

# Agenda



## DEVELOPMENT MANAGEMENT COMMITTEE

Date:	Wednesday, 29 July 2015 at 10:00am
Venue:	Town Hall, St Annes, FY8 1LW
Committee members:	<p>Councillor Trevor Fiddler (Chairman)</p> <p>Councillor Richard Redcliffe (Vice-Chairman)</p> <p>Councillors Christine Akeroyd, Peter Collins, Michael Cornah, Tony Ford JP, Neil Harvey, Kiran Mulholland, Barbara Nash, Linda Nulty, Liz Oades, Albert Pounder.</p>

### Public Speaking at the Development Management Committee

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

	PROCEDURAL ITEMS:	PAGE
1	<b>Declarations of Interest:</b> Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	<b>Confirmation of Minutes:</b> To confirm the minutes, as previously circulated, of the meetings held on 8 July 2015 and 15 July 2015 as correct records.	1
3	<b>Substitute Members:</b> Details of any substitute members notified in accordance with council procedure rule 25.	1
	<b>DECISION ITEMS:</b>	
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### 29 July 2015

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# Development Management Committee Schedule

## 29 July 2015

**Item Number:** 1

**Committee Date:** 29 July 2015

<b>Application Reference:</b>	13/0753	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Mr Kershaw	<b>Agent :</b>	Pilgrim Associates Ltd
<b>Location:</b>	MOSS FARM, CROPPER ROAD, WESTBY WITH PLUMPTONS, BLACKPOOL, FY4 5LB		
<b>Proposal:</b>	OUTLINE APPLICATION FOR ERECTION OF 26 DWELLINGS FOLLOWING DEMOLITION OF EXISTING DWELLING (ACCESS APPLIED FOR WITH OTHER MATTERS RESERVED)		
<b>Parish:</b>		<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	86	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Design Improvements		

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

### Summary of Officer Recommendation

The proposal is an outline application for up to 26 dwellings on a 0.97 hectare site located on the north side of Cropper Road to the west of Whitehills Industrial Estate. The site is currently allocated as Countryside in the Fylde Borough Local Plan and contains a single detached dwelling and its garden area.

The residential development of Countryside land is contrary to Policy SP2 of the Fylde Borough Local Plan. However, a key material consideration in the determination of residential planning applications is the need for the council to deliver a supply of housing land equivalent to 5 years of its agreed annual target. The council's latest published information (from December 2013) is that it is unable to deliver the necessary housing supply and so a proposal that delivers sustainable development must be supported unless it will cause significant and demonstrable harm. Furthermore it is proposed that the site be included within the Revised Preferred Option of the Fylde Local Plan to 2032 when that is presented for public consultation later in the summer., as part of an extension to the mixed use Strategic Location for Development that featured in the initial consultation of that Plan and surrounded this site.

Having assessed the relevant considerations that are raised by this proposal it is officer opinion that the development is of acceptable scale and is in an acceptable location to form sustainable development. The visual impact is also considered to be acceptable and the development would not have a detrimental impact on the amenities of the area. There are no objections from LCC Highways with regard to traffic generation or safety. As such it is considered that it does deliver sustainable development and so it is recommended that the application be supported by Committee and so assist in delivering the housing supply

requirements of para 17 of NPPF. The final decision should be delegated to officers for approval on completion of a s106 agreement to secure the provision of appropriate levels of affordable housing and contributions towards education provision in the area. There is also a need for on-going queries over the site drainage to be resolved before any decision can be issued.

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

This application constitutes major development and so the Scheme of Delegation requires that any approval be determined by Committee.

### **Site Description and Location**

This 0.97 hectare site is located on the north side of Cropper Road, west of Whitehills Industrial estate. It currently consists of a detached dwellings and associated former farmstead. The detached dwellings is two storey and red brick and there are a number of outbuildings/barns in poor condition in brick to the rear. Some of these are missing sections of roofs and walls. Surrounding these buildings are areas of grassland, within which are a number of trees and the site is enclosed by hedgerows. The existing site has two vehicular accesses from Cropper Road presumably one for the dwellings and the other originally for farm traffic.

An existing public right of way (515FP3) is adjacent to the northern boundary of the site and is shown to be retained by the adjacent development which encompasses the land to the north, east and south. Planning permission has been granted on these areas for housing which is currently under construction but previously this was agricultural land in the open countryside. To the west of the site is the opposite site of Cropper Road which consists of hedgerows and open land with many of the development in the wider area being horticultural nurseries or equestrian activities. The site is currently allocated as Countryside in the Fylde Borough Local Plan.

### **Details of Proposal**

This an outline application for the erection of up to 26 dwellings and means of access to the development applied for. Access to the site will be from a new junction created off Cropper Road to replace the existing two accesses. The dwellings shown on the indicative site layout are a mix of semi-detached and detached dwellings and are proposed to be two-storeys and constructed in brick with concrete tiled roofs and white upvc windows. Hedgerows to the periphery are shown to be retained as are two large sycamores adjacent to the frontage with Cropper Road.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
04/0536	PROPOSED SINGLE STOREY SIDE EXTENSION	Granted	07/07/2004
01/0204	ERECTION OF CONSERVATORY TO SOUTH ELEVATION	Granted	31/05/2001
00/0209	TWO STOREY EXTENSION TO REAR	Granted	19/04/2000

### **Relevant Planning Appeals History**

None

## **Parish/Town Council Observations**

**Westby with Plumpton Parish Council** notified on 10 December 2013 and comment:

*"The Parish reluctantly accept the proposal to proceed with the development. However genuine concerns are being raised with regards to the accumulative residential developments in the area, particularly when considering the drainage that are very evident in the Parish. As a rural farming community the Parish Council cannot stress enough the provision of a fully functional drainage system – with further development this can only place a strain on the existing inadequate system. The Parish Council also feel that the development should consider making a financial contribution towards making this a reality with a 106 agreement. Additionally the provision of extra amenities including the possibility of a children's play area should be included in the planning."*

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

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

*This is an outline application with means of access a detailed matter and an indicative size of 26 dwellings. The development site is located on the northerly side of Cropper Road and bounded on the east, west and north sides by land where outline planning permission for housing has been granted. The outline planning permission on the adjoining land also includes an employment site. In order for the development proposal to be acceptable I consider it necessary that pedestrian and cycle access be provided from this site to the adjoining site as this will provide a pedestrian and cycle link to the employment site.*

*In terms of traffic generation the development is not a significant generator although there are known highway capacity issues in the area. Other recent developments in the area have been required to make highway capacity improvements and highway accessibility improvements and as such I consider it reasonable and appropriate to seek further improvement. Given the vehicle traffic generation potential of the site I do not consider it necessary to provide highway capacity improvements. I do however consider it necessary for accessibility improvements and road safety improvements to be carried out. The adjoining site is required to provide a street lighting and highway scheme along Cropper Road. This scheme needs to be in place prior to any occupation on this site. Therefore if this development were to come forward before the adjoining development the same agreed scheme needs to be provided. The developer has shown on his submitted plans that a footway / cycleway will be provided along the Cropper Road frontage of the development site. This links into the approved scheme for the adjoining development and as such it is essential that it is provided. The development site is rated low in accessibility terms and although other developments in the area are providing monies through S106 agreements for sustainable transport improvements additional improvements are still necessary. I would suggest that this developer be required to provide £30,000 for sustainable transport improvements in the area to complement those already secured. These improvements would include raised boarding platforms at new and existing bus stops together with provision of new and improved footway / cycle links.*

The officer requests conditions in order to secure the above, wheel washing facilities and construction of the site access.

### **Lancashire County Ecology Service**

LCC does not support or object to planning applications when providing advice on ecological matters. The October 2013 ecology report that was submitted with the application does not make a full assessment of potential impacts on protected species. They therefore cannot fully assess the likely impacts on bats, newts, voles and barn owls. With regard to bats potential impacts should be clarified prior to determination and further survey work is necessary. With regard to newts LCC state that there is a pond within 150m that has not been surveyed. There is a drain that runs through the site that has not been assessed for water voles. It is not clear if the assessment of bird habitat including the buildings for owls. The report acknowledges the presence of the hedgerow along the boundary of the site, these should be retained within the design of the development.

### **United Utilities – Water**

No objection to the proposed development and advise that there are no public sewers in the vicinity of the proposed development.

### **Electricity North West**

No objections to the development but advise that the development could have an impact on their infrastructure. There is an existing 4 wire overhead Low Voltage line passing along the front of the development, below which it is proposed to establish the entrance. They make standard suggestions as to how this can be protected and the connections diverted if needed.

### **Environment Agency**

No comments to make on the application because the development is minor in scale.

### **Lancashire Constabulary**

They refer to the nature of the application and explain that general comments will be made at this stage and more detailed ones regarding crime risks and designing them out at the next stage of planning should it be granted. They refer to a history of dwelling burglaries and auto-crime offences in the immediate area of this site and comments that the cul de sac design helps to 'secure' the houses within provided that footpath links aren't added as they allow an additional and secluded approach and escape route for offenders. They also suggest that boundary treatments should be robust to deter and delay intruders from entering the side/rear of dwellings where most burglaries occur, and promote the provision of in-curtilage parking.

### **LCC Flooding (LLFA)**

No comments have been received following a recent consultation with this arm of LCC, and any that are received will be reported via the Late Observations Schedule.

### **LCC Education**

*When assessing the need for an education contribution from this development Lancashire County Council considers primary school provision within a 2 mile radius of the proposed site. However there are no primary schools within a 2 mile radius of this development and therefore a primary contribution will not be required.*

*When assessing the need for an education contribution from this development Lancashire County Council considers secondary school provision within a 3 mile radius of the*

*proposed site, Lytham St Annes College is within 3 miles.*

*Latest projections for the local secondary schools show there to be a shortfall of 99 places in 5 years' time. These projections take into account the current numbers of pupils in the schools, the expected take up of pupils in future years based on the local births, the expected levels of inward and outward migration based upon what is already occurring in the schools and the housing development within the local 5 year Housing Land Supply document, which already have planning permission. With an expected yield of 4 places from this development the shortfall would increase to 103. Therefore, we would be seeking a contribution from the developer in respect of the full pupil yield of this development, i.e. 4 places.*

*As part of CIL regulations, with effect from 6th April 2015, there is now a cap on the pooling of contributions from S106 agreements in that no more than five S106 contributions are able to be pooled against a single piece of infrastructure. As part of this legislation, LCC maintains records in order to ensure that the pooling of more than five S106 contributions against places at any one school does not occur.*

*Of the secondary school listed above, LCC has secured four S106 contributions against it. This therefore still leaves the potential for expansion via S106 contribution at the schools that fall within the catchment of the development.*

*Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 4 secondary school places. However, LCC will not be seeking a contribution for primary school places.*

*Calculated at the current rates, this would result in a claim of  $(£18,469 \times 0.9) \times \text{BCIS Indexation}$   $(314.50 / 288.40 = 1.090499) = £18,126.38$  per place to give a total of  $£18,126.38 \times 4 \text{ places} = \textbf{£72,506}$*

### **Neighbour Observations**

<b>Neighbours notified:</b>	10 December 2013
<b>Press Notice Date:</b>	16/12/2013
<b>No. Of Responses Received:</b>	1
<b>Nature of comments made:</b>	We support this application.

### **Relevant Planning Policy**

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

SP02	Development in countryside areas
CF02	Provision of new primary schools
EMP3	Business & industrial uses outside defined area
EP14	Landscaping of new developments
EP19	Protected species
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
SH15	Small scale out of centre retail development
TR01	Improving pedestrian facilities
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  
Article 4 direction

**Environmental Impact Assessment**

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

**Comment and Analysis**

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

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

**Principle of the development****Policy background**

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

The statutory development plan in this case comprises the saved policies of the Fylde Borough Local Plan (2005). In addition the National Planning Policy Framework is a key material consideration. In accordance with the NPPF 'due weight' should be given to the relevant saved policies within the Local Plan and the weight given to these policies depending upon the degree of consistency with the NPPF. The starting point for determining this applications therefore remains the saved polices of the Local Plan. If there is a conflict between these saved policies and the NPPF, the NPPF takes precedence, however it should be read as a whole and in context. 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 2030.

A consultation exercise has been completed on the 'Preferred Option' of Part 1 to this Plan which included strategic locations for development and development management policies. Policy SL2 – The Blackpool Periphery strategic location for development included the application site – Land East of Cropper Road Farm (M1) as a mixed use site, with the site proposed to include residential and employment land. Although of limited weight in the decision making process, policies in the emerging Local Plan are a material consideration. Further to this following public consultation on the preferred options a responses report has been produced in the relation to the document as a whole. This document has been approved by the Cabinet Member for Planning and Development. 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.

#### Need for residential development

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

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

The NPPF requires that local planning authorities provide for housing land equivalent to at least a 5 year supply of the council's housing target. Despite not being tested, the Council's annual housing

requirement is based on the range expressed in the SHMA as the most recent figure that is objectively based. The SHMA provides a range between 300 and 420 dwellings per annum. The Council's emerging housing figure suggests a minimum of 366 dwellings per annum would be required in order to deliver the objectives of the plan which is close to the mid point of the range suggested in the SHMA. At this current time the Council is unable to demonstrate the required 5 year supply of housing. The presumption in para 14 of NPPF is therefore activated and this is a strong factor to be weighed in favour of residential development proposals. If a scheme is considered to deliver sustainable development and not have any adverse impacts that would significantly and demonstrably outweigh the benefit in housing supply, that guidance is clear that planning permission should be granted. There is, therefore, a need to assess whether this particular proposal delivers housing at a scale and location that is sustainable, and if there are any other relevant factors to outweigh its development.

#### Does the proposal deliver sustainable development?

It is a basic planning principle that development should be directed to the most appropriate location, and the NPPF requires development to be sustainable. This is explained throughout the NPPF with its 'presumption in favour of sustainable development' which includes the economic, social and environmental sustainability of development. The sustainability of the location is a key aspect of this. The Applicant is proposing to incorporate a footway and cycle way along the site frontage on Cropper Road to link in with the adjacent sites. LCC have requested that pedestrian and cycle links are provided to the boundary of the site and this can be subject to a condition. The development is also situated in close proximity to junction 4 of the M55 motorway and is also situated close to the route of a bus service and another cycle routes & pedestrian links. The proposal is for housing in an area where housing development is already taking place all around the site and is also situated adjacent to the Whitehills employment area. A shop is proposed on the adjacent larger residential site which is currently being developed. This combination of uses in close proximity to each other also offers the potential for a reduction in travel between the home, work and small scale convenience shopping.

The development would not have any direct adverse impact on the built form of the nearest settlements, which is essentially the urban area of Blackpool. Also, there is potential for the additional residents that would accrue from this development to bring economic benefits to the nearest town and local centres and increased patronage of community facilities. Therefore, it is considered that the proposal amounts to a sustainable form of development. Previous appeals and applications have been allowed in the vicinity of the site, and these sites having been considered by Inspectors to be situated in a sustainable location. This has resulted in the formation of dwellings in this area and it is considered that the proposal will help to form critical mass that will help support other services such as bus services and other local facilities. Therefore whilst the application would be contrary to Policy SP2 of the Local Plan in this instance there is greater weight to be given to the NPPF due to the site's sustainable location and the NPPF's housing objectives and presumption in favour of sustainable development.

#### Impact of development on character of area

Whilst the principle of the development is accepted another issue to consider is the impact of the development visually on the character of the area. In this case the application site consists of a farm house, outbuilding and its associated curtilage. The NPPF states that the intrinsic character and beauty of the countryside should be recognised. However, this site is not an area designated for its landscape quality and the application site is located to the east of Cropper Road with approved

residential housing developments located to the north, south and east of the site. It has to be acknowledged that the development will have some impact on the character of the area but the degree of harm will be very limited in these circumstances. The site is effectively contained visually by surrounding development and as such will not appear unduly intrusive in views from any direction. The indicative layout shows the retention of hedgerow and trees around the site's boundaries which will help to soften the developments appearance and also matches that of the development to the east and west. This application effectively fills the gap between developments already permitted. It is not considered the development will have a significant visual impact, it will be well contained and surrounded by residential dwellings and existing natural landscape features.

#### Principle of development summary

It is considered that the proposed development in this location is sustainable and complies with the three dimensions of sustainability outlined in the NPPF. Whilst contrary to the adopted Local Plan countryside allocation this plan is outdated and the site is proposed to be allocated as a mixed use site in the emerging Local Plan to 2030 which adds weight to the principle in favour of development. This development is for 100% dwellings with no employment proposed however given that the site is surrounded by residential development this is appropriate. The proposal would comply with the NPPF requirement that housing applications should be considered in the context of the presumption in favour of sustainable development. Furthermore, Fylde is not able to demonstrate that it currently has a 5 year supply of housing which is a material consideration of weight in favour of the proposal. The proposal would, therefore, contribute to meeting this identified need for dwellings in the emerging Local Plan and the housing supply for the Borough as a whole. The site is considered to be a suitable location for development.

#### **Residential amenity**

The application is an outline application with all matters reserved asides for access into the site. Appearance, layout and scale are matters reserved for future consideration however the indicative layout submitted shows the access road entering the application site from Cropper Road to the west and running to the east of the site to a tuning head with a north-south access road leading off it, with the dwellings grouped around these roads. The indicative layout shows 26 semi-detached and detached dwellings which are appropriately spaced and would not harm the residential amenity of existing dwellings or those currently being constructed around the site. There are therefore no issues with this proposal in terms of impact on residential amenity.

#### **Highways**

The application has been made in outline with access a detailed matter for consideration. It is proposed that the site will be served by a new access to be constructed within the site's frontage to Cropper Road. This was originally to be sited centrally on the frontage but as this would require the removal of two sycamore trees that the tree officer wishes to see retained it has now been moved to the south of the site.

LCC Highways have considered the application and raise no objection on either capacity or safety grounds, stating that the development is not a significant generator of traffic. However they state that in order for the development proposal to be acceptable they consider it necessary that pedestrian and cycle links are provided from this site to the adjoining one.

Given the vehicle traffic generation potential of the proposal they do not consider it necessary to provide highway capacity improvements. However they do consider it necessary for accessibility

improvements and road safety improvements to be carried out. The adjoining site is required to provide a street lighting and highway scheme along Cropper Road. The same agreed scheme needs to be provided at this site and the application shows that a footway / cycleway will be provided along the Cropper Road frontage of the development site which links into the approved scheme for the adjoining development and as such LCC view it as essential that it is provided. The development site is rated low in accessibility terms and although other developments in the area are providing monies through S106 agreements for sustainable transport improvements additional improvements are still necessary. They suggest that this developer be required to provide £30,000 for sustainable transport improvements in the area to complement those already secured. These improvements would include raised boarding platforms at new and existing bus stops together with provision of new and improved footway / cycle links. The developer has agreed to make this contribution. With conditions to meet these requirements in place there are no highways issues with the application.

### **Flood risk and drainage**

The site is identified as being within an area designated on the Environment Agency's Flood Map as Flood Risk Zone 1. This is land defined as having a less than 1 in 1000 annual probability of flooding. All uses of land are regarded as appropriate within this zone. Because of the size of the site the application is not required to be submitted with a Flood Risk Assessment. United Utilities have no objections to the development and because of the size of the site the EA have not made any comments. The LLFA state that they are currently unable to provide the LPA with a substantive response for the reason that insufficient information has been provided, specifically they required a desktop study to incorporate maps showing;

- Topography of the development site, with contours at 1m intervals
- Existing surface water flow routes, drains, sewers and watercourses
- Flood risk from main river and coastal sources<sup>1</sup>
- Surface water and groundwater flood risk<sup>1</sup>
- Geological<sup>2</sup> and soil types<sup>3</sup>

And an indicative site drainage strategy including;

- SuDS proposals
- Outfall locations
- Discharge rates
- On-site storage requirements

They state that there are significant capacity issues in this area. Therefore the applicants have been asked to provide this information but at the time of writing this had not been received as further survey work is required to be done. If this work is submitted and agreed prior to committee this will be reported to members and the recommendation will be to approve however at this point it is therefore recommended that authority to grant planning permission be delegated to the Head of Planning and Regeneration subject to the resolution of these drainage issues to his satisfaction. Once the additional information is submitted the LLFA will be consulted and any conditions they require will be added to the developments decision notice. It is considered that given the nature of the site and its location that the imposition of conditions to address site drainage is appropriate if all other aspects of the development were found to be acceptable.

With the allocation of the site for development in the emerging Plan and the development of the surrounding land officer's believe that there is a reasonable prospect of agreement being reached on this matter and so conclude that it is appropriate to deal with the drainage issues in this manner.

The planning permission will not be issued until the requirements of the Fylde Borough Local Plan and NPPF regarding drainage are satisfied.

### **Ecology/Trees**

The application site does not contain any ecological or biodiversity designations and there are none within the vicinity of the site, however the site contains hedges, trees and dilapidated buildings which have the potential to provide habitat for protected and priority species. The application was submitted with a supporting Phase 1 Habitat and protected species ecological assessment which was assessed by LCC Ecology. Their response was that not enough information had been provided with the application in order to assess the potential impacts on bats, newts, voles and barn owls. Consequently a further updated ecological assessment was submitted which supplied further information about those protected species. This assessment included further supplementary desk study research, on site survey work and assessment in relation to the potential impacts of the proposal, and includes additional guidance on precautionary mitigation and compensation measures to ensure compliance with wildlife legislation and policy. Additionally information about other planning applications in the nearby area was considered to obtain information about surrounding land use and any known protected species occurrences. Clearly of significance from an ecological point of view is that planning permission has been granted for residential development that will enclose the site on three boundaries. The methods used for survey at the site are standard practice and were carried out by suitably qualified persons, these included an assessment of the site for vegetation and habitat, bats, barn owls and birds, water voles, and newts and amphibians.

### **Habitat/vegetation**

The survey looked at the hedgerows, plants, and drain within the site and looked for invasive species. It found that there is extensive areas of species poor grassland with no notable botanical value and no BAP priority habitat. There are three different hedgerow types at the site; alongside Cropper Road there are two hedgerows of early mature conifers which are not BAP priority habitat, along both driveways near to the house there are hedgerows of early mature Garden privet which again are not BAP habitat and do not qualify as important. The remaining hedgerows are semi-mature hawthorn and are mainly situated around the sites boundaries. They are species poor but do represent BAP habitat but do not qualify as important hedgerows. The ditch that runs through the site is bounded by mown grassland on one side and a line of willow trees on the other, during survey visits it was dry and a diminutive feature, though the presence of local common duckweeds in the May visit suggested patchy seasonal inundation in winter months. The species composition showing the ground is prone to waterlogging but the absence of bare ground and standing water suggests that any water collected in the channel is ephemeral. The ditch was found to not be an example of an NVC community, BAP priority habitat or habitat of principle importance.

### **Bats**

The survey worked inspected the buildings and trees and were undertaken at both day and night. It was found that most of the buildings and two mature sycamore trees on the site had features of low and moderate value for crevice roosting bats. And that survey work showed a small population of common pipistrelles using air space and a confirmed roost site in a box on the dwelling.

### **Barn owls and birds**

The survey work inspected the buildings, trees and shrubs throughout the site. There was no past or current evidence of bats roosting found at the site during the survey. Barn owls are currently

considered to be absent and the buildings unsuitable for future use. Some evidence of past nesting of other birds was found in the buildings and the trees and hedgerows in the site were found to have potential for nesting birds such as dunnock, song thrush, robins and chaffinches.

#### Water voles

A habitat appraisal of the drain on the site was applied from which it was identified that detailed presence/absence survey work was not required. There is no other habitat value for the species in the site.

#### Newts and amphibians

Appraisal work was undertaken in relation to great crested newts and common toads including looking at survey work previously done on surrounding ponds and an aquatic habitat appraisal, terrestrial habitat appraisal and assessment of risk. The ditch in the pond was found to be unsuitable for any breeding amphibians and there are no other water features in the application site. The rest of the site is open and exposed comprising buildings and hard standing which has been frequently disturbed and has little potential for use by amphibians. Amphibians are unlikely to cross the site where there are areas of hardstanding. Whilst not a physical barrier to the dispersal of amphibians, the site is regarded as being a potentially hostile environment to them. The land surrounding the Application Site is no longer conducive to the support of amphibians, with the former grassland field having been completely stripped between the years of 2007 and 2011 (according to Google Earth aerial photographs). There is now no shelter between the aforementioned ponds and the Application Site, though there is also no barrier. There are two ponds within a 250m radius of the site and both are situated within the grounds of a residential dwelling to the north. They are garden ponds created between 2000 and 2005. No surveys of these ponds has been submitted and they are in third party ownership but the likelihood of newts or common toads within them is judged to low due to their recent creation and the lack of other GCN's in the area. Given the distance from the application site and the lack of terrestrial habitat connectivity between the ponds and the Site, even if GCNs were to be present in the pond then this would not have a substantive bearing on the planning proposal because only a very low number of GCN would feasibly disperse as far as the Site. The risk is therefore low and could be mitigated and compensated. However the report says that further consideration of GCN is needed until proven absent or present.

#### Trees

The Council's tree officer assessed the proposed layout and wished to see the retention of the two sycamores on the highway's boundary which if the proposed access had been approved would have been lost. The proposed access was subsequently amended and as such he has no objections. He does however state that the Reserved Matters application will need to carefully consider trees and hedgerows in its layout.

#### Mitigation and recommendations

The ecology report as a result of the above findings makes the following mitigation recommendations;

##### Hedgerows and trees –

- Where possible hedgerows should be retained along with boundary trees. Retained trees should be protected during construction. If hedgerow is removed it should be replaced with equivalent or greater lengths of native hedges.

#### Invasive species –

- The Montbretia within the site is required to be eradicated.

#### Bats –

- Because of the presence of a roost within the dwelling mitigation and compensation is essential and bat licence is required. This licence can only be applied for once planning permission has been granted however conditions can be used to ensure that this mitigation is carried out. Other measures will need to be used for the other buildings and trees at the site. The submitted report includes details of mitigation during demolition of the buildings and compensation to provide short and long term replacement roost habitat for bats, including boxes on existing trees, cavity wall spaces in new dwellings on the site and sensitive use of lighting in the site.

#### Barn owls and birds –

- Any vegetation to be trimmed or cleared should be checked for nesting birds before it is removed. Ideally this should occur outside the bird nesting period March- September. If vegetation clearance is to occur in the March-September period a check for nesting birds should be conducted first by a suitably qualified individual. New planting within the site and the retention of trees and shrubs on the site boundary will maintain the ecological functionality of the site for breeding birds. Artificial bird nesting sites for swallow could be incorporated into the new buildings under the eaves in suitable locations.

#### Amphibians –

- Whilst the likelihood of newts in the ponds to the north is low and because of the site specific features between the two sites their movement to the application site lower still, until their presence or absence is known or not appropriate mitigation cannot be determined. However it is a material consideration that between this application site and those ponds that a residential development including an access road which would further hinder the movement of reptiles from these ponds has been approved for planning permission and is currently under construction. This development abuts the boundaries of both sites and will clearly have a much greater impact than these development proposals. Surveys of the ponds were completed as part of that application and no newts were found to be present and this development has proceeded without the need for mitigation.

#### Ecology summary

The application site is not designated for its nature conservation value and it is not adjacent to any designated sites. The surveys undertaken have been conducted to appropriate standards and proportionate to the potential of the site to support protected species. It is not considered that further ecological surveys need to be conducted prior to determining of the application. It is not considered that the development will cause substantive harm to nature conservation interests. There will be some minor impacts on local nature and precautions to protect these interests including no vegetation clearance during bird nesting season, protection of trees and hedgerow during construction and biodiversity enhancements to be incorporated into the scheme can be subject to planning conditions. Therefore with these conditions in place a scheme some degree of biodiversity enhancement will be possible in the development of the site. The report submitted shows there will not be any unacceptable effect on protected species or priority habitat subject to appropriate mitigation and compensation and conditions will be used to ensure this. It is considered that with mitigation the development of the site is acceptable and complies with Policy EP19 and the



NPPF in this regard.

### **Public open space**

The Local Plan requires that open space be provided on site in residential developments of this scale in line with the amount per plot detailed in Policy TREC17, with appropriate provision made for the on-going maintenance of this. The outline nature of the application means that there can be no clarity on this matter, and whilst the illustrative layout does not indicate any facility being included this can be properly addressed at Reserved Matters stage. As an alternative, the site is close to the proposed open space and play area on the adjacent site which Wainhomes are constructing and would give good access to play facilities for this development and so it may be that actual on site provision is not required and an off-site contribution may be appropriate. Whichever delivery mechanism is taken up it is considered that the proposal could comply with Policy TREC17 and so no reason for refusal on this matter is justified.

### **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 four secondary 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 £72,506 towards this. Because the application has been made in outline this amount will be re-calculated when the precise number of bedrooms is known upon submission of a reserved matters application. This contribution would be secured through a section 106 agreement, if permission was granted.

### **Conclusions**

The development as proposed is considered to constitute sustainable development and is acceptable in principle. There are no highways issues with the proposal, and with appropriate conditions and contributions the development will be acceptable. At the time of writing the acceptability of the site drainage is unknown due to on-going assessment of this by the Lead Local Flood Authority, but with the surrounding development it is reasonably likely that a drainage solution can be achieved and so the recommendation will be to delegate the decision to officers to approve subject to this matter being clarified and the negotiations completed on a s106 agreement to secure the various infrastructure enhancements appropriate for a development of this nature.

### **Recommendation**

That authority be granted to the Head of Planning and Regeneration for Planning Permission to be GRANTED subject to the resolution of drainage issues (including the addition of appropriate conditions) and subject to the completion of a Section 106 agreement in order to secure:

- Provision, phasing , retention and operational details for 30% of the proposed dwellings to be affordable properties
- a financial contribution of £30,000 towards the improvement of public transport and/or sustainable transport initiatives in the vicinity of the site and the phasing of that payment
- a financial contribution of £72,506 towards four secondary school places at St Anne's College and the phasing of that payment

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

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

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

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

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

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

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

Nos. (1, 2, 3 and 5)

(Reserved matters are:-

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

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

3. The new estate road/access between the site and Cropper Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level prior to the construction of any dwelling within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

4. Before the use of the site hereby permitted is brought into operation facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site, and this facility shall be operated throughout the development.

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

5. No part of the development hereby approved shall commence until a detailed scheme (with phasings) for the construction of the site access and a schedule of highway enhancements has been submitted to, and approved in writing by the Local Planning Authority. This shall include the provision of continuous pedestrian / cycle connections from the site access point leading across the whole of the site frontage to the site boundaries to provide a contiguous link to existing

connections on Cropper Road in both directions. The development shall be implemented in accordance with the approved phasing.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable and that the development provides an appropriate level of accessibility to the wider highway network.

6. Prior to the commencement of any development details of the design, location, access arrangements, phasing of provision, and on-going maintenance arrangements of the public open space for the development shall be submitted to and approved in writing by the local planning authority. This provision shall be at least in accordance with the requirements of Policy TREC17 of the Fylde Borough Local Plan and shall be implemented and maintained in accordance with the approved scheme.

To ensure the provision and retention of appropriate levels of public open space to serve the development as required by Policy TREC17 of the Fylde Borough Local Plan.

7. A tree protection scheme for all trees and retained hedges on the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. No work of any kind shall take place until the protective fences are erected around the retained trees in the position and to the specification agreed by the local planning authority. Such fencing shall be retained throughout the development where work of any kind is undertaken in proximity to trees and hedging.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

8. Prior to commencement of the development hereby permitted, details of the incorporation of bat roosting (in addition to that required by NE licence) and bird nesting opportunities that shall be incorporated into the design of the development (i.e. into new buildings) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the phasing of the works and shall thereafter be implemented in accordance with that phasing.

In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

9. Tree felling, vegetation clearance works, or other works that may affect nesting birds shall not be carried out between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections undertaken by a suitably qualified ecologist and their confirmation provided in writing to the Local Planning Authority.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

10. All existing lengths of hedgerow within the proposed residential development area shall be retained, except for where their removal is required for the formation of access points or visibility splays or in other limited circumstances where an equivalent or greater length of hedge is provided as a replacement and has been previously agreed in writing by the Local Planning Authority. No removal, relaying or works to existing hedgerows shall be carried out between March and August

inclusive in any one year unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

11. No external lighting shall be installed until details of a lighting scheme have been submitted and approved in writing by Fylde Borough Council. The principles of relevant guidance shall be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009).

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

12. Prior to commencement of works a fully detailed method statement to demonstrate that impacts on amphibians (including Common Toad) will be avoided both during the site clearance and development works and during the operational phase shall be submitted for approval in writing by Fylde Borough Council. Any approved details shall be implemented in full. If the presence of Great Crested Newt is detected at any point then all works shall cease until advice has been sought from an appropriately qualified person including regarding the need for a Natural England licence.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework

13. Prior to the commencement of the development a scheme for the removal of the invasive non-native plant species identified in the submitted Ecological Survey and Assessment (Montbretia) shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented prior to the occupation of the development.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

14. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a. the identification of the site access for construction traffic
- b. the parking of vehicles of site operatives and visitors
- c. loading and unloading of plant and materials
- d. storage of plant and materials used in constructing the development
- e. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- f. wheel washing facilities
- g. measures to control the emission of dust and dirt during construction
- h. a scheme for recycling/disposing of waste resulting from demolition and construction works
- i. hours of operation

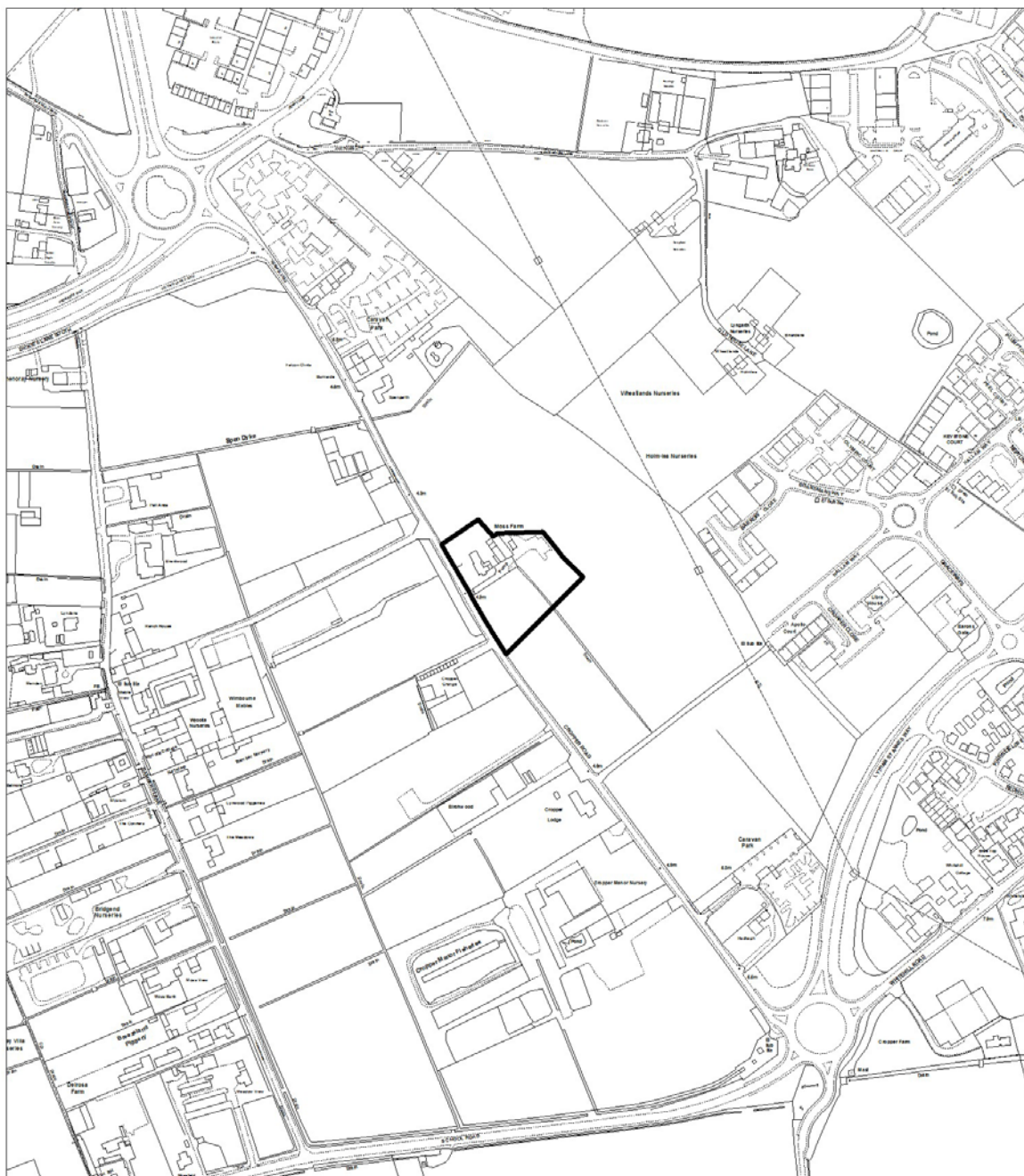
Reason: To maintain the safe operation of the pedestrian and highway network in the area during construction given the proximity to residential properties.

15. Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage system has been completed to serve that building in accordance with the approved details. The development shall be maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory means of drainage.

16. No development shall take place until a surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. No surface water shall be discharged to the public sewerage system. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the risk of flooding, both on and off the site



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/13/0753	Address Moss Farm, Cropper Road, Westby	Grid Ref. E.3344 : N.4327	Scale 0 25 50 75 100 m 

<b>Application Reference:</b>	14/0822	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	West Register (Realisations) Ltd	<b>Agent :</b>	Indigo Planning Ltd
<b>Location:</b>	(SITE 3) LAND AT DUGDALES CLOSE / BROOKLANDS WAY / HALLAM WAY, WHITEHILLS, WESTBY WITH PLUMPTONS		
<b>Proposal:</b>	PROPOSED ERECTION OF BUILDING PROVIDING 10,195 SQM OF RETAIL FLOORSPACE (CLASS A1) OVER TWO FLOORS WITH ASSOCIATED CAR PARKING AND ACCESS WORKS		
<b>Parish:</b>	WARTON AND WESTBY	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	37	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Need to determine at Committee		

**Summary of Recommended Decision:** Refuse

### **Introduction**

This application was presented to the 18 June 2015 meeting of Committee where the decision on the application was:

*"Deferred in order to allow officers to enter into further negotiations with the developer to secure improvements to the layout and landscaping of the site and to discuss a suite of appropriate planning conditions and heads of terms to be included in a section 106 agreement to include: marketing of the applicant's other sites in the vicinity, public realm improvements, improvements to local highways, sustainable transport measures and restrictions on goods to be sold from retail the premises."*

Since that time officers have engaged with the developer to discuss these matters as is presented in this Introduction. The officer recommendation on the application remains that the application should be refused for the reasons recommended in the original report repeated below. Should Committee be minded to grant planning permission the conditions and heads of terms for a section 106 agreement set out below would be appropriate for any permission granted.

### **Revisions to Landscaping and Layout of Site**

A revised landscaping plan overlaying the site plan was submitted on the 8 July 2015. The Council's Landscaping officer has considered it and states that we would need to see a planting plan with plant species, numbers and stock size. The submitted site plan shows the area of land to be landscaped with boulevard type planting with single rows of trees at 7m centres set in shrub/groundcover planting. If members are minded to approve the application a condition requiring full details to be submitted and then implemented would be appropriate.

No amendment to the layout of the site has been made.

### **Possible Heads of Terms to s106 agreement**

- Completion of key areas of highway network in and around Whitehills to adoptable standards to enhance attractiveness of unused employment sites for future development.

The overall amount of contribution and phasing to be agreed, but could include:

- Upgrade works to A583/Whitehill Road traffic signals (Peel Corner) to Mova Signal Control including an early start for A583 (N) works. Estimated costs between £40,000 and £50,000
- Upgrade works to Cropper Rd/School Rd roundabout. Estimated costs of £10,000
- Enhancement of pedestrian and cycle connections to site.
- Public transport contribution to enhance connections to site
- Funding to facilitate monitoring of Travel Plan submitted for development
- Enhancement of landscaping, signage and public realm in and around Whitehills to enhance attractiveness of unused employment sites for future development, with the amount of contribution and phasing to be agreed
- Contribution to assist Fylde BC marketing of employment sites on Whitehills for five years. Estimated costs of £1000 per year.

### Possible Conditions

#### General

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

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

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

Reason: In order to ensure a satisfactory standard of development.

3. Prior to the commencement of development, a scheme for the external lighting of the building / premises / site curtilage [including degree of illumination] shall be submitted to and approved in writing by the Local Planning Authority. Only lighting contained in the approved scheme shall be implemented at the site, with any addition or alteration to the scheme agreed in writing with the Authority.

Reason: In the interests of visual amenity.

4. Landscaping, including hard surface landscaping shall be carried out and preserved in accordance with a scheme and programme which shall be submitted to and approved by the Local Planning Authority before any development is commenced. Specific details shall



include finished levels, means of enclosures, car parking [as applicable] hard surfacing materials, minor artifacts and street furniture, refuse receptacles, lighting and services as applicable soft landscape works shall include plans and written specifications noting species, plant size, number and densities and an implementation programme. The scheme and programme shall thereafter be varied only in accordance with proposals submitted to and approved by the Local Planning Authority and such variations shall be deemed to be incorporated in the approved scheme and programme. The approved landscaping scheme shall be implemented in a timetable of planting to be agreed in writing with the Local Planning Authority but which in any event shall be undertaken no later than the next available planting season. The developer shall advise the Local Planning Authority in writing of the date upon which landscaping works commence on site prior to the commencement of those works.

Reason: To enhance the quality of the development in the interests of the amenities of the locality.

5. The whole of the landscape works, as approved shall be implemented and subsequently maintained for a period of 10 years following the completion of the works. Maintenance shall comprise and include for the replacement of any trees, shrubs or hedges that are removed, dying, being seriously damaged or becoming seriously diseased within the above specified period, which shall be replaced by trees of a similar size and species. The whole of the planted areas shall be kept free of weeds, trees shall be pruned or thinned, at the appropriate times in accordance with current silvicultural practice. All tree stakes, ties, guys, guards and protective fencing shall be maintained in good repair and renewed as necessary. Mulching is required to a minimum layer of 75mm of spent mushroom compost or farm yard manure which should be applied around all tree and shrub planting after the initial watering. Weed growth over the whole of the planted area should be minimised. Any grassed area shall be kept mown to the appropriate height and managed in accordance with the approved scheme and programme.
6. Reason: To ensure a satisfactory standard of development and in the interest of visual amenity in the locality.
7. No goods of any description shall be stored other than within the defined buildings.

Reason: In the interests of visual amenity.

#### Retail

8. The non-food retail units hereby permitted shall not be used for the sale of any goods other than those within the following categories:

Outdoor activity equipment and associated clothing and footwear, DIY and decorating goods, garden goods, furniture, motor and cycle goods, soft and hard furnishings and furnishings, household textiles, pictures, homewares, glassware, tableware, household

goods, electrical goods, bathroom and kitchen goods and accessories, household cleaning products, lighting, seasonal goods, giftware, toys, arts and crafts , pet products and ancillary confectionary products.

Goods falling outside of this range may be sold only where they form a minor and ancillary part of the stores' operation.

Reason: To prevent unacceptable harm upon the existing centres

9. The non-food retail units hereby approved shall not be subdivided or amalgamated without the prior consent of the Local Planning Authority

Reason: To prevent unacceptable harm upon the existing centres

10. The retail premises hereby approved shall not be used for the sale of food off the premises

Reason: To prevent the units becoming a food supermarket

11. Both of the retail units hereby approved shall be operated by a single retailer and shall not operate as a 'department store' or have a number of different retails operating within one unit.

Reason: To prevent unacceptable harm to the existing centres.

#### Highways

12. No part of the development hereby approved shall commence until a scheme for the construction of off-site works of highway improvement have been submitted to, and approved by the Local Planning Authority in consultation with the appropriate Highway Authority.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority(s) that the final details of the highway scheme/works are acceptable before work commences on site.

13. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- v) wheel washing facilities;
- vi) a management plan to control the emission of dust and dirt during construction identifying suitable mitigation measures;
- vii) a scheme for recycling/disposing of waste resulting from construction work (there shall be no burning on site);
- viii) a Management Plan to identify potential ground and water contaminants
- ix) a scheme to control noise during the construction phase.

Reason: To maintain the operation and safety of local streets and the through routes in the area during site preparation and construction.

14. Development shall not begin until a phasing programme for the whole of the development and for the highways works referred to, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved phasing programme.

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

15. Prior to first occupation hereby approved, the S106 contribution relating to offsite pedestrian and cycle route provision has been paid in its entirety.

Reason: In order to satisfy the Local Planning Authority and the Highway Authority that these sustainable transport links can be substantially completed at an early stage in the development of the site and hence effect the modal choice of the occupants; in order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions.

16. Prior to first occupation hereby approved, the s106 funding for the highway improvement scheme at Cropper Road/Lytham St Annes Way Roundabout shall be paid in full. The scheme to be delivered will be subject to detailed design.

Reason: In order to maintain network reliability and safety and ensure that residents of the development have satisfactory access to services and facilities.

17. Prior to the first occupation the payment of s106 funding for the public transport improvement to help deliver a high frequency Public transport service must be paid to support delivery of a good frequency bus service.

Reason: To ensure the provision of a high quality public transport service that will limit the impact of this development on the local transport network.

18. Prior to the first occupation of the development hereby permitted, a Full Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan to

include objectives, targets, measures to achieve targets, monitoring, and implementation timescales and continue with the provision of a travel plan co-ordinator. The approved plan(s) will be audited and updated at intervals as approved and the approved plan(s) be carried out.

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

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

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

20. The developer shall fund the investigation, consultation and advertisement of Traffic Regulation Orders for parking restrictions on the local network surrounding the proposed site (roads to include Hallam Way, Brooklands Way and Dugdale Close). If the process concludes in changes to TRO's, the developer shall fund the subsequent implementation of necessary measures.

Reason: To maintain and enhance the operation and safety of the local highway network.

21. The car parking indicated on the approved plans shall be surfaced, demarcated and made available for use prior to the development hereby approved being occupied, unless otherwise agreed in writing with the Local Planning Authority. The car park shall then be available at all times whilst the site is occupied.

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

#### Drainage

22. The development hereby approved shall not be commenced until a scheme for the provision of surface and foul water drainage works, with full consideration for sustainable drainage principles, has been submitted to and approved by the Local Planning Authority. The means of drainage shall be implemented in accordance with the approved scheme, prior to first occupation of the development hereby approved.

Reason: To reduce the increased risk of flooding by ensuring provision of a satisfactory means of surface and foul water disposal.

23. Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage

scheme has been completed to serve that building, in accordance with the approved details. This development shall be completed maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory means of drainage

24. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) to limit the surface water run-off to 9.8 l/s so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. 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 prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

25. Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed, maintained and managed in accordance with the approved details.

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

#### Notes

- The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.
- The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works associated with this proposal that fall within the highway under LCC control. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Environment Director at County Hall, Preston PR1 0LD, in the first instance, to ascertain the details of such an agreement and the information to be provided.
- Traffic Regulation Orders, diversions of Public Rights of Way, Stopping Up of existing highway, changes to public transport scheduling/routing and other activities require separate statutory consultation processes beyond the planning application process. The applicant will be obliged to meet all the costs associated with these of works and ensure that

any works which rely upon them do not commence until all legal processes have been satisfactorily completed.

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

The proposal relates to a site that lies towards the centre of the existing Whitehills Employment Area, and is for the erection of a two storey building providing just over 10,000 sq m of retail floorspace.

The scheme raises a series of technical issues such as the capacity of the highways, flood risk, design, etc all of which are acceptable. However, the officer recommendation is that the application be refused as the loss of 1.69 hectares of employment land would be contrary to its allocation through policy EMP2 the Fylde Borough Local Plan, and the recommendations of the Fylde Employment Land and Premises Study (August 2012) and Whitehills Development Appraisal (October 2013) which both recommend the retention of the employment land and form part of the evidence for the Emerging Local Plan. The potential benefits of developing the site for retail uses do not, in officer's opinion, outweigh the negative loss of the employment land, which would result in the need for further land to be allocated to make up for that land, result in lower value jobs being created at the site. The qualitative value of the site for employment uses is considered to be high due to its strategic location and lack of barriers to its development and there is a reasonable prospect of the site being developed for this purpose within the plan period.

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

The application is presented to the Committee as a consequence of the proposal constituting major development.

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

The application site comprises 1.69 hectares of vacant land, bounded by Hallam Way to the north and Brooklands Way to the east. It is characterised by rough grass and scrub, and is largely flat. To the east of the site is a large-format B&Q retail store and associated car park. Land to the south and west is largely vacant, with the exception of a builders' merchants to the southwest. Development to the north and north-west includes a bathroom showroom and offices. The application site is located on Whitehills which is Fylde's largest employment site. To the south east of the site is a public house and hotel. The site is well connected being located directly adjacent to the M55 motorway.

#### **Details of Proposal**

The application as submitted proposes full planning permission for a retail development of 10,195 sqm of A1 floorspace. The floorspace would be within a single building with a footprint of 4663sqm located on the northern side of the plot, an outdoors sales area of 800sqm is proposed to the west of the store, with parking for 262 cars located on the southern side of the site. The proposed two storey building would have a flat roof and would be of contemporary design clad with large black tiles and features a glass corner element. Store entrances are highlighted with green cladding. The retail floor space would be split into two units;

- 6,675 sqm to be occupied by a large-format, mixed goods non-food retailer
- 3,520 sqm to be occupied by camping retailer, 'Go Outdoors'

The larger retail unit will sell mixed, non-food goods. The occupier for this unit is known to the applicant but cannot be divulged at the current time for contractual reasons. It will occupy the majority of the ground floor, comprising an indoor sales area of 4,369sqm and an outdoor space for garden goods of 800sqm. There will be a sales area on the first floor of 1,506sqm. Go Outdoors sells equipment for outdoor adventure, with a principal focus on tents, furniture for camping and caravanning, luggage trailers, and outdoor activity equipment. Go Outdoors will occupy the majority of the first floor (3,226sqm), with access from a ground floor lobby measuring 294sqm.

Public access to the site will be from Dugdales Close on the eastern side of the site, via the existing roundabout from Hallam Way. Servicing traffic will access the site separately, from Dugdales Close to the north. Perimeter landscaping is proposed around the site and will be a mix of native shrub and tree planting.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
07/1274	ERECTION OF TWO STOREY BUILDING COMPRISING OF CAR SHOWROOM, OFFICES AND WORKSHOP, NEW VEHICULAR ACCESS AND PARKING, PLANTING AND LANDSCAPING SCHEME.	Finally Disposed Of	08/08/2013
04/0562	PROPOSED INDUSTRIAL UNIT	Granted	02/09/2004
03/1065	OUTLINE APP. FOR CAR SHOWROOM/SALES	Refused	06/01/2004

### **Relevant Planning Appeals History**

None.

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

**Westby with Plumpton Parish Council** notified on 04 December 2014 and comment:

*“No objections to the application. They made note that the matter of commercial sites is not in keeping with the overall rural aspect of the Parish, however, it was conceded that, due to the existing commercial buildings within the vicinity, it would be preferable to support this application in a relatively commercial area, as opposed to a different non-commercial site.”*

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

#### **National Grid**

National Grid has a Major Accident Hazard Pipeline in the vicinity. It is essential that access to the site is not restricted. The building proximity distance for the pipeline is 8m. It appears that the car parking and service yard are over the pipeline, it may be possible that impact protection slabbing be installed over the pipeline. More details will need to be submitted to the NG for consideration, as unhindered access is required to the pipelines. On safety grounds it would not be acceptable to erect any fencing or enclose an area of ground that encompasses the pipelines legally negotiated easement strip. The fencing and enclosed garden centre area would not be acceptable as it appears from the

site plan they restrict access to the pipeline. It is the responsibility of the applicant to contact NG prior to commencing any works on site.

**HM Inspector of Health & Safety**

The HSE's Planning Advice for Developments near Hazardous Installations (PADHI) installs land use planning distances that allows them to advise on the acceptability of new developments.

**Lancashire County Council - Highway Authority**

LCC Highways have provided extensive comments on the submitted application following meetings between them, the applications and Fylde Council. This was because the TA submitted with the application was found to be unacceptable. This was therefore supplemented with email correspondence, a technical note update (17/3/15) prepared in response to HE comments as well as a Transport Assessment Addendum, dated May 2015. They have considered all the information in these documents, the committed and other developments in the area and the modelling work that has been done. They have considered the sites accessibility and sustainable modes of transport to it.

Their observation is that access to the site will be heavily car dependent due to the nature of the land use proposed, and so impact on how it constitutes sustainable development and the sustainable transport implications of accessing it.

LCC do not object to the application subject to a number of mitigation measures and contributions which they consider to be necessary, directly related and reasonable in both scale and kind. They require link and junction improvements at the A584/Whitehill Road traffic signals to provide additional capacity and a review of signals and phasing, they require an upgrade to a Mova signal control at the same position. They require a contribution of £10,000 to a scheme to deliver wider improvements to the highway network in around the cropper road/school road roundabout. They also because of the sites location and the proposed use require sustainable transport improvements namely pedestrian and cycle improvements, public transport provision and installation of quality bus stops.

*They state that "the retail car park will provide 282 spaces with 16 mobility impaired spaces and 40 cycle parking spaces. A parking accumulation has been provided that indicates that an acceptable level of parking provision has been provided for the proposed site. The provision is below the maximum parking standard and takes into consideration linked parking provision and requested support for sustainable transport measures. The site is to be serviced off Dugdales Close. This existing access has been delivered as part of the wider Business Park infrastructure. The issues identified at Whitehills Business Park associated with on street parking may impact safe access for large vehicles to the service area off Dugdales Close. I would therefore recommend, should approval be granted, that a Condition is attached that would require the applicant to fund investigation/consultation and if appropriate implementation of TRO waiting restrictions on the local network surrounding the site (roads to include Hallam Way, Brooklands Way and Dugdale Close). This would help maintain the safe operation of the local highway."*

As well as the contributions and s278 works required to make the scheme acceptable they require conditions so that the off site works details are submitted, a construction method statement is submitted, a phasing programme for the highways works is submitted, the funding to have been provided prior to first occupation, a Travel Plan be submitted, visibility splays to be in place, drainage and car parking details.



**Blackpool Borough Council**

Comments are:

*"Thank you for consulting this Council regarding planning application reference 14/0822 and apologies for the delay in responding. We have concerns regarding the issues of impact on centres in Blackpool, regarding the sequential test and regarding retail evidence in terms of the requirements for the Fylde Coast and would welcome the opportunity to discuss these issues with Alyn Nicholls and Associates.*

*The application site is not within or on the edge of any defined town, district or local centre and is not well served by public transport. The nearest Blackpool Transport Services serve the Peel Park Offices (no 14) and serve the Clifton Retail Park on Clifton Road ( nos 3, 4, 14 and 16) with the nearest stop to the site being on Langdale Road. In addition it does not have a large residential population within walking or cycling distance and has the added problem of a large roundabout serving the M55 motorway and Yeadon Way/Progress Way segregating it from residential areas in Blackpool and the nearest bus stop. It is contended that the site is not 'well connected to any town centre' in terms of paragraph 24 of the National Planning Policy Framework. In terms of paragraph 24 of the NPPF there is a vacant site adjacent to the Sainsbury's petrol station which would accommodate part of the development. There is a site adjacent to the Hounds Hill Centre (Tower Street/Corporation Street) which could accommodate part of the development. The Central Car park on Central Drive could accommodate the development as part of a mixed retail/leisure development and although not in the Town Centre or on the edge of the Town Centre the former Devonshire Road hospital site could accommodate the development and is well linked to the Town Centre by bus services 5, 7, 9 and 14. In addition there is a permission for a unit at Blackpool Retail Park, Amy Johnson Way (10/1378)*

**Environment Agency**

No objections subject to a condition requiring the development be carried out in accordance with the FRA.

**United Utilities – Water**

No objections subject to conditions requiring details of surface and foul water drainage being submitted.

**Electricity North West**

Have considered the proposal and found that it has no impact on our Electricity Distribution System infrastructure or other ENQ assets. Any requirements for a supply of electricity will be considered as and when a formal application is received.

**Planning Policy Team**

Comments are:

*I have assessed the proposal against the Fylde Borough Local Plan (As Altered: October 2005) and the National Planning Policy Framework.*

**CURRENT LOCAL PLAN ALLOCATION**

*The proposed development lies within an area which is allocated as 'Existing Business and Industrial Areas' in the Fylde Borough Local Plan. Local Plan policy EMP2 operates*

to permit proposals for business and industrial development, specifically here for B1, B2 and B8 uses.

In August 2012 the council published an Employment Land and Premises Study (FELPS). It forms part of the evidence base for the emerging local plan to 2030, and it is therefore a material consideration for the purposes of development management. The study recommends the provision of between 26 and 33 ha of additional employment land. This needs to be allocated and brought forward to meet requirements for the Local Plan period to 2030. The FELPS also recommends the protection of the identified current employment land supply that is not the subject of existing consents for alternative uses.

Table 38 of the FELPS includes an assessment for site EMP2(13b), Whitehills Park. The FELPS recommends it be retained as a sub-regional employment area for B1/B8 and associated services. The proposal would result in the loss of 1.73 ha of the site area to non class B use.

#### RETAIL POLICY

Local Plan policy SH13 operates in relation to large retail stores. Whilst appreciating that the needs test mentioned in policy SH13 has now been removed from PPS4, this policy is still considered to be relevant in terms of sequential approach (criterion 1) and consideration of vitality and viability of existing town centres (criterion 4). SH13 states that proposals for out of centre sites will not be permitted unless the need for the development has been demonstrated against a range of four criteria.

The application of criterion 1 is particularly relevant given the fact that SH13 goes on to state "Proposals for large new retail development will not be acceptable on land identified under policies EMP1 and EMP2 for business and industrial use, unless the application is supported by substantial evidence that no other location is available."

You will no doubt be aware that the Portfolio Holder for Planning and Development accepted the use of the 'Fylde Coast Retail Study 2013 Update' as part of the evidence base for the emerging Fylde Local Plan and for use by Development Management in the determination of planning applications.

The Study 2013 Update identifies indicative figures for additional comparison goods retail floorspace (net – sales floorspace) over and above existing planning permissions for which provision should be made in town centres as follows:

Centre	Additional comparison floorspace (sq.m net)		
	2013-2021*	2021-2030	2013-2030
St Annes town centre	197	1,376	1,179
Lytham town centre	197	1,376	1,179
Kirkham town centre	112	813	701
Remaining District and Local Centres	56	393	337
Fylde Total	562	3,958	3,396
Wyre Total	1,084	7,592	6,508
Blackpool Total	2,550	17,995	15,405
Total for Fylde Coast	4,196	29,478	25,282

It should be noted that the above figures are to be used as a guide and the negative

*requirements 2013-2021 indicate that the expected turnover of existing retail planning permissions is greater than expenditure growth over that period. That said, the study does not identify any additional comparison goods sales area floorspace in out of centre locations.*

*Clearly the proposed development comprises a significant quantum of retail floorspace in an out of centre location and paragraph 24 of the National Planning Policy Framework is therefore relevant. It states that "When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre." It is however noted that the applicant's Retail Assessment (November 2014) does not include an assessment of alternative out of centre sites. In terms of undertaking a thorough sequential test regard should be had to other out of centre sites which are accessible and well connected to the town centre.*

*Paragraph 24 of NPPF goes on to state that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. The proposal comprises three separate retail units, configured as 3,520; 5,875; and 800 gross floorsapce (sq.m). In terms of being flexible, the applicant needs to give consideration to how or if the proposal could be disaggregated and consequently individual units could be accommodated in sequentially more preferable or accessible locations.*

*I note that the applicant's Retail Assessment (November 2014) includes an assessment of impact based upon a 15 minute drive time. Although this may have previously been agreed with the Council, it is not clear to me that this is the most appropriate catchment area. Given the quantum of retail floorspace involved it is my suggestion that the catchment area is likely to be significantly larger. Whilst I am not in a position to suggest what the alternative appropriate drive time ought to be, a slightly wider catchment would undoubtedly have retail impact upon Preston city centre, Freeport and Deepdale Retail Parks.*

*As presented, it is noted that at 6.49 the applicant's Retail Assessment (November 2014) claims the impact of the proposal will be extremely modest. And that it will not have a 'significant adverse impact' on any of the existing town, district or local centres in the study area.*

*In light of the above I recommended that specialist retail advice is sought in respect of the sequential approach undertaken and in considering the potential impact of the proposal upon the trading performance of existing facilities. In the absence of this specialist retail advice I suggest that the proposal is potentially contrary to policy SH13.*

*In addition to the above regard should also be had to Local Plan policy SH14 which is a criteria based policy. All 6 criteria are required to be met.*

*In considering whether there are any other material considerations which are of sufficient importance to outweigh the policy position established in the adopted Local Plan, you should also consider the provisions of the NPPF. Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development.*

*It could be argued that limited weight can be afforded to the emerging Development Plan due to the early stage that the Council is at in the overall plan-making process. The Fylde Local Plan to 2030: Part 1 – Preferred Options (LPP0) document includes policies*

*relating to employment land, and retail and other appropriate town centre development. Appendix 4 of the LPPO sets out the Car Parking Standards which the Council currently operates.*

#### *Conclusion*

*The proposal is contrary to policy EMP2 of the Fylde Borough Local Plan. Specialist retail advice should be sought in terms of what has been provided in the context of Local Plan policy SH13. You will need to consider whether there are any other material considerations which are of sufficient importance to outweigh the policy position established in the adopted Local Plan. If minded to grant consent for the proposal you need to be satisfied that the loss of this area of employment land to another use is justified as it would further increase the borough wide requirement for employment land."*

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

No objections to the above proposals however due to proximity of dwellings and as a result of recent complaints from other premises the applicant shall ensure that light from any security fitting or car park stanchion does not cause illumination nuisance.

#### **Regeneration Team (Economic Development)**

Comments are:

*"In making these comments I have taken into account the following local, regional and national economic policy considerations;*

*The Plan for Growth (2011)*

*Lancashire County Economic Assessment (2011)*

*Lancashire County Council's Economic Framework (2010)*

*The Fylde Coast Employment and Skills Strategy (2010)*

*Fylde Borough Council Employment Land and Premises Study (2012) (ELS)*

*Whitehills Development Appraisal (2013)*

*Fylde Borough Council Economic Development Strategy and Action Plan 2012 – 2030 (FEDS)*

*Fylde Borough Local Plan 1996-2006, Alterations Review (2005)*

*The National Planning Policy Framework (NPPF)*

*Employment Densities Guide 2<sup>nd</sup> Edition (2010)*

#### *General*

*Where I have attempted to balance more than one material consideration in making these comments and in considering the economic impacts of the proposed development, I have at all times given significant weight to the positive economic outcomes that may or will result from the proposed development. Conversely, I have also given significant weight to any negative or adverse economic outcomes that may or will result from the proposed development.*

#### *Proposed Development*

*The details of note from the application are that this is an application for the erection of buildings providing 10,195 sqm of retail floorspace (Class A1) over two floors with associated car parking and access works.*

#### *Considerations*

*Matters of Planning Policy*

*The site is within land allocated as 'Existing Business and Industrial Areas' in the Fylde Borough Local Plan 1996 – 2006, Alterations Review (2005) (Local Plan) and is covered by the scope of policy EMP2 which is permissive of uses within Classes B1, B2 and B8. I also feel that within the same document policy SH13 should be considered but I shall leave this to other better informed colleagues to comment. I also understand that specialist opinion has been sought on matters relating to the 'retail impact'.*

*Accordingly my primary focus will be the scope of policy EMP2 and the proposed development. I note that the Planning Statement in support of the application makes reference to the view that little weight should be given to EMP2 and further supports this position with reference to the Fylde Employment Land and Premises Study (2012) (FELPS) and also paragraph 19 of the National Planning Policy Framework (NPPF). The principle argument advanced here is that the loss of the employment land is acceptable owing to the findings of the FELPS and also that the NPPF requires consideration of the wider economic use of the land rather than just employment uses. Therefore a consideration of the economic impact of the proposed development follows.*

#### *Economic Impact of the Proposed Development*

##### *Employment Creation*

*The loss of land (approx. 1.60 ha) from an employment use to a retail use could be offset by the positive economic impacts of the proposed development. For this to occur I am of the view that the land would need to have little to no chance of being developed for an employment use within an appropriate time frame. In addition the positive economic impacts would need to be significant. I feel that meeting these two criteria would lead me to conclude that the development would have a positive impact upon the local economy.*

*The most readily measurable economic impact of this development is the direct creation of jobs. I note from the Planning Statement that a figure of 92 is given, which is based on data provided by the Employment Densities Guide (2<sup>nd</sup> Edition 2010). This is approx. 110 sqm per FTE (Full Time Equivalent) job. It is unfortunate that only this estimate is provided and not more accurate predictions based on end users, but I note that only one end user is identified at this stage. So the number of 92 stands in direct comparison to the alternative use of the land which is for employment purposes. Again using the Employment Densities Guide I present some approx. values for the alternative use of the land within Class B;*

<i>Use Class</i>	<i>Area per FTE (sqm)</i>
<i>B1 (a)</i>	<i>17.4</i>
<i>B1 (b)</i>	<i>17.4</i>
<i>B1 (c)</i>	<i>47</i>
<i>B2</i>	<i>36</i>
<i>B8</i>	<i>75</i>
<i>Average All</i>	<i>38.56</i>

*I draw no direct conclusion from the above table about the likely employment level*

*generated by an employment use, other than it would likely be higher than the proposed use.*

*Also relevant here is the likely value of each job. I feel that employment created within the B Use Class is likely to be of equal if not higher value than that within the A Use Class; in terms of both the earnings and value added or productivity.*

*Land Use - In the Planning Statement much is made of the NPPF and paragraphs 17, 19, 20 and 21 which variously put the onus on the Local Planning Authority (LPA) to be flexible and supportive of the local economy. Much is also made about EMP2 and the Local Plan not being up-to-date. In my view all of these matters are settled by the FELPS which acknowledges that land at Whitehills (including the application site) was allocated for a previous plan period and has not been developed. However I feel that the FELPS concludes that the application site is suitable and that there is likely to be demand for it in an employment use up to 2030. I consider this to be the most up-to-date evidence available taking into account wider growth opportunities and market signals.*

*Retail Impact - My views here are limited owing to better informed colleagues being able to comment and also the Council has sought specialist retail advice. I would only comment that the Council's Economic Development Strategy (EDS) makes clear the important role of town centres in the local economy and any adverse impacts from this development would need to be appropriately mitigated.*

#### *Other Considerations*

*I can see no other consideration that I should take into account.*

#### *Conclusions*

*On balance I feel unable to support the application. I do acknowledge that the proposed development could have a considerable impact upon the level of investor and developer confidence in the area and could play a role in 'stimulating' further development. However this is not sufficient to offset the value added role that this land could play in the local economy; namely being put to an employment use rather than retail. A use for which interest is likely given the evidence I have taken into account above; principally the FELP.*

*If this development were to be allowed I feel that there are a number of mitigating activities which would go some way to addressing the acceptability of the development in planning terms. I feel that they are necessary, directly related and reasonable in both scale and kind. These activities are;*

*Improvements to the highway network in and around the Whitehills area to resolve the issue highlighted in the Whitehills Development Appraisal. This would principally be the finishing off of all highways (within the ownership of the applicant) to a standard capable of being adopted by the Local Highway Authority.*

*To mitigate the loss of employment land the applicants should work jointly with the Council and commercial agents to undertake a wide ranging marketing campaign to encourage further investment and development of currently allocated and potentially allocated employment sites. This should be of an appropriate scale and duration.*

*Improvements to the public transport serving the area to improve the links between the*

*residential areas of St Annes and Blackpool and existing and proposed employment sites.*

*Financial contributions toward the improvement works identified in the Whitehills Business Park – Environmental Improvements scheme as identified in the Council's Regeneration Framework."*

**Highways Agency**

*As the development site is not immediately adjacent to the strategic road network (SRN), our consideration of the application has focussed on the traffic impact that the proposals would have upon the SRN, which in this case is the end of the M55 motorway at Junction 4. For reference, the roundabout and west-facing slip roads at the junction do not form part of the SRN. Consequently, our primary concern has been to satisfy ourselves that the development would not interfere with the operation of Junction 4 to the extent that there would be severe queuing of traffic seeking to exit the motorway at the junction.*

*Having reviewed the applicant's Transport Assessment, we are satisfied that the proposals would not have a severe material impact upon the SRN. Consequently, please find enclosed a TR110 Notice confirming that we do not have an objection to this application.*

*In reviewing this application, it is also worth noting that information regarding the traffic impact at the 10-year horizon date (as required by policy DfT Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development) was not provided as part of the initial Transport Assessment document. Whilst not critical to the decision, such information is required to that we are able to identify the future traffic burden development would add to the SRN for future planning purposes. We have subsequently sought and received this assessment from the applicant, which at our request also included an assessment of M55 Junction 4 during the Saturday weekend peak (this is particularly important where retail development such as this is concerned). We would therefore like to ask the Council to be aware that that we need to see analysis of the proper 10-year horizon traffic impact within Transport Assessments for sites in proximity to the SRN.*

**South Ribble Borough Council**

No comments received.

**Preston Borough Council**

No comments received.

**Wyre Borough Council**

Comments are:

*"Thank you for consulting Wyre Council in relation to the above planning application. It is noted that the proposal comprises a significant quantum of retail floorspace in an out of centre location and given the status of the Fylde Local Plan paragraph 24 of the National Planning Policy Framework is therefore relevant. This indicates that a sequential test should be applied in this instance. This test should not be confined to administrative boundaries and, given the proposal's anticipated catchment area, should also consider centres within Wyre Borough. In our opinion, the relevant centres in Wyre are Poulton-le-Fylde and Cleveleys. Whilst the applicant's Retail Assessment (November 2014) appears to have considered sequentially alternative sites in Cleveleys it is not clear from paragraph 5.13 of that document whether Poulton-le-Fylde has also been considered and this needs to be clarified.*

*Additionally, in outlining the methodology of their sequential assessment, paragraph 5.15 of the accompanying Retail Assessment states that “site visits included an assessment of the centres and a review of any sites within a 300m boundary from the primary shopping area boundary or town centre boundary where applicable.” Such an assessment will therefore consider in and edge of centre sites for retail purposes as defined by Annex 2 of the NPPF. However, paragraph 24 of the NPPF indicates that “When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.” Therefore, in my opinion, this requires the applicant to consider alternative out of centre sites that are accessible and well connected to the town centre and this does not appear to have been done in this instance. Additional analysis of sequentially alternative sites within the proposal’s catchment area should therefore be undertaken in order to ascertain that the sequential test has been passed.*

### **Neighbour Observations**

**Neighbours notified:** 04 December 2014

**No. Of Responses Received:** One.

**Nature of comments made:**

Support the planning application whilst it will obscure our own business premises from the main road. We believe that more retail activity on the park overall all businesses on here should benefit.

### **Relevant Planning Policy**

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

EMP2	Existing business & industrial uses
EMP4	Buffer zones and landscaping
SH13	Provision of large retail stores
SH14	Design of large retail stores

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

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

#### **Site Constraints**

Pipelines  
Article 4 direction

### **Environmental Impact Assessment**

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

### **Comment and Analysis**

The main issues to consider when determining this application are:

- Loss of employment land
- Impact of the proposed retail development on existing retail centres
- Are there any sequentially preferable sites



- Design and visual impact of development
- Highways issues
- Flooding and drainage

In order to assist officers in the decision making process, specialist planning consultants were appointed to provide advice on the impact of the proposal on existing retail centres and whether or not there are sequentially preferable sites. This report takes into account the content and conclusions of the advice given.

### **Loss of employment land**

When considering this application regard should be had to the Development Plan which constitutes the Fylde Borough Local Plan and NPPF. Regard also needs to be had to the Whitehills Development Appraisal (WDA) (2013) and the Fylde Borough Council Employment Land and Premises Study (FELPS) (2012) both of which form part of the evidence base for the emerging Local Plan.

The site is allocated within the Local Plan under policy EMP1 – Business and industrial land allocations for B1, B2 and B8 uses, therefore the proposal which comprises two retail stores in one building, totalling 10,195 square metres of retail floorspace does not fall under any of these classes. As the policy states that land should be retained in this class the application is contrary to policy EMP2. The NPPF supports sustainable economic growth and that planning should operate to encourage and not act as an impediment to sustainable growth. The development is therefore on the face of it contrary to Local Planning policy.

The applicant's case for allowing the application and thus accepting the loss of this area of allocated employment land is extensive, a summary of which is as follows;

- Site 3 has been marketed for 5 years with no credible interest. The Council has not presented any evidence of interest.
- There is other available employment land in the applicant's ownership nearby. Sites 5, 6 and 7 are being marketed, but again there is little interest;
- A significant amount of additional employment land (circa 30ha) at Wyndyke Farm and the Western Extension of Whitehills is likely to be available soon. This could further weaken the interest in Whitehills for traditional employment uses;
- Local Plan policy EMP2 holds little weight because it is not consistent with the NPPF;
- Based on past trends of employment take up recorded by the Borough sufficient land will be retained to meet its needs beyond the Plan period;
- The FELPS has no material weight and is superseded by the WDA
- Where there is no reasonable prospect of a site being used for the allocated employment use, the NPPF is clear that sites should not be retained and that applications for alternative uses should be treated on their merits;
- The proposal will provide 113 FTE jobs as well as construction and other spinoff benefits to invigorate the overall estate. In comparison a B8 warehouse would generate only 44 jobs, the jobs would be for a range of opportunities including; Store Manager / Deputy, Department Managers, Sales Assistants, Specialist Sales Assistants (i.e. specialist expertise within a department), Warehouse Managers, Supervisors and Assistants, Till Operator / Checkout Assistants and Replen Assistants.
- Eight full time equivalent construction jobs created and 19 additional indirect and induced FTE jobs such as cleaning, landscaping and maintenance.
- The proposal will provide a higher density and range of jobs on site compared to traditional employment jobs.
- The opportunity of actual development and removal of a vacant site as oppose to a sterile

site for an unknown period of time.

- The revitalisation of the wider Whitehills park through provision of a diverse offer in line with the Council's endorsed WDA.

Further to this the applicants has considered the suggesting mitigating activities that the Economic Development Officer has stated would be necessary if allowed and state they are prepared to:

- Finish off all highways within its ownership to an adoptable standard;
- Commit to its continued marketing of sites 5, 6 and 7 to encourage further investment in Whitehills;
- Offer a CIL compliant financial contribution towards improving public transport in the surrounding area; and
- Offer a CIL complaint financial contribution towards public realm and improvement works identified in the Council's Regeneration Framework (12k)

The applicants have provided a quantitative and qualitative assessment of the application site in their planning statement. In terms of quantitative they state that it can be demonstrated that the proposed development will not materially impact on the quantity of employment land within the Borough. They state "The Fylde Employment Land and Premises Study (August 2012) states that there are ample vacant premises to meet demand, despite the lower overall supply of employment land, at only 22.32ha. Four out of five forecasting scenarios demonstrated a significant oversupply of employment land in the Borough. This Study, taken with the October 2013 Whitehills Development Appraisal, clearly demonstrates a significant oversupply of employment land.". In terms of the qualitative assessment they state that the WDA found a number of shortcomings with the business park such as lack of parking, poor broadband provision and lack of public transport to the site. The state that the Appraisal found that due to the identified shortcomings potential occupiers have chosen alternative locations and that the FELPS classified its deliverability as amber rather than green

The Council's economic development officer's response is outlined in full in the consultation responses section above. He states that the argument offered by the applicants is that the loss of the employment land is acceptable owing to the findings of the FELPS and also that the NPPF requires consideration of the wider economic use of the land rather than just employment uses. He states that whilst the loss of employment land could be offset by the positive impacts of the proposed development for this to happen the land would have to have little or no chance of being developed for an employment use within an appropriate time frame and the positive economic impacts would need to be significant. With regard to the economic impact of the development he states that the employment level generated by an employment (B class) use is likely to be higher than the proposed use when considering the Employment Densities and also that the value of employment jobs is likely to be of equal or higher value than retail jobs, in terms of both the earning and the value added or productivity. The development of the site in his opinion for a B use class for the same sized development would therefore create a greater number of better paid jobs with a greater output as oppose to the retail jobs that would be created if this proposal were allowed. With regard to the site being developed for a B class the economic development officer states the FELPS acknowledges that land at Whitehills (including the application site) was allocated for a previous plan period and has not been developed. The FELPS concludes that the application site is suitable and that there is likely to be demand for it in an employment use up to 2030. He considers this to be the most up-to-date evidence available taking into account wider growth opportunities and market signals.

The Councils planning policy officer has stated in his response that the development is contrary to

EMP2 and that in August 2012 the council published an Employment Land and Premises Study (FELPS). It forms part of the evidence base for the emerging local plan to 2030, and it is therefore a material consideration for the purposes of development management. The study recommends the provision of between 26 and 33 ha of additional employment land. This needs to be allocated and brought forward to meet requirements for the Local Plan period to 2030. The FELPS also recommends the protection of the identified current employment land supply that is not the subject of existing consents for alternative uses. Table 38 of the FELPS includes an assessment for site EMP2(13b), Whitehills Park. The FELPS recommends it be retained as a sub-regional employment area for B1/B8 and associated services. The proposal would result in the loss of 1.73 ha of the site area to non-class B use. He states that if minded to grant consent for the proposal you need to be satisfied that the loss of this area of employment land to another use is justified as it would further increase the borough wide requirement for employment land.

The key issue for consideration is whether or not the permanent loss of this employment land is acceptable and whether or not the protection of the land by policy EMP2 is relevant or can it be considered to not accord with the growth and flexibility objectives of the NPPF. The benefits of the bringing forward the site for development for a retail use needs to be balanced against the negative which is the permanent loss of 1.69 hectares of employment land. A judgement needs to be made one whether or not the economic benefits of allowing the loss of the employment land are so significant that the loss of employment land is acceptable and also whether or not there are realistic prospects of the site being developed for an employment use.

Policy EMP2 requires retention of site for B class uses whereas the NPPF paragraph 17 states LPA's should 'respond positively to wider opportunities for growth' and 'take account of market signals'. Paragraph 20 requires local planning authorities to 'plan proactively to meet the development needs of business and support an economy fit for the 21st century', whilst paragraph 21 requires local authorities to take account of whether existing business sectors are expanding or contracting, and to plan for new and emerging sectors with flexible policies. Paragraph 22 states that 'planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose ... applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities'. Paragraph 17 similarly requires a clear strategy which allocates 'land which is suitable for development'.

The positives of allowing the development have been well illustrated by the applicants and they state that the loss of this amount of employment land would not have a quantitative impact on the supply of employment land in the Borough and the land is not of a qualitative value that has attracted investment. However the loss of this amount of employment land would be contrary to its allocation in the Local Plan, and the emerging Local Plan which is currently being written. The FELPS forms a part of the evidence base for the Local Plan and recommends the protection of the identified current economic land supply, therefore this site is proposed to be protected and allocated for employment in the emerging Local Plan. The same study recommends the provision of between 26 and 33 ha of employment land, therefore it stands that if this development were allowed additional provision to that already found would need to be located and allocated. The applicants state that this document has been superseded by the WDA however it is Officers view that this is not the case and it forms an additional piece of evidence for consideration. Furthermore the WDA whilst acknowledging the weaknesses of the Whitehills site as a whole which has been highlighted in the applicants qualitative assessment states in paragraph 7.34 "It is therefore recommended that all currently allocated land in Whitehills Park (Phases 1 and 2) be retained as small plots to meet local land needs". Indeed the weaknesses outlined by the applicants and in table 23 of the WDA namely poor public transport, lack of parking, traffic congestion, limited access to

local services, poor broadband, lack of street lighting and unadopted roads relate to the Whitehills site as a whole and not necessarily to this site specifically. The development of this site for employment is not hindered by these issues, the site is located in one of the most prominent locations in the Boroughs main strategic employment site. The site is large enough for sufficient parking for a large retail development and is large enough for parking for an employment use. The lack of broadband at the site has been resolved and the lack of street lighting and unadopted roads do not hinder this sites development. The applicants state that the WDA recommends “‘Fylde and Blackpool Borough Councils should recognise the increasing level of precedents of non-B use employment activity provision within employment areas across the UK’ including retail, food, hotels, vets practices, training centres and nurseries which will increase the attractiveness of the area for commercial operators (Table 23)”. What they do not include is that the WDA states that in terms of retail options the council should recognise that there are national retailers that specialise in providing convenience retail and hot food options on business parks and that it is recommended that Fylde allocate a small site within the park for ancillary retail uses. What it does not recommend is that a large proportion of employment land be lost to a retail development. Therefore both pieces of evidence recommend retention of the site for employment uses and not for the development of the park or a portion of the park for a retail development. It is also considered that the protection of the site for the plan period up to 2030 is appropriate as the FELPS which acknowledges that land at Whitehills (including the application site) was allocated for a previous plan period and has not been developed. The FELPS concludes that the application site is suitable and that there is likely to be demand for it in an employment use up to 2030. This is the most up-to-date evidence available taking into account wider growth opportunities and market signals, notwithstanding the changes made by the government to the NPPG guidance on housing and economic development needs assessments and housing and economic land availability assessments.

It is therefore considered that the retention of the site for employment uses is supported by the most up-to-date local evidence and that the protection of the site up to 2030 is appropriate and that there is a reasonable prospect of the site being used for its allocated purpose. Whilst the potential benefits in terms of creation of retail related jobs and potentially increasing the attractiveness of the wider business park are acknowledged it is considered that the application does not fully appreciate the qualitative value of the site which is in a prominent position on the Councils main strategic employment sites, located directly adjacent to the strategic highway network. The growth and flexibility objectives of the NPPF are clear however allowing retail development of this scale in this location has the potential to harm the employment character of the business park, could result in the need for additional employment land to be provided and whilst there would be some economic benefit of the development, the development of the site for employment would likely result in a higher number of jobs and they are likely to be of equal or higher value than retail jobs, in terms of both the earning and the value added or productivity. It is therefore not considered that the economic benefit of allowing the loss of the employment are significant enough to outweigh the loss of the employment land, and that there is a realistic prospect of employment development within the plan period.

#### **Impact of the proposal on existing retail centres**

The issue of the proposal being located on an existing employment site has been discussed above. Because the development is located outside of an existing retail centre its impact on these has to be assessed. Policy SH13 – provision of large retail stores states that proposals for large scale retail developments within existing town centres will be permitted. Proposals for edge of centre and out of centre sites will not be permitted unless the need for the development has been demonstrated by the application and:

27. No preferential site is available in terms of the sequential approach to large retail developments;  
or

28. The proposed development, by nature of its size, land requirement or likely vehicle generations would be inappropriately located within a town centre; and
29. The nature and scale of the proposed development is appropriate to the sites location and the catchment area it seeks to serve; and
30. The development would not in itself, or in conjunction with other existing or planned retail stores with planning permission significantly prejudice the vitality and viability of any nearby town centre.

Policy SH14 states that in addition to meeting the above requirements large new retail developments will also be required to meet criteria in relation to design, amenity, and highways impacts which are considered in turn in the report below. The NPPF is the most recent policy consideration and part 2 'Ensuring the vitality of town centres' states that planning policies should promote competitive town centre environments and recognises town centres as the 'heart of their communities'. Paragraph 26 states that retail developments outside of town centres, which are not in accordance with an up-to-date Local Plan should require assessment of their impact on town centre vitality and viability, up to 5 years from the time of the application (or 10 years in the case of major schemes) if the proposed floorspace is over 2,500 sq.m. The proposal is 10,195 square metres and outside the town centre so an impact assessment is necessary. In The NPPF has removed whether or not there is a 'need' for a development as a material consideration and therefore this does not need to be assessed. The NPPF concludes that where a proposal fails to satisfy the sequential test or is likely to have significant adverse impact, it should be refused. The NPPF contains the main criteria against which to assess the retail component of the scheme and is of greater weight than Local Plan policies. The submitted RIA by Indigo Planning considers the proposed developments impact on the vitality and viability of centres within the Fylde Coast, including local consumer choice, trade in the town centre upto 5 years after the application. The assessment has been undertaken for comparison goods only and not any food floorspace as this is what is being applied for. The NPPG states that impact tests should be undertaken in a proportionate, locally appropriate way, drawing on existing information where possible. The assessment uses data from the Fylde Coast Retail Study updated (2014) and uses a standard methodology as follows;

1. Identification of an appropriate study area for the proposal;
2. Quantification of the spending potential in the study area;
3. Estimation of the market share and turnovers of the existing retail facilities within the catchment area;
4. Forecast of the proposal's turnover;
5. A consideration of commitments within the catchment area;
6. Estimation of changes to the existing shopping patterns as a consequence of the proposal including the likely trade diversion from existing centres;
7. Assessment of the overall level of impact arising as a consequence of the trade diversion including a cumulative assessment with the known commitments;

The assessment uses data from FCRSU 2014. Data for the expenditure growth per annum is derived from Experian Retail Planner Briefing Note 11 which was used within the FCRSU. Mintel Retail Rankings 2014 has been used to ascertain the average sales density of a Class A1 non-food mixed goods value retailer. The sales density of Go Outdoors has been provided by the company. All of the data sources are accepted as industry standards. The catchment area is a 15 minute drive time from the site. 95% of the proposals turn over will be derived from destinations within the study area, and 5% from outside it. The total turnover for the development is predicted to be 17.97 million. The majority of the proposals turnover will be from Blackpool Town Centre, closely followed by Blackpool Retail Park. This is due to the range of goods sold, existing shopping patterns and the proximity of the location to the application site. Blackpool town centre has a turnover of almost

350million with the proposal drawing £5.05 million from it (3.4%) he draw from St Anne's is £0.05 and £0.02m from Lytham town centre, with £0.01 from Kirkham town centre. The submitted RIA states that the impact of the proposal on the centres within Fylde Borough will not be detrimental to their vitality and viability. Furthermore, the proposal will not have prejudice existing and planned public and private sector investment coming forward. The overall conclusion is that the overall impact of the proposal either on its own or cumulatively does not amount to a significant adverse impact.

The submitted RIA has been considered by the Council's consultant Alyn Nicholls and Associates, as well as the sequential assessment. They state that the impact assessment is based upon a conventional step by step methodology which assumes the development would be occupied by a large format home and garden retailed the identity of which is unspecified but the scheme has the characteristics of 'the range' and Go Outdoors. They state that there are a number of areas where the impact assessment is open to criticism such as the absence of trade diversions from district centres such as South Shore within Blackpool and the absence of any trade diversion from centres outside the catchment area, nevertheless the sensitivity testing they have undertaken indicates that the conclusions about the levels of trade diversion from main centres are reasonable. They state that the amount of trade diverted from existing centres arising from the proposal is unlikely to cause material harm to the vitality and viability of any centre and there is no evidence to suggest that the development would have an adverse impact on existing or future investment in centres. They state that the impact assessment is based upon the character and format of the scheme as described in the application, if the character of retailing were to change the development would have a greater impact on existing centres and therefore a condition should be imposed to control the goods sold from the development. Such conditions would limit the goods sold to those assessed as not have having significant adverse impact and prevent the subdivision or joining of the two stores. Other conditions would include prohibition of the sale of food and drink other than for consumption on the premises, therefore only allowing a café within the development, restricting the amount of retail space within unit 1 that can be used for the sale of clothing, footwear and the sale of toys and that no jewellery or chemist goods can be sold from the development. The restrictions would allow the end users identified to sell their normal range of products and allow some flexibility but would prevent a retailed selling predominately fashion, clothing and footwear and toys. Overall with regard to the policy tests raised in national policy they state that the proposal satisfies the requirements of policy regarding impact on existing centres.

#### **Are there any sequentially preferable sites?**

In order to protect the vitality of town centres the NPPF requires local authorities to apply the sequential test to planning applications for main town centre uses when not in an existing centre or not in accordance with an up to date plan. Therefore as retail is a main town centre use the Sequential test needs to be carried out. The preference remains for town centres although if such sites are not available then the NPPF states that preferences should be given to edge of centre and out of centre sites that are accessible and well connected to the town centre (paragraph 24). To be considered sequentially preferable alternative sites have to be capable of accommodating "the application". Whilst policy requires applicants (and LPAs) to be flexible about scale and format, it does not run to consideration of whether a site might accommodate a different scale of development or a different format. Consequently a site which might accommodate an alternative format with undercroft or rooftop parking would not be deemed suitable to accommodate the "the application". Sites also need to be available and viable.

The sequential test submitted with the application considers sites that may be capable of accommodating "the application" which are within or closer to existing centres, the conclusions

drawn was that none of the sites were capable of accommodating the scheme. The area of search was a 5 minute drive time from the application site and alternative sites were identified and visited that were within 300m of a centre or primary shopping area. These sites were all discounted as not being suitable due to the not being able to accommodate the scheme due to their size. The Council's consultant has commented that the applicants approach to the sequential test was reasonable in its area of search but the analysis has not considered all centres within the defined area and that it appears that no enquiries were made of Blackpool Council as to whether it considered there to be potential sites that could be incorporated within the analysis, the analysis of which has only considered sites within 300m of the primary shopping area boundary or town centre boundary has precluded consideration of whether there are out of centre sites that might accommodate the application and which have better accessibility and connectivity to a nearby centre. With regard to the sites that have been assessed by the applicants, five of which were analysed in detail they would agree that none of these sites are suitable or available to accommodate the application, mainly due to the size of the sites.

As outlined in the consultation response Officers of Blackpool Council have expressed the view that four sites could be suitable for development. Two of these sites were considered in the applicant's sequential test and discounted as unsuitable which is accepted and the remaining two sites are the central car park on central drive and the former Devonshire Road Hospital site. These sites were not assessed in the submitted RIA. Although these two sites like the application site are located outside of existing centres they could be seen to be sequentially preferable as they could be considered to be better connected to a town centre and have better accessibility to them.

Officers of Blackpool Council maintain that the Central Car Park site could accommodate the application as part of a wider redevelopment for a mix of uses on the site. The site of the Devonshire Road Hospital the Council's consultant states that whilst out-of-centre, is accessible and has good connectivity with the town centre. They state that the former hospital site would be significantly better than the application site in terms of accessibility on foot and by a choice of means of transport and in terms of connectivity with the town centre and therefore that site would be preferable to the application site subject to confirmation as to the availability and an indication from Blackpool Council that it is agreed to be suitable.

The fact that there were two potentially sequentially preferable sites out of centre in Blackpool was put to the applicants who consequently submitted a retail addendum which provides further information about the Blackpool district centres which were omitted from the submitted RIA and also an assessment of the two additional sites identified by Blackpool Council. The assessment of the local centres found that they all performed a specific convenience role. With regard to the central car park site they state that *'the car park offers one of the largest and well-used car parks close to the town centre and the promenade. The loss of this key and central parking site with its 714 parking spaces would be of detriment to vitality and viability of the town which relies upon the easy and convenient access for visitors.* The analysis of the site finds it is situated in an area of Blackpool predominately occupied by tourist attractions and the scheme would not complement these. Blackpool Council's emerging local plan identifies the site as a leisure quarter. With regard to the Central Car Park site, the Council and its consultant accept what the applicant is saying; the site is a well-used car park which is important to the town centre.

With regard to the former Devonshire Hospital Site the understanding is that the site is leased for temporary parking for Council staff. The applicants addendum suggests that the site is unsuitable because it is remote from existing retail units and that retail development would be incompatible with the Council's aspirations for the site. However, there are existing retail units a short distance to the south on Whitegate Drive and there are a variety of commercial uses in the vicinity.

Retailing as a land use would not be inherently incompatible or incongruous in this location and the site has better connectivity by other means of travel.

Blackpool have not confirmed that they would approve 'the application' at the site. To do comprehensively they would need to consider the retail impact from this location, the highways implications and considerations of the design of the proposal in this location as well as the impact on residential amenity. They do however acknowledge that in terms of 'out of centre' sites it is reasonably well connected to the Town Centre being 400m from the Town Centre boundary and 800m from the eastern extent of the primary shopping area. There is a bus stop on Talbot Road and services 5,7,9 and 14 go down Talbot Road. It is 500m from Blackpool North Station.

The applicants state that the site is not available as it is being used for car parking by Blackpool Council staff following the relocation of the Council officers, planning permission being granted in May 2014 for the continued use of the site as a car park for 5 years with an additional 100 spaces. The site is also currently not being marketed for sale or lease. They also state that it is not suitable in terms of access, layout and design terms being surrounded by housing which would be adversely impacted upon. They also state that there would only be room for 120 car parking spaces as opposed to the 260 proposed at the application site. They also state that the development of the site would not be viable, the store would be isolated from complementary retailers unlike the application site which has B and Q adjacent to it and is near to Clifton Retail Park. The location would not be conducive to driving footfall at the site, which is a key requirement for the operators.

Whilst Blackpool officers have suggested that the Devonshire Road site may be sequentially preferable and it can be considered better connected to Blackpool centre than the application site is to any centre they have not confirmed that they would view 'the application' favourably at the site. Furthermore an assessment of the site by the applicants has shown that it is not available, viable or suitable for the application which it needs to be to be sequentially preferable.

The Zurich Assurance (t/a Threadneedle Property Investments) v North Lincolnshire Council and Simons Development planning appeal considers the application of the sequential test, with the Justice agreeing with approaches adopted in the Dundee case stating that *'it is important to mark that developers, and planning authorities work in the real world. Working in the real world the (planning) committee were entitled and indeed bound to take into account the evidence.. Mark and Spencer would not locate to Scunthorpe town centre in the event that this application for the site was refused'*. Another appeal decision (Rushden Lakes, Northamptonshire) confirmed that if a site is not suitable for the commercial requirements of the developer then it is not a suitable site for the purposes of the sequential test. Working in the real world officers consider that whilst the Devonshire Road site is better connected to the town centre than the application site it is unlikely that the developer would locate this scheme in that position due to the nature of the retailing offer proposed and its location surrounded by residential properties would result in amenity and access issues, therefore not being a suitable or viable site for development. Furthermore the site has not been shown to be available for development with recent planning permissions granting permissions for car parking at the site and Blackpool have not confirmed that 'the application' would be viewed favourably at the site. Although the site is not within Fylde in your officers opinion the site may be suitable for retail but on a smaller scale than that proposed by this application, or a residential development would also be appropriate. The site is therefore not considered to be sequentially preferable to the application site and there are no sequentially preferable sites available.

### **Design and visual impact**

The site as existing is an undeveloped site within an industrial estate. The proposal is for a large new



building for A1 retail use over two floors. The building is set back at the northern end of the site with parking at the front of the site. The building has a footprint of 4,663sqm and an outdoors sales area of 800sqm providing 10,195sqm of retail floors space over the two floors. Access to the store will be from the roundabout also serving B and Q to the south east of the store and parking will be provided for 262 cars. The building will have a flat roof and will be clad predominately in flat steel coloured Anthracite, will projecting box panels in jade with areas of glazing around the entrances. Because it serves two different operators over the two floors it will have two entrances, with the access to the first floor operator via a two storey glazed entrance way at the eastern end of the building adjacent to B and Q. This area of glazing wraps around the corner of the building. To the west of the site will be the fenced outdoor garden centre and to the rear will be the service access, yard and plant area. The building is of modern appearance and similar in scale to the adjacent B and Q. There is a mix in design and materials on the wider business park as a whole and it is considered that the design of the store is acceptable and the visual impact of the building in the wider area would also be acceptable. It would be visually prominent but would be adjacent to a building of similar scale. Insufficient landscaping is shown on the site plan at the front of the site adjacent to Hallam Way and this would need to be bolstered and subject to a condition if this application were to be approved.

### **Highways issues**

The application has been submitted with a Transport Assessment which has been considered by both LCC Highways and Highways England. The TA submitted with the application was found to be unacceptable and was therefore supplemented with email correspondence, a technical note update (17/3/15) prepared in response to HE comments as well as a Transport Assessment Addendum, dated May 2015 prepared in response to LCC's comments.

Highways England considered the impact that the development will have on the strategic road network (SRN) which in this case is the M55 Junction 4. They needed to be satisfied that the development would not interfere with the operation of this junction to the extent that there would be severe queuing of traffic seeking to exit the motorway at the junction. Consequently upon reviewing the submitted TA they requested that the traffic impact assessment be extended to 10 years and also an assessment of the junction at the Saturday weekend peak. Having reviewed the data submitted they have no objection to the proposal.

LCC Highway's assessment of the TA is based on the impact of the development on the local highways network. LCC reviewed the TA and indicated areas of concerns to the applicants, which was followed by a meeting between LCC, Curtins and the LPA. To help move things forward with the submitted application, LCC reviewed the base traffic figures and carried out some further local surveys. This allowed a better understanding of current and future assessment traffic patterns that could be expected in and around Whitehills Business Park, with consideration for the complex nature of all committed and emerging developments. It also allowed LCC to form an up to date view on potential re-routing at key junctions, given the scale of development and the delivery of the M55 to Heyhouses Link Road. Curtins used the future assessment figures, provided by LCC, to develop further junction assessments. This work was presented in a Transport Addendum (May 2015). LCC also provided advice on future network changes to be delivered by other developments which includes the M55 to Heyhouses Link Road and these changes have also been included in the latest Transport Addendum modelling work. While LCC does not agree with a number of aspects in the TA Addendum, this latest updated information has been used by the LHA to inform their assessment of the impact of the development and any necessary mitigation measures. It is clear that the network will be at or beyond capacity at a number of locations when all committed development is taken into consideration in the future; in particular the Cropper Road/School Road/Whitehill Road roundabout and the A583/Whitehill Road traffic signal junction. Committed development includes erection of dwellings and employment buildings in the area. These all need to be considered when assessing the

impact of this development on the local highway network.

The following Junction Operational Assessments were included in the Transport Addendum Report:

- A583 / M55 Junction 4 Roundabout
- A583/Hallam Rd/Lytham St Annes Way Roundabout
- A583/Whitehill Road/Peel Road Signalised Junction
- Dugdales Close leading to Site Access/Hallam Way Roundabout
- Cropper Road/School Road/Lytham St Annes Way Roundabout
- Cropper Road/Progress Way Roundabout

The assessment that has now been undertaken has satisfied LCC in respect of future assessment years, the use of average trip rates (assuming support for improvements to sustainable transport links) and Saturday peak assessment. However mitigation is considered necessary in order to make the impact on the local highways network acceptable, this work constitutes:

8. Link and junction improvements in the form of an upgrade to Mova Signal Control at A583/Whitehill Road traffic signals including review of early start for A583(N) (Note: Any future proposed development with an impact at this junction will need to identify appropriate mitigation measures). Wider works may also be required with additional carriageway capacity improvements and a review of traffic signal operation and phasing
- Contribution towards a scheme to deliver wider improvements to the highway network in and around the Cropper Road/School Road Roundabout. These works to include a spiral marking scheme and improvements to entry width and flare length to deliver additional capacity on approaches of Lytham St Annes Way and School Road, including a review and changes to traffic management and signing on the approach routes of School Road, Cropper Road and Whitehill Road.

Because of the sites location sustainable transport improvements area considered necessary and a contribution towards these is requested by LCC Highways. The range of pedestrian and cycle improvements measures identified to support development of the Whitehills BP include:

- improve the existing footpaths on the western edge of the site to provide improved connectivity to existing and proposed sustainable links to/from the wider network. Estimated Cost £20,000
- Shared Pedestrian/Cycleway, 3.5m wide on Lytham St Annes Way north side providing good quality sustainable link between Cropper Road Roundabout to A583/Hallam Way roundabout and on to M55 Junction 4 to tie in with measures to be being delivered at this junction by other development. Estimated Cost £100,000
- Enhancements and improved connectivity to the existing footway network connecting to bus turn around to the north of Brooklands Way and PROW (FP 4) and a potential link to the DWP offices/bus stop and to M55 J4 (to tie in with measures to be delivered at this junction by other development).

With regard to public transport LCC state that the bus stops on Preston New road are 460m (n/b) and 230m (s/b), however there are no controlled pedestrian crossing facilities linking the site to the s/b stop. Two other stops lie within the recommended 400m walking catchment (located 170m from the entrance to the development) but these do not have services associated with them. The stop on Lytham St Anne's Way is 685m waking distance from the site entrance, along a route via Graceways. There is also a bus turning point with bus stop markings (but no bus services route to this location) to the north of Brooklands Way; this is approximately 250m from the entrance of the site if a

pedestrian route can be accessed directly from the site onto Brooklands way. There is a stop (for the 14 service) within approx. 800m of the site, however the route is not suitable for all year round pedestrian use as some of it is unpaved and unlit and is along an un-adopted road. LCC consider that the site is not as well served by the frequency and distribution of bus services as listed within the TA. They consider the site a car dependent site unless improvements are delivered. Therefore improvements are required to public transport serving the area to improve the links between the site and the residential areas of St Annes and Blackpool, these would constitute improvements to the frequency and routing of bus services and the new bus stops to be upgraded to quality bus standard. Therefore funding to secure long term, viable public transport service into and through Whitehills Business Park (BP) is necessary to serve this development. Any new bus service(s) to be provided within Whitehills BP will need 'pump prime' funding to ensure delivery. The funding will be used to provide an extension of service 14 into and through Whitehill Business Park for two years.

They have no objections to the development if all of the mitigation measures required are delivered by the developer. Without the inclusion of these measures the development would have an unacceptable impact on the local highways network and therefore permission could only be granted with the works conditioned and contributions triggered by condition and within a legal agreement.

### **Flooding and drainage**

The application has been submitted with a Flood Risk Assessment which was revised following an objection from the Environment Agency. The revision allowed the EA to remove their objection stating that the development will only meet the requirements of the NPPF if the measures in the FRA are implemented and secured by way of planning condition. The specific measure is that the surface water run-off from the development is limited to 9.8l/s so that it does not exceed the run off from the existing site. United Utilities also have no objections and request conditions requiring details of foul and surface water drainage to be submitted and approved prior to the commencement of any development. There are therefore no flooding or drainage issues with the application.

### **Conclusions**

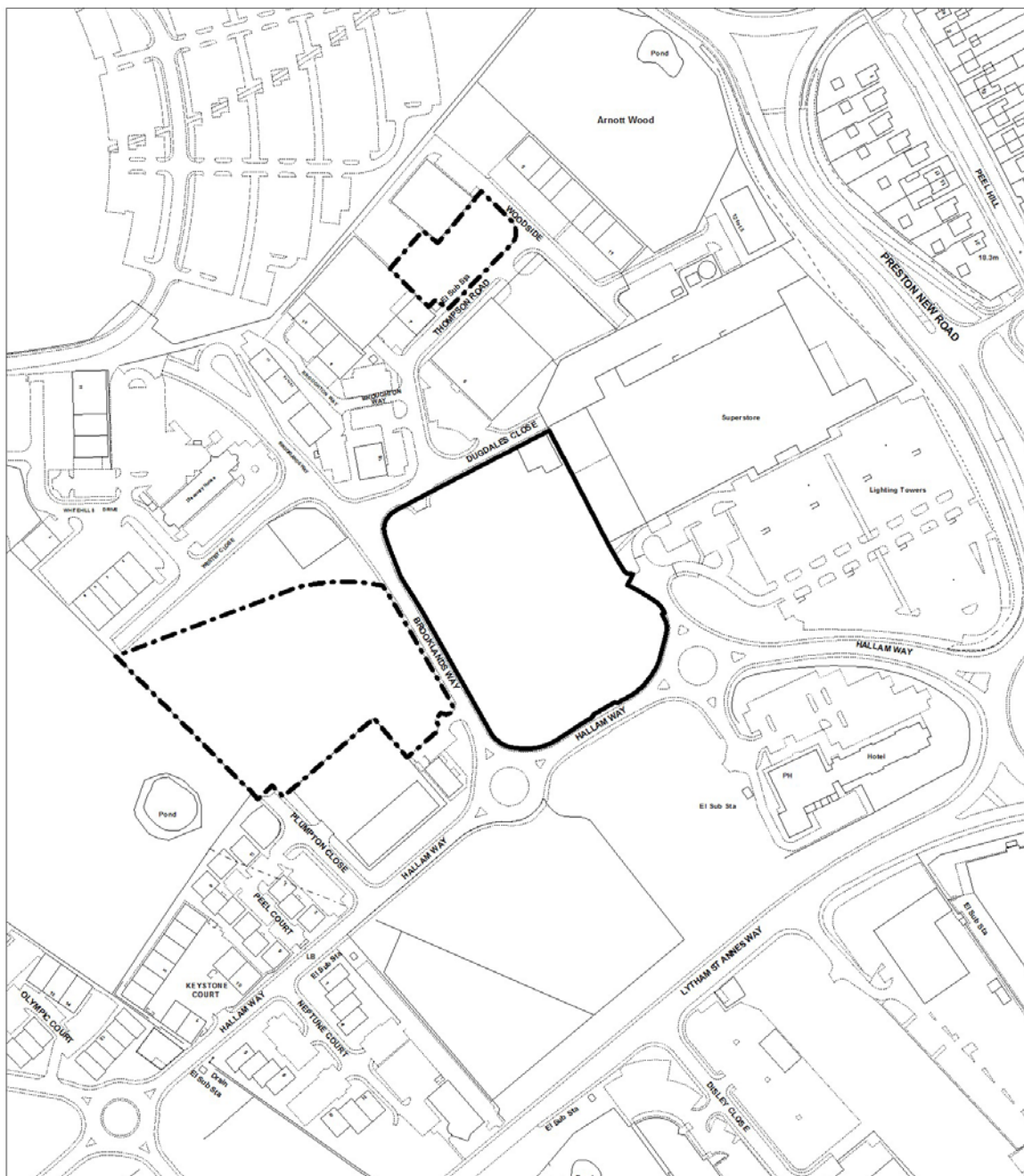
The proposed development will involve the loss of 1.69 hectares of allocated employment land from being available for traditional employment and the provision of 10,195sqm of A1 floorspace providing two non-food retail stores. The applicants have satisfactorily demonstrated that there will be no unacceptable impact on existing protected retail centres and that there are no sequentially preferable edge of centre or out of centre sites for the development proposed. There are therefore no issues with the retail impact of the proposal. LCC Highways have no objections to the proposal subject to highway improvements schemes and sustainable transport contributions to provide a bus service through Whitehills estate for two years. There are no flooding or drainage issues.

The loss of employment land however is seen as unacceptable by officers as the potential benefits of allowing the retail development do not outweigh the negative loss of the allocated employment land and the retention of which is supported by the most up-to-date local evidence, and that there is a reasonable prospect of the site being used for its allocated purpose. The qualitative value of the site for employment is considered to be high due to its strategic location and lack of barriers to its development.

### **Recommendation**

That Planning Permission be REFUSED for the following reason:

1. The proposed development would result in the loss of 1.69 hectares of employment land to retail use which is contrary to Policy EMP2 of the Adopted Local Plan which allocates it for retention in class B uses. It is not considered that there is adequate justification to accept that the loss of this site would not unacceptably diminish the supply of land available for such uses in the Borough, or that the application site is no longer viable for employment uses within the Plan period up to 2032. Retail use of this scale at this site would undermine the allocation of the employment land and would reduce the qualitative value of Whitehills as an employment site.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/14/0822	Address Site 3, Land at Dugdales Close/Brooklands Way/Hallam Way, Whitehills Park, Westby	Grid Ref. E.3350 : N.4331	Scale 0 15 30 45 60 m 

<b>Application Reference:</b>	14/0856	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Warton Developments LLP	<b>Agent :</b>	Steve Brougham Architect
<b>Location:</b>	NINE ACRES NURSERY, HARBOUR LANE, BRYNING WITH WARTON, PRESTON, PR4 1YB		
<b>Proposal:</b>	RESUBMISSION OF APPLICATION 13/0759 FOR PROPOSED ERECTION OF 9 ADDITIONAL DWELLINGS ON PART OF PUBLIC OPEN SPACE		
<b>Parish:</b>	WARTON AND WESTBY	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	34	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Design Improvements and resolving other matters		

**Summary of Recommended Decision:** Delegated to Approve

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

The proposal is a full planning application for 9 dwellings on a 0.53 hectares site located on the western extreme of an existing residential estate located to the west of Harbour Lane, Warton on land allocated as Countryside in the Fylde Borough Local Plan. The site is directly adjacent to, and will be accessed from, the adjacent residential development site to the east which was granted its Reserved Matters through application 11/0816 and its outline through application 10/0766.

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 (from December 2013) 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. This site has previously been granted planning permission for a residential development with this area of the site allocated for POS and a newt mitigation area.

Having assessed the relevant considerations that are raised by this proposal it is officer opinion that the development is of an acceptable scale and is in an acceptable location to form sustainable development. The visual impact is also considered to be acceptable and the development would not have a detrimental impact on the amenities of the area. There are no objections from LCC Highways with regard to traffic generation or safety. The amount of public open space that will be provided on the site as a whole exceeds the policy requirement and the newt mitigation area has been demonstrated to no longer be required and its removal would not endanger local newt populations. As such it is considered that it does deliver sustainable development and so it is recommended that the application be supported by Committee and so assist in delivering the housing supply requirements of para 17 of NPPF.

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

The officer recommendation for approval is contrary to the views of the Parish Council and so the

scheme of delegation requires that the application be considered by the Development Management Committee.

### **Site Description and Location**

The application site is a 0.53 hectare rectangular area of land located on the western extreme of an existing residential estate located to the west of Harbour Lane, Warton. The residential estate was approved with the application site forming a mix of approximately 0.1 hectares of public open space and the remaining 0.4 hectares providing an area for wildlife habitat for a local population of Great Crested Newts.

The Nine Acre Nursery residential site as a whole is immediately adjacent to, but outside, of the settlement boundary and was formerly used as part of a plant nursery. The site is open to the residential estate to the east, and appears to have been used during the construction process for storage and/or depositing materials. It is in part grass and in part bare earth and the western boundary is formed by a hedgerow where the land dips down. The site is allocated as Countryside in the Fylde Borough Local Plan. To the north is further existing undeveloped nursery land with residential dwellings to the south and east. The land to the west is currently open agricultural land albeit forming part of the Blackfield End Farm application site that is currently awaiting an appeal decision.

### **Details of Proposal**

The proposal is a full application for the erection of nine dwellings, two of which will be affordable dwellings as the site is an extension of the existing larger residential site. The dwellings consist of seven detached and a pair of semi-detached dwellings constructed in red brick with pitched roofs. The access to the development site will be through the existing residential site along the road named Snowdrop Grove. The dwellings all face into the application site and back onto the countryside to the west. Each has parking in front of it and there will be two areas of public open space to the north and south of the dwellings. The existing hedgerow that forms the site boundary will be retained and bolstered.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
14/0589	PROPOSED VARIATION OF DETAILS APPROVED UNDER CONDITION 6 OF PLANNING PERMISSION 12/0289 TO DELAY PROVISION OF THE LOCAL PLAY AREA UNTIL NO LATER THAN 3 MONTHS AFTER THE LAST DWELLING HAS BEEN OCCUPIED, AND TO VARY CONDITION 7 OF THE SAME PERMISSION TO REPLACE APPROVED HEDGE BOUNDARY TO SIDE OF PLOT 66 WITH 2	Refused	08/10/2014
13/0759	METRE HIGH TIMBER FENCE AND HEDGE PROPOSED ERECTION OF 13 ADDITIONAL DWELLINGS (9 FOR MARKET SALE AND 4 AFFORDABLE) ON PART OF PUBLIC OPEN SPACE, AND CHANGE OF USE OF LAND TO EAST OF HARBOUR LANE TO PROVIDE REPLACEMENT PUBLIC OPEN SPACE	Withdrawn by Applicant	05/11/2014
13/0433	PROPOSED ERECTION OF 13 DETACHED DWELLINGS	Withdrawn - Appeal against	12/03/2015

12/0487	CHANGE OF USE FROM FORMER GARDEN CENTRE/AGRICULTURAL USE TO RESIDENTIAL CURTILAGE, AND ERECTION OF BOUNDARY FENCE FOR THE PURPOSES OF EXTENDING THE REAR GARDEN BOUNDARIES TO PLOTS NOS 1-15 PERMITTED UNDER PLANNING PERMISSION REF 12/0289 AND RESERVED MATTERS PERMISSION REF 11/0816	non-determine Granted	18/10/2012
12/0289	APPLICATION TO REMOVE CONDITION 18 RELATING TO PROVISION OF ACCESS TO NINE ACRE NURSERY FROM WITHIN SITE, AND ALTER CONDITION 16 TO ALLOW FRONTAGE FOOTPATH TO BE ROUTED BEHIND HEDGE ON PLANNING PERMISSION 10/0776 FOR RESIDENTIAL DEVELOPMENT OF SITE.	Granted	12/07/2012
11/0816	RESERVED MATTERS FOR APPROVAL OF ACCESS, LAYOUT, LANDSCAPING, SCALE AND APPEARANCE FOR THE DEVELOPMENT 66 DWELLINGS, INCLUDING PUBLIC OPEN SPACE, HARD STANDING AND ASSOCIATED WORKS. (OUTLINE PERMISSION 10/0766)	Granted	02/03/2012
11/0597	PROPOSED ERECTION OF REPLACEMENT GLASS HOUSES, DOUBLE DOMESTIC GARAGE AND NEW VEHICULAR ACCESS TO HARBOUR LANE WITH ASSOCIATED DRIVEWAY AND TURNING AREAS	Granted	06/02/2012
10/0766	OUTLINE APPLICATION FOR PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING OF UPTO 67 NO. DWELLINGS INCLUDING 20 NO. AFFORDABLE DWELLINGS. (ALL MATTERS RESERVED)	Approved with 106 Agreement	14/09/2011

### **Relevant Planning Appeals History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
13/0433	PROPOSED ERECTION OF 13 DETACHED DWELLINGS	Withdrawn	12/03/2015

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

**Bryning with Warton Parish Council** notified on 02 December 2014 and object to the application and recommend refusal, citing the following objections:

*"This application raises serious concerns in regard to a number of earlier planning applications and grants appertaining to parts of the land subject of the application. While it is acknowledged that the application should be considered on its individual merits it cannot be considered in isolation in the understanding that there are outstanding existing obligations under Section 106 agreement, Town and Country planning Act 1990, with Fylde Borough Council and the developers and land owners in regard to the housing development first outlined in application 10/0766, 67 Dwellings at this site. It is understood that it is alleged there may have been some confusion as to the ownership of the land by the developers Taylor Wimpey but regardless the 106 agreement was signed by the Land owner Mr J Cartmell and Mr S Williams, Warton Developments LLP the applicant in case. They were and are fully*



*versed in the matters concerning the development of the respective land as indicated by the attached REC Ltd., Great Crested Newt Mitigation Strategy, report Ref 60310p2r3. Page 4 Section 1.1 of the 'background' makes reference to a 'Deed of Easements and Covenants relating to Harbour Lane, claiming that Warton Development LLP have given Taylor Wimpey permission to include the Cartmells Site and Meadow View Extension Site within the licence. While accepted it may be being categorically denied, this error, it seems would have been clearly apparent to the parties, the owner of the land who sold it to Taylor Wimpey in the first place and signatory's to the 106 agreement. Why were the further phases of development, Cartmell's site and the extension site not included in the original outline application if there had always been the intension of these additional developments? The layout, use of access would seem to indicate these additional phases are more than good fortune or opportune developments. It is concerning that if some deliberate omissions have not been made then several parties including the planning officers had unusually not fully ensured that all was correct with the application from the outset.*

*It would also have perhaps put a different light on the size of the proposed development increasing it by some 22 plus houses which would have had a greater detrimental impact on the locality and raised heightened concerns that would increase objection from the outset.*

*Further on in the report Page 28 Section 7.0 Summary and Recommendations - Consideration of the Three tests. It is also the view of the Parish Council that test 3 is not met. It is Not in a 'very' sustainable location. There is extensive residential development elsewhere within Warton to more than supply necessary housing supply needs. These areas will not impact at all on the Great Crested Newt habitat or fragment its population. It is hard to conceive how building nine houses and a stretch of road would actually enhance the natural environment. If the terms of Borough Council through the planning officers in regard to the original application are met this would best resolve concerns toward safeguarding the ecological status quo.*

*Additionally there have been major issues with the Meadowview development and a further increase of traffic will have disastrous effects unless significant road improvements are carried out urgently in the vicinity of Harbour Lane, Warton. This representation is apparent in regard to the Blackfield End Farm application which is currently being reviewed by the planning Inspectorate and has strongly been objected to by both local residents, the Parish Council and the objection supported by the Borough Council.*

*Grant of this application must surely undermine the ability of Taylor Wimpey to meet their obligations until a full investigation has been carried out and the Borough Council are fully satisfied with regard to the previous and other applications appertaining to this land.*

*The Parish Council object to the application and recommend refusal in regard to the previous planning applications, Traffic generation from the proposed development particularly road access and highway safety, impact on protected species and density of development proposed in view of the intended use of the land in ratio to the Meadowview development and regulations in regard to Trec 17. Public Open spaces as it seems continuing building residential properties on a residential development in progress should increase the existing requirement.*

*The Parish Council would make the strongest representations that this application should be refused. Should it be minded to grant this amended application it is requested that it be brought before the Development Management Committee for consideration which would allow personal representations to be heard."*

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

### **BAe Systems**

No objections to the proposal

### **Ministry of Defence - Safeguarding**

No safeguarding objections to the proposal.

### **Natural England**

Statutory nature conservation sites – no objection. The site is in close proximity to the SSSI but is not likely to have a significant effect on the interest features of the sites and will not damage or destroy the interest features for which the SSSI has been notified. They have not assessed this application for impacts on protected species and refer the Local Authority to their standing advice. They state that the application may provide opportunities for incorporating biodiversity features into the design and also make landscape enhancements.

### **United Utilities**

No objections to the proposal provided that conditions are placed on any approval requiring submission of a foul drainage scheme and a surface water scheme based on sustainable drainage principle is submitted and approved prior to the commencement of development.

### **Environment Agency**

No comments to make on the application because the development is minor and not high risk.

### **Greater Manchester Ecology Unit**

*"Thank you for consulting the Ecology Unit on the above application. I have reviewed the available ecological information for this site and for adjacent and nearby sites, particularly in relation to great crested newts, and I have visited the sites.*

#### **Great crested newts**

*The most significant ecological consideration for this application is the possible impact of the development on great crested newts. Great crested newts are specially protected under the terms of the Conservation of Habitats and Species Regulations 2010. Their presence would be a material consideration in the determination of a planning application. The application site and the wider area have been identified previously as potentially supporting terrestrial habitat used by great crested newts. A small population of great crested newts has been recorded in a pond some 120m north of the application site and great crested newts are known to make use of habitat 250m+ from breeding pools. Further, during an amphibian trapping and exclusion exercise undertaken in connection with the implementation of the adjacent housing development a single great crested newts was found and moved; this is an indication that the wider site at least did in fact have some value as terrestrial habitat used by small numbers of great crested newts. The newt translocation and exclusion exercise was undertaken under License from Natural England, License no. ESPM2012-4267.*

*As part of the previous application I note that it was originally intended that the current application site be developed as greenspace and landscaped in a way that would have retained the site as suitable to support amphibians. This has not taken place.*

*The approved housing development has now been constructed. The current application site has been subject to significant disturbance caused during re-grading, tipping and compaction resulting from the development of the adjacent site. There is amphibian exclusion fencing in place running along the western boundary of the application site and enclosing the pond to the south. Although the fencing was largely intact at the time of my site visit there was tall vegetation growing at the side of the fencing meaning that it will not now be entirely effective as an amphibian barrier. However the application site in its current condition does not have high potential to support great crested newts, although if left unmanaged the site may develop such potential.*

*Currently I would consider that the site has only low potential to support great crested newts. The pond to the south immediately adjacent to the application site no longer supports great crested newts. Nevertheless connectivity between the pond to the south, the pond to the north known to support great crested newts and the wider landscape will be retained if the development is permitted.*

*The wider question is whether this site is necessary for the long-term survival of the local great crested newt population. That is, would there be sufficient terrestrial habitat remaining if this site were to be developed such that the local great crested newt population would be sustainable? On this point the following are relevant –*

- *Optimal great crested newt habitat is generally located within 50m of the breeding pond. In this case the habitat immediately surrounding the known breeding pond is of high quality.*
- *The population of newts in the area is small.*
- *Connectivity between the known breeding pond and the wider landscape is capable of being retained.*

*My conclusion is therefore that this site could be developed without causing long-term harm to great crested newt populations.*

*Further, since the site currently has only low potential to support newts I would advise that a development could be brought forward without the need to acquire a protected species License from Natural England and without the need to apply the 'three' tests of the Habitats Regulations providing that Reasonable Avoidance Measures are implemented to avoid any possible harm to amphibians. Such measures should include, but not be exclusive to the erection / retention and maintenance of amphibian exclusion fencing.*

*I must draw your attention to the views of Natural England (NE) on the failure to implement the requirements of License ESPM2012-4267. NE appear to take the view that the requirements of the License should be implemented. I would therefore recommend that the LPA should take the views of Natural England into account when determining this application.*

#### *Other ecological considerations*

*The hedge-line and ditch forming the western boundary of the site have local nature conservation value; should the application be approved these features should be retained and protected from harm."*

## Lancashire County Council - Highway Authority

*I can confirm that there are no highway objections to this proposal.*

### Regeneration Team (Landscape and Urban Design)

There is currently an existing hedgerow along the western site boundary. The development must ensure that this hedgerow is maintained and enhanced with additional planting where there are gaps in the fencing. Further details are required with regards to the proposed rear garden boundary treatments, the design treatment must endeavour to minimise the visual impact of the development and ensure that the landscape character to the western boundary is maintained.

I object to the location/orientation of plots 8 and 9. Due to the location/orientation of these two plots the public open space is effectively enclosed from Snowdrop Grove and the residents. Thus the visual amenity value is significantly reduced /removed from the wider community.

Currently the existing houses along Snowdrop Grove, front onto the public open space, and it is proposed that the existing houses will address the frontage of the new houses to the proposed development. Due to the location/position of Plot 9, the adjacent properties will address the end elevation and the perimeter garden wall/boundary. This is an undesirable design condition and would be detrimental to the street scene. In addition, to creating a narrow entry to the Public Open Space. The natural surveillance of the public open space will be significantly reduced. Secure by Design and CPTED fully endorse that public open spaces / play areas safety is dramatically enhanced and also assists in deterring undesirable activity in open spaces. The location of plots 8 and 9 would effectively remove the natural surveillance of the open space from the wider neighbourhood.

### Neighbour Observations

**Neighbours notified:** 19 December 2014  
**No. Of Responses Received:** 18 letters of objection received from 13 properties  
**Nature of comments made:** All letters raise objection with the following matters raised:

- Loss of newt mitigation area required for original approval to be granted, impact upon wildlife and habitat. Lack of compliance with conditions, s106 agreement and Natural England license.
- Proximity to pond to south.
- Will set precedent for further development on edge of village.
- Impact on local infrastructure and facilities.
- Lack of amenities in the village.
- Enough housing already approved
- No need for 2 storey dwellings, need bungalows.
- Lack of pre-app engagement with community.
- Lack and loss of open space, impact on safety of young children.
- Site will become overbuilt.
- Contrary to neighbourhood plan.
- Lack of employment opportunities in the village.
- Noise and disturbance.
- People can't sell existing dwellings in village.
- Meadows view has lots of cars parked street which impacts on safety.

## **Relevant Planning Policy**

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

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

### **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 proposal are:

Principle of the development  
Ecological impact  
Public open space  
Visual impact  
Highways  
Residential amenity  
Flooding/Drainage

### **Principle of the development**

The application is located on part of a site granted planning permission for 67 dwellings through

outline application 10/0766. The determination of that application predates the NPPF, but still required an assessment of the accessibility of the site and it was concluded that the site was appropriately located as an extension to the village. The principle of developing the site was therefore established by that approval despite being located on land allocated as countryside by Policy SP2 of the adopted Fylde Borough Local Plan.

This application is a full application for nine dwellings on part of an area of land that on the approved plans was allocated as public open space and for newt mitigation. Therefore whilst residential development in this location can be accepted in principle there needs to be an assessment as to whether the development of this land is unacceptable because of the impact on protected species, and whether or not sufficient open space will remain at the development.

## **Ecology**

The land was required to provide for newt mitigation when the existing residential development was given planning permission, and so given that this species and their habitats are protected it is critical that this aspect is given full consideration.

The application details include an up-to-date Great Crested Newt Survey completed in June 2015 by REC Ltd, which includes occupancy surveys of the wider area. This confirms that no great crested newts were identified during any of the four surveys, although these were not complete as access was denied to pond 6, which is the pond that was most recently known to support them (2009 and 2011). Pond 6 is located to the north of the application site and is relatively unchanged since those surveys. As access was denied and previous surveys found them to be present the report assumes that a small population is still present. The submitted information also includes a copy of the development licence issued by Natural England for the Harbour Lane development site. During those works it has been confirmed that only one great crested newt was captured during a 30 day translocation. On the basis of the presence of existing amphibian proof fencing the applicant's report states that it is reasonably unlikely that the application site supports great crested newts.

This report has been assessed on behalf of the council by the Greater Manchester Ecology Unit who have also visited the site and revisited the available ecological information for this site and adjacent and nearby sites, particularly in relation to great crested newts. They state that newts are specially protected under the terms of the Conservation of Habitats and Species Regulations 2010 and that their presence is a material consideration when determining a planning application. The application site and wider area have been identified previously as potentially supporting terrestrial habitat used by great crested newts. A small population of great crested newts has been recorded in a pond some 120m north of the application site and great crested newts are known to make use of habitat 250m+ from breeding pools. Therefore as the site is within that distance it needs to be established if they are present at the site or likely to be impacted by the development. Previous trapping exercises found one newt present so GMEU state that this is an indication that the wider site at least did have some value as terrestrial habitat used by small number of GCN's. This newts translocation was undertaken under License from Natural England (license no. ESPM2012-4267).

GMEU note that the previous application intended the application site be developed as greenspace and landscaped in a way that would have retained the site as suitable to support amphibians, but that has not taken place with the approved housing now constructed and the site subject to significant disturbance caused during re-grading, tipping and compaction resulting from the development of the adjacent site. They state that when they visited the site there was amphibian exclusion fencing in place running along the western boundary of the application site and enclosing the pond to the south. Although the fencing was largely intact at the time of their site visit there was

tall vegetation growing at the side of the fencing meaning that it will not now be entirely effective as an amphibian barrier. However the application site in its current condition does not have high potential to support great crested newts, although if left unmanaged the site may develop such potential.

They state that currently the site only has a low potential to support newts, and that the pond to the south no longer supports newts but that then development will retain connectivity between the pond to the south, the pond to the north and the wider landscape. They state that the wider question is whether or not the retention of this site is necessary for the long term survival of the local GCN's population and whether or not enough terrestrial habitat would remain if the site were development for the populations to be sustainable. They state that the following points are relevant;

- Optimal great crested newt habitat is generally located within 50m of the breeding pond. In this case the habitat immediately surrounding the known breeding pond is of high quality.
- The population of newts in the area is small.
- Connectivity between the known breeding pond and the wider landscape is capable of being retained.

Their conclusion is that the site can be developed without causing harm to great crested newt populations and as the site currently only has low potential to support newts they would advise that the development could be brought forward without the need to acquire a protected species license from Natural England and without the need to apply the 'three' tests of the Habitats Regulations providing that Reasonable Avoidance Measures are implemented to avoid any possible harm to amphibians. Such measures should include, but not be exclusive to, the erection / retention and maintenance of amphibian exclusion fencing.

They state that they must draw our attention to the views of Natural England on the failure to implement the requirements of License ESPM2012-4267. NE appear to take the view that the requirements of the License should be implemented and they would therefore recommend that the LPA should take the views of Natural England into account when determining this application.

Natural England's consultation response to this application raises no objection with regard to the implications of the development for statutory sites (SSSI, Ramsar, SPA, etc) but refers the LPA to their standing advice with regard to protected species such as GCN's. However in this instance rather than use the standing advice it is more appropriate for the LPA to consider the expert advice given by the Ecologists at GMEU who state that the development of the site would not hinder the long term survival of newt populations in the wider area and that because of the low potential of the site to support newts that a license will not be required from Natural England.

Officers have engaged with Natural England with regard to the application and the license previously issued, but they have referred back to the standing advice rather than provide comments on the latest GCN survey work submitted with this application. They have also commented that they are unable to provide guidance on the merits of a licence application until planning permission is granted.

They then comment that:

- *Natural England has advised that a follow up survey be carried out on all relevant ponds in 2012 and 2014. The information provided shows that no survey was carried out and, as a result, it is very likely we would not be able to issue a new licence for this site until a new survey has been carried out. There is also no updated survey on which the Local Authority can assess (a) what the*

*impact of the previous development has been or (b) a baseline for any further development in this area.*

- *As we have previously advised, two of these areas were included as receptor sites in a licence to permit the development of both the Cartmells site and the Taylor Wimpey land. Both of these developments (one being that of Warton LLP) remain uncompensated for, and NE's advice is that receptor sites should be free from future development threats. It is within Fylde Borough Council's gift to retain the protection of these areas.*
- 1. *No new areas of land have been offered for mitigation, indeed this application includes further areas for development.*
- 2. *Fish removal is time consuming and very often fails; it would be unlikely that the fish pond would become suitable for GCN breeding.*
- 3. *GCN fencing at 9 Acres Nursery was in a poor state of repair during the site visit with some sections flat to the ground or missing. Natural England does not, therefore, agree that these areas remain newt free. It is important to note that it is illegal to retain amphibian fencing in place without a licence, and this fencing should have been removed by now since the works at the nursery were completed some time ago.*
- 4. *It is important that any development here is viewed in a wider context so any mitigation proposed is not cut off by wider development in the area.*

With regard to the above points further surveys have taken place asides for one pond where access was denied and as such the LPA can consider the impact of the development and also a baseline, and given the comments made by GMEU following their site visit it is considered that the development of the site is acceptable in ecological terms subject to the reasonable avoidance measures being carried out and in place during development. This can be subject to a condition. Natural England have been asked to comment on the updated surveys and their response if any will be report to members in a late observations sheet.

### **Public open space**

Policy TREC17 of the Local Plan refers to public open space within new housing developments with calculation of area based on the number of bedrooms in each of the dwellings provided. The total public open space required by TREC17 for the application approved and constructed totals 1076sq m. The POS requirement of the nine additional dwellings (3 x 4 beds and 6 x 3 beds) totals 312 sq. This brings the total requirement to 1388sqm for the site as whole. The site that is being developed contributed 1076sqm to the development site and this has increased such that areas of public open space proposed by this application total 2031 sq m if this development is approved. This means that the amount of public open space provided on the site is greater than the policy requirement. This is considered appropriate because it means that the POS is of a size that is relevant and integrates and engages with the whole development.

### **Design/layout/visual impact**

The site consists of an area of open grass located adjacent to existing residential development and when viewed from outside of the site will be seen as part of the wider estate. The visual impact will be softened by the retention of the public open space areas to the north and south as well as the retention and bolstering of the hedgerow boundary line to the west. With regard to the landscape officers comments the orientation of plots 8 and 9 was altered as the submitted plans had them backing onto the POS and the entrance to it much narrower, and these plots now face the road with the side boundary between plot 9 and the POS a brick wall with the result that the entrance to the POS is more open. Clearly the development of an undeveloped area will have an impact on the character of the area, however given the site's location it is not considered that its development



would have an unacceptable impact on this character.

The proposal is for a residential development which is the same as the adjacent land uses to the south and east, and potentially that to the west if the Blackfield End Farm scheme is allowed. The design of the dwellings is traditional with front gables, heads and cills and appropriate fenestration. They are proposed to be constructed in brick. The design of the dwellings relates well to the existing dwellings to the east. Whilst the dwellings face into the site and not outwards as is considered to be good planning, in this instance it is considered acceptable as the length of the site is short and the dwellings do not back onto a highway and are located in a position where views of the site will be limited and fleeting along Church Road and Hillock Lane due to existing development and vegetation between. Furthermore there is development to the south that replicates this and the possibility that the adjacent land could be developed should the appeal on that site be allowed.

### **Highways**

The application is for nine dwellings, this will not result in a significant increase in traffic movements on the surrounding highway network and the site will be accessed through the existing residential estate. LCC Highways have no objections to the proposal. It is not considered that there are any highways issues with the application.

### **Residential amenity**

The application will not have an unacceptable impact on the residential amenity of existing occupiers of the adjacent housing estate, the proposed dwellings front elevations will be approximately 21m from those of the existing dwellings to the east which meets the Council's spacing standards. Plot 9 is approximately 19.5m from the opposite dwelling however given that this distance is between front elevations where there is no private amenity space between them this distance is acceptable. A condition will be required to ensure any first floor side elevation windows are obscure and retained as obscure. With this condition in place there will be unacceptable impact on residential amenity.

### **Flooding/Drainage**

The application site is not of a size where a FRA is required to be submitted and is located in Flood Zone 1 which is an appropriate area for residential development. The EA have no objections and neither to UU subject to submission of a drainage scheme for both foul and surface water prior to the commencement of development.

### **Affordable housing**

The application proposes two affordable dwellings and these are integrated in the middle of the row of dwellings. The Council's housing officer has stated that this is appropriate and he sees no reason why the RSL operating on the larger adjacent site would not want to take these two additional dwellings on. The provision of these two affordable dwellings will therefore be required within a section 106 agreement.

### **Conclusions**

This proposal is a full application for the development of 9 dwellings on a greenfield site designated as Countryside in the Fylde Borough Local Plan. Residential development of such areas is contrary to Policy SP2 and so this would require a refusal of the application unless there were material

considerations that outweighed the determination of the application in accordance with the development plan. The principle of developing the site however has been established by previous applications and since that decision was made the NPPF has been published which requires the delivery of sustainable housing development.

The scale of development and its context in relation to its location is considered acceptable and whilst there would be some visual impact it is not considered that there would be sufficient harm to warrant refusal of the application. The sites location is considered to be sustainable and an appropriate location for development. The proposed layout protects residential amenity. With regard to the sites previous use as public open space and ecology mitigation land, it has been shown that the mitigation land at this site is no longer required and the amount of Public open space provided on this site and the site as a whole exceeds the policy requirement. The proposal is considered to form sustainable development and so it is recommended that the application be supported by Committee and so assist in delivering the housing supply requirements of para 17 of NPPF.

### **Recommendation**

That the authority to GRANT planning permission be delegated to the Head of Planning and Regeneration subject to him being satisfied that the implications of the development for Great Crested Newt population and habitats are acceptable, and on the completion of a Section 106 agreement in order to secure the provision, phasing of that provision, retention and operational details for 2 of the proposed dwellings to be affordable properties.

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

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

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

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on the 29 April 2015, including the following plans:

5. Location plan - 3214-01
6. Site survey plan - 3214-02
  - Proposed site plan/landscape masterplan - 3214-03 REV A
  - Type C2 - 3214/04
  - Type C3 - 3214/05
  - Type E - 3214/06
  - Type G - 3214/07

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

3. All existing lengths of hedgerow within the proposed residential development area shall be retained. No removal, relaying or works to existing hedgerows shall be carried out between March and August inclusive in any one year unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

4. Prior to commencement of works a fully detailed method statement to demonstrate that impacts on amphibians will be avoided both during the site clearance and development works and during the operational phase shall be submitted for approval in writing by Fylde Borough Council. Such measures should include, but not be exclusive to the erection / retention and maintenance of amphibian exclusion fencing. Any approved details shall be implemented in full. If the presence of Great Crested Newt is detected at any point then all works shall cease until advice has been sought from an appropriately qualified person including regarding the need for a Natural England licence.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

5. A tree protection scheme for all trees and retained hedges on the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. No work of any kind shall take place until the protective fences are erected around the retained trees and hedges in the position and to the specification agreed by the local planning authority. Such fencing shall be retained throughout the development where work of any kind is undertaken in proximity to trees and hedging.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

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

Reason: To safeguard the privacy of adjoining residents

7. Notwithstanding any denotation on the approved plans samples of the roof treatment and wall cladding [both inclusive of colour] shall be submitted to and approved by the Local Planning Authority no later than 21 days prior to the commencement of any built development works on site. Thereafter only those approved materials shall be used in the development unless otherwise agreed in writing with the Authority.

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

8. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of programmed landscaping for the area of residential development. The scheme shall include details of: all existing trees and hedgerows and those that are to be retained, together with measures for their protection during the course of the development; all planting and seeding; hard surfacing and the materials to be used; and, means of enclosure. All hard and soft landscape works shall be carried out in accordance with the approved

programme and details. Any trees or plants which within a period of 5 years commencing with the date of their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities

9. Prior to the commencement of any development hereby approved details of the management and on-going maintenance arrangements for the communal areas of the site shown on the site plan approved under condition 2 of this permission, (specifically the access road, public open space area A, public open space area B and the area of land between the rear boundary to all the plots and the western boundary of the site) shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall ensure that these areas are all retained available for shared public use / benefit and shall be implemented in the construction of the development and thereafter.

To ensure that these communal areas remain available in accordance with providing an appropriate level of public open space as required by Policy TREC17 of the Fylde Borough Local Plan and an appropriate appearance to the development as required by Policy HL2 of the Fylde Borough Local Plan

10. That prior to the first occupation of each of the respective plots hereby approved the boundary fence / wall arrangements as shown on the site plan approved under condition 2 of this permission shall be erected in the position and design as indicated on that plan. These boundary fence/walls shall thereafter be maintained in that location and design at all times thereafter.

To ensure an appropriate appearance to the development on construction and thereafter in accordance with Policy HL2 of the Fylde Borough Local Plan.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/14/0856	Address Site 3, Land at Dugdales Close/Brooklands Way/Hallam Way, Whitehills Park, Westby	Grid Ref. E.3350 : N.4331	

<b>Application Reference:</b>	15/0124	<b>Type of Application:</b>	Outline Planning Permission
<b>Applicant:</b>	Duerden Bros. Ltd	<b>Agent :</b>	PWA Planning
<b>Location:</b>	SUNNYDALE NURSERIES, GARSTANG ROAD, LITTLE ECCLESTON WITH LARBECK, PRESTON, PR3 0XA		
<b>Proposal:</b>	OUTLINE APPLICATION FOR DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF UP TO 25 DWELLINGS (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)		
<b>Parish:</b>	ELSWICK AND LITTLE ECCLESTON	<b>Area Team:</b>	Area Team 2
<b>Weeks on Hand:</b>	21	<b>Case Officer:</b>	Matthew Taylor
<b>Reason for Delay:</b>	Design Improvements		

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

#### **Update to Committee:**

Members of the committee deferred a decision on the application at their meeting of 8th July 2015 in order to allow a site visit, and for officers to provide an update to the borough's 5 year housing supply position.

Members visited the site on 13th July 2015 as part of a wider tour of development's in the borough.

An update on the 5 year housing supply position is under preparation and will be available at Committee.

In addition to the above a minor amendment has been made to the illustrative masterplan proposed in the application since the 8 July meeting. This amendment shows the addition of a pedestrian/cycle link to the southeast corner of the site in order to provide a more direct dedicated pedestrian/cycle path between the site and the footway of Garstang Road, and so to Little Eccleston. An additional condition (number 15) has been added requiring this link to be provided in the position shown on the illustrative masterplan prior to the occupation of any of the dwellings, and also requires further details relating to the layout and treatment of the route to be submitted as part of any application for reserved matters which seeks approval for layout.

Where applicable, other conditions have been amended to make reference to the revised illustrative masterplan. The remainder of the Officer report and recommendation remain unchanged from that previously presented and is included again here for ease of reference.

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

The proposed residential development represents a proportionate extension to the village on a previously developed site located to the edge of Little Eccleston between pockets of development to either side. The scheme would follow the pattern of built development on

the periphery of the settlement and would be contained within the established boundaries of Sunnydale Nurseries in order that it would not result in encroachment into the open countryside. Whilst the site is located outside the settlement boundary and within the Countryside Area as defined on the Fylde Borough Local Plan Proposals Map, the Council is presently unable to demonstrate a five year supply of housing land and, accordingly, the principle of residential development within the Countryside Area cannot be resisted where the development is sustainable in all other respects.

The scheme would not result in the loss of the Borough's best and most versatile agricultural land and there are no other landscape designations to restrict its development for housing. The proposal, by virtue of the size, scale, density and number of dwellings proposed, and its relationship to the urban fringe of the village, would not have any significant adverse effects on landscape character or quality, and appropriate mitigation can be introduced as part of the scheme in order to minimise its impact in this regard. Satisfactory arrangements (including infrastructure improvements) would be made for vehicle access, parking and manoeuvring in order that the development would not have a detrimental impact on the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site. Enhanced provision would also be made for pedestrian access and greater connectivity between the settlements of Little Eccleston and Great Eccleston.

The proposal would result in an acceptable relationship with surrounding uses and appropriate mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding, drainage and contamination. Appropriate contributions would also be secured in respect of open space and affordable housing to make the development acceptable in planning terms. The proposal is therefore considered to represent sustainable development in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Fylde Borough Local Plan.

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

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

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

The application relates to an irregularly-shaped parcel of land measuring approximately 1.9 hectares in area to the north side of the A586 (Garstang Road), Little Eccleston. The site is located to the south-western tip of the village (though outside the settlement boundary) and is currently occupied by a series of industrial-style buildings, glasshouses and polytunnels associated with an outlet for the storage and distribution of bedding plants (Sunnydale Nurseries). The land falls within the Countryside Area as defined on the Fylde Borough Local Plan (FBLP) Proposals Map and is also designated as grade 2 (very good quality) agricultural land on the Agricultural Land Classification Map.

The site is presently dominated by a collection of industrial units and glasshouses which form a rectangular block running diagonally in an east-west direction across nearly the full width of the site. Two detached polytunnels are located to the northeast corner of the main buildings. In total, buildings on the site cover an area of approximately 9,100 square metres and, with the exception of the polytunnels, follow dual-pitched roofs of a prevailing single storey height. Building eaves and

ridge levels do, however, vary across the site, with the tallest (and largest) building to the eastern end forming a prominent feature which is readily visible along the site's frontage to Garstang Road.

A hardstanding car park and service yard wraps around the front, side and rear of the building to the eastern end, with triangular grass verges flanking the southwest and northwest corners of the units. A man-made pond is located to the northeast corner of the site. Whilst the site is slightly elevated to Garstang Road the land is generally flat, with no appreciable change in levels occurring across the site. Boundary treatments include a strip of hedgerow along the southern perimeter which is partially interrupted by fencing around the access and a combination of fencing, hedging, trees and shrubs to the remaining boundaries.

The site is accessed via a single opening onto Garstang Road which occupies a central position to the southern boundary. The carriageway is flanked by grass verges and footways to both sides, with rows of mature trees forming a linear belt along the verges outside the site. Ghost island approaches to three turning lanes narrow the carriageway to the west of the site, with the junction to Blackpool Old Road located to the east. Bus stops are located directly opposite the site on the westbound carriageway and immediately after the junction with Blackpool Old Road on the eastbound side.

The site is bounded by open farmland to the north and Queensgate Caravan Park to the west which includes a collection of static chalet-style caravans laid out on a rectangular parcel extending beyond the northern site boundary. A pair of semi-detached houses (Sunnydale Cottages) fall within the site boundaries to the southwest corner fronting onto Garstang Road and a row of five detached dwellings form a linear ribbon along the southern frontage of the A586. Rows of dwellings flank both sides of Blackpool Old Road to the east of the site, with the closest of these (Flonura) forming a detached bungalow with a steep hipped roof separated from the site by a coniferous hedge and benefitting from its own access onto Garstang Road. Blackpool Old Road forms a semi-circular route linking with Garstang Road. The highway of Cartford Lane branches in a northerly direction off Blackpool Old Road, with the bulk of the village being organised around this Y-shaped highway network.

### **Details of Proposal**

When initially submitted, the application sought permission for a mixed use development of 25 dwellings and five light industrial units to provide up to 950 square metres of B1(c) floorspace. The scheme has since been amended to omit the industrial units and now seeks permission for 25 dwellings only. The application for the dwellings is submitted in outline, with the only matter applied for being access. This is defined in the Development Management Procedure Order as follows:

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

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

The development would utilise the existing site access off Garstang Road which occupies a broadly central position to the southern boundary. The indicative layout shows the access to merge with the main estate road running in a northerly direction through the site, with four cul-de-sacs branching off at right angles in easterly (two) and westerly (two) directions. The application includes the following off-site highways works as part of the access arrangements:



- The formation of a 'ghost island' right hand turn lane into the site along the westbound carriageway of Garstang Road.
- The introduction of two pedestrian refuges forming central 'islands' within the carriageway of Garstang Road at the following locations:
  - Adjacent (to the immediate west) to the ghost island right hand turn lane into the site.
  - Between the two ghost island right hand turn lanes at the junction of Garstang Road with Blackpool Old Road and the B5293 (High Street), approximately 425 m to the east of the site.

Maximum scale parameters indicate a mix of three house types comprising 13 two storey and 12 three storey dwellings, though the third storey (to type A) would be formed within the roof space. An indicative layout has been submitted as part of the application. This shows a development of 23 detached and two semi-detached properties with individual garages fronting onto cul-de-sacs branching off the main estate road to the east and west of the site. Each property is shown to be served by two in-curtilage off-road car parking spaces (plus garages) with garden areas to the front and rear.

With respect to landscaping, the existing trees and hedges along the southern boundary with Garstang Road would be retained, as would those along the eastern boundary with the adjacent bungalow and to the northeast corner around the pond. The existing belt of trees along the northern boundary with the field would also be retained and additional planting would be introduced to form a buffer along the western boundary.

The existing pond would be retained to the northeast corner of the site as a focal point for on-site public open space. A viewing platform and informal seating area are shown to the southern edge of the pond, with a second strip of landscaping forming a continuous swale and wildlife garden alongside the eastern flank of the estate road. The indicative layout shows a total of 4,145 square metres of open space on site as follows:

- A 1,130 square metre pond.
- 2,180 square metres of open space surrounding the pond (including a viewing platform and informal seating area).
- A wildlife garden bordering a swale alongside the eastern flank of the estate road covering an area of 835 square metres.

It should, however, be noted that as access is the only matter applied for, these elements of the layout are illustrative only and are not for detailed consideration as part of the scheme.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
05/0618	RETROSPECTIVE APPLICATION FOR TWO MULTISPAN HORTICULTURAL POLY TUNNELS AND PHASE 2 WORKS TO REPLACE SECTIONS OF EXISTING GLASS HOUSES.	Granted	04/11/2005
98/0490	ERECTION OF 3 SECTORED ANTENNAES AND 2 X 600 MM MICROWAVE DISHES MOUNTED ON A 20 METRE HIGH, POLE; ALSO GROUND BASED SUPPORT	Refused	02/12/1998

98/0489	EQUIPMENT CABIN HOUSED IN A 12 METRE SQUARE SECURE COMPOUND ERECTION OF 3 SECTORED ANTENNAES AND 2 X 600 MM MICROWAVE DISHES MOUNTED WITHIN A 25 METRE HIGH, TREE STYLE CONSTRUCTION ; ALSO GROUND BASED EQUIPMENT CABIN HOUSED IN A 12 METRE SQUARE SECURE COMPOUND	Refused	02/12/1998
98/0491	ERECTION OF 3 SECTORED ANTENNAES AND 2 X 600 MM MICROWAVE DISHES MOUNTED ON A 20 METRE HIGH, SLIMLINE LATTICE TOWER; ALSO GROUND BASED EQUIPMENT CABIN HOUSED IN A 12 METRE SQUARE SECURE COMPOUND	Refused	02/12/1998
97/0541	ERECT A 30M TOWER COMPLETE WITH SIX SECTOR ANTENNAS, FOUR DISH ANTENNAS AND ONE RADIO EQUIPMENT CABIN	Withdrawn by Applicant	02/03/1998
94/0180	PROFILE STEEL SHEET CLAD AGRICULTURAL STORAGE SHED	Granted	27/04/1994
86/0008	ALTERATIONS TO EXISTING ACCESS, LANDSCAPING AND CAR PARKING.	Granted	26/03/1986
85/0509	NEW STORAGE BUILDING - CLASS 2.	Granted	06/11/1985

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

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
98/0490	ERECTION OF 3 SECTORED ANTENNAES AND 2 X 600 MM MICROWAVE DISHES MOUNTED ON A 20 METRE HIGH, POLE; ALSO GROUND BASED SUPPORT EQUIPMENT CABIN HOUSED IN A 12 METRE SQUARE SECURE COMPOUND	Dismiss	10/08/1999

#### **Parish Council Observations**

**Little Eccleston with Larbreck Parish Council** were notified of the application on 6 March 2015. The Parish Council object to the application on the following grounds:

- Little Eccleston is not a sustainable location for a development of the size proposed. Fylde Council's emerging local plan provides a settlement hierarchy which scores Little Eccleston 18 out of 19, citing particular constraints with respect to accessibility to public transport, shops, community facilities and schools.
- The site is outside the settlement boundary for Little Eccleston and this extension to the settlement was not considered as part of the Council's Strategic Housing Land Availability Assessment (SHLAA).
- The emerging local plan states that development in Little Eccleston will only be allowed in exceptional circumstances and limited to infill plots and reuse of existing buildings. The principle of development is therefore contrary to the Council's own policies.
- The proposed development represents an enlargement of approximately 25% to the existing hamlet of Little Eccleston. This is an unacceptable and disproportionate increase.
- The development would have no link to Little Eccleston and sets a precedent for further

ribbon development along the A586.

- The site occupies a prominent position on a high point within the village and, therefore, the development would be clearly visible when travelling along Garstang Road. The scheme would result in housing being located in closer proximity to the road than the existing building with ridgelines several metres higher. The rear of the development would also be readily visible on lower lying land from Out Rawcliffe.
- The Highways Agency have previously resisted any form of crossing along Garstang Road due to safety concerns as this route is subject to a 50mph limit and has a number of blind stretches. There has been a recent fatal accident on the road where a pedestrian was knocked down.
- Access to public transport is restricted with respect to the frequency and number of bus journeys along Garstang Road and these routes do not serve commuters (there being few employment opportunities nearby) and local primary schools.
- The public consultation undertaken by the applicant showed a reply rate of 9% from the hamlet. The Parish Council held a meeting on 8 April at which 40% of the properties were represented and 39% of the hamlet is in opposition to the proposal.
- The current density of the hamlet is 13 dwellings per hectare. The proposed density, at 16 dwellings per hectare, is some 21% greater.
- The pond to the northeast corner of the site is not an appropriate open space for children. Representations from the Constabulary recommend that a 1m fence should be erected around the edge of the pond.
- The applicant suggests a commitment to provide enhanced energy efficiency for the buildings. However, there is no guarantee that a standard above existing Building Regulations will be achieved.
- Garstang Road only has street lights in the vicinity of the staggered junction between Blackpool Old Road and West End. Most of the 500m route is unlit and will be in darkness at night.
- The supporting documentation suggests that 3,500 square metres of open space will be provided as part of the scheme, averaging at 129 square metres per dwelling. However, if the pond is discounted this is reduced to approximately 17 square metres per dwelling. Moreover, if the pond is discounted then the claim that 20% of the site area would comprise open space reduces this to 3%.
- There is no demand for industrial units locally. This is evidenced by the closure of similar units in Elswick and the availability of units for rent in Out Rawcliffe. It is likely that the industrial units will prove unviable and result in an additional application at a later stage to add more houses on the site of the proposed warehouse accommodation.
- Regular power outages occur in Little Ecclestone. The existing houses will exacerbate this situation.
- The Development Management Committee should undertake a site visit in order to appreciate the impact that the proposal would have on the hamlet in this rural location.

**Great Ecclestone Parish Council** have also objected to the application on the following grounds:

- The development would increase the size of the hamlet of Little Ecclestone by 25%, contrary to the proposed policy in the emerging Local Plan which states that development in Little Ecclestone will only be permitted in exceptional circumstances and limited to infill plots and the reuse of existing buildings.
- Little Ecclestone is based on the two roads of Cartford Lane and Blackpool Old Road. If this development is approved it will have no link with the existing hamlet and will set a precedent for further development along the A586.
- The proposed development is outside the former settlement boundary for Little Ecclestone and such an extension to the hamlet was not considered as part of the SHLAA exercise.

- The proposed development is in flood zone 3.
- Fylde Council's own assessment of Little Eccleston in the emerging local plan scored the hamlet second bottom of the settlements assessed. Little Eccleston has no train services, no local store, no schools, no GP or health centre, no community facilities, no sport or leisure facilities and no open space. The development would put increase pressure on the currently overstretched Health Centre, dentist and primary school in Great Eccleston and would add to parking congestion in the village.
- The developer envisages providing a pedestrian crossing on the A586. This has been repeatedly refused by County Highways despite the death of a nine year old girl several years ago.

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

#### **LCC Highways:**

- The developer has submitted a Transport Statement (TS) in support of this application. A number of revisions to the TS and supplementary plans were subsequently submitted as a result of comments about access and connectivity.
- The means of access to the site is directly onto the A586. At this location the A586 is subject to a 50mph speed limit and is unlit. To provide a suitable access to the development here it is necessary to provide a right turn lane (with traffic island / pedestrian refuge) and to provide street lighting. Due to the proximity of the junction of Blackpool Old Road, both the site access junction and the Blackpool Old Road junction will need to be lit. This provides a safe means of access to the site and connectivity to bus stops near to the site.
- To address issues with site accessibility and connectivity a pedestrian refuge will need to be provided on the A586 between its junctions with Blackpool Old Road and West End. This provides safe pedestrian access to Great Eccleston where primary schools, shops and health facilities exist.
- The developer should refer to Manual for Streets and Creating Civilised Streets prior to submitting a reserved matters application.
- There are no highway objections subject to the following conditions being imposed on any permission granted:
  - No part of the development shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.
  - No part of the development hereby approved shall be occupied until the approved scheme referred to above has been constructed and completed in accordance with the scheme details.
- The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement with the County Council as Highway Authority. The Highway Authority reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council in the first instance to ascertain the details of such an agreement and the information to be provided.

#### **Planning Policy:**

- The emerging Local Plan includes both strategic sites (accommodating 100 or more homes) and smaller non-strategic sites accommodating between 10 and 99 homes in both the main urban area and in the rural settlements.
- The draft Revised Preferred Options (RPO) version of the Local Plan was reviewed at

Development Management (Policy) Committee on 17 June 2015. The draft RPO includes Sunnydale Nurseries, Garstang Road, Little Ecclestone as a non-strategic site providing 25 dwellings over the Plan period to 2032.

- The draft RPO will go before Development Management (Policy) Committee on 16 September, to be approved for consultation in the autumn 2015.
- The emerging Plan is a material consideration but the weight to be attached to it is for the decision maker to determine.

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

- The Ecology Surveys and Appraisal submitted as part of the application have been undertaken by a suitably qualified consultant and are to appropriate and proportionate standards. No further surveys are necessary prior to determining the application.
- There are no objections to the application on nature conservation grounds, but the following recommendations are made:
  - No vegetation clearance required by the scheme should take place during 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).
  - Any future Reserved Matters applications for the scheme should include a comprehensive Landscape Plan.

**Environmental Protection:**

- Raise no objections subject to a condition relating to appropriate assessment of ground conditions and remediation to prevent the development causing harm to human health during construction or habitation.

**LCC (Education):**

- The application has been assessed by the LCC Education team, and has not resulted in a request for a planning contribution towards new school places.

**LCC (Flood Risk Management Team):**

- No objections subject to the imposition of conditions relating to the design and implementation of an appropriate surface water sustainable drainage scheme.

**Environment Agency:**

- Raise no objection subject to the imposition of conditions relating to a surface water drainage strategy to demonstrate that the surface water run-off generated by the 1 in 100 year critical storm will not exceed 5 litres per second and should include details of how the drainage system will be maintained and managed after completion, and to require a site investigation with respect to any contamination affecting the site.

**Electricity Northwest:**

- The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements.
- Within the outline of the boundary of the development there are 2 LV cables which will have to be made dead off site before redevelopment works can commence. There is also a LV cable in the footpath, to the front of the development, over which a new access is to be developed. This cable may require placing in ducts or at increased depth at this point.
- The applicant should be advised that, should there be a requirement to divert the apparatus

because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of Electricity Northwest's requirements for access to inspect, maintain, adjust, repair, or alter their distribution equipment.

**Lancashire Constabulary Architectural Liaison Officer:**

- They make a host of recommendations aimed at minimising the opportunity for crime and disorder as part of the development, and so are appropriate for consideration as part of the detailed layout of the site and the design of the dwellings rather than this outline application.

**Regeneration (Landscape and Design):**

- The proposal aims to retain existing trees and hedgerows to the perimeter which would ensure that the development is adequately screened from adjacent properties and the main road.
- The design and layout should reflect the site's rural setting. At present, the images in the submitted Design and Access Statement show a modern development with a contemporary appearance which would not sit comfortably in its context. The design principles which guide the external layout are synonymous with an urban, rather than rural, setting.

**Regeneration (Trees):**

- They made initial comments on the scheme that express concern over the potential impact of the new access that was proposed to serve then industrial units would have on protected trees that make an important contribution to the streetscene. This access has been removed from the scheme under consideration and so the officer no longer raises any issue with the proposal.

**United Utilities:**

- As the site currently operates as a commercial nursery the majority of rainfall is likely to have been captured (most notably by the pond) and used on site to water plants. Therefore, unless the existing drainage strategy is confirmed through detailed survey, the land should be treated as a greenfield site for the purposes of considering drainage.
- The FRA suggests that geocellular/modular systems should be used to attenuate surface water runoff. However, as the developer intends to drain to a combined sewer, the use of such systems would not be permitted.
- No investigations have been undertaken to determine whether surface water could drain directly to the on-site pond. This option should be explored as part of a detailed drainage strategy for the development.
- The site should be drained on separate systems for foul and surface water disposal. The hierarchy in the Building Regulations identifies preferences for surface water drainage as follows: (1) soakaways; (2) a watercourse; and (3) a sewer. Permeable paving should be used on all driveways and other hard surfaced areas to reduce the volume of run-off from the site.
- A condition should be attached to any permission granted requiring details of foul and surface water disposal to be submitted before any development takes place. The condition should require that surface water drains separately to foul water and should restrict surface water run off to a maximum pass forward flow of 5 litres per second.
- Unless otherwise agreed in writing, no surface water should be allowed to drain into the public foul/combined sewer.

**Neighbour Observations**

<b>Neighbours notified:</b>	6 March 2015
<b>Site notice posted:</b>	10 April 2015
<b>Press notice:</b>	12 March 2015
<b>Amended plans notified:</b>	5 June 2015 (14 days for additional comments)
<b>No. Of Responses Received:</b>	29
<b>Nature of comments made:</b>	25 individual objections, 1 petition signed by 3 residents and 1 neutral representation

The points raised in the objections are summarised as follows:

- Little Eccleston is a hamelt that has no shops, train service, school, post office or other public facilities or open spaces. The nearest supermarket is six miles away. The hamelt was ranked second bottom of the sustainability hierarchy in Council's emerging Local Plan. The proposed enlargement of the village would occur without any additional provision of local facilities/amenities and is therefore unsustainable. Due to the current lack of services in Little Eccleston, existing residents are required to visit Great Eccleston (or travel further afield) to access public services. There are also a lack of employment opportunities in Little Eccleston.
- There are already a number of properties for sale in the locality and, accordingly, the development is not required in order to meet any local housing need. An expansion of the existing village of the scale proposed (around 25%) would represent a disproportionate enlargement to the hamelt outside the settlement boundary and would be unsympathetic to the site's rural setting and fail to retain the character and identity of the village. The only development which has been allowed in the past has been to infill plots or the conversion of existing buildings. This site has no link to the existing village which is confined to a ribbon along Cartford Lane and Blackpool Old Road and any development would set an undesirable precedent.
- The proposed development for 25 new dwellings will result in an additional demand for new school places and increased strain on local services including doctors and dentists where it is already difficult to get an appointment. It is unclear whether these services have sufficient capacity to accommodate the population of the development as a number of places have been filled due to the permanent occupation of several holiday caravans.
- There is no demand for the proposed industrial units and these are not appropriate in what is predominantly a residential area. It is likely that these will not be constructed and, instead, this land will be developed for additional housing in the future. There is also an increased risk of crime associated with this type of use given the isolated location of the site and the units will result in hoardings and other unsightly advertisements being erected along Garstang Road.
- The existing nursery buildings are in a poor state of repair. It would be more efficient to improve the existing premises and allow its development on site rather than redevelop the site and relocate the Duerden Bros business elsewhere. However, if the business is to relocate, the site would be better used by returning it to its rural state or introducing a children's play area or nature reserve.
- The following details are lacking from the application: (i) the position, height and design of boundary fencing in relation to adjoining properties; (ii) the method of tree protection during construction; (iii) mitigation for wildlife; (iv) how noise will be controlled during the course of construction.
- The proposed introduction of a new Toucan crossing over Garstang Road would cause a danger to road safety along this busy, 50mph stretch of the road and would restrict the free flow of traffic. This type of crossing has repeatedly been resisted by LCC Highways for safety reasons, despite a pedestrian fatality. As Little Eccleston does not have any schools, children

attending the primary school in Great Eccleston would need to cross the A586, as would those accessing bus services to the secondary schools further afield. This would increase the risk of accidents for pedestrians (including children). The location for the crossing between Little Eccleston and Great Eccleston would place it between two turning lanes. This area has recently been reduced in size by Lancashire County Council making it more difficult to decelerate in the defined space provided. It is also a notorious site for accidents and near misses and it is not unusual to be sat in the allocated area waiting to turn right into Little Eccleston and have an approaching vehicle overtake another vehicle by crossing the turning lane. Therefore, this is not a safe location for a pedestrian crossing.

- The development would generate additional traffic and vehicle movements onto an already busy road which would be detrimental to highway safety and increase the risk of accidents along a route where speeds are already high. The siting of the access to the houses in close proximity to that with Blackpool Old Road would increase the potential for collisions around these junctions, due to poor visibility, as would its siting on the crest of a hill on the approach into the hamlet. Furthermore, for traffic approaching from the Garstang direction and wishing to turn right into the proposed development, the road narrows at this point and has a bus stop sited across from it. There is no provision in the proposal to remedy this and this undoubtedly has the potential for an incident while contravening the Local Plan's objectives for road safety.
- The access to the new industrial units is in close proximity to existing dwellings on the opposite side of the road and would cause additional vehicle conflicts and disturbance for neighbouring occupiers.
- The development would lead to additional traffic pressure on Blackpool Old Road and Cartford Lane towards Wyre. These roads are inadequate to accommodate the existing volume of traffic using them and, for the most part, have no footways. Accordingly, they are unable and unsuitable to accommodate any additional traffic.
- The existing bus service along Garstang Road is limited and, accordingly, residents would be reliant on journeys by car.
- The new access will require the removal of mature trees along the highway frontage which would be detrimental to visual amenity and the street scene.
- The development would be located in flood zone 3 and, therefore, is at a high risk of flooding.

### **Relevant Planning Policy**

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

SP02	Development in countryside areas
HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TR01	Improving pedestrian facilities
TREC17	Public Open Space within New Housing Developments
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP18	Natural features
EP19	Protected species
EP22	Protection of agricultural land
EP25	Development and waste water
EP29	Contaminated land
EP30	Development within floodplains



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

DLF1 – Development Locations for Fylde

### **Other Relevant Policy:**

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

### **Site Constraints**

Within countryside area

### **Environmental Impact Assessment**

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

### **Analysis**

#### **Principle of development:**

With respect to the principle of development, objectors have raised concerns regarding the mix of uses proposed, the location, size and pattern of development, the site's sustainability credentials and conflicts with the emerging Local Plan. Each of these issues are, amongst others, addressed in turn below.

#### *Mix of uses:*

When originally submitted, the application sought permission for a mixed-use development of 25 dwellings and five light industrial units delivering up to 950 square metres of class B1(c) floorspace. Amended plans were received on 2 June which indicate the following amendments to the scheme:

- The omission of all the industrial floorspace in order that the development now seeks permission for 25 dwellings only.
- The deletion of the second access point to the southwest corner of the site originally proposed to act as a separate access to the industrial units.
- The inclusion of a ghost island right hand turn lane into the site from Garstang Road.
- The omission of a Toucan crossing and inclusion of pedestrian refuges at two locations along Garstang Road.
- The inclusion of a swale and wildlife garden forming a strip of landscaping alongside the main estate road.

The application is to be considered in accordance with the amended plans and, accordingly, any concerns regarding the industrial units have been resolved by virtue of their exclusion from the scheme. The supporting reports have also been updated to reflect the revisions.

#### *Policy context and the emerging Local Plan:*

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

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

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

A number of objectors have made reference to policies contained with the emerging Local Plan, having particular regard to Little Eccleston's ranking in the settlement hierarchy and an indication that development will be permitted "in exceptional circumstances only and limited to infill plots and the re-use of existing buildings". Reference is also made to the Council's Strategic Housing Land Availability Assessment (SHLAA).

In terms of the references made to the emerging Local Plan, the citations by objectors are taken from the June 2012 'Issues and Options' version of the document. This has now been superseded by the Preferred Options version of the emerging Local Plan. The latest (draft) version of the Revised Preferred Options Local Plan (RPO – dated June 2015) does not include the same restrictions to development in rural areas. Specifically, policy DLF1 makes allowances for residential development on windfall and small, non-strategic sites (those between 10 and 99 dwellings) within and adjacent to rural settlements. Table 3 at paragraph 7.83 of the RPO (shown in Figure 1 below) identifies the number of homes to be completed outside the Strategic Locations for Development during the emerging plan period. This includes provision for 25 dwellings within Little Eccleston. It is noted that the comments from the Council's Planning Policy Service identify the site of Sunnysdale Nurseries as the non-strategic site which is intended to deliver this number of dwellings.

**Table 3: Housing Delivery located outside the Strategic Locations for Development**

<u>Settlement</u>	<u>Homes completed during Plan period</u>
Staining	141
Wrea Green	157
Freckleton	26
Singleton	15
Weeton	20
<b>Other non-settlements</b>	
Little Eccleston	25
Greenhalgh	17

Figure 1 – Extract from RPO.

With respect to the SHLAA, the latest document (published October 2012) does not include the application site (though this significantly pre-dates the RPO). Table 6 of the document does, however, highlight that Little Eccleston has a potential capacity for expansion in the order of 50 dwellings. Appendix 2 identifies two sites (LE07 and LE08) where these dwellings could be delivered as follows:

Ref	Address	Dwelling yield	Deliverability/Developability
LE07	Land rear of Cartford House, Cartford Lane, Little Eccleston	12	Settlement Extension-Potentially Suitable
LE08	Land off Cartford Lane, Little Eccleston	38	Settlement Extension-Potentially Suitable

Whilst the SHLAA does not, in itself, form an allocations Development Plan Document, it indicates the potential for a degree of residential development within Little Eccleston through the modest expansion of the village, notably in excess of that proposed by this application in the RPO.

#### *Sustainability:*

It is recognised that Little Eccleston occupies a rural location to the periphery of the Borough away from major settlements and, in addition, lacks a number of public amenities. The application site falls outside the settlement boundary defined on the FBLP Proposals Map and is located in the Countryside Area. This does, however, need to be balanced with the positive sustainability credentials of the development and also considered in the context of the Borough's current housing land supply position.

Policy SP 2 indicates that, in Countryside Areas, development will only be permitted where it falls into 5 categories. None of these categories are applicable to the proposed development and, accordingly, there is conflict with policy SP2 in this regard. The FBLP indicates that the only circumstance where housing would be permissible within the countryside area would be in the case of rural exception sites for affordable housing in accordance with the provisions of policy HL3. However, this approach to resist private market housing in the countryside area cannot be considered to be up-to-date (and, accordingly, sustainable) for the purposes of the NPPF where a Local Planning Authority is unable to demonstrate a 5 year supply of housing. Indeed, paragraph 55 of the NPPF supports the principle of sustainable housing developments in rural areas, indicating that "housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

Having specific regard to residential developments, paragraph 47 of the NPPF requires Local Planning Authorities to *"boost significantly the supply of housing"* in order to *"provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land"*.

Paragraph 49 of the NPPF states that: *"housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing*

*should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.*

The Council is presently unable to demonstrate a 5 year supply of housing land. The Council’s most recent five year housing land supply position statement (dated December 2013) indicates that it is able to demonstrate a supply equivalent to 4.5 years (including a 20% buffer to deal with a period of persistent under delivery). Therefore, the absence of a 5 year supply places policy SP2 (and, allied to this, the approach in policy HL3) in conflict with the NPPF.

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

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

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

The eighth bullet point to paragraph 17 of the NPPF indicates that one of the Framework’s core planning principles is to:

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

Previously developed land is defined in Annex 2 of the NPPF as follows:

- “Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time”.

The majority of the site is currently occupied by either buildings or hardstandings associated with the existing nursery business. Exceptions to this include the pond and surrounding greenspace to the northeast corner and the grass verge to the southwest corner alongside Garstang Road. Nevertheless, the extent of built development on the site means that most of the site area constitutes previously developed land for the purposes of the definition in the NPPF. Therefore, the re-use of brownfield land weighs heavily in favour of the scheme, particularly as this would avoid the need for the release of greenfield land within the Open Countryside.

Criteria (7) of FBLP policy HL2 states that planning applications for housing will be permitted where they *“are in a sustainable location having regard to the local availability of shops, schools, employment sources, public transport and other community facilities”*.

It is inevitable that sites within the countryside will not benefit from the same accessibility to services as those within the urban area. It does not, however, follow that all development within the rural area is always unsustainable and, as acknowledged at paragraph 55 of the NPPF, the introduction of housing in rural areas is capable of enhancing the vitality of rural communities by supporting local shops and services elsewhere. Whilst Little Ecclestone lacks any substantial shops and services (the only provision being the Cartford Inn Public House at the bottom of Cartford Lane), it is located within comfortable walking distance of Great Ecclestone (being approximately 650m from the village centre). Great Ecclestone is a larger village which includes a number of shops and services of a scale to serve local need including a convenience store, other specialist shops, churches, pubs, health facilities and two primary schools. The close proximity of the two settlements means that they are closely allied to one another with respect to sharing services. Whilst objectors consider that facilities in Great Ecclestone are oversubscribed, no specific evidence of this has been provided and, having particular regard to schools, it is noted that LCC have not requested any contribution towards education on the basis of a deficiency in school places (either at present or arising as a result of the development).

In accordance with paragraph 55 of the NPPF and FBLP policy HL2, the development is capable of being adequately served by facilities in Great Ecclestone and would support and enhance the vitality of shops and services in the adjacent village. Future occupiers would not be reliant on car-borne journeys in order to access these facilities and pedestrian access to Great Ecclestone would also be enhanced as part of the scheme through the introduction of two pedestrian refuges providing crossing points over Garstang Road. Accordingly, the development would not result in the provision of isolated homes in the countryside in conflict with the NPPF.

#### *Location, size and pattern of development:*

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

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

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

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

- Acceptable in principle and compatible with nearby and adjacent land uses;
- In keeping with the character of the locality in terms of scale, space around buildings, materials and design; and
- Developed at a net density of between 30-50 dwellings per hectare.

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

The site occupies a prominent location fronting onto Garstang Road on the edge of the settlement boundary to the western periphery of Little Ecclestone. The site is located between a ribbon of housing fronting onto Blackpool Old Road to the east and a caravan park which follows a rectangular parcel of land running in a north-south direction to the west. A pair of semi-detached houses lie to the southwest corner of the site and a row of five dwellings and a second caravan park are located on the opposite side of Garstang Road.

The site boundaries are formed by established trees and hedging to the northern, eastern and southern perimeters, with an access track to Wyre View intervening with the caravan park alongside the site's western boundary. These boundaries, combined with the extent of built development on the site and its relationship to surrounding buildings, form a physical connection with the remainder of the village and visual segregation between the site and areas of adjoining open countryside, most notably that beyond the treeline to the north. The site's relationship with and connection to other built development within Little Ecclestone means that it forms part of the Y-shaped pattern of development and does not sit outside or in insulation to the remainder of the settlement.

A number of objectors have raised concerns with the size of the development, opining that the number and density of dwellings proposed would result in a disproportionate enlargement to the settlement – specifically a 25% enlargement has been mentioned. Excluding caravan pitches and non-residential buildings, the Ordnance Survey plan indicates the presence of some 126 dwellings in Little Ecclestone. Therefore, the development of 25 dwellings on the site would result in a 20% enlargement to the village with respect to the number of houses. In terms of density, the site area is 1.9 hectares. The submitted plans indicate that 0.41 hectares of this is to be given over to open space, leaving a net developable area of 1.49 hectares and, resultantly, a housing density of 16.8 dwellings per hectare. Whilst this falls significantly below the density range identified in FBLP policy HL2, lower densities such as this are considered to be appropriate in order to preserve rural character in accordance with paragraph 47 of the NPPF which states that housing densities should reflect local circumstances.

Whilst there is no definition in the FBLP or NPPF as to what will be considered to constitute an appropriate (or inappropriate) extension to an existing village, a development which follows the pattern of an existing settlement, is physically connected to it, is already previously developed, does not encroach beyond established boundaries and is capable of delivering a layout which is compatible with the density and character of surrounding housing, can be seen as a proportionate extension by reason of its size.

### *Conclusion regarding principle:*

The site lies within the Countryside Area and outside the settlement boundary of Little Eccleston as identified on the FBLP Proposals Map. The proposed residential development does not fall within any of the categories of appropriate development outlined in FBLP policy SP2 and, accordingly, is in conflict with this policy. However, given the absence of a five year supply of housing land within the Borough, policy SP2 is out-of-date and is in conflict with the NPPF. As a result, little weight can be attached to this policy in the decision making process. The site is allocated as a non-strategic development location in the latest revision of the Preferred Options Local Plan (June 2015). Whilst the draft version of the emerging Local Plan has not yet been subject to formal public consultation or examination and, accordingly, carries limited weight in the decision making process, it establishes the principle of allowing a limited amount of residential development on the edge of Little Eccleston.

As has been demonstrated through numerous appeals, the principle of housing development cannot be resisted in the Countryside Area providing that it is sustainable in all other respects and that no other demonstrable harm would arise as a result of the development. It is considered that the scheme would result in an appropriate and proportionate extension on the edge of the village of Little Eccleston and would deliver several benefits which, in combination, weigh heavily in favour of the development. In particular, the proposal would:

- Make efficient use of previously developed (brownfield) land on the edge of the settlement and would not encroach onto surrounding open countryside outside the built-up area of the village.
- Make a valuable contribution to the supply of housing within the Borough in the absence of a five year supply.
- Result in an extension of the settlement which, by virtue of its size, scale and density, would be compatible with the rural character and setting of the existing village, and would not result in isolated homes in the countryside.
- Be accessible to shops and services in Great Eccleston located within comfortable walking distance of the site, including enhancing their vitality and viability.

Given the above, it is considered that the principle of development is acceptable, having particular regard to the core planning principles (paragraph 17) and the requirements of paragraphs 47, 49 and 55 of the NPPF, and FBLP policy HL2.

### Loss of agricultural land:

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

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

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

The Agricultural Land Classification Map is based on the Ministry of Agriculture, Fisheries and Food Soil Survey of England and Wales 1969 which is intended for strategic purposes. This map is not sufficiently accurate for use in the assessment of individual sites. In this case, the Grade 2 classification covers the whole of Little Eccleston and a substantial section of the built-up area of Great Eccleston. Moreover, as the site is already previously developed and not in agricultural use, the proposal would not result in the loss of the Borough's BMV agricultural land, having particular regard to the scheme's compliance with the intention of FBLP EP22 to direct development onto previously developed sites which are not in agricultural use. Therefore, there is no conflict with the requirements of FBLP policy EP22 and the NPPF in this case.

#### Visual and landscape impact:

The site is located between housing forming a ribbon of development on Blackpool Old Road to the east and a caravan park to the west. Boundaries are characterised by established trees and hedgerows along the northern, eastern and southern perimeters, and scattered planting along the western boundary adjacent to the caravan park. A man-made pond encircled by grassland is located to the northeast corner of the site.

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

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

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

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

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

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

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

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

Whilst the site is not subject to any specific landscape designations, it contains features listed in FBLP policy EP10 – specifically hedgerows and ponds – which it would be beneficial to retain and incorporate into the development layout. In particular, the row of mature trees which provide a linear belt along Garstang Road and the hedgerow behind form prominent landscape features and a



soft edge to the road. Similarly, existing vegetation to the northern boundary provides visual relief and separation with open land beyond where the built-up area of the village transitions into open countryside.

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which considers the development's impact on landscape character and views from surrounding receptors. The LVIA concludes that the development's effects in both respects would be no more than "moderate". The LVIA does, however, outline an indicative landscape strategy to reduce its impact through "the provision of improved boundary planting and further tree planting within the site". In particular, this strategy provides for:

- The retention of all existing hedges along the eastern, southern and western boundaries;
- The retention of all existing trees along the southern and northern boundaries;
- The introduction of landscaped buffers in the form of additional tree planting alongside the western site boundary and adjacent to the southern and western edges of the pond;
- The creation of a wildlife habitat to the northern and eastern edges of the pond.
- The formation of a tree-lined gateway into the site along the main estate road into the site including a swale and wildlife garden along the eastern flank.

The indicative landscape strategy in the LVIA would ensure the retention of important landscape features which occur within the site as required by FBLP policies HL2, EP10, EP11, EP12 and EP18, and further strengthening of these features through the provision of additional planting.

Objectors have referred to the increased height and prominence of the proposed dwellings in comparison to the existing nursery buildings. Despite the presence of a hedgerow and trees along the southern boundary with Garstang Road, the existing single storey concrete block/steel clad building to the eastern end and adjoining glasshouses to the west are prominently in view when travelling along the highway.

Whilst details relating to layout shown on the illustrative masterplan are indicative only, scale parameters indicate a maximum building height of three storeys (the third storey to be provided in the roof), with the majority of dwellings to be two storeys in height. Although the new dwellings would be taller than the existing nursery buildings, the proposal would result in a reduction in the overall massing of built development on the site and a more spacious layout with larger areas of open space and additional planting when considered in comparison to the existing nursery which forms a continuous, rectangular block. The new dwellings would follow the prevailing two-storey height of adjacent properties to the southwest corner of the site (Sunnydale Cottages) and to the east on Blackpool Old Road, including those backing onto Garstang Road. Houses on the opposite side of Garstang Road occupy a recessed position set back from the highway and the indicative layout demonstrates that the development is capable of incorporating a similar arrangement to provide appropriate separation with the highway in order that it would not appear unduly dominant or obtrusive when viewed from vantage points along the A586 in conjunction with surrounding dwellings.

The proposal would result in the redevelopment of a previously developed site on the western edge of the settlement. Whilst the scheme would alter the existing character of the site with respect to building scale, height, layout, style and massing, it would be contained wholly within the established boundaries of Sunnydale Nurseries (defined by existing boundary treatments) and, accordingly, would not encroach into open countryside. Moreover, the development would also have positive visual effects through the strengthening of existing planting, an overall reduction in massing in comparison to the existing nursery buildings and the provision of a spacious, low-density layout appropriate to its rural setting. Therefore, appropriate measures can be provided as part of the

scheme in order to ensure that the development is sympathetically assimilated into the surrounding landscape. An appropriate condition has been recommended requiring any future application for reserved matters to demonstrate compliance with the principles of the submitted landscape strategy in order to satisfactorily minimise its visual impact. Accordingly, the proposal is considered to be in compliance with the requirements of FBLP policies HL2, EP10, EP11, EP12, EP14 and EP18, and the NPPF.

#### Relationship with surrounding development:

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

The site lies adjacent to dwellings on Blackpool Old Road to the east and on the opposite side of Garstang Road to the south, and alongside a group of static caravans on Queensgate Park to the west. Houses on Blackpool Old Road are orientated at an oblique angle to the site, with the closest of these (Flonora) – a bungalow to the east – following a northeasterly orientation with its garden backing onto the pond. Garstang Road forms a prominent intervening feature with dwellings to the south and the existing pair of semis (Sunnydale Cottages) are contained on a modest land parcel to the far southwest corner of the site and benefit from enclosed gardens. Static Caravans to the west are orientated at right angles to the site and are separated from it by intervening hedging and an access track. Single dwellings to the northwest (Wyre View) and east (The Bungalow) are located a substantial distance from the site and are extensively screened by existing planting which is to be retained as part of the scheme.

The proposed development would be compatible with the prevailing residential character of surrounding buildings and would not introduce any noise-generating uses which would have implications for adjoining occupiers with respect to additional noise and disturbance. The development is capable of achieving an appropriate relationship with surrounding properties in order that it would have no undue impact on the privacy and amenity of adjoining occupiers through overlooking, overshadowing, loss of outlook or any other nuisance for the purposes of FBLP policy HL2. Such detailed issues will, however, require further consideration at reserved matters stage.

#### Highways:

The third bullet point to paragraph 32 of the NPPF states that, decision makers should take account of whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

In addition, criteria (2) and (5) of policy TR1 encourage the improvement of facilities for pedestrians to promote walking as an alternative means of travel through:

- The provision of comprehensive high quality pedestrian facilities which will be attractive to pedestrians within and between new developments and between new development and public transport routes and stops;
- The provision and maintenance of direct pedestrian routes to local shopping centres, schools and other community facilities.

The application is accompanied by a Transport Statement (TS) which considers the development's impact on the surrounding highway network and its accessibility by modes of transport other than private car.

*Access:*

The site is to be accessed via a single opening forming a priority ('give way') junction onto Garstang Road. The development would reuse the existing access to the nursery, with this opening to be adapted for residential traffic. A dedicated right hand turn lane with a ghost island approach would be provided to the centre of the carriageway to facilitate access for vehicles travelling westbound along Garstang Road. Visibility splays of 65m x 2.4m (looking east) and 140m x 2.4m (looking west) would be achieved at the junction. The site access would merge with a 4.8m estate road.

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

- The formation of a ghost island right hand turn lane into the site along the westbound carriageway of Garstang Road.
- The introduction of two pedestrian refuges forming central 'islands' within the carriageway of Garstang Road at the following locations:
  - Adjacent (to the immediate west) to the ghost island right hand turn lane into the site.
  - Between the two ghost island right hand turn lanes at the junction of Garstang Road with Blackpool Old Road and the B5293 (High Street), approximately 425 m to the east of the site.

In addition to ensuring a dedicated access for vehicles, the above infrastructure improvements would enhance the site's accessibility for pedestrians through the provision of refuges to form crossing points at two locations along Garstang Road – one immediately outside the site and a second further to the east near the junction of Garstang Road and High Street in order to allow improved pedestrian access into Great Eccleston.

The proposed infrastructure improvements would ensure safe and convenient access for vehicle traffic and would provide enhanced accessibility for pedestrians, both adjacent to and further away from the site. An appropriate condition has been recommended to secure the implementation of the proposed infrastructure improvements before any of the dwellings are first occupied.

The TS also considers the development's accessibility by non-car based journeys including walking, cycling and public transport, concluding as follows:

- Great Eccleston falls within an 11 (western end) to 20 (eastern end) minute walking distance of the site.
- The settlements of Elswick and Great Eccleston are within a 15 minute cycle distance of the site and there are both on and off road cycle routes providing connectivity with these settlements.
- There are bus stops opposite and adjacent to the site which provide an hourly service between Lancaster and Blackpool (no. 42) and between St Annes and Blackpool (no. 76).

Given the above it is considered that there is reasonable access to other modes of transport (proportionate to the scale of development and its rural location) which is capable of reducing the number of car-borne journeys from the site and preventing it from being unduly isolated from local

amenities both adjacent to and further away from the site.

*Traffic generation:*

The submitted Transport Statement (TS) refers to the Department for Transport's publication "Guidance on Transport Assessment" which sets out the criteria for transport assessments in new developments. The guidance identifies that, in circumstances where a development would generate less than 30 two-way vehicle trips during any one-hour period, the level of impact is likely to be sufficiently limited in order that no formal, operational assessment is required.

The two-way trip rate for the proposed development would be 20 vehicle movements per hour. As this falls below the threshold of 30 two way movements in the Department for Transport's Guidance, no operational assessment of the development's impact on network capacity is required and, accordingly, the TS concludes that the proposal would not have any severe impact on the highway network which would place it in conflict with paragraph 32 of the NPPF.

The conclusions in the TS are not disputed by LCC Highways and, therefore, it is considered that there is sufficient capacity for the development to be accommodated within the existing network (as altered via the proposed infrastructure improvements) in order that it would not have any detrimental impact on highway safety.

*Parking:*

The indicative layout shows each property to be served by individual driveways and garages providing in-curtilage parking at a minimum of two spaces (plus garage space). The car parking standards in Appendix 4 of the emerging local plan require a maximum provision of 2 parking spaces for 2-3 bed dwellings and 3 spaces for 4+ bed properties. Whilst indicative, the illustrative layout demonstrates that the development is capable of providing sufficient space to accommodate satisfactory off-road parking for each plot in accordance with the parking standards outlined in Appendix 4 of the emerging plan.

*Conclusion on highway matters:*

The proposed development would deliver a number of physical improvements to highway infrastructure for both vehicle and pedestrian traffic in order to facilitate safe and convenient access to the site. Sufficient capacity would be available within the highway network (as improved) to accommodate the level of traffic generated by the development and the site is accessible by modes of transport other than private car. The illustrative layout demonstrates that satisfactory access, parking and manoeuvring arrangements can be achieved as part of the scheme. Therefore, it is considered that the development is capable of being accommodated on the site without having an adverse impact on the safe and efficient operation of the surrounding highway network, both adjacent to and further away from the site. No objections have been received from LCC Highways on transport grounds and appropriate conditions can be imposed to ensure that the development delivers the stipulated highway improvements. The proposal is therefore in accordance with the requirements of FBLP policies HL2 and TR1, and the NPPF.

Ecology:

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

- Minimising impacts on biodiversity and providing net gains in biodiversity where possible,

contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

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

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

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

The application is accompanied by an ecology survey which assesses the value of existing habitats within the site and the development's potential impact on protected species, including specific surveys for badgers, bats, birds and Great Crested Newts (GCN). The report makes the following conclusions:

- Habitats on the site are generally of low ecological value. Those of the greatest value include the on-site pond and boundary hedgerows.
- There is no suitable habitat within the site for roosting bats. Visual inspections of existing buildings and emergence/re-entry surveys did not reveal the presence of roosting bats, though foraging habitat is available around the pond and hedgerows to site boundaries.
- There are 3 ponds within 250m (including that falling within the site) which have a direct habitat linkage to the site and the potential for use by amphibians. However, all 3 ponds have poor to below average habitat suitability and a detailed survey of each pond revealed no signs of GCN. In addition, there are no historic records of GCN within any of these ponds.
- There is low to moderate bird breeding potential associated with existing vegetation and a number of bird species were recorded on site. However, the existing habitat is not suitable for ground nesting birds and appropriate mitigation can be achieved by avoiding the removal of vegetation during the bird breeding season and through retention/enhancement of existing planting along the site boundaries.

Greater Manchester Ecology Unit (GMEU) have assessed the ecology appraisal and consider its methodologies and conclusions to be valid. GMEU do not consider any further surveys to be necessary prior to determining the application. Given the lack of any specific designations and the site's existing character/use, GMEU consider it to be of limited nature conservation value with low potential to support any specially protected or priority species, except for foraging bats. Habitats of local value (including the pond and peripheral vegetation, broadleaved trees and hedges) are to be retained as part of the scheme. Therefore, GMEU have raised no objection to the application on nature conservation grounds and, instead, recommend that conditions are attached to any permission granted requiring that:

- The proposed development would retain existing habitats of greatest value (namely vegetation to the perimeter and the existing pond) and would supplement these in order to provide suitable biodiversity enhancements as part of any landscaping scheme. Appropriate surveys have been carried out by a suitably qualified ecologist to demonstrate that the site is not used by any specially protected species and, accordingly, would not affect their

favourable conservation status. The proposal is therefore in accordance with the objectives of FBLP policy EP19 and the NPPF, and appropriate conditions have been recommended in accordance with the advice of GMEU.

#### Flooding and drainage:

A number of objectors have suggested that the site lies within flood zone 3 and, accordingly, opine that it is at a high risk of flooding. This is not, however, the case. Instead, the site is shown to fall wholly within flood zone 1 (land with a less than 1 in 1,000 or <0.1% annual probability of river/sea flooding) as defined on the Environment Agency's Flood Map. However, as the site is over 1 hectare in area, a Flood Risk Assessment (FRA) has been submitted with the application.

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

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

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

The submitted FRA considers the site's risk of flooding from sources including rivers, groundwater, surface water, sewers, reservoirs, canals and other artificial sources. The FRA concludes that there is a low risk of flooding from all these sources and, as the Environment Agency's Flood Map shows the site to be in zone 1 (that at the lowest risk of flooding), the main issue to be considered in this case is the strategy for the disposal of surface water in order that the development does not increase the risk of flooding either on the site or elsewhere.

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

The submitted FRA indicates that, due to the low permeability soil types across the site and the presence of public combined sewers across the southern part of the site and within Garstang Road, surface water from the existing site drains into the combined public sewer. Whilst the detailed drainage design cannot be determined until reserved matters stage (being intrinsic to the development layout), an indicative drainage strategy outlined in the FRA identifies the following principles:

- The use of permeable paving on driveways and car parking areas to store surface water.
- The installation of subterranean pipe networks beneath access roads to direct surface water towards underground attenuation tanks to be located in the vicinity of the site access onto Garstang Road.
- Measures to attenuate surface water discharge in order that the post-development rate of surface water run-off from the site does not exceed the equivalent greenfield rate (calculated at 5 litres per second).

The Environment Agency, LCC (as the lead local flood authority) and United Utilities have been consulted on the application. Whilst United Utilities and LCC have indicated that the applicant should explore alternative (sustainable drainage) options to direct surface water away from the combined sewer network, no objections have been received with respect to the principle of development. Instead, conditions have been recommended requiring submission of a detailed drainage strategy to limit the rate of surface water discharge from the site to the equivalent greenfield rate of 5 litres per second and, in the case of United Utilities and LCC, that no surface water drains to the combined sewer unless it can be demonstrated that there is no suitable alternative. An appropriate condition is recommended in this regard in accordance with the advice of the relevant consultees. Therefore, adequate measures can be put in place to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the requirements of FBLP policies EP25 and EP30, and the NPPF.

#### Contamination:

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

- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 121 of the NPPF indicates that planning policies and decisions should ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- adequate site investigation information, prepared by a competent person, is presented.

In addition, FBLP policy EP29 states that development on land known or suspected of being contaminated will only be permitted where:

- the proposed development is an acceptable land-use in principle;
- the applicant can demonstrate the degree of contamination, if any, and where appropriate can identify acceptable measures to remove or treat the source(s) of contamination commensurate with the proposed use;
- the treated land and the measures necessary to achieve it do not produce any unacceptable risks to human health or the wider environment, including the contamination of surface water, ground water or sewers.

The application is accompanied by a ground investigation report which identifies the potential sources of contamination on the site as:

- Existing buildings which may have been constructed in asbestos containing materials;
- Existing bituminous macadam hardstanding; and
- Spillages associated with existing fuel oils and diesel tanks and associated bunds.

The report recommends that a watching brief is implemented during the removal of the fuel tanks to ascertain whether any contamination of the underlying soils has taken place as a result of spillages. However, the Environment Agency disagree with this approach and, instead, consider that a condition should be imposed on any permission granted requiring intrusive site investigations in respect of contamination.

As the site is previously developed and has also been used for the storage of fuels, it is considered appropriate to impose a condition requiring intrusive site investigations in order to determine whether the site is contaminated and, if so, what remediation measures are necessary to address this in accordance with the advice of the Environment Agency. An appropriate condition has been recommended in this regard in order to ensure that the development does not conflict with the requirements of FBLP policy EP29 and the NPPF.

#### Other matters:

The Lancashire Constabulary have requested that conditions be attached to any permission granted requiring the dwellings to be built to Secured by Design standard and that fencing to a height of at least 1 metre is erected around the perimeter of the pond to be retained to the northeast corner of the site. Objectors have also made reference to need for the latter in the interests of the safety of future occupiers.

There is no policy justification, either nationally or locally, to support a condition requiring the dwellings to be built to Secured by Design standard. Therefore, it would be unreasonable to impose a condition to this effect. It is, however, considered appropriate to attach a condition requiring a fence to a minimum height of 1 metre to be installed to the perimeter of the pond. As identified in the supporting reports (including the FRA), the pond is relatively deep and has steep banks. Therefore, whilst it represents an attractive feature with respect to visual amenity and biodiversity, it is correct to take measures to ensure the safety of future occupiers of the development in accordance with FBLP policy HL6. A suitable condition has been recommended in this regard.

#### Developer contributions:

The Council's Interim Housing Policy (IHP) outlines the circumstances where contributions will be sought towards affordable housing, public open space and public realm improvements. As a threshold of 15 dwellings is identified, contributions towards open space and affordable housing are applicable in this case in accordance with the IHP.

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

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

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

#### *Open space:*

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

- 16 sq m per 1 bedroom dwelling



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

The policy clarifies that, where the above standards would require the provision of open space of less than 0.2 ha (2000 square metres) or where for other reasons it is agreed between the developer and the council that the open space would be better provided off site, payment of a commuted sum will be sought to help provide additional or improved open space or other recreational facilities nearby where the benefits would serve the occupiers of the new development. This is reiterated in paragraph 12 of the IHP which indicates that, in respect of proposals for 15 or more dwellings, provision for public open space can be made by the payment of a financial contribution in accordance with policy TREC 17 where public open space cannot be provided on site.

Whilst bedroom numbers will not be fixed as part of the outline, the indicative layout shows a mix of 7 three-bed, 6 four-bed and 12 five-bed houses. This would result in a requirement for 1040 square metres of open space. Whilst this falls below the threshold for on-site provision in FBLP policy TREC 17, there are no existing parks or other recreational facilities in the locality where an off-site contribution could be fairly and reasonably related to the development. Therefore, it is considered that open space should be delivered on site in this case.

The indicative layout includes an area of 4,145 square metres of open space on site. As highlighted by a number of objectors, the overall figure includes the existing pond which is to be retained. It is acknowledged that, whilst providing biodiversity enhancement and an incidental amenity feature, the pond does not form a functional area of open space. The pond has an area of approximately 1130 square metres and, accordingly, when this is discounted, the total area of open space shown on the indicative masterplan is 3,015 square metres (incorporating the open space encircling the pond and the wildlife garden alongside the estate road). Therefore, even when discounting the pond, the indicative layout shows that the development is capable of providing adequate open space on site in accordance with the requirements of FBLP policy TREC17.

#### *Affordable housing:*

Paragraph 7 of the IHP requires that, for proposals of 15 or more dwellings, 30% of the houses should meet the definition of affordable housing in the NPPF. Therefore, the proposed development for up to 25 dwellings would generate a requirement for up to 7 dwellings on the site to be offered as on-site affordable homes. The developer has agreed to make this on-site provision through planning obligation in accordance with the requirements of the IHP.

#### *Education:*

Paragraph 72 of the NPPF indicates that:

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

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

Objectors have referred to a lack of capacity in nearby primary schools in order to accommodate the increase in pupil numbers which would arise as a result of the scheme. However, LCC have not requested any contribution on the basis of an identified deficiency in the provision of new school places in the locality and, accordingly, there is no conflict with the requirements of FBLP policy CF2 and the NPPF in this respect.

A resolution is included below which requires a planning obligation to be entered into to secure recreational open space and affordable housing in accordance with the provisions of FBLP policy TREC17 and the IHP.

### **Conclusions**

The proposed residential development represents a proportionate extension to the village on a previously developed site located to the edge of Little Ecclestone between pockets of development to either side. The scheme would follow the pattern of built development on the periphery of the settlement and would be contained within the established boundaries of Sunnydale Nurseries in order that it would not result in encroachment into the open countryside. Whilst the site is located outside the settlement boundary and within the Countryside Area as defined on the Fylde Borough Local Plan Proposals Map, the Council is presently unable to demonstrate a five year supply of housing land and, accordingly, the principle of residential development within the Countryside Area cannot be resisted where the development is sustainable in all other respects.

The scheme would not result in the loss of the Borough's best and most versatile agricultural land and there are no other landscape designations to restrict its development for housing. The proposal, by virtue of the size, scale, density and number of dwellings proposed, and its relationship to the urban fringe of the village, would not have any significant adverse effects on landscape character or quality, and appropriate mitigation can be introduced as part of the scheme in order to minimise its impact in this regard. Satisfactory arrangements (including infrastructure improvements) would be made for vehicle access, parking and manoeuvring in order that the development would not have a detrimental impact on the safe and efficient operation of the surrounding highway network, either adjacent to or further away from the site. Enhanced provision would also be made for pedestrian access and greater connectivity between the settlements of Little Ecclestone and Great Ecclestone.

The proposal would result in an acceptable relationship with surrounding uses and appropriate mitigation can be provided to ensure that the development would have no adverse impacts in terms of ecology, flooding, drainage and contamination. Appropriate contributions would also be secured in respect of open space and affordable housing to make the development acceptable in planning terms. The proposal is therefore considered to represent sustainable development in accordance with the requirements of the relevant policies of the National Planning Policy Framework and the Fylde Borough Local Plan.

### **Recommendation**

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

- The provision of open space on site in accordance with the standards set out in Fylde Borough Local Plan policy TREC17.
- The provision, tenure, delivery mechanism, occupation criteria and phasing of 30% of the dwellings to be offered as affordable housing (as defined in the National Planning Policy Framework) on site in accordance with the requirements Fylde Borough Council's Interim

Housing Policy (as revised 13 February 2013).

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

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

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

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

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

3. This permission relates to the following plans:

- Drawing no. 1430/LP1 Rev A – Location plan.
- Drawing no. 1430/14 Rev C – Proposed access with additional context.
- Drawing no. 1430/15 Rev D – Illustrative site plan.

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

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

4. No development shall take place until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority to assess the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place. The submitted report shall include:

- a survey of the extent, scale and nature of contamination
- an assessment of the potential risks to:
  - human health;
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
  - (i) adjoining land;
  - (ii) groundwaters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments.
- where unacceptable risks are identified, an appraisal of remedial options and proposal for the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy and a verification report submitted to and approved in writing by the Local Planning Authority before any of the apartments hereby approved are first occupied.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers in accordance with Fylde Borough Local Plan policy EP29 and the National Planning Policy Framework.

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

Reason: In order to ensure a satisfactory relationship between the new dwellings and their surroundings (including buildings and the street scene) and to ensure that the development is not at risk of flooding in accordance with the requirements of Fylde Borough Local Plan policies HL2 and EP30, and the National Planning Policy Framework.

6. No above ground works shall take place until a scheme for the disposal of foul and surface water from the site, which gives priority to the use and principles of sustainable drainage systems, has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:
- separate systems for the disposal of foul and surface water, including measures to ensure that no surface water drains directly or indirectly to the public foul/combined sewer;
  - a detailed drainage strategy to demonstrate that the post-development surface water discharge rate to any soakaway, watercourse or sewer does not exceed the equivalent greenfield rate of 5 litres per second (as calculated in the Flood Risk Assessment by Thomas Consulting – ref P5225 issue 2). The drainage strategy shall include information regarding: (a) the peak surface water runoff rate from the development for the 1 in 30 year and 1 in 100 year rainfall event (+30% climate change allowance); (b) site investigation and test results to confirm infiltration rates; and (c) details of temporary storages facilities and flow attenuation measures (including the use of SUDS where appropriate) to delay/control the rate of surface water discharge from the site;
  - details of the measures taken to prevent flooding and pollution of any receiving groundwater and/or surface waters (including watercourses) and of any off-site works required to ensure adequate discharge of surface water without causing flooding or pollution (including refurbishment of existing culverts and headwalls or removal of unused culverts where applicable);
- (iii) flood water exceedance routes, both on and off site;
- (i) a timetable for implementation, including any phasing of works.

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

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

7. None of the dwellings shall be first occupied until details of a management and maintenance scheme for any sustainable drainage system required by condition 6 of this permission has been submitted to and approved in writing by the Local Planning Authority. The scheme shall cover the full lifetime of the drainage system and, as a minimum, shall include:
- (ii) arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Residents' Management Company.
  - (iii) arrangements concerning funding mechanisms for the ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) to include elements such as:
    - (iv) on-going inspections relating to performance and asset condition assessments.
    - (v) operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets.
    - (i) any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
  - (ii) means of access for maintenance and easements.

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

Reason: To ensure that satisfactory measures are put in place for the management and maintenance of any sustainable drainage system throughout the lifetime of the development, to minimise the risk of flooding and to limit the potential for surcharging of the sewer network in accordance with the requirements of Fylde Borough Local Plan policies EP25 and EP30, and the National Planning Policy Framework.

8. Notwithstanding the requirements of condition 3 of this permission, no development shall take place until a scheme for the design (including provision of an adequate visibility splay at the junction with Garstang Road), construction, drainage and lighting of the site access (the layout of which is shown on drawing no. 1430/15 Rev D) has been submitted to and approved in writing by the Local Planning Authority. The site access shall be constructed in full accordance with the duly approved details and made available for use before any of the dwellings hereby approved are first occupied, and the visibility splay kept free of any obstructions over 0.6 metres in height thereafter.

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

9. None of the dwellings hereby approved shall be first occupied until the following highway improvement works (as shown on drawing nos. J481/Access/Fig1 and J481/Offsite/Fig2 appended to the Transport Statement by DTPC ref J481/TS Rev A) have been implemented and made available for use in accordance with details (including their siting, layout, design, construction, lighting and drainage) which have first been submitted to and approved in writing by the Local Planning Authority:
- a. The provision of a ghost island right hand turn lane for westbound vehicles entering the site from Garstang Road.
  - b. A pedestrian crossing over the carriageway of Garstang Road in the position shown

on drawing no. J481/Access/Fig1.

- c. A pedestrian crossing over the carriageway of Garstang Road in the position shown on drawing no. J481/Offsite/Fig2.

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

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

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

11. Any application which seeks approval for the reserved matter of landscaping pursuant to condition 2 of this permission shall include a scheme which demonstrates compliance with the principles of the 'Landscape Strategy' Annexed as "Plan 3" to Appendix 3 of the Landscape and Visual Impact Assessment by Urban Green – ref 29<sup>th</sup> May 2015 Rev B. The scheme shall include, but not be limited to, the following details (as shown indicatively on 'Plan 3')

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

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

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

12. No development shall take place until a Construction Exclusion Zone has been formed around the Root Protection Areas of those trees/hedgerows identified as being retained as part of the landscaping scheme submitted pursuant to condition 10. The Construction Exclusion Zone shall be provided in the form of protective fencing of a height and design which accords with the requirements BS 5837: 2012 and shall be maintained as such during the entirety of the construction period.

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

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

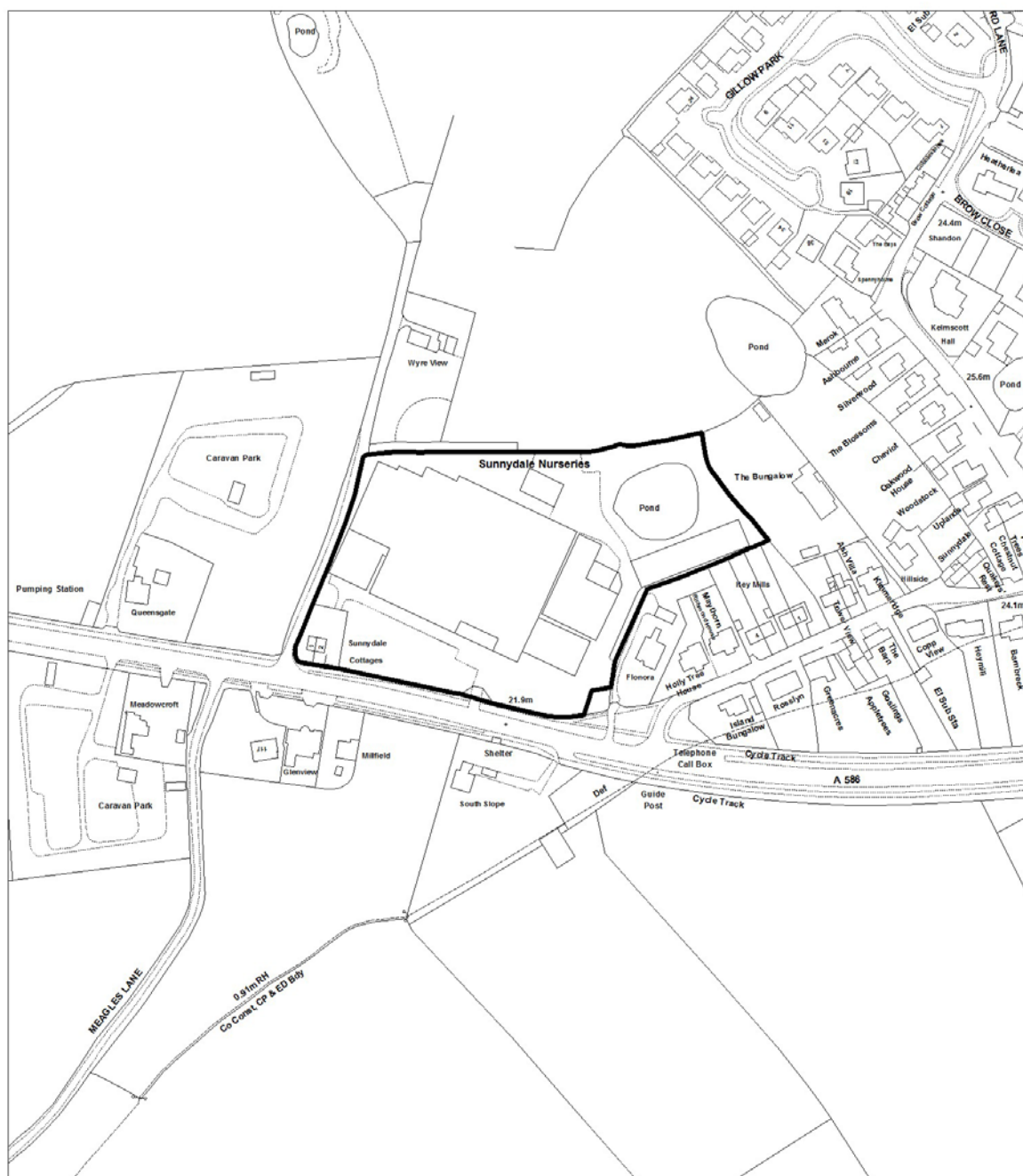
Reason: In order to prevent any habitat disturbance to nesting birds in accordance with Fylde Borough Local Plan policy EP19, the provisions of the Wildlife and Countryside Act 1981 (as amended) and the National Planning Policy Framework.

14. None of the dwellings hereby approved shall be first occupied until a scheme for the installation of fencing to the perimeter of the on-site pond which is to be retained as part of the development (as shown on drawing no. 1430/15 Rev D) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the height (which shall be no less than 1 metre), position, design, materials and finish (including colour treatment) of the fencing. The fencing shall be installed in accordance with the details in the duly approved scheme before any of dwellings hereby approved are first occupied, and retained as such thereafter.

Reason: In order to ensure the safety of future residents of the development and to minimise the risk of accidents in accordance with the objectives of Fylde Borough Local Plan policy HL6.

15. Any application which seeks approval for the reserved matter of layout pursuant to condition 2 of this permission shall include a scheme for the provision of an independent pedestrian/cycle link between the site and the footway of Garstang Road. Such a scheme shall include details of: (i) the siting of the route's access on Garstang Road (which shall be substantially in accordance with the position shown on drawing no. 1430/15 Rev D); and (ii) the layout (including its connection with internal routes within the site), design and construction (including surface treatment) of the pedestrian/cycle link. The pedestrian/cycle link shall be constructed in accordance with the duly approved details and made available for use before any of the dwellings are first occupied, and retained as such thereafter.

Reason: In order to provide satisfactory pedestrian/cycle access to the site from Garstang Road in the interests of highway safety and to provide enhanced connectivity with the remainder of the settlement in accordance with the objectives of Fylde Borough Local Plan Policy HL2 and the National Planning Policy Framework.



Development Services Fylde Council		(c) Crown Copyright and database right (2015). Ordnance Survey (100006084).	
Application No. 5/15/0124	Address Sunnydale Nurseries, Garstang Road, Little Eccleston	Grid Ref. E.3418 : N.4403	Scale 0 10 20 30 40 m 



<b>Application Reference:</b>	15/0308	<b>Type of Application:</b>	Reserved Matters
<b>Applicant:</b>	BDW Trading Ltd	<b>Agent :</b>	Cass Associates
<b>Location:</b>	LAND ADJACENT LITTLE TARNBRICK FARM, BLACKPOOL ROAD, KIRKHAM		
<b>Proposal:</b>	APPLICATION FOR APPROVAL OF RESERVED MATTERS PURSUANT TO OUTLINE PLANNING PERMISSION 12/0635 FOR THE LAYOUT, SCALE, APPEARANCE AND LANDSCAPING OF A DEVELOPMENT FOR 180 DWELLINGS AND ASSOCIATED INFRASTRUCTURE		
<b>Parish:</b>		<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	12	<b>Case Officer:</b>	Matthew Taylor
<b>Reason for Delay:</b>	Not Applicable		

**Summary of Recommended Decision:** Grant

**Summary of Officer Recommendation**

The application seeks approval for the reserved matters of layout, scale, external appearance and landscaping for a development of 180 dwellings submitted pursuant to outline planning approval 12/0635 at Little Tarnbrick Farm, Blackpool Road, Kirkham. The principle of development and the means of access to the site (including the developments transport impacts) have been established under the outline permission and, accordingly, these matters are not to be revisited as part of the current application.

The proposed development, by virtue of its layout, the scale and design of the dwellings (including their siting, height, massing and materials), and the landscaping of the site, would be compatible with the character and appearance of the street scene, surrounding uses and the local vernacular. The development would, with respect to privacy and amenity, have an acceptable relationship with neighbouring properties (both existing and proposed) and would ensure satisfactory living conditions for future occupiers. The scheme would provide a substantial area of open space in excess of that required by Fylde Borough Local Plan policy TREC17, makes provisions for 30% of the dwellings to be offered as affordable housing, and provides other contributions have been secured through planning obligation under the outline in order to mitigate its impact in planning terms. Therefore, the proposal represents sustainable development and is in accordance with the relevant policies of the Fylde Borough Local Plan and the NPPF.

**Reason for Reporting to Committee**

The application is for major development and is recommended for approval by officers. Therefore, in accordance with the Council's scheme of delegation, the application is to be determined by the Development Management Committee

## **Site Description and Location**

The application relates to an irregularly-shaped parcel of land spanning some 7.4 hectares in area to the north and east of Little Tarnbrick Farm, Kirkham. The site falls within the Countryside Area as defined on the Fylde Borough Local Plan (FBLP) Proposals Map and flanks the A583 (Blackpool Road) along its southern boundary. A railway line and linear treeline enclose the site along its western and northern boundaries respectively. A thick hedgerow runs in a north-south direction through the centre of the site and splits the land into two parcels. A second, shorter hedgerow follows the same alignment to the western end of the site. Two ponds are located to either side of the central hedgerow. Ground level is generally flat across the eastern parcel, with a slight northerly rise occurring across the western section.

The site has an extant outline planning permission (including access only) for 180 dwellings (reference 12/0635) which was allowed at appeal (ref APP/M2325/A/13/2192188). Development has commenced on the adjacent site to the east in connection with a 117 dwelling development by Story Homes pursuant to planning approvals 12/0419 (outline) and 14/0613 (reserved matters). A hedgerow intervenes along the eastern boundary of the application site to divide the two development parcels.

Surrounding uses include a mix of dwellings and commercial premises forming a deep 'ribbon' along the southern frontage of Blackpool Road directly opposite the site; a collection of agricultural buildings and a dwellinghouse at Little Tarnbrick Farm to the southwest; and open farmland to the north and on the opposite side of the railway line to the west. The watercourse of 'Wrongway Brook' (a designated main river) runs alongside the woodland which marks the northern boundary.

## **Details of Proposal**

The application is submitted pursuant to outline planning permission 12/0635 and seeks approval for the remaining reserved matters of layout, scale, appearance and landscaping for a development of 180 dwellings. The above matters are defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 as follows:

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

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

*Appearance: Means the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture*

*Landscaping: In relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be, in respect of which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—*

- (a) screening by fences, walls or other means;*
- (b) the planting of trees, hedges, shrubs or grass;*
- (c) the formation of banks, terraces or other earthworks;*
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public*

*art; and*  
*(e) the provision of other amenity features;*

Access would be taken via a single junction with Blackpool Road to the southeast corner of the site, as approved under the outline. The main estate road would meander in a northwesterly direction into the site, with a series of cul-de-sacs branching off to four corners. With the exception of four specimens along the frontage with Blackpool Road (two of which are dead), existing trees along this boundary would be maintained. Similarly, and with the exception of short sections to be removed for the estate road, both the central and western hedgerows would be retained, as would existing landscaped buffers along the western, northern and eastern boundaries. An I-shaped area of open space enveloping the two existing ponds and extending along the northern boundary would provide some 2.27 hectares of public open space on site in a central, focal point for the development.

The layout includes a mix of 2, 3, 4 and 5 bedroom houses, with the overwhelming majority being two storeys in height (158 plots). A further 14 dwellings would be two-and-a-half storeys (with rooms in the roof space provided by dormer windows) and 8 plots would accommodate three storey dwellings. A total of 30% of the dwellings (54 units) would be offered as affordable homes, with these comprising the 2-bed, 3-person Ashford and the 3-bed, 4-person Bampton house types.

The houses would be arranged around a network of internal roads in a general 'back-to-back' formation to address both the estate road and the site's frontages onto Blackpool Road and the open countryside to the north. Dwellings alongside the eastern and western perimeters with the Story Homes site and railway line respectively would be arranged with their principal (front) elevations facing away from these boundaries.

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
15/0094	ADVERTISEMENT CONSENT FOR SITING OF 2 NO. NON-ILLUMINATED SALES ADVERTISEMENT BOARDS (RETROSPECTIVE) AND 5 NO. SALES ADVERTISEMENT FLAGS	Granted	27/04/2015
14/0613	APPLICATION FOR APPROVAL OF RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RELATING TO OUTLINE PLANNING PERMISSION 12/0419 FOR RESIDENTIAL DEVELOPMENT OF 117 DWELLINGS (INCLUDING 35 AFFORDABLE UNITS), PUBLIC OPEN SPACE AND ASSOCIATED INFRASTRUCTURE	Granted	12/12/2014
13/0076	RESUBMISSION OF OUTLINE APPLICATION (12/0635) FOR UP TO 180 RESIDENTIAL UNITS (CLASS C3) ASSOCIATED INFRASTRUCTURE AND DEFINED ACCESS WITH ALL OTHER MATTERS RESERVED	Refused	23/04/2013
12/0635	OUTLINE APPLICATION FOR UP TO 180 RESIDENTIAL UNITS (CLASS C3) ASSOCIATED INFRASTRUCTURE AND DEFINED ACCESS WITH ALL OTHER MATTERS RESERVED	Withdrawn - Appeal against non-determination	01/02/2013
12/0419	OUTLINE APPLICATION FOR UP TO 140 DWELLINGS WITH 30% OF THESE TO BE AFFORDABLE AND ASSOCIATED INFRASTRUCTURE FROM A NEW ACCESS TO	Refused	28/03/2013

BLACKPOOL ROAD (ACCESS APPLIED FOR WITH  
ALL OTHER MATTERS RESERVED)

**Relevant Planning Appeals History**

Application No.	Development	Decision	Date
12/0419	OUTLINE APPLICATION FOR UP TO 140 DWELLINGS WITH 30% OF THESE TO BE AFFORDABLE AND ASSOCIATED INFRASTRUCTURE FROM A NEW ACCESS TO BLACKPOOL ROAD (ACCESS APPLIED FOR WITH ALL OTHER MATTERS RESERVED)	Allowed	07/11/2013
12/0635	OUTLINE APPLICATION FOR UP TO 180 RESIDENTIAL UNITS (CLASS C3) ASSOCIATED INFRASTRUCTURE AND DEFINED ACCESS WITH ALL OTHER MATTERS RESERVED	Allowed	07/11/2013

**Parish/Town Council Observations**

Kirkham Town Council were notified of the application on 26 May 2015 and make the following observations:

- (ii) *"The Council is concerned with access and egress onto the A583 and the fact it is opposite Campbells.*
- (iii) *There would appear to be no traffic management plan.*
- (iv) *There are concerns regarding access to facilities (e.g. doctors, education etc.) for which S106 monies should be sought."*

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

**Environment Agency:**

Initially objected to the application due to deficiencies in the submitted flood risk assessment and drainage strategy. This objection was subsequently withdrawn following revisions to the flood risk assessment and the Agency now consider the development to be acceptable subject to the imposition of conditions.

**Lead Local Flood Authority (LLFA):**

Initially objected to the application due to deficiencies in the submitted flood risk assessment and drainage strategy. This objection was subsequently withdrawn following revisions to the flood risk assessment. The LLFA now consider the development to be acceptable subject to the imposition of conditions.

**LCC Highways:**

No objections. Comments as follows:

- (v) The quantum of development is in line with that permitted as part of the outline permission.
- The internal road layout is acceptable, though it is likely that very minor alterations to kerblines may be required in order that the highways can be offered for adoption. However, these issues do not require alterations to the housing layout and, accordingly, can be resolved at technical approval stage under a S38 agreement.
- Conditions are recommended with respect to: (i) wheel washing for construction vehicles; and (ii) a scheme outlining the arrangements for the future

management and maintenance of streets within the development prior to their adoption.

**Environmental Health Officer (EHO):**

No objections.

**Chief Engineer:**

No objections. Comments as follows:

- The A585 adjacent to Kirkham Minibuses/Baraq Restaurant and Campbells Caravans is known to be a flooding “hotspot”. Flooding of the highway was last reported here on 24/09/12. Lancashire County Council have been investigating the problem and trying to carry out remedial works.

**Electricity Northwest:**

- The development is shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements.
- There is a 6.6kV cable running in the footpath along Blackpool Road, across which it is proposed to create the site entrance. Depending on the works required to form the entrance, the cable may need to be placed at increased depth.
- The applicant should be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of Electricity Northwest’s requirements for access to inspect, maintain, adjust, repair, or alter their distribution equipment.

**Tree/Landscape Officer:**

- The tree protection plan which shows root protection areas and details of fencing to be erected during construction is acceptable, though it is apparent that the new footway along the site’s frontage to Blackpool Road would encroach upon these root protection areas. Accordingly, compensatory planting is likely to be needed along this frontage.
- The outline permission allows the substantial loss of an area of protected woodland to the northwest corner of the site.
- The landscaping could be improved through the provision of boulevards of trees to the edge of the open space addressing the street scene and woodland planting glades within the open space. This should form part of any landscaping scheme submitted at condition discharge stage.

**Network Rail:**

- Network Rail requests that the developer submit a risk assessment and method statement (RAMS) for the proposal to Network Rail Asset Protection, once the proposal has entered the development and construction phase. The RAMS should consider all works to be undertaken within 10m of the operational railway. Network Rail require reviewing the RAMS to ensure that works on site follow safe methods of working and have taken into consideration any potential impact on Network Rail land and the operational railway.
- The proposal includes a landscape buffer to the railway boundary. This has the

potential to raise a number of issues:

- Trees can be blown over in high winds resulting in damage to Network Rail's boundary treatments / fencing as well as any lineside equipment (e.g. telecoms cabinets, signals) which has both safety and performance issues.
- Trees toppling over onto the operational railway could also bring down 25kv overhead lines, resulting in serious safety issues for any lineside workers or trains.
- Trees toppling over can also destabilise soil on Network Rail land and the applicant's land which could result in landslides or slippage of soil onto the operational railway.
- Deciduous trees shed their leaves which fall onto the rail track, any passing train therefore loses its grip on the rails due to leaf fall adhering to the rails, and there are issues with trains being unable to break correctly for signals set at danger.
- Given the above, Network Rail request that no trees are planted next to the boundary with their land and the operational railway. Network Rail would request that only evergreen shrubs are planted and request that they should be planted a minimum distance from the Network Rail boundary that is equal to their expected mature growth height.
- It is noted that there will be a 1800mm high close boarded fence for dwellings backing onto the railway line, but this is set back from the railway. The Developer must provide, at their own expense, a suitable trespass proof steel palisade fence of at least 1.8m in height adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon or over-sailing of Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment. Any existing Network Rail fencing at the site has been erected to take account of the risk posed at the time the fencing was erected and not to take into account any presumed future use of the site, where increased numbers of people and minors may be using the areas adjacent to the operational railway. Therefore, any proposed residential development imports a risk of trespass onto the railway, which we would remind the council, is a criminal offence. As the applicant has chosen to develop a proposal next to the railway, they are requested to provide a suitable trespass proof fence to mitigate any risks imported by the proposal. Network Rail is a publicly funded organisation and it would not be reasonable to require Network Rail to fund boundary works, fencing and boundary enhancements necessitated by third party commercial development adjacent to the railway. A condition should be attached to any permission granted requiring the installation of this fencing prior to the occupation of any of the dwellings.
- The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

- There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil.
- Any future maintenance must be conducted solely within the applicant's land ownership.
- Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by a third party that may adversely impact its land and infrastructure.
- Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.
- Any scaffold which is to be constructed within 10 metres of the Network Rail / railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffold / access for working at height within the footprint of their property boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, should they topple over in the direction of the railway then there must be at least a 3m failsafe zone between the maximum height of the pole(s) and the railway boundary. This is to ensure that the safety of the railway is preserved and that scaffolding does not:
  - Fall into the path of on-coming trains.
  - Fall onto and damage critical and safety related lineside equipment.
  - Fall onto overhead lines bringing them down, resulting in serious safety issues (this is applicable if the proposal is above the railway and where the line is electrified).
- The applicant is requested to submit details of proposed scaffolding works to the Network Rail Asset Protection Engineer for review and approval. This should form a condition of any planning approval.
- If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail Asset Protection Engineer. All works shall only be carried out in accordance with the approved method statement and the works must be reviewed and approved by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling. The impact upon the railway is dependant upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement. The submission of a method statement should be a condition of any planning approval.
- All surface water should be directed away from the railway. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 20 metres of Network Rail's boundary or at any point which could adversely affect

the stability of Network Rail's property. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway.

- A condition should be imposed requiring full details of all ground levels, earthworks and excavations to be carried out near to the railway boundary to be submitted before any development takes place.
- Network Rail requests that the developer ensures there is a minimum 2 metre gap between the buildings and structures on site and their boundary fencing.
- There is potential for noise/ vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should then use conditions as necessary.
  - The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains.
  - Network Rail also often carry out works at night on the operational railway when normal rail traffic is suspended and often these works can be noisy and cause vibration.
  - Network Rail may need to conduct emergency works on the railway line and equipment and these would not be notified to residents in advance due to their safety critical nature.
  - The proposal should not prevent Network Rail from its statutory undertaking.
  - Network Rail requests that the LPA and the developer (along with their chosen acoustic contractor) engage in discussions to determine the most appropriate measures to mitigate noise and vibration from the existing railway to ensure that there will be no future issues for residents once they take up occupation of the dwellings. Network Rail is aware that residents of dwellings adjacent to the railway have in the past discovered issues upon occupation of dwellings with noise and vibration from the existing operational railway, as a consequence of inadequate mitigation measures for the site, and therefore it is a matter for the developer and the LPA via mitigation measures and conditions to ensure that these issues are mitigated appropriately prior to construction.

**Lancashire Constabulary Architectural Liaison Officer:**

The following recommendations are made to minimise the opportunity for crime and disorder as part of the development:

- External doors and ground floor windows are certified to PAS 24:2012 to reduce the risk of burglary.
- Ground floor opening lights in windows should have restrictors fitted to reduce the risk of opportunist crimes – especially in summer months when windows are left open.
- External doors should have low energy dusk to dawn lighting installed to enhance natural surveillance and deter criminal behaviour.



- Where house types have an integrated garage with a link door, that door should meet the same standard as 'external door' as it provides a concealed entrance to the house.
- Rear access alleys allow a concealed approach to the rear of the dwellings they serve and adjoining gardens. Access into the alleys should be restricted by a 1.8m lockable gate, located at the entrance to the alley so that suspicious behaviour would be visible from the street and surrounding dwellings. The entrance should be well covered by the street lighting scheme. Where rear alleys are absolutely necessary consideration should be given to the design of the fencing separating the gardens from the alley. Incorporating a 300mm trellis topper to 1.5m fencing would promote natural surveillance in this vulnerable area, which would help to deter crime and anti-social behaviour.
- All proposed boundary treatments are appropriate and should help to reduce the risk of intruders accessing the side and rear elevations where most burglaries occur. Where gardens adjoin the railway line or woodland, defensive planting (thorny) should reinforce the fencing to reduce the risk of intrusion from these concealed areas.
- Access to the side elevations should be further restricted by a 1.8m lockable gate as close to the front elevation as possible.
- Areas of public open space should be highly visible from surrounding dwellings to deter criminal and anti-social activity and ensure walking routes are safe and well used.
- Intruder alarms or 13 amp non-switched fused spurs should be fitted in all dwellings to allow the occupant to add an alarm to their dwelling.
- The proposed play area should be lit and well overlooked to deter criminal and anti-social behaviour becoming a problem for residents. All play equipment and surfaces should be robust and vandal resistant.
- As the play area and easterly pond are in close proximity, additional boundary treatments to separate the two should be considered for child safety reasons.

### **Neighbour Observations**

<b>Neighbours notified:</b>	26 May 2015
<b>Site notice posted:</b>	5 June 2015
<b>Press notice:</b>	11 June 2015
<b>No. Of Responses Received:</b>	1
<b>Nature of comments made:</b>	1 objection

The points raised in the objection are summarised as follows:

- The land forms part of the floodplain for Kirkham and Wesham. This was accepted at the appeal inquiry and reflected in the conditions imposed as part of the permission which required surface and foul water to be kept separate from one another, and from the existing provisions in the area. The development on the adjacent Story Homes site takes the risk of flooding into account by introducing a pumping station and limiting the amount of hardstanding, with most areas (e.g. driveways and pavements) to be finished in block paving to allow for water seepage into the ground. The current application does not appear to include the same provisions, nor does it include an adequate method to deal with surface water.
- The layout shows a separate access onto Blackpool Road about 200m from the one for the Story site. Blackpool Road is a busy highway with a 50 mph speed limit. The proximity of the

two accesses would increase the risk of accidents, especially for vehicles turning right out of the site. At the appeal inquiry a common access was proposed for both this and the Story Homes site.

- The scheme does not include provision for any public services (e.g. shops, schools, medical services etc.). The developer assumes that existing schools in the area can absorb the demand for new school places arising as a result of the proposal. This does not, however, take into account the cumulative impact of other, neighbouring developments nearby which will reduce the surplus of available school places. In addition, the developer assumes that public transport is readily available, or that parents will have access to their own transport. As 30% of the dwellings are to be for affordable housing, this is not a fair assumption. The development would result in a deficiency in new school places in the area. Greater provision for new school places is required as part of the development, or a delay in the approval of applications until the infrastructure is in place to support them.

### **Relevant Planning Policy**

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

HL02	Development control criteria for new housing proposals
HL06	Design of residential estates
TR01	Improving pedestrian facilities
TREC17	Public Open Space within New Housing Developments
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP12	Conservation trees & woodland
EP14	Landscaping of new developments
EP18	Natural features
EP25	Development and waste water
EP27	Noise pollution
EP30	Development within floodplains

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

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

#### **Site Constraints**

Within countryside area

### **Environmental Impact Assessment**

The development is of a type listed within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended) and exceeds the threshold in column 2 of the table relating to category 10(b) developments. Therefore it is Schedule 2 development. However, the outline planning application was not considered to be EIA development and, as any environmental effects have been dealt with through the outline permission, the current application for reserved matters is not EIA development.

### **Comment and Analysis**

#### **Principle of development and access:**

The principle of development on the site has been established through the approval of outline

application 12/0635 at appeal. This permission allows up to 180 dwellings to be built, subject to a series of conditions and the subsequent approval of the reserved matters of layout, scale, appearance and landscaping. As approval of access was also given as part of the outline permission the transport impacts of a 180 dwelling residential development, including the means of access to the site and highway improvement works secured through a S278 agreement, have also been deemed acceptable as part of the appeal. Furthermore, any impacts on public services (including schools) have been found to be acceptable and a S106 agreement (in the form of a Unilateral Undertaking dated 11 November 2013) has secured appropriate contributions required to mitigate the development's impact in planning terms.

Objections have been made with respect to the development's potential impact on highway safety and public services. In addition, one objection suggests that the access now proposed onto Blackpool Road does not accord with that permitted as part of the outline (it is alleged that the appeal scheme included a shared access with the adjacent Story Homes site). Condition 9 of the appeal decision refers to "the approved access location as shown on plan 1330/02 Rev B". Having checked that matter it is the case that the location and means of access proposed in this application is consistent with the outline approval.

The outline approval has established the principle of development and all matters relating to access. Accordingly, these issues are not to be reassessed as part of the current application for reserved matters. Instead, considerations are limited to the outstanding matters applied for as part of this application – namely the layout, scale and appearance of the development, and the landscaping of the site.

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

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

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

#### Layout and relationship with surrounding development:

Paragraph 58 of the NPPF indicates that planning policies and decisions should ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of

- developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

Criteria (2), (3), (4) and (8) of FBLP policy HL2 state that applications for housing will be permitted where they:

- Would be in keeping with the character of the locality in terms of scale, space around buildings, materials and design.
- Would be developed at a net density of between 30 - 50 dwellings per hectare net with greater intensity of development (i.e. more than 50 dwellings per hectare net) at places with good public transport availability.
- Would not adversely affect the amenity and privacy of neighbouring properties.
- Would not prejudice the future development of a larger area of developable land.

In addition, policy HL6 states that well designed housing schemes which respect the character of the area and provide an attractive, safe and crime free environment for residents will be permitted. Proposals which involve poor designs and/or layouts which would prejudice the character of the area or public safety, or increase the potential for crime will not be permitted.

The submitted layout indicates a mix of detached, semi-detached and terraced properties laid out to a density of 35 dwellings per hectare (net developable area which excludes open space). Buildings would follow the frontages of the main estate road and other internal cul-de-sacs, but would also address other important vistas outside the site. In particular, a row of dwellings would front onto an access road flanking Blackpool Road in order to address this frontage in a similar fashion to those on the opposite side of A583 – being set back from the main carriageway with a spacious, tree-lined frontage to it. Another group would run alongside the northern boundary with their principal (front) elevations facing onto open countryside beyond. The layout to the centre of the site would comprise groups of dwellings encircling the on-site open space, ensuring a focal point to the estate and good natural surveillance of the open space on both sides of the dividing hedgerow. Dwellings along the eastern (with the Story Homes site) and western (alongside the railway line) boundaries would be orientated with their rear/side elevations facing towards these uses.

The layout would achieve a spacious, open aspect to the street scene with frontages including a balance of hard (driveways) and soft (gardens) landscaping. Boundary treatments fronting onto the main estate road would provide further softening of parking areas through the use of low (1.2m) metal railings backed by hedging. Similarly, the on-site open space would be enclosed by 1.2m high railings. Garages would be set back in staggered positions from their respective host dwellings and all would be of a single storey height. Ancillary utility buildings (a pumping station and substation) would be located to the southeast and northwest corners of the site, and screened by planting.

A railway line follows the chamfered profile of the western boundary and open farmland lies to the north. Surrounding uses adjacent to the eastern and southern perimeters are predominantly residential in character (including the approved Story Homes development on adjoining land to the east). Two pedestrian footpaths are proposed within the eastern boundary to create a link between the application and Story Homes developments. Dwellings would be orientated to overlook these footpaths to ensure natural surveillance, with those closest to the shared boundary set at right angles to the Story site to ensure a ‘gable-to-gable’ or ‘rear-to-gable’ arrangement in order to preserve the amenity of future occupiers on both sites. Where opposing principal (back-to-back)

elevations are proposed, a minimum separation distance of 21m (and at an oblique angle) would be achieved in order that the development would have no prejudicial impact on the amenity of future occupiers on the Story site. This minimum separation rises to 38m with respect to opposing front elevations between the proposed dwellings and those on the opposite side of Blackpool Road to the south, with a gable-to-gable relationship evident between the closest dwelling on the site and Little Tarnbrick Farm. An additional buffer with existing properties would be afforded through the retention and/or replacement of existing trees and the hedgerow along the southern perimeter flanking the highway. Internally, the layout and density of development would ensure satisfactory spacing between dwellings to ensure no adverse impact in terms of privacy and amenity for future residents.

The proposed layout would provide a spacious, suburban-style development built to a moderate density which respects the pattern, density and character of surrounding dwellings (including those on the adjacent Story site) and addresses the important vistas of the site – particularly those onto Blackpool Road and open countryside. The size, siting and layout of open space on site would create a functional focal point and structure to the estate which runs throughout the development owing to the balance between hard and soft landscaping. The dwellings, by virtue of their separation and screening – both with surrounding buildings (including those on the Story site) and between one another – would ensure satisfactory living conditions for both existing and future occupiers, and would have no undue impact on residential amenity through overlooking, overshadowing or loss of outlook.

#### Scale:

In addition to the requirements of paragraph 58 of the NPPF and FBLP policies HL2 and HL6, FBLP policy EP11 states that new development in rural areas should be of a high standard of design, paying particular attention to matters of scale, features and building materials – which should reflect the local vernacular style.

The proposed mix would deliver a total of 99 detached houses, 24 semis and 57 terraced dwellings. These would comprise 54 two-bed, 31 three-bed, 91 four-bed and 4 five-bed houses. The overwhelming majority of these (158 plots) would be two storeys in height. Of the remaining 22 plots, 14 would be two-and-a-half storeys (with rooms in the roof space provided by dormer windows) and 8 would accommodate three storey dwellings. Where dwellings taller than two storeys are proposed, these would be located away from the site's most prominent frontage onto Blackpool Road, and would not be situated directly adjacent to existing/proposed dwellings on adjoining land.

Whilst the prevailing house type would comprise two-storey dwellings to reflect the scale and height of surrounding buildings, the use of a handful of taller buildings and a mix of semi-detached properties and terraces creates variety in the housing stock without detracting from the local vernacular and the general design concept for the estate. In particular, three storey dwellings would form focal points at the head of cul-de-sac, junctions of the estate road and by merging with two-and-a-half storey house types on corner plots in order to create a structure and pattern to the estate and avoid random grouping.

The development would deliver a mix of dwellings with respect to the size, type and design of living accommodation, and its scale (including massing and height) would be compatible with the character of surrounding development and the street scene, including that created within the site as part of the estate.

### Appearance:

The development includes a mix of 19 different house types incorporating a range of roof profiles, orientations, protruding features, material treatments and detailing.

Externally, smaller house types, and particularly those organised in terraces, would be characterised by flat facades with cantilevered entrance canopies and door and window openings arranged to ensure symmetry and rhythm across rows and between pairs of semi-detached dwellings. Facades of the larger, detached houses would be broken up by features including protruding/facing gables, bay windows and entrance canopies. In addition, those on corner plots would have a dual aspect to the street in order to avoid blank elevations onto the estate road. Single, discreet dormer windows would align with window openings below in the two-and-a-half storey house types. Elevations would be well balanced with respect to the proportions and positioning of openings, with emphasis added through the use of arched contrasting brick headers and architraves.

Six material palettes are proposed throughout the site. These include two contrasting brick treatments and a combination of render and brickwork to dwellings at focal points (principally corner plots and those fronting onto internal junctions) throughout the estate. Garages would be inconspicuously located, either at the head of cul-de-sacs or in staggered positions to the rear/side of the dwellings, and would be finished in matching brick and tiles. The proposed materials reflect the diversity in existing external surface treatments of dwellings on Blackpool Road to the south (comprising a mix of brick and render) and would ensure variations throughout the development whilst reflecting the local vernacular and avoiding the use of too many contrasting treatments. An appropriate condition has been recommended requiring precise details of the materials to be submitted.

The external treatment of the dwellings, with respect to their roof profiles, features, fenestration, detailing and materials, would be compatible with the character of the surrounding vernacular and sympathetic to the site's rural setting.

### Landscaping:

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

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

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

Policy EP11 states that new development in rural areas should be sited in order that it is in keeping with the distinct landscape character types and features defined in policy EP10.

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

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

Whilst the site is not subject to any specific landscape designations, it contains features listed in FBLP policy EP10 – specifically hedgerows and ponds. A number of trees along the northern boundary (including those within a triangular woodland to the northwest corner) are also protected by Tree Preservation Order (TPO – no. 3). The application includes the following tree/hedgerow removals:

- Four trees (two of which are dead) and a 90m long stretch of hedgerow around the access to the southeast corner of the site to provide an adequate visibility splay at the junction with Blackpool Road.
- Overhanging sections of a 57m stretch to the southern end of the central hedgerow which runs along a north-south axis through the site.
- A triangular area of woodland to the northwest corner of the site protected by TPO.
- Short (maximum 18m long) sections of hedgerow in five separate locations in order to form the new estate road (3 sections) and two pedestrian linkages with the Story Homes site (2 locations).

These losses would be compensated by the introduction of new tree planting as follows:

- Linear treelines to the southeast of the site flanking Blackpool Road (to the rear of the visibility splay) and to the southwest corner between the site and the garden of Little Tarnbrick Farm.
- Various incidental landscaped areas at strategic locations throughout the site – including at the site entrance and within the public open space.

In addition (and with the exception of the losses identified above), the following sections of vegetation would be retained:

- The hedgerow flanking the eastern boundary.
- The central (north-south) hedgerow running in a T-shape to merge with the linear treeline which flanks the northern boundary.
- A shorter section of hedgerow running in a north-south direction towards the western boundary merging with the landscaped buffer parallel to the railway line.
- The landscaped buffer comprising a combination of mature trees and dense, tall bushes alongside the western boundary with the railway line.
- Eight trees and a 142m long stretch of hedgerow along the southern boundary.

The landscaping layout would, either through retention or compensatory planting, maintain the landscaped buffers to the site boundaries which make a substantial contribution to visual amenity; provide screening with adjacent properties/uses (including the railway line); and afford a soft edge with adjoining areas of open farmland. In addition, the retention of the overwhelming majority of the central and western hedgerows would provide a green buffer through the site and visual relief between development parcels, thus contributing to the preservation of landscape character and the structural value of these features (including their function as wildlife corridors). The loss of a substantial area of the triangular TPO woodland to the northwest corner has been established through the outline permission. In this respect, paragraph 226 of the Inspector's decision reads as follows: *"There are mature hedgerows to boundaries including trees that are covered by tree preservation orders. These trees would be retained except in respect of woodland to the west which the Council has previously agreed could be removed"*.

The public open space to the centre of the site would form a focal point to the layout, with both existing ponds being retained to either side of the dividing hedgerow. Additional areas of incidental landscaping would be provided throughout the site, including swathes to both sides of the estate road adjacent to the access in order to form a soft edge at the entrance into the site. Garden areas would be provided to the front and rear of the dwellings, and the use of low-level, 'green' and

visually-permeable boundary treatments to highway frontages would ensure a pleasant visual aspect to the estate.

The proposed landscaping strategy would ensure a sympathetic relationship between the site and the surrounding landscape, uses and street scene through the retention and/or introduction of additional planting buffers to the site perimeter, areas of public open space and other incidental landscaping as an integral part of the development layout. Appropriate conditions have been recommended requiring the submission of a detailed planting scheme and the formation of a construction exclusion zone around those specimens to be retained, as outlined on the submitted tree protection plan. Accordingly, the proposal is considered to be in compliance with the requirements of FBLP policies HL2, EP10, EP11, EP12, EP14 and EP18, and the NPPF.

#### Flooding and drainage:

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

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

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

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

The site falls within flood zone 1 on the Environment Agency's Flood Map (land with a less than 1 in 1,000 or <0.1% annual probability of river/sea flooding), though the watercourse of 'Wrongway Brook' flows alongside the northern site boundary. Whilst flood risk has been cited in objections from third parties, this has already been considered as part of the appeal, with the Inspector attaching conditions with respect to foul (no. 17) and surface (no. 18) water drainage.

The applicant has submitted an updated Flood Risk Assessment and surface water drainage strategy which relates specifically to the proposed development layout and seeks to agree a scheme to meet the requirements of condition 18 which relates to surface water. The Environment Agency and the Lead Local Flood Authority (LLFA) have been consulted on the application in order to comment on the suitability of this strategy. Whilst both the EA and LLFA objected to the initial surface water drainage scheme – principally due to insufficient allowances for climate change and a lack of investigation of the potential for SUDS-based infiltration techniques, both consultees have subsequently withdrawn their objections following revisions to the scheme. In particular, the EA and LLFA acknowledge that the revised strategy now demonstrates that the surface water drainage system for the proposed development will be designed to accommodate a 1 in 100 year event (including a 30% allowance for climate change) and that ground conditions at the site preclude the use of infiltration based SUDS techniques.



The drainage strategy in the revised flood risk assessment makes the following provisions:

- To limit flows from the development to greenfield run off rates for discharge to Wrongway Brook. Excess flows above this rate will be contained on site to accommodate volumes up to and including the 1 in 100 year storm event (including a 30% allowance for climate change).
- During an exceedance event, any flooding of the proposed system will pass overland along the highway system and into Wrongway Brook.
- To set finish floor levels of the dwellings a minimum of 150mm above external ground level in order to minimise the risk of flooding to the development during an exceedance event.

The LLFA have requested that conditions be attached to any permission granted requiring any surface water drainage scheme for the site to be carried out in accordance with the details in the revised flood risk assessment from Lees Roxburgh (report reference 5938/R1 Rev B – 08.07.15). An appropriate condition has been recommended in this regard. This condition supplements the requirements of condition 18 of the outline planning permission and is considered necessary in addition to that condition as further (and revised) details which were not available at the time of the outline have been submitted for consideration as part of the application for reserved matters. The condition is, however, attached without prejudice to the requirements of condition 18 of the outline. Therefore, adequate measures can be put in place to ensure that the development poses no unacceptable risk in terms of flooding in accordance with the requirements of FBLP policies EP25 and EP30, and the NPPF.

#### Highways:

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

Objectors consider that the development will have an adverse impact on highway safety. However, matters of access (and, accordingly, the transport impacts of the development on the strategic highway network) have already been approved as part of the outline permission following the Inspector’s consideration of the Transport Assessment (TA) submitted as part of the appeal. This TA considered the impact of both the application and adjoining Story sites cumulatively, and both sites were assessed jointly by the Inspector at the appeal. This appeal gave outline permission for 140 dwellings on the Story site and 180 dwellings on the application site.

As the application for approval of reserved matters on the Story site sought permission for a reduced number of dwellings (117) in comparison to the outline, it follows that there would be a commensurate (23 dwelling) reduction in the cumulative transport impacts of the two developments with respect to traffic generation and vehicle movements. In any case, as this issue has already been addressed as part of the outline permission, it is not to be revisited at reserved matters stage. Nevertheless, as the current application seeks permission for layout, the proposal has been assessed by LCC Highways with respect to the operation of the estate’s internal road network and the level of parking provision proposed.

The car parking standards in Appendix 4 of the emerging Local Plan require a maximum provision of 2 spaces per dwelling for two-three bed houses and 3 spaces for four-bed (+) dwellings. Given the mix of housing on the site, this would equate to a maximum parking requirement of 455 spaces for the development. The proposal includes a single, in-curtilage parking space for the two-bed ‘Ashford’ house type (31 units), and a minimum of two spaces (excluding garages) for the remaining

dwelling. This equates to a minimum provision of 329 off-road car parking spaces (an average of 1.82 spaces) across the site (excluding garages).

Whilst this level of provision falls below the maximum standard in Appendix 4 of the emerging Local Plan, it is noted that the development will make a contribution of £250,000 to deliver public transport improvements in the locality as part of an extant planning obligation. Further highway improvements, including the provision of new footpaths, pedestrian refuges and two new bus stops on Blackpool Road, would also serve to reduce the reliance of future occupiers on travel by private car. Furthermore, the estate road is of a sufficient width to accommodate overspill parking on-street without causing an undue obstruction. LCC Highways have not raised any objections to the development on the grounds of a lack of parking provision and, given the transport improvements to be delivered by the development and the fact that the standards in the emerging plan are expressed as a maxima, it is not considered that the proposed level of parking would be deficient.

The development does not raise any additional implications for highway safety beyond those considered acceptable as part of the outline permission and would not, either individually or cumulatively, result in any adverse impacts on the safe and efficient operation of the surrounding highway network. LCC Highways have requested that conditions be attached to any permission with respect to wheel washing facilities for construction vehicles and arrangements for the management and maintenance of internal estate roads prior to adoption. Appropriate conditions have been recommended to address these issues.

#### Noise

FBLP policy EP27 states that development which would unnecessarily and unacceptably result in harm by way of noise pollution will not be permitted. Where appropriate, planning permission will be granted subject to conditions to minimise or prevent noise pollution.

The outline planning application was accompanied by a noise assessment which identified the main sources of noise on the site as road traffic along Blackpool Road and rail traffic along the Blackpool to Preston line to the west. The report included a series of indicative attenuation measures to ensure that noise levels within outdoor areas and habitable rooms would not exceed World Health Organisation (WHO) Guidelines during day and night time periods as follows:

- 35dB LAeq (16 hour) during the daytime (07:00-23:00) in noise sensitive rooms other than bedrooms.
- 30dB LAeq (8 hour) during the night time (23:00 – 07:00) in bedrooms.
- 45dB LAmax (fast) should not be exceeded during the night time in bedrooms.
- 55dB LAeq (16 hours) during the daytime in outdoor living areas.

These measures included a combination of thermal glazing, external wall construction, acoustic ventilation and acoustic boundary treatments for plots “located nearest to, and within direct line of sight of the A583 Blackpool Road, and/or the Blackpool South to Preston railway line”.

The reserved matters application is accompanied by a noise mitigation strategy which identifies the specific attenuation measures required to achieve the WHO levels recommended above. These include:

- 2m high close-boarded fencing around the rear gardens of plots 1, 151, 152, 157 and 179.
- 2.5m high close-boarded fence around the rear gardens of plots 5 and 150.
- 1.8m high close-boarded fencing around the rear garden areas of remaining plots.

- Plot by plot glazing and ventilation schemes in order to allow for passive ventilation in habitable rooms with windows closed.

Measures (i) to (iii) are required in order to achieve acceptable levels in external garden areas, whereas the measures in (iv) are necessary to ensure appropriate mitigation for habitable rooms. An appropriate condition has been recommended requiring the identified measures to be implemented before the dwelling on each plot is first occupied. Therefore, future occupiers will not suffer any undue disturbance due to noise from road and rail traffic in accordance with the objectives of FBLP policy EP27.

#### Relationship to Railway

Network Rail have requested that a number of conditions be attached to any permission granted. Several of these conditions are intended to protect their own assets from any damage or trespass during the construction period. It is an established principle that the planning system does not exist to protect the private interests of one person against the activities of another. In particular, a number of the requests from Network Rail which relate to the potential for damage of or trespass over its assets are private matters covered under separate legislation (namely the Party Wall Act).

In this context, it is not for the Local Planning Authority to act as a mediator between adjoining landowners in order to ensure that one landowner does not suffer damage or loss due to the actions of another. Accordingly, a number of the conditions requested by Network Rail fail the six tests of conditions in the NPPG. It is also recognised that Network Rail made similar representations as part of the outline application, and that the Inspector did not see fit to attach any such conditions as part of the appeal. In this case, informatives have been recommended drawing the applicant's attention to the need to liaise directly with Network Rail during the construction phase to address these matters.

#### Developer contributions:

The Town Council opine that the scheme should make contributions towards public services through a S106 agreement. However, a planning obligation has already been entered into as part of the outline approval and, as the reserved matters application is submitted pursuant to that approval, additional contributions intrinsic to the principle of development cannot be imposed at this stage. In summary, the existing planning obligation requires the following contributions to be made:

- (i) £30,000 towards the County Council's costs of the provision of a footbridge over Wrongway Brook.
- (ii) £40,000 towards the County Council's costs of the diversion of a public footpath along Wrongway Brook to link to the A589/St George's Park Roundabout.
- (iii) £40,000 towards the County Council's costs of upgrading a public footpath over the railway from St George's Park to Market Street/Carr Drive.
- (iv) £250,000 towards the costs of the County Council in securing the delivery of the number 75 bus service for a period of 5 years.
- (v) £5,000 towards the costs of the County Council in reviewing the speed limit on Blackpool Road and the introduction of any relevant change in the speed limit as a result of that review.
- £12,000 towards the County Council's costs of monitoring the travel plan to be implemented in connection with the development.

The above contributions have, as part of the appeal, been found to be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and

reasonably related in scale and kind to the development. Objectors have made reference to a deficiency in school places and consider that the development should make a contribution towards the provision of new school places. This was not, however, accepted by the Inspector. In particular, paragraph 115 of the Inspector's decision states that: *"The Council no longer seeks an education contribution, it having been agreed that the development would not give rise to any further requirement for providing school places"*. Accordingly, no further financial contributions are required in order to mitigate the development's impact.

#### Open space

The planning obligation also requires the developer to submit details of the open space and arrangements for its future maintenance by a management company prior to commencement, and to lay out all the open space prior to the occupation of 75% of the dwellings. This is supported by condition 22 of the outline permission which states that: *"The development shall not commence until a scheme for the provision and maintenance of the public open space provided as part of the development has been submitted to and approved in writing by the local planning authority. The development shall be carried out only in accordance with the approved scheme"*.

FBLP policy TREC17 defines standards for the provision of open space that are based on the numbers of bedspaces in a development, with that amount doubled in respect of schemes for over 100 dwellings. Given the bedroom numbers proposed as part of this 180 dwelling development, the Policy standards would require open space provision of 12,240 square metres (1.22 hectares). The submitted layout includes an area of 22,700 square metres (2.27 hectares) for open space, including a new play area and so comfortably exceeds the level of provision required by FBLP policy TREC17. Precise details of the open space (including its layout, design and maintenance) are covered by the planning obligation and condition 22 of the outline permission.

#### Affordable housing

Paragraph 7 of the IHP requires that, for proposals of 15 or more dwellings, 30% of the houses should meet the definition of affordable housing in the NPPF. This was taken into account as part of the appeal and, accordingly, condition 21 of the outline permission states that: *"The development shall not commence until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include: the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of 30% of the housing units; the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing; the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing (if no Registered Provider is involved); the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced"*.

In addition to the above, the Council's most recent Strategic Housing Market Assessment (2014) identifies the need for 249 affordable dwellings per annum. This requirement is brought forward in the Draft Revised Preferred Options (RPO, June 2015) which also identifies aspirations with respect to the tenure, size, type and design of affordable housing.

The applicant has submitted an affordable housing statement as part of the application which seeks

to address a number of the requirements of condition 21. Whilst matters relating to the tenure, phasing, eligibility criteria and transfer of the affordable units to a Registered Provider are the subject of ongoing negotiations with the Council and will be dealt with at a later stage through the formal condition discharge process, issues relating to the size, type and siting of the affordable homes are intrinsic to the application for reserved matters as this seeks permission for the layout, scale and external appearance of the dwellings.

The proposed development of 180 dwellings would give rise to a requirement for 54 of the properties to be offered as on-site affordable homes. The proposed layout indicates that these are to be delivered by two house types as follows:

- The Ashford – a 2-bed, 3-person house type with a floor area of 58.9 square metres.
- The Bampton – a 2-bed, 4-person house type with a floor area of 68.5 square metres.

The affordable dwellings would be spread in four clusters across the site as follows:

- 23 units to the southwest corner of the site.
- 8 units to the northwest corner of the site.
- 10 units alongside the eastern boundary.
- 13 units within a central pocket towards the southern end.

With respect to the size and distribution of on-site affordable housing, paragraphs 10.66 and 10.65 of the RPO indicate that:

- “The Council expects that all new affordable housing will be subject to the same standards of finish and presentation, which will be indistinguishable from the open market housing (i.e. Tenure Blind Development). Therefore, the design and materials employed are to be consistent regardless of tenure. Such housing should comply with all relevant design and quality codes and standards set out by the Homes and Communities Agency or other relevant body, as well as relevant national technical standards and where appropriate, local standards”.
- “The provision of on-site affordable housing should be integrated into the layout of the development through ‘pepper-potting’ within private housing, to promote mixed communities and minimise social exclusion. ‘Pepper-potting’ is commonly defined as the dispersal of affordable housing units within residential developments. On larger residential developments, affordable housing is likely to be provided in small clusters throughout the development”.

Having regard to the number of bed spaces proposed by the Ashford and Bampton house types, the sizes of each of these dwellings meet the standard required by the Homes and Communities Agency (as set out in their Housing Quality Indicators guidance). Therefore, these dwellings are, in principle, capable of being transferred to a Registered Provider by virtue of their size. With respect to the spatial distribution of the affordable units across the site, it is considered that the location and grouping of the units shown on the layout ensures that these would be sufficiently integrated with the private market dwellings in order that they would not be unduly isolated or marginalised.

Without prejudice to the formal process required to discharge the affordable housing condition (including the outstanding matters relating to the tenure, phasing, eligibility criteria and transfer of the affordable units to a Registered Provider which are the subject of ongoing discussions), it is considered that the size and layout of the affordable dwellings is appropriate to meet the objectives of the RPO local plan.

## **Conclusions**

The application seeks approval for the reserved matters of layout, scale, external appearance and landscaping for a development of 180 dwellings submitted pursuant to outline planning approval 12/0635. The principle of development and the means of access to the site (including the developments transport impacts) have been established under the outline permission and, accordingly, these matters are not to be revisited as part of the current application.

The proposed development, by virtue of its layout, the scale and design of the dwellings (including their siting, height, massing and materials), and the landscaping of the site, would be compatible with the character and appearance of the street scene, surrounding uses and the local vernacular. The development would, with respect to privacy and amenity, have an acceptable relationship with neighbouring properties (both existing and proposed) and would ensure satisfactory living conditions for future occupiers. The scheme would provide a substantial area of open space in excess of that required by FBLP policy TREC17, makes provisions for 30% of the dwellings to be offered as affordable housing and other contributions have been secured through planning obligation under the outline in order to mitigate its impact in planning terms. Therefore, the proposal represents sustainable development and is in accordance with the relevant policies of the FBLP and the NPPF.

### **Recommendation**

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

1. This permission relates to the following plans:

- Drawing no. 453/P/LP/01
- Drawing no. 453/P/PL/01 Rev D
- Drawing no. 453/P/BTL/01 Rev D
- Drawing no. 453/P/RS/01 Rev C
- Drawing no. 453/P/ML/01 Rev C
- Drawing no. 453/P/SHL/01 Rev C
- Drawing no. 453/SS/AA Rev B
- Drawing no. 453/P/SS/02 Rev A
- Drawing no. 453/P/PSS/02
- Drawing no. 453\_P\_BT D\_01
- Drawing no. 453\_P\_BT D\_02
- Drawing no. 3167\_102
- Drawing no. 453/ASH/A/01
- Drawing no. 2010/BAM/A/01
- Drawing no. 453/HT/BAR/A/01 – The Barwick Detached
- Drawing no. 453/HT/BAR/A/01 – 2010 Range – The Barwick
- Drawing no. 2010/BRE/A/01
- Drawing no. 2010/CAM/A/01
- Drawing no. 2010/CEM/A/01
- Drawing no. 2010/DAR/A/02
- Drawing no. 2010/FAR/A/01
- Drawing no. 2010/FAW/A/01
- Drawing no. 2010/HAR/A/01
- Drawing no. 2010/HARR/A/01
- Drawing no. 2010/HEL/A/01

- Drawing no. 2010/KEN/A/01
- Drawing no. 2010/KIN/A/01
- Drawing no. 2010/LIN/A/01
- Drawing no. 2010/MOR/A/01
- Drawing no. 453/HT/MOR/A/01
- Drawing no. 2010/SOM/A/01
- Drawing no. 2010/THO/A/01
- Drawing no. 2010/WAR/A/01
- Drawing no. 2010/DET/A/135
- Drawing no. 2010/DET/A/136

The development shall be carried out in complete accordance with the approved drawings.

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

2. Notwithstanding any description of materials in the application and the requirements of condition 1 of this permission, no above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the dwellings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be constructed in accordance with the duly approved materials.

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

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

Reason: In order to ensure a satisfactory relationship between the new dwellings and their surroundings (including buildings and the street scene) in accordance with the requirements of Fylde Borough Local Plan policy HL2 and the National Planning Policy Framework.

4. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, boundary treatments to each plot shall be erected in accordance with the details (including their siting, height, design, materials and finish) shown on drawing nos. 453/P/BTL/01 Rev D, 453\_P\_BT D\_01 and 453\_P\_BT D\_02 before the dwelling on that plot is first occupied, and shall be retained as such thereafter.

Reason: In the interests of the security of future occupiers, to ensure adequate levels of privacy between neighbouring dwellings, to achieve satisfactory noise attenuation and to ensure an acceptable relationship with the street scene in accordance with the requirements of Fylde Borough Local Plan policies HL2 and EP27, and the National Planning Policy Framework.

5. Within three months of development first taking place a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall demonstrate compliance with the principles of the landscaping layout shown on drawing no. 453/P/PL/01 Rev D and shall include details of the type, species, siting, planting distances and the

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

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the street scene and to provide biodiversity enhancements in accordance with the requirements of FBLP policies HL2 and EP14.

6. Notwithstanding the requirements of condition 18 of the outline planning permission (reference 12/0635), any scheme for the disposal of surface water from the site submitted pursuant to that condition shall demonstrate compliance with the principles of the updated flood risk assessment by Lees Roxburgh (report reference 5938/R1 Rev B – 08.07.15). Specifically, any scheme shall include:
- Measures to limit the surface water run-off generated by the 1 in 1 year, 1 in 30 year and 1 in 100 year critical storm events to rates of 39 l/s, 75 l/s and 91 l/s respectively in order that the rate of surface water run-off from the site will not exceed the pre-development (greenfield) run-off rate and will not increase the risk of flooding off-site.
  - Provision of compensatory flood storage as identified in the Surface Water Drainage Design (drawing ref 543/ED/10).
  - Finished floor levels for the dwellings (in AOD) which shall be no lower than 150mm above the adjacent ground level.
  - Information regarding the design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change) discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.
  - Flood water exceedance routes, both on and off site.
  - (i) Details of any sustainable drainage system, including arrangements for its future management and maintenance.
  - (ii) A timetable for implementation, including phasing as applicable.

The duly approved scheme shall be implemented before any of the dwellings are first occupied, or within any other timescale approved under part (vii) of the condition.

Reason: To ensure that the development is not itself at risk of flooding, does not increase flood risk elsewhere and makes provision for the sustainable drainage of surface water, and because additional details regarding the surface water drainage strategy, which were not available at the time the outline planning permission was granted, have been submitted for consideration as part of the application for approval of reserved matters.

7. The noise attenuation measures for each plot identified in paragraphs 3.1.1 – 3.1.5 and Appendix A of the Noise Assessment by Wardell Armstrong (report reference N001, dated July 2015) shall be implemented in accordance with the details in the report (and, in respect of boundary treatments, in accordance with the details shown on drawing nos. 453/P/BTL/01 Rev D, 453\_P\_BT D\_01 and 453\_P\_BT D\_02) before the dwelling on each associated plot is first occupied. The duly implemented attenuation measures shall be maintained as such thereafter.

Reason: To ensure the implementation of appropriate noise attenuation measures for the proposed dwellings in order to achieve satisfactory living conditions for future occupiers of the development in accordance with the requirements of Fylde Borough Local Plan policies HL2 and



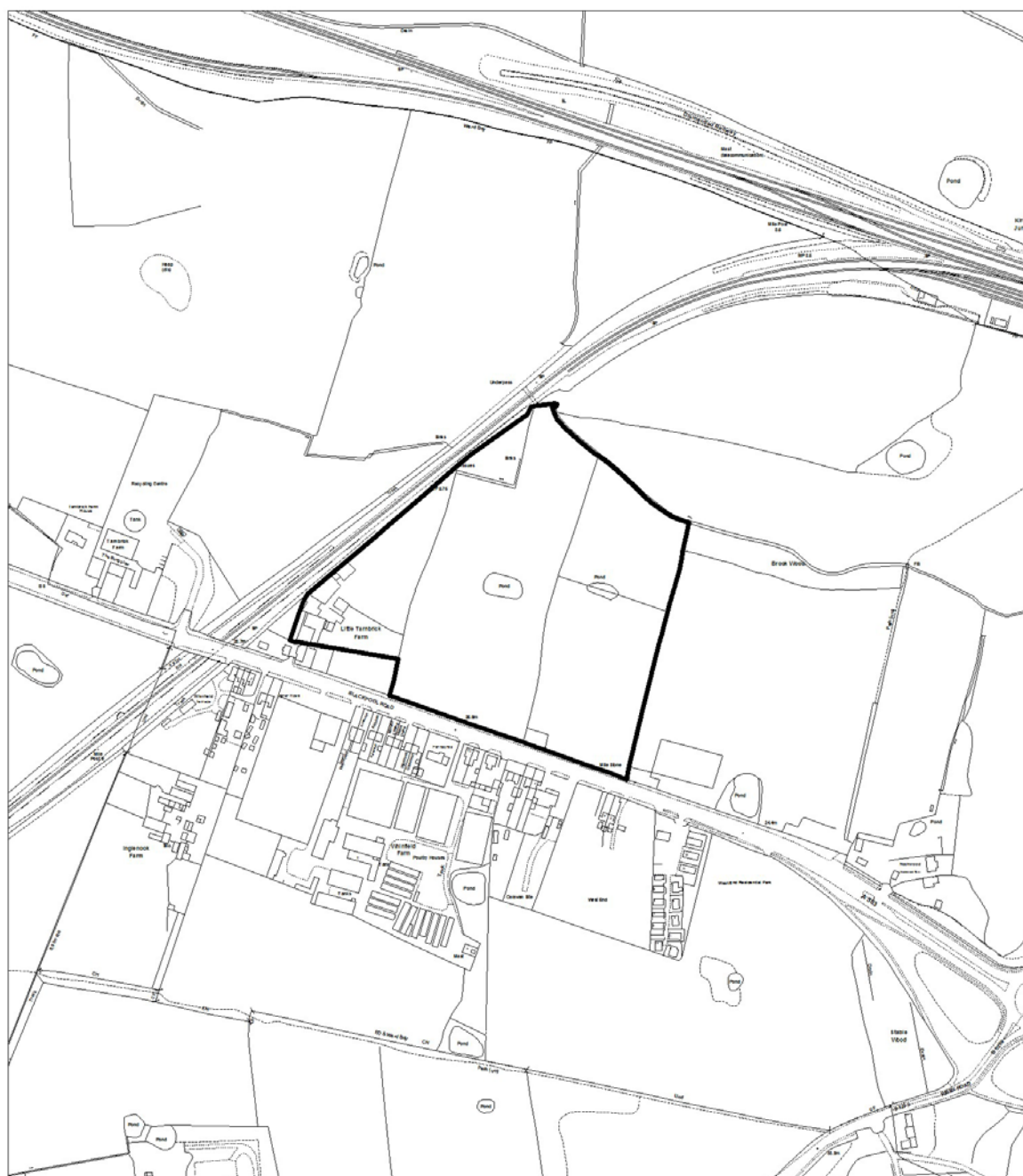
EP27, and the National Planning Policy Framework.

8. No above ground works shall take place until a scheme for the design, construction and drainage of all new estate roads and associated footways shown on drawing no. 453/P/PL/01 Rev D has been submitted to and approved in writing by the Local Planning Authority. Each estate road shall be provided in accordance with the duly approved details before any of the dwellings to be served by that road are first occupied, except that final surfacing shall not take place until the final dwelling to be served by each estate road has been substantially completed.

Reason: To ensure a satisfactory standard of engineering works for the construction of roads and footways to serve the development and to provide satisfactory facilities for vehicle access, circulation and manoeuvring in the interests of highway safety in accordance with the requirements of Fylde Borough Local Plan policies HL2 and TR1, and the National Planning Policy Framework.

9. No development shall take place until a scheme for the provision of wheel washing facilities to be operated during the construction period has been submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be adhered to for the entirety of the construction period.

Reason: To ensure that satisfactory provisions are made for wheel washing facilities for construction traffic in order to prevent material trailing onto the highway in the interests of highway safety and visual amenity in accordance with the requirements of Fylde Borough Local Plan policies TR1 and HL2.



Scale  
0 25 50 75 100 m

<b>Application Reference:</b>	15/0329	<b>Type of Application:</b>	Full Planning Permission
<b>Applicant:</b>	Suncredit UK Ltd	<b>Agent :</b>	Pegasus Group
<b>Location:</b>	COOPER HOUSE FARM, KIRKHAM ROAD, NORTH OF BYPASS, FRECKLETON, PRESTON, PR4 1HX		
<b>Proposal:</b>	CONSTRUCTION OF SOLAR DEVELOPMENT TO GENERATE RENEWABLE ELECTRICITY, TO INCLUDE THE INSTALLATION OF SOLAR PANELS, UNDERGROUND CABLING, INVERTER/TRANSFORMER STATIONS, DNO AND CLIENT SUB-STATION, SPARE PARTS CONTAINER, LANDSCAPING AND OTHER ASSOCIATED WORKS INCLUDING CONNECTION TO THE ELECTRICITY DISTRIBUTION NETWORK.		
<b>Parish:</b>	FRECKLETON EAST	<b>Area Team:</b>	Area Team 1
<b>Weeks on Hand:</b>	11	<b>Case Officer:</b>	Kieran Birch
<b>Reason for Delay:</b>	Not applicable		

**Summary of Recommended Decision:** Delegated to Approve

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

The application proposes the development of a solar farm with associated infrastructure and equipment to generate 5 Mw of power on a 12 hectare site comprising agricultural land to the west of Kirkham Road which is located in the greenbelt. It is considered that the principle of the development is acceptable given the support for renewable energies in NPPF and that the applicant has satisfied officers that there are no suitable and available sites for the development on brownfield or non-agricultural land. It is possible that the land can continue to be used for grazing during the operation period of the development and biodiversity enhancements can be conditioned in accordance with NPPG. It is not considered that the development will have an unacceptable impact on residential amenity, the highways network or ecology.

Visually it has been assessed that the development would have significant impacts on the site itself and adjacent local landscape character and whilst this landscape is not designated for its special landscape quality it is in the greenbelt. The impact of the development on medium and long range views would not be significant. With the site being located in flat and low lying landscape that is well enclosed by existing built development and hedgerows and native trees the impact of the development will be softened and these visual impacts are not considered to be of over-riding importance, or to create unacceptable harm to the openness of the greenbelt.

Overall, the visual harm to be experienced has to be balanced against the gain of a renewable energy source and rural diversification. NPPF encourages the development of renewable energy and aims to increase the use and supply of renewable energy. This development would generate 5MW of electricity. It also has to be taken into account that the development would be temporary, with its removal after 25 years. Given the wider environmental and community benefits of the proposal and its temporary nature, plus the proposed mitigation planting, it is considered that, on balance, the development gain would outweigh the visual

impact to be experienced to the local landscape and residential properties, and where there is to be visual harm this will not be unacceptable.

Whilst the officer view is that the principle of the development is generally acceptable, there remain a number of issues that are to be resolved before any planning permission can be granted:

- (iii) There are concerns from BAe over the potential for the panels to impact on radar operation. Discussions on this are on-going and may require a technical report to be undertaken (funded by the applicant) to establish how the solar farm can be constructed without causing interference with the radar operation
- (iv) There is a need to undertake a Habitats Regulation Assessment to determine whether the development will have an unacceptable impact on protected species and their habitat.

It is recommended that the decision to determine the application be delegated to the Head of Planning and Regeneration pending the resolution of this matter.

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

The application is for a major development and therefore is to be determined by the Development Management Committee.

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

The application site constitutes approximately 12.23 hectares of agricultural grassland located on land to the west of Kirkham Road, located between the settlements of Kirkham to the north and Freckleton to the south. The site is designated as being within the greenbelt under the adopted Fylde Borough Local Plan. To the east of the application site located along Kirkham Road and Lower Lane are a number of residential properties, and to the north is Kirkham prison. Surrounding the site are agricultural fields. Directly to the north of the application site is a public right of way (510 FP10) which transgresses to the south at the western point of the application site. There are overhead power lines crossing diagonally to the north and south, there is a transmitter mast located along the southern boundary.

There are two properties, including Cooper House Farm itself, that are situated immediately adjacent to the south / south-east boundary. The remainder of residential properties to the east (on the south-eastern outskirts of Kirkham) are some distance from the application site. The site is made up of three fields defined by hedgerow with some lengths of post and wire fencing, with isolated trees and dispersed ponds (former pits) within the site. In terms of topography the site and surrounding land is relatively flat. The landscape character of the wider area is mixed, there are low lying and undulating fields within which hedgerow and hedge trees and small strips of woodland are prevalent surrounding the site with the settlements of Freckleton to the south and Kirkham to the north.

#### **Details of Proposal**

The proposed development is for the installation of photovoltaic panels laid out in arrays of rows running across the field enclosure. The panels are set back from the boundary of each field by at least 10m in order to provide for access around the edge of each field and to ensure the continuing

health of existing trees and hedgerows. The arrays will be mounted on a simple metal framework laid out in rows in an east west orientation spaced approximately 4.33m apart. The maximum height of the arrays will be 1.9m above ground level. They will be installed at a gradient of approximately 20 degrees from the horizontal, with the lower edge of the panel 700mm above the ground. The panels will be fixed and will not move or track the movement of the sun.

Each of the arrays are connected to three inverter stations which are dotted around the site, which are then connected to the grid via a substation which is located to the east of the site. The site will also contain substations for the electricity company (DNP) and a spare parts container with a 2.2m security fencing around the whole site. Swales, landscaping and a habitat enhancement and amenity area are also proposed. The dimension of the buildings are;

- (v) 3 Inverter stations measuring 3.1m (h) x 2.5m (w) x 8.2 (l).
- (vi) 1 no. DNO and client substation measuring 2.9m (h) 6.1m (l) x34m (w)
- (vii) 1 spare parts container measuring 2.6m (h) x 2.44m (w) x 12.2 m(l).

No artificial lighting is proposed at the site. It is proposed to screen views of the arrays by planting hedgerows to the north west boundary and general infilling of existing hedgerows, as well as planting native trees in the north east corner of the site.

The proposed development comprises a free standing 'static' 5MW solar PV farm, with all the power exported to the National Grid. The applicant states that the development will provide power for the equivalent of approximately 1103 homes annually. It is intended that the development would operate for a period of 25 years after which the site will be de-commissioned and returned back to agricultural use. Over the course of the 25 years the applicants state that this will save potentially 51/825 tonnes of carbon dioxide emissions annually. It is proposed that sheep grazing will continue around the arrays during the operational period.

The site would be accessed directly from Kirkham Road using the existing field access point. Access for the construction vehicles would be via this access with a temporary construction compound proposed within the site to be used during the construction period that would be completely removed from the site following completion. Tree protection measures will be carried out.

The application has been accompanied by supporting documents as follows:

- Planning design and access statement
- Heritage desk based assessment
- Statement of community involvement
- Agricultural assessment
- Arboricultural Survey and Impact assessment
- Sequential Analysis study
- Statement of community involvement
- Transport Statement
- Ecological appraisal
- Habitat management plan
- Landscape and Visual appraisal
- Flood risk assessment

### **Relevant Planning History**

<b>Application No.</b>	<b>Development</b>	<b>Decision</b>	<b>Date</b>
11/0384	RETROSPECTIVE APPLICATION FOR ENCLOSURE OF EXISTING AGRICULTURAL BUILDING WITH BLOCK WORK AND NEW CLADDING	Withdrawn by Applicant	08/08/2011
10/0611	CONSTRUCTION OF AN ANAEROBIC DIGESTER PLANT FOR PRODUCTION OF ELECTRICITY FROM FARM CROPS AND WASTE. PLANT INCLUDES 3 X DIGESTER TANKS, CLAMPS, CHP UNITS, HARD SURFACE AREAS, WEIGHBRIDGE, BURN-OFF FLARE AND OTHER ASSOCIATED DEVELOPMENT.	Withdrawn by Applicant	10/02/2011
01/0286	INCREASE HEIGHT OF EXISTING TELECOMM MAST FROM 15M TO 20M	Withdrawn by Applicant	17/07/2001
98/0333	ERECTION OF AGRICULTURAL BUILDING TO BE USED AS IMPLEMENT SHED	Granted	15/07/1998
95/0814	NEW AGRICULTURAL BUILDING (IMPLEMENT STORE), NEW VEHICULAR ACCESS & INTERNAL ROADWAY	Granted	28/02/1996

### **Relevant Planning Appeals History**

None.

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

The site is entirely within Freckleton Parish, but close to others so wider consultation has been undertaken as reported here.

**Freckleton Parish Council** notified on 20 May 2015 and comment: *"The Parish Council proposed to oppose on the grounds of;*

- 1. Volume of traffic during build and ongoing maintenance requirement.*
- 2. Land is in a green belt area.*
- 3. Electricity pylons running through the proposed fields.*
- 4. A Gas pipe may run underground in the proposed fields."*

**Bryning with Warton Parish Council** notified on 20 May 2015 and comment: *"There is no objection to the application but it is felt that a stipulation is required that any Transport servicing the Solar Farm development is not to use Hillock Lane as an access or approach to the property."*

**Kirkham Town Council** notified on 20 May 2015 and comment: *"No objections"*

**Ribby with Wrea Parish Council** notified on 20 May 2015 but have not made comment.

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

#### **BAe Systems**

Have raised objection to the proposal on technical grounds until a full assessment

regarding possible radar interference is completed by the applicant.

**Ministry of Defence - Safeguarding**

No safeguarding objections to the proposal.

**Blackpool Airport**

No comments received.

**H M Prison Service, Kirkham**

No comments received.

**Lancashire County Council Rights of Way**

No comments received.

**Tree Officer**

*"The pattern with the solar farm application seems to be one where they seek to work with, rather than against, the existing vegetation, and so far my only reservations with these applications have been the potential for growing trees to become a nuisance to the efficiency of the panels or else that a desire to increase the size of the PV array would result in tree losses. To that end, I've made woodland Tree Preservation Orders in other cases to secure the trees for the future.*

*Pegasus Group's tree report of April 2015 details very few trees present at this site; simultaneously there's an intention to retain all those that do exist as well as the agricultural hedgerows. It appears no invasive operations will be required to achieve the development and thus there is no direct threat to trees or hedges from this proposal. The survey doesn't reveal any outstanding trees that might be good TPO candidates, and as there is apparently no threat posed by the solar farm there's little cause for a new TPO.*

*I see no reasons to place objection from an arboricultural point of view therefore."*

**Environment Agency**

No comments to make on the application.

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

*The following review is based on the visual impact of the development and the impact on the overall landscape character.*

- *Visual Impact (Additional Information Required) - APPENDIX 9 - PHOTOMONTAGES S.0464\_23-A P, shows 2 viewpoints from the north, west and south. An additional photomontage is required from the east travelling along Kirkham Road from Kirkham viewing the eastern boundary of the site directly adjacent to Cooper Farms where the road bends and to the north eastern boundary.*
- *Planting Plan (Diversity and numbers of plant species)- The hedgerow mix is required to be more diverse. The following species should be added, but not limited to the hedgerow mix. Corylus avellana, Illex aquifolium, Rosa canina, Viburnum lantana*
- *Tree Planting - Significantly more trees are required to enhance the existing hedgerows and to the north eastern corner of the site. A revised landscape plan is required showing the tree locations, species, stock size. The species mix shall*

*include large indigenous trees, which shall be planted as single stands and in glades/groups.*

- *Screen Planting - Planting to the north eastern boundary of Cooper House Farm is required to screen views directly from Kirkham road and views into the site overall. There is opportunity for a large areas of tree planting with understorey planting in this location.*
- *Ponds - There are three ponds within the site. The ponds to the north and north east do not show all the existing vegetation. There is scope to enhance the ecological habitat of all three ponds. Further details required of the proposals*
- *Ecology - Further details are required with regards to the three ponds and potential linking habitats. In addition, the landscape plan should show the existing tree and vegetation, and include additional trees and shrubs to the ponds environs which shall enhance and ecologically diversity these habitats.*

(Note: The plans under consideration have been amended to reflect these comments)

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

*"I can confirm that the developer has had dialogue with LCC regarding the impact of the development and what mitigation works would be required in order to make the development proposal acceptable in highway terms.*

*Apart for during the construction period the development will not generate any noticeable vehicle movements (on average around 1 two-way movements per month). However, during the construction period there will a number of daily movements. The daily movements are not of a scale that would impact on highway capacity and as such providing that suitable access arrangements during the construction period are provided I can confirm that there are no highway objections.*

*The developer has produced a Transport Statement that indicates that during the construction period temporary warning signs could be erected on Kirkham Road to ensure that adequate notification for highway users is provided. Given the relatively short construction period I consider this approach to be acceptable however, the final details of the signing scheme will need to be agreed. The developer has indicated that this could be addressed though the imposition of a planning condition requiring the production of a Construction Traffic Management Plan.*

*Due to the nature of the development I have concerns regarding the depositing of mud on the highway. Again the developer has suggested that this could be address through the Construct Traffic Management Plan.*

*If you are minded to grant planning permission I would suggest that conditions be imposed to secure these, and that this would remove any possible highway objection."*

#### **Lancashire County Archaeology Service**

*"Thank you for your consultation on the above application. We have looked at the proposal and the associated heritage statement, and compared them to the Historic Environment Record. We would agree that there is no significant heritage constraint on this site and do not consider that a heritage planning condition would be necessary should consent be granted".*

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



*With reference to your memorandum dated 20th May 2015, there are no objections to the above proposals in principle, however I would add the following conditions:*

- *During the construction phase, operating hours shall be restricted to 08.00-18.00 Monday to Friday, 08.00-13.00 Saturdays and no activity on Sundays or Bank Holidays.*
- *The applicant shall carry out a noise assessment in accordance with BS4142:2014 for fixed plant with reference to the nearest residential property. The result of the assessment shall be submitted to the Local Authority together with any mitigation measures should the assessment suggest that noise levels may be “significant”.*
- *The applicant shall carry out a glint/glare assessment and the results forwarded to the Local Authority for consideration.*

#### **The Ramblers Association**

*“Thank you for sending me this application for my comments. There are two Public Rights of Way, FP10 and FP12, in the proximity. Footpath 12 runs diagonally across the next field to the North West corner of the proposed site, where it connects onto footpath 10 which runs along the North boundary of the sight. These footpaths are mentioned briefly in the documentation provided. The Sequential Analysis Study does mention that the site is heavily vegetated with trees and shrubs which occupy a significant area of the site and that it is likely they would be removed to avoid over shadowing. In the Design & Access Statement it is stated that all public rights of way within the area fall outside the application site so these would not be affected by this proposal. At the moment both these footpaths run across Green Belt Land which provides the public walking these paths rather scenic views of the surrounding countryside. I am therefore concerned that the introduction of large solar panels such as these along with the removal of existing vegetation and trees on this site will have a significant impact on the public enjoyment of walking both footpath No 10 and 12. I do feel this needs to be given the consideration it deserves in granting approval.”*

#### **Natural England**

This proposal is in proximity to a number of designated sites:

- Ribble Estuary Site of Special Scientific Interest (SSSI). This forms part of the Ribble and Alt Estuaries Special Protection Area (SPA) and Ramsar site (approximately 2.7 km south of the development site);
- Wyre Estuary SSSI, which forms part of the Morecambe Bay SPA and Ramsar site and Morecambe Bay Special Area of Conservation (SAC) (approximately 10.2 km north of the development site);
- 1. Martin Mere, Burscough SSSI, which forms the Martin Mere SPA and Ramsar (approximately 14.8 km to the south of the development site);
- 2. Sefton Coast SSSI, which forms part of the Ribble and Alt Estuaries SPA and Ramsar and Sefton Coast SAC (approximately 15.2m to the south west of the development site); and;
- 3. Newton Marsh SSSI (approximately 2.4 km to the south of the development site)

SPAs, Ramsars and SACs are European designations, affording protection under the Conservation of Habitats and Species Regulations 2010, as amended (the ‘Habitats Regulations’).

#### European Site – Further information required

The consultation documents provided by your authority do not include information to

demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment. In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out.

Special Protection Areas are classified for rare and vulnerable birds, and for regularly occurring migratory species. The birds for which SPAs are designated may also rely on areas outside of the SPA boundary. These supporting habitats may be used by SPA populations or some individuals of the population for some or all of the time. These supporting habitats can play an essential role in maintaining SPA bird populations, and proposals affecting them may therefore have the potential to affect the SPA.

It should be noted that some of the potential impacts that may arise from the proposal relate to the presence of SPA interest features that are located outside the site boundary. It is advised that the potential for offsite impacts needs to be considered in assessing what, if any, potential impacts the proposal may have on European sites.

We note that only a limited wintering bird survey has been undertaken. We acknowledge however that a full data search has been provided and presented in the Ecological Appraisal, V3 by Avian Ecology April 2015. However, Natural England consider there to be insufficient information provided to determine whether the likelihood of significant effects can be ruled out. The additional information required to enable your authority to undertake a robust Habitat Regulation Assessment is detailed below;

- Wintering bird survey period is between October and March inclusive. Therefore additional surveys are required for October, November, December and January.
- Spring and Autumn passage surveys need to be undertaken. Surveys need to consider September to November for autumn passage and from March to mid May for Spring passage.
- Surveys should follow the Scottish Natural Heritage (SNH) guidance: Recommended bird survey methods to inform impact assessment of onshore wind farms, May 2014 SNH guidance (<http://www.snh.gov.uk/docs/C278917.pdf>). This guidance whilst primarily used for wind farms, does recognise that vantage point surveys provides useful information and overview of bird usage of a site specifically in relation to potential disturbance and displacement (see page 14).
- Consideration should also be given to undertaking surveys in different weather conditions and across different tide cycles. Obtaining data on nights when flights to or from roosts may coincide with high tides close to dawn or dusk may be particularly useful as these are key times when many species are most active. Birds will also continue to fly in poorer weather conditions.
- We also note that there are no breeding bird surveys. Breeding bird surveys should be undertaken across the site using common bird census methodology during the months of March to July. This survey is required in order to inform the habitats regulations assessment given that the above mentioned designated sites have notified breeding birds and or breeding bird assemblages.

When your authority undertakes the necessary Habitats Regulations Assessment consideration also needs to be given to the in combination effects with other plans and projects (if it can be determined that the project itself would not result in likely significant effect). Natural England is aware of an increasing amount of solar farm developments together with applications for significant housing development (development theme not exclusive) that could have an in combination effect in terms of SPA bird displacement. The following need to be considered:

- 1) The incomplete or non-implemented parts of plans or projects that have already commenced;
- 2) Plans or projects given consent or given effect but not yet started.
- 3) Plans or projects currently subject to an application for consent or proposed to be given effect;
- 4) Projects that are the subject of an outstanding appeal;
- 5) Ongoing plans or projects that are the subject of regular review.
  - a) Any draft plans being prepared by any public body;
  - b) Any proposed plans or projects published for consultation prior to the application
  - c) Natural England recommends that any information gaps should be met by the formal submission of information, so that the project as a whole, i.e. as submitted with all information and measures to protect the European site, can be screened to check whether the likelihood of significant effects can be ruled out.

#### SSSI – Further information required

Our concerns regarding the potential impacts upon the above internationally designated sites coincide with our concerns regarding the potential impacts upon the associated SSSI's that are detailed above.

If your Authority is minded to grant consent for this application contrary to the advice relating to the SSSI contained in this letter, we refer you to Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon your Authority, requiring that your Authority:

- d) provides notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice, and
- e) Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

#### Protected Species

We have not assessed this application and associated documents for impacts on protected species.

#### **National Grid**

No objections to the proposed activities.

#### **Electricity North West**

Could have an impact on infrastructure, there are two ENWL overhead lines running through the site of the proposed solar farm. A safe working distance must be maintained from these and ENWL has the right to maintain access to these assets.

## **Greater Manchester Ecology Unit**

*"The ecology surveys and appraisals have been undertaken by suitably qualified consultants and are generally to appropriate and proportionate standards. Although I note that comprehensive surveys of ponds on and near to the application site have not been conducted because of some access difficulties (reliance has instead been placed on DNA analysis of some of the ponds) I would consider that, providing appropriate precautions are taken during construction and providing that habitat enhancements are implemented as planned, no substantive harm will be caused to amphibians by the scheme, if they should in fact be present. This is in part because DNA analysis has not recorded the presence of great crested newts and because ponds and potential amphibian terrestrial habitat will not be lost to the scheme. A degree of landscape permeability to allow species movement will be retained. I would not therefore consider that more comprehensive amphibian surveys are necessary prior to determining the application.*

*The application site is within 3km m of the Ribble and Alt Estuaries Special Protection Area (SPA) for birds. The SPA supports a diverse assemblage of overwintering, breeding and migratory birds. Bird surveys of the application site, including desk-top studies of existing information, have in my view been sufficient to demonstrate that the development is unlikely to cause significant harm to any important bird populations associated with the SPA. Although inevitably some of the 'openness' of the site will be lost and therefore certain ground nesting birds that could potentially use the site (e.g. skylarks, lapwings) may be affected by the solar array, the proposed habitat enhancements will benefit other bird species by providing more foraging and nesting habitats.*

*The application site is not within a site designated for its nature conservation value and nor is it adjacent to such a site. It is dominated by improved agricultural fields of generally low biodiversity value. There are some habitats of local nature conservation importance present, including ponds, hedgerows, trees and ditches, but these habitats are capable of being retained, protected and enhanced. Habitat enhancement proposals have in fact been put forward in DWG. No. S-0464-17-D and in the Habitat Management Plan prepared by Avian Ecology in April 2015. The Habitat Management Plan incorporates a Method Statement for the reasonable avoidance of harm to amphibians and reptiles. I would regard these drawings and plans as satisfactory.*

*I therefore have no overall objections to the proposal on nature conservation grounds, but I would recommend:*

- f) That landscaping proposals put forward in Landscape Planting Dwg. S-0464-17-D be required to be implemented in full.*
- g) That the Habitat Management Plan prepared by Avian Ecology in April 2015 (incorporating a Method Statement for the reasonable avoidance of harm to amphibians and reptiles) should be required to be implemented in full.*
- h) That all vegetation clearance should be undertaken outside of the optimum period for bird nesting (March to July inclusive)."*

## **Fylde Bird Club**

No comments received.

## **Neighbour Observations**

**Neighbours notified:** 20 May 2015

**No. Of Responses Received:** None.

## **Relevant Planning Policy**

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

SP02	Development in countryside areas
EP10	Protection of important landscape and habitat features
EP11	Building design & landscape character
EP14	Landscaping of new developments
EP12	Conservation trees & woodland
EP19	Protected species
EP22	Protection of agricultural land
SP09	Diversification of rural economy

### **Emerging Local Plan**

NP1	Presumption in favour of sustainable development
SD1	The Spatial Development Framework
ENV1	Landscape and Biodiversity
CL2	Renewable and Low Carbon Energy Generation

### **Other Relevant Policy:**

NPPF:	National Planning Policy Framework
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Section 10 – Meeting the challenge of climate change, flooding and coastal change.  
To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.

Paragraph 98. When determining planning applications, local planning authorities should: not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and even recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

Section 11 - Conserving and enhancing the natural environment.

The planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes, geological conservation interests and soils...minimising impacts on biodiversity and providing net gains in biodiversity where possible...Encourage the effective use of land by re-using land that

has been previously developed (brownfield land), provided it is not of high environmental value.

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

Paragraph 115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.

NPPG: National Planning Practice Guidance  
Renewable and low carbon energy

The National Planning Policy Framework explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities.

The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. Particular factors a local planning authority will need to consider include: encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of a high environmental value; where a proposal involves greenfield land, whether i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land: and ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays; that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use; the proposal's visual impact, the effect on landscape of glint and glare; the need for, and impact of, security measures such as lights and fencing; great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting; the potential to mitigate landscape and visual impacts through, for example, screening with native hedges; the energy generating potential, which can vary for a number of reasons including, latitude and aspect. In the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.

Cumulative landscape impacts and cumulative visual impacts are best considered separately. The cumulative landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape. Cumulative visual impacts concern the degree to which proposed renewable energy development will become a feature in particular views (or sequences of views), and the impact this has upon the

people experiencing those views. Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point, or will be visible shortly after each other along the same journey. Hence, it should not be assumed that, just because no other sites will be visible from the proposed development site, the proposal will not create any cumulative impacts. In identifying impacts on landscape, considerations include: direct and indirect effects, cumulative impacts and temporary and permanent impacts. When assessing the significance of impacts a number of criteria should be considered including the sensitivity of the landscape and visual resource and the magnitude or size of the predicted change. Some landscapes may be more sensitive to certain types of change than others and it should not be assumed that a landscape character area deemed sensitive to one type of change cannot accommodate another type of change. In assessing the impact on visual amenity, factors to consider include: establishing the area in which a proposed development may be visible, identifying key viewpoints, the people who experience the views and the nature of the views. The English Heritage website provides information on undertaking historic landscape characterisation and how this relates to landscape character assessment.

#### Department of Energy and Climate Change UK Solar PV Strategy Part 2.

While large-scale solar farms provide opportunities for greater generation, they can have a negative impact on the rural environment if not well-planned and well-screened. There can also be problems where local communities see no benefit but consider that they bear amenity issues. The Solar Trade Association has developed a statement of “10 Commitments” for solar farm developers (see box) which seeks to ensure that the impact of large-scale solar farms on communities, visual impact and long-term land use are minimised. In addition, the National Solar Centre is publishing two best practice guides on the development of large-scale solar farms. The first of these is on the factors that developers should consider in the design and installation of large-scale solar farms. The second is a guide to enhancing the biodiversity benefits from ground-mounted solar PV. When well-managed, solar farms could be beneficial for wildlife. However, in certain locations they could be damaging for biodiversity and ecosystems. The Solar Trade Association and National Solar Centre (NSC) are working with The National Trust, RSPB, the Bumblebee Conservation Trust and others on best practice guidance for optimising biodiversity on solar farm developments. This guidance will be available shortly on the NSC website. The Solar PV Roadmap set out as one of its four principles that support for solar PV should ensure proposals are appropriately sited, give proper weight to environmental considerations such as landscape and visual impact, heritage and local amenity, and provide opportunities for local communities to influence decisions that affect them and gain some form of community benefit. The National Planning Policy Framework emphasises the importance of valuing ecosystem services using tools developed by Natural England and the Environment Agency. It also stresses the importance of creating and managing specific environmentally beneficial features and undertaking mitigation or offsetting if damaging development is permitted.

Solar farm developers, builders or tenants who are members of the Solar Trade Association will comply with the following best practice guidance:

1. We will focus on non-agricultural land or land which is of lower agricultural quality.
2. We will be sensitive to nationally and locally protected landscapes and nature conservation areas, and we welcome opportunities to enhance the ecological

value of the land.

3. We will minimise visual impact where possible and maintain appropriate screening throughout the lifetime of the project managed through a Land Management and/or Ecology plan.
4. We will engage with the community in advance of submitting a planning application.
5. We will encourage land diversification by proposing continued agricultural use or incorporating biodiversity measures within our projects.
6. We will do as much buying and employing locally as possible.
7. We will act considerately during construction, and demonstrate 'solar stewardship' of the land for the lifetime of the project.
8. We will seek the support of the local community and listen to their views and suggestions.
9. We commit to using the solar farm as an educational opportunity, where appropriate.
10. The end of the project life we will return the land to its former use.

#### BRE National Solar Centre Biodiversity Guidance for Solar Developments

Guidance on how biodiversity can be supported on solar farms. Best practice in solar farm development seeks to optimise biodiversity enhancements, but it is recognised that a number of wider constraints exist, including legal or lease conditions, or planning considerations such as visual or heritage issues.

#### BRE Agricultural Good Practice Guidance for Solar Farms

Describes experience and principles of good practice to date for the management of small livestock in solar farms established on agricultural land.

#### **Site Constraints**

Within Green Belt

#### **Environmental Impact Assessment**

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

#### **Comment and Analysis**

The main issues to be considered when determining this application are:

Principle of the development/Renewable Energy/Loss of agricultural land/alternative site searches

Visual impact/Impact on landscape setting/greenbelt

Ecological issues.

Flooding and drainage

Highways issues

Other issues

#### **Principle of the development/Renewable Energy/Loss of agricultural land/alternative site search**

The proposed development is outlined in the description of proposals section above and as a result



of the amendments to the scheme would generate 5MW of electricity from solar energy, which is a renewable source. NPPF supports the increase in the use and supply of renewable and low carbon energy and requires local planning authorities to recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. In paragraph 98 of NPPF, Local Planning Authorities are advised to approve an application if its impacts are or can be made acceptable. NPPF states '*local planning authorities should: not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy*' and there are no available local energy targets, therefore the scale of energy production proposed cannot be limited.

The site falls on agricultural land that is designated as countryside. Policy SP02 of the Fylde Borough Local Plan, allows development in the countryside for a limited number of exceptions stating;

In countryside areas, development will not be permitted except where proposals properly fall within one of the following categories:-

1. that essentially required for the purposes of agriculture, horticulture or forestry; or other uses appropriate to a rural area, including those provided for in other policies of the plan which would help to diversify the rural economy and which accord with policy SP9;
2. the rehabilitation and re-use of permanent and substantial buildings which are structurally sound, in line with policies SP5 and SP6;
3. the re-use, refurbishment or redevelopment of large developed sites in line with policy SP7;
4. minor extensions to existing residential and other buildings.
5. development essentially needed for the continuation of an existing enterprise, facility or operation, of a type and scale which would not harm the character of the surrounding countryside

It states that uses appropriate for a rural area should be permitted and therefore what needs to be considered is whether the development of the countryside for a solar farm is appropriate. There are no policies within the adopted Local Plan that refer specifically to solar farms but policy CL2 – Renewable and Low Carbon Energy Generation of the emerging Local Plan states that there is potential for small and medium sized renewable energy developments but these will be required to produce evidence to the satisfaction of the LPA that consider the following;

1. Singular or cumulative impacts on landscape and townscape character and value;
2. Impact on local residents (including noise, odour and visual amenity, such as flicker noise and shadow flicker);
3. Ecological impact, including migration routes of protected bird species;
4. Impacts on land resources, including agricultural land and areas of deep peat;
5. Impacts on the historic environment and assets;
6. Community, economic and environmental benefits of the proposal;
7. Impacts on aviation and defence navigation systems and communications, particularly Blackpool International Airport, Warton Aerodrome and MOD Radio Inskip; and
8. Impacts on highway safety and capacity from movements associated with the development.

This policy therefore considers the above issues need to be satisfied in order to be acceptable, and all are considered in the relevant sections of this report. The site is on agricultural land in the open countryside and the NPPF requires the intrinsic character and beauty of the countryside to be respected. Furthermore the site is located in the greenbelt so the impact of the development on this also needs to be assessed. The NPPG requires that local planning authorities encourage the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of a high environmental value; where a proposal involves greenfield land,

whether i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land: and ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

#### Alternative site search

For a scheme to be acceptable in principle when assessed against local and national policy it has to be demonstrated that it is necessary for this development to be provided in the countryside, and that it cannot be sited on previously developed and non-agricultural land. Solar farms need relatively flat land that is free of buildings or landscape features that would cause significant overshadowing of the arrays and to that end open fields are perfect for them. Also important is the proximity to a National Grid substation that has the capacity to accommodate the connection. In this application the application site is almost directly adjacent the sub station. The applicant has submitted a sequential analysis study which outlines that there are no significantly better sites having regard to the relevant policy, physical, environmental, economic and viability considerations. To be in accordance with NPPG the site search should demonstrate that there are no previously developed and non-agricultural land that can be used for the development. The discussion of scale should be the starting point for the search.

The submitted documentation outlines that the search area is limited by four key factors: available grid connection, the distance to the grid, cumulative impact and designated areas. As well as viability concerns and environmental designations. The NPPF states that LPA's should identify suitable areas for renewable energy in development plans, the adopted Local Plan does not do this with the emerging Local Plan whilst not identifying specific sites referring to the Lancashire Sustainable Energy Study which concludes has some resource potential for solar farms. The report states that the site has been chosen because of;

- Sunlight intensity levels
- Grid connection
- Good road access
- Low sensitivity
- Land take requirements
- Site availability.
- Environmental constraints

There is no guidance in the NPPG with regard to a reasonable search area, however the North West Economic Strategy sets a regional target of 8.5% of electricity to come from renewable sources. There is no reason why Fylde cannot in principle accommodate some form of renewable energy and it is therefore reasonable for developers to consider the Fylde for renewable developments. This approach has been accepted at planning appeals in other parts of the country, with it being found 'onerous and impractical' to prevent renewable developments in a specific area as it would require an applicant to assess every location within the district to prove that there was no better site.

At pre application stage it was therefore agreed that the study area would comprise the district authorities' boundaries of Fylde. The sequential analysis study considered alternative sites comprising the same size (approximately 12.5 hectares) as well as commercial roof space and previously developed land. With regard to the PDL it was found that there was no land capable of accommodating the scheme or being more deliverable and with regard to roof space five potential sites were found but none were considered capable of generating a comparable MW output, and because of the sites consisting of a number of smaller buildings it would not be economically viable.

Therefore the sites were all found to be unacceptable due to issues such as availability and viability. Moving to greenfield sites the application site however was found to be available and could viably be connected to the grid.

#### Loss of agricultural land

The majority of Fylde borough is grade 2 (47.5%) and grade 3 (33.9%) agricultural land, with the remainder being non-agricultural or urban. However, this data is based on reconnaissance surveys and it is accepted that the results of detailed site surveys will find specific site conditions. The application has been submitted with an Agricultural Land Quality Report of the land subject to the application. The survey was carried out using standard surveying procedures with 13 samples taken from across the site and an assessment made of the characteristics of the soil, with laboratory analysis undertaken. These samples were found to be either clay or heavy clay loam with regard to the texture classes. The whole of the site was found to Grade 4 which is classed as poor agricultural land, which means that it is not considered to be part of the best and most versatile agricultural land. Fylde only has small areas of Grade 4 land and the development would therefore be utilising the poorest quality agricultural land available in Fylde (47.5% is grade 2) that is capable of delivering the development.

The submitted assessment also details that it is intended to continue the agricultural use of the land throughout the duration of the solar farm, through the grazing of sheep on the land. Thus providing a dual use of the site for agricultural and solar energy production. As such the land would not be completely lost from productive agriculture. Biodiversity enhancements are proposed, such as native hedge and tree planting and wildflower sowing. This is compliant with NPPF, which has a requirement that 'the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays'. The grazing of small animals on the land is considered to be a viable proposition (see BRE Agricultural Practice Guidance for Solar Farms). This could be conditioned to be implemented through the submission of a grazing management plan, to ensure the continuation of access to the land for the farmer and its continued use for agriculture. The land will also not be irreversibly developed and will be brought back into agricultural use after 25 years.

#### Principle of the development - summary

Solar farms have to be accommodated in locations where the technology is viable, i.e. sites that are large enough, relatively flat and not overshadowed, therefore making the countryside a suitable location for the technology. However, National policy aims to direct such development to previously developed and non-agricultural land before the consideration of greenfield sites, through a sequential test approach. As the applicant has demonstrated that there are no suitable sites for a viable solar farm on previously developed land or non-agricultural land in the area, the development is considered to be acceptable in principle in this location. The applicant has also demonstrated that the proposal would use poorer quality agricultural land in preference to higher quality and would allow for the continued agricultural use of the land and biodiversity improvements around arrays. The site is considered to be in a sustainable location for the use proposed, being accessible during the construction period and for maintenance. Overall, the proposal is considered to provide a source of renewable energy in a sustainable location and making the most effective use of land in accordance with NPPF and NPPG. Any application for renewable energy would be assessed on its own merits as to its acceptability in terms of specific impacts, such as visual and neighbouring amenity. These are assessed in the following sections of this report for this planning application.

NPPG states '*that solar farms are normally temporary structures and planning conditions can be used*

*to ensure that the installations are removed when no longer in use and the land is restored to its previous use.'* It is proposed that the development would be in place for 25 years, then the land be restored back to its current agricultural use. A condition can be added that no development commences until a de-commissioning method statement has been submitted and approved by the council. The statement shall include the timing for decommissioning of all, or part of the solar farm if it ceases to be operational (or upon expiry of the time period of the permission), along with the measures, and a timetable for their completion, to secure the removal of the panels, fencing and equipment, and restoration of the site, including how resources would be secured for decommissioning and restoration at a later date. This condition would ensure the sites restoration to agricultural land.

Whilst the NPPG and NPPF both seek to ensure the safeguarding of the best and most versatile agricultural land neither places a bar on its use. Paragraph 112 of the Framework says that the economic and other benefits of the best and most versatile agricultural land should be taken into account and where development of agricultural land is shown to be necessary, areas of poorer quality land should be used in preference to that of high quality. The NPPG says that where a proposal involves greenfield land, factors to consider include whether the use of agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land and, where applicable, the proposal allows for continued agricultural use. It is considered that the proposal does this and is therefore acceptable in principle.

#### **Visual impact/impact on landscape setting/Greenbelt**

The development of solar farms in rural locations have the potential to have a detrimental impact on the character and appearance of an area. The NPPG (2014) states *'the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively'*. The particular factors advised by NPPG to be considered include the proposal's visual impact, effect on the landscape of glint and glare, the need for security measures such as light and fencing and the impact on heritage assets. Also, the potential to mitigate landscape and visual impacts needs to be considered.

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) however it is within the greenbelt and the proposal needs to be considered against this designation. The site falls within 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 rail tracks are all highly visible in the Boroughs flat landscape’.*

The application site itself consists of 12.23 hectares of agricultural farm land, two ponds are within the site, two hedgerows traverse the site from east to west and there are trees and hedgerows around the periphery. The sites boundaries are formed by low hedgerows and trees. In terms of topography the site slopes downwards from north to south and east to west sloping down from approximately 24.5m AOD at the northern end of the site to 21m AOD in the south west corner. The nearest part of the site to the road is approximately 23m AOD. The site is generally flat as is the surrounding area. It is considered that the site itself sits in with the Fylde landscape character of undulating large agricultural fields surrounded by key landscape elements of large enclosed irregular shaped fields, with hedges, trees and ditches. The site can be viewed from various points in the surrounding area including from the adjacent highway, the PROW to the north and the residential development to the south. Because of the relatively low nature of the site and the surrounding landscape longer views of the site from elevated positions are more common but these are often foreshortened by the presence of building and hedges alongside roads.

The proposal will introduce 1.9m high solar panels laid out in arrays, access tracks, substations inverters and 2.2m open mesh fencing into this area of countryside in the Fylde landscape character area that is currently undeveloped and open and allocated as greenbelt. The site comprises open fields divided by boundary hedgerows. The current field pattern would be retained with the retention of existing hedgerows, new hedgerow and tree planting is proposed around the site and particularly to the eastern boundary of the site and the north east corner. The 2.2 m fencing proposed is considered to be acceptable in appearance, however, at 2.2m high would not be of an appearance entirely typical of this rural area. This however would be on the inside of the site with hedgerow and tree planting on the outside. The other buildings proposed would have a visual impact in a similar way to the solar panels being relatively low in height and set well back into the site.

In order to mitigate the visual impact of the development the application proposes setting back the development from the highway and native hedgerows planted and maintained adjacent to the site boundaries at 2.5m high, as well as the planting of native tree species around the boundary of the site. The buildings within the site will not be specifically screened. If this mitigation of the development were to be found acceptable would have to be provided and retained through a planning condition, which would include provision of suitable plant species. The appraisal of landscape and visual effects submitted with the application assesses the visual impact of the proposal from 14 different viewpoints around the site and on the landscape character of the area. The submitted zone of theoretical visibility indicates that the greatest impact will be within the immediate surroundings of the site, with distant views limited due to intervening buildings and vegetation.

#### Visual impact/Character of area

Whilst the site is located in the greenbelt it is not considered that the site constitutes open landscape of intrinsic character and beauty that the NPPF states is one of its core planning principles that should be taken account of when determining planning applications. The site is characterised by low lying landscape, hedgerows and groups of trees, it is not considered that the proposed development would alter these existing key characteristics and features as it would sit within this landscape pattern, and as it is not of an excessive scale the proposed mitigation landscaping will result in it not having a significant impact on the landscape character.

In terms of direct visual impacts the impact will be felt closest to the site. Whilst the mitigation proposed will reduce the impact there will still be a significant impact directly adjacent to it from elevated positions such as in dwellings. The impact on the site and immediate locality will be considerable and will have an adverse effect on the landscape character of the site itself. Long terms views of the site would be limited by screening provided by trees to the north and south which would reduce the visual impact of the development, and the site would be set back from the road to the east where hedgerows form the boundary and additional trees and hedgerows are proposed.

Because of landform and intervening vegetation means that the site is only visible from the public highways immediately adjacent to the site and not farther afield. Views would be limited to glimpsed ones through (existing) field gateways or areas of high ground where views maybe seen above the hedgerows edging the highways. The impact on the existing public right of way that runs to the north of the site will result in varying views of the application site, but with the mitigation proposed this will be reduced. The LVIA shows that the visibility of the site from medium range views would be limited and in some cases fully screened by intervening buildings and planting. The existing pylons that run across the site already impact upon the views of the site from all directions and submitted photomontages show the developments impact on these views. The growth of a new native hedgerow along the boundary of the site would further restrict visibility over time. The impact on medium views is therefore considered acceptable. The LVIA shows that the visibility of the site from long range views which are classed as being from more than 2km would be zero due to interlying woodland, hedgerow and built development, combined with a relatively flat landform. The impact on long range views is therefore considered acceptable.

The assessment indicates some views of the development from private dwellings will be achieved. The private views from dwellings to the south will be impacted upon, particularly in the early stages of the development whilst the planting is growing, however as the mitigation measures become more established this impact will become more moderate. Other dwellings with views of the site will be restricted by intervening dwellings and tree and hedgerow cover and because of the low lying nature of the site. It is considered that whilst the development would be able to be viewed from some dwellings that it would not have an unacceptable impact

#### Impact on greenbelt

Adopted local plan policy SP3 Development in the greenbelt seeks to restrict development in the greenbelt only in very special circumstances and when the proposal preserves the openness of the greenbelt and does not injure the visual amenities of the green belt. With regard to development in the greenbelt section 9 of the NPPF – protecting greenbelt land states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with its essential characteristic their openness and permanence. Paragraph 80 states that the five reasons for including land within greenbelt are;

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”

In relation to this application paragraph 91 is most relevant stating; *“When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very*

*special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”.*

Therefore it is necessary to consider the very special circumstances that the development propose demonstrate this development is acceptable. It is stated that these may include the wider environmental benefits associated with increased production of energy from renewable sources and that is clearly in this applications favour, and the preceding parts of this report have stated that the impact of the development on the character of the area and the visual impact of the development from surrounding viewpoints is considered acceptable. The fundamental aim of greenbelt is to keep land permanently open with its essential characteristic its openness and permanence, this proposal will result in the introduction of a built form into an area in the greenbelt that is currently open and therefore it can be argued that it will have an impact upon its openness.

However due the low levels of the proposed panels and associated buildings, the lack of impact on the character of the area as a whole, the minimal visual intrusion and the fact that the development is only temporary it is not considered that the scheme would have the same impact on the openness of the greenbelt as a large agricultural building for example would have in this location. This area of the greenbelt in particular is not completely open with pylons crossing the site and a number of dwellings and a prison located within it all around the site. The development would also have no effect on brining two settlements closer together. It is therefore considered that whilst there will be some harm to the greenbelt the positive elements of the scheme including renewable energy regeneration, farm diversification, biodiversity enhancements, landscape enhancements and educational resource outweigh this harm.

### Summary

From this consideration of the visual impacts of the development, it can be concluded that there would be significant visual impacts from the development to the site itself and immediate views, but the effect on medium range and long range views would be minimal due to the existing screening, proposed screening and the topography of the site. There would also be visual impacts to the closest residential houses with windows facing the site. Mitigation planting would reduce the impact over time to some degree, however, would not remove it completely. It is not considered that the development would have a significant visual impact on the wider area constituting only approximately 12.5 hectares.

The visual impacts of the proposal are required to be balanced against the acceptability of this renewable energy scheme in principle. In terms of the local landscape, this is not designated because of special landscape quality but is located within the greenbelt. It is not considered that the visual harm to the greenbelt outweighs the benefits of the scheme. The users of highways will have a different visual experience than at present to the east of the site however it is considered that this would be a fleeting feature of journey rather than being for its entirety. The PROW adjacent to the north of the site would experience some views of the site but as the hedgerows grow this would be limited, and given that it is a relatively short stretch of path it is not considered that the change of outlook would harm the view to a degree that could warrant refusal of the application. Some users may view this experience as negative, with a view of modern development over an expanse of currently open countryside, so it has to be considered that there would be some harm to the visual amenity of the PROW. There would be harm to the visual amenity of residents in properties that are close to the site with windows facing it. This impact would not be to all of the windows of these properties, therefore, the occupants would have other rural views and the impact would be reduced as mitigation planting grows. The effects of the development on the character and appearance of the landscape during the lifetime of the solar farm is not considered to be harmful to the extent

where it would be weighed against the contribution of the scheme to the national strategy on low carbon energy. It is officer's opinion that the scale of harm in this location is minor and as such that it would be outweighed by the wider benefits of renewable energy provision.

## **Ecological issues**

### Trees

The Tree Officer is satisfied the development would not have an impact on existing significant trees and therefore there are no tree issues with the proposal. A condition is required to ensure that existing trees around the site are protected during development.

### Ecology

With regard to ecology the applicants have submitted an ecological appraisal of the site. Natural England and GMEU have made comments on the scheme with regard to ecology. Natural England have only commented on wintering birds and not protected species. GMEU state that the ecology surveys and appraisals have been undertaken by suitably qualified consultants and are generally to appropriate and proportionate standards. They state that the application site is not within a site designated for its nature conservation value and nor is it adjacent to such a site. It is dominated by improved agricultural fields of generally low biodiversity value. There are some habitats of local nature conservation importance present, including ponds, hedgerows, trees and ditches, but these habitats are capable of being retained, protected and enhanced. With regard to protected species the submitted report found the following;

- e) Bats - The fields within the site offer limited foraging habitat. No trees with potential to support bat roosts were identified within the field boundaries or adjacent woodland habitats, however an old building, situated adjacent to the Site, was considered to offer high bat roost potential with holes in the roof providing potential access points for bats. Additionally, an old barn was identified with low bat roost potential in the south eastern corner of the Site. The bordering hedgerows and trees offer moderate/good foraging and commuting habitat for bats, providing connectivity to the wider area. No hedgerow removal is anticipated in order to facilitate access and all buildings will be retained as part of the proposed development.
- Breeding birds - The hedges and hedgerow trees have the potential to be used by a range of common nesting birds in the breeding season. The fields may support low numbers of ground nesting birds such as skylark and lapwing, although not considered optimal for these species due to the intensity of agricultural management.
- Badgers - No evidence of badger activity was identified within or within the immediate vicinity of the Site.
- Amphibians - A range of amphibian and reptile species have been recorded from the local area, including great crested newt c. 780m north of the Site. Three ponds were present within Site and two of these contained sufficient water depth to obtain samples for eDNA survey. The presence of great crested newt was not detected within these ponds. Ponds within adjacent fields included one pond c. 6.5m north of the Site; however proposed working areas situated within a 50m radius of this pond comprise arable land which is not considered to offer suitable terrestrial habitat for amphibians. Overall, potential for presence of great crested newt is considered low but ponds may support more common species of amphibian. Reptiles are considered unlikely to be present within the Site.



With regard to these findings GMEU state that the habitat enhancement proposals put forward in DWG. No. S-0464-17-D and in the Habitat Management Plan prepared by Avian Ecology in April 2015 (which incorporates a Method Statement for the reasonable avoidance of harm to amphibians and reptiles) are satisfactory in terms of mitigation. They recommend that the landscaping proposals, habitat management plan and method statement are implemented in full and that that all vegetation clearance is undertaken outside of bird nesting season. The mitigation proposed includes;

- Planting of approximately 238 linear metres of new native hedgerow with additional infill native hedgerow planting along the remainder of boundaries;
- Native tree planting to the north-east corner;
- The re-seeding of land within the perimeter fencing with standard grazing mix equating to approximately 10.43 hectares of grassland;
- The re-seeding of land outside the perimeter fencing with a pollen and nectar rich meadow mix grass seed, equating to approximately 1.8 hectares of meadow grass mix;
- The re-seeding of a wild bird seed mix within the north-east corner, equating to approximately 0.23 hectares of wild bird mix;
- The installation of 10 No bird nesting boxes at appropriate locations to encourage general wild bird species, robin, wren and barn owl;
- The installation of 9 No bat roosting boxes at appropriate locations to provide for pipistrelle and noctule bat species; and
- The installation of habitat woodpiles at appropriate locations to encourage invertebrate species.

The implementation of this mitigation will be subject to planning conditions if this application is approved.

#### Wintering Birds

The submitted report states that in terms of wintering birds a survey was undertaken between February and March 2015 which considered the application site and a 600m buffer. The applicants have obtained data from Fylde Bird Club that states the site is part in Tetrad 43A and part in 43F and they have about 500 records for these two tetrads with the only SPA birds being a few common waders and gulls in small numbers (excluding fly overs), and that most of the records can be attributed to adjacent sites outside of the requested area. On this basis it is considered unlikely that pertinent species associated within the Ribble and Alt Estuaries SPA are regularly present within the application site or immediate surrounding area. The wintering bird survey was undertaken to provide further confirmation.

The improved grassland fields and arable land within the application site were considered suitable for ground nesting species such as skylark and the arable land offers some potential for nesting lapwing, although not considered optimal for these species due to the intensity of agricultural management and presence of livestock. A summary of the total, peak and mean number of waterfowl species recorded within the survey is in the below table;

Species	Total	Peak	Mean (n=5)
Teal	8	4	1.6
Mallard	106	46	21.2
Lapwing	4	2	0.8
Snipe	1	1	0.2
Lesser black-backed gull (in flight only)	5	5	1

Great black-backed gull (in flight only)	2	2	0.4
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The report states that the application site is considered largely unsuitable for migratory waterfowl including whooper swan and pink-footed geese; both species comprising qualifying interest species of the Ribble and Alt Estuaries and Martin Mere SPAs/Ramsar Sites. These birds are considered likely to be deterred by the presence of pylons and overhead lines and local wildfowl shooting. Neither species were recorded on site or within the wider 600m survey radius during field surveys. Survey visits found that the application site and immediately surrounding area support very low numbers of pertinent waterbirds. No migratory geese or swans or their droppings were recorded during any survey visit and it is considered that the presence of pylons, overhead lines and localised wildfowl shooting is likely to be deterrent to any regular use of the site and immediate surrounding area. Consequently, habitat loss as a result of the proposed development is not anticipated to have any significant adverse effects on non-breeding qualifying waterfowl interests associated with nearby European sites.

It states that birds recorded within the application site comprised negligible numbers of lapwing, teal, mallard and snipe (number of the mallard are considered likely to be resident or domestic individuals, released for wildfowl shooting). The regular presence of teal or the presence of flock sizes of national or international importance is considered unlikely due to regular disturbance from shooting activity and the application site is considered to support a wintering and breeding bird assemblage of low ornithological value. The proposed development may result in the localised disturbance and displacement of foraging lapwing; however this impact is considered negligible in the context of local populations

With regard to the report submitted Natural England have responded stating that the site is in close proximity to a number of sites including SSSI and SPA's which constitute European designations and are protected by the habitats regulations. They state that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out, they note that only a limited wintering bird survey has been undertaken but acknowledge that a full data search has been provided and presented within the ecological appraisal. They state that additional information comprising extra surveys in October, November, December and January should be undertaken, Spring and Autumn passage surveys need to be undertaken which need to consider September to November for autumn passage and from March to mid may for Spring passage. They state that consideration should also be given to undertaking surveys in different weather conditions and across different tide cycles. Obtaining data on nights when flights to or from roosts may coincide with high tides close to dawn or dusk may be particularly useful as these are key times when many species are most active. Birds will also continue to fly in poorer weather conditions. They also note that there are no breeding bird surveys. Breeding bird surveys should be undertaken across the site using common bird census methodology during the months of March to July. This survey is required in order to inform the habitats regulations assessment given that the above mentioned designated sites have notified breeding birds and or breeding bird assemblages.

GMEU have however visited the site and have also commented that the application site is within 3km of the Ribble and Alt Estuaries Special Protection Area (SPA) for birds and that the SPA supports a diverse assemblage of overwintering, breeding and migratory birds. They state that bird surveys of the application site, including desk-top studies of existing information, have in their view been sufficient to demonstrate that the development is unlikely to cause significant harm to any important bird populations associated with the SPA. Although inevitably some of the 'openness' of the site will be lost and therefore certain ground nesting birds that could potentially use the site (e.g. skylarks, lapwings) may be affected by the solar array, the proposed habitat enhancements will benefit other bird species by providing more foraging and nesting habitats.

Therefore Fylde Borough have an application where the submitted report includes some survey work, but not over the whole of the winter, and Fylde Bird Club records of wintering birds which suggest that the site is not a key site for migratory waterfowl. The physical constraints of the site must make it less attractive than other sites in the area due to nearby shooting and the overhead pylons. GMEU consider the information submitted to be acceptable. Natural England do not dispute the date submitted but request further survey work is done to cover the whole of the winter period.

In this instance it is officer opinion that the survey work submitted is sufficient. This is because the surveys are backed up by Fylde Bird Club's records which are extensive and the fact that the Council's consultant ecologist has visited the site and has no objections. Natural England have not visited the site and their request for further survey work whilst understandable does not take into account the site specific issues and the records already held. Therefore the impact on wintering birds by developing this site with solar panels is considered to be acceptable. Notwithstanding this, the council will need to undertake a Habitats Regulation Assessment to inform the determination of the application and it is expected that this is to be undertaken should Committee accept the principle of the development.

### **Flooding and drainage**

The Environment Agency have no comments to make due to the size of the site and its location. A flood risk assessment has been submitted with the application with a drainage strategy that includes the use of SUDS within the development site. Whilst it is considered that the photovoltaic panels will not result in a material increase in surface water run-off flow rates, it is proposed to provide a SuDS arrangement by way of swales in the lower areas of the site to intercept extreme flows which may already run offsite. It is emphasised that the swales do not form part of a formal drainage scheme for the development but are provided as a form of 'betterment'. The proposed swales will have a minimum depth of 300mm, with 1 in 3 side slopes, and a base width of 0.5m. The swales provide a total storage volume of approximately 50.6m<sup>3</sup>. This is greater than the volume of additional runoff generated as a result of the 1440 minute, 100 year plus climate change rainfall event (13.48m<sup>3</sup>). It is therefore considered that the swales would adequately mitigate any increase in runoff volume generated as a result of the minor increase in impermeable area. The FRA states the above mitigation will be used and therefore it is appropriate to condition that the development proceeds in accordance with that mitigation.

### **Highways issues**

There are limited highway impacts associated with solar farms with the main impact being during the construction phase. The application has been submitted with a Transport statement which states that a Construction Traffic Management Plan will be prepared as a condition of any planning permission. This will manage all vehicle movements associated with the construction of the solar park. It will include, but not be limited to, the following:

- Route for construction vehicles;
- Traffic management measures such as the proposed Construction Warning signage;
- Restrictions to delivery periods, if required; and
- Wheel washing if deemed necessary.

At pre-application stage LCC stated that the principle was acceptable in highway terms, and that his response would be no objections subject to conditions relating to the construction traffic management plan and wheel wash, he has confirmed this in his consultation response. It is not considered that this development would have an impact on highway safety or capacity.

## **Other issues**

### Archaeology

The application was submitted with a Heritage desk based assessment. LCC Archaeology have considered this and consider it appropriate and because of the depth and type of foundation do not consider further investigation appropriate or necessary.

### Residential amenity

Some residents surrounding the site will be able to see the development and the proposals visual impact is considered above. In terms of other potential impacts from noise and glint and glare the Council's Environmental Health Officer has considered the submitted information in relation to noise from transformers and has commented that he has no objections subject to a noise assessment being submitted to the LPA together with any mitigation measures should the assessment find that levels may be 'significant'. It may be necessary to enclose the units similar to electricity substations to prevent noise escape. He also requests that a glint and glare study be carried out and the results forwarded to the LPA authority for consideration. It is not considered that the development will have an unacceptable impact on neighbours because of the angle of the solar panels in relation to the dwellings windows. The impact will be of low significance with solar reflections occasionally observed in the evenings by dwellings to the east of the site, with light from the sun shining more directly into affected windows. The main impact will be on Cooper House Farm which is the application property. It is considered that this would not result in an unacceptable impact on residential amenity however this condition can be placed on any permission granted to ensure that this is the case, and any mitigation required is implemented. It is considered that with appropriate conditions in place that the amenity of surrounding dwellings can be protected.

### Aviation safety

The application has resulted in an objection from BAE in which they state that they object on technical grounds until a full assessment regarding possible radar interference is completed. Officers contacted BAE to establish what these technical grounds comprise and they stated that the proposals may affect the SSR (secondary surveillance radar) which is a different radar from the primary or PSR. The location of the Cooper House proposal is sufficiently close and so large that it may well reflect SSR information and cause unwanted secondary radar reflections to be displayed to the air traffic controller.

This is clearly an important matter that must be resolved prior to any grant of planning permission. It remains the subject of discussions involving officers, the developer and BAe, with the likelihood being that a survey will be undertaken by the radar operators and funded by the developers. This will then inform how this can be progressed, with the hope being that it will be clarified by the date of Committee. In the event that it is not then the recommendation should allow for officers to progress to determine the application dependent on the outcome of these discussions and an agreed action plan put in place should any technical work be required to the radar to accommodate the impacts of this solar farm.

## **Conclusions**

The application proposes the development of a solar farm, with associated infrastructure and equipment on agricultural land west of Kirkham Road. It is considered that the principle of the development is acceptable in light of the support for renewable energies in NPPF and that the development has been assessed to pass the test that there are no suitable sites for the development

on brownfield or non-agricultural land. It is viable that the land can continue to be used for grazing during the operation period of the development and biodiversity enhancements can be conditioned. This is in accordance with NPPG.

There would not be an unacceptable impact on residential amenity in terms of light, overlooking or noise and disturbance. With the mitigation measures proposed in the ecological survey, the development is capable of being accommodated without adverse effect on ecology and enhancement measures could benefit biodiversity. Existing trees and hedgerows can be retained and protected in conjunction with the development. The application would not have an unacceptable flood risk either on site or in the surroundings. It is not considered the development will create any unacceptable traffic generation or risk to highway safety.

Visually, it has been assessed that the development would have significant impacts on the site and adjacent local landscape character. This landscape is not designated for its special landscape quality but it is in the greenbelt. It is not considered that there would be a significant visual impact on the wider area. Based on this, it is not considered that there would be unacceptable landscape harm that would result from the proposal and because of the low lying nature of the area and that the site will be well enclosed with the proposed mitigation it is not considered the impact on the greenbelt is significant enough to warrant refusal of the application. There would be harm to the visual amenity of the residents in the properties that are close to the site and overlook it, with their views changed from that of open fields to views of a solar farm. However these views are restricted by existing landscaping and infrastructure, and these properties would have other windows not facing the development and mitigation would reduce this impact over time.

Overall, the visual harm to be experienced has to be balanced against the gain of a renewable energy source and rural diversification. NPPF encourages the development of renewable energy and aims to increase the use and supply of renewable energy. This development would generate 5MW of electricity. It also has to be taken into account that the development would be temporary, with its removal after 25 years. Given the wider environmental and community benefits of the proposal and its temporary nature, plus the proposed mitigation planting, it is considered on balance that the development gain would outweigh the visual impact to be experienced to the local landscape and residential properties, and where there is to be visual harm this will not be unacceptable.

### **Recommendation**

That authority to grant planning permission be delegated to the Head of Planning and Regeneration to GRANT planning permission subject to the resolution of any aviation safety issues that arise and to allow a Habitat Regulation Assessment to be undertaken, and then also be subject to the following conditions (or any amendment to the wording of these conditions or additional conditions that the Head of Planning and Regeneration believes is necessary to make otherwise unacceptable development acceptable):

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

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

approved standard of development is achieved.

2. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (Ref: S507-DOCO2 Issue 3, dated March 2015) to limit the surface water run-off generated by the site to the greenfield rate. 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 prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

3. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 7 May 2015, including the following plans:

- Location Plan S.0464\_02-E
- Site layout 2195.AP.001.0.C
- Landscaping scheme S.0464\_17-F
- Fence 2195.AP.006.3.0
- Spare part container 2195.AP.011.3.0
- Exemplary Section 2195.AP.003.1.0
- Substructure 2195.AP.010.2.0
- Inverter and transformer station 2195.AP.004.2.A
- DNO/Client substation 2195.AP.009.2.0

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

4. Before the use of the site hereby permitted is brought into operation facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site, and this facility shall be operated throughout the construction of the solar farm.

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

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

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

6. No part of the development hereby approved shall commence until a Construction Traffic Management Plan has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. The development scheme be carried out in accordance

with the approved plan.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the construction traffic does not have an adverse impact on road safety.

7. A tree protection scheme for all trees and retained hedges on the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. No work of any kind shall take place until the protective fences are erected around the retained trees in the position and to the specification agreed by the local planning authority. Such fencing shall be retained throughout the development where work of any kind is undertaken in proximity to trees and hedging.

Reason: In the interests of protecting wildlife and biodiversity and to comply with the provisions of the Wildlife & Countryside Act 1981 and the National Planning Policy Framework.

8. No development shall take place until there has been submitted to and approved in writing by the local planning authority a fully detailed scheme for habitat creation and management, including details of amphibian protection. The scheme shall include details of mitigation and compensation measures, the management of public access, and on-going monitoring regimes, and follow the principles established in the habitat management plan and method statement prepared by Avian Ecology dated April 2015. The development shall be phased, implemented, and managed in accordance with the approved scheme for habitat creation and management.

Reason: In order to secure adequate compensatory and mitigation habitat and species and to protect existing biodiversity.

9. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of programmed landscaping for the area of development. The scheme shall include details of: all existing trees and hedgerows and those that are to be retained, together with measures for their protection during the course of the development; all planting and seeding including the proposed hedgerows, native trees and wild flower mix; hard surfacing and the materials to be used for the internal access roads; and, means of enclosure and shall follow the principles shown on landscaping plan S.0464\_17-F dated 30.06.15.

All landscape works shall be carried out in accordance with the approved programme and details. Any trees or plants which within a period of 5 years commencing with the date of their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

10. This permission shall be for a period of 25 years from the date of this permission, by which date the use hereby permitted shall cease and the site reinstated back to its previous agricultural use in accordance with a scheme of work required to be submitted as part of Decommissioning Method Statement under condition 11 below.

Reason: To ensure that the landscape impact of the development exists only for the lifetime of the

development.

11. If the solar farm ceases to operate for a continuous period of 12 months at any time during its lifetime, and in any event at least 6 months prior to the final decommissioning of the solar farm at the end of the planning permission, a Decommissioning Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include a programme of works to demonstrate that the solar panels, transformer and substation buildings, tracks, associated infrastructure, fencing and any other ancillary equipment will be removed from site, and how the site shall be restored back to its former agricultural use and a timescale for these works and site restoration. The approved Decommissioning Method Statement and its programme of works shall be fully implemented within 12 months of date of its agreement by the Local Planning Authority.

Reason: In the interests of the amenity of the area and to ensure that the landscape impact of the development exists only for the lifetime of the development.

12. Construction and decommissioning works shall only take place between the following hours:-  
08.00 and 18.00 hours Monday to Friday and between 08.00 and 13.00 hours on Saturdays, with no site work on Sundays or bank and public holidays.

Reason: To safeguard the amenities of the occupiers of adjoining residential properties.

13. Prior to the commencement of development a grazing management plan shall be submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved plan, which shall contain details of how the land will be made available, managed and retained for grazing livestock throughout the operation of the solar farm hereby approved.

Reason: To ensure that the land remains in agricultural use.

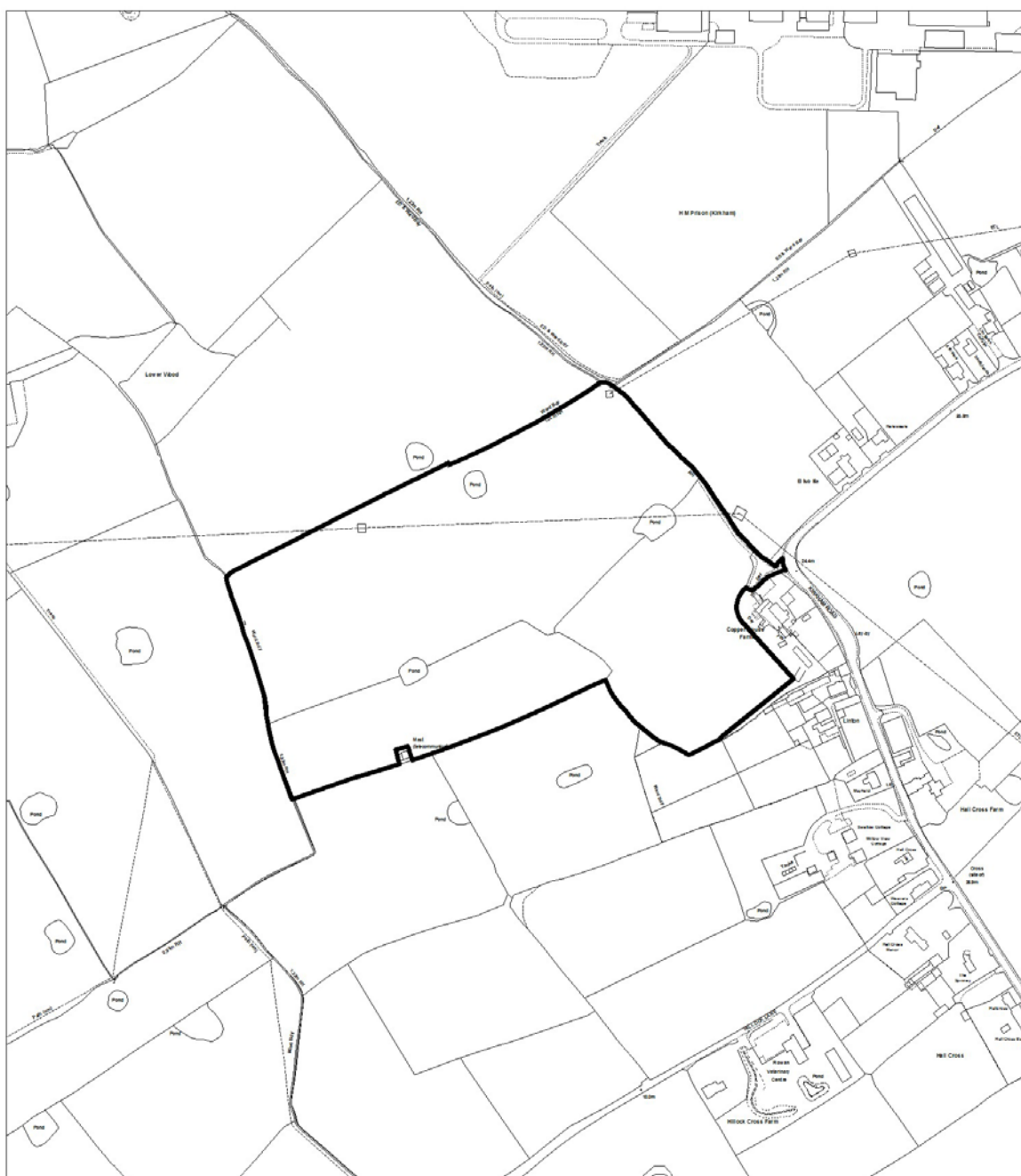
14. Prior to the commencement of development the applicant shall carry out a noise assessment in accordance with BS4142:2014 for fixed plant with reference to the nearest residential property. The result of the assessment shall be submitted to the Local Authority for approval together with any mitigation measures should the assessment suggest that noise levels may be "significant". If found acceptable by the Local Planning Authority the mitigation proposed shall be incorporated into the development and thereafter maintained.

Reason: To safeguard the amenities of the occupiers of adjoining residential properties.

15. Prior to the commencement of development the applicant shall carry out a glint/glare assessment and the results shall be submitted for the Local Authority for approval together with any mitigation measures should the assessment find an unacceptable impact on the amenity of neighbouring dwellings. If found acceptable by the Local Planning Authority the mitigation proposed shall be incorporated into the development and thereafter maintained.

Reason: To safeguard the amenities of the occupiers of adjoining residential properties





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Application No. 5/15/0329	Address Cooper House Farm, Kirkham Road, North of Bypass, Freckleton	Grid Ref. E.3419 : N.4305	Scale 0 25 50 75 100 m 

## LIST OF APPEALS DECIDED

The following appeal decision letters were received between 18/06/2015 and 17/07/2015. Copies of the decision letters are attached.

Rec No: 1			
22 January 2015	14/0668	UNIT 11A, PROGRESS BUSINESS PARK, ORDERS LANE, KIRKHAM, PRESTON, PR4 2TZ RESUBMISSION OF APPLICATION 14/0366 FOR CHANGE OF USE OF EXISTING INDUSTRIAL UNIT TO CAFE WITH REPLACEMENT OF EXISTING DOORS TO FRONT ELEVATION WITH GLAZING -RETROSPECTIVE APPLICATION.	Written Representations RT
Appeal Decision:	Dismiss: 07 July 2015		
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Rec No: 2			
07 May 2015	14/0612	26 CLIFTON GATE, SOUTH PARK, LYTHAM ST ANNES, FY8 4QX PROPOSED FORMATION OF BALCONY AND DOORS TO REPLACE WINDOW TO FRONT (WEST FACING) ELEVATION OF FIRST FLOOR FLAT	Written Representations RC
Appeal Decision:	Dismiss: 16 July 2015		
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Rec No: 3			
07 May 2015	14/0614	28 CLIFTON GATE, SOUTH PARK, LYTHAM ST ANNES, FY8 4QX PROPOSED FORMATION OF BALCONY AND DOORS TO REPLACE WINDOW TO FRONT (WEST FACING) ELEVATION OF FIRST FLOOR FLAT	Written Representations RC
Appeal Decision:	Dismiss: 16 July 2015		
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## Appeal Decision

Site visit made on 19 May 2015

**by Mark Caine BSc (Hons) MTPL MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 7 July 2015**

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**Appeal Ref: APP/M2325/W/14/3001532**

**Unit 11a Orders Lane, Kirkham, Preston, PR4 2TZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Julian Hindle of Progress Business Park against the decision of Fylde Borough Council.
  - The application Ref 14/0668, dated 16 September 2014, was refused by notice dated 5 November 2014.
  - The development proposed was originally described as the "Change of Use of Existing Industrial Unit to Café".
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The development has already been carried out. The application form describes the development as provided in the final bullet header above. This was subsequently altered by the Council to include the replacement of existing doors to the front elevation with glazing. In making the appeal, this revised description was accepted by the appellant and I have determined the appeal on this basis.
3. The Council has referred to policies within the Fylde Local Plan to 2030 (FLP). However, this Plan is at a relatively early stage of preparation and yet to be subject of independent examination. As such it does not form a part of the statutory development plan and I have given it limited weight as a material consideration.

### Main Issue

4. The main issue is the effect of the change of use on the supply of employment land within the Borough.

### Reasons

5. The appeal building is one of a number of units within Progress Mill, which is an established business and industrial area. Indeed, it is allocated as an 'Existing Industrial Area' in the Fylde Borough Local Plan as altered 2005 (Local Plan). The underlying aim of Local Plan Policy EMP2 is to retain business and industrial uses within such defined existing industrial areas. The explanatory text to the policy confirms that the Council will resist proposals for alternative

uses since they can undermine the purpose of that policy by reducing the supply of land for business and industrial use.

6. I appreciate that the Local Plan was adopted before the recession and there is an element of inconsistency with the National Planning Policy Framework (the Framework) insofar as the policy does not provide the flexibility, as advocated in paragraph 22. Nonetheless, paragraph 22 advises that where there is no reasonable prospect of a site being used for an allocated employment use applications for alternative uses should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable communities.
7. It has been put to me by the appellant that there tends to be a high degree of vacancy on the Business Park, with a number of short term licences'. It is argued that the appeal building was vacant for a long period of time, and that it was advertised on the internet, with a telephone number and email address for interested parties. I am also informed that a permanent occupancy register is maintained at all times, and a spreadsheet has been submitted by the appellant to illustrate the current occupation of the Business Park.
8. Whilst the submitted spreadsheet identifies specific vacant units this is only for the use of the Business Park, and there are no details regarding how long they have been empty. Furthermore the internet page makes no reference to the availability of any individual buildings, and is of a generic nature. I am therefore unable to be certain that any potential interested parties would have been aware of the availability of the appeal building prior to its change of use.
9. In my view, it would be necessary to provide substantive evidence to demonstrate that business or industrial uses would not be possible or viable before its change of use to a cafe was accepted. This evidence might take the form of a comprehensive marketing exercise, containing details of the price of the unit, its availability to let and different types of advertisement that have taken place over an appropriate period of time. Details of parties who express interest in the building and why it hasn't been pursued would also be needed.
10. In the absence of any substantive evidence to the contrary, I am unable to conclude that there is no reasonable prospect of the building continuing to be used for business and industrial purposes. On the contrary, the Council has provided an Employment Land and Premises Study 2012. This does provide some basis for a view that there is a continuing need for such employment land in the Borough. As such I consider that the change of use has a harmful effect on the supply of employment land within the Borough. This conflicts with the aims of Local Plan Policy EMP2 and paragraph 22 of the Framework.

#### *Other matters*

11. I have had regard to the petition that has been submitted in support of the development. I appreciate that the café is conveniently situated for the employees of businesses in Progress Mill and their guests to use, and that this may consequently result in some investment. However the cafe is a separate planning unit that does not solely serve the users of the Business Park but is open to the general public. There are a number of food outlets in the nearby town centre which are easily accessible, and only a very short walk away. It is therefore unlikely that its loss would result in a substantial amount of traffic at lunch times or that it would significantly affect the efficiency of the workforce.

12. The Council has not raised any objections to the glazed frontage and I have no reason to disagree with this view. I have also not been presented with an assessment of the Council's view of the health of the town centre in general. The development is small scale, and there is still the option for employees of the businesses within Progress Mill to visit the town centre and other food outlets. I have no reason to suppose that this does not currently take place. There is also no substantive evidence to demonstrate that members of the public are more inclined to divert away from the town centre to the appeal development. I am therefore unable to conclude that the development has undermined or is materially harmed the vitality of the town centre.
13. I accept that the cafe generates some new employment, but in doing so, it takes up space that might be needed for an essential industrial or business use of the types that the Local Plan seeks to promote. I also appreciate that the appeal building is a converted, averaged size unit, which could be reverted back to an employment use at some future date. The hours of operation could also be controlled by a planning condition. Nevertheless, these and all of the factors above do not outweigh or overcome the harm that I have identified.
14. The appellant has referred me to other non-conforming uses on the Business Park. Nonetheless, the submitted decision notice (Ref 13/0792) for Unit 27 clearly states that is to be restricted to a mixed B8 and A1 use. It is therefore not directly comparable to the appeal development. I have also not been provided with the full details of the circumstances that led to the previous café/takeaway at Unit 7a being accepted so cannot be certain that it represents a direct parallel to the appeal development, including in respect of development plan policy. I have, in any case, determined the appeal on its own merits.
15. In reaching my conclusions I have taken into account the appellant's reference to other sections of the Framework and the presumption in favour of sustainable development. However a core planning principle of the Framework (paragraph 17) is that planning should proactively drive and support sustainable economic development and should deliver the industrial units the country needs. In light of my findings above it is not considered that the development satisfactorily addresses this requirement and would therefore not be sustainable development for which there is a presumption in favour.
16. For the reasons given above, the appeal should therefore be dismissed.

*Mark Caine*

INSPECTOR

## Appeal Decision

Site visit made on 29 June 2015

**by Alison Partington BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 July 2015

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**Appeal Ref: APP/M2325/W/15/3014409**

**Flat 26, Clifton Gate, Lytham St Annes, Lancashire FY8 4QX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Mary Elizabeth Cooper against the decision of Fylde Borough Council.
  - The application Ref 14/0612, dated 8 September 2014, was refused by notice dated 28 November 2014.
  - The development proposed is the formation of new external glazed balcony together with modification of existing window to form access to new balcony to rear elevation.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. My attention has been drawn to the fact that the lease agreement states that owners of the individual flats are not allowed to make any alteration to the property. Whilst this may have implications for implementation, I have made my decision based only on the planning merits of the case.

### Main Issues

3. The main issues in the appeal are the effect of the proposed development on:
  - The character and appearance of the host property; and
  - The living conditions of adjacent occupiers with particular reference to loss of light, outlook, privacy and noise and disturbance.

### Reasons

#### *Character and Appearance*

4. The appeal property forms part of a large modern complex of apartments. Although the development consists of a mixture of single, two storey and three storey elements, the external appearance has a high degree of consistency, created by the limited palette of materials, and the uniformity in the size, position and design of the fenestration. The latter being particularly noticeable on the long elevation which would be affected by the proposed development. I observed that only two of the apartments in the complex had patio doors, and these were adjacent apartments on the ground floor facing South Park.

5. Whilst I accept that the proposed balcony would be of a simple construction, given the clean and unaltered external appearance of the elevation it would give the elevation a cluttered appearance which would harm the simplicity, and integrity, of the host property. In projecting out beyond the rendered bays the proposal would spoil the architectural rhythm of the elevation.
6. Furthermore, the replacement of one of the windows with a door to form the access to the balcony would appear as an incongruous feature that would not respect the architectural character of the building.
7. An identical balcony is proposed on an adjacent flat and although this would create symmetry either side of the projecting bay, it would still result in an unbalanced appearance to the elevation as a whole.
8. I have considered the argument that the current proposal would set a precedent for similar proposals by other apartments within the complex. Whilst each application and appeal must be treated on its own merits, I can appreciate the concern raised by the Council, and residents, that approval of this proposal could be used in support of other similar schemes. I consider that this is not a generalised fear of precedent, but a realistic and specific concern given the contribution the consistent and unaltered external appearance makes to the character and appearance of the complex at present. Allowing this appeal would make it more difficult to resist further planning applications for similar proposals, and I consider their cumulative effect would exacerbate the harm which I have described above.
9. Given this, I consider that the proposed development would significantly harm the character and appearance of the host property. It would therefore conflict with Policy HL5 (1) of the *Fylde Borough Local Plan (as altered) (adopted October 2005)* (FBLP) which seeks to ensure that extensions are in keeping with the existing building.

#### *Living Conditions*

10. The elevation on which the proposed balcony would be located is set away from roads and the parking areas associated with the complex. As such ambient noise levels are low. The balcony would be located in close proximity to windows on adjacent flats both to the side and below. Despite incorporating features within the design to limit the noise, the use of the balcony would inevitably lead to an increase in noise levels, and this would be particularly noticeable and intrusive in the summer months when the surrounding windows are likely to be open.
11. Whilst it is suggested that occupiers of the ground floor flats could create similar noise and disturbance if they sat outside their apartments, given the absence of patio doors from these flats to the amenity area, I consider that it is unlikely that this would happen. As such, I consider that the proposal would have an adverse impact in terms of noise and disturbance for adjacent occupiers.
12. In light of the concerns raised regarding the impact the proposal would have on sunlight and daylight, particularly to the apartment below, the appellant has submitted a Daylight and Sunlight Study. This is based on the Building Research Establishment (BRE) guide "Site Layout Planning for Daylight and Sunlight: a guide to good practice" (2011). This establishes that the proposal

would have a limited impact on the light received by neighbouring properties and would not infringe the existing "Right to Light". In addition, views of the balcony would only be possible when standing immediately adjacent to a window. In the light of this, and from what I observed on site, I am satisfied that the appeal scheme would not have an adverse effect in terms of outlook and light.

13. Although the balcony would be close to windows in adjacent properties, given the acute angle between the balcony and the nearest windows, it would not result in an unacceptable loss of privacy. Views towards the rear elevations and gardens of the properties on Moorfield Drive would largely be screened by the protected trees within the grounds of the complex, and would be not be significantly different from those obtained from the existing windows in the apartment. As a result the proposal would not lead to a significant loss of privacy for nearby residents.
14. All in all, whilst I consider that the appeal scheme would not result in a loss of light, outlook or privacy to nearby residents, I have found that it would unacceptably harm the living conditions of adjacent occupiers with particular regard to noise and disturbance. Accordingly it would be contrary to Policy HL5 (2) of the FBLP which requires that extensions do not unduly affect the amenities of nearby residents.

### **Conclusion**

15. For the reasons set out above, I conclude that the appeal should be dismissed.

*Alison Partington*

INSPECTOR



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## Appeal Decision

Site visit made on 29 June 2015

**by Alison Partington BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 July 2015

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**Appeal Ref: APP/M2325/W/15/3014411**

**Flat 28, Clifton Gate, Lytham St Annes FY8 4QX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs Phoebe James against the decision of Fylde Borough Council.
  - The application Ref 14/0614, dated 8 September 2014, was refused by notice dated 28 November 2014.
  - The development proposed is the formation of new external glazed balcony together with modification of existing window to form access doors to new balcony to rear elevation.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. My attention has been drawn to the fact that the lease agreement states that owners of the individual flats are not allowed to make any alteration to the property. Whilst this may have implications for implementation, I have made my decision based only on the planning merits of the case.

### Main Issues

3. The main issues in the appeal are the effect of the proposed development on:
  - The character and appearance of the host property; and
  - The living conditions of adjacent occupiers with particular reference to loss of light, outlook, privacy and noise and disturbance.

### Reasons

#### *Character and Appearance*

4. The appeal property forms part of a large modern complex of apartments. Although the development consists of a mixture of single, two storey and three storey elements, the external appearance has a high degree of consistency, created by the limited palette of materials, and the uniformity in the size, position and design of the fenestration. The latter being particularly noticeable on the long elevation which would be affected by the proposed development. I observed that only two of the apartments in the complex had patio doors, and these were adjacent apartments on the ground floor facing South Park.

5. Whilst I accept that the proposed balcony would be of a simple construction, given the clean and unaltered external appearance of the elevation it would give the elevation a cluttered appearance which would harm the simplicity, and integrity, of the host property. In projecting out beyond the rendered bays the proposal would spoil the architectural rhythm of the elevation.
6. Furthermore, the replacement of one of the windows with a door to form the access to the balcony would appear as an incongruous feature that would not respect the architectural character of the building.
7. An identical balcony is proposed on an adjacent flat and although this would create symmetry either side of the projecting bay, it would still result in an unbalanced appearance to the elevation as a whole.
8. I have considered the argument that the current proposal would set a precedent for similar proposals by other apartments within the complex. Whilst each application and appeal must be treated on its own merits, I can appreciate the concern raised by the Council, and residents, that approval of this proposal could be used in support of other similar schemes. I consider that this is not a generalised fear of precedent, but a realistic and specific concern given the contribution the consistent and unaltered external appearance makes to the character and appearance of the complex at present. Allowing this appeal would make it more difficult to resist further planning applications for similar proposals, and I consider their cumulative effect would exacerbate the harm which I have described above.
9. Given this, I consider that the proposed development would significantly harm the character and appearance of the host property. It would therefore conflict with Policy HL5 (1) of the *Fylde Borough Local Plan (as altered) (adopted October 2005)* (FBLP) which seeks to ensure that extensions are in keeping with the existing building.

#### *Living Conditions*

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11. Whilst it is suggested that occupiers of the ground floor flats could create similar noise and disturbance if they sat outside their apartments, given the absence of patio doors from these flats to the amenity area, I consider that it is unlikely that this would happen. As such, I consider that the proposal would have an adverse impact in terms of noise and disturbance for adjacent occupiers.
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would have a limited impact on the light received by neighbouring properties and would not infringe the existing "Right to Light". In addition, views of the balcony would only be possible when standing immediately adjacent to a window. In the light of this, and from what I observed on site, I am satisfied that the appeal scheme would not have an adverse effect in terms of outlook and light.

13. Although the balcony would be close to windows in adjacent properties, given the acute angle between the balcony and the nearest windows, it would not result in an unacceptable loss of privacy. Views towards the rear elevations and gardens of the properties on Moorfield Drive would largely be screened by the protected trees within the grounds of the complex, and would be not be significantly different from those obtained from the existing windows in the apartment. As a result the proposal would not lead to a significant loss of privacy for nearby residents.
14. All in all, whilst I consider that the appeal scheme would not result in a loss of light, outlook or privacy to nearby residents, I have found that it would unacceptably harm the living conditions of adjacent occupiers with particular regard to noise and disturbance. Accordingly it would be contrary to Policy HL5 (2) of the FBLP which requires that extensions do not unduly affect the amenities of nearby residents.

### **Conclusion**

15. For the reasons set out above, I conclude that the appeal should be dismissed.

*Alison Partington*

INSPECTOR

# DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES	DEVELOPMENT MANAGEMENT COMMITTEE	29 JULY 2015	6

## ST. ANNE'S ON THE SEA NEIGHBOURHOOD DEVELOPMENT PLAN – CONSULTATION ON PRE SUBMISSION DRAFT JUNE 2015

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY

St. Anne's on The Sea Town Council have produced a Pre-Submission Neighbourhood Development Plan. The document and associated information is currently undergoing a minimum six week statutory consultation and the closing date is 31<sup>st</sup> July 2015.

The local planning authority is required to advise and assist communities in their neighbourhood planning work. To meet this obligation at this current stage, it is considered appropriate for the local planning authority to submit a formal consultation response to the Town Council. It is expected that this response will assist the Town Council in producing their Submission version, which would then be submitted to the local planning authority who are responsible for undertaking a further six week consultation. Following a successful independent examination and public referendum, the St. Anne's on The Sea Neighbourhood Development Plan will form part of the statutory Development Plan, alongside the current saved Local Plan policies.

### RECOMMENDATION

1. That the response, as set out in Appendix 1 to this report, be endorsed and submitted as the Council's response to the St. Anne's on the Sea Pre Submission Neighbourhood Development Plan.
2. That relevant officers meet with representatives of the Town Council to discuss this Council's response and assist with the development of the Plan into a workable document in recognition that the local planning authority would become the main user of the made (adopted) document.

### CORPORATE PRIORITIES

To Promote the Enhancement of The Natural & Built Environment ( <b>Place</b> )	√	To Encourage Cohesive Communities ( <b>People</b> )	√
To Promote a Thriving Economy ( <b>Prosperity</b> )	√	To Meet Expectations of our Customers ( <b>Performance</b> )	√

## **SUMMARY OF PREVIOUS DECISIONS**

### **Development Management Committee 19<sup>th</sup> December 2012 – Delegated Powers for Neighbourhood Area Applications**

Development Management Committee resolved the following powers to be delegated to the Director of Strategic Development:

Power to designate an area as a neighbourhood area under section 61G(1) of the Town and Country Planning Act 1990 where the relevant body that has applied for the designation is a parish council, the designation is in accordance with that application and the area to be designated consists of the whole of the area of that council.

## **REPORT**

### **PROGRESS ON THE ST. ANNE'S ON THE SEA NEIGHBOURHOOD PLAN**

1. St. Anne's on the Sea Neighbourhood Area Application to cover the whole of the administrative area of that Town Council was received by this Council on 13 April 2013. In accordance with regulation 7 of the Neighbourhood Planning Regulations (2012) the local planning authority undertook a statutory 6 week consultation into the proposed Neighbourhood Area. Following consideration of the consultation comments, the local planning authority approved the Neighbourhood Area on 6 June 2013.
2. The Town Council are currently undertaking a minimum six week consultation and publicity on their Pre-Submission draft. This is a formal consultation stage to accord with regulation 14 of the Neighbourhood Planning Regulations. This stage also requires the Town Council to bring the document to the *attention of people who live, work or carry on business in the neighbourhood area* and to consult with consultation bodies as identified in schedule 1 of the regulations which the Town Council considered may be affected by the proposals. This includes bodies such as the Environment Agency and Lancashire County Council. The Town Council are also required to send a copy of the proposals to the local planning authority, which was received on the 16 June 2015, however the local planning authority are not obliged to comment. The draft Plan is supported by a Design Guide, Companion Prospectus, Delivery Strategy and Proposals maps, in addition to associated draft assessments.

### **DRAFT RESPONSE**

3. Local planning authorities are required to advise and assist communities in their neighbourhood planning work. To meet this obligation at this current stage, it is considered appropriate for the local planning authority to submit a consultation response to the Town Council. It is expected that this response will assist the Town Council in submitting a Plan in a form which will allow the local planning authority to take the document forward to examination and allow the independent examiner to recommend the plan goes forward to referendum.
4. To assist with this process, a draft response has been produced and is attached as appendix 1 to this report. The draft response has been produced following internal consultation with relevant Council departments. The response is generally supportive and focuses on areas of concern which it is anticipated could be addressed through focused workshop events between appropriate Fylde Council officers and representatives of the Town Council.

IMPLICATIONS	
Finance	<p>The Council received a grant of £5,000 for the designation of the St. Anne's on the Sea Neighbourhood Area.</p> <p>A second grant of £5,000 will be received when the local planning authority publicises the neighbourhood plan prior to examination. A final grant of £20,000 will only be received following successful completion of the neighbourhood plan examination.</p> <p>It should be noted that the pre examination and examination stages will require the incurring of costs that might be funded from the neighbourhood planning grants but may not cover the full cost. The final grant of £20,000 is only payable following the successful completion of the examination and the Independent Examiner may not recommend the plan to proceed to referendum. There is potential for legal challenges which would incur additional cost.</p> <p>Neighbourhood planning is currently included in the Council's approved revenue budget, however this may not cover the full cost of this and other emerging neighbourhood plans and a subsequent funded budget increase to the Council's current approved budget may be necessary.</p>
Legal	The local planning authority is required to accord with the regulations at relevant stages of the process. There will be a potential need for legal officer input at relevant stages, which will have time resource issues.
Community Safety	None arising directly from the report.
Human Rights and Equalities	None arising directly from the report.
Sustainability and Environmental Impact	The Draft Neighbourhood Plan is supported by a draft Sustainability Report. The Neighbourhood Plan should promote the principles of sustainable development.
Health & Safety and Risk Management	There is a possible risk that the level of request to undertake Neighbourhood Planning and the level of input required will exceed the capacity of the Council to provide support and have a detrimental impact on progressing the Local Plan.

LEAD AUTHOR	TEL	DATE	DOC ID
Fiona Riley	01253 658419	Date of report	15 July 2015

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Neighbourhood Development Plan 2015 – 2030 Pre Submission Plan	June 2015	At the Public Offices and on the St. Anne's on the Sea Town Council website: <a href="http://www.stannesonthesea-tc.gov.uk">www.stannesonthesea-tc.gov.uk</a>
Neighbourhood Development Plan Proposals Maps	May 2015	At the Public Offices and on the St. Anne's on the Sea Town Council website: <a href="http://www.stannesonthesea-tc.gov.uk">www.stannesonthesea-tc.gov.uk</a>
Neighbourhood Development Plan Delivery Strategy Draft	June 2015	At the Public Offices and on the St. Anne's on the Sea Town Council website: <a href="http://www.stannesonthesea-tc.gov.uk">www.stannesonthesea-tc.gov.uk</a>
Neighbourhood Development	June 2015	At the Public Offices and on the St. Anne's

Plan Draft Basic Conditions Statement		on the Sea Town Council website: <a href="http://www.stannesonthesea-tc.gov.uk">www.stannesonthesea-tc.gov.uk</a>
Neighbourhood Development Plan Draft Sustainability Report	June 2015	At the Public Offices and on the St. Anne's on the Sea Town Council website: <a href="http://www.stannesonthesea-tc.gov.uk">www.stannesonthesea-tc.gov.uk</a>
Neighbourhood Development Plan Design Guide Draft	May 2015	At the Public Offices and on the St. Anne's on the Sea Town Council website: <a href="http://www.stannesonthesea-tc.gov.uk">www.stannesonthesea-tc.gov.uk</a>
Neighbourhood Development Plan Companion Prospectus: Key Access Corridors and Gateways Draft	May 2015	At the Public Offices and on the St. Anne's on the Sea Town Council website: <a href="http://www.stannesonthesea-tc.gov.uk">www.stannesonthesea-tc.gov.uk</a>

#### Attached documents

1. Draft Council response on the St. Anne's on the Sea Pre Submission draft Neighbourhood Plan and associated information.



St Annes on The Sea Neighbourhood Plan  
C/O Parish Clerk – Mrs Sally Taylor  
St Annes Town Council Office, West Lodge  
5 St Georges Road  
FY8 2AE

Our Ref: SANP

Please Ask For: Fiona Riley

Telephone: 01253 658419

Email: [fiona.riley@fylde.gov.uk](mailto:fiona.riley@fylde.gov.uk)

Date: To be inserted

Dear Mrs Taylor

**St. Anne's on the Sea Neighbourhood Development Plan Pre-Submission draft June 2015**

Thank you for sending the Pre-Submission St. Anne's on the Sea Neighbourhood Development Plan to this Council for comment. This response has been produced following internal consultation with relevant departments at Fylde Council. This response has been provided in line with the Council's approved scheme of delegation, but its content was considered by Development Management Committee on 29<sup>th</sup> July 2015 and is provided to assist the Town Council in producing a Submission version of their plan.

The Council fully supports the communities' initiative to produce a Neighbourhood Development Plan (NDP) and recognises that this is a community-led process that the local planning authority (LPA) has a duty to support. It is considered that this LPA's duty at this stage is to assist the Town Council in formulating a Submission version.

This response is based upon the information available on the Town Council website at the time of retrieving the documents (18 June 2015), this being:

- Neighbourhood Development Plan 2015 – 2030 Pre Submission Plan (June 2015);
- Proposals Maps:
  - Neighbourhood Development Plan Proposals Map Part 1 of 4 (Draft) May 2015
  - Neighbourhood Development Plan Getting Around St. Anne's (Policy T5) Part 2 of 4 Proposals Map (Draft) May 2015
  - Neighbourhood Development Plan Blackpool Airport Inset Plan Proposals Map Part 3 of 4 (Draft) May 2015
  - Neighbourhood Development Plan Town Centre Inset Proposals Map Part 4 of 4 (Draft) May 2015
- Neighbourhood Development Plan Delivery Strategy Draft (June 2015);
- Neighbourhood Development Plan Draft Basic Conditions Statement (June 2015);
- Neighbourhood Development Plan Draft Sustainability Report (June 2015);
- Neighbourhood Development Plan Design Guide Draft May 2015;
- Neighbourhood Development Plan Companion Prospectus: Key Access Corridors and Gateways Draft May 2015



This Council generally supports the Town Councils aspirations for the development of St. Anne's and congratulate the Town Council in reaching the Pre Submission stage in the neighbourhood planning process. This response is generally supportive and the suggestions set out in this report are intended to help the draft Plan to progress through the examination process and forward to referendum.

This response considers the operation of the draft Plan in recognition that the LPA would become the main user of the document, as the made (adopted) Plan would form part of the statutory development plan, to be used to direct appropriate development and when determining planning applications for that area of Fylde.

The NPPG (Reference IS: 41-041-20140306) says *policies in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.*

To assist with the development of the Plan to a workable document, this response focuses on overarching areas of concern in order to ensure the operation of the future policies are not hindered by any uncertainties over meaning, the intent or conflict with guidance and policies. This Council wishes to continue to work positively with the Town Council and it anticipates that focused workshop meetings between relevant Fylde Council officers and representatives of the Town Council could help to address the concerns. The eventual content of the plan and whether to take the comments on board ultimately rest with the Town Council.

### **Operation of the policies**

The draft Plan is very aspirational, it is ambitious and covers many topic areas. It is considered that the draft Plan contains aspirational, land use and criteria based policies.

As a consequence of the ambitious nature of the draft Plan which covers many areas, some policies appear to be rather vague and aspirational so that they can become meaningless. There are some areas within the draft Plan that require further explanation and justification in the policy and supporting text, including reference to appropriate evidence to justify such a policy approach/requirement. There are some policies which may not necessarily achieve what they are perhaps intended to address, and there is also a need to refine policy wording and inconsistencies / conflicts. This is important as the document would form part of the statutory development plan and would need to stand up to scrutiny by developers and Inspectors at Planning Appeals. In contrast, there are some policies that this Council considers to be over prescriptive and do not offer sufficient flexibility to allow for an overall better planning outcome.

The draft Plan contains some policies that confuse the information that should be submitted with a planning application (and so placed in a validation checklist) with the requirements that will be used to determine the application. Furthermore, the information to be submitted in support of an application as set out in the draft Plan is not consistent in its approach, with differing criteria thresholds applied. It is considered that a more consistent approach to thresholds would provide for the easier operation of the plan.

### **Developer Contributions / Viability**

Paragraph 173 of the NPPF requires the plan to be deliverable and viable. There are many policies within the draft Plan that seek developer contributions for infrastructure provision and / or enhancements. These policies are not consistent in their approach and in their current form, this Council would find the policies difficult to implement. Draft Plan Policy DEL1 sets out an overall policy for seeking developer contributions, it is recommended that this section of the document should bring all relevant developer contribution policies and/or criteria's together to clearly set out the type of developments it applies to and at what scale. There are also inconsistencies in the approach for seeking contributions within the policies e.g. Section 106 and via the Community Infrastructure Levy.

The draft Plan places extra burdens on developers compared to that operated through the current saved policies and those proposed in the emerging Local Plan, which have been subjected to viability testing. The justification of policies in the draft Plan therefore need to be bolstered so that it can stand up to scrutiny by developers and Inspectors at Planning Appeals. Developer contributions should not be responsible for stalling development (as set out in paragraph 205) and it is recommended that policy DEL1 includes a viability test. The thresholds for contributions may also need to be reviewed.

Some of the policies in the draft Plan have particular requirements for viability testing and independent assessments to prevent the loss of specific existing land and / or buildings. The policies are not considered to provide sufficient information on this process and some of the requirements appear unrealistic and onerous for some scales of development that this may be applicable to.

### **Local Green Spaces**

Neighbourhood Plans can designate land as Local Green Space, to restrict development other than in very special circumstances (paragraph 76, NPPF). The policy for managing these spaces should be consistent with Green Belt policy (paragraph 78, NPPF). The draft Plan Policy ENV7 designates 35 Local Green Space's and Policy ENV2 in the draft Plan seeks to protect open spaces, recreational facilities and Local Green Space. The approach to Local Green Space designation in the draft Plan appears to go beyond the approach set out in paragraph 77 of the NPPF, which states that *"designation will not be appropriate for most green areas or open space"* as the proposal map appears to designate the majority of green and open spaces to provide an additional tier of policy protection. The majority of the proposed Local Green Space designations already have existing policy protection, either through saved local plan policies and/or other relevant legislation.

This Council is the owner (wholly or partly) of 19 of the 35 proposed Local Green Spaces. As the custodian, the Council considered that it is capable of adequately protecting its sites and there is adequate existing protection. For proposed Local Green Space's designated for recreational value, this recreational value could be transferred to another site where equivalent or enhanced facilities are provided, this would also apply to privately owned sites. The Council is concerned as to whether the extra tier of policy protection offered through the Local Green Space designation would prevent opportunities for appropriate development at the sites, such as new changing facilities and sport provision.

This Council would welcome the opportunity to explore with the Town Council whether the proposed additional tier of policy protection is required, whether this is required for all of the proposed sites and to explore specifically how this designation and policy ENV2 operates.

## **Design and Guidance**

In regards to design, the draft Plan and particularly the Design Guide contain some useful material. The draft documents, in particular the Design Guide refers to a variety of sources of guidance. It is important to ensure that there are not too many competing and / or contradictory messages that may occur through the varying approaches set out in this range of guidance. This can be confusing and difficult for this Council to implement and manage in practice.

This Council considers that there are a number of extant guidance notes and policy documents that need to be cross referenced in the draft Design Guide and that this guidance is brought out more strongly in the draft Plan's policies and supporting text. This includes guidance such as the 2020 Vision, including the 'Good Place Guide' that sets out design principles. It is considered that there should be greater reference to Building for Life 12 (particularly in the draft Plan), this would be beneficial as this will be used by the Council, in coordination with the Design Guide, in discussion with developer's potential proposals. There is also very little reference to the Regeneration Strategy and its associated initiatives for the town centre, which still has a number of stages before its completion.

There are a number of other documents that the draft Plan and associated documents should be reflecting. This includes documents such as this Council's Heritage Strategy as this in turn relates to the importance of other guidance - for example that produced by Historic England e.g. Constructive Conservation. This also includes documents, such as Local Transport Plan (LTP), Fylde Coast Highways and Transport Master Plan and the Fylde Coastal Strategy that should be reflected and appropriately cross referred to in the draft Plan and associated documents.

## **General Conformity**

The draft Plan states that it complies with the policies in the NPPF, the saved local plan and emerging local plan. It is recognised that this test is one of general conformity rather than complete conformity. It is acknowledged that although the draft NDP will not be tested against the policies in an emerging Local Plan, the Town Council should be mindful of the relationship between the emerging strategic policies of the Local Plan and their draft Plan.

There are some policies in the draft Plan which duplicate saved Local Plan policies that it is intended will be taken forward in the emerging Local Plan (which will supersede the saved policies once adopted).

Following a review of the draft Plan and supporting information, the LPA considers there to be some potential areas of conflict that should be further explored. If these matters are unable to be resolved, and the Town Council considers that such a departure is justified in light of the local situation in St. Anne's on the Sea, it may be the case that justification for this approach should be provided to reassure the Examiner. There are also some potential conflicts with General Permitted Development Order and national guidance / standards which should be further explored.

## **Proposals Map**

The LPA supports the Town Councils inclusion of four proposals maps to illustrate the policies within the NDP, the Design Guide and Companion Prospectus.

Following a review of the proposals maps, the LPA is aware of some anomalies and typographical errors in relation to policy designations, facilities and proposals, such as the Green Belt boundaries. There would also appear to be some benefit in providing greater linkages between the policies and aspirations of the NDP policies, the design guide and companion prospectus and the proposals maps. There could also be some positive benefit through modifications to the proposed boundaries (and how this is graphically presented) for some of the proposals, such as at the under policy DH5: Blackpool Airport Improvement Area and DH4: Corridors and Gateways.

The LPA have recently undertaken a review of Fylde's town centre boundaries, including the primary and secondary shop frontages, the holiday areas and sea front areas. The updated boundaries will be included as part of the Revised Preferred Options version of the Local Plan, which is expected to undergo public consultation in autumn 2015. LPA can provide the Town council with the proposed alternations to the boundaries.

### **Delivery strategy and monitoring**

While the Council support the ambitions of the Town Council, this Council would need to further explore the time and resource implications of this Councils involvement in the proposed programmes identified within the delivery strategy. The Town Council may wish to explore how monitoring of the draft Plan and delivery strategy will link to existing monitoring undertaken by this Council.

### **Next steps**

The comments provided are intended to be constructive and should not be seen as a criticism of the draft Plan. The LPA and Town Council will need to work closely together to ensure these issues are resolved by the time the Plan is submitted. This Council would welcome the opportunity to further explore the implementation and operation of the draft Plan and associated document in practice, this may be beneficial as part of a small working group of Town Council members and relevant Fylde Council officers as part of workshop sessions. If in the meantime, you require any further clarification regarding the content of the response, please do not hesitate to contact Fiona Riley.

Yours sincerely

**Paul Walker**  
**Director Development Services**

# DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	DEVELOPMENT MANAGEMENT COMMITTEE	29 JULY 2015	7

## LYTHAM QUAYS: ARTICLE 4 DIRECTION

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY

An article 4 direction was made under the committee's authority in April this year to prohibit the erection of fences etc. in certain parts of Lytham Quays. It will lapse if not confirmed. One representation has been received opposing confirmation. The committee is asked to decide whether to confirm the direction.

### RECOMMENDATION

To confirm the article 4 direction made by the council on 7 April 2015 relating to land at Lytham.

### CORPORATE PRIORITIES

To Promote the Enhancement of The Natural & Built Environment ( <b>Place</b> )	√	To Encourage Cohesive Communities ( <b>People</b> )	
To Promote a Thriving Economy ( <b>Prosperity</b> )		To Meet Expectations of our Customers ( <b>Performance</b> )	

### SUMMARY OF PREVIOUS DECISIONS

Development Management Committee, 29 October 2014: Authorised the making of a direction under article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 to remove certain permitted development rights at Lytham Quays and to make the direction with immediate effect as set out in article 6 of the order.

### REPORT

1. The council made an article 4 direction covering certain land at Lytham Quays, Lytham on 9 April this year. The direction removed permitted development rights to erect, improve or alter gates, fences, walls, or other means of enclosure. It had been authorised by the Development

Management Committee at its meeting on 29 October 2014. The report to that meeting<sup>1</sup>, attached as appendix 1, gives further information. The direction itself is attached as appendix 2.

2. The direction came into effect immediately<sup>2</sup>, but will lapse from 9 October unless the council confirms it.
3. Officers gave notice of the making of the direction as required by legislation. The notice invited representations to be made by 31 May. One representation was received, from two residents of Victory Boulevard. The committee must take it into account in deciding whether to confirm the direction. The representation is reproduced as appendix 3.
4. Members are asked to decide whether to confirm the direction.

IMPLICATIONS	
Finance	If the Council confirms the article 4 direction to withdraw permitted development rights as described in the body of this report the Council could, at some point in the future, be required to pay compensation should planning permission be refused in respect of permitted development rights that have been rescinded by the Council's actions in this regard. There is currently no approved budget for any such compensation payments should they become payable.
Legal	Covered in the body of the report
Community Safety	There are no matters arising directly from this report.
Human Rights and Equalities	Article 8 of the European Convention rights is engaged, as it is by the wider restrictions imposed by the planning system as a whole. However, any interference with article 8 rights would be justified and proportionate because of the need to achieve the proper planning of the area.
Sustainability and Environmental Impact	There are no matters arising directly from this report.
Health & Safety and Risk Management	There are no matters arising directly from this report.

LEAD AUTHOR	TEL	DATE	DOC ID
Ian Curtis	01253 658506	30 June 2015	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Committee Minutes	29 October 2014	Council website

#### Attached documents

1. Development Management Report dated 29 October 2014.
2. Direction under Article 4(1)
3. Representation

<sup>1</sup> The report attached is a late draft of the final October report, as the final version could not be located.

<sup>2</sup> The order took effect immediately because it was made under an accelerated procedure, which is available where the council consider that the development to which the direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area.

# REPORT

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	DEVELOPMENT MANAGEMENT COMMITTEE	1 OCTOBER 2014	

## LYTHAM QUAYS: ARTICLE 4 DIRECTION

### EXEMPT ITEM

This item contains exempt information under paragraph 6 of schedule 12A to the Local Government Act 1972 and is likely to be considered in a part of the meeting not open to the public.

### SUMMARY

The report considers the possibility of the council making a direction under article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) to remove certain permitted development rights in respect of the land known as the Lytham Green Extension Transitional Zone, which forms part of the Lytham Quays development.

The report sets out the legislative background for article 4 directions and considers whether it is expedient that developments of the kind described in this report should not be carried out unless permission is granted on application and therefore that permitted development rights granted by article 3 should not apply. It also considers that such a direction may give rise to a compensation liability.

### RECOMMENDATIONS

1. Make a direction under article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 to remove the permitted development rights granted by paragraph A of part 2 of schedule 2 to the order in respect of the land known as the Lytham Green Extension Transitional Zone, shown hatched in the plan to this report.
2. Make the direction with immediate effect as set out in article 6 of the order.

### CABINET PORTFOLIO

This item falls within the following cabinet portfolio(s):

Planning and development: Councillor Trevor Fiddler

### SUMMARY OF PREVIOUS DECISIONS

A brief summary of the previous decisions on this item.

## REPORT

### INTRODUCTION

1. This report requests the committee to authorise making an article 4 direction to remove certain permitted development of land at Lytham Quays, Lytham.
2. Lytham Quays is a residential development consisting of over 260 dwellings. It was granted outline planning permission in March 2003 (application 02/0641) with approval of reserved matters being granted in July 2006 (application 06/0073). The plan below shows the area covered by the planning permission edged in a bold black line and the area to be comprised in the proposed article 4 direction hatched.

### [PLAN]

3. The hatched area is known as the Lytham Green Extension Transitional Zone and was intended to be retained as communal open space for the benefit of occupiers of the site. This provision was secured by condition 7 on application 02/0641 and conditions 3 & 14 on application 06/0073, which required the provision of landscaping and public open space.
4. Officers understand that, rather than being disposed of to a management company to be managed for the benefit of all of the residents of Lytham Quays, the hatched land has been or is in the process of being transferred to the owners of individual properties abutting the land. This fragmentation of ownership will make it much more likely that the individual owners will seek to enclose their own portions of the hatched land and use it as private domestic garden land.
5. The Head of Planning and Regeneration considers that incorporation of the hatched land into individual gardens in this way is undesirable because it will erode the open nature of this part of the site, which was intended to remain open in order to provide a setting for the villas along the estuary frontage.

### PERMITTED DEVELOPMENT

6. Paragraph A of part 2 of schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 grants planning permission for the erection, improvement or alteration of a gate, fence, wall, or other means of enclosure. In the hatched area, the permitted development rights granted in this part of the schedule would allow a fence or wall of up to 2m in height.

### SCOPE OF ARTICLE 4 DIRECTIONS

7. Article 4(1) of the order allows a local planning authority ("LPA") to make a direction that development described in any part, class or paragraph of schedule 2 to the Order should not be carried out unless permission is granted for it on application. There are certain exceptions, which are not relevant to this report.

### POLICY



8. Government guidance on the use of article 4 directions is given in paragraph 038 of the Government's Planning Practice Guidance. So far as relevant to Lytham Quays, the guidance says:

*The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address should be clearly identified. There should be a particularly strong justification for the withdrawal of permitted development rights relating to...leisure plots and uses.*

Officers do not consider that the rights to be restricted fall within the description of "leisure plots" or uses or any of the other descriptions of circumstances where a particularly strong justification is required, which are not reproduced here.

#### PROCEDURE

9. An article 4 direction does not normally come into force until it is confirmed. The procedure requires the order to be made by the LPA and served and publicised in conformity with detailed requirements. The LPA may then confirm the direction. If there are objections to the direction, the LPA can only confirm it after taking the objections into account
10. The LPA can use an accelerated procedure if they consider that the development to which the direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area. Under this procedure, the direction comes into force immediately upon service, but automatically expires after six months unless they confirm it before then.
11. The Secretary of State does not need to confirm a direction, but has the power to cancel one.

#### EXPRESS CONSENT

12. It is worth emphasising that an article 4 direction does not prohibit development. It merely means that there must be an application for express planning permission to the LPA for development that would otherwise be permitted development under the General Permitted Development Order.
13. An application for development such as the erection of a low wall to enclose part of the site would need to be considered by the council against the background of the development plan and national policy. The application would need to be decided in accordance with the development plan unless material considerations indicate otherwise.
14. This suggests that there needs to be some consideration of the likely outcome of any such planning application. There would be little point in making a direction if it appears that the council as LPA would be unlikely to be able to refuse the anticipated developments or significantly influence them by the use of conditions or planning obligations. That does not seem to be the case here, as discussed in paragraphs 15 to 18 below.
15. The transitional area of open space was originally envisaged as forming part of the open space serving this development. To this end, although access to the area by members of the public was not intended, the transitional zone was identified as providing 1.147 Ha of the total 4.843 Ha of Public Open Space set out in the applicant's schedule submitted in discharge of the conditions attached to the outline planning permission and subsequent approval of reserved

matters.

16. The subdivision of the transitional zone into individual plots of land and their enclosure would, in the opinion of your officers, erode the open setting of the villas and detract from the originally intended provision of this area of land. At the time permission was granted, it was expected that this area of land would have remained in the ownership and management of the management company responsible for the care and maintenance of the open space on this estate. However, the subdivision of ownerships is considered to have increased the potential for future applications to enclose these areas of land.
17. Furthermore, the conditions that require the open space to be retained as approved are time limited and on the expiry of a 10-year period, the conditions could no longer be enforced to protect the open nature of the land. As a result of the land being ceded to the adjacent property owners, it is considered appropriate to put in place an Article 4 direction in the interests of the long term maintenance of this area of open space.
18. This analysis suggests that an Article 4 direction would be a valuable tool to enable the council to restrict or control proposed development intended to enclose parts of the hatched area. Further, it suggests that the enclosure of parts of the hatched area would be prejudicial to the proper planning of the council's area, such that it would be appropriate to use the accelerated procedure to bring the Article 4 direction into effect.

#### COMPENSATION

19. Compensation is payable where planning permission is refused if permitted development rights for the development have been removed by an Article 4 direction.
20. Compensation is assessed under section 107 of the Town and Country Planning Act 1990. It covers abortive expenditure and depreciation in the value of land directly attributable to the withdrawal of consent by the direction. The Lands Tribunal assesses compensation if agreement cannot be reached. In this case, the nature of the land and other restrictions that apply to its use indicate that potential compensation liability would be very small.

#### CONCLUSION

21. It appears that it would be possible to make an Article 4 direction to withdraw permitted development rights to erect gates, fences, walls or other means of enclosure in respect of the land shown identified as part of the Lytham Green Extension Transitional Zone. The direction could ensure that only development compatible with the preservation of the landscaping of the LGETZ is permitted. However, if the Council took the view that any enclosure of that area was unacceptable then the council could refuse planning permission for it and in that event, the council is likely to have to pay compensation which would have to be assessed if it could not be agreed.

IMPLICATIONS	
Finance	If the Council were to make an Article 4 direction to withdraw permitted development rights as described in the body of this report the Council could, at some point in the future, be required to pay compensation should planning permission be refused in respect of permitted development rights that have been

	rescinded by the Council's actions in this regard. There is currently no approved budget for any such compensation payments should they become payable.
Legal	Covered in the body of the report
Community Safety	
Human Rights and Equalities	Article 8 of the European Convention rights is engaged, as it is by the wider restrictions imposed by the planning system as a whole. However, any interference with article 8 rights would be justified and proportionate because of the need to achieve the proper planning of the area.
Sustainability and Environmental Impact	
Health & Safety and Risk Management	

REPORT AUTHOR	TEL	DATE	DOC ID
Ian Curtis and Mark Evans	01253 658506 and 01253 658460	21 October 2014	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
None		



## TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)  
ORDER 1995**DIRECTION UNDER ARTICLE 4(1)**

**WHEREAS** the Fylde Borough Council, being the appropriate local planning authority within the meaning of article 4(4) of the Town and Country Planning (General Permitted Development) Order 1995 ("the Order"), are satisfied that it is expedient that development of the description set out the Schedule below should not be carried out on the land at Lytham shaded grey on the plan forming part of this Direction ("The Plan") unless permission is granted on an application made under Part III of the Town and Country Planning Act 1990.

**AND WHEREAS** the Council consider that development of the said descriptions would be prejudicial to the proper planning of their area and would constitute a threat to the amenities of their area and that the provisions of paragraph 6(1)(a) of the Order apply

**NOW THEREFORE** the said Council in pursuance of the power conferred on them by Article 4(1) of the Order hereby direct that the permission granted by Article 3 of the Order shall not apply to development on the said land of the description set out in the Schedule below.

**THIS DIRECTION** is made under article 4(1) of the Order and, in accordance with article 6(6), shall come into force on the date on which the notice is served on the occupier or owner or, if article 5(2) applies, on the date on which the notice is first published or displayed in accordance with article 5(1).

The Direction will remain in force for six months from the date on which it comes into force and shall then expire unless it has been confirmed by the Council in accordance with article 5(9) and (10) of the Order before the expiry of that six month period.

## THE SCHEDULE

The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure

## THE PLAN



Given under the Common Seal

of Fylde Borough Council

This 9<sup>th</sup> day of April 2015.

The Common Seal of the Council

was affixed to this Direction

in the presence of:-

*Za. Curry*

Head of Governance



**From:**

**Sent:** 29 May 2015 23:07

**To:** Ian Curtis

**Subject:** Town & Country Planning Act 1990 Article 4 Direction at Seaward Side of Victory Boulevard  
Lytham St Annes

Dear Sirs,

We write in respect of the Article 4 Direction at the Seaward Side of Victory Boulevard, Lytham St Annes as we protest in the strongest terms.

There are no justifications given in the letter from Andrew Stell dated 13th April 2015 as to why the Article 4 Direction has been made or upon what basis.

This area is not a conservation area and there is no loss of amenity to the Lytham Quays development since the Transitional Open Space to which this Article 4 Direction will apply is privately owned by each of the adjacent properties and has no right of public access or public use.

The land directly behind each property is owned and accessible by that property only but provides no security between neighbouring properties when residents are enjoying this land. A number of the owners have young children who simply cannot play safely on the land because it is so insecure with no boundary fencing, hedging or wall. Other residents own dogs, which again cannot use this land due to the lack of enclosure behind each property. The land has already been the subject of a costly planning appeal via Public Inquiry, at which we won and were granted a Certificate of Lawful Development to enclose our part of this land by means of a 900mm wall.

When we purchased our property in November 2009 the land was sub-divided into individual parcels of land by hedging but this was uprooted on 2011. The Planning Department had ample time to enforce the original landscaping scheme between November 2009 and 2011 to have this sub-dividing hedging removed but did nothing.

Furthermore, the Planning Department has allowed us to incur the costs of an appeal to the Planning Inspectorate and also allowed the Council to incur the costs in defending the appeal at a Public Inquiry, when they knew that in October 2014 the Council resolution for making the Article 4 Direction had been put into place. This was some 3 weeks before the opening of the Public Inquiry on the 5th November 2014. This is itself an abuse of process and a waste of money from the public purse.

The cost to the Council in further defending this position at judicial review will be indefensible to public scrutiny. Given the secrecy in excluding the Public from the committee hearing where the resolution to issue the direction was made, it was in the Public interest (i.e. myself and my partner and our neighbours) to know that an order was going to be made in order to negate the

need for the Public Inquiry, and more importantly to save the thousands of pounds that was wasted from the Public Purse.

This Article 4 Direction must be rescinded.

[Names and address]



# DECISION ITEM



REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT MANAGEMENT	DEVELOPMENT MANAGEMENT COMMITTEE	29 JULY 2015	8

## CONSIDERATION OF COUNCIL'S CASE TO DEFEND APPEAL AGAINST NON-DETERMINATION OF PLANNING APPLICATION 14/0410 AT LAND TO NORTH OF LYTHAM ROAD, WARTON

### PUBLIC ITEM

This item is for consideration in the public part of the meeting.

### SUMMARY

The council is faced with an appeal on grounds of its failure to determine planning application 14/0410 within the requisite timescale of 13 weeks from submission. The application is submitted in outline and relates to the erection of up to 375 dwellings and associated infrastructure on a site that would be accessed from the terminus roundabout to the Freckleton Bypass. This appeal is to be determined following a public inquiry which is programmed to commence on 19 January 2016. The appeal regulations require that the council submits a Statement of Case to outline the areas it wishes to dispute with the appellant at the Inquiry. This is normally framed by the reasons for refusal of an application, but in the case of a non-determination appeal such as this there has been no formal assessment of the planning merits of the proposal. The Statement of Case is to be submitted to the Planning Inspectorate by 14 August 2015 and will be prepared by council officers under the guidance of a barrister who has been instructed to present the council's case on the appeal.

The reason for the non-determination of the application is a consequence of the on-going lack of any decision on the appeal against application 13/0674 at Blackfield End Farm which was for the erection of up to 350 dwellings on that site and was heard at a public inquiry in October 2014 but is yet to be determined by the Secretary of State. The similar scale of the two appeal schemes and the implications that they have for a range of critical planning considerations such as highway capacity, appropriateness of scale of settlement expansion, locations of that expansion, etc. mean that the council (and highway authority) have not been able to reach a reasoned view on these issues until the outcome of that appeal is known.

The latest estimate for a decision at Blackfield End Farm is 30 July 2015 and the Planning Inspectorate have set the submission date for the Statement of Case on that appeal with that in mind. Officers are firmly of the opinion that the council's Case on this appeal can only be put forward if it is informed by the decision on the Blackfield End Farm appeal. This report is presented to seek the authority of Committee for officers to prepare that case at a time when the Blackfield End Farm decision is known, and that this be undertaken in consultation with the Committee Chairman, Vice-Chairman and the Warton and Westby ward members.

## RECOMMENDATIONS

1. That the authority to prepare the council's Statement of Case on the appeal be delegated to the Head of Planning and Regeneration, in consultation with the Chairman and Vice-Chairman of Development Management Committee and the Warton and Westby ward.

## CORPORATE PRIORITIES

To Promote the Enhancement of The Natural & Built Environment ( <b>Place</b> )	√	To Encourage Cohesive Communities ( <b>People</b> )	√
To Promote a Thriving Economy ( <b>Prosperity</b> )	√	To Meet Expectations of our Customers ( <b>Performance</b> )	√

## SUMMARY OF PREVIOUS DECISIONS

There have been no previous decisions on this matter or site.

## REPORT

1. In June 2014 the council received an outline planning application with reference 14/0410 for the erection of up to 375 dwellings on an area of land alongside, but outside of, the eastern edge of the settlement boundary to Warton. Access was the only matter applied for and was to be provided through the construction of a new leg from an existing roundabout that serves as the terminus of the Freckleton Bypass.
2. This application has been subject to consultation with neighbouring residents and the usual statutory and other consultees. This generated a number of objections including ones from Bryning with Warton Parish Council and from Lancashire County Council as Local Highway Authority.
3. These consultation responses highlight the critical link between the merits of this planning application and the determination of other applications in and around the settlement, with that at Blackfield End Farm at the forefront of this. That application has reference 13/0674 and was submitted in November 2013 and also subject to an appeal against its non-determination by the council. That appeal was heard at a public inquiry held in October 2014 where the capacity of the highway network, the appropriateness of the scale of settlement expansion, and visual impact of the development were all key issues under discussion. These issues are common to this appeal. The decision on the Blackfield End Farm appeal was expected in April 2015 but has been delayed a number of times since then and is now expected by 30 July 2015.
4. The similarity of these two schemes and the significance of their scale and so implications for the village's highway network and future development are such that officers were unwilling to present this application to Committee for a decision until the outcome of the Blackfield End Farm decision was known. The applicant did not accept this position and so submitted an appeal to the Planning Inspectorate against the council's failure to determine the application within the prescribed 13 week period. This is to be heard at a public inquiry starting on 19 January 2016 and scheduled to sit for 4 days. To defend this appeal the council needs to establish its case, but at this time remains unable to do so for the same reason that the application was not determined – the outstanding decision on the Blackfield End Farm appeal.
5. Discussions with the Planning Inspectorate have led to an extension of the normal submission timescale for this Statement of Case until Friday 14 August 2015. It would be usual for a report

of this nature to provide guidance to members on the matters that officers believe are key to the formation of this case. However, with the on-going unknown outcome on the Blackfield End Farm appeal this is difficult to do due to the fundamental importance of that decision. As such the recommendation here is that the authority to prepare the Statement of Case be delegated to officers with the Case prepared in consultation with the Chairman, Vice Chairman and local ward members.

6. A further issue to support that view is that the applicant has re-submitted the application. This has reference 15/0303 and is under consideration by the council and is identical in all respects to the appealed scheme other than it includes a second illustrative layout that illustrates how a lower density development could be achieved on the site. That application is also awaiting the outcome of the Blackfield End Farm appeal, but could well be presented to Committee for a decision well in advance of the public inquiry.
7. With appeals of this nature a 'Statement of Common Ground' is prepared to agree matters that are agreed between the parties (such as the description of the site, submitted plans, relevant policies, etc.) and those which are in dispute. This is also a matter that cannot reasonably progress until the Blackfield End Farm position is known but does not require submission to the Planning Inspectorate until December 2015 so is not currently pressing and will be informed by that decision.

IMPLICATIONS	
Finance	<p>There are costs involved in defending the appeal such as staff time of the planning and legal services, and the costs involved with instructing a barrister. This report does not alter those costs.</p> <p>There is also the possibility that the appellant may apply for its costs if the council is found to behave unreasonably in defending elements of the appeal. By ensuring that its case is submitted on the basis of the best knowledge of the background to the proposal, and that this is with the appropriate (delegated) authority of the Development Management Committee the risks of these costs awards are minimised.</p>
Legal	The Head of Governance will continue to present the case for the Council in accordance with its decision.
Community Safety	None.
Human Rights and Equalities	The rights of third parties to comment on the development will be maintained through the continuation of the appeal and the resubmitted application.
Sustainability and Environmental Impact	The Sustainability and environmental impacts of the proposed development will be addressed in the consideration of the appeal and resubmitted application.
Health & Safety and Risk Management	The submission of a Statement of Case that is not informed by the Blackfield End Farm decision, or does not have the weight of Member support places the council at a greater risk of costs being awarded.

LEAD AUTHOR	TEL	DATE	DOC ID
Andrew Stell	01253 654873	28 May 2015	

LIST OF BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Planning and appeal file 14/0410	12 June 2014	<a href="http://www.fylde.gov.uk/planning">www.fylde.gov.uk/planning</a>
Planning file 15/0303	30 April 2015	<a href="http://www.fylde.gov.uk/planning">www.fylde.gov.uk/planning</a>