• This stretch of road is virtually a single carriageway due to cars parking on the highway and new access would be detrimental to highway safety</li> <li>• Adequate sightlines cannot be achieved for this access</li> <li>• The access would be too close to the road junction</li> </ul>

### **Relevant Planning Policy**

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

SP02	Development in countryside areas
HL05	House extensions
EP03	Development within conservation areas

## **Fylde Local Plan to 2032**

Policy GD4	Development in the Countryside
Policy GD7	Achieving Good Design in Development

## **Other Relevant Guidance:**

NPPF:	National Planning Policy Framework
NPPG:	National Planning Practice Guidance
	Residential Design Guides in Extending Your Home SPD

## **Site Constraints**

Conservation area site  
Within countryside area

## **Environmental Impact Assessment**

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

## **Comment and Analysis**

### Principle

The application site is located in the Countryside area under Policy SP2 of the Fylde Borough Local Plan where the principle of minor development within residential curtilages is acceptable subject to the normal planning criteria as examined below with reference to Policy HL5 and to a further assessment of how it impacts on the open character of the countryside. A similar acceptability of the principle of well-designed is incorporated into Policy GD4 and GD7 of the Fylde Local Plan to 2032.

### Scale of Works, and Design/Appearance within the Streetscene

Whilst Thistleton village is designated as countryside in the Fylde Borough Local Plan (and FLP32) the proposed access would be located within the nominal boundary for this small settlement of dwellings and is not in an area of 'open' countryside. There are several similar examples of open vehicle accesses along this short stretch of 'settlement' and it is not considered that the provision of one further access would be unduly harmful to the appearance and character of the wider street scene of this stretch of Thistleton Road, or of the character of the conservation area.

### Highway Safety

The access as originally proposed was little different to the access previously proposed under planning application ref. 13/0521. In that instance County Highways raised an objection to the access as original proposed due to the inadequate sight lines proposed. This objection is highlighted in the Parish Council's comments. The proposed siting of the access has now been revised in order to achieve the 2m x 73m sightlines required by County Highways in those comments. County Highways have been reconsulted on the revised scheme and now raise no objection to the provision of a new vehicle access onto Thistleton Road.

### Other Matters

The application site lies within Thistleton Conservation Area and hence the potential impacts of the access on the character and appearance of the conservation area are a major consideration. This notwithstanding the proposed access would be of a simple design and appearance, with no formal built means of enclosure or gates being proposed. With this in mind, and given the number of similar accesses that already exist along this stretch of Thistleton hamlet it is not considered that the

proposed access would unduly harm the character and/or appearance of the conservation area.

### **Conclusion**

The application relates to the formation of a new vehicular access from the front curtilage of Lane End Farm onto Thistleton Road. This is a residential dwelling that lies within the hamlet and conservation area of Thistleton.

Whilst the Parish Council and some neighbours have objected to the scheme on highway safety grounds it is noted that County Highways have no objection. The access would replicate the function and appearance of several similar vehicle access along this small stretch of road and hence is not considered to be unduly harmful to the existing character and appearance of the wider street scene and conservation area.

On balance it is considered that the proposed access is acceptable and accords with the relevant policies of both the Fylde Borough Local Plan and the submission version of the emerging Fylde Local Plan to 2032.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This consent relates to the following details:

#### **Approved plans:**

- Location Plan - Dwg no. 1602 06
- Existing and proposed site layout - Dwg no. 1602 01d

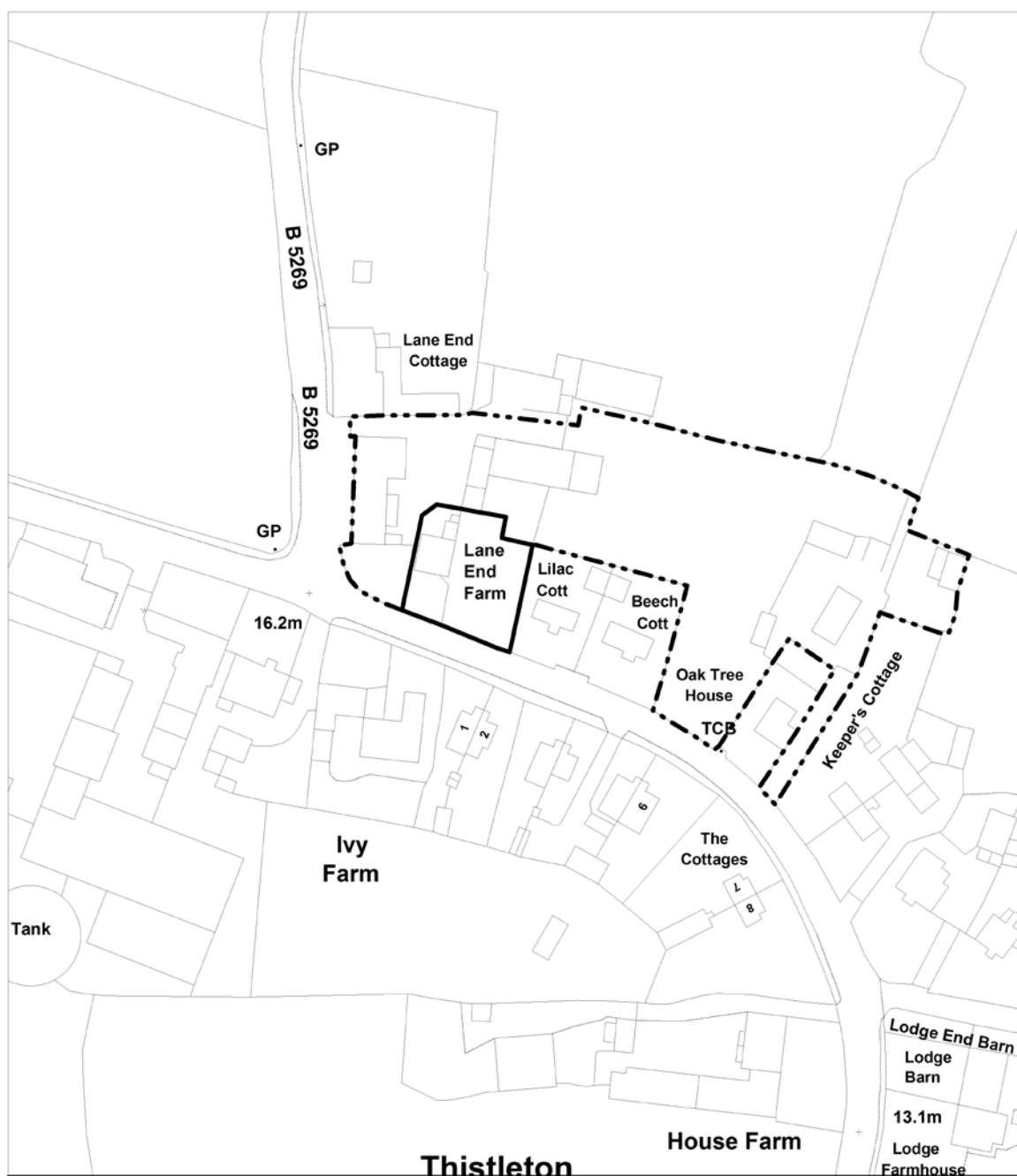
Reason: For the avoidance of doubt and as agreed with the applicant / agent.

3. Prior to the commencement of any of the development hereby approved full details of the hard surfacing material(s) to be used for the driveway are to be submitted to, and approved in writing by, the local planning authority. Thereafter only those approved materials and details are to be used in the formation of the driveway.

In the interests of the visual amenity of conservation area.

4. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the replacement hedgerow, shown on drawing no. 1602 01d, shall be carried out during the first planting season after the development is substantially completed and the hedgerow shall thereafter be maintained and retained as hedgerow.

To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with the requirements of Fylde Borough Local Plan policies HL2, EP14 and EP9, and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/16/0975	Address Lane End Farm, Thistleton Road, Thistleton	Grid Ref. E.3406 : N.4379	Scale 0 6 12 18 24 m 

**Item Number:** 10

**Committee Date:** 15 March 2017

<b>Application Reference:</b>	16/1005	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Portofinos	<b>Agent :</b>	Shepherd Planning
<b>Location:</b>	PORTOFINO RESTAURANT, HENRY STREET, LYTHAM ST ANNES, FY8 5LE		
<b>Proposal:</b>	CONSTRUCTION OF A SECOND FLOOR TO BUILDING, FIRST FLOOR SIDE EXTENSION, AND ALTERATIONS TO ELEVATIONS TO FACILITATE A CHANGE OF USE OF FIRST FLOOR (AND USE OF NEW SECOND FLOOR) AS HOTEL (CLASS C1) WITH RESTAURANT (CLASS A3) AND ASSOCIATED BAR RETAINED AT GROUND FLOOR		
<b>Parish:</b>	CLIFTON	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	13	<b>Case Officer:</b>	Rob Buffham
<b>Reason for Delay:</b>	Design Improvements		

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

<https://www.google.co.uk/maps/@53.7363149,-2.9645077,139m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The proposal relates to a 2 storey detached building currently in use as a restaurant/ bar at ground floor and restaurant at first floor. Planning consent is sought for a first and second floor extension to facilitate a change of use of the upper floors to a 20 bedroom hotel, with the restaurant and bar to be retained at ground floor.

The application site is located within Lytham Town Centre and designated within the Lytham Town Centre Conservation Area, as defined by the adopted Fylde Borough Council Local Plan and Submission Version of the Fylde Local Plan 2032.

The application site is located within Lytham Town Centre where hotel uses are encouraged by Policies TREC2 of the adopted Local Plan and SH9 of the Submission Version of the Fylde Local Plan. On this basis the principle of a hotel use in this location is supported.

The proposal as revised from its original submission would have no unacceptable impact on the amenity of neighbouring properties, and would act to reduce existing late night disturbance associated with the first floor restaurant through replacement with a quieter less intensive use, in accordance with Policy TREC2 of the adopted Local Plan and Policy SH9 of the Submission Version of the Fylde Local Plan.

The design of the extensions proposed and additional openings within the existing building would conserve the character and appearance of the Lytham Town Centre Conservation Area and setting of adjacent Listed Buildings, in accordance with Policies EP3 and SH09 of the adopted Local Plan and Policies GD7, SH09 and EP04 of the Submission Version of the Fylde Local Plan.

There are no highway safety or ecological concerns to note.

The officer recommendation is that Members grant planning permission.

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

The Head of Planning and Regeneration considers that the proposal is of wider public interest and so appropriate that it be presented to the Planning Committee for consideration.

### **Site Description and Location**

The proposal relates to a two storey detached building within the Town Centre of Lytham currently in use as a restaurant and bar. The building is understood to be a former stables block, having a red brick front/ rear elevation with ornate stone detailing to eaves and window surrounds, the other elevations have a render finish. The building has been altered overtime through a single storey flat roof side extension and glazed roof lantern.

The site is situated within a mixed commercial and residential area, with shops, bars and living accommodation located within the locality.

### **Details of Proposal**

Planning consent is sought for construction of a first and second floor extension to facilitate conversion of upper floors of the building to a 20 bedroom hotel. The restaurant and bar are to be retained at ground floor level. The retained bar will operate as a residents bar, which will also be available for public use.

The first floor addition will be sited above the single storey side extension, leaning against the main building, being set back and set in from front, side and rear elevations to an overall height of 6.1m from ground level. The second floor proposal involves increasing the eaves height of the existing building by 1m to form a new parapet wall, with modern flat roof addition set behind the parapet to an overall height of 8.7m. The proposals will result in a ridge height increase of approximately 0.7m.

Construction materials include slate and glazing. Existing cornice detail will be retained and replicated to the new eaves level of the extension. Additional windows are proposed, including three rectangular floor to ceiling windows, with stone surrounds, to the first floor front elevation above the existing arched windows within the property.

The current scheme is a revision to that initially submitted with the revisions reducing the scale and so impact of the development when viewed from the street and neighbouring properties. A renotification exercise has been undertaken on the revised proposals.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
12/0322	PROPOSED OBSCURE GLAZED ROOF LIGHT TO FIRST FLOOR WEST ELEVATION	Granted	29/06/2012
12/0151	VARIATION OF CONDITION 3 ON APPROVED APPLICATION 09/0717 TO INCREASE OPENING HOURS TO SUNDAY - THURSDAY 10AM - 00.30AM AND FRIDAY - SATURDAY 10AM -	Granted	16/05/2012

11/0834	1.00AM. PROPOSED FIRST FLOOR COLD STORE EXTENSION	Refused	06/02/2012
10/0539	REPLACEMENT ROOF TO SINGLE STOREY ELEMENT INTRODUCING ALTERED ROOF LIGHTS.	Granted	22/09/2010
10/0259	PROPOSED ALTERATIONS TO MAIN ENTRANCE, REVISED DETAILS TO 3NO. EXISTING OPENINGS TO HENRY STREET. PART PARAPET WALL CONSTRUCTION TO THOMAS STREET AND INSTALLATION OF 2NO. AIR CONDITIONING COOLER UNITS TO THE REAR OF NEW PARAPET. (RESUBMISSION OF APPLICATION OF 10/0159)	Granted	16/06/2010
10/0158	ADVERTISEMENT CONSENT TO DISPLAY INTERNALLY ILLUMINATED FASCIA SIGN ON ENTRANCE CANOPY AND 2 X NON ILLUMINATED PROJECTING SIGNS.	Granted	07/05/2010
10/0159	PROPOSED ALTERATIONS TO MAIN ENTRANCE.	Withdrawn by Applicant	16/04/2010
09/0719	PROPOSED WASTE STORE TO SIDE ELEVATION AND REPLACEMENT WINDOWS AND DOORS TO HENRY STREET ELEVATION.	Granted	22/12/2009
09/0716	REMOVAL OF EXISTING SLATE / GLASS ROOF AND RAISE EXISTING PARAPET TO ALLOW THE INSERTION OF A FLAT ROOF AND FOUR FIXED ROOFLIGHTS	Granted	17/12/2009
09/0717	CHANGE OF USE OF THREE A1 SHOP UNITS TO BAR / RESTAURANT USE (A3 / A4)	Granted	15/01/2010
06/0858	CERTIFICATE OF LAWFULNESS - BREACH OF CONDITION 8 ON PERMISSION 85/378 - OPEN NO LATER THAN 11PM.	Approve Certificate	02/02/2007
04/0680	RESUBMISSION OF 03/1206 FOR SECOND FLOOR SIDE EXTENSION TO ENLARGE RESTAURANT WITH REDESIGNED ROOF LANTERN	Refused	31/08/2004
03/1206	SECOND FLOOR SIDE EXTENSION TO ENLARGE RESTAURANT	Refused	25/02/2004
00/0147	TWO LANTERNS TO FRONTAGE	Granted	17/05/2000
00/0055	ADVERTISEMENT CONSENT TO DISPLAY NON-ILLUMINATED PROJECTING SIGN	Withdrawn by Applicant	16/02/2000
88/0934	CHANGE OF USE; RETAIL SHOP TO COFFEE SHOP	Granted	21/12/1988
85/0378	CHANGE OF USE: CONVERSION OF VACANT BUILDING TO 3 RETAIL UNITS, TEA ROOMS, COFFEE LOUNGE AND WINE BAR.	Granted	17/07/1985

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

None.

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

Not applicable.



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

### **Regeneration Team (Heritage)**

*This site fronts onto and encloses the southerly side of Henry Street, part of the Lytham Conservation Area. It is quite an attractive building, historically in use as a vehicle repair shop and then converted to a popular restaurant. At the time of conversion, the principal features, both internally- including cast iron trusses - and external features, such as the arched head windows to the front elevation were retained within the scheme. In addition, a glazed roof and lantern were included that form a feature within the building and in the street scene in general.*

*The building is prominent in the street scene and in assessing the character of Henry Street within this commercial sector and the residential development beyond, there is a variety of development of varying heights including terraced properties with three storey sections, two storey retail/residential properties and singular elements including this property and the Taps public house. The Homestead residential apartment block contains a three storey element and views along Henry Street from the west terminate with the properties on Dicconson Terrace, which include a mixture of two and three storey commercial development. This assessment is important because it leads to the conclusion that there is no overall strong design discipline in respect of height, scale and form (obviously within limits) such that constraints such as these would automatically lead to a conclusion that the increase in height of this property would be inappropriate. However, notwithstanding the comments in the paragraph above, there are limitations that are appropriate since the scale of the immediate properties needs to be taken into account such that there would be a satisfactory transition between this site and the immediate neighbours that happen to be two storeys, bearing in mind that the Clifton Hotel to the rear is of a much greater scale.*

*The asymmetrical character of the present building with its frontage gable will be lost but as an architectural statement, the 'new' building would be quite appropriate in the street scene with regards to its proposed appearance. Although higher than the present building, apart from the roof of the glazed lantern, it will look more dominant. However, with the set back and careful use of materials, including a glazed frontage, it is considered that from a conservation point of view the development on the main part of the building is something that could be supported. It is suggested however, that conditions are applied with regards to materials and fenestration details in particular, to ensure that the refinement of the development as proposed is followed through if the development were to go ahead.*

*In so far as the side elevations are concerned, these will sit above the existing buildings as viewed from the west. The proposed set back will assist in mitigating the visual impact of the development and the careful choice of materials will be required. To the east, the side extension as proposed, over the existing single storey projection, is clearly designed to complement that part of the development over the main body of the building. Views of this aspect will be more limited to shorter viewing angles due to the presence of the adjoining frontage terrace. Therefore, the scale of this part of the new development, in effect being two storeys, is considered acceptable. There is good reason to maintain the same architectural treatment over the whole of the top storey and the side annex.*

*Views from the rear of the site are more limited and seen in the context of the adjoining mix of development. The issues here are more likely to revolve around the impact of the development on neighbours, rather than conservation area 'character' issues.*

*In conclusion, this is an unusual form of development and requires particular skill to ensure that it will fit into the fabric of the building and the street scene. The existing building is not unattractive by any means but taken overall it is considered that the proposed development, whilst introducing a somewhat modern intervention, would preserve the character of Henry Street, within this part of the designated conservation area. From the conservation area/townscape point of view the regeneration team would not object to the proposed development, on the basis that the precise details of some aspects are reserved by condition.*

**Lancashire County Council - Highway Authority**

*No objection.*

*The proposed development will generate less traffic than the existing use and therefore will have no detriment to the local highway network.*

*The use of on street and Public car parks is established with town centre hotels and any changes to the availability of on street parking in the immediate vicinity would be an amenity issue not a highways issue and therefore not grounds for a highways objection.*

*If your officers were minded to object to this proposal on highway grounds we would not be able to offer any support to them in the event of an appeal.*

**Environmental Protection (Pollution)**

*No objection, subject to restriction of construction times to 08:00 – 18:00 Monday to Friday, 08:00 – 13:00 Saturday and no work on Sundays or Bank Holidays.*

**Lancashire Constabulary**

*No objection.*

Improvements to security of the site are suggested, including CCTV and access control system.

**Lytham Heritage Group**

Support the change of use for Portofino restaurant to a hotel and restaurant. It is hoped that you will sympathetically retain the character of the existing building in any future development.

**Lytham St Annes Civic Society**

No problem with the change of use but concerns are raised about traffic congestion. It is strongly suggested that there be valet parking using the station car park.

**Neighbour Observations**

**Neighbours notified:** 16 December 2016

**Amended plans notified:** 16 February 2017  
**Site Notice Date:** 16 February 2017  
**Press Notice Date:** 05 January 2017  
**Number of Responses** 7 objection letters, 11 support letters and a 60 named petition of support.

### **Summary of Comments**

Those objecting to the proposal have raised the following concerns:

- Traffic congestion, use of valet parking at the station car park.
- How would the extensions be constructed? Thomas street is needed for access, Henry St would cause problems, and the Clifton Arms car park is not able to give access.
- Existing car parking problems, blocking of access to Thomas Street by parked vehicles including deliveries to the restaurant.
- Parking made worse by frequenters wanting to park close to the hotel to drop off luggage.
- No parking proposals.
- Disruption during construction to commercial and residential properties adjacent.
- Spoil the skyline of Henry Street.
- Scale does not respect the existing street scene which is materially smaller than the proposal.
- Oppressive nature of the raised parapet is highly visible to Henry Street and dominates the area of amenity space to the adjoining public house, resulting in significant overshadowing and impinging on the enjoyment of patrons.
- The applicant has failed to demonstrate the contribution that the property makes to the conservation area, and failed to justify the proposed works and impact on the conservation area.
- The proposal has failed to take into account the significance of heritage assets in the locality, including the Grade II Listed Lytham Heritage Centre.

Those in support of the proposal raise the following matters:

- Enhancement of Henry Street.
- Evening peak time noise and footfalls to/ from the premises will reduce greatly to the benefit of adjoining residential premises such as the Homestead Care Home.
- Quality accommodation needed in Lytham.
- An invaluable asset to the town.
- Need for a more modern hotel.
- Good to see you keeping the frontage as it is.
- Towns and communities need quality investment to their infrastructure to provide the energy for continued prosperity and growth which is essential for the future health of the region.
- Lytham's role as a leisure destination is essential for its economic future, the town must increasingly attract people and it needs first class facilities to do this.

### **Relevant Planning Policy**

#### **Fylde Borough Local Plan (FBLP):**

SP01	Development within settlements
TREC02	Secondary Holiday Areas
SH09	New development in town centres (general)
EP03	Development within conservation areas
EP04	Alteration and adaptation of listed buildings
EP19	Protected species

**Submission Version of the Fylde Local Plan to 2032 (SV):**

GD1	Settlement Boundaries
GD7	Achieving Good Design in Development
EC5	Vibrant Town, District and Local Centres
EC6	Leisure, Culture and Tourism Development
T5	Parking Standards
ENV2	Biodiversity
ENV5	Historic Environment

**Other Relevant Policy:**

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

**Site Constraints**

Conservation area site

**Environmental Impact Assessment**

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

**Comment and Analysis**

The main issues pertinent in the assessment of this proposal are the principle of the use proposed in this location, the amenity of residents around the site, design bearing in mind the sites designation within a Conservation Area, highway safety and ecology.

**Principle of the Land Use Proposed**

The site is located within the urban area of Lytham to where development will be primarily focussed by Policy SP01 of the Fylde Borough Local Plan and GD1 of the Submission Version of the Fylde Local Plan to 2032.

Policy TREC1 of the Fylde Borough Local Plan seeks to encourage holiday accommodation to within the defined primary holiday areas. The application site is not located within the primary area, however policy TREC2 also supports the provision of new hotels within Lytham St Annes subject to character and amenity assessments. Policy SH9 also supports appropriate town centre uses, such as hotels, within Lytham Town Centre and subject to certain criteria relating to amenity and character.

Policy EC6 of the Submission Version of the Fylde Local Plan to 2032 encourages daytime and evening business, cultural and heritage based tourism facilities, such as hotels, within town centre locations.

The application site is located within Lytham Town Centre to where hotel uses are encouraged by the adopted and emerging local plan policies, and so the principle of development is supported subject to detailed assessment of the proposal.

**Amenity**

Policies TREC2 and SH9 of the Fylde Borough Local Plan support hotel development, provided the development would not significantly harm residential or other amenities. Policy GD7 of the Submission Version of the Fylde Local Plan to 2032 seeks to ensure that amenity will not be adversely affected.

The development could impinge on neighbouring land uses by virtue of the land use proposed, as well as the physical presence of the extensions by virtue of loss of light, overshadowing, dominance and privacy.

The existing first floor of the premises is used as a restaurant, capable of holding up to 150 covers and contributes toward existing late night noise disturbance problems on Henry Street. The proposal will reduce the number of available covers within the restaurant, being replaced by a much quieter and less intensive end use which will greatly reduce the amount of footfall and disturbance currently associated to the premises. The proposed use is therefore considered to improve the late night environment on Henry Street, to the benefit of existing residents living in the locality.

With regards to the extensions proposed, there are a number of residential properties within close proximity of the application site which may be affected by the proposals. Indeed there are first floor flats above retail premises to the north and east, dwellings to the south and a complex providing elderly accommodation to the north west.

Immediately east, separated from the application site by Thomas Street, is a first floor flat above a hairdressers. This flat has a habitable room window within the side elevation opposing the first and second floor extensions proposed. The submitted revision has increased separation between the affected window and the first floor addition, with the angled design of the side elevation ensuring the eaves of the extension having a separation distance of approximately 7m. Windows within this elevation of the proposal are to be obscure glazed to obscure overlooking. Whilst this is a close relationship, it is considered that the revised design of the extension has adequately improved the relationship to this neighbour.

To the north, there are first floor flats above commercial properties on Henry Street and the elderly accommodation. Separation between these properties and the raised parapet is approximately 12.8m and 14m to the first/ second floor additions. The first floor addition maintains the existing 2 storey to 2 storey relationship apparent within the historic building form on Henry Street. The set back of the second floor proposal from the main building will help reduce dominance of the structure, and it is noted that the overall height of the building will only increase by 0.7m when compared to that existing. On this basis separation is sufficient to ensure no unacceptable impact by virtue of loss of light, overshadowing or dominance. New windows within the front elevation will allow overlooking, though it should be recognised that the nature of overlooking is far less frequent and of a passive nature from this type of use.

No. 3 Thomas Street is located to the rear of and has a side-on relationship to the application site. A first floor bedroom window within this neighbour is located adjacent to the first floor extension. The submitted revision has moved this element of the scheme away from the affected window, sufficiently to ensure an acceptable relationship to this property. Other properties located to the south on Clifton Drive have a rear facing aspect and have sufficient separation to ensure no unacceptable impact on amenity.

A Public House (The Taps) and beer garden area adjoin the application site to the west. The increased parapet wall will be massed on the shared boundary with the Public House, the second floor extension is set behind the parapet and would be screened in part when viewed from the beer garden. The increased height of the parapet is minimal and the overall height of the existing building

will increase by 0.7m, this is a marginal increase and is not considered to dominate the public house or beer garden.

There is a small area of flat roof to the frontage of both extensions. Submitted drawings do not indicate any form of public access to the flat roof areas, though it is understood that access would be required for routine maintenance for which glazed balustrades are provided for health and safety reasons. Amenity concerns would be raised to use of the flat roof areas by members of the public and for this reason a condition restricting use of these areas is suggested.

It is recognised that the application site is located within a town centre location, where due to historic settlement patterns, separation distances are traditionally lower than that required by modern day design standards. Furthermore, there will be general amenity improvements within the locality through a reduction of restaurant floorspace and associated noise disturbance. On balance, it is considered that the proposal would not significantly harm the amenity of neighbouring properties. As per submitted drawings, obscure glazing should be incorporated into the scheme design to safeguard the amenity of neighbours, as well as those using the hotel and should be required by condition. It is also important to ensure hours of use restrictions applicable to the existing restaurant and bar are applied to the new mixed use development.

It is inevitable that there will be some disruption during construction of the development. Notwithstanding, certain controls can be imposed on the developer to minimise disruption for residents on the locality. On this basis it is advised that construction hours restriction are imposed by condition of any subsequent approval notice.

### Design

The application site is located within the designated Lytham Town Centre Conservation Area, and there are a number of Listed Buildings within the locality which contribute toward the character of the Area.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. Paragraph 56 recognises that good design is a key aspect of sustainable development and that permission should be refused for poor development that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 131 of the Framework states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of the heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of development on the significance of a designated asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Policy EP3 of the Fylde Borough Local Plan states that development will only be supported where the character or appearance of the area, and its setting, are appropriately conserved or enhanced. This includes the physical setting of the area, settlement form, townscape, character of buildings and structures, character of open spaces, and views into or out of the conservation area. Policy SH09 provides similar design advice. Policy EP04 states that development prejudicing the setting of Listed Buildings will not be supported.

The emerging Fylde Local Plan to 2032 Policy GD7 expects new development to be of a high standard taking account of and seek to positively contribute toward the character and appearance of the local area. Policy ENV5 states that development within conservation areas should conserve or enhance those elements that make a positive contribution to their special character, appearance and setting. Any harm to the setting of a Listed Building will be refused.

The application property is readily visible within the street scene of Henry Street and therefore maintains a prominent location within the Conservation Area. The front elevation of the building has some architectural merit with original arched window features and stone detailing evident, though the structure overall has undergone alteration since its original construction as a former stables block.

The proposal seeks to incorporate a second floor extension set back from the front elevation and behind a new parapet wall. The parapet will incorporate stone detailing to mirror that existing. A first floor extension is also proposed above an existing single storey addition. Low level glazed balustrades are set behind the new parapet wall. The extensions are of identical design, simple and modern in appearance having angled side and flat roof with use of slate and glazing. The three ground floor arched windows to the front elevation are to be retained, three floor to ceiling rectangular windows with stone surround are to be inserted above. Low level landscaping will also be used within the recess areas behind the parapet wall.

Buildings adjacent to the application site are of varying heights, predominantly 2 storey but also include single and 3 storey structures within proximity. This enables support for the increased height resultant from the second storey addition since there is no overall design discipline in relation to height, scale or form. The extensions are light weight in appearance and would be viewed as an ancillary addition to the main building, especially being set back from the front elevation and behind the new parapet wall. This set back also helps reduce visual impact when viewed from street level. The first floor addition is designed to complement that attached to the main body of the building, and views are limited due to the presence of the existing building and adjacent terrace row. The Regeneration Section comment that the new building would be appropriate in the street scene with regards to its proposed appearance. Whilst introducing a modern intervention, it would preserve the character of Henry Street within this part of the designated conservation area and would not detract from the setting of adjacent listed buildings.

#### Highways

Policy T5 of the emerging Fylde Local Plan to 2032 states that car parking should be provided on site where possible, so as to ensure there is no detrimental effect on highway safety and that a flexible approach to provision will be applied dependent on location. Paragraph 32 of the Framework also states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

The existing use, as well as that proposed, is reliant on parking within the Town Centre. On street parking exists within the locality and there are public car parks within walking distance of the application site offering long stay parking arrangements.

Whilst the proposal does not provide for any off street parking it is considered that there is ample publicly available parking in the vicinity to outweigh any requirement for on-site provision. Furthermore, the proposal is considered to generate a much lower parking requirement than that of the existing restaurant use. Any detrimental impact of this on street parking could not be classed as severe for the purposes of assessment against the Framework.

The Highway Authority comment that the proposal will generate less traffic and therefore will have no detriment to the local highway network.

The proposal would be reliant on the street for servicing, though this would be no different than the existing service arrangements for the building and majority of other commercial premises in the locality. Given the nature of the use proposed, it is unlikely that large vehicles will service the hotel, and that any disruption to the local network would be temporary and for a short period only. On this basis, whilst servicing of the premises is not ideal, any associated highway impact cannot be considered severe and the development should not be refused on such grounds.

#### Ecology

Policy EP19 of Fylde Borough Local Plan states that development which would have an adverse impact on protected species or their habitat(s) will not be permitted, appropriate mitigation can be used in certain circumstances. Policy ENV2 of the emerging Local Plan reiterates this stance, acknowledging that the benefits of the proposal could outweigh the need to maintain the population in certain circumstances.

The extension works will involve alteration to the existing roof, and due to the possible presence of protected species (bats and breeding birds) within such features the applicant has undertaken a Bat Survey. The Survey found no evidence of current or previous use of the building by roosting bats or roosting birds and that the building is of low suitability for use by roosting bats. Habitats surrounding the building are of negligible suitability for commuting or foraging bats owing to the absence of trees and vegetation, and isolation from any suitable habitats.

#### Conclusions

The application relates to the extension of an existing building in order to facilitate a change of use of upper floors to a 20 bedroom hotel.

The principle of the change of use is acceptable in this town centre location, and the extensions proposed would conserve the character and appearance of the Lytham Town Centre Conservation Area and setting of adjacent Listed Buildings. The proposal would have no unacceptable impact on the amenity of neighbouring properties, and would act to reduce existing late night disturbance associated to the restaurant through replacement of the first floor restaurant with a quieter less intensive use. There are no highway safety or ecological concerns to note.

#### Recommendation

Planning permission be GRANTED subject to the following conditions:

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

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

2. This consent relates to the following details:

##### Approved plans:

- Location Plan - drawing no. PR-01



- Proposed Ground Floor Layout drawing number PR-02 rev A.
- Proposed First Floor Layout drawing number PR-03 rev A.
- Proposed Second Floor Layout drawing number PR-04 rev A.
- Proposed Roof Layout drawing number PR-05 rev A.
- Proposed Front Elevation drawing number PR-06 rev A.
- Proposed Side Elevation drawing number PR-07 rev A.
- Proposed Rear Elevation drawing number PR-08 rev A.
- Proposed Rear Elevation drawing number PR-09 rev A.
- Proposed Section drawing number PR-10 rev A.

Supporting Information:

- Planning, Design and Access Statement, incorporating Heritage Statement.
- Licensed Bat and Barn Owl Survey (ERAP- Ltd Ref: 2016-318, November 2016).

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

3. Prior to commencement of the development hereby approved, representative samples of all construction materials including facing brick, render, roofing, stone work, windows, doors and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved materials.

Reason: In the interests of visual amenity, in accordance with Policies TREC02, EP03 and EP04 HL5 of the adopted Fylde Borough Local Plan (October 2005), GD7 and ENV5 of the Submission Version of the Fylde Borough Local Plan 2032.

4. Prior to commencement of the development hereby approved, section drawings scaled at 1:50 (or other appropriate scale), illustrating the detailed design of:
  - new windows and their stone surround.
  - 1. new stone cornice to the parapet wall.
  - 2. roof of the extensions.
  - 3. glazed balustrade.

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details and retained thereafter.

Reason: In the interests of visual amenity, in accordance with Policy HL5 of the adopted Fylde Borough Local Plan (October 2005) and GD7 of the Submission Version of the Fylde Borough Local Plan 2032.

5. Prior to commencement of the development hereby approved, a representative obscure glazing sample shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation of the development, the approved sample shall be installed within all windows annotated to be obscure glazed as per drawing numbers PR-07 rev A, PR08 rev A and PR-09 rev A and retained thereafter.

Reason: To safeguard the amenity of neighbouring premises and occupants of the hotel, in accordance with Policies TREC02 and SH9 of the adopted Fylde Borough Local Plan (October 2005) and GD7 of the Submission Version of the Fylde Borough Local Plan 2032.

6. Notwithstanding any details shown on the approved plans, prior to commencement of the development hereby approved, a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority.

There is no requirement for implementation, however, if following implementation any landscaping is removed, dying, being severely damaged or becoming seriously diseased within five

years of planting shall be replaced by landscaping of similar size and species to those originally required to be planted.

Reason: To ensure a satisfactory appearance to the development, in accordance with Policies TREC02, SH09 and EP03 of the adopted Fylde Borough Local Plan (October 2005) and GD7 of the submission version of the Fylde Local Plan to 2032.

8. The flat roof areas to the first and second floors as indicated on drawing numbers PR-03 rev A and PR-04 rev A shall only be accessed for maintenance purposes and not be made available to occupants of the hotel or members of the public.

Reason: To safeguard the amenity of adjacent premises, in accordance with Policies TREC02 and SH09 of the adopted Fylde Borough Local Plan (October 2005) and GD7 of the submission version of the Fylde Local Plan to 2032.

9. The ground floor 'Bar Lounge' and 'Restaurant' as detailed on 'Proposed Ground Floor Layout' drawing number PR-02 rev A, shall not be open to customers except between the hours of:

10.00 hours and 00.30 hours - Sunday to Thursday

10.00 hours and 01.00 hours - Friday and Saturday

and

there shall be no amplified music or other amplified entertainment performed within the premises between 00.00 hours (midnight) and 10:00 hours on any day

and

there shall be no new entry or re-entry to the premises (other than of those persons who were within the premises but left to smoke) beyond 00.00 hours (midnight) and 01:00 on any day.

Reason: To provide appropriate control over the use of the premises in the interests of safeguarding the amenity of the occupiers of nearby residential properties and the general area as required by Policy SH16 of the Fylde Borough Local Plan.

10. The windows/doors of the 'Bar Lounge' as detailed on 'Proposed Ground Floor Layout' drawing number PR-02 rev A (excluding the existing main entrance) that front on to Henry Street shall remain locked and closed between the hours of 2000 hours and 0700 hours on every day of the week.

Reason: To provide appropriate control over the use of the premises in the interests of safeguarding the amenity of the occupiers of nearby residential properties and the general area as required by Policy SH16 of the Fylde Borough Local Plan.

11. No development shall take place, nor any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) times of construction activity at the site.
- b) times and routes of deliveries to the site.
- c) the parking of vehicles of site operatives and visitors.

- d) loading and unloading of plant and materials.
- e) storage of plant and materials used in constructing the development.
- f) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- g) wheel washing facilities, including details of how, when and where the facilities are to be used'.
- h) measures to control the emission of dust and dirt during construction.
- i) measures to control the generation of noise and vibration during construction to comply with BS5228:2009.
- j) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To ensure the development is implemented without compromising residential amenity or highway / pedestrian safety.



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/16/1005	Address Portofino Restaurant, Henry Street, Lytham St Annes	Grid Ref. E.3365 : N.4270	Scale 0 6 12 18 24 m 

**Item Number:** 11

**Committee Date:** 15 March 2017

<b>Application Reference:</b>	16/1016	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mill Farm Ventures	<b>Agent :</b>	PWA Planning
<b>Location:</b>	MILL FARM SPORTS VILLAGE, FLEETWOOD ROAD, MEDLAR WITH WESHAM		
<b>Proposal:</b>	ERECTION OF TWO-STOREY BUILDING TO PROVIDE COMMUNITY SPORT (CHANGING AND FUNCTION ROOM FACILITIES) AND EDUCATION CENTRE TOGETHER WITH ALTERATIONS TO APPROVED CAR PARKING ARRANGEMENTS.		
<b>Parish:</b>	MEDLAR WITH WESHAM	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	12	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.7963279,-2.8887876,1108m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application relates to the northern part of the Mill Farm site which benefits from planning permission for a range of uses, one of which was outline planning permission for all weather sports pitches and changing rooms. This application is a full application for changing rooms and education facility.

The principle of the development is considered acceptable given sites previous approval and allocation in the emerging Fylde Local Plan to 2032 as a mixed use site. There are not considered to be any highways issues with the application, or adverse impacts on residential amenity. The design of the building is good and will have an acceptable visual impact on the site. The changing rooms and education facility comply with Local and National policies and are of great benefit to the community, and so the application is recommended for approval.

**Reason for Reporting to Committee**

This application is of a scale and nature that would normally be determined by officers under the Scheme of Delegation, but a request for it to be determined by the Planning Committee was received and accepted from the ward councillor (Cllr Nulty).

**Site Description and Location**

The application site is part of the Mill Farm development granted planning permission through reference 13/0655 for a number of different uses including full planning permission for a 6,000 capacity football stadium, 11,431m<sup>2</sup> warehouse and distribution centre (class b8), 1,518m<sup>2</sup> neighbourhood retail store (class a1), internal spine road with access from a585 roundabout, associated parking, landscaping, drainage and infrastructure and outline planning permission (access

approved with other matters reserved) for 8 x outdoor floodlit all weather pitches, changing room block, petrol filling station, 785m2 non-food bulky goods retail unit (class a1), hotel (class c1), pub / restaurant (class a4), drive thru restaurant (class a3/a5), 492 space overflow car park & the formation of a surface water attenuation pond.

The full site is a 12.6 hectare site situated due north west of Wesham and west of Fleetwood Road, the A585. To the north of the site is Bradkirk Brook, a dwelling known as Demmingfield and the industrial premises at UPL. To the east is Mill Farm, further agricultural land and some alongside Fleetwood Road. To the south east is the settlement of Wesham and to the west is open countryside.

Construction has commenced on the site for a number of the uses but prior to development it comprised gently undulating agricultural land and the field boundaries are separated by hedgerows and trees. The site is allocated as a Countryside Area within the Fylde Borough Local Plan, although the Submission Version of the Fylde Local Plan to 2032 allocates the site as a mixed employment/leisure use, with 4 hectares specified for employment purposes.

The application site comprises 0.23 hectares of the overall larger site, being located within the 2.44 hectares of the site which constitutes all weather sports facilities. The hybrid application indicated that the area subject to this application would constitute two storey changing facilities and application 15/0733 granted consent for temporary changing facilities in this area. The site is currently cleared land waiting development, and the pitches are partially complete and the parking area for this part of the site is complete.

### **Details of Proposal**

The application proposes the construction of a two storey building which will provide changing facilities to cater for the all-weather hockey and football pitches, a multi-functional club room and terrace to support the hockey clubs use of the facility and multi-purpose classrooms and studios to support the AFC Fylde Community Foundation education programme. The foundation provides support and training for disadvantaged sections of the Fylde community, with the provision of dedicated and purpose built classrooms and studio space enabling them to enhance this provision. The programmes to be delivered by the foundation from the facility include;

- Full time 16-24 education courses, focusing on the delivery of BTEC/NVQ qualifications;
- 16-24 traineeships, working with community partners to support individuals to enter full time employment and gain nationally recognised qualifications;
- EU Social Fund/Big Lottery Fund Education, training and accreditation programme, working with and educating disadvantaged areas of community, focusing on 16-24 year olds not in education, employment or training, disadvantaged families, 60+ isolated residents and digitally excluded members of the community.

The foundation will operate 2 16 seater mini-buses to transport the majority of users to and from the site from across the Fylde Coast. The education facility will principally operate Monday to Friday from 09:00 to 17:00.

The proposed building will be located between the football pitches and hockey pitch and includes a first floor function and terrace area overlooking the hockey pitch. The two uses are split effectively into two separate buildings joined by a glazed link, with the ground floor constructed grey brickwork and the first floor in timber cladding. The building has angled steep roof support column and a flat sloping zinc roof.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
16/0065	PROPOSED ERECTION OF 4 PUMP PETROL FILLING STATION INCLUDING SINGLE STOREY RETAIL BUILDING (CLASS A1), CANOPY, PARKING AREA AND ASSOCIATED WORKS. ERECTION OF SINGLE STOREY BUILDING PROVIDING 'DRIVE THRU' RESTAURANT (CLASS A3) AND ASSOCIATED WORKS INCLUDING CAR PARKING.	Granted	06/07/2016
15/0898	PROPOSED EXTENSION OF CAR PARK TO NORTH OF STADIUM TO PROVIDE NET INCREASE OF 95 SPACES	Granted	21/03/2016
15/0742	DISCHARGE OF CONDITION 3 ON APPLICATION 15/0309 FOR A SCHEME (DRAWING NO. 2255 - 13) IS SUBMITTED WHICH SHOWS A BUND / CHANNEL TO CONNECT THE APPROVED ATTENUATION POND WITH THE ADJACENT BROOK	Advice Issued	
15/0733	CONSTRUCTION OF 11 NO. ALL WEATHER FLOODLIT FOOTBALL PITCHES, 1 NO. ALL WEATHER FLOODLIT HOCKEY PITCH, 1 NO. HOCKEY PITCH SPECTATOR STAND PROVIDING SEATING FOR 256 SPECTATORS AND TEMPORARY CHANGING FACILITIES.	Approved with 106 Agreement	11/07/2016
15/0365	PROPOSED VARIATION OF CONDITION 20 OF PLANNING PERMISSION 13/0655 TO SET NOISE LIMITS WITHOUT ADDITIONAL INFORMATION BEING SUBMITTED.	Granted	20/08/2015
15/0309	APPLICATION FOR APPROVAL OF ALL RESERVED MATTERS RELATING TO THE SURFACE WATER ATTENUATION POND LOCATED TO THE NORTH OF THE SITE APPROVED UNDER OUTLINE PLANNING PERMISSION 13/0655	Granted	13/10/2015
14/0772	ADVERTISEMENT CONSENT FOR ERECTION OF NON-ILLUMINATED HOARDING SIGN FOR TEMPORARY PERIOD	Granted	04/02/2015
13/0655	HYBRID PLANNING APPLICATION (PART FULL / PART OUTLINE)  FULL PLANNING APPLICATION – 6,000 CAPACITY FOOTBALL STADIUM, 11,431m2 WAREHOUSE AND DISTRIBUTION CENTRE (CLASS B8), 1,518m2 NEIGHBOURHOOD RETAIL STORE (CLASS A1), INTERNAL SPINE ROAD WITH ACCESS FROM A585 ROUNDABOUT, ASSOCIATED PARKING, LANDSCAPING, DRAINAGE AND INFRASTRUCTURE  OUTLINE PLANNING APPLICATION (ACCESS SOUGHT WITH OTHER MATTERS RESERVED) – , 8 X OUTDOOR FLOODLIT ALL WEATHER	Approved with 106 Agreement	17/02/2015

PITCHES, CHANGING ROOM BLOCK, PETROL FILLING STATION, 785m2 NON-FOOD BULKY GOODS RETAIL UNIT (CLASS A1), HOTEL (CLASS C1), PUB / RESTAURANT (CLASS A4), DRIVE THRU RESTAURANT (CLASS A3/A5), 492 SPACE OVERFLOW CAR PARK & THE FORMATION OF A SURFACE WATER ATTENUATION POND.

### **Relevant Planning Appeals History**

None

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

The site is within the area of **Medlar with Wesham Town Council** who were notified on 17 January 2017 and comment following consideration at their 21 February 2017 meeting:

*"The Council support this proposal.*

*The Council is concerned that car parking spaces are being lost and asks if a condition of approval could be that adequate car parking spaces are provided for this facility and that there should be no overall net loss in the number of spaces available on the Mill Farm Development site."*

The site is close to the boundary with **Greenhalgh with Thistleton Parish Council** who were notified on 17 January 2017 and comment:

*"Concerns over the increased amount of traffic that will be generated on the A585 Fleetwood Road."*

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

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

Response received 21/2/16 and included in full given the history of site.

*"The proposals will result in the loss of 6 parking spaces (with comparison between the existing and proposed site plan that have been submitted with the application). The parking provision at the Mill Farm site fails to satisfy current (and future) requirements and remains a serious concern to LCC Highways. Therefore, given the current outstanding matters that remain to be satisfactorily addressed in regard to discharge of conditions for conditions 33 - Car Park Management Plan and 34 - Traffic Management Plan for the wider site, I consider this further proposed reduction is not acceptable. The current lack of sufficient parking at the Mill Farm Stadium (on larger attendance match days, considering only 50% ground capacity) results in significant on street and on footway parking on the public highway within Kirkham and Wesham to the detriment of pedestrian access and safety as well as impeding the flow of traffic. This situation will not be resolved even with consideration for the recently submitted application to formalise use of car park C and car park D. The impact of the existing situation could, by some, be considered to be severe in terms of highway safety and must be satisfactorily addressed. This application, as presented, at present will exacerbate this existing issue and therefore, the spaces that would be lost with this proposal are considered necessary in terms of the overall provision.*



*Therefore, at this time as presented, LCC Highways would recommend refusal of the proposal.*

*I consider the proposals, as submitted, will overall result in an increased demand for car parking over the previously approved position. This in itself need not be a reason for refusal as at all other times, other than when a football match is scheduled, there will be adequate parking across the wider site.*

*I would note that it would have been unreasonable for the LHA to have had an objection to this proposal if the number of spaces to be provided was at least 29, which would be in line with previously approved levels, and if appropriate conditions were attached to any approval that set out:*

- *That the community sport (changing and function room facilities) and Education centre would not be in use or available for use for at least 2 hrs before and 2hrs after an AFC Fylde home fixture (Note: 2hrs before is considered necessary following my observations at the Boxing Day match where all car parks, except Car Park D were full by 1:50 Pm for the 3:00Pm kick –off).*
- *That the car park associated with this proposal would be available for match day parking in perpetuity for the lifetime of the AFC Fylde Stadium development, without restriction; and*
- *No occupation prior to the production and agreement with the LPA of a site wide parking management Strategy*

*It remains disappointing that the parking requirements for the Mill farm site and in particular the AFC Fylde (6000 capacity Stadium) remain an outstanding issue, and I must note reiterate that I do not consider the current application for one permanent and one temporary car park resolves this issue. However, I acknowledge that the current discharge of conditions application in relation to the conditions (33 and 34), referred to above, is ongoing and that there has been a recently submitted revised Traffic Management Plan (TMP). I will be responding on the latest information in regard to the 'Discharge' application and the submitted TMP under separate correspondence shortly.*

*In summary, LCC Highways would recommend refusal of the current application as presented.*

Following receipt of these comments the plans were amended so that there was not a loss of 6 parking spaces.

A further response was received on 2/3/16 stating:

*“Following your email today providing a revised 'Proposed' plan which shows that the previously agreed number of spaces will be maintained, the LHA would not object to this proposal. The latest plan is in line with previously approved levels providing 29 spaces. If you are minded to approve, I would refer you to the suggested conditions set out in my earlier email.”*

#### **Environmental Protection**

No objections. The outside terrace should be closed whenever licensable activities are taking place, especially amplified entertainment or from 21:00 each day.

## Sport England

No objections. The proposed development is ancillary to the principal use of the site as a playing field and does not affect the quantity or quality of pitches or adversely affect their use.

## Neighbour Observations

<b>Neighbours notified:</b>	17 January 2017
<b>Number of Responses</b>	One
<b>Summary of Comments</b>	Objecting on the following grounds;

- Accepts the principle of changing rooms at this location but suggests conditions to protect residential amenity and so that the facility is operated safely.
- A change will be needed to s106 agreement in relation to the pitch use strategy as the onsite education use will deny promised pitch availability in school time to local children reducing the wider community benefit.
- The bar/function room will introduce a new social activity at this part of the site. With neighbour problems regarding late night activity on the proposed deck and a condition limiting use beyond 23:00 should be set.
- The scheme will reduce parking spaces available during AFC Fylde matches. Overflow parking area has yet to be brought forward.
- The building is shoehorned into a small space, evacuation and safe areas must be properly established.
- The site for this building is remote from other users, particularly at night and weekends therefore it is vital that boundary treatments and security fencing are implemented before the new building comes into use. It is important to assess the risk from the brook and attenuation pond and the likelihood of lost balls going into them.

## Relevant Planning Policy

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

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

### **Fylde Local Plan to 2032:**

GD6	Promoting Mixed Use Development
GD7	Achieving Good Design in Development
T5	Parking Standards

### **Other Relevant Policy:**

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

## **Site Constraints**

Within countryside area

## **Environmental Impact Assessment**

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

## **Comment and Analysis**

The main issues when considering this application are;

The principle of the development

Highways and parking

Design and visual impact

Residential Amenity

Other issues

### **Principle of the development**

The principle of the development has been established by the previous hybrid application 13/0655 which allowed the development of the wider site, including changing rooms on the application site itself and also by application 15/0733 which re-configured this area to increase the number of sports pitches and incorporated a spectator stand for the hockey pitch and included provision of temporary changing rooms in the area subject to this application. That permission requires those temporary changing facilities to be removed after a period of 2 years and that a permanent facility be provided. This application proposes a permanent facility for users of the football pitches and hockey pitches.

As well as changing facilities this application proposed a multi-functional club room and terrace to support the hockey club's use of the facility and multipurpose classrooms and studios to support the AFC Fylde Community Foundation Education Programme. Details of the operation of the community foundation are outlined in the details of proposal section above.

The application site in the Fylde Borough Local Plan is located outside of any settlement on greenfield land that is allocated as Countryside, and the proposal is contrary to policy SP2 of that Plan. However the site is now developed and the two applications referred to above accepted this when balancing the benefits of the scheme as a whole against the harm, with the provision of sports pitches being a benefit of the overall scheme. The changing facilities and classrooms proposed are a further benefit of the scheme.

In the emerging Fylde Local Plan to 2032 the site is allocated as a mixed use site for employment, leisure and retail. This application is for leisure and therefore complies with the sites allocation in the emerging Local Plan. This is supported by Policy GD6 –Promoting Mixed Use Development, which states that mixed use development will be encouraged on Strategic Sites to provide local retail centres, commercial, leisure and recreational opportunities close to where people live and work. Policy HW3 – Provision of indoor and outdoor sports facilities states that the Council will support new outdoor sports facilities where; a) they are readily accessible by public transport, walking and cycling, b) the proposed facilities are of a type and scale appropriate to the size of the settlement and c) where they are listed in an action plan in any emerging or subsequently adopted Playing Pitch strategy or Built Facilities Review. The proposed changing rooms and the education facilities can therefore be considered to be supported by policies in the Fylde Local Plan to 2032.

The application provides an education facility and changing rooms to support the increased number of pitches which will therefore provide greater opportunities for participation in sport. Sport England

have confirmed that they have no objections. In section 8 of the NPPF – ‘Promoting Healthy Communities’ paragraph 70 states that to deliver the social and recreational services that the community needs, planning decisions should plan positively for the provision of community facilities to enhance the sustainability of communities and residential environments . Paragraph 73 states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities. The provision of changing rooms and education facility is considered to contribute to the health and wellbeing of the local community,

Therefore it is considered that the proposal complies with emerging Local Policy and the NPPF, will allow greater uses of the hockey and football pitches and will be of a benefit to the community. The development of the education facility will not reduce the availability of the pitches for local sports clubs and schools – there are 11 football pitches of differing size and the proposal will purely enhance the existing sports facilities on offer within the site and provide an additional educational benefit. It is officers’ opinion that the development should be supported, and that the operations of the Trust are of great benefit to various sections of Fylde’s community and will provide a service in first class facilities which should be supported. The application is therefore acceptable in principle.

### **Highways and Parking**

As outlined in the consultation comments LCC Highways originally objected to the application because the siting and orientation of the building resulted in the loss of 6 parking spaces that were approved as part of the original application. They considered the loss of 6 spaces unacceptable given the demand for car parking at the site when AFC Fylde are playing at home. They stated they would not object if the parking remained the same as approved, and as such the plans were revised so that the number of spaces to serve this area was increased back to 29 spaces, including two mini-bus parking spaces. Accordingly LCC Highways have confirmed that they have no objections to the proposal.

They have requested conditions including that the building not be in use for 2 hours before or after an AFC home fixture to ensure that this car parking is available, and that there is no occupation prior to the production and agreement with the LPA of a site wide parking management strategy. With these conditions in place and a lack of an objection from LCC Highways it is not considered that there are justified highways reasons for refusal for this application.

### **Design and visual impact**

The proposed design of the building is considered to be appropriate considering the sites position and proposed use. The use of the glazed link and timber cladding to the first floor lightens the building’s apparent bulk and gives it a modern appearance that is appropriate for the Mill Farm site. It is considered that it complements the appearance of the main stadium and is of an appropriate size and scale for its position contained within the pitches, which themselves have a visual impact with their 3m high fencing and lighting columns. The visual impact of the site as a whole has been previously accepted when approving the development of a site as a whole. The hybrid and full pitches application is subject to landscaping, though none is considered necessary around the building due to its central location.

### **Residential Amenity**

Due to the buildings location and proposed use it is not considered that it will have any impact on residential amenity. The multi-functional club room and terrace has the potential to create noise if there is amplified music onto it but this can be controlled by a condition and the Environmental Protection Officer has no objection to the development. Policy EP27 of the Adopted Local Plan relating to ‘Noise Pollution’ states that where appropriate planning permission will be granted

subject to conditions to minimise or prevent noise pollution. It is considered that appropriate conditions would minimise and seek to prevent noise pollution and would comply with this policy.

### **Other issues**

Other matters such as ecology, drainage, trees and landscaping have been considered through both the hybrid application and the full pitches application. The full pitches application considered the drainage from the changing rooms and no consultee had any objections and the conditions on that application can be repeated here. Other matters raised by the neighbour are matters of opinion and as this application is for the building only cannot be considered in this application.

### **Conclusions**

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

### **Recommendation**

Planning permission be GRANTED subject to the following conditions:

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

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

2. This permission relates to the following plans:

- Site location plan (drawing no. 5777\_L100)
- Existing Site Plan (drawing no. 5777\_L101)
- Proposed Site Plan (drawing no.5777\_L102 S1)
- Proposed ground floor plan (drawing no. 5777\_L103 S2)
- Proposed first floor plan (drawing no. 5777\_L104 S2)
- Proposed elevations (drawing no. 5777\_L106 S1)
- Roof plan (drawing no. 5777\_L105)

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

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

3. The first floor viewing terrace of the building hereby approved shall only be used between the hours of 08:00 and 21:00 on Monday to Saturday and between 08:00 and 18:00 on a Sunday.

Reason: To safeguard residential amenity from possible noise disturbance form the use of this area in the evening as required by Policy EP27 of the Fylde Borough Local Plan..

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

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

Reason: In order to protect residential amenity as required by Policy EP27 of the Fylde Borough Local Plan..

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

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

6. The car parking shown within the red edge of the application site hereby approved shall be surfaced, demarcated and made available for use for parking associated with the community sport (changing and function room facilities) and Education centre and also as necessary for AFC Fylde prior to the first use of any part of this building. The parking spaces shall remain available for parking at all times thereafter.

Reason: To ensure that an appropriate level of parking is provided and retained for the community sport (changing and function room facilities) and Education centre and the AFC Fylde Stadium in the interests of highway safety.

7. The community sport (changing and function room facilities) and Education centre shall not be in use or available for use for at least 2 hrs before and 2hrs after an AFC Fylde home fixture.

Reason: To ensure that an appropriate level of parking is provided and retained for the community sport (changing and function room facilities) and Education centre and the AFC Fylde Stadium in the interests of highway safety.

8. The car park associated with this proposal shall be available for match day parking in perpetuity for the lifetime of the AFC Fylde Stadium development, without restriction.

Reason: To ensure that an appropriate level of parking is provided and retained for the community sport (changing and function room facilities) and Education centre and the AFC Fylde Stadium in the interests of highway safety.

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

Reason: To ensure that a satisfactory car parking management strategy is implemented for this development and also associated with the AFC Fylde Stadium.

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

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

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

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

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

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



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/16/1005	Address Portofino Restaurant, Henry Street, Lytham St Annes	Grid Ref. E.3365 : N.4270	Scale 0 6 12 18 24 m 



**Item Number:** 12

**Committee Date:** 15 March 2017

<b>Application Reference:</b>	17/0014	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mr Pickervance	<b>Agent :</b>	ML Planning Consultancy Ltd
<b>Location:</b>	NEW HALL FARM, ROSEACRE ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3XE		
<b>Proposal:</b>	ERECTION OF AGRICULTURAL LIVESTOCK BUILDING		
<b>Parish:</b>	NEWTON WITH TREALES	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	8	<b>Case Officer:</b>	Ruth Thow
<b>Reason for Delay:</b>	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.8169389,-2.8423009,554m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

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

The application site is New Hall Farm a farming enterprise that operates from a site located in the countryside on the Fylde Borough Local Plan and within the village of Wharles. The proposal relates to the erection of a new building to provide additional livestock housing in connection with the enterprise operated by the Pickervance family at this site and that at Roseacre Hall Farm in Roseacre.

The application is submitted in tandem with application no. 17/0015 for a further identical building to be situated in a back to back arrangement and located to the north of the existing farm buildings. The development will provide additional facilities for livestock housing for young beef and dairy stock to help the enterprise meet modern standards.

The development is considered to comply with the requirements of Policies SP2 and EP11 of the Fylde Borough Local Plan, as altered (October 2005) and Policies GD4 and GD7 of the submission version of the emerging Fylde Local Plan to 2032 in respect of the agricultural need for the development. It is considered that the proposal would allow for sustainable growth and expansion of an existing agricultural business and is therefore supported by the aims of the NPPF.

In the absence of any demonstrable harm from this development it is supported and recommended for approval subject to conditions.

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

The application is to be presented to Committee for determination as the concerns and recommendations of the Parish Council are not reflected in the officer recommendation.

### **Site Description and Location**

The application site is New Hall Farm, Roseacre Road, Wharles. The site is to the north side of Roseacre Road and consists of the farmhouse and a group of agricultural buildings of a mix of traditional brick built buildings and modern style, Yorkshire boarded buildings.

The enterprise undertaken at New Hall Farm is run by the Pickervance family in conjunction with Roseacre Hall Farm in Roseacre. New Hall Farm is predominantly utilised for rearing young stock with the dairy herd housed and milked at Roseacre Hall Farm.

The application site is located in an area designated as countryside in the Fylde Borough Local Plan, as altered (October 2005) and this designation is carried forward to the submission version of the Fylde Local Plan to 2032.

### **Details of Proposal**

This application proposes the erection of a building for the purposes of housing livestock.

The proposed building measures 36 metres in length by 13.7 metres in width with an eaves height of 4.5 metres and a ridge height of 6.3 metres. It is proposed that the building is constructed in concrete stock panels with 'Yorkshire' boarding to the elevations under a 'grey' fibre cement roof. The building provides eight cattle pens with a 3 metres wide open passage.

The building is located to the north side of the existing group of buildings and to the east of the existing slurry store.

The application is submitted in tandem with application no. 17/0015 for an identical building also for livestock which is to be sited abutting the building proposed in this application to the northern side of it and so further from the existing farmstead.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
16/0804	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITION 3 (LANDSCAPING) AND CONDITION 5 (FENCING) ON PLANNING PERMISSION 14/0619	Advice Issued	23/11/2016
16/0143	RETROSPECTIVE APPLICATION FOR FORMATION OF NEW ACCESS FROM ROSEACRE ROAD INCLUDING INSTALLATION OF ASSOCIATED GATING	Granted	11/05/2016
15/0862	REMOVAL OF CONDITION 2 ON APPLICATION 14/0619 NOT TO IMPLEMENT THE RAISED EARTH BUNDING TO THE PERIMETER OF THE LAGOON.	Withdrawn by Applicant	21/01/2016
15/0265	PROPOSED SINGLE STOREY SIDE EXTENSIONS TO BOTH SIDES AND REAR OF DWELLING.	Granted	07/07/2015
14/0619	PROPOSED EXCAVATIONS AND BUNDING TO FORM EARTH BANKED SLURRY LAGOON	Granted	13/01/2015
06/1193	CHANGE OF USE OF 5 REDUNDANT AGRICULTURAL BUILDINGS TO B1, B2 AND B8	Refused	15/03/2007

	USES, DEMOLITION OF ONE REDUNDANT AGRICULTURAL BUILDING, CREATION OF CAR PARKING AND LANDSCAPING.		
05/0587	PROPOSED EXTENSION TO AN EXISTING DOUBLE SPAN SILAGE BARN	Granted	04/08/2005
04/0280	PROPOSED SHEEP BUILDING EXTENSION AND COVERED AREA	Granted	25/06/2004
04/0281	PROPOSED DOUBLE SPAN SILAGE STORAGE BUILDING	Granted	25/06/2004
03/0391	GENERAL PURPOSE AGRICULTURAL BUILDING FOR GRAIN STORAGE	Granted	25/06/2003
02/1026	GENERAL PURPOSE AGRICULTURAL BUILDING.	Granted	22/01/2003
92/0055	OUTLINE APPLICATION TO ERECT TWO DWELLINGS	Refused	20/05/1992
90/0120	1 NUMBERED AGRICULTURAL WORKERS/MANAGERS DWELLING	Refused	23/05/1990

### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
90/0120	1 NUMBERED AGRICULTURAL WORKERS/MANAGERS DWELLING	Dismiss	14/02/1991

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

**Treales, Roseacre & Wharles Parish Council** notified on 17 January 2017 and comment:

*“Councillors RESOLVED to SUPPORT the application as being compliant with Policy SP2 of the Fylde Local Plan, PROVIDED THAT conditions relating to the order of works and landscaping are incorporated into the Planning Permission.*

*Councillors discussed the application with the applicant who agreed that the following conditions would be acceptable :*

- *That application 17/0014 be completed before application 17/0015 is started. REASON – to avoid unnecessary expansion of the farm curtilage.*
- *That a landscaping plan is implemented requiring the planting of a mix of deciduous and coniferous trees on all sides of the development which will provide screening within three seasons. REASON – to minimise the harm relating to the impact of light pollution on neighbouring properties and to protect the amenity and local character of the Parish.*

*Should officers disagree with these conditions, then Councillors request that the application be decided by the DMC.”*

Further comments subsequently received from the Parish Council express concern in respect of:

- a) capacity and storage of slurry
- b) increase in traffic movements
- c) require a 'phasing' condition
- d) light pollution - suggest landscaping condition.

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

None

## **Neighbour Observations**

<b>Neighbours notified:</b>	15 February 2017
<b>Site Notice Date:</b>	20 January 2017
<b>Number of Responses</b>	None received

## **Relevant Planning Policy**

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

SP02	Development in countryside areas
EP11	Building design & landscape character

### **Fylde Local Plan to 2032:**

GD4	Development in the Countryside
GD7	Achieving Good Design in Development

### **Other Relevant Policy:**

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

### **Site Constraints**

Within countryside area

## **Environmental Impact Assessment**

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

## **Comment and Analysis**

### **The application**

This application seeks permission to erect a new portal framed livestock building to provide improved accommodation for additional young livestock at New Hall Farm.

### **Policies**

As the application proposes development in the countryside Policies SP2 and EP11 of the Fylde Borough Local Plan, as altered (October 2005) and Policies GD4 and GD7 of the submission version of the Fylde Local Plan to 2032 are relevant to this application together with the aims and guidance of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) being a material consideration.

### **The need and principle of development**

Policies SP2/GD4 are relevant to this application given its countryside location. These are generally

restrictive policies that look to preserve the rural nature of the borough. One of the exceptions to this restriction, is development that is justified on agricultural need, providing that it is associated with the continuation of an existing operation and does not harm the character of the surrounding countryside.

The NPPF at Chapter 3 requires that planning policies should support economic growth in rural areas and to promote the development and diversification of agriculture and other land based rural businesses.

New Hall Farm and Roseacre Hall Farm are owned and operated by the Pickervance family who run a well-established beef cattle and dairy young stock rearing and dairy enterprise with the young livestock housed at New Hall Farm and the dairy milking side at Roseacre Hall Farm.

The applicants have submitted two applications for buildings for the purposes of housing young livestock to expand their existing facilities. The current arrangement requires the growing cattle to be moved to facilities at Roseacre Hall where there are buildings which can provide more space and ventilation to satisfy the DEFRA requirements for animal welfare, as the existing buildings at New Hall are inadequate due to the age and design of the buildings.

It is proposed that the two buildings will be constructed in a 'phased' development with the building proposed in this application erected first with the building proposed in application 17/0015 constructed at a later date. It is claimed that the additional buildings will ultimately be more cost effective for the applicants by improving the welfare of the animals will reduce the need for vets' visits, medication for the animals, and time/transportation costs of ferrying young animals between farms. Moving cattle between sites has the potential to increase the incidence of animal disease and is a time consuming operation for the farmer.

DEFRA require that all stock-keepers have access to easy to use and efficient handling pens so that the animals can be routinely managed, practice good hygiene, reduce animal stress and prevent the spread of disease to other animals.

Space allowance for cattle housed in groups is worked out in terms of:

- the whole environment
- the age, sex, live weight and behavioural needs of the stock
- the size of the group; and
- whether any of the animals have horns

The width of any individual stall or pen for a calf shall be at least equal to the height of the calf at the withers, measured in the standing position, the length shall be at least equal to the body length of the calf, measured from the tip of the nose to pin bone, multiplied by 1.1.

Calf pens must be large enough to allow calves to groom themselves, lie down and stretch their limbs and rise without any difficulty and must also allow visual and tactile contact with animals in adjoining pens/hutches. From 8 weeks of age, calves must be group housed (unless an animal is kept in isolation).

Air space is as crucial as floor area, pneumonia is common in housed animals and the disease can often be avoided if the buildings are well designed, with good ventilation, not overcrowded and mixing of different aged animals is avoided.

Accommodation should also be provided to house sick or injured animals in isolation.

At 7+ months the minimum spacing requirement is 3 square metres with a recommended area of 6 square metres per calf. The applicant has advised that there will ultimately be 100 stock kept in the buildings, aged from 10-15 months. Therefore at the recommended spacing, 600 square metres is required for the number of animals proposed. The buildings will provide 986.4 square metres minus the area of the feed passage for the two buildings is 770.4 square metres of available space for livestock with a small allowance for additional animals.

In view of the above it is considered that the proposal is essentially required for the purposes of agriculture, justified in principle and complies with the requirements of Policy SP2/GD4 of the local plan in regard to need.

#### Impact on visual amenity

The proposed site is to the north of the existing buildings and to the east of the existing slurry store associated with this farm. Whilst some of the existing, aged buildings could be demolished and replaced with those proposed in these two applications, the dilapidated buildings are in close proximity to properties on 'Hamlet Grove' and the use of this area for new cattle buildings would raise other implications in respect of neighbour amenity.

The buildings are typical agricultural styled buildings consistent with the rural vernacular. Some views of the buildings may be obtained from Roseacre Road however, these will be distant views and so less obtrusive in the rural landscape.

It is considered that the siting is acceptable and overall will not result in a detriment to the visual amenity of the countryside.

#### Impact on neighbours

Due to the siting of the buildings there are no immediate neighbours likely to be affected by the proposed development by way of loss of light or loss of privacy. Some increase in the lighting on the farm may be experienced but given the distance to neighbours this would not be so significant to result in a refusal of the application.

Given the nature of the site as a functioning farm the increase in livestock is unlikely to have a significant impact in terms of general disturbance and odour.

As a result it is considered that the development is acceptable with regard to nearby neighbours.

#### Access and highway issues

No new accesses are proposed as part of this application with transportation of the animals to the building utilising the existing entrances/exits to the farm.

The applicant advised that traffic movements between farms would be reduced as a consequence of the additional accommodation at New Hall Farm and no longer having a need to move animals to Roseacre Hall Farm.

Whilst the scale and any change in vehicle movement numbers has not been accurately quantified in the application, paragraph 32 of the NPPF refers to traffic movements and advises that development

should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Should it transpire that the proposed development results in increased traffic movements between farms and elsewhere this is likely to be small scale and involve vehicle movements that are to be expected in a rural farming area such as that which the site is situated. There can be no justification to refuse the application on highway grounds.

The proposal is therefore considered to comply with Policy SP2 of the Fylde Borough Local Plan, as altered (October 2005) in this respect.

#### Other matters

Members of the Parish Council have raised concerns in respect of storage of animal waste, which is a matter regulated by the Environment Agency. Paragraph 122 of the NPPF advises that "*Local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities*".

It is considered that the issue of waste material pertaining to these applications is an issue that is appropriately managed by the Environment Agency and therefore is not a matter for consideration in this application.

As previously stated in this report this application is submitted along with a further application for an additional building. The applicant has stated that the development is a phased development, subject to finances, and that application no. 17/0014 (the building nearest to the existing farm buildings), is to be constructed first. However, this development has been submitted as two separate applications and as a consequence application no. 17/0015 (the building furthest from the existing farm buildings) could conceivably be constructed first were both applications approved.

It has been suggested by the Parish Council that conditions should be imposed requiring 17/0014 to be built before 17/0015. 'Phased development' conditions can only be imposed where these form a single application and so to impose such a condition with these applications would not meet the 6 tests for conditions set out in the NPPF.

In addition, whilst the building applied for under 17/0015 is further from the farmstead than that under 17/0014 they are directly abutting each other and so the separation is not so remote that it would not result in an isolated building separated from the existing farmstead and resulting in a detriment to the visual amenity of the countryside.

The Parish Council also suggest that a condition for landscaping be imposed to prevent light spillage and suggest that this is a mix of deciduous and coniferous trees "*to protect the amenity and local character of the Parish*".

Coniferous planting of the type to prevent light spillage would not be native to the Fylde countryside and would appear obtrusive and unnatural in this landscape. In addition the agent for this application advises that landscaping would take up too much valuable agricultural land and would compromise the ventilation of the buildings, which is essential for the welfare of the livestock.

The application proposes a building for the purposes of agriculture of a typical scale and design as

seen on countless farms throughout the borough and is not in such a prominent location or in such close proximity to neighbouring residential properties as to warrant the provision of a landscaping scheme.

### **Conclusions**

Taking the above matters into account it is considered that the proposal represents sustainable growth and expansion of an existing agricultural business in compliance with the policies of the current local plan and the submission version of the local plan and is supported by the aims of the NPPF which supports the growth and expansion of rural business.

The development is sited in an area that will result in some views of the development however the scale and appearance of the building(s) is considered to be acceptable and consistent with the visual appearance of other buildings on this site and those on numerous farms in the Fylde countryside and will not alter the overall character of the countryside.

In the absence of any demonstrable harm from this development it is supported and recommended for approval subject to conditions.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

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

2. This consent relates to the following details:

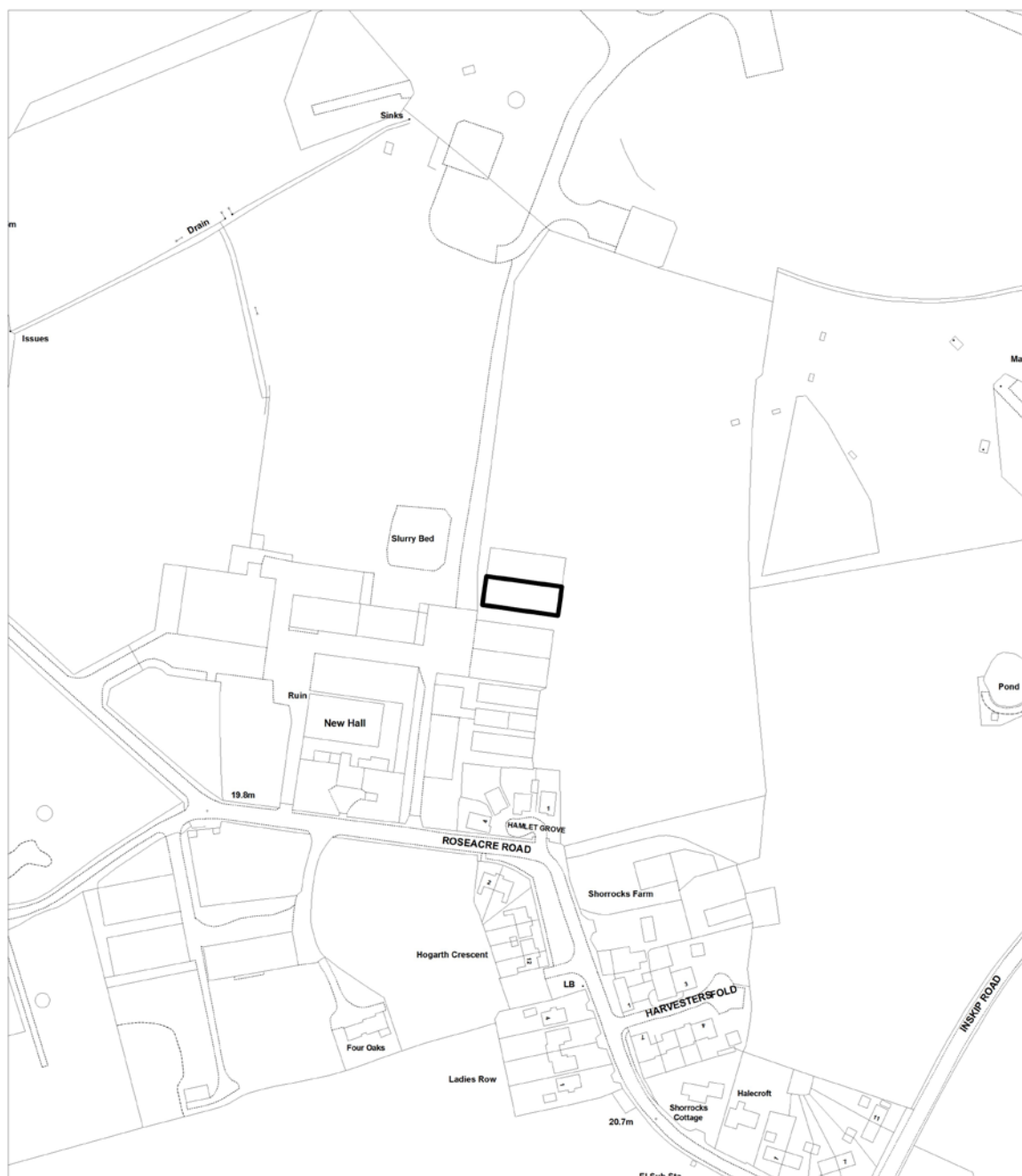
- Location Plan - 'Stanfords'
- Proposed Plans and Elevations - drawing no. ML/TP/5509

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

3. The external materials to be used in the development hereby approved shall accord entirely with those indicated on the approved plans; any modification shall thereafter be agreed with the Local Planning Authority in writing prior to any substitution of the agreed materials.

Reason: In the interests of preserving the visual amenity of this Countryside area as required by Policy SP2 and EP11 of the Fylde Borough Local Plan





Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0014	Address New Hall Farm, Roseacre Road, Wharles	Grid Ref. E.3446 : N.4360	Scale 0 10 20 30 40 m 

**Item Number:** 13

**Committee Date:** 15 March 2017

<b>Application Reference:</b>	17/0015	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Mr Pickervance	<b>Agent :</b>	ML Planning Consultancy Ltd
<b>Location:</b>	NEW HALL FARM, ROSEACRE ROAD, TREALES ROSEACRE AND WHARLES, PRESTON, PR4 3XE		
<b>Proposal:</b>	ERECTION OF AGRICULTURAL LIVESTOCK BUILDING.		
<b>Parish:</b>	NEWTON WITH TREALES	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	8	<b>Case Officer:</b>	Ruth Thow
<b>Reason for Delay:</b>	Need to determine at Committee		

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

<https://www.google.co.uk/maps/@53.8169389,-2.8423009,554m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

**MEMBERS ARE ADVISED THAT THE CONTENT OF THIS REPORT IS IDENTICAL TO THAT FOR APPLICATION 17/0014**

**Summary of Officer Recommendation**

The application site is New Hall Farm a farming enterprise that operates from a site located in the countryside on the Fylde Borough Local Plan and within the village of Wharles. The proposal relates to the erection of a new building to provide additional livestock housing in connection with the enterprise operated by the Pickervance family at this site and that at Roseacre Hall Farm in Roseacre.

The application is submitted in tandem with application no. 17/0014 for a further identical building to be situated in a back to back arrangement and located to the north of the existing farm buildings. The development will provide additional facilities for livestock housing for young beef and dairy stock to help the enterprise meet modern standards.

The development is considered to comply with the requirements of Policies SP2 and EP11 of the Fylde Borough Local Plan, as altered (October 2005) and Policies GD4 and GD7 of the submission version of the emerging Fylde Local Plan to 2032 in respect of the agricultural need for the development. It is considered that the proposal would allow for sustainable growth and expansion of an existing agricultural business and is therefore supported by the aims of the NPPF.

In the absence of any demonstrable harm from this development it is supported and recommended for approval subject to conditions.

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

The application is to be presented to Committee for determination as the concerns and recommendations of the Parish Council are not reflected in the officer recommendation.

### **Site Description and Location**

The application site is New Hall Farm, Roseacre Road, Wharles. The site is to the north side of Roseacre Road and consists of the farmhouse and a group of agricultural buildings of a mix of traditional brick built buildings and modern style, Yorkshire boarded buildings.

The enterprise undertaken at New Hall Farm is run by the Pickervance family in conjunction with Roseacre Hall Farm in Roseacre. New Hall Farm is predominantly utilised for rearing young stock with the dairy herd housed and milked at Roseacre Hall Farm.

The application site is located in an area designated as countryside in the Fylde Borough Local Plan, as altered (October 2005) and this designation is carried forward to the submission version of the Fylde Local Plan to 2032.

### **Details of Proposal**

This application proposes the erection of a building for the purposes of housing livestock.

The proposed building measures 36 metres in length by 13.7 metres in width with an eaves height of 4.5 metres and a ridge height of 6.3 metres. It is proposed that the building is constructed in concrete stock panels with 'Yorkshire' boarding to the elevations under a 'grey' fibre cement roof. The building provides eight cattle pens with a 3 metres wide open passage.

The building is located to the north side of the existing group of buildings and to the east of the existing slurry store.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
16/0804	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITION 3 (LANDSCAPING) AND CONDITION 5 (FENCING) ON PLANNING PERMISSION 14/0619	Advice Issued	23/11/2016
16/0143	RETROSPECTIVE APPLICATION FOR FORMATION OF NEW ACCESS FROM ROSEACRE ROAD INCLUDING INSTALLATION OF ASSOCIATED GATING	Granted	11/05/2016
15/0862	REMOVAL OF CONDITION 2 ON APPLICATION 14/0619 NOT TO IMPLEMENT THE RAISED EARTH BUNDING TO THE PERIMETER OF THE LAGOON.	Withdrawn by Applicant	21/01/2016
15/0265	PROPOSED SINGLE STOREY SIDE EXTENSIONS TO BOTH SIDES AND REAR OF DWELLING.	Granted	07/07/2015
14/0619	PROPOSED EXCAVATIONS AND BUNDING TO FORM EARTH BANKED SLURRY LAGOON	Granted	13/01/2015
06/1193	CHANGE OF USE OF 5 REDUNDANT AGRICULTURAL BUILDINGS TO B1, B2 AND B8	Refused	15/03/2007

	USES, DEMOLITION OF ONE REDUNDANT AGRICULTURAL BUILDING, CREATION OF CAR PARKING AND LANDSCAPING.		
05/0587	PROPOSED EXTENSION TO AN EXISTING DOUBLE SPAN SILAGE BARN	Granted	04/08/2005
04/0280	PROPOSED SHEEP BUILDING EXTENSION AND COVERED AREA	Granted	25/06/2004
04/0281	PROPOSED DOUBLE SPAN SILAGE STORAGE BUILDING	Granted	25/06/2004
03/0391	GENERAL PURPOSE AGRICULTURAL BUILDING FOR GRAIN STORAGE	Granted	25/06/2003
02/1026	GENERAL PURPOSE AGRICULTURAL BUILDING.	Granted	22/01/2003
92/0055	OUTLINE APPLICATION TO ERECT TWO DWELLINGS	Refused	20/05/1992
90/0120	1 NUMBERED AGRICULTURAL WORKERS/MANAGERS DWELLING	Refused	23/05/1990

### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
90/0120	1 NUMBERED AGRICULTURAL WORKERS/MANAGERS DWELLING	Dismiss	14/02/1991

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

**Treales, Roseacre & Wharles Parish Council** notified on 17 January 2017 and comment:

*“Councillors RESOLVED to SUPPORT the application as being compliant with Policy SP2 of the Fylde Local Plan, PROVIDED THAT conditions relating to the order of works and landscaping are incorporated into the Planning Permission.*

*Councillors discussed the application with the applicant who agreed that the following conditions would be acceptable :*

- *That application 17/0014 be completed before application 17/0015 is started. REASON – to avoid unnecessary expansion of the farm curtilage.*
- *That a landscaping plan is implemented requiring the planting of a mix of deciduous and coniferous trees on all sides of the development which will provide screening within three seasons. REASON – to minimise the harm relating to the impact of light pollution on neighbouring properties and to protect the amenity and local character of the Parish.*

*Should officers disagree with these conditions, then Councillors request that the application be decided by the DMC.”*

Further comments subsequently received from the Parish Council express concern in respect of:

- a) capacity and storage of slurry
- b) increase in traffic movements
- c) require a 'phasing' condition
- d) light pollution - suggest landscaping condition.

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

None

## **Neighbour Observations**

<b>Neighbours notified:</b>	15 February 2017
<b>Site Notice Date:</b>	20 January 2017
<b>Number of Responses</b>	None received

## **Relevant Planning Policy**

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

SP02	Development in countryside areas
EP11	Building design & landscape character

### **Fylde Local Plan to 2032:**

GD4	Development in the Countryside
GD7	Achieving Good Design in Development

### **Other Relevant Policy:**

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

### **Site Constraints**

Within countryside area

## **Environmental Impact Assessment**

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

## **Comment and Analysis**

### **The application**

This application seeks permission to erect a new portal framed livestock building to provide improved and extended accommodation for additional young livestock at New Hall Farm.

### **Policies**

As the application proposes development in the countryside Policies SP2 and EP11 of the Fylde Borough Local Plan, as altered (October 2005) and Policies GD4 and GD7 of the submission version of the Fylde Local Plan to 2032 are relevant to this application together with the aims and guidance of the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) being a material consideration.

### **The need and principle of development**

Policies SP2/GD4 are relevant to this application given its countryside location. These are generally

restrictive policies that look to preserve the rural nature of the borough. One of the exceptions to this restriction, is development that is justified on agricultural need, providing that it is associated with the continuation of an existing operation and does not harm the character of the surrounding countryside.

The NPPF at Chapter 3 requires that planning policies should support economic growth in rural areas and to promote the development and diversification of agriculture and other land based rural businesses.

New Hall Farm and Roseacre Hall Farm are owned and operated by the Pickervance family who run a well-established beef cattle and dairy young stock rearing and dairy enterprise with the young livestock housed at New Hall Farm and the dairy milking side at Roseacre Hall Farm.

The applicants have submitted two applications for buildings for the purposes of housing young livestock to expand their existing facilities. The current arrangement requires the growing cattle to be moved to facilities at Roseacre Hall where there are buildings which can provide more space and ventilation to satisfy the DEFRA requirements for animal welfare, as the existing buildings at New Hall are inadequate due to the age and design of the buildings.

It is proposed that the two buildings will be constructed in a 'phased' development with the building proposed in this application erected first with the building proposed in application 17/0014 constructed first. It is claimed that the additional buildings will ultimately be more cost effective for the applicants by improving the welfare of the animals will reduce the need for vets' visits, medication for the animals, and time/transportation costs of ferrying young animals between farms. Moving cattle between sites has the potential to increase the incidence of animal disease and is a time consuming operation for the farmer.

DEFRA require that all stock-keepers have access to easy to use and efficient handling pens so that the animals can be routinely managed, practice good hygiene, reduce animal stress and prevent the spread of disease to other animals.

Space allowance for cattle housed in groups is worked out in terms of:

- the whole environment
- the age, sex, live weight and behavioural needs of the stock
- the size of the group; and
- whether any of the animals have horns

The width of any individual stall or pen for a calf shall be at least equal to the height of the calf at the withers, measured in the standing position, the length shall be at least equal to the body length of the calf, measured from the tip of the nose to pin bone, multiplied by 1.1.

Calf pens must be large enough to allow calves to groom themselves, lie down and stretch their limbs and rise without any difficulty and must also allow visual and tactile contact with animals in adjoining pens/hutches. From 8 weeks of age, calves must be group housed (unless an animal is kept in isolation).

Air space is as crucial as floor area, pneumonia is common in housed animals and the disease can often be avoided if the buildings are well designed, with good ventilation, not overcrowded and mixing of different aged animals is avoided.

Accommodation should also be provided to house sick or injured animals in isolation.

At 7+ months the minimum spacing requirement is 3 square metres with a recommended area of 6 square metres per calf. The applicant has advised that there will ultimately be 100 stock kept in the buildings, aged from 10-15 months. Therefore at the recommended spacing, 600 square metres is required for the number of animals proposed. The buildings will provide 986.4 square metres minus the area of the feed passage for the two buildings is 770.4 square metres of available space for livestock with a small allowance for additional animals.

In view of the above it is considered that the proposal is essentially required for the purposes of agriculture, justified in principle and complies with the requirements of Policy SP2/GD4 of the local plan in regard to need.

#### Impact on visual amenity

The proposed site is to the north of the existing buildings and to the east of the existing slurry store associated with this farm. Whilst some of the existing, aged buildings could be demolished and replaced with those proposed in these two applications the dilapidated buildings are in close proximity to properties on 'Hamlet Grove' and the use of this area for new cattle buildings would raise other implications in respect of neighbour amenity.

The buildings are typical agricultural styled buildings consistent with the rural vernacular. Some views of the buildings may be obtained from Roseacre Road however, these will be distant views and so less obtrusive in the rural landscape.

It is considered that the siting is acceptable and overall will not result in a detriment to the visual amenity of the countryside.

#### Impact on neighbours

Due to the siting of the buildings there are no immediate neighbours likely to be affected by the proposed development by way of loss of light or loss of privacy. Some increase in the lighting on the farm may be experienced but given the distance to neighbours this would not be so significant to result in a refusal of the application.

Given the nature of the site as a functioning farm the increase in livestock is unlikely to have a significant impact in terms of general disturbance and odour.

As a result it is considered that the development is acceptable with regard to nearby neighbours.

#### Access and highway issues

No new accesses are proposed as part of this application with transportation of the animals to the building utilising the existing entrances/exits to the farm.

The applicant advised that traffic movements between farms would be reduced as a consequence of the additional accommodation at New Hall Farm and no longer having a need to move animals to Roseacre Hall Farm.

Whilst the scale and any change in vehicle movement numbers has not been accurately quantified in the application, paragraph 32 of the NPPF refers to traffic movements and advises that development

should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Should it transpire that the proposed development results in increased traffic movements between farms and elsewhere this is likely to be small scale and involve vehicle movements that are to be expected in a rural farming area such as that which the site is situated. There can be no justification to refuse the application on highway grounds.

The proposal is therefore considered to comply with Policy SP2 of the Fylde Borough Local Plan, as altered (October 2005) in this respect.

#### Other matters

Members of the Parish Council have raised concerns in respect of storage of animal waste, which is a matter regulated by the Environment Agency. Paragraph 122 of the NPPF advises that "*Local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities*".

It is considered that the issue of waste material pertaining to these applications is an issue that is appropriately managed by the Environment Agency and therefore does not need to be a matter for consideration in this application.

As previously stated in this report this application is submitted along with a further application for an additional building. The applicant has stated that the development is a phased development, subject to finances, and that application no. 17/0014 (the building nearest to the existing farm buildings), is to be constructed first. However, this development has been submitted as two separate applications and as a consequence application no. 17/0015 (the building furthest from the existing farm buildings) could conceivably be constructed first were both applications approved.

It has been suggested by the Parish Council that conditions should be imposed requiring 17/0014 to be built before 17/0015. 'Phased development' conditions can only be imposed where these form a single application and so to impose such a condition with these applications would not meet the 6 tests for conditions set out in the NPPF.

In addition, whilst the building applied for under 17/0015 is further from the farmstead than that under 17/0014 they are directly abutting each other and so the separation is not so remote that it would not result in an isolated building separated from the existing farmstead and resulting in a detriment to the visual amenity of the countryside.

The Parish Council also suggest that a condition for landscaping be imposed to prevent light spillage and suggest that this is a mix of deciduous and coniferous trees "*to protect the amenity and local character of the Parish*".

Coniferous planting of the type to prevent light spillage would not be native to the Fylde countryside and would appear obtrusive and unnatural in this landscape. In addition the agent for this application advises that landscaping would take up too much valuable agricultural land and would compromise the ventilation of the buildings, which is essential for the welfare of the livestock.

The application proposes a building for the purposes of agriculture of a typical scale and design as



seen on countless farms throughout the borough and is not in such a prominent location or in such close proximity to neighbouring residential properties as to warrant the provision of a landscaping scheme.

### **Conclusions**

Taking the above matters into account it is considered that the proposal represents sustainable growth and expansion of an existing agricultural business in compliance with the policies of the current local plan and the submission version of the local plan and is supported by the aims of the NPPF which supports the growth and expansion of rural business.

The development is sited in an area that will result in some views of the development however the scale and appearance of the building(s) is considered to be acceptable and consistent with the visual appearance of other buildings on this site and those on numerous farms in the Fylde countryside and will not alter the overall character of the countryside.

In the absence of any demonstrable harm from this development it is supported and recommended for approval subject to conditions.

### **Recommendation**

That Planning Permission be GRANTED subject to the following conditions:

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

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

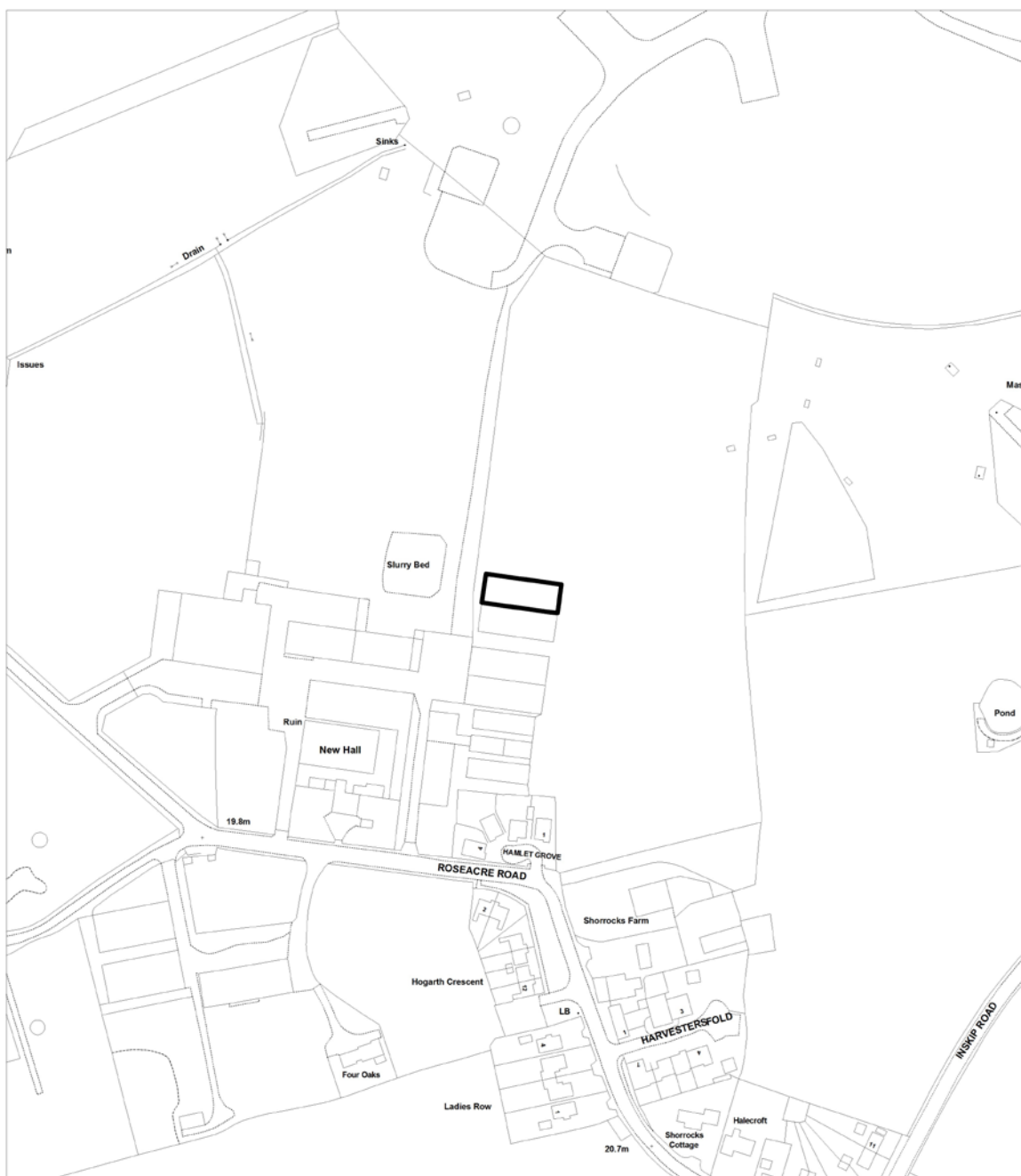
2. This consent relates to the following details:

- Location Plan - 'Stanfords'
- Proposed Plans and Elevations - drawing no. ML/TP/5510

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

3. The external materials to be used in the development hereby approved shall accord entirely with those indicated on the approved plans; any modification shall thereafter be agreed with the Local Planning Authority in writing prior to any substitution of the agreed materials.

Reason: In the interests of preserving the visual amenity of this Countryside area as required by Policy SP2 and EP11 of the Fylde Borough Local Plan



Development Services Fylde Council		(c) Crown Copyright and database right (2017). Ordnance Survey (100006084).	
Application No. 5/17/0015	Address New Hall Farm, Roseacre Road, Wharles	Grid Ref. E.3446 : N.4360	Scale 0 10 20 30 40 m 

**Item Number:** 14

**Committee Date:** 15 March 2017

<b>Application Reference:</b>	17/0104	<b>Type of Application:</b>	Discharge of Conditions
<b>Applicant:</b>	Mr N Tatton	<b>Agent :</b>	
<b>Location:</b>	LAND ADJACENT LITTLE TARNBRICK FARM, BLACKPOOL ROAD, KIRKHAM		
<b>Proposal:</b>	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITION 21 ON PLANNING PERMISSION 16/0620 - AFFORDABLE HOUSING STATEMENT		
<b>Parish:</b>		<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	5	<b>Case Officer:</b>	Andrew Stell
<b>Reason for Delay:</b>	Not applicable		

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

<https://www.google.co.uk/maps/@53.7847839,-2.899641,554m/data=!3m1!1e3?hl=en>

**Summary of Recommended Decision:** Grant

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

This application relates to the western part of the Little Tarnbrick site, i.e. adjacent to the railway line and so most distant from Kirkham and has outline planning permission for residential development that was allowed on appeal. In his decision the Inspector imposed a condition to secure the arrangements for the affordable housing delivery in the development, with this being contained in an Affordable Housing Statement.

The developer's proposal for that Affordable Housing Statement was the subject of an application in late 2016 that was approved following consideration by Committee on 2 November 2016 and subsequent clarification and modification to address issues raised by members at that meeting.

This application proposes a modification to the details that were approved to allow the 15 shared ownership properties that form part of the overall affordable housing scheme to be offered free of any local occupancy restriction. This request is made following a recent revision to the Homes and Communities Agency's funding prospectus which now requires that there are no nationally or locally defined prioritisation criteria for homes offered through this tenure. This means that the developer would not be able to secure funding under the previously agreed Affordable Housing Statement as it included a restriction that any purchasers had a local residency, employment or other family connection to Fylde. The other elements of the Statement – 27 affordable rented properties and 12 discounted market sale properties – are unaffected.

This change in national funding policy is not a matter that the council has any choice over, and will impact on all future housing schemes where shared ownership properties are proposed, although this is the only current scheme affected. Given the national nature of this change, officer's advice is that the application is supported to allow the package of affordable housing on this site to be delivered. This would mean that the revised Affordable

Housing Statement submitted under this application is accepted to discharge the details of condition 21 of planning permission 15/0700.
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### **Reason for Reporting to Committee**

Whilst such matters fall within the Scheme of Officer Delegation and are not subject to any formal consultation, the proposal here involves the possibility that affordable housing could be provided for those without a direct Fylde Borough connection. As this would conflict with the agreed occupancy requirements for affordable housing to be delivered through the planning system it is considered necessary for Committee to determine this application.

### **Site Description and Location**

The application site is one of two adjoining parcels of land that were granted planning permission on appeal in 2014. The sites lie to the north of Blackpool Road and west of the defined settlement of Kirkham in an area that has become known as the 'Kirkham Triangle'. Of the two sites this is the westernmost one which has the greatest separation from Kirkham. Development on the site has yet to commence although works are advancing on the adjacent parcel that lies closer to the settlement boundary.

### **Details of Proposal**

#### **Background**

The outline planning permission granted on appeal was reference 12/0635 and secures permission for the erection of up to 180 dwellings. That outline planning permission has subsequently been replaced by outline planning permission reference 15/0700 which is identical in all respects other than the wording of a condition was revised relating to the energy efficiency obligations of the development.

The appeal Inspector concluded that the provision of affordable housing should best be secured by the imposition of a planning condition (rather than the more usual legal agreement), and this application is to agree the details for that planning condition with the wording to the 2015 application identical to that imposed by the Inspector.

Committee considered and approved the Affordable Housing Statement needed to discharge that condition at its meeting on 2 November 2016 under reference 16/0620. This confirms that 30% of the properties on the site as a whole are to be affordable units, which amounts to 54 dwellings with 27 being for affordable rent, 15 for shared ownership and 12 for discounted market sale. The Statement also confirms that the affordable rent and shared ownership properties were to be subject to local occupancy criteria, with the discounted market sale to be available for occupation by those without a local connection in the event that a marketing exercise to those with a local connection fails to find a purchaser within an agreed period.

#### **The Proposal**

This application submits an alternative Affordable Housing Statement and so asks that this be accepted as discharging the details required by condition 21 of planning permission 15/0700 as an alternative to that approved last year.

The only change introduced in this revised Statement is that the 15 shared ownership properties would be offered for sale to those in housing need free of any local connection restriction. The reason for this change is that the funding to allow the Registered Provider (Great Places) was to have been delivered through the Homes and Community Agency, and they have recently revised their funding prospectus so that any funding for shared ownership properties can only be secured where those properties are offered free of any nationally or locally defined prioritisation criteria. This means that the local residency, employment or other connection criteria that are included in the Agreement previously approved would prevent Great Places from receiving the external funding that they need to deliver the affordable housing, and so the scheme would not progress.

The wording of the relevant section of this prospectus is

*20. Ahead of the launch of the SOAHP 2016 to 2021 government has broadened access to Help to BUY: Shared Ownership for potential purchasers. Outside London, anyone with a household income of less than £80,000 is now eligible, and there are no nationally or locally defined prioritisation criteria (excepting a prioritisation for current and former members of the British Armed Forces). Homes funded under the SOAHP 2016 to 2021 must be marketed in accordance with the new position.*

The revised Affordable Housing Statement presented in this application is therefore a repeat of that which was ultimately approved under reference 16/0200 save for the omission of the eligibility criteria element from the shared ownership section. The affordable rent and discounted market sale elements are unchanged.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
16/0620	APPLICATION TO DISCHARGE DETAILS ASSOCIATED WITH CONDITION 21 ON PLANNING PERMISSION 15/0700 - AFFORDABLE HOUSING STATEMENT	Granted	20/12/2016
16/0090	APPLICATION TO DISCHARGE CONDITION 9 (WHEEL WASHING PROVISION) OF PLANNING PERMISSION 15/0308	Advice Issued	05/05/2016
16/0088	APPLICATION TO DISCHARGE CONDITIONS 20 (CONSTRUCTION MANAGEMENT PLAN), 21 (AFFORDABLE HOUSING SCHEME) AND 22 (PUBLIC OPEN SPACE) OF PLANNING PERMISSION 12/0635	Advice Issued	09/09/2016
15/0876	APPLICATION TO DISCHARGE CONDITIONS 2 (MATERIALS), 3 (LEVELS), 5 (LANDSCAPING) AND 8 (ESTATE ROAD CONSTRUCTION) OF RESERVED MATTERS APPROVAL 15/0308	Advice Issued	05/05/2016
15/0878	APPLICATION TO DISCHARGE CONDITIONS 3 (RESERVED MATTERS), 7 (TRAVEL PLAN), 8 (HIGHWAY DESIGN), 9 (SITE ACCESS), 10 (LANDSCAPING), 16 (TREE MATTERS), 17 (FOUL WATER DRAINAGE), 18 (SURFACE WATER DRAINAGE) AND 19 (SITE INVESTIGATION) OF PLANNING PERMISSION 12/0635	Advice Issued	09/09/2016
15/0700	VARIATION OF CONDITION 4 OF PLANNING PERMISSION 12/0635 TO REPLACE THE	Approved with 106 Agreement	06/06/2016

	REQUIREMENT FOR THE DWELLINGS TO BE CONSTRUCTED TO LEVEL 3 OF THE CODE FOR SUSTAINABLE HOMES WITH A REQUIREMENT FOR THE DWELLINGS TO BE CONSTRUCTED IN ACCORDANCE WITH PART L OF THE 2013 BUILDING REGULATIONS		
15/0415	ADVERTISEMENT CONSENT FOR TWO NON-ILLUMINATED FREESTANDING HOARDINGS AND TWO NON-ILLUMINATED 6M HIGH FLAG SIGNS TO BLACKPOOL ROAD FRONTAGE	Granted	12/08/2015
15/0308	APPLICATION FOR APPROVAL OF RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION 12/0635 FOR THE LAYOUT, SCALE, APPEARANCE AND LANDSCAPING OF A DEVELOPMENT FOR 180 DWELLINGS AND ASSOCIATED INFRASTRUCTURE	Granted	05/08/2015
15/0094	ADVERTISEMENT CONSENT FOR SITING OF 2 NO. NON-ILLUMINATED SALES ADVERTISEMENT BOARDS (RETROSPECTIVE) AND 5 NO. SALES ADVERTISEMENT FLAGS	Granted	27/04/2015
14/0613	APPLICATION FOR APPROVAL OF RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RELATING TO OUTLINE PLANNING PERMISSION 12/0419 FOR RESIDENTIAL DEVELOPMENT OF 117 DWELLINGS (INCLUDING 35 AFFORDABLE UNITS), PUBLIC OPEN SPACE AND ASSOCIATED INFRASTRUCTURE	Granted	12/12/2014
13/0076	RESUBMISSION OF OUTLINE APPLICATION (12/0635) FOR UP TO 180 RESIDENTIAL UNITS (CLASS C3) ASSOCIATED INFRASTRUCTURE AND DEFINED ACCESS WITH ALL OTHER MATTERS RESERVED	Refused	23/04/2013
12/0635	OUTLINE APPLICATION FOR UP TO 180 RESIDENTIAL UNITS (CLASS C3) ASSOCIATED INFRASTRUCTURE AND DEFINED ACCESS WITH ALL OTHER MATTERS RESERVED	Withdrawn - Appeal against non-determine	01/02/2013
12/0419	OUTLINE APPLICATION FOR UP TO 140 DWELLINGS WITH 30% OF THESE TO BE AFFORDABLE AND ASSOCIATED INFRASTRUCTURE FROM A NEW ACCESS TO BLACKPOOL ROAD (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Refused	28/03/2013

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

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
12/0419	OUTLINE APPLICATION FOR UP TO 140 DWELLINGS WITH 30% OF THESE TO BE AFFORDABLE AND ASSOCIATED INFRASTRUCTURE FROM A NEW ACCESS TO BLACKPOOL ROAD (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Allowed	07/11/2013
12/0635	OUTLINE APPLICATION FOR UP TO 180	Allowed	07/11/2013

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

None to report as no consultation undertaken on applications of this nature.

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

The council's Strategic Housing team confirm that the HCA funding prospectus has changed and so the request made in this application is based on facts. They also confirm that this is the only 'live' scheme that is affected as other agreed affordable housing schemes have either secured funding in advance of the change, or do not include shared ownership units.

### **Neighbour Observations**

**Neighbours notified:** No neighbours notified due to nature of application

### **Relevant Planning Policy**

#### **Fylde Local Plan to 2032:**

H4 Affordable Housing

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

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

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

The application relates to the delivery of 15 of the 54 affordable housing units on this 180 dwelling development. Under the Affordable Housing Scheme approved in 2016 these shared ownership units were to be offered for sale to those who are in housing need and have either a Fylde residency for 3 years, a Fylde employment for 12 months, or any other suitably agreed local connection to the borough.

The proposal is that these restrictions be removed to allow the properties to be sold to anyone meeting the revised Homes and Communities Agency eligibility and affordability criteria as set out in the Capital Funding Guide of 19 August 2016, or any revision of this. Those criteria allow shared ownership purchase by anyone with a household income of less than £80,000 with no nationally or locally defined prioritisation criteria (except for a prioritisation for current and former members of the British Armed Forces).

Officers have approached the HCA to query if the previously approved affordable housing scheme

for this site would satisfy the new SOAHP guidelines for shared ownership, but have been advised that the cascade on the Great Places scheme, which allows a shared ownership property to be sold to a person with no local occupancy connection if no one meeting these criteria can be identified within a reasonable period of time, breaches the guidelines. This is due to there being a local occupancy clause in that Statement and have confirmed that if this is not renegotiated the affordable housing scheme will need to be withdrawn from the funding bid or submitted for approval in another form outside the funding programme.

The proposed change in the affordable housing statement will ensure that the properties remain available for those in housing need, but not that they will not necessarily meet a local housing need. This change in central government policy is a clear conflict to the local priority in affordable housing delivery that Fylde Council has sought to deliver and it is understood that members will be disappointed to see a proposal to remove this local occupancy restriction from this tenure.

However, these dwellings are part of a wider package of affordable housing delivery on the site, and this package can only be brought forward with the assistance of the funding from the HCA. The overall package will also deliver 27 affordable rent properties which will remain subject to a local occupancy criteria and 12 discounted market sale properties that are likely to be subject to local occupancy criteria (although can be sold outside of that if the agreed marketing periods expire without a local purchaser). It is also the case that the removal of local occupancy from the shared ownership will not exclude local purchasers.

The package of affordable housing delivery that had previously been agreed for this site was done so after a considerable negotiation period including efforts from the council's planning and housing officers to broker the package between the housebuilder, the registered provider and the HCA. The change in the latter's funding prospectus is therefore disappointing, but overall officers remain satisfied that the affordable housing package is an acceptable one for Fylde that will deliver the full complement of affordable housing that is required by Policy and will provide certainty that the majority of those are delivered to those in housing need with a Fylde connection.

Accordingly it is recommended that the Affordable Housing Statement as now proposed be accepted as meeting the requirements of condition 21 of planning permission 15/0700 and so replace that which was approved in December 2016 under reference 16/0200.

### **Conclusions**

This application relates to the part of the Little Tarnbrick site that is the westernmost of the two development parcels and so most distant from Kirkham and has outline planning permission for residential development that was allowed on appeal. In his decision the Inspector imposed a condition to secure the arrangements for the affordable housing delivery in the development, with this being contained in an Affordable Housing Statement.

The developer's proposal for that Affordable Housing Statement was the subject of an application in late 2016 that was approved following consideration by Committee on 2 November 2016, and subsequent clarification and modification to address issues raised by members at that meeting.

This application proposes a modification to the details that were approved to allow the 15 shared ownership properties that form part of the overall affordable housing scheme to be offered free of any local occupancy restriction. This request is made following a recent revision to the Housing and Communities Agency's funding prospectus which now requires that there are no nationally or locally defined prioritisation criteria for homes offered through this tenure. This means that the



developer would not be able to secure funding under the previously agreed Affordable Housing Statement as it included a restriction that any purchasers had a local residency, employment or other family connection to Fylde. The other elements of the Statement – 27 affordable rented properties and 12 discounted market sale properties – are unaffected.

This change in national funding policy is not a matter that the council has any choice over, and will impact on all future housing schemes where shared ownership properties are proposed although this is the only current scheme affected. Given the national nature of this change officer's advice is that the application is supported to allow the package of affordable housing on this site to be delivered. This would mean that the revised Affordable Housing Statement submitted under this application is accepted to discharge the details of condition 21 of 15/0700.

### **Recommendation**

That the submitted Affordable Housing Statement be accepted as appropriate to discharge the details of condition 21 of planning permission 15/0700.



# DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	15 MARCH 2017	5
<b>FYLDE COUNCIL TREE PRESERVATION ORDER 2016.05: MOSS SIDE LANE, WREA GREEN.</b>			

## PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY

The council has received a formal objection to Fylde Council Tree Preservation Order 2016.05: Moss Side Lane, Wrea Green. This TPO must be confirmed before 30<sup>th</sup> March 2017 or it will become ineffective.

The council's constitution requires that when an objection is received, the decision to confirm it must be taken by Planning Committee.

The Tree Officer has considered this objection and finds that it is not substantiated.

### RECOMMENDATIONS

1. That the committee confirms the Order so that it is permanent.

### SUMMARY OF PREVIOUS DECISIONS

Not applicable.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services ( <b>Value for Money</b> )	
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	√
Working with all partners ( <b>Vibrant Economy</b> )	
To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> )	√
Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )	√

## REPORT

### The TPO.

TPO 2016.05 Moss Side Lane Wrea Green was made on 30<sup>th</sup> September 2016 in response to planning application 16/0619 Land south of Moss Side Lane, Ribby-with-Wrea. The Order protected eight trees fronting Moss Side Lane in order to secure their public amenity contribution to the area. It did not affect or restrict the planning application as originally presented to the council.

### Objection.

An objection was received by email on 27<sup>th</sup> October 2016. This was accompanied by a complex arboricultural report intended to reinforce the grounds of the objection both on procedural matters relating to the serving of the TPO, and on technical arboricultural matters. The Tree Officer has examined this in detail and rebuts its contents, finding that in some aspects the report contradicts itself by suggesting that trees the developers originally wished to retain in the proposed development are now being reconsidered by them as unsuitable for retention and long-term protection by tree preservation order. The Tree Officer is not convinced that the condition of the trees in the Order renders them unsuitable for protection.

IMPLICATIONS	
Finance	There are no financial implications arising directly from this report.
Legal	The procedure for tree preservation orders is set out in the Town and Country Planning (Tree Preservation)(England) Regulations 2012. Under the regulations, a tree preservation order has provisional effect for six months after it is made, but then automatically lapses unless the council confirms it. The council must consider any objection before it can confirm the order.
Community Safety	None Arising from this report.
Human Rights and Equalities	None Arising from this report.
Sustainability and Environmental Impact	None Arising from this report.
Health & Safety and Risk Management	None Arising from this report.

LEAD AUTHOR	TEL	DATE	DOC ID
Alan Wallbank	01253 658446	6 <sup>th</sup> March 2017	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Objection Letter and Report	October 2016	Fylde Council Offices

Attached Documents

Appendix 1 – Objection Letter dated 27 October 2016 and Arboricultural Report

Appendix 2 – Technical Response to Objection



27 October 2016

Mr Allan Wallbank  
Tree & Landscape Officer  
Fylde Borough Council  
Town Hall  
St Annes  
Lancashire  
FY8 1LW

Dear Sir/Ms

**TOWN & COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012  
FYLDE COUNCIL TREE PRESERVATION ORDER 2016.05 – MOSS SIDE LANE, WREA  
GREEN**

We act as the planning consultants for Mactaggart & Mickel, who have the landholding to which this provisional Tree Preservation Order 2016.05 – Moss Side Lane, Wrea Green relates, under legal control from the landowners, the Animal Health Trust.

We wish to lodge objections and representations, within the 28 day period, under regulation six of the Town & Country Planning (Tree Preservation)( England) Regulations 2012 in relation to this provisional TPO, which was confirmed on 30<sup>th</sup> September 2016.

The basis of our objections and representations is informed by the attached Aecom Arboricultural Report on the provisional G1 TPO. These are undertaken on the following grounds and take into account National Planning Practise Guideline on this matter, which states in paragraph 36;

“Objections to a new Tree Preservation Order can be made on any grounds.”

- a) Timing; An application for outline planning permission was lodged by Mactaggart & Mickel with Fylde Borough Council in mid-August 2016 (ref: 16/0619). This followed pre-application discussions from June 2016. The application also covers the area of the provisional TPO. With no discussion, forewarning or communication with the owner or their agents, the Council have sought to introduce this TPO, whilst the current application is still being assessed. We believe the timing of this proposal is ill-informed and a misguided attempt to prejudice the outcome of the assessment of the planning merits of the proposal currently being considered by Fylde Borough Council.

- b) Trees; The condition of these trees is variable, as evidenced in the Arboricultural Report. The majority are semi mature and with only four trees being in fair or good condition, five are in fair to poor condition. Only two trees have a life expectancy of over 40 years all others are less than this. Overall eight of the trees are categorised as C2, which are of low quality/value. Trees must meet a set of prescribed criteria to qualify for protection by a TPO, this includes having amenity value and being suitable for long term retention. Given the findings of the attached report it is argued that the long term amenity and safe retention of these trees is questionable.
- c) Site; Historical land use and topographical features also bring into question the longevity of these trees. The current land use suggests that the RPAs or rooting areas of all trees within this group have been and will be impacted by ploughing of the field to the south, and the physiological condition of the trees is considered fair to poor. These findings suggest potential root/soil issues that may be attributed to repeated root damage resulting from the ploughing of the neighbouring field.

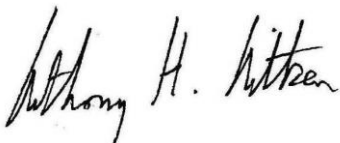
It is requested that Fylde Borough Council give full and fair consideration to the points raised in relation to the objections and representations.

Mactaggart & Mickel are of the view that based on the evidence detailed in the appended report and objections/representation raised in this letter that the provisional Tree Preservation Order 2016.05 – Moss Side Lane, Wrea Green, should not be confirmed.

If all future correspondence on this matter can be directed to ourselves that will also be appreciated.

An acknowledgement that these objections and representations have been timeously lodged is also requested.

Yours faithfully

A handwritten signature in black ink, reading "Anthony H. Aitken". The signature is written in a cursive, flowing style.

**Anthony H Aitken MRTPI**  
**HEAD OF PLANNING**

Cc Ken Hopkins – M&M  
Adrian Jonas - AHT

# Arboricultural Condition Report - TPO 2016/05 Moss Side Lane

Prepared by: Nick Harrison, Arboricultural Consultant  
Checked by: Richard Bassindale, Senior Landscape Architect  
Approved by: Andy Wakefield, Principal Arboricultural Consultant

Rev No	Comments	Checked by	Approved by	Date
0	Draft	Richard Bassindale	Andy Wakefield	21/10/16

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Job No: 60493277

Reference: Arboricultural Report

Date Created: 18/10/2016

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# 1. Introduction

- 1.1.1 AECOM has been commissioned to carry out a tree condition survey in relation to the trees covered by Fylde Council Tree Preservation Order (TPO) 2016.05 Moss Side Lane, Wrea Green, Fylde.
- 1.1.2 The scope of work includes a tree survey to assess current condition and to highlight any potential hazards. The line of trees which have been assessed all have a stem diameter over 150mm at 1.5m and are located on Moss Side Lane.
- 1.1.3 The survey and the accompanying notes provide guidance as to the nature and condition of the existing tree stock in the survey area.

## 1.2 Methodology

- 1.2.1 The tree survey has been based on, and trees plotted with the aid of topographical map PMS1217-01, see Appendix A.
- 1.2.2 The fieldwork was undertaken on the 18<sup>th</sup> of October 2016 and included all accessible significant trees as indicated on the topographical map and referenced in the council's TPO. Total access was not possible for T9 given its location amongst dense undergrowth on a steep bank adjacent to the highway (Moss Side Lane).
- 1.2.3 During the survey estimated dimensional data and observational information has been collected. The fieldwork informing this report has comprised a preliminary, non-intrusive, Visual Tree Assessment (VTA) undertaken from ground level with the specific intention of highlighting any potential arboricultural hazards. Where further inspection is deemed appropriate to ascertain the condition of the tree or other arboreal features, this has been identified within the preliminary management recommendations in the tree schedule.
- 1.2.4 A tree survey schedule is included in section 5 of this report and this corresponds with the Tree Survey Plan which shows the position of trees and a corresponding number which can be cross referenced to the schedule. This drawing is included as Appendix A.
- 1.2.5 Tree works have been assigned a priority in the schedule according to the following methodology which has been colour coded for clarity.

Urgent works	<b>ASAP</b>
High priority work	<b>within 3 months</b>
Low priority work	<b>within 12 months</b>
Very Low priority works/	<b>Proactive management</b>

## 2. The Legal Framework Relating to Trees

### 2.1 The Risks from Trees.

- 2.1.1 Trees pose a very low risk to people and property. Approximately 6 people a year are killed in tree related incidents. In relation to the number of trees within falling distance of people or property this equates to a very low likelihood of harm occurring. The Health and Safety Executive (HSE) states that such a level of risk is broadly acceptable i.e. 1:10,000,000 risk of death. To put this low risk in context, there is a 1:16,000 risk of death associated with driving. Despite this low risk, the law requires that the risks from trees are managed in a reasonably practicable manner.

### 2.2 Legal Obligations of the Tree Owner/Manager

- 2.2.1 The key statutory legislation (laws created by an Act of Parliament) relating to a duty of care for tree owners or those responsible for them is the Occupiers Liability Acts 1957 and 1984, the Health and Safety at Work Act 1974 and the Highways Act 1980.
- 2.2.2 **The Occupiers Liability Act 1957** confers a duty on an occupier to take reasonable care to ensure that visitors to the property are safe from harm. In 1984 the scope of the act was extended to include uninvited visitors including trespassers. This duty to the uninvited is limited to those dangers which the occupier is aware of, those dangers that the uninvited are likely to be foreseeably exposed to (i.e. they will be in the area near hazardous trees) and those dangers which the occupier could be reasonably expected to take steps to protect visitors (invited or otherwise) from. The 1957 Act also indicates in section 2(3) (a) that occupiers need to be prepared for the fact that children may not be as risk aware or as careful as adults and finally it includes a consideration of the nature and circumstances of the occupier(s) and the reasonableness of any steps to help prevent injury. Prosecutions under this act are generally restricted to civil law cases and fall under the tort of negligence.
- 2.2.3 **The Health and Safety at Work Act 1974** places a duty of care on employers to those who are not employees. Employers (when conducting their business) must ensure as far as reasonably practicable that persons not in their employment are not exposed to risks to their health and safety. This legislation is typically used in criminal law cases and Birmingham City Council was successfully prosecuted under this act by the Health and Safety Executive (HSE) following a tree failure which killed three people in 1999.
- 2.2.4 **The Highways Act 1980** places a statutory obligation on tree owners to prevent trees from causing an obstruction to roads and footpaths.
- 2.2.5 **The Countryside and Rights of Way (CROW) Act 2000** indicates that those who utilise their right of public access (under the Act) are not deemed to be 'visitors', and therefore their protection comes under the 1984 amendment of the Occupiers Liability Act, however, conversely Section 1 (b) of the Act states that there is no duty owed associated with risks from natural features (which includes trees). The Act also infers that the right of access shouldn't place an unreasonable burden on the occupier and also identifies that maintaining the character of the countryside is important. In practice this could be interpreted to mean that potentially hazardous trees can be retained as valuable habitat or natural features (i.e. veteran trees). This also suggests that any control measures to mitigate the risk from trees is commensurate with the resources available to the owner (i.e. not an 'unreasonable burden').
- 2.2.6 **The Compensation Act 2006** has relevance to tree risk management in that indicates that risk abatement measures shouldn't lead to the stopping or infringement of a desirable activity taking place. This reinforces the idea that control measures shouldn't be unnecessarily restrictive, and that some exposure to risk is acceptable, particularly when there are associated benefits.

## 2.3 Best Practice in Tree Risk Management

- 2.3.1 **The National Tree Safety Group (NTSG)** published Common Sense Risk Management of Trees in 2011 and this is generally viewed as the baseline for tree risk management. This document attempts to address the disproportionate response to the very low risk of harm from falling trees. It interprets statute and common law and gives examples of the minimum level of risk management that is expected from those responsible for trees in a range of situations. The guidance suggests that those carrying out tree inspections do not need to be arboriculturists, but that most hazardous trees are obviously hazardous and that experts do not need to be involved until obvious hazards have been identified or tree defects which require expert opinion are discovered.
- 2.3.2 The guidance sets out that sites should be zoned according to the likely risk associated with the trees present based on the level or frequency of land use and the size and nature of the trees present. Significant trees in high and moderate use areas are likely to require a formal proactive inspection regime. Where tree ownership is by a large organization with significant resources tree assessment is expected to be undertaken by inspectors with a good working knowledge of trees with reference to more qualified persons where issues beyond their experience are encountered (qualified to a minimum of a recognized NQF level 3 arboricultural qualification or equivalent). Tree risk management can also be supported by the informal assessment of trees on site by staff and maintenance teams as they go about their day to day activities.
- 2.3.3 Records must be maintained for all formal tree inspections, assessments and tree works carried out to assist in demonstrating a reasonable approach to tree risk management and the tree owners/managers duty of care has been carried out.

## 2.4 Re-inspection frequency

- 2.4.1 The Wrea Green Site includes the moderately busy B5259 public highway (Moss Side Lane) and a footpath running along the northern side of the carriageway. Private residences are located to the north of the B5259 directly opposite and within falling distance of these trees.
- 2.4.2 The B5259 is a main arterial route into the western side of Wrea Green village. It is recommended that a condition survey for these trees should be carried out every 1-2 years given their current condition and location.

### 3. Field Observations

#### 3.1 The Site:

- 3.1.1 This linear group of trees are located to the western fringes of Wrea Green, to their north is the B5259 and private residences with agricultural fields to the south and east and an area of open farmland is located to the west.
- 3.1.2 The trees are located within a narrow band of verge between the southern edge of the highway and the arable farmland (see photograph 1). There is evidence that ploughing takes place within a close proximity to the base of these trees (less than 1 m). A telephone pole is also situated between T5 and T6 close to the highway.

#### 3.2 The Trees:

- 3.2.1 The group subject to the TPO includes nine trees, six sycamore (*Acer pseudoplatanus*), two beech (*Fagus sylvatica*) and one ash (*Fraxinus excelsior*), all within the age range of between semi-mature to mature. These trees form a boundary feature between the arable farmland to the south and the highway to the north. It is considered, that a large percentage of the notional Root Protection Area (RPA – an area defined by the British Standard BS5837:2012 Trees in relation to design demolition and construction – Recommendations as of particular importance to tree health and stability) to the south will have been impacted by ploughing within the agricultural field, and the compacted ground (beneath the highway) to the north. It is expected that the rooting zones of these trees is, therefore, restricted.
- 3.2.2 **T1** – A semi-mature sycamore (*A. pseudoplatanus*) in good to fair condition. The canopy is weighted predominantly to the east due to neighbouring tree to the west. The tree has suffered damage on its lower southern canopy, presumably due to farm machinery working the agricultural field. A wire fence is located adjacent to the southern side of the main stem and has resulted in the tree growing around and encapsulating the wire over time (see photo 3). Moderate deadwood was visible within the canopy, and tar spot (*Rhytisma acerinum*) is evident throughout the canopy. Although this is not generally viewed as being detrimental to the health of the tree it can be considered to have an effect on the amenity value of the tree.
- 3.2.3 This tree is considered to have a limited rooting environment due to its location on a narrow roadside verge to the north and an arable field to the south. Structural integrity of this tree will need to be monitored given that the ploughing of the adjacent field to the south currently runs approximately 0.6 m from the base of the tree which is likely to severely impact integral anchor roots. Long term retention is considered unlikely given the above comments.
- 3.2.4 If a TPO were to be confirmed for this group, it is assumed that the ploughing will need to consider the RPAs of these trees thus requiring an adjustment to the current plough line. This has been classified as a 'C' category tree based on its low landscape quality.
- 3.2.5 **T2** – A semi to early mature sycamore (*A. pseudoplatanus*) in fair to poor condition. The canopy of this tree has grown as part of a collective with the rest of this group. Die back in the crown was evident along with moderate deadwood, this is currently a hazard to the highway directly below the crown. Small and chlorotic leaves were noted in sections of the canopy; this is often a symptom that the tree's physiological system is suffering stress. This tree also has tar spot (*R. acerinum*) and a limited rooting environment. Long term retention is questionable given the apparent poor health and location of the tree. This has been classified as a 'C' category tree based on its low landscape quality.
- 3.2.6 **T3** – A semi-mature sycamore (*A. pseudoplatanus*) in good to fair condition. The canopy of this tree has grown as part of a collective with the rest of this grouping. Moderate deadwood was noted along with broken branches on the southern lower canopy. The tree has a sparse crown with small leaves, minor die-back, and areas of dead bark and delamination at the base of the tree (see photo 5) indicate an impaired physiological system. Tar spot (*R. acerinum*) was also evident throughout the canopy. Long term retention is questionable given the apparent poor health of the tree. This has been classified as a 'C' category tree based on its low landscape quality.

- 3.2.7 **T4** – A semi-mature sycamore (*A. pseudoplatanus*) in good to fair condition. The canopy of this tree has grown as part of a collective with the rest of this grouping. The canopy includes minor deadwood, some of which is located over the adjacent highway and broken branches within the lower section of the southern canopy. This tree is considered to have a limited rooting environment for the same reasons outlined for T1 and T2. Small leaves and tar spot (*R. acerinum*) were also noted within the canopy. Long term retention is questionable given the current condition and location of the tree. This has been classified as a 'C' category tree based on its low landscape quality.
- 3.2.8 **T5** – A semi to early mature sycamore (*A. pseudoplatanus*) in good to fair condition. Ivy (*Hedera* sp.) is growing at the base of the tree preventing a full survey. The tree has co-dominant stems at 9m above ground level with old stubs on both; this can potentially lead to decay /structural weakness and it is recommended that these are inspected at closer range (following removal of ivy). The southern side of the lower canopy (over the agricultural land) includes broken branches. The tree is adjacent to a telephone pole and wires and it was noted that the branches to the north-west were currently in contact with the wires. A slightly over-extended scaffold limb is orientated to the north at approximately 10 m above the highway; this has been identified as a potential hazard that will require regular monitoring. This has been classified as a 'C' category tree based on its low landscape quality.
- 3.2.9 **T6** – A semi-mature sycamore (*A. pseudoplatanus*) in poor condition and is in a state of severe decline. The tree has delaminating bark on the main stem with excessive die-back, early defoliation and moderate deadwood. It is assumed that this tree has not been included in the group TPO given its current condition. Removal within 6 months has been recommended. This has been classified as a 'U' category tree.
- 3.2.10 **T7** – A semi to early mature beech (*F. sylvatica*) in good to fair condition with a slight lean to the north and moderate to major deadwood within the crown, including some located over the highway. Minor die-back in the canopy was also evident.
- 3.2.11 A bulge on the eastern section of the main stem was identified (see photo 10). This is feature is often associated with internal decay and represents the tree reacting with increased growth around an area potentially weakened by fungal infection (white rot). **Given the close proximity of the tree to the highway and private residences, a more detailed inspection of this area of the main stem is recommended.** A slight lean towards these targets also highlights the need for a more thorough inspection.
- 3.2.12 Areas of exudation and secretions of white waxy substance (see photos 8 and 10) were also found around the base of the tree. These symptoms indicate the presence of beech bark disease. This is not considered a significant hazard although it can lead to further colonization by airborne pathogens into the exposed sapwood. This tree has been classified as a 'C' category tree based on its low landscape quality.
- 3.2.13 **T8** – A semi to early mature beech (*F. sylvatica*) in fair to poor condition. This is a single stem tree with moderate deadwood and minor die-back and a potential cavity on the on the west side of the main stem at approximately 6.5m above ground level. An aerial inspection would be required to fully assess the structural integrity around this area. A slight bulging was noted at approximately 0.5m on the main stem. Features suggesting a graft line were identified in the same area (see photos 13 to 15). This is considered a structural weak point and should be monitored for signs of potential failure. This tree has been classified as a 'C' category tree based on its low landscape quality.
- 3.2.14 **T9** – An early-mature to mature ash (*F. excelsior*) tree in fair condition. There is dense ivy (*Hedera* sp.) extending from the base into the canopy; a full survey has therefore not been carried out. Co-dominant stems occur at 1m above ground level, with the union obscured by ivy (see photo 16 – feature B). There is also epicormic growth throughout the canopy, along with minor die-back. A secondary limb extending south has failed in the past. The remaining limb is approximately 5m in length and is now dying back (see photo 16 – feature A). *Daldinea concentrica* fungal fruiting bodies were present on this limb indicating areas of deadwood. The tree has limited rooting environment to the northern side due to its position directly adjacent to the highway (see photo 17). This tree will require the removal of ivy before a more thorough survey can be carried to fully assess its condition. This tree has been classified as a 'C' category tree based on its low landscape quality.

## 6. Conclusion

- 6.1.1 Trees must meet a set of prescribed criteria to qualify for protection by a TPO, this includes having amenity value and being suitable for long term retention. Given the findings of this report it is argued that the long term amenity and safe retention of these trees is questionable.
- 6.1.2 Trees T7 and T8 require further in depth investigation to assess their long term safe retention due to the features identified and the high target represented by the public highway (B5259) and private residential properties located to the north of the group.
- 6.1.3 It has not been possible to undertake a full inspection of T9 due to the dense ivy covering its stem; this will be required to confirm its potential long term viability. The tree is situated very close to the highway and could represent a significant hazard should any issues be identified.
- 6.1.4 Historical land use and topographical features also bring into question the longevity of these trees. The current land use suggests that the RPAs or rooting areas of all trees within this group have been and will be impacted by ploughing of the field to the south, and the physiological condition of the trees is considered fair to poor. These findings suggest potential root/soil issues that may be attributed to repeated root damage resulting from the ploughing of the neighbouring field. Structural integrity is also an issue given the limited rooting environment afforded by the adjacent highway which runs very close to the northern base of all trees.
- 6.1.5 In summary it is felt that the trees have a number of structural and physiological issues which we recommend are investigated further to fully assess their safe retention.



## 7. Photographs

Photo 1 – Looking south west along Moss Side Lane with T1 in the foreground.



Photo 2 – Looking north west from within agricultural field with T1 in the foreground.





Photo 3 – Looking north east from within agricultural field to the south of the trees.



Photo 4 – T1 growing around adjacent wire fence.





Photo 5 – dead bark at base of T3





Photo 6 – Dead bark and delamination at the base of T3.





Photo 7 – T6 in later stages of die-back and decline, rated 'U' category.



Photo 8 – T7 with areas of exudation and bulging at base of main stem.





Photo 9 – Close up of symptoms of beech bark disease on T7.



Photo 10 – Bulging at base of T7, looking south.





Photo 11 – Base of T7 on western side of main stem showing symptoms of beech bark disease.





Photo 12 – Area of potential decay on main stem of T7 requiring further inspection.



Photo 13 – Base of T8 with areas highlighting potential structural issue on eastern side of stem.





Photo 14 – Close up of northern section of stem, areas of potential structural weakness highlighted.



Photo 15 – Western side of T8 showing further potential structural weakness.





Photo 16 – T9 'A' is showing torn out limb extending south for approximately 5m, 'B' is showing ivy covered main union looking south from B5259.



Photo 17 – Base of T9 close to highway





Photo 18 – T9 looking east.



**Appendix A Tree Survey Schedule**

## 5. TREE SURVEY SCHEDULE

Table 1. Tree Survey Schedule

Ref. No	Species		Est. Height (m)	Stem Diameter (mm)	Canopy Spread (m)				Canopy Clearance height (m)	Condition		First significant branch and direction		Life Stage	Observations	Recommendations	Estimated Remaining Contribution (years)	Category	Root Protection Area	
	Common name	Scientific name			N	E	S	W		Physiological	Structural								Radius (m)	m²
T1	Sycamore	<i>Acer pseudoplatanus</i>	16	510	5.0	5.0	5.0	1.0	1.0	G-F	G-F	2.0	N	Sm	Moderate deadwood with epicormics growth throughout. One sided canopy due to neighbouring tree. Broken branches on southern side of lower canopy. Wire fence in-grown into the main stem on south side. Situated on highway verge. RPA has been encroached via ploughing on the southern side. Limited rooting environment. Tar spot throughout canopy.	No action	40+	C2	6.1	118
T2	Sycamore	<i>Acer pseudoplatanus</i>	17	610	7.8	3.5	8.0	2.5	1.5	F-P	F-P	3.5	E	Sm-Em	Die-back in crown with moderate deadwood. Co-dominant stems at 3m. Tar spot throughout canopy. Secondary limb has fused with co-dominant stem at 4m. Some chlorotic and small leaves in canopy. Wire fence in-grown into base of tree. Limited rooting environment.	Remove deadwood over highway within 3 months	10+	C2	7.3	168
T3	Sycamore	<i>Acer pseudoplatanus</i>	16	545	6.0	2.0	4.5	6.0	2.0	F	G-F	2.5	S	Sm	Moderate deadwood in canopy. Dead bark at base of main stem with some delamination, external sapwood is dead, does not sound hollow. Minor die-back and broken branch at 4m on south side. Old stub with minor decay on southern side of main stem at 2m. Tar spot throughout, small leaves and a sparse crown.	No action	20+	C2	6.5	134
T4	Sycamore	<i>Acer pseudoplatanus</i>	15	455	5.5	2.0	5.0	4.0	2.0	F	G-F	2.5	S	Sm	Minor deadwood and broken branches. Small leaves and tar spot in some parts of the canopy. Limited rooting environment.	Remove deadwood over highway within 3 months	20+	C2	5.5	94
T5	Sycamore	<i>Acer pseudoplatanus</i>	17	620	7.0	4.0	2.5	2.5	1.0	G-F	G-F	2.5	S	Sm-Em	Ivy at base of tree therefore not fully surveyed. Moderate deadwood and broken branches. Co-dominant stems at 9m. Old stubs with potential decay extending into co-dominant stems. Slightly over extended scaffold limb at 10m extending to the north over the highway. Telephone pole located 1.5m to NW of main stem. Upper canopy making contact with telephone wires.	Aerial inspection to assess potential decay in co-dominant stems. Remove ivy. To be done within 6 months.	20+	C2	7.4	174
T6	Sycamore	<i>Acer pseudoplatanus</i>	15	450	2.0	2.5	7.0	4.0	3.0	P	P	2.5	S	Sm	Tree is in advanced stages of decline. Delaminating bark on main stem and excessive die-back and early defoliation. Moderate deadwood.	Fell within 6 months	<10	U	5.4	92
T7	Beech	<i>Fagus sylvatica</i>	17	710	5.0	3.0	4.5	3.0	0.0	G-F	G-F	5.0	E	Sm-Em	Bulge at base of main stem on east side with some exudation present both at the base of the tree and other secondary limbs. Possible symptoms of beech bark disease identified. Moderate to major deadwood in canopy over highway. Minor die-back in the canopy. Slight lean to the north towards the highway.	Remove deadwood over highway within 3 months.	40+	C2	8.5	228
T8	Beech	<i>Fagus sylvatica</i>	17	644	2.5	4.0	6.5	4.0	1.5	F	F-P	5.0	E	Sm-Em	Single stem tree with moderate deadwood and minor die-back. Slight bulge at base of tree. Signs of weak point/graft union at base of tree. Wire fence in-grown into main stem. Cavity on main stem at 6.5m on west side from historic failure. Branches on northern canopy making contact with adjacent phone lines.	Aerial inspection is required to assess wound at 6.5m for any decay issues. Graft union will require regular monitoring to assess for any structural issues. Both to be done within 12 months.	20+	C2	7.7	188



Ref. No	Species		Est. Height (m)	Stem Diameter (mm)	Canopy Spread (m)				Canopy Clearance height (m)	Condition		First significant branch and direction	Life Stage	Observations	Recommendations	Estimated Remaining Contribution (years)	Category	Root Protection Area		
	Common name	Scientific name			N	E	S	W		Physiological	Structural							Radius (m)	m²	
T9	Ash	<i>Fraxinus excelsior</i>	19	1300#	8.0	3.0	8.0	8.0	1.0	F	F	4.0	S	Em-M	Dense ivy extending from base of tree into main canopy therefore not fully surveyed. Co-dominant stem at 1m, unable to assess union due to dense ivy. Secondary limb at 4m south side has had historic partial failure leaving a 5m long branch with die-back evident. Sparse upper canopy.	Remove ivy and inspect main union and base of tree within 6 months.	20+	C2	15.0	707

Key to Abbreviations Used in the Survey

Ref No	Specific identification number given to each tree or group. T=Tree/H=Hedge/G=Group.	
Species	Common name followed by botanical name shown in <i>italics</i> .	
Stem diameter	Diameter of main stem, measured in millimetres at 1.5 m above ground level. (MS = Multi-stem tree measured in accordance with BS5837 Annexe C).	Av / Average:  indicates an average representative measured dimension for the group or feature
#	Estimated dimensions.	
Life stage	<b>Young (Y):</b> Newly planted tree 0-10 years. <b>Semi-Mature (Sm):</b> Tree in the first third of its normal life expectancy for the species (significant potential for future growth in size). <b>Early Mature (Em):</b> Tree in the second third of its normal life expectancy for the species (some potential for future growth in size). <b>Mature (M):</b> Tree in the final third of its normal life expectancy for the species (having typically reached its approximate ultimate size). <b>Over Mature (Om):</b> Tree beyond the normal life expectancy for the species. <b>Veteran (V):</b> Tree which is of interest biologically, aesthetically or culturally because of its condition, size or age.	
Structural condition	<b>Good:</b> No significant structural defects. <b>Fair:</b> Structural defects which can be resolved via remedial works. <b>Poor:</b> Structural defects which cannot be resolved via remedial works. <b>Dead:</b> Dead.	
Physiological condition	<b>Good:</b> Normal vitality including leaf size, bud growth, density of crown and wound wood development. <b>Fair:</b> Lower than normal vitality, reduced bud development, reduced crown density, reduced response to wounds. <b>Poor:</b> Low vitality, low development and distribution of buds, discoloured leaves, low crown density, little extension growth for the species. <b>Dead:</b> Dead. <b>Fair/Good</b> = Indicates an intermediate condition. <b>Fair – Good</b> = Indicates a range of conditions (e.g. within a group).	
Preliminary management recommendations	Works identified during the tree survey as part of sound arboricultural management, based on the current context of the Site are shown in standard text.	

Category	<b>A</b> = High quality/value 40yrs+ <b>B</b> = Moderate quality/value 20yrs+ <b>C</b> = Low quality/value min 10yrs/stem diameter less than 150mm <b>U</b> = Unsuitable for retention
	<b>1</b> = Arboricultural quality/value <b>2</b> = Landscape quality/value <b>3</b> = Cultural quality/value (including conservation)

## Considerations:

- 1) Tree owners/managers have a legal duty to prevent foreseeable harm. It is generally accepted that this duty can be fulfilled by undertaking proactive inspections of significant trees to identify obvious defects and by taking appropriate remedial action or gaining further advice as appropriate. .
- 2) The trees considered within this report are covered by Fylde Council Tree Preservation Order (TPO) 2016.05. Prior to any tree works a Tree Works Application must be submitted to the Local Planning Authority (LPA). Trees which are dead or dangerous are exempt from the requirement for a tree works application but at least 5 day's notice must be given to the LPA of the intention to undertake the works along with supporting evidence where appropriate.
- 3) Where more than 5m<sup>3</sup> of timber is to be felled within a calendar quarter a felling licence may be required from the Forestry Commission unless an agreed exception applies including the management of dead or dangerous trees.
- 4) Full consideration must be given to the presence of species protected under the Wildlife and Countryside Act (1981 - as amended), the Countryside and Rights of Way Act (2000) and the Habitats Regulations (2010 – as amended); in particular, the presence of bats and nesting birds. It is recommended that wherever possible, significant tree / hedge works take place outside of the typical bird nesting season of March to September.
- 5) Any tree surgery recommendations contained within this report are to be undertaken in accordance with BS3998: 2010 Tree work – Recommendations (BS3998) by suitably qualified and insured contractors. Significant pruning works are best undertaken when trees are dormant or outside periods of high functional activity to reduce the overall impact on energy available to the tree for growth and processes. In general the optimum period for works is between November to February and July to August (subject to the presence of protected species) when the tree is less active and better placed to respond to wounding and a reduction in leaf area.
- 6) Fieldwork survey information is subject to seasonal/access constraints.

**Appendix B: Tree Survey Plans**





SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION BOX

IT IS ASSUMED THAT ALL WORKS ON THIS DRAWING WILL BE CARRIED OUT BY A COMPETENT CONTRACTOR WORKING, WHERE APPROPRIATE, TO AN APPROPRIATE METHOD STATEMENT.

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LEGEND

A - CATEGORY TREES (HIGH QUALITY & VALUE)

B - CATEGORY TREES (MODERATE QUALITY & VALUE)

C - CATEGORY TREES (LOW QUALITY & VALUE)

U - CATEGORY TREES (DEAD, DEFECTIVE, INFECTED)

ROOT PROTECTION AREAS (RPA) - AS DEFINED BY BS 5837:2012

UNCATEGORISED TREES, GROUPS & HEDGEROWS

Purpose of issue

PLANNING

Client

Project Title

WREA GREEN, FYLDE

Drawing Title

ARBORICULTURAL SURVEY AND CONSTRAINTS PLAN

Designed

-

Drawn

HB

Checked

RB

Approved

XX

Date

22 10 2016

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Suitability

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## **Appendix Two: Fylde Council Technical Response to Objection.**

### **1. Legislative background to tree protection.**

#### **1.1 Statutory Duty regarding Trees.**

The Town and Country Planning Act 1990 prescribes a “*General duty of planning authorities as respects trees*”.

Section 197 defines a duty in respect of trees:

Planning permission to include appropriate provision for preservation and planting of trees.

*It shall be the duty of the local planning authority—*

*(a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and*

*(b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.*

The council is therefore obliged by statutory legislation to consider the preservation of trees in planning applications and to use planning conditions to secure new tree planting in development.

#### **1.2 Tree Preservation Orders.**

Section 198 (1) of the TCPA 1990 empowers local planning authorities to make Tree Preservation Orders, (TPOs).

*If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.*

#### **1.3 Changes to TPO procedures from 6<sup>th</sup> April 2012.**

In 2012 the government introduced what it described as “*a consolidated and streamlined tree preservation order system.*” One of the notable changes, which has relevance to the objection presented here, was that removal of S201 of the Town and Country Planning Act. This meant that ALL tree preservation orders take immediate effect from the day the Order is made.

### **2. Background to making the Tree Preservation Order.**

The tree preservation order was made after the submission of an application to develop land at Moss Side Lane, Wrea Green - application 16/0619 refers. The Development Management Team issued a consultation letter to the Tree Officer requesting arboricultural advice with regard to the application and the tree survey submitted in support.

The Tree Officer made a detailed walkover of the site on 26<sup>th</sup> August 2016. Point one of his consultation response dated 30<sup>th</sup> August 2016 noted:

*“The line of trees (sycamores, beech and one ash), make a strong offer to the vicinity and are worthy of TPO. These are not indicated for removal or apparently impacted by the proposal unless it emerges that proposed access impacts tree roots.”*

In recognition of the trees’ visual importance and their potential functional significance as a screen to the proposed development, the Tree Officer, under delegated powers, served a tree preservation order on 30<sup>th</sup> September, 2016.

The TPO did not impact the development proposal negatively because it affected neither proposed access nor layout, and was seen by the Tree Officer as merely protecting the trees from future pressures arising from occupancy of the site post-development.

The TPO was served as a Group classification. It does not contain individual tree numbers. Those tree numbers mentioned later in this report are taken from the objector’s own arboricultural survey submitted to mount the objection, and are useful in referring to individual trees that are considered by the objector as unsuitable for TPO.

## **2.1 Objection Period.**

Local Planning Authorities are statutorily required to allow a twenty-eight day period in which objections or representations regarding the new TPO may be made. When an objection is received, the council’s constitution require that that the decision to confirm the tree preservation order is referred to Development Management Committee

## **2.2 Representations received.**

An objection to the TPO was received on 27<sup>th</sup> October, 2016, and took the form of a summary letter and accompanying arboricultural report. This report appears to be the original tree survey data adapted to form the basis of an objection. Items from these are directly quoted at section 3 below, and at section 4 the Tree Officer’s response to the objections is set out for members to consider.

## **2.3 Support for the TPO.**

Written support for the tree preservation order was supplied by residents at two addresses opposite the trees. One letter states, *“We consider the trees an important part of the landscape and to lose any of the group would be detrimental .”*

### 3. Summary of Objections.

One tenet of the objection concerns both the timing and the absence of any negotiation with the landowner/developer before making the TPO.

More technical objections based on tree condition, defects and diseases were received in the arboricultural report.

A covering letter accompanied the report. This provided a summary of the objections, made on three grounds, which are repeated verbatim at 3.1 in italicised paragraphs a – c below. Summary objection (b) below refers to the content of the arboricultural report. It will be necessary to cite this report when responding to slightly technical arboricultural references made in it, but not each and every point has been addressed.

The arboricultural report identifies nine trees numbered T1 –T9. Paragraphs 3.2.1 to 3.2.14 of the report describe the condition of those trees and uses identified defects of differing types or severity to persuade the council that the trees should not be protected by a TPO

Since it is impractical to address individual responses to the thirteen separate paragraphs in the scope of this committee report, the council's response turns largely on the content of the summarised objections given at 3.1 below, but the arboricultural report will be cited where it is felt to be necessary, as at paragraphs 4.2 *et seq.*

#### 3.1 Summarised objections taken from the covering letter.

*a) Timing; An application for outline planning permission was lodged by Mactaggart & Mickel with Fylde Borough Council in mid-August 2016 (ref: 16/0619). This followed pre-application discussions from June 2016. The application also covers the area of the provisional TPO. With no discussion, forewarning or communication with the owner or their agents, the Council have sought to introduce this TPO, whilst the current application is still being assessed. We believe the timing of this proposal is ill-informed and a mis-guided attempt to prejudice the outcome of the assessment of the planning merits of the proposal currently being considered by Fylde Borough Council*

*b) Trees; The condition of these trees is variable, as evidenced in the Arboricultural Report. The majority are semi mature and with only four trees being in fair or good condition, five are in fair to poor condition. Only two trees have a life expectancy of over 40 years all others are less than this. Overall eight of the trees are categorised as C2, which are of low quality/value. Trees must meet a set of prescribed criteria to qualify for protection by a TPO, this includes having amenity value and being suitable for long term retention. Given the findings of the attached report it is argued that the long term amenity and safe retention of these trees is questionable.*

*c) Site; Historical land use and topographical features also bring into question the longevity of these trees. The current land use suggests that the RPAs or rooting areas of all trees within this group have been and will be impacted by ploughing of the field to the south, and the physiological condition of the trees is considered fair to poor. These findings suggest*

*potential root/soil issues that may be attributed to repeated root damage resulting from the ploughing of the neighbouring field.*

#### **4. Response to the main points of objection.**

##### **4.1 Objection (a) Timing:**

Planning Practice Guidance does not advise Local Planning Authorities to negotiate with or notify tree owners of an intention to make a tree preservation order. If the council wishes to prevent pre-emptive felling the serving of an Order without consultation is imperative, since the alternative would place a tree owner on notice and any delay in serving might be an opportunity to rid the site of trees.

Changes to TPO legislation in 2012 resulted in all Orders being immediately effective. These are outlined below in a direct extract from government guidance:

*“Under the regulations that have been replaced, there were two ways for making a tree preservation order. In the first, the order only came into force once a local planning authority had considered all objections, made any amendments and confirmed the order. Alternatively, where it appeared there was a need for the order to come into force immediately, a local authority could include a direction to that effect and, in practice, most new tree preservation orders were made in this way. The direction provided provisional protection for a period of six months and the authority concerned would have needed to confirm the order to continue that protection. The new regulations adopt one system where all new orders provide immediate provisional protection that lasts for six months and long-term protection once authorities confirm them after considering any objections or representations.”*

**(Main changes to the tree preservation order system in England from 6 April 2012. A consolidated and streamlined tree preservation order system DCLG, 2012)**

The changes indicate that the government recognises the urgency with which it is sometimes necessary to make tree preservation orders and that it is common practice among all LPAs to issue TPOs without landowner consultation.

Current Planning Practice Guidance makes no reference to timing other than at paragraph 31, which states,

*The local authority must, as soon as practicable after making an Order and before it is confirmed, serve ‘persons interested in the land affected by the Order’*

The final sentence of objection (a) appears to suggest that the TPO was made to block or prejudice the application but this runs counter to the Tree Officer’s planning consultation response, in which it was stated that the trees *“are not indicated for removal or apparently impacted by the proposal”*.

In other words, at the time of making the TPO, the development proposal, including access, was not contingent of the removal of any of the trees in the Order.

The Order was viewed by the Tree Officer as uncontentious and unlikely to influence the proposal. The council's intention in preserving the trees was the twin aim of securing them as possible screening for a future development and recognising their current contribution to Moss Side Lane.

#### **4.2 Objection (b) Trees – condition**

Responding to this, it is necessary to make reference to selected items from the arboricultural report. It is impractical to address these exhaustively but the council's Tree Officer has chosen to comment on salient points to rebut the objection.

##### **4.2.1 Sycamores.**

The arboricultural report lists nine trees but only eight were included in the Order – six sycamores and two beech trees. Two sycamores in the group may have suffered livestock browsing or other physical harm. Damage to their lower stems is present and the bark has separated from the trunk. One in particular is in too advanced a decline to merit preservation. This is identified in the objector's tree report as T6. It was omitted from the TPO, but has been included in the objection in error. The second damaged sycamore was include in the TPO because it appeared, damage notwithstanding, to have a reasonable canopy of foliage and may recover if left. All six sycamores, except T6, are listed in the tree report as retainable for over twenty years.

##### **4.2.2 Tar spot fungus.**

In areas with low air pollution, (it reputedly does not tolerate sulphur dioxide), sycamore foliage is prone to tar spot fungus, *Rhytisma acerinum*. This never harms the tree and is not associated with any dysfunction, hazard or die –back. It is extremely common throughout the UK. The arboricultural report suggests this lowers the amenity value of sycamores, making them unsuited to TPO. It is the Tree Officer's view that this is a very tenuous reason to downgrade the value of the sycamores, which, despite its limitations as a species, is nonetheless an important tree in the Fylde landscape where it shows strong tolerance for the coastal climate and has to a large degree taken over from the elms that were lost to elm disease.

##### **4.2.3. Response to observations on the two beech trees T7 and T8.**

One of the trees identified in the arboricultural report as suitable for over forty years is the beech tree T7. The arboricultural report now singles out this landmark tree on account of a minor outbreak of beech bark disease and the presence of a stem bulge. Such bulges are sometimes interpreted as a symptom of internal decay or a mechanical flaw in the structure of the trunk. Neither factor is necessarily critical to the tree's wellbeing and does not constitute sufficient reason to discount it for TPO.

Beech bark disease can be a trivial infection and many trees recover from it spontaneously (Strouts and Winter, 'Diagnosis of Ill-Health in Trees', pp76). It is also, unlike most tree diseases, treatable. It does not affect the appearance of foliage or the aesthetics of the whole tree and to view it as a reason to remove a TPO is unduly pessimistic.

The occurrence of a stem bulge can be interpreted positively rather than as a reason not to retain a tree. In 'The Body Language of Trees', a standard reference text for professional arboriculturists which analyses how trees grow in ways that optimise their chances of survival, authors and biomechanics Claus Mattheck and Helga Breloer observed of the stem bulge phenomenon,

*"if a tree develops a defect symptom it is signalling its will to survive. It works hard to repair a likely point of fracture. This is also a sign of vitality. It would never occur to a tree to repair itself if it were already half-dead."*

*(The Body Language of Trees, S8.2.3 pp 106. The Stationery Office Research for Amenity Trees series No 4)*

It is not accepted therefore that a stem bulge, signals a tree with a short safe useful lifespan. It may well signify the opposite. The phenomenon is extremely common across all types of tree.

The second beech tree (T8) included in the TPO is identified as having a weak point on the lower stem where a graft union has failed to coalesce successfully. This is improbable: common beech (*Fagus sylvatica*) is not grafted. This technique is reserved for the purple beech (*Fagus sylvatica purpurea*), when it is used to ensure the trait of purple foliage is carried over. It is more likely this line on the tree trunk is an old injury, possibly from stock wire, that the tree has responded to with adaptive growth. This type of adaptive growth reinforces the tree by bracing around the suspected defect. Extra wood is added to compensate for any weakness.

#### **4.2.4 The mature ash tree.**

The tree report also questions the condition of the ash tree T9, which it describes, inappropriately, as early mature or mature. It draws attention to a large failed limb on the east side of the crown. The council's Tree Officer has inspected this tree so far as is possible – access is difficult owing to fencing and a drainage ditch.

With a stem circumference of approximately 4 metres it is likely to be a veteran tree rather than an early-mature or mature tree.

Trees accorded veteran status are described as those which are of interest biologically, aesthetically or culturally because of size, condition and age.

In light of its veteran status, the incidence of branch-shedding must be placed in time perspective: the ash is possibly two hundred years old and shows no signs of having lost other branches. The

branch loss is not recent, and we are unable to determine any clear causes of it. It may have originated in a collision with farm machinery. Decay is not evident in the branch stub so far as can be seen.

With regard to the overall state of the ash tree, when last seen in full leaf the Tree Officer did not perceive this as a tree in decline or poor vigour. The tree report does not suggest removal of the tree and recommends retention for twenty-plus years.

#### **4.3 Objection (b) Trees – Amenity**

Objection (b) proceeds to question the validity of the TPO on the grounds of amenity. In considering a new TPO, the council takes into account current Planning Practice Guidance.

##### **4.3.1 Planning Practice Guidance**

Planning Practice Guidance does not require that trees must, *“meet a set of prescribed criteria to qualify for protection by a TPO, this includes having amenity value and being suitable for long term retention”*. This assertion is therefore incorrect: no prescriptions exist other than a requirement to *consider amenity*, and long-term retention is not mentioned. It is perhaps implicit that the council’s own tree expert would not protect trees that do not offer several years’ amenity value.

LPA’s are instructed at **Paragraph 9** of the Planning Practice Guidance that they should *“take into consideration what ‘amenity’ means in practice, what to take into account when assessing amenity value, what ‘expedient’ means in practice, what trees can be protected and how they can be identified”*.

**Paragraph 7** assists us insofar as it allows for LPA’s having to use discretion determining the vague quality that amounts to “amenity”:

*‘Amenity’ is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.*

*Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.*



#### **4.3.2 Amenity evaluation.**

No industry-adopted set of criteria that evaluates the amenity of TPO candidates is available to local planning authorities. Amenity tree evaluation systems that “score” the tree on an amenity scale exist, but none are adopted or promoted by government and all are derived by private sector consultancies whose perspectives may not necessarily be those of a Local Planning Authority. An element of subjectivity is present in all systems. The practice is generally for an experienced tree officer to use his or her professional judgment. This involves considering:

- Size, form, species and health of the tree(s)
- Remaining lifespan
- Public visibility, both in current setting and a projected future setting post development
- Functional value of the trees, especially in light of proximate development
- Biodiversity and ecological values

The sum of these factors amounts to an informal assessment of amenity.

#### **4.4 Objection (c) Site; land use and topographical features**

##### **4.4.1. Long-term retention.**

This point of objection centres on the trees not being suitable for long-term retention owing to the likelihood of their having experienced severe root severance from the ploughshare. This contradicts the findings reported in the arboricultural report in which the trees included in the TPO were given an estimated remaining contribution to the development of between twenty and forty-plus years: the tree report and the objection it is intended to support contradict each other, since if a tree is likely to die from repeated severe root severance it is unlikely to survive for more than twenty years as a viable tree in a development.

##### **4.4.2 Plough damage to roots.**

The structural (anchoring) roots of sycamores tend to lie deep, and are unlikely to be directly affected by the ploughshare, while ‘feeder’ roots, which are thread-like and of short duration because they are quickly replaced by new feeder roots, tend to occur in the upper soil horizons. Sycamores are renowned for their tireless vigour and strong recuperative powers and can mount a recovery from root damage. The tree preservation order, because it applies to roots as well as the

aerial parts of the tree, is a tool to influence the landowner away from ploughing close to trees, allowing them a chance to recover lost roots.

Perhaps the strongest suggestion that extensive root damage is not occurring is the continued health of the two shallow-rooting beech trees, which as a species are highly intolerant of root disturbance and often decay or die back extensively if they encounter root loss. The flourishing canopies of both trees indicate an intact, healthy root system.

#### **4.4.3 Topography.**

The topography of the land immediate away (east of) from the trees is such that it slopes upward: contour lines show the centre of the field is 3.7 metres higher than the Moss Side Lane boundary. This gradual slope may have afforded tree roots protection, combined with that fact that their own canopies tends to steer the tractor away from their rooting area. Trees such as T6, which is in such poor condition that it could not be protected by TPO, are not dying because of root damage. The state of this tree is attributable to severe stem damage.

### **5 Conclusion**

While it is accepted that trees are imperfect it is the council's opinion, based on a considered response, that they possess sufficiently high public visual amenity and contribute to the quality and character of Moss Side Lane.

The reasons given in the objection do not carry sufficient weight to remove the tree preservation order, and members are therefore asked to confirm the TPO.

# INFORMATION ITEM



REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	15 MARCH 2017	6
LIST OF APPEALS DECIDED			

## PUBLIC ITEM

This item is for consideration in the public part of the meeting.

## SUMMARY OF INFORMATION

The council did not receive any appeal decisions between 27/1/17 and 3/3/2017.

## SOURCE OF INFORMATION

Development Services

## INFORMATION

n/a

## WHY IS THIS INFORMATION BEING GIVEN TO THE COMMITTEE?

To inform members on appeals that have been decided.

## FURTHER INFORMATION

Contact Andrew Stell, Development Manager, 01253 658473

## LIST OF APPEALS DECIDED

The following appeal decisions were received between 27/1/2017 and 3/3/2017. Copies of the decision letters are attached.

Rec No: 1

07 April 2015	14/0410	LAND TO THE NORTH, FRECKLETON BYPASS, BRYNING WITH WARTON OUTLINE APPLICATION FOR ERECTION OF UP TO 375 DWELLINGS WITH ACCESS FROM EXISTING ROUNDABOUT APPLIED FOR AND ALL OTHER MATTERS RESERVED	Public Inquiry  AS
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Appeal Decision: Allowed: 13 February 2017

Rec No: 2

20 January 2016	15/0562	CLIFTON HOUSE FARM, LYTHAM ROAD, BRYNING WITH WARTON, PRESTON, PR4 1AU OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 115 DWELLINGS AND ASSOCIATED INFRASTRUCTURE (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)	Public Inquiry  AS
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Appeal Decision: Allowed: 13 February 2017

Rec No: 3

14 November 2016	16/0148	COPPICE FARM LAND, WEST MOSS LANE, WESTBY WITH PLUMPTONS OUTLINE APPLICATION FOR UP TO 10 RESIDENTIAL DETACHED DWELLINGS WITH ACCESS (ALL OTHER MATTERS RESERVED) DEMOLITION OF EXISTING AGRICULTURAL BUILDINGS	Written Representations KPB
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Appeal Decision: Dismiss: 14 February 2017

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# Report to the Secretary of State for Communities and Local Government

by P. W. Clark MA MRTPI MCMI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 4 October 2016

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TOWN AND COUNTRY PLANNING ACT 1990

APPEALS

BY WARTON EAST DEVELOPMENTS LTD AND BY HALLAM LAND MANAGEMENT LTD

AGAINST

FYLDE BOROUGH COUNCIL

Inquiry held on 12, 13 and 14 July 2016. Site visits made on 14 July 2016.

Land off Lytham Road, Warton, Lancashire and Land at Clifton House Farm, Warton, Lancashire

File Refs: APP/M2325/W/15/3004502 and APP/M2325/W/15/3141398

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**Appeal A File Ref: APP/M2325/W/15/3004502****Land off Lytham Road, Warton, Lancashire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Warton East Developments Ltd against Fylde Borough Council.
- The application Ref 14/0410 is dated 11 June 2014.
- The development proposed is the erection of up to 375N<sup>o</sup> dwellings

**Summary of Recommendation: The appeal be allowed and planning permission granted subject to conditions**

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**Appeal B File Ref: APP/M2325/W/15/3141398****Land at Clifton House Farm, Warton, Lancashire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Hallam Land Management Ltd against Fylde Borough Council.
- The application Ref 15/0562 is dated 14 August 2015.
- The development proposed is the erection of up to 115 residential dwellings (C3 Use Class) including details of access, with all other matters reserved.

**Summary of Recommendation: The appeal be allowed and planning permission granted subject to conditions**

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**Procedural Matters**

1. Both appeals were recovered by the Secretary of State for his own determination by Directions both dated 12 February 2016 and made under s79 and paragraph 3 of Schedule 6 of the Town and Country Planning Act 1990. The reasons in both cases are that the appeals relate to proposals for residential development over 10 units in an area where a qualifying body has submitted a neighbourhood plan proposal to the local planning authority, or where a neighbourhood plan has been made.
2. Although the appeals are conjoined and have been heard together at a single Inquiry, they remain separate proposals and separate recommendations are made for separate decisions to be taken. Nevertheless, because the main issues are common to both appeals and are clear and not complex and because parties largely made their cases common to both appeals and because my reasoning is largely common to both appeals, it is expedient to report on both appeals together, distinguishing between each where necessary and appropriate.
3. Both appeals are made in outline. Details of vehicular accesses to each appeal site are submitted for approval now. Details of pedestrian and cycle accesses and access within each site, appearance, landscaping, layout and scale are reserved for later consideration if permission is granted.
4. Appeal A is dated 11 February 2015. Appeal B is dated 23 December 2015. On 4 April 2016, Appellant B requested that the access to Appeal B be considered on the basis of a revised plan. On 8 April 2016, this revised plan was corrected by a further revision. On 3 May 2016 Appellant B requested that Appeal B be determined on the basis of a yet further revised access plan, drawing number

0988/F01/revision F.<sup>1</sup> The Council agrees to the determination of the appeal on the basis of this revised plan.<sup>2</sup>

5. The April revisions to Appeal B were substantially different from the original proposal. The May revision largely reverted to the original proposal, with only minor differences. The Council consulted the public on the May version but only in relation to a duplicate application which they were still considering, not in relation to the current appeal. However, copies of representations made in respect of that duplicate application are provided and so they can be considered in relation to this appeal. Moreover, I specifically asked a member of the public who spoke at this Inquiry and who lives close to the proposed access about her understanding of the basis on which the appeal was proceeding. She confirmed her understanding that it was to proceed on the basis of the May revision. Accordingly, I consider that nobody would be prejudiced if Appeal B proceeds on the basis of the revised access drawing 0988/F01/revision F.
6. Details of the proposed access to appeal site A were changed several times prior to the appeal being made, the most recent drawing being numbered SK21338-012 but no further changes have been requested during the course of the appeal. By e-mail dated 27 May 2016<sup>3</sup> Appellant A seeks to amend the description of Appeal A from "up to 375 dwellings" to "up to 350 dwellings". It is understood that this request derives from revisions to the illustrative material supporting the proposal. There is no information to show that these revisions have been the subject of consultation with the public in relation to this appeal.
7. Because "dwelling" is an imprecise unit of measurement and also because the principles of *I'm Your Man Ltd v SSE (1998)* establish that there is no direct or implied power to impose limitations on a permission except by means of a planning condition, this request does not, of itself, have any significance except in relation to possible conditions to apply in the event of permission being granted. Details of layout and of scale are reserved matters but it may be necessary to impose limitations on those matters at this outline stage in order to make the proposal acceptable in principle. I consider the matter in that section of my report.
8. In respect of Appeal A, on 21 May 2015 the Secretary of State directed that the development is not Environmental Impact Assessment (EIA) development. In respect of Appeal B, the Council issued a Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) in respect of a proposed development at Clifton House Farm on 1 May 2015.<sup>4</sup> This concluded that the proposed development is not EIA development.
9. Not far from Warton is the Ribble and Alt Estuary Special Protection Area (SPA) and Ramsar, the Ribble Estuary Site of Special Scientific Interest (SSSI) and the Newton Marsh SSSI. Natural England advises that, in considering these appeals,

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<sup>1</sup> Found at document 13.3(10)

<sup>2</sup> Paragraphs 2.5 to 2.9 of Planning Statement of Common Ground between Hallam Land Management & Fylde Borough Council signed and dated 1 July 2016 (document 11.26)

<sup>3</sup> The e-mail is at Appendix 7 to Mr Griffiths's Proof of Evidence (document 9.2, provided in hard copy only)

<sup>4</sup> Document 12.2

regard should be had to any potential impacts these proposals may have on these protected sites. This consideration is given later in my report.

10. The appeals were made against the failure of the Council to give notice of its decisions on the planning applications within the prescribed period.
11. By resolution of its Development Management Committee on 29 July 2015, preparation of the Council's case in response to appeal A was delegated to the Head of Planning and Regeneration, in consultation with the Chairman and Vice-Chairman of Development Management Committee and representatives of the Warton and Westby ward.
12. The resulting Statement of Case dated August 2015<sup>5</sup> accepted that the normal position in the preparation of a Statement of Case would involve the Council expressing a clear view over the merits of the principle of the proposal. However uncertainty over the outcome of the Blackfield End Farm appeal<sup>6</sup> was of such significance to that view that it was not possible to conclude on that point at the time. The Council expressed a precautionary view and outlined the areas on which it would present evidence should that remain necessary once the Blackfield End Farm decision was known.
13. A duplicate application identical to Appeal A was considered on 25 May 2016 and a decision made to refuse that application for two reasons;
  - 1 *The applicant has failed to demonstrate to the reasonable satisfaction of the local planning authority that the traffic generated by the development can be accommodated within the local highway network without the implementation of a series of highway improvements that are outside the control of the applicant. In the absence of being able to deliver the necessary highway improvements, the impact of the development on the local highway network will be severe, contrary to the provisions of the National Planning Policy Framework and Criterion 9 of Policy HL2 of the Fylde Borough Local Plan (as amended October 2005).*
  - 2 *The proposed development is required to make contributions towards the delivery of affordable housing and public open space on the site and financial contributions off-site towards the provision of new primary and secondary school places, public realm enhancements and transport improvements. The applicant has failed to put any mechanism in place to secure these contributions and, accordingly, the development is contrary to the requirements of Fylde Borough Local Plan policies TREC17, CF2, EP1, TR1, TR3 and TR5, policies SL3 and H4 of the Fylde Local Plan to 2032: Revised Preferred Option (October 2015), the submission version of the Bryning-with-Warton Neighbourhood Plan and chapters 4, 6 and 8 of the National Planning Policy Framework.*
14. Immediately before the Inquiry commenced, agreement was reached between the Council and Appellant A on most outstanding matters. A Statement of Common Ground on Highway matters between SK Transport Planning (on behalf of Appellant A) and Lancashire County Council is signed and dated 13 June

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<sup>5</sup> Document 8.1

<sup>6</sup> APP/M2325/A/14/2217060, determined on 24 September 2015 (document 6.17)



2016.<sup>7</sup> A Statement of Common Ground (Planning Issues) is signed and dated 11 July 2016.<sup>8</sup> Although the Council had by then produced proofs of evidence, it did not present any evidence at the Inquiry, nor did it cross-examine the appellant's case. However, its proofs of evidence were not withdrawn and indeed, that of Martin Porter is specifically referred to by the Council's advocate as providing a detailed explanation for the Council's conclusion.<sup>9</sup>

15. Appeal B was the subject of a report to the Council's Development Management Committee on 27 April 2016 at which time the following putative reasons for refusal were agreed;

1. *The proposed access for the development is onto the busy thoroughfare of the A584 (Lytham Road) – a main arterial road which provides a direct route between Lytham St Annes and Preston. The proposed access is located approximately 0.75km from the Lytham Road/Church Road/Highgate Lane junction. Once other committed developments in Warton are implemented (most notably that associated with planning permission 13/0674 at Blackfield End Farm) this junction will operate over capacity and, accordingly, will be incapable of accommodating the level of additional traffic generated by the development. The proposed development, when considered in combination with increased vehicle movements arising as a result of other committed developments in Warton, would have significant adverse effects for traffic movements at the Lytham Road/Church Road/Highgate Lane junction and would lead to greater, unacceptable queue lengths at this junction which would obstruct the free flow of traffic along Lytham Road. The additional vehicle movements arising as a result of the development would unacceptably exacerbate existing network capacity issues and, accordingly, its residual cumulative impact would be severe. No mitigation measures have been proposed in order to alleviate this impact. The proposal is therefore contrary to the requirements of Fylde Borough Local Plan policy HL2, policy BWH2 of the submission version of the Bryning-with-Warton Neighbourhood Plan, and paragraph 32 of the National Planning Policy Framework.*
2. *The proposed development is required to make contributions towards the delivery of affordable housing and public open space on the site and financial contributions off-site towards the provision of new secondary school places, public realm enhancements and transport improvements. The applicant has failed to put any mechanism in place to secure these contributions and, accordingly, the development is contrary to the requirements of Fylde Borough Local Plan policies TREC17, CF2, EP1, TR1, TR3 and TR5, policies SL3 and H4 of the Fylde Local Plan to 2032: Revised Preferred Option (October 2015), the submission version of the Bryning-with-Warton Neighbourhood Plan and chapters 4, 6 and 8 of the National Planning Policy Framework.*

16. A month later, a duplicate application identical to Appeal B was considered and refused for two reasons, the second of which was identical to the second of the putative reasons for refusal for Appeal B. But the first reason for refusal was modified as follows;

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<sup>7</sup> Document 9.15

<sup>8</sup> Document 15.3

<sup>9</sup> Paragraph 11 of Mr Easton's opening position statement (Document 15.22).

1. *The applicant has failed to demonstrate to the reasonable satisfaction of the local planning authority that the traffic generated by the development can be accommodated within the local highway network without the implementation of a series of highway improvements that are outside the control of the applicant. In the absence of being able to deliver the necessary highway improvements, the impact of the development on the local highway network will be severe, contrary to the provisions of the National Planning Policy Framework and Criterion 9 of Policy HL2 of the Fylde Borough Local Plan (as amended October 2005).*
17. Immediately before the Inquiry commenced, agreement was reached between the Council and Appellant B on outstanding matters. A Statement of Common Ground on Highway matters between Hallam Land Management (Appellant B) and Lancashire County Council is signed and dated 1 July 2016.<sup>10</sup> A Planning Statement of Common Ground is signed and dated 8 July 2016.<sup>11</sup> Although the Council had by then produced proofs of evidence, it did not present any evidence at the Inquiry, nor did it cross-examine the appellant's case.
18. In addition to the two appellants, thirteen individuals participated to a significant degree, including representatives from the local Parish Council and from the Bryning-with-Warton Neighbourhood Plan Steering Group. In response to the notification of the appeals there are 3 letters relating to appeal A and 2 relating to appeal B. There are also copies of 19 representations relating to appeal A and 11 relating to appeal B made by the public at the application stage to be taken into account, together with the 10 representations made to application 15/0903 (the resubmission of scheme B)<sup>12</sup>.

### The Sites and Surroundings

19. Warton is a settlement of about 3,600 people. It has developments with planning permission or under construction which would increase this to about 5,400 people.<sup>13</sup> It lies on the south side of the Fylde peninsula, about half-way between Preston and Blackpool but on the A584 coastal road rather than the direct A583.
20. Most of the village lies to the north of the A584, which at this point runs generally east-west. Most of the village's facilities<sup>14</sup> are dispersed along the length of this road. There are permissions to expand retail facilities and sites fronting the main road which could be made available for additional facilities<sup>15</sup>. It is a busy road carrying two-way flows of 1700-1800 vehicles in peak hours,<sup>16</sup>

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<sup>10</sup> Document 11.25

<sup>11</sup> Document 11.26

<sup>12</sup> These are appended to e-mail to the Inspectorate from Graham Lamb of Pegasus dated 8 July 2016, held on PINS's pink case file.

<sup>13</sup> Colin Griffiths proof of evidence (Document 9.1) paragraph 2.2

<sup>14</sup> Listed in appendix 8 of Colin Griffiths proof of evidence (document 9.2) and in paragraph 9.2 of each of Andrew Stell's proofs of evidence (documents 10.1 and 14.1)

<sup>15</sup> Mr Tibbenham's response to my questions

<sup>16</sup> Document 7.16, table 2.2. Appendix 4 to Martin Porter's proof of evidence (document 10.4) shows peak one-way flows of 820 (am) and 838 (pm). In oral evidence Jaqueline McDermott reported one-way morning peak hour counts of 1140 and 1280 vehicles

though these are reducing as local employment restructures.<sup>17</sup> At its east end the village conjoins the neighbouring village of Freckleton. The area to the south of the A584 is largely occupied by Warton Aerodrome and the associated aircraft manufacturing plant of BAE Systems. Employment at BAE Systems Warton is being restructured and an Enterprise Zone has been established.

21. The site of appeal A lies to the north of Warton, at its eastern end. There are numerous descriptions of the site in the supporting documentation.<sup>18</sup> It is reported to be about 12.78 ha in extent. It comprises four agricultural fields bounded by drainage ditches and hedgerows. Within the site are three ponds, drainage ditches and hedgerows. To its south and west it borders existing residential development and a caravan park. On its north side it borders the Bridges recreation ground and open countryside, which also lies to its east. The land slopes gently upwards from south to north. Its shape is largely rectangular except for an area which protrudes to the north alongside the eastern edge of the Bridges recreation ground and for an area to the south east which provides a corridor for the vehicular link to an existing roundabout on the A584 Lytham Road.
22. The site of appeal B is at the western edge of Warton, north of the A584 Lytham Road. Its frontage to Lytham Road is separated into two parts by an existing dwelling and its curtilage (278 Lytham Road) around which the site wraps. It is reported to be about 3.74 ha in extent. There are several descriptions of the site in the appeal documentation.<sup>19</sup> It comprises one large agricultural field and part of a second to the north. The boundary of the site cuts across the second field in a line connecting the northern boundaries of developed sites to east and west. The site slopes up from the Lytham Road on its southern boundary. The site is generally open apart from a residual hedgerow on the boundary between the two fields. There are mature hedgerows on the other three boundaries. Those to east and west include native trees. To the east of the site is a caravan park and storage depot, part of which is subject to proposals for housing development. To

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<sup>17</sup> Clifton House Farm Transport Assessment (document 11.8) paragraphs 2.4.3 to 2.4.6

<sup>18</sup> Arboricultural and Hedgerow Assessment (document 7.5) paragraph 1.3, Design and Access Statement (document 7.6) section 1, Flood Risk Assessment (document 7.8) section 2, Phase 1 Geo-Environmental Site Assessment (document 7.9) section 2, Planning Statement (document 7.14) paragraph 2.3, Transport statement (document 7.16) section 2, Framework Travel Plan (document 7.16a) section 2, Colin Griffiths proof of evidence (document 9.1) paragraphs 2.6-2.11, David Appleton's proof of evidence (document 9.10) section 2 and Statement of Common Ground (Planning Issues)(document 15.3) section 1.

<sup>19</sup> Statement of Case (document 11.22) section 2, Planning statement (document 11.5) section 3, Design and Access Statement (document 11.6) page 7 and chapter 5, Landscape and Visual Impact Assessment (document 11.7) section 3 paragraphs 3.2 and 3.85 to 3.99, Transport Assessment (document 11.8) section 2, Flood Risk assessment (document 11.9) section 2, Preliminary Ecological Appraisal (document 11.11) paragraph 2.4.2, Tree survey Report (document 11.12) paragraph 5.2.1, Bat survey Report (document 11.13) paragraphs 2.4.2 and 4.2.1, Great Crested Newt survey (document 11.14) paragraphs 1.4 and 2.5.2, Noise assessment (document 11.17) paragraph 2.1, Soil Resources and Agricultural Use & Quality of Land Report (document 11.19) paragraphs 1.2 to 1.4, Sebastian Tibenham's proof of evidence (document 13.1) paragraphs 3.9 to 3.16, Brian Denney's Landscape and Visual Impact Statement (document 13.5) paragraphs 4.1 to 4.6 and Planning statement of Common Ground, section 3.

the west of the site is Clifton House Farm itself and employment uses on the site known as Braithwaite's Yard.

## Planning Policy

### *The Local Plan*

23. The development plan consists of the saved policies of the Fylde Borough Local Plan As Altered, October 2005. As altered, the extended plan period runs up to 2016 and it is therefore, dated, if not actually out of date.
24. On the Proposals Map, the sites of both appeals are outside the Limits of Development (policy SP1). This policy establishes a settlement hierarchy of five levels, of which Warton comprises one of three settlements in the second level of the hierarchy. As a result of various constraints limiting significant further growth at Kirkham, the plan envisages that most development under this policy will take place at Wesham and Warton. Subject to other policies, this policy would permit development within the defined settlement limits.
25. The sites of both appeals are designated Countryside Areas on the Proposals Map. Subject to certain exceptions not applicable to either appeal, policy SP2 would not permit development in countryside areas. The reasoned justification to the policy makes reference to an urban concentration strategy, a fundamental element of which is the need for strict control of development in the open countryside, commensurate with the objective of sustainable development and the (then) government's policies of safeguarding the countryside for its own sake and protecting non-renewable and natural resources.
26. Neither of the above policies is referred to in the putative reasons for refusal of either appeal. Those which are referenced include policy EP1 which proposes to maintain and improve environmental conditions within the urban areas, HL2, TREC17, CF2, and TR1, 3 and 5. The Statement of Common Ground (Planning Issues) for appeal A<sup>20</sup> agrees that policies SP1, SP2 and HL2 are out of date. The Planning Statement of Common Ground for appeal B<sup>21</sup> agrees that policies SP1 and SP2 have been satisfied.
27. Policy HL2 establishes a sequential approach to prioritise brownfield land before greenfield and sets eleven criteria for permitting housing; (i) acceptability in principle and compatibility with adjacent and nearby land uses, (ii) the character of the locality, (iii) a net density of 30-50 dwellings per hectare, more where public transport is good, (iv) the amenity and privacy of neighbours, (v) maintaining or enhancing biodiversity, (vi) taking account of archaeological and historic features, (vii) the sustainability of the location, (viii) prejudice to the development of a larger area, (ix) access, parking and highway safety, (x) the capacity of essential services including drainage and, (xi) the adequacy of amenity space.
28. Policy TREC17 sets standards for the provision of amenity open space and play areas within housing developments. Policy CF2 is to negotiate s106 agreements to ensure the provision of primary and secondary school places needed as a result of new housing development. Policy TR1 lists measures to be taken to

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<sup>20</sup> Document 15.3, paragraph 6.4

<sup>21</sup> Not provided as a Core Document but held on PINS's pink case file

improve facilities for pedestrians and to encourage walking. Policy TR3 is to increase provision and facilities for cycling. Policy TR5 requires developments of more than 100 dwellings to be located where served by adequate public transport.

29. In addition to the above, the Planning Statement of Common Ground for appeal B lists the following relevant policies which are satisfied by that proposal (third parties disagree with the compliance of either or both appeals in some cases);

- HL6 – Design of Residential Estates
- EP10 – Character, habitat and landscape features to be protected
- EP11 – Development in rural areas to be sited in keeping with landscape character types and features
- EP12 – Conservation of Trees, Woodland and Hedgerows
- EP13 – Plant new trees
- EP14 – Landscape planting to be made in new housing
- EP21 – Regard given to archaeology
- EP22 – Protect best and most versatile agricultural land
- EP25 – Adequate design and capacity of foul sewers
- EP26 – New residential development not permitted if subject to Air Pollution
- EP27 – Noise Pollution

#### *Emerging Local Plan*

30. The Local Plan is being reviewed to cover the period to 2032. Issues and Options were published in June/July 2012.<sup>22</sup>

31. Preferred Options were published in June 2013.<sup>23</sup> In these, Warton was identified as a Local Centre and as a Strategic Location for Development for 1,160 new homes by 2030 across four strategic sites, including both the appeal sites.

32. Revised Preferred Options were published in October 2015.<sup>24</sup> In these, Warton was identified as a Local Centre and as a Strategic Location for Development for 650 dwellings by 2032, to be allocated through the Neighbourhood Plan process.

33. The publication version of the Fylde Local plan to 2032<sup>25</sup> was approved by the Council on 15 June 2016 for publication during August 2016. In this, Warton is identified as a Local Centre and as a Strategic Location for 840 dwellings reflecting the number of dwellings approved in recent permissions and in resolutions to grant permission. No site allocations in Warton are put forward.

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<sup>22</sup> Document 2.1

<sup>23</sup> Document 2.5

<sup>24</sup> Document 2.28

<sup>25</sup> Document 2.36

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*Emerging Neighbourhood Plan*

34. The Bryning-with-Warton Neighbourhood Plan (BWNP) was submitted to Fylde Council on 23 September 2014.<sup>26</sup> Formal consultation took place from 9 October to 28 November 2014. It proposed defining a new settlement boundary including all of appeal site A and most of appeal site B. It proposed that 650 homes would be developed within the settlement boundary by the year 2030 and that the bulk of this housing development (353 dwellings) would be on two sites H1 and H2, developed at only 55% of their potential density. Part of H1 comprised much of appeal site B. Site H2 extended slightly more widely than appeal site A.
35. Section 1.6 of the Submission Neighbourhood Plan explains that there are two European sites within the NP boundary and that plans that may have a significant effect on these have to undergo a Habitat Regulations Assessment (HRA). The BWNP reported the Habitat Regulations Assessment carried out for the Fylde Local Plan Preferred Options and its conclusion that further assessment of these could be avoided if policies were strengthened to include specific references to European sites and to seek project specific HRA. The two development allocations within the BWNP are both smaller allocations of sites made in the Preferred Options and project specific HRA was specified. For those reasons, it was concluded that a separate HRA was not required for the BWNP.
36. The Neighbourhood Plan Examiner disagreed. In the section on European Union (EU) Obligations on page 10 of his report<sup>27</sup> he comments that it is inappropriate in such an environmentally sensitive area as Bryning-with-Warton, for the Neighbourhood Plan to place reliance on supporting evidence for emerging local policy in respect of demonstrating compatibility with European obligations. He goes on (on page 11 of his report) to note Fylde Borough Council's reservations about compliance with EU regulations and that it is for Fylde Borough Council to be satisfied of such compliance before the Neighbourhood Plan proceeds to a referendum or is made. He concludes (on page 12) that there is no certainty that the part of the Neighbourhood Plan which allocates land would be compatible with European Union obligations and so recommends that these allocations be deleted together with the whole of section 4.2 of the neighbourhood plan defining a new settlement boundary and proposing that 650 homes be developed within that settlement boundary.
37. The Examiner recognises that these recommendations would fundamentally alter the content of the BWNP. The Neighbourhood Plan has not progressed further since the publication of the Examiner's report in April 2016.

**Planning History**

38. A site of 15.4 ha of land, similar in extent to that of appeal A, was the subject of a planning application made in January 1999 for the construction of the first phase of the then proposed Warton bypass and development of land for residential purposes. The Council failed to issue a decision on this application within the prescribed period and an appeal was made (reference APP/M2325/A/99/1032594). Like the current appeals, that appeal was recovered for the Secretary of State's own decision.

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<sup>26</sup> Document 3.5

<sup>27</sup> Document 3.10

39. After an Inquiry held in March and April 2000 and reopened in August 2001 a report recommended that permission be granted subject to conditions. The Secretary of State disagreed with the Inspector's conclusions, largely in the light of weaknesses in the Council's 1998 Urban Capacity Study providing basic justification for the development as against the then national policy expressed in paragraph 32 of Planning Policy Guidance 3 which emphasised the importance of making more efficient use of land by maximising the re-use of previously developed land and the conversion and re-use of existing buildings. The appeal was therefore dismissed.<sup>28</sup>
40. Also relevant to these cases are recent housing development proposals permitted or submitted in Warton. They are tabulated in paragraph 3.13 of the Planning Statement of Common Ground for site B, reproduced here.

HLM Ref (App 2 CD13.3)	LPA Ref (CD8.9)	Address	Status/ Comments	Units
2	4	Blackfield End Farm	Granted. Discharging conditions and preparing RM	360
3	3	Riversleigh Farm	Granted and under construction	83
5b	9	Georges Garage	Granted (also permission for 7 dwellings)	16
6	10	GEC Marconi	Granted and under construction	254
9a	7	Meadows View	Completed	66
9c	5	Nine Acres Nursery (West)	Granted	9
<b>SUB TOTAL PERMITTED</b>				<b>788</b>
1	1	Clifton House Farm	Refused/ Decision awaited (this appeal)	115
7	8	Land East of Warton	Refused/ Decision awaited (other appeal to be heard here). Scheme reduced from 375 to 350 dwellings.	350
8	2	Oaklands Caravan Park	Supported subject to S106, new application relating to continued use as caravan park	53
9b	6	Nine Acres Nursery (North)	Issues with Ecology and Newt Licensing. Scheme reduced from 13 to 9 dwellings	9
<b>SUB TOTAL PENDING DECISION</b>				<b>527</b>
<b>OVERALL POSSIBLE TOTAL</b>				<b>1,315</b>

41. An Enterprise Zone for advanced engineering and manufacturing uses was designated at Warton in 2012.<sup>29</sup> It was extended in 2015. It lies on land in the southern part of the village, between Lytham Road and the airfield. Its job growth is expected to balance the restructuring effects of BAE. A Masterplan for Phase 1 of the Enterprise Zone has been prepared and adopted by the Council for development management purposes.<sup>30</sup>

<sup>28</sup> Appendix 10 to Colin Griffiths proof of evidence (document 9.2)

<sup>29</sup> Document 5.1

<sup>30</sup> Document 5.4

42. Certain of its access provisions are relevant to these appeals. The main access to the Phase 1 site would be from a new road on the eastern side of Warton (referred to in the Masterplan as the GEC eastern access road, now constructed as part of the GEC Marconi development referred to in the table above, originally known as Liberator Way and now known as Typhoon Way<sup>31</sup>). This access would also serve BAE Systems and the firm's gatehouse would be relocated from Mill Lane to a position on the southern side of the Phase 1 site.<sup>32</sup>

### The Proposals

43. Appeal A proposes the development of up to 375 dwellings on a site of 12.78ha comprising four fields (and parts of two others required for access) at the east end of Warton village. Following changes to the supporting documentation, a request has been made to reduce the number of dwellings proposed to up to 350.
44. Details of the site access show that it would be taken as a fourth arm of the existing three arm roundabout junction between Lytham Road and the Freckleton bypass. The vehicular approach to the roundabout would have a half width of 3.65m and an entry width of 6m.<sup>33</sup> The east side of the access would have a footway 2m wide. The west side would have a combined footway/cycleway 3m wide. This would continue round the west side of the roundabout to connect with an existing provision on the north side of Lytham Road. There would also be provision of a 3m footway/cycleway crossing the new site access at its entry to the roundabout, passing alongside the north of the roundabout to a new toucan crossing of the A584 Freckleton bypass, then passing alongside the east of the roundabout as far as its existing southern arm. Cyclists would rejoin the carriageway of the southern arm at that point but a 2m footway would continue along the eastern side of the southern approach to the roundabout as far as an existing footway in Lytham Road.
45. Appeal B proposes the development of up to 115 dwellings on a site of 3.74ha comprising one field and part of a second at the west end of Warton village. The Transport Assessment accompanying the application was based on the site delivering up to 120 dwellings, although the illustrative masterplan actually shows only 114.<sup>34</sup>
46. Details of the site access show that it would form a T junction positioned towards the western end of the site opposite numbers 297 and 299 Lytham Road. The new access would have a carriageway width of 6.5m with 2m footways on either side. The radii of the kerb line at the junction would be 10m. The carriageway of Lytham Road would be widened within the existing extent of the adopted highway to provide a right turn lane from the east into the site and a central

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<sup>31</sup> Paragraph 3.5 of Martin Porter's Proof of Evidence, document 10.3. It is shown as Thunderbolt Avenue on Google Maps and is so named in the Parish Council clerk's evidence (document 15.27).

<sup>32</sup> Shown on Access Strategy Plan on page 15 of Warton EZ Phase 1 Masterplan (document 5.2)

<sup>33</sup> Roundabout geometry data provided in Appendix 16a to Martin Porter's proof of evidence (document 10.4)

<sup>34</sup> Paragraphs 4.1.1 and 7.4.3 of Phil Wooliscroft's evidence (document 13.7)



pedestrian refuge to the west of the site entrance with facilities to assist pedestrians crossing the road at that point.<sup>35</sup>

47. There are a number of supporting documents. For Appeal A there is an Indicative Masterplan, a Lytham Road/Church Road Junction Improvement Scheme drawing number SK21338-013 revision A, an Affordable Housing Statement, an Agricultural Land Classification report, an Air Quality Assessment, an Arboricultural and Hedgerow Assessment, a Design and Access Statement<sup>36</sup>, an Ecological Survey and Assessment together with a Response to Ecological Comments 7 August 2014 and a Response to Further Ecological Comments 1 December 2014, a Flood Risk Assessment, a Phase 1 Geo-Environmental Assessment, a Noise Impact Assessment, a Planning Statement, a s106 pro-forma, a Transport Assessment with supplementary Information following consultation dated 18 September 2014 and a Supplementary Information Update Note of 23 October 2014, a Framework Travel Plan, a Utilities Statement and Wintering Birds Survey Results. Later in this report I consider the degree to which the recommendations of these supporting documents need to be applied by condition.
48. For appeal B there is an Illustrative Masterplan (13-006-P009 rev C), a Site Parameters Plan (013-006-P007 rev D)(paper copy only), Illustrative House Types and Street Scenes (013-006-P013)(paper copy only), a Warton West Spatial Masterplan (013-006-P008), a Planning Statement, a Design and Access Statement, a Landscape and Visual Impact Assessment together with a Landscape response to the Regeneration Team comments (electronic copy only), a Transport Assessment, a Flood Risk Assessment and Outline Drainage Strategy, a Phase 1 Detailed Desk Top Study, a Preliminary Ecological Appraisal Report, a Tree Survey Report (with covering letter), a Bat surveys Report, a Great Crested Newt Surveys Report, a Utilities Report, a Heritage Statement, a Noise Assessment, an Air Quality Assessment, a Soil Resources and Agricultural Use report and a Planning Obligations Statement. Later in this report I consider the degree to which the recommendations of these supporting documents need to be applied by condition.
49. Both schemes have completed Unilateral Undertakings.<sup>37</sup> For appeal A, this provides that 30% of the number of dwellings approved at reserved matters stage shall be affordable housing. It also provides for financial contributions, in accordance with formulae for additional primary school places at St Peter's Catholic Primary School Lytham and secondary school places at St Bede's Catholic High School, of £126,000 towards improved footpath links to, and public realm improvements in, the centre of Warton, of £375,000 over five years (£75,000 pa) to provide enhanced evening and weekend services on bus route 78 and of £24,000 towards administering and monitoring a Travel Plan. It also requires the developer to ensure that the Travel Plan includes a funding budget of £73,500.
50. For appeal B, the Unilateral Undertaking provides that 30% of the number of dwellings shall be provided as affordable housing. It also provides for financial

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<sup>35</sup> Paragraphs 4.2.5 and 4.2.8 of Phil Wooliscroft's evidence (document 13.7)

<sup>36</sup> On purple PINS file

<sup>37</sup> Documents 15.16 and 15.17

contributions of £125,000 (£25,000 pa for five years) towards improvements in the service and frequency of bus route 68, in accordance with formulae for additional primary school places at Bryning-with-Warton St Paul's Church of England Primary School and additional secondary school places at Lytham St Anne's Technology & Performing Arts College, of £41,567 towards public realm improvements in the centre of Warton or between the centre and the site, of £24,150 towards the provision of green transport initiatives in the event that targets in the Travel Plan are not met and of £6,000 towards the cost of travel plan support and monitoring.

### Agreed Matters

51. For appeal A there is a Statement of Common Ground (Planning Issues)<sup>38</sup> and a Statement of Common Ground on Highways Matters.<sup>39</sup> These describe the application site, the surrounding area, the application proposals, the planning history of the site, the evaluation of the development's impact on the highway network, its sustainable accessibility and policy matters. They confirm agreement between the appellant and the Council (but not between the appellant and any interested party) on the following matters

- The NPPF is a significant material consideration.
- Paragraph 49 of the NPPF is engaged because there is less than 5 years' supply of housing in the Borough.
- NPPF paragraph 216 is engaged and although it is for the decision maker to determine, the parties consider that emerging local and neighbourhood plans carry limited weight.
- The March 2016 Council Monitor confirms less than five years (4.8 years) supply currently exists within the Borough.
- The Council regards the 4.8 year figure as robust. The appellant does not.
- There should be a buffer of 20% in recognition of persistent underdelivery.
- Warton is a sustainable settlement and site A is a sustainable location.
- Subject to design, layout and infrastructure improvements, the scheme is capable of delivering sustainable development so NPPF paragraph 14 is engaged.
- The Development Plan comprises the saved policies of the Fylde Borough Local Plan as altered October 2005.
- The Development Plan was prepared against a background of severe housing restraint which no longer applies.
- The role of Warton within the Development Plan is as one of the main urban areas capable of accommodating development.

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<sup>38</sup> Document 15.3

<sup>39</sup> Document 9.15

- Policies SP1, SP2 and HL2 are out of date in so far as they relate to the location of new housing and, in any event, are overtaken by events set out in the local plan review.
- The local plan review continues Warton's role as a main urban area capable of accommodating development and development of a strategic scale is appropriate at the settlement.
- The Neighbourhood Plan has limited weight.
- There is not expected to be any landscape objection and so the development could comply with policy SP2 in relation to harmful effects arising.
- There are no harmful ecological issues which could not be dealt with through conditions or through Natural England licensing and so the proposal would comply with policy EP19.
- On and off-site drainage and infrastructure matters can be dealt with by conditions and so policies EP23, 24, 25 and 30 of the Local Plan would be met.
- Internal layout matters can be dealt with by condition or at reserved matters stage by reducing the scale of development below the upper limit proposed and so the development is capable of complying with policy HL6.
- A secondary education contribution is necessary and provided for through the Unilateral Undertaking.
- A primary education contribution is necessary and provided for through the Unilateral Undertaking.
- A safe and suitable access for the site can be achieved as shown in submitted drawing SK21338-012
- A package of highway mitigation measures.

52. For appeal B there is a Planning Statement of Common Ground<sup>40</sup> with an Addendum<sup>41</sup> and a Statement of Common Ground on Highway matters between Hallam Land Management (Appellant B) and Lancashire County Council.<sup>42</sup> These describe the appeal proposal and its supporting documents and plans, the appeal site and planning background, the Council's post-appeal determination, the responses from Statutory Consultees and from third parties, relevant planning legislation, policy and guidance. They confirm agreement between the appellant and the Council (but not between the appellant and any third party) on the following matters

- The proposal is not EIA development.
- The differences between the originally submitted access plan and the latest revision are negligible.

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<sup>40</sup> Document 11.26

<sup>41</sup> Document 15.1

<sup>42</sup> Document 11.25

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- All parties were consulted on the latest access plan by reference to a duplicate application.
  - The appeal ought to be determined on the basis of the latest access plan.
  - The table of committed and proposed developments in Warton.
  - The Core documents referencing the Enterprise Zone.
  - The Council's case is limited to (i) cumulative effect on the capacity of the surrounding highway network and (ii) the need for the development to contribute to the provision and enhancement of local infrastructure.
  - A Unilateral Undertaking would address the second strand of the Council's case.
  - The responses and objections received
  - Relevant planning policy and guidance includes
    - The Town and Country Planning Act 1990
    - The Localism Act 2011
    - Community Infrastructure Levy Regulations 2010
    - NPPF
    - National Planning Practice Guidance (Guidance)
  - The Development Plan predates NPPF, was not prepared in accordance with the now revoked Regional Strategy but was founded on two now revoked Structure Plans.
  - Policies referred to in the putative reasons for refusal are HL2, TREC17, CF2, EP1, TR1, TR3 and TR5 which can all be addressed through a Unilateral Undertaking.
  - Other relevant policies include the following and have been satisfied; SP1, SP2, HL6, EP10, EP11, EP12, EP13, EP14, EP21, EP22, EP25, EP26 and EP27.
  - No other policies have a bearing on the appeal.
  - Evidence based documents relevant to the determination of the appeal<sup>43</sup>
  - Planning law requires determination in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration.
  - The Development Plan is the Fylde Borough Local Plan As Altered (2005)
  - The only policies relevant to determination are those listed above
  - Warton is identified as a settlement where development should take place under policy SP1.
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<sup>43</sup> Documents 1.9, 2.4, 2.8, 2.10, 2.12, 2.13, 2.14, 2.16, 2.17, 2.18, 2.19, 2.20, 2.34, 2.42, 5.1, 5.5 and 5.7

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- A twelve month period has expired since publication of the NPPF so paragraph 215 applies.
  - Local plan policies relating to the supply of housing and employment land are time expired but remain the statutory development plan policies and their relevance must be tested in accord with NPPF paragraph 215.
  - Points which demonstrate that various policies relating to the supply of housing development are out of date.
  - Other policies such as HL2 broadly accord with the NPPF and can still be afforded some weight.
  - No policy applies the presumption in favour of sustainable development, the need to boost significantly the supply of housing or the balancing exercise imposed by NPPF paragraph 14.
  - NPPF paragraph 47 requires LPAs to boost significantly their supply of housing by identifying a five year housing supply with a 5% or 20% buffer.
  - A 20% buffer should be applied. Guidance recommends the Sedgefield approach to shortfalls.
  - The Council cannot demonstrate a five-year housing land supply.
  - Irrespective of the exact five-year supply, substantial weight should be given to additional housing where a five-year supply cannot be demonstrated.
  - The Council's evidence base suggests that an OAN of 440-450 would be required to support forecast economic growth
  - A requirement of 445 dpa would mean a supply of 3.74 years.
  - The Council's method of calculating its five year supply includes a 10% allowance for sites not coming forward.
  - The LPA cannot demonstrate a five year housing land supply and NPPF paragraph 49 applies.
  - The proposal would make a valuable contribution to the LPA's housing requirement which represents a key benefit of the proposal.
  - The weight to be given to the emerging plans should be limited.
  - The site is within a countryside area (policy SP2), adjacent to the Warton Settlement Boundary (policy SP1) but neither policy is referred to in the reasons for refusal.
  - The Fylde SHLAA identifies the site as being potentially suitable, not at risk from flooding, accessible and making a suitable extension to the settlement.
  - The appeal site is not located within the Green Belt, National Park, AONB or any other landscape or ecological designation listed within NPPF footnote 9.
  - The site falls within Flood Zone 1 and therefore complies with policy EP30.
  - The site predominantly comprises Agricultural Land grades 3b and 4, loss of which would accord with policy EP22.
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- The site occupies a sustainable location in accordance with policies HL2, TR1, TR3 and TR5.
  - The site is contained on three sides by existing development. Rising land levels minimise impact to open areas to the north.
  - The proposal will not have an unduly harmful impact on visual amenity or landscape character within the countryside and so accords with policies HL2, EP10, EP14 and EP18.
  - Submitted ecological reports and consultation responses confirm that the site has low ecological value and that the habitats of greatest importance are capable of retention and enhancement.
  - All other technical matters such as air quality, drainage, heritage, noise, ground conditions, trees, utilities and construction impacts can be effectively mitigated on site and/or controlled through conditions.
  - There are no other technical constraints which would prevent residential development of the site.
  - The indicative masterplan provides 0.87ha of open space, representing an overprovision of approximately 20% in accordance with the requirements of policy TREC17. Its provision and future maintenance can be secured through a condition.
  - The appellant will provide 30% affordable housing on site, a valuable contribution to the Council's affordable housing requirements and a key benefit of the proposal.
  - The Council's Housing Officer originally requested a tenure split of 60% affordable rented and 40% low cost home ownership but subsequent negotiation agreed 60% affordable rented and 40% intermediate housing for sale only.
  - An education contribution for secondary school places is required.
  - There is no current need for a primary school contribution but such could be required if both current appeals come forward and so provision is made in the Unilateral Undertaking.
  - The education contributions meet the CIL tests.
  - On completion of the Unilateral Undertaking, the proposal will comply with policy CF2 and NPPF paragraph 72.
  - Shops, community facilities and the public realm at the Church Road/Lytham Road junction are likely to be used by future occupants of the development.
  - A public realm contribution of £41,567 is proportionate to the contribution made by the Riversleigh Farm Scheme.
  - The proposed public realm contribution meets the CIL tests.
  - These works will have several important benefits and will comply with policy EP1, emerging policy TR1 and NPPF paragraph 32.

- The Unilateral Undertaking makes provision for all necessary contributions and so the proposals comply with policies EP1, TR1, TR3, TR5, CF2 and TREC17.
- The development will generate significant economic benefits which should be given positive weight.
- The principle and detail of access into the site.
- The committed developments, the extent of junctions, traffic count data and their suitability, times of greatest traffic impacts, modelling assessment years, trip distribution and estimates of generated traffic to be included within the Transport Assessment.
- The residual impact of the appeal proposals when considered in conjunction with other relevant schemes is not considered severe.
- Inevitable disruption during construction will be minimised through a Construction Management Plan, secured by condition.
- Pedestrian and cycle improvements are a benefit of the scheme.
- Contributions to public transport are acceptable.
- A planning condition is capable of requiring a final version of a Travel Plan.

### **The Case for Warton East Developments Ltd (Appeal A)**

53. The original application was not determined because the Council wanted to await the determination of an appeal on the Blackfield End Farm site. A subsequent duplicate application was refused against officer advice.<sup>44</sup> This recommended that the application be accepted in principle.<sup>45</sup>

#### *Warton; a sustainable location*

54. Warton has a good range of facilities including primary schools, food shops, newsagent, library, village hall and church. It is the location of regionally important employment areas. It is recognised in both statutory and emerging development plans as an appropriate location for significant additional development.<sup>46</sup>

#### *Outdated policy*

55. Inspector JS Nixon held a public inquiry into appeals for residential development of the site in April/May 2000 and August 2001. His recommendation that permission be granted was rejected, based upon the then national policy that prioritised the development of previously developed sites. That reasoning no longer applies as the NPPF has not continued the sequential approach to site selection.<sup>47</sup>

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<sup>44</sup> Mr Barrett's opening remarks, paragraphs 7-8 (document 15.20)

<sup>45</sup> Mr Barrett's closing remarks, paragraphs 24-25 (document 15.29)

<sup>46</sup> Mr Barrett's opening remarks, paragraphs 4-6 (document 15.20), referencing the Council's officer report, appendix 4 of Mr Griffiths's evidence (document 9.2)

<sup>47</sup> Paragraph 9 of Mr Barrett's closing remarks (document 15.29) referencing appeal decision APP/M2325/A/99/1032594 (Appendix 10 to document 9.2)

56. The development plan as adopted in 2005 is a product of its time, reflecting national and regional policies of growth and development in the main urban areas of the north-west and restraint in Fylde. It is accepted that the proposal would be contrary to policy SP2 which contains a prohibition on most forms of development within the countryside. But this should not be determinative as the policies are clearly out of date, conflict with the NPPF and the Council is unable to identify a five year housing land supply.<sup>48</sup>

*The emerging plans supportive but of little weight*

57. The stage reached gives the emerging local plan little weight but consideration was given to the acceptability of the site in principle and the proposal was the subject of Sustainability Appraisal. The Preferred Options of the emerging local plan published in 2013 confirmed Warton as one of only four strategic locations for development of up to 1,160 homes in the plan period. It included the appeal A site within proposal site H10.<sup>49</sup>

58. The Revised Preferred Options published in October 2015 retained Warton as one of only four strategic locations for development of a reduced requirement of 650 dwellings. Site allocations in Warton were devolved to a Neighbourhood Plan. The reduced requirement and the absence of allocations are the subject of major objections to the emerging local plan.<sup>50</sup> As noted in the Inspector's report on the Blackfield End Farm appeal, there is no clear explanation in the Responses Report to justify the reduction in housing numbers. There remains no clear explanation to this day, as the representative of the Neighbourhood Plan Steering Group confirmed in cross-examination.<sup>51</sup>

59. The Neighbourhood Plan, published in September 2014 allocated appeal site A for development under policy H2. The Neighbourhood Plan (including its allocations) was said to ensure that the essential character and function of the village was maintained. The allocation was not revisited despite the Blackfield End Farm decision in September 2015. The Examiner's Report was published in April 2016. It rejected much of the plan as submitted because of the lack of an Appropriate Assessment and a failure to meet Basic Conditions. It is not logical to oppose the development of the most appropriate sites that the local plan, the neighbourhood plan and the community identified for development on the basis of the Blackfield End Farm decision.<sup>52</sup>

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<sup>48</sup> Mr Barrett's opening remarks, paragraphs 10-11 (document 15.20) and his closing remarks, paragraphs 3-8 (document 15.29), referencing paragraphs 4.13-14 of Mr Griffiths's evidence (document 9.1) and paragraph 22 of the Secretary of State's decision letter on the Blackfield Farm End appeal (appendix 3 of document 9.2 also available as document 6.17)

<sup>49</sup> Mr Barrett's opening remarks, paragraph 12 (document 15.20) and his closing remarks, paragraph 11 (document 15.29), referencing appendix 11 to Colin Griffiths's evidence (document 9.2)

<sup>50</sup> Mr Barrett's opening remarks, paragraphs 13-14 (document 15.20)

<sup>51</sup> Mr Barrett's closing remarks, paragraphs 13-14 (document 15.29) referencing paragraph 4.61 of Colin Griffiths's evidence (document 9.1), paragraph 130 of the inspector's report on appeal reference APP/M2325/A/14/2217060 (Appendix 3 to Colin Griffiths's evidence, document 9.2 also available as document 6.17) and Mr Child's response to cross-examination

<sup>52</sup> Mr Barrett's closing remarks, paragraphs 15-21 (document 15.29), referencing Appendices 3, 12 and 14 to Colin Griffiths's evidence (document 9.2) and Mr Woods's response to cross-examination



*No five-year housing land supply*

60. The Council claims a 4.8 year supply. But even this is predicated on an out of date requirement of 370 dwellings per annum. The latest SHMA indicates a requirement of 440-450 dpa. But even this does not include a market signals uplift. The appellant suggests an objectively assessed need in the range of 425-460 dpa which results in a 3.5 year housing land supply. The supply side of the equation is also disputed. Further dispute is unnecessary because the Council accepts the application of NPPF paragraphs 14 and 49.<sup>53</sup>

*Highways*

61. Detailed examination of the highways issues by all parties has resulted in agreement that appeal A

- Would have a safe and suitable form of access
- Is a location that affords opportunities for access by a range of travel modes
- Will be supported by a Travel Plan to maximise the uptake of sustainable transport opportunities
- Will support additional evening and weekend bus services
- Attracts no remaining objection from the Highway Authority as a result of the identification of a package of highway and mitigation measures.<sup>54</sup> Subject to the delivery of the mitigation package, Lancashire County Council agrees that the cumulative impact of the development on the highway network would not be severe.<sup>55</sup>

62. Both appellants' transport experts regard the analysis of future traffic conditions to be extremely robust because

- it has applied both full NRTF growth forecasts without deductions for individual development sites as well as forecasts for the individual development sites themselves, which is an element of double counting
- high occupancy presumptions have been made for the Enterprise Zone
- no deduction has been made for the sustainable locations of the sites
- no deduction has been made for the effects of the travel plan.<sup>56</sup>

*Infrastructure*

63. Appeal A is supported by a planning obligation providing for an off-site public open space contribution,<sup>57</sup> education contributions, a contribution to public realm

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<sup>53</sup> Mr Barrett's opening remarks, paragraphs 17-19 (document 15.20) and his closing remarks, paragraphs 26-32 (document 15.29), referencing document 9.7 and Colin Griffiths's evidence paragraph 8.16.5, document 9.1

<sup>54</sup> Mr Barrett's opening remarks, paragraph 21 (document 15.20) and his closing remarks paragraph 35 (document 15.29), referencing table 3.2 of John Thompson's evidence (document 9.13)

<sup>55</sup> Mr Barrett's closing remarks paragraph 35 (document 15.29), referencing paragraph 4.26 of John Thompson's evidence (document 9.13)

<sup>56</sup> Mr Barrett's closing submission, paragraph 35 (document 15.29)

improvements, 30% affordable housing, contributions for five years towards bus service improvements and a travel plan with funding for mitigation measures. Highways Act agreements will provide for an improvement scheme at Church Road (in the event that it is not implemented as a condition of the Blackfield End Farm development) and an improved traffic signal control system and junction re-markings at Typhoon Way<sup>58 59</sup>.

### *A sustainable development*

64. The appeal A proposal is locationally sustainable. It would make a significant contribution to economic growth both directly through construction spend and indirectly through additional expenditure in the area. The contribution of market and affordable housing would assist the social component of sustainability, a matter given considerable weight by the Secretary of State in the Blackfield End Farm decision. The more than adequate provision of open space would promote a healthy community. Although there would be a loss of greenfield land the impact on the landscape would be minor and there would be ecological benefits.<sup>60</sup>
65. Conflict with locational policies of the statutory development plan should be afforded little weight because the plan is out of date, conflicts with the NPPF and the Council cannot demonstrate a five-year housing land supply, a shortfall in supply which is significant. Warton is a sustainable location. It should be regarded as a strategic location for development, consistent with the emerging local plan and the presence of the Enterprise Zone. Appeal site A adjacent to the existing settlement is locationally sustainable. The benefits of the proposal would not be significantly and demonstrably outweighed by the limited adverse effects. It represents a sustainable development.<sup>61</sup>

### **The Case for Hallam Land Management Ltd (Appeal B)**

66. The appellant is a company (part of the Henry Boot Group) which specialises in the promotion of land for development. Its interests in Warton include the Blackfield End Farm development allowed on appeal where both sale of the land and submission of reserved matters are being progressed. The appellant intends to facilitate development on the appeal site in like manner.<sup>62</sup>
67. Somewhat late in the day, Statements of Common Ground have been agreed. They confirm the position of the main parties that, subject to appropriately

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<sup>57</sup> By the end of the Inquiry, it was agreed that it was sufficient to require on-site public open space as a condition, rather than off-site through an obligation.

<sup>58</sup> Also referred to as Liberator Way and as Thunderbolt Avenue by other parties.

<sup>59</sup> Mr Barrett's opening remarks, paragraphs 22-23 (document 15.20) and his closing remarks, paragraph 37 (document 15.29), referencing section 11 of Colin Griffiths's evidence (document 9.1)

<sup>60</sup> Mr Barrett's opening remarks, paragraphs 24-27 (document 15.2) and his closing remarks, paragraphs 38-44 (document 15.29), referencing section 12 of Colin Griffiths's evidence (document 9.1), paragraph 22 of the Blackfield End Farm decision letter and paragraph 130 of the Inspector's report (appendix 3 of document 9.2 also available as document 6.17), the Council officer's report (appendix 4 to document 9.2) and paragraph 8.4 of David Appleton's evidence (document 9.10)

<sup>61</sup> Mr Barrett's closing remarks, paragraph 45 (document 15.29)

<sup>62</sup> Paragraph 3 of Mr Williamson's opening remarks (document 15.21)

worded planning obligations and conditions, there are no matters of principle between the main parties and that the appeal should be allowed.<sup>63</sup>

### *Local and national policy*

68. Section 38(6) of the Town and Country Planning Act 1990 demands that the decision maker starts with the development plan. This comprises the saved policies of the Fylde Local Plan Alterations Review (2004-2016), adopted in October 2005, updating the Fylde Borough Local Plan (1996-2006). The policies were saved by direction dated 2 October 2008 in the expectation that they would be replaced promptly. Some eight years later, there is still a considerable way to go.<sup>64</sup>

69. The Local Plan predates the NPPF. Due weight should be given to its policies according to their degree of consistency with the NPPF. All its policies relevant to the supply of housing are out of date because

- It is out of date on its face
- It was adopted over ten years ago, based on evidence even older
- It was not prepared in accordance with the 2004 Act or the NPPF
- It was prepared in line with revoked and outdated national planning policy guidance which sought to constrain housing development on greenfield sites
- It was prepared in accordance with Regional Planning Guidance for the North West (March 2003) and the Joint Lancashire Structure Plan (March 2005) not the North West Regional Spatial Strategy (September 2008) which superseded them
- Policies specifically relating to housing needs/growth were not saved
- The Council cannot demonstrate a five year housing supply.

It makes no reference to the presumption in favour of sustainable development nor to the need to boost housing supply. Its main housing policy HL1<sup>65</sup> is the antithesis of current housing policy.<sup>66</sup>

70. Relevant policies for the supply of housing which are out of date include policies SP1 and SP2, irrespective of Mr Guest's argument that the first of these is invalid anyway. In so far as it remains relevant, appeal B accords with it. The status of Warton as a location for growth continues through various iterations of the emerging local plan, the Enterprise Zone and the Neighbourhood Plan.<sup>67</sup>

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<sup>63</sup> Paragraphs 4 and 5 of Mr Williamson's opening remarks (document 15.21) and paragraph 4 of his closing (document 15.30)

<sup>64</sup> Paragraphs 10 and 11 of Mr Williamson's closing remarks (document 15.21) referencing paragraph 8.16 of Mr Tibenham's evidence (document 13.2)

<sup>65</sup> Not saved. See document 1.11

<sup>66</sup> Paragraphs 12-18 of Mr Williamson's closing remarks (document 15.30)

<sup>67</sup> Paragraphs 19-22 of Mr Williamson's closing remarks (document 15.30)

*Emerging plans*

71. The emerging local plan is at an early stage and subject to a number of objections, so it has limited weight. But it does describe Warton as a Strategic location for Development, as a Local Service Centre and the Preferred Options version of the plan identified four strategic locations for development, two of which included the appeal sites.<sup>68</sup>
72. Warton's role as a strategic location for growth is underpinned by the Enterprise Zone, the Lancashire Local Economic Partnership's Strategic Economic Plan and its strategic transport programme seeking funding (now granted) to release both economic and housing growth potential. The Lancashire Growth Deal and City Deal support that growth by way of investments such as the Preston Western Distributor Road.<sup>69</sup>
73. The emerging Neighbourhood Plan can carry only limited weight and, in the form recommended by the Examiner, it will not now provide for the delivery of housing. But its submitted draft did include appeal B as part of allocation H1, which is evidence of published local interpretation of the site's suitability.<sup>70</sup>

*Highways*

74. No specific evidence was presented to undermine the detailed documentation submitted by the appellants and agreed with the County and Borough Councils, including;
- The principle and design of the vehicular access is acceptable
  - The transport analysis takes proper account of committed development
  - The traffic count data used is a reasonable and acceptable basis for the transport analysis. It was recently validated.
  - Notwithstanding local accounts of congestion at other times, including holiday weekends, the traffic impact of the development would be greatest during the weekday peak hours used for analysis
  - Trip generation rates used in analysis are extremely robust because
    - Analysis tested 120 dwellings, whereas the proposal is for up to 115
    - Analysis makes no allowance for the effects of the Travel Plan
    - Analysis makes no reduction for lower trip rates generated by affordable housing
  - Trip distribution
  - Effects during construction can be minimised by a construction management Plan

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<sup>68</sup> Paragraphs 23-24 of Mr Williamson's closing remarks (document 15.30) referencing chapter 6 of Mr Tibenham's evidence (document 13.2)

<sup>69</sup> Paragraph 25 of Mr Williamson's closing remarks (document 15.30)

<sup>70</sup> Paragraphs 27-28 of Mr Williamson's closing remarks (document 15.30) referencing paragraphs 6.77 and 6.79 of Mr Tibenham's evidence (document 13.2)

- Improvements to pedestrian, cycle and public transport accessibility
- The locational sustainability of the site.<sup>71</sup>

75. Ruth Fraser's dossier of photographs of traffic accidents is consistent with Mr Wooliscroft's data. Speed is a contributing factor to accidents. Speeds would be reduced by the effects of the Appeal B highway scheme and so there would be a net benefit to safety.<sup>72</sup>
76. Jacqueline McDermott's counts of traffic flows are also consistent with Mr Wooliscroft's data. The data is objective. Judgment of severe impact is subjective. The A584 is a busy main road. It is reasonable to expect some queuing. Mr Wood (for the Parish Council) confirmed in cross-examination that a severe queue might involve a motorist waiting 4 or 5 cycles of the lights to transit the junction. Mr Wooliscroft's capacity analysis shows that even in the worst case scenario, the Church Road junction would operate at about 105% capacity. That would result in only about 10-15% of the traffic not transiting in one cycle. In this light, the Highway Authority expressly states that the appeal should be allowed.<sup>73</sup>

#### *Infrastructure*

77. Appeal B is supported by a planning obligation providing for affordable housing, education, public realm improvements, highway improvements including bus and cycle facilities and a travel plan. Open space provisions will be dealt with by condition.<sup>74</sup>

#### *Other matters*

78. Mr Denny's evidence acknowledges some effect on the character and appearance of the local area through the loss of agricultural fields but the development of appeal B would not extend the settlement into the countryside to any notable degree nor would it conflict with the local settlement pattern or overall character of Warton. Mr Bennett's concerns about the effect of appeal B on his amenities are understood and noted for attention at reserved matters stage.<sup>75</sup>
79. The appellant's experts' view is that the sources of air quality information presented by interested parties are wholly misleading and inaccurate and that air quality monitored in Warton is actually very good, clearly demonstrated through local monitoring data and the absence of a declared Air Quality Management Area.<sup>76</sup>
80. Despite residents' concerns about flooding, the site is at low risk, detailed design will ensure that discharge will be minimised and there are no objections to the development from the Environment Agency, the Council's Environmental Health Officer or the statutory drainage undertaker.

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<sup>71</sup> Paragraph 29 of Mr Williamson's closing remarks (document 15.30)

<sup>72</sup> Paragraph 30 of Mr Williamson's closing remarks (document 15.30)

<sup>73</sup> Paragraphs 30-32 of Mr Williamson's closing remarks (document 15.30)

<sup>74</sup> Paragraphs 35-36 of Mr Williamson's closing remarks (document 15.30)

<sup>75</sup> Paragraph 36 of Mr Williamson's closing remarks (document 15.30), referencing paragraph 8.3 of Mr Denny's Statement (Document 13.5)

<sup>76</sup> Paragraph 36.6 of Mr Williamson's closing remarks (document 15.30) referencing documents 11.18 and 15.12

*The benefits*

81. The principal benefits of appeal B are the delivery of 115 dwellings including 34 affordable homes, clearly needed. There is no dispute that there is no five-year housing land supply and agreement that there is no need to quantify the shortfall precisely. Other benefits include public open space, support for local bus and other services, improved opportunities for biodiversity and public realm improvements. There are direct and indirect financial and economic benefits.<sup>77</sup>

*The overall balance*

82. A grant of planning permission would

- Accord with local development plan policy so far as relevant and up to date
- Be consistent with emerging development plan and neighbourhood plan policy
- Constitute sustainable development benefitting from NPPF paragraph 14
- Deliver significant benefits including market and affordable housing
- Provide a safe means of access with acceptable impacts on the highway network
- Provide a package of measures through unilateral undertaking and conditions sufficient to support the scheme

83. These substantial benefits would override the very limited harm of a loss of greenfield land and related impacts. Adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole.<sup>78</sup>

**The Case for Fylde Borough Council (Both appeals)**

84. Warton is earmarked as a strategic location for development in the emerging Local Plan. The Council recognises that it cannot demonstrate a five-year housing land supply. Neither site exhibits landscape or visual qualities which cannot be properly addressed at reserved matters stage. Natural England was originally concerned about the effect on over-wintering birds using the nearby SPA but that concern has now been addressed and Natural England has withdrawn its objection.

85. Lancashire County Council, with unrivalled experience of the local highway network has been instrumental in bringing forward proposals for the Preston Western Distributor Road (PWDR). This should divert a proportion of traffic away from local roads in Warton. It is to be delivered through City Deal funding, which is committed. This, together with other off-site highway improvements lead to a conclusion that the consequences for the road network would not be severe (in the terms used by NPPF paragraph 32) if these appeals were allowed.<sup>79</sup>

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<sup>77</sup> Paragraphs 37-39 of Mr Williamson's closing remarks (document 15.30), referencing paragraphs 12.13-12.15 of Mr Tibenham's evidence (document 13.2)

<sup>78</sup> Paragraphs 40-42 of Mr Williamson's closing remarks (document 15.30)

<sup>79</sup> Paragraphs 6-11 of Mr Easton's opening Position Statement (document 15.22)

86. Although not presented or tested by cross-examination at the Inquiry, Mr Porter's proof of evidence gives a detailed explanation of this conclusion.<sup>80</sup> Significant points from this proof are as follows

- Peak flows are relatively short, resulting from BAE start and finish times<sup>81</sup>
- Accident rates are not unusual for this type of urban road<sup>82</sup>
- There is a potential grand total of 1344 new dwellings in Warton<sup>83</sup>
- When the new BAE gatehouse and access is opened, Mill Lane will be relieved but traffic on Typhoon Way<sup>84</sup>, which has been designed to cope, will increase<sup>85</sup>
- The new BAE Systems access is not expected to be delivered and operational for a few years but a scenario with it in place is still believed correct<sup>86</sup>
- A planning application has been submitted for the Preston Western Distributor Road (PWDR) which is to provide a link between a new junction 2 on the M55 and a new junction on the A583 at Lea Gate<sup>87</sup>
- The PWDR has two key aims, one of which is to improve access from the motorway network to the Warton Enterprise Zone<sup>88</sup>
- The PWDR is due to start on site in January 2018 and to be completed during 2020<sup>89</sup>
- Funding for the PWDR is through the Lancashire Enterprise Partnership which supports the Preston, South Ribble and Central Lancashire City Deal delivery Programme which includes the PWDR<sup>90</sup>
- There is a "Saturn model" of Central Lancashire which has been interrogated to report on the effects of the PWDR on junctions in Warton. It shows
  - Increased traffic along the A584 to the east of Warton in both directions
  - Reduced traffic along Church Road
  - A lesser reduction in traffic on Lytham Road to and from the west of Warton
  - A small increase in traffic on Harbour Lane

This output has been used to test scenarios for 2024.<sup>91</sup>

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<sup>80</sup> Paragraph 11 of Mr Easton's opening Position Statement (document 15.22)

<sup>81</sup> Mr Porter's proof paragraph 3.14

<sup>82</sup> Mr Porter's proof paragraph 3.16

<sup>83</sup> Mr Porter's proof paragraph 4.3

<sup>84</sup> Also known as Liberator Way and as Thunderbolt Avenue

<sup>85</sup> Mr Porter's proof paragraph 5.2

<sup>86</sup> Mr Porter's proof, unnumbered paragraph following paragraph 5.2

<sup>87</sup> Mr Porter's proof paragraph 6.1

<sup>88</sup> Ibid

<sup>89</sup> Mr Porter's proof paragraph 6.2

<sup>90</sup> Ibid. Funding for the PWDR was announced during the Blackfield End Farm Inquiry. See footnote 15 on page 11 of the Inspector's report (Appendix 3 to Mr Griffiths's proof of evidence (Document 9.2) also available as document 6.17)

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- Conditions 16 and 17 of the Blackfield End Farm decision<sup>92</sup> require no development to take place until details of a junction improvement at Lytham Road/Church Road have been submitted to and approved by the local planning authority and for no more than 119 dwellings to be occupied until the junction improvement has been implemented<sup>93</sup>
  - Elements of the Lytham Road/Church road junction design assist the Council's public realm improvements<sup>94</sup>
  - The design of the public realm improvements incorporates the junction changes<sup>95</sup>
  - Drawing SK21338-012 represents a safe access to appeal site A<sup>96</sup>
  - Appeal A offers<sup>97</sup>
    - Provision of MOVA/UTC control at the junctions of Lytham Road with Typhoon Way, Mill Lane and Church Road
    - Provision of the Church Road junction improvements if not previously implemented
    - A five-year financial contribution to improvement of route 78 bus service
    - Funding for a travel plan team and a budget for additional measures initiated through the travel plan
  - Drawing 0988-F01 revision F represents a safe access to appeal site B<sup>98</sup>
  - Appeal B offers
    - Provision of the Church Road junction improvements if not previously implemented
    - Improvements to bus stops on Lytham Road
    - A five-year financial contribution to improvement of route 68 bus service
    - Funding for a travel plan team
  - Although neither the new BAE access nor the PWDR delivery is within the control of the appellants, there is a real prospect that they will be delivered in realistic timescales, so no request for a condition limiting approval of the appeals to the delivery of these road schemes. This is consistent with the view taken by the Blackfield End Farm Inspector<sup>99</sup>
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<sup>91</sup> Mr Porter's proof paragraphs 6.4-6.6

<sup>92</sup> Appendix 10 to Mr Porter's proof (document 10.4)

<sup>93</sup> Mr Porter's proof paragraph 7.3

<sup>94</sup> Mr Porter's proof paragraph 8.2

<sup>95</sup> Mr Porter's proof paragraph 9.2

<sup>96</sup> Mr Porter's proof paragraph 10.3

<sup>97</sup> Mr Porter's proof paragraph 10.5

<sup>98</sup> Mr Porter's proof paragraph 11.4

<sup>99</sup> Mr Porter's proof paragraph 12.5



- For approved housing sites in North West Preston, Lancashire County Council accepts the risk of the PWDR not being in place<sup>100</sup>
- The scenario testing for 2024 shows that all junctions within Warton will operate within capacity except that of Lytham Road/Church Road<sup>101</sup>
- The Lytham Road/Church Road junction will operate over capacity but to a lesser degree than that found acceptable in the Blackfield End Farm appeal.<sup>102</sup>
- In contrast to the acceptance of the risk of PWDR not being delivered, the Church Road junction improvement is necessary because otherwise, pedestrian safety would be compromised, as would the feasibility or viability of the intended public realm enhancements.<sup>103</sup>

87. The putative reasons for refusal did not make positive assertions of harm, rather a failure to demonstrate the acceptability of the proposals. Despite appeals being made, the Council has sought to engage proactively with the appellants. This process has been successful. The agreed position between the parties is set out in the Statements of Common Ground. It is subject to two caveats; (i) that the section 106 obligations are executed in the agreed form to provide affordable housing, education contributions, public realm enhancement, public open space<sup>104</sup> and transport improvements, (ii) that an appropriately worded condition requires junction improvements at Church Road/Lytham Road to be provided as a means of accommodating the traffic generated by the two appeal schemes.<sup>105</sup>

### **The Case for Bryning-with-Warton Parish Council (Both appeals)**

88. The Parish Council came to the Inquiry with the intention of supporting objections made by Fylde Council's Development Management Committee against the recommendations of its officers. The Parish Council is perplexed and frustrated by the last minute agreement between the developers, Fylde Council and the Highway Authority on Common Ground to address all traffic concerns. That reflects the experience of the Local Plan Preferred Options to 2030 which proposed an allocation of nearly 1200 new homes to Warton without previous consultation with the local community or Parish Council.
89. The Parish Council fully acknowledges national and local needs for new housing but it is the scale of development proposed which is the overriding issue to the Parish Council. Four major residential developments have been approved in Warton in the past five years (Meadow View, Riversleigh, Highgate (formerly Marconi) and Blackfield End Farm). They total 850 dwellings, yet now the submitted appeals seek approval for a further 465. This equates to some 85% growth, virtually doubling the size of the village.
90. All have been approved and progressed without any tangible improvements to local facilities, amenities, highways or drainage systems. The village has no

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<sup>100</sup> Mr Porter's proof paragraph 12.5

<sup>101</sup> Mr Porter's proof paragraphs 13.10-11 and table 1

<sup>102</sup> Mr Porter's proof paragraph 13.12

<sup>103</sup> Mr Porter's proof paragraphs 14.6-14.9

<sup>104</sup> By the end of the Inquiry, all three main parties agreed that it was sufficient to require public open space as a condition, rather than through an obligation.

<sup>105</sup> Paragraphs 1-5 of Mr Easton's opening Position Statement (document 15.22)

doctor's surgery, dentist or pharmacy. There is no bank. Post office services are limited to a counter at the local convenience store. Local highways are at capacity. Transport links are poor and certain areas are subject to minor flooding. All that is proposed is a superficial change to the main junction, a proposal for more traffic lights along the main road and a payment to continued hourly bus trips. No credence is given to local knowledge.

91. The Parish Council has progressed community participation through a Parish Plan, a Design Statement and a Neighbourhood Plan as well as facilitating the local referendum on the Local Plan Preferred Options for a scale of development on par to what is now put forward. All evidence and consultation identified highways issues and a lack of facilities.
92. Historically, both a planning Inspector and a representative of the County Highway Authority had concluded that the road system at certain points in Warton had reached, if not exceeded capacity.<sup>106</sup>
93. Three infrastructure schemes are supposed to facilitate improved traffic flows. These are at the junction of Lytham Road with Church Road, the Preston Western Distributor Road and Lytham Road at the west end of the village.
94. Revision of the junction of Lytham Road with Church Road is a condition of the development of Blackfield End Farm, allowed on appeal. But, even so, the junction would still operate over capacity. The certainty of heavy traffic queuing longer in the village centre at certain times of day poses health and safety concerns. Impact during its construction would be horrific. There is no certainty over the timescale of its delivery. Yet it is suggested that up to 15% of appeal sites A and B could be completed without it. Common sense would indicate that in all reason these conditions should not be exacerbated by further traffic both from the construction and subsequent operation of either appeal.
95. For the Enterprise Zone to be successful will require better links to the motorway network. The Parish Council appreciates the concept of the PWDR shifting access traffic from a north-south route through Wrea Green, Bryning Lane and Church Road onto an eastern approach along the A584 Freckleton bypass. But that will only feed traffic onto the very roundabout proposed for the access to appeal site A. It is yet to be explained how this will alleviate or improve existing or future traffic flow to points further west.
96. Moreover, the PWDR is not currently scheduled to open until 2021/22. It is reliant on government funding. Full planning permission has not yet been sought. Likewise, the new BAE access is not expected to be delivered and operational for a few years. The Parish Council would plead for common sense; no further development should be allowed at this time and not until the indicated highway infrastructure is fully operational.
97. The proposed junction to provide access to appeal site B represents a further hazard at a point where the speed of traffic and the curvature of the road gives

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<sup>106</sup> Understood to be a reference to paragraphs 71, 102-104 and 112 (summarising parties' cases), and 168 and 177 (Appraisal and conclusions) of the Inspector's report into Appeal reference APP/M2325/A/99/1032594. (Found at Appendix 10 to Mr Griffiths's Proof of evidence, document 9.2 (provided in hard copy only))

safety concerns. A preferred alternative would be to provide access via a roundabout further to the west.

98. The significance of BAE Systems is immense. Improved access and egress to the east or west of the site, has the potential to alleviate traffic in the centre of the village, specifically if the main entrance were to close. But the Parish Council has been advised that this is not likely.
99. Moreover, there are issues created at the east end of the village where Lytham Road reduces from two lanes to one west of the new junction with Thunderbolt Avenue.<sup>107</sup> Several serious collisions have occurred in this proximity and it is the consensus of local opinion that it is only a matter of time before a fatality occurs.
100. Growth of the Enterprise Zone will add to existing problems on Lytham Road. Development of the two appeal sites in close proximity will not alleviate traffic problems. Attestations that people will move to be close to their place of work are not supported in practice; some employees at BAE Systems at Warton are known to commute from Merseyside, Manchester and Yorkshire.
101. Likewise, residents' trip rates used in the modelling process seem vastly disproportionate to real life experience. The nearest significant grocery stores are based in Preston, Kirkham or Lytham. The numbers of additional cars in the village during busy times is likely to be in the hundreds, in addition to the hundreds likely to be generated from existing approved developments not yet completed.
102. Air quality and developing health issues have become a recent concern in Warton. Figures and reassurances from experts have been accepted unchallenged. Recent reports in the media and subsequent investigation with the local authority have identified this as an area of concern that has been significantly overlooked.
103. Despite the strong and emotive views of a large proportion of the local electorate, the Parish Council fully embraced the Neighbourhood Plan concept in the understanding that it is not about preventing future growth but working together to provide sound and robust policies for a sustainable future for Warton. But attempts to progress the plan have reached impasse with the Local Planning Authority.
104. Ministerial statements encourage hope of influencing future growth but the relevance and need for Parish Councils is questionable if their views and representations are ignored. Members of the Parish Council and the Neighbourhood Plan Steering Groups are volunteers, from diverse walks of life. They offer a broad representation of community views and opinions as well as unique local knowledge often overlooked by professionals. If the concept, principles and policies of neighbourhood planning fail then the legislation, however well-intentioned would be a complete waste of time and money.

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<sup>107</sup> Referred to as Liberator Way or Typhoon Way in Martin Porter's proof of evidence

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**The Case for Bryning-with-Warton Neighbourhood Plan Steering Group (Both appeals)**

105. Despite meeting with Council officers on 7 July 2016, no intimation was given to the Neighbourhood Plan Steering Group of the made or impending Statements of Common Ground with appellant B.
106. The Council initiated the concept of a masterplan coordinating the development of Warton in a meeting on 20 November 2013, following the receipt of a number of uncoordinated planning applications. It had previously itself promoted development on land without consulting the landowner. The Council continues to support the concept of masterplanning in its Fylde Local Plan Revised Preferred Options October 2015. Yet its lead Councillor had expressed the view that the lack of a five-year housing land supply would undermine the masterplanning approach.
107. Two years after the November 2013 meeting, the Council's Director of Development and Regeneration expressed an observation to the effect that planning in Fylde is determined by developers. Two and a half years after the November 2013 meeting, Mark Menzies MP expressed the view that applications submitted before the new local plan has been ratified represent a clear case of wilful abuse of the local plan process.<sup>108</sup>
108. Nevertheless, Bryning-with-Warton Parish Council sought to influence the development of the village through the Neighbourhood Plan process. Its process was robust. The Neighbourhood Plan Steering Group continues to inform residents of planning matters in ways such as the publicity it gave to this Inquiry.
109. The Parish Council, through its Steering Group submitted the Bryning-with-Warton Neighbourhood Plan to Fylde Borough Council in September 2014. It is now stalled and has not progressed to a referendum. But the Inquiry should recognise the fact that Bryning-with-Warton Parish Council, through its Steering Group produced a document which truly reflected the will of the residents to see the village grow in a structured, planned way.
110. The Neighbourhood Plan has been recognised as a substitute for the originally intended masterplanning exercise. It envisaged development to the east and west of the village. But that concept has been undermined by applications at Blackfield End Farm, Riversleigh and Oaklands. In response to cross-examination, Mr Child, the Steering Group's representative confirmed that the BWNP had regarded the appeal sites as the best location for development in Warton but subject to a cap of 650 on development in total.
111. Many in the village cannot understand how the absence of a five-year housing land supply and the absence of an adopted local plan can lead to approval of such a large number of dwellings in the village. If Warton is a Strategic Location for development, then all planning decisions should be taken on a strategic basis. Yet approval has been given for over 300 dwellings at Blackfield End Farm, despite recognition in the Preferred Options consultation in 2013 that "of the three sites for development in Warton, infrastructure issues indicate that development could start on land in the east first."

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<sup>108</sup> Document 15.9

112. Similarly, development as a strategic location is expected to involve improved local facilities and an improved local centre. Yet there is no evidence of any such enhancements associated with developments approved to date or with the two current appeal proposals. By contrast, major enhancements to the site access to BAE Systems's other site at Samlesbury looks like strategic planning as does the approval for a new 1500 dwelling development in Warwickshire, preceded by a major infrastructure project including a network of access and relief roads.
113. Planning approvals in Warton so far total 778 dwellings. The two appeal proposals would add 475, totalling 1253. By comparison, the Council proposed 1160, reduced through debate and discussion to 650. The village will be transformed into a town with few facilities to meet its needs. It is highly unlikely that Warton will provide sources of employment for a massive increase in its population. Consequently, those residents who are employed would experience the frustrations of an inadequate road system. It would be a disgraceful epitaph for a planning process which has failed to pay due regard to local democracy.

### **The Case for Jaqueline McDermot (Both appeals)**

114. She has been a resident of Lytham Road for two years. She experiences traffic fumes. She is concerned about traffic on Lytham Road and feels that the road is not big enough to take the traffic. She is concerned about the impact of cars on children walking to school.
115. She asserts that there is no demand for new housing and reports that developers do not necessarily deliver what they are required to do, citing new houses built behind hers where drainage gullies were not completed.

### **The Case for Jean King (Both appeals)**

116. More houses would lead to more cars, in turn leading to more fumes. Research from BBC News shows that there are an estimated 29,000 deaths annually in the UK from air pollution. Developments should not add to or cause significant additional issues. Air quality considerations are national policy.<sup>109</sup> Mitigation measures should be developed.
117. The Journal of Thoracic Disease reports that rapid and poorly planned urbanisation is associated with high levels of ambient air pollution, mainly caused by increasing emissions from motor vehicles. Exposure to outdoor air pollution is associated with increased mortality from pollution-based respiratory complaints. Larger effects were observed in older people. It is a major environmental health problem leading to 3.7 million premature deaths world-wide in 2012.
118. Young people are more susceptible to air pollution because their lungs are growing and developing and because they spend more time outdoors. Children living in areas with high levels of nitrogen dioxide have up to 10% less lung capacity than normal. The Sunday Times has mapped school locations against government data of NO<sub>2</sub> emissions per square kilometre and found that about 3,000 British Schools were sited in areas with potentially dangerous levels of air pollution. Both the Royal College of Physicians and Parliament's Environment Audit Committee have drawn attention to planning in relation to air pollution at schools because of their proximity to roads. The situation is exacerbated by new

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<sup>109</sup> She referred to NPPF paragraphs 109, 110 and 120

housing in rural areas which increase the burden on local schools and the pollution associated with increased traffic.

119. Fylde Borough Council's Green Infrastructure Strategy Baseline Review acknowledges that air quality is poorest around Kirkham, Warton and the northern housing estates of St Annes. In Warton, this is attributed to traffic and to operations associated with BAE Systems. DEFRA's 2014 data (on its website) confirms Warton as an area at risk having nitrogen dioxide background levels of between 30 and 40 parts per billion, a significant increase over the Council's 2009 readings of 23 ppb.
120. Warton has two primary schools, two child nurseries and a community centre at the epicentre of the cumulative development that is planned. There is no evidence that the Council has sought independent opinion on the cumulative impact of 1,300 new homes and the Enterprise Zone<sup>110</sup> within a mile radius of the centre. The developer's case is that impact on air quality is predicted to be negligible but that is based on modelling, not substantive evidence. It is obvious that almost doubling the population of the village, combined with the Enterprise Zone will make a very significant increase in traffic volume and therefore an unacceptable risk until independent and reliable evidence is available.
121. In response to questions put on behalf of Warton East Developments she confirmed that she supported the Neighbourhood Plan for Warton which promoted added development. She accepted that any housing will produce more pollution and that it is sensible to locate new housing where it was not necessary to use cars but that development should be focussed on the regeneration of Blackpool and Preston.

### **The Case for John Rowson (Both appeals)**

122. Mr Rowson contests the TRICS data which underlines the appellants' estimates of traffic generation. These are usually related to suburban areas. Traffic generation in Warton is likely to be twice as high.
123. He is a former police officer, resident of Wrea Green, about two miles north of Warton and has experienced increases in traffic speeds and congestion as a result of development there and in Warton. Because of congestion on the A584, much traffic comes and goes via Wrea Green but there has been no improvement to infrastructure.
124. Even after the Western Distributor Road is completed in five years time, peak congestion on the A584 will still encourage traffic to seek an alternative route through Wrea Green. Road infrastructure improvements need to be completed before further development is approved.
125. If developments are completed within five years, they will pre-exist the Western Distributor Road. Yet, if they are not completed within five years, they will not be needed as other development will be on stream by then and meet housing needs.

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<sup>110</sup> Environment Zone was the term initially used, with the abbreviation EZ, but the abbreviation means Enterprise Zone, which term is used later in her statement

126. The developments would conflict with paragraphs 9, 17, 21, 32, 132 and 172 of the NPPF. The draft Local Plan for Fylde and the draft Neighbourhood Plan would address issues but the developments fall outwith the cap of 650 in those emerging plans, although the sites are included. The cumulative effects of development in Wrea Green need to be taken into account together with that in Warton.

### **The Case for Michael Gilbert (Both appeals)**

127. If one were to stand outside the Inquiry venue at about 5pm, traffic from the Lytham direction would be constant as far as the eye can see. The same would also be true of the stream of traffic emerging from BAE.

128. The traffic produces fumes. The Sun newspaper reported on 3 May<sup>111</sup> that the ninth worst kilometre grid square in the country was in Warton, including the site of St Paul's Primary School. The Sunday Times carried a similar report referring to the location of Holy Family Primary School in Warton within a grid square experiencing 166 tonnes of NO<sub>2</sub>,<sup>112</sup> many times the safe limit. The appellants forecast minimal effects from their developments but when the limits are already well exceeded, then they should not be added to.

129. There are three suggestions for resolving Warton's problems; (i) the Preston Western Distributor Road (PWDR) would reduce traffic; (ii) moving the entrance to BAE to the east of the village would reduce traffic in the village; (iii) improvements to the Church Road junction. But sequencing is important. If the last were to precede the others, the effects would be chaotic. PWDR could be four years away. The BAE move is still a few years away. So, development should be deferred until road capacity is complete.

### **The Case for John Barton Bennett (Appeal B)**

130. Mr Bennett and his wife have lived for 41 years in the property which would be surrounded on three sides and is currently blighted by the uncertainty of the development proposed in appeal B. Unless separated by a reasonable distance from the development, privacy would be lost.

131. The site of appeal B drains towards their property. Localised flooding occurs. Hard surfacing with roads and tarmac will make matters worse.

132. The proposed site access is too close to Brook Corner which drivers take at speed. Much more traffic will use the A584. Turning movements will lead to accidents.

133. The capacity of infrastructure such as medical surgeries, schools, and shops together with the lack of a library is a concern.

### **The Case for Ruth Fraser (Appeal B)**

134. Ruth Fraser and her partner live on Lytham Road opposite appeal site B. Her concern is with highway safety. The proposed site access is close to a bend which reduces visibility. The bend has been the site of many accidents.<sup>113</sup> The

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<sup>111</sup> Document 15.6

<sup>112</sup> Document 15.7

<sup>113</sup> Document 15.8

access would add complexity to a location with five other access points already<sup>114</sup> and three bus stops. She points out that the Neighbourhood Plan proposed access to the site in a different location.

135. Help for pedestrians to cross at any point on Lytham Road is appreciated but speeding traffic and the visibility of proposed central refuge from the Lytham direction would not reassure pedestrians. A similar refuge outside the Land Registry<sup>115</sup> was hit and overturned.

### **The Case for Tony Guest (Both appeals)**

136. When the Local Plan was being prepared, policy SP1 set out a development hierarchy in general conformity with the Lancashire Structure Plan of the time. Before the adoption of the Local Plan the Secretary of State intervened and directed non-adoption because of inconsistency with the emerging Joint Lancashire Structure Plan. Fylde Borough Council adopted the plan unaltered, was challenged in the High Court and the Plan quashed.
137. When the plan was reviewed in 2006, the Council was not consistent in its alterations to the Local Plan so the hierarchy was not changed. At the time, this did not matter because the new Joint Lancashire Structure Plan supervened and policy SP1 was incapable of having effect.<sup>116</sup>
138. But the joint Lancashire Structure Plan was subsequently revoked. In 2007 the Secretary of State directed that certain policies in the Fylde Borough Local Plan should be saved beyond 27 September 2007.<sup>117</sup> These included policy SP1. Yet this policy should have no validity.
139. The emerging Local Plan proposed to identify Warton as a Strategic Location, nearly doubling the size of the village. This proposal did not emerge from consultation. Previous consultation had not included that option and no response to consultation suggested it.
140. The response was dramatic. Although only 30 people attended a Local Plan meeting in St Annes, 600 attended in the village. A petition against designation as a Strategic Location was signed by 830 Warton residents.
141. Warton is inappropriate as a Strategic Location. The term is better used to identify sites such as the Royal Ordnance site at Chorley. BAE Systems is a major employer. The case for housing is based on proximity to employment. But a very small proportion of BAE employees live in Warton. BAE recruits skilled personnel from around the world. They live elsewhere. Support services have all been outsourced to companies such as G4S, Compass etc. They are headquartered elsewhere and do not recruit locally.
142. Warton is remote from the motorway system, so BAE is moving investment to Samlesbury. What Warton offers is a long runway. But BAE is moving away

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<sup>114</sup> Florence Avenue, the entrance to Clifton House Farm, the access road for residents of Denwood Bank and the driveways of 291 and 278 Lytham Road.

<sup>115</sup> Located on Lytham Road to the west of Warton

<sup>116</sup> As explained in the Preface to the Fylde Borough Local Plan As Altered, October 2005 (Document 1.1)

<sup>117</sup> Document 1.11



from aircraft assembly and flight testing. It is likely that within the period of the emerging Local Plan BAE will have moved out of Warton and closed the runway.

143. The Enterprise Zone is a response to redundancies at Warton and Samlesbury. It has been established four years. It is one of the worst-performing Enterprise Zones in the country. Its goal was 1,200 new jobs in the short term, 4-6,000 in the medium term. In the past four years it has created 12 new jobs. So the idea that the Enterprise Zone will be a major employer is fanciful.
144. The Preston Western Distributor Road will not move Warton closer to the motorway. It won't change the crucial point of the access to the motorway system. For each enquiry made in relation to the Warton EZ, 8-10 are made at Samlesbury. There is a rival EZ at Blackpool Airport. Warton's one asset is a military airfield.
145. Warton is promoted as a major service centre but is surrounded by others of longer standing; Freckleton to the east includes a health centre, Lytham to the west offers the complete range of services. To the north is Kirkham, a major town. The traditional pattern of development is directed by the road and rail system. There is no evidence that the effects of the PWDR will change that. It is laughable to think that people will come to Warton.
146. In response to cross-examination, Mr Guest accepted that both appeal sites were promoted within the emerging Local Plan and emerging Neighbourhood Plan process and both found acceptable within a much reduced housing figure but, he pointed out that since then, the decision on the Blackfield End Farm appeal (permission given for 360 units) makes the addition of the two appeal sites much less sustainable.
147. During his questioning of Mr Thompson (the transport expert for appeal A), Mr Guest pointed out that Warton is located in a holiday area. He obtained confirmation from Mr Thompson that holiday traffic had not been modelled because of its exceptional nature but Mr Guest made the point in response that holiday traffic is not exceptional for a holiday area.

### **Written Representations (Both appeals)**

148. In response to notifications of the appeals, three respondents made written representations on appeal A<sup>118</sup> and two in response to appeal B.<sup>119</sup>
149. In relation to appeal A, they point out that the Council originally proposed 1160 houses for Warton in its emerging local plan, subsequently reduced to 650 but that has not progressed to examination, that a neighbourhood plan for 650 houses is progressing, that the A584 is inadequate and land is needed for a bypass, that houses are not needed and that local employment is in decline. Doubts are cast on the dimensional adequacy of the land required for the access to appeal site A, of the need to raise land to provide the access and of its unsuitability because located within flood zone 3. Alternative land is sequentially preferable and available.

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<sup>118</sup> K D Copson, J H Ashworth and de Pol Associates on behalf of Chris Hill

<sup>119</sup> Bryning-with-Warton Parish Council the case for which was presented to the Inquiry and reported elsewhere and Sally Wright representing Warton Residents Against Poor Planning (WRAPP)

150. In relation to appeal B, the increased risk from the access to pedestrians crossing Lytham Road was of concern. Flood risk was pointed out as was the fact that the neighbourhood plan promoted a large public open space on the site and wide buffer areas around development for walking and traffic calming on Lytham Road.
151. Nineteen representations were made to the Council in relation to the application which has resulted in appeal A. These raised concerns regarding the proposal's inconsistency with people's preferences, a change in the character of the village, the scale of development, its height, its need in the light of new housing remaining unoccupied, the availability of alternative sites, insufficient employment, the type of housing, traffic generation, the need for a bypass, lack of facilities, drainage, sewerage and infrastructure, flooding, loss of playing fields and recreation area<sup>120</sup> and loss of open aspect, privacy and light.
152. Eleven representations were made to the Council in relation to the application which has resulted in appeal B, including one each from Mr Bennett and Ruth Fraser whose cases are reported separately. The additional representations raise concerns of a loss of view, the quantity of development in the village, the loss of its character, the lack of infrastructure, capacity for wastewater, the capacity of the highways, the safety of the access location proposed, the need for cycle priorities, facilities for pedestrians, the inability of houses to sell, the type of housing proposed and prejudice to the Neighbourhood Plan
153. Ten representations were made to the duplicate application on appeal site B including the access detail as now proposed. These include one from Mr Bennett, whose case is reported separately. Others raise concerns of compliance with the BWNP, the sustainability credentials of Warton, the lack of need for housing, the lack of employment, excessive numbers of houses, their saleability, the swamping of village character, the loss of green sites, the lack of infrastructure, drainage, added traffic, the danger of the location of the access, a preferred location for the access, obstruction to existing accesses, the need for a cycle path, loss of green belt<sup>121</sup> and the loss of a view.

### Inspector's Conclusions

154. In this section of my report, references in square brackets [] are to previous paragraphs of this report on which my conclusions are based.
155. At the opening of the Inquiry, I identified the main issues in both appeals to be the effects of each proposal on the demand for and supply of supporting facilities and services and the supply of housing in the local housing market area but I also advised that, in the light of the agreements reached at the last moment between the parties, the Inquiry would focus on matters raised by those not party to these agreements. In the light of the cases presented by interested parties during the Inquiry I now revise my identification of the two main issues which arise from these cases and add two more.

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<sup>120</sup> A mistaken fear; the site of appeal A does not involve any loss of playing field or recreation area.

<sup>121</sup> But, as a matter of fact, the site is not designated green belt.

156. The main disputed issues are the effects of development on the character of Warton and the capacity of its services and facilities; the capacity of the highway network to accommodate the cumulative effects of development in Warton; the suitability of Warton as a location for residential development in terms of air quality and; the effects of the proposals on the demand for and supply of housing in the local housing market area.
157. In addition there are considerations which are not disputed but which must be taken into account and on which I report because both these appeals result from the failure of the Council to give notice of a decision within the required timescale. These include consideration of the three dimensions to sustainable development set out in paragraph 7 of the NPPF, the twelve core planning principles set out in paragraph 17 of the NPPF and specific policies within the NPPF which apply those principles.

### *Habitats Regulations Assessment*

158. But before I report on any of these matters, it is necessary to give consideration as to whether there is a need for an Appropriate Assessment to be made for either appeal in accordance with the Habitats Regulations. Regulation 61(1) of the Habitats Regulations makes it clear that if a plan or project is likely to have a significant effect on a protected site (either alone or in combination with other plans or projects) and it is not directly connected with or necessary to the management of the site, the competent authority shall undertake an Appropriate Assessment of the implications for the site in view of its conservation objectives.
159. The Ribble and Alt Estuaries Special Protection Area (SPA) and Ramsar Site, and the Ribble Estuary Site of Special Scientific Interest (SSSI) are about 1.6km from appeal site A and less than 1km from site B. The Newton Marsh SSSI is about 2.5km from appeal site A. These are important for wintering birds and migratory birds in spring and autumn.
160. The distance between the appeal sites and any protected site and the intervention of existing development is such that direct disturbance to species on the protected sites is unlikely.<sup>122</sup> The most likely concerns in relation to the appeal sites are that the appeal proposals may lead to a loss of habitat functionally linked to a protected site (i.e that they may be used by overwintering birds for foraging), that they may lead to increased recreational pressure of the protected site, or that they may lead to changes in water quality in watercourses hydrologically linked to a protected site.<sup>123</sup>

### *Appeal A*

161. Natural England is the government's adviser for the natural environment in England. Its letter of 21 July 2014<sup>124</sup> comments on appeal A. It advises that in relation to the second of these three concerns, a Visitor's Pack be prepared and made available to future homeowners, highlighting the sensitivity of the

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<sup>122</sup> Comment of Greater Manchester Ecology Unit in their letter of 6 October 2015 relating to appeal B (filed on Council's questionnaire response for appeal B)

<sup>123</sup> Risks identified in the Habitats Regulation Assessment of the Local Plan Revised Preferred Options (document 2.32)

<sup>124</sup> Attached to the Council's questionnaire response for appeal A

protected sites to recreation and highlighting alternative recreational opportunities in the vicinity. This can be required by condition.

162. In relation to the last concern it points out that the drain to the east of the site flows to Pool Stream and so directly to the designated site. It suggests that details be required of suitable measures to prevent run-off and debris entering the watercourse during construction and the installation of silt traps to ensure that drainage water is uncontaminated when it leaves the site. Drainage details can be required by condition.
163. In relation to its first concern, it sought additional information. Following a Wintering Bird Survey carried out for appellant A,<sup>125</sup> Natural England advises that the proposed development of appeal A would not result in a Likely Significant Effect on the designated sites either alone or in combination.<sup>126</sup>

#### *Appeal B*

164. For appeal B, the Greater Manchester Ecology Unit (GMEU) advises that the site does not provide suitable habitat for the important water and wading birds which use the Estuary. It is close to other built developments and the main road, meaning that it will be subject to levels of disturbance such that birds are unlikely to settle in any numbers.
165. GMEU points out that the potential increase in population arising from the development of appeal site B would be less than 4% of the existing population of Warton and that it is unlikely that all new residents will use the nearby Estuary for regular recreation. Appeal site B is separated from the Estuary by a busy main road, the aerodrome and other residential development, discouraging casual access. The part of the Estuary closest to appeal site B is not readily accessible and is not well developed for recreational use. Open space will be provided within appeal site B, providing a diversionary attraction. The conclusion is that appeal B would not result in a significant increase in recreational disturbance.
166. Nevertheless, as a precautionary measure, GMEU recommends, similar to the recommendation of Natural England in respect of appeal A, that for appeal B a Visitor's Pack be prepared and made available to future homeowners, highlighting the sensitivity of the protected sites to recreation and highlighting alternative recreational opportunities in the vicinity. This can be required by condition.
167. Similar to the suggestion by Natural England in respect of appeal A, Lancashire County Council as the Lead Local Flood Authority recommends that drainage details be required by condition for appeal B.<sup>127</sup>

#### *Advice*

168. It is for the Secretary of State to make determinations whether Appropriate Assessments are required in each case. No Appropriate Assessment would be necessary if the Secretary of State decides to refuse permission for reasons other than the effect on a designated site. An Appropriate Assessment is required if

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<sup>125</sup> Document 7.20

<sup>126</sup> Document 8.11

<sup>127</sup> By letter of 22 September 2015 (filed on the Council's appeal B questionnaire response)

the Secretary of State intends to grant permission and considers that the proposal would lead to a significant effect on the designated site.

169. On the basis of the judgement in *Hart District Council v SSCLG, Luckmore Limited & Barratt Homes Limited (2008)*, any proposed avoidance or mitigation measures which form part of the proposal should normally be taken into account when deciding whether the proposed development would be likely to have a significant effect on the European Site. Where appropriate mitigation has been secured, no further consideration of Habitats Regulation Assessment (HRA) is required.
170. My advice is that, provided the two conditions suggested by Natural England (in respect of Appeal A) and the Lead Local Flood Authority and GMEU (in respect of appeal B) are imposed on any permission in either appeal so that the mitigation measures are secured as a part of the proposal, then the view should be taken that each appeal would be unlikely to have a significant effect on the European Site. In that case, no Appropriate Assessment would be necessary for appeal A or for appeal B.
171. In the event that the Secretary of State takes the contrary view and decides that either appeal would be likely to have a significant effect on the designated site, then it would not be necessary to read the rest of my report in respect of the relevant appeal because the information necessary to undertake an Appropriate Assessment is not provided in either case. As with the Neighbourhood Plan [36, 37], the absence of an Appropriate Assessment where one is needed would be a "show-stopper" and it would be necessary to go no further.

*The character of Warton, its services and facilities*

172. Both appellants conducted a conventional Landscape and Visual Impact Assessment. That for appeal A leads to the conclusion that although there would be a loss of greenfield land the impact on the landscape would be minor [64]. There is no landscape objection to appeal A and so it is claimed that the development could comply with policy SP2 in relation to harmful effects arising [51 (bullet 15)].
173. Mr Denny's evidence for appeal B acknowledges some effect on the character and appearance of the local area through the loss of agricultural fields but the development would not extend the settlement into the countryside to any notable degree nor would it conflict with the local settlement pattern or overall character of Warton [78]. It is claimed that appeal B will not have an unduly harmful impact on visual amenity or landscape character within the countryside and so accords with policies HL2, EP10, EP14 and EP18 [52 (bullet 42)].
174. There is no evidence presented which would lead me to disagree with the claims of either appellant in relation to the landscape impacts of each scheme.
175. Valuable though they are as a component in the evaluation of these two appeals, these landscape assessments are somewhat off the point in so far as the representations made by interested parties are concerned, since the latter focus more on whether the developments proposed (in conjunction with others already with planning permission) would change the character of Warton from that of a village to that of a town [113, 151-153].

176. Warton is a settlement of about 3,600 people. It has developments with planning permission or under construction which would increase this to about 5,400 people [19]. The population resulting from these appeals, even in combination with developments already permitted, might take the population of Warton up to about 6,500 people. It would, as interested parties report [89, 139], nearly double in size as a result of all developments combined, these two appeals included. But, it would still be no more than the few thousand population which characterises a village and nowhere near the tens of thousands which would characterise a town.
177. The obverse is also a concern, namely that the village facilities would be inadequate and would not increase to serve the increased population [90, 91, 112, 113, 133, 151, 153]. It is correct to say that, other than public open space and recreation facilities, neither development would make physical provision on site for additional services. But that belittles the disproportionately large contribution to the recreation facilities of the village which each appeal development would provide on site [52 (bullet 46), 64].
178. It also overlooks the financial contributions to the expansion of both primary and secondary schools serving the village which both appeals would make [49, 50]. It also overlooks the fact that private enterprise has been responding to the growth of the village by expanding its retail facilities, both at the new Tesco Express and permitted at J Townsend & Sons and that there are further opportunities to do so [20].
179. It is true that health facilities would remain absent from the village but there is no suggestion from the health authority that the provision which exists in nearby Freckleton is inadequate to serve Warton. Of necessity, to retain its character as a village, Warton will not be provided with the facilities of a town, such as a bank [90] but, in other respects, the perception that facilities in Warton would not increase is simply untrue.
180. I therefore conclude that neither proposal would alter the fundamental character of Warton. No party raising this point suggested any specific contravention of development plan policy. All parties accept that both appeal proposals would contravene Local Plan policies SP1 and SP2 which set limits to development for Warton [24, 25] but it is also accepted that these policies are out of date or satisfied [26]. Both proposals would comply with Local Plan policy HL2(1) which requires housing developments to be acceptable in principle.

#### *The highway network*

181. The Inspector reporting on the Blackfield End Farm case concluded that that proposed development (of up to 360 dwellings) would be likely to cause significant adverse effects for traffic movement at the Lytham Road/Church Road junction and that there would be a limited adverse effect on highway safety but that taking account of the overall implications of the proposal on the local highway network, he did not consider the residual cumulative effects to be severe.<sup>128</sup>

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<sup>128</sup> Inspector's report paragraph 125 (Appendix 3 to Mr Griffiths's proof of evidence (document 9.2), also available as document 6.17)

182. With that conclusion in mind, one can understand why the Parish Council is perplexed [88] at the Council's conclusion [85] that the consequences for the road network would still not be severe with the addition of traffic from the two appeals' further 490 dwellings, apparently without additional highway capacity other than that resulting from the application of MOVA/UTC to the traffic lights along Lytham Road [86 (bullet 15)], notwithstanding Mr Porter's comments that it has now reached a point where it will be very difficult for further developments in Warton to mitigate their impacts using the current analysis information.<sup>129</sup>
183. The resolution of this conundrum is twofold. Firstly, the Blackfield End Farm Inspector reached his conclusion without quantification of the effects of the PWDR (its anticipated construction "reinforced" his view, it did not contribute to it), whereas quantification is now available [86 (bullet 10)]. Secondly, peak traffic on the network through Warton is dominated by BAE Systems [86 (bullet 1)]. Compared with that, the effects of development are relatively insignificant as can be seen by an examination of the traffic flow diagram included as Appendix 15 to Mr Porter's proof of evidence.<sup>130</sup> The flows in and out of Lytham Road from the three junctions on its southern side (largely BAE Systems traffic) represent a much larger component of the total flows along Lytham Road than the relatively small flows emanating from appeal site A. Traffic generation from appeal B would be even less.
184. These same two considerations should however give pause to an acceptance of the highway impacts of the two appeal schemes because neither the delivery of the PWDR, nor the relocation of the access to BAE systems can be guaranteed. The former is said to be funded [85] but at the time of writing does not yet have planning permission [86 (bullet 6)]. The latter has permission but there is no requirement for it to be implemented [86 (bullet 5), 98].
185. The County Council as highway authority is willing to take the risk [86 (bullets 5, 18 and 19)] and does not seek a condition limiting the implementation of the two appeal schemes to the implementation of the PWDR or to the BAE gateway relocation. Local residents argue the contrary [96, 124 and 129] in the cases they make, although it was not specifically revisited during the discussion on conditions. I agree with them for the reasons set out in my discussion of conditions below but the Secretary of State may feel that the inbuilt pessimism of the traffic forecasts [62 and 74 (bullet 5)] does not justify the concern and that the short duration of any harm arising from congestion on the highway [86 (bullet 1)] does not outweigh the benefits of avoiding delays to the delivery of housing which the imposition of the conditions I recommend might bring.
186. I conclude that with the conditions recommended, neither proposed development would cause the capacity of the highway network to accommodate the cumulative effects of development in Warton to be exceeded. Each proposal would therefore comply with criterion 9 of Local Plan policy HL2.

### *Air quality*

187. There is a clear tension between the evidence presented by third parties [94, 102, 114, 118-120 and 128] and that presented by the appellants [79]. The

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<sup>129</sup> Paragraph 13.14 of Mr Porter's proof of evidence

<sup>130</sup> Document 10.4

third parties rely on newspaper reports (specifically, in *The Sun* and *The Times*), Fylde Borough Council's Green Infrastructure Strategy Baseline Review and the DEFRA website.

188. Newspaper reports can be unreliable; both in their reporting of facts and, more so, in their interpretation of them but the other two sources of information are more credible. The Council's Green Infrastructure Baseline Review is not provided in evidence but it is publicly available. Its figure T14 on its page T8 does indeed record the air quality of the two Census Lower Layer Super Output Areas which encompass Warton within the two poorest categories. The source of the table is recorded as data extracted from ONS. The commentary speculates that in Warton, it may well relate to traffic and operations associated with the BAE Systems Aerospace Engineering site.
189. The submitted extract,<sup>131</sup> reportedly from the DEFRA website simply records 166 tonnes of NO<sub>2</sub> in a square kilometre encompassing the eastern part of Warton. It does not encompass the site of either of the two appeals. It has no key to provide a context.
190. The appellants were unable to replicate the extracted map. The Air Quality Note submitted by appellant B examined projections for 2011 from the DEFRA website.<sup>132</sup> Those figures complied with the Air Quality Objective. The appellant's Air Quality Note also corroborates the speculations of the Council's Green Infrastructure Baseline Review that the elevated figure for the grid square concerned derives from sources other than road traffic such as BAE Systems engine tests.
191. I conclude that although background air quality in the eastern part of Warton may have higher levels of pollutants than surrounding areas and be the poorest quality in Fylde, it is not, in absolute terms, poor. In terms of air quality, Warton is suitable as a residential location. There is no information sufficient to contradict the findings of appellant B's experts that the effects of both appeals on air quality would be negligible.<sup>133</sup> Objectors make no reference to any specific local plan policy but I observe that both the appeal proposals would accord with Local Plan policy EP26 which would not permit development which would give rise to unacceptable levels of air pollution [29].

### *Housing*

192. All main parties agree that the Council can only demonstrate a supply of housing land of between 3.5 and 4.8 years depending on whether the latest SHMAA or the last adopted plan is used as defining the requirement and without undergoing a forensic examination of the supply component of the equation [60]. Appellant B argues that an examination of the supply component would reduce the overall figure by a further 0.6 years.<sup>134</sup> Appellant A offers a similar critique of the housing supply component but refrains from quantifying its implications.<sup>135</sup> In the absence of any further evidence from any party, I have no reason to

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<sup>131</sup> Document 15.7

<sup>132</sup> Document 15.12

<sup>133</sup> Documents 7.3, 11.18 and 15.12

<sup>134</sup> Table 10.4 of Mr Tibenham's evidence (document 13.2)

<sup>135</sup> Paragraph 4.57 of document 9.7



disagree with the common view that the Council cannot demonstrate a five-year supply and so relevant parts of the NPPF become material considerations.

193. Some take the view that the size of the five-year housing supply shortfall is an indication of the benefits which would result from the housing development proposed. The appellant for appeal B accepts the Council's estimate of build-out rates as reasonable<sup>136</sup>, which implies it would be built out in about 4 years from permission. So, appeal B by itself, would make good the shortfall on the Council's assessment, but not on either appellant's assessment. To make good the shortfall as assessed by either developer would require both sites to be included in the calculation of supply.
194. The appellant for appeal A argues for a longer lead-in time than the Council allows for building out large sites<sup>137</sup>, accepts that larger sites (such as appeal site A) may be built out by more than one developer/outlet but should be assessed on a site by site basis but does not offer the information whether appeal site A would in fact be built out using one or two outlets. So, appeal site A might be completed within six or eleven years. By itself, it would make good the shortfall in the five-year housing supply on the Council's assessment but not on either appellant's assessment, although it would come close to doing so if built out with two outlets or developers.
195. In the light of uncertainties regarding delivery, perhaps a more meaningful measure of benefit is to relate the proposals to the housing requirement. Although both appeal schemes would be developed over time, appeal A represents the equivalent of a year or nearly a year's requirement, or 16-20% of the total five year requirement for the whole of Fylde. It would clearly represent a highly significant contribution to housing land supply in the borough. Likewise, appeal B would represent about one-third of a year's supply or about 7% of the total five year supply, a not inconsiderable contribution.
196. None of the parties in the present appeal comment on the need for, or provision of affordable housing, save to remark that the proposals would accord with the Council's requirements. Mr Stell's proof of evidence refers me to the Housing Needs Survey 2007<sup>138</sup> and the latest SHMA.<sup>139</sup> The former notes that it has become more difficult to afford market housing in the borough.<sup>140</sup> The latter records<sup>141</sup> that the 2013 SHMA suggested that there was a relatively small backlog of need within Fylde, with the majority of future need newly arising.
197. The Annual Monitoring Report December 2011<sup>142</sup> shows no consistent pattern of under or over delivery of affordable housing against target.<sup>143</sup> Neither appeal would exceed the Council's requirements, so although there is clearly benefit in delivering affordable housing, there is no disproportionate benefit to be ascribed to either appeal in this case.

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<sup>136</sup> Paragraph 10.17 of Mr Tibenham's evidence (document 13.2)

<sup>137</sup> Paragraph 4.44 of document 9.7

<sup>138</sup> Document 2.42

<sup>139</sup> Document 2.20

<sup>140</sup> Box following paragraph 4.17

<sup>141</sup> At paragraph 4.27

<sup>142</sup> The most recent supplied to the Inquiry (Document 2.13)

<sup>143</sup> Chart H5

198. I conclude that the effects of the proposals on the demand for and supply of housing in the local market area would be beneficial. This would be highly significant in the case of appeal A, not inconsiderably so in the case of appeal B. Both appeals would offer the benefit of affordable housing but not to any disproportionate degree. There is no currently extant adopted local plan policy governing the provision of housing or affordable housing.

*Other matters*

199. Highway safety can never be guaranteed. Lytham Road is a busy main road [76] but its accident record, some of which is recorded in Ruth Fraser's photographs, is not out of the ordinary [86 (bullet 2)]. The access to site B meets normally accepted standards for visibility and I have no reason to disbelieve the evidence of the experts [75] that the measures intended, including a central refuge and road markings, will slow traffic and so increase road safety at that location.

200. Both proposals are accompanied by Flood Risk Assessments.<sup>144</sup> These confirm that appeal site B and the majority of appeal site A lie within Flood Zone 1 in terms of flood risk from rivers. The part of appeal site A which is to be used for the access road is partly within flood zone 3 but no housing is proposed there and the access would have to be elevated above flood level in order to connect with the A584, which is already elevated to pass over the Pool Stream at that point<sup>145</sup>.

201. The Flood Risk Assessments also confirm interested parties' reports of surface water flooding in parts of each site (in the south-east and south-west corners of site A and on the southern boundary of site B). Both Assessments make recommendations in principle for how this would be handled without causing downstream flooding problems. This would require details of surface water drainage to be submitted when the details of each scheme are submitted. There is no evidence to suggest that acceptable details could not be devised and submitted for approval.

*Sustainable development*

202. The NPPF reminds me that there are three dimensions to sustainable development: economic, social and environmental, giving rise to the need for the planning system to perform a number of roles. The effects of these two appeals on certain of these roles have already been examined where they are raised in contention by interested parties. For completeness, I now report briefly on other roles and on specific policies in the NPPF which have a bearing on these appeals.

*The economic role*

203. This seeks sufficient land of the right type, in the right place and at the right time, and the identification and coordination of development requirements, including the provision of infrastructure. In analysing housing requirements, I have already reported on the contribution which these appeals would make to a sufficiency of housing land supply. In reporting (below) on conditions and planning obligations I note their coordination with identified development and infrastructure requirements.

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<sup>144</sup> Documents 7.8 (Appeal A) and 11.9 (Appeal B)

<sup>145</sup> Colin Griffiths's evidence paragraph 2.8 (document 9.1)

204. The right type of land is described in NPPF paragraph 17 (bullet 7 – land of lesser environmental value, bullet 8 – brownfield land and bullet 9 – recognising the existing use value of some open land). The first point is elaborated in NPPF paragraph 109 (valued landscapes and polluted or degraded land), 116 and 118 (designated areas and sites) and 121 (land stability). The second point is repeated in paragraph 111. The last point is elaborated in NPPF paragraphs 74 (existing open space), 76 (Local Green Space), 89 (Green Belt) and 112 (best and most versatile agricultural land) and 143 and 144 (safeguarding minerals sites and facilities).
205. My earlier Habitats Regulations Assessment considers the relationship between the appeal sites and designated sites. In reporting on the character of Warton, I have already noted both appellants' uncontested Landscape and Visual Impact Assessments which confirm that the sites are not part of valued landscapes. Other undisputed studies<sup>146</sup> confirm that the sites are of lesser environmental value but do not fall into the categories of degraded or polluted land. The sites are not existing open space, Local Green Space or sited in the Green Belt. Both appeals are accompanied by uncontested Agricultural Land Assessments<sup>147</sup> which confirm that they do not comprise best or most versatile agricultural land. There is no suggestion that the sites are geologically unstable or that they would prejudice the winning or distribution of minerals. Both sites appear to be land of the right type in all respects save that they are not brownfield land.
206. The right place is described in NPPF paragraph 17 (bullet 11 – make fullest use of public transport, walking and cycling and focus development in locations which are or can be made sustainable). This precept is elaborated in NPPF paragraphs 23 (bullet 9 – residential development in town centres), 32 (sustainable transport modes, limit transport impacts), 34 (minimise the need to travel), 35 (accommodate efficient deliveries, prioritise pedestrians and cyclists, access to high quality public transport, safe layouts, facilities for low-emission vehicles and for disabled people), 38 (within walking distance of key facilities), 55 (enhance or maintain the vitality of rural communities), 95 and 97 (locations which reduce greenhouse gas emissions and collocate heat customers and suppliers), 99-101 and 106 (away from flood risk and coastal erosion).
207. I have already reported that the two developments would have limited traffic impacts, would provide safe access and would avoid flood risk. Even though the two sites are not in a town centre, they would enhance or maintain the vitality of a rural community which has been identified as a sustainable location in general terms [51 (bullets 7, 11 and 13), 52 (bullets 19 and 40), 54, 57, 58, 59, 71, 73 and 84].
208. The accessibility of the two sites varies somewhat. Appeal site B is less extensive and directly abuts Lytham Road so is directly accessible to public transport and cycling facilities. Its illustrative masterplan<sup>148</sup> demonstrates that it offers the potential of great connectivity to adjoining development. Figure 03.03 on page 21 of its Design and Access Statement<sup>149</sup> demonstrates that the site is

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<sup>146</sup> Documents 7.5, 7.7 and 7.9 (Appeal A) and 11.10, 11.11 and 11.12 (Appeal B)

<sup>147</sup> Documents 7.2 (Appeal A) and 11.19 (Appeal B)

<sup>148</sup> Document 11.2

<sup>149</sup> Document 11.6

within 5-10 minutes walking distance of all necessary facilities which Warton offers.

209. By contrast, the site of appeal A is more remote, offers less connectivity and is more extensive, so its accessibility varies across its extent. Although figure 5 of its Design and Access Statement<sup>150</sup> appears to show that all necessary facilities which Warton offers can be found within a 10-minute walk, that is potentially misleading, as is plan JT1 within Mr Thompson's proof of evidence<sup>151</sup>, showing distances around bus stops. In both cases, radii as the crow flies are used, whereas actual routes to all facilities are limited and, in some cases, very circuitous because of the limited connectivity of the site.
210. For example, Mr Thompson's plan JT1 shows that the nearest bus stop to the majority of the site would be on Lytham Road near its junction with Mill Lane. This is close to the Tesco Metro, one of the nearest retail units potentially serving the site. Yet these facilities are only reached circuitously by a pedestrian/cycle link into Butler's Meadow at the south-west corner of the site and from Butler's Meadow towards its eastern end onto Lytham Road by a pedestrian path which is a contested right of way and which has been physically barred since 2008,<sup>152</sup> remained so at the time of my site visit and may require enforcement action by the Highway Authority to secure its reopening.
211. A more convincing analysis of the accessibility of site A is given by Table 5.2 of the Transport Assessment, which is based on actual walking distances.<sup>153</sup> This shows that, other than the recreation facility at Bridges Playing Field, all facilities would be beyond a "desirable" walking distance of site A, though all other than the Post Office and GP surgery would be within an "acceptable" walking distance.<sup>154</sup> Nevertheless, even allowing for this correction, it is clear that both appeal sites are located in the right place.
212. The right time, in relation to these developments, is less clear cut. Clearly, the need for housing is present and pressing, as earlier analysis demonstrates. On the other hand, analysis of the effects of the proposals on the highway network suggests that timing in relation to the highway infrastructure improvements (the PWDR and the relocation of the BAE Systems gateway) may be relevant to their acceptability.
213. Overall, in relation to the economic role of sustainability, despite the negative characteristic of their being greenfield land, these two sites score highly.

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<sup>150</sup> Document 7.6

<sup>151</sup> Document 9.13

<sup>152</sup> Document 15.18

<sup>153</sup> Document 7.16

<sup>154</sup> Using the commonly accepted *Guidelines for Providing Journeys on Foot* of the Institution of Highways and Transportation. Paragraph 4.4.1 of the government's *Manual for Streets* describes "walkable neighbourhoods" as having a range of facilities within about 800m walking distance, which corresponds with the "acceptable" category of the IHT guidance. The older IHT *Guidelines for Planning for Public Transport in Developments* (document 4.15) recommend a maximum 400m walk to a bus stop, 800m to a railway station

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*The social role*

214. This seeks a supply of housing, a high quality environment and accessible local services. These points have already been largely addressed in previous paragraphs.
215. As already noted, appeal A would make a highly significant contribution to housing land supply in the borough and appeal B would make a not inconsiderable contribution. Because these are both proposals made in outline, details are not presently available to demonstrate that a high quality environment would be achieved but there is no suggestion that there is any inherent obstacle to a good result. And, as already noted, both appeal proposals score moderately well in terms of their accessibility to local services, site B rather more so than site A.
216. I conclude therefore that in relation to the social role of sustainability, both these appeal sites score well.

*The environmental role*

217. This is concerned with protecting and enhancing the natural, built and historic environment, improving biodiversity, using natural resources prudently, minimising waste and pollution and mitigating and adapting to climate change. Many of these matters can only be determined when details of the proposals are considered. Although the appellants for Appeal B have suggested that a condition be imposed in response to the concerns of Mr Bennett, I do not adopt that suggestion because the matter would be better dealt with when considering the layout of appeal scheme B during the consideration of reserved matters.
218. As already noted, when considering the effects of the proposals on the character of Warton, and in considering whether the appeal sites are land of the right type in reference to the economic role of sustainability, I have concluded that there is no evidence presented which would lead me to disagree with the claims of either appellant in relation to the landscape impacts of each scheme. Both appellants' uncontested Landscape and Visual Impact Assessments confirm that the sites are not part of valued landscapes. Other undisputed studies confirm that the sites are of lesser environmental value.
219. By definition, the development of a greenfield site does not protect the natural environment as presently existing but, because the sites are of lesser environmental value, the harm from their loss is also lesser. Furthermore, as noted in the discussion below on potential conditions, there is scope for improving biodiversity, minimising pollution and mitigating climate change. The intensity of development implied by the numbers proposed would be consistent with Local Plan policy HL2(3) which requires housing to be developed at a net density of between 30 and 50 dwellings per hectare [27].<sup>155</sup> This would be a prudent use of natural resources.

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<sup>155</sup> Before deductions for open space which would be provided on both appeal sites, their gross development densities are each about 30 dph, so net densities would be higher. For Appeal B, Mr Tibenham's evidence at paragraph 5.31 records that the illustrative masterplan for that scheme demonstrates a net density of 40 units per hectare on a net developable area of 2.87 ha and a gross density of 30 units per hectare when measured across the full 3.47 ha of the site.

220. In summary, given the mitigations and enhancements which could be achieved through conditions, the development of these two appeal sites would only be moderately adverse in relation to the environmental role of sustainability.
221. Taking the NPPF as a whole and bearing in mind that the need for housing in Fylde is such that greenfield sites will inevitably be used, the overall performance of these two appeal sites in relation to the three roles of sustainable development is such that I regard them as sustainable development. Adverse impacts are relatively few and minor and would certainly not outweigh the benefits.

### *The Planning Balance*

222. Starting with the development plan, it is common ground, with which I concur, that both these appeals would be contrary to Local Plan policies SP1 and SP2 which set limits to development for Warton. But it is also common ground, with which I concur, that these policies are out of date both because they were only intended to guide the development of Warton up to 2016 [23] and also because these are policies which would have the effect of controlling the supply of housing and the Council cannot demonstrate a five-year housing supply [51 (bullets 2, 4, 10 and 12) and 52 (bullets 22, 27, 28 and 32)]. Emerging plans would have set different development limits with which appeal A and most of appeal B would comply [31, 34].
223. It is common ground, with which I have no reason to disagree, that with planning obligations in place both appeals comply, or could be made to comply by condition, with all other Local Plan policies [51 (bullets 15 – 22) and 52 (bullets 13, 14, 18, 38, 39, 40, 42, 44, 45, 46, 47, 53, 57, 58)]. Where compliance is contested, I have found the proposals to comply with Local Plan policy HL2 (1) which requires housing developments to be acceptable in principle, HL2(9) which requires highway safety to be a criterion in considering housing development and policy EP26 which would not permit development which would give rise to unacceptable levels of air pollution. Taking a broad view of the development plan as a whole, it can be said that both appeals accord with its remaining relevant parts and that permission should be granted in each case, without delay.
224. But, in part, the Local Plan is not up to date. The NPPF advises that, in such cases, permission should be granted unless either the adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework, taken as a whole, or specific policies in the Framework indicate that development should be restricted. As I have already concluded in paragraph 221 above, that proviso does not apply to either of these sites and so I recommend that both appeals be allowed, subject to conditions, to which I now turn.

### *Conditions and Obligations*

225. The contents of the two Unilateral Undertakings have been described previously [49, 50]. The Council has supplied a Statement of Compliance with the CIL Regulations.<sup>156</sup> Mr Barrett for appeal A pointed out that the Public Realm works are, at this stage, somewhat ill-defined and questioned whether they had

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<sup>156</sup> Document 15.19

been costed, how the contribution had been calculated and how it reasonably related to the development. Mr Williamson, for appeal B, pointed out that the estimated cost is £200,000 and felt that the contribution sought was proportionate. These questions are answered more fully in the Council's Statement of Compliance which I find convincing. I therefore accept that the obligations are necessary to make the developments acceptable in planning terms, directly related to the developments and are fairly and reasonably related in scale and kind.

226. The parties submitted agreed conditions for both appeals.<sup>157</sup> I have considered these with reference to national Guidance and to the model conditions set out in the otherwise cancelled Circular 11/95, *the Use of Conditions in Planning Permissions*.
227. The subject matter of both sets of suggested conditions is similar and so, for convenience and to avoid repetition, I will report on both sets of conditions together, except where the circumstances of one appeal or the other cause me to report specifically on one or other appeal alone.
228. Both appeals would be large enough to be carried out in phases and so, a condition requiring the submission and approval of a phasing plan is necessary (Recommended condition 1 in both appeals). Both appeals are in outline and so, the standard conditions are applied, adjusted to reflect the fact that each development will be phased (Recommended conditions 2, 3 and 4 in both appeals). In both cases, access to the site is submitted for approval now and, so as to be clear about which drawing is approved, a condition is necessary in each case (Recommended condition 5 in both appeals).
229. Although the terms of the two appeals specify a certain number of dwellings, the implications of *I'm Your Man Ltd v SSE (1998)* establish that there is no direct or implied power to impose limitations on a permission except by means of a planning condition. In the light of Mr Porter's comments that it has now reached a point where it will be very difficult for further developments in Warton to mitigate their impacts on the highway network using the current analysis information,<sup>158</sup> I concur that a limitation on the quantity of development is necessary.
230. However, there are two difficulties with both parties' suggestion that a condition be applied limiting each development to the number of dwellings applied for. The first is that "dwelling" is not a finite unit and may range from a studio bedsit to a multi-roomed mansion, so a condition framed using that term would be imprecise. The second is that the developers' preferred number of dwellings stated in the appeals derives from a particular view of the layout, scale and mix of dwellings and not from the evaluation of impacts on the highway networks. The former are not before me and are to be the subject of reserved matters. The latter were carried out for a different number of dwellings but would be the reason for imposing the condition.
231. I accept that the highway impact analyses have been carried out on the basis of "dwellings" but in fact, as Mr Wooliscroft and Mr Thompson confirmed in

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<sup>157</sup> Documents 15.14 and 15.15

<sup>158</sup> Paragraph 13.14 of Mr Porter's proof of evidence

response to my questions, the analysis presumed a developer's standard profile of dwelling mix<sup>159</sup>, whereas (according to paragraphs 8.5 and 8.11 of the Planning Statement for appeal B<sup>160</sup>) the mix and type of dwellings is yet to be confirmed.

232. Several residents argued in their written representations on both appeals [151 and 152] that the types of houses described in the illustrative material supporting the applications would not meet local needs. Mr Tibenham, in response to a question from Mr Wood acknowledged that Barratt, in developing their GEC/Marconi site had had to chop and change their house types to reflect local demand. It would therefore be wrong to enshrine a developer's standard profile of dwelling mix into a condition because that would predetermine a matter which ought to be considered in detail at a later stage in the light of Warton's needs.
233. Yet limitation is necessary. I have therefore framed recommended condition 6 in each appeal by reference to a quantity of development which would give rise to no greater projected traffic generation than that projected in the respective Transport Assessments for each appeal. These projections were based on 375 and 120 units respectively of a standard dwelling mix for each site.
234. All parties are agreed that certain urban traffic control schemes are necessary to make the developments acceptable. I have no reason to disagree and so recommend condition 8 in each case.
235. In addition the parties have drafted a condition making progress beyond 15% of the developments conditional on the completion of highway schemes which would be under the appellants' control through the mechanism of s278 agreements under the Highways Act. There is no suggestion but that such a condition is necessary; rather, third parties argue that the developments should also be conditional on the prior completion of the Preston Western Distributor Road and the relocation of the BAE Systems gatehouse from Mill Lane to Thunderbolt Avenue [96, 124, 129].<sup>161</sup>
236. These arguments were not challenged by the appellants. Although these two schemes are outside the control of the appellants, there is common consensus that they will be implemented within the next few years in any event [86 (bullets 5, 6-9 and 18)]. Other than the obvious point that many factors can delay or stymie good intentions, I have no evidence to suggest that this expectation will be confounded and so do not recommend that permission be refused because of doubts over the eventual delivery of both these schemes. But, it is open to the Secretary of State to take a different view of the prospects for the Preston Western Distributor Road and the progress of BAE Systems reconfigurations at Warton.

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<sup>159</sup> Paragraph 6.1 of the Transport Assessment for appeal A (document 7.16) records the use of TRICS land use 03/A (houses privately owned) to forecast trip generation, taking no account of affordable housing. Paragraph 6.5.2 of the Transport Assessment for appeal B (document 11.8) records the use of trip rates requested by highways officers at Lancashire County Council

<sup>160</sup> Document 11.5

<sup>161</sup> Also known as Typhoon Way and Liberator Way



237. For the reasons given in my conclusions, I tend to agree with the interested parties' arguments about the sequencing of events and so have expanded the main parties' agreed suggested condition to include the two additional system improvements (Recommended condition 7 in both appeals). Guidance warns that conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability, but the condition is not phrased in that positive form.
238. Guidance advises that it may be possible to achieve a similar result using a condition worded in a negative form (a *Grampian* condition such as that suggested by the parties) – i.e. prohibiting development authorised by the planning permission or other aspects linked to the planning permission (e.g. occupation of premises) until a specified action has been taken (such as the provision of supporting infrastructure). Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission. That is not the case here, where the expectation of all parties is that the actions in question will be performed.
239. However, the Secretary of State may prefer to agree with Lancashire County Council as highway authority which is prepared to risk the consequences in highway congestion of housing development in Warton progressing faster than some of the supporting highway network, except for the scheme at the Lytham Road/Church Road junction where it is thought safety concerns would arise if the junction works were not completed before the developments [86 (bullet 18)]. If the Secretary of State prefers that approach, clauses (a) and (b) should be deleted from my recommended condition (7) in each appeal.
240. As noted earlier, the Environment Agency (for appeal A) and GMEU (for appeal B) both request conditions securing the production of Visitors Packs giving advice about the environmental sensitivity of the nearby protected environments. This would be necessary to ensure that the two developments would have no adverse effect on the nearby Ribble and Alt Estuaries Special Protection Area (SPA) (Recommended condition 10 in both appeals).
241. The Environment Agency seeks a condition on appeal A requiring the submission of drainage details so that the proposal can be seen to include suitable measures to prevent run-off and debris entering the Pool Stream during construction and the installation of silt traps to ensure that drainage water is uncontaminated when it leaves the site and so would cause no harm to the nearby SPA. United Utilities, the local drainage undertaking, also seeks a condition requiring the submission of drainage details on both appeal sites, as does the Lead Local Flood Authority for appeal site B. These would not be provided through reserved matters and so I agree that recommended condition 11 is necessary in each case to require the submission of details for approval.
242. The Flood Risk Assessment for site A carried out by Betts Associates dated June 2014 observes that there is potential for surface water flooding in the south-east and south-west corners of appeal site A.<sup>162</sup> The Flood Risk Assessment for site B<sup>163</sup> likewise observes the susceptibility of the southern

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<sup>162</sup> Paragraph 4.2.5 of document 7.8

<sup>163</sup> Document 11.9

boundary of that site to surface water flooding. Betts Associates advise that finished floor levels are raised 150 mm above external levels to allow overland flood routes for excess surface water run-off.<sup>164</sup> They also make a recommendation for a minimum finished floor level of 13.27mAOD.<sup>165</sup> Taking these recommendations on board, I adopt the parties' suggested condition on each appeal requiring the submission of details of external ground levels and finished floor levels for both sites (Recommended condition 12 in both appeals).

243. The "Phase 1 Detailed Desk Top Study" by "Curtins" dated 29 June for appeal site B<sup>166</sup> records a negligible to moderate risk from contaminants but a high/moderate risk from ground gases and unexploded ordnance and recommends an intrusive investigation. Although the Phase 1 Geo-Environmental Assessment by Resource and Environmental Consultants Ltd<sup>167</sup> submitted with appeal A advises in its Initial Conceptual Site Model that the likelihood of the site being affected by the presence of any on-site contamination is low, anecdotal advice given at the Inquiry reported that much land around Warton was used during World War II for the storage of ordnance. Consequently all parties are agreed that a condition requiring intrusive investigations for contamination on that site is also necessary. I have no reason to disagree (Recommended condition 13 in both appeals).
244. The Heritage Assessment for site B<sup>168</sup> finds high potential for the presence of as yet undiscovered heritage assets with archaeological interest but low significance. It recommends a programme of archaeological mitigation to provide a record of the assets, to be secured by condition. The County Archaeologist agrees and I concur. There is no equivalent assessment for appeal site A and there is no record of any comment from the County Archaeologist, so no positive evidence to say that there is or that there is not archaeological interest on site A. In the absence of positive information, it is necessary that at least a desk study be carried out before development commences (Recommended condition 14 in both appeals).
245. The appellants' suggested condition 12 in respect of appeal B and suggested conditions 12 and 13 in respect of appeal A call for the submission of details of the site access amongst other matters. Yet this is a matter for which details are already submitted and consent is sought as part of these appeals. National Guidance advises that a condition requiring the re-submission and approval of details that have already been submitted as part of the planning application is unlikely to pass the test of necessity and so, I do not recommend the imposition of those parts of these conditions.
246. What is necessary is a condition requiring the implementation of these accesses before other development on site is occupied and for the sightlines shown on the approved drawings to be retained thereafter. I have added these requirements to my recommended condition (5) specifying the drawings of the access which have been approved. It is not necessary to specify in the conditions the details which are shown on the drawings; it is enough that the conditions

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<sup>164</sup> Paragraph 4.2.6 of document 7.8

<sup>165</sup> Paragraph 4.1.8 of document 7.8

<sup>166</sup> Document 11.10

<sup>167</sup> Document 7.9

<sup>168</sup> Document 11.16

require that the details shown on the approved plans have been completed before any dwelling is occupied. That includes such matters as the Toucan crossing (for appeal A) and the upgraded bus stops (for appeal B).

247. A number of the parties' suggested conditions<sup>169</sup> seek not to place limitations on the developments proposed but instead seek to prescribe the contents of the applications which may be made under reserved matters where there is no evidence of the necessity of doing so. Since a condition cannot preclude more than one reserved matters application being made, these would be effectively unenforceable and so contrary to the advice contained in NPPF paragraph 206. They provide useful information to the appellants as indications of the Council's desires but unless there is evidence that these developments would not be acceptable without the requirement, I do not include them in my recommended conditions. These include the parties' suggested condition 10 (for both appeals) seeking to require the provision of waterbodies within any application for the approval of layouts and suggested conditions 18, 19, 20 and 21 (for appeal A) and 16, 17 and 18 (for appeal B) which seek to prescribe the contents of the layout and landscaping details which are reserved matters.
248. All that is necessary at this stage is to specify the total quantity of open space and recreational facilities to be provided on each scheme<sup>170</sup> (which I do in recommended condition 1 in both appeals), to require that they are completed and that there is a maintenance regime in place before the final phase of dwellings is occupied (Recommended condition 17 in both appeals), to control the timing of site clearance so as to protect nesting birds (Recommended condition 20 in both appeals) and to specify which existing features are to be retained and protected before any other details are submitted or development commences. The parties' consultants' recommendations for tree and hedgerow, pond and ditch protection<sup>171</sup> provide the evidence which demonstrates the necessity of these limitations at this outline stage (Recommended conditions 18 and 19 in both appeals). It will be for the local planning authority to apply the other recommendations of the ecologists and landscape architects when considering the submission of reserved matters of layout and landscaping.
249. Similarly, other conditions suggested by the parties seek not just the submission of a certain detail which is necessary to be approved but which would not otherwise be submitted as a reserved matter but also seek to specify the content or nature of the detail where there is no evidence of the necessity of doing so. These include the suggested conditions (numbered 14 for appeal A, 13 for appeal B) for Travel Plans and for pedestrian and cycle connections (numbered 15 for appeal A, 14 for appeal B), which all are agreed would be a necessary part of any mitigation of the traffic impacts of the two schemes. In such cases, I include within my recommended conditions 9 and 15 a requirement

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<sup>169</sup> In documents 15.14 and 15.15

<sup>170</sup> For appeal A, Mr Appleton's evidence (document 9.10) paragraph 7.4 offers not less than 2ha in quantity. Mr Griffiths (document 9.1) at paragraph 11.1 offers the facility of one LEAP/LAP. For appeal B, Mr Tibenham's evidence (document 13.2) paragraph 5.32 offers a quantity of 0.87ha including 0.4ha as a village green and (on figure 5.1) a play area.

<sup>171</sup> In documents 7.5, 7.7, 9.11 and 9.12 for appeal A and in documents 11.7, 11.11 and 11.12 for appeal B

for the submission of the detail but omit the specification for what the details might show.

250. Suggested condition 16 for appeal A is proposed in the event that I found the provision made for a scheme of public realm improvement in the Unilateral Undertaking to be contrary to the CIL regulations. As noted earlier, I am convinced by the arguments put forward by the Council in favour of the public realm improvements and so I advise that this condition is unnecessary.
251. Both appeals are accompanied by Noise Assessments. These make specific recommendations. There is no suggestion that these recommendations are unnecessary or should not be followed. They can be translated into requirements in recommended condition 16 in both appeals and so obviate the necessity of a further submission of details implied in the parties' suggested condition.
252. Both sites are bordered by other residential development and access for construction purposes may have effects on those residential areas or on the safe operation of the Lytham Road, so Construction Method Statements will be required for both appeals (Recommended condition 21 in both appeals).

### **Recommendations**

#### *Appeal A*

253. I recommend that appeal A (reference APP/M2325/W/15/3004502) be allowed and that planning permission be granted subject to the conditions annexed to this report.

#### *Appeal B*

254. I recommend that appeal B (reference APP/M2325/W/15/3141398) be allowed and that planning permission be granted subject to the conditions annexed to this report.

*P. W. Clark*

Inspector

**Conditions applicable to Appeal A (APP/M2325/W/15/3004502)**

- 1) No development shall take place until a plan detailing the phasing of development and the allocation to each phase of a share of a total open space provision of not less than 2ha including a LEAP/LAP has been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 2) Details of the access within each phase of the site, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins on the phase in question and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 4) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 5) The access on to Lytham Road to the development hereby permitted shall be carried out in accordance with approved plan number SK21338-12. No dwelling shall be occupied until the details shown on the approved plan have been completed and made available for use. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any equivalent Order following the revocation or re-enactment thereof) the area indicated as an area to be kept free of obstruction to visibility shall thereafter be kept free of any obstruction higher than 0.6m above the level of the carriageway.
- 6) No greater quantity of housing shall be built than that which would give rise to traffic generated by the development no greater than that forecast in the submitted Transport Assessment 140603/SK21338/TA02 June 2014 by SK Transport Planning Ltd.
- 7) No more than 15% of the development hereby approved shall be occupied until the completion and bringing into use of
  - a) The Preston Western Distributor Road
  - b) The relocation of BAE Systems gate from Mill Road to the road known variously as Liberator Way, Typhoon Way and Thunderbolt Avenue
  - c) The works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060
- 8) No dwelling hereby approved shall be occupied until a MOVA/UTC control has been installed and brought in to use at
  - a) the Church Road/Lytham Road/Highgate Lane junction
  - b) the Lytham Road/Mill Lane junction and
  - c) the junction of Lytham Road and the road known variously as Liberator Way, Typhoon Way and Thunderbolt Avenue

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- 9) No dwelling shall be occupied until details of travel mode share targets for the development and measures to achieve them (a Travel Plan) have been submitted to and approved in writing by the local planning authority. The development shall be carried out and retained in accordance with the approved details.
  - 10) No dwelling shall be occupied until it has been provided with a Visitors Pack which shall have been previously submitted to and approved by the local planning authority, highlighting the sensitivity of the Ribble & Alt Estuaries to recreation activity and highlighting alternative recreational opportunities. The Visitors Pack shall thereafter be kept available in the dwelling for the use of future occupants.
  - 11) No development shall take place on any phase of the site until details of foul and surface water drainage for that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No dwelling shall be occupied until it is provided with its drainage as approved.
  - 12) No development shall take place on any phase of the site until details of finished floor levels and external ground levels of each plot on that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
  - 13) No development shall take place on any phase of the site until an intrusive site investigation of the nature and extent of contamination and unexploded ordnance has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any new construction begins on that phase. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate that phase of the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. That phase of the site shall be remediated in accordance with the approved measures before new construction begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the relevant phase of the site shall incorporate the approved additional measures.
  - 14) No development shall take place within any phase of the site until a programme of archaeological work for that phase has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
  - 15) No development shall take place on the relevant phase until details of the pedestrian and cycle access to Canberraway at the north-western corner of the site and to Butlers Meadow at the south-western corner of the site (both shown indicatively on the illustrative master plan accompanying the application) have been submitted to and approved in writing by the local planning authority. No dwelling on the relevant phase shall be occupied

until the relevant pedestrian and cycle access shall have been completed and made available in accordance with the approved details.

- 16) The external fabric of any dwelling hereby approved having a direct line of sight to Lytham Road and the boundary fences around their rear or private amenity areas shall be constructed so as to comply with the sound reduction performance recommended in section 5 of the Noise Impact Assessment by Resource & Environmental Consultants Ltd reference 90342R2.
- 17) No dwelling on any particular phase shall be occupied until the public open space allocated to that phase has been laid out and made available for its intended purpose. The public open space shall be retained thereafter in accordance with a maintenance scheme which shall have been submitted to and approved by the local planning authority before development commences on the relevant phase. No dwelling on the last of any phase of the development which includes residential dwellings shall be occupied until the LEAP/LAP and all the public open space on all phases has been laid out and made available for its intended purpose.
- 18) In this condition "retained tree" means an existing tree or hedgerow which is to be retained in accordance with the recommendations contained in section 5 and drawing 60072-002 of the Arboricultural and Hedgerow Assessment reference 60072P1R4 by Resource and Environmental Consultants Ltd dated 2 June 2014 and paragraphs (i) and (ii) below shall have effect until the expiration of 1 year from the date of the first occupation of the last completed dwelling for its permitted use.
  - i. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
  - ii. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
  - iii. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.
- 19) None of the ponds and ditches shown on figure 2 of the Ecological Survey and Assessment reference 2013\_089 by ERAP Ltd dated September 2013 (Updated June 2014) shall be removed or filled in except in accordance with details submitted and approved in compliance with other conditions of this permission. A buffer zone of 10m around the edge of each pond shall be kept free of development.

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- 20) No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (March to July inclusive) unless an ecological survey has first been submitted to and approved in writing by the local planning authority. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the local planning authority. Nest site protection shall thereafter be provided in accordance with the approved methodology.
- 21) 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 hours of site operation
  - 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.



**Conditions applicable to Appeal B (APP/M2325/W/15/3141398)**

- 1) No development shall take place until a plan detailing the phasing of development and the allocation to each phase of a share of a total open space provision of not less than 0.87ha including a play area has been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 2) Details of the access within each phase of the site, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins on the phase in question and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 4) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 5) The access on to Lytham Road to the development hereby permitted shall be carried out in accordance with approved plan number 0988-F01 revision F. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any equivalent Order following the revocation or re-enactment thereof) the area indicated as an area of verge to be kept free of all obstructions above 0.6m shall thereafter be kept free of any obstruction higher than 0.6m above the level of the carriageway. No dwelling shall be occupied until the details shown on the approved plan have been completed and made available for use.
- 6) No greater quantity of housing shall be built than that which would give rise to traffic generated by the development no greater than that forecast in the submitted Transport Assessment July 2015 by Croft Transport Solutions.
- 7) No more than 15% of the development hereby approved shall be occupied until the completion and bringing into use of
  - a) The Preston Western Distributor Road
  - b) The relocation of BAE Systems gate from Mill Road to the road known variously as Liberator Way, Typhoon Way and Thunderbolt Avenue
  - c) The works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060
- 8) No dwelling hereby approved shall be occupied until a MOVA/UTC control has been installed and brought in to use at the Church Road/Lytham Road/Highgate Lane junction
- 9) No dwelling shall be occupied until details of travel mode share targets for the development and measures to achieve them (a Travel Plan) have been submitted to and approved in writing by the local planning authority. The development shall be carried out and retained in accordance with the approved details.

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- 10) No dwelling shall be occupied until it has been provided with a Visitors Pack which shall have been previously submitted to and approved by the local planning authority, highlighting the sensitivity of the Ribble & Alt Estuaries to recreation activity and highlighting alternative recreational opportunities. The Visitors Pack shall thereafter be kept available in the dwelling for the use of future occupants.
  - 11) No development shall take place on any phase of the site until details of foul and surface water drainage for that phase and of its management have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained thereafter in accordance with the approved management details. No dwelling shall be occupied until it is provided with its drainage as approved.
  - 12) No development shall take place on any phase of the site until details of finished floor levels and external ground levels of each plot on that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
  - 13) No development shall take place on any phase of the site until an intrusive site investigation of the nature and extent of contamination and unexploded ordnance has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any new construction begins on that phase. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate that phase of the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. That phase of the site shall be remediated in accordance with the approved measures before new construction begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the relevant phase of the site shall incorporate the approved additional measures.
  - 14) No development shall take place on any phase of the site until a programme of archaeological work for that phase has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
  - 15) No development shall take place on the relevant phase until details of the pedestrian and cycle accesses to the southern and eastern boundaries of the site (shown indicatively on the illustrative master plan drawing number 013-006-P009 REV C accompanying the application) have been submitted to and approved in writing by the local planning authority. No dwelling on the relevant phase shall be occupied until the relevant pedestrian and cycle access shall have been completed and made available in accordance with the approved details.
  - 16) The external fabric of the dwellings hereby approved and the boundary fences around their rear or private amenity areas shall be constructed so as

to comply with the sound reduction performance recommended in section 5 of the Noise Assessment version number 2 by SLR global environmental solutions reference 410.02826.00007.

- 17) No dwelling on any particular phase shall be occupied until the public open space allocated to that phase has been laid out and made available for its intended purpose. The public open space shall be retained thereafter in accordance with a maintenance scheme which shall have been submitted to and approved by the local planning authority before development commences on the relevant phase. No dwelling on the last of any phase of the development which includes residential dwellings shall be occupied until the play area and all the public open space on all phases has been laid out and made available for its intended purpose.
- 18) No development shall take place until details of existing trees or hedgerows which are to be retained on site and the manner of their protection have been submitted to and approved by the local planning authority and paragraphs (i) and (ii) below shall have effect until the expiration of 1 year from the date of the first occupation of the last completed dwelling for its permitted use.
  - i. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
  - ii. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
  - iii. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.
- 19) No development shall take place within 6m of the ditch immediately to the east of the application site.
- 20) No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (March to July inclusive) unless an ecological survey has first been submitted to and approved in writing by the local planning authority. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the local planning authority. Nest site protection shall thereafter be provided in accordance with the approved methodology.

- 21) 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 hours of site operation

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 work.

**APPEARANCES**

## FOR THE LOCAL PLANNING AUTHORITY:

Jonathan Easton, of Counsel	Instructed by the Solicitor to Fylde Borough Council
Andrew Stell BA MRTPI did not give evidence but participated in the discussions on conditions	Development Manager, Fylde Borough Council
Martin Porter did not give evidence but participated in the discussions on conditions	Lancashire County Council
Mark Evans did not give evidence but participated in the discussions on conditions	Regeneration Manager, Fylde Borough Council

## FOR APPELLANT A:

John Barrett, of Counsel	Instructed by Satnam Planning Services
He called	
John Thompson BEng MIHT CMILT	Project Director, SK Transport Planning Limited
David Appleton MA NDH CMLI	Director, Appletons
Colin Griffiths BA(Hons) MRTPI	Director, Satnam Planning Services Limited
Sebastian Heeley did not give evidence but participated in the discussions on conditions	Redwaters

## FOR APPELLANT B:

Andrew Williamson BA, DipTP, MRTPI	Partner, Walker Morris Solicitors
He called	
Phil Wooliscroft MSc HNC	Director, Croft Transport solutions
Chris May BA(Hons) MRTPI	Director, Pegasus Planning Group
Sebastian Tibenham MTPC MRTPI MIED	Regional Director, Pegasus Group
Graham Lamb did not give evidence but participated in the	Pegasus Group

discussions on  
conditions  
Katie Dean did not give     Hallam Land  
evidence but  
participated in the  
discussions on  
conditions

#### INTERESTED PERSONS:

Jacqueline McDermot	Local resident
Jean King	Local resident
David Hoyle	Local resident
Gail Gallacher	Local resident
Tony Guest	Local resident
Alan Child	Bryning-with-Warton Neighbourhood Plan Steering Group
Anthony Wood	Clerk for Bryning-with-Warton Parish Council
Margaret Scott	Local resident
John Rowson	Local resident
Michael Gilbert	Local resident
John Barton Bennett	Local resident
Ruth Fraser	Local resident
Howard Ashworth	Local resident

## DOCUMENTS

### Documents Common to both appeals

#### 1. Adopted Local/ Regional Development Plan and SPDs/SPGs (provided electronically)

- 1.1 Fylde Borough Local Plan Alterations Review (and Proposals Map) (2004-2016)- October 2005
- 1.2 Fylde Borough Local Plan (1996-2006) - May 2003
- 1.3 Lancashire Structure Plan (1991-2006)- 1997 (*extracts*)
- 1.4 Landscape Strategy for Lancashire – 2000
- 1.5 Regional Planning Guidance for the North West (RPG13) (2001-2016) - March 2003
- 1.6 Joint Lancashire Structure Plan (2001-2016)- March 2005
- 1.7 RSS for the North West of England (2003-2021)- September 2008
- 1.8 Fylde Interim Housing Policy – Updated February 2013
- 1.9 Fylde Regeneration Framework- September 2010
- 1.10 Fylde Interim Housing Policy - July 2008
- 1.11 Local Plan Saving Letter- October 2008
- 1.12 Fylde Coast Highways and Transport Masterplan

#### 2. Emerging Local Plan and Evidence Base Documents (provided electronically)

- 2.1 Fylde Local Plan to 2030 'Issues and Options'- June/ July 2012
- 2.2 Fylde Local Plan to 2030- Interim Sustainability Appraisal- May 2012
- 2.3 Developing Infrastructure Delivery Plan- June 2013
- 2.4 Employment Land and Premises Study (AECOM) - August 2012
- 2.5 Fylde Local Plan to 2030: Part 1- Preferred Options- July/ August 2013 (An extract is also provided at Appendix 11 of document 9.2)
- 2.6 Fylde Local Plan to 2030: Part 1- Preferred Options Sustainability Appraisal- June 2013
- 2.7 Fylde Local Plan to 2030: Part 1- Preferred Options Responses Report- July 2014
- 2.8 Fylde Coast SHMA (December 2013) - Issued February 2014
- 2.9 FBC Report Adopting Fylde Coast SHMA- 29.04.2014
- 2.10 Housing Land Availability Schedule- Base date 31.03.2014
- 2.11 FBC Local Plan Steering Group Report on Housing Requirement- 16.04.2014
- 2.12 Fylde Annual Monitoring Report 2005
- 2.13 Fylde Annual Monitoring Report March 2010/2011
- 2.14 Strategic Housing Land Availability Assessment (March 2013 base date)
- 2.15 Local Plan Steering Group Meeting- November 2014
- 2.16 Five Year Housing Supply Statement- March 31<sup>st</sup> 2015
- 2.17 Five Year Housing Supply Statement- March 31<sup>st</sup> 2016
- 2.18 Housing Land Availability Schedule- March 2015
- 2.19 Fylde Coast SHMA Addendum 1- November 2014
- 2.20 Fylde Coast SHMA Addendum 2 for Fylde – May 2015
- 2.21 Development Management Policy Committee- 17.06.2015 (Housing Requirement Paper 2015)
- 2.22 Development Management Policy Committee- 16.09.2015

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- 2.23 Draft Statement of Community Involvement- September 2015
  - 2.24 Draft Infrastructure Delivery Plan – September 2015
  - 2.25 Site Assessment Background Paper- October 2015
  - 2.26 Health Impact Assessment- October 2015
  - 2.27 Rural Proofing Assessment
  - 2.28 Local Plan Revised Preferred Option (RPO) - October 2015
  - 2.29 RPO Proposals Maps of Warton (1 & 2)
  - 2.30 RPO Proposals Maps of Blackpool Periphery (1 of 2)
  - 2.31 RPO Sustainability Appraisal (& Non-Technical Summary) - 19<sup>th</sup> November 2015
  - 2.32 RPO Habitats Regulation Assessment – 17<sup>th</sup> November 2015
  - 2.33 RPO Responses Report- March 2016
  - 2.34 Settlement Hierarchy Background Paper – March 2016
  - 2.35 Council Report on Publication Draft Local Plan (15<sup>th</sup> June 2016)
  - 2.36 Publication Draft Local Plan (as reported 15<sup>th</sup> June 2016)
  - 2.37 Proposals Map of Publication Draft Local Plan (as reported 15<sup>th</sup> June 2016)
  - 2.38 HLM Reps to Revised Preferred Options- December 2015 (duplicate copy at Appendix A to Statement of Case (document 11.22))
  - 2.39 FBC Regeneration Scheme for Warton Village Centre (hard copy also provided)(duplicate copy at Appendix 23 of Sebastian Tibenham's evidence (document 13.3))
  - 2.40 FBC Regeneration Scheme for wider Warton improvements (hard copy also provided)(duplicate copy at Appendix 23 of Sebastian Tibenham's evidence (document 13.3))
  - 2.41 Confirmation of support to concept of enhanced public realm from Warton PC (hard copy also provided)
  - 2.42 Housing Needs Survey 2007 (Hard copy also provided)

### **3. Emerging Neighbourhood Plan (provided electronically)**

- 3.1 Draft Warton Neighbourhood Plan 2030- July/ August 2014
- 3.2 Warton Draft Neighbourhood Plan Sustainability Appraisal- July 2014
- 3.3 FBC Representations to Draft Warton Neighbourhood Plan 2030- 13.08.2014
- 3.4 HLM Representations to Draft Warton Neighbourhood Plan 2030 - 20.08.2014
- 3.5 Warton Submission Neighbourhood Plan- 23.09.2014 (Extracts are also provided at Appendices 12 and 13 to document 9.2)
- 3.6 Warton Submission Neighbourhood Plan Consultation Statement- 21.09.2014
- 3.7 Warton Submission Neighbourhood Plan 'Basic Conditions Statement'- 21.09.2014
- 3.8 Warton Submission Neighbourhood Plan Sustainability Appraisal- 19.09.2014
- 3.9 HLM Representations to Submission Warton Neighbourhood Plan – 28.11.2014
- 3.10 Warton Neighbourhood Plan Examiners Report, Nigel McGurk – April 2016 (A duplicate is also provided at appendix 14 to document 9.2)

### **4. National Planning Policy and Companion Guides and Legislation (provided electronically)**

- 4.1 Laying the Foundations- November 2011
- 4.2 DCLG: National Planning Policy Framework - March 2012
- 4.3 Localism Act- 15.11.2011
- 4.4 Housing and Growth- Ministerial Statement - September 2012



- 4.5 National Planning Practice Guidance – March 2014
- 4.6 Community Infrastructure Levy, England and Wales SI 2010 No 948
- 4.7 Planning Policy Guidance 3: Housing-2000
- 4.8 Town and Country Planning Act 1990
- 4.9 Planning and Compulsory Purchase Act 2004
- 4.10 Neighbourhood Planning Ministerial Statement July 2014
- 4.11 Planning Advisory Service - Objectively Assessed Need and Housing Targets (Second Edition July 2015) Peter Brett Associates
- 4.12 Local Plans Expert Group Report- March 2016
- 4.13 PBA Representations on Local Plan Experts Group Report - April 2016
- 4.14 Fixing the Foundations- July 2015
- 4.15 IHT Guidelines for Planning for Public Transport in New Developments – March 1999
- 4.16 The Lancashire Strategic Transport Prospectus – January 2016

## **5. Other Documents (Enterprise Zone/ Blackpool Core Strategy Committee & Meeting Notes) (provided electronically)**

- 5.1 Warton Enterprise Zone Local Development Order - adopted October 2012
- 5.2 Warton Enterprise Zone Phase 1 Masterplan- July 2014
- 5.3 Planning Committee Report on Warton EZ Phase 1 Masterplan - 03.09.2014
- 5.4 Warton Enterprise Zone Phase 1 Final Masterplan- (Rev 3) – September 2014 (duplicate copy provided as Appendix 7 to Martin Porter's proof of evidence (document 10.4))
- 5.5 Enterprise Zone Local Development Order – Extended October 2015
- 5.6 Section 106 for GEC Marconi Site (Ref 12/0550) – 08.07.2013
- 5.7 Lancashire Strategic Economic Plan- March 2014
- 5.8 LEP's Growth Deal Implementation document- November 2015
- 5.9 Preston, South Ribble and Lancashire City Deal
- 5.10 City Deal Implementation Plan 2015-2018
- 5.11 Economic Contribution of BAE Systems to the UK (Oxford Economics) - April 2011
- 5.12 Blackpool Core Strategy Inspectors Report – 23.11.2015
- 5.13 Preston Western Distributor Road Planning Application Details- (Including Environmental Statement)
- 5.14 Tree Preservation Order, 1994 No.7 (Warton)
- 5.15 Riversleigh Farm Committee Report – 07.05.2014

## **6. Appeal Decisions and Court Judgements (provided electronically)**

- 6.1 Tewkesbury Judgement [2013] EWHC 286 (Admin) – 20.02.2013
- 6.2 R v Rochdale Metropolitan Borough Council ex parte Milne [2000] – 31.07.2000
- 6.3 Tenbury Wells appeal (Ref: APP/J1860/A/13/2194904) - 13.08.2013
- 6.4 Colman Judgement [2013] EWHC 1138 (Admin) – 09.05.2013
- 6.5 South Northamptonshire vs SoS & Barwood Homes [2014] EWHC 570 & 573 (Admin) – 13.02.2014 & 14.02.2014
- 6.6 Queensway and Lytham Moss appeals (Refs: APP/M2325/A/09/2103453 & APP/Q2371/V/11/2157314) - 21.010.2012
- 6.7 Mowbreck Lane, Wesham appeal (Ref: APP/M2325/A/12/2186415) – 01.08.2013
- 6.8 54 Bryning Lane, Wrea Green appeal (Ref: APP/M2325/A/13/2196494) –

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- 110.04.2014
  - 6.9 53 Bryning Lane, Wrea Green appeal (Ref: APP/M2325/A/13/2200215) – 110.04.2014
  - 6.10 Moss Side Road, Wrea Green appeal (Ref: APP/M2325/A/13/2200856) – 110.04.2014
  - 6.11 Ribby Road, Wrea Green appeal (Ref: APP/M2325/A/13/2209839) - 10.04.2014
  - 6.12 Droitwich Spa appeals (Refs: APP/H1840/A/13/2199085 & APP/H1840/A/13/2199426) – 02.07.2014
  - 6.13 Hunston Properties V SoS [2013] EWHC 2678 HC Judgement – 05.09.2013
  - 6.14 Hook Norton appeal (Ref: APP/C3105/A/12/2184094) – 23.09.2013
  - 6.15 Hunston Court of appeal [2013] EWCA 1610 – 12.12.2013
  - 6.16 Shottery appeal (Ref: APP/J3720/A/11/2163206) – 24.10.2012
  - 6.17 Blackfield End Farm appeal (Ref: APP/M2325/A/14/2217060) – 24.09.2015 (duplicate copy at Appendix 3 of document 9.2 and (electronic copy only) at appendix 10 of Martin Porter's proof (document 10.4))
  - 6.18 Chard appeals (Refs: APP/R3325/A/13/2209680 & APP/R3325/A/13/2203867) – 03.06.2016
  - 6.19 Wychavon Judgment [2016] EWHC 592 (Admin) – 16.03.2016
  - 6.20 Aston Clinton appeal (Ref: APP/J0405/A/13/2210864) – 21.10.2014
  - 6.21 Crane Judgment [2015] EWHC 425 (Admin) – 23.02.2015
  - 6.22 Suffolk Coastal and Hopkins and Richborough and Cheshire East Court of Appeal [2016] EWCA Civ 168 – 17.03.2016 (a duplicate copy is also provided in document 9.3)
  - 6.23 Gallagher v Solihull MBC Judgment [2014] EWHC 1283 (Admin) – 30.04.2014
  - 6.24 Clenchwarton Kings Lynn Judgment [2015] EWHC 2464 (Admin) – 09.07.2015
  - 6.25 Oadby and Wigston Judgment [2015] EWHC 1879 (Admin) – 26.06.2015
  - 6.26 Daventry Judgment [2015] EWHC 3459 (Admin) – 02.12.2015
  - 6.27 Gallagher v Solihull MBC Court of Appeal [2014] EWCA Civ 1610 – 17.12.2014
  - 6.28 Stroud Judgement [2015] EWHC 488 (Admin) – 06.02.2015
  - 6.29 Cawrey Judgment [2016] EWHC 1198 (Admin) – 23.05.2016
  - 6.30 Cheshire East Judgment [2016] EWHC 571 (Admin) – 16.03.2016

## **APPEAL A- Warton East Developments (Ref: 3004502) – Case Specific Docs List**

### **7. Application and Appeal Documents (provided electronically and in hard copy)**

- 7.1 Affordable Housing Statement - June 2014
- 7.2 Agricultural Land Classification – May 2014
- 7.3 Air Quality Assessment – 3<sup>rd</sup> June 2014
- 7.4 Application Form – 11<sup>th</sup> June 2014
- 7.5 Arboricultural and Hedgerow Assessment – 2<sup>nd</sup> June 2014
- 7.6 Design and Access Statement – June 2014
- 7.7 Ecological Survey and Assessment – September 2013 (Updated June 2014) (duplicate copy provided as Appendix 1 to Appendix 2 of David Appleton's proof of evidence (document 9.12))
- 7.8 Flood Risk Assessment – June 2014

- 7.9 Geo-environmental Assessment Phase 1 – June 2014
- 7.10 Illustrative Masterplan 1\_1000 – 29<sup>th</sup> May 2014
- 7.11 Illustrative Masterplan 1\_2000 – 29<sup>th</sup> May 2014
- 7.12 Location Plan – 9<sup>th</sup> June 2014
- 7.13 Noise Assessment – 1<sup>st</sup> May 2014
- 7.14 Planning Statement – June 2014
- 7.15 S106 proforma – June 2014
- 7.16 Transport Assessment – June 2014 (includes Framework Travel Plan June 2014 at appendix C)
- 7.16a Framework Travel Plan September 2014 (Hard copy only)
- 7.17 Utility Survey – June 2014
- 7.18 Warton Masterplan Residential – 13<sup>th</sup> August 2014
- 7.19 Revised Landscape Masterplan for 14/0410 and 15/0303
- 7.20 ERAP Wintering Bird Survey 2015-16 (duplicate copy provided at Appendix 3 of Appendix 2 to David Appleton's proof of evidence (document 9.12))

## **8. Council and Third Party Appeal Documents and Correspondence (provided electronically and in hard copy)**

- 8.1 Statement of Case (August 2015)
- 8.2 LCC Education Assessment- March 16
- 8.3 Development Management Committee Report (Appeal Scheme)- 29.07.2015
- 8.4 DM Committee Minutes (Appeal Scheme)- 29.07.2015
- 8.5 Development Management Committee Report & late observations (Resubmission Scheme)- 25.05.2016 (duplicate copy at Appendix 4 of document 9.2)
- 8.6 DM Committee Minutes (Resubmission Scheme)- 25.05.2016
- 8.7 Decision Notice (Resubmission Scheme) – 25.05.2016 (duplicate copy at appendix 5 of document 9.2)
- 8.8 (number not used)
- 8.9 Plan of Development Sites in Warton
- 8.10 Natural England Original Consultation Letter
- 8.11 Natural England Revised consultation letter (duplicate copy provided at Appendix 7 to Appendix 2 of David Appleton's proof of evidence (document 9.12))
- 8.12 Third party representations at application stage (Hard copies only, attached to Council's Questionnaire)

## **9. Appellant's Proofs of Evidence (provided electronically and in hard copy)**

- 9.1 CG1 – Proof of Evidence – Colin Griffiths
- 9.2 CG2 – Volume of Appendices (hard copy only)
- 9.3 CG3 – Volume of Authorities
- 9.4 CG4 – Site Plan
- 9.5 CG5 – Illustrative Layout
- 9.6 CG6 – Facilities Plan
- 9.7 CG7 – Housing Requirement Technical Paper
- 9.8 Statement of Common Ground, Planning Issues
- 9.9 Draft Unilateral Undertaking (S106)
- 9.10 Proof of Evidence – David Appleton
- 9.11 LVIA
- 9.12 Volume of Ecology Surveys and Correspondence

- 9.13 Proof of Evidence – John Thompson
- 9.14 Summary Proof - John Thompson
- 9.15 Statement of Common Ground on Highways Matters.

#### **10. Council & Third Party Proofs of Evidence (provided electronically and in hard copy)**

- 10.1 Planning Proof of Evidence- Andrew Stell
- 10.2 LCC Highways Proof- Martin Porter
- 10.3 LCC Highways Summary Proof- Martin Porter
- 10.4 LCC Highways Proof Appendices (x19)

#### **APPEAL B- Hallam Land Management (Ref: 3141398) – Case Specific Docs List**

#### **11. Application and Appeal Documents (provided electronically and in hard copy)**

- 11.1 Application Form and Certificates
- 11.2 Illustrative Masterplan (Ref: 13-006-P009 Rev C)
- 11.3 Site Location Plan (Ref: 13-006-P002 Rev C)
- 11.4 Warton West Spatial Masterplan (Ref: 13-006-P008 Rev B)
- 11.5 Planning Statement (including Statement of Community Involvement)
- 11.6 Design and Access Statement
- 11.7 Landscape and Visual Impact Assessment
- 11.8 Transport Assessment and Travel Plan (duplicate copy of Travel Plan Framework at Appendix 17 of Phil Wooliscroft's evidence (document 13.8))
- 11.9 Flood Risk Assessment and Outline Drainage Strategy
- 11.10 Phase 1 Detailed Desk Top Study
- 11.11 Preliminary Ecological Appraisal Report
- 11.12 Tree Survey Report (with covering letter)
- 11.13 Bat Survey Report
- 11.14 Great Crested Newt Report
- 11.15 Utilities Report
- 11.16 Heritage Assessment (and figures)
- 11.17 Noise Assessment
- 11.18 Air Quality Assessment
- 11.19 Soils and Agricultural Land Report
- 11.20 Planning Obligations Statement
- 11.21 Screening Request
- 11.22 Statement of Case and appendices (R004v1) - 23.12.2015
- 11.23 Draft Statement of Common Ground (R005v1) – 23.12.2015
- 11.24 Additional Landscape Impact Note- October 2015
- 11.25 Highways Statement of Common Ground signed and dated 1 July 2016 (Hard copy only)
- 11.26 Planning statement of Common Ground (R005v5) signed and dated 8 July 2016 (Hard copy only)

#### **12. Council & Third Party Appeal Documents and Correspondence (provided electronically and in hard copy)**

- 12.1 Appeal Questionnaire – 03.02.2016
- 12.2 Screening Opinion – 01.05.2015

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- 12.3 3<sup>rd</sup> Party Representations to Application (September 2015)(supplemented by email 8 July 2016 (Hard copy only on file))
  - 12.4 Statement of Case (and Appendices- several of which are covered under separate core docs) – 03.05.2016
  - 12.5 DM Committee Report and Late Observations (Appeal Scheme) – 27.04.2016
  - 12.6 DM Committee Minutes (Appeal Scheme)- 27.04.2016
  - 12.7 DM Committee Report and Late Observations (Resubmission Scheme) – 25.05.2016
  - 12.8 DM Committee Minutes (Resubmission Scheme)- 25.05.2016 (duplicate copy provided at Appendix 13 of Sebastian Tibenham's proof of evidence (document 13.3))
  - 12.9 LCC Highways Consultation Response – 23.03.2016
  - 12.10 Environmental Health Officer Consultation Response – 10.09.2015
  - 12.11 Greater Manchester Ecological Unit Response – 06.10.2015
  - 12.12 Natural England Response – 23.09.2015
  - 12.13 LCC Education Assessments – 20<sup>th</sup> May 2016 for application ref: 15/0562
  - 12.14 LCC Education Assessments – 20<sup>th</sup> May 2016 for application ref: 15/0903
  - 12.15 LCC Education Assessments – 6<sup>th</sup> April 2016 for application ref: 15/0903
  - 12.16 LCC Education Assessments – 12<sup>th</sup> January 2016 for application ref: 15/0903
  - 12.17 LCC Education Assessments – 11<sup>th</sup> September 2015 for application ref: 15/562
  - 12.18 LCC Education Assessments – 21<sup>st</sup> May 2015 for Clifton House Farm Pre-App
  - 12.19 Methodology for Education Contributions in Lancashire- May 2016 Update
  - 12.20 Decision Notice (Resubmission Scheme) – 25.05.2016
  - 12.21 Regeneration Team Comments (Landscape) – 29.09.2015
  - 12.22 Housing Officer Response – 25.02.2016

### **13. Appellant's Proofs of Evidence (provided electronically and in hard copy)**

- 13.1 Summary Planning Proof of Evidence (Enclosure 1) prepared by Sebastian Tibenham of Pegasus Group
- 13.2 Planning Proof of Evidence (Enclosure 2) prepared by Sebastian Tibenham of Pegasus Group (see also document 15.11)
- 13.3 Planning Proof of Evidence Appendices (Enclosure 3) prepared by Sebastian Tibenham of Pegasus Group (Including Proposed Access Arrangement, Drawing number 0988-F01 revision F at Appendix 10)
- 13.4 Objectively Assessed Housing Need Paper (Enclosure 4) prepared by Chris May of Pegasus Group
- 13.5 Landscape and Visual Impact Paper (Enclosure 5) prepared by Brian Denney of Pegasus Group
- 13.6 Highways and Transport Summary Proof of Evidence prepared by Phil Wooliscroft of Croft Transport Solutions
- 13.7 Highways and Transport Proof of Evidence prepared by Phil Wooliscroft of Croft Transport Solutions
- 13.8 Highways and Transport Proof of Evidence Appendices prepared by Phil Wooliscroft of Croft Transport Solutions

### **14. Council & Third Party Proofs of Evidence (provided electronically and in hard copy)**

- 14.1 Planning Proof of Evidence- Andrew Stell
- 14.2 (see Document 10.2)

- 14.3 (see Document 10.3)
- 14.4 (see Document 10.4)

### **15. Additional documents handed in at Inquiry (Common to both appeals)**

- 15.1 Addendum signed and dated 11 July 2016 to Statement of Common Ground signed and dated 8 July 2016, attaching draft Unilateral Undertaking for Appeal B
- 15.2 Crashmap data
- 15.3 Statement of Common Ground (Planning Issues) for Appeal A, signed and dated 11 July 2016
- 15.4 Suggested conditions for Appeal A
- 15.5 Suggested conditions for Appeal B
- 15.6 Article from "Sun" newspaper 3 May 2016
- 15.7 Extract from UK emissions interactive map
- 15.8 Bundle of photographs of traffic accidents
- 15.9 Letter from Mark Menzies MP to Alan Child
- 15.10 Speech by Theresa May 11 July 2016
- 15.11 Errata sheet for Sebastian Tibbenham's Proof (document 13.2)
- 15.12 Air Quality Note from Pegasus Group
- 15.13 Development Management Committee Minutes 6 January 2016
- 15.14 Suggested conditions for Appeal A with tracked changes
- 15.15 Suggested conditions for Appeal B
- 15.16 Signed and dated Unilateral Undertaking for appeal A
- 15.17 Signed and dated Unilateral Undertaking for appeal B
- 15.18 Lancashire County Council Definitive Map and Statement of Public Rights of Way (Definitive Map Modification)(Nº 7) Order 2012 Order Decision FPS/Q2371/7/54
- 15.19 Statement of Compliance with CIL Regulations
- 15.20 Opening on behalf of Warton East Developments Limited
- 15.21 Opening on behalf of Hallam Land Management Limited
- 15.22 Position Statement on behalf of Fylde Borough Council
- 15.23 Mrs King's Statement
- 15.24 John Rowson's speech to the Inquiry
- 15.25 Mr John Barton Bennett's statement
- 15.26 Ruth Fraser's Statement
- 15.27 Statement on behalf of the Parish Council
- 15.28 Statement on behalf of the Neighbourhood Plan Steering Group
- 15.29 Closing on behalf of Warton East Developments Limited
- 15.30 Closing on behalf of Hallam Land Management Limited



Department for  
Communities and  
Local Government

Our Ref: APP/M2325/W/15/3004502

Colin Griffiths Esq.  
Managing Director  
Satnam Planning Services  
17 Imperial Square  
Cheltenham  
Gloucestershire GL50 1QZ

13 February 2017

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL MADE BY WARTON EAST DEVELOPMENTS LTD  
LAND OFF LYTHAM ROAD, WARTON, LANCASHIRE  
APPLICATION REF: 14/0410**

1. I am directed by the Secretary of State to say that consideration has been given to the report of P.W. Clark MA, MRTPI, MCMI, who held a public local inquiry on 12, 13 and 14 July 2016 and made site visits on 14 July 2016 into your client's appeal against the against a failure by Fylde Borough Council to give notice within the prescribed period of a decision on an application for outline planning permission (as amended) for the erection of up to 350 dwellings in accordance with application ref: 14/0410, dated 11 June 2014.
2. On 12 February 2016, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because the appeal relates to proposals for residential development over 10 units in an area where a qualifying body has submitted a neighbourhood plan proposal to the local planning authority, or where a neighbourhood plan has been made.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended at IR 253 that the appeal be allowed and planning permission granted subject to the conditions set out in the IR (at page 56). The Secretary of State agrees with the Inspector's conclusions and agrees with his recommendation. He has decided to allow your client's appeal and grant outline planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

## **Procedural matters**

4. As described by the Inspector at IR6, the details to the proposed access to the appeal site were changed several times prior to the appeal being made but no further changes were requested during the course of the appeal. Furthermore, he notes that the scheme considered by the Council concerned a proposal for up to 375 dwellings, and that your client sought to reduce this to 350 dwellings before the inquiry was held. The Secretary of State notes that this is the basis on which evidence has been given, the report has been written and the recommendation has been made. He is therefore satisfied that no interests will be prejudiced by making his decision on that basis.

## **Matters arising since the close of the inquiry**

5. On 16 November 2016 the Secretary of State referred back to the parties to invite representations on the implications, if any, of a letter dated 11 August 2016 from Bryning-with-Warton Parish Council. The Secretary of State has taken the representations (listed at Annex B) into account in reaching his decision. As these representations were circulated to the parties the Secretary of State does not find it necessary to reproduce them here. Copies may be obtained on written request to the address at the foot of the first page of this letter.

## **Policy considerations**

6. In deciding this appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
7. In this case, the development plan consists of the saved policies of the Fylde Borough Local Plan As Altered, October 2005. The Secretary of State considers that the development plan policies of most relevance to this case are those set out at IR IR24-29.
8. With regard to the Inspector's remarks on the emerging Bryning-with-Warton Neighbourhood Plan (BWNP) at IR34-37, the Secretary of State notes the Neighbourhood Plan Examiner's conclusions (IR36) that there is no certainty that the BWNP would be compatible with European Union obligations (IR36), that his recommendations would fundamentally alter the content of the Plan, and that the Plan has not progressed since the publication of the Examiner's Report in April 2016 (IR37). Given the early stage of preparation and the outstanding objections to it, the Secretary of State affords it minimal weight.
9. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the Community Infrastructure Levy (CIL) Regulations 2010 as amended.

## ***Emerging plan***

10. The emerging plan comprises the Fylde Local Plan to 2032. Paragraph 216 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. The



Secretary of State notes that the plan was submitted to him for examination on 9 December 2016.

### **Main issues**

11. The Secretary of State agrees with the Inspector that the main issues are those set out at IR156-157.

#### *Habitats Regulations Assessment*

12. The Secretary of State recognises that the Ribble and Alt Estuaries Special Protection Area (SPA) and Ramsar Site and the Ribble Estuary Site of Special Scientific Interest (SSSI), and the Newton Marsh SSSI are important sites for wintering birds and migratory birds in spring and autumn (IR159), but agrees with the Inspector (IR160) that the distance between the appeal site and the intervention of existing development is such that direct disturbance to species on the protected sites is unlikely. The Secretary of State shares the Inspector's view that the most likely impacts from the appeal proposal are a loss of habitat functionally linked to a protected site, increased recreational pressure on the protected site, and changes in water quality in watercourses hydrologically linked to a protected site (IR160).
13. The Secretary of State has carefully considered the Inspector's analysis at IR161-163, and like the Inspector, he considers that provided the two conditions suggested by Natural England are imposed on any permission so that mitigation measures are secured as part of the proposal, the appeal proposal would be unlikely to have a significant effect on the designated sites either alone or in combination. For that reason, he agrees with the Inspector's conclusion (IR170) that no Appropriate Assessment is necessary.

#### *The character of Warton, its services and facilities*

14. For the reasons given by the Inspector at IR172-179, the Secretary of State agrees with the Inspector that the proposal would not alter the fundamental character of Warton. Although all parties accept that the appeal proposal contravenes Local Plan policies SP1 and SP2 which set limits to development for Warton, the parties also accept that both these policies are out of date or satisfied. The Secretary of State accepts the Inspector's conclusion (IR180) that the proposals would comply with local Plan policy HL2(1) which requires housing developments to be acceptable in principle.

#### *The highway network*

15. For the reasons given by the Inspector at IR181-185, the Secretary of State accepts the Inspector's conclusion that with the recommended conditions, the proposed development would not cause the capacity of the highway network to accommodate the cumulative effects of development in Warton to be exceeded. He therefore agrees with the Inspector that the proposal would therefore comply with criterion 9 of Local Plan policy HL2 (IR186).

#### *Air quality*

16. For the reasons given by the Inspector at IR187-190, the Secretary of State agrees with his conclusion (IR191) that although background air quality in the eastern part of Warton may have higher levels of pollutants than surrounding areas and be the poorest quality in Fylde, it is not, in absolute terms, poor. In terms of air quality, he accepts the Inspector's conclusion that Warton is suitable as a residential location. Like the Inspector, the

Secretary of State observes that the appeal proposal would accord with Local Plan policy EP26 which would not permit development which would give rise to unacceptable levels of air pollution.

### *Housing*

17. The Secretary of State has considered carefully the Inspector's analysis of the Council's housing land supply shortfall at IR192 – 197. He accepts that the Council can only demonstrate a supply of housing land of between 3.5 and 4.8 years. In terms of the housing requirement, the Secretary of State agrees with the Inspector (IR195) that the proposal represents the equivalent of a year or nearly a year's requirement, or 16-20% of the total five year requirement for the whole of Fylde. He therefore accepts the Inspector's conclusion that it would represent a highly significant contribution to housing land supply in the borough and notes that the proposal accords with the Council's requirement to supply 30% affordable housing (IR198).

### *Other matters*

18. In terms of highway safety, the Secretary of State acknowledges that Lytham Road is a busy main road but its accident record is not out of the ordinary (IR199). In terms of flooding, the Secretary of State notes the Inspector's comment (IR 200) that the part for the appeal site that is in Flood Zone 3 has no housing proposed there and the access would have to be elevated above flood level to connect to the A584 which is already elevated to pass over the Pool Stream at that point. Turning to surface water flooding in the south-east and south-west corners of the site, the Secretary of State agrees with the Inspector that there is no evidence to suggest that acceptable details of surface water drainage could not be devised and submitted for approval (IR201).

### *Sustainable development*

19. In terms of the economic role of sustainable development, the Secretary of State has carefully considered the Inspector's analysis at IR203-212. The Secretary of State agrees with the Inspector that the site is located on land of the right type in all respects apart from it not being brownfield land (IR205), and the development would have limited traffic impacts and would provide safe access and would avoid flood risk (IR207). Furthermore, he agrees that even though the site is not located in a town centre, it would enhance or maintain the vitality of a rural community which has been identified as a sustainable location. The Secretary of State agrees with the Inspector that the proposal scores moderately well in terms of accessibility to local services and agrees with his conclusion that the site is located in the right place (IR211). Overall, he accepts the Inspector's conclusion that despite the negative characteristic of the site being greenfield land, the site scores highly in terms of the economic role of sustainability.

20. Turning to the social role, the Secretary of State agrees with the Inspector (IR215) that the proposal would make a highly significant contribution to housing land supply in the borough, and scores well in terms of accessibility to local services. He therefore accepts the Inspector's conclusion that in terms of the social role of sustainability, the site scores well (IR216).

21. In regard to the environmental role of sustainability, the Secretary of State has considered the Inspector's analysis at IR217-219, and accepts his conclusion that given the mitigations and enhancements which could be achieved through conditions, the development of this appeal site would only be moderately adverse (IR220).

22. In taking account of the Framework as a whole and the need for housing in Fylde which is such that greenfield sites will inevitably be used, the Secretary of State concludes, in agreement with the Inspector, that the proposal is sustainable development. He agrees too that adverse impacts are relatively few and minor and would certainly not outweigh the benefits (IR 221).

### **Planning conditions**

23. The Secretary of State has given consideration to the Inspector's analysis at IR226-252, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 206 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 206 of the Framework.

### **Planning obligations**

24. Having had regard to the Inspector's analysis at IR225, the planning obligation dated 14 July 2016, paragraph 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR225 that the obligations comply with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework, are necessary to make the development acceptable in planning terms, directly related to the development, and are fairly and reasonably related in scale and kind to the development.

### **Planning balance and overall conclusion**

25. For the reasons given above, the Secretary of State considers that the appeal scheme would be contrary to Local Plan policies SP1 and SP2 which set limits to the development of Warton. However these policies are out of date because they were only intended to guide the development of Warton up to 2016 and because these are policies that would have the effect of controlling the supply of housing and the Council cannot demonstrate a five-year housing supply.
26. With planning obligations in place the appeal complies, or could be made to comply by condition, with all other Local Plan policies. Where compliance has been contested by the parties, the Secretary of State finds that the proposals comply with Local Plan policy HL2(1) which requires housing developments to be acceptable in principle, HL2(9) which requires highway safety to be a criterion in considering housing development and policy EP26 which would not permit development which would give rise to unacceptable levels of air pollution. Taking a broad view of the development plan as a whole, the Secretary of State concludes that the appeal proposal accords with its remaining relevant parts.
27. Given that policies for the supply of housing are out of date, the Secretary of State considers that paragraph 14 of the Framework is engaged. The Framework advises that in such cases, permission should be granted unless the adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework, taken as a whole, or specific policies in the Framework indicate that development should be restricted. The Secretary of State has already concluded at paragraph 22 above that that is not the case in this appeal.

### **Formal decision**

28. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants outline planning permission for the erection of up to 350 dwellings in accordance with application ref: 14/0410, dated 11 June 2014 (as amended), subject to the conditions set out in the Annex B to this letter.
29. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

### **Right to challenge the decision**

30. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
31. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
32. A copy of this letter has been sent to Fylde Borough Council, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

*Philip Barber*

Authorised by Secretary of State to sign in that behalf

**Annex A****SCHEDULE OF REPRESENTATIONS****Representations received in response to the Secretary of State's letter of 16 November 2016**

<b>Party</b>	<b>Date</b>
Anthony Wood Clerk for Bryning-with-Warton Parish Council	11 August 2016
Mr M Evans Fylde Council	18 November 2016
Mrs J King	22 November 2016
Colin Griffiths Satnam Group	5 December 2016
Mr Graham Lamb Pegasus Group	6 December 2016
Mr M Evans Fylde Council	9 December 2016
Mr Graham Lamb Pegasus Group	12 December 2016
Jessica Ashworth Chair of Bryning with Warton Neighbourhood Plan Steering Group	14 December 2016
Tony Guest	16 December 2016
Sally Wright WRAPP	16 December 2016

**Annex B**

**APP/M2325/W/15/3004502**

- 1) No development shall take place until a plan detailing the phasing of development and the allocation to each phase of a share of a total open space provision of not less than 2ha including a LEAP/LAP has been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 2) Details of the access within each phase of the site, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins on the phase in question and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 4) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 5) The access on to Lytham Road to the development hereby permitted shall be carried out in accordance with approved plan number SK21338-12. No dwelling shall be occupied until the details shown on the approved plan have been completed and made available for use. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any equivalent Order following the revocation or re-enactment thereof) the area indicated as an area to be kept free of obstruction to visibility shall thereafter be kept free of any obstruction higher than 0.6m above the level of the carriageway.
- 6) No greater quantity of housing shall be built than that which would give rise to traffic generated by the development no greater than that forecast in the submitted Transport Assessment 140603/SK21338/TA02 June 2014 by SK Transport Planning Ltd.
- 7) No more than 15% of the development hereby approved shall be occupied until the completion and bringing into use of
  - a) The Preston Western Distributor Road
  - b) The relocation of BAE Systems gate from Mill Road to the road known variously as Liberator Way, Typhoon Way and Thunderbolt Avenue
  - c) The works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060
- 8) No dwelling hereby approved shall be occupied until a MOVA/UTC control has been installed and brought in to use at
  - a) the Church Road/Lytham Road/Highgate Lane junction
  - b) the Lytham Road/Mill Lane junction and
  - c) the junction of Lytham Road and the road known variously as Liberator Way, Typhoon Way and Thunderbolt Avenue

- 9) No dwelling shall be occupied until details of travel mode share targets for the development and measures to achieve them (a Travel Plan) have been submitted to and approved in writing by the local planning authority. The development shall be carried out and retained in accordance with the approved details.
- 10) No dwelling shall be occupied until it has been provided with a Visitors Pack which shall have been previously submitted to and approved by the local planning authority, highlighting the sensitivity of the Ribble & Alt Estuaries to recreation activity and highlighting alternative recreational opportunities. The Visitors Pack shall thereafter be kept available in the dwelling for the use of future occupants.
- 11) No development shall take place on any phase of the site until details of foul and surface water drainage for that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No dwelling shall be occupied until it is provided with its drainage as approved.
- 12) No development shall take place on any phase of the site until details of finished floor levels and external ground levels of each plot on that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 13) No development shall take place on any phase of the site until an intrusive site investigation of the nature and extent of contamination and unexploded ordnance has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any new construction begins on that phase. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate that phase of the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. That phase of the site shall be remediated in accordance with the approved measures before new construction begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the relevant phase of the site shall incorporate the approved additional measures.
- 14) No development shall take place within any phase of the site until a programme of archaeological work for that phase has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
- 15) No development shall take place on the relevant phase until details of the pedestrian and cycle access to Canberra Way at the north-western corner of the site and to Butlers Meadow at the south-western corner of the site (both shown indicatively on the illustrative master plan accompanying the application) have been submitted to and approved in writing by the local planning authority. No dwelling on the relevant phase shall be occupied until the relevant pedestrian and cycle access shall have been completed and made available in accordance with the approved details.
- 16) The external fabric of any dwelling hereby approved having a direct line of sight to Lytham Road and the boundary fences around their rear or private amenity areas shall be constructed so as to comply with the sound reduction performance recommended in section

5 of the Noise Impact Assessment by Resource & Environmental Consultants Ltd reference 90342R2.

17) No dwelling on any particular phase shall be occupied until the public open space allocated to that phase has been laid out and made available for its intended purpose. The public open space shall be retained thereafter in accordance with a maintenance scheme which shall have been submitted to and approved by the local planning authority before development commences on the relevant phase. No dwelling on the last of any phase of the development which includes residential dwellings shall be occupied until the LEAP/LAP and all the public open space on all phases has been laid out and made available for its intended purpose.

18) In this condition "retained tree" means an existing tree or hedgerow which is to be retained in accordance with the recommendations contained in section 5 and drawing 60072-002 of the Arboricultural and Hedgerow Assessment reference 60072P1R4 by Resource and Environmental Consultants Ltd dated 2 June 2014 and paragraphs (i) and (ii) below shall have effect until the expiration of 1 year from the date of the first occupation of the last completed dwelling for its permitted use.

i. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

ii. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

iii. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.

19) None of the ponds and ditches shown on figure 2 of the Ecological Survey and Assessment reference 2013\_089 by ERAP Ltd dated September 2013 (Updated June 2014) shall be removed or filled in except in accordance with details submitted and approved in compliance with other conditions of this permission. A buffer zone of 10m around the edge of each pond shall be kept free of development.

20) No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (March to July inclusive) unless an ecological survey has first been submitted to and approved in writing by the local planning authority. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the local planning authority. Nest site protection shall thereafter be provided in accordance with the approved methodology.



21) 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 hours of site operation

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.

[ENDS]



Department for  
Communities and  
Local Government

Our Ref: APP/M2325/W/15/3141398

Mr Graham Lamb  
Pegasus Group  
Suite 4b  
13-115 Portland Street  
Manchester  
M1 6DW

13 February 2017

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL MADE BY HALLAM LAND MANAGEMENT LTD  
LAND AT CLIFTON HOUSE FARM, WARTON, LANCASHIRE  
APPLICATION REF: 15/0562**

1. I am directed by the Secretary of State to say that consideration has been given to the report of P.W. Clark MA, MRTPI, MCMI, who held a public local inquiry on 12, 13 and 14 July 2016 and made site visits on 14 July 2016 into your client's appeal against a failure by Fylde Borough Council to give notice within the prescribed period of a decision on an application for outline planning permission for the erection of up to 115 dwellings (C3 Use Class) including details of access, with all other matters reserved, in accordance with application ref: 15/0562 dated 14 August 2014.
2. On 12 February 2016, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because the appeal relates to proposals for residential development over 10 units in an area where a qualifying body has submitted a neighbourhood plan proposal to the local planning authority, or where a neighbourhood plan has been made.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended at IR 253 that the appeal be allowed and planning permission granted subject to the conditions set out in the IR (at page 60). The Secretary of State agrees with the Inspector's conclusions and agrees with his recommendation. He has decided to allow your client's appeal and grant outline planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

### **Matters arising since the close of the inquiry**

4. On 16 November 2016 the Secretary of State referred back to the parties to invite representations on the implications, if any, of a letter dated 11 August 2016 from Bryning-with-Warton Parish Council. The Secretary of State has taken the representations (listed at Annex B) into account in reaching his decision. As these representations were circulated to the parties the Secretary of State does not find it necessary to reproduce them here. Copies may be obtained on written request to the address at the foot of the first page of this letter.

### **Policy considerations**

5. In deciding this appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
6. In this case, the development plan consists of the saved policies of the Fylde Borough Local Plan As Altered, October 2005. The Secretary of State considers that the development plan policies of most relevance to this case are those set out at IR IR24-29.
7. With regard to the Inspector's remarks on the emerging Bryning-with-Warton Neighbourhood Plan (BWNP) at IR34-37, the Secretary of State notes the Neighbourhood Plan Examiner's conclusions (IR36) that there is no certainty that the BWNP would be compatible with European Union obligations (IR36), that his recommendations would fundamentally alter the content of the Plan, and that the Plan has not progressed since the publication of the Examiner's Report in April 2016 (IR37). Given the early stage of preparation and the outstanding objections to it, the Secretary of State affords it minimal weight.
8. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the Community Infrastructure Levy (CIL) Regulations 2010 as amended.

### *Emerging plan*

9. The emerging plan comprises the Fylde Local Plan to 2032. Paragraph 216 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. The Secretary of State notes that the plan was submitted to him for examination on 9 December 2016.

### **Main issues**

10. The Secretary of State agrees with the Inspector that the main issues are those set out at IR156-157.

### *Habitats Regulations Assessment*

11. The Secretary of State recognises that the Ribble and Alt Estuaries Special Protection Area (SPA) and Ramsar Site and the Ribble Estuary Site of Special Scientific Interest

(SSSI), and the Newton Marsh SSSI are important sites for wintering birds and migratory birds in spring and autumn (IR159), but agrees with the Inspector (IR160) that the distance between the appeal site and the intervention of existing development is such that direct disturbance to species on the protected sites is unlikely. The Inspector identified that the most likely impacts from the appeal proposal are a loss of habitat functionally linked to a protected site, increased recreational pressure on the protected site, and changes in water quality in watercourses hydrologically linked to a protected site (IR160).

12. The Secretary of State has carefully considered the Inspector's analysis at IR164-167, and like the Inspector, he considers that provided the two conditions suggested by the Lead Local Flood Authority and GMEU are imposed on any permission so that mitigation measures are secured as part of the proposal, the appeal proposal would be unlikely to have a significant effect on the designated sites either alone or in combination. For that reason, he agrees with the Inspector's conclusion (IR170) that no Appropriate Assessment is necessary.

*The character of Warton, its services and facilities*

13. For the reasons given by the Inspector at IR172-179, the Secretary of State agrees with the Inspector that the proposal would not alter the fundamental character of Warton. Although all parties accept that the appeal proposal contravenes Local Plan policies SP1 and SP2 which set limits to development for Warton, the parties also accept that both these policies are out of date or satisfied. The Secretary of State accepts the Inspector's conclusion (IR180) that the proposals would comply with local Plan policy HL2(1) which requires housing developments to be acceptable in principle.

*The highway network*

14. For the reasons given by the Inspector at IR181-185, the Secretary of State accepts the Inspector's conclusion that with the recommended conditions, the proposed development would not cause the capacity of the highway network to accommodate the cumulative effects of development in Warton to be exceeded. He therefore agrees with the Inspector that the proposal would therefore comply with criterion 9 of Local Plan policy HL2 (IR186).

*Air quality*

15. For the reasons given by the Inspector at IR187-190, the Secretary of State agrees with his conclusion (IR191) that although background air quality in the eastern part of Warton may have higher levels of pollutants than surrounding areas and be the poorest quality in Fylde, it is not, in absolute terms, poor. In terms of air quality, he accepts the Inspector's conclusion that Warton is suitable as a residential location. Like the Inspector, the Secretary of State observes that the appeal proposal would accord with Local Plan policy EP26 which would not permit development which would give rise to unacceptable levels of air pollution.

*Housing*

16. The Secretary of State has considered carefully the Inspector's analysis of the Council's housing land supply shortfall at IR192 – 197. He accepts that the Council can only demonstrate a supply of housing land of between 3.5 and 4.8 years. In terms of the housing requirement, the Secretary of State agrees with the Inspector (IR195) that the

proposal represents the equivalent of about one third of a year's supply or about 7% of the total five year requirement for the whole of Fylde. He therefore accepts the Inspector's conclusion that it would represent a not inconsiderable contribution to housing land supply in the borough and notes that the proposal accords with the Council's requirement to supply affordable housing (IR198).

#### *Other matters*

17. In terms of highway safety, the Secretary of State acknowledges that Lytham Road is a busy main road but its accident record is not out of the ordinary and like the Inspector, the Secretary of State has no reason to disbelieve the evidence that the intended measures, including a central refuge and road markings, will slow traffic and so increase road safety at the location of the site's access (IR199). In terms of flooding, the Secretary of State notes the Inspector's comment (IR 200) that the appeal site is in Flood Zone 1 in terms of flood risk from rivers. Turning to surface water flooding on the southern boundary of the site, the Secretary of State agrees with the Inspector that there is no evidence to suggest that acceptable details of surface water drainage could not be devised and submitted for approval (IR201).

#### *Sustainable development*

18. In terms of the economic role of sustainable development, the Secretary of State has carefully considered the Inspector's analysis at IR203-212. The Secretary of State agrees with the Inspector that the site is located on land of the right type in all respects apart from it not being brownfield land (IR205), and the development would have limited traffic impacts and would provide safe access and would avoid flood risk (IR207). Furthermore, he agrees that even though the site is not located in a town centre, it would enhance or maintain the vitality of a rural community which has been identified as a sustainable location. The Secretary of State agrees with the Inspector that the proposal scores moderately well in terms of accessibility to local services and agrees with his conclusion that the site is located in the right place (IR211). Overall, he accepts the Inspector's conclusion that despite the negative characteristic of the site being greenfield land, the site scores highly in terms of the economic role of sustainability.

19. Turning to the social role, the Secretary of State agrees with the Inspector (IR215) that the proposal would make a not inconsiderable contribution to housing land supply in the borough, and scores well in terms of accessibility to local services. He therefore accepts the Inspector's conclusion that in terms of the social role of sustainability, the site scores well (IR216).

20. In regard to the environmental role of sustainability, the Secretary of State has considered the Inspector's analysis at IR217-219, and accepts his conclusion that given the mitigations and enhancements which could be achieved through conditions, the development of this appeal site would only be moderately adverse (IR220).

21. In taking account of the Framework as a whole and the need for housing in Fylde which is such that greenfield sites will inevitably be used, the Secretary of State concludes, in agreement with the Inspector, that the proposal is sustainable development. He agrees too that adverse impacts are relatively few and minor and would certainly not outweigh the benefits (IR 221).

## **Planning conditions**

22. The Secretary of State has given consideration to the Inspector's analysis at IR226-252, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 206 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 206 of the Framework.

## **Planning obligations**

23. Having had regard to the Inspector's analysis at IR225, the planning obligation dated 14 July 2016, paragraph 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR225 that the obligations comply with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework, are necessary to make the development acceptable in planning terms, directly related to the development, and are fairly and reasonably related in scale and kind to the development.

## **Planning balance and overall conclusion**

24. For the reasons given above, the Secretary of State considers that the appeal scheme would be contrary to Local Plan policies SP1 and SP2 which set limits to the development of Warton. However these policies are out of date because they were only intended to guide the development of Warton up to 2016 and because these are policies that would have the effect of controlling the supply of housing and the Council cannot demonstrate a five-year housing supply.
25. With planning obligations in place the appeal complies, or could be made to comply by condition, with all other Local Plan policies. Where compliance has been contested by the parties, the Secretary of State finds that the proposals comply with Local Plan policy HL2(1) which requires housing developments to be acceptable in principle, HL2(9) which requires highway safety to be a criterion in considering housing development and policy EP26 which would not permit development which would give rise to unacceptable levels of air pollution. Taking a broad view of the development plan as a whole, the Secretary of State concludes that the appeal proposal accords with its remaining relevant parts.
26. Given that policies for the supply of housing are out of date, the Secretary of State considers that paragraph 14 of the Framework is engaged. The Framework advises that in such cases, permission should be granted unless the adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework, taken as a whole, or specific policies in the Framework indicate that development should be restricted. The Secretary of State has already concluded at paragraph 21 above that that is not the case in this appeal.

## **Formal decision**

27. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants outline planning permission for the erection of up to 115 dwellings (C3 Use Class) including details of access, with all other matters reserved, in accordance with application ref: 15/0562 dated 14 August 2014, subject to the conditions set out in the Annex B to this letter.

28. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

**Right to challenge the decision**

29. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
30. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
31. A copy of this letter has been sent to Fylde Borough Council, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

*Philip Barber*

Authorised by Secretary of State to sign in that behalf

**Annex A****SCHEDULE OF REPRESENTATIONS****Representations received in response to the Secretary of State's letter of 16 November 2016**

<b>Party</b>	<b>Date</b>
Anthony Wood Clerk for Bryning-with-Warton Parish Council	11 August 2016
Mr M Evans Fylde Council	18 November 2016
Mrs J King	22 November 2016
Colin Griffiths Satnam Group	5 December 2016
Mr Graham Lamb Pegasus Group	6 December 2016
Mr M Evans Fylde Council	9 December 2016
Mr Graham Lamb Pegasus Group	12 December 2016
Jessica Ashworth Chair of Bryning with Warton Neighbourhood Plan Steering Group	14 December 2016
Tony Guest	16 December 2016
Sally Wright WRAPP	16 December 2016



**Annex B****APP/M2325/W/15/3141398**

- 1) No development shall take place until a plan detailing the phasing of development and the allocation to each phase of a share of a total open space provision of not less than 0.87ha including a play area has been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 2) Details of the access within each phase of the site, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins on the phase in question and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 4) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 5) The access on to Lytham Road to the development hereby permitted shall be carried out in accordance with approved plan number 0988-F01 revision F. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any equivalent Order following the revocation or re-enactment thereof) the area indicated as an area of verge to be kept free of all obstructions above 0.6m shall thereafter be kept free of any obstruction higher than 0.6m above the level of the carriageway. No dwelling shall be occupied until the details shown on the approved plan have been completed and made available for use.
- 6) No greater quantity of housing shall be built than that which would give rise to traffic generated by the development no greater than that forecast in the submitted Transport Assessment July 2015 by Croft Transport Solutions.
- 7) No more than 15% of the development hereby approved shall be occupied until the completion and bringing into use of
  - a) The Preston Western Distributor Road
  - b) The relocation of BAE Systems gate from Mill Road to the road known variously as Liberator Way, Typhoon Way and Thunderbolt Avenue
  - c) The works at the junction of Church Road, Lytham Road and Highgate Lane required by conditions 16 and 17 of appeal decision APP/M2325/A/14/2217060
- 8) No dwelling hereby approved shall be occupied until a MOVA/UTC control has been installed and brought in to use at the Church Road/Lytham Road/Highgate Lane junction
- 9) No dwelling shall be occupied until details of travel mode share targets for the development and measures to achieve them (a Travel Plan) have been submitted to and approved in writing by the local planning authority. The development shall be carried out and retained in accordance with the approved details.
- 10) No dwelling shall be occupied until it has been provided with a Visitors Pack which shall have been previously submitted to and approved by the local planning authority, highlighting the sensitivity of the Ribble & Alt Estuaries to recreation activity and highlighting alternative recreational opportunities. The Visitors Pack shall thereafter be kept available in the dwelling for the use of future occupants.

- 11) No development shall take place on any phase of the site until details of foul and surface water drainage for that phase and of its management have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained thereafter in accordance with the approved management details. No dwelling shall be occupied until it is provided with its drainage as approved.
- 12) No development shall take place on any phase of the site until details of finished floor levels and external ground levels of each plot on that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 13) No development shall take place on any phase of the site until an intrusive site investigation of the nature and extent of contamination and unexploded ordnance has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any new construction begins on that phase. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate that phase of the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. That phase of the site shall be remediated in accordance with the approved measures before new construction begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the relevant phase of the site shall incorporate the approved additional measures.
- 14) No development shall take place on any phase of the site until a programme of archaeological work for that phase has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
- 15) No development shall take place on the relevant phase until details of the pedestrian and cycle accesses to the southern and eastern boundaries of the site (shown indicatively on the illustrative master plan drawing number 013-006-P009 REV C accompanying the application) have been submitted to and approved in writing by the local planning authority. No dwelling on the relevant phase shall be occupied until the relevant pedestrian and cycle access shall have been completed and made available in accordance with the approved details.
- 16) The external fabric of the dwellings hereby approved and the boundary fences around their rear or private amenity areas shall be constructed so as to comply with the sound reduction performance recommended in section 5 of the Noise Assessment version number 2 by SLR global environmental solutions reference 410.02826.00007.
- 17) No dwelling on any particular phase shall be occupied until the public open space allocated to that phase has been laid out and made available for its intended purpose. The public open space shall be retained thereafter in accordance with a maintenance scheme which shall have been submitted to and approved by the local planning authority before development commences on the relevant phase. No dwelling on the last of any phase of the development which includes residential dwellings shall be occupied until the play area and all the public open space on all phases has been laid out and made available for its intended purpose.

- 18) No development shall take place until details of existing trees or hedgerows which are to be retained on site and the manner of their protection have been submitted to and approved by the local planning authority and paragraphs (i) and (ii) below shall have effect until the expiration of 1 year from the date of the first occupation of the last completed dwelling for its permitted use.
- i. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
  - ii. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
  - iii. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.
- 19) No development shall take place within 6m of the ditch immediately to the east of the application site.
- 20) No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (March to July inclusive) unless an ecological survey has first been submitted to and approved in writing by the local planning authority. Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird nesting season until a methodology for protecting nest sites during the course of the development has been submitted to and approved in writing by the local planning authority. Nest site protection shall thereafter be provided in accordance with the approved methodology.
- 21) 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 hours of site operation
  - 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 work.

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## Appeal Decision

Site visit made on 17 January 2017

**by John Dowsett MA DipURP DipUD MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 14<sup>th</sup> February 2017**

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**Appeal Ref: APP/M2325/W/16/3158103**

**Coppice Farm Land, West Moss Lane, Westby with Plumpton, Lancashire, FY8 4NH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Coppice Farm LLP against Fylde Borough Council.
  - The application Ref: 16/0148, is dated 1 March 2016.
  - The development proposed is the demolition of the existing agricultural buildings and the erection of a residential development comprising 10 detached houses.
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### Decision

1. The appeal is dismissed and outline planning permission for the demolition of the existing agricultural buildings and the erection of a residential development comprising 10 detached houses is refused.

### Preliminary matters

2. The development proposal was submitted in outline with all matters reserved for future approval with the exception of access. A number of drawings were submitted which show ten dwellings laid out around a cul-de-sac access road with an area of open space within the development; floor plans and elevations of a number of house types; and the position of a number of passing places on West Moss Lane. I have also been provided with a drawing showing landscaping and mounding on the appeal site boundary. As matters relating to appearance, landscaping, layout and scale are reserved for future approval I have treated these drawings as indicative only.
3. Although this appeal is against the failure of the Council to give notice of its decision on the application within the prescribed period, I received as part of the Council's submissions a statement of case which sets out that, had the Council been in a position to make a determination on the planning application, it would have refused planning permission for reasons relating to (1) the location for housing in respect of access to services, facilities and employment opportunities; (2) the effect of the development on the character and appearance of the surrounding landscape; (3) effect of the proposal on nearby protected sites and over-wintering birds; and (4) compliance with national planning policy in respect of flood risk. I have therefore considered the appeal on this basis.

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## Main Issues

4. The main issues in this appeal are:

- Whether the appeal site is a suitable location for housing in respect of its access to services, facilities and employment opportunities; and
- The effect of the development on the character and appearance of the area and the surrounding landscape.
- The effect of the proposal on nearby protected sites with particular regard to overwintering birds; and
- Whether the proposal would comply with national planning policy which seeks to steer new development away from areas at the highest risk of flooding.

## Reasons

*Whether the appeal site is a suitable location for housing*

5. The appeal site is a former pig farm located in an area of countryside to the north of Lytham. It is accessed from the unclassified roads, West Moss Lane and Moss Hall Lane. The appeal site is not within any existing settlement or built up area.
6. Policy SP2 of the Fylde Borough Local Plan 2005 (the Local Plan) states that in countryside areas development will not be permitted unless it is essentially required for the purposes of agriculture, horticulture or forestry; or other uses appropriate to a rural area; or it comprises the rehabilitation and re-use of permanent and substantial buildings which are structurally sound. The proposal does not meet any of these criteria and is therefore contrary to Policy SP2. However, as Policy SP2 seeks to constrain the development of land in the countryside for housing, it is a relevant policy for supply of housing. The Council concedes that it only has a deliverable housing land supply of 4.8 years. As a result of the absence of a five year supply of deliverable housing sites, Policy SP2 cannot be considered up to date.
7. The fact that a relevant policy is not up to date does not mean that it can be disregarded. Rural restraint policies encourage development in existing settlements and help protect the intrinsic value and character of the countryside which is in line with the objectives of sustainable development. In addition, although neither party has submitted substantive evidence in respect of projected housing deliver, the shortfall in housing land supply is not substantial. Consequently, moderate weight can still be given to Policy SP2.
8. Policy HL2 of the Local Plan sets out general criteria for residential development including, among others, that new housing is in a sustainable location having regard to the local availability of shops, schools, employment sources, public transport and other community facilities.
9. I have also been referred to a number of policies in the Draft Fylde Local Plan (Submission Version) 2016. However, whilst this plan has been submitted for examination, this has not yet occurred and as such the policies in it may be subject to change. I can, therefore, only give limited weight to these emerging policies.

10. The site is approximately 3 kilometres from Lytham, where there is a good range of shops, services and employment opportunities. However, there are no shops or facilities and no public transport services within walking distance of the site. Whilst it would be possible to access Lytham by cycle, I saw that the routes to the town from the site were either narrow unlit roads, or a busy main road which is also unlit for much of its length leading to the town. Although a public right of way runs along Moss Hall Lane, this is unlit and poorly surfaced. As such I do not consider that these would be an attractive option for cyclists, particularly during the winter months. As such the occupants of the new dwellings would be largely dependent on the private car for their everyday transport requirements.
11. I have had regard to the appellants' point that planning permission has been granted for a commercial use on the site that would potentially generate greater traffic movements. However, the transport requirements for a commercial development are markedly different from the transport needs of full time residential occupation of the site and, consequently, I can attach little weight to this point. I also note the appellants' point that there are houses at Higher Ballam to the east of the appeal site and other small scale groupings of houses in the vicinity, nonetheless, I saw on my site visit that the houses at Higher Ballam are of some age and were clearly built before policies in respect of locational sustainability were in widespread use. I therefore do not consider that these existing established developments can justify the development of the appeal site for housing.
12. The proposed development is contrary to Local Plan Policy SP2, which, although not up to date, can still be given moderate weight; and is in a location where the future occupiers would be dependent on the private car for their day to day transport requirements.
13. I therefore find that the appeal site is not a suitable location for housing in respect of its access to services, facilities and employment opportunities and would be contrary to Policies SP2 and HL2 of the Local plan which seek to protect the countryside from development and ensure that new development is well located with having regard to the local availability of shops, schools, employment sources, public transport and other community facilities.

#### *Character and appearance*

14. When read together Policies HL2 and EP11 of the Local Plan seek to ensure that new development is compatible with nearby and adjacent land uses; would be in keeping with the character of the locality and the character of the surrounding landscape; and has regard to its context in terms of materials and design. Policy SP2 of the Local Plan refers to types of development which will be permitted in the countryside. Whilst this policy contains a criterion in respect of the visual characteristics of development that is essentially required for the continuation of an existing enterprise, it does not relate to new residential development of the type proposed by the appeal scheme and, as a result, I do not consider that it is directly relevant to this issue.
15. Policy EP20 referenced in the putative reason for refusal relates to development on the open coastline and, consequently, I do not consider that it is relevant to this case.

16. The landscape around the appeal site is open countryside that is essentially flat and comprises small to medium sized fields with occasional small areas of woodland and scattered groups of farm buildings. Narrow lanes form a network of routes linking to the more major roads. Outside of the built up areas, small groups of houses are located on the main roads. Approximately 350m to the east of the appeal site on West Moss Lane is the small, linear settlement of Higher Ballam. Immediately to the north of the appeal site is the former farm house for Coppice Farm and some associated outbuildings. Although the appeal site is located within a short distance of an urban area it, nevertheless, has a distinctly rural character.
17. As noted above, the application is in outline only. I have had regard to the appellants' point that the development would be low density development and that the current buildings on the appeal site are unsightly. However, the location of the site in relation to the existing development in the vicinity is such that the proposal would result in development in depth to the south of West Moss Lane which is uncharacteristic of the linear form of development along existing roads that is evident elsewhere in the surrounding area.
18. I have also noted the appellants' point that the proposed dwellings would be designed in a rural style and utilise materials which are appropriate to the rural area. Nonetheless, the development would introduce a markedly urban form of development with the accoutrements of domestic occupation which would be distinctly different from the current agricultural character of the site and of the other groups of buildings away from the through routes. The supporting indicative drawing, whilst only illustrative, demonstrates the likely type of layout, given the size and shape of the site, and reinforces my view.
19. Due to the flat and largely open nature of the countryside surrounding the appeal site, the development would appear as an incongruous feature within the landscape which would be harmful to its character.
20. I am mindful that planning permission has previously been granted for the use of the site for commercial purposes, however, these permissions either involved the use of the existing buildings on the site or were for the erection of new light industrial buildings which would have a similar form and massing to the existing agricultural buildings and consequently a similar character.
21. I therefore find that the proposed development would cause harm to the character and appearance of the area and the surrounding landscape. It would be contrary to the relevant requirements of Policies HL2 and EP11 of the Local Plan which seek to ensure that new development is compatible with nearby and adjacent land uses and has regard to its context.

*The effect of the proposal on nearby protected sites*

22. The appeal site is close to, but not within, the Ribble and Alt Estuaries Special Protection Area (SPA) but as the surrounding land has been identified to provide mitigation of Likely Significant Effects from another development elsewhere, it is considered to be functionally linked to the SPA. The principal interest feature of the SPA is the use of the area by overwintering bird species.
23. Some information in respect of the effect of the proposal on species using the SPA and associated land has been provided, along with some mitigation

proposals. This concludes that the proposed development would not have any significant adverse effects on the SPA.

24. I note, however, that Natural England and the Council's own ecological consultant have commented that there is insufficient information within the appraisal to allow it to be considered robust. In particular, Natural England and the Council's ecology consultant state that the in-combination assessment does not take into account all the surrounding plans/projects which could have a possible effect, and potentially together have a significant effect on the designated sites and functionally linked land. I do not have full details of the Queensway development or the mitigation proposals associated with it, nor do I have any substantive evidence in respect of other schemes which may also need to be taken into consideration.
25. In the light of this, and adopting a precautionary approach, on the balance of the evidence I am not able to conclude that the proposed development will not cause harm to the nearby protected sites, with particular regard to overwintering birds.
26. Paragraph 118 of the National Planning Policy Framework requires that when determining planning applications, a decision maker should aim to conserve and enhance biodiversity by applying the principle that if significant harm resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. As I have found that the avoidance and mitigation of harm is not demonstrated, the appeal must fail on this ground.

#### *Flood risk*

27. The appeal site is located in an area that is identified as being within Flood Zones 2 and 3 as defined by the Environment Agency, with the greater part of the site being within Flood Zone 2. The Framework seeks to steer new development to areas with the lowest probability of flooding by applying a Sequential Test. The planning application was also accompanied by a site specific Flood Risk Assessment.
28. There is some dispute between the parties as to whether the extent of the area covered by the sequential assessment is appropriate or not. The appellant sought guidance from the Council prior to undertaking the sequential assessment and carried out the assessment on the basis of that advice. Subsequently, the Council has adopted a different position stating that, as housing is a strategic matter, the sequential assessment should cover the whole local authority area as opposed to particular housing market sub-areas.
29. Whilst noting the Council's point in respect of the potential strategic aspect of housing development, at ten dwellings, the appeal proposal is not a large scheme. A scheme of this size would not, in my view, have either strategic implications or have potential to significantly compromise the Council's development strategy. The Planning Practice Guidance (the Guidance) states that when considering planning applications where there has been no sequential testing of the allocations in the development plan, or where the use of the site being proposed is not in accordance with the development plan, the area to apply the sequential test across will be defined by local circumstances relating to the catchment area for the type of development proposed. The Guidance therefore contemplates sequential testing to be applied to different



sized areas dependant on the circumstances. Within this context, it is not unreasonable to confine the sequential test for this proposal to a smaller area, such as that originally suggested by the Council to the appellant.

30. The sequential test that was submitted with the application identifies fifteen alternative sites which were subsequently discounted. Although some of these sites had previously been discounted by the Council as part of their Strategic Housing Land Availability Assessment, this does not undermine the purpose of the sequential test to determine whether there are any available, sequentially preferable sites, within the relevant area. The Council suggests that there are identified sites in sustainable locations on the edges of settlements at various locations throughout the borough which are not at risk of flooding. However, I do not have any evidence in respect of where these sites are located in relation to the appeal site. Whilst noting the Council's point that there are allocated sites in its emerging local plan, this has not yet been subject to formal examination and consequently may be subject to change. As such I can give only limited weight to this point.
31. It is not suggested that the appeal proposal is required to pass the Exception Test required by the Framework. However, I note that a site specific flood risk assessment was submitted with the application which sets out a number of mitigation measures and that, on this basis, the Lead Local Flood Authority has no objections to the proposal.
32. From the evidence before me, I conclude that the proposal would comply with national planning policy which seeks to steer new development away from areas at the highest risk of flooding.

### **Other matters**

33. The appellant suggests that as the Council does not have an identified deliverable five year supply of housing land the proposal should be considered in the context of the presumption in favour of sustainable development as required by Paragraph 49 of the Framework. It is common ground between the parties that as the proposal affects land which is functionally linked to the SPA that an appropriate assessment under the Habitats Directive is required. The Framework confirms in paragraph 119, that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined. The presumption in favour of sustainable development is therefore not engaged in this case.
34. Although the proposed development would have some small scale economic benefits arising from the investment in its construction, would make a small contribution to providing additional housing in the area and would remove a small area of dereliction within the countryside, these small scale benefits do not outweigh the other harm that I have previously identified.
35. Some concerns have been raised in respect of additional traffic using West Moss Lane to access the proposed development. Although the road is narrow, it is very lightly trafficked and I consider that the additional vehicle movements that would be generated by the development could be accommodated. I also note that the Council have not raised this matter as an issue.

**Conclusion**

36. I have found that the proposal would comply with national policy in respect of directing new development away from areas at the highest risk of flooding. However, I have found that the appeal site is not a suitable location for housing with regard to access to services and facilities, and that the development proposed would cause harm to the character and appearance of the surrounding landscape. In addition it has not been demonstrated that the proposed development would not have significant adverse effects on the interest features of the SPA. In my view these are important matters, to the extent that the proposal should be regarded as being in conflict with the development plan as a whole.
37. These adverse impacts significantly and demonstrably outweigh the small scale benefits that would result from the proposed development.
38. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed and planning permission refused for the proposed development.

*John Dowsett*

INSPECTOR