

<b>Application Reference:</b>	15/0547	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Hollins Strategic Land LLP	<b>Agent :</b>	Sedgwick Associates
<b>Location:</b>	BROOK FARM, DOWBRIDGE, KIRKHAM, PRESTON, PR4 3RD		
<b>Proposal:</b>	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING BUILDINGS AND RESIDENTIAL DEVELOPMENT OF UP TO 170 DWELLINGS INCLUDING ASSOCIATED INFRASTRUCTURE (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)		
<b>Parish/Ward:</b>	NEWTON WITH TREALES	<b>Area Team:</b>	Area Team 1

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

The application is for an outline application for upto 170 residential units on a 13 hectare site located on land north of Dowbridge and west of New Hey Lane, on land allocated as Countryside in the Fylde Borough Local Plan. It adjoins the Kirkham limit of development boundary.

The residential development of Countryside land in contrary to Policy SP2 of the Fylde Borough Local Plan. However, a key material consideration in the determination of residential planning applications is the need for the council to deliver a supply of housing land equivalent to 5 years of its agreed annual target. The council's latest published information is that it is unable to deliver the necessary housing supply and so a proposal that delivers sustainable development must be supported unless it will cause significant and demonstrable harm. The ecology of the site has been considered and the evidence submitted shows the development would not impact upon protect species. The highways impact of the development is acceptable with appropriate conditions and contributions. There are no objections from LCC Highways with regard to traffic generation or safety

Having assessed the relevant considerations that are raised by this proposal it is officer opinion that the development will cause significant and demonstrable harm to the setting of Kirkham and on views from Carr Lane from the north and would have an unacceptable visual impact because of the topography of the site and the scale of development. As such it is considered that it does not deliver sustainable development and so it is recommended that the case made by officers at appeal be based on the detrimental visual impact the development will have.

The visual harm to be experienced has to be balanced against the gain of needed housing. Whilst the NPPF as a presumption in favour of sustainable development it is considered that the substantial and demonstrable harm to be experienced by the local landscape and the impact on the setting of Kirkham is of great significance and its harm outweighs any benefit experienced by way of housing supply. As such having regard to the NPPF, it is not considered to be sustainable development and therefore the presumption in favour set out in the NPPF does not apply. The adverse impacts of the proposal would outweigh the benefits and the proposal is considered to be unacceptable having regard to the NPPF. The proposal is therefore recommended for refusal.

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

The application is a Major application and has been appealed on the basis that the council has not determined the application in the requisite 13 week timeframe. The appeal regulations require that the Council submit a statement to outline their case on the appeal which is due by 10 August 2016. This statement of case will outline the areas which are in dispute between the Council and the appellants and so for the basis for the evidence that the council presents to the Inquiry. Your officers have continued working on the application since the appeal was submitted and as such there is now agreement over some of the issues which were the initial cause of the delay in determination. The purpose of this report is to outline the application to members as would normally be the case and presents how officers would have recommended determination of the application to establish the Committee's view on the application.

### **Site Description and Location**

The application site is an area of land extending to 13 hectares and is located to the north of Dowbridge which becomes the main road running through into Kirkham and which joins the A583 bypass to the south and west of New Hey Lane. The site is located directly adjacent to the Kirkham limit of development boundary but is within the Parish of Newton with Clifton. Kirkham is identified as being at the top tier of the settlement hierarchy and the site is approximately 1km from the town centre. The site is located directly adjacent to the settlement boundary to the south and west, to the east the boundary is formed by New Hey Lane which runs along a local ridgeline with some residential development and extensive farm buildings beyond. The northern boundary of the application site is in line with Spen Brook which links to the Dow Brook which runs along the western boundary of the site. This northern boundary projects approximately 400m east from the settlement boundary. On the west of Spen Brook is existing residential development. The application site itself comprises a dwellings with associated hardstanding and outbuildings, a pig farm in active use and ancillary farm shop and fields used for grazing. It is largely greenfield with some previously developed land. The site rises from the south of the site to the middle of the site where an access road and field boundary are located and then falls away again to the south and the boundary with Spen Brook. The landscape character surrounding the site outside of the settlement boundary is predominately rural in nature consisting of a patchwork of undulating improved pasture broken by woodland and isolated dwellings. Field boundaries are defined by hedgerows and a network of dykes and drainage channels. There are a number of ponds within the wider area. The railway line to the north is a dominant feature on the landscape as is the A583 to the south. Kirkham to the west is an urban area in a rural setting and has a mixture of commercial, retail and residential uses. The urban area adjacent to the site consists of residential development.

### **Details of Proposal**

The application is an outline application for the development of the land described above with upto 170 dwellings with access a detailed matter for consideration and all other matters reserved for future consideration. The application has been accompanied with an indicative landscape masterplan, a landscape assessment, planning statement and a Transport Assessment all of which are important documents when considering this application with regard to its location as described in the preceding section. The dwellings on the indicative plan are shown spaced around the site with an area of POS shown on the edge of the site adjacent to the two brooks. Within the site it is proposed to create a community green around an existing pond and a pedestrian/cycle link to New Hey lane which will also

act as an emergency access to the site. It is proposed to be surrounded by woodland vegetation and there will be an 8m easement from the two brooks where no development or landscaping will take place. 30% of the dwellings would be affordable housing units. Access is a detailed matter for consideration and it is proposed to be accessed off Dowbridge, with detailed access plans submitted.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
15/0827	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING BUILDINGS AND RESIDENTIAL DEVELOPMENT OF UP TO 95 DWELLINGS INCLUDING ASSOCIATED INFRASTRUCTURE (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Elsewhere on agenda	
01/0091	PROPOSED TWO NEW POULTRY BUILDINGS	Granted	18/07/2001

### **Relevant Planning Appeals History**

None

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

**Newton with Clifton Parish Council** notified on 26 August 2015 and comment:

*Further to recent correspondence I advise that following Local Planning Authority (LPA) advice, contained in a communication dated the 10th September 2015 that highway related issues will be addressed as part of the outline planning application and not deferred for consideration as part of any subsequent reserved matters planning application, the above application was reviewed at a Council meeting held on Thursday 1st October 2015.*

*Council duly considered the above application documents and parishioner observations regarding the proposed development. Reference was made to policy in planning documents; National Planning Policy Framework (NPPF), Fylde Borough Local Plan (as altered) October 2005, Joint Lancashire Minerals and Waste Local Plan and Fylde Local Plan to 2030 Part 1 Preferred Option and Sustainability Appraisal. Subsequently a resolution was adopted that Council submit a representation to the LPA that the application fails to address the Council's concerns previously intimated in the conditional approval recommendation following its decision at a meeting held on Thursday 3rd September 2015. Consequently, Council determined that the proposed development should be refused planning permission, by Fylde Borough Council's Development Management Committee, for the following reasons;*

- 1. The proposed development does not conform to the LPA Local Plan revised Preferred Option in that it is contrary to several planning policies relating to agricultural land protection, housing, rural areas and sustainable development e.g. Policies SP1 which only permits development within defined limits and SP2 relating to development in Countryside Areas which recognises safeguarding the countryside for its own sake is consistent with sustainable development and PPS3 relating to previously developed "Brownfield" sites to be used before "Greenfield" and, consequently, agricultural land and NPPF paragraph 7.*

2. *Council determined that the transport assessment provides insufficient information to determine whether the likelihood of significant adverse highway safety effects can be ruled out. The proposed road access/egress to/from the proposed development is the B5192 Dowbridge. Council therefore considers it reasonable to conclude that the increased traffic generation and related new access/egress is detrimental to highway safety in the locality generally and particularly the A583 Kirkham Bypass.*
3. *The proposed development fails to demonstrate satisfactory access/egress with no adverse impact on the safe and efficient operation of the highway network as required to comply with Policy HL2 Point 9 and paragraph 32 of NPPF.*
4. *Drainage is a key issue highlighted in Policy HL2. The proposed development is unacceptable because it involves building within eight metres of the top of the bank of the designated 'main river' watercourses, Spen Brook and Dow Brook and is unlikely to receive Environment Agency (EA) consent as it would restrict essential maintenance and access. No trees or shrubs may be planted, fences, buildings, pipelines or any other structure erected within 8 metres of the top of the bank of the watercourses. The proposed development includes the planting of many trees within the Main River easement. The proposed siting of the surface water attenuation storage within the floodplain is also likely to be unacceptable to the EA because this area will already be flooded and surface water storage will not be possible. 42% of the site is located within Flood Risk Zone 2, which lies adjacent to the existing boundary of Kirkham, and consequently the developable area of the site is located away from the settlement boundary. It is considered that the proposed development does not therefore fully address the capacity issues related to the sewer network serving a locality where over a significant period some existing properties have previously required structural repairs arising from drainage related issues.*
5. *The NPPF confirms that decisions on future strategic land use in the Borough, including any changes to the limits of development in the adopted Fylde Local Plan, should be plan-led via the Local Plan process. The land was proposed for allocation as Site H7: Land North of Dowbridge, Kirkham, in Strategic Locations for Development Policy SL4 in the Local Plan Preferred Options in 2013 and following the consultation review it is understood the LPA has agreed to delete the site in the Local Plan Revised Preferred Option.*
6. *The site is not now needed to fulfil the LPA's achievable and realistic housing supply. Alternative sites include the Kirkham Triangle and Whyndyke Farm schemes.*
7. *Policy SP2 presumes against development in the open countryside and limits such development to certain categories including for the purposes of agriculture, horticulture, forestry or other appropriate uses in rural areas. The proposal does not fall within these exceptions. The application fails to provide the agricultural land classification of the site. However, the north west of the site, approximately 30%, does have a post-1988 Agricultural Land Classification which shows 2.5ha as Grade 3a, i.e. Best and Most Versatile Land (BMV) and therefore it is considered reasonable to assume that a considerable area to the north-east of the site also has a significant area of BMV land and therefore the proposed development conflicts with EP22 and NPPF paragraph 111, 112.*
8. *The development as proposed fails to meet the objectives of Policies EP10 and EP11 with regard to the distinct landscape character of the Borough in the context of the Lancashire Landscape Strategy.*
9. *The development as proposed is considered detrimental to the visual amenity and landscape of the area and therefore conflicts with NPPF paragraph 17.*
10. *The proposed development is to the detriment of the biodiversity, ecology and wildlife as it impacts on field pond(s) in the area.*
11. *Concerns prevail with regard to amenities, infrastructure and services and specifically concerns exist in respect of road network capacity, medical facilities, schools and utilities in Kirkham and the*

*surrounding area which are considered insufficient to accommodate the cumulative expansion in conflict with NPPF paragraphs 17, 21, 157, 162 and 177.*

- 12. Decisions on allocation and release of new development sites must be done through the new Spatial Planning Process defined by PPS12, include public consultation, independent inspection and until a Fylde Borough Council Local Development Scheme Core Strategy is adopted together with its Strategic Locations for Development and its Draft Local Plan to 2032 – Revised Preferred Option this application must be considered premature.*
- 13. The development site should be assessed against The Site Allocations and Development Management Policies criteria. Policy M2, in the Development Plan Document which defines areas within the plan for mineral safeguarding. The Policy states that planning permission will not be supported for any form of development unless the proposal is assessed against six criteria listed in the Policy to the satisfaction of the planning authority. It is considered that the application does not adequately demonstrate such an assessment.*
- 14. The proposed development, if permitted, will further increase the number of dwellings, extend the settlement boundary, adversely impact on the countryside to an unacceptable degree and therefore is contrary to the local parish plan. Verification from the plan process shows that the location of the parish of Newton-with-Clifton in open countryside is strongly valued by the local community and the perception prevails that there has been too much development in the recent past to the detriment of parish amenity.*

**Kirkham Town Council** notified on 26 August 2015 and comment:

*Object.*

- SP2. The development is outside the settlement boundary.*
- It does not comply with FBC's adopted Local Plan.*
- It does not comply with FBC's emerging Local Plan.*
- It sits within the Flood Zone 2.*
- The high percentage increase in addition to the current increase.*
- It fails to meet the objectives of EP10 and 11 in the context of the Lancashire Landscape Strategy.*
- It fails to demonstrate satisfactory access and egress or efficient operation of the highway network.*
- The increase in access and egress will be detrimental to highway safety.*
- It will be detrimental to the visual amenity and landscape of the area.*
- It will be detrimental to the biodiversity, ecology and wildlife in the area.*
- Drainage is a key issue and is highlighted in Policy 802.*
- The site currently has significant drainage issues and lies in and adjacent to Flood Plain 2.*
- The existing amenities, infrastructure and services will be inadequate if this proposal is granted permission.*
- The site is in a new strategic development area decisions on allocation and release of new development sites must be done through the new Spatial Planning Process defined by PPS12 and include public consultation and independent inspection.*

**Treales, Roseacre & Wharles Parish Council** notified on 22 March 2016 and comment:

*Treales, Roseacre and Wharles Parish Council wishes to OBJECT to the above planning application, which was discussed at the Parish Council Meeting Tuesday 15 September 2015. The grounds for objection are as follows:*

- 1. This application does not represent sustainable development in conflict with NPPF paragraph 7.*
- 2. The development will cause demonstrable harm on the amenity and infrastructure of Kirkham and its environs. The Parish Council has specific concerns regarding the capacity of the road network, the medical facilities, schools and utilities in and around Kirkham which are insufficient to accommodate the cumulative expansion of the town in conflict with NPPF paragraphs 17, 21, 157, 162 and 177.*
- 3. The development constitutes a loss of the best and most versatile agricultural land which will have a negative effect on the economy of the supply chain and a subsequent adverse impact on the national debt as a result of the additional borrowing required by residents of the proposed development in conflict with NPPF paragraph 112.*
- 4. Due consideration must be given to the adverse impact on the visual amenity of the area. The development will serve as a negative landscape intrusion on the rural setting between Kirkham and Treales in conflict with NPPF paragraph 17.*
- 5. The Parish Council has concerns regarding the access arrangements to and from the site and the potential negative impact on the Blackpool Road from Dowbridge in conflict with NPPF paragraph 32.*

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

##### **National Air Traffic Services**

No objections.

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

*I refer to the above application and would like to thank you for the opportunity to comment on the proposal.*

*Lancashire County Council (LCC) is responsible for providing and maintaining a safe and reliable local highway network in Fylde. LCC, as the local highway authority, embraces a one team approach, working closely with developers and the planning authority to deliver high quality, sustainable development. With this in mind the present and proposed traffic systems have been considered to highlight areas of concern that, potentially, could cause problems for the public, cyclists, public transport and motorists that will influence movement on the network.*

*LCC have a good understanding of the traffic issues in and around Kirkham and the immediate local area of the site having reviewed highway capacity and safety as a result of a number of recent development applications in the area. As such I expressed initial concerns given the scale of the proposed development and the layout of the initial access proposals submitted with the Transport Assessment. It was LCC's view that a significant proportion of vehicles traversing the network in the location of the proposed site access did so in excess of the signed 30mph limit. Therefore, in such circumstances where there is additional impact on the network it will be expected that a developer will be required where necessary to provide appropriate measures to mitigate the impact of their proposal to deliver an acceptable solution.*

*These final comments consider all the highways and transport information provided with the application documentation; this information includes a Transport Assessment (TA) and a Travel Plan (TP) both produced by SKTP the developer's Transport Consultant. These comments also consider subsequent updated/further information in regard to the TA (traffic figures and speed survey information) a Technical Note (dated 10th December, provided in response to LCC's initial consultation comments of 29th July, 2015) and a further Technical Note (dated 17th February 2016). A revised site access layout (Scheme Drawing SK21542\_002 Rev E and a proposed 'Cycle Lane Provision Scheme' drawing (including traffic calming and Gateway measures, both sent to LCC on 9th May 2016). In addition to the above, substantial further information relating to road safety was considered which was provided by a local resident (a retired Police Officer) as well as LCC's own analysis, site observations and surveys.*

#### *Development Proposal*

*The proposal is an Outline Planning Application for the erection of 170 No. residential units and associated works, with access off B5192 Dowbridge, Kirkham.*

*LCC have provided considerable feedback to the developers Transport Consultant on this application site throughout the iterative planning process. I have reviewed the Transport Assessment (TA) and associated documentation and while there were a number of inconsistencies and anomalies identified in some areas, for example: Traffic data, Network description and Accessibility assessment, I consider the TA and additional information provided by the applicant a reasonable basis upon which to assess the highway influence and impacts of this proposal. This pragmatic and balanced approach relies on officer experience, understanding and judgement of the significance of the anomalies (and where necessary collecting and assessing further data for comparison) in coming to a conclusion that can be scrutinised in an appeal situation.*

#### *Existing Site Use*

*This residential application is proposed on the site of the existing Brook Farm, Dowbridge. The existing site contains a large number of farm buildings. I would note that the extant permission on the site has the potential to generate traffic movements on the local highway network and given the nature of the permitted land use a number of the generated movements would be commercial/heavy goods vehicles. This has been taken into consideration by the highway authority.*

#### *Access Strategy*

*It is proposed that vehicular access to the proposed 170 residential dwellings will be from a single junction off B5192 Dowbridge. The proposed access is to be provided in the location of the existing Brook Farm access and the original proposed layout was shown in Appendix G of the TA.*

*Some 40m to the west of the proposed site access is the Oxford Road residential access and some 40m to the east of the proposed site access is New Hey Lane*

*The proposed access submitted with the TA gave rise to a number of concerns. These required further consideration by the applicant in order to deliver an acceptable access*

*arrangement, one that could be agreed and which would satisfactorily address issues raised by LCC. I highlighted the following initial concerns to the developers Transport Consultant:*

*- I had concerns that there was only one access into a development of this scale (170 dwellings). The masterplan did not indicate any provision for emergency access. I requested further consideration for emergency access provision;*

*The applicant has now confirmed that a separate emergency access provision from New Hey Lane is to be provided. This connection will also be made suitable for cycle access to New Hey Lane.*

*- I expressed concerns that observed speeds (85th percentile) in the vicinity of the proposed access junction were likely to be higher than the signed speed limit. I considered a review of observed speeds in the vicinity of the proposed site was warranted and therefore a speed survey would be required! Subsequently SKTP carried out a 24 hour speed survey. Given the importance of this issue and my concerns LCC also carried out our own surveys over a full week.*

*The speed surveys established the necessary visibility splays that would need to be achieved but also further reinforced my view that an appropriate traffic calming/gateway scheme, to be delivered as part of the site access s278 highway works, would be required as a minimum to achieve an acceptable access. The further information collated led to the development of the proposed site access layout and associated highway improvement works. This was an iterative process and the principles of the agreed scheme are set out under the heading s278 works on page 7 below.*

#### *Pedestrian Routing - Potential Issue*

*LCC are aware of concern raised by a resident (No. 8 Friary Close, off Oxford Drive). The resident is concerned that there is potential for a short-cut through their garden, given the Dow Brook is culverted in this location (making crossing in this location much easier). Any individuals crossing the Brook in this location from the proposed residential site could then easily get to Friary Lane and onto Oxford Drive from where there is a pedestrian link through to Dowbridge Road. LCC Highways are of the opinion that the resident has raised a very valid concern and we in turn have highlighted this potential issue with the applicant's representative.*

*It is clearly in the applicants gift to ensure the detailed design of the internal site layout (to be the subject of any reserved matters application) minimise any potential for this unacceptable routing to take place. In raising this matter again in these statutory consultation comments at this outline stage, it is hoped that local planning authority and the developer will work together to ensure this concern is suitably addressed through the detailed design layout.*

#### *Sustainable Transport*

*As part of the reforms of planning policy, the Department of Community and Local Government published the National Planning Policy Framework (NPPF), DCLG 2012. In terms of Transport, the NPPF sets out the principles that 'plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.*

*Should the LPA be minded to approve this application, it would be appropriate to seek*



*planning obligation contributions from this development to support improvements to the local network and sustainable transport links. This funding will be used to implement changes to limit the negative impact of this large development on the existing network.*

#### *Pedestrian and Cycling Measures*

*It is clear there will need to be good provision of pedestrian/cycle routes through the site to the site access and also the existing bus stops. I requested that the developer give further consideration to the delivery of measures to support improvements for pedestrians and cyclists to improve connectivity to amenities in Kirkham and Wesham and support for wider connectivity improvements, for example to and within Kirkham Rail Station and to the main town centre and beyond (e.g. existing employment areas, education establishments and retail). These improvements to pedestrian/cycle links will help promote sustainable journeys.*

*This proposal creates an opportunity to improve connectivity for pedestrian/cycle movements by connecting route 62 of the NCN from New Hey Lane on to Carr Lane and the northern loop route. Delivery of a shared pedestrian/cycle route (3.5m width) through the site from the access track off New Hey Lane in the east through to the northwest of the site and beyond (to the church and primary school and on via FP5 through the park to Morrisons and the Railway station) would significantly improve connectivity and also help to address the single access issue for this 170 dwellings site (i.e. addressing emergency access requirements). This development can support delivery of an initial section of this route.*

#### *Public Transport - Bus*

*I consider the existing bus stop for eastbound services, immediately adjacent to the proposed site access may need to be re-located slightly to the west. The optimum location for the bus stop should be considered and implemented as part of the s278 site access/traffic calming highway improvement scheme. In addition, both the eastbound and westbound bus stops located closest to the proposed site access should be upgraded to Quality Bus Standard as appropriate. This work should also to be delivered through a s278 agreement.*

*Any proposed PT improvements should be delivered early in the development build out to support PT from the earliest opportunity. The current bus services in the immediate vicinity of the site have been reviewed by LCC with consideration for the latest position with respect to funding of subsidised services. The latest position (as 8th March 2016) is that Service 61 will continue to operate, however, Service 75 will be revised and therefore only partly retained.*

#### *Public Transport - Rail*

*Improvements to facilities for user of the Rail Station should be fully explored including appropriate funding to support an approach which seeks to be in line with NPPF and maximize use of sustainable modes by residents of the proposed development site. I consider the developer should ensure that every opportunity is taken to enhance pedestrian/cycle routes to the Rail Station. The need for level access at the station has been highlighted as an issue. In an agreement reached on a recently approved residential development at Mowbreck Lane, the LPA made request for a contribution towards*

*improvement measures of £1000 per plot for.*

*Sustainable Measures to be Funded by the Developer*

*Section 106 funding contribution towards a range of sustainable transport measures (pedestrian/cycle/safety improvements) has been considered and a balanced approach taken with consideration for the final agreed s278 improvement works. The agreed s106 funding measures are set out under the heading 'Planning Obligations (s106 Planning Contributions)' below. The balanced approach considers the latest position in regard to PT services and road safety. The necessary package of measures s106 and s278 includes the following:*

- Improved linkages between the site and Kirkham Rail Station, the main town centre and existing employment areas, education establishments and retail;*
- Funding for pedestrian cycle improvements at the Rail Station*
- Travel Plan Support*
- Funding of further speed review and if shown to be necessary additional speed reduction measures (SPID signing).*

*Personal Injury Accident (PIA) Data*

*Personal Injury Accident data for the most recently available 5 year period was presented in the TA. In summary, the TA concluded that there were no safety issues on the local highway network that would be exacerbated by the proposal.*

*I have reviewed the latest accident data and would conclude that the PIA data does not suggest any particular accident pattern that would be a cause for concern. However, I made it clear to the developers Transport Consultant that I had reason to believe, following a number of site visits, that a significant proportion of vehicles traversing the network in the location of the proposed site access did so in excess of the signed 30mph limit.*

*In my assessment I have also taken into consideration further information passed to LCC which included: additional local information in regard to damage only collisions; vehicle speeds and other relevant local factors. Therefore, given the additional impact on the network expected from this development, I requested that the applicant develop their site access/highway improvement scheme to provide appropriate measures to address observed vehicle speeds and safety issues raised that would help mitigate the impact of their proposal and which would deliver an acceptable access solution.*

*SKTP have carried out a 24hr speed survey which showed average speeds were 33mph E/B and 32mph W/B. In addition, LCC have also undertaken further week long surveys to gain a better understanding of vehicle speeds in the vicinity of the proposed site access. The surveys were used to better inform development of a necessary site access/highway improvement/traffic calming/gateway scheme and in particular potential measures both east and west of the proposed site access to promote a reduction in vehicle speeds.*

*With consideration for all the information that should be taken into account in assessing the acceptability of the site access/highway improvement scheme, including current design standards and local & national policy, I consider the scheme shown in Plan (Scheme Drawing SK21542\_002 Rev E, (passed to LCC on 9th May 2016) and agreed 'in principle' subject to detailed design provides an acceptable access layout to address issues identified. The access scheme is reinforced by the wider improvement scheme set*

*out in Plan SK21542\_007 Rev A (also passed to LCC on 9th May 2016 and agreed 'in principle' subject to detailed design) and A white lining marking scheme as indicated in LCC email dated 1 March 2016 will be provided at the A583/Dowbridge Junction. The exact location of the eastbound bus stop and all associated considerations (i.e. whether the position of the bus stop in relation to the proposed refuge island will allow/will not allow traffic to pass a waiting bus) should be considered/integrated into the overall detailed design.*

*I am satisfied that there is a solution that can be delivered under a s278 agreement and the detail can be agreed at detail design stage. I am satisfied that the bus stop can be located in a position that will not impede access to private driveways etc.*

*Therefore, I consider at this stage it is sufficient that it is agreed that the bus stop (and the quality bus standard (QBS) raised kerb) will be located as appropriate when considered as part of the detailed design (s278 works) for the overall site access/highway improvement scheme. The agreed plan has been amended with appropriate wording to reflect this position.*

*An independent Stage 1 Road Safety Audit (RSA) was undertaken for the proposed access scheme agreed 'in principle'. A number of changes were made to the site access layout scheme in line with the recommendation of the Stage 1 RSA. I would note that the scheme now 'agreed in principle' may be subject to change as part of detailed design under a s278 agreement and will pick up a number of further detailed design matters raised in the Stage 1 RSA.*

#### Travel Plan

*A Framework Travel Plan (FTP) was submitted with the application documentation. LCC's Travel Plan Team provided comments to the developers transport consultant that identified a small number of omissions. A revised FTP was provided to LCC dated 20th November 2015 that addressed the issues raised.*

*For a development of this size we request a contribution of £12,000 to enable Lancashire County Councils Travel Planning Team to provide a range of Travel Plan services.*

#### *Funding to Support the Measures and Targets set within the Travel Plan*

*If Fylde Council were minded to approve this application, a commitment from the developer would be required to ensure appropriate funding is available to support the measures and targets of the Travel Plan. This funding would only be required if Travel Plan targets are not achieved (and is to be made available to the developers appointed travel plan coordinator and not passed to the LPA or the LHA).*

*Note: the funding must have the potential to deliver a real change to more sustainable modes. Such a change could be delivered through funding towards a bike (and safety equipment) for each household and a month's travel on public transport to encourage modal shift. The level offered must be adequate to deliver the measures necessary to support the targets within the Travel Plan. LCC consider funding of £180 per dwelling is appropriate for this site and to be retained by the developers appointed travel plan coordinator (and not LCC or Wyre) for 5 years from first occupation. This has been agreed*

by the applicant.

Internal Site Layout, Parking Standards/Parking Provision and SUDS

In respect of the current outline application, while acknowledging that internal layout matters will be picked up at the reserved matters stage, I would make the following observations based on the Outline Masterplan:

- The internal site layout should support the principles of 'Manual for Streets' and LCC's Creating Civilised Streets. There are a number of concerns with the layout as currently shown in the Masterplan;
- The Masterplan layout must include the emergency access proposal off New Hey Lane;
- The Layout will need further consideration by the applicant in regard to initial access road width, frontage access, parking control etc.;
- there will be a need for 1.8m service strips on access roads;
- Adequate parking provision, considering both visibility splays and manoeuvrability from all proposed parking locations will be required from a planning perspective (considering highway safety and impact on the highway);
- If the developer wishes to see the street(s) adopted then adequate parking provision, considering both visibility splays and manoeuvrability from all proposed parking locations will be required to LCC adoptable standards;
- high quality pedestrian linkages should be provided from the residential areas to the perimeter footways;
- all shared footway/cycleways should be delivered as a 3.5m wide facility;
- The Masterplan and site layout indicates the use of trees/planting both adjacent to and within streets that may be proposed for future highway adoption by the applicant. I would note that the LHA would not wish to take on significant maintenance issues created by the proposals as shown (in terms of root systems that may damage the carriageway and safety issues created by falling leaves). The provision of any trees, shrubs or plants must be agreed at the detailed design stage for their suitability, type and location. Planting will not be permitted where this would reduce visibility splays;
- In line with recent government policy I would expect the development to provide electric vehicle charging infrastructure at appropriate locations;
- There is a need to ensure appropriate access for servicing, delivery and waste collection to all properties.; the proposals should ensure that the layout is suitable for adoption at a later stage - should this be the intention of the applicant;
- Parking to the appropriate Fylde standards is expected - Parking Standards were set out in the emerging local plan which LCC consider reasonable, however, I would recommend seeking clarification from the LPA on the standards to be applied.
- I would ask the applicant to note at this stage the following in regard to driveway and garage dimensions; all integral garages must have internal dimensions of 3m x 6m or they will not be considered by LCC as part of the parking provision (refer also to bullet points above in relation to planning matters (highway safety / impact) and also with consideration for potential future highway adoption under a section 38 agreement with Lancashire County Council.
- LCC Highway Development Control section consider where garages are smaller than the recommended minimum internal dimension of 6m x 3m they should not be counted as a parking space and the applicant should provide an additional parking space for each garage affected;

Potential Pedestrian Routing Issue

LCC are aware of concern raised by a resident (No. 8 Friary Close, off Oxford Drive). The resident is concerned that there is potential for a short-cut through their garden, given the Dow Brook is culverted in this location.

- It is hoped the local planning authority and the developer will work together to ensure this concern is suitably addressed through any future detailed design layout.

Sustainable Urban Drainage Systems (SuDs)

LCC are now the Lead Local Flood Authority (LLFA), as such I would refer to the LCC Flood Risk Assessment Team detailed comments which, as a statutory consultee, are provided under a separate response;

- This application should fully consider the requirements that may be expected in order to support and deliver SUDs drainage (where deemed appropriate);

- I would expect the proposed drainage system to be designed to provide adequate capacity following current best practice and required standards that may allow consideration of adoption if deemed appropriate by the relevant authority. I would expect these drainage matters to be a condition of any approval if Fylde BC were minded to approve this application;

- In general, LCC will seek to limit the use of culverts where alternative sustainable solutions can be found.

S278 Works

Should the Local Planning Authority be minded to approve this application a Section 278 Agreement for off-site highway improvements would be expected between the developer and the local highway authority, which for this proposal includes the site access/highway improvement scheme, a highway improvement scheme at A583 Kirkham Bypass/B5192 Dowbridge (white lining/markings renewal/update scheme) and a wider improvement scheme 'Proposed Cycle Lane Provision' scheme.

The site access/highway improvement scheme, agreed 'in principle' at this stage, will be subject to detailed design. The agreed scheme is shown in the revised Layout Drawing (Scheme Drawing SK21542\_002 Rev E, passed to LCC on 9th May 2016).

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

- Site access junction;
- traffic calming/gateway measures - highway improvement scheme;
- Public Transport facilities to quality bus standard;
- With regard to the site access layout, the location of the eastbound bus stop will require further consideration as set out previously under the headings 'Public Transport' and also 'Personal Injury Accident (PIA) Data' above;
- a suitable lighting scheme to be provided at the access;
- The access junction will require to be delivered to adoptable standards with appropriate width to provide 1.8m service strips etc.;
- review of TRO's necessary to support the access proposals and potential Gateway measures etc. (all works to be carried out will form part of the access/off-site highway works under s278 agreement;
- The agreed layout plan confirms that the site access road gradients are to be constructed to the appropriate LCC adoptable standards;
- The revised Scheme Drawing SK21542\_002 Rev D, also confirms that the s278 works will include traffic calming works to the west of Oxford Road (Oxford Drive - Glebe Lane) to be

*included as part of detailed scheme design to LCC's specification.*

*The access scheme is reinforced by the wider improvement scheme set out in Plan SK21542\_007 Rev A (also passed to LCC on 9th May 2016 and agreed 'in principle' subject to detailed design)*

- Advisory cycle lanes*
- Gateway Measures*
- Pedestrian refuge island*

*(Note: it has been agreed that the trigger point for the works shown in Plan SK21542\_007 Rev A is to be 25 dwellings or 18 months from start of Construction, whichever is sooner).*

*In addition the developer will deliver a white lining/markings renewal/update scheme at /A583 Kirkham Bypass/B5192 Dowbridge*

- renewal of existing road markings;*
- review and update to include new give way triangle and slow markings and additional hatching to at eastern give way.*

*The Trigger points for s278 works will be before commencement of development unless otherwise agreed with LCC and the LPA.*

#### *Planning Obligations (s106 Planning Contributions)*

*It is appropriate to seek planning obligation contributions from this development to support improvements to the local network and sustainable transport links. This funding will be used to implement changes to improve routes to amenities; employment, retail and recreation from this development to the wider network.*

*Section 106 funding contribution towards a range of sustainable transport measures (pedestrian/cycle/safety improvements) has been considered and a balanced approach taken with consideration for the final agreed s278 improvement works.*

*The planning contributions requested and agreed are detailed below: (i) £15,000 Funding for pedestrian cycle improvements at the Rail Station*

*(It is suggested that the trigger point for the payment of this contributions should be on occupation of the 80th dwelling.)*

*(ii) £10,000, Funding for further speed measurement survey (prior to occupation of the 51st Dwelling) and funding for further speed reduction measures (if necessary)*

*The Applicant/Developer will be required to fund a traffic speed review in the vicinity of the site access on the occupation of the 50th dwelling. Should 85th percentile speeds be greater than 30mph in either direction then further s106 funding will be triggered in order for the developer to deliver additional measures (in particular SPID signing).*

*(iii) £12,000, Travel Plan Support - LCC request a sum appropriate for a development of this scale and in line with LCC's Planning Obligations Policy Paper, to enable Lancashire County Councils Travel Planning Team to provide a range of Travel Plan services.*

*(Trigger - prior to the occupation of the 1st dwelling).*

*In addition, if Fylde Council were minded to approve this application, a commitment from the developer would be required to ensure appropriate funding is available to support the measures and targets of the Travel Plan asset out above on page 6, under the heading Travel Plan) This funding would only be required if Travel Plan targets are not achieved (and is to be made available to the developers appointed travel plan coordinator and not passed to the LPA or the LHA).*

#### *Summary and Recommendation*

*This development will result in increased flows on the existing transport network in and*

*around the development site. LCC Highways Development Control expressed our initial concerns in respect of this application given the scale of the proposed development, the initial access proposal and observed traffic speeds in this location. However, LCC Highways operate a 'one team' approach and will always endeavour, where possible, to engage with developers and their transport representatives to give them an opportunity to address our concerns.*

*The developers Transport Consultant (SCKTP) has provided further information, including mitigation measures, since the submission of the original Transport Assessment. LCC have also carried out our own further analysis to fully understand the highway influence and impacts of this proposal before reaching a conclusion. LCC as local highway authority consider that, if all measures as detailed in the sections titled 'Planning Obligations' and 'S278 Works' above were provided then the residual cumulative impacts of the development would not be severe or compromise overall safety.*

*With consideration for all the information now provided, LCC would have no objection to the proposed development providing that appropriate funding (s106) for sustainable measures is secured and that all s278 measures as agreed and detailed above are delivered by the developer in line with agreed trigger points. It is essential that suitable conditions are put in place to ensure these necessary measures are delivered.*

## **Planning Policy Team**

*I draw your attention to the latest position on the emerging Local Plan.*

### *The Overall Housing Requirement*

*The Housing Requirement Paper 2015 summarises the finding of the 2013 Strategic Housing Market Assessment, the Analysis of the Housing Need in light of the 2012-based Sub- National Population Projections and the Analysis of Housing Need in light of the Sub-National Household Projections. The Housing Requirement Paper 2015 concluded that a figure of 370 dwellings per annum will meet Fylde's objectively assessed need for housing.*

### *Five Year Housing Supply Statement*

*The Council's latest Five-Year Housing Supply statement, with a base date of 31st March 2015, is equivalent to 4.3 years supply. This calculation is based upon the annual housing requirement figure of 370 dwellings per, taking account of a 20% buffer and the housing shortfall since the start of the emerging Local Plan period in 2011.*

### *The Emerging Local Plan*

*The draft Revised Preferred Option version of the Fylde Local Plan to 2032 (RPO) was presented to the Development Management (Policy) Committee on 16th September, where it was resolved to issue it for public consultation in autumn 2015.*

*The draft RPO identifies land for the provision of up to 974 homes on sites in the Kirkham and Wesham Strategic Location for Development over the plan period. It does not allocate this land for residential development.*

*You will no doubt be aware that the Preferred Option Local Plan 2013 included the*

*application site as a potential housing allocation (H7). The Local Plan Preferred Options consultation was the subject of a Portfolio Holder Decision in July 2014. Page 92 of the Responses Report states "It was agreed to delete site H7 – Land North of Dowbridge, Kirkham as 42% of the site is located within Flood Risk Zone 2, which lies adjacent to the existing boundary of Kirkham. The developable area of land on site H7 for the construction of houses is located east of the flood risk zone, away from the settlement boundary of Kirkham."*

#### Summary

*The emerging Local Plan and its none allocation of this site for housing is a material consideration.*

*It is for the decision maker to determine the weight to be attached to these material considerations as part of the planning balance.*

#### **Environment Agency**

In their initial consultation dated the 28 September 2015 they stated the following;

*The proposed development is unacceptable because it involves building within 8 metres of the top of bank of the designated 'main river' watercourses, Spen Brook and Dow Brook and would be unlikely to receive Environment Agency consent for the following reasons:*

- *Restrict essential maintenance and access to Spen Brook and Dow Brook. In this particular case it is essential that this 8 metre wide easement is preserved for access purposes. Consequently based on the information available it is likely that the development cannot proceed in its present format.*
- *The proposed sitting of the surface water attenuation storage within the floodplain is unacceptable because this area will already be flooded and surface water storage will not be possible.*

*In particular, no trees or shrubs may be planted, fences, buildings, pipelines or any other structure erected within 8 metres of the top of the bank of the watercourses without the prior written Consent of the Environment Agency. The proposed development includes the planting of many trees within the Main River easement. In this particular case it is essential that this 8 metre wide easement is preserved for access purposes. Consequently based on the information available it is likely that the development cannot proceed in its present format.*

*Under the terms of the Environment Agency's Land Drainage Byelaws, the prior written consent of the Agency is required for planting trees within the Main River easement and consent is unlikely to be granted.*

*The Environment Agency has a right of entry to the Dow Brook and Spen Brook watercourses by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act. The developer must contact Pippa Hodgkins at 01772 714259 to discuss our access requirements.*



In their consultation response dated the 22 October they maintained their objection because it was not clear from the plans if the 8m easement has been measured from the top of bank.

On the 18 November they responded as follows;

*I refer to the above application and the following additional information that we received on 29 October 2015:-*

- *Drawing No.1956\_02 Rev D "Dowbridge Kirkham Landscape Masterplan"*

*In our previous response dated 22 October 2015, we maintained our objection on the basis that it remained unclear as to whether our 8 metre easement adjacent to Spen Brook and Dow Brook had been measured from the top of the bank of the watercourse. The latest revision to drawing number 1956\_02 still does not show the top of the bank of the designated Main River watercourses Spen Brook or Dow Brook. However, it does include confirmation that the purple line which delineates the extent of our 8 metre easement is taken from top of the bank of these watercourses based on the topographic survey drawing numbers 14E003/001 to 007 by Survey Operations.*

*Given that the extent of our easement as shown on the landscape masterplan is measured from the top of the bank of the watercourse as defined by the topographic survey of the site, we withdraw our objection to the proposed development.*

*Environment Agency position*

*We note that this is an Outline application with all matters apart from access reserved for future approval. Based on drawing number HSL06 206 E "Floodplain Extents Plan Post Development", we have no objection to the principle of development on this site on the provision that all housing will be located within Flood Zone 1 and there will be no inappropriate development or infilling / land raising within areas considered to be at a high risk of flooding.*

*The proposed development will only meet the requirements of the National Planning Policy Framework if the measures as detailed in the Flood Risk Assessment prepared by Betts Associates (reference HSL06 FRA&DMS Rev 2.3; dated 22 July 2015) and submitted with this application are implemented and secured by way of a planning condition on any planning permission.*

*Condition The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by Betts Associates (reference HSL06 FRA&DMS Rev 2.3; dated 22 July 2015) and the mitigation measures detailed within it. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. Reason To reduce the risk of flooding to the proposed development and future occupants.*

*The key on Drawing No 1956\_02 Rev D shows that the difference between existing and new trees on site is illustrated on the plan. The planting of any new trees or shrubs within our easement of either watercourse will require Flood Defence Consent as stated below. The two watercourses adjoining the site is designated "Main Rivers" and are therefore*

*subject to Land Drainage Byelaws. In particular, no trees or shrubs may be planted, nor fences, buildings, pipelines or any other structure erected within 8 metres of the top of any bank/retaining wall of the watercourse without prior written consent of the Environment Agency. Full details of such works, together with details of any proposed new surface water outfalls, which should be constructed entirely within the bank profile, must be submitted to us for consideration. The Environment Agency has a right of entry to Spen Brook and Dow Brook by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act. The developer must Pippa Hodgkins on 02030251397 to discuss our access requirements.*

They then on the 8 March 2016 wrote to us with the following;

*Further to our previous response dated 18 November 2015, we have been consulted on a revised Landscape Masterplan (drawing no 1956\_03) in relation to Outline application 15/0827, which is for the southern half of the above site. In reviewing that consultation, new information that is relevant to the determination of application 15/0547 has been identified.*

*We object to the proposed development on the basis that our Flood Map has been updated and the extent of Flood Zone 2 and 3 has been revised. Our Flood Map now suggests that residential development would be located Flood Zone 2, which is contrary to the flood risk management strategy put forward by the applicant as part of this application.*

The applicants then submitted an update hydraulic model to which the EA responded to this with;

*Having reviewed the applicant's hydraulic model, we have found that it more accurately reflects the level of flood risk on the site than our revised Flood Map. As such, we are therefore satisfied that no dwellings or inappropriate development will be located in Flood Zone 2 or 3, and we will use the model to alter our Flood Map.*

*Given the above, we withdraw our objection to the above development, subject to our comments given in our response dated 18 November 2015 and the inclusion of the stated condition on any subsequent planning approval.*

*In relation to the recent flooding from fluvial sources, the applicant has also provided us with a drawing which identifies the locations which have been subject to flooding as being restricted to the areas of Flood Zone 2 and 3, as mapped in the applicant's Flood Risk Assessment.*

#### **United Utilities - Water**

No objections subject to conditions relating to foul and surface water drainage.

#### **Electricity North West**

No objections. Could have an impact on assets.

**Lancashire CC Flood Risk Management Team**

No objections subject to conditions relating to surface water drainage and SuDS.

**Lancashire County Archaeology Service**

*I have been forwarded a copy of a geophysical survey report for the above site, undertaken by Magnitude Surveys Ref. MSSD09, January 2016 in connection with the proposed residential developments here.*

*As the authors of the report and Mr Miller of Salford Archaeology note, the geophysical survey does not show evidence of the early remains I was expecting to see on the site, though I would note that neither the line of the Roman road into the fort at Dowbridge nor the feature labelled 'Supposed site of Roman Road' on the OS 1:10,560 of 1848 (sheet Lancashire 60, surveyed 1844-5) were able to be surveyed. I telephoned Ms Harris of Magnitude Surveys and she confirmed that whilst there were practical difficulties in carrying out the survey the quality of the results is good. Asked specifically if she would have expected to have seen early Roman beam-in-slot structures she confirmed that she would have expected them to be visible in the areas surveyed.*

*There is still some possibility of archaeological features being extant within the survey area, such as short-lived cuts that were subsequently back-filled with the excavated material which are difficult to pick up with geophysical instruments, or post-holes whose pattern is lost amongst the 'background noise'. There is also some small possibility of remains masked by ferrous noise, e.g. in Area 4 close to the buildings, or remains in the un-surveyed areas but in general the results do not seem to support the theory that the Roman settlement extended past the Dow Brook into the development area.*

*I would still recommend that a programme of trial trenching is undertaken before development commences, to clear up these issues, but would agree that this can be required by a planning condition, rather than before a decision is made. To this requirement I would add the need to undertake a survey of the original buildings of the farm and of the occupation road/hollow way, mentioned in my previous letters. As such I would suggest that a planning condition is applied to any consent granted.*

**Environmental Protection (Pollution)**

With reference to your memorandum dated 26th August 2015, there are no objections to the above proposals in principle, however I would add the following conditions:

Prior to discharge of the contaminated land condition the following shall be completed as stated in the Geo – Environmental Assessment Report:

Continuation of ground gas monitoring and production of final risk assessment.

- Asbestos survey of existing buildings.
- Investigation in northern fields when access available.
- Further investigation and asbestos testing in area of farm buildings.
- Delineation of peat areas.
- Investigation in currently soft area of site adjacent to the watercourse.
- Further window sampling to the south of the site to aid foundation design.
- In-situ testing for soakaways and pavement highway design.
- Foundation design.

- Confirmation of Remedial Strategy Local Authority.

Construction times shall be limited to 08.00-18.00 Monday to Friday. 08.00 – 13.00 Saturday and no site activity on Sundays or Bank Holidays.

During long dry periods the amount of dust created on building sites can be significant and the effect of which may cause statutory nuisance to nearby dwellings. The applicant shall prepare a dust mitigation document that details procedures to be implemented that limits dust nuisance to neighbouring dwellings.

#### **LCC Contributions**

Request contribution of £781,925 towards 65 primary school places and £471,286 towards 26 secondary school places.

#### **The Ramblers Association**

No comments received.

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

No comments received.

#### **Natural England**

The first consultation response from NE dated 1 October 2015 stated that the site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Ribble & Alt Estuaries Special Protection Area (SPA) which is a European site. The site is also listed as Ribble & Alt Estuaries Ramsar site and also notified at a national level as Ribble Estuary Site of Special Scientific Interest (SSSI).

They advised that further information was required and that a habitats regulations assessment would need to be undertaken that considers this site in combination with others and that survey information is required for the site and adjacent fields to establish its suitability for SPA birds. They did not assess the application in relation to protected species.

Subsequently the applicants undertook a wintering bird survey to which NE stated on the 27 April 2016;

We are pleased with the level of survey effort (WINTERING BIRD SURVEY RESULTS 2015 / 2016, April 2016, ERAP Ltd ref: 2015-180c) and can confirm that it appears to follow the survey methodologies we advised in our previous response.

Based on the wintering bird surveys that have been undertaken, Natural England consider that the proposed development would not result in Likely Significant Effect (LSE) alone. The submitted Shadow HRA (SHADOW HABITAT REGULATIONS ASSESSMENT, April 2016, ERAP Ltd ref: 2015-180c) has not considered in-combination or cumulative to a sufficient level. We advise that the Shadow HRA is not sufficiently robust for your authority to adopt it as its own HRA at this stage

Again following these comments the applicants amended the HRA to which NE in their final comments on 5 May 2016 stated;

HRA comments

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

No objection

*Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects. Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of information provided in this case only (see below), Natural England concurs with this view.*

*Natural England concur with the findings of the HRA based on the following;*

- *Site specific survey evidence ERAP Ltd (April 2016) Wintering Bird Survey Results 2015/2016.*
- *“the low numbers of birds recorded”*
- *“...the absence of geese and swan species at the study zone and the unsuitability of the habitats for these species indicates that the proposals will have no direct effect as a result of habitat loss on these groups of birds and features of special Interest...Pink-footed Geese were not detected on the site and were recorded flying over the site ...”*

**Greater Manchester Ecology Unit**

*The application site is not itself designated for its nature conservation interest and it is not close to any designated sites. The nearest statutorily designated European site is the Ribble and Alt Estuaries Special Protection Area (SPA) and the contiguous Ribble Estuary SSSI, more than 4km to the south. The nearest Local Wildlife Site (Biological Heritage Site) is about 1.6 km north of the application site.*

*A significant part of the site is dominated by buildings and hard standing associated with a pig farm, together with improved agricultural grassland of rather limited nature conservation value. But the site does support some habitats of local ecological value including ponds, broadleaved trees, hedgerows, small brooks (watercourse) and wet grassland/marsh.*

*The Ecology Surveys submitted in support of the application have been carried out by suitably qualified consultants and are generally to appropriate and proportionate standards, although the report does not discuss the potential value of the site for use by wintering birds, a point raised by Natural England.*

*The surveys have established that the site has only low potential to be used by specially protected species, except for breeding birds and foraging bats.*

Impact on the Ribble and Alt Estuaries Special Protection Area

*I am aware of the comments made by Natural England on the application that the application should be subject to an Assessment of its potential harmful impacts on European Protected Sites.*

*The application site is more than 4km from the nearest boundary of the SPA/SSSI. Direct impacts on the European site concerned arising from the development will not occur. Given the distance it is also unlikely that the development will cause any harm to the Estuary arising from increased recreational pressure.*

*But it is the case that the water birds, wading birds and geese associated with the SPA do use inland fields for foraging and for refuge at times of high tide and stormy weather. Sometimes these fields will be some distance inland from the Estuary and they could conceivably be regarded as supporting habitats for the SPA. Further, I would accept that Natural England, as the statutory body concerned with the protection of European Sites, probably has greater knowledge of the special interest of the site than I do. I would therefore defer to their view that further information and/or assessment concerning the possible use of the application site by birds associated with the Estuary should be provided by the applicant in order for a fully informed assessment of the potential impact of the development on the SPA to be carried out.*

#### *Impact on bats*

*The main habitat features that will be of high value to foraging bats – pond, water courses, hedgerows and trees – are capable of being retained and enhanced as part of the scheme.*

*The majority of the buildings and structures on the site have negligible value for supporting bat roosts, but some of the buildings and trees that will be affected by the scheme have been assessed as having at least some potential for supporting roosting site. These buildings and trees have not been fully surveyed for the presence of bats.*

*I would recommend that further survey of these features (Buildings 39 - 43 and trees T2, T3, T13, T15, T17, T18, T25, T26, T27, T29, T30, and T31 as identified in the Ecology Survey report) should be required. If bats are found measures will need to be put forward for avoiding any possible harm to bats.*

#### *Impact on water voles*

*The Brook at the northern boundary of the application site has been assessed as potentially suitable for supporting water voles, a species protected under the terms of the Wildlife and Countryside Act 1981. The Landscape Masterplan indicates that the Brook will not be directly affected by the development and that a landscape 'buffer zone' can be established between the built development and the Brook. Providing that this remains the case no harm should be caused to water voles, even if they are in fact present in the Brook.*

#### *Impact on site-based habitats*

*The Landscape Masterplan for the site submitted in support of the planning indicates that the pond, wet grassland, trees and water courses are capable of being retained as*

*part of the scheme, and that there is the potential to create new ponds and to plant new trees and hedgerows.*

*Invasive plant species*

*Stands of Himalayan balsam are present on the site. Under the terms of the Wildlife and Countryside Act 1981 it is an offence to cause this plant to spread in the wild. The development has some potential to cause the plant to spread, although it would be possible to take simple precautions to prevent this from happening.*

*Conclusions and Recommendations*

*I have no overall objections to the application on nature conservation grounds but I would recommend that*

- *Further information / assessment is required on the potential value of the site for birds associated with the SPA.*
- *Further survey of certain buildings and structures for the possible presence of bat roosts should be carried out.*
- *Robust fencing should be erected and maintained between the application site and sensitive habitats to be retained (pond, hedgerows and watercourses) throughout any permitted construction period.*
- *Measures should be taken to prevent the spread of Himalayan balsam. A Method Statement should be prepared giving details of the measures to be taken to eradicate this plant from the development site. Once approved the Method Statement must be implemented in full.*
- *The adjacent watercourses (Dow Brook and Spen Brook) should be protected from possible pollution by adopting Best Construction Practice throughout the course of any approved development.*
- *Groundworks and any required vegetation clearance should commence outside of the optimum period for bird nesting (March to July inclusive). All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended)*
- *I would support biodiversity enhancement measures incorporated into the scheme. To this end a comprehensive and detailed Landscape Plan should be prepared for the site, should the development be approved.*
- *The SUDS features shown on the indicative Masterplan should be designed so as to maximise their biodiversity value (e.g. by appropriate new planting and by retaining at least some standing water in pools). If surface water is ultimately to be discharged from the SUDS to the Dow Brook precautions will need to be taken to avoid polluting the watercourse (e.g. silt traps).*

**Campaign for the Protection of Rural England**

Have raised objections on the basis that;  
 The proposal is contrary to policy.  
 Alternative sites have been approved and allocated.  
 The development is in the countryside outside of the settlement.  
 Loss of BMV land.  
 Will have an adverse impact on setting of Kirkham.  
 Lack of five year supply is a consequence of unrealistic and unachievable housing

requirement.

**Crime Prevention Officer**

Make standard comments on the design of the dwellings and layout of them should the principle of the development be accepted.

**Lytham St Annes Cycle Group**

Suggest developer should provide a new cycle route which should run from the development alongside Carr Brook and then emerge on Carr Lane. This would then provide a continuous cycle route between the development and Kirkham town centre.

**Neighbour Observations**

<b>Neighbours notified:</b>	26 August 2015
<b>Site Notice Date:</b>	11 September 2015
<b>Press Notice Date:</b>	03 September 2015
<b>Number of Responses</b>	Around 100 comments have been received
<b>Summary of Comments</b>	Comments will be summarised for Committee as part of late observations

**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

**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 as follows;

- The weight to be accorded to relevant policies
- Principle of the development and housing need
- Visual and landscape impact
- Flooding and drainage
- Ecology
- Highways
- Impact on residential amenity

### **The weight to be accorded to relevant policies**

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

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

The saved policies of the now dated FBLP will be replaced by the emerging Fylde Local Plan to 2032. The Council will be undertaking consultation on the publication version of the new Local Plan in August, with examination due to take place in January and adoption in March 2017. Within the publication version of the plan the application site is within the open countryside located directly adjacent to the settlement of Kirkham. The site was previously identified as a wider site for housing in the 2013 Preferred Options version of the plan for upto 240 dwellings but that larger site was removed because one third of the site was located in Flood Zone 2, which follows the route of Dow Brook and Spen Brook. A small part of the site was also within a mineral safeguarding area in the Lancashire Mineral and Waste Local Plan. The responses report of July 2014 recommended deletion of the larger 240 dwellings site as an allocation for housing, giving the following reasoning;

"The Council agrees to delete site H7 – Land North of Dowbridge, Kirkham as 42% of the site is located within Flood Risk Zone 2, which lies adjacent to the existing boundary of Kirkham. The developable area

of land on site H7 for the construction of houses is located east of the flood risk zone, away from the settlement boundary of Kirkham.”

Although of limited weight in the decision making process, policies in the emerging Local Plan are a material consideration. It identifies Kirkham and Wesham as a strategic location for development and states that within the settlement hierarchy Kirkham serves the role of a Key Service Centre, the same as St Annes and Lytham. Paragraph 216 of the NPPF states weight should be given to these emerging Local Plan policies according to their stage of preparation, the extent to which there are unresolved policy objections and the degree of consistency with the NPPF.

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

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

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

### **Principle of the development and housing need**

The Housing Requirement Paper 2015 summarises the finding of the 2013 Strategic Housing Market Assessment, the Analysis of the Housing Need in light of the 2012-based Sub- National Population Projections and the Analysis of Housing Need in light of the Sub- National Household Projections. The Housing Requirement Paper 2015 concluded that a figure of 370 dwellings per annum will meet Fylde’s objectively assessed need for housing.

The NPPF requires at para 47 that a council can demonstrate a five year supply of housing, and if it is unable to do so there is a presumption in favour of sustainable residential development. As such it is critical to understand what the council’s housing supply performance is against the annual requirement, and any shortfalls. The most recent published figure dates from 31 March 2016 and was that the council could demonstrate a 4.8 year supply, which is below the 5 years required by legislation and so places the restrictive nature of Policy SP2 in conflict with the more up-to-date requirements of the NPPF to deliver development.

The Council is still not able to demonstrate a deliverable 5 year supply of housing land. The presumption in para 14 of NPPF is therefore activated and this is a strong factor to be weighed in favour of residential

development proposals. If a scheme is considered to deliver sustainable development and not have any adverse impacts that would significantly and demonstrably outweigh the benefit in housing supply, that guidance is clear that planning permission should be granted. There is, therefore, a need to assess whether this particular proposal delivers housing at a scale and location that is sustainable, and if there are any other relevant factors to outweigh its development.

The council has failed to prevent development proceeding on appeal at sites located around settlements in a number of locations due to the absence of a 5 year housing supply. In these cases the dated and restrictive nature of Policy SP2 has been over-ruled by the more recent obligations of the NPPF towards delivering sustainable development. The summary of this is that in the absence of a 5 year housing supply a site that is sustainable in all regards, should be supported. Accordingly it is necessary to examine if this scheme delivers sustainable development. Planning policies for the supply of housing for the purposes of determining applications are, therefore, considered out of date and this is significant as the NPPF states that where relevant policies are out-of-date, permission should be granted unless any adverse impacts outweigh the benefits, or other policies indicate otherwise, when assessed against the NPPF. This will be a material consideration when determining the planning application.

### **Does the proposal deliver sustainable development?**

The NPPF requires developments to be sustainable. There are several different elements to what constitutes sustainable development, with the NPPF making it clear that to be truly sustainable development needs to take account of the three interdependent dimensions to sustainable development; the economic role, social role and environmental role. Economically to ensure sufficient land of the right type is available in the right place to support growth and innovation. Socially by providing the supply of housing required with access to local services and environmentally by protecting and enhancing natural, built and the historic environment and improving biodiversity. The application as proposed will provide up to 170 dwellings, of which 30% will be affordable dwellings. The provision of affordable housing is also a key element of sustainability as well as being a policy requirement. There are a number of main factors to assess in determining if a particular development proposal constitutes sustainable development. The main ones here are the scale of the development that is proposed, the accessibility of the site to services, and the impact it has on the landscape character of the site and the settlement. Other factors such as the ecological impact, site drainage, highway safety and capacity are also relevant, but in this case are looked at separately in following sections of this report.

#### Accessibility of the site

The application site is located directly adjacent to the settlement of Kirkham and approximately 1km from the town centre and all the services and facilities that are located there. There are regular bus services along Dowbridge and the Kirkham bypass road, with the nearest existing bus stop located directly adjacent to the proposed access to the site. Bus number 61 which travels between Preston and Blackpool via Kirkham and the 75 which travels between Poulton and Preston via Kirkham, as well as school buses to St Annes and Myerscough. In close proximity to the application site are a number of residential properties which have the same or similar scale of accessibility as the application site. Kirkham St Michaels C of E Primary school is located 0.62 miles from the site and Kirkham Carr Hill 11-18 High School is located 0.44 miles away. Therefore whilst the site is located in the open countryside it is located directly adjacent to the settlement boundary and within 1km of the town centre and the services found there, and less than a mile from both primary and secondary schools. Bus services are located directly adjacent to the site which can take occupants to the wider area. Furthermore when

considering the site for housing in the new Local Plan it was found to be sustainable, its removal as outlined above because of the flood zones not because the site was inaccessible to Kirkham. The Transport Assessment submitted with the application demonstrates that the site is within easy walking/cycling distance of a range of facilities. Kirkham is also identified as a strategic location for development and a Key Service Centre in the emerging Local Plan, which in itself is a recognition that there is an existing level of service provision that offers more than the basic provisions available in smaller settlement. Taking all the above it has to be considered that Kirkham is an appropriate location for growth. The site can therefore be seen to be in a sustainable position and comply with the NPPF requirement that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 49) and that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural areas and that Local Planning Authorities should avoid new isolated homes in the countryside (paragraph 55). Therefore whilst the application would be contrary to Policy SP2 of the Local Plan in this instance there is greater weight to be given to the NPPF due to the site's sustainable location and the NPPF's housing objectives and presumption in favour of sustainable development.

### Scale of development

As stated above Kirkham is a key service centre and a significant settlement which serves both residents of the town and the surrounding rural area. The proposed development of up to 170 dwellings in a sustainable location adjacent to such a centre and strategic location for development is considered to be of an acceptable scale in terms of the number of dwellings proposed in relation to the size of the settlement. Policy HL2 of the Fylde Borough Local Plan, Development Control Criteria for New Housing Proposals, 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 in terms of scale, space around buildings, materials and design.

### Visual and landscape impact

Whilst the principle of the development has been accepted another key issue is the impact of the development visually on the character of the area. The NPPF states that the intrinsic character and beauty of the countryside should be recognised. The site is not in an area designated for its landscape quality (AONB for example). The site falls within the Natural England National Character Area 32 Lancashire and Amounderness Plain (2011). The landscape is described as a relatively flat and gently rolling plain broken by isolated hills, and a large scale agricultural landscape with a patchwork of arable fields and blocks of wind sculptured mixed woodland. More detailed descriptions of landscape character types and landscape character areas are provided in the Lancashire Landscape Strategy. The development lies within the Coastal Plain (15), which is described as gently undulating or flat lowland farmland. The development is located within the Fylde landscape character area (15d), which the Lancashire Landscape Strategy describes as comprising gently undulating farmland. 'The field size is large and field boundaries are low clipped hawthorn, although hedgerow loss is extensive. Blocks of woodland are characteristic, frequently planted for shelter and/or shooting and views of the Bowland Fells are frequent between blocks. There are many man-made elements; electricity pylons, communication masts and road traffic are all highly visible in the flat landscape. In addition, views of Blackpool Tower, the Pleasure Beach rides and industry outside Blackpool are visible on a clear day'. Within the Fylde Borough Green Infrastructure Strategy the site is within the Fylde Coastal Plain and described as 'predominately lowland agricultural plain characterised by large arable fields whose

generally poor drainage results in ponds that provide important wildlife habitats. Shelter belts of trees and estate woodland and modern societal infrastructure such as telecommunication masts, electricity pylons, roads and railtracks are all highly visible in the Borough's flat landscape'.

The character of the site itself consists of undeveloped undulating fields and an area of built development around the pig farm which would be removed. It is therefore very rural in nature however views of the residential development to the west are prominent from within the site giving the site an urban/rural fringe character. The site rises from the south to a point in the middle of the site and then falls away again to the northern boundary of the site with Spen Brook where it is extremely open. The topography is varied throughout the site and occupies low sloping ground from the east, falling in the direction of the existing watercourses which bound the site in the north and west, aiding in the drainage of the site. The site lies between 23m Above Ordnance Datum (AOD) in the east and falls to about 9m AOD in the north and west. Although woodland is planting proposed the scale of the development and its topography means the proposal cannot fail to have a significant visual impact.

The main direct visual impacts would be from along Carr Lane, Treales and the railway line to the north and Spen Lane to the east. Views from the north are of a rising slope and the development of housing in this location would have a detrimental landscape impact. The two field parcels to the northern end would severely impact on views from Carr Lane including the linearity of the northern boundary and its approximately 400m length along the boundary with Spen Brook. This impact would be accentuated by surrounding topography which rises from south to north to the red edge boundary of this application. The development will introduce a residential development into this area of countryside in the Fylde landscape character area that is currently undeveloped and open and which would have a significant visual impact.

Paragraph 58 of NPPF refers to the quality of developments and includes a requirement for planning decisions to respond to the local character of an area. This is a similar requirement to criteria 2 of Policy HL2 which requires that a development is in keeping with the character of the locality. The site location is described above and the development of the site this size in the open countryside could not be said to be in keeping with the character of that locality.

#### Impact on the settlement of Kirkham

The application site is located adjacent to Kirkham settlement boundary. The northern end of the development site is considered to be deeply rural in character, with views of the site from afar, as well as near. In this agricultural landscape directly adjacent to a rural setting the extent of the residential development would be a prominent feature, which would have an adverse impact on the immediate landscape context. There would be no credible relationship between the proposal and the established built form of Kirkham. The landscape setting means that the development would be seen as overbearing and difficult to assimilate and upsets an otherwise natural balance of the rural character between fields and settlement. This appreciation of the landscape character of the locality renders the proposal's impact on the setting of the settlement unacceptable.

#### Principle of the development – conclusions

The site is located directly adjacent to the settlement of Kirkham, but is located in an area classified as open countryside in the Fylde Borough Local Plan. It is adjacent housing to the south and west. The site is located within 1km of Kirkham town centre and is within reasonable distance of local and community

services in Kirkham. The proposed development is considered that the sites is sustainable in relation to the settlement and would not be an unacceptable growth to the settlement in terms of housing numbers. Furthermore when considering the housing objective of the NPPF Fylde does not have a five year housing supply for which there is an identified need. The proposal would therefore contribute to meeting this identified need for dwellings in the emerging Local Plan and the housing supply for the Borough as a whole which weights in the applications favour.

However this needs to be balanced against the visual impact of the development which officers have assessed as having substantial and demonstrable harm to the local landscape and the setting of Kirkham is of great significance and its harm outweighs any benefit experienced by way of housing supply. As such having regard to the NPPF, it is not considered to be sustainable development and therefore the presumption in favour set out in the NPPF does not apply. The adverse impacts of the proposal would outweigh the benefits and the proposal is considered to be unacceptable having regard to the NPPF.

### **Flooding and drainage**

The site as a whole is located within Flood Zones 1, 2 and 3 but the actual residential development will be located solely within Flood Zone 1 so the principle of residential development in this area is acceptable. The area of the site which is part of a flood zone is proposed to be a linear park with woodland planting and will run along the boundary of the site adjacent to the two Brooks. The site has been submitted with a Flood Risk Assessment and drainage management strategy which outlines that surface water will be discharged via infiltration or if that is not feasible it will be discharged into the watercourse (Dow Brook) and will be restricted to the pre-development greenfield rates; calculated to be 20.7l/s for the annual event, 40.4l/s for the 1 in 30 year event and 49.6l/s during the 1 in 100 year event with an allowance for climate change. The FRA states; It would be beneficial to implement a wider community green space/POS area with some SuDS features such as bio-retention, ponds and swales within the western/south-western portions of site. Such would add biodiversity and amenity value to the development, along with providing a sustainable means to manage some of the surface water run-off generated by the proposals. Detailed design should confirm whether this area would be suitable for incorporation of SuDS into the surface water management scheme for the development. No surface water will be discharged into the public sewer network. With regard to foul water the FRA considers a development of 180 dwellings and states that the peak foul water flows generated by the development would be 8.3 l/s. It is proposed that the foul water flows generated by the development will discharge into the existing public sewer network (750mm dia) which dissects the site via a gravity connection. With regard to finished floor levels the FRA states; An intra-sequential approach to flood risk management has been adopted with residential development being proposed within the extents of Flood Zone 1. Any residential development taking place should have Finished Floor Level (FFL) set a minimum of 600mm above the predicted Top Water Level (TWL) for the 1% AEP event with an allowance for climate change (1%AEP+CCA) to mitigate for potential fluvial flooding from the adjacent 'Dow Brook'. This level will vary based on the existing external levels and proximity to the watercourse however the minimum level is predicted to be between 10.92mAOD and 11.32mAOD.

None of the flooding consultees, LCC as Lead Local flood Authority, the Environment Agency or United Utilities raise any objections to the development. Both the EA and UU have requested only one condition and that is that the development is carried out in accordance with the FRA and the mitigation measures within it. LCC require conditions relating to the design of the surface water scheme to be submitted, that no development will be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details and that a management and maintenance

plan for the drainage system is submitted and approved. There are therefore no flooding or drainage issues with the application.

## **Ecology**

The application was submitted with an ecological assessment of the site which has been assessed by the Councils ecological consultants (GMEU) and Natural England (NE). Following a consultation response from NE a wintering bird survey was submitted and a shadow habitats regulation assessment. NE did not assess the impact of the proposals on protected species but GMEU have.

### Wintering birds and HRA

The ecology report submitted originally did not discuss the potential value of the site for use by wintering birds, a point raised by Natural England and subsequently addressed by applicants. 'Habitats Regulations Assessment' (HRA) relates to the Conservation of Habitats and Species Regulations, and applies to European sites (SPA, SAC and Ramsar sites). As at this site, however, a development site does not need to be within the European designated site to fall under the provision of the Regulations.

The wintering bird survey found that no geese were landing at the site but were flying over it to more inland sites and as such the HRA concluded that there is no likely significant impact on the European site and therefore an Appropriate Assessment is not required. Natural England concurred with this based on the following;

Site specific survey evidence ERAP Ltd (April 2016) Wintering Bird Survey Results 2015/2016. "the low numbers of birds recorded" "...the absence of geese and swan species at the study zone and the unsuitability of the habitats for these species indicates that the proposals will have no direct effect as a result of habitat loss on these groups of birds and features of special Interest...Pink-footed Geese were not detected on the site and were recorded flying over the site ..."

### Protected Species

GMEU state that the site is not itself designated for its nature conservation interest and it is not close to any designated sites. The nearest statutorily designated European site is the Ribble and Alt Estuaries Special Protection Area (SPA) and the contiguous Ribble Estuary SSSI, more than 4km to the south. The nearest Local Wildlife Site (Biological Heritage Site) is about 1.6 km north of the application site. A significant part of the site is dominated by buildings and hard standing associated with a pig farm, together with improved agricultural grassland of rather limited nature conservation value. But the site does support some habitats of local ecological value including ponds, broadleaved trees, hedgerows, small brooks (watercourse) and wet grassland/marsh. GMEU consider that the ecological surveys submitted in support of the application have been carried out by suitably qualified consultants and are generally to appropriate and proportionate standards.

Bats – The main habitat features that will be of high value to foraging bats – pond, water courses, hedgerows and trees – are capable of being retained and enhanced as part of the scheme. The existing buildings on the site that will be demolished have potential to support bat roosts as such a bat activity survey was submitted during consideration of the application. GMEU have commented that the surveys were appropriate and that no bats were seen emerging from the buildings and the report concludes that there is not a bat roost at the site. As bats are highly mobile creatures a number of precautionary

mitigation measure has been put forward together with one for breeding birds. These measures should be followed and form part of the conditions for any permission

Water voles – the brook at the north of the site has been assessed as potentially suitable for voles. This brook will not be directly affected by the development and no harm should be caused to voles in the brook even if they are present.

Habitats - The Landscape Masterplan for the site submitted in support of the planning indicates that the pond, wet grassland, trees and water courses are capable of being retained as part of the scheme, and that there is the potential to create new ponds and to plant new trees and hedgerows. The impact is therefore acceptable.

### Ecology conclusions

The application presents an examination of the potential ecological impacts from the development of the site and concludes that there would be no significant impacts that cannot be mitigated. With appropriate conditions in place it is considered that there will not be any unacceptable impact on protected species or priority habitat. The scheme results in a loss of biodiversity, as does any scheme in a site such as this, however this proposal retains the features of greatest value and ecological and landscaping conditions will be put on any permission to mitigate the loss of biodiversity to a degree. It is considered that whilst there will be some loss of biodiversity that with mitigation the development of the site is acceptable and that the loss does not warrant justification for refusal of the application. The submitted HRA is acceptable and will be adopted by the Council.

### **Highways**

Paragraph 34 of the NPPF requires that decisions should ensure that developments that generate significant movement are located where the need for travel can be minimised and the use of sustainable transport modes can be maximised. The NPPF promotes sustainable transport. It requires that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment, and that decisions should take account of whether;

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- 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.

It states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The proposal would result in up to 170 dwellings on a 13 hectare site, , accordingly the impact of the proposal on both the highway network has to be considered. To that end a Transport Assessment (TA) and a Travel Plan (TP) both produced by SKTP the developer's Transport Consultant have been submitted and assessed by LCC Highways. Their comments also consider subsequent updated/further information in regard to the TA (traffic figures and speed survey information) a Technical Note (dated 10th December, provided in response to LCC's initial consultation comments of 29th July, 2015) and a further Technical Note (dated 17th February 2016). A revised site access layout (Scheme Drawing SK21542\_002 Rev E and a proposed 'Cycle Lane Provision Scheme' drawing (including traffic calming and Gateway measures, both sent to LCC on 9th May 2016). LCC has considered all this submitted



information when providing their consultation response which is outlined in the consultations section above.

The development is proposed to be accessed from Dowbridge via a new access point and this is a detailed matter for consideration. The precise internal layout will be determined through Reserved Matters application. A separate pedestrian/cycle access is proposed along New Hey Lane.

#### Sustainable transport modes

Notwithstanding the site sustainable location LCC seek contributions from this development to support improvements to the local network and sustainable transport links. This funding will be used to implement changes to limit the negative impact of this large development on the existing network. They therefore request contributions in relation to pedestrian and cycling measures, upgrades to existing bus stops, improvements to the rail station including the links to it, travel plan support and a funding of further speed reviews and if shown to be necessary additional speed reduction measures (SPID signing).

#### Safe and suitable access

It is proposed that the access to the 170 dwellings will be from a single junction off the B5193 Dowbridge. The proposed access will be in the location of the existing Brook farm access and is 40m from Oxford Road to the west and 40m from New Hey Lane to the east. LCC were concerned that a development of 170 dwellings did not have any emergency access and was solely accessed from Dowbridge. This was addressed by the cycle/pedestrian link to New Hey Lane which will be designed so that it can be used by vehicles in an emergency. They also expressed concerns that the speed of vehicles travelling along Dowbridge were likely to be higher than the speed limit. They asked for a review of the speeds and a speed survey, subsequently a 24 hour speed survey was carried out by the developers and given the importance of safe access LCC also carried out their own surveys over a full week. Their response states;

*“SKTP have carried out a 24hr speed survey which showed average speeds were 33mph E/B and 32mph W/B. In addition, LCC have also undertaken further week long surveys to gain a better understanding of vehicle speeds in the vicinity of the proposed site access. The surveys were used to better inform development of a necessary site access/highway improvement/traffic calming/gateway scheme and in particular potential measures both east and west of the proposed site access to promote a reduction in vehicle speeds. With consideration for all the information that should be taken into account in assessing the acceptability of the site access/highway improvement scheme, including current design standards and local & national policy, I consider the scheme shown in Plan (Scheme Drawing SK21542\_002 Rev E, (passed to LCC on 9th May 2016) and agreed 'in principle' subject to detailed design provides an acceptable access layout to address issues identified. The access scheme is reinforced by the wider improvement scheme set out in Plan SK21542\_007 Rev A (also passed to LCC on 9th May 2016 and agreed 'in principle' subject to detailed design) and A white lining marking scheme as indicated in LCC email dated 1 March 2016 will be provided at the A583/Dowbridge Junction.”*

The speed surveys established the necessary visibility splays that would need to be achieved but also further reinforced LCC's view that an appropriate traffic calming/gateway scheme, to be delivered as part of the site access s278 highway works, would be required as a minimum to achieve an acceptable access. The further information collated led to the development of the proposed site access layout and associated highway improvement works. LCC have reviewed the latest accident data and consider there is any particular accident pattern which would be a cause for concern. Therefore with the works

required to be undertaken via a legal agreement the development will have a safe and suitable access. The full highway works required are detailed below.

#### Layout and network capacity

LCC have considered the development and its impact on the highways network and whilst they state the development will result in increased flows on the existing network in and around the site they have raised no objections or concerns with regard to highway capacity. With regard to the layout they acknowledge that the application is made in outline and that the layout will be picked up at Reserved Matters stage. They however state that the following will need to be included;

- The internal site layout should support the principles of 'Manual for Streets' and LCC's Creating Civilised Streets. There are a number of concerns with the layout as currently shown in the Masterplan;
- The Masterplan layout must include the emergency access proposal off New Hey Lane;
- The Layout will need further consideration by the applicant in regard to initial access road width, frontage access, parking control etc.;
- there will be a need for 1.8m service strips on access roads;
- Adequate parking provision, considering both visibility splays and manoeuvrability from all proposed parking locations will be required from a planning perspective (considering highway safety and impact on the highway);
- If the developer wishes to see the street(s) adopted then adequate parking provision, considering both visibility splays and manoeuvrability from all proposed parking locations will be required to LCC adoptable standards;
- high quality pedestrian linkages should be provided from the residential areas to the perimeter footways;
- all shared footway/cycleways should be delivered as a 3.5m wide facility;
- The Masterplan and site layout indicates the use of trees/planting both adjacent to and within streets that may be proposed for future highway adoption by the applicant. I would note that the LHA would not wish to take on significant maintenance issues created by the proposals as shown (in terms of root systems that may damage the carriageway and safety issues created by falling leaves). The provision of any trees, shrubs or plants must be agreed at the detailed design stage for their suitability, type and location. Planting will not be permitted where this would reduce visibility splays;
- In line with recent government policy I would expect the development to provide electric vehicle charging infrastructure at appropriate locations;
- There is a need to ensure appropriate access for servicing, delivery and waste collection to all properties.; the proposals should ensure that the layout is suitable for adoption at a later stage - should this be the intention of the applicant;
- Parking to the appropriate Fylde standards is expected - Parking Standards were set out in the emerging local plan which LCC consider reasonable, however, I would recommend seeking clarification from the LPA on the standards to be applied.
- I would ask the applicant to note at this stage the following in regard to driveway and garage dimensions; all integral garages must have internal dimensions of 3m x 6m or they will not be considered by LCC as part of the parking provision (refer also to bullet points above in relation to planning matters (highway safety / impact) and also with consideration for potential future highway adoption under a section 38 agreement with Lancashire County Council.

- LCC Highway Development Control section consider where garages are smaller than the recommended minimum internal dimension of 6m x 3m they should not be counted as a parking space and the applicant should provide an additional parking space for each garage affected;

They have also highlighted they are aware of concerns of the resident of 8 Friary Close and the potential to short cut through their garden given the Dow Brook is culverted in this location. They state that the LPA and developer should work together in the RM to address this concern in the future detailed design layout. This matter will be considered in the detailed design stage.

#### Highways contributions and required.

The below is what will be required through s278 works in order to make the development acceptable.

- Site access junction;
- traffic calming/gateway measures - highway improvement scheme;
- Public Transport facilities to quality bus standard;

With regard to the site access layout, the location of the eastbound bus stop will require further consideration as set out previously under the headings 'Public Transport' and also 'Personal Injury Accident (PIA) Data' above;

- a suitable lighting scheme to be provided at the access;
- The access junction will require to be delivered to adoptable standards with appropriate width to provide 1.8m service strips etc.;
- review of TRO's necessary to support the access proposals and potential Gateway measures etc. (all works to be carried out will form part of the access/off-site highway works under s278 agreement;
- The agreed layout plan confirms that the site access road gradients are to be constructed to the appropriate LCC adoptable standards;
- The revised Scheme Drawing SK21542\_002 Rev D, also confirms that the s278 works will include traffic calming works to the west of Oxford Road (Oxford Drive - Glebe Lane) to be included as part of detailed scheme design to LCC's specification.

The access scheme is reinforced by the wider improvement scheme set out in Plan SK21542\_007 Rev A (also passed to LCC on 9th May 2016 and agreed 'in principle' subject to detailed design) of Advisory cycle lanes, Gateway Measures, Pedestrian refuge island (Note: it has been agreed that the trigger point for the works shown in Plan SK21542\_007 Rev A is to be 25 dwellings or 18 months from start of Construction, whichever is sooner).

In addition the developer will deliver a white lining/markings renewal/update scheme at /A583 Kirkham Bypass/B5192 Dowbridge including the renewal of existing road markings, and to review and update to include new give way triangle and slow markings and additional hatching to at eastern give way.

The Trigger points for s278 works will be before commencement of development unless otherwise agreed with LCC and the LP. The planning obligations below will be required to ensure the development is acceptable;

- a) £15,000 Funding for pedestrian cycle improvements at the Rail Station (It is suggested that the trigger point for the payment of this contributions should be on occupation of the 80th dwelling.)
- b) £10,000 Funding for further speed measurement survey (prior to occupation of the 51st Dwelling) and funding for further speed reduction measures (if necessary) The Applicant/Developer will be required to fund a traffic speed review in the vicinity of the site access on the occupation of the 50th dwelling. Should 85th percentile speeds be greater than 30mph in either direction then further s106 funding will be triggered in order for the developer to deliver additional measures (in particular SPID signing).
- c) £12,000, Travel Plan Support - LCC request a sum appropriate for a development of this scale and in line with LCC's Planning Obligations Policy Paper, to enable Lancashire County Councils Travel Planning Team to provide a range of Travel Plan services. (Trigger - prior to the occupation of the 1st dwelling).
- d) In addition, if Fylde Council were minded to approve this application, a commitment from the developer would be required to ensure appropriate funding is available to support the measures and targets of the Travel Plan asset out above on page 6, under the heading Travel Plan) This funding would only be required if Travel Plan targets are not achieved (and is to be made available to the developers appointed travel plan coordinator and not passed to the LPA or the LHA).
- e) £1000 per dwellings towards sustainable travel improvements.

#### Highways conclusion

LCC as local highway authority consider that, if all measures as detailed in the sections titled 'Planning Obligations' and 'S278 Works' above were provided then the residual cumulative impacts of the development would not be severe or compromise overall safety. The development of up to 170 dwellings will not have an unacceptable impact on the highway network in terms of capacity or safety. The Policy test for highway and access matters is whether the 'cumulative residual impacts of traffic generation are severe' (para 32 of NPPF) and whether the development has a satisfactory access and does not adversely affect the safe and efficient operation of the highway network as required by criteria 9 of Policy HL2 of the Fylde Borough Local Plan. Having considered these aspects in this section it is concluded that the development is not in conflict with these requirements and so has acceptable highway implications.

#### **Impact on residential amenity**

The application is an outline application with all matters reserved asides access which is a detailed matter for consideration and is discussed above. It is, however, considered that a site layout can be designed which would meet the councils spacing guidance and would not harm residential amenity. Criteria 1 of Policy HL2 of the Fylde Borough Local Plan requires that new development is compatible with existing land uses, and criteria 4 requires that it does not affect the amenity and privacy of neighbouring properties. The submitted indicative landscape masterplan shows woodland planting between the development site and existing dwellings and that proposed dwellings would be 21m or more away from existing dwellings which exceeds the Council's spacing standards. The indicative layout shows the access to the site taken from Dowbridge with a road leading through the site with dwelling access roads leading of it, with the dwellings grouped around these roads. It is considered that a layout that accords with the principles established in the indicative plan would result in no unacceptable loss of light or overlooking created to surrounding dwellings. The existing dwellings to the east and west would

not experience any overlooking or loss of privacy as a consequence of this development. There are therefore no issues with this development when constructed in terms of impact on residential amenity.

## **Other Issues**

### Loss of Agricultural land

The application site was subject to an agricultural land survey, with soil sampling undertaken that demonstrates the undeveloped site is all Grade 3a and so of a Best and Most Versatile Grade.

Paragraph 112 of the NPPF states that local authorities should take into account the economic and other benefits of the most versatile agricultural land and that where significant development of such land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference. Fylde has a large amount of Grade 2 and 3 agricultural land, with 47.5% of the borough being of grade 2 quality. Therefore a re-location of the development to another greenfield site would likely be to other land classed as versatile agricultural land or better quality and therefore substantiate a greater loss. Whilst the loss of any productive agricultural land is to be regretted, the loss is not significant and could not justify a reason for refusing the application, especially when balanced against the economic benefit and support at local and national level in planning policy for the provision of housing and economic development opportunities

### Archaeology

The application has been submitted with a geophysical survey of the site which does not show evidence of any remains that LCC Archaeology thought may be present at the site. They state that there is still the possibility of archaeological features being extant within the survey area and the small possibility of remains masked by ferrous noise or remains in the unsurveyed areas but in general the results do not seem to support the theory that the Roman settlement extended past the Dow Brook into the development area. They still recommend a programme of trial trenching is undertaken before the development commences but state that this can be required by a planning condition. A condition will therefore be placed on any permission granted.

### Public open space

The Local Plan requires that open space be provided on site in residential developments of this scale in line with the amount per plot detailed in Policy TREC17, with appropriate provision made for the on-going maintenance of this. The outline nature of the application means that there can be no clarity on this matter, however because of the flood zone the illustrative layout shows a linear park in this area which would be provided as part of the development. It is considered that the proposal would provide greater POS than required by Policy TREC17 and so no reason for refusal on this matter is justified.

### Education

The improvement of any identified shortfalls in local education facilities is a recognised aspect of a major residential development proposal such as this one, with Policy CF2 of the Fylde Borough Local Plan providing a mechanism to secure for this where Lancashire County Council advise that such an anticipated shortfall is identified. In this case there is an anticipated short fall of 65 primary school places in the area to accommodate the additional children that would result from the development and

the Applicant would have to make a contribution in the order of £781,925 towards this. There would be a shortfall of 26 secondary school places and the applicant would have to make a contribution of £471,286 towards this. Because the application has been made in outline this amount will be re-calculated when the precise number of bedrooms is known upon submission of a reserved matters application.

### Affordable housing

The Council's Strategic Housing team have not commented on the application. But have confirmed that the findings of the Housing Needs Study remain valid and this indicates that there remains a shortage of affordable housing in all parts of the borough. If members were minded to approve the scheme, the Applicant will have to enter into a section 106 agreement to ensure the provision of up to 30% of the site as affordable dwellings, which would then be resolved through the usual reserved matters applications. At this moment there is no legal agreement so this can form a reason for refusal.

### **Conclusions**

The application is considered to be in a sustainable location and given the lack of a five year housing supply will assist in the delivery of housing. The development has been found to have a safe access and will not have a severe impact on the existing highways network. The biodiversity of the site has been considered and it has been concluded that subject to appropriate mitigation that there will be not be any unacceptable impact on ecology. Residential development will be located outside of any flood zone and the development will not increase the likelihood of flooding on or off the site. However it is considered that the visual impact of the development is unacceptable and would have an unacceptable impact on have significant impacts on the local landscape character. Whilst this landscape is not designated for its special landscape quality it is considered that due to the site area of the development, the development proposed would cause unacceptable landscape harm. Overall, the visual harm to be experienced has to be balanced against the gain of housing which should be afforded weight. However it is considered that the substantial and demonstrable harm and unacceptable visual impact to be experienced to the local landscape and the impact on the setting of Kirkham is of great significance and its harm outweighs any benefit experienced by way of housing supply.

### **Suggested Putative Reasons for Refusal**

1. The proposed development by reason of the extent and topography of the application site and its scale, form and siting particularly along its northern boundary would have a significant detrimental visual impact on the landscape character of the area. The development would be a visually prominent feature in an otherwise gently rolling landscape at odds with the rural development and character of the area. This incongruous proposal would be highly visible from a large number of receptors both wide and localised which combine to make the development a very dominant feature in the local landscape. As such, it is considered that the open landscape character of the area and natural environment would be harmed, to the detriment of the enjoyment of the countryside by all users and the impact on the local community is not outweighed by the housing supply that may be realised by the proposal. The proposal is, therefore, contrary to policies contained within the National Planning Policy Framework,

specifically paragraphs 17, 58 and 109 and to criteria 1 and 2 of Policy HL2 and Policies EP10 and EP11 of the Fylde Borough Local Plan.

2. The proposed development of would result in substantial harm to the setting of Kirkham by virtue of the topography, scale and pattern of development adjacent to this rural settlement when viewed from critical points on the approaches to the settlement from the north. This aspect of the development would lack any logical relationship with the form of the existing settlement and would have a detrimental impact that is out of keeping and does not respect the form, character and setting of the locality contrary to criteria 1 and 2 of Policy HL2 and Policies EP10 and EP11 of the Fylde Borough Local Plan and paragraphs 17, 58 and 109 of the National Planning Policy Framework. Accordingly, the proposal does not represent sustainable development and there is, therefore, no presumption in favour of the proposed development, notwithstanding the current lack of a 5 year supply of housing land.
3. The proposed development is required to make contributions towards the delivery of affordable housing on the site and financial contributions off-site towards the provision of new school places and sustainable transport improvements. The applicant has failed to put any mechanism in place to secure these contributions and, accordingly, the development is contrary to the requirements of Fylde Borough Local Plan policies CF2, EP1, TR1, TR3 and TR5, to policy H4 of the Fylde Local Plan to 2032: Revised Preferred Option (October 2015), and chapters 4, 6 and 8 of the National Planning Policy Framework.